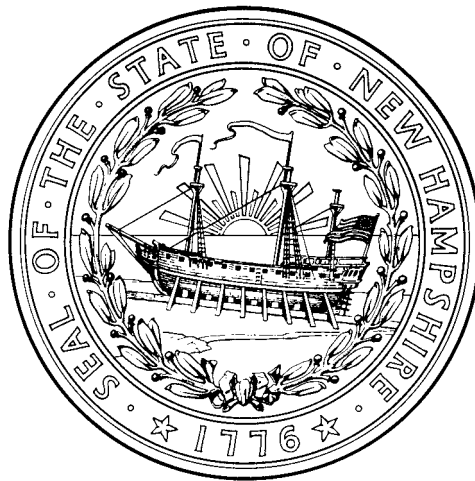


April 28, 2016
Nos. 14-15

STATE OF NEW HAMPSHIRE

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



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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – APRIL 21, 2016 SESSION
COMMENCEMENT – APRIL 28, 2016 SESSION**

SENATE JOURNAL 14 *(continued)*

April 21, 2016

April 27, 2016
2016-1647-EBA
04/05

Enrolled Bill Amendment to SB 378

The Committee on Enrolled Bills to which was referred SB 378

AN ACT relative to the availability of net metering tariffs.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 378

This enrolled bill amendment makes a grammatical correction and clarifies a reference to the public utilities commission.

Enrolled Bill Amendment to SB 378

Amend RSA 362-A:9, I-a as inserted by section 2 of the bill by replacing line 3 with the following:

interconnection queue of more than 20 percent of the total net metering utility-specific allocation

Amend section 4 of the bill by replacing line 1 with the following:

4 Applicability. Section 3 of this act shall take effect upon a final decision of the public utilities commission
Senator Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

April 21, 2016
2016-1544-EBA
06/03

Enrolled Bill Amendment to HB 377

The Committee on Enrolled Bills to which was referred HB 377

AN ACT establishing a state geographic information system committee.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 377

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

Enrolled Bill Amendment to HB 377

Amend RSA 4-F:1, II as inserted by section 2 of the bill by replacing line 23 with the following:

(e) A regional planning commissioner, appointed by the New Hampshire Association of

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

resources with the exception of information that is nonpublic, is statutorily restricted, or is part of a

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

April 25, 2016
2016-1567-EBA
05/10

Enrolled Bill Amendment to HB 1239

The Committee on Enrolled Bills to which was referred HB 1239

AN ACT relative to certain terminology in the education statutes.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1239

This enrolled bill amendment makes technical and grammatical corrections.

Enrolled Bill Amendment to HB 1239

Amend section 3 of the bill by replacing line 1 with the following:

3 Statewide Education Improvement and Assessment Program; Statement of Purpose.

Amend RSA 193-E:1, II as inserted by section 6 of the bill by replacing line 4 with the following:

system, the state establishes~~[-through]~~ **minimum standards for public** school approval ~~[and]~~

Amend RSA 193-E:2-a, VI as inserted by section 7 of the bill by replacing line 3 with the following:

approval” ~~[shall]~~ mean the applicable criteria that public schools and public academies shall meet in

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

April 25, 2016
2016-1561-EBA
03/01

Enrolled Bill Amendment to HB 1289

The Committee on Enrolled Bills to which was referred HB 1289

AN ACT making technical corrections to certain tax laws.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1289

This enrolled bill amendment corrects a statutory reference.

Enrolled Bill Amendment to HB 1289

Amend RSA 84-C:5, I as inserted by section 6 of the bill by replacing line 1 with the following:

I. Except as provided in RSA 84-C:5-a **and rules adopted pursuant to RSA 84-C:9, I-a,**

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

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills: HB 216, 351, 499, 1219, 1225, 1285, and SB 25, 237, 257, 312, 314, 316, 322, 328, 370, 371, 390, 392, 397, 398, 446.

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

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 15

April 28, 2016

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

The Reverend Kate Atkinson, chaplain to the Senate, offered the prayer.

Good morning. My prayer today is inspired by the seasons, which I think is finally spring. Let us pray.

Creator God, God of majestic mountains and soaring skies; God of ancient forests, sun-baked deserts, and endless seas; God of raging storms and icy chills; God of rain, wind, and snow; God of seasons; we give you thanks for the gift of spring. As green shoots push their way up through the hard ground, give us that same determination and strength. As tiny leaves begin to break out from their buds, help us to bring new ideas to life. As the temperature rises and the winter chill becomes a distant memory, release us from anything that holds us back or limits our vision. And as your creatures emerge from hibernation, awaken in us energizing insight and creativity. May this time of renewal inspire us all to explore new opportunities, to discover untapped places in our hearts, our minds and our spirits, and to rejoice in your daily promise of the opportunity to start again. Amen.

Senator Lasky led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Senator Pierce introduced the 4th grade class from the Hanover Street School in Lebanon visiting in the gallery.

INTRODUCTION OF PAGE

Senator D'Allesandro introduced Alexis Spradling from Manchester, who attends the Shaker Road School in Concord.

INTRODUCTION OF GUEST

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. It's my honor to welcome to the balcony Caitlyn Shea of Concord. If Caitlyn can stand up. Caitlyn is the daughter of Chris Shea, who provides wonderful public service in the LBA. And I want to thank Senator Forrester for letting me know that Caitlyn's here. Let's give a round of applause.

Senator Avarad is excused for the day.

SPECIAL ORDER

Without objection, the following bills are special ordered to Thursday, May 5, 2016.

EDUCATION

HB 1637-FN, relative to school attendance in towns with no public schools.

JUDICIARY

HB 1681-FN, relative to hypodermic syringes and needles containing residual amounts of controlled drugs.

FN REPORT FOR APRIL 28, 2016

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

CONSENT CALENDAR:

COMMERCE

HB 1633-FN, relative to the use of the Family and Medical Leave Act time as it applies to workers' compensation.

PUBLIC AND MUNICIPAL AFFAIRS

HB 659-FN-L, relative to eligibility for an absentee ballot.

REGULAR CALENDAR:

CAPITAL BUDGET

HB 1349-FN, relative to the location of the Merrimack county superior court.

COMMERCE

HB 1266-FN, legalizing firecrackers.

HB 1381-FN, relative to the sale of smoke bombs.

HB 1540-FN, relative to direct shipments of beer.

HB 1685-FN, relative to mortgage bankers, brokers, and servicers.

EDUCATION

HB 1637-FN, relative to school attendance in towns with no public schools.

ENERGY AND NATURAL RESOURCES

HB 626-FN-A, authorizing energy infrastructure development and designating energy infrastructure corridors and requiring the department of transportation to adopt an updated and revised utility accommodation manual.

HB 1589-FN, prohibiting the transport of aquatic plants and aquatic weeds.

HB 1660-FN-L, relative to eminent domain for gas pipelines and relative to assessment of the land use change tax for eminent domain takings for energy infrastructure.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1423-FN, relative to rulemaking for prescribing controlled drugs.

HEALTH AND HUMAN SERVICES

HB 1626-FN, relative to drug take-back programs.

JUDICIARY

HB 605-FN, relative to mandatory minimum sentences.

HB 1584-FN, relative to the discharge of a person committed for nonpayment of a fine.

HB 1586-FN, prohibiting the impersonation of an emergency medical technician or firefighter.

HB 1654-FN, relative to flying a drone above a correctional facility.

HB 1681-FN, relative to hypodermic syringes and needles containing residual amounts of controlled drugs.

TRANSPORTATION

HB 1445-FN, relative to tinted windows on motor vehicles.

WAYS AND MEANS

HB 594-FN-A, establishing keno.

HB 1198-FN-L, relative to the valuation of poles and conduits owned by telephone utilities.

HB 1385-FN-A, relative to the sale or exchange of an interest in a business organization under the business profits tax.

HB 1656-FN, relative to exceptions to the real estate transfer tax.

Senator Forrester recommends the following bills be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:

REGULAR CALENDAR:

HEALTH AND HUMAN SERVICES

HB 1608-FN, relative to uniform prior authorization forms.

HB 1680-FN, extending the suspension of prior authorization requirements for a community mental health program on drugs used to treat mental illness—if Interim Study recommendation is overturned.

HB 1695-FN, relative to a health system public data resource plan for New Hampshire and establishing a special fund and relative to cost effectiveness of programs implemented within state agencies.

JUDICIARY

HB 602-FN, relative to the use of drones.

HB 636-FN, relative to forfeiture of property.

TRANSPORTATION

HB 280-FN, authorizing multi-use decal plates, multi-use veterans decal plates, and relative to special motorcycle number plates for disabled veterans.

HB 1697-FN, relative to the operation and insurance of transportation network companies.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS

The following bill was removed from the Consent Calendar:

COMMERCE

HB 1227, repealing provisions of law regulating Sunday business activities. Removed by Senator D'Allesandro.

CONSENT CALENDAR

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

COMMERCE

HB 1633-FN, relative to the use of the Family and Medical Leave Act time as it applies to workers' compensation. Interim Study, Vote 5-0. Senator Soucy for the committee.

This bill would create a new section of law requiring an employer to notify an employee, in writing, about the benefits and adverse effects of signing an application for, time off under the Family and Medical Leave Act as a result of a workers' compensation injury. The committee was concerned that this bill would contradict federal notification laws that already exist and create confusion for employers and employees.

Senator Sanborn asserts Rule 6-25 on HB 1633-FN.

ENERGY AND NATURAL RESOURCES

HB 1286, relative to days when fishing without a license is permitted. Ought to Pass, Vote 5-0. Senator Little for the committee.

This bill allows the Fish and Game Department to establish 2 days per year for fishing without a license, but requires persons in fishing tournaments to have a license on those days.

PUBLIC AND MUNICIPAL AFFAIRS

HB 659-FN-L, relative to eligibility for an absentee ballot. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

This bill modifies what constitutes as an employment obligation for the purposes of absentee voting to include individuals who care for children or infirmed adults, with or without compensation. These individuals are unable to get to the polls on Election Day and this bill will afford them the opportunity to vote by absentee ballot.

HB 1141, defining "agritourism." Interim Study, Vote 5-0. Senator Boutin for the committee.

This bill would include "agritourism" in the definition of farming. The Senate and the House have already passed legislation on this matter and therefore, it is appropriate to move this bill Interim Study.

TRANSPORTATION

HB 1170, relative to special permits for OHRV operation in Jericho Mountain State Park. Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill re-establishes the authority of the bureau of trails to permit larger OHRVs at Jericho Mountain state park at specific times and on specific trails, originally permitted by HB 349 (2013). The committee believes that this legislation will further encourage the OHRV industry and their use in the state.

Senator Sanborn asserts Rule 6-25 on HB 1170.

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

REGULAR CALENDAR

CAPITAL BUDGET

HB 1349-FN, relative to the location of the Merrimack county superior court. Ought to Pass, Vote 5-0. Senator Daniels for the committee.

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

Senator Sanborn asserts Rule 6-25 on HB 1349-FN.

COMMERCE

HB 1266-FN, legalizing firecrackers. Inexpedient to Legislate, Vote 3-2. Senator Pierce for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate.

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

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

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

Roll Call, Yeas: 9 - Nays: 14. Failed.

Senator Avaré is excused.

Senator Bradley moved Ought to Pass.

The question is on the adoption of the motion of Ought to Pass.

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

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

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

Roll Call, Yeas: 14 - Nays: 9. Adopted, bill ordered to Third Reading.

Senator Avaré is excused.

HB 1381-FN, relative to the sale of smoke bombs. Inexpedient to Legislate, Vote 4-1. Senator Cataldo for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Sanborn, seconded by Senator Prescott.

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, Prescott.

Roll Call, Yeas: 20 - Nays: 3. Adopted.

Senator Avaré is excused.

HB 1490, relative to collaborative practice between pharmacists and health care practitioners. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Commerce

April 20, 2016

2016-1499s

01/09

Amendment to HB 1490

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

AN ACT relative to collaborative practice between pharmacists and health care practitioners and relative to certain drug take-back programs.

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

2 New Paragraph; Pharmaceutical Drug Take-Back Programs. Amend RSA 318-E:1 by inserting after paragraph I the following new paragraph:

I-a. A registered pharmacy may establish a controlled and non-controlled pharmaceutical drug take-back program provided it complies with the United States Drug Enforcement Administration regulations, 21 C.F.R. Part 1300 et seq.

3 Hazardous Waste Management; Definitions. Amend RSA 147-A:2, VII(b) to read as follows:

(b) Or which has been identified as a hazardous waste by the department using the criteria established under RSA 147-A:3, I or as listed under RSA 147-A:3, II. Such wastes include, but are not limited to, those which are reactive, toxic, corrosive, ignitable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means. Such wastes do not include radioactive substances that are regulated by the Atomic Energy Act of 1954, as amended, **or household pharmaceutical wastes collected pursuant to RSA 318-E.**

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

2016-1499s

AMENDED ANALYSIS

This bill revises the requirements for the qualifications, standards, and supervision of collaborative pharmacy practice agreements between pharmacists and health care practitioners. This bill also authorizes retail pharmacies to establish pharmaceutical drug take-back programs if their programs meet certain federal requirements. This bill also exempts household pharmaceutical wastes collected pursuant to RSA 318-E from the definition of hazardous waste.

The Chair ruled Committee Amendment 1499s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the consideration of non-germane Committee Amendment 1499s to HB 1490. Adopted by the necessary 2/3 vote.

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

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading. HB 1540-FN, relative to direct shipments of beer. Inexpedient to Legislate, Vote 4-1. Senator Bradley for the committee.

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

Senator Sanborn asserts Rule 6-25 on HB 1540-FN.

HB 1685-FN, relative to mortgage bankers, brokers, and servicers. Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

Commerce
April 15, 2016
2016-1438s
08/10

Amendment to HB 1685-FN

Amend RSA 397-A:2, I as inserted by section 1 of the bill by deleting subparagraphs (d) and (e).

Amend RSA 397-A:4, V as inserted by section 1 of the bill by replacing it with the following:

V. An owner of real property who, in any consecutive 12-month period, makes no more than 3 mortgage loans to purchasers of the property for all or part of the purchase price of the real estate against which the mortgage is secured. The owner of real property in such transactions shall not be considered to be engaged in the business of mortgage loan origination.

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

Senators Little and Sanborn assert Rule 6-25 on HB 1685-FN.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading. Senators Little and Sanborn assert Rule 6-25 on HB 1685-FN.

ENERGY AND NATURAL RESOURCES

HB 626-FN-A, authorizing energy infrastructure development and designating energy infrastructure corridors and requiring the department of transportation to adopt an updated and revised utility accommodation manual. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Energy and Natural Resources

April 20, 2016

2016-1506s

09/03

Amendment to HB 626-FN-A

Amend the bill by replacing section 1 with the following:

1 Statement of Purpose. The legislature recognizes that high and volatile energy costs increasingly threaten the competitiveness of New Hampshire's businesses and industries and the financial resources of its electric ratepayers, and that new low-cost sources of energy are needed in order to stabilize and lower wholesale and retail electric rates in New Hampshire and New England. At the same time, as the state's citizens have become more aware of the value, to themselves and others, of New Hampshire's scenic natural landscapes, clean air, and unspoiled environment, it has become increasingly difficult to site and develop large-scale above-ground energy transmission lines from lower-cost neighboring regions. Such projects often face unacceptably high development costs, regulatory delays, and public opposition resulting from their potential adverse impacts on the state's most scenic natural landscapes, the value of adjoining and nearby private properties, and the comfort, health, and safety of adjacent homeowners. The general court therefore finds that it may be in the public interest for the state to designate certain "energy infrastructure corridors" along, within, and under major state-owned transportation routes, for the underground collocation of major energy transmission lines necessary to promote balanced economic growth, reduce or mitigate high energy prices, and contribute to a cleaner and more natural environment, while providing the state highway fund with market-based revenues from private energy transmission companies in return for the use of such designated energy infrastructure corridors. The general court intends that the energy infrastructure corridors designated under this act are simply options for the siting of energy infrastructure and nothing in this act shall be construed as limiting the historic accommodation of utilities in all public rights of way.

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

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

HB 1148, relative to pipeline capacity contracts. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Energy and Natural Resources

April 21, 2016

2016-1543s

09/06

Amendment to HB 1148

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

AN ACT establishing a committee to review potential statutory revisions to constrain possible stranded costs associated with pipeline capacity contracts.

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

1 Committee Established. There is established a committee to review potential statutory revisions to constrain possible stranded costs associated with pipeline capacity contracts.

2 Membership and Compensation.

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

(a) Two members of the senate, appointed by the president of the senate.

(b) Three 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 review recent and ongoing public utility commission dockets, relevant New Hampshire supreme court cases, and other relevant authorities to determine whether there is a need to revise statutes to constrain stranded costs associated with pipeline capacity contracts.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the 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.

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, 2017.

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

2016-1543s

AMENDED ANALYSIS

This bill establishes a committee to review potential statutory revisions to constrain possible stranded costs associated with pipeline capacity contracts.

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

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

Recess. Out of recess.

HB 1589-FN, prohibiting the transport of aquatic plants and aquatic weeds. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Energy and Natural Resources

April 20, 2016

2016-1505s

09/04

Amendment to HB 1589-FN

Amend RSA 487:16-b as inserted by section 3 of the bill by replacing it with the following:

487:16-b Exotic Aquatic Weed Penalties. It shall be unlawful to [~~knowingly, recklessly, or purposely~~] offer for sale, distribute, sell, import, purchase, propagate, **negligently transport**, or introduce exotic aquatic weeds into New Hampshire waterbodies. Notwithstanding RSA 487:7, any person engaging in such an activity shall be guilty of a violation.

Amend RSA 487:16-c as inserted by section 4 of the bill by replacing it with the following:

487:16-c Transport of Aquatic Plants or Exotic Aquatic Weeds On Outside of Boats, Vehicles, and Equipment. No person shall negligently transport any aquatic plants or plant parts or exotic aquatic weed or weed parts to or from any New Hampshire waters on the outside of a vehicle, boat, ski craft as defined in RSA 270:73, trailer, or other equipment.

Amend RSA 487:16-e as inserted by section 4 of the bill by replacing it with the following:

487:16-e Penalties. Notwithstanding RSA 487:7, any person who violates RSA 487:16-c through 487:16-d shall be guilty of a violation punishable by a fine of \$50 for a first offense, \$100 for a second offense, and \$250 for any subsequent offense. The authority to enforce these sections shall extend to all peace officers in the state of New Hampshire.

The question is on the adoption of the Committee Amendment.

Senator Sanborn moved to divide the question: RSA 487:16-e, Lines 15-20; and RSA 487:16-b and c, Lines 1-13.

The Chair ruled the question divisible.

The question is on the adoption of Committee Amendment 1505s, RSA 487:16-e, Lines 15-20.

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

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

The following Senators voted No: Sanborn

Roll Call, Yeas: 22 - Nays: 1. Adopted.

Senator Avard is excused.

Senator Sanborn asserts Rule 6-25 on HB 1589-FN.

The question is on the adoption of Committee Amendment 1505s, RSA 487:16-b and c, Lines 1-13. Adopted.

Senator Sanborn asserts Rule 6-25 on HB 1589-FN.

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

Senator Sanborn moved to divide the question: RSA 487:16-e, Lines 8-11; and Sections 1-3, and 4 I-III, and 5-6.

The Chair ruled the question divisible.

The question is on the adoption of Ought to Pass with Amendment, RSA 487:16-e, Lines 8-11.

A roll call was requested by Senator Forrester, seconded by Senator Carson.

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

The following Senators voted No: Sanborn.

Roll Call, Yeas: 22 - Nays: 1. Adopted.

Senator Avard is excused.

Senator Sanborn asserts Rule 6-25 on HB 1589-FN.

The question is on the adoption of Ought to Pass with Amendment, Sections 1-3, and 4 I-III, and 5-6.

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

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

The following Senators voted No: (None)

Roll Call, Yeas: 23 - Nays: 0. Adopted. Bill ordered to Third Reading.

Senator Avard is excused.

Senator Sanborn asserts Rule 6-25 on HB 1589-FN.

HB 1660-FN-L, relative to eminent domain for gas pipelines and relative to assessment of the land use change tax for eminent domain takings for energy infrastructure. Ought to Pass with Amendment, Vote 4-1. Senator Sanborn for the committee.

Energy and Natural Resources

April 21, 2016

2016-1545s

10/06

Amendment to HB 1660-FN-LOCAL

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

AN ACT relative to appraisals of residential property, a residential owner option in a partial taking, and relocation, temporary housing, and legal expenses in eminent domain proceedings for gas pipelines, and relative to intervention by the site evaluation committee in such proceedings.

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

1 Eminent Domain by Pipeline Companies; Updated Appraisals. Amend RSA 371:15, IV to read as follows:

IV. In trying any question of damages before said commissioners or by jury, the appraisal for taxation of such real estate, and, in cases where less than the whole interest in real estate is sought to be acquired, the appraisal for taxation of such whole interest, by the selectmen or tax assessors for the tax year in which such application

shall have been filed, and for as many preceding years as the commissioners or the court may consider relevant, shall be competent as evidence of value. ***The owner of private real property used for residential purposes may select a licensed appraiser to expeditiously conduct an updated appraisal of the private real estate sought to be acquired, with the reasonable costs of such appraisal, as determined by the agreement of the parties, or by the commissioners or the court, to be borne by or reimbursed by the pipeline company. Any such appraisal submitted to the commissioners or the court shall be considered by the commissioners or the court.*** The damages as determined shall be awarded to the owner or apportioned among the several owners in accordance with their several interests as determined and judgment shall be entered accordingly.

2 Paragraphs; Eminent Domain; Residential Owner Option; Relocation and Expenses. Amend RSA 371:15 by inserting after paragraph VI the following new paragraphs:

VII. When private real property which is used for residential purposes is proposed to be acquired in part, temporarily or permanently, for the construction of a high pressure gas pipeline or appurtenance thereto, the owners of the residential property shall have the option to require the pipeline company to condemn and take in fee the entire tract of land impacted by the proposed partial taking including all buildings and improvements thereon if all owners, excluding lienholders and mortgagees, of the private real property make such an election and provide the commission and the pipeline company with written notice of their election within 30 days after receipt of the notice under paragraph II. The option under this paragraph shall only apply if the residence is within 250 feet of the boundary of the proposed partial taking.

VIII. In all cases where residential property is taken pursuant to the provisions of this section, a resident owner may also be awarded reasonable relocation, temporary housing, and legal expenses not to exceed 10 percent of the compensation ordered for the taking.

3 Site Evaluation Committee; High Pressure Gas Pipelines. Amend RSA 162-H:10-b, IV to read as follows:

IV. The committee shall ~~[consider intervention]~~ ***file as an intervenor*** in Federal Energy Regulatory Commission proceedings involving the siting of high pressure gas pipelines in order to protect the interest of the state of New Hampshire.

4 Severability. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

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

2016-1545s

AMENDED ANALYSIS

This bill:

I. Allows an owner of residential property to have an updated appraisal completed at the expense of a pipeline company seeking to acquire the property by eminent domain.

II. Allows certain owners of property subject to a partial taking under eminent domain to require a pipeline company to take the entire tract of land.

III. Provides for the awarding of relocation, temporary housing, and legal expenses in gas pipeline eminent domain proceedings.

IV. Requires the site evaluation committee to file as an intervenor in Federal Energy Regulatory Commission proceedings involving siting of high pressure gas pipelines.

The question is on the adoption of the Committee Amendment.

Senator Feltes moved to divide the question: Sections 2 VII, and 5; and Sections 1 and 2 VIII, and 3-5.

The Chair ruled the question divisible.

The question is on the adoption of Committee Amendment 1545s, Sections 2 VII, and 5.

A roll call was requested by Senator Sanborn, seconded by Senator Prescott.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Little, Sanborn, Kelly, Daniels, Carson, Reagan, Soucy, Birdsell, Fuller Clark, Prescott, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Lasky, Feltes, Boutin, D'Allesandro, Stiles.

Roll Call, Yeas: 14 - Nays: 9. Adopted.

Senator Avarad is excused.

Senator Sanborn asserts Rule 6-25 on HB 1660-FN-L.

The question is on the adoption of Committee Amendment 1545s, Sections 1, 2 VIII, and 3-5.

A roll call was requested by Senator Sanborn, seconded by Senator Prescott.

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

The following Senators voted No: (None)

Roll Call, Yeas: 23 - Nays: 0. Adopted.

Senator Avarad is excused.

Senator Sanborn asserts Rule 6-25 on HB 1660-FN-L.

Senator Sanborn offered a floor amendment.

Sen. Sanborn, Dist 9

April 27, 2016

2016-1641s

01/04

Floor Amendment to HB 1660-FN-LOCAL

Amend RSA 371:15, VII as inserted by section 2 of the bill by replacing it with the following:

VII. When private real property which is used for residential purposes is proposed to be acquired in part, temporarily or permanently, for the construction of a high pressure gas pipeline or appurtenance thereto, the owners of the residential property shall have the option to require the pipeline company to condemn and take in fee the entire tract of land impacted by the proposed partial taking including all buildings and improvements thereon if all owners, excluding lienholders and mortgagees, of the private real property make such an election and provide the commission and the pipeline company with written notice of their election within 30 days after receipt of the notice under paragraph II. The option under this paragraph shall only apply:

(a) If the residence is within 250 feet of the boundary of the proposed partial taking; or

(b) To any non-commercial, non-industrial property if the property owner's entire tract is 15 acres or fewer.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Forrester, Cataldo, Sanborn, Daniels, Reagan, Birdsell, Prescott.

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

Roll Call, Yeas: 7 - Nays: 16. Failed.

Senator Avarad is excused.

Senator Sanborn asserts Rule 6-25 on HB 1660-FN-L.

Senator Little offered a floor amendment.

Sen. Little, Dist 8

Sen. Stiles, Dist 24

Sen. Boutin, Dist 16

Sen. Feltes, Dist 15

April 25, 2016

2016-1580s

10/05

Floor Amendment to HB 1660-FN-LOCAL

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

AN ACT relative to appraisals of residential property, a residential owner option in a partial taking, and relocation, temporary housing, and legal expenses in eminent domain proceedings for gas pipelines; relative to intervention by the site evaluation committee in such proceedings; and relative to expenditures from the energy efficiency fund.

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

4 Severability. If any provision of sections 1-3 of this act or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect other provisions or applications of sections 1-3 of this act which can be given effect without the invalid provision or application, and to this end the provisions of sections 1-3 of this act are severable.

5 Regional Greenhouse Gas Initiative; Energy Efficiency Fund and Use of Auction Proceeds. Amend RSA 125-O:23, II and III to read as follows:

II. All amounts ~~[in excess of the threshold price of \$1 for any allowance sale]~~ shall be ***allocated to the commercial and industrial retail electric customers and the residential retail electric customers consistent with the kilowatt-hour delivery sales of electric distribution utilities as determined by the commission. All of the commercial and industrial retail electric customer allocations shall be*** rebated to all ~~[retail electric ratepayers]~~ ***commercial and industrial retail customers*** in the state on a per-kilowatt-hour basis, in a timely manner to be determined by the commission.

III. All remaining proceeds received by the state from the sale of allowances, excluding the amount used for commission and department administration under paragraph I, shall be allocated by the commission as follows:

(a) At least ~~[15]~~ **35** percent to the low-income core energy efficiency program.

(b) Beginning January 1, ~~[2014]~~ **2017**, up to ~~[\$2,000,000]~~ **\$5,000,000** annually to utility core programs for municipal, ***school district***, and local government energy efficiency projects, including projects by local governments that have their own municipal utilities. Funding elements shall include, but not be limited to, funding for direct technical and project management assistance to identify and encourage comprehensive projects and incentives structured to assist municipal and local governments funding energy efficiency projects. In calendar years 2014, 2015, ~~[and]~~ 2016, **and 2017** any unused funds allocated to municipal and local government projects under this paragraph remaining at the end of the year shall roll over and be added to the new calendar year program funds and continue to be made available exclusively for municipal and local government projects. Beginning in calendar year ~~[2017]~~ **2018**, and all subsequent years, funds allocated to municipal and local government projects under this paragraph shall be offered first to municipal and local governments as described in this paragraph for no less than 4 full calendar months. If, at the end of this time, municipal and local governments have not submitted requests for eligible projects that will expend the funds allocated to municipal and local government projects under this paragraph within that program year, the funds shall ~~[be offered on a first-come, first-serve basis to business and municipal customers who fund the system benefits charge]~~ ***go to a fuel neutral residential core energy efficiency program.***

(c) The remainder to ~~[all fuels, comprehensive energy efficiency programs administered by qualified parties which may include electric distribution companies as selected through a competitive bid process. The funding shall be distributed among residential, commercial, and industrial customers based upon each customer class's electricity usage to the greatest extent practicable as determined by the commission. Bids shall be evaluated based on, but not limited to, the following criteria:]~~

~~(1) A benefit/cost ratio analysis including all fuels.~~

~~(2) Demonstrated ability to provide a comprehensive, fuel neutral program.~~

~~(3) Demonstrated infrastructure to effectively deliver such program.~~

~~(4) Experience of the bidder in administering energy efficiency programs.~~

~~(5) Ability to reach out to customers.~~

~~(6) The validity of the energy saving assumptions described in the bid]~~ ***a fuel neutral residential core energy efficiency program.***

6 Repeal. RSA 125-O:23, IV and V, relative to use of remaining proceeds received by the state from the sale of allowances, is repealed.

7 Effective Date.

I. Sections 5 and 6 of this act shall take effect 60 days after its passage.

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

2016-1580s

AMENDED ANALYSIS

This bill:

I. Allows an owner of residential property to have an updated appraisal completed at the expense of a pipeline company seeking to acquire the property by eminent domain.

II. Allows certain owners of property subject to a partial taking under eminent domain to require a pipeline company to take the entire tract of land.

III. Provides for the awarding of relocation, temporary housing, and legal expenses in gas pipeline eminent domain proceedings.

IV. Requires the site evaluation committee to file as an intervenor in Federal Energy Regulatory Commission proceedings involving siting of high pressure gas pipelines.

V. Modifies the allocation of rebates to retail electric customers and requires the public utilities commission to allocate certain funds to school districts for energy efficiency projects.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator Cataldo.

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

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

Roll Call, Yeas: 14 - Nays: 9. Adopted.

Senator Avaré is excused.

Senator Sanborn asserts Rule 6-25 on HB 1660-FN-L.

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

Senator Sanborn moved to divide the question: Sections 1-4, and 7 II; and Sections 5-6, and 7 I.

The Chair ruled the question divisible.

Recess. Out of recess.

The question is on Ought to Pass as Amended, Sections 1-4, and 7 II.

Recess. Out of recess.

A roll call was requested by Senator Sanborn, seconded by Senator Woodburn.

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

The following Senators voted No: Boutin.

Roll Call, Yeas: 22 - Nays: 1. Adopted.

Senator Avaré is excused.

Senator Sanborn asserts Rule 6-25 on HB 1660-FN-L.

The question is on Ought to Pass as Amended, Sections 5-6, and 7 I.

A roll call was requested by Senator Sanborn, seconded by Senator Little.

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

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

Roll Call, Yeas: 13 - Nays: 10. Adopted. Bill ordered to Third Reading.

Senator Avard is excused.

Senator Sanborn asserts Rule 6-25 on HB 1660-FN-L.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1264, relative to carnival or amusement ride inspections. Ought to Pass, Vote 4-0. Senator Cataldo for the committee.

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

HB 1294, relative to exemptions from licensure as a massage therapist. Ought to Pass, Vote 4-0. Senator Reagan for the committee.

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

HB 1301, relative to the issuance of youth employment certificates. Ought to Pass with Amendment, Vote 4-0. Senator Reagan for the committee.

Senate Executive Departments and Administration

April 20, 2016

2016-1511s

06/03

Amendment to HB 1301

Amend RSA 276-A:5, II as inserted by section 1 of the bill by replacing it with the following:

II. Certificates shall in all cases include a signature line for the parent or legal guardian of the youth and shall show proof of (1) age and (2) adequate health.

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

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

HB 1423-FN, relative to rulemaking for prescribing controlled drugs. Ought to Pass with Amendment, Vote 3-1. Senator Carson for the committee.

Senate Executive Departments and Administration

April 20, 2016

2016-1502s

01/09

Amendment to HB 1423-FN

Amend RSA 318-B:41, III as inserted by section 1 of the bill by replacing it with the following:

III. Before September 1, 2016, the board of veterinary medicine shall submit to the joint legislative committee on administrative rules final proposed rules for prescribing schedule II, III, and IV opioids by veterinarians for the management or treatment of pain. For the practice components set forth in paragraph IV, the term "patient" refers to the animal being prescribed opioids for the management or treatment of pain, and the term "owner" refers to the owner of the animal with whom the veterinarian client patient relationship (VCPR) has been established.

Amend the introductory paragraph of RSA 318-B:41, IV(a)(4)(A) as inserted by section 1 of the bill by replacing it with the following:

(4)(A) Querying the program database when writing an initial schedule II, III, or IV opioid prescription for the management or treatment of a patient's pain and then periodically, at least twice a year. The program shall be queried for the patient and its owner. Exceptions to this requirement shall be limited to situations in which:

Amend RSA 318-B:41, IV(a)(5) as inserted by section 1 of the bill by replacing it with the following:

(5) Establishing procedures for informed consent outlining the risks and benefits of opioid use and for the requirements regarding querying the program database pursuant to subparagraph (4)(A).

Amend the bill by replacing all after section 9 with the following:

10 Contingency. RSA 318-B:41, II(a)(4), RSA 318-B:41, IV(a)(4), and section 9 of this act shall take effect 90 days after the director of the controlled drug prescription health and safety program, established under RSA 318-B:32, hereinafter “program”, posts a notice on the home page of the program’s Internet website that the necessary upgrades to the program have been completed, tested, and deemed operational. This posting shall occur no later than October 3, 2016. The October 3, 2016 deadline for posting may be extended by the governor, with the advice of the council, to a date certain, upon receipt of notice from the director of the program that the necessary upgrades cannot be completed, tested, and deemed operational in sufficient time to meet the October 3, 2016 posting deadline. The director of the program shall post the new deadline on the home page of the program’s Internet website including the later notice of completion, testing, and operational status of the program.

11 Effective Date.

I. RSA 318-B:41, II(a)(4), RSA 318-B:41, IV(a)(4), and section 9 of this act shall take effect as provided in section 10 of this act.

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

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

Senator Sanborn asserts Rule 6-25 on HB 1423-FN.

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

Senator Sanborn asserts Rule 6-25 on HB 1423-FN.

HB 1588, repealing certain prohibitions on employment of state employees. Ought to Pass, Vote 4-0. Senator Soucy for the committee.

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

HEALTH AND HUMAN SERVICES

HB 1608-FN, relative to uniform prior authorization forms. Ought to Pass with Amendment, Vote 5-0. Senator Sanborn for the committee.

Health and Human Services

April 20, 2016

2016-1498s

01/09

Amendment to HB 1608-FN

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

AN ACT relative to uniform prior authorization forms and criteria.

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

1 New Paragraph; Utilization Review; Prior Authorization Forms and Criteria. Amend RSA 420-J:6 by inserting after paragraph VI the following new paragraph:

VII. All health insurers, health maintenance organizations, health services corporations, medical services corporations, and preferred provider programs shall, when requiring prior authorization for a prescription drug, use and accept only the prior authorization content and criteria described in this paragraph.

(a) On or before March 1, 2017, the commissioner shall adopt rules, pursuant to RSA 541-A, specifying the contents and format of the uniform prior authorization paper form and the criteria for prescription drug benefits, consistent with the requirements of this paragraph. In developing the content and criteria, the commissioner shall seek input from interested stakeholders, and shall consider standards established by the federal Centers for Medicare and Medicaid Services and any other national standards pertaining to prior authorization.

(b) The prior authorization content and criteria adopted under this paragraph shall not exceed 2 pages in length for the paper authorization form.

(c) If an entity listed in this paragraph fails to use or accept the paper form or electronic criteria permitted for prior authorization, or fails to respond within 2 business days after receiving a completed prior authorization request from a provider, the prior authorization request shall be deemed to have been granted.

(d) Nothing in this paragraph shall prohibit the required use of prior authorization methodology that utilizes an Internet webpage, Internet webpage portal, or similar electronic, Internet, and web-based system in lieu of a paper form when the prescriber has broadband Internet access and the capability to prescribe electronically, provided that the form used is consistent with the rules developed under this paragraph and a secure electronic connection is available at no cost to the prescriber.

(e) Nothing in this paragraph shall prohibit the use of prior authorization for prescription drug benefits.

2 New Section; Licensure of Medical Utilization Review Entities; Uniform Prior Authorization Forms and Criteria for Prescription Drug Benefits. Amend RSA 420-E by inserting after section 4 the following new section:

420-E:4-a Uniform Prior Authorization Forms and Criteria for Prescription Drug Benefits.

I. All licensees under this chapter shall, when requiring prior authorization for a prescription drug, use and accept only the prior authorization paper form or electronic criteria adopted by the commissioner under RSA 420-J:6, VII.

II. If a licensee fails to use or accept the uniform prior authorization form or electronic criteria, or fails to respond within 2 business days after receiving a completed prior authorization request from a provider, the prior authorization request shall be deemed to have been granted.

III. Nothing in this section shall prohibit the required use of prior authorization methodology that utilizes an Internet webpage, Internet webpage portal, or similar electronic, Internet, and web-based system in lieu of a paper form when the prescriber has broadband Internet access and the capability to prescribe electronically, provided that the form used is consistent with the rules developed under RSA 420-J:6, VII and a secure electronic connection is available at no cost to the prescriber.

IV. Nothing in this section shall prohibit the use of prior authorization for prescription drug benefits.

V. This section shall apply to RSA 420-J and shall not apply to the Medicaid managed care program under RSA 126-A:5, XIX.

3 New Paragraph; Managed Care Law; Prescription Drugs. Amend RSA by inserting after paragraph the following new :

IV-c.(a) All licensees under this chapter shall, when requiring prior authorization for a prescription drug, use and accept only the prior authorization paper form or electronic criteria adopted by the commissioner under RSA 420-J:6, VII.

(b) If a licensee fails to use or accept the uniform prior authorization form or electronic criteria, or fails to respond within 2 business days after receiving a completed prior authorization request from a provider, the prior authorization request shall be deemed to have been granted.

(c) Nothing in this section shall prohibit the required use of prior authorization methodology that utilizes an Internet webpage, Internet webpage portal, or similar electronic, Internet, and web-based system in lieu of a paper form when the prescriber has broadband Internet access and the capability to prescribe electronically, provided that the form used is consistent with the rules developed under RSA 420-J:6, VII and a secure electronic connection is available at no cost to the prescriber.

(d) Nothing in this section shall prohibit the use of prior authorization for prescription drug benefits.

(e) This section shall apply to this chapter and shall not apply to the Medicaid managed care program under RSA 126-A:5, XIX.

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

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

Senator Sanborn asserts Rule 6-25 on HB 1608-FN.

Senator Sanborn offered a floor amendment.

Sen. Sanborn, Dist 9

April 28, 2016

2016-1655s

01/09

Floor Amendment to HB 1608-FN

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

AN ACT relative to uniform prior authorization forms.

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

1 Purpose. The purpose of this act is to provide administration simplification in the prior authorization process for prescription drugs and to encourage the use of electronic prior authorization technology.

2 New Paragraph; Managed Care Law; Uniform Prior Authorizations Forms and Electronic Standard for Prescription Drug Benefits. Amend RSA 420-J:7-b by inserting after paragraph IV-b the following new paragraph:

IV-c.(a) Beginning July 1, 2017, all health insurers, health maintenance organizations, health services corporations, medical services corporations, and preferred provider programs may, when requiring prior authorization for a prescription drug, use and accept the prior authorization paper forms or electronic standard described in this paragraph.

(b) Beginning December 31, 2017, all health insurers, health maintenance organizations, health services corporations, medical services corporations, and preferred provider programs shall, when requiring prior authorization for a prescription drug, use and accept only the prior authorization paper forms or electronic standard described in this paragraph.

(c) On or before March 1, 2017, the commissioner shall adopt rules, pursuant to RSA 541-A, specifying the contents and format of the uniform prior authorization paper forms and the electronic prior authorization standard, consistent with the requirements of this paragraph. In developing the paper forms and the electronic standard, the commissioner shall seek input from interested stakeholders, including, but not limited to, prescribers, pharmacists, carriers, and prescription benefits managers, and shall support adoption of nationally recognized standards for electronic prior authorization of prescription drugs, including those provided by the National Council for Prescription Drug Programs or an equivalent organization as available.

(d) The prior authorization paper forms adopted under this paragraph shall not exceed 2 pages in length.

(e) Nothing in this paragraph shall require a carrier or pharmacy benefits manager to use electronic prior authorization. A carrier or pharmacy benefits manager shall not require use of electronic prior authorization when:

- (1) A pharmacist or prescriber lacks broadband Internet access;
- (2) A pharmacist or prescriber has low patient volume;
- (3) A pharmacist or prescriber has opted-out for a certain medical condition or for a patient request;
- (4) A pharmacist or prescriber lacks an electronic medical record system;
- (5) The electronic prior authorization interface does not provide for the pre-population of prescriber and patient information; or
- (6) The electronic prior authorization interface requires an additional cost to the prescriber.

(f) Nothing in this section shall prohibit the use of prior authorization for prescription drug benefits.

(g) This section shall apply to RSA 420-J and shall not apply to the Medicaid managed care program under RSA 126-A:5, XIX.

3 New Section; Licensure of Medical Utilization Review Entities; Uniform Prior Authorization Forms and Electronic Standard for Prescription Drug Benefits. Amend RSA 420-E by inserting after section 4 the following new section:

420-E:4-a Uniform Prior Authorization Forms and Electronic Standard for Prescription Drug Benefits.

I. Beginning July 1, 2017, all health insurers, health maintenance organizations, health services corporations, medical services corporations, and preferred provider programs may, when requiring prior authorization for a prescription drug, use and accept the prior authorization paper forms or electronic standard described in this section.

II. Beginning December 31, 2017, all health insurers, health maintenance organizations, health services corporations, medical services corporations, and preferred provider programs shall, when requiring prior authorization for a prescription drug, use and accept only the prior authorization paper forms or electronic standard described in this section.

III. On or before March 1, 2017, the commissioner shall adopt rules, pursuant to RSA 541-A, specifying the contents and format of the uniform prior authorization paper forms and the electronic prior authorization

standard, consistent with the requirements of this section. In developing the paper forms and the electronic standard, the commissioner shall seek input from interested stakeholders, including but not limited to prescribers, pharmacists, carriers, and prescription benefits managers, and shall support adoption of nationally recognized standards for electronic prior authorization of prescription drugs, including those provided by the National Council for Prescription Drug Programs or an equivalent organization as available.

IV. The prior authorization paper forms adopted under this section shall not exceed 2 pages in length.

V. Nothing in this section shall require a carrier or pharmacy benefits manager to use electronic prior authorization. A carrier or pharmacy benefits manager shall not require use of electronic prior authorization when:

- (a) A pharmacist or prescriber lacks broadband Internet access;
- (b) A pharmacist or prescriber has low patient volume;
- (c) A pharmacist or prescriber has opted-out for a certain medical condition or for a patient request;
- (d) A pharmacist or prescriber lacks an electronic medical record system;
- (e) The electronic prior authorization interface does not provide for the pre-population of prescriber and patient information; or
- (f) The electronic prior authorization interface requires an additional cost to the prescriber.

VI. Nothing in this section shall prohibit the use of prior authorization for prescription drug benefits.

VII. This section shall apply to RSA 420-J and shall not apply to the Medicaid managed care program under RSA 126-A:5, XIX.

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

2016-1655s

AMENDED ANALYSIS

This bill requires health insurers, health maintenance organizations, health services corporations, medical services corporations, and preferred provider programs to use and accept only the uniform prior authorization forms and criteria developed by the commissioner of insurance in accordance with rules adopted pursuant to RSA 541-A after December 31, 2017.

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

Senator Sanborn asserts Rule 6-25 on HB 1608-FN.

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

Senator Sanborn asserts Rule 6-25 on HB 1608-FN.

HB 1626-FN, relative to drug take-back programs. Inexpedient to Legislate, Vote 4-0. Senator Kelly for the committee.

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

HB 1680-FN, extending the suspension of prior authorization requirements for a community mental health program on drugs used to treat mental illness. Interim Study, Vote 4-0. Senator Kelly for the committee.

The question is on the adoption of the motion of Interim Study. Failed.

Senator Kelly moved Ought to Pass.

Senator Kelly offered a floor amendment.

Sen. Kelly, Dist 10

Sen. Bradley, Dist 3

April 28, 2016

2016-1664s

09/03

Floor Amendment to HB 1680-FN

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

AN ACT relative to prior authorization plans for medications used to treat certain mental illnesses under the Medicaid managed care program.

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

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

(g)(1) Prior to June 30, 2016, each Medicaid managed care organization shall submit a plan for approval to the commissioner of the department of health and human services detailing a transition plan to the prior authorization process for community mental health centers for medication used to treat severe mental illness such as schizophrenia, depression, or bipolar disorder and shall demonstrate readiness to implement the plan. The commissioner shall review the Medicaid managed care organization's process for prior authorization of "off label" medications for children. The commissioner, in consultation with the community mental health centers shall approve or deny the plan within 60 days. The commissioner may reinstate the suspension of prior authorization for a community mental health program for medications used to treat severe mental health illness, under the provisions of subparagraph (e), if at any time the commissioner determines such reinstatement of suspension is necessary to promote the behavioral health and well-being of New Hampshire's citizens being served under Medicaid managed care.

(2) The Medicaid managed care organizations shall provide at least 60 days notice to the recipients receiving behavioral health medications prescribed by community mental health centers and used to treat severe mental illness such as schizophrenia, depression, or bipolar disorder and community mental health center providers when the prior authorization process is being reinstated. Any Medicaid recipient receiving services on the effective date of this subparagraph through community mental health centers for medication used to treat severe mental illness such as schizophrenia, depression, or bipolar disorder shall be exempt from a prior authorization unless there is a change in the recipient's medical therapy. When prior authorization of behavioral health medications has been denied, a provider may request a peer to peer review with a licensed psychiatric specialist upon request of the Medicaid managed care organization.

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

2016-1664s

AMENDED ANALYSIS

This bill requires managed care organizations under the Medicaid managed care program to submit plans to the commissioner of the department of health and human services relative to the implementation of a prior authorization process for medications used to treat certain mental illnesses. The bill permits the commissioner to reinstate the suspension of prior authorization for a community mental health program for medication used to treat severe mental illness. The bill establishes certain procedures for and exemptions from such prior authorization.

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

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

HB 1695-FN, relative to a health system public data resource plan for New Hampshire and establishing a special fund and relative to cost effectiveness of programs implemented within state agencies. Ought to Pass with Amendment, Vote 3-2. Senator Sanborn for the committee.

Health and Human Services

April 20, 2016

2016-1497s

01/09

Amendment to HB 1695-FN

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

AN ACT establishing a commission to study uncompensated care.

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

1 New Section; Commission to Study Uncompensated Care. Amend RSA 126-A by inserting after section 5-e the following new section:

126-A:5-f Commission to Study Uncompensated Care.

I. There is hereby established a commission to study uncompensated care.

(a) The members of the commission shall be as follows:

- (1) One member of the senate, appointed by the president of the senate.
- (2) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (3) The commissioner of the department of health and human services, or designee.
- (4) The commissioner of the department of insurance, or designee.
- (5) A representative of the New Hampshire Hospital Association, appointed by the association.
- (6) A representative of a health insurance carrier which sells policies in New Hampshire, appointed by the president of the senate.
- (7) A representative of a self-funded plan governed by federal ERISA regulations which operates in New Hampshire, appointed by the speaker of the house of representatives.
- (8) Three accountants or financial specialists that have experience in hospital finances, but who are not currently employed by a New Hampshire hospital, one of whom shall be appointed by the governor, one of whom shall be appointed by the president of the senate, and one of whom shall be appointed by the speaker of the house of representatives.

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

II.(a) The commission shall study uncompensated care. Specifically the commission's study shall include, but not be limited to, reviewing the drivers of uncompensated care and its constituent parts, and how each piece is computed on a statewide basis and on a hospital basis.

(b) The commission shall solicit information from any person or entity the commission deems relevant to its study.

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 senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

IV. 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, 2017.

2 Repeal. RSA 126-A:5-f, relative to the commission to study uncompensated care, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2017.

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

2016-1497s

AMENDED ANALYSIS

This bill establishes a commission to study uncompensated care.

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

Senator Sanborn offered a floor amendment.

Sen. Sanborn, Dist 9

April 27, 2016

2016-1653s

01/09

Floor Amendment to HB 1695-FN

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

AN ACT relative to a health system public data resource for New Hampshire and relative to cost effectiveness of programs implemented within state agencies.

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

1 New Subdivision; Health System Public Data Resource. Amend RSA 126-A by inserting after section 69 the following new subdivision:

Health System Public Data Resource

126-A:70 Health System Public Data Resource; Council Established.

I.(a) Pursuant to the memorandum of understanding set forth in paragraph V, the department of health and human services shall make publicly available through an Internet website consolidated information on health care system patient safety, cost, quality, access to coverage and care, system performance, and efficiency, and information pertaining to the delivery of the health care system in New Hampshire, including information on new health system projects and associated costs.

(b) The information made available shall be maintained as a resource for decision making and policy analysis by state and local planners, policy makers, health care system entities, purchasers of health care, and the public. The information shall also be used by the department, in consultation with the health system public data resource planning council established in paragraph III, to plan and monitor the health care system and the relevant factors that influence patient safety, cost, quality, access, and performance.

II. The commissioner, in consultation with the health system public data resource planning council, shall coordinate and provide support for the development of a public data resource for New Hampshire. The public data resource may be developed as an information resource for use by health care providers, health insurance carriers, health care purchasers, and the general court to develop and implement programs and policies and provide guidance to state agencies when implementing programs and policies. The public data resource shall include:

(a) Analysis of the health care needs of both the state as a whole and each geographic region of the state.

(b) Analysis of current health care system safety, cost, quality, access, system performance, and financing and including financial drivers uncompensated care and its constituent parts.

III.(a) There is hereby established a health system public data resource planning council. The membership of the council shall be as follows:

(1) Two members of the house of representatives, appointed by the speaker of the house of representatives.

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

(3) The commissioner of the department of health and human services, or designee.

(4) The insurance commissioner, or designee.

(5) The attorney general, or designee.

(6) One member representing health care facilities, appointed by the New Hampshire Hospital Association.

(7) One member representing health care practitioners, appointed by the New Hampshire Medical Society.

(8) One member representing municipal planners, appointed by the New Hampshire Planners Association.

(9) One member representing public health practitioners, appointed by the New Hampshire Public Health Association.

(10) One member representing community services providers, appointed by the governor.

(11) One public member representing health care consumers, appointed by the governor.

(12) One member representing public purchasers of health insurance, appointed by the governor.

(13) One member representing private purchasers of health insurance, appointed by the governor.

(14) One member representing health insurance carriers, appointed by the governor.

(15) A representative of community health centers, appointed by the Bi-State Primary Care Association.

(b) Members of the council shall serve without compensation, except that legislative members shall receive mileage at the legislative rate when attending to the duties of the council. The members, other than those representing state agencies and the legislature, shall serve 3-year terms and shall not serve more than 2 full consecutive terms. Those members representing state agencies shall serve as nonvoting members on the council.

(c) The council may meet as often as necessary to effectuate its goals. The first meeting shall be called by the commissioner of health and human services within 45 days of the effective date of this subdivision. At the first meeting, a chairman shall be elected by the members. Seven members of the council shall constitute a quorum.

(d) The council shall:

(1) Provide advice and consultation to the commissioner regarding the development, implementation, and maintenance of the health system public data resource.

(2) Review and evaluate best practices to make publicly available consolidated information on health care system patient safety, cost, quality, access to coverage and care, system performance, and efficiency, and information pertaining to the delivery and financing of the health care system in New Hampshire, including information on new health system projects and associated costs.

(3) Monitor the health care system and the relevant factors that influence patient safety, cost, quality, access, and performance. The council's authority and duties shall be limited to the provisions of this subdivision.

(4) The council shall make an initial report on November 1, 2016 with an annual report on each November 1 thereafter, relative to the health system public data resource plan and information Internet website. The reports shall include the council's findings and any recommendations for proposed legislation and shall be submitted to the oversight committee on health and human services established in RSA 126-A:13, the chairpersons of the house and senate standing committees having jurisdiction over health and human services issues, the speaker of the house of representatives, the president of the senate, and the governor.

IV. The commissioner, in consultation with the council, shall release the initial version of the health system public data resource no later than January 1, 2017 or 8 months after the effective date of this subdivision, whichever is later.

V. The commissioner, in consultation with the council, shall enter into a memorandum of understanding with the insurance commissioner and attorney general for collaboration in the development of the publicly available information specified in paragraph I. The memorandum of understanding shall include a description of the resources that shall be made available to the department and shall specifically identify data and reports which shall be shared with the department. The commissioner shall submit a report on the implementation of the memorandum of understanding, including the cost to make the health system public data resource and to meet other requirements set forth in this subdivision, to the fiscal committee of the general court, established in RSA 14:30-a, on or before October 1, 2016. The report shall be subject to review and comment by the fiscal committee.

VI. Pursuant to the memorandum of understanding under paragraph V, the commissioner, in consultation with the council, shall adopt rules under RSA 541-A, as may be necessary, relative to collecting aggregate information from health care providers and the insurance department that is not proprietary information on new health system projects, and associated costs under the provisions of this subdivision.

VII. The department, in consultation with the council, shall make the health system public data resource and meet other requirements set forth in this subdivision, subject to sufficient and available funding. No additional general funds shall be appropriated for this subdivision for the biennium ending June 30, 2017.

2 Office of Legislative Budget Assistant; Cost Effectiveness of Programs Within State Agencies.

I. The legislative budget assistant, in collaboration with the department of administrative services and such other organizations as he or she may wish to consult, shall evaluate the feasibility of calculating and using cost effectiveness in evaluating new and existing state-funded programs. The process for determining cost effectiveness shall include, but not be limited to, the following steps:

(a) Systematically assessing high-quality studies from the United States and elsewhere to identify policy options that have been tried and tested and found to achieve improvements in outcomes.

(b) Determining the cost to produce the results found in subparagraph (a) in this state, determining the benefits from such an improved outcome, and calculating the net present value thereof.

(c) Assessing the risk in the estimates to determine the probability that a particular policy option's benefits will outweigh its costs.

(d) Ranking programs in state agencies based on net present value and risk.

II. The department of administrative services and each state agency shall furnish to the legislative budget assistant information, excluding information otherwise confidential under law, he or she may request in the course of carrying out the duties under this section in a mutually agreeable and compatible format.

III. The legislative budget assistant shall make an initial report by November 1, 2016, on the feasibility of calculating and using cost effectiveness in evaluating new and existing state programs. If the legislative budget assistant determines that calculating cost effectiveness is feasible, he or she shall make a final report on or before November 1, 2017, including recommendations for legislation, to the commissioner of administrative services, the chairpersons of the house and senate finance committees, the speaker of the house of representatives, the president of the senate, the state library, and the governor.

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

2016-1653s

AMENDED ANALYSIS

This bill establishes a health system public data resource for New Hampshire. Under this bill, the commissioner of the department of health and human services, the insurance commissioner, and the attorney general shall enter into a memorandum of understanding to collaborate in the development of publicly available information on health care system patient safety, cost, quality, access, and system performance, and information pertaining to the delivery and financing of the health care system in New Hampshire. The bill establishes a health system public data resource planning council to provide consultation for the development of a public data resource for New Hampshire.

The bill also requires the office of the legislative budget assistant to evaluate the feasibility of calculating and using cost effectiveness in evaluating new and existing state programs.

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

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

Recess. Out of recess.

JUDICIARY

HB 513, relative to complaint investigation procedures of the guardian ad litem board. Inexpedient to Legislate, Vote 3-0. Senator Carson for the committee.

Senator Prescott moved to Lay on the Table HB 513. Failed.

Senator Boutin moved to Lay on the Table HB 513.

A division vote was requested.

Division, Yeas: 6 - Nays: 13. Failed.

Senator D'Allesandro moved to Lay on the Table HB 513.

A division vote was requested.

Division, Yeas: 9 - Nays: 13. Failed.

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

HB 602-FN, relative to the use of drones. Ought to Pass with Amendment, Vote 5-0. Senator Cataldo for the committee.

Senate Judiciary

April 19, 2016

2016-1484s

04/09

Amendment to HB 602-FN

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

1 New Chapter; Aeronautics; Drones. Amend RSA by inserting after chapter 422-C the following new chapter:

CHAPTER 422-D

DRONES

422-D:1 Definitions. In this chapter:

I. "Airspace" means the space above the ground in New Hampshire.

II. “Automated surveillance” means surveillance employing a mechanical or electronic device, computer or software, including but not limited to facial recognition technology, that functions continuously without continuous input from a human operator.

III. “Commercial purpose” means to exchange for money, goods or services or to exchange with the intention of directly or indirectly benefiting any business or other undertaking intended for profit.

IV. “Critical infrastructure” means a petroleum or chemical production, transportation, storage or processing facility; a chemical manufacturing facility; a pipeline and any appurtenance thereto; a wastewater treatment facility; a water treatment facility; a power generating station, plant or substation and any appurtenance thereto; a telecommunications central switching office; a flood control, hydroelectric power generation or water supply dam or reservoir; a county, city, or town jail or detention facility, police station or fire station; and any prison, facility, or institution under the control of the department of corrections. The term shall not include any facility or infrastructure of a utility that is located underground.

V. “Drone” means a powered, aerial vehicle, excluding a geosynchronous satellite, that:

- (a) Does not carry a human operator;
- (b) Uses aerodynamic forces to provide vehicle lift;
- (c) Can fly autonomously or be piloted remotely; and
- (d) May be expendable or recoverable.

VI. “Government” means the federal government, the state government and any political subdivisions thereof, and state and municipal agencies and departments, including employees and agents.

VII. “Image” means a record, including a photograph, of thermal, infrared, ultraviolet, visible light, or other electromagnetic waves; sound waves; odors; or other physical phenomena which captures conditions existing on or about real property or an individual located on that property.

VIII. “Imaging device” means a mechanical, digital, or electronic viewing device; still camera; camcorder; motion picture camera; or any other instrument, equipment, or format capable of recording, storing, or transmitting an image.

IX. “Individual” means a living human being.

X. “Information” means any evidence, images, sounds, or data gathered by a drone.

XI. “Law enforcement agency” means a lawfully established state, county, or municipal agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of the criminal laws.

XII. “Law enforcement officer” means a duly sworn employee of a law enforcement agency who is invested with the power of arrest or the detection of crime.

XIII. “Person” means individuals, partnerships, limited liability companies, corporations and any other organizations, including for-profit and not-for-profit entities, but excluding government.

XIV. “Surveillance” means the willful act of tracking or following, while photographing, taking images of, listening to, or making a recording of: (a) a recognizable individual or a group of individuals, including their movements, activities or communications, or (b) motor vehicles identifiable by their license plates. The term does not include such activities on real estate in which a person has a legal interest.

422-D:2 Government Use of Drones Limited; Exceptions.

I. Except as provided in paragraph II:

(a) No government shall use a drone, or obtain, receive, use, or retain information acquired by or through a drone, to engage in surveillance, to acquire evidence, or to enforce laws;

(b) No government shall use a drone equipped with an imaging device to record an image of an identifiable individual on privately-owned real property in violation of such individual’s reasonable expectation of privacy without his or her consent. For purposes of this subparagraph, an individual is presumed to have a reasonable expectation of privacy on privately-owned real property if he or she (i) is within an enclosed structure or (ii) is not observable by individuals located at ground level in a public place where they have a legal right to be, regardless of whether he or she is observable from the air; and

(c) No government shall operate a drone at a height of less than 250 feet over privately-owned real property unless it has the consent of its owner.

II.(a) Notwithstanding the provisions of paragraph I, a government may use a drone, or obtain, receive, use or retain information acquired by or through a drone, for law enforcement purposes under the following conditions only:

(1) If surveillance is undertaken, with the prior consent of the person who is the subject of surveillance and the owner or lessee of the property which is the subject of the surveillance.

(2) If a government first obtains a search warrant signed by a judge and based on probable cause or the use of a drone is pursuant to a legally-recognized exception to the warrant requirement. A search warrant authorizing the use of a drone shall specify the period for which operation of the drone is authorized, which period shall not exceed 10 days unless subsequently renewed by a judge.

(3) If a government possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life or serious damage to property, or to forestall the imminent escape of a suspect, or the destruction of evidence, or to assist in locating missing, abducted or lost individuals, hunters or hikers, or to rescue persons in natural disasters, injured persons or persons in need of medical assistance.

(4) To counter a high risk of a terrorist attack or incident by a specific individual or organization which the United States Department of Homeland Security determines that credible intelligence indicates that there is such a risk.

(5) To increase situational awareness in understanding the nature, scale, and scope of an incident which has occurred and for planning and coordinating an effective and legal response, provided the incident is limited geographically and in time.

(6) To support the tactical deployment of law enforcement personnel and equipment in emergency situations.

(7) To document a specific crime scene, traffic crash scene or other major incident scene, such as a disaster caused by natural or human activity, provided such documentation is conducted in a geographically confined and time-limited manner.

(8) For purposes of training law enforcement officers or others in the proper, safe, and legal use of drones.

(b) A government which uses a drone, or obtains, receives, uses or retains information acquired by or through a drone, pursuant to paragraph II may do so only if (i) specifically authorized by the chief law enforcement officer of a law enforcement agency, or a supervisor designated by the chief law enforcement officer, (ii) is not operated in an unsafe manner and (iii) is not operated in violation of United States Federal Aviation Administration regulations.

(c) The use of a drone by a government under subparagraphs II(a)(4) shall be limited to a period of 48 hours of its initial use after which a search warrant or other court order signed by a judge shall be required. The use of a drone by a government under subparagraphs II(a)(5)-(8) shall be limited to a period of 48 hours of its initial use after which reauthorization shall be required

(d) Within 5 business days of the initiation of the use of a drone under paragraph II(a), the government shall report in writing the use of a drone to the attorney general who shall annually post such reports on the department of justice website in a searchable format.

III. Unless the fact of a violation is being disputed, information obtained by a government in violation of paragraphs I and II shall, within 12 hours after the discovery of the violation, be permanently and irretrievably destroyed, shall not be transferred to another government or person, shall not be admissible in any judicial or administrative proceeding and shall not be used to establish reasonable suspicion or probable cause to believe that an offense has been committed.

IV. Images of identifiable individuals obtained by a government pursuant to paragraphs I or II shall be blurred, deleted or otherwise de-identified as soon as practicable but in any case within 30 days after being obtained unless such images may be evidence in a criminal investigation.

V. No government shall own, use, or exercise control over a drone that is equipped with any kind of lethal or non-lethal weapon.

VI. A government that owns, uses, or exercises control over a drone that causes injury to a person or a person's property shall be liable for such injury if caused by the government's negligent or intentionally wrongful use of a drone pursuant to this chapter. Claims against governmental units as defined in RSA 507-B:1, I, and their officials and employees, shall be subject to the provisions of RSA 507-B and any other applicable immunities. Drones shall be considered motor vehicles solely for the purpose of bringing an action under RSA 507-B:2.

VII. A government that owns, uses, or exercises control over one or more drones shall annually on July 1 submit a written or electronic report to the attorney general containing information on the number of such drones, the number of times each such drone was used during the prior year and, in general terms, the purpose of each such use. The attorney general shall annually post such reports on the department of justice website in a searchable format.

422-D:3 Non-government Use of Drones Limited; Exceptions.

I. No person shall use a drone to engage in automated surveillance.

II. No person shall use a drone to engage in surveillance for commercial purposes without the prior consent of each affected person and each owner or possessor of affecting buildings or structures or parts thereof. It shall not be a defense to a charge of violating this chapter that the buildings or structures were not marked with a no-trespassing sign or similar notice.

III. No person shall use a drone equipped with an imaging device to record an image of an identifiable individual on privately-owned real property in which the person does not have a legally-recognized interest in violation of such individual's reasonable expectation of privacy without his or her consent. For purposes of this subparagraph, an individual is presumed to have a reasonable expectation of privacy on privately-owned real property if he or she (i) is within an enclosed structure or (ii) is not observable by individuals located at ground level in a public place where they have a legal right to be, regardless of whether he or she is observable from the air.

IV. No person shall:

(a) Operate a drone or use a drone to photograph or electronically record critical infrastructure within a horizontal distance of 1,000 feet or a vertical distance of 400 feet from such critical infrastructure without the written consent of the owner of the critical infrastructure;

(b) Allow a drone to make contact with critical infrastructure facility, including any individual or object on the premises of or within the critical infrastructure; or

(c) Allow a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility or its occupants.

V. No person shall own, use, or exercise control over a drone that is equipped with any kind of lethal or non-lethal weapon. This prohibition shall not apply to a person who is a federal government military contractor using or exercising control over a drone which is equipped with a non-lethal weapon and which is flying over real property in which the person has a legal interest.

VI. Any person that owns, uses, or exercises control over a drone in this state that causes injury to a person or a person's property shall be liable for the injury.

VII. No person shall use a drone to harass or stalk another person.

VIII. No person shall operate a drone at a height of less than 250 feet over privately-owned real property unless the person has the consent of its owner.

IX. This chapter shall not apply to a business entity doing business lawfully in this state, using drones for legitimate business purposes, and operating the drone in a manner consistent with applicable Federal Aviation Administration rules, licenses, or exceptions.

422-D:4 Airport Prohibition. No government or person shall operate a drone within 5 miles of any airport in this state in a manner that does not comply with relevant federal law and Federal Aviation Administration regulations and guidelines in effect at the time.

422-D:5 Identification. Each owner of a drone shall identify the drone with the owner's name, address and telephone number in permanent ink and otherwise in a manner consistent with applicable Federal Aviation Administration rules, licenses, and exceptions.

422-D:6 General Prohibition. Except as otherwise provided in this chapter, no government shall use an imaging device to record an image of an identifiable individual on privately-owned real property in violation of such individual's reasonable expectation of privacy without his or her consent, nor shall any person use an imaging device to record an image of an identifiable individual on privately-owned real property in which the person does not have a legally-recognized interest in violation of such individual's reasonable expectation of privacy without his or her consent. For purposes of this subparagraph, an individual is presumed to have a reasonable expectation of privacy on privately-owned real property if he or she (i) is within an enclosed structure or (ii) is not observable by individuals located at ground level in a public place where they have a legal right to be, regardless of whether he or she is observable from the air.

422-D:7 Federal Preemption. If federal law preempts any provision of this chapter, that provision shall not apply.

422-D:8 Applicability. The provisions of this chapter shall not apply to the New Hampshire national guard in the conduct of its official duties.

422-D:9 Construction. This chapter shall be construed to provide the greatest possible protection of the privacy of the people of this state. Nothing in this chapter shall be construed to impose liability in connection with news gathering activity.

422-D:10 Penalties.

I. A government employee or agent who knowingly violates RSA 422-D:2, other than the reporting requirements in 422-D:2, II(c) and 422-D:2, VII, shall be guilty of a misdemeanor. A government employee or agent who violates the reporting requirements in RSA 422-D:2, II(c) or 422-D:2, VII shall be guilty of a violation for a first offense and a misdemeanor for any subsequent offense.

II. A government which violates RSA 422-D:2 may be subject to a civil penalty of up to \$10,000 which shall be deposited in the general fund of the state.

III. A person who suffers damages or injury caused by a government's negligent or intentionally wrongful use of a drone pursuant to this chapter may bring a civil action to recover actual damages which shall be limited to medical expenses, treatment, and rehabilitation, property damage, permanent physical impairment, court costs, and reasonable attorney's fees from the government. No claim for pain and suffering, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss of companionship, services, or consortium, or other non-pecuniary losses shall be compensable under this chapter. This paragraph shall not be construed as a waiver of the sovereign immunity of the state. Claims against governmental units, as defined in RSA 507-B:1, I, and their officials and employees, shall be subject to the provisions of RSA 507-B and any other applicable immunities. Drones shall be considered motor vehicles solely for the purpose of bringing an action under RSA 507-B:2.

IV. A person who violates RSA 422-D:3, I-VII shall be guilty of a misdemeanor.

V. Any person who suffers injury caused by a drone operated in violation of this chapter shall be entitled to damages from the person who committed the violation of not less than \$1,000 and an award of reasonable attorney fees.

VI. In addition to any other remedies allowed by law, a person who willfully gains unauthorized control over a drone shall be liable to the owner of the drone in an amount of not less than \$1,000 and an award of reasonable attorney fees.

2 New Section; Obstructing Governmental Operations; Flying a Drone Over a Correctional Facility. Amend RSA 642 by inserting after section 7 the following new section:

642:7-a Flying a Drone Over a Correctional Facility.

I. Except as otherwise provided in this section, no person shall fly a drone in the airspace above a state or county correctional facility, unless such person is acting on behalf of a business entity doing business lawfully in this state, using drones for legitimate business purposes, and operating the drone in a manner consistent with applicable Federal Aviation Administration rules, licenses, or exceptions.

II.(a) Any state, county, or municipal correctional authority may fly a drone above a correctional facility over which it has control for security purposes.

(b) A state, county, or municipal correctional authority may authorize a request by a person to fly a drone above a correctional facility over which they have control, provided the person:

- (1) Requests permission from the appropriate correctional authority;
 - (2) Is authorized by the Federal Aviation Administration to operate a drone for commercial purposes;
- and
- (3) Operates the drone in a manner that complies with the authorization.

III. Any person who violates this section shall be guilty of a class A misdemeanor.

IV. In this section:

(a) "Airspace" means the space above the ground on which a state or county correctional facility or municipal jail is sited.

(b) "Drone" means a powered, aerial vehicle, excluding a geosynchronous satellite, that:

- (1) Does not carry a human operator;
- (2) Uses aerodynamic forces to provide vehicle lift;
- (3) Can fly autonomously or be piloted remotely; and
- (4) May be expendable or recoverable.

(c) "Person" means an individual, corporation, organization, and for-profit or not-for-profit entities.

3 Effective Date. This act shall take effect January 1, 2017.

2016-1484s

AMENDED ANALYSIS

This bill regulates the use of drones by government agencies and individuals and establishes criminal penalties and civil remedies for violations of the law. This bill also prohibits, with certain exceptions, a person from flying a drone above a state or county correctional facility or a municipal jail.

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

Senator Sanborn asserts Rule 6-25 on HB 602-FN.

Senator Carson offered a floor amendment.

Sen. Carson, Dist 14

April 20, 2016

2016-1495s

04/09

Floor Amendment to HB 602-FN

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

1 New Chapter; Aeronautics; Drones. Amend RSA by inserting after chapter 422-C the following new chapter:

CHAPTER 422-D

DRONES

422-D:1 Definitions. In this chapter:

I. "Airspace" means the space above the ground in New Hampshire.

II. "Automated surveillance" means surveillance employing a mechanical or electronic device, computer or software, including but not limited to facial recognition technology, that functions continuously without continuous input from a human operator.

III. "Commercial purpose" means to exchange for money, goods or services or to exchange with the intention of directly or indirectly benefiting any business or other undertaking intended for profit.

IV. "Critical infrastructure" means a petroleum or chemical production, transportation, storage or processing facility; a chemical manufacturing facility; a pipeline and any appurtenance thereto; a wastewater treatment facility; a water treatment facility; a power generating station, plant or substation and any appurtenance thereto; a telecommunications central switching office; a flood control, hydroelectric power generation or water supply dam or reservoir; a county, city, or town jail or detention facility, police station or fire station; and any prison, facility, or institution under the control of the department of corrections. The term shall not include any facility or infrastructure of a utility that is located underground.

V. “Drone” means a powered, aerial vehicle, excluding a geosynchronous satellite, that:

- (a) Does not carry a human operator;
- (b) Uses aerodynamic forces to provide vehicle lift;
- (c) Can fly autonomously or be piloted remotely; and
- (d) May be expendable or recoverable.

VI. “Government” means the federal government, the state government and any political subdivisions thereof, and state and municipal agencies and departments, including employees and agents.

VII. “Image” means a record, including a photograph, of thermal, infrared, ultraviolet, visible light, or other electromagnetic waves; sound waves; odors; or other physical phenomena which captures conditions existing on or about real property or an individual located on that property.

VIII. “Imaging device” means a mechanical, digital, or electronic viewing device; still camera; camcorder; motion picture camera; or any other instrument, equipment, or format capable of recording, storing, or transmitting an image.

IX. “Individual” means a living human being.

X. “Information” means any evidence, images, sounds, or data gathered by a drone.

XI. “Law enforcement agency” means a lawfully established state, county, or municipal agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of the criminal laws.

XII. “Law enforcement officer” means a duly sworn employee of a law enforcement agency who is invested with the power of arrest or the detection of crime.

XIII. “Person” means individuals, partnerships, limited liability companies, corporations and any other organizations, including for-profit and not-for-profit entities, but excluding government.

XIV. “Surveillance” means the willful act of tracking or following, while photographing, taking images of, listening to, or making a recording of:

- (a) A recognizable individual or a group of individuals, including their movements, activities or communications; or
- (b) Motor vehicles identifiable by their license plates.

The term does not include such activities on real estate in which a person has a legal interest.

422-D:2 Government Use of Drones Limited; Exceptions.

I. Except as provided in paragraph II:

- (a) No government shall use a drone, or obtain, receive, use, or retain information acquired by or through a drone, to engage in surveillance, to acquire evidence, or to enforce laws;
- (b) No government shall use a drone equipped with an imaging device to record an image of an identifiable individual on privately-owned real property in violation of such individual’s reasonable expectation of privacy without his or her consent. For purposes of this subparagraph, an individual is presumed to have a reasonable expectation of privacy on privately-owned real property if he or she:

- (1) Is within an enclosed structure; or
- (2) Is not observable by individuals located at ground level in a public place where they have a legal right to be, regardless of whether he or she is observable from the air; and
- (c) No government shall operate a drone at a height of less than 250 feet over privately-owned real property unless it has the consent of its owner.

II.(a) Notwithstanding the provisions of paragraph I, a government may use a drone, or obtain, receive, use or retain information acquired by or through a drone, for law enforcement purposes under the following conditions only:

- (1) If surveillance is undertaken, with the prior consent of the person who is the subject of surveillance and the owner or lessee of the property which is the subject of the surveillance.

(2) If a government first obtains a search warrant signed by a judge and based on probable cause or the use of a drone is pursuant to a legally-recognized exception to the warrant requirement. A search warrant authorizing the use of a drone shall specify the period for which operation of the drone is authorized, which period shall not exceed 10 days unless subsequently renewed by a judge.

(3) If a government possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life or serious damage to property, or to forestall the imminent escape of a suspect, or the destruction of evidence, or to assist in locating missing, abducted or lost individuals, hunters or hikers, or to rescue persons in natural disasters, injured persons or persons in need of medical assistance.

(4) To counter a high risk of a terrorist attack or incident by a specific individual or organization which the United States Department of Homeland Security determines that credible intelligence indicates that there is such a risk.

(5) To increase situational awareness in understanding the nature, scale, and scope of an incident which has occurred and for planning and coordinating an effective and legal response, provided the incident is limited geographically and in time.

(6) To support the tactical deployment of law enforcement personnel and equipment in emergency situations.

(7) To document a specific crime scene, traffic crash scene or other major incident scene, such as a disaster caused by natural or human activity, provided such documentation is conducted in a geographically confined and time-limited manner.

(8) For purposes of training law enforcement officers or others in the proper, safe, and legal use of drones.

(b) A government which uses a drone, or obtains, receives, uses, or retains information acquired by or through a drone, pursuant to paragraph II may do so only if:

(1) Specifically authorized by the chief law enforcement officer of a law enforcement agency, or a supervisor designated by the chief law enforcement officer;

(2) The drone is not operated in an unsafe manner; and

(3) The drone is not operated in violation of United States Federal Aviation Administration regulations.

(c) The use of a drone by a government under subparagraphs II(a)(4) shall be limited to a period of 48 hours of its initial use after which a search warrant or other court order signed by a judge shall be required. The use of a drone by a government under subparagraphs II(a)(5)-(8) shall be limited to a period of 48 hours of its initial use after which reauthorization shall be required

(d) Within 5 business days of the initiation of the use of a drone under paragraph II(a), the government shall report in writing the use of a drone to the attorney general who shall annually post such reports on the department of justice website in a searchable format.

III. Unless the fact of a violation is being disputed, information obtained by a government in violation of paragraphs I and II shall, within 12 hours after the discovery of the violation, be permanently and irretrievably destroyed, shall not be transferred to another government or person, shall not be admissible in any judicial or administrative proceeding and shall not be used to establish reasonable suspicion or probable cause to believe that an offense has been committed.

IV. Images of identifiable individuals obtained by a government pursuant to paragraphs I or II shall be blurred, deleted, or otherwise de-identified as soon as practicable but in any case within 30 days after being obtained unless such images may be evidence in a criminal investigation.

V. No government shall own, use, or exercise control over a drone that is equipped with any kind of lethal or non-lethal weapon.

VI. A government that owns, uses, or exercises control over a drone that causes injury to a person or a person's property shall be liable for such injury if caused by the government's negligent or intentionally wrongful use of a drone pursuant to this chapter. Claims against governmental units as defined in RSA 507-B:1, I, and their officials and employees, shall be subject to the provisions of RSA 507-B and any other applicable immunities. Drones shall be considered motor vehicles solely for the purpose of bringing an action under RSA 507-B:2.

VII. A government that owns, uses, or exercises control over one or more drones shall annually on July 1 submit a written or electronic report to the attorney general containing information on the number of such drones, the number of times each such drone was used during the prior year and, in general terms, the purpose of each such use. The attorney general shall annually post such reports on the department of justice website in a searchable format.

422-D:3 Non-government Use of Drones Limited; Exceptions.

I. No person shall use a drone to engage in automated surveillance.

II. No person shall use a drone to engage in surveillance for commercial purposes without the prior consent of each affected person and each owner or possessor of affecting buildings or structures or parts thereof. It shall not be a defense to a charge of violating this chapter that the buildings or structures were not marked with a no-trespassing sign or similar notice.

III. No person shall use a drone equipped with an imaging device to record an image of an identifiable individual on privately-owned real property in which the person does not have a legally-recognized interest in violation of such individual's reasonable expectation of privacy without his or her consent. For purposes of this subparagraph, an individual is presumed to have a reasonable expectation of privacy on privately-owned real property if he or she:

(a) Is within an enclosed structure; or

(b) Is not observable by individuals located at ground level in a public place where they have a legal right to be, regardless of whether he or she is observable from the air.

IV. No person shall:

(a) Operate a drone or use a drone to photograph or electronically record critical infrastructure within a horizontal distance of 1,000 feet or a vertical distance of 400 feet from such critical infrastructure without the written consent of the owner of the critical infrastructure;

(b) Allow a drone to make contact with critical infrastructure facility, including any individual or object on the premises of or within the critical infrastructure; or

(c) Allow a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility or its occupants.

V. No person shall own, use, or exercise control over a drone that is equipped with any kind of lethal or non-lethal weapon. This prohibition shall not apply to a person who is a federal government military contractor using or exercising control over a drone which is equipped with a non-lethal weapon and which is flying over real property in which the person has a legal interest.

VI. Any person that owns, uses, or exercises control over a drone in this state that causes injury to a person or a person's property shall be liable for the injury.

VII. No person shall use a drone to harass or stalk another person.

VIII. No person shall operate a drone at a height of less than 250 feet over privately-owned real property unless the person has the consent of its owner.

IX. This chapter shall not apply to a business entity doing business lawfully in this state, using drones for legitimate business purposes, and operating the drone in a manner consistent with applicable Federal Aviation Administration rules, licenses, or exceptions.

422-D:4 Airport Prohibition. No government or person shall operate a drone within 5 miles of any airport in this state in a manner that does not comply with relevant federal law and Federal Aviation Administration regulations and guidelines in effect at the time.

422-D:5 Identification. Each owner of a drone shall identify the drone with the owner's name, address and telephone number in permanent ink and otherwise in a manner consistent with applicable Federal Aviation Administration rules, licenses, and exceptions.

422-D:6 General Prohibition. Except as otherwise provided in this chapter, no government shall use an imaging device to record an image of an identifiable individual on privately-owned real property in violation of such individual's reasonable expectation of privacy without his or her consent, nor shall any person use an

imaging device to record an image of an identifiable individual on privately-owned real property in which the person does not have a legally-recognized interest in violation of such individual's reasonable expectation of privacy without his or her consent. For purposes of this subparagraph, an individual is presumed to have a reasonable expectation of privacy on privately-owned real property if he or she:

I. Is within an enclosed structure; or

II. Is not observable by individuals located at ground level in a public place where they have a legal right to be, regardless of whether he or she is observable from the air.

422-D:7 Federal Preemption. If federal law preempts any provision of this chapter, that provision shall not apply.

422-D:8 Applicability. The provisions of this chapter shall not apply to the New Hampshire national guard in the conduct of its official duties.

422-D:9 Construction. This chapter shall be construed to provide the greatest possible protection of the privacy of the people of this state. Nothing in this chapter shall be construed to impose liability in connection with news gathering activity.

422-D:10 Penalties.

I. A government employee or agent who knowingly violates RSA 422-D:2, other than the reporting requirements in 422-D:2, II(c) and 422-D:2, VII, shall be guilty of a misdemeanor. A government employee or agent who violates the reporting requirements in RSA 422-D:2, II(c) or 422-D:2, VII shall be guilty of a violation for a first offense and a misdemeanor for any subsequent offense.

II. A government which violates RSA 422-D:2 may be subject to a civil penalty of up to \$10,000 which shall be deposited in the general fund of the state.

III. A person who suffers damages or injury caused by a government's negligent or intentionally wrongful use of a drone pursuant to this chapter may bring a civil action to recover actual damages which shall be limited to medical expenses, treatment, and rehabilitation, property damage, permanent physical impairment, court costs, and reasonable attorney's fees from the government. No claim for pain and suffering, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss of companionship, services, or consortium, or other non-pecuniary losses shall be compensable under this chapter. This paragraph shall not be construed as a waiver of the sovereign immunity of the state. Claims against governmental units, as defined in RSA 507-B:1, I, and their officials and employees, shall be subject to the provisions of RSA 507-B and any other applicable immunities. Drones shall be considered motor vehicles solely for the purpose of bringing an action under RSA 507-B:2.

IV. A person who violates RSA 422-D:3, I-VII shall be guilty of a misdemeanor.

V. Any person who suffers injury caused by a drone operated in violation of this chapter shall be entitled to damages from the person who committed the violation of not less than \$1,000 and an award of reasonable attorney fees.

VI. In addition to any other remedies allowed by law, a person who willfully gains unauthorized control over a drone shall be liable to the owner of the drone in an amount of not less than \$1,000 and an award of reasonable attorney fees.

2 New Section; Obstructing Governmental Operations; Flying a Drone Over a Correctional Facility. Amend RSA 642 by inserting after section 7 the following new section:

642:7-a Flying a Drone Over a Correctional Facility.

I. Except as otherwise provided in this section, no person shall fly a drone in the airspace above a state or county correctional facility, unless such person is acting on behalf of a business entity doing business lawfully in this state, using drones for legitimate business purposes, and operating the drone in a manner consistent with applicable Federal Aviation Administration rules, licenses, or exceptions.

II.(a) Any state or county correctional authority may fly a drone above a correctional facility over which it has control for security purposes.

(b) A state or county correctional authority may authorize a request by a person to fly a drone above a correctional facility over which they have control, provided the person:

(1) Requests permission from the appropriate correctional authority;

(2) Is authorized by the Federal Aviation Administration to operate a drone for commercial purposes; and

(3) Operates the drone in a manner that complies with the authorization.

III. Any person who violates this section shall be guilty of a class A misdemeanor.

IV. In this section:

(a) "Airspace" means the space above the ground on which a state or county correctional facility or municipal jail is sited.

(b) "Drone" means a powered, aerial vehicle, excluding a geosynchronous satellite, that:

- (1) Does not carry a human operator;
- (2) Uses aerodynamic forces to provide vehicle lift;
- (3) Can fly autonomously or be piloted remotely; and
- (4) May be expendable or recoverable.

(c) "Person" means an individual, corporation, organization, and for-profit or not-for-profit entities.

3 Effective Date. This act shall take effect January 1, 2017.

2016-1495s

AMENDED ANALYSIS

This bill regulates the use of drones by government agencies and individuals and establishes criminal penalties and civil remedies for violations of the law. This bill also prohibits, with certain exceptions, a person from flying a drone above a state or county correctional facility or a municipal jail.

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

Senator Sanborn asserts Rule 6-25 on HB 602-FN.

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

Senator Sanborn asserts Rule 6-25 on HB 602-FN.

SPECIAL ORDER

Without objection, the following bills were special ordered to the present time.

JUDICIARY

HB 636-FN, relative to forfeiture of property. Ought to Pass, Vote 3-0. Senator Daniels for the committee.

WAYS AND MEANS

HB 594-FN-A, establishing keno.

HB 1198-FN-L, relative to the valuation of poles and conduits owned by telephone utilities.

JUDICIARY

HB 636-FN, relative to forfeiture of property. Ought to Pass, Vote 3-0. Senator Daniels for the committee.

The question is on the adoption of the motion of Ought to Pass.

Senator Forrester moved to divide the question: Sections 1-4, and 9 II-III; Sections 5-8, and 9 I and III.

The Chair ruled the question divisible.

Recess. Out of recess.

The question is on the adoption of Ought to Pass, Sections 1-4, and 9 II-III.

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

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

The following Senators voted No: Hosmer, D'Allesandro.

Roll Call, Yeas: 21 - Nays: 2. Adopted.

Senator Avarad is excused.

Senator Sanborn asserts Rule 6-25 on HB 636-FN.

The question is on the adoption of Ought to Pass, Sections 5-8, and 9 I and III.

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

The following Senators voted Yes: Bradley, Little, Daniels, Carson, Reagan.

The following Senators voted No: Woodburn, Forrester, Watters, Pierce, Cataldo, Hosmer, Sanborn, Kelly, Lasky, Feltes, Boutin, Soucy, Birdsell, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

Roll Call, Yeas: 5 - Nays: 18. Failed.

Senator Avarad is excused.

Senator Sanborn asserts Rule 6-25 on HB 636-FN.

The question is on the adoption of the motion of Ought to Pass: Sections 1-4, and 9 II-III. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

Senator Sanborn asserts Rule 6-25 on HB 636-FN.

WAYS AND MEANS

HB 594-FN-A, establishing keno. Inexpedient to Legislate, Vote 4-1. Senator D'Allesandro for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate.

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

The following Senators voted Yes: Forrester, Bradley, Watters, Pierce, Kelly, Daniels, Feltes, Boutin, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Cataldo, Hosmer, Little, Sanborn, Lasky, Carson, Reagan, Soucy, Birdsell.

Roll Call, Yeas: 13 - Nays: 10. Adopted.

Senator Avarad is excused.

Senator Sanborn asserts Rule 6-25 on HB 594-FN-A.

HB 1198-FN-L, relative to the valuation of poles and conduits owned by telephone utilities. Ought to Pass with Amendment, Vote 4-1. Senator Sanborn for the committee.

Senate Ways and Means

April 19, 2016

2016-1463s

10/09

Amendment to HB 1198-FN-LOCAL

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

1 Reference Change. Amend RSA 72:8-a to read as follows:

72:8-a Telecommunications Poles and Conduits. ~~[Except as provided in RSA 72:8-b,]~~ All structures, poles, towers, and conduits employed in the transmission of telecommunication, cable, or commercial mobile radio services shall be taxed as real estate in the town in which such property or any part of it is situated. ***Except as provided in RSA 72:8-c,*** the valuation of such property shall be based on its value as real estate. Other devices and equipment, including wires, fiber optics, and switching equipment employed in the transmission of telecommunication, cable, or commercial mobile radio services shall not be taxable as real estate.

2 New Section; Property Taxation; Valuation of Poles and Conduits Owned by Telephone Utilities; Rule-making. Amend RSA 72 by inserting after section 8-b the following new section:

72:8-c Valuation of Telecommunications Poles and Conduits; Rulemaking.

I. The value of wooden poles or conduits employed in the transmission of telecommunications owned in whole or in part by telephone utilities, as described in RSA 362:7, or providers of Voice over Internet Protocol (“VoIP”) service or IP-enabled service, each as defined in RSA 362:7, or commercial mobile radio services, for purposes of tax assessment against said entity, shall be determined by the following formula: the Replacement Cost New (RCN) of the telecommunications pole or conduit, less depreciation calculated on a straight-line basis for a period of 40 years with a residual value of 20 percent.

II. On or before July 1 of the tax year, the department of revenue administration shall provide to every municipality a schedule of telecommunications pole and conduit RCN, using national published telecommunications standard cost data guides calculated annually using a 5-year rolling average.

III. The commissioner of the department of revenue administration shall adopt rules pursuant to RSA 541-A relative to how telecommunications pole and conduit RCN shall be established, including a process for receiving public input prior to such establishment.

3 New Section; Taxable Property; Inventory; Telecommunications Poles and Conduits. Amend RSA 74 by inserting after section 18 the following new section:

74:19 Inventories of Telecommunications Poles and Conduits.

I. In order to properly determine the value of property under RSA 72:8-c, an inventory of telecommunications poles and conduits shall be filed with the department of revenue administration and with the municipality where the property is located by each owner of telecommunications poles and conduits. Each form may include the following information:

- (a) Name and address of a contact person if the owner is a trust or corporation.
- (b) Detailed description of the telecommunication poles using most recent readily available information held by the owner.
- (c) Description of conduits using most recent readily available information held by the owner.
- (d) The filer’s dated signature certifying that the information indicated on the form is true.

II. The inventory of telecommunications poles and conduits required by this section shall be filed with the department of revenue administration and with the municipality where the property is located by the owner of telecommunications poles and conduits no later than July 1. Persons required to file the inventory of telecommunications poles and conduits who willfully fail to file or willfully make false statements on the forms shall be guilty of a violation.

III. Any person or corporation required to file an inventory of telecommunications poles and conduits shall be subject to the provisions of RSA 74:12.

4 Reference Change. Amend RSA 75:1 to read as follows:

75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, land classified as land under qualifying farm structures pursuant to RSA 79-F, buildings and land appraised under RSA 79-G as qualifying historic buildings, qualifying chartered public school property appraised under RSA 79-H, residential rental property subject to a housing covenant under the low-income housing tax credit program pursuant to RSA 75:1-a, renewable generation facility property subject to a voluntary payment in lieu of taxes agreement under RSA 72:74 as determined under said agreement, **telecommunications poles and conduits pursuant to RSA 72:8-c**, and all other taxable property at its market value. Market value means the property’s full and true value as the same would be appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination.

5 Effective Date. This act shall take effect September 1, 2016.

2016-1463s

AMENDED ANALYSIS

This bill establishes the valuation for purposes of the property tax assessment of wooden poles and conduits employed in the transmission of telecommunication owned in whole or in part by telephone utilities.

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

Senator Stiles is in opposition to the Committee Amendment on HB 1198-FN-L.

Senator Sanborn asserts Rule 6-25 on HB 1198-FN-L.

Senator Kelly moved to Lay on the Table HB 1198-FN-L. Failed.

Senator Sanborn asserts Rule 6-25 on HB 1198-FN-L.

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

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

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

The following Senators voted No: Woodburn, Forrester, Pierce, Feltes, Stiles.

Roll Call, Yeas: 18 - Nays: 5. Adopted, bill ordered to Third Reading.

Senator Avard is excused.

Senator Sanborn asserts Rule 6-25 on HB 1198-FN-L.

SPECIAL ORDER

Without objection, the following bill was special ordered to Thursday, May 5, 2016.

WAYS AND MEANS

HB 1656-FN, relative to exceptions to the real estate transfer tax.

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 1198-FN-L: rescind Order to Third Reading, and vote on Ought to Pass with Amendment. Adopted.

Senator Sanborn asserts Rule 6-25 on HB 1198-FN-L.

Recess. Out of recess.

WAYS AND MEANS

HB 1198-FN-L, relative to the valuation of poles and conduits owned by telephone utilities.

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

A roll call was requested by Senator Prescott, seconded by Senator Bradley.

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

The following Senators voted No: Pierce, Feltes, Stiles.

Roll Call, Yeas: 20 - Nays: 3. Adopted, bill ordered to Third Reading.

Senator Avard is excused.

Senator Sanborn asserts Rule 6-25 on HB 1198-FN-L.

JUDICIARY

HB 605-FN, relative to mandatory minimum sentences. Ought to Pass with Amendment, Vote 4-0. Senator Lasky for the committee.

Senate Judiciary

April 12, 2016

2016-1379s

04/10

Amendment to HB 605-FN

Amend RSA 263:64, IV as inserted by section 3 of the bill by replacing it with the following:

IV. Any person who violates this section by driving or attempting to drive a motor vehicle or by operating or attempting to operate an OHRV or snowmobile in this state during the period of suspension or revocation of his or her license or driving privilege for a violation of RSA 265:79 or an equivalent offense in another jurisdiction shall be guilty of a misdemeanor. Any person who violates this section by driving or attempting to drive a motor vehicle or by operating or attempting to operate an OHRV or snowmobile in this state during the period of suspension or revocation of his or her license or driving privilege for a violation of RSA 265-A:2, I, RSA 265-A:3, RSA 630:3, II, RSA 265:82, or RSA 265:82-a or an equivalent offense in another jurisdiction shall be guilty of a misdemeanor and [shah] **may** be sentenced to imprisonment for a period not less than 7 consecutive 24-hour periods to be served within 6 months of the conviction, [shah] **may** be fined not more than \$1,000, and [shah] **may** have his or her license or privilege revoked for an additional year. ~~[No portion of the minimum mandatory sentence of imprisonment shall be suspended by the court.]~~ No case brought to enforce this paragraph shall be continued for sentencing for longer than 35 days. ~~[No person serving the minimum mandatory sentence under this paragraph shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by title LXII or any other provision of law.]~~

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

Senator Soucy offered a floor amendment.

Sen. Soucy, Dist 18
April 20, 2016
2016-1509s
04/10

Amendment to HB 605-FN

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

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

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

HB 1584-FN, relative to the discharge of a person committed for nonpayment of a fine. Ought to Pass with Amendment, Vote 3-0. Senator Carson for the committee.

Senate Judiciary
April 12, 2016
2016-1366s
04/10

Amendment to HB 1584-FN

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

AN ACT relative to body-worn cameras for law enforcement officers.

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

1 New Chapter; Body-Worn Cameras. Amend RSA by inserting after chapter 105-C the following new chapter:

CHAPTER 105-D BODY-WORN CAMERAS

105-D:1 Definitions. In this chapter:

I. "Body-worn camera" or "BWC" means an electronic camera system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings that may be worn about the person of a law enforcement officer.

II. "Community caretaking function" means a task undertaken by a law enforcement officer in which the officer is performing an articulable act unrelated to the investigation of a crime. It includes, but is not limited to, participating in town halls or other community outreach, helping a child find his or her parents, providing death notifications, dealing with individuals asking for directions or other assistance, and performing in-home or hospital well-being checks on the sick, elderly, or persons presumed missing.

III. "In uniform" means a law enforcement officer who is wearing any officially authorized uniform designated by a law enforcement agency, or a law enforcement officer who is visibly wearing articles of clothing, a badge, tactical gear, gun belt, a patch, or other insignia that he or she is a law enforcement officer acting in the course of his or her duties.

IV. "Law enforcement officer" or "officer" means any person employed by a law enforcement agency.

V. "Law enforcement agency" or "agency" means a state, county, municipality, special district, security service or police of the community college system of New Hampshire or the university system of New Hampshire, security service of the legislative or judicial branch, unit of local government police department, or any other entity authorized by law to employ law enforcement officers or exercise police authority.

VI. "Law enforcement-related encounters or activities" include, but are not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control, non-community caretaking interactions with an individual while on patrol, or any other instance in which the officer is enforcing the laws of the municipality, county, or state. The term shall not include:

(a) Activities when the officer is completing paperwork alone or is in the presence of another law enforcement officer; or

(b) Community caretaking functions.

VII. "Recording" means the process of capturing data or information stored on a recording medium.

VIII. "Recording medium" means any recording medium for the retention and playback of recorded audio and video including, but not limited to, VHS, DVD, hard drive, cloud storage, solid state, digital, flash memory technology, or any other electronic medium.

IX. "Subject of the recording" means any law enforcement officer or any suspect, victim, detainee, conversant, injured party, witness, or other similarly situated person who appears on the recording, and shall not include people who only incidentally appear on the recording.

105-D:2 Use of Body-Worn Cameras.

I. This chapter shall apply to any law enforcement agency that elects to equip its law enforcement officers with body-worn cameras. All BWCs shall be operated in a manner consistent with the provisions of this chapter. Every law enforcement agency that elects to equip its officers with BWCs shall adopt policies and procedures relating to the use of BWCs and the retention and destruction of data consistent with this chapter.

II. Officers shall only use BWCs issued by their respective law enforcement agencies. BWC equipment and all data, images, and video captured, recorded, or otherwise produced by the equipment are the property of the officer's law enforcement agency and shall be subject to the restrictions in this chapter.

III. Officers who are assigned BWCs shall successfully complete an agency-approved training program to ensure proper use and operations.

IV. Officers shall only use BWCs while in uniform.

V. Officers shall activate the video and audio components of BWCs and start recording upon arrival on scene of a call for service, upon activation of lights and sirens, or when engaged in any law enforcement-related encounter or activity; provided, however, that in those cases set forth in subparagraphs VII(d), (e), and (h) and paragraph IX in which an individual has a right not to be recorded, officers shall inform an individual of this option. If a citizen then declines to be recorded, the officer shall deactivate the audio and video functions. The officer shall document the reason why the camera was not activated in the associated police report. If exigent circumstances exist which prevent the BWC from being activated as set forth above, the device must be turned on as soon as practicable.

VI. Recordings shall be specific to an incident. Officers shall not indiscriminately record entire duties or patrols.

VII. A BWC shall not be used to record any of the following:

(a) Communications with other police personnel except to the extent such communications are incidental to a permissible recording.

(b) Encounters with police personnel or individuals whom the officer knows are acting in an undercover capacity or as confidential informants respectively, unless expressly directed to be included as part of the investigation.

(c) Intimate searches, when otherwise permitted by the agency's strip-and-body-cavity search policy.

(d) An interview with a crime victim unless his or her express consent has been obtained before the recording is made. Any recording obtained shall be consistent with the New Hampshire attorney general's model protocol for response to adult sexual assault cases, the New Hampshire attorney general's domestic violence protocol for law enforcement, the New Hampshire attorney general's stalking protocol for law enforcement, and the New Hampshire attorney general's child abuse and neglect protocol, as applicable. This subparagraph may be waived upon approval of the head of the law enforcement agency or his or her designee when the parent or legal guardian is the subject of the investigation to which a juvenile is a victim or witness.

(e) Interactions with a person seeking to report a crime anonymously. In such an instance, the law enforcement officer shall, as soon as practicable, ask the person seeking to remain anonymous if the person wants the officer to use the officer's BWC. If the person responds negatively, the law enforcement officer shall deactivate the audio and video functions.

(f) While on the grounds of any public, private, or parochial elementary or secondary school, except when responding to an imminent threat to life or health or a call for service.

(g) When on break or otherwise engaged in personal activities.

(h) In a sensitive location where an individual has a reasonable expectation of privacy, such as a restroom or a locker room, except in exigent circumstances.

(i) In any instance when it is believed that an explosive device may be present and electrostatic interference from the BWC may trigger the device.

VIII. Officers shall inform an individual that he or she is being recorded as soon as practicable. When notification is not made, the recording officer shall note the reason for non-notification within the associated report.

IX. In locations where an individual has a reasonable expectation of privacy, such as a residence, a citizen may decline to be recorded unless the recording is being made while executing an arrest warrant, or a warrant issued by a court, or the officer is in the location pursuant to a judicially-recognized exception to the warrant requirement. Officers shall inform an individual of this option. If a citizen then declines to be recorded, the officer shall deactivate the audio and video functions. The officer shall document the reason why the camera was not activated in the associated police report.

X. Once activated, the BWC shall remain activated until the event is completed in order to ensure the integrity of the recording.

XI. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, or if the BWC malfunctions, the officer shall document why a recording was not made, was interrupted, or was terminated as part of the associated police report.

XII. Except as authorized in this section, no person, including without limitation officers and their supervisors, shall edit, alter, erase, delete, duplicate, copy, subject to automated analysis or analytics of any kind, including but not limited to facial recognition technology, share, display, or otherwise distribute in any manner any BWC recordings or portions thereof. This paragraph shall not apply to the sharing of a still image captured by the BWC to help identify an individual or vehicle suspected of being involved in a crime.

XIII. Recorded images and sound made from an agency-issued BWC shall be for law enforcement purposes only. All access to this data shall be audited to ensure that authorized users only are accessing the data for law enforcement purposes only. All access to BWC data shall be authorized by the head of the law enforcement agency and only for the purposes set forth in this chapter.

XIV. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other use of deadly force, the agency may limit or restrict an officer from viewing the video file.

XV. All recordings shall be securely and regularly stored in conformity to the most recent security policy of the Criminal Justice Information Services (CJIS) of the criminal justice information services division of the Federal Bureau of Investigation of the United States Department of Justice. Recordings shall not be divulged or used by a law enforcement agency for any commercial or other non-law enforcement purpose. Where a law enforcement agency authorizes a third party to act as its agent in storing recordings, the agent shall not independently access, view, or alter any recording, except to delete videos as required by law or agency retention policies. Neither the agency nor its agent shall subject any recording to analysis or analytics of any kind, including without limitation facial recognition technology and data mining.

XVI. Recordings made by a BWC shall be permanently destroyed by overwriting or otherwise not less than 90 days and not more than 180 days from the date of the recording, except that such recordings shall be retained by the law enforcement agency that employs the officer whose BWC made the recording, or an authorized agent thereof, for a minimum of 3 years if:

(a) The recording captures images involving any of the following:

(1) Any action by a law enforcement officer that involves the use of deadly force or restraint.

(2) The discharge of a firearm, unless the discharge was for firearms training or for the destruction of an animal.

(3) Death or serious bodily injury.

(4) An encounter that results in an arrest for a felony-level offense.

(5) An encounter about which a complaint has been filed with the police department within 90 days after the encounter.

(b) The recording is being retained by the law enforcement agency as evidence in a civil or criminal case or as part of an internal affairs investigation or as part of an employee disciplinary investigation.

XVII. Notwithstanding the provisions of paragraph XVI:

(a) If there is any other legal requirement for retaining the recording, including but not limited to litigation, a pending criminal case, or a valid court order, then the recording shall be retained only as long as is legally required; and

(b) The chief law enforcement officer of the agency or his or her designee may designate the recording as a training tool. A recording so designated and prepared may be viewed solely by officers for training purposes only.

XVIII. Any recording deemed to have been undertaken in violation of this chapter or any other applicable law shall not be admissible as evidence in any criminal or civil legal or administrative proceeding, except in a proceeding against an officer for allegedly engaging in misuse of a BWC.

2 New Subparagraph; Wiretapping and Eavesdropping; Exceptions. Amend RSA 570-A:2, II by inserting after subparagraph (l) the following new subparagraph:

(m) A law enforcement officer to make a body-worn recording pursuant to RSA 105-D.

3 New Paragraph; Access to Governmental Records, Exemptions. Amend RSA 91-A:5 by inserting after paragraph IX the following new paragraph:

X. Video and audio recordings made by a law enforcement officer using a body-worn camera pursuant to RSA 105-D, except where such recordings depict any of the following:

(a) Any restraint or use of force by a law enforcement officer; provided, however, that this exemption shall not include those portions of recordings which constitute an invasion of privacy of any person or which are otherwise exempt from disclosure.

(b) The discharge of a firearm.

(c) An encounter that results in an arrest for a felony-level offense, provided, however, that this exemption shall not apply to recordings or portions thereof that constitute an invasion of privacy or which are otherwise exempt from disclosure.

4 Effective Date. This act shall take effect January 1, 2017.

2016-1366s

AMENDED ANALYSIS

This bill:

I. Regulates a law enforcement agency's use of body-worn cameras.

II. Exempts such recordings from the wiretapping and eavesdropping statute and, under certain circumstances, from the right-to-know law.

The Chair ruled Committee Amendment 1366s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the consideration of non-germane Committee

Amendment 1366s to HB 1584-FN. Adopted by the necessary 2/3 vote.

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

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

HB 1586-FN, prohibiting the impersonation of an emergency medical technician or firefighter. Interim Study, Vote 3-0. Senator Carson for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

HB 1654-FN, relative to flying a drone above a correctional facility. Inexpedient to Legislate, Vote 4-0. Senator Carson for the committee.

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

PUBLIC AND MUNICIPAL AFFAIRS

HB 430, relative to extending the veterans' property tax credit to all honorably discharged veterans. Ought to Pass with Amendment, Vote 4-0. Senator Stiles for the committee.

Public and Municipal Affairs

April 20, 2016

2016-1508s

10/06

Amendment to HB 430

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

AN ACT relative to allowing towns and cities to adopt a property tax credit which extends the current veterans' property tax credit to all honorably discharged veterans.

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

1 New Section; Property Taxation; All Veterans' Property Tax Credit. Amend RSA 72 by inserting after section 28-a the following new section:

72:28-b All Veterans' Tax Credit.

I. A town or city may adopt or rescind the all veterans' property tax credit granted under this section by the procedure in RSA 72:27-a.

II. The credit granted under this section shall be the same as the amount of the standard or optional veterans' tax credit in effect in the town or city under RSA 72:28.

III. The all veterans' tax credit shall be subtracted each year from the property tax on the veteran's residential property.

IV. A person shall qualify for the all veterans' tax credit if the person is a resident of this state who served not less than 90 days on active service in the armed forces of the United States and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident, provided that Title 10 training for active duty by a member of a national guard or reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35.

2 All Veteran's Property Tax Credit; Adoption Procedure; Reference Added. Amend the introductory paragraph of RSA 72:27-a, I to read as follows:

I. Any town or city may adopt the provisions of RSA 72:28, **RSA 72:28-b**, RSA 72:29-a, RSA 72:35, RSA 72:37, RSA 72:37-b, RSA 72:38-b, RSA 72:39-a, RSA 72:62, RSA 72:66, RSA 72:70, or RSA 72:76 in the following manner:

3 Definition of Resident; Reference Added. Amend RSA 72:29, I to read as follows:

I. The word "resident" as used in RSA 72:28 **and RSA 72:28-b** shall mean a person who has resided in this state for at least one year preceding April 1, in the year in which the tax credit is claimed.

4 References Added; Proration of Tax Credit; Husband and Wife; Allied Forces. Amend RSA 72:30 - 72:32 to read as follows:

72:30 Proration of Tax Credit. If any entitled person or persons shall own a fractional interest in residential real estate, each such entitled person shall be granted a tax credit in proportion to his or her interest therein with other persons so entitled, but in no case shall the total tax credit exceed the tax credit allowed under RSA 72:28, I or II, **or RSA 72:28-b**, except as provided in RSA 72:31.

72:31 Husband and Wife. A husband and wife, each qualifying for a tax credit, shall each be granted a tax credit upon their residential real estate as provided under RSA 72:28, I or II, **or RSA 72:28-b**.

72:32 Veterans of Allied Forces. Any person otherwise entitled under the provisions of RSA 72:28, **28-b**, 30 and 31 who being a citizen of the United States, or being a resident of New Hampshire, at the time of his **or her** entry therein, served on active duty in the armed forces of any of the governments associated with the United States in the wars, conflicts, or armed conflicts set forth in RSA 72:28, shall be entitled to the tax credit authorized by RSA 72:28 **or RSA 72:28-b**.

5 Definitions; References Added. Amend RSA 72:29, VI to read as follows:

VI. For purposes of RSA 72:28, **28-b**, 29-a, 30, 31, 32, 33, 35, 36-a, 37, 37-a, 37-b, 38-a, 39-a, 62, 66, and 70, the ownership of real estate, as expressed by such words as "owner," "owned" or "own," shall include those who have placed their property in a grantor/revocable trust or who have equitable title or the beneficial interest for life in the subject property.

6 Property Taxation; Application Procedure; Reference Added. Amend the introductory paragraph of RSA 72:33, I to read as follows:

I. No person shall be entitled to the exemptions or tax credits provided by RSA 72:28, **28-b**, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-b, 39-b, 62, 66, and 70 unless the person has filed with the selectmen or assessors, by April 15 preceding the setting of the tax rate, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the exemption or tax credit is claimed and that the applicant was duly qualified upon April 1 of the year in which the exemption or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application. The form shall include the following and such other information deemed necessary by the commissioner:

7 Appeals; Reference Added. Amend RSA 72:34-a to read as follows:

72:34-a Appeal From Refusal to Grant Exemption, Deferral, or Tax Credit. Whenever the selectmen or assessors refuse to grant an applicant an exemption, deferral, or tax credit to which the applicant may be entitled under the provisions of RSA 72:23, 23-d, 23-e, 23-f, 23-g, 23-h, 23-i, 23-j, 23-k, 28, **28-b**, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-a, 38-b, 39-a, 39-b, 41, 42, 62, 66, or 70 the applicant may appeal in writing, on or before September 1 following the date of notice of tax under RSA 72:1-d, to the board of tax and land appeals or the superior court, which may order an exemption, deferral, or tax credit, or an abatement if a tax has been assessed.

8 Interpretation by Commissioner of Revenue Administration. Amend RSA 72:36, I to read as follows:

I. The commissioner's interpretation of RSA 72:28, **72:28-b**, 72:29, 72:29-a, 72:30, 72:31, 72:32, 72:33, 72:34, 72:34-a, 72:35, 72:36-a, 72:37, 72:37-a, 72:37-b, 72:38-a, 72:38-b, 72:39-a, 72:39-b, 72:41, 72:62, 72:66, and 72:70; and

9 Standard and Optional Veterans' Credit; Active Service. Amend RSA 72:28, IV(a) to read as follows:

(a) Every resident of this state who served not less than 90 days **on active service** in the armed forces of the United States in any qualifying war or armed conflict listed in this section and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident, provided that Title 10 training for active duty by a member of a national guard or reserve shall be included as service under this subparagraph;

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

2016-1508s

AMENDED ANALYSIS

This bill enables towns and cities to adopt an additional veterans' property tax credit for honorably discharged veterans who are not eligible for the current veterans' property tax credit or the tax credit for service-connected total disability by extending the current tax credit amount to all such veterans.

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

Senators Birdsell and Carson assert Rule 6-25 on HB 430.

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

Senators Birdsell and Carson assert Rule 6-25 on HB 430.

HB 1377, relative to receipt of absentee ballots. Ought to Pass with Amendment, Vote 4-0. Senator Birdsell for the committee.

Public and Municipal Affairs

April 20, 2016

2016-1513s

06/09

Amendment to HB 1377

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Absentee Voting; Procedure for Refusal to Certify. Amend RSA 657:16 to read as follows:

657:16 Refusal to Certify; Procedure. If he or she refuses to certify the application, the town or city clerk shall notify the applicant in writing within 7 days to that effect. The town or city clerk shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted unless the applicant submits the documents necessary to complete an absentee registration. The applicant shall be advised in writing what documents, if any, have been received in proper form and which the applicant must submit in the outer envelope that contains the absentee ballot envelope. The town or city clerk shall mark the absentee ballot application, the absentee ballot affidavit, and the outer envelope with the words "Not Registered." Upon receipt of an outer envelope marked "Not Registered," the clerk shall open the outer envelope. If the applicant returns the required documents ~~[in proper form]~~ with the absentee ballot ~~[and if the applicant is found to be qualified]~~ **by the date set for correcting the checklist under RSA 654:27 and RSA 654:28**, the town or city clerk, shall forward the registration forms to the supervisors of the checklist and **if the applicant is found to be qualified**, the applicant shall be registered and his or her absentee ballot shall be processed in the same manner as the absentee ballot of a previously registered voter. If the ballot is returned without the required documents in proper form, the ballot shall be marked in the manner set forth by law for successfully challenged absentee ballots and preserved in accordance with RSA 33-A:3-a. The clerk shall preserve the application of any applicant who is not registered as a voter until the time set by law for the destruction of the ballots after the election at which time the application shall be destroyed. Any justice of the superior court has jurisdiction in equity upon such notice as he or she may order to require that the name of the person making application for an absentee ballot be placed upon the checklist or registered as a member of any party and be sent an absentee ballot.

3 Absentee Voting; Sending Absentee Ballots. Amend RSA 657:15 to read as follows:

I. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver, email, or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:8 or designate an assistant to deliver such materials to the applicant. The clerk's option to email an absentee ballot to a voter shall apply only to absentee ballot applications from UOCAVA voters. The clerk shall send absentee ballots in response to verified absentee ballot requests until 5:00 p.m. on the day before the election. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absentee ballots have been sent, and shall identify those official absentee ballots which have been returned to the clerk and shall record the absentee voter applicant information in the statewide centralized voter registration database. ~~[Candidates whose names appear on the ballot and persons bearing notarized requests or copies of notarized requests from candidates whose names appear on the ballot may obtain a list of absentee voter applicants, excluding voters who have presented to the supervisors of the checklist valid protective orders pursuant to RSA 173-B;]~~ The lists shall not be available for public inspection at any time without a court order.

II. Candidates whose names appear on the ballot and persons bearing notarized requests or copies of notarized requests from candidates whose names appear on the ballot may obtain a list of absentee voter applicants from the clerk, excluding voters who have presented to the supervisors of the checklist valid protective orders pursuant to RSA 173-B.

III. Candidates whose names appear on the ballot for statewide office and persons bearing a notarized request from candidates whose names appear on the ballot for statewide office may obtain a statewide list of absentee voter applicants, excluding voters who have presented to the supervisors of the checklist valid protective orders pursuant to RSA 173-B from the secretary of state. Information on the statewide absentee voter list shall be limited to voter name, voter ID number, and the date the absentee ballot was requested.

IV. The subscription fee for providing a statewide list of absentee voters by the secretary of state under this section shall be \$2,000 per election, all of which shall be deposited in the election fund under RSA 5:6-d. The secretary of state shall update the original list of absentee voters on a regular basis.

2016-1513s

AMENDED ANALYSIS

This bill:

I. Requires absentee ballots to be received by the town, city, or ward clerk no later than 5 p.m. on the day of the election.

II. Modifies the procedure for refusal to certify an application for an absentee ballot.

III. Permits candidates for state office to obtain a statewide list of absentee voter applicants from the secretary of state.

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

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

TRANSPORTATION

HB 280-FN, authorizing multi-use decal plates, multi-use veterans decal plates, and relative to special motorcycle number plates for disabled veterans. Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

Senate Transportation

April 19, 2016

2016-1489s

03/06

Amendment to HB 280-FN

Amend the introductory paragraph of RSA 261-B:3, I as inserted by section 1 of the bill by replacing it with the following:

I. Organizations that have statutory authority to issue decals (i) shall have been granted and continue to hold tax exempt status under 26 U.S.C. section 501(c)(3) to participate in the multi-use decal number plate program, (ii) shall have a New Hampshire address registered with the department of justice, and (iii) shall not be named for, or associated with, a political issue or a person who seeks, holds, or has held a public office. To issue decals under this chapter, an organization shall file an annual report with the director of motor vehicles, in a format and time established by the director, containing the following:

2016-1489s

AMENDED ANALYSIS

This bill authorizes multi-use decal number plates which may bear decals issued by certain tax-exempt organizations authorized by statute.

This bill authorizes multi-use veterans decal number plates and the issuance of the decals by the state office of veterans services.

This bill allows a person who is eligible for a special number plate for disabled veterans to be issued an additional special number plate for a motorcycle.

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

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

HB 1445-FN, relative to tinted windows on motor vehicles. Inexpedient to Legislate, Vote 3-2. Senator Waters for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate.

A division vote was requested.

Division, Yeas: 12 - Nays: 9. Adopted.

Senator Sanborn asserts Rule 6-25 on HB 1445-FN.

HB 1697-FN, relative to the operation and insurance of transportation network companies. Ought to Pass with Amendment, Vote 5-0. Senator Daniels for the committee.

Senate Transportation
April 20, 2016
2016-1510s
06/10

Amendment to HB 1697-FN

Amend the bill by replacing section 1 with the following:

1 New Chapter; Transportation Network Company. Amend RSA by inserting after chapter 376 the following new chapter:

CHAPTER 376-A TRANSPORTATION NETWORK COMPANY

376-A:1 Definitions. In this chapter:

I. "Department" means the department of safety.

II. "Digital network" means any online enabled technology application service, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

III. "Personal vehicle" means a vehicle that is used by a transportation network company driver to provide a prearranged ride and is:

- (a) Owned, leased, or otherwise authorized for use by the transportation network company driver; and
- (b) Not a motor carrier or taxicab under RSA 376:2.

IV. "Prearranged ride" means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include transportation provided through any of the following:

- (a) A motor carrier or taxicab as defined in RSA 376:2.
- (b) Shared expense carpool or vanpool arrangements.
- (c) A regional transportation provider.

V. "Transportation network company" (TNC) means a corporation, partnership, sole proprietorship, or other entity, that has a permit issued by the department and is operating in New Hampshire, that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company shall not be deemed to control, direct, or manage the personal vehicles or transportation network company drivers that connect to its digital network, except where agreed to by written contract.

VI. "Transportation network company driver" (TNC driver) means an individual who:

(a) Receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

(b) Uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

VII. "Transportation network company rider" (rider) means a person who uses a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

376-A:2 Not Other Carriers. No TNC or TNC driver is a motor carrier, nor do they provide taxicab services pursuant to RSA 376:2. No TNC or TNC driver shall be required to:

I. Apply for a common carrier certificate under RSA 376:4 or a contract carrier permit under RSA 376:7; or

II. Register personal vehicles under RSA 376:24.

376-A:3 TNC Permit Required. No person shall operate a TNC in New Hampshire without first having obtained a permit from the department, provided that any transportation network company operating in the state before the effective date of this chapter may continue to operate in the state until the department establishes a permit process and provides a reasonable period in which to apply for and obtain a permit. The department shall issue a permit to each applicant that meets the requirements for a TNC under this chapter, and pays an annual permit fee of \$500 to the department. The permit shall be issued annually and shall be effective on the date of issue.

376-A:4 Agent. Every TNC shall appoint an agent for service of process in the state of New Hampshire.

376-A:5 Fare. On behalf of a TNC driver, a TNC may charge a fare for the services provided to riders provided that if a fare is collected from a rider, the TNC shall disclose to the rider the fare or the fare calculation method on its website, within the vehicle, or on the online application service. The TNC shall also provide riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC driver's vehicle.

376-A:6 Identification of TNC Vehicles and Drivers. The TNC's digital network or website shall display a picture of the TNC driver, and the license plate number of the motor vehicle utilized for providing the prearranged ride before the rider enters the TNC driver's vehicle.

376-A:7 Receipt. Within a reasonable period of time following the completion of a trip, a TNC shall transmit an itemized receipt to the rider on behalf of the TNC driver.

376-A:8 Financial Responsibility of TNCs. On the effective date of this chapter and thereafter:

I. Every TNC driver, or TNC on behalf of the driver, shall maintain primary motor vehicle insurance that recognizes that the driver is a TNC driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver:

(a) While the driver is logged on to the TNC's digital network; or

(b) While the driver is engaged in a prearranged ride.

II. The following motor vehicle insurance requirements shall apply while a participating TNC driver is logged on to the TNC's digital network but is not engaged in a prearranged ride:

(a) Primary motor vehicle liability insurance, consistent with RSA 259:61, in the amount of at least \$50,000 for death and bodily injury per person; \$100,000 for death and bodily injury per incident; and \$25,000 for property damage, including the duty to defend.

(b) Coverage consistent with New Hampshire financial responsibility laws.

III. The coverage requirements of paragraph II may be satisfied by any of the following:

(a) Motor vehicle insurance maintained by the TNC driver;

(b) Motor vehicle insurance maintained by the TNC; or

(c) Any combination of subparagraphs (a) and (b).

IV. The following motor vehicle insurance requirements shall apply while a TNC driver is engaged in a prearranged ride:

(a) Primary automobile liability insurance that provides at least \$300,000 for death, bodily injury, and property damage.

(b) Coverage consistent with New Hampshire financial responsibility laws.

V. The coverage requirements of paragraph IV may be satisfied by any of the following:

(a) Motor vehicle insurance maintained by the TNC driver;

(b) Motor vehicle insurance maintained by the TNC; or

(c) Any combination of subparagraphs (a) and (b).

VI. If insurance maintained by the TNC driver in paragraphs II and IV has lapsed or does not provide the required coverage, insurance maintained by the TNC shall provide the coverage required by this section beginning with the first dollar of a claim and shall have the duty to defend and indemnify such claim.

VII. Coverage under a motor vehicle insurance policy maintained by the TNC shall not be dependent on a personal motor vehicle insurer first denying a claim nor shall a personal motor vehicle insurance policy be required to first deny a claim.

VIII. Insurance required by this section shall be placed with an admitted insurer that has the requisite certificate of authority to write motor vehicle insurance pursuant to RSA 401:1. Insurance required under this section may be placed with an unadmitted surplus lines insurer consistent with the provisions of RSA 405:24 through RSA 405:31, that has a credit rating of no less than "A-" from A.M. Best or "A" from Demotech or a similar rating from another rating agency recognized by the insurance department.

IX. Every TNC driver shall carry physical or electronic proof of coverage satisfying paragraphs II and IV with him or her at all times during his or her use of a vehicle in connection with a TNC's digital network. In the event of an accident, a TNC driver shall provide this insurance coverage information to the directly interested parties, automobile insurers, and investigating police officers. Upon request, a TNC driver shall also disclose to directly interested parties, automobile insurers, and investigating police officers, whether he or she was logged on to the TNC's digital network or on a prearranged ride at the time of an accident.

376-A:9 Disclosures. Every TNC shall disclose in writing to the TNC driver the following:

I. The insurance coverage, including the types of coverage and the limits for each coverage, that the TNC provides while the TNC driver uses a personal vehicle in connection with a TNC's digital network.

II. That the TNC driver's own motor vehicle insurance policy might not provide any coverage while the TNC driver is logged on to the TNC's digital network or is engaged in a prearranged ride, depending on its terms.

III. That the TNC driver shall contact the driver's personal vehicle insurer or insurance producer and lienholder to advise the insurer or producer and lienholder that the driver will be providing TNC services.

IV. That if the personal vehicle that the TNC driver uses to provide TNC services has a lien against it, using the personal vehicle for TNC services without physical damage coverage may violate the terms of the contract with the lienholder.

V. That if a TNC's insurer makes a payment for a claim covered under comprehensive coverage or collision coverage, the TNC shall cause its insurer to issue the payment directly to the business repairing the personal vehicle or jointly to the owner of the personal vehicle and the primary lienholder on the covered personal vehicle.

376-A:10 Motor Vehicle Insurance Provisions.

I.(a) Insurers that write motor vehicle insurance in New Hampshire may exclude any and all coverage afforded under the policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a TNC driver is logged on to a TNC's digital network or while a driver provides a prearranged ride. The right to exclude all coverage may apply to any coverage included in a motor vehicle insurance policy including, but not limited to:

(1) Liability coverage for bodily injury and property damage.

(2) Uninsured and under insured motorist coverage.

(3) Medical payments coverage.

(4) Comprehensive physical damage coverage.

(5) Collision physical damage coverage.

(b) If the coverage has been excluded under this paragraph, and the insurance required to be maintained by the TNC driver under RSA 376-A:8, II and IV has lapsed or does not provide the required coverage, the state financial responsibility requirements in RSA 259:61, I, including costs of defense, shall be satisfied by the TNC's motor vehicle insurance policy, beginning with the first dollar of a claim. Nothing in this section implies or requires that a personal motor vehicle insurance policy provide coverage while the TNC driver is logged on to the TNC's digital network, while the TNC driver is engaged in a prearranged ride, or while the TNC driver otherwise uses a vehicle to transport passengers for compensation. Nothing in this section shall be construed to require an insurer to use any particular policy language or reference to this section in order to exclude any and all coverage for any loss or injury that occurs while a driver is logged on to a TNC's digital network or while a TNC driver provides a prearranged ride. Nothing in this section shall be deemed to preclude an insurer from providing primary or excess coverage for the TNC driver's vehicle, if it chooses to do so by contract or endorsement.

II. No automobile insurer that excludes the coverage described in RSA 376-A:8 shall have a duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this section shall be deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in New Hampshire prior to the enactment of this chapter, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy, shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of RSA 376-A:8 at the time of loss.

III. In a claims coverage investigation, TNCs shall immediately provide, upon request by 3 directly involved parties or any insurer of the TNC driver if applicable, the precise times that a TNC driver logged on and off of the TNC's digital network in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident. Insurers under RSA 376-A:8 shall disclose, upon request by any other insurer involved in the particular claim, the applicable coverage, exclusions, and limits provided under any automobile insurance maintained under RSA 376-A:8.

376-A:11 Zero Tolerance for Drug or Alcohol Use.

I. The TNC shall implement a zero tolerance policy regarding a TNC driver's activities while accessing the TNC's digital platform. The zero tolerance policy shall address the use of drugs or alcohol while a TNC driver is providing prearranged rides or is logged into the TNC's digital network but is not providing prearranged rides, and the TNC shall provide notice of this policy on its website, as well as procedures to report a complaint about a TNC driver with whom a rider was matched and whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

II. Upon receipt of such rider complaint alleging a violation of the zero tolerance policy, the TNC shall suspend such TNC driver's access to the TNC's digital platform as soon as possible, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

III. The TNC shall maintain records relevant to the enforcement of this requirement for a period of at least 2 years from the date that a rider complaint is received by the TNC. The suspension shall last the duration of the investigation.

376-A:12 TNC Driver Requirements.

I. Before allowing an individual to accept trip requests through a TNC's digital platform:

(a) The individual shall submit an application to the TNC, which includes information regarding his or her address, age, driver's license, motor vehicle registration, automobile liability insurance, and other information required by the TNC.

(b) The TNC shall conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include:

(1) Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search); and

(2) U.S. Department of Justice National Sex Offender Public Website.

(c) The TNC shall obtain and review, or have a third party obtain and review, a driving history research report from such individual.

II. No individual shall act as a TNC driver on the TNC's digital platform who:

(a) Has had more than 3 moving violations in the prior 3-year period, or one major violation in the prior 3-year period, including, but not limited to, attempting to evade the police, reckless driving, or driving with a suspended or revoked license.

(b) Has been convicted, within the past 7 years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror.

(c) Is a match in the National Sex Offender Registry database.

(d) Does not possess a valid driver's license.

(e) Does not possess proof of registration for the motor vehicle used to provide prearranged rides.

(f) Does not possess proof of automobile liability insurance for the motor vehicle used to provide prearranged rides.

(g) Is not at least 19 years of age.

376-A:13 Vehicle Safety. Prior to permitting a TNC driver to accept trip requests through the TNC's digital platform, the TNC shall ensure that the TNC driver's personal vehicle meets New Hampshire's vehicle safety requirements for private motor vehicles.

378-A:14 Street Hails Prohibited. No TNC driver shall solicit or accept street hails.

376-A:15 Discrimination Prohibited; Accessibility.

I. The TNC shall adopt a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to riders and potential riders and notify TNC drivers of such policy.

II. TNC drivers shall comply with all applicable laws regarding nondiscrimination against riders or potential riders on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

III. TNC drivers shall comply with all applicable laws relating to accommodation of service animals.

IV. No TNC shall impose additional charges for providing services to persons with physical disabilities because of such disabilities.

V. Every TNC shall provide riders an opportunity to indicate whether they require a wheelchair accessible vehicle. If a TNC cannot arrange a wheelchair accessible prearranged ride in any instance, it shall direct the rider to an alternate provider of wheelchair accessible service, if available.

376-A:16 Records. Every TNC shall maintain the following customer records:

I. Individual trip records for at least one year from the date each trip was provided.

II. TNC driver records at least until the one year anniversary of the date on which a TNC driver's customer relationship with the TNC has ended.

376-A:17 Controlling Authority. Notwithstanding any other provision of law, TNCs and TNC drivers are governed exclusively by this chapter and any rules by the department of safety consistent with this chapter. No municipality or other local entity may impose a tax on, or require a license for, a TNC, a TNC driver, or a vehicle used by a TNC driver where such tax or licenses relates to providing prearranged rides, or subject a TNC to the municipality's or other local entity's rate, entry, operational, or other requirements.

376-A:18 Penalties. The department shall adopt rules pursuant to RSA 541-A for penalties, including:

I. The department may assess an administrative penalty for violations of this chapter in an amount not to exceed \$500 for a first offense and \$1,000 for a subsequent offense. Failure to pay such a penalty shall result in revocation of the TNC permit.

II. The department may suspend or revoke the TNC permit for repeated violations of this chapter.

III. Any person who subverts the intent and purposes of this chapter by filing false, misleading, or substantially inaccurate statements with the department shall be guilty of a violation.

376-A:19 General Duties and Powers of the Commissioner; Rulemaking.

I. The commissioner shall regulate transportation network companies.

II. The commissioner shall administer and enforce RSA 376-A and shall adopt rules, pursuant to RSA 541-A, relative to the administration of RSA 376-A.

III. The commissioner may adopt rules, pursuant to RSA 541-A, relative to:

- (a) Audits for compliance with this chapter and rules relative to the administration of RSA 376-A;
- (b) Procedures for permit application and renewal;
- (c) Account and record systems;
- (d) Preservation of records and accounts; and
- (e) Procedures for investigating and disposing of complaints, including a hearing process.

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

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

WAYS AND MEANS

HB 1385-FN-A, relative to the sale or exchange of an interest in a business organization under the business profits tax. Ought to Pass with Amendment, Vote 5-0. Senator Sanborn for the committee.

Senate Ways and Means

April 19, 2016

2016-1465s

09/10

Amendment to HB 1385-FN-A

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

AN ACT making certain changes to business profits tax provisions affecting a business organization when owners sell or exchange ownership interests in the business.

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

1 Business Profits Tax; Addition to Gross Business Profits. RSA 77-A:4, XIV is repealed and reenacted to read as follows:

XIV. In the case of a business organization where an ownership interest in the business organization is sold or exchanged and the transaction, for federal income tax purposes, results in an increase in the basis of the assets for one or more of the parties to the transaction, the business organization shall:

(a) Add to the gross business profits of the business organization, for each taxable period, an amount equal to the annual depreciation or amortization attributable to the increase in the basis of the assets recognized by the parties to the transaction for federal income tax purposes; and

(b) Calculate the gain or loss on the sale or other disposition of the assets without regard to the basis increase recognized by any party to the transaction, for federal income tax purposes, from the sale or exchange of the ownership interest in the business organization.

2 Applicability. Section 1 of this act shall take effect for sales or exchanges of ownership interests in business organizations that occur on and after January 1, 2016.

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

2016-1465s

AMENDED ANALYSIS

This bill makes certain changes to business profits tax provisions affecting a business organization when owners sell or exchange ownership interests in the business.

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

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

Recess. Out of recess.

HB 1391, relative to the price of bingo cards at senior bingo and bingo at private campgrounds and hotels. Ought to Pass with Amendment, Vote 4-0. Senator Sanborn for the committee.

Senate Ways and Means
April 12, 2016
2016-1380s
08/10

Amendment to HB 1391

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

AN ACT relative to the price of bingo cards at senior bingo and bingo at private campgrounds and hotels, and relative to the price of lucky 7 tickets.

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

3 Lucky 7 Licenses; Price of Lucky 7 Tickets. Amend RSA 287-E:20, II to read as follows:

II. The price of any lucky 7 ticket pack or ticket card shall not exceed [~~\$.50~~] **\$.75**.

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

2016-1380s

AMENDED ANALYSIS

This bill:

I. Raises the limit on the price paid per bingo card at senior bingo.

II. Sets limits on payouts for senior bingo and bingo at private campgrounds and hotels.

III. Raises the maximum price of lucky 7 tickets.

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

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

COMMERCE

HB 1227, repealing provisions of law regulating Sunday business activities. Ought to Pass, Vote 5-0. Senator Cataldo for the committee.

This bill repeals the law prohibiting Sunday business activities and removes differing Sunday hours for bingo and games of chance. The committee felt this bill modernized the statutes to better reflect the current business atmosphere in the state.

Senator D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist 20
April 26, 2016
2016-1609s
10/03

Floor Amendment to HB 1227

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

AN ACT repealing provisions of law regulating Sunday business activities and relative to the consumption of liquor at sports complexes.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Cocktail Lounge Licenses; Sports/Entertainment Complex. Amend RSA 178:22, V(u)(1) to read as follows:

(1) The commission may issue a cocktail lounge license to the owner of a sports/entertainment complex, or any operator or designee contracting with the owner of the complex. Such license shall allow the sale or service of liquor and beverage in any clearly defined areas approved by the commission. Liquor and beverage shall be sold only at such times as a fee is charged for admission to an event at the sports/entertainment complex. Liquor and beverage shall not be sold or consumed in stadium or skybox seating at any [~~intercollegiate or~~] interscholastic event. The provisions of RSA 178:22, II shall not apply to this license.

2016-1609s

AMENDED ANALYSIS

This bill repeals the law prohibiting Sunday business activities and removes differing Sunday hours for bingo and games of chance. This bill also permits liquor and beverage sales and consumption in stadium or skybox seating at intercollegiate events at licensed sports/entertainment complexes.

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

Senator Sanborn asserts Rule 6-25 on HB 1227.

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

Senator Sanborn asserts Rule 6-25 on HB 1227.

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

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

EDUCATION

SB 326, relative to the membership of the community college system of New Hampshire board of trustees.

Senator Reagan moved nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Reagan, Avard, and Kelly.

Senator Carson asserts Rule 6-25 on SB 326.

ENERGY AND NATURAL RESOURCES

SB 375, establishing the coastal marine natural resources and environment commission.

Senator Bradley moved concurrence. Adopted.

TRANSPORTATION

SB 358, relative to use of navigation devices in motor vehicles.

Senator Stiles moved concurrence. Adopted.

WAYS AND MEANS

SB 343, establishing a commission to study apportionment of gross business profits under the business profits tax.

Senator Boutin moved concurrence. Adopted.

SB 442-L, relative to property taxation of public real estate used or occupied by a private person.

Senator Boutin moved concurrence. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Senator 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

Senator Birdsell: HB 430

Senator Carson: HB 430, SB 326

Senator Little: HB 601-FN, HB 1685-FN

Senator Sanborn: HB 594-FN-A, HB 602-FN, HB 636-FN, HB 1170, HB 1198-FN-L, HB 1227, HB 1349-FN, HB 1423-FN, HB 1445-FN, HB 1540-FN, HB 1589-FN, HB 1608-FN, HB 1633-FN, HB 1660-FN-L, HB 1685-FN

ANNOUNCEMENTS

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. A point of personal privilege? And I want to be brief. Today is "Super Hero Day" and I have a grandson who is a "Super Hero" – the "Blue Ear." And the "Blue Ear" is going to be given an award at Rockefeller Center in New York in November by *Marvel Comics*. They purchased the rights to the Blue Ear, and he will be there given this one accomplishment. Youngsters from all over the world who are hard of hearing, who are hard of hearing, now wear their hearing aids because the "Blue Ear" has been out there telling them the way to hear it better, the way to speak better is to wear your hearing aid. I'm as proud as anybody could be; little Anthony Smith is not only my super hero, but he's a real super hero, and today is a great day for him. It's a great day for America – for Anthony Smith! Thank you. Thank you! Thank you, Mister President.

Without objection all personal privileges and unanimous consent (other remarks) shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17)

LATE SESSION

Third Reading and Final Passage

HB 430, (New Title) relative to allowing towns and cities to adopt a property tax credit which extends the current veterans' property tax credit to all honorably discharged veterans.

HB 605-FN, (New Title) relative to mandatory minimum sentences.

HB 626-FN-A, (New Title) authorizing energy infrastructure development and designating energy infrastructure corridors and requiring the department of transportation to adopt an updated and revised utility accommodation manual.

HB 659-FN-LOCAL, (New Title) relative to eligibility for an absentee ballot.

HB 1148, (New Title) establishing a committee to review potential statutory revisions to constrain possible stranded costs associated with pipeline capacity contracts.

HB 1170, relative to special permits for OHRV operation in Jericho Mountain State Park.

HB 1198-FN-LOCAL, relative to the valuation of poles and conduits owned by telephone utilities.

HB 1227, (New Title) repealing provisions of law regulating Sunday business activities and relative to the consumption of liquor at sports complexes.

HB 1264, relative to carnival or amusement ride inspections.

HB 1266-FN, (New Title) legalizing firecrackers.

HB 1286, relative to days when fishing without a license is permitted.

HB 1294, relative to exemptions from licensure as a massage therapist.

HB 1301, relative to the issuance of youth employment certificates.

HB 1349-FN, relative to the Merrimack county superior court.

HB 1377, relative to receipt of absentee ballots.

HB 1385-FN-A, (New Title) making certain changes to business profits tax provisions affecting a business organization when owners sell or exchange ownership interests in the business.

HB 1391, relative to the price of bingo cards at senior bingo and bingo at private campgrounds and hotels.

HB 1423-FN, relative to rulemaking for prescribing controlled drugs.

HB 1490, (New Title) relative to collaborative practice between pharmacists and health care practitioners and relative to certain drug take-back programs.

HB 1584-FN, (Second New Title) relative to body-worn cameras for law enforcement officers.

HB 1588, (New Title) repealing certain prohibitions on employment of state employees.

HB 1589-FN, (New Title) prohibiting the transport of aquatic plants and aquatic weeds.

HB 1660-FN-LOCAL, (Second New Title) relative to appraisals of residential property, a residential owner option in a partial taking, and relocation, temporary housing, and legal expenses in eminent domain proceedings for gas pipelines; relative to intervention by the site evaluation committee in such proceedings; and relative to expenditures from the energy efficiency fund.

HB 1685-FN, (New Title) relative to mortgage bankers, brokers, and servicers.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator 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.