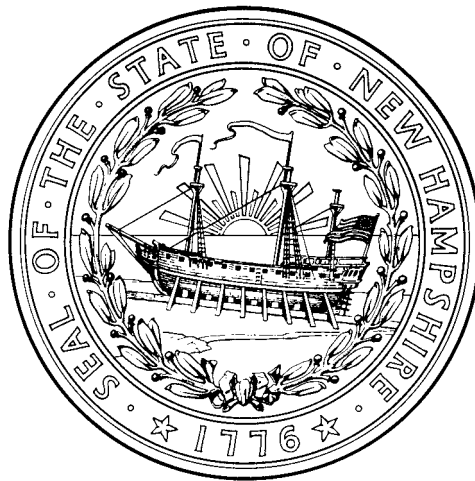


May 12, 2016
Nos. 16-17

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 – MAY 5, 2016 SESSION
COMMENCEMENT – MAY 12, 2016 SESSION**

SENATE JOURNAL 16 *(continued)*

May 5, 2016

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 356, (New Title) establishing a commission to study cryptocurrency regulation.

HB 500, repealing the prohibition on the use of silencing devices for taking wildlife.

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 645-FN, relative to the licensure and regulation of child day care agencies.

HB 1105, (Second New Title) establishing a committee to study third party mortgage processors and relative to an exemption from certain employment laws for certain minors.

HB 1138, relative to access to investigational drugs, biological products, and devices.

HB 1147, (Second New Title) requiring a report on federal landholdings within the state and relative to the membership of the New Hampshire geographic information system committee.

HB 1148, (New Title) establishing a committee to review potential statutory revisions to constrain possible stranded costs associated with pipeline capacity contracts.

HB 1161, relative to the traffic safety commission.

HB 1172, relative to corrective action implementation of audit findings concerning Cannon Mountain.

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

HB 1204, relative to payment of rent pending the stay of an eviction proceeding.

HB 1210, (New Title) relative to prescriptions for controlled drugs by telemedicine and relative to rulemaking authority and enforcement concerning prices for filling certain prescriptions.

HB 1267, relative to the family hike safe card for fish and game search and recovery expenses.

HB 1268, relative to liability for payment of expenses of search and rescue recovery by the fish and game department.

HB 1269, (New Title) extending the New Hampshire health care quality assurance commission and relative to the membership of the commission.

HB 1303, (New Title) establishing a commission to study issues relating to pre-existing districts withdrawing from a cooperative school district.

HB 1353, relative to the notice required of a law enforcement officer prior to making an audio recording of a routine stop.

HB 1415, relative to escape from official custody.

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

HB 1426-FN, (New Title) relative to earned time credits for prisoners participating in educational programming.

HB 1486, relative to membership of the state house bicentennial commission.

HB 1490, (New Title) relative to collaborative practice between pharmacists and health care practitioners and relative to certain drug take-back programs.

HB 1589-FN, (New Title) prohibiting the transport of aquatic plants and aquatic weeds.

HB 1624-FN, relative to electioneering by public employees.

HB 1628-FN, relative to human trafficking involving persons under 18 years of age.

HB 1681-FN, (Third New Title) establishing a commission on hypodermic syringes and needles.

HB 1685-FN, (New Title) relative to mortgage bankers, brokers, and servicers.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 59, relative to the removal of county officers and temporary filling of the office.

SB 306, enabling the sampling of beer or wine at farmers' markets.

SB 308, (New Title) relative to the definition of small loans and relative to certain fees on small loans.

SB 368-FN-A, making a capital appropriation for department of environmental services monitoring equipment.

SB 376-FN, relative to wildlife corridors.

SB 381, relative to the combustion of the wood component of construction and demolition debris.

SB 394, relative to criminal history record checks of nursing home administrators.

SB 401-FN, relative to insurance coverage for prescription eye drops.

SB 403, relative to the sale of gift certificates with expiration dates.

SB 416, relative to flexible working arrangements in employment.

SB 417, relative to employment contract restrictions upon physicians.

SB 420-FN, relative to aid to the permanently and totally disabled.

SB 423, relating to the right of 17-year olds to register to vote.

SB 436, relative to after market automobile parts.

SB 439, (Second New Title) establishing a commission to study the shortage of nurses and other skilled health care workers for home health care services and post-acute care services.

SB 452-FN, requiring certain state agencies to conduct an audit of laws governing coastal regions to enable authorities to take appropriate actions.

SB 477-FN, relative to nonemergency involuntary admissions.

SB 478-FN, permitting the online renewal of a nondriver's picture identification card.

SB 494-FN-A, (New Title) limiting an exemption from the road toll.

SB 500-FN, relative to student health insurance plans.

SB 510-FN, relative to parking at state park parking meters.

SB 512, relative to health care associated infections.

SB 534-FN, to implement a system of care for children's behavioral health.

SB 536, relative to emergency interim relief under the child protection act.

SB 538, relative to children taken into custody under the child protection act and relative to the commission to review child abuse fatalities.

SB 539, relative to access to records under the child protection act.

SB 544, establishing a committee to study funding options for the Internet crimes against children task force.

SB 550-FN, relative to the maximum gross weight for dump trailers.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 325, relative to vaccines administered by pharmacists.

SB 421, relative to liability of governmental units.

SB 432, relative to itemized bills for medical services.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

CACR 27, (Second New Title) relating to the operating budget. Providing that the state shall not spend more on operating budget expenses than it receives in revenue plus any surplus from the previous budget period, or use the proceeds of any instrument of indebtedness to fund its operating expenditures.

SB 540-FN, (New Title) relative to the possession, use, or sale of kratom by any person under 18 years of age.

SCR 3, (New Title) applying to the United States Congress to convene a limited convention for the exclusive purpose of proposing amendments to the federal Constitution concerning election reform that do not abrogate or amend the first amendment to the federal Constitution.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

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

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Gidge, Hurt and Weyler

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

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Simmons, Infantine, Cahill and Seaworth

SB 320, relative to non-academic surveys administered by a public school to its students.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Ladd, Balcom, Cordelli and Shaw

May 3, 2016

2016-1776-EBA

08/09

Enrolled Bill Amendment to HB 1331

The Committee on Enrolled Bills to which was referred HB 1331

AN ACT relative to the membership of the compensation appeals board.

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 1331

This enrolled bill amendment makes technical corrections to avoid a conflict with 2016, 18:1 (SB 328-FN).

Enrolled Bill Amendment to HB 1331

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

1 Compensation Appeals Board; Membership. RSA 281-A:42-a, I is repealed and reenacted to read as follows:

Amend RSA 281-A:42-a, I as inserted by section 1 of the bill by replacing line 11 with the following:

or human resources or administrative law. As a condition to maintaining eligibility to hear

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

May 5, 2016
2016-1895-EBA
06/03

Enrolled Bill Amendment to HB 1349-FN

The Committee on Enrolled Bills to which was referred HB 1349-FN

AN ACT relative to the Merrimack county superior court.

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 1349-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1349-FN

Amend 2015, 220:1, II, D as inserted by section 1 of the bill by replacing lines 1-5 with the following:

D. Court Facilities

- | | |
|---|------------------------|
| 1. Merrimack County Superior Court | |
| - New Courthouse * | [16,600,000]15,700,000 |
| 2. Hampton Circuit Court, Architectural/Engineering | 300,000 |
| 3. Milford Circuit Court, Architectural/Engineering | 255,500 |

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

May 6, 2016
2016-1896-EBA
06/04

Enrolled Bill Amendment to HB 1553-FN

The Committee on Enrolled Bills to which was referred HB 1553-FN

AN ACT transferring the administration of the telecommunications accounting unit.

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 1553-FN

This enrolled bill amendment makes a grammatical correction to the bill.

Enrolled Bill Amendment to HB 1553-FN

Amend paragraph II of section 1 of the bill by replacing line 2 with the following:

statewide telecommunication services to state government in effect, in operation, or adopted in

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

May 6, 2106
2016-1898-EBA
06/04

Enrolled Bill Amendment to HB 1618

The Committee on Enrolled Bills to which was referred HB 1618

AN ACT relative to debt adjustment services.

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 1618

This enrolled bill amendment makes technical and grammatical corrections.

Enrolled Bill Amendment to HB 1618

Amend RSA 399-D:7, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) File an annual report pursuant to RSA 399-D:9, I(a).

Amend RSA 399-D:7, III as inserted by section 1 of the bill by replacing line 3 with the following:
RSA 399-D:21.

Amend RSA 399-D:12, I as inserted by section 1 of the bill by replacing line 11 with the following:
and vaults of all such persons, and may require the attendance of any person to examine him or

Amend RSA 399-D:12, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. The department may subpoena witnesses and administer oaths and compel, by

Amend RSA 399-D:12, V as inserted by section 1 of the bill by replacing line 3 with the following:
institutions for the cost of examinations under RSA 383:11, except when the principal office of the

Amend RSA 399-D:12, VI(a) as inserted by section 1 of the bill by replacing line 8 with the following:
commissioner within 7 calendar days and shall return the files selected by the commissioner to the

Amend RSA 399-D:12, VI(b) as inserted by section 1 of the bill by replacing line 2 with the following:
shall subject a licensee or person to a fine of \$50 per day for each day after 21 days that the files and

Amend RSA 399-D:12, VII as inserted by section 1 of the bill by replacing line 3 with the following:
business of debt adjustment, or is participating in such business as principal, agent, broker, or

Amend RSA 399-D:14, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) A clear description of the services to be provided to the debtor;

Amend RSA 399-D:16, IV(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Every 90 days;

Amend RSA 399-A:18 as inserted by section 1 of the bill by replacing line 1 with the following:

399-D:18 Powers of the Commissioner.

Amend RSA 399-D:19, I(b) as inserted by section 1 of the bill by replacing line 1 with the following:

(b) Barring any person from licensure if it is in the public interest and the applicant,

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

May 9, 2016

2016-1900-EBA

03/05

Enrolled Bill Amendment to SB 453-FN

The Committee on Enrolled Bills to which was referred SB 453-FN

AN ACT relative to comprehensive criminal background checks for individuals in registered and licensed child day care agencies, child care institutions, and child care agencies.

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 453-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 453-FN

Amend RSA 170-E:7, III as inserted by section 4 of the bill by replacing line 2 with the following:

eligibility for employment no later than 45 days from submission of all required

Amend RSA 170-E:29-a, V as inserted by section 6 of the bill by replacing line 2 with the following:

eligibility for employment no later than 45 days from submission of all required

Amend RSA 170-E:29-a, VII(a) as inserted by section 6 of the bill by replacing line 5 with the following:

submitted, and the individual remains eligible as described in RSA 170-E:7, II-a(b). The

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

May 5, 2016

2016-1884-EBA

08/10

Enrolled Bill Amendment to SB 543-FN

The Committee on Enrolled Bills to which was referred SB 543-FN

AN ACT relative to private transferring of adopted children.

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 543-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 543-FN

Amend RSA 170-B:32, I(a) as inserted by section 1 of the bill by replacing lines 2-3 with the following:

including by newspaper, periodical, telephone book listing, outdoor advertising sign, radio, television, or by computerized communication system, which includes an Internet site, an Internet

Amend RSA 170-B:33 as inserted by section 1 of the bill by replacing line 1 with the following:

170-B:33 Unlawful Placement of a Child for Adoption. It shall be unlawful for a child's parent or

Senator Soucy 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 231, 601, 1121, 1124, 1130, 1154, 1164, 1175, 1195, 1202, 1223, 1226, 1239, 1292, 1329, 1340, 1352, 1372, 1378, 1409, 1410, 1450, 1451, 1459, 1467, 1515, 1579, 1587, 1599, 1655, and SB 152, 309, 323, 344, 352, 353, 356, 357, 359, 362, 374, 377, 386, 388, 433, 456, 461, 465, 475, 484, 517, 519, 524, 545.

Senator Soucy 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 17

May 12, 2016

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

The Reverend Jon Hopkins, chaplain to the Senate, offered the prayer.

This morning our prayers comes from different excerpts given by prayers of former U.S. Presidents. Let us pray.

Dear God, we present ourselves this morning as servants to our fellow citizens. Help us this day as we set upon our mighty endeavor to preserve our republic, our citizens, our civilization, and to set free a suffering humanity.

Help us to continue to work for the great unfinished tasks of achieving peace, justice, and understanding among all people and nations, and of ending misery and suffering wherever they exist. May those generations whose faces we cannot yet see, whose names we may never know, say of us here that we led our beloved land with the American dream alive for all of her children; with the American promise of a more perfect union; a reality for all her people; with America's bright flame of freedom spreading throughout the world. We are given power not to advance our own purposes, nor to make a great show in the world, nor in a name; there is but one just use of power, and that is to serve people. Help us to remember it. And with malice toward none, with charity for all, with firmness in the right as God gives us to see the rights. Let us strive to finish the work we are in, to bind up the nation's wound, to care for him who shall have borne the battle, and for his widow and his orphan; to do all which may achieve a cherished and just and lasting peace among ourselves, and with all nations. Amen.

Senator Feltes led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Senator Woodburn introduced students from Groveton Elementary School visiting in the gallery.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Yes, thank you, Mister President. Thank you, Mister President. I have the honor of talking about a grammar school in the 20th Senate District that has gone from the school in need of improvement to one of five schools recognized in the United States for innovation and change. Have the Principal, Amy Allen, and Laurie Keefe, an instructor; K through kindergarten? K through first grade. The Parker-Varney School is located on the West side of Manchester in District 20. My wife went to the Parker-Varney School; all of my children went to the Parker-Varney School; I live right in the area; I represented Ward 10 on the school board for ten years in the city of Manchester. This woman and her staff have taken a school that was in need of improvement and created a miracle by moving it, not only to the best grammar school in the state, but to a school awarded nationally for its innovative and change. For that, they receive a \$10,000 award; they get national recognition in New York City; they get to participate in the 19th Annual National Principal's Leadership Institute; a scholarship has been set aside for the district so that the people can enroll at the institute; and they can participate in major national research projects focused on school change. It's a miracle, and I believe in miracles! So we had a miracle on the West side of Manchester. These people were responsible for it along with the students and the rest of the staff. And I might say that my daughter used to work in the lunch room there preparing meals. So, with that, Principal Allen and Instructor Keefe congratulations. Thank you very much. Never let the clapping subside.

And, we want to offer a Resolution:

The New Hampshire State Senate. A Resolution. Be it known that the New Hampshire State Senate extends its congratulations to the Parker-Varney Elementary School in recognition of receiving the 2016 School Innovation and Change Award. And be it further known that the New Hampshire State Senate extends its best wishes for continued success.

Offered by Senator Lou D'Allesandro from District 20.

PRESIDENT MORSE: Well, the Senator didn't tell us he taught there so that's a first.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I invite the members to please join me in welcoming Cesar Arboleda and Amy LaBelle, owners of LaBelle Wineries in Amherst, New Hampshire.

SPECIAL ORDER

Without objection, the following bills are special ordered to the end of the Regular Calendar.

FINANCE

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

HB 636-FN, relative to forfeiture of property.

HB 1428-FN-A-L, establishing the clean water state revolving fund non-program fund account in the department of environmental services for the purpose of funding eligible and completed wastewater projects under the state aid grant program.

CONSENT CALENDAR REPORTS

The following bill was removed from the Consent Calendar:

PUBLIC AND MUNICIPAL AFFAIRS

HB 1482, relative to the Interstate Voter Registration Crosscheck Program. Removed by Senator Birdsell.

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.

HEALTH AND HUMAN SERVICES

HB 1453, relative to qualifying medical conditions for purposes of therapeutic cannabis. Ought to Pass, Vote 5-0. Senator Avard for the committee.

This bill adds ulcerative colitis to the list of qualifying medical conditions for purposes of therapeutic cannabis. Compelling medical testimony was heard for reasons to include this chronic disease in the therapeutic cannabis legislation to the benefit of New Hampshire patients. The bill leaves intact all the controls in place to restrict cannabis use to those patients where traditional medicine has failed to provide relief and continues to require a long term relationship with a physician.

HB 1605-FN, prohibiting the use of latex gloves and utensils in the food service industry. Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

This bill would have prohibited licensed food service establishments from using latex gloves and utensils in food preparation. Failure to abide by this prohibition would be a violation-level offense of not less than \$250 or more than \$500 for food service industry employees. It would result in an increased workload for the Department of Health and Human Services and have a fiscal impact on the Judicial Branch. The committee found that a violation of this magnitude is excessive and, as with other potential allergens, believes the industry does a great job at self-regulation.

Senator Sanborn asserts Rule 6-25 on HB 1605-FN.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1203, relative to voting on variances. Inexpedient to Legislate, Vote 5-0. Senator Birdsell for the committee.

This bill would establish requirements for zoning boards of adjustment voting on variances. The committee determined that it would be more appropriate to retain local control on these voting procedures and therefore, does not recommend this bill for passage.

HB 1395, relative to municipal electronic records. Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

This bill will permit certain municipal electronic records to be transferred to portable document files and allow the municipal offices to move to a more contemporary and efficient procedure. The committee amended the bill to clarify the language and to identify the most appropriate technological format.

Public and Municipal Affairs

May 4, 2016

2016-1846s

06/03

Amendment to HB 1395

Amend RSA 33-A:5-a as inserted by section 1 of the bill by replacing it with the following:

33-A:5-a Electronic Records. Electronic records as defined in RSA 5:29, VI and designated on the disposition schedule under RSA 33-A:3-a to be retained for more than 10 years shall be transferred to paper[;] **or** microfilm, or [both] **stored in portable document format/archival (PDF/A) on a medium from which it is readily retrievable**. Electronic records designated on the disposition schedule to be retained for less than 10 years may be retained solely electronically if so approved by the record committee of the municipality responsible for the records. The municipality is responsible for assuring the accessibility of the records for the mandated period.

HB 1508, allowing public libraries to run certain privacy software. Interim Study, Vote 5-0. Senator Birdsell for the committee.

This bill would allow public libraries to run certain privacy software. The committee heard no testimony from librarians regarding a need for this legislation and concerns were also brought forward regarding how this would affect criminal investigations. For those reasons, the committee supports moving this bill to further study.

TRANSPORTATION

HB 1305, relative to the use of an ignition interlock device. Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill requires a person receiving a limited privilege license to be subject to the ignition interlock program for one year after restoration of driving privileges. This bill also establishes an exemption from the prohibition on the use of mobile electronic devices while driving for actions required by an ignition interlock device.

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

REGULAR CALENDAR**ENERGY AND NATURAL RESOURCES**

HB 297, protecting individual customer data from disclosure by a public utility. Ought to Pass with Amendment, Vote 4-0. Senator Feltes for the committee.

Energy and Natural Resources

May 4, 2016

2016-1841s

06/04

Amendment to HB 297

Amend RSA 363:37, III(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Implementing demand response, customer assistance, energy management, or energy efficiency programs.

Amend RSA 363:38, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Provide an incentive or discount to the customer for accessing individual customer data, provided, however, that nothing shall prevent a service provider from providing consideration to a customer for reducing demand as part of a demand response, energy management, or energy efficiency program in which customer usage data is required to measure or verify such reduction.

Amend RSA 363:38, V(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Nothing in this section shall preclude a service provider from disclosing a customer's individual data to a third party for system, grid, or operational needs, or the implementation of demand response, customer assistance, energy management, or energy efficiency programs, provided that the service provider for contracts entered into after January 1, 2017, has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, use, destruction, modification, or disclosure, and prohibit the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the express consent of the customer.

Amend RSA 363:39 as inserted by section 1 of the bill by replacing it with the following:

363:39 Complaints to the Commission. When complaints to the public utilities commission are initiated by residential customers, the commission shall provide to the consumer advocate access to the complaint, by paper or electronically, with the customer name blocked out, at the same time as the commission forwards the complaint to the utility in compliance with commission rules.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

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 1354, establishing a committee to study livestock and meat inspection. Ought to Pass, Vote 4-0. Senator Fuller Clark for the committee.

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

HB 1461, relative to the definition of and criteria for protection instream flow. Ought to Pass with Amendment, Vote 4-0. Senator Feltes for the committee.

Energy and Natural Resources
 May 4, 2016
 2016-1829s
 08/04

Amendment to HB 1461

Amend RSA 483:4, XVI as inserted by section 1 of the bill by replacing it with the following:

XVI. "Protected instream flow" means a ~~[constant minimum]~~ stream flow ~~[level]~~ ***pattern which is*** established to maintain water for present and future instream public uses.

Amend RSA 483:9-c as inserted by section 6 of the bill by replacing it with the following:

483:9-c Establishment of Protected Instream Flows.

I. The commissioner, in consultation with the advisory committee, shall adopt rules under RSA 541-A specifying the standards, criteria, and procedures by which ~~[a]~~ protected instream ~~[flow]~~ ***flows*** shall be established and enforced for each designated river or segment. ***The department shall determine the protected instream flow criteria based on the requirement of flow-dependent instream public uses.*** Each protected instream flow shall be established and enforced to maintain water for instream public uses and to protect ~~[outstanding]~~ characteristics, including recreational, fisheries, wildlife, environmental, hydropower, cultural, historical, archaeological, scientific, ecological, aesthetic, community significance, agricultural, public water supply, ***riparian rights***, and the resources for which the river or segment is designated~~], and shall respect riparian interests on each designated river or segment consistent with the purposes of this chapter. Instream public uses shall include the state's interests in surface waters, including, but not limited to, navigation; recreation; fishing; storage; conservation; maintenance and enhancement of aquatic and fish life; fish and wildlife habitat; wildlife; the protection of water quality and public health; pollution abatement; aesthetic beauty; and hydroelectric energy production].~~ ***The department shall determine the protected instream flow criteria based on the requirements of flow-dependent, instream public uses.***

II. No less than 60 days prior to commencing a protected instream flow study on any designated river, the department shall hold a public hearing jointly with the senate committee with jurisdiction over river management issues and the house committee with jurisdiction over river management issues and provide a public comment period of 30 days. The department shall consider the public comments received before commencing the study.

III. One public hearing shall be held in at least one municipality along the designated river or segment to receive public comment on the establishment of a proposed protected instream flow.

IV. One public hearing shall be held in at least one municipality along the designated river or segment to receive public comment on the establishment of a proposed water management plan intended to implement the protected instream flow.

~~[HH:] V. The procedure adopted under this section shall include an assessment of the effect of a protected instream flow upon existing hydroelectric power generation, water supply, flood control, and other riparian users. [For any portion of a designated river or segment where a protected instream flow would affect the operation of an existing hydroelectric power facility within or upstream from the designated river or segment, the commissioner shall request the assistance of the public utilities commission in order to assess the effect of a protected instream flow upon such facility.]~~

VI. Water management plans implementing instream flow protections shall be effective and enforceable upon adoption. The department shall allow a period of up to 5 years for any party subject to the instream flow program to implement the provisions of their water management plan. The department shall adopt rules, pursuant to RSA 541-A, to allow for one 5-year extension for any party who files ongoing progress reports for and is working in good faith on their water management plan but is unable to implement the provisions of their water management plan due to financial or other hardship.

VII. The department shall adopt rules, pursuant to RSA 541-A, to allow for waivers from the provisions of a water management plan. Such rules shall specify the waiver criteria based on negative impacts to public health or safety or an undue financial hardship on a party subject to a water management plan. Should a party meet the criteria for a waiver, and notwithstanding RSA 483:9-c, VI, the department shall waive, in whole or in part, the enforceability of those components of the party's water management plan until the department amends such plan to alleviate the negative impacts to public health or safety or undue financial hardship.

[IV-] **VIII.** The protected instream flow [levels] **flows** established under this section shall be maintained at all times, except when inflow is less than the protected instream flow level as a result of natural causes or when the commissioner determines that a public water supply emergency exists which affects public health and safety.

[V-] **IX.** ~~[The maintenance of protected instream flows shall constitute a condition of any permit]~~ **Only those permits** issued by the department **that affect stream flow** ~~[for any project or activity]~~ within a designated river **shall be required to meet protected instream flows** ~~[or segment and corridor]~~.

[VI-] **X.** Any party who is aggrieved by a determination establishing such protected instream flows may petition the commissioner for a hearing to review such determination within 30 days of the date the determination is issued. The filing of such petition shall stay the implementation of the determination until a final decision has been rendered on the petition or an appeal taken pursuant to RSA 541.

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

Senator Sanborn asserts Rule 6-25 on HB 1461.

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

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

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

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

Roll Call, Yeas: 16 - Nays: 8. Adopted, bill ordered to Third Reading.

Senator Sanborn asserts Rule 6-25 on HB 1461.

INTRODUCTION OF GUESTS

Senator Lasky introduced the World Academy from Nashua visiting in the gallery.

HB 1595-FN, relative to the rivers management and protection program. Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Energy and Natural Resources

May 4, 2016

2016-1842s

08/03

Amendment to HB 1595-FN

Amend RSA 483:2 as inserted by section 1 of the bill by replacing it with the following:

483:2 Program Established; Intent. There is established within the department of environmental services the New Hampshire rivers management and protection program. It is the intent of the legislature that the New Hampshire rivers management and protection program shall complement and reinforce existing state and federal water quality laws, and that in-stream flows are maintained along protected rivers, or segments thereof, in a manner that will enhance or not diminish the enjoyment of outstanding river characteristics pursuant to RSA 483:1. It is also the intent of the legislature that, through said program, the ~~[scenic beauty and recreational potential]~~ **outstanding characteristics including recreational, fisheries, wildlife, environmental, hydropower, cultural, historical, archaeological, scientific, ecological, aesthetic, community significance, agricultural, public water supply, instream public uses, and riparian rights** of such rivers shall be restored, **protected**, and maintained, ~~[that riparian interests shall be respected,]~~ and **notwithstanding the provisions of RSA 483-B**, that nothing in this chapter shall be interpreted to preempt any land and zoning authority granted to municipal bodies under RSA title LXIV.

Amend RSA 483:4, XVI as inserted by section 6 of the bill by replacing it with the following:

XVI. "Protected instream flow" means a ~~[constant minimum]~~ stream flow ~~[level]~~ **pattern which is** established to maintain water for present and future instream public uses.

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

Senator Sanborn asserts Rule 6-25 on HB 1595-FN.

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

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

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

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

Roll Call, Yeas: 16 - Nays: 8. Adopted, bill ordered to Third Reading.

Senator Sanborn asserts Rule 6-25 on HB 1595-FN.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1322, relative to reports to the public employee labor relations board. Inexpedient to Legislate, Vote 4-1. Senator Soucy for the committee.

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

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

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

The following Senators voted No: Sanborn, Daniels, Avar, Reagan, Birdsell, Prescott, Morse.

Roll Call, Yeas: 17 - Nays: 7. Adopted.

Senator Sanborn asserts Rule 6-25 on HB 1322.

FINANCE

HB 197-FN, relative to sales and samples provided by wine manufacturers. Ought to Pass with Amendment, Vote 5-1. Senator Hosmer for the committee.

Senate Finance

May 4, 2016

2016-1825s

03/05

Amendment to HB 197-FN

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

AN ACT establishing a commission to study the licensing of off-site tasting rooms.

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

1 New Section; Commission to Study the Licensing of Off-Site Tasting Rooms. Amend RSA 175 by inserting after section 10 the following new section:

175:11 Commission to Study the Licensing of Off-Site Tasting Rooms.

I. There is established a commission to study the licensing of additional off-site tasting rooms separate and apart from a wine manufacturer's manufacturing facility.

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

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

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

(c) The liquor commissioner, or designee.

(d) A representative of a large wine manufacturer that produces more than 18,000 gallons per year, appointed by the president of the senate.

(e) A representative of a small wine manufacturer that produces less than 18,000 gallons per year, appointed by the speaker of the house of representatives.

(f) Two representatives of alcoholic beverage distributors, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the governor.

(g) Two representatives of alcoholic beverage retailers, one of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the governor.

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

IV.(a) The commission shall study if the liquor commission should be allowed to license additional off-site tasting rooms separate and apart from a wine manufacturer's manufacturing facility. Specifically, the commission shall:

(1) Review the potential costs to the liquor commission and impact on liquor commission revenues.

(2) Review the impact such a policy would have on the separation that exists between producers, distributors, and retailers, commonly referred to as the "3-tier system."

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

V. 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.

VI. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2017.

2 Repeal. RSA 175:11, relative to the commission to study licensing of off-site tasting rooms, 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.

2016-1825s

AMENDED ANALYSIS

This bill establishes a commission to study the licensing of off-site tasting rooms.

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

Senator Sanborn asserts Rule 6-25 on HB 197-FN.

Senator Forrester offered a floor amendment.

Sen. Forrester, Dist 2

Sen. Bradley, Dist 3

May 11, 2016

2016-1948s

03/05

Floor Amendment to HB 197-FN

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

AN ACT establishing a commission to evaluate the 3-tier system.

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

1 New Section; Commission to Evaluate the 3-Tier System. Amend RSA 175 by inserting after section 10 the following new section:

175:11 Commission to Evaluate the 3-Tier System.

I. There is established a commission to evaluate the 3-tier system.

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

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

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

(c) The liquor commissioner, or designee.

(d) A representative of a wine manufacturer, appointed by the president of the senate.

(e) A representative of a liquor manufacturer, appointed by the speaker of the house of representatives.

(f) A representative of a beverage manufacturer, appointed by the governor.

(g) Two representatives of alcoholic beverage distributors, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the governor.

(h) Two representatives of alcoholic beverage retailers, one of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the governor.

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

IV.(a) The commission shall study the separation of alcoholic beverage producers, distributors, and retailers, commonly referred to as the 3-tier system. Specifically, the commission shall:

(1) Review the level of separation that exists between alcoholic beverage producers, distributors, and retailers.

(2) Make recommendations for the future of the 3-tier system, if necessary.

(3) Review the system to see if disparities between entities exist and, if necessary, make recommendations to address them.

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

V. 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.

VI. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2016.

2 Repeal. RSA 175:11, relative to the commission to evaluate the 3-tier system, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 1, 2016.

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

2016-1948s

AMENDED ANALYSIS

This bill establishes a commission to study the separation of alcoholic beverage producers, distributors, and retailers, commonly referred to as the 3-tier system.

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

Senator Sanborn asserts Rule 6-25 on HB 197-FN.

Senator Daniels offered a floor amendment.

Sen. Daniels, Dist 11

May 11, 2016

2016-1954s

04/01

Floor Amendment to HB 197-FN

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

AN ACT establishing a commission to study the licensing of off-site tasting rooms and relative to sales and samples provided by wine manufacturers.

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

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

III. Each wine manufacturer shall have the right to sell at retail or wholesale at its winery for off-premises consumption any of its wines. Visitors of legal drinking age at said premises may be provided with samples of wine manufactured on the premises for tasting. Samples may be provided either free or for a fee and shall be limited to one 2-ounce sample per label per person. ***The commission may issue additional licenses to a wine manufacturer to operate no more than 2 additional tasting rooms for both samples and retail sales of its own wine separate and apart from its manufacturing facility, subject to payment of an annual fee of \$420 for each location.*** Pursuant to rules adopted by the commission, a wine manufacturer may transport its products to a farmers' market or a wine festival licensed under RSA 178:31, and may sell such products at retail in the original container.

2016-1954s

AMENDED ANALYSIS

This bill establishes a commission to study the licensing of off-site tasting rooms and authorizes a wine manufacturer to conduct sampling and retail sales at locations other than its manufacturing facility.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Prescott.

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

Roll Call, Yeas: 7 - Nays: 17. Failed.

Senator Sanborn asserts Rule 6-25 on HB 197-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 197-FN.

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, Vote 5-0. Senator Little for the committee.

Senator Feltes offered a floor amendment.

Sen. Feltes, Dist 15

Sen. Hosmer, Dist 7

Sen. Pierce, Dist 5

Sen. Lasky, Dist 13

Sen. Fuller Clark, Dist 21

Sen. Soucy, Dist 18

Sen. Prescott, Dist 23

May 12, 2016

2016-1958s

08/10

Floor Amendment to HB 280-FN

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

AN ACT authorizing multi-use decal plates and multi-use veterans decal plates, relative to special motorcycle number plates for disabled veterans, and relative to unfair trade practices targeting veterans.

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

3 New Paragraph; Unfair Trade Practices Targeting Veterans. Amend RSA 358-A:2 by inserting after paragraph XVI the following new paragraph:

XVII. Charging or receiving an unreasonable fee to prepare, aid, or advise any prospective applicant, applicant, or recipient in the procurement, maintenance, or securing of any aid or services to a veteran from

the United States Department of Veterans Affairs, the New Hampshire office of veterans services, or any other public agency. For the purpose of this paragraph, an “unreasonable fee” means a fee that is exorbitant and disproportionate to the services performed.

2016-1958s

AMENDED ANALYSIS

This bill:

I. Authorizes multi-use decal number plates which may bear decals issued by certain tax-exempt organizations authorized by statute.

II. Authorizes multi-use veterans decal number plates and the issuance of the decals by the state office of veterans services.

III. 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.

IV. Makes charging unreasonable fees for assistance in procuring aid or services from public veterans’ agencies an unfair trade practice targeting veterans.

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 668-FN, relative to application of the Internal Revenue Code to provisions of the business profits tax. Ought to Pass, Vote 5-1. Senator Hosmer 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 668-FN.

HB 1182-FN, relative to liquor commission revenue shortfalls. Inexpedient to Legislate, Vote 5-0. Senator D’Allesandro for the committee.

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

Senator Sanborn asserts Rule 6-25 on HB 1182-FN.

Senator Bradley moved Ought to Pass.

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

May 11, 2016

2016-1938s

03/05

Floor Amendment to HB 1182-FN

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

AN ACT making an appropriation to the office of professional licensure and certification for technology upgrades for the controlled drug prescription health and safety program.

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

1 Appropriation; Office of Professional Licensure and Certification; Controlled Drug Prescription Health and Safety Program. The sum of \$130,000 is hereby appropriated to the office of professional licensure and certification for the biennium ending June 30, 2017 for the purposes of technology upgrades for the controlled drug prescription health and safety program, established in RSA 318-B:32. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

2016-1938s

AMENDED ANALYSIS

This bill makes an appropriation to the office of professional licensure and certification for technology upgrades for the controlled drug prescription health and safety program.

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

Senator Sanborn asserts Rule 6-25 on HB 1182-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 1182-FN.

HB 1590-FN-A-L, relative to the regulation and taxation of short-term rental businesses. Ought to Pass with Amendment, Vote 4-2. Senator Little for the committee.

Senate Finance

May 3, 2016

2016-1802s

09/05

Amendment to HB 1590-FN-A-LOCAL

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

AN ACT relative of taxation of short-term rentals.

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

1 New Paragraph; Meals and Rooms Tax; Definition of Short-Term Rental. Amend RSA 78-A:3 by inserting after paragraph XIX the following new paragraph:

XX. "Short-term rental" means the rental of one or more rooms in a residential unit for occupancy for tourist or transient use for less than 185 consecutive days.

2 New Section; Meals and Rooms Tax; Advertisements of Short-Term Rentals. Amend RSA 78-A by inserting after section 4 the following new section:

78-A:4-a Advertisements of Short-Term Rentals. Any advertisement for a short-term rental by print, display, publication, distribution, or online listing offering a short-term rental shall include the meals and rooms license number of the operator, as defined in RSA 78-A:3, IV. Violation of the provisions of this section may result in a warning from the department of revenue administration that the operator's license may be revoked, suspended, or denied. The warning shall include notification to the operator of his or her obligation to obtain a meals and rooms license and pay the meals and rooms tax under this chapter. Subsequent violations of the provisions of this section may constitute sufficient cause for revocation, suspension, or denial of license. Nothing in this section shall be construed to change or alter the nature of the use of a property for the purpose of determining compliance with a local zoning ordinance.

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

2016-1802s

AMENDED ANALYSIS

This bill requires advertisements of short-term rentals to display the meals and rooms license number of the operator.

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

Senator Sanborn asserts Rule 6-25 on HB 1590-FN-A-L.

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

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

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

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

Roll Call, Yeas: 13 - Nays: 11. Adopted, bill ordered to Third Reading.

Senator Sanborn asserts Rule 6-25 on HB 1590-FN-A-L.

HB 1591-FN-A, relative to the health care premium contribution for retired state employees who are eligible for Medicare Parts A and B due to age or disability, relative to funding of retiree health benefits, and making an appropriation to the department of administrative services. Ought to Pass with Amendment, Vote 4-2. Senator Little for the committee.

Senate Finance

May 4, 2016

2016-1810s

10/09

Amendment to HB 1591-FN-A

Amend the bill by replacing all after section 6 with the following:

7 New Section; State Employees Group Insurance; State Retiree Health Benefits Cost-Sharing Waiver. Amend RSA 21-I by inserting after section 30-e the following new section:

21-I:30-f State Retiree Health Benefits Cost-Sharing Waiver.

I. A retired state employee receiving medical and surgical benefits under this subdivision may be granted a waiver by the commissioner for payment of any increases in premium contribution percentage, co-payments, deductibles, or other cost-sharing mechanisms. A waiver shall be effective on the date the waiver is issued to the state retiree.

II. To be eligible to apply for a waiver, a state retiree shall:

(a) Be receiving a retirement allowance under RSA 100-A that is less than 80 percent of the mean New Hampshire per capita income as shown by the American Community Survey's 1-year Estimate (inflation adjusted), produced by the United States Census Bureau in the most recent year data is available; and

(b) Have at least 20 years of service as a state employee.

III. An eligible state retiree may apply to the commissioner for a waiver under this section on a form prescribed by the commissioner in rules adopted under RSA 541-A. Such application shall require the applicant to provide the number of years of service with the state, his or her annual retirement allowance, and a disclosure form allowing the New Hampshire retirement system to provide the department of administrative services with verification of his or her eligibility.

IV. If a waiver is granted, the department shall exempt the retiree from payment of any future increases in premium contribution percentage, co-payments, deductibles, and any other employee cost sharing mechanisms over the amount of such cost sharing paid by the retiree prior to the date of the waiver. Retirees granted a waiver shall be grandfathered into the cost sharing structure of the plan as of the date of the issuing of the waiver. Nothing in this section shall prevent a retiree granted a waiver from having his or her costs for medical and surgical benefits under this subdivision decreased.

V. Every 2 years, beginning on July 1, 2019, the department of administrative services shall recalculate the retirement allowance needed for eligibility for the waiver, using the latest per capita income data for New Hampshire available from the United States Census Bureau. In the event the biennial recalculation of per capita income would disqualify a retiree who had already been granted a waiver, the waiver shall remain in effect for that retiree.

8 Appropriation and Charges; Department of Administrative Services; Risk Management; Health Plan Costs. In addition to any other sums appropriated, the sum of \$700,000 is appropriated to the department of administrative services, risk management unit, for the biennium ending June 30, 2017 for state retiree health plan costs under RSA 21-I:30. Said appropriations shall be a charge against the following accounts:

Accounting Unit	Class	Class Name	<u>FY 2016</u>	<u>FY 2017</u>
01-14-14-1415-2950	023	Heat-Electricity-Water	(\$50,000)	(\$100,000)
02-10-10-1000-1880	049	Transfer to Other State Agencies	(\$180,000)	(\$180,000)
02-46-46-4680-8250	023	Heat-Electricity-Water	(\$90,000)	(\$100,000)

9 Contingent Appropriation; Department of Administrative Services; Retiree Health Plan Costs. For the biennium ending June 30, 2017, in the event expenditures are greater than amounts appropriated to the department of administrative services for retiree health insurance under account 01-14-14-143510-2903, the

commissioner of the department of administrative services may request, with prior approval of the fiscal committee of the general court and the governor and council, additional funding from available general funds. Such approved sum is hereby appropriated. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

10 New Paragraph; Legislative Budget Assistant; Fiscal Committee; Retiree Health Advisory Council. Amend RSA 14:30-a by inserting after paragraph VI the following new paragraph:

VII. The committee shall establish a retiree health advisory council as a subcommittee to the committee. The advisory council shall convene public meetings as needed to review options under consideration for changes to the retiree health plan if additional changes are needed after the new retiree health benefits plan is established. The advisory council shall also receive testimony from retirees and other interested members of the public.

11 Repeals; January 1, 2017. The following are repealed:

I. RSA 21-I:30, II(b), relative to continuation of premium contribution amounts for certain retired state employees and spouses who become Medicare eligible.

II. RSA 21-I:30, XIII(b), relative to continuation of premium contribution amounts for certain retired state employees and spouses not receiving a retirement allowance who become Medicare eligible.

III. RSA 100-A:54, III(b), relative to continuation of premium contribution amounts for certain retired state employees and spouses receiving a retirement allowance who become Medicare eligible.

IV. RSA 100-C:11-a, II, relative to continuation of premium contribution amounts for certain retired judges and spouses who become Medicare eligible.

12 Effective Date.

I. Section 11 of this act shall take effect January 1, 2017.

II. Section 7 of this act shall take effect July 1, 2017.

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

2016-1810s

AMENDED ANALYSIS

This bill requires premium contribution amounts for retiree health benefits for retired state employees who are Medicare eligible and establishes a waiver program for qualifying retirees. The bill continues the premium contributions for retired persons receiving medical and surgical benefits who become Medicare eligible on or after July 1, 2016 until separate rates are approved effective January 1, 2017. The bill makes an appropriation to the department of administrative services for a health care consultant to design a long-term retiree health care funding plan. This bill also provides the department of administrative services, risk management unit with funding for state retiree health plan costs for the biennium ending June 30, 2017.

The question is on the adoption of the Committee Amendment.

Recess. Out of recess.

Recess. Out of recess.

Recess. Out of recess.

Senator D'Allesandro moved to divide the question: Sections 8, 9, and 12 III; and Sections 7, 10, 11, and 12.

The Chair ruled the question divisible.

The question is on the adoption of Committee Amendment 1810s, Sections 8, 9, and 12 III.

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

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

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

The question is on the adoption of Committee Amendment 1810s, Sections 7, 10, 11, and 12.

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

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

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

Roll Call, Yeas: 14 - Nays: 10. Adopted.

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

A roll call was requested by Senator Sanborn, seconded by Senator Avar

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

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

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

HB 1608-FN, relative to uniform prior authorization forms. Ought to Pass, Vote 6-0. Senator Reagan for the committee.

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

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

ANNOUNCEMENT

PRESIDENT MORSE: In case anyone else cares, my daughter just texted to say she just finished her last class, and she graduates on the 21st.

HB 1680-FN, relative to prior authorization plans for medications used to treat certain mental illnesses under the Medicaid managed care program. Ought to Pass with Amendment, Vote 5-0. Senator Hosmer for the committee.

Senate Finance

May 4, 2016

2016-1813s

01/08

Amendment to HB 1680-FN

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

AN ACT extending the suspension of prior authorization requirements for a community mental health program on drugs used to treat mental illness.

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

1 Prior Authorization for Certain Prescription Drugs; Suspension; Repeal. Amend 2015, 199:4, I to read as follows:

I. Section 3 of this act shall take effect June 30, [2016] **2017**.

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

2016-1813s

AMENDED ANALYSIS

This bill extends the suspension of prior authorization requirement for a community mental health program on drugs used to treat mental illness.

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.

SPECIAL ORDER

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

FINANCE

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

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

Senator Boutin offered a floor amendment.

Sen. Boutin, Dist 16

May 11, 2016

2016-1955s

06/01

Floor Amendment to HB 1697-FN

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

AN ACT relative to the operation and insurance of transportation network companies and relative to record management of abuse and neglect reports.

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

2 New Paragraph; Child Protection Act; Definition of Screened-Out Report. Amend RSA 169-C:3 by inserting after paragraph XXVII-a the following new paragraph:

XXVII-b. "Screened-out report" means a report made pursuant to this chapter that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for assessment.

3 Child Protection Act; Records Management of Abuse and Neglect Reports. RSA 169-C:35-a is repealed and reenacted to read as follows:

169-C:35-a Records Management of Abuse and Neglect Reports.

I. The department shall retain a screened-out report for 7 years from the date that the report was screened out. If during the 7-year retention period, the department receives a subsequent report of abuse or neglect concerning the same alleged perpetrator or the same child or any siblings or other children in the same household or in the care of the same adults, the department shall retain information from the prior and subsequent reports for an additional 7 years from the date a subsequent report is screened out, an additional 10 years from the date a subsequent report is deemed unfounded, and indefinitely if the subsequent report is deemed founded. The department shall delete or destroy all electronic and paper records of the reports when the retention period for the most recent report expires.

II. The department shall retain an unfounded report for 10 years from the date that the department determined the case to be unfounded. If during the 10-year retention period, the department receives a subsequent report of abuse or neglect concerning the same alleged perpetrator or the same child or any siblings or other children in the same household or in the care of the same adults, the department shall retain the information from the prior and subsequent reports for an additional 10 years from the date the subsequent report is screened out or deemed unfounded, or indefinitely if the subsequent report is deemed founded. The department shall delete or destroy all electronic and paper records of the reports when the most recent report expires.

III. The department shall retain a founded report indefinitely.

IV. Nothing in this section shall prevent the department from retaining generic, non-identifying information which is required for state and federal reporting and management purposes.

4 Effective Date.

I. Sections 2-3 of this act shall take effect January 1, 2017.

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

2016-1955s

AMENDED ANALYSIS

This bill requires the department of safety to regulate the operation and insurance of transportation network companies.

This bill also revises the record retention requirements for founded, unfounded, and screened-out reports of abuse or neglect which is a request of the commission to review child abuse fatalities, established in 2015, 127.

The question is on the adoption of the Floor Amendment.

Recess. Out of recess.

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

The following Senators voted Yes: Forrester, Cataldo, Little, Sanborn, Boutin, Reagan, Birdsell, Prescott, Morse.

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

Roll Call, Yeas: 9 - Nays: 15. Failed.

Senator Sanborn asserts Rule 6-25 on HB 1697-FN.

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 1697-FN.

HEALTH AND HUMAN SERVICES

HB 1661-FN, relative to conversion therapy seeking to change a person's sexual orientation. Ought to Pass with Amendment, Vote 3-2. Senator Sanborn for the committee.

Health and Human Services

May 3, 2016

2016-1800s

01/09

Amendment to HB 1661-FN

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

AN ACT establishing a commission to study conversion therapy.

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

1 New Subdivision; Commission to Study Conversion Therapy. Amend RSA 126-A by inserting after section 69 the following new subdivision:

Commission to Study Conversion Therapy

126-A:70 Commission Established. There is established a commission to study conversion therapy.

I.(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) A representative of the New Hampshire Medical Society, appointed by the society.
- (4) A representative of the New Hampshire Psychiatric Society, appointed by the society.
- (5) A representative of the board of mental health practice, appointed by the board.
- (6) A representative of the family mediator certification board, appointed by the board.
- (7) A representative of the New Hampshire chapter of the National Center for Lesbian Rights, appointed by the governor.
- (8) A representative of GLAD, appointed by the governor.
- (9) A representative of Cornerstone Research, appointed by the speaker of the house of representatives.
- (10) A representative of the Roman Catholic Diocese of Manchester, appointed by the senate president.
- (11) An ordained minister, appointed by the senate president.

(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 the practice of conversion therapy, or treatment that seeks to change an individual's sexual orientation or gender identity. Specifically, the commission shall:

- (1) Define conversion therapy and the procedures or services such therapy includes.
 - (2) Identify any other therapies which are or could be considered as abusive in New Hampshire.
 - (3) Determine whether conversion therapy is being offered in New Hampshire.
 - (4) Review the existing policies of state licensing boards providing for guidance and/or licensing for this type of therapy.
 - (5) Determine whether any of these therapies are paid for by Medicaid.
 - (6) Determine if licensed therapists are offering conversion therapy, should the service be posted and what, if any disclosures to parents should be considered.
 - (7) Investigate whether electro-shock therapy is being used as part of conversion therapy.
 - (8) Consider the circumstances under which parents, councilors, and clergy can participate in discussions with a teen about sexuality and when does it become conversion therapy.
 - (9) Consider the role of the general court in determining the limits of the First Amendment and religious beliefs and providing services to others concerning conversion therapy.
 - (10) Consider medical statements by New Hampshire medical boards and associations and how such boards and associations are managing their licensed practitioners.
- (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. Seven 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 March 1, 2017.

3 Repeal. RSA 126-A:70, relative to a commission to study conversion therapy, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect March 1, 2017.

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

2016-1800s

AMENDED ANALYSIS

This bill establishes a commission to study conversion therapy.

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

Senator Sanborn offered a floor amendment.

Sen. Sanborn, Dist 9

May 11, 2016

2016-1960s

01/04

Floor Amendment to HB 1661-FN

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

AN ACT establishing a commission on psychotherapy procedures.

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

1 New Subdivision; Commission on Psychotherapy Procedures. Amend RSA 126-A by inserting after section 69 the following new subdivision:

Commission on Psychotherapy Procedures

126-A:70 Commission Established.

I. There is established a commission on psychotherapy procedures.

II.(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) A representative of the New Hampshire Medical Society, appointed by the society.
- (4) A representative of the New Hampshire Psychiatric Society, appointed by the society.
- (5) A representative of the board of mental health practice, appointed by the board.
- (6) A representative of the family mediator certification board, appointed by the board.
- (7) A representative of the New Hampshire chapter of the National Center for Lesbian Rights, appointed by the governor.
- (8) A representative of GLAD, appointed by the governor.
- (9) A representative of Cornerstone Research, appointed by the speaker of the house of representatives.
- (10) A representative of the Roman Catholic Diocese of Manchester, appointed by the senate president.
- (11) An ordained minister, appointed by the senate president.

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

III.(a) The commission shall review the governing or licensing relative to conversion therapy or treatment that seeks to change an individual's sexual orientation or gendered identity. Specifically, the commission shall consider how the following boards should best regulate the practice of conversion therapy in a manner which also protects the rights of free speech for parents and religious freedom of clergy:

- (1) Board of mental health practice.
- (2) Board of medicine.
- (3) Board of psychologists.
- (4) Any other board identified by the commission as having licensees potentially engaging in conversion therapy.
- (5) Any board self-identified as having licensees potentially engaging in conversion therapy.

(b) The commission shall solicit information from any person or entity the commission deems relevant to its study, to include the most recent peer-reviewed research on conversion therapy and guidance from the relative national psychological, psychiatric, and mental health organizations and associations, including organizations representing doctors and clinicians.

IV. 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. Seven members of the commission shall constitute a quorum.

V. 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 December 1, 2016.

2 Repeal. RSA 126-A:70, relative to a commission on psychotherapy procedures, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 1, 2016.

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

2016-1960s

AMENDED ANALYSIS

This bill establishes a commission on psychotherapy procedures.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Forrester, Sanborn, Daniels, Avard, Carson, Birdsell, Morse.

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

Roll Call, Yeas: 7 - Nays: 17. Failed.

Senator Prescott offered a floor amendment.

Sen. Prescott, Dist 23

May 12, 2016

2016-1963s

01/04

Floor Amendment to HB 1661-FN

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

AN ACT relative to conversion therapy seeking to change a person's sexual orientation.

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

1 New Chapter; Prohibiting Conversion Therapy on Minors. Amend RSA by inserting after chapter 332-K the following new chapter:

CHAPTER 332-L

PROHIBITING CONVERSION THERAPY ON MINORS

332-L:1 Definition. In this chapter, "conversion therapy" means any practices or treatments that seek to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy shall not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

332-L:2 Prohibition; Violations, and Enforcement.

I. A person who is licensed to provide professional counseling under RSA 326-B, RSA 328-D, RSA 329, RSA 329-B, RSA 330-A:16, RSA 330-A:18, RSA 330-A:19, RSA-A:20, RSA 330-A:21, or RSA 330-C, including, but not limited to, a nurse, physician assistant, physician, psychologist, clinical social worker, clinical mental health counselor, marriage and family therapist, or licensed alcohol and drug counselor, or a person who performs counseling as part of the person's professional training for any of these professions, shall not engage in conversion therapy with a person under 18 years of age.

II. Any licensed professional, as listed in paragraph I, who engages in conversion therapy on a patient under 18 years of age shall be considered to have engaged in unprofessional conduct and shall be subject to such discipline as the relevant licensing authority deems appropriate.

332-L:3 Protection for Religious Freedom and Pastoral Counseling. Nothing in this chapter shall be construed to limit the counseling activities of rabbis, priests, ministers, Christian Science practitioners, clergy, or members of other religious groups or orders when their counseling activities are within the scope of the performance of their regular or specialized ministerial duties.

332-L:4 Protection for Parent-Child Relationship. Nothing in this chapter shall be construed to limit or restrict the right of parents to raise their children in accordance with their beliefs.

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

2016-1963s

AMENDED ANALYSIS

This bill prohibits persons licensed to provide counseling services to engage in conversion therapy with a person under 18 years of age.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Bradley, Little, Prescott, Stiles.

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

Roll Call, Yeas: 4 - Nays: 20. Failed.

Senator Sanborn moved to Lay on the Table HB 1661-FN.

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

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

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

Roll Call, Yeas: 13 - Nays: 11. Adopted.

JUDICIARY

HB 512, prohibiting confiscation of firearms, ammunition, or firearms accessories during a state of emergency. Ought to Pass with Amendment, Vote 3-1. Senator Cataldo for the committee.

Senate Judiciary

May 3, 2016

2016-1785s

04/09

Amendment to HB 512

Amend the bill by replacing section 1 with the following:

1 Taking of Private Property; Compensation and Use. Amend RSA 4:46, I-a to read as follows:

I-a.(a) Under no circumstances shall this section be construed to authorize the taking, confiscation, or seizure of firearms, **firearms accessories**, ammunition, or ammunition components.

(b) In addition to the remedies set forth in paragraphs III and IV, an individual who has any firearm, firearm accessory, ammunition, or ammunition components confiscated in violation of this paragraph may bring a civil action in a court having the appropriate jurisdiction:

(1) For money damages against a person who violates this paragraph;

(2) For a civil penalty, in the amount of \$5,000 per violation, against a person who violates this paragraph; and

(3) For return of the confiscated firearm, firearm accessories, ammunition, or ammunition components.

(c)(1) A law enforcement officer shall not be subject to disciplinary action or retaliation for refusing to confiscate a firearm, firearm accessory, ammunition, or ammunition component under this section if:

(2) Ordered or directed to do so by a superior officer; and

(3) By obeying the order or direction, the law enforcement officer would be committing a violation of this section.

(d) Disciplinary action may include:

(1) Dismissal, suspension, or demotion;

(2) Loss of or decrease in benefits, pay, privileges, or conditions of employment; and

(3) Any type of written or electronic indication, permanent or temporary, on the officer's personnel record of the officer's refusal to obey the unlawful order.

(e)(1) For the purposes of this paragraph, "law enforcement officer" includes, but is not limited to, state, local, and county officials, members of the National Guard, and private security persons.

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

Senator Soucy is in opposition to the Committee Amendment on HB 512.

Senator Sanborn asserts Rule 6-25 on HB 512.

Recess. Out of recess.

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

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

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

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

Roll Call, Yeas: 18 - Nays: 6. Adopted.

Senator Sanborn asserts Rule 6-25 on HB 512.

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 512: vote on Ought to Pass with Amendment. Adopted.

Senator Sanborn asserts Rule 6-25 on HB 512.

HB 512, prohibiting confiscation of firearms, ammunition, or firearms accessories during a state of emergency.

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 Sanborn.

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

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

Roll Call, Yeas: 16 - Nays: 8. Adopted, bill ordered to Third Reading.

Senator Sanborn asserts Rule 6-25 on HB 512.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1144-L, relative to notice for sessions of correction of the check list. Ought to Pass with Amendment, Vote 4-1. Senator Lasky for the committee.

Public and Municipal Affairs

May 4, 2016

2016-1847s

03/10

Amendment to HB 1144-LOCAL

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

1 Correction of Checklist; Notice. Amend RSA 654:27 to read as follows:

654:27 Session for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed; provided that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours. Notice of the day, hour, and place of each session of the board of supervisors shall be given upon the checklists first posted ***in 2 appropriate places one of which shall be the city or town's Internet website, if such exists, or*** ~~and~~ shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

2 Verification of Checklist; Notice. Amend RSA 654:38, I to read as follows:

I. Between April 1 and August 1 in the next even-numbered year, the supervisors shall ~~[advertise]~~ **post** notice of their sessions ***in 2 appropriate places one of which shall be the town or city's Internet website, if such exists, and published*** at least twice in a newspaper of general circulation in the town or city and hold sufficient sessions for verification of the checklist as in their opinion will enable all eligible voters in said town or ward to appear before them and register or reregister as the case may be. Whenever a person is reregistered, his ***or her*** party designation, if any, on the checklist undergoing revision shall not be changed except as provided in RSA 654:34.

3 Verification of Checklist; Notice. Amend RSA 654:39, II to read as follows:

II. Between April 1 and August 1 of 1981 and thereafter in each year ending with a one, the supervisors shall ~~[advertise and]~~ post notice of their sessions ***in 2 appropriate places one of which shall be the town or city's Internet website, if such exists, and published*** at least twice in a newspaper of general circulation ~~[and at the office of the town or city clerk or at the town hall]~~ and hold sufficient sessions for verification of the checklist as in their opinion will enable all eligible voters in said town or ward to appear before them and register or reregister as the case may be. Whenever a person is reregistered, his ***or her*** party designation, if any, on the checklist undergoing revision shall not be changed except as provided in RSA 654:34.

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

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

Senator Watters offered a floor amendment.

Sen. Watters, Dist 4

May 11, 2016

2016-1950s

10/04

Floor Amendment to HB 1144-LOCAL

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

AN ACT relative to notice for sessions of correction of the checklist, and repealing the cap on adequate education grant payments and making an appropriation therefor.

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

4 Repeal. The following are repealed:

I. RSA 198:41, III(b), relative to the total education grant distributed to a municipality.

II. 2015, 276:140, relative to the prospective repeal of the maximum total education grant distributed to a municipality.

5 Applicability. The commissioner of the department of revenue administration and the commissioner of the department of education shall recalculate the adequate education grant payments pursuant to RSA 198:41, I-II for all municipalities for the period beginning July 1, 2015 and ending upon the effective date of this act. Any municipality in which the total education grant payment distributed to the municipality was less than the total education grant payment the municipality would have received but for the provisions of RSA 198:41, III(b) shall receive an additional grant payment equal to the difference. The commissioner of the department of education shall distribute such additional grant payment by June 30, 2016. The provisions of RSA 197:3-a shall be applicable to any municipality receiving such an additional grant payment.

6 Appropriation. The sum of \$10,439,793 for the fiscal year ending June 30, 2016 is hereby appropriated to the department of education for the purpose of making payments to municipalities pursuant to the provisions of section 5 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

2016-1950s

AMENDED ANALYSIS

This bill modifies requirements for notice of sessions for the correction or verification of the checklist. This bill also repeals the restriction on total education grant payments to municipalities and makes an appropriation for the purpose of distributing an additional payment to those municipalities in which the total education grant payment was reduced.

The Chair ruled Floor Amendment 1950s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the consideration of non-germane Floor Amendment 1950s to HB 1144-L. Adopted by the necessary 2/3 vote.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Watters, seconded by Senator Hosmer.

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

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

Roll Call, Yeas: 12 - Nays: 12. Failed.

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

HB 1293, relative to the procedure for charter amendments. Ought to Pass, Vote 3-2. Senator Boutin for the committee.

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

HB 1356, relative to construction of the terms "resident," "inhabitant," "residence," and "residency." Inexpedient to Legislate, Vote 3-2. Senator Kelly for the committee.

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

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

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

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

Roll Call, Yeas: 12 - Nays: 12. Failed.

Senator Boutin moved to Lay on the Table HB 1356. Adopted.

HB 1375, relative to charter commissions for budgets in official ballot jurisdictions. Ought to Pass with Amendment, Vote 3-2. Senator Stiles for the committee.

Public and Municipal Affairs

May 4, 2016

2016-1848s

06/10

Amendment to HB 1375

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

AN ACT relative to deliberative sessions in political subdivisions that have adopted official ballot voting.

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

1 Official Ballot Referendum Town Meeting; Elimination of or Limitation on First Session. Amend RSA 40:13, II-IV to read as follows:

II. The warrant for any annual meeting shall prescribe the place, day and hour for each of 2 separate sessions of the meeting, and notice shall be given as otherwise provided in this section. Final budgets and ballot questions shall be printed in the annual report made available to the legislative body at least one week before the date of the second session of the annual meeting. ***If the local political subdivision has voted to eliminate the first session of the annual meeting under RSA 40:14, XII, the meeting shall consist of a single session to elect officers and to vote by official ballot on all warrant articles, and all references in this section to the "second session" shall be deemed to refer to that single session.***

II-a. Notwithstanding any other provision of law, ***and subject to paragraph II-e***, all local political subdivisions which adopt this subdivision, who have not adopted an April or May election date under RSA 40:14, X, shall comply with the following schedule pertaining to notice, petitioned articles, hearings, and warrants for the annual meeting:

(a) The final date for posting notice of budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be the second Tuesday in January.

(b) The “budget submission date” as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in January, provided however, that if a petitioned article proposes a bond governed by RSA 33:8-a, the deadline shall be the preceding Friday.

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be held on or before the third Tuesday in January. One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing. In a political subdivision that has adopted a municipal budget committee pursuant to RSA 32:14, the last day for the budget committee to deliver copies of the final budget and recommendations to the governing body pursuant to RSA 32:16, IV shall be the Thursday before the last Monday in January.

(d) Warrants under RSA 39:5 and RSA 197:7 and budgets shall be posted and copies available to the general public on or before the last Monday in January.

II-b. Notwithstanding any other provision of law, **and subject to paragraph II-e**, all political subdivisions which hold their annual meetings in April shall comply with the following schedule pertaining to notice, petitioned articles, hearings, and warrants for the annual meeting.

(a) The final date for posting notice of budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be the second Tuesday in February.

(b) The “budget submission date” as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in February, provided however, that if a petitioned article proposes a bond governed by RSA 33:8-a, the deadline shall be the preceding Friday.

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be held on or before the third Tuesday in February. One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing. In a political subdivision that has adopted a municipal budget committee pursuant to RSA 32:14, the last day for the budget committee to deliver copies of the final budget and recommendations to the governing body pursuant to RSA 32:16, IV shall be the Thursday before the last Monday in February.

(d) Warrants under RSA 39:5 and RSA 197:7 and budgets shall be posted and copies available to the general public on or before the last Monday in February.

II-c. Notwithstanding any other provision of law, **and subject to paragraph II-e**, all political subdivisions which hold their annual meetings in May shall comply with the following schedule pertaining to notice, petitioned articles, hearings, and warrants for the annual meeting:

(a) The final date for posting notice of budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be the second Tuesday in March.

(b) The “budget submission date” as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in March, provided however, that if a petitioned article proposes a bond governed by RSA 33:8-a, the deadline shall be the preceding Friday.

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be held on or before the third Tuesday in March. One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing. In a political subdivision that has adopted a municipal budget committee pursuant to RSA 32:14, the last day for the budget committee to deliver copies of the final budget and recommendations to the governing body pursuant to RSA 32:16, IV shall be the Thursday before the last Monday in March.

(d) Warrants under RSA 39:5 and RSA 197:7 and budgets shall be posted and copies available to the general public on or before the last Monday in March.

II-d. The voter checklist shall be updated in accordance with RSA 669:5 for each session of the annual meeting.

II-e. Paragraphs II-a, II-b, and II-c shall not apply in a local political subdivision that has voted to eliminate the first session of the annual meeting under RSA 40:14, XII.

III. The first session of the annual meeting, which shall be for the transaction of all business other than voting by official ballot, shall be held between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays; between the first and second Saturdays following the last Monday in February, inclusive of those Saturdays; or between the first and second Saturdays following the last Monday in March, inclusive of those Saturdays at a time prescribed by the local political subdivision's governing body. ***This paragraph and paragraph IV shall not apply in a local political subdivision that has voted to eliminate the first session of the annual meeting under RSA 40:14, XII.***

IV. The first session of the meeting, governed by the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f, and 40:6-40:10, shall consist of explanation, discussion, and debate of each warrant article. A vote to restrict reconsideration shall be deemed to prohibit any further action on the restricted article until the second session, and RSA 40:10, II shall not apply. Warrant articles may be amended at the first session, subject to the following limitations:

(a) Warrant articles whose wording is prescribed by law shall not be amended.

(b) Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.

(c) No warrant article shall be amended to eliminate the subject matter of the article. An amendment that changes the dollar amount of an appropriation in a warrant article shall not be deemed to violate this subparagraph.

(d) The operating budget, as defined in paragraph IX, shall not be amended if the local political subdivision has voted to prohibit amendment of the operating budget under RSA 40:14, XII.

2 New Paragraph; Official Ballot Referendum Town Meeting; Elimination of or Limitation on First Session. Amend RSA 40:13 by inserting after paragraph VI the following new paragraph:

VI-a. If the local political subdivision has voted to eliminate the first session of the annual meeting under RSA 40:14, XII, the governing body shall hold a hearing on all warrant articles that are not the subject of a required hearing under other provisions of applicable law. The hearing shall be held not later than 25 days before the date prescribed for voting in paragraph VII. Notice of the hearing shall be posted in 2 public places at least 7 days before the hearing.

3 Official Ballot Referendum Town Meeting; Elimination of or Limitation on First Session. Amend RSA 40:13, X, to read as follows:

X. If no operating budget article is adopted, the local political subdivision either shall be deemed to have approved the default budget or the governing body may hold a special meeting pursuant to paragraph [XVI] ***XVI-a*** to take up the issue of a revised operating budget only; provided that RSA 31:5 and RSA 197:3 shall not apply to such a special meeting. If no operating budget article is adopted the estimated revenues shall nevertheless be deemed to have been approved.

4 Official Ballot Referendum Town Meeting; Elimination of or Limitation on First Session. Amend RSA 40:13, XVI to read as follows:

XVI. ***Except as provided in paragraph XVI-a***, the warrant for any special meeting shall prescribe the date, place and hour for both a first and second session. The second session shall be warned for a date not fewer than 28 days nor more than 60 days following the first session. The first and second sessions shall conform to the provisions of this subdivision pertaining to the first and second sessions of annual meetings. Special meetings shall be subject to RSA 31:5, 39:3, 195:13, 197:2, and 197:3, provided that no more than one special meeting may be held to raise and appropriate money for the same question or issue in any one calendar year or fiscal year, whichever applies, and further provided that any special meeting held pursuant to paragraphs X and XI shall not be subject to RSA 31:5 and RSA 197:3 and shall not be counted toward the number of special meetings which may be held in a given calendar or fiscal year.

XVI-a. If the governing body elects to hold a special meeting to take up the issue of a revised operating budget as provided in paragraph X, the special meeting shall not be conducted in the manner provided in this section, but shall consist of a single open session conducted in the manner of a special meeting under other provisions of law applicable to such meetings.

5 New Paragraphs; Official Ballot Referendum Town Meeting; Local Option Procedure to Eliminate or Limit First Session. Amend RSA 40:14 by inserting after paragraph XI the following new paragraphs:

XII. Any local political subdivision that has adopted RSA 40:13 may vote either to prohibit amendment of the operating budget at the first session of the annual meeting or to eliminate the first session of the annual meeting and conduct all business of the annual meeting by official ballot under RSA 40:13, VII, subject in either case to the following:

(a) The question shall be placed on the warrant of the annual meeting and voted on as provided in paragraph III, and subject to the provisions of paragraph IV.

(b) The wording of the question shall be either of the following, as applicable:

(1) "Shall we prohibit amendment of the operating budget at the first (deliberative) session of the annual meeting?"; or

(2) "Shall we eliminate the first (deliberative) session of the annual meeting and conduct all business of the annual meeting by official ballot?"

(c) A 3/5 majority of those voting on the question shall be required to approve the question. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

(d) If the question is approved, the change shall take effect within the local political subdivision at the next annual meeting.

XIII. Any local political subdivision that has voted to prohibit amendment of the operating budget or to eliminate the first session of the annual meeting under paragraph XII may consider rescinding its action in the manner described in paragraph XII. The wording of the question shall be either of the following, as applicable (i) "Shall we allow amendment of the operating budget at the first (deliberative) session of the annual meeting?" or (ii) "Shall we reinstate the first (deliberative) session of the annual meeting?" A 3/5 majority of those voting on the question shall be required to approve the question. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority. If the question is approved, the change shall take effect within the local political subdivision at the next annual meeting.

6 New Section; Use of Official Ballot; Contingent Warrant Article. Amend RSA 40 by inserting after section 13 the following new section:

40:13-a Contingent Warrant Article.

I. As an alternative to the provisions of RSA 40:13, X, the legislative body of the local political subdivision may, by a 3/5 majority of those voting on the question, require the default budget to be placed on the ballot at the second session of the annual meeting as a separate contingent warrant article in the event that the operating budget article is not adopted. Under this alternative, if the operating budget is adopted, the votes on the default budget article need not be counted, and the article shall be moot. If the operating budget is not adopted, the votes on the contingent default budget article shall be counted to determine whether the default budget is adopted. If neither the operating budget nor the default budget is adopted, the governing body shall call a special meeting in accordance with RSA 40:13, X and XVI-a to take up the issue of a revised operating budget only.

II. The question of adopting the alternative in this section shall be placed on the official ballot at an annual meeting by the governing body or by petition under RSA 39:3 or 197:6, and shall read substantially as follows:

"Shall (local political subdivision) adopt the provisions of RSA 40:13-a, requiring the default budget to be placed on the ballot as a separate contingent warrant article in the event that no operating budget article is adopted, and providing that the governing body shall call a special meeting to take up a revised operating budget in the event that neither the operating budget nor the default budget is adopted?"

III. If the question is approved by a 3/5 majority of those voting on the question, the alternative shall be in effect beginning with the following year's annual meeting. Only votes on the affirmative or negative shall be included in the calculation of the 3/5 majority. The legislative body may rescind its adoption of this section in the same manner.

IV. In political subdivisions that have adopted this section:

(a) The wording of the second session ballot question concerning the operating budget shall be as follows:

“Shall the (local political subdivision) raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$_____?”

(b) The wording of the second session contingent ballot question concerning the default budget shall be as follows:

“Shall the (local political subdivision), if article ____ is defeated, raise and appropriate as the default budget \$ _____, which is the same as last year’s operating budget, with certain adjustments required by previous action of the (local political subdivision) or by law? Should this article be defeated, the governing body shall call one special meeting to take up the issue of a revised operating budget only.”

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

2016-1848s

AMENDED ANALYSIS

This bill permits political subdivisions that have adopted official ballot voting to prohibit amendments to the operating budget at the deliberative session of the annual meeting, or to eliminate the deliberative session of the annual meeting.

This bill also permits the legislative body to require the default budget to be placed on the ballot at the second session of the annual meeting as a separate contingent warrant article.

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 1382, relative to the referendum procedure for public water systems. Inexpedient to Legislate, Vote 5-0. Senator Kelly for the committee.

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

HB 1455, relative to the application of the municipal budget law to village districts wholly within a town. Inexpedient to Legislate, Vote 3-2. Senator Boutin for the committee.

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

HB 1468, relative to sessions for correction of the checklist. Interim Study, Vote 4-1. Senator Lasky for the committee.

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

Senator Birdsell moved Ought to Pass.

Senator Boutin moved to Lay on the Table HB 1468.

A division vote was requested.

Division, Yeas: 12 - Nays: 12. Failed.

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

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

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

The following Senators voted No: Pierce, Hosmer, Kelly, Lasky, Feltes, Boutin, Soucy, D’Allesandro, Fuller Clark.

Roll Call, Yeas: 15 - Nays: 9. Adopted, bill ordered to Third Reading.

SPECIAL ORDER

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

PUBLIC AND MUNICIPAL AFFAIRS

HB 1503, relative to distributing campaign materials at the polling place.

HB 1534, relative to reports of death of voters. Ought to Pass with Amendment, Vote 4-1. Senator Boutin for the committee.

Public and Municipal Affairs

May 4, 2016

2016-1849s

03/10

Amendment to HB 1534

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

AN ACT relative to reports of death of voters and authorizing an electronic poll book trial program.

Amend RSA 5-C:4, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The secretary of state shall compare information contained on each death record received by the division of vital records with information contained in the statewide centralized voter registration database and submit to the state registrar a list of every city or town that has a registered voter matching the decedent's information.

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

3 Electronic Poll Book Trial Program.

I. The city of Manchester and towns of Hooksett and Durham are hereby authorized to conduct a trial of electronic poll book devices for voter registration and check-in for the 2016 state primary and general elections. The trial shall be compliant with all statutes directly or indirectly related to voter checklists and maintenance of the statewide centralized voter registration database including the processes related to voter registration and check-in, the processing of absentee ballots, the collection of all fields of data required for registration or check-in, and the delivery of that data to the secretary of state in a format compatible with the statewide centralized voter registration database. The secretary of state may waive statutory provisions related to manual entries on a paper checklist to accommodate an electronic poll book provided the same information required of the voter is obtained and recorded by the electronic poll book. In addition, as required in statute, nonpublic data related to individual voters shall remain confidential, and no voter data shall be used by an electronic poll book vendor, its agents, or individuals or entities from which the electronic poll book vendor obtains services for any purpose other than conducting a trial program under this section. Notwithstanding statutes relative to the privacy of voter information in the statewide database, year-of-birth information may be discreetly used by electronic poll books to help identify voters. Adequate back-up systems shall be in place during the trial as determined by the secretary of state. The city and towns shall assume all costs associated with the electronic poll book trial. The secretary of state shall prepare a memorandum of understanding that outlines specific conditions that must be met for compliance with this section. No electronic poll book trial may proceed unless the memorandum of understanding is signed by the secretary of state and the mayor or governing body of the town by June 15, 2016.

II. Within one month after the 2016 state primary election, and again, within one month after the 2016 general election, the city and towns shall submit a report to the secretary of state, who shall review such reports and forward them to the speaker of the house of representatives, the president of the senate, the chairperson of the house election law committee, and the chairperson of the senate public and municipal affairs committee. Each report shall describe the outcome of the trial program, addressing voter experiences, wait times, voter throughput times, personnel costs, hardware and software costs, and the completeness and accuracy of the data recorded, reported, and submitted for import to the statewide centralized voter registration database.

4 Effective Date.

I. Sections 1-2 of this act shall take effect July 1, 2017.

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

2016-1849s

AMENDED ANALYSIS

This bill requires the state registrar to notify the city or town clerk upon receipt of a death record and requires the supervisors of the checklist to remove the name from the checklist. This bill also authorizes a trial of electronic poll book devices for voter registration and check-in for the 2016 state primary and general elections.

The question is on the adoption of the Committee Amendment.

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

Recess. Out of recess.

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

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

Roll Call, Yeas: 15 - Nays: 9. Adopted.

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

TRANSPORTATION

HB 504, relative to online driver education. Inexpedient to Legislate, Vote 3-1. Senator Feltes for the committee.

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

Recess. Out of recess.

HB 1132, relative to carrying a loaded rifle or loaded shotgun in certain vehicles. Inexpedient to Legislate, Vote 3-1. Senator Feltes 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 Avard.

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

The following Senators voted No: Woodburn, Forrester, Bradley, Cataldo, Sanborn, Daniels, Avard, Boutin, Reagan, Prescott, Morse.

Roll Call, Yeas: 13 - Nays: 11. Adopted.

Senator Sanborn asserts Rule 6-25 on HB 1132.

HB 1212, naming welcome center at exit 44 on Interstate 93 in honor of Raymond S. Burton. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

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

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

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

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

HB 1271, making certain length and width exemptions concerning commercial vehicles. Ought to Pass with Amendment, Vote 3-2. Senator Daniels for the committee.

Senate Transportation

May 3, 2016

2016-1783s

03/04

Amendment to HB 1271

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

AN ACT making certain length and width exemptions concerning commercial vehicles and relative to registration of semi-trailers.

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

3 New Paragraph; Expiration of Registration. Amend RSA 261:62 by inserting after paragraph III the following new paragraph:

IV. Multiyear registrations may be issued for semi-trailers in accordance with RSA 261:74-u. Multiyear registrations shall expire in the anniversary month otherwise applicable under this section in the final year of the registration.

4 New Subdivision; Registrations by Nongovernmental Registering Trailer Agents. Amend RSA 261 by inserting after section 74-s the following new subdivision:

Registrations by Nongovernmental Registering Trailer Agents

261:74-t Registrations by Nongovernmental Registering Trailer Agents.

I. Semi-trailer registrations by nonresidents may be issued, renewed, or transferred through nongovernmental registering trailer agents appointed in accordance with this subdivision. Trailer agents shall be residents of and have a verified business address in this state. The director is authorized to limit the number of nongovernmental registering trailer agents appointed under this subdivision based on resource limitations, provided that at least 3 trailer agents are appointed and provided that any limitation established shall not be the basis for revoking any appointment previously made.

II.(a) Each applicant for appointment as a trailer agent shall furnish the following to the department:

- (1) Whether the application is an original, renewal, or change of location;
- (2) Corporate or business name;
- (3) Trade name, if applicable;
- (4) Legal address;
- (5) Mailing address;
- (6) Telephone number;
- (7) Business hours;
- (8) Name, address, and date of birth of at least one owner, partner, or officer, and title, if applicable;
- (9) Name of the person who will be responsible for filing monthly reports;
- (10) An agreement to notify the department of any change of ownership, address, or corporate or trade name; and
- (11) Signature and title of the person identified in subparagraph (8) and date signed.

(b)(1) Upon submission of an application that is incomplete or might indicate lack of fitness or qualification for appointment as a trailer agent, the director or his or her designee shall require an applicant to appear for an interview.

(2) The director or his or her designee shall inform the applicant in writing of the interview. The written notice shall include the date, time, and location of the interview.

(3) At the interview, the director or his or her designee shall:

- (A) Explain any discrepancy or concerns to the applicant.
- (B) Answer any questions that the applicant may have about the process.
- (C) Allow the applicant to make corrections to the application or address any concerns expressed.

(4) If an applicant refuses or neglects to appear for a scheduled interview, the director shall deny his or her application.

(5) If an applicant fails to explain any discrepancy or concerns at the interview, the director shall deny his or her application.

(c) In order to be appointed as a trailer agent by the director, each applicant shall:

- (1) Complete the application.
- (2) Complete the training requirements.

(3) Complete an interview if applicable.

(4) Obtain a surety bond.

(5) Agree to allow the director or his or her designee to enter the agent's premises during business hours for the purposes of auditing or verifying compliance with the terms and conditions of this section.

(6) Agree to keep current with forms and software as determined by the department.

(d) Trailer agents:

(1) Shall furnish registration information concerning vehicle information as the director may require.

(2) Collect fees.

(3) Issue registrations.

(4) Submit monthly reports to the department by the manner and in the form as the director may prescribe.

(e)(1) Each trailer agent shall maintain a record of all trailer registration certificates issued by him or her, including:

(A) Date of registration.

(B) Full name of the registrant.

(C) Identifying number.

(D) Address and phone number of record.

(2) The trailer agent shall maintain all records for a period of 15 years.

(f)(1) Prior to being appointed as a trailer agent, each applicant shall complete a training program conducted at the division of motor vehicles, or such other location as the department shall determine.

(2) The training program shall include the following instruction:

(A) Completing a trailer registration using either online equipment furnished by the department or offline equipment including forms and tables furnished by the department.

(B) Filing monthly reports.

(C) Collecting trailer registration and municipal permit fees.

(D) Maintaining records.

(E) Retaining the agent fee.

(F) Posting office hours.

(g)(1) If a trailer agent is deficient in any area, the department shall request the trailer agent to undergo retraining.

(2) Depending upon the areas of deficiency, retraining shall consist of one or more of the following:

(A) Repeat the training program.

(B) Repeat any portion of the training program.

(C) Undergo further training, the substance of which shall be determined by the department.

(h) Before any appointment shall become effective, each trailer agent shall file a surety bond with the department, pursuant to RSA 41:6.

(i)(1) Each trailer agent shall mail a monthly report of nonresident registrations to the department containing:

(A) The physical address and telephone number where the trailer agent is located;

(B) Period the report begins and ends;

(C) Number of trailers registered; and

(D) Amount of registration fee collected.

(2) The monthly reports shall be submitted along with all fees due to the department in the form of a check or money order.

(j) Whenever a trailer agent's office is closed or unattended, all decals, stamps, and other registration materials shall be placed in a locked file cabinet or other secure container.

II. A nonresident may register a semi-trailer in this state through a nongovernmental registering trailer agent, even if the trailer is not garaged exclusively in this state in accordance with RSA 261:46. Registrations of nonresidents for semi-trailers that are not garaged exclusively in this state shall bear the address of the owner's residence and the address of the nongovernmental registering trailer agent.

261:74-u Fees; Multiyear Registrations.

I. A nongovernmental registering trailer agent may collect and retain a fee for each registration processed as compensation for processing the registration.

II. The nongovernmental registering trailer agent shall collect and remit to the department the registration fee established in RSA 261:141, III(j) or the multiyear fee established in paragraph III. Semi-trailers owned by nonresidents of New Hampshire registered under this subdivision shall not require a municipal permit for registration and shall not be subject to any municipal fees.

III.(a) Nonresidents may register semi-trailers through a trailer agent using either an 8-year, a 12-year, a 20-year or a 25-year registration program. All registrations shall incur a one-time, initial plate fee of \$4 per plate. Fees for the first 3 years of a registration may not be refunded. Fees for the fourth and subsequent years may be refunded prior to the start of the registration year provided that the registration plate and certificate are returned to the department.

(b) Persons applying for a minimum of 1,000 semi-trailer registrations in a registration year may apply for number plates which may be issued for periods of 8, 12, or 20 years. The fee for each registration is \$11 per year. The director shall establish a procedure to bill each registrant using 20-year semi-trailer registrations once annually, except the initial billing at the time of purchase for a 20-year registration shall be for a minimum of a 3-year period. Fees for the first 3 years are nonrefundable. If any registrant fails to remit the payment in a timely manner, the director shall suspend all registrations issued to that registrant.

(c) A person registering 30,000 or more semi-trailers may be issued 25-year registrations. The fee for each registration is \$75. The fee is nonrefundable. The registrant may transfer an unexpired registration to a semi-trailer not previously registered to the registrant in this state. The transfer fee is \$20.

261:74-v Revocation of Agency Status.

I. If the director determines that a trailer agent has not continued to fulfill the requirements of RSA 261:74-t or has violated any of the rules adopted pursuant to RSA 261:74-w, the director shall commence the procedure established in paragraph II.

II. Any trailer agent whose appointment is sought to be revoked shall be afforded the opportunity of a hearing before the director or designee prior to such revocation. Following the hearing, the director may revoke the appointment as a trailer agent upon satisfactory evidence that the provisions of this subdivision have been violated and that the revocation is in the best interest of the state. A written statement outlining the evidence and violations shall accompany the revocation.

III. Upon the revocation of such agency, the person shall surrender to the department or its authorized agent all materials issued by the state under the provisions of this subdivision and all records pertaining to all matters authorized by this subdivision.

IV. Whenever an authorized auditor of the department, with the approval of the commissioner, determines that the public interest requires immediate action, the director may issue a temporary order suspending the authority of a nongovernmental registering trailer agent to issue, renew, or transfer registrations, pending a hearing.

261:74-w Rulemaking. The director shall adopt rules pursuant to RSA 541-A relative to application forms for appointment as a nongovernmental registering trailer agent.

5 Inspection of Trailers; Exemptions. Amend RSA 266:1-b, II to read as follows:

II. The director may authorize properly qualified dealers holding utility dealer registrations to inspect trailers of more than 10,000 pounds gross vehicle weight, to determine whether they are fit to be driven,

and to issue inspection stickers, under rules adopted for this purpose pursuant to RSA 541-A. This [section] **paragraph** shall not apply to full trailers as defined in RSA 259:37-a or semi-trailers as defined in RSA 259:98, and shall not prohibit other official inspection stations from inspecting trailers.

III. A semi-trailer displaying a valid certificate of inspection from another state or a federally approved commercial vehicle inspection program is exempt from the requirements of RSA 266:1 until the normal expiration of its certificate of inspection.

6 Surety Bonds. Amend the introductory paragraph of RSA 41:6, I to read as follows:

I. Town treasurers, trustees as provided in RSA 31:22 and [23] **RSA 31:23**, trustees as provided in RSA 53-B:8-a, I, library trustees including alternate library trustees, if any, town clerks, tax collectors and their deputies, agents authorized to collect the boat fee, **nongovernmental registering trailer agents appointed under RSA 261:74-t**, and persons delegated treasury functions under RSA 41:29, VI shall be bonded by position under a blanket bond from a surety company authorized to do business in this state. The bond shall indemnify against losses through:

7 Effective Date.

I. Sections 3-6 of this act shall take effect July 1, 2016.

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

2016-1783s

AMENDED ANALYSIS

This bill:

I. Establishes additional length and width exemptions for commercial motor vehicles.

II. Allows registrations through nongovernmental agents by nonresidents for semi-trailers not garaged exclusively in this state.

III. Authorizes multiyear registrations through those agents.

IV. Provides discounts on fees for multiyear registrations.

The question is on the adoption of the Committee Amendment.

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

The following Senators voted Yes: Sanborn, Daniels, Avard, Reagan, Birdsell, Prescott, Stiles.

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

Roll Call, Yeas: 7 - Nays: 17. Failed.

Senator Stiles offered a floor amendment.

Sen. Stiles, Dist 24

May 10, 2016

2016-1933s

03/04

Floor Amendment to HB 1271

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

AN ACT making certain length and width exemptions concerning commercial vehicles and relative to signs advising motorists approaching emergency vehicles in the breakdown lane.

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

3 Signs Advising Motorists Approaching Emergency Vehicles in the Breakdown Lane; Fund Established. Amend the introductory paragraph of RSA 265:37-c, I to read as follows:

I. There is established a nonlapsing [revolving] fund to be known as the emergency vehicle warning sign fund [in] **which shall be continually appropriated to** the department of transportation **and** which shall be funded by moneys paid through public-private agreements to post signs on the following highways, advising motorists to give one lane of clearance to emergency vehicles in the breakdown lane:

2016-1933s

AMENDED ANALYSIS

This bill establishes additional length and width exemptions for commercial motor vehicles. This bill also continually appropriates funds in the emergency vehicle warning sign fund to the department of transportation.

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 1396, relative to OHRV operation on certain highways in Grafton County. Ought to Pass with Amendment, Vote 3-2. Senator Watters for the committee.

Senate Transportation

May 4, 2016

2016-1811s

10/01

Amendment to HB 1396

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

AN ACT relative to OHRV operation on certain highways in Grafton county and relative to highway surveillance at the New London park and ride.

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

3 New Subparagraph; Highway Surveillance; New London Park and Ride. Amend RSA 236:130, III by inserting after subparagraph (g) the following new subparagraph:

(h) Is performed at the New London park and ride based on safety concerns for park and ride users due to the remote location and lack of a physical terminal at the facility. A live transmission from the New London park and ride facility to the New London police department is permitted in order to monitor for possible criminal activity and provide security of waiting passengers.

2016-1811s

AMENDED ANALYSIS

This bill allows the operation of off highway recreational vehicles (OHRVs) on certain highways in Grafton county that have been designated open for such use. The bill also excludes surveillance at the New London park and ride from the highway surveillance prohibition.

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

Senator Sanborn asserts Rule 6-25 on HB 1396.

Senator Feltes offered a floor amendment.

Sen. Feltes, Dist 15

May 10, 2016

2016-1924s

10/05

Floor Amendment to HB 1396

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

AN ACT relative to OHRV operation on certain highways in Grafton county, relative to highway surveillance at the New London park and ride, and establishing a commission to study OHRV usage and the allocation of law enforcement and emergency response resources and responsibilities.

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

4 New Section; Commission to Study OHRV Usage and the Allocation of Law Enforcement and Emergency Response Resources and Responsibilities. Amend RSA 215-A by inserting after section 10 the following new section:

215-A:10-a Commission Established; OHRV Usage and the Allocation of Law Enforcement and Emergency Response Resources and Responsibilities.

I. There is established a commission to study OHRV usage and the allocation of law enforcement and emergency response resources and responsibilities.

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of safety, or designee.
- (d) The commissioner of the department of transportation, or designee.
- (e) The executive director of the fish and game department, or designee.
- (f) The director of the trails bureau of the department of resources and economic development, or designee.
- (g) A representative of the New Hampshire Off-Highway Vehicle Association, appointed by the association.
- (h) A representative of the New Hampshire Municipal Association, appointed by the association.
- (i) A representative of the New Hampshire Sheriff's Association, appointed by the association.
- (j) A representative of the New Hampshire Association of Chiefs of Police, appointed by the association.
- (k) A representative of the Society for the Protection of New Hampshire Forests, appointed by the society.
- (l) A representative of the Nature Conservancy of New Hampshire, appointed by that organization.

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

IV.(a) The commission's study shall include, but not be limited to, reviewing and examining:

- (1) The provisions of RSA 215-A.
- (2) OHRV usage on state highways, on trail connectors, on town highways, as well as on town roads that are not part of the trail system.
- (3) The proper and adequate allocation of law enforcement and emergency response resources and responsibilities regarding OHRV usage.
- (4) Any other matter the commission deems relevant to its study.

(b) The commission shall seek and accept input and testimony from other interested stakeholders and members of the public.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the commissioner of the department of safety. The first meeting of the commission shall be held within 30 days of the effective date of this section. Six members of the commission shall constitute a quorum.

VI. On or before December 15, 2016, the commission shall submit a report of 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.

5 Prospective Repeal. RSA 215-A:10-a, relative to the commission to study OHRV usage and the allocation of law enforcement and emergency response resources and responsibilities, is repealed.

6 Effective Date.

I. Section 5 of this act shall take effect December 20, 2016.

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

2016-1924s

AMENDED ANALYSIS

This bill allows the operation of off highway recreational vehicles (OHRVs) on certain highways in Grafton county that have been designated open for such use. The bill excludes surveillance at the New London park and ride from the highway surveillance prohibition. The bill also establishes a commission to study OHRV usage and the allocation of law enforcement and emergency response resources and responsibilities.

Without objection, the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate.

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

Senator Sanborn asserts Rule 6-25 on HB 1396.

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 1396.

HB 1477, relative to the grace period for motor vehicle inspections. Interim Study, Vote 4-0. Senator Daniels for the committee.

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

Recess. Out of recess.

HB 2016, relative to the state 10-year transportation improvement program. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

Senate Transportation

May 4, 2016

2016-1832s

06/03

Amendment to HB 2016

Amend the bill by inserting after section 12 the following and renumbering the original section 13 to read as 22:

13 Department of Transportation; Milford; Northfield-Tilton; East Kingston. The following projects shall be removed from the 10-year transportation improvement plan 2017-2026 and shall be advanced to fiscal year 2016:

I. The project named Milford, project number 13692B, which consists of safety improvements to NH 101.

II. The project named Northfield-Tilton, project number 16147, which consists of bridge rehabilitation on I-93 over the Winnepesaukee River.

III. The project named East Kingston, project number 26942, which consists of bridge deck replacement and rehabilitation on NH 107A over the B&M Railroad.

14 Department of Transportation; Salem-Manchester. The following projects shall be added to the 10-year transportation improvement plan 2017-2026:

I. Salem-Manchester, project number 14633J, pavement of a 4th lane from Salem to Manchester along I-93, shall be funded with federal funds and remaining TIFIA funds, totaling \$11,700,000.

II. Salem-Manchester, project number 13933A, construction of a 4th lane along I-93 at the state border, shall be funded with federal funds totaling \$15,700,000.

15 Department of Transportation; Salem-Manchester. The funding for the project named Salem-Manchester, project number 10418H, for the I-93 exit 3 park and ride in Windham, shall be modified to fully fund the project under the federal Congestion Mitigation Air Quality (CMAQ) improvement program.

16 Department of Transportation; Hampton. The preliminary engineering for the project named Hampton, project number 40797, which consists of improvements to Ocean Boulevard, shall be advanced from the fiscal year ending June 30, 2022 to the fiscal year ending June 30, 2020.

17 Department of Transportation; Portsmouth. The project named Portsmouth, project number 40644, which consists of a railroad crossing upgrade, shall be relocated from Maplewood Avenue to Market Street.

18 Department of Transportation; Salem. The funding for the project named Salem, project number 12334, which consists of reconstruction of an intersection at NH 28 and NH 97, shall be modified to include \$2,900,000 for right of way acquisitions (ROW).

19 Administration of Transportation Laws; Use of Toll Credits. RSA 228:12-a is repealed and reenacted to read as follows:

228:12-a Use of Toll Credits. The department may use toll credits as a match for federal highway funds solely for the funding of highway and road projects, projects concerning the travel of motor vehicles on such highways and roads, or the work of the regional planning commissions under RSA 36. Any other use of toll credits shall require approval of the joint legislative capital budget overview committee, established in RSA 17-J:1, prior to moving the project forward for approval.

20 Department of Transportation; Dixville-Colebrook. The department of transportation shall not expend any funds on the road project named Dixville-Colebrook, project number 40518, until such time as all approvals, including financing, for the Balsams project are secured. The project shall be contingent upon an agreement between the towns and/or county to take ownership prior to construction.

21 Department of Transportation; Jefferson-Randolph. The project named Jefferson-Randolph, project number 13602C, shall include the study of a possible location for a wildlife crossing on Route 2.

2016-1832s

AMENDED ANALYSIS

This bill:

- I. Adopts the 10-year transportation improvement plan for 2017-2026.
- II. Adds purposes for which the state may issue GARVEE bonds.
- III. Modifies funding for projects on the central New Hampshire turnpike and the Spaulding turnpike.
- IV. Authorizes the department of transportation to expend certain funds for the purchase of fleet vehicles, for the state bridge aid program, and for highway bridge and betterment district resurfacing and rehabilitation programs.
- V. Transfers certain funds under the state aid highway program to the Littleton Saranac Street project.
- VI. Deletes the Nashua-Manchester-Concord Capitol Corridor Rail project, project number 40818, from the 10-year transportation improvement plan 2017-2026.
- VII. Advances the Milford safety improvements project, the Northfield-Tilton bridge rehabilitation project, and the East Kingston bridge deck replacement project to the 2016 transportation improvement plan.
- VIII. Adds Salem-Manchester projects to pave a 4th lane along I-93 and to construct a 4th lane on I-93 to the state border to the 10-year transportation improvement plan 2017-2026.
- IX. Modifies funding for the park and ride project in Windham and for the reconstruction of the intersection of NH 28 and NH 97.
- X. Modifies provisions of projects to make improvements to Ocean Boulevard in Hampton, a railroad crossing upgrade in Portsmouth, and a highway intersection in Salem.
- XI. Limits the use of toll credits to certain projects.
- XII. Prohibits the department of transportation from expending any funds on the Dixville-Colebrook road project until all approvals for the Balsams project are complete.
- XIII. Adds the study of a possible location for a wildlife crossing to the Jefferson-Randolph project, project number 13602.

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

Senator Feltes offered a floor amendment.

Sen. Feltes, Dist 15

Sen. Stiles, Dist 24

May 10, 2016

2016-1928s

06/09

Floor Amendment to HB 2016

Amend the bill by replacing section 20 with the following:

20 Department of Transportation. The department of transportation shall not commence construction on the road project named Dixville-Colebrook, project number 40518, until such time as all approvals necessary

for the road project are received and the financing required for commencement of commercial operations at the facility on the east side of NH 26 at the Balsams is secured. Project number 40518 shall be contingent upon an agreement between the towns and/or county to take ownership of the road prior to construction.

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

Senator Lasky offered a floor amendment.

Sen. Lasky, Dist 13

May 10, 2016

2016-1913s

06/03

Floor Amendment to HB 2016

Amend the bill by deleting section 12 and renumbering the original sections 13-22 to read as 12-21, respectively.

2016-1913s

AMENDED ANALYSIS

This bill:

- I. Adopts the 10-year transportation improvement plan for 2017-2026.
- II. Adds purposes for which the state may issue GARVEE bonds.
- III. Modifies funding for projects on the central New Hampshire turnpike and the Spaulding turnpike.
- IV. Authorizes the department of transportation to expend certain funds for the purchase of fleet vehicles, for the state bridge aid program, and for highway bridge and betterment district resurfacing and rehabilitation programs.
- V. Transfers certain funds under the state aid highway program to the Littleton Saranac Street project.
- VI. Advances the Milford safety improvements project, the Northfield-Tilton bridge rehabilitation project, and the East Kingston bridge deck replacement project to the 2016 transportation improvement plan.
- VII. Adds Salem-Manchester projects to pave a 4th lane along I-93 and to construct a 4th lane on I-93 to the state border to the 10-year transportation improvement plan 2017-2026.
- VIII. Modifies funding for the park and ride project in Windham and for the reconstruction of the intersection of NH 28 and NH 97.
- IX. Modifies provisions of projects to make improvements to Ocean Boulevard in Hampton, a railroad crossing upgrade in Portsmouth, and a highway intersection in Salem.
- X. Limits the use of toll credits to certain projects.
- XI. Prohibits the department of transportation from expending any funds on the Dixville-Colebrook road project until all approvals for the Balsams project are complete.
- XII. Adds the study of a possible location for a wildlife crossing to the Jefferson-Randolph project, project number 13602.

The question is on the adoption of the Floor Amendment.

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

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

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

Roll Call, Yeas: 11 - Nays: 13. Failed.

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

FINANCE

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

Senate Finance
May 4, 2016
2016-1816s
04/01

Amendment to HB 602-FN

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

AN ACT relative to the use of drones and establishing a state grant program to assist state and local law enforcement agencies in addressing the opioid crisis and making an appropriation therefor.

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

3 New Subdivision; Substance Abuse Enforcement Program. Amend RSA 21-P by inserting after section 65 the following new subdivision:

Substance Abuse Enforcement Program

21-P:66 Substance Abuse Enforcement Program.

I. The commissioner of safety shall establish a substance abuse enforcement program which shall make grants available to county, local, and appropriate state law enforcement agencies to increase visible police presence on streets and highways and in public spaces, promote the sharing of information, and support enhanced drug investigative procedures, with particular emphasis on interdicting and disrupting the flow of illicit drugs being transported into and through the state for eventual sale and illegal use.

II. The commissioner shall establish protocols and conditions for increased state police patrols and conditions for eligibility for grants to local, county, and state law enforcement agencies. The protocols and conditions shall be based on the principles of intelligence-driven, problem-oriented policing, using statistics and information to place additional police patrol and investigative presence at the locations, times, and places where there have been a significant convergence of motor vehicle crashes, crimes, and drug use, or in corridors known to be used by drug dealers for shipments of illegal drugs into the state. The protocols and conditions shall:

(a) Require dedicated patrol units relieved of taking calls for service absent an emergency.

(b) Insure that the officers assigned to such patrol units have been trained in the concept of data-driven policing and have an appropriate knowledge of the requirements of the state and federal constitutions.

(c) Include an emphasis on gaining the respect and approval of the public for the work of the police.

III. The program shall include periodic reporting to ensure that measurable results are being obtained.

21-P:67 Substance Abuse Enforcement Fund.

I. There is hereby established the substance abuse enforcement fund. This fund shall be used for the purposes of the substance abuse enforcement program to support coordinated law enforcement activities, including but not limited to:

(a) New Hampshire state police personnel, equipment, and other costs when working in conjunction with county and local law enforcement in localities experiencing a high volume of substance abuse related activities;

(b) Department of safety personnel, equipment, and other costs to increase the capacity and efficiency of the state crime laboratory in processing evidence in opioid-related cases; and

(c) Grants to county and local law enforcement for overtime personnel costs in localities experiencing a high volume of substance abuse related activities.

II. The substance abuse enforcement fund shall be a nonlapsing fund administered by the commissioner of the department of safety. The fund shall consist of an initial appropriation of \$1,500,000, and the commissioner may also accept and expend gifts, grants, and donations from any state or federal source for deposit into the fund. The fund shall be continually appropriated and expended at the discretion of the commissioner of the department of safety, in furtherance of the purposes of the fund. The commissioner shall create an accounting unit and expenditure classes for the fund as the commissioner deems necessary and appropriate to effectuate the purposes of the fund. Notwithstanding the provisions of RSA 9:16-a and the provisions of 2015, 276:198, the commissioner is authorized to transfer funds within and among the expenditure classes in furtherance of the purposes of the fund.

21-P:68 Rulemaking. The commissioner of safety shall adopt rules to implement this subdivision. Notwithstanding any other provisions of law, such rules shall be exempt from the provisions of RSA 541-A.

4 New Subparagraph; Administrative Procedures Act; Exceptions. Amend RSA 541-A:21, I by inserting after subparagraph (hh) the following new subparagraph:

(ii) RSA 21-P:68, relative to the substance abuse enforcement fund.

5 New Subparagraph; Special Fund; Substance Abuse Enforcement Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (331) the following new subparagraph:

(332) Moneys deposited in the substance abuse enforcement fund established under RSA 21-P:67.

6 Appropriation; Department of Safety. The sum of \$1,500,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the department of safety, for the purpose of funding the substance abuse enforcement program and fund. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2017.

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

2016-1816s

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 and prohibits, with certain exceptions, a person from flying a drone above a state or county correctional facility.

This bill also requires the commissioner of the department of safety to establish a state grant program within the division of state police to assist state and local law enforcement agencies in addressing the opioid crisis, and establishes a special fund and makes an appropriation for purposes of this program.

Recess. Out of recess.

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

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

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 602-FN.

HB 636-FN, relative to forfeiture of property. Ought to Pass with Amendment, Vote 5-0. Senator Hosmer for the committee.

Senate Finance

May 4, 2016

2016-1823s

05/10

Amendment to HB 636-FN

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

AN ACT relative to forfeiture of property; relative to the sale of premixed synthetic urine; and establishing a grant program for high schools for heroin and opiate prevention education.

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

1 New Section; Property Subject to Forfeiture. Amend RSA 617 by inserting after section 1 the following new section:

617:1-a Criminal Forfeiture; Property Subject to Forfeiture.

I. Subsequent to a criminal conviction pursuant to a statute that authorizes forfeiture, including but not limited to RSA 318-B:17-b, the court may order the person convicted to forfeit:

(a) Property the person derived from the commission of the crime;

- (b) Property directly traceable to property derived from the commission of the crime; and
- (c) Instrumentalities the person used in the commission of the crime.

II. When a conviction or agreement of the parties is not possible due to the person's death, incompetence, unavailability, or not being within the jurisdiction of the court, or the person to be charged cannot be identified, forfeiture proceedings may be commenced.

III. Property may be forfeited if the state establishes that the property is forfeitable by clear and convincing evidence.

IV. Nothing in this section shall prevent property from being forfeited by plea agreement approved by the presiding criminal court or other agreement of the parties.

V. At the request of any party, the civil portion of the forfeiture proceeding may be stayed by the court.

2 New Section; Forfeiture; Innocent Owner. Amend RSA 617 by inserting after section 4 the following new section:

617:4-a Innocent Owner. In addition to any other remedy provided by law, any person claiming to be an innocent owner of property seized for purposes of forfeiture may petition the court, after 10 days from the date of seizure, for return of the property. No item or property interest shall be subject to forfeiture unless the alleged innocent owner thereof was a consenting party to the crime. This provision shall not apply to property seized as evidence in a pending criminal investigation or prosecution.

3 New Section; Disposition of Unclaimed Property and Proceeds. Amend RSA 617 by inserting after section 10 the following new section:

617:11 Disposition of Property and Proceeds.

I. Notwithstanding any other provision of law, at any time when unclaimed property or contraband held for evidentiary purposes is no longer needed for that purpose, the court may order the state to deliver any unclaimed property, other than currency, to the commissioner of the department of administrative services, to deliver any currency to the state treasurer, and to destroy any contraband within 30 days.

II. If the forfeiture is granted, the court may order the state to deliver any currency to the state treasurer and any other property to the commissioner of the department of administrative services within 30 days. The commissioner of the department of administrative services shall dispose of the forfeited property at public auction.

III. Upon motion, the court may order that a portion of the currency seized or proceeds from public auction be used to pay reasonable non-personnel expenses of the seizure, storage, and maintenance of custody of any forfeited items.

IV. The auction proceeds and forfeited currency shall be forwarded to the state treasurer and shall be used first to pay all outstanding recorded liens on the forfeited property, then to comply with an order of the court to pay reasonable non-personnel expenses, with all remaining funds to be deposited into the drug forfeiture fund.

4 Forfeiture of Items Used in Connection with Drug Offense. Amend RSA 318-B:17-b, II(e) to read as follows:

(e) The department of justice shall, within 60 days of the seizure, ~~[either]~~ file a petition in the superior court having jurisdiction under this section ~~[or seek administrative forfeiture pursuant to RSA 318-B:17-d]~~. If no such petition is filed ~~[or administrative procedure initiated]~~ within 60 days, the items or property interest seized shall be released or returned to the owners.

5 Disposition of Funds Obtained by the Attorney General; Reference to Administrative Forfeiture Removed. Amend RSA 7:6-e, III to read as follows:

III. This section shall not apply to fines received by the attorney general in criminal cases, penalty assessment funds, drug forfeiture funds as provided in RSA 318-B:17-b ~~[through RSA 318-B:17-d]~~ **and RSA 318-B:17-c**, fines or civil penalties authorized by state law as a result of enforcement actions taken by state agencies or the attorney general, and money received on behalf of a victim or the state as restitution.

6 Repeal. RSA 318-B:17-d, relative to administrative forfeiture of items used in connection with drug offenses, is repealed.

7 New Subdivision; Sale of Synthetic Drugs; Premixed Synthetic Urine. Amend RSA 359-O by inserting after section 7 the following new subdivision:

Premixed Synthetic Urine

359-O:8 Sale or Use of Premixed Synthetic Urine Prohibited.

I. No person shall:

(a) Manufacture, sell, distribute, or market premixed synthetic urine with the intent that it be used to defraud a drug or alcohol screening test.

(b) Attempt to defeat a drug or alcohol screening test by using premixed synthetic urine.

II. In this section, "drug or alcohol screening test" means an analysis of a sample of bodily fluid collected from a person for the purpose of detecting the presence of alcohol or drugs in the bodily fluid of the person.

III. Any person who violates this subdivision shall be subject to the penalty in RSA 359-O:5, I.

8 Heroin and Opiate Prevention and Education Grant Program.

I. There is hereby established a heroin and opiate prevention education grant program (HOPE) which shall be jointly administered by the TIGER program at Plymouth state university and Communities for Alcohol- and Drug-free Youth (CADY), a nonprofit organization which serves as the state's regional prevention network for central New Hampshire.

II. Grants shall be available to public high schools, including chartered public high schools, to cover the cost of the HOPE program presentation. Grant applications shall be submitted to the TIGER program on a form to be developed by the TIGER program. The TIGER program shall distribute HOPE grants to high schools and chartered public high schools to the extent of available funds. A high school or chartered public high school shall be eligible for one HOPE grant per school year.

III. A high school or chartered public high school in which 40 percent or more of the average daily membership in attendance in the determination year are eligible for the federal free and reduced-price meal program shall be eligible for a grant in the amount of 100 percent of the cost of the HOPE program. All other high schools and chartered public high schools shall be eligible for a grant in the amount of 50 percent of the cost of the HOPE program.

IV. Recipients of a HOPE grant shall, within 30 days of the conclusion of the program at the school, submit a report to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery established in RSA 12-J and to CADY summarizing the student's reaction to the program. Any school that does not comply with this paragraph shall not be eligible to receive a HOPE grant in any subsequent year of the program.

V. "Average daily membership in attendance" and "determination year" shall have the same meaning as in RSA 198:38.

9 Appropriation. The sum of \$51,520 for the biennium ending June 30, 2017 is hereby appropriated to the university system of New Hampshire for the purpose of making grants as provided in section 5 of this act to the TIGER program at Plymouth state university. For the purposes of funding the appropriation made in this section, the governor shall identify excess appropriations from sums appropriated pursuant to 2015, 275 and 276, and shall transfer said sums to the appropriate class lines. Any transfers made pursuant to this section shall not require the prior approval of the fiscal committee of the general court and the governor and council and shall not be subject to the provisions of RSA 9:16-a, RSA 9:17-a, and RSA 9:17-c.

10 Repeal. Section 8 of this act, establishing a heroin and opiate prevention education grant program, is repealed.

11 Effective Date.

I. Sections 1-7 of this act shall take effect January 1, 2017.

II. Section 10 of this act shall take effect July 1, 2017.

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

2016-1823s

AMENDED ANALYSIS

This bill:

I. Limits forfeiture to cases in which the state has found by clear and convincing evidence that the property was derived from, or used in, the commission of a crime and requires the state to deposit proceeds from forfeited property in the general fund.

II. Prohibits the use or sale of premixed synthetic urine to defeat a drug or alcohol screening test.

III. Establishes a one-year grant program for high schools for heroin and opiate prevention education.

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

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

Senator Forrester offered a floor amendment.

Sen. Forrester, Dist 2

May 11, 2016

2016-1952s

05/04

Floor Amendment to HB 636-FN

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

AN ACT relative to forfeiture of property; and establishing a grant program for high schools for heroin and opiate prevention education.

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

1 New Section; Property Subject to Forfeiture. Amend RSA 617 by inserting after section 1 the following new section:

617:1-a Criminal Forfeiture; Property Subject to Forfeiture.

I. Subsequent to a criminal conviction pursuant to a statute that authorizes forfeiture, including but not limited to RSA 318-B:17-b, the court may order the person convicted to forfeit:

- (a) Property the person derived from the commission of the crime;
- (b) Property directly traceable to property derived from the commission of the crime; and
- (c) Instrumentalities the person used in the commission of the crime.

II. When a conviction or agreement of the parties is not possible due to the person's death, incompetence, unavailability, or not being within the jurisdiction of the court, or the person to be charged cannot be identified, forfeiture proceedings may be commenced.

III. Property may be forfeited if the state establishes that the property is forfeitable by clear and convincing evidence.

IV. Nothing in this section shall prevent property from being forfeited by plea agreement approved by the presiding criminal court or other agreement of the parties.

V. At the request of any party, the civil portion of the forfeiture proceeding may be stayed by the court.

2 New Section; Forfeiture; Innocent Owner. Amend RSA 617 by inserting after section 4 the following new section:

617:4-a Innocent Owner. In addition to any other remedy provided by law, any person claiming to be an innocent owner of property seized for purposes of forfeiture may petition the court, after 10 days from the date of seizure, for return of the property. No item or property interest shall be subject to forfeiture unless the alleged innocent owner thereof was a consenting party to the crime. This provision shall not apply to property seized as evidence in a pending criminal investigation or prosecution.

3 New Section; Disposition of Unclaimed Property and Proceeds. Amend RSA 617 by inserting after section 10 the following new section:

617:11 Disposition of Property and Proceeds.

I. Notwithstanding any other provision of law, at any time when unclaimed property or contraband held for evidentiary purposes is no longer needed for that purpose, the court may order the state to deliver any unclaimed property, other than currency, to the commissioner of the department of administrative services, to deliver any currency to the state treasurer, and to destroy any contraband within 30 days.

II. If the forfeiture is granted, the court may order the state to deliver any currency to the state treasurer and any other property to the commissioner of the department of administrative services within 30 days. The commissioner of the department of administrative services shall dispose of the forfeited property at public auction.

III. Upon motion, the court may order that a portion of the currency seized or proceeds from public auction be used to pay reasonable non-personnel expenses of the seizure, storage, and maintenance of custody of any forfeited items.

IV. The auction proceeds and forfeited currency shall be forwarded to the state treasurer and shall be used first to pay all outstanding recorded liens on the forfeited property, then to comply with an order of the court to pay reasonable non-personnel expenses, with all remaining funds to be deposited into the drug forfeiture fund.

4 Forfeiture of Items Used in Connection with Drug Offense. Amend RSA 318-B:17-b, II(e) to read as follows:

(e) The department of justice shall, within 60 days of the seizure, ~~[either]~~ file a petition in the superior court having jurisdiction under this section ~~[or seek administrative forfeiture pursuant to RSA 318-B:17-d]~~. If no such petition is filed ~~[or administrative procedure initiated]~~ within 60 days, the items or property interest seized shall be released or returned to the owners.

5 Disposition of Funds Obtained by the Attorney General; Reference to Administrative Forfeiture Removed. Amend RSA 7:6-e, III to read as follows:

III. This section shall not apply to fines received by the attorney general in criminal cases, penalty assessment funds, drug forfeiture funds as provided in RSA 318-B:17-b ~~[through RSA 318-B:17-d]~~ **and RSA 318-B:17-c**, fines or civil penalties authorized by state law as a result of enforcement actions taken by state agencies or the attorney general, and money received on behalf of a victim or the state as restitution.

6 Repeal. RSA 318-B:17-d, relative to administrative forfeiture of items used in connection with drug offenses, is repealed.

7 Heroin and Opiate Prevention and Education Grant Program.

I. There is hereby established a heroin and opiate prevention education grant program (HOPE) which shall be jointly administered by the TIGER program at Plymouth state university and Communities for Alcohol- and Drug-free Youth (CADY), a nonprofit organization which serves as the state's regional prevention network for central New Hampshire.

II. Grants shall be available to public high schools, including chartered public high schools, to cover the cost of the HOPE program presentation. Grant applications shall be submitted to the TIGER program on a form to be developed by the TIGER program. The TIGER program shall distribute HOPE grants to high schools and chartered public high schools to the extent of available funds. A high school or chartered public high school shall be eligible for one HOPE grant per school year.

III. A high school or chartered public high school in which 40 percent or more of the average daily membership in attendance in the determination year are eligible for the federal free and reduced-price meal program shall be eligible for a grant in the amount of 100 percent of the cost of the HOPE program. All other high schools and chartered public high schools shall be eligible for a grant in the amount of 50 percent of the cost of the HOPE program.

IV. Recipients of a HOPE grant shall, within 30 days of the conclusion of the program at the school, submit a report to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery established in RSA 12-J and to CADY summarizing the student's reaction to the program. Any school that does not comply with this paragraph shall not be eligible to receive a HOPE grant in any subsequent year of the program.

V. "Average daily membership in attendance" and "determination year" shall have the same meaning as in RSA 198:38.

8 Appropriation. The sum of \$51,520 for the biennium ending June 30, 2017 is hereby appropriated to the university system of New Hampshire for the purpose of making grants as provided in section 7 of this act to the TIGER program at Plymouth state university. For the purposes of funding the appropriation made in this section, the governor shall identify excess appropriations from sums appropriated pursuant to 2015, 275 and 276, and shall transfer said sums to the appropriate class lines. Any transfers made pursuant to this section shall not require the prior approval of the fiscal committee of the general court and the governor and council and shall not be subject to the provisions of RSA 9:16-a, RSA 9:17-a, and RSA 9:17-c.

9 Repeal. Section 7 of this act, establishing a heroin and opiate prevention education grant program, is repealed.

10 Effective Date.

I. Sections 1-6 of this act shall take effect January 1, 2017.

II. Section 9 of this act shall take effect July 1, 2017.

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

2016-1952s

AMENDED ANALYSIS

This bill:

I. Limits forfeiture to cases in which the state has found by clear and convincing evidence that the property was derived from, or used in, the commission of a crime and requires the state to deposit proceeds from forfeited property in the general fund.

II. Establishes a one-year grant program for high schools for heroin and opiate prevention education.

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

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

Senator Forrester offered a floor amendment.

Sen. Forrester, Dist 2

May 12, 2016

2016-1966s

05/04

Floor Amendment to HB 636-FN

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

AN ACT relative to forfeiture of property; establishing a grant program for high schools for heroin and opiate prevention education; and establishing a state grant program to assist state and local law enforcement agencies in addressing the opioid crisis and making an appropriation therefor.

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

10 New Subdivision; Substance Abuse Enforcement Program. Amend RSA 21-P by inserting after section 65 the following new subdivision:

Substance Abuse Enforcement Program

21-P:66 Substance Abuse Enforcement Program.

I. The commissioner of safety shall establish a substance abuse enforcement program which shall make grants available to county, local, and appropriate state law enforcement agencies to increase visible police presence on streets and highways and in public spaces, promote the sharing of information, and support enhanced drug investigative procedures, with particular emphasis on interdicting and disrupting the flow of illicit drugs being transported into and through the state for eventual sale and illegal use.

II. The commissioner shall establish protocols and conditions for increased state police patrols and conditions for eligibility for grants to local, county, and state law enforcement agencies. The protocols and conditions shall be based on the principles of intelligence-driven, problem-oriented policing, using statistics and information to place additional police patrol and investigative presence at the locations, times, and places where there have been a significant convergence of motor vehicle crashes, crimes, and drug use, or in corridors known to be used by drug dealers for shipments of illegal drugs into the state. The protocols and conditions shall:

(a) Require dedicated patrol units relieved of taking calls for service absent an emergency.

(b) Insure that the officers assigned to such patrol units have been trained in the concept of data-driven policing and have an appropriate knowledge of the requirements of the state and federal constitutions.

(c) Include an emphasis on gaining the respect and approval of the public for the work of the police.

III. The program shall include periodic reporting to ensure that measurable results are being obtained.

21-P:67 Substance Abuse Enforcement Fund.

I. There is hereby established the substance abuse enforcement fund. This fund shall be used for the purposes of the substance abuse enforcement program to support coordinated law enforcement activities, including but not limited to:

(a) New Hampshire state police personnel, equipment, and other costs when working in conjunction with county and local law enforcement in localities experiencing a high volume of substance abuse related activities;

(b) Department of safety personnel, equipment, and other costs to increase the capacity and efficiency of the state crime laboratory in processing evidence in opioid-related cases; and

(c) Grants to county and local law enforcement for overtime personnel costs in localities experiencing a high volume of substance abuse related activities.

II. The substance abuse enforcement fund shall be a nonlapsing fund administered by the commissioner of the department of safety. The fund shall consist of an initial appropriation of \$1,500,000, and the commissioner may also accept and expend gifts, grants, and donations from any state or federal source for deposit into the fund. The fund shall be continually appropriated and expended at the discretion of the commissioner of the department of safety, in furtherance of the purposes of the fund. The commissioner shall create an accounting unit and expenditure classes for the fund as the commissioner deems necessary and appropriate to effectuate the purposes of the fund. Notwithstanding the provisions of RSA 9:16-a and the provisions of 2015, 276:198, the commissioner is authorized to transfer funds within and among the expenditure classes in furtherance of the purposes of the fund.

21-P:68 Rulemaking. The commissioner of safety shall adopt rules to implement this subdivision. Notwithstanding any other provisions of law, such rules shall be exempt from the provisions of RSA 541-A.

11 New Subparagraph; Administrative Procedures Act; Exceptions. Amend RSA 541-A:21, I by inserting after subparagraph (hh) the following new subparagraph:

(ii) RSA 21-P:68, relative to the substance abuse enforcement fund.

12 New Subparagraph; Special Fund; Substance Abuse Enforcement Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (331) the following new subparagraph:

(332) Moneys deposited in the substance abuse enforcement fund established under RSA 21-P:67.

13 Appropriation; Department of Safety. The sum of \$1,500,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the department of safety, for the purpose of funding the substance abuse enforcement program and fund. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

14 Effective Date.

I. Sections 1-6 of this act shall take effect January 1, 2017.

II. Section 9 of this act shall take effect July 1, 2017.

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

2016-1966s

AMENDED ANALYSIS

This bill:

I. Limits forfeiture to cases in which the state has found by clear and convincing evidence that the property was derived from, or used in, the commission of a crime and requires the state to deposit proceeds from forfeited property in the general fund.

II. Establishes a one-year grant program for high schools for heroin and opiate prevention education.

III. Requires the commissioner of the department of safety to establish a state grant program within the division of state police to assist state and local law enforcement agencies in addressing the opioid crisis and makes an appropriation to fund the program.

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

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

Senator Pierce offered a floor amendment.

Sen. Pierce, Dist 5

Sen. Carson, Dist 14

May 11, 2016

2016-1949s

10/04

Floor Amendment to HB 636-FN

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

AN ACT relative to forfeiture of property; relative to the sale of premixed synthetic urine; establishing a grant program for high schools for heroin and opiate prevention education; and clarifying who may petition to adopt.

Amend the bill by replacing all after section 10 with the following:

11 Who May Petition to Adopt. RSA 170-B:4 is repealed and reenacted to read as follows:

170-B:4 Who May Petition to Adopt. In this chapter, any adult or 2 adults together may petition to adopt a natural person for the purpose of creating a relationship of parent and child between them.

12 Effective Date.

I. Sections 1-7 of this act shall take effect January 1, 2017.

II. Section 10 of this act shall take effect July 1, 2017.

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

2016-1949s

AMENDED ANALYSIS

This bill:

I. Limits forfeiture to cases in which the state has found by clear and convincing evidence that the property was derived from, or used in, the commission of a crime and requires the state to

deposit proceeds from forfeited property in the general fund.

II. Prohibits the use or sale of premixed synthetic urine to defeat a drug or alcohol screening test.

III. Establishes a one-year grant program for high schools for heroin and opiate prevention education.

IV. Provides that any adult or 2 adults together may petition to adopt another person for the purpose of creating a relationship of parent and child.

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

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

Recess. Out of recess.

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 636-FN.

HB 1428-FN-A-L, establishing the clean water state revolving fund non-program fund account in the department of environmental services for the purpose of funding eligible and completed wastewater projects under the state aid grant program. Ought to Pass with Amendment, Vote 5-0. Senator D'Allesandro for the committee.

Senate Finance

May 4, 2016

2016-1844s

06/01

Amendment to HB 1428-FN-A-LOCAL

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

AN ACT establishing the clean water state revolving fund non-program fund account in the department of environmental services for the purpose of funding eligible and completed wastewater projects under the state aid grant program, making an appropriation to the police standards and training council, repealing the police standards and training council training fund, making a capital appropriation to the police standards and training council, adding a quorum requirement to the performance audit and oversight committee, and relative to liquor commission revenue shortfalls.

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

4 Police Standards and Training Council; Appropriation.

I. The police standards and training council shall reduce police standard and training council training fund appropriations by \$3,557,141 in the fiscal year ending June 30, 2017.

II. There is hereby appropriated to the police standards and training council the sum of \$3,557,141 for the fiscal year ending June 30, 2017. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. The purpose of this appropriation is to offset the reduction required in paragraph I.

III. Any balance remaining in the police standards and training council training fund as of June 30, 2016 shall be transferred to the general fund.

5 Repeal. The following are repealed:

I. RSA 188-F:30, relative to police standards and training council training fund.

II. RSA 6:12, I(b)(6), relative to police standards and training council training fund.

6 Community College System of New Hampshire; Authority of the Board of Trustees. Amend RSA 188-F:6, VIII to read as follows:

VIII. Receive, expend, allocate, and transfer funds within the community college system of New Hampshire as necessary to fulfill the purposes of the community college system. The trustees shall have no authority over ~~[funds in the police standards and training council training fund established in RSA 188-F:30, or]~~ any ~~[other]~~ funds appropriated to the police standards and training council or to the McAuliffe-Shepard discovery center, which shall not be commingled with any funds of the community college system of New Hampshire.

7 Police Standards and Training Council Training Fund. Amend RSA 188-F:31, IV to read as follows:

IV. The clerk of each court shall collect all penalty assessments and shall transmit the amount collected under paragraphs I-III to the state treasurer for deposit in the following funds. The state treasurer shall deposit 66.66 percent of the amount collected in the ~~[police standards and training council training fund]~~ **state general fund**, 16.67 percent of the amount collected in the victims' assistance fund, and 16.67 percent of the amount collected in the judicial branch information technology fund.

8 Police Standards and Training Council. Amend RSA 188-F:32-a, I to read as follows:

I. The council with approval of the board of trustees of the department may set tuition, selection procedures and fees for acceptance of tuition students at its programs and for the use of its facilities. Such fees shall be ~~[deposited to the credit of the police standards and training council training fund or]~~ **credited** with the approval of the department of administrative services, ~~[credited]~~ to the operating accounts of the council to offset additional expenditures necessitated by the acceptance of the additional students.

9 Motor Vehicles; Penalties. Amend RSA 262:44, I to read as follows:

I. Such defendant shall receive, in addition to the summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the director of the division of motor vehicles within 30 days of the date of the summons. The director of the division of motor vehicles may accept payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine amount

which is credited as agency income and not out of the penalty assessment charged by the district court. The director of the division of motor vehicles shall remit the penalty assessments collected to the ~~[police standards and training council for deposit in the police standards and training council training fund and to the]~~ state treasurer to be credited and continually appropriated to the **state general fund and to the** victims' assistance fund and the judicial branch information technology fund in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the state treasurer, and shall be credited as agency income by the department of safety within 14 days of their receipt and shall not lapse to the general fund until the second year of each biennium.

10 Supervision Fees; Probationers. Amend RSA 504-A:13, II(a) to read as follows:

(a) \$5 to the ~~[police standards and training council training fund]~~ **state general fund** to defray expenses of providing training to employees of the department of corrections.

11 Department of Safety, Division of State Police; Appropriation.

I. There is hereby appropriated to the department of safety, division of state police, the sum of \$700,000 for the biennium ending June 30, 2017 for the purpose of the acquisition and equipping of new state police cruisers to replace those that have repairs exceeding the value of the vehicle.

II. The source of funds for the appropriation made in paragraph I shall be \$540,050 as a charge against the highway fund and \$159,950 as a charge against the turnpike fund.

12 Police Standards and Training Council. For the fiscal year ending June 30, 2016, police standards and training council accounting units 06-87-87-870510-8980, 06-87-87-871010-8999, 06-87-87-871510-8310, and 06-87-87-872010-8139 shall be exempt from budget footnote I contained in 2015, 275:1.08.

13 Capital Appropriation; Police Standards and Training Council.

I. For the biennium ending June 30, 2017, the sum of \$900,000 is hereby appropriated to the police standards and training council for the purpose of replacing the tactical center roof and repairing the driving and parking areas.

II. To provide funds for the appropriation made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$900,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

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

14 Legislative Performance Audit and Oversight; Committee Established. Amend RSA 17-N:1, II to read as follows:

II. The committee shall consist of 10 members, 5 of whom shall be members of the house of representatives, 3 appointed by the speaker of the house and 2 appointed by the house minority leader, and 5 of whom shall be senators, 3 appointed by the president of the senate, and 2 appointed by the senate minority leader. Members shall be appointed for their term of office. All members shall be eligible for reappointment so long as they are qualified under this section. Members shall be appointed no later than December 30 of the year of their election to the general court, except that vacancies shall be filled for an unexpired term within 30 days of the creation of such vacancy, and the initial appointments under this section shall be made within 30 days of the effective date of this section. The members shall choose from their number a chairman, provided that the chairmanship shall rotate biennially between the house and senate members. **Four members of the committee shall constitute a quorum.**

15 Liquor Commission; Revenue Shortfalls. The provisions of RSA 176:16-a, relative to liquor commission revenue shortfalls, are hereby suspended for period beginning on the effective date of this section and ending on July 1, 2017.

16 Effective Date.

I. Sections 1-3 of this act shall take effect July 30, 2016.

II. Sections 5-10 of this act shall take effect July 1, 2016.

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

2016-1844s

AMENDED ANALYSIS

This bill:

I. Establishes the CWSRF non-program fund account in the department of environmental services for the purpose of funding eligible and completed wastewater projects under the state aid grant program.

II. Appropriates funds from the general fund to the police standards and training council to replace police standards and training council training funds.

III. Repeals the police standards and training council training fund.

IV. Appropriates funds from the highway fund to the department of safety for the purchase of police cruisers.

V. Makes a capital appropriation to the police standards and training council.

VI. Adds a quorum requirement to the legislative performance audit and oversight committee.

VII. Suspends through July 1, 2017 the statute requiring the liquor commission to reduce budgeted appropriations in the event of a shortfall in revenue transferred to the general fund in the prior fiscal year and requiring a report of any such reductions.

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

Senator Sanborn is in opposition to the Committee Amendment on HB 1428-FN-A-L.

Senator Forrester offered a floor amendment.

Sen. Forrester, Dist 2

May 10, 2016

2016-1911s

06/05

Floor Amendment to HB 1428-FN-A-LOCAL

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

AN ACT establishing the clean water state revolving fund non-program fund account in the department of environmental services for the purpose of funding eligible and completed wastewater projects under the state aid grant program, making an appropriation to the police standards and training council, repealing the police standards and training council training fund, making a capital appropriation to the police standards and training council, adding a quorum requirement to the performance audit and oversight committee, relative to liquor commission revenue shortfalls, and making an appropriation to the department of safety for the purpose of disaster and emergency response preparedness.

Amend the bill by inserting after section 15 the following and renumbering the original section 16 to read as 18:

16 Electric Renewable Portfolio Standard; Renewable Energy Fund. Amend RSA 362-F:10, I to read as follows:

I. There is hereby established a renewable energy fund. This nonlapsing, special fund shall be continually appropriated to the commission to be expended in accordance with this section. The state treasurer shall invest the moneys deposited therein as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All payments to be made under this section shall be deposited in the fund. ~~[Of the moneys paid into the fund, the amount of \$720,000 for fiscal year 2016 and the amount of \$1,500,000 for fiscal year 2017 and each fiscal year thereafter shall be transferred to the division of homeland security and emergency management for the purpose of disaster and emergency response preparedness and coordination to help minimize utility and other disruptions resulting from natural or manmade disasters. Any remaining]~~ **The** moneys paid into the fund under paragraph II of this section, excluding class II moneys, shall be used by the commission to support thermal and electrical renewable energy initiatives. Class II moneys shall primarily be used to support solar energy technologies in New Hampshire. All initiatives supported out of these funds shall be subject to audit by the commission as deemed necessary. All fund moneys including those from class II may be used to administer this chapter, but all new employee positions shall be approved by the fiscal committee of the general court. No new employees shall be hired by the commission due to the inclusion of useful thermal energy in class I production.

17 Supplemental Appropriation to the Department of Safety. In addition to any other funds appropriated to the department of safety, the sum of \$745,119 for the fiscal year ending June 30, 2016, and \$1,553,015 for the fiscal year ending June 30, 2017, are hereby appropriated for the purpose of disaster and emergency response preparedness and coordination to help minimize utility and other disruptions resulting from natural or manmade disasters. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2016-1911s

AMENDED ANALYSIS

This bill:

I. Establishes the CWSRF non-program fund account in the department of environmental services for the purpose of funding eligible and completed wastewater projects under the state aid grant program.

II. Appropriates funds from the general fund to the police standards and training council to replace police standards and training council training funds.

III. Repeals the police standards and training council training fund.

IV. Appropriates funds from the highway fund to the department of safety for the purchase of police cruisers.

V. Makes a capital appropriation to the police standards and training council.

VI. Adds a quorum requirement to the legislative performance audit and oversight committee.

VII. Suspends through July 1, 2017 the statute requiring the liquor commission to reduce budgeted appropriations in the event of a shortfall in revenue transferred to the general fund in the prior fiscal year and requiring a report of any such reductions.

VIII. Makes a supplemental appropriation to the department of safety for the purpose of disaster and emergency response preparedness.

IX. Removes a transfer from the renewable energy fund to the division of homeland security and emergency management made for the same purpose in 2015, 276.

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

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

May 12, 2016

2016-1961s

06/01

Floor Amendment to HB 1428-FN-A-LOCAL

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

AN ACT establishing the clean water state revolving fund non-program fund account in the department of environmental services for the purpose of funding eligible and completed wastewater projects under the state aid grant program, making an appropriation to the police standards and training council, repealing the police standards and training council training fund, making a capital appropriation to the police standards and training council, adding a quorum requirement to the performance audit and oversight committee, relative to liquor commission revenue shortfalls, and relative to the rivers management and protection program.

Amend the bill by replacing all after section 15 with the following:

16 Combustion Ban. RSA 125-C:10-c is repealed and reenacted to read as follows:

125-C:10-c Combustion Ban.

I. Notwithstanding any provision of law to the contrary, no person shall combust the wood component of construction and demolition debris, as defined in RSA 149-M:4, IV-a, or any mixture or derivation from said component.

II. This section shall not apply to:

(a) The incidental combustion of such materials either by any municipal waste incinerator or a municipal combustor with a design capacity of less than 250 tons per day of municipal solid waste, that has been permitted by the department and was in operation on January 1, 2006;

(b) The combustion of no more than 10,000 tons per year of wood residue at any municipal waste combustor from November 15 through April 15 from facilities that process construction and demolition debris in a manner no less stringent than the requirements of the Environmental Protection Agency's Non-Hazardous Secondary Materials Rule, 40 C.F.R section 241.4(a)(5) (Non-waste Determinations for Specific Non-Hazardous Secondary Materials When Used as a Fuel) dated February 8, 2016; or

(c) The incidental combustion, under the supervision of a solid waste facility operator of untreated wood at any municipal transfer station subject to regulation under RSA 149-M.

III. For purposes of this section, a municipal waste combustor shall have the same definition as RSA 125-M:2, XI, have a design capacity of at least 250 tons per day of municipal solid waste before January 1, 2016, be subject to regulation by this chapter or RSA 149-M, and have been in operation on January 1, 2016 or, if a municipal incinerator, have been permitted by the department and in operation on January 1, 2006.

17 Effective Date.

I. Sections 1-3 of this act shall take effect July 30, 2016.

II. Sections 5-10 of this act shall take effect July 1, 2016.

III. Section 16 of this act shall take effect 60 days after its passage.

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

2016-1961s

AMENDED ANALYSIS

This bill:

I. Establishes the CWSRF non-program fund account in the department of environmental services for the purpose of funding eligible and completed wastewater projects under the state aid grant program.

II. Appropriates funds from the general fund to the police standards and training council to replace police standards and training council training funds.

III. Repeals the police standards and training council training fund.

IV. Appropriates funds from the highway fund to the department of safety for the purchase of police cruisers.

V. Makes a capital appropriation to the police standards and training council.

VI. Adds a quorum requirement to the legislative performance audit and oversight committee.

VII. Suspends through July 1, 2017 the statute requiring the liquor commission to reduce budgeted appropriations in the event of a shortfall in revenue transferred to the general fund in the prior fiscal year and requiring a report of any such reductions.

VIII. Excludes the combustion of wood residue from certain air pollution control regulations.

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 1695-FN, relative to a health system public data resource for New Hampshire and relative to cost effectiveness of programs implemented within state agencies. Ought to Pass with Amendment, Vote 4-2. Senator D'Allesandro for the committee.

Senate Finance

May 3, 2016

2016-1803s

01/09

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 establishing a special fund, relative to cost effectiveness of programs implemented within state agencies, and relative to the use of the lakes region facility property for substance abuse treatment and recovery programs.

Amend section 1 of the bill by inserting after RSA 126-A:70 the following new RSA section:

126-A:71 Health System Public Data Resource Plan Fund; Established. There is established the health system public data resource plan fund, which shall be nonlapsing and continually appropriated to the department and administered by the commissioner for the purposes of this subdivision. Pursuant to the memorandum of understanding under RSA 126-A:70, V, the fund shall be used for costs incurred by the department in carrying out the requirements under this subdivision. All monetary funds, grants, gifts, donations, or interest generated by the fund shall be deposited with the state treasurer in the fund.

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

3 New Subparagraph; Application of Receipts; Health System Public Data Resource Plan Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (331) the following new subparagraph:

(332) Moneys deposited in the health system public data resource plan fund, established in RSA 126-A:71.

4 Request for Proposals: Lease of Lakes Region Facility Property for Provision of Substance Abuse Treatment and Recovery Programs. Notwithstanding any provision of law to the contrary, the commissioner of the department of health and human services in consultation with the commissioner of the department of administrative services shall develop and solicit a request for proposals for the private use of the lakes region facility property in Laconia to provide comprehensive substance abuse treatment and recovery programs. The request for proposals may include, but shall not be limited to, long term lease purchase agreements, ground lease arrangements, or any other arrangements the commissioners deem viable in carrying out the provisions of this section. The commissioners of the department of health and human services and the department of administrative services shall review and consider all proposals and shall negotiate a contract with the highest qualified firm. The long range capital planning and utilization committee shall approve the contract prior to submission to the governor and council. The contract shall receive final approval no later than June 30, 2017.

2016-1803s

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 establishes a fund for the implementation and administration of the requirements of the plan.

The bill 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.

This bill also requires the commissioners of health and human services and administrative services to solicit requests for proposals for private use of the lakes region facility property in Laconia to provide substance abuse treatment and recovery programs.

Senator Forrester moved to divide the question: Lines 8-19 and Section 3; and Section 4.

The Chair ruled the question divisible.

The question is on the adoption of Committee Amendment 1803s, Lines 8-19 and Section 3. Adopted.

The question is on the adoption of Committee Amendment 1803s, Section 4. Failed.

Senator Boutin offered a floor amendment.

Sen. Boutin, Dist 16

May 12, 2016

2016-1964s

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 establishing a special fund, relative to cost effectiveness of programs implemented within state agencies, relative to the use of the lakes region facility property for substance abuse treatment and recovery programs, and relative to record management of abuse and neglect reports.

Amend the bill by replacing all after section 4 with the following:

5 New Paragraph; Child Protection Act; Definition of Screened-Out Report. Amend RSA 169-C:3 by inserting after paragraph XXVII-a the following new paragraph:

XXVII-b. "Screened-out report" means a report made pursuant to this chapter that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for assessment.

6 Child Protection Act; Records Management of Abuse and Neglect Reports. RSA 169-C:35-a is repealed and reenacted to read as follows:

169-C:35-a Records Management of Abuse and Neglect Reports.

I. The department shall retain a screened-out report for 7 years from the date that the report was screened out. If during the 7-year retention period, the department receives a subsequent report of abuse or neglect concerning the same alleged perpetrator or the same child or any siblings or other children in the same household or in the care of the same adults, the department shall retain information from the prior and subsequent reports for an additional 7 years from the date a subsequent report is screened out, an additional 10 years from the date a subsequent report is deemed unfounded, and indefinitely if the subsequent report is deemed founded. The department shall delete or destroy all electronic and paper records of the reports when the retention period for the most recent report expires.

II. The department shall retain an unfounded report for 10 years from the date that the department determined the case to be unfounded. If during the 10-year retention period, the department receives a subsequent report of abuse or neglect concerning the same alleged perpetrator or the same child or any siblings or other children in the same household or in the care of the same adults, the department shall retain the information from the prior and subsequent reports for an additional 10 years from the date the subsequent report is screened out or deemed unfounded, or indefinitely if the subsequent report is deemed founded. The department shall delete or destroy all electronic and paper records of the reports when the most recent report expires.

III. The department shall retain a founded report indefinitely.

IV. Nothing in this section shall prevent the department from retaining generic, non-identifying information which is required for state and federal reporting and management purposes.

7 Effective Date.

I. Sections 5 and 6 of this act shall take effect January 1, 2017.

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

2016-1964s

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 establishes a fund for the implementation and administration of the requirements of the plan.

The bill 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.

This bill requires the commissioners of health and human services and administrative services to solicit requests for proposals for private use of the lakes region facility property in Laconia to provide substance abuse treatment and recovery programs.

This bill also revises the record retention requirements for founded, unfounded, and screened-out reports of abuse or neglect which is a request of the commission to review child abuse fatalities, established in 2015, 127.

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

Recess. Out of recess.

The question is on the adoption of the motion of Ought to Pass with Amendments 1803s, Lines 8-19 and Section 3, and 1964s. Adopted, bill ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1503, relative to distributing campaign materials at the polling place. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

Public and Municipal Affairs

May 4, 2016

2016-1850s

03/06

Amendment to HB 1503

Amend RSA 659:43, I as inserted by section 1 of the bill by replacing it with the following:

I. No person [~~who is a candidate for office or who is representing or working for a candidate~~] shall distribute, **wear**, or post at a polling place any campaign material in the form of a poster, card, handbill, placard, picture, **pin, sticker**, or circular **or articles of clothing** which is intended to influence the action of the voter within the building where the election is being held.

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

Senator Sanborn asserts Rule 6-25 on HB 1503.

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

May 12, 2016

2016-1972s

05/10

Floor Amendment to HB 1503

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

AN ACT relative to distributing campaign materials at the polling place and relative to health and dental benefits for temporary, seasonal, and part-time state employees.

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

2 New Section; Health and Dental Benefits for Temporary, Seasonal, and Part-Time Employees. Amend RSA 98-A by inserting after section 6-c the following new section:

98-A:6-d Health and Dental Benefits. Any individual employed in state service under a temporary or seasonal appointment, as defined in this chapter, who has not been deemed permanent and whose employment calls for 30 hours or more work in a normal calendar week, but whose position is not anticipated to have a duration of 6 months or more, shall be entitled to elect to participate at his or her own expense in the group health and dental insurance plans afforded full-time state employees. The costs of health and dental benefits which any such individual elects to receive pursuant to this section shall be withheld from such individual's salary as a payroll deduction. The department of administrative services shall be authorized to invoice the individual for any amounts not paid through a payroll deduction.

3 Effective Date.

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

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

2016-1972s

AMENDED ANALYSIS

This bill:

I. Expands the prohibition on distributing campaign materials at the polling place.

II. Clarifies health and dental benefits for temporary, seasonal, and part-time state employees.

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

Senator Sanborn asserts Rule 6-25 on HB 1503.

SPECIAL ORDER

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

PUBLIC AND MUNICIPAL AFFAIRS

HB 1503, relative to distributing campaign materials at the polling place.

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

PUBLIC AND MUNICIPAL AFFAIRS

HB 1482, relative to the Interstate Voter Registration Crosscheck Program. Interim Study, Vote 5-0. Senator Birdsell for the committee.

This bill would authorize the Secretary of State to enter into an agreement to share voter information and data through the Interstate Voter Registration Crosscheck Program. The committee felt that it would be more appropriate to take the time to examine all crosscheck programs before moving forward.

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

A division vote was requested.

Division, Yeas: 8 - Nays: 11. Failed.

Senator Birdsell moved Ought to Pass.

Senator Boutin moved to Lay on the Table HB 1482.

A division vote was requested.

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

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

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bill was special ordered to the present time.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1503, relative to distributing campaign materials at the polling place.

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 1503.

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 1695-FN: rescind Order to Third Reading, and vote on Ought to Pass with Amendment. Adopted.

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

May 12, 2016

2016-1967s

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 establishing a special fund, relative to cost effectiveness of programs implemented within state agencies, relative to the use of the lakes region facility property for substance abuse treatment and recovery programs, and relative to administration of the tobacco tax.

Amend the bill by replacing all after section 4 with the following:

5 Definitions. Amend RSA 78:1 to read as follows:

78:1 Definitions. Whenever used in this chapter the following words shall have the meanings set opposite them below:

I. "Commissioner", the commissioner of revenue administration.

II. "Person," any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed.

III. "Manufacturer" means any person engaged in the business of importing, exporting, producing, or manufacturing tobacco products ~~[who sells his product only to licensed wholesalers]~~.

III-a. "Wholesale sales price" means the established price for which a manufacturer sells tobacco products other than cigarettes to a wholesaler, exclusive of any discount or other reduction.

IV. "Licensed manufacturer," a manufacturer licensed hereunder.

V. "Wholesaler" means any person ~~[doing]~~ **engaged in the** business ~~[in this state who shall purchase all of his unstamped tobacco products directly from a licensed manufacturer, and who shall sell all of his products to licensed wholesalers, sub-jobbers, vending machine operators, retailers, and]~~ **of receiving, storing, purchasing, and selling tobacco products from a manufacturer or wholesaler for distribution to other wholesalers, sub-jobbers, vending machine operators, or retailers, but not directly to the consumer, except** those persons exempted from the tobacco tax under RSA 78:7-b.

VI. "Licensed wholesaler," a wholesaler licensed hereunder.

VII. "Sub-jobber" means any person ~~[doing]~~ **engaged in the** business ~~[in this state who buys stamped]~~ **of purchasing** tobacco products from a ~~[licensed]~~ wholesaler and ~~[who sells all of his]~~ **selling** tobacco products to other ~~[licensed]~~ sub-jobbers, vending machine operators, and retailers.

VIII. "Licensed sub-jobber," a sub-jobber licensed hereunder.

IX. "Vending machine operator" means any person operating one or more tobacco product vending machines on property or premises other than his own.

X. "Licensed vending machine operator," a vending machine operator licensed ~~[hereunder]~~ **under RSA 178**.

XI. "Retailer" means any person who sells tobacco products to consumers, and any vending machine in which tobacco products are sold.

XII. "Licensed retailer," a retailer licensed ~~[hereunder]~~ **under RSA 178**.

XIII. "Sale" or "sell," any transfer, whether by bargain, gift, exchange, barter or otherwise.

XIV. "Tobacco products" means cigarettes, loose tobacco, smokeless tobacco, ~~[snuff]~~ and cigars, but shall not include premium cigars.

XIV-a. [Repealed.]

XV. [Repealed.]

XVI. [Repealed.]

XVII.(a) In conformity with RSA 541-C:2, IV, "cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains:

(1) Any roll of tobacco wrapped in paper or in any substance not containing tobacco; or

(2) Tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or

(3) Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (a)(1).

(b) The term "cigarette" includes "roll-your-own" (i.e., any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes). For purposes of this definition of "cigarette," 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette."

XVIII. "Licensee" means the person in whose name the license is issued.

XIX. "Sampler" means any person who distributes free tobacco products to consumers for promotional purposes.

XX. "Vending machine" means any self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco, cigarettes, or any other tobacco product.

XXI. "Premium cigars" means cigars which ~~[are made entirely by hand of all natural tobacco leaf, hand constructed and hand wrapped, wholesaling for \$2 or more, and weighing more than 3 pounds per 1000 cigars. These cigars shall be kept in a humidor at the proper humidity.]~~:

(a) Are made entirely by hand of all natural tobacco leaf;

(b) Are hand constructed and hand wrapped;

(c) Weigh more than 3 pounds per 1,000 cigars; and

(d) Are kept in a humidor.

XXII. "**Humidor**" means a container or room specifically designed to store and age cigars within the optimal humidity range of 65 percent to 72 percent at room temperature, containing a humidification device or system designed to add or remove moisture from its interior space to maintain the desired level of humidity.

XXIII. "**Consumer**" means a person who purchases, imports, receives, or otherwise acquires any tobacco products subject to the tax imposed by this chapter for his or her own use.

XXIV. "**Licensed sampler**" means a sampler licensed under RSA 178.

6 Denial of License Application. Amend the introductory paragraph of RSA 78:6-a, I to read as follows:

I. The commissioner shall deny a license application for tobacco manufacturer, wholesaler, **or** sub-jobber[; vending machine operator, retailer, or sampler] for any one of the following reasons:

7 Nature of Tax. Amend RSA 78:7-a to read as follows:

78:7-a Nature of Tax. All taxes upon tobacco products under this chapter are declared to be a direct tax upon the consumer at retail and shall conclusively be presumed to be pre-collected for the purpose of convenience and facility only **by the affixing of tax stamps for cigarettes and the filing of returns and payment of tax for other tobacco products under RSA 78:12**. Accordingly, the commissioner may collect the tax directly from consumers who purchase ~~[unstamped]~~ tobacco products **without documentation to evidence tax paid**.

8 New Section; Consumer Reporting and Payment. Amend RSA 78 by inserting after section 7-c the following new section:

78:7-d Consumer Reporting and Payment.

I. A consumer who purchases, imports, receives, or otherwise acquires tobacco products from other than a licensed retailer or licensed vending machine operator and without documentation to evidence tax paid under this chapter shall file, on or before the last day of the month following each month in which such tobacco products were acquired, a return on a form prescribed by the commissioner together with payment of the tax imposed by this chapter at the rate provided in RSA 78:7 and RSA 78:7-c. The return shall report the number of tobacco products purchased, imported, received, or otherwise acquired during the previous calendar month and any additional information the commissioner may require.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it must contain for the correct computation of tobacco tax attributable to this state. All returns shall be signed by the consumer subject to the pains and penalties of perjury.

III. Any consumer who fails to pay any amount owing to the purchase of tobacco products within the time required shall pay, in addition to the amount, interest as prescribed in RSA 21-J:28 and a penalty as prescribed in RSA 21-J:33.

IV. Any consumer who fails to timely file a return when required shall pay a penalty as prescribed in RSA 21-J:31.

9 Stamps. Amend RSA 78:9, II to read as follows:

II. Any wholesaler who fails to pay any amount owing to the purchase of stamps [~~or meter-registered settings~~] within the time required shall pay, in addition to the amount, interest as prescribed in RSA 21-J:28.

10 Resale of Stamps; Redemption. Amend RSA 78:10 to read as follows:

78:10 Resale of Stamps; Redemption. No wholesaler shall sell or transfer any stamps issued under RSA 78:9. The commissioner shall redeem any unused, uncanceled stamps presented by any licensed wholesaler at a price equal to the amount paid by such licensee. In case such stamps are destroyed before they are affixed, the commissioner shall refund the purchase price upon presentation of evidence of such destruction satisfactory to the commissioner. The commissioner shall refund the purchase price for stamps [~~and metered impressions~~] which are destroyed after affixing to outdated, damaged, or unsaleable tobacco products. The commissioner also shall refund or provide a credit for future tax payments on outdated, damaged, or unsaleable tobacco products exempted from bearing stamps by the commissioner under rules adopted under RSA 541-A. The state treasurer shall provide, out of money collected under this chapter, the funds necessary for redemption or refund.

11 Unauthorized Sales. Amend RSA 78:12-a to read as follows:

78:12-a Unauthorized Sales.

I. Manufacturers, wholesalers, [~~and~~] sub-jobbers, **and retailers** shall not sell tobacco products ***in this state*** to any [~~licensee~~] ***manufacturer, wholesaler, sub-jobber, vending machine operator, sampler, or retailer*** who does not possess a valid or current license issued by the commissioner ***under this chapter*** or issued by the liquor commission under RSA 178. [~~Any person who violates the provisions of this section shall be subject to the penalty provisions of RSA 21-J:39.~~]

II. Manufacturers shall only sell tobacco products, without documentation to evidence tax paid under this chapter in this state to licensed wholesalers.

III. Wholesalers shall only purchase tobacco products without documentation to evidence tax paid under this chapter from licensed manufacturers, and shall only sell tobacco products with documentation to evidence tax paid under this chapter to other licensed wholesalers, licensed sub-jobbers, licensed vending machine operators, licensed retailers, and those persons exempted from the tobacco tax under RSA 78:7-b.

IV. Sub-jobbers shall only purchase tobacco products with documentation to evidence tax paid under this chapter from licensed wholesalers and other licensed sub-jobbers, and shall only sell tobacco products with documentation to evidence tax paid under this chapter to other licensed sub-jobbers, licensed vending machine operators, licensed retailers, and those persons exempted from the tobacco tax under RSA 78:7-b.

V. Retailers shall only purchase tobacco products with documentation to evidence tax paid from a licensed wholesaler or licensed sub-jobber, and shall only sell in this state tobacco products with documentation to evidence tax paid to consumers.

VI. Any person who violates the provisions of this section shall be subject to the penalty provisions of RSA 21-J:39.

12 Authorization to Affix Stamps. Amend RSA 78:13 to read as follows:

78:13 Authorization to Affix Stamps [~~or Use Metering Machine~~]. The commissioner may adopt rules, pursuant to RSA 541-A, relative to authorizing any person resident or located outside this state and engaged in a business which would make such person if he carried it on in this state a wholesaler as defined in this chapter, to affix the stamps required by this chapter on behalf of the purchasers of such tobacco products. The commissioner may sell stamps to such person [~~or the commissioner may authorize the use of a metering machine as provided in this chapter~~]. No stamps shall be sold or no such authorization shall issue, however, until such nonresident person shall have appointed the secretary of state his attorney for the service of process in this state in the same manner as provided in RSA 300. Service shall be made on the secretary of state as agent of such person in the same manner as is provided in RSA 300. The commissioner may adopt rules pursuant to RSA 541-A relative to the conditions which must be met upon a grant of authorization to a nonresident to affix stamps. Such conditions shall include the right to inspect the books of the nonresident and the posting of a bond by the nonresident conditioned upon the payment of all taxes imposed under this chapter.

13 Required Taxpayer Records. Amend RSA 78:18, I to read as follows:

I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form for records of ***tobacco stamps and of*** all tobacco products manufactured, produced, purchased, ***distributed***, and sold. Each manufacturer, wholesaler, sub-jobber, vending machine operator, and retailer shall keep complete and accurate records of all ***tobacco stamps and all*** such tobacco products ***manufactured, produced, distributed, and sold***. Such records shall be safely preserved for 3 years in such manner as to insure permanency and accessibility for inspection by the commissioner and the commissioner's authorized agents. Retailers of tobacco products exempt from the requirement of affixing stamps in RSA 78:12, II shall keep such records with such exempt tobacco products, as determined by the commissioner, that document the tax imposed by this chapter on the tobacco products has been paid in full.

14 Additions to Tax. Amend RSA 78:18-a to read as follows:

78:18-a Additions to Tax. If after any examination as provided in RSA 78:18, the commissioner or his agent determines that there is a deficiency with respect to the [~~purchase of~~] tax [~~indicia~~] ***due under this chapter***, the commissioner shall assess the tax and all applicable additions due the state. At the time such additional assessment is made, the commissioner shall give notice of the assessment to the person liable and make demand upon him for immediate payment.

15 New Paragraph; Liquor Commission; Definitions. Amend RSA 175:1 by inserting after paragraph XXXVII the following new paragraph:

XXXVII-a. "Humidor" means a container or room specifically designed to store and age cigars within the optimal humidity range of 65 percent to 72 percent at room temperature, containing a humidification device or system designed to add or remove moisture from its interior space to maintain the desired level of humidity.

16 Repeal. RSA 78:11, relative to metering machines, is repealed.

17 Effective Date.

I. Sections 5-16 of this act shall take effect July 1, 2016.

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

2016-1967s

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 establishes a fund for the implementation and administration of the requirements of the plan.

The bill 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.

This bill requires the commissioners of health and human services and administrative services to solicit requests for proposals for private use of the lakes region facility property in Laconia to provide substance abuse treatment and recovery programs.

This bill also makes a variety of changes to the tobacco tax laws, including changing and adding certain definitions and removing references to metering machines. This bill clarifies activities which constitute unauthorized sales of tobacco products. The bill also adds records of tobacco stamps sold and tobacco products distributed to required taxpayer records. This portion of the bill was requested by the department of revenue administration.

Recess. Out of recess.

Sen. Bradley withdrew floor amendment 1967s.

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

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 1503: rescind Order to Third Reading, and vote on Ought to Pass with Amendment. Adopted.

Senator Sanborn asserts Rule 6-25 on HB 1503.

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

May 12, 2016

2016-1973s

10/08

Floor Amendment to HB 1503

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

AN ACT relative to distributing campaign materials at the polling place, relative to health and dental benefits for temporary, seasonal, and part-time state employees, and relative to administration of the tobacco tax.

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

3 Definitions. Amend RSA 78:1 to read as follows:

78:1 Definitions. Whenever used in this chapter the following words shall have the meanings set opposite them below:

I. "Commissioner", the commissioner of revenue administration.

II. "Person," any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed.

III. "Manufacturer" means any person engaged in the business of importing, exporting, producing, or manufacturing tobacco products ~~[who sells his product only to licensed wholesalers]~~.

III-a. "Wholesale sales price" means the established price for which a manufacturer sells tobacco products other than cigarettes to a wholesaler, exclusive of any discount or other reduction.

IV. "Licensed manufacturer," a manufacturer licensed hereunder.

V. "Wholesaler" means any person ~~[doing]~~ **engaged in the** business ~~[in this state who shall purchase all of his unstamped tobacco products directly from a licensed manufacturer, and who shall sell all of his products to licensed wholesalers, sub-jobbers, vending machine operators, retailers, and]~~ **of receiving, storing, purchasing, and selling tobacco products from a manufacturer or wholesaler for distribution to other wholesalers, sub-jobbers, vending machine operators, or retailers, but not directly to the consumer, except** those persons exempted from the tobacco tax under RSA 78:7-b.

VI. "Licensed wholesaler," a wholesaler licensed hereunder.

VII. "Sub-jobber" means any person ~~[doing]~~ **engaged in the** business ~~[in this state who buys stamped]~~ **of purchasing** tobacco products from a ~~[licensed]~~ wholesaler and ~~[who sells all of his]~~ **selling** tobacco products to other ~~[licensed]~~ sub-jobbers, vending machine operators, and retailers.

VIII. "Licensed sub-jobber," a sub-jobber licensed hereunder.

IX. "Vending machine operator" means any person operating one or more tobacco product vending machines on property or premises other than his own.

X. "Licensed vending machine operator," a vending machine operator licensed ~~[hereunder]~~ **under RSA 178**.

XI. "Retailer" means any person who sells tobacco products to consumers, and any vending machine in which tobacco products are sold.

XII. "Licensed retailer," a retailer licensed ~~[hereunder]~~ **under RSA 178**.

XIII. "Sale" or "sell," any transfer, whether by bargain, gift, exchange, barter or otherwise.

XIV. "Tobacco products" means cigarettes, loose tobacco, smokeless tobacco, ~~[snuff]~~ and cigars, but shall not include premium cigars.

XIV-a. [Repealed.]

XV. [Repealed.]

XVI. [Repealed.]

XVII.(a) In conformity with RSA 541-C:2, IV, “cigarette” means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains:

(1) Any roll of tobacco wrapped in paper or in any substance not containing tobacco; or

(2) Tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or

(3) Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (a)(1).

(b) The term “cigarette” includes “roll-your-own” (i.e., any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes). For purposes of this definition of “cigarette,” 0.09 ounces of “roll-your-own” tobacco shall constitute one individual “cigarette.”

XVIII. “Licensee” means the person in whose name the license is issued.

XIX. “Sampler” means any person who distributes free tobacco products to consumers for promotional purposes.

XX. “Vending machine” means any self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco, cigarettes, or any other tobacco product.

XXI. “Premium cigars” means cigars which ~~[are made entirely by hand of all natural tobacco leaf, hand constructed and hand wrapped, wholesaling for \$2 or more, and weighing more than 3 pounds per 1000 cigars. These cigars shall be kept in a humidor at the proper humidity.]~~

(a) Are made entirely by hand of all natural tobacco leaf;

(b) Are hand constructed and hand wrapped;

(c) Weigh more than 3 pounds per 1,000 cigars; and

(d) Are kept in a humidor.

XXII. “Humidor” means a container or room specifically designed to store and age cigars within the optimal humidity range of 65 percent to 72 percent at room temperature, containing a humidification device or system designed to add or remove moisture from its interior space to maintain the desired level of humidity.

XXIII. “Consumer” means a person who purchases, imports, receives, or otherwise acquires any tobacco products subject to the tax imposed by this chapter for his or her own use.

XXIV. “Licensed sampler” means a sampler licensed under RSA 178.

4 Denial of License Application. Amend the introductory paragraph of RSA 78:6-a, I to read as follows:

I. The commissioner shall deny a license application for tobacco manufacturer, wholesaler, **or** sub-jobber[~~vending machine operator, retailer, or sampler~~] for any one of the following reasons:

5 Nature of Tax. Amend RSA 78:7-a to read as follows:

78:7-a Nature of Tax. All taxes upon tobacco products under this chapter are declared to be a direct tax upon the consumer at retail and shall conclusively be presumed to be pre-collected for the purpose of convenience and facility only **by the affixing of tax stamps for cigarettes and the filing of returns and payment of tax for other tobacco products under RSA 78:12.** Accordingly, the commissioner may collect the tax directly from consumers who purchase ~~[unstamped]~~ tobacco products **without documentation to evidence tax paid.**

6 New Section; Consumer Reporting and Payment. Amend RSA 78 by inserting after section 7-c the following new section:

78:7-d Consumer Reporting and Payment.

I. A consumer who purchases, imports, receives, or otherwise acquires tobacco products from other than a licensed retailer or licensed vending machine operator and without documentation to evidence tax paid under this chapter shall file, on or before the last day of the month following each month in which such tobacco products were acquired, a return on a form prescribed by the commissioner together with payment of the tax imposed by this chapter at the rate provided in RSA 78:7 and RSA 78:7-c. The return shall report the number of tobacco products purchased, imported, received, or otherwise acquired during the previous calendar month and any additional information the commissioner may require.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it must contain for the correct computation of tobacco tax attributable to this state. All returns shall be signed by the consumer subject to the pains and penalties of perjury.

III. Any consumer who fails to pay any amount owing to the purchase of tobacco products within the time required shall pay, in addition to the amount, interest as prescribed in RSA 21-J:28 and a penalty as prescribed in RSA 21-J:33.

IV. Any consumer who fails to timely file a return when required shall pay a penalty as prescribed in RSA 21-J:31.

7 Stamps. Amend RSA 78:9, II to read as follows:

II. Any wholesaler who fails to pay any amount owing to the purchase of stamps [~~or meter-registered settings~~] within the time required shall pay, in addition to the amount, interest as prescribed in RSA 21-J:28.

8 Resale of Stamps; Redemption. Amend RSA 78:10 to read as follows:

78:10 Resale of Stamps; Redemption. No wholesaler shall sell or transfer any stamps issued under RSA 78:9. The commissioner shall redeem any unused, uncanceled stamps presented by any licensed wholesaler at a price equal to the amount paid by such licensee. In case such stamps are destroyed before they are affixed, the commissioner shall refund the purchase price upon presentation of evidence of such destruction satisfactory to the commissioner. The commissioner shall refund the purchase price for stamps [~~and metered impressions~~] which are destroyed after affixing to outdated, damaged, or unsaleable tobacco products. The commissioner also shall refund or provide a credit for future tax payments on outdated, damaged, or unsaleable tobacco products exempted from bearing stamps by the commissioner under rules adopted under RSA 541-A. The state treasurer shall provide, out of money collected under this chapter, the funds necessary for redemption or refund.

9 Unauthorized Sales. Amend RSA 78:12-a to read as follows:

78:12-a Unauthorized Sales.

I. Manufacturers, wholesalers, [~~and~~] sub-jobbers, *and retailers* shall not sell tobacco products *in this state* to any [licensee] *manufacturer, wholesaler, sub-jobber, vending machine operator, sampler, or retailer* who does not possess a valid or current license issued by the commissioner *under this chapter* or issued by the liquor commission under RSA 178. [~~Any person who violates the provisions of this section shall be subject to the penalty provisions of RSA 21-J:39.~~]

II. *Manufacturers shall only sell tobacco products, without documentation to evidence tax paid under this chapter in this state to licensed wholesalers.*

III. *Wholesalers shall only purchase tobacco products without documentation to evidence tax paid under this chapter from licensed manufacturers, and shall only sell tobacco products with documentation to evidence tax paid under this chapter to other licensed wholesalers, licensed sub-jobbers, licensed vending machine operators, licensed retailers, and those persons exempted from the tobacco tax under RSA 78:7-b.*

IV. *Sub-jobbers shall only purchase tobacco products with documentation to evidence tax paid under this chapter from licensed wholesalers and other licensed sub-jobbers, and shall only sell tobacco products with documentation to evidence tax paid under this chapter to other licensed sub-jobbers, licensed vending machine operators, licensed retailers, and those persons exempted from the tobacco tax under RSA 78:7-b.*

V. *Retailers shall only purchase tobacco products with documentation to evidence tax paid from a licensed wholesaler or licensed sub-jobber, and shall only sell in this state tobacco products with documentation to evidence tax paid to consumers.*

VI. Any person who violates the provisions of this section shall be subject to the penalty provisions of RSA 21-J:39.

10 Authorization to Affix Stamps. Amend RSA 78:13 to read as follows:

78:13 Authorization to Affix Stamps [~~or Use Metering Machine~~]. The commissioner may adopt rules, pursuant to RSA 541-A, relative to authorizing any person resident or located outside this state and engaged in a business which would make such person if he carried it on in this state a wholesaler as defined in this chapter, to affix the stamps required by this chapter on behalf of the purchasers of such tobacco products. The commissioner may sell stamps to such person [~~or the commissioner may authorize the use of a metering machine as provided in this chapter~~]. No stamps shall be sold or no such authorization shall issue, however, until such nonresident person shall have appointed the secretary of state his attorney for the service of process in this state in the same manner as provided in RSA 300. Service shall be made on the secretary of state as agent of such person in the same manner as is provided in RSA 300. The commissioner may adopt rules pursuant to RSA 541-A relative to the conditions which must be met upon a grant of authorization to a nonresident to affix stamps. Such conditions shall include the right to inspect the books of the nonresident and the posting of a bond by the nonresident conditioned upon the payment of all taxes imposed under this chapter.

11 Required Taxpayer Records. Amend RSA 78:18, I to read as follows:

I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form for records of ***tobacco stamps and of*** all tobacco products manufactured, produced, purchased, ***distributed***, and sold. Each manufacturer, wholesaler, sub-jobber, vending machine operator, and retailer shall keep complete and accurate records of all ***tobacco stamps and all*** such tobacco products ***manufactured, produced, distributed, and sold***. Such records shall be safely preserved for 3 years in such manner as to insure permanency and accessibility for inspection by the commissioner and the commissioner's authorized agents. Retailers of tobacco products exempt from the requirement of affixing stamps in RSA 78:12, II shall keep such records with such exempt tobacco products, as determined by the commissioner, that document the tax imposed by this chapter on the tobacco products has been paid in full.

12 Additions to Tax. Amend RSA 78:18-a to read as follows:

78:18-a Additions to Tax. If after any examination as provided in RSA 78:18, the commissioner or his agent determines that there is a deficiency with respect to the [~~purchase of~~] tax [~~indicia~~] ***due under this chapter***, the commissioner shall assess the tax and all applicable additions due the state. At the time such additional assessment is made, the commissioner shall give notice of the assessment to the person liable and make demand upon him for immediate payment.

13 New Paragraph; Liquor Commission; Definitions. Amend RSA 175:1 by inserting after paragraph XXXVII the following new paragraph:

XXXVII-a. "Humidor" means a container or room specifically designed to store and age cigars within the optimal humidity range of 65 percent to 72 percent at room temperature, containing a humidification device or system designed to add or remove moisture from its interior space to maintain the desired level of humidity.

14 Repeal. RSA 78:11, relative to metering machines, is repealed.

15 Effective Date.

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

II. Section 2 of this act shall take effect 60 days after its passage.

III. The remainder of this act shall take effect July 1, 2016.

2016-1973s

AMENDED ANALYSIS

This bill:

I. Expands the prohibition on distributing campaign materials at the polling place.

II. Clarifies health and dental benefits for temporary, seasonal, and part-time state employees.

III. Makes a variety of changes to the tobacco tax laws, including changing and adding certain definitions and removing references to metering machines.

IV. Clarifies activities which constitute unauthorized sales of tobacco products. The bill also adds records of tobacco stamps sold and tobacco products distributed to required taxpayer records.

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

Senator Sanborn asserts Rule 6-25 on HB 1503.

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 1503.

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:

SB 481-FN, (New Title) relative to a special health care service license and making an appropriation therefor.

Senator Prescott moved concurrence. Adopted.

SB 488-FN-LOCAL, (New Title) establishing an advisory council on lactation.

Senator Prescott moved concurrence. Adopted.

SB 341, (New Title) establishing a committee to study guardianship in New Hampshire.

Senator Carson moved concurrence. Adopted.

SB 467-FN, relative to private investigators, security guards, and bail enforcement agents, and relative to unsworn falsification on agency forms.

Senator Carson moved concurrence. Adopted.

SB 468-FN, relative to changes to the sex offender registry.

Senator Carson moved concurrence. Adopted.

SB 345, relative to the definition of agritourism.

Senator Birdsell moved concurrence. Adopted.

SB 509-FN, relative to voter registration forms and relative to voter identity verification.

Senator Birdsell moved concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 353-FN, relative to the governance of condominium unit owners' associations.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, H. French, Biggie and Williams

Senator Prescott moved to accede to House request. Adopted.

The President appointed Senators Stiles, Prescott, Pierce.

HB 606-FN-LOCAL, relative to costs for public records filed electronically.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Rowe, Rouillard, Woodbury and Wuelper

Senator Carson moved to accede to House request. Adopted.

The President appointed Senators Carson, Cataldo, Soucy.

HB 285, relative to discussion with legal counsel under the right-to-know law.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Rowe, Rouillard, Woodbury and Wuelper

Senator Carson moved to accede to House request. Adopted.

The President appointed Senators Carson, Cataldo, Pierce.

HB 458, revising the legislative ethics laws and the guidelines of the legislative ethics committee.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hinch, Packard, R. Ober and Weber

Senator Prescott moved to accede to House request. Adopted.

The President appointed Senators Prescott, Avar, Fuller Clark.

MOTION TO REMOVE FROM THE TABLE

Senator Pierce moved to remove HB 1661-FN from the table. Adopted.

HEALTH AND HUMAN SERVICES

HB 1661-FN, relative to conversion therapy seeking to change a person's sexual orientation.

Senator Prescott offered a floor amendment.

Sen. Prescott, Dist 23

Sen. Pierce, Dist 5

May 12, 2016

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Floor Amendment to HB 1661-FN

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

AN ACT relative to conversion therapy seeking to change a person's sexual orientation.

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

1 New Chapter; Prohibiting Conversion Therapy on Minors. Amend RSA by inserting after chapter 332-K the following new chapter:

CHAPTER 332-L

PROHIBITING CONVERSION THERAPY ON MINORS

332-L:1 Definition. In this chapter, "conversion therapy" means any practices or treatments that seek to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy shall not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

332-L:2 Prohibition; Violations, and Enforcement.

I. A person who is licensed to provide professional counseling under RSA 326-B, RSA 328-D, RSA 329, RSA 329-B, RSA 330-A:16, RSA 330-A:18, RSA 330-A:19, RSA-A:20, RSA 330-A:21, or RSA 330-C, includ-

ing, but not limited to, a nurse, physician assistant, physician, psychologist, clinical social worker, clinical mental health counselor, marriage and family therapist, or licensed alcohol and drug counselor, or a person who performs counseling as part of the person's professional training for any of these professions, shall not engage in conversion therapy with a person under 18 years of age.

II. Any licensed professional, as listed in paragraph I, who proposes to engage or engages in conversion therapy on a patient under 18 years of age shall be considered to have engaged in unprofessional conduct and shall be subject to such discipline as the relevant licensing authority deems appropriate.

332-L:3 Non-Infringement. Nothing in this chapter shall be construed to infringe on any constitutional right, including the free exercise of religion.

Effective Date. This act shall take effect .

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

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AMENDED ANALYSIS

This bill prohibits persons licensed to provide counseling services to propose to engage or engage in conversion therapy with a person under 18 years of age.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Avard, seconded by Senator Hosmer.

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

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

Roll Call, Yeas: 16 - Nays: 8. Adopted.

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

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 Sanborn: HB 197-FN, HB 512, HB 602-FN, HB 636-FN, HB 668-FN, HB 1132, HB 1182-FN, HB 1322, HB 1396, HB 1461, HB 1503, HB 1590-FN-A-L, HB 1595-FN, HB 1605-FN, HB 1608-FN, HB 1697-FN

ANNOUNCEMENTS

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Very, very quickly, point of personal privilege. Mister President, in the last budget cycle this Senate took the lead in making a loan to Tri-State Community Action Program; we loaned them \$1.2 million in order to survive and take care of people in the North Country who needed service. Yesterday, the first part of the repayment came back to the state: \$700,000. So we get \$700,000 back, our Director of Charitable Trust continues to work with the insurance company to get as much more money as we can. So we made a good investment in people. We did the right thing by giving Tri-State County Cap the money to survive with getting our money back; that's a credit to us in terms of what we did, and a credit to Mr. Fahey, who was the person who was financially in charge of Tri-County Cap when he took them over when they went into default. So, we did a good thing, we're getting a return. I think we all ought to be proud of that. That's something that we all could be proud of, and it makes for a great day. 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 197-FN, (Second New Title) establishing a commission to evaluate the 3-tier system.

HB 280-FN, (Second New Title) authorizing multi-use decal plates and multi-use veterans decal plates, relative to special motorcycle number plates for disabled veterans, and relative to unfair trade practices targeting veterans.

HB 297, protecting individual customer data from disclosure by a public utility.

HB 512, prohibiting confiscation of firearms, ammunition, or firearms accessories during a state of emergency.

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

HB 636-FN, (Third New Title) relative to forfeiture of property; relative to the sale of premixed synthetic urine; establishing a grant program for high schools for heroin and opiate prevention education; and clarifying who may petition to adopt.

HB 668-FN, (New Title) relative to application of the Internal Revenue Code to provisions of the business profits tax.

HB 1144-LOCAL, relative to notice for sessions of correction of the check list.

HB 1182-FN, (Third New Title) making an appropriation to the office of professional licensure and certification for technology upgrades for the controlled drug prescription health and safety program.

HB 1212, naming welcome center at exit 44 on Interstate 93 in honor of Raymond S. Burton.

HB 1271, (New Title) making certain length and width exemptions concerning commercial vehicles and relative to signs advising motorists approaching emergency vehicles in the breakdown lane.

HB 1293, relative to the procedure for charter amendments.

HB 1305, (New Title) relative to the use of an ignition interlock device.

HB 1354, establishing a committee to study livestock and meat inspection.

HB 1375, (New Title) relative to deliberative sessions in political subdivisions that have adopted official ballot voting.

HB 1395, relative to municipal electronic records.

HB 1396, (Second New Title) relative to OHRV operation on certain highways in Grafton county, relative to highway surveillance at the New London park and ride, and establishing a commission to study OHRV usage and the allocation of law enforcement and emergency response resources and responsibilities.

HB 1428-FN-A-LOCAL, (Fourth New Title) establishing the clean water state revolving fund non-program fund account in the department of environmental services for the purpose of funding eligible and completed wastewater projects under the state aid grant program, making an appropriation to the police standards and training council, repealing the police standards and training council training fund, making a capital appropriation to the police standards and training council, adding a quorum requirement to the performance audit and oversight committee, relative to liquor commission revenue shortfalls, and relative to the rivers management and protection program.

HB 1453, relative to qualifying medical conditions for purposes of therapeutic cannabis.

HB 1461, relative to the definition of and criteria for protection instream flow.

HB 1468, relative to sessions for correction of the checklist.

HB 1482, (New Title) relative to the Interstate Voter Registration Crosscheck Program.

HB 1503, (Second New Title) relative to distributing campaign materials at the polling place, relative to health and dental benefits for temporary, seasonal, and part-time state employees, and relative to administration of the tobacco tax.

HB 1534, (New Title) relative to reports of death of voters and authorizing an electronic poll book trial program.

HB 1590-FN-A-LOCAL, (New Title) relative of taxation of short-term rentals.

HB 1591-FN-A, (New Title) relative to the health care premium contribution for retired state employees who are eligible for Medicare Parts A and B due to age or disability, relative to funding of retiree health benefits, and making an appropriation to the department of administrative services.

HB 1595-FN, relative to the rivers management and protection program.

HB 1608-FN, (Second New Title) relative to uniform prior authorization forms.

HB 1661-FN, (New Title) relative to conversion therapy seeking to change a person's sexual orientation.

HB 1680-FN, (Second New Title) extending the suspension of prior authorization requirements for a community mental health program on drugs used to treat mental illness.

HB 1695-FN, (Sixth New Title) relative to a health system public data resource for New Hampshire and establishing a special fund, relative to cost effectiveness of programs implemented within state agencies, relative to the use of the lakes region facility property for substance abuse treatment and recovery programs, and relative to record management of abuse and neglect reports.

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

HB 2016, relative to the state 10-year transportation improvement program.

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 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.