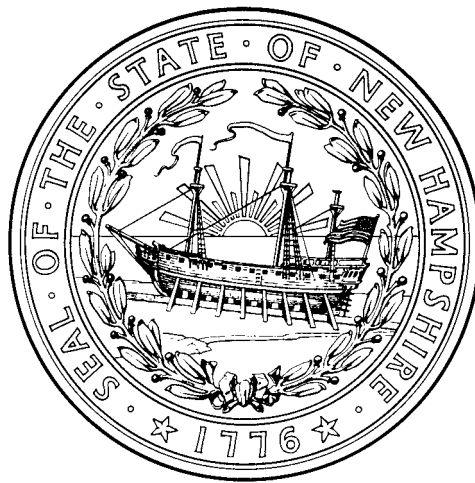


January 14, 2016
Nos. 1-2

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 – JANUARY 6, 2016 SESSION
COMMENCEMENT – JANUARY 14, 2016 SESSION**

SENATE JOURNAL 1 *(continued)*

January 6, 2016

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

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

First and Second Reading and Referral

16-2898

SB 448-FN, relative to rates for self-pay patients and notice of allowable benefits.(Stiles, Dist 24; Reagan, Dist 17; Fuller Clark, Dist 21; LeBrun, Hills. 32; M. Smith, Straf. 6; Bates, Rock. 7; Commerce)

16-2840

SB 449, relative to payment of workers' compensation benefits by direct deposit.(Soucy, Dist 18; Feltes, Dist 15; Proulx, Hills. 44; Commerce)

16-2719

SB 450, relative to investments by insurance companies.(Hosmer, Dist 7; Little, Dist 8; D'Allesandro, Dist 20; Commerce)

16-2706

SB 451-FN, relative to insurance coverage for massage therapy.(Cataldo, Dist 6; Commerce)

16-2724

SB 452-FN, requiring certain state agencies to conduct an audit of laws governing coastal regions to enable authorities to take appropriate actions.(Watters, Dist 4; Stiles, Dist 24; Fuller Clark, Dist 21; F. Rice, Rock. 21; Cushing, Rock. 21; Borden, Rock. 24; Energy and Natural Resources)

16-2748

SB 453-FN, relative to comprehensive criminal background checks for individuals in registered and licensed child day care agencies, child care institutions, and child care agencies.(Stiles, Dist 24; D'Allesandro, Dist 20; Carson, Dist 14; Forrester, Dist 2; Balcom, Hills. 21; Cordelli, Carr. 4; Shaw, Hills. 16; Wall, Straf. 6; Gargas, Hills. 27; Education)

16-2793

SB 454-FN, requiring public school students to receive CPR training.(Carson, Dist 14; McKinney, Rock. 5; Lundgren, Rock. 5; Tamburello, Rock. 5; Introne, Rock. 5; Education)

16-2770

SB 455-FN, relative to immunity for injuries from the possession or use of a firearm by an employee or official of a political subdivision.(Boutin, Dist 16; Bradley, Dist 3; Daniels, Dist 11; Little, Dist 8; Reagan, Dist 17; Watters, Dist 4; Porter, Hills. 1; O'Connor, Rock. 6; Takesian, Hills. 37; Public and Municipal Affairs)

16-2787

SB 456-FN, relative to reporting of receipts and expenditures by candidates and candidate committees.(Birdsell, Dist 19; Pierce, Dist 5; Moody, Rock. 17; Hoelzel, Rock. 3; J. Belanger, Hills. 27; Public and Municipal Affairs)

16-2804

SB 457-FN, relative to reporting of receipts and expenditures by political committees other than political committees of candidates.(Pierce, Dist 5; Kelly, Dist 10; Birdsell, Dist 19; Moody, Rock. 17; Hoelzel, Rock. 3; J. Belanger, Hills. 27; Public and Municipal Affairs)

16-2832

SB 458-FN, relative to reporting by political committees.(Sanborn, Dist 9; Carson, Dist 14; Feltes, Dist 15; Fuller Clark, Dist 21; Reagan, Dist 17; Public and Municipal Affairs)

16-2705

SB 459-FN, relative to operation of drones.(Cataldo, Dist 6; Birdsell, Dist 19; Transportation)

16-2725

SB 460, authorizing the state board of education to adopt rules relative to child sexual abuse and healthy relationships.(Watters, Dist 4; Bradley, Dist 3; Carson, Dist 14; D'Allesandro, Dist 20; Feltes, Dist 15; Fuller Clark, Dist 21; Lasky, Dist 13; Pierce, Dist 5; Reagan, Dist 17; Soucy, Dist 18; Gile, Merr. 27; Takesian, Hills. 37; Education)

16-2870

SB 461-FN, relative to expenditures of the Winnepesaukee River Basin control program funds.(Hosmer, Dist 7; Forrester, Dist 2; Spanos, Belk. 3; Gallagher, Belk. 4; Energy and Natural Resources)

16-2798

SB 462-FN, allowing part-time circuit court judges to retire and elect senior active status.(Carson, Dist 14; Lasky, Dist 13; Wall, Straf. 6; Executive Departments and Administration)

16-2820

SB 463-FN, suspending the imposition of the death penalty.(Avard, Dist 12; Daniels, Dist 11; Kelly, Dist 10; Lasky, Dist 13; Seidel, Hills. 28; Cushing, Rock. 21; Ferreira, Hills. 28; Judiciary)

16-2695

SB 464-FN-A, establishing a statewide drug court grant program and making appropriations therefor.(Bradley, Dist 3; Boutin, Dist 16; Carson, Dist 14; D'Allesandro, Dist 20; Feltes, Dist 15; Forrester, Dist 2; Fuller Clark, Dist 21; Hosmer, Dist 7; Kelly, Dist 10; Lasky, Dist 13; Morse, Dist 22; Reagan, Dist 17; Soucy, Dist 18; Stiles, Dist 24; Watters, Dist 4; Woodburn, Dist 1; Infantine, Hills. 13; Lachance, Hills. 8; Danielson, Hills. 7; Rowe, Hills. 22; Weyler, Rock. 13; Barry, Hills. 21; Shurtleff, Merr. 11; Berch, Ches. 1; S. Sweeney, Hills. 23; Finance)

16-2771

SB 465-FN, relative to the dissemination of images depicting sexually explicit conduct.(Woodburn, Dist 1; Lasky, Dist 13; Carson, Dist 14; Shurtleff, Merr. 11; M. Hennessey, Graf. 12; Judiciary)

16-2777

SB 466-FN, relative to the detention of a minor while waiting for the disposition of his or her case.(D'Allesandro, Dist 20; Feltes, Dist 15; Lasky, Dist 13; Soucy, Dist 18; Watters, Dist 4; Judiciary)

16-2811

SB 467-FN, relative to private investigators, security guards, and bail enforcement agents, and relative to unsworn falsification on agency forms.(Boutin, Dist 16; Stiles, Dist 24; Watters, Dist 4; Byron, Hills. 20; Fields, Belk. 4; Goley, Hills. 8; D. Sullivan, Hills. 42; Judiciary)

16-2861

SB 468-FN, relative to changes to the sex offender registry.(Bradley, Dist 3; Boutin, Dist 16; Carson, Dist 14; D'Allesandro, Dist 20; Forrester, Dist 2; Fuller Clark, Dist 21; Hosmer, Dist 7; Kelly, Dist 10; Lasky, Dist 13; Pierce, Dist 5; Soucy, Dist 18; Stiles, Dist 24; Watters, Dist 4; Woodburn, Dist 1; Webb, Rock. 6; Shurtleff, Merr. 11; Eaton, Ches. 3; Baldasaro, Rock. 5; Tholl, Coos 5; Hinch, Hills. 21; Umberger, Carr. 2; Wall, Straf. 6; M. Hennessey, Graf. 12; Crawford, Carr. 4; Judiciary)

16-2884

SB 469-FN, relative to criminal record checks of wrecker operators.(Stiles, Dist 24; Watters, Dist 4; Boutin, Dist 16; Packard, Rock. 5; Irwin, Sull. 9; Judiciary)

16-2813

SB 470, relative to eligibility of school district employees for Family and Medical Leave Act coverage.(Soucy, Dist 18; Kelly, Dist 10; Woodburn, Dist 1; Rollo, Straf. 18; Education)

16-2699

SB 471-FN, relative to parking for persons with disabilities.(Stiles, Dist 24; Carson, Dist 14; Woodburn, Dist 1; D'Allesandro, Dist 20; Feltes, Dist 15; Steven Smith, Sull. 11; Cheney, Straf. 17; Sherman, Rock. 24; S. Schmidt, Carr. 6; Pantelakos, Rock. 25; Sykes, Graf. 13; Transportation)

16-2709

SB 472-FN, relative to the acquisition and use of certain equipment by state and local law enforcement agencies. (Cataldo, Dist 6; Executive Departments and Administration)

16-2737

SB 473-FN-A-LOCAL, repealing the cap on adequate education grant payments and making an appropriation therefor.(Watters, Dist 4; Birdsell, Dist 19; Fuller Clark, Dist 21; Sanborn, Dist 9; Stiles, Dist 24; Woodburn, Dist 1; Verschueren, Straf. 13; P. Schmidt, Straf. 19; Bates, Rock. 7; Education)

16-2747

SB 474-FN, relative to administration of small estates.(Stiles, Dist 24; Reagan, Dist 17; Feltes, Dist 15; Boutin, Dist 16; A. Christie, Rock. 37; Parker, Carr. 6; Eaton, Ches. 3; Wall, Straf. 6; Judiciary)

16-2769

SB 475-FN, requiring law enforcement agencies to file crime reports with the department of safety. (D'Allesandro, Dist 20; Feltes, Dist 15; Fuller Clark, Dist 21; Watters, Dist 4; Judiciary)

16-2780

SB 476-FN, relative to the certification of school nurses.(Woodburn, Dist 1; Watters, Dist 4; Kelly, Dist 10; B. French, Merr. 6; J. Frazer, Merr. 13; Grenier, Sull. 7; MacKay, Merr. 14; Heath, Hills. 14; Executive Departments and Administration)

16-2796

SB 477-FN, relative to nonemergency involuntary admissions.(Carson, Dist 14; Reagan, Dist 17; Bradley, Dist 3; MacKay, Merr. 14; Health and Human Services)

16-2805

SB 478-FN, permitting the online renewal of a nondriver's picture identification card.(Pierce, Dist 5; Almy, Graf. 13; Transportation)

16-2806

SB 479-FN, establishing a credit against business taxes for implementing employee profit sharing.(Pierce, Dist 5; Soucy, Dist 18; Woodburn, Dist 1; Fuller Clark, Dist 21; Kelly, Dist 10; Lasky, Dist 13; Watters, Dist 4; Ways and Means)

16-2833

SB 480-FN-A, relative to the state house visitor's center revolving fund.(Sanborn, Dist 9; Avard, Dist 12; Birdsell, Dist 19; Boutin, Dist 16; Fuller Clark, Dist 21; Soucy, Dist 18; Stiles, Dist 24; Watters, Dist 4; Woodburn, Dist 1; Finance)

16-2834

SB 481-FN, relative to a special health care service license.(Bradley, Dist 3; Watters, Dist 4; Woodburn, Dist 1; Fuller Clark, Dist 21; Pierce, Dist 5; Forrester, Dist 2; Kelly, Dist 10; Feltes, Dist 15; Boutin, Dist 16; Lasky, Dist 13; Soucy, Dist 18; Kurk, Hills. 2; Rosenwald, Hills. 30; Kotowski, Merr. 24; Sherman, Rock. 24; Commerce)

16-2839

SB 482-FN-LOCAL, enabling municipalities to license and regulate short-term rental businesses.(Fuller Clark, Dist 21; Soucy, Dist 18; Butler, Carr. 7; McBeath, Rock. 26; Public and Municipal Affairs)

16-2858

SB 483-FN, establishing the position of chartered public school program officer.(Feltes, Dist 15; Stiles, Dist 24; Reagan, Dist 17; Carson, Dist 14; Fuller Clark, Dist 21; Little, Dist 8; Myler, Merr. 10; Gorman, Hills. 31; Weyler, Rock. 13; Bates, Rock. 7; Luneau, Merr. 10; Gile, Merr. 27; Ladd, Graf. 4; J. Frazer, Merr. 13; Heath, Hills. 14; Education)

16-2871

SB 484, relative to the role of the Winnepesaukee River advisory board.(Hosmer, Dist 7; Energy and Natural Resources)

16-2875

SB 485-FN-A, establishing a state grant program to assist state and local law enforcement agencies in addressing the opioid crisis and making an appropriation therefor.(Forrester, Dist 2; Avar, Dist 12; Bradley, Dist 3; Carson, Dist 14; D'Allesandro, Dist 20; Fuller Clark, Dist 21; Morse, Dist 22; Gallagher, Belk. 4; Suzanne Smith, Graf. 8; Vadney, Belk. 2; D. Brown, Graf. 16; Finance)

16-2876

SB 486-FN, relative to election assistance for cities and towns.(Pierce, Dist 5; Lasky, Dist 13; Stiles, Dist 24; Public and Municipal Affairs)

16-2880

SB 487, relative to missing vulnerable adults.(Stiles, Dist 24; Reagan, Dist 17; Bradley, Dist 3; Carson, Dist 14; Feltes, Dist 15; Sherman, Rock. 24; Wall, Straf. 6; J. Ward, Rock. 19; Health and Human Services)

16-2902

SB 488-FN-LOCAL, requiring reasonable accommodations for pregnant workers.(Fuller Clark, Dist 21; Kelly, Dist 10; Lasky, Dist 13; Boutin, Dist 16; Sherman, Rock. 24; Rosenwald, Hills. 30; McBeath, Rock. 26; P. Gordon, Rock. 29; Commerce)

16-2917

SB 489, requiring a demonstration project using a Stirling engine system.(Bradley, Dist 3; Little, Dist 8; Introne, Rock. 5; Richardson, Coos 4; Energy and Natural Resources)

16-2937

SB 490-FN, establishing a donate life number plate.(Daniels, Dist 11; Transportation)

16-2940

SB 491-FN, relative to Medicaid home health care services.(Hosmer, Dist 7; Kelly, Dist 10; Boutin, Dist 16; Watters, Dist 4; Little, Dist 8; D'Allesandro, Dist 20; Stiles, Dist 24; Health and Human Services)

16-2949

SB 492-FN, relative to expenditures from the energy efficiency fund.(Feltes, Dist 15; Fuller Clark, Dist 21; Little, Dist 8; Boutin, Dist 16; Stiles, Dist 24; Richardson, Coos 4; Introne, Rock. 5; Devine, Rock. 4; Energy and Natural Resources)

16-2950

SB 493-FN-A, establishing a low-digit vanity number plate fee and dedicating the revenues collected to bridge aid for municipal bridges.(Feltes, Dist 15; Cushing, Rock. 21; Transportation)

16-2951

SB 494-FN-A, repealing the exemption from the road toll for federal government fuel purchases.(Feltes, Dist 15; Birdsell, Dist 19; Ways and Means)

16-2952

SB 495-FN-A, relative to state retiree health plan costs and funding.(Feltes, Dist 15; Fuller Clark, Dist 21; Kelly, Dist 10; Soucy, Dist 18; Watters, Dist 4; Woodburn, Dist 1; Finance)

16-2703

SB 497-FN-A-LOCAL, relative to disposition of meals and rooms tax revenues to towns and cities.(Stiles, Dist 24; Bradley, Dist 3; Fuller Clark, Dist 21; Feltes, Dist 15; Woodburn, Dist 1; Tholl, Coos 5; Emerick, Rock. 21; Gionet, Graf. 5; Ways and Means)

16-2874

SB 498-FN, relative to penalties for possession of certain controlled drugs.(Forrester, Dist 2; Ladd, Graf. 4; Vadney, Belk. 2; Gallagher, Belk. 4; Judiciary)

HOUSE MESSAGE

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

SB 219-FN, relative to breastfeeding.

CACR 5, relating to legal actions. Providing that taxpayers have standing to bring actions against the government.

HOUSE MESSAGE

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

SB 75, relative to unfair trade practices targeting veterans.

HOUSE MESSAGE

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

SB 7, adding duties to the joint health care reform oversight committee.

SB 58, relative to the United States flag worn as a patch.

SB 67, establishing a commission to study opioid misuse in New Hampshire.

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

SB 136, (2nd New Title) establishing a committee to review constitutional amendments pending in Congress regarding the Citizens United decision and related cases that have been introduced in the United States Supreme Court.

SB 137, relative to cost-sharing parity for oral anti-cancer therapies.

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

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

HOUSE MESSAGE

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

HB 334, (New Title) establishing a committee to study ways of requiring Internet entities to keep the personal information of customers confidential.

HB 430, relative to extending the veterans' property tax credit to all honorably discharged veterans.

HB 499, (New Title) permitting New Hampshire farmers to sell farm-raised bison directly to the public.

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

HB 533, (New Title) relative to installation requirements for arc-fault circuit interrupters.

HB 661-FN, (New Title) relative to record keeping for sold or transferred animals and making certain technical corrections to the law governing the sale or transfer of animals.

HOUSE MESSAGE

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

HB 110, relative to placement of political advertising.

HB 114, (New Title) establishing beer specialty licenses.

HB 183, relative to voter registration forms.

HB 197-FN, relative to sales and samples provided by wine manufacturers.

HB 295, (New Title) correcting a reference in the housing law to municipal agreements regarding the construction of parking facilities.

HB 351, exempting historically significant vehicles from emission control requirements.

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

HB 377, (New Title) establishing a state geographic information system committee.

HB 466, (New Title) relative to farm tractor plates for certain specialized vehicles.

HB 471, (New Title) relative to the duties of school boards.

HB 504, relative to online driver education.

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

HB 513, relative to complaint investigation procedures of the guardian ad litem board.

HB 527, (New Title) requiring school districts employing school resource officers to adopt a written agreement.

HB 535-FN, relative to signs advising motorists approaching highway emergencies.

HB 536, relative to payment for special education services for chartered public school students and relative to federal funds for chartered public schools.

HB 582-FN, repealing the license requirement for carrying a concealed pistol or revolver.

HB 601-FN, relative to cash dispensing machine requirements.

HB 605-FN, (New Title) relative to mandatory minimum sentences.

HB 617-FN-A, requiring state police to wear a camera when interacting with the public.

HB 629-FN, relative to induced termination of pregnancy statistics.

HB 659-FN-LOCAL, (New Title) relative to eligibility for an absentee ballot.

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 45, (New Title) establishing a committee to study opioid use in workers' compensation cases.

SB 64, (Second New Title) relative to payment for filling prescriptions and enforcement concerning prices for filling certain prescriptions.

SB 110-FN, establishing the administrative supervision act.

SB 144, (New Title) relative to carry-over coverall bingo and shared carry-over coverall bingo.

SB 146, relative to accessory dwelling units.

SB 157-FN, (Second New Title) requiring high school students to pass a competency assessment of the United States and New Hampshire government and civics.

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

SB 227-FN, relative to calculating the cost of an adequate education.

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

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 2

January 14, 2016

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

The Reverend Jason Wells, chaplain to the Senate, offered the prayer.

"Did the Republicans win?" That's what she asked me, my parishioner, as she was in her bed, her hospital bed, while on hospice care. Kit was asking me that right after the 2010 midterm elections. And she was laying there, literally dying, with her priest, and the one question she had on her mind was how did the Republicans do in that election. Now, when people are in that act of dying they sometimes ask questions that seem really inappropriate to the moment that don't bear the weight of what's happening: How is the car running? Did you get it fixed? When did you last call your Aunt Jane? These questions don't seem to bear the life and death kind of moment. And, yet, with a little bit of reflection we find the meaning underneath them. People who are asking can I go now? If I die now, is everything going to be okay? And for Kit, knowing that the Republicans won was a symbol, it was a sign to her, a metaphor that the world would be in good hands, that she was free to leave the world behind. Now I know, because I'm standing right here, not everyone here felt that way after that election, and as your chaplain I'm not going to tell you how I felt after that election, but this is a story about Kit, not about you or me. But if the story were for you, what would the sign have been? What would that sign be? What sign or symbol would you need from God, from somewhere beyond that all will be well? And if you knew that everything would, in fact, be okay, what could you change? What would you let go of? How would you be more free to say and to do what needs to be done now?

Let us pray.

Holy Spirit, give each one of us a sign, a sign made for each one to see and to know that all will be well, that things will get better, that things will be okay. Take our hearts filled with anxiety and pessimism, with the self-centeredness of overwork, as though everything depended on us. And free our hearts to be trusting, sure in the truth that it's not about us and our effort that saves the world, but rather the truth that it is your sign, your gift, and your word alone that the world finds its wellness and its peace. Amen.

Senator Prescott led the Pledge of Allegiance.

Senator Boutin is excused for the day.

INTRODUCTION OF PAGES

Senator Feltes introduced Madison Bourque of Merrimack Valley High School in Penacook serving as a Senate Page for the day.

Senator Reagan introduced Ellie Acquilano of Merrimack Valley High School in Penacook serving as a Senate Page for the day.

INTRODUCTION OF SENATE BILL 499

Senator Bradley moved to introduce Senate Bill 499, and Resolved, that in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this Resolution read a first and second time by the therein listed title and referred to the therein designated committee. Failed.

16-2743

SB 499-FN, relative to the penalty for certain controlled drug offenses. (Senator Forrester, Dist 2; Senator Avard, Dist 12; Senator Carson, Dist 14; Senator Feltes, Dist 15; Senator Reagan, Dist 17; Senator Sanborn, Dist 9; Senator Stiles, Dist 24; Rep. Vadney, Belk. 2; Rep. Gallagher, Belk. 4; Rep. Ford, Graf. 3; Finance)

INTRODUCTION OF GUESTS

(The Chair recognized Senator Pierce.)

SENATOR PIERCE: Thank you, Mister President. Mister President, I'd like to welcome to the Senate, and ask my colleagues to help me in welcoming to the Senate, Ms. Cara Clark from Enfield. She is the mother of Willa Clark, for whom one of the House Bills, 645, for whom Willa's Law, hopefully, will be named. And so, join me in welcoming Ms. Clark to the Senate.

VACATE SENATE BILL 417

Without objection the following Senate Bill was vacated from the Commerce Committee and referred to the Health and Human Services Committee. Adopted.

SB 417, relative to employment contract restrictions upon physicians

SPECIAL ORDER

Without objection, the following bill was special ordered to the beginning of the regular calendar from the addendum.

JUDICIARY

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

SPECIAL ORDER

Without objection, the following bill was special ordered to Thursday, February 4, 2016.

COMMERCE

SB 131-FN, authorizing individuals and certain businesses to purchase health insurance from out-of-state companies.

FN REPORT FOR JANUARY 14, 2016

SENATE CALENDAR NO. 1:

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

REGULAR CALENDAR:

COMMERCE

SB 131-FN, authorizing individuals and certain businesses to purchase health insurance from out-of-state companies. Note: If the ITL motion is overturned, the recommendation is to order the bill to the Finance Committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 237-FN, establishing a reporting requirement for gubernatorial inauguration contributions.

HB 606-FN-L, relative to costs for public records filed electronically.

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

CONSENT CALENDAR:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 210-FN, relative to regulation of septic system evaluators.

REGULAR CALENDAR:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 129-FN, allowing retired members of the retirement system to change an optional allowance election in certain circumstances.

SENATE CALENDAR NO. 1A:

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

CONSENT CALENDAR:

JUDICIARY

SB 140-FN, relative to online harassment by prisoners.

SB 197-FN, relative to mandatory minimum sentences.

SB 257-FN, relative to the amortization of the unfunded accrued liability under the judicial retirement plan and membership in the judicial retirement plan of judges appointed at age 63 or older.

REGULAR CALENDAR:

EDUCATION

SB 369-FN, requiring public schools to include drug and alcohol education as part of their health education curriculum.

JUDICIARY

SB 447-FN, relative to the controlled drug prescription health and safety program and establishing a commission to study Narcan.

SB 576-FN-A, relative to the penalty for possession and use of fentanyl-class drugs, insurance coverage for substance use disorders, the acceptance of general funds by the controlled drug prescription health and safety program, the membership of the board of medicine and prescribers of controlled drugs and making an appropriation therefor.

HB 560-FN, including a fetus in the definition of "another" for the purpose of certain criminal offenses.

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

Without objection, the FN Report is adopted.

CONSENT CALENDAR

Senator Bradley moved that the Consent Calendar No. 1 and No. 1-A, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought-to-Pass be ordered as follows:

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 210-FN, relative to regulation of septic system evaluators. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This legislation as amended creates the Board of Septic System Evaluators.

Senate Executive Departments and Administration

January 6, 2016

2015-3066s

10/06

Amendment to SB 210-FN

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Office of Professional Licensure and Certification; Board of Septic System Evaluators. Amend RSA 310-A:1-a, I by inserting after subparagraph (q) the following new subparagraph:

(r) Septic system evaluators under RSA 310-A:206.

Amend RSA 310-A:206, I as inserted by section 2 of the bill by replacing it with the following:

I. A board of septic system evaluators is established to administer the provisions of this subdivision. The board shall consist of 5 persons, as follows:

(a) One member shall be a sewage disposal system designer permitted under RSA 485-A:35, appointed by the governor and council. The system designer member shall hold a current and valid New Hampshire septic system evaluator license and shall have actively practiced septic system evaluations for a minimum of 3 years prior to appointment.

(b) One member shall be a sewage disposal system installer permitted under RSA 485-A:36, appointed by the governor and council. The system installer member shall hold a current and valid New Hampshire septic system evaluator license and shall have actively practiced septic system evaluations for a minimum of 3 years prior to appointment.

(c) One member shall be a septage hauler permitted under RSA 485-A:4, XVI-a, appointed by the governor and council. The septage hauler member shall hold a current and valid New Hampshire septic system evaluator license and shall have actively practiced septic system evaluations for a minimum of 3 years prior to appointment.

(d) One public member, appointed by the governor and council. The public member of the board shall be a person who is not, and never was, a septic system evaluator or the spouse of any such person, and who does not have, and never has had, a material financial interest in the provision of septic system design, installation, or evaluation services.

(e) The commissioner of the department of environmental services, or designee.

Amend RSA 310-A:206, VII as inserted by section 2 of the bill by replacing it with the following:

VII. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. Three members shall constitute a quorum.

Amend RSA 310-A:207, I(f) as inserted by section 2 of the bill by replacing it with the following:

(f) Professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards.

Amend RSA 310-A:207, III as inserted by section 2 of the bill by replacing it with the following:

III. At least 40 days prior to any hearing to be held pursuant to RSA 541-A:11, the board shall furnish a copy of any proposed rules or amendments thereto, to all affected professionals licensed by the board and the commissioner of the department of environmental services.

Amend RSA 310-A:210 as inserted by section 2 of the bill by replacing it with the following:

310-A:210 Eligibility Requirements for Licensure as a Septic System Evaluator.

I. Each applicant for licensure as a septic system evaluator shall meet the following minimum requirements:

- (a) Completion of classroom and field training at a board-approved evaluator course.
- (b) Proof of passing the board-adopted examination required for licensure.
- (c) Be at least 18 years of age.

(d) Submit to the board a notarized criminal history records release form as provided by the New Hampshire state police, which authorizes the release of the applicant's criminal records, if any. The applicant shall bear the cost of the criminal records check.

II. A person who currently holds a current Granite State Septic System Certified Evaluator designation or other recognized designation determined to be acceptable by the board shall be eligible for licensure by the board without completion of the requirements of subparagraph I(a) or I(b). An applicant under this paragraph shall be issued a license by providing evidence satisfactory to the board of such designation.

III. A person who was actively engaged in the business of septic system evaluation in this state as a means of his or her livelihood for at least 5 years and who provides the board with a sworn affidavit that he or she has performed a minimum of 25 septic evaluations preceding the effective date of this subdivision shall be eligible for licensure by the board without completion of the requirements of subparagraph I(a) or I(b). An applicant under this paragraph shall be issued a license by providing evidence satisfactory to the board of the knowledge and experience equivalent to the requirements of subparagraphs I(a) and I(b).

IV. A person who currently holds a New Hampshire septic designer permit and who provides the board with a sworn affidavit that he or she has performed a minimum of 25 septic evaluations preceding the effective date of this subdivision shall be eligible for licensure by the board without completion of the requirements of subparagraph I(a) or I(b). An applicant under this paragraph shall be issued a license by providing evidence satisfactory to the board of the knowledge and experience equivalent to the requirements of subparagraphs I(a) and I(b).

V. All applicants shall meet the requirements of subparagraphs I(c) and (d), pay an initial fee, and fulfill all other license application requirements.

VI. The board shall approve all education programs under subparagraph I(a) of organizations or education institutions providing acceptable education and training.

VII. The board shall have the discretion to reject an applicant who is not of good professional character, as evidenced by:

- (a) Conviction for commission of a felony;
- (b) Misstatement of facts by the applicant in connection with the application;
- (c) Violation of any of the standards of practice or code of ethics as they are set forth in this subdivision or in rules adopted by the board; or

(d) Practicing septic system evaluations without being licensed in violation of laws of the jurisdiction in which the practice took place.

Amend RSA 310-A:212 as inserted by section 2 of the bill by replacing it with the following:

310-A:212 Continuing Education. For renewal of a license issued under this subdivision, each licensee shall participate in a program of continuing education to insure continuing professional competence. Licensees shall complete in each 2-year renewal period a minimum of 6 continuing education units in approved evaluator courses for license renewal. The requirements established by the board shall specify any reasonable approach to meeting this requirement, including but not limited to, the setting of hours, the setting of fees, and the conducting of random audits of licensees.

Amend RSA 310-A:221 as inserted by section 2 of the bill by replacing it with the following:

310-A:221 Exemptions. Nothing in this subdivision shall be construed to prevent or affect a person who is employed by a governmental entity from evaluating septic systems if the inspection is within official duties and responsibilities.

Senator Sanborn is in opposition to the motion of Ought to Pass on SB 210-FN.

JUDICIARY

SB 140-FN, relative to online harassment by prisoners. Interim Study, Vote 5-0. Senator Carson for the committee.

This bill dealt with a specific type of online contact between individuals. Some had concerns as to whether it interferes with free speech rights. Because work is continuing on this and the proper way to deal with this type of harassment, the committee recommends that the bill be referred to Interim Study.

SB 147, granting immunity from criminal prosecution to a person who reports a drug or alcohol related emergency. Interim Study, Vote 5-0. Senator Carson for the committee.

As the House Bill dealing with the same topic has now been signed into law, there is no need for this parallel legislation to move forward. The committee therefore recommends that the bill be referred to Interim Study.

SB 184, adopting the Uniform Marital Property Act. Interim Study, Vote 5-0. Senator Carson for the committee.

This legislation seeks to make significant and broad-reaching changes into the division of marital property. The committee recommends that the legislation be referred to Interim Study to afford the sponsors time to take the legislation apart and see if there are smaller specific items that should be brought forward as individual pieces of legislation.

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

This House Criminal Justice Committee has done significant work on mandatory minimum sentences and has just passed HB 605-FN which will be coming over to us. The committee recommends that this legislation be referred to Interim Study and that we focus on the policies established within the House Bill.

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

This bill was submitted to deal with the Judicial Retirement System. The amendment removes part 1 of the bill that was not supported by the Judicial Retirement System Board.

Senate Judiciary
January 7, 2016
2015-3072s
09/01

Amendment to SB 257-FN

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

AN ACT relative to membership in the judicial retirement plan of judges appointed at age 63 or older.

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

2015-3072s

AMENDED ANALYSIS

This bill establishes criteria for membership and benefits under the judicial retirement plan for judges appointed at age 63 or older.

HB 285, relative to discussion with legal counsel under the right-to-know law. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This legislation is amended to be consistent with a recent NH Supreme Court decision dealing with public meetings and communication with legal counsel.

Senate Judiciary
January 7, 2016
2015-3069s
01/06

Amendment to HB 285

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

1 Right-to-Know; Meetings Open to the Public. Amend RSA 91-A:2, I(b) to read as follows:

(b) Consultation with legal counsel, ***which shall include consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present;***

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

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

REGULAR CALENDAR

JUDICIARY

HB 645-FN, relative to the licensure and regulation of child day care agencies. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

Senate Judiciary
January 8, 2016
2015-3073s
05/01

Amendment to HB 645-FN

Amend the bill by replacing all after section 5 with the following:

6 New Paragraphs; Child Day Care Licensing; Exemptions; Notice Required. Amend RSA 170-E:3 by inserting after paragraph II the following new paragraphs:

III. Whenever a child day care that is license exempt under subparagraphs I(c), (e), (f), or (g) accepts a new child into the program, the provider shall inform the child's parent or legal guardian that the program is not licensed and is operating as a legally license exempt program.

IV. If a licensed child day care agency ceases operating as a licensed program and continues to provide child care services as a legally license exempt provider, it shall notify the department of the date it ceased being licensed, return its license to the department, and notify the parent or legal guardian of all children in the program or who enroll in the program that it is no longer licensed by the department.

7 Child Day Care Licensing; Advertising. Amend RSA 170-E:16 to read as follows:

170-E:16 Advertising. A child day care agency licensed or operating under a permit issued by the department may publish advertisements of the services for which it is specifically licensed or issued a permit under this subdivision. No person who is required to obtain a license or permit under this subdivision may advertise or cause to be published an advertisement soliciting a child for child day care unless the person has obtained the requisite license or permit. ***A child care provider that is legally operating as a license exempt provider under RSA 170-E:3 shall not hold itself out in any way or advertise that it is licensed by the department, including using forms developed by the department for use by licensed child day care agencies.***

8 New Subparagraph; Child Day Care Licensing; Penalty. Amend RSA 170-E:21,II by inserting after subparagraph (d) the following new subparagraph:

(e) Holds themselves out in any way or advertises that they are licensed if they do not hold a license issued by the department.

9 Child Day Care Agency; License Required. Amend RSA 170-E:4, I to read as follows:

I. No person shall establish, maintain, operate or conduct any child day care agency without a license or permit issued by the department under this subdivision. ***The requirements of this chapter applicable to licensed child day care agencies shall apply with equal force to any child day care agency required to be licensed under this chapter that is not so licensed.***

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

2015-3073s

AMENDED ANALYSIS

This bill:

I. Mandates that any person required to be licensed as a child day care agency under RSA 170-E comply with the chapter's prohibition against child endangerment and the insurance disclosure requirement.

II. Establishes an enhanced criminal penalty for any person operating a child day care agency if a permanent debilitating injury or death occurs.

III. Requires a legally license exempt child care provider to notify the child's parent of its license exempt status and prohibits such providers from holding themselves out as licensed.

IV. Requires a child care provider to inform the department of health and human services and program participants if the program ceases to be licensed by the department but continues to operate as a license exempt provider.

V. Establishes a criminal penalty for persons who falsely advertise or hold themselves out as licensed child day care providers.

VI. Provides that the requirements of RSA 170-E applicable to licensed child day care agencies shall apply to any child day care agency required to be licensed that is not so licensed.

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.

COMMERCE

HB 353, relative to the governance of condominium unit owners' associations. Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Commerce

October 27, 2015

2015-2540s

05/04

Amendment to HB 353

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

1 Contents of Bylaws. RSA 356-B:35 is repealed and reenacted to read as follows:

356-B:35 Contents of the Bylaws.

I. There shall be recorded simultaneously with the declaration a set of bylaws providing for the self-government of the condominium by an association of all the unit owners. The unit owners' association may be incorporated.

II. The bylaws shall provide the means by which the association shall elect a board of directors. The bylaws shall specify the powers and responsibilities of the same and the number and terms of its members.

The bylaws may delegate to such board, among other things, any of the powers and responsibilities assigned by this chapter to the unit owners' association. The bylaws shall also specify which, if any, of its powers and responsibilities the unit owners' association or its board may delegate to a managing agent. The board of directors shall have a fiduciary relationship to members of the unit owners' association.

III. The bylaws shall provide for election by the board of directors or, if the declaration requires, by the association members, of a president, treasurer, secretary, and any other officers of the association the bylaws specify.

IV. The bylaws shall specify the qualifications, powers and duties, terms of office, and manner of electing and removing board members and officers and filling vacancies.

V. The bylaws shall specify the officers who may prepare, execute, certify, and record amendments to the declaration on behalf of the association.

VI. The bylaws shall specify a method for the association members to amend the bylaws.

VII. The bylaws shall provide that the unit owners' association shall act on behalf of each unit owner in condemnation proceedings against the common areas of the condominium.

VIII. The bylaws shall contain any provision necessary to satisfy requirements of this chapter or the declaration concerning meetings, voting, quorums, and other activities of the association.

IX. The bylaws shall provide for any matter required by laws of this state other than this chapter to appear in the bylaws of organizations of the same type as the association.

X. Subject to the declaration and this chapter, the bylaws may provide for any other necessary or appropriate matters, including matters that may be adopted as rules.

XI. In any case where an amendment to the declaration is required by RSA 356-B:18, II, III, or IV, the person or persons required to execute the same shall also prepare and execute, and record simultaneously with such amendment, an amendment to the bylaws. The amendment to the bylaws shall allocate votes in the unit owners' association to new units on the same basis as was used for the allocation of such votes to the units depicted on site plans and floor plans recorded pursuant to RSA 356-B:20, I and II, or shall abolish the votes appertaining to former units, as the case may be. The amendment to the bylaws shall also reallocate rights to future common profits, and liabilities for future common expenses not specially assessed, in proportion to relative voting strengths as reflected by the said amendment.

2 Meetings, Voting Procedures, Executive Board Members and Officers. RSA 356-B:37 through 40 are repealed and reenacted to read as follows:

356-B:37 Meetings.

I. Meetings of the unit owners' association shall be held in accordance with the provisions of the condominium instruments at least once each year after the formation of the association. The bylaws shall specify an officer who shall, at least 21 days in advance of any annual or regularly scheduled meeting, and at least 7 days in advance of any other meeting, provide to each unit owner notice of the time, place, and purpose or purposes of such meeting in conformity with RSA 356-B:37-a. The minimum time to give notice may be reduced or waived for a meeting called to deal with an emergency. Purposes of the meeting shall include any budget changes or proposal to remove an officer or member of the board of directors. The secretary or other duly authorized officer of the unit owners' association, who shall also be a member of the board of directors of the unit owners' association, shall prepare an affidavit which shall be accompanied by a list of the addresses of all unit owners currently on file with the association and shall attest that notice of the association meeting was provided to all unit owners on that list in a manner conforming to RSA 356-B:37-a. A copy of the affidavit and unit owners list shall be available at the noticed meeting for inspection by all owners then in attendance and shall be retained with the minutes of that meeting. The affidavit required in this section shall be available for inspection by unit owners for at least 3 years after the date of the subject meeting.

II. An association shall hold a special meeting of unit owners to address any matter affecting the unit owners or the association if its president, a majority of the board of directors, or unit owners having at least 33 percent, or any lower percentage specified in the bylaws, of the votes in the association request that the secretary call the meeting. If the association does not notify unit owners of a special meeting within 30 days after the requisite number or percentage of unit owners request the secretary to do so, the requesting members may directly notify all the unit owners of an informational meeting, the purpose of which shall be to present the issue to fellow residents and unit owners. Only matters described in the meeting notice required by RSA

356-B:37-a may be considered at a special meeting.

III. Except as otherwise provided in the bylaws, meetings of the association shall be conducted in accordance with the most recent edition of Roberts' Rules of Order Newly Revised.

IV. Unit owners shall be given a reasonable opportunity at any meeting to comment regarding any matter affecting the association.

V. The declaration or bylaws may allow for meetings of unit owners to be conducted by telephonic, video, or other conferencing process, as provided in RSA 356-B:37-b.

VI. The board of directors shall make copies of the minutes of all meetings available to the unit owners within 60 days of the meeting or 15 days of the date such minutes are approved by the board, whichever occurs first. The association may opt to provide the minutes electronically or publish them on the association website, in which case the owners shall be informed of the web address.

356-B:37-a Notice to Unit Owners. An association shall deliver any notice required to be given by the association under this chapter to any mailing or electronic mail address a unit owner designates. If the unit owner does not designate an address, the association shall deliver notices by hand delivery, United States mail postage paid, or commercially reasonable delivery service to the mailing address of each unit.

356-B:37-b Meetings by Telephonic, Video, or Other Conferencing Process. When the declaration or bylaws provides, the association, committees thereof, and the board of directors may meet by telephonic, video, or other conferencing process, provided that the requirements of RSA 356-B:37-c are also met.

356-B:37-c Meetings of the Board of Directors and Committees of the Association. The following requirements apply to meetings of the board of directors and committees of the association authorized to act for the association:

I. For purposes of this section, a gathering of board members at which the board members do not conduct association business is not a meeting of the board of directors. The board of directors and its members may not use incidental or social gatherings of board members or any other method to evade the open meeting requirements of this section.

II. Not less than once each quarter, and at such additional times as may be specified in the condominium bylaws, the board of directors shall hold an open meeting during which unit owners shall be afforded a reasonable opportunity to comment on any matter affecting the association.

III. Unless the meeting is included in a schedule given to the unit owners or the meeting is called to deal with an emergency, the secretary or other officer specified in the bylaws shall give notice of each meeting of the board of directors to each board member and to the unit owners. The notice shall be given at least 10 days before the meeting and shall state the time, date, place, and agenda of the meeting.

IV. If any materials are distributed to the board of directors before the meeting, the board of directors at the same time shall make copies of those materials reasonably available to unit owners, except that the board of directors need not make available copies of unapproved minutes or matters that are to be considered in executive session.

V. In the case of self-managed community associations, meetings of the board of directors or committees expressly for purposes of implementation of decisions made in open meetings shall be exempt from the requirements of RSA 356-B:37, 356-B:37-a, and this section.

356-B:37-d Executive Session. The board of directors and association committees may hold an executive session only during a regular or special meeting of the board or a committee. No final vote or action may be taken during an executive session. An executive session may be held only to:

I. Consult with the association's attorney.

II. Discuss existing or potential litigation or mediation, arbitration, or administrative proceedings.

III. Discuss labor or personnel matters.

IV. Discuss contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated, including the review of bids or proposals, if premature general knowledge of those matters would place the association at a disadvantage or prevent public knowledge of the matter to be discussed if the board of directors or a committee determines that public knowledge would violate the privacy of any person.

356-B:38 Quorums.

I. Unless the condominium instruments otherwise provide, a quorum shall be deemed to be present throughout any meeting of the unit owners' association until adjourned if persons entitled to cast more than 33 1/3 percent of the votes are present at the beginning of such meeting. The bylaws may provide for a smaller percentage, not less than 25 percent, or for a larger percentage for associations having fewer than 25 units.

II. Unless the condominium instruments specify a larger majority, a quorum shall be deemed to be present throughout any meeting of the board of directors if persons entitled to cast more than 1/2 of the votes in that body are present at the beginning of such meeting.

III. If a quorum is not met for an annual meeting, the board shall reschedule the meeting within 60 days and provide proper notice and proxies.

356-B:39 Voting.

I. The bylaws may allocate to each unit depicted on site plans and floor plans that comply with RSA 356-B:20, I and II, a number of votes in the unit owners' association proportionate to the undivided interest in the common areas appertaining to each such unit.

II. Otherwise, the bylaws shall allocate to each such unit an equal number of votes in the unit owners' association, subject to the following exception: each convertible space so depicted shall be allocated a number of votes in the unit owners' association proportionate to the size of each such space, vis-a-vis the aggregate size of all units so depicted, while the remaining votes in the unit owners' association shall be allocated equally to the other units so depicted.

III. Since a unit owner may be more than one person, if only one of such persons is present at a meeting of the unit owners' association, that person shall be entitled to cast the votes appertaining to that unit. But if more than one of such persons is present, the vote appertaining to that unit shall be cast only in accordance with agreement of a majority in interest of the owners unless the condominium instruments expressly provide otherwise, and such consent shall be conclusively presumed if any one of them purports to cast the votes appertaining to that unit without protest being made forthwith by any of the others to the person presiding over the meeting. Since a person need not be a natural person, the word "person" shall be deemed for the purposes of this paragraph to include, without limitation, any natural person having authority to execute deeds on behalf of any person, excluding natural persons, which is, either alone or in conjunction with another person or persons, a unit owner.

IV.(a) The votes appertaining to any unit may be cast pursuant to a proxy or proxies duly executed by or on behalf of the unit owner, or, in cases where the unit owner is more than one person, by or on behalf of all such persons. The proxy or proxies shall list the name of the person who is to vote. No such proxy shall be revocable except by actual notice to the person presiding over the meeting, by the unit owner or by any of such persons, that it be revoked. Any proxy shall be void if it is not dated or if it purports to be revocable without the required notice. The proxy of any person shall be void if not signed by a person having authority, at the time of the execution thereof, to execute deeds on behalf of that person. Any proxy shall terminate automatically upon the adjournment of the first meeting held on or after the date of that proxy. The board of directors shall deliver to the unit owners, together with their notice of meeting and agenda, proxy forms bearing a control number which the board of directors shall correlate to the list of all unit owners then entitled to vote. At the noticed meeting, the board of directors shall recover all proxies and compare them to the control list maintained for that purpose. Any proxies which are on a form other than that provided by the board of directors or which do not correlate with the control list maintained by the board of directors shall be disregarded for purposes of determining whether a quorum was present at the meeting and for purposes of casting any vote at that meeting.

(b) The board of directors shall retain all proxies delivered to the board of directors and all independent written confirmation of any such proxies for inspection by the unit owners for a period of not less than 3 years from the date of the unit owners' association meeting.

V. If 50 percent or more of the votes in the unit owners' association appertain to 25 percent or less of the units, then in any case where a majority vote is required by the condominium instruments or by this chapter, the requirement for such a majority shall be deemed to include, in addition to the specified majority of the votes, assent by the unit owners of a like majority of the units.

VI. If more than 50 percent of the votes are acquired by a single person after developer control is terminated, a 2/3 majority shall be required to change bylaws, budgets, and any contracted property management.

356-B:39-a Voting Without a Meeting. Unless prohibited or limited by the declaration or bylaws, an association may conduct a vote without a meeting. In that event, the following requirements apply:

I. The association shall notify the unit owners that the vote will be taken by ballot in the manner prescribed by RSA 356-B:37-a, and deliver a paper or electronic ballot to every unit owner entitled to vote on the matter.

II. The ballot shall:

(a) Set forth each proposed action and provide an opportunity to vote for or against the action.

(b) Indicate the number of responses needed to meet the quorum requirements.

(c) State the percent of votes necessary to approve each matter other than election of directors.

(d) Specify the time and date by which a ballot must be delivered to the association to be counted, which time and date may not be fewer than 10 days after the date the association delivers the ballot.

(e) Describe the time, date, and manner by which unit owners wishing to deliver information to all unit owners regarding the subject of the vote may do so.

III. Except as otherwise provided in the declaration or bylaws, a ballot is not revoked after delivery to the association by death or disability or attempted revocation by the person that cast that vote.

IV. Approval by ballot pursuant to this section is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

356-B:40 Members of the Board of Directors and Officers.

I. Except as provided in the declaration, the bylaws, paragraph II, or other provisions of this chapter, the board of directors acts on behalf of the association. In the performance of their duties, officers and members of the board of directors appointed by the declarant shall exercise the degree of care and loyalty to the association required of a trustee. Officers and members of the board of directors not appointed by the declarant shall exercise the degree of care and loyalty to the association required of an officer or director of a corporation organized under RSA 292, and are subject to the conflict of interest rules governing directors and officers under RSA 292. The standards of care and loyalty described in this paragraph apply regardless of the form in which the association is organized.

II. The board of directors shall not:

(a) Amend the declaration except as otherwise provided in this chapter.

(b) Amend the bylaws.

(c) Terminate the unit owners' association.

(d) Elect members of the board of directors but may fill vacancies in its membership for the unexpired portion of any term or, if earlier, until the next regularly scheduled election of executive board members.

(e) Determine the qualifications, powers, and duties, or terms of office of members of the board of directors.

II-a. An officer shall not directly receive any salary or compensation from the association for the performance of duties as an officer or board member and shall not in any other way benefit financially from service to the association.

II-b. If annually approved by a 2/3 majority of the voting interests present at a properly called meeting of the association, the association may waive the requirements of paragraph II-a.

III. The board of directors shall adopt budgets as provided in RSA 356-B:40-c.

IV. Subject to the provisions of paragraph V, the declaration may provide for a period of declarant control of the association, during which a declarant, or persons designated by the declarant, may appoint and remove the officers and members of the board of directors. A declarant may voluntarily surrender the right to appoint and remove officers and members of the board of directors before the period ends. In that event, the declarant may require during the remainder of the period that specified actions of the association or board

of directors, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective. Regardless of the period provided in the declaration, and except as provided in RSA 356-B:36, a period of declarant control terminates no later than the earliest of:

- (a) Sixty days after conveyance of 60 percent of the units that may be created to unit owners other than a declarant;
- (b) Two years after all declarants have ceased to offer units for sale in the ordinary course of business;
- (c) Two years after any right to add new units was last exercised; or
- (d) The date the declarant, after giving notice in a record to unit owners, records an instrument voluntarily surrendering all rights to control activities of the association.

V. Not later than 60 days after conveyance of 1/4 of the units that may be created to unit owners other than a declarant, at least one member and not less than 25 percent of the members of the board of directors shall be elected by unit owners other than the declarant. Not later than 60 days after conveyance of 1/2 of the units that may be created to unit owners other than a declarant, not less than 1/2 of the members of the board of directors shall be elected by unit owners other than the declarant.

VI. Not later than the termination of any period of declarant control, the unit owners shall elect a board of directors with at least 3 members, a majority of whom shall be unit owners. Unless the declaration provides for the election of officers by the unit owners, the board of directors shall elect the officers. The members of the board of directors and officers shall take office upon election or appointment.

VII. If the condominium instruments provide that any officer or officers must be unit owners, then any such officer who disposes of all of his or her units in fee or for a term or terms of more than one year shall be deemed disqualified from continuing in office unless the condominium instruments otherwise provide, or unless the officer acquires or contracts to acquire another unit in the condominium under terms giving the officer a right of occupancy thereto effective on or before the termination of the right of occupancy under such disposition or dispositions.

VIII. If the condominium instruments provide that any officer or officers must be unit owners, then notwithstanding the provisions of RSA 356-B:12, I, the term "unit owner" in such context shall, unless the condominium instruments otherwise provide, be deemed to include, without limitation, any director, officer, partner in, or trustee of any person which is, either alone or in conjunction with another person or persons, a unit owner. Any officer who would not be eligible to serve as such were he or she not director, officer, partner in, or trustee of such a person shall be deemed disqualified from continuing in office if the officer ceases to have any such affiliation with that person, or if that person would itself have been deemed to have disqualified itself from continuing in such office under paragraph I were it a natural person holding such office.

IX. Any officer is a suitable person to receive service of process in any proceeding against the association.

X. For the purpose of receipt of notification by a municipality of a local land use board hearing, the officers shall be responsible for serving as agents of the unit owners' association.

356-B:40-a Managing Agent and Contractors; Disclosure of Fees; Qualifications.

I. If the unit owners' association or the board of directors has delegated certain powers and duties to a managing agent, the managing agent shall disclose any referral fees received from contract work performed on behalf of the association to the board of directors prior to the next regularly scheduled board meeting, unless the terms of any referral fees are disclosed in the managing agent's contract with the unit owners' association, in which case disclosure of fees actually received shall not be required.

II. The managing agent also shall disclose to the board of directors the amount and purpose of any fees, other than maintenance fees, received from a unit owner, unless the terms of any such fees are disclosed in the managing agent's contract with the unit owners' association, in which case disclosure of fees actually received shall not be required.

III. Any contractor licensed by the state of New Hampshire who performs work for a unit owner shall disclose on the bill any referral fee charged by the contractor.

IV. Each employee of a managing agent or condominium association shall complete a background check prior to employment. The cost of the background check shall be borne by the managing agent or the association.

356-B:40-b Qualifications of Board Members and Managing Agents; Penalty for Violation.

I. No individual shall serve on the board of a condominium or homeowners association, or act as a property manager, managing agent, or management company owner if the individual has been convicted of a felony, or has had a professional license terminated or has been disbarred from the practice of law for the misappropriation or misapplication of client funds or any other financial malfeasance.

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

356-B:40-c Removal of Officers and Directors.

I. Notwithstanding any provision of the declaration or bylaws to the contrary, unit owners present in person or by proxy at any meeting of the unit owners at which a quorum is present, may remove any member of the board of directors and any officer elected by the unit owners, with or without cause, if the number of votes cast in favor of removal exceeds the number of votes cast in opposition to removal, provided that:

(a) A member appointed by the declarant may not be removed by a unit owner vote during the period of declarant control.

(b) The unit owners may not consider whether to remove a member of the board of directors or an officer elected by the unit owners at a meeting of the unit owners unless that subject was listed in the notice of the meeting.

II. At any meeting at which a vote to remove a member of the board of directors or an officer is to be taken, the member or officer being considered for removal shall have a reasonable opportunity to speak before the vote.

356-B:40-d Adoption of Budgets and Special Assessments.

I. The board of directors, at least annually, shall adopt a proposed budget for the unit owners' association for consideration by the unit owners. The budget shall be ratified at the annual meeting unless the bylaws provide that the board of directors may enact the budget without unit owner approval. Not later than 30 days after adoption of a proposed budget, the board of directors shall provide to all the unit owners a summary of the budget, including any reserves, and a statement of the basis on which any reserves are calculated and funded. If the budget requires ratification by the unit owners, unless 2/3 of all unit owners or any larger number specified in the declaration reject the budget, the budget is ratified, whether or not a quorum is present. If a proposed budget is rejected, the budget last ratified by the unit owners continues until the unit owners ratify a subsequent budget.

II. The board of directors, at any time, may propose a special assessment. Except as otherwise provided in paragraph III, the assessment is effective only if the board of directors follows the procedures for ratification of a budget described in paragraph I and the unit owners do not reject the proposed assessment.

III. If the board of directors determines by a 2/3 vote that a special assessment is necessary to respond to an emergency:

(a) The special assessment becomes effective immediately in accordance with the terms of the vote.

(b) Notice of the special assessment shall be provided promptly to all unit owners.

(c) The board of directors may spend the funds paid on account of the special assessment only for the purposes described in the vote.

3 Insurance; Reference Change; Insurance or Bond Required. Amend RSA 356-B:43, II to read as follows:

II. When any policy of insurance has been obtained by or on behalf of the unit owners' association, written notice of the obtainment thereof and of any subsequent changes therein or termination thereof shall be promptly furnished to each unit owner by the officer required to send notices of meetings of the unit owners' association. Such notices shall be sent in accordance with ~~[the provisions of the last sentence of RSA 356-B:37]~~ **RSA 356-B:37-a.**

4 Applicability.

I. A unit owners association shall have 2 years from the effective date of this act to amend or revise its bylaws and condominium instruments to comply with the requirements of this act. Any bylaws, condominium instruments, or amendments thereto, adopted after January 1, 2016 shall comply with the requirements of this act.

II. A unit owners association may amend or revise the condominium documents to comply with the requirements of RSA 356-B as amended by this act without the need to obtain mortgagee approval if the changes do not affect the mortgagee's equity or security interest in the property.

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

2015-2540s

AMENDED ANALYSIS

This bill revises statutes governing the contents of condominium bylaws, meetings of the unit owners' association, and the qualifications and duties of board members.

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

Senator Bradley offered a floor amendment.

Senator Bradley, Dist. 3

December 8, 2015

2015-3009s

05/04

Floor Amendment to HB 353

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

1 Contents of Bylaws. RSA 356-B:35 is repealed and reenacted to read as follows:

356-B:35 Contents of the Bylaws.

I. There shall be recorded simultaneously with the declaration a set of bylaws providing for the self-government of the condominium by an association of all the unit owners. The unit owners' association may be incorporated.

II. The bylaws shall provide the means by which the association shall elect a board of directors. The bylaws shall specify the powers and responsibilities of the same and the number and terms of its members. The bylaws may delegate to such board, among other things, any of the powers and responsibilities assigned by this chapter to the unit owners' association. The bylaws shall also specify which, if any, of its powers and responsibilities the unit owners' association or its board may delegate to a managing agent. The board of directors shall have a fiduciary relationship to members of the unit owners' association.

III. The bylaws shall provide for election by the board of directors or, if the declaration requires, by the association members, of a president, treasurer, secretary, and any other officers of the association the bylaws specify.

IV. The bylaws shall specify the qualifications, powers and duties, terms of office, and manner of electing and removing board members and officers and filling vacancies.

V. The bylaws shall specify the officers who may prepare, execute, certify, and record amendments to the declaration on behalf of the association.

VI. The bylaws shall specify a method for the association members to amend the bylaws.

VII. The bylaws shall provide that the unit owners' association shall act on behalf of each unit owner in condemnation proceedings against the common areas of the condominium.

VIII. The bylaws shall contain any provision necessary to satisfy requirements of this chapter or the declaration concerning meetings, voting, quorums, and other activities of the association.

IX. The bylaws shall provide for any matter required by laws of this state other than this chapter to appear in the bylaws of organizations of the same type as the association.

X. Subject to the declaration and this chapter, the bylaws may provide for any other necessary or appropriate matters, including matters that may be adopted as rules.

XI. In any case where an amendment to the declaration is required by RSA 356-B:18, II, III, or IV, the person or persons required to execute the same shall also prepare and execute, and record simultaneously with such amendment, an amendment to the bylaws. The amendment to the bylaws shall allocate votes in the unit owners' association to new units on the same basis as was used for the allocation of such votes to the units depicted on site plans and floor plans recorded pursuant to RSA 356-B:20, I and II, or shall abolish the votes

appertaining to former units, as the case may be. The amendment to the bylaws shall also reallocate rights to future common profits, and liabilities for future common expenses not specially assessed, in proportion to relative voting strengths as reflected by the said amendment.

2 Meetings, Voting Procedures, Executive Board Members and Officers. RSA 356-B:37 through 40 are repealed and reenacted to read as follows:

356-B:37 Meetings.

I. Meetings of the unit owners' association shall be held in accordance with the provisions of the condominium instruments at least once each year after the formation of the association. The bylaws shall specify an officer who shall, at least 21 days in advance of any annual or regularly scheduled meeting, and at least 7 days in advance of any other meeting, provide to each unit owner notice of the time, place, and purpose or purposes of such meeting in conformity with RSA 356-B:37-a. The minimum time to give notice may be reduced or waived for a meeting called to deal with an emergency. Purposes of the meeting shall include any budget changes or proposal to remove an officer or member of the board of directors. The secretary or other duly authorized officer of the unit owners' association, who shall also be a member of the board of directors of the unit owners' association, shall prepare an affidavit which shall be accompanied by a list of the addresses of all unit owners currently on file with the association and shall attest that notice of the association meeting was provided to all unit owners on that list in a manner conforming to RSA 356-B:37-a. A copy of the affidavit and unit owners list shall be available at the noticed meeting for inspection by all owners then in attendance and shall be retained with the minutes of that meeting. The affidavit required in this section shall be available for inspection by unit owners for at least 3 years after the date of the subject meeting.

II. An association shall hold a special meeting of unit owners to address any matter affecting the unit owners or the association if its president, a majority of the board of directors, or unit owners having at least 33 percent, or any lower percentage specified in the bylaws, of the votes in the association request that the secretary call the meeting. If the association does not notify unit owners of a special meeting within 30 days after the requisite number or percentage of unit owners request the secretary to do so, the requesting members may directly notify all the unit owners of an informational meeting, the purpose of which shall be to present the issue to fellow residents and unit owners. Only matters described in the meeting notice required by RSA 356-B:37-a may be considered at a special meeting.

III. Except as otherwise provided in the bylaws, meetings of the association shall be conducted in accordance with the most recent edition of Roberts' Rules of Order Newly Revised.

IV. Unit owners shall be given a reasonable opportunity at any meeting to comment regarding any matter affecting the association.

V. The declaration or bylaws may allow for meetings of unit owners to be conducted by telephonic, video, or other conferencing process, as provided in RSA 356-B:37-b.

VI. The board of directors shall make copies of the minutes of all meetings available to the unit owners within 60 days of the meeting or 15 days of the date such minutes are approved by the board, whichever occurs first. The association may opt to provide the minutes electronically or publish them on the association website, in which case the owners shall be informed of the web address.

356-B:37-a Notice to Unit Owners. An association shall deliver any notice required to be given by the association under this chapter to any mailing or electronic mail address a unit owner designates. If the unit owner does not designate an address, the association shall deliver notices by hand delivery, United States mail postage paid, or commercially reasonable delivery service to the mailing address of each unit.

356-B:37-b Meetings by Telephonic, Video, or Other Conferencing Process. When the declaration or bylaws provides, the association, committees thereof, and the board of directors may meet by telephonic, video, or other conferencing process, provided that the requirements of RSA 356-B:37-c are also met.

356-B:37-c Meetings of the Board of Directors and Committees of the Association. The following requirements apply to meetings of the board of directors and committees of the association authorized to act for the association:

I. For purposes of this section, a gathering of board members at which the board members do not conduct association business is not a meeting of the board of directors. The board of directors and its members may not use incidental or social gatherings of board members or any other method to evade the open meeting requirements of this section.

II. Not less than once each quarter, and at such additional times as may be specified in the condominium bylaws, the board of directors shall hold an open meeting during which unit owners shall be afforded a reasonable opportunity to comment on any matter affecting the association. At its discretion, the board of directors may meet in a meeting not open to unit owners provided the meeting is recorded and the recording is made available to unit owners for up to 30 days upon request.

III. Unless the meeting is included in a schedule given to the unit owners or the meeting is called to deal with an emergency, the secretary or other officer specified in the bylaws shall give notice of each meeting of the board of directors to each board member and to the unit owners. The notice shall be given at least 10 days before the meeting and shall state the time, date, place, and agenda of the meeting.

IV. If any materials are distributed to the board of directors before the meeting, the board of directors at the same time shall make copies of those materials reasonably available to unit owners, except that the board of directors need not make available copies of unapproved minutes or matters that are to be considered in executive session.

V. In the case of self-managed community associations, meetings of the board of directors or committees expressly for purposes of implementation of decisions made in open meetings shall be exempt from the requirements of RSA 356-B:37, 356-B:37-a, and this section.

356-B:37-d Executive Session. The board of directors and association committees may hold an executive session only during a regular or special meeting of the board or a committee. No final vote or action may be taken during an executive session. An executive session may be held only to:

I. Consult with the association's attorney.

II. Discuss existing or potential litigation or mediation, arbitration, or administrative proceedings.

III. Discuss labor or personnel matters.

IV. Discuss contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated, including the review of bids or proposals, if premature general knowledge of those matters would place the association at a disadvantage or prevent public knowledge of the matter to be discussed if the board of directors or a committee determines that public knowledge would violate the privacy of any person.

356-B:38 Quorums.

I. Unless the condominium instruments otherwise provide, a quorum shall be deemed to be present throughout any meeting of the unit owners' association until adjourned if persons entitled to cast more than 33 1/3 percent of the votes are present at the beginning of such meeting. The bylaws may provide for a smaller percentage, not less than 25 percent, or for a larger percentage for associations having fewer than 25 units.

II. Unless the condominium instruments specify a larger majority, a quorum shall be deemed to be present throughout any meeting of the board of directors if persons entitled to cast more than 1/2 of the votes in that body are present at the beginning of such meeting.

III. If a quorum is not met for an annual meeting, the board shall reschedule the meeting within 60 days and provide proper notice and proxies.

356-B:39 Voting.

I. The bylaws may allocate to each unit depicted on site plans and floor plans that comply with RSA 356-B:20, I and II, a number of votes in the unit owners' association proportionate to the undivided interest in the common areas appertaining to each such unit.

II. Otherwise, the bylaws shall allocate to each such unit an equal number of votes in the unit owners' association, subject to the following exception: each convertible space so depicted shall be allocated a number of votes in the unit owners' association proportionate to the size of each such space, vis-a-vis the aggregate size of all units so depicted, while the remaining votes in the unit owners' association shall be allocated equally to the other units so depicted.

III. Since a unit owner may be more than one person, if only one of such persons is present at a meeting of the unit owners' association, that person shall be entitled to cast the votes appertaining to that unit. But if more than one of such persons is present, the vote appertaining to that unit shall be cast only in accordance with agree-

ment of a majority in interest of the owners unless the condominium instruments expressly provide otherwise, and such consent shall be conclusively presumed if any one of them purports to cast the votes appertaining to that unit without protest being made forthwith by any of the others to the person presiding over the meeting. Since a person need not be a natural person, the word "person" shall be deemed for the purposes of this paragraph to include, without limitation, any natural person having authority to execute deeds on behalf of any person, excluding natural persons, which is, either alone or in conjunction with another person or persons, a unit owner.

IV.(a) The votes appertaining to any unit may be cast pursuant to a proxy or proxies duly executed by or on behalf of the unit owner, or, in cases where the unit owner is more than one person, by or on behalf of all such persons. The proxy or proxies shall list the name of the person who is to vote. No such proxy shall be revocable except by actual notice to the person presiding over the meeting, by the unit owner or by any of such persons, that it be revoked. Any proxy shall be void if it is not dated or if it purports to be revocable without the required notice. The proxy of any person shall be void if not signed by a person having authority, at the time of the execution thereof, to execute deeds on behalf of that person. Any proxy shall terminate automatically upon the adjournment of the first meeting held on or after the date of that proxy. The board of directors shall deliver to the unit owners, together with their notice of meeting and agenda, proxy forms bearing a control number which the board of directors shall correlate to the list of all unit owners then entitled to vote. At the noticed meeting, the board of directors shall recover all proxies and compare them to the control list maintained for that purpose. Any proxies which are on a form other than that provided by the board of directors or which do not correlate with the control list maintained by the board of directors shall be disregarded for purposes of determining whether a quorum was present at the meeting and for purposes of casting any vote at that meeting.

(b) The board of directors shall retain all proxies delivered to the board of directors and all independent written confirmation of any such proxies for inspection by the unit owners for a period of not less than 3 years from the date of the unit owners' association meeting.

V. If 50 percent or more of the votes in the unit owners' association appertain to 25 percent or less of the units, then in any case where a majority vote is required by the condominium instruments or by this chapter, the requirement for such a majority shall be deemed to include, in addition to the specified majority of the votes, assent by the unit owners of a like majority of the units.

VI. If more than 50 percent of the votes are acquired by a single person after developer control is terminated, a 2/3 majority shall be required to change bylaws, budgets, and any contracted property management.

356-B:39-a Voting Without a Meeting. Unless prohibited or limited by the declaration or bylaws, an association may conduct a vote without a meeting. In that event, the following requirements apply:

I. The association shall notify the unit owners that the vote will be taken by ballot in the manner prescribed by RSA 356-B:37-a, and deliver a paper or electronic ballot to every unit owner entitled to vote on the matter.

II. The ballot shall:

(a) Set forth each proposed action and provide an opportunity to vote for or against the action.

(b) Indicate the number of responses needed to meet the quorum requirements.

(c) State the percent of votes necessary to approve each matter other than election of directors.

(d) Specify the time and date by which a ballot must be delivered to the association to be counted, which time and date may not be fewer than 10 days after the date the association delivers the ballot.

(e) Describe the time, date, and manner by which unit owners wishing to deliver information to all unit owners regarding the subject of the vote may do so.

III. Except as otherwise provided in the declaration or bylaws, a ballot is not revoked after delivery to the association by death or disability or attempted revocation by the person that cast that vote.

IV. Approval by ballot pursuant to this section is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

356-B:40 Members of the Board of Directors and Officers.

I. Except as provided in the declaration, the bylaws, paragraph II, or other provisions of this chapter, the board of directors acts on behalf of the association. In the performance of their duties, officers and members of the board of directors appointed by the declarant shall exercise the degree of care and loyalty

to the association required of a trustee. Officers and members of the board of directors not appointed by the declarant shall exercise the degree of care and loyalty to the association required of an officer or director of a corporation organized under RSA 292, and are subject to the conflict of interest rules governing directors and officers under RSA 292. The standards of care and loyalty described in this paragraph apply regardless of the form in which the association is organized.

II. The board of directors shall not:

- (a) Amend the declaration except as otherwise provided in this chapter.
- (b) Amend the bylaws.
- (c) Terminate the unit owners' association.
- (d) Elect members of the board of directors but may fill vacancies in its membership for the unexpired portion of any term or, if earlier, until the next regularly scheduled election of executive board members.
- (e) Determine the qualifications, powers, and duties, or terms of office of members of the board of directors.

II-a. An officer shall not directly receive any salary or compensation from the association for the performance of duties as an officer or board member and shall not in any other way benefit financially from service to the association.

II-b. If annually approved by a 2/3 majority of the voting interests present at a properly called meeting of the association, the association may waive the requirements of paragraph II-a.

III. The board of directors shall adopt budgets as provided in RSA 356-B:40-c.

IV. Subject to the provisions of paragraph V, the declaration may provide for a period of declarant control of the association, during which a declarant, or persons designated by the declarant, may appoint and remove the officers and members of the board of directors. A declarant may voluntarily surrender the right to appoint and remove officers and members of the board of directors before the period ends. In that event, the declarant may require during the remainder of the period that specified actions of the association or board of directors, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective. Regardless of the period provided in the declaration, and except as provided in RSA 356-B:36, a period of declarant control terminates no later than the earliest of:

- (a) Sixty days after conveyance of 60 percent of the units that may be created to unit owners other than a declarant;
- (b) Two years after all declarants have ceased to offer units for sale in the ordinary course of business;
- (c) Two years after any right to add new units was last exercised; or
- (d) The date the declarant, after giving notice in a record to unit owners, records an instrument voluntarily surrendering all rights to control activities of the association.

V. Not later than 60 days after conveyance of 1/4 of the units that may be created to unit owners other than a declarant, at least one member and not less than 25 percent of the members of the board of directors shall be elected by unit owners other than the declarant. Not later than 60 days after conveyance of 1/2 of the units that may be created to unit owners other than a declarant, not less than 1/2 of the members of the board of directors shall be elected by unit owners other than the declarant.

VI. Not later than the termination of any period of declarant control, the unit owners shall elect a board of directors with at least 3 members, a majority of whom shall be unit owners. Unless the declaration provides for the election of officers by the unit owners, the board of directors shall elect the officers. The members of the board of directors and officers shall take office upon election or appointment.

VII. If the condominium instruments provide that any officer or officers must be unit owners, then any such officer who disposes of all of his or her units in fee or for a term or terms of more than one year shall be deemed disqualified from continuing in office unless the condominium instruments otherwise provide, or unless the officer acquires or contracts to acquire another unit in the condominium under terms giving the officer a right of occupancy thereto effective on or before the termination of the right of occupancy under such disposition or dispositions.

VIII. If the condominium instruments provide that any officer or officers must be unit owners, then notwithstanding the provisions of RSA 356-B:12, I, the term "unit owner" in such context shall, unless the condominium instruments otherwise provide, be deemed to include, without limitation, any director, officer, partner in, or trustee of any person which is, either alone or in conjunction with another person or persons, a unit owner. Any officer who would not be eligible to serve as such were he or she not director, officer, partner in, or trustee of such a person shall be deemed disqualified from continuing in office if the officer ceases to have any such affiliation with that person, or if that person would itself have been deemed to have disqualified itself from continuing in such office under paragraph I were it a natural person holding such office.

IX. Any officer is a suitable person to receive service of process in any proceeding against the association.

X. For the purpose of receipt of notification by a municipality of a local land use board hearing, the officers shall be responsible for serving as agents of the unit owners' association.

356-B:40-a Managing Agent and Contractors; Disclosure of Fees; Qualifications.

I. If the unit owners' association or the board of directors has delegated certain powers and duties to a managing agent, the managing agent shall disclose any referral fees received from contract work performed on behalf of the association to the board of directors prior to the next regularly scheduled board meeting, unless the terms of any referral fees are disclosed in the managing agent's contract with the unit owners' association, in which case disclosure of fees actually received shall not be required.

II. The managing agent also shall disclose to the board of directors the amount and purpose of any fees, other than maintenance fees, received from a unit owner, unless the terms of any such fees are disclosed in the managing agent's contract with the unit owners' association, in which case disclosure of fees actually received shall not be required.

III. Any contractor licensed by the state of New Hampshire who performs work for a unit owner shall disclose on the bill any referral fee charged by the contractor.

IV. Each employee of a managing agent or condominium association shall complete a background check prior to employment. The cost of the background check shall be borne by the managing agent or the association.

356-B:40-b Qualifications of Board Members and Managing Agents; Penalty for Violation.

I. No individual shall serve on the board of a condominium or homeowners association, or act as a property manager, managing agent, or management company owner if the individual has been convicted of a felony, or has had a professional license terminated or has been disbarred from the practice of law for the misappropriation or misapplication of client funds or any other financial malfeasance.

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

356-B:40-c Removal of Officers and Directors.

I. Notwithstanding any provision of the declaration or bylaws to the contrary, unit owners present in person or by proxy at any meeting of the unit owners at which a quorum is present, may remove any member of the board of directors and any officer elected by the unit owners, with or without cause, if the number of votes cast in favor of removal exceeds the number of votes cast in opposition to removal, provided that:

(a) A member appointed by the declarant may not be removed by a unit owner vote during the period of declarant control.

(b) The unit owners may not consider whether to remove a member of the board of directors or an officer elected by the unit owners at a meeting of the unit owners unless that subject was listed in the notice of the meeting.

II. At any meeting at which a vote to remove a member of the board of directors or an officer is to be taken, the member or officer being considered for removal shall have a reasonable opportunity to speak before the vote.

356-B:40-d Adoption of Budgets and Special Assessments.

I. The board of directors, at least annually, shall adopt a proposed budget for the unit owners' association for consideration by the unit owners. The budget shall be ratified at the annual meeting. Not later than 30 days after adoption of a proposed budget, the board of directors shall provide to all the unit owners a summary of the budget, including any reserves, and a statement of the basis on which any reserves are

calculated and funded. If the budget requires ratification by the unit owners, unless 2/3 of all unit owners or any larger number specified in the declaration reject the budget, the budget is ratified, whether or not a quorum is present. If a proposed budget is rejected, the budget last ratified by the unit owners continues until the unit owners ratify a subsequent budget.

II. The board of directors, at any time, may propose a special assessment. Except as otherwise provided in paragraph III, the assessment is effective only if the board of directors follows the procedures for ratification of a budget described in paragraph I and the unit owners do not reject the proposed assessment.

III. If the board of directors determines by a 2/3 vote that a special assessment is necessary to respond to an emergency:

(a) The special assessment becomes effective immediately in accordance with the terms of the vote.

(b) Notice of the special assessment shall be provided promptly to all unit owners.

(c) The board of directors may spend the funds paid on account of the special assessment only for the purposes described in the vote.

3 Insurance; Reference Change; Insurance or Bond Required. Amend RSA 356-B:43, II to read as follows:

II. When any policy of insurance has been obtained by or on behalf of the unit owners' association, written notice of the obtainment thereof and of any subsequent changes therein or termination thereof shall be promptly furnished to each unit owner by the officer required to send notices of meetings of the unit owners' association. Such notices shall be sent in accordance with ~~[the provisions of the last sentence of RSA 356-B:37]~~ **RSA 356-B:37-a.**

4 Applicability.

I. A unit owners association shall have 2 years from the effective date of this act to amend or revise its bylaws and condominium instruments to comply with the requirements of this act. Any bylaws, condominium instruments, or amendments thereto, adopted after July 1, 2016 shall comply with the requirements of this act.

II. A unit owners association may amend or revise the condominium documents to comply with the requirements of RSA 356-B as amended by this act without the need to obtain mortgagee approval if the changes do not affect the mortgagee's equity or security interest in the property.

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

2015-3009s

AMENDED ANALYSIS

This bill revises statutes governing the contents of condominium bylaws, meetings of the unit owners' association, and the qualifications and duties of board members.

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.

Recess. Out of recess.

EDUCATION

SB 152, requiring the state police to disclose the results of a criminal records check to school officials. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

Senate Education
September 22, 2015
2015-2412s
04/03

Amendment to SB 152

Amend RSA 189:13-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The school administrative unit, school district, chartered public school, or public academy shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal

history records check through its records and through the Federal Bureau of Investigation. ~~[The state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, chartered public school, or public academy, and shall report the presence or absence of any such crime to the school administrative unit, school district, chartered public school, or public academy. Under no circumstances shall the criminal records be released to the school administrative unit, school district, chartered public school, or public academy.]~~ ***Upon completion of the criminal records check, the division of state police shall release a copy of the records check to the school administrative unit, school district, chartered public school, or public academy.*** The school administrative unit, school district, chartered public school, or public academy shall maintain the confidentiality of all criminal history records information received ~~[pursuant to this paragraph]~~. If the criminal history records information indicates no criminal record, the school administrative unit, school district, chartered public school, or public academy shall destroy the information received immediately following its review of the information. If ~~[the criminal history records information indicates that]~~ the applicant has been convicted of a ~~[felony or has been charged pending disposition for or convicted of a]~~ crime listed in paragraph V, the school administrative unit, school district, chartered public school, or public academy shall review the information for a hiring decision, and the division of state police shall notify the department of education of any such charges pending disposition or convictions. The school administrative unit, school district, chartered public school, or public academy shall destroy any criminal history record information that indicates a criminal record within 30 days of receiving such information.

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

Senator Kelly offered a floor amendment.

Senator Kelly, Dist. 10
 Senator Reagan, Dist. 17
 Senator Boutin, Dist. 16
 Senator Watters, Dist. 4
 January 13, 2016
 2015-3084s
 04/10

Floor Amendment to SB 152

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

AN ACT relative to criminal history records checks for school employees and designated school volunteers.

Amend the bill by replacing section 1 with the following:

1 School Employee and Volunteer Criminal History Records Check. Amend RSA 189:13-a to read as follows:

189:13-a School Employee and ***Designated School*** Volunteer Criminal History Records Check.

I.(a) The employing school administrative unit, school district, or chartered public school shall complete a criminal history records check on every selected applicant for employment in any position in the school administrative unit, school district, or chartered public school prior to a final offer of employment. A public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section. ~~[A school administrative unit, school district, chartered public school, or public academy]~~ ***The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy*** may extend a conditional offer of employment to a selected applicant, with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a final offer of employment unless the school administrative unit, school district, chartered public school, or public academy has completed a criminal history records check. The school administrative unit, school district, chartered public school, or public academy shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant, or the acceptance of volunteer services from a designated volunteer, with a criminal history was in any way negligent or deficient, if the school administrative unit, school district, chartered public school, or public academy fulfilled the requirements of this section.

(b) A nonpublic school may elect to require a criminal history records check on selected applicants for employment or selected volunteers. A nonpublic school that elects to conduct a criminal history records check shall comply with the procedures and requirements set forth in this section.

II. The selected applicant for employment or designated volunteer with a school administrative unit, school district, chartered public school, or public academy shall submit to the employer a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of information regarding the presence or absence of any record of convictions of the applicant of felonies **or misdemeanors**, or of charges pending disposition for or convictions of the applicant of the crimes listed in paragraph V. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit, school district, chartered public school, or public academy. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school district, chartered public school, or public academy may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.

III. The school administrative unit, school district, chartered public school, or public academy shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. The state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, chartered public school, or public academy, and shall report the presence or absence of any such crime to the ~~[school administrative unit, school district, chartered public school, or public academy]~~ **superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy**. ~~[Under no circumstances shall the criminal records be released to the school administrative unit, school district, chartered public school, or public academy. The school administrative unit, school district, chartered public school, or public academy]~~ **The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy** shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph. If the criminal history records information indicates no criminal record, the ~~[school administrative unit, school district, chartered public school, or public academy]~~ **superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy** shall destroy the information received immediately following [its] review of the information. If the criminal history records information indicates that the applicant has been convicted of [a felony] **any crime** or has been charged pending disposition for or convicted of a crime listed in paragraph V, the ~~[school administrative unit, school district, chartered public school, or public academy]~~ **superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy** shall review the information for a hiring decision, and the division of state police shall notify the department of education of any such charges pending disposition or convictions. The ~~[school administrative unit, school district, chartered public school, or public academy]~~ **superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy** shall destroy any criminal history record information that indicates a criminal record within 30 days of receiving such information.

IV. The school administrative unit, school district, chartered public school, or public academy may require the selected applicant for employment or designated volunteer to pay the actual costs of the criminal history records check.

V. Any person who has been charged pending disposition for or convicted of any violation or attempted violation of RSA 630:1; 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be hired by a school administrative unit, school district, chartered public school, or public academy. ~~[By decision of the appropriate governing body, a school administrative unit, school district, chartered public school, or public academy]~~ **The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy** may deny a selected applicant a final offer of employment if such person has been convicted of any [felony] **crime** in addition to those listed above. The ~~[governing body]~~ **school administrative unit, school district, chartered public school, or public academy** may adopt a policy stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

VI. This section [applies] **shall apply** to any employee, selected applicant for employment, designated volunteer, or volunteer organization which contracts with a school administrative unit, school district, chartered public school, or public academy to provide services, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district, chartered public school, or public academy. The cost for criminal history records checks for employees or selected applicants for employment with such contractors shall be borne by the contractor.

VII. The school administrative unit, school district, chartered public school, or public academy shall not be required to complete a criminal history records check on volunteers, provided that the governing body of a school administrative unit, school district, chartered public school, or public academy shall adopt a policy designating certain categories of volunteers as “designated volunteers” who may be required to undergo a criminal history records check.

VIII. A school administrative unit, school district, chartered public school, public academy, or school official acting pursuant to a policy establishing procedures for certain volunteers shall be immune from civil or criminal liability, provided the school administrative unit, school district, chartered public school, public academy, or school official has in good faith acted in accordance with said policy. Nothing in this paragraph shall be deemed to grant immunity to any person for that person’s reckless or wanton conduct.

IX.(a) Substitute teachers, student teachers, student interns, and other educational staff shall apply for a criminal history records check at the employing school administrative unit, school district, chartered public school, or public academy. The division of state police shall complete the criminal history records check and, upon completion, shall issue a letter to the applicant. The letter shall be valid for 30 days from the date of issue and shall constitute satisfactory proof of compliance with this section.

(b) Student teachers and student interns shall submit a criminal history records check upon enrollment in a teacher preparation program, but shall not be required to submit additional criminal history records checks if the student teacher or student intern maintains continuous enrollment in the teacher preparation program.

X. Violations of this section shall be jointly investigated by the state police and the department of education. Information obtained through such investigations shall remain confidential and shall not be subject to RSA 91-A.

XI. In this section, “public academy” shall have the same meaning as in RSA 194:23, II.

2015-3084s

AMENDED ANALYSIS

This bill provides that information relating to any crime committed by a school employee or a designated school volunteer may be used in making a hiring decision.

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

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

INTRODUCTION OF GUESTS

(The Chair recognized Senator Prescott.)

SENATOR PRESCOTT: Thank you very much, Mister President. I would like to introduce people that are in the gallery to see how government works here in New Hampshire. They are from the World Affairs Council, and they are Bahrain legislators. And, hopefully, they get a great glimpse of how we work in the Senate, today. I hope you enjoy your visit. And I’d like to introduce them as Abdulla Huwail, Jamal Buhasan, Majeed Al Asfoor, Isa Al Kooheji. Thank you very much, all, for being here. And then, if you could stand we could just clap and say thanks for being here. And, Mister President, one last tidbit here, our Aide Jen Horgan’s brother, Tim Horgan, works for the Council and is leading today’s tour. So, that’s another thing to be proud of: the Senate involved with World Affairs. Thank you, Mister President.

PRESIDENT MORSE: Thank you, Senator Prescott.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 129-FN, allowing retired members of the retirement system to change an optional allowance election in certain circumstances. Ought to Pass with Amendment, Vote 3-2. Senator Reagan for the committee.

Senate Executive Departments and Administration
January 6, 2016
2015-3067s
10/06

Amendment to SB 129-FN

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Retirement System; Optional Allowances; Termination. Amend RSA 100-A:13, II by inserting after subparagraph (b) the following new subparagraph:

(c) Any retired member who has elected option 2, 3, or 4, and has designated a single, non-spouse beneficiary, may at any time prior to the death of the beneficiary terminate such elected option without the consent of the beneficiary by signing and filing with the board a form designated by the board. Upon termination, the allowance received under the elected option shall be converted to the retirement allowance that would have been payable in the absence of such election. Any supplemental allowance, or COLAs, granted to the retiree and effective before the date of termination of the option shall continue in effect and shall not be adjusted as a result of the termination. Such termination shall become effective, and payment of the converted allowance shall commence, on the first day of the month following receipt of such form by the board. If the retiree dies after giving notice of such termination but before the effective date, the notice shall be deemed valid, the previously elected option shall terminate as of the date of the retiree's death, and no survivor annuity shall be paid pursuant to the previously elected option.

2015-3067s

AMENDED ANALYSIS

This bill allows a retired member of the retirement system to terminate the designation of a single, non-spouse beneficiary to receive an optional allowance.

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

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

SB 237-FN, establishing a reporting requirement for gubernatorial inauguration contributions. Ought to Pass with Amendment, Vote 4-1. Senator Carson for the committee.

Senate Executive Departments and Administration
January 6, 2016
2015-3064s
05/09

Amendment to SB 237-FN

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

1 New Subdivision; Reports by Governor-Elect. Amend RSA 664 by inserting after section 13 the following new subdivision:

Reports by Governor-Elect

664:13-a Inaugural Treasurer; Reporting Requirement.

I. Before receiving any contribution or making any expenditure for a gubernatorial inauguration, the governor-elect shall appoint an inaugural treasurer, who shall manage the funds of the inaugural committee. The name and address of such treasurer shall be reported to the secretary of state by the governor-elect not later than 2 days after the appointment.

II. No person shall make any expenditure or make or receive any contribution or receipt, in kind or otherwise, for a gubernatorial inauguration except by or through the inaugural treasurer.

III. The inaugural treasurer shall keep detailed accounts of all contributions and other receipts received, in kind or otherwise, and all expenditures made by, a gubernatorial inaugural committee. Reports of the treasurer may be inspected at the office of the secretary of state and shall be held in original form for 6 years from the inauguration for which they are filed, after which time they may be destroyed. No contribution or other receipt received by the inaugural treasurer shall be comingled with personal funds of the governor-elect or inaugural treasurer.

IV. The inaugural treasurer shall file an itemized statement of receipts and expenditures with the secretary of state in like manner and detail as prescribed in RSA 664:6 on March 10 and July 10 following the inauguration. The report filed on March 10 shall be for the period ending on February 28 and the report filed on July 10 shall be for the period beginning on March 1 and ending on June 30. After the July 10 filing, reports shall continue to be filed every 6 months under RSA 664:6, V on the same dates required for state elections until a zero balance is achieved. If a report is sent by certified mail on or before the day it is due, the mailing shall constitute receipt by the secretary of state.

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

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 606-FN-L, relative to costs for public records filed electronically. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration
January 6, 2016
2015-3065s
01/09

Amendment to HB 606-FN-L

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

1 Right-to-Know Law; Information Filed Electronically. Amend RSA 91-A:4, IV to read as follows:

IV. Each public body or agency shall, upon request for any governmental record reasonably described, make available for inspection and copying any such governmental record within its files when such records are immediately available for such release. If a public body or agency is unable to make a governmental record available for immediate inspection and copying, it shall, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgment of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied. If a computer, photocopying machine, or other device maintained for use by a public body or agency is used by the public body or agency to copy the governmental record requested, the person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the public body or agency. ***No fee shall be charged for the inspection, without copying, of governmental records, whether in paper, electronic, or other form. No fee shall be charged for the delivery of governmental records that are stored and delivered in electronic form without copying to or from paper or another separate storage medium.*** Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of governmental records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

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

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.

FINANCE

SB 27-FN, relative to the department of corrections industries inventory account. Inexpedient to Legislate, Vote 3-2. Senator Little for the committee.

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

A division vote was requested.

Yeas: 10 - Nays: 11

Failed.

Senator Kelly is in opposition to the motion of Inexpedient to Legislate on SB 27-FN.

Senator D'Allesandro moved Ought to Pass.

A division vote was requested.

Yeas: 11 - Nays: 11

Failed.

Senator Bradley moved to Lay on the Table SB 27-FN. Adopted.

SB 61-FN-A, relative to funding for the New Hampshire agricultural lands program. Inexpedient to Legislate, Vote 4-1. Senator Reagan for the committee.

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

Senator Kelly is in opposition to the motion of Inexpedient to Legislate on SB 61-FN-A.

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

SB 138-FN, relative to claims arising from clinical services provided to the department of corrections. Inexpedient to Legislate, Vote 3-2. Senator Little for the committee.

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

HB 216-FN, relative to recovery of certain investigatory costs by regulatory boards and commissions, and applying certain general administration provisions to the mechanical licensing board. Ought to Pass, Vote 3-2. Senator Little for the committee.

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

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

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

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

Yeas: 12 - Nays: 11

Adopted, bill ordered to Third Reading.

Senator Boutin is excused for the day.

HB 521, relative to the size of the pool of the workers' compensation appeals board. Inexpedient to Legislate, Vote 4-1. Senator D'Allesandro for the committee.

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

PUBLIC AND MUNICIPAL AFFAIRS

HB 502, relative to petitions for verification of checklists. Ought to Pass, Vote 4-1. Senator Stiles for the committee.

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

Senator Kelly is in opposition to the motion of Ought to Pass on HB 502.

REGULAR CALENDAR

ADDENDUM 1-A

EDUCATION

SB 369-FN, requiring public schools to include drug and alcohol education as part of their health education curriculum. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

Senate Education

January 12, 2016

2016-0046s

04/08

Amendment to SB 369-FN

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

1 New Section; School Boards; Drug and Alcohol Education. Amend RSA 189 by inserting after section 11-c the following new section:

189:11-d Drug and Alcohol Education.

I. Each public school in the state, as part of their health education curriculum, shall provide at each grade level age appropriate drug and alcohol education to pupils from kindergarten through grade 12. The school board may authorize the use of an evidence-based prevention program.

II. School boards shall develop policies authorizing school district personnel to provide pupils, parents, and legal guardians with information and resources relative to existing drug and alcohol counseling and treatment for pupils. Nothing in this section shall require a school district to add additional programs or services, but only to provide information about available programs and services.

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

2016-0046s

AMENDED ANALYSIS

This bill requires public schools to provide, as part of the school's health education curriculum, age appropriate drug and alcohol education to pupils in kindergarten through grade 12.

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.

Senator Sanborn is in opposition to the motion of Ought to Pass with Amendment on SB 369-FN.

JUDICIARY

SB 447-FN, relative to the controlled drug prescription health and safety program and establishing a commission to study Narcan. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

Senate Judiciary
January 12, 2016
2016-0049s
01/09

Amendment to SB 447-FN

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

AN ACT establishing a commission to study Narcan.

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

1 New Subdivision; Commission to Study Narcan. Amend RSA 126-A by inserting after section 68 the following new subdivision:

Commission to Study Narcan

126-A:69 Commission Established; Membership; Duties.

I. There is established a commission to study Narcan.

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

(1) Two members of the senate, one of whom shall be appointed by the president of the senate, and one of whom shall be appointed by the senate minority leader.

(2) Two members of the house of representatives, one of whom shall be appointed by the speaker of the house of representatives, and one of whom shall be appointed by the house minority leader.

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

(4) A pharmacist, appointed by the board.

(5) A licensed alcohol and drug counselor, appointed by the chairperson of the board of licensing for alcohol and other drug use professionals.

(6) A licensed physician, appointed by the board of medicine.

(7) An emergency medical technician, appointed by the director of the division of fire standards and training and emergency medical services, department of safety.

(8) A police officer, appointed by the senate president.

(9) An APRN, appointed by the New Hampshire Nurse Practitioner Association.

(10) A public member, appointed by the governor.

(11) A public member, appointed by the senate president.

(12) A public member, appointed by the speaker of the house of representatives.

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

II.(a)(1) The commission shall study all aspects of Narcan, including, but not limited to:

(A) Whether there should be a registry established for those in possession of Narcan.

(B) The training required regarding dosage, conditions for administering Narcan, and other appropriate training.

(C) Whether there should be mandatory reporting of use of Narcan.

(D) Whether those persons who are administered Narcan should be required to go to outpatient treatment for a certain period of time.

(2) The commission shall produce a long-term plan on the use and distribution of Narcan.

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

IV. The commission shall make an interim report within 6 months of the effective date of this section, and a final report on November 1, 2017 indicating 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.

2 Repeal. RSA 126-A:69, relative to a commission to study Narcan, 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.

2016-0049s

AMENDED ANALYSIS

This bill establishes a commission to study Narcan.

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.

SB 576-FN-A, relative to the penalty for possession and use of fentanyl-class drugs, insurance coverage for substance use disorders, the acceptance of general funds by the controlled drug prescription health and safety program, the membership of the board of medicine and prescribers of controlled drugs and making an appropriation therefor. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Judiciary
January 12, 2016
2016-0048s
01/09

Amendment to SB 576-FN-A

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

AN ACT relative to the penalty for possession and use of fentanyl-class drugs, insurance coverage for substance use disorders, the funding of the controlled drug prescription health and safety program, the membership of the board of medicine, and prescribers of controlled drugs.

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

1 New Paragraph; Controlled Drug Act; Definition Added. Amend RSA 318-B:1 by inserting after paragraph XI the following new paragraph:

XI-a. "Fentanyl class drug" shall mean the following drugs: fentanyl, 3-methylfentanyl, 3-methylthiofentanyl, acetylfentanyl, acetyl-alpha-methylfentanyl, alpha-methylfentanyl, alpha-methylthiofentanyl, beta-hydroxy-3-methylfentanyl, beta-hydroxyfentanyl, para-fluorofentanyl, thiofentanyl, alfentanil, carfentanil, remifentanil, sufentanil, and all optical isomers of these substances. Drugs which become controlled after September 1, 2015, pursuant to RSA 318-B:1-a; and are known or scheduled with a common name that includes the term "fentanyl", or "fentanil" shall also be considered as belonging to this class, along with optical isomers of same. Drugs may be added or removed from this classification by action of the general court.

2 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I(a)(3) to read as follows:

(3) Heroin or its analog [or], crack cocaine, **or a fentanyl class drug** in a quantity of 5 grams or more, including any adulterants or dilutants.

3 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I(b)(4) to read as follows:

(4) Heroin or its analog [or], crack cocaine, **or a fentanyl class drug** in a quantity of one gram or more, including any adulterants or dilutants;

4 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I(c)(4) to read as follows:

(4) Heroin or its analog [or], crack cocaine, **or a fentanyl class drug** in a quantity of less than one gram, including any adulterants or dilutants;

5 Controlled Drug Act; Controlled Drug Prescription Health and Safety Program. Amend RSA 318-B:32, II-IV to read as follows:

II. [AH] **Any** costs incurred by the board for the implementation and operation of the program [shall] **may** be supported through grants, gifts, or user contributions. The board may charge a fee to individuals who request their own prescription information. The amount charged for an individual's request for his or her prescription information shall not exceed the actual cost of providing that information.

III. ~~There shall be no state general funds appropriated for the implementation or operation of the program.~~

IV. Prescription information relating to any individual, which information does not meet the level established to suggest possible drug abuse or diversion shall be deleted within 36 months after the initial prescription was dispensed. All other information shall be deleted after 3 years.

6 Controlled Drug Prescription Health and Safety Program; Access to Program. Amend RSA 318-B:33, II-a to read as follows:

II-a. Only registered prescribers [and], dispensers, **or their designees, and federal health prescribers and dispensers working in federal facilities located in New Hampshire, Massachusetts, Maine, and Vermont** shall be eligible to access the program.

7 Controlled Drug Prescription Health and Safety Program; Operation. Amend RSA 318-B:33, V to read as follows:

V.(a) **Except as provided in subparagraphs (b) and (c)**, each dispenser shall submit the required information in accordance with transmission methods [and frequency as established by the program; but no more than 7 days] **daily by the close of business on the next business day** from the date the prescription was dispensed.

(b) Veterinarians shall submit the information required under subparagraph (a) no more than 7 days from the date the prescription was dispensed.

(c) Dispensers who have a federal Drug Enforcement Administration license, but who do not dispense controlled substances may request a waiver from the requirements of subparagraph (a) from the board.

8 New Subparagraph; Providing Controlled Drug Prescription Health and Safety Information; Office of the Chief Medical Examiner. Amend RSA 318-B:35, I(c) by inserting after subparagraph (2) the following new subparagraph:

(3) The office of the chief medical examiner for the purpose of investigating the death of an individual.

9 New Sections; Certain Registrants Required to Query the Program Prior to Prescribing Controlled Substances. Amend RSA 318-B by inserting after section 38 the following new sections:

318-B:39 Prescribers Required to Query the Program Prior to Prescribing Controlled Substances. Prescribers required to register with the program under this subdivision shall query the program for a patient's initial prescription when prescribing schedule II, III, and IV opioids for the management or treatment of pain and then periodically and at least twice per year, except when:

I. Controlled medications are to be administered to patients in a health care setting.

II. Treating acute pain associated with serious traumatic injury, post-operatively, or with an acute medical condition, with clear objective findings by the practitioner, for no more than 30 days.

318-B:40 Competency Requirements. All prescribers required to register with the program who possess a United States Drug Enforcement Administration (DEA) license number shall complete 3 contact hours of free appropriate prescriber's regulatory board-approved online continuing education or pass an online examination, in the area of pain management and addiction disorder or a combination, as a condition for initial licensure and license renewal. Verification of successful completion of the examination or of the required continuing education shall be submitted to the prescriber's regulatory board with the licensee's application for initial licensure or renewal. A list of the prescriber's regulatory boards' approved continuing education courses and online examinations in pain management and addiction disorder, shall be available on the office of professional licensure and certification's Internet website.

10 Board of Medicine; Medical Review Committee. Amend RSA 329:17, V-a to read as follows:

V-a. A medical review subcommittee of ~~[11]~~ **13** members shall be nominated by the board of medicine and appointed by the governor and council. The subcommittee shall consist of one member of the board of medicine and ~~[10]~~ **12** other persons, 3 of whom shall be public members, one of whom shall be a physician assistant, and ~~[6]~~ **8** of whom shall be physicians. ***One of the physician members shall practice in the area of pain medicine and anesthesiology.*** Any public member of the subcommittee shall be a person who is not, and never was, a member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment. The terms of the public members shall be staggered so that no 2 public members' terms expire in the same year. The subcommittee members shall be appointed for 3-year terms, and shall serve no more than 2 terms. Upon referral by the board, the subcommittee shall review disciplinary actions reported to the board under paragraphs II-V of this section, except that matters concerning a medical director involved in a current internal or external grievance pursuant to RSA 420-J shall not be reviewed until the grievance process has been completed. Following review of each case, the subcommittee shall make recommendations to the board. Funds shall be appropriated from the general fund for use by the subcommittee to investigate allegations under paragraphs I-V of this section. The board shall employ through the office of professional licensure and certification physician as a medical review subcommittee investigator who shall serve at the pleasure of the board. The salary of the medical review subcommittee investigator shall be established by RSA 94:1-a.

11 New Subdivision; Substance Use Disorders. Amend RSA 420-J by inserting after section 14 the following new subdivision:

Substance Use Disorders

420-J:15 Definitions. In this subdivision:

I. "ASAM criteria" means the latest edition of the Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions, developed by the American Society of Addiction Medicine.

II. "Substance use disorder services" means health care services that are provided to a covered person as treatment for an addictive substance-related condition, not including treatment for any condition related to tobacco use.

420-J:16 Levels of Care Criteria; Attestation.

I. Whenever substance use disorder services are a covered benefit under a health benefit plan subject to this chapter, the health carrier providing such benefits shall rely upon ASAM criteria when determining medical necessity and developing utilization review standards for levels of care for substance use disorder services.

II. On January 1 of each year, each health carrier that provides coverage for substance use disorder services shall file with the commissioner an annual attestation of compliance with this subdivision.

420-J:17 Prior Authorization. Whenever substance use disorder services are a covered benefit under a health benefit plan subject to this chapter, no prior authorization shall be required for the first 2 routine outpatient visits of an episode of care by an individual for assessment and care with respect to a substance use disorder.

12 Consultation Required Regarding 24-Hour Hotline. The commissioner of the department of health and human services, in consultation with the commissioner of the department of safety, shall determine whether a 24-hour drug crisis hotline should be established. If it is determined that a 24-hour hotline should be established, the commissioner of the department of health and human services shall submit a report, on or before April 1, 2016, with recommendations relative to staffing the hotline, which department would administer the hotline, how the hotline would be paid for, and other issues necessary to implement the hotline, to the fiscal committee of the general court, the president of the senate, the speaker of the house of representatives, and the governor.

13 Contingency. Sections 7 and 9 of this act shall take effect September 1, 2016 only if moneys are appropriated or otherwise acquired for technology upgrades to the controlled drug prescription health and safety program, established under RSA 318-B:32, as certified by the executive director of the pharmacy board to the secretary of state and the director of legislative services.

14 Effective Date.

I. Sections 7 and 9 of this act shall take effect as provided in section 13 of this act.

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

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

2016-0048s

AMENDED ANALYSIS

This bill:

I. Adds possession and use of fentanyl-class drugs for the purposes of the penalty under the controlled drug act.

II. Clarifies the funding of the controlled drug prescription health and safety program.

III. Clarifies access to the information of the controlled drug prescription health and safety program.

IV. Requires prescribers of controlled drugs to query the controlled drug prescription health and safety program prior to prescribing controlled substances and to take 3 hours of continuing education or an online examination.

V. Adds 2 physician members to the medical review committee.

VI. Clarifies substance use disorder services for treatment for an addictive substance-related condition under the Medicaid managed care program.

VII. Requires the commissioner of the department of health and human services to consult with the commissioner of the department of safety regarding a 24-hour drug crisis hotline.

VIII. Requires dispensers to submit the required information to the controlled drug prescription health and safety program daily by the close of business on the next business day from the date the prescription was dispensed. Current law requires such information to be submitted no more than 7 days from the date the prescription was dispensed.

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.

Senator Little is in favor of the motion of Ought to Pass with Amendment on SB 576-FN-A.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I would like to introduce a very special guest we have here today, not only a former governor, former member of this body of the State Senate, but our senior Senator, Jeanne Shaheen. Welcome.

(The Chair recognized Senator Shaheen.)

SENATOR SHAHEEN: Well, Mister President, it's always fun to be able to come back to the State Senate where I spent six wonderful years, and I have a real appreciation for the good work that you all do here, and the actual debate that goes on. I was thinking, as I was listening to Senator Pierce talk, that, you know, in Washington when we have debates we don't actually sit and listen to each other. Maybe that's one of the problems we're having in Washington. No, but it's really...I was in the State House and I just thought I would come by and you all happened to be in session so I had a chance to say hello. So, thank you all very much for the work that you do. Thank you.

PRESIDENT MORSE: Thank you, Senator.

HB 560-FN, including a fetus in the definition of "another" for the purpose of certain criminal offenses. Ought to Pass with Amendment, Vote 3-2. Senator Carson for the committee.

Senate Judiciary
January 7, 2016
2015-3068s
04/10

Amendment to HB 560-FN

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

AN ACT including a viable fetus in the definition of "another" for the purposes of certain criminal offenses.

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

1 Homicide; Capital Murder; Definition of Unborn Child. Amend RSA 630:1, IV to read as follows:

IV. As used in this section [~~and RSA 630:1-a, 1-b, 2, 3 and 4~~], the meaning of "another" [~~does~~] **shall** not include a [~~fetus~~] **viable fetus**.

2 New Paragraphs; First Degree Murder; Definition of Another; Exemption for Abortion. Amend RSA 630:1-a by inserting after paragraph III the following new paragraphs:

IV. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, and RSA 630:4, the meaning of "another" shall include a viable fetus as defined in paragraph V.

V.(a) Nothing in this section or RSA 630:1-b shall apply to:

(1) Any act committed by the pregnant woman;

(2) Any act committed at the request or direction of the pregnant woman or for the benefit of the pregnant woman;

(3) Any act performed by a physician or other medical professional in the course of such physician's or medical professional's professional duties, including but not limited to, an act that results in the termination of a pregnancy; or

(4) Any act taken in furtherance of the lawful dispensation or administration of prescription or nonprescription medication.

(b) In this section:

(1) "Fetus" means a developing human that has attained the basic attributes of its species.

(2) "Pregnant" means the female reproductive condition of having one or more developing embryos or fetuses implanted in the uterus or elsewhere in the female body.

(3) "Pregnancy" means one or more developing embryos or fetuses implanted in the uterus or elsewhere in the female body.

(4) "Viable fetus" means a fetus that is implanted in a female uterus and has reached such a stage of development as to be capable of sustained extrauterine survival.

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

2015-3068s

AMENDED ANALYSIS

This bill provides that a viable fetus shall be included in the definition of "another" for the purposes of first and second degree murder, manslaughter, negligent homicide, and causing or aiding suicide.

The question is on the adoption of the Committee Amendment.

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

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

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

Yeas: 12 - Nays: 11

Adopted.

Senator Boutin is excused for the day.

Senator Pierce offered a floor amendment.

Senator Pierce, Dist. 5

Senator Lasky, Dist. 13

January 14, 2016

2015-3089s

04/01

Floor Amendment to HB 560-FN

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

AN ACT relative to the penalties for negligent homicide and manslaughter causing a miscarriage or stillbirth and relative to miscarriage or stillbirth in second degree murder cases.

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

1 Homicide; Manslaughter. Amend RSA 630:2 to read as follows:

630:2 Manslaughter.

I. A person is guilty of manslaughter when he *or she* causes the death of another:

(a) Under the influence of extreme mental or emotional disturbance caused by extreme provocation but which would otherwise constitute murder; or

(b) Recklessly.

II.(a) Manslaughter shall be punishable by imprisonment for a term of not more than 30 years.

(b) Manslaughter which causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), shall be punishable by imprisonment for a term of not more than 60 years.

III. In addition to any other penalty imposed, if the death of another person resulted from the driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person indefinitely.

2 Homicide; Negligent Homicide. Amend RSA 630:3 to read as follows:

630:3 Negligent Homicide.

I. A person is guilty of a class B felony when he *or she* causes the death of another negligently. ***A person convicted of class B felony negligent homicide which causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), shall be punished by imprisonment for a term of not more than 14 years.***

II. A person is guilty of a class A felony when in consequence of being under the influence of intoxicating liquor or a controlled drug or any combination of intoxicating liquor and controlled drug while operating a propelled vehicle, as defined in RSA 637:9, III or a boat as defined in RSA 265-A:1, II, he or she causes the death of another. ***A person convicted of class A felony negligent homicide which causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), shall be punished by imprisonment for a term of not more than 25 years.***

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. In cases where the person is convicted under paragraph II, the court shall revoke the license or driving privilege of the convicted person indefinitely and the person shall not petition for eligibility to reapply for a driver's license for at least 7 years. In a case in which alcohol was involved, the court may also require that the convicted person shall not have a license to drive reinstated until after the division of motor vehicles receives certification of installation of an ignition interlock device as described in RSA 265-A:36, which shall remain in place for a period not to exceed 5 years.

3 Homicide; Second Degree Murder. Amend RSA 630:1-b to read as follows:

630:1-b Second Degree Murder.

I. A person is guilty of murder in the second degree if:

(a) He *or she* knowingly causes the death of another; or

(b) He *or she* causes such death recklessly under circumstances manifesting an extreme indifference to the value of human life. Such recklessness and indifference are presumed if the actor causes the death by the use of a deadly weapon in the commission of, or in an attempt to commit, or in immediate flight after committing or attempting to commit any class A felony.

II. Murder in the second degree shall be punishable by imprisonment for life or for such term as the court may order.

III. In cases where a person is convicted of murder in the second degree which causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), the judge shall explicitly state for the record that he or she considered the miscarriage or stillbirth as a factor in pronouncing sentence and shall explain what effect, if any, the miscarriage or stillbirth had in determining the sentence imposed.

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

2015-3089s

AMENDED ANALYSIS

This bill adds an enhanced term of imprisonment for manslaughter or negligent homicide causing a miscarriage or stillbirth. The bill also requires that in second degree murder convictions, the judge shall state for the record that he or she considered the miscarriage or stillbirth as a factor in pronouncing sentence and shall explain what effect, if any, the miscarriage or stillbirth had in determining the sentence.

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

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

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

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

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

Yeas: 12 - Nays: 11

Adopted, bill ordered to Third Reading.

Senator Boutin is excused for the day.

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

ANNOUNCEMENTS

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, a point of personal privilege, please? Thank you, Mister President. I always like to bring good news to the Senate. As Gabriel Heatter used to say in his radio broadcasts, who remembers Gabriel Heatter? I do. Okay, Gabriel Heatter, Senator Reagan and I remember, "There's good news tonight!" And I was a little baby boy in east Boston listening to his commentary on the Second World War. The good news I bring to you is that for the first time in the history of our state we have a member of the University of New Hampshire football program who has been elevated to the National College Hall of Fame, the National College Hall of Fame. Coach Bill Bowes, who coached the Wildcats for 27 years is a member of this year's class in the National Collegiate Football and Pro Hall of Fame. He will be inducted in New York later on this year. Coach Bowes has had the best record of any coach in the history of the University of New Hampshire. His career record is 175 wins, 106 losses, and 5 ties. He had 4 Yankee Conference titles, and appeared in the NCAA playoffs 4 times. He's developed some great assistant coaches who've gone on to become head coaches: Coach McDonnell at the University, Chip Kelly of the Philadelphia Eagles, Phil Estes at Brown University, and Mark Whipple who is at the University of Massachusetts. He was a player at Pennsylvania State University. He played for Rip Engle, who was a great, great coach prior to Joe Paterno. He has produced 12 All-Americans at the University of New Hampshire; 6 All-Atlantic first team selections; 69 All-Yankee Conference first team selections. And, Jerry Azumah, who was our star, won the Walter Payton Award as the best player in the subdivision in the United States; went on to play 7 years for the Chicago Bears as a defensive back. Coach Bowes is a native of Pennsylvania; he lettered 3 times at Penn State University, and he captained the football team in his senior year. He joined UNH in 1966, became the youngest head coach in school history in 1972, and is now going to be a member of the College Hall of Fame. Great, great honor for the University, great honor for Coach Bill Bowes. Those of you who followed UNH football probably have seen his team's play. He built great character, a lot of great players, and it's a wonderful, wonderful tribute for the University of New Hampshire, for the athletic department, for the football program. And, as we say, go Cats, because that's the only way to fly. Thank you, Mister President.

PRESIDENT MORSE: Thank you, Senator D'Allesandro. And keeping it positive, I want to recognize Senator Nancy Stiles for being named one of AARPs 2015 Class of Capitol Caregivers. I don't think it has anything to do with age. AARP recognizes state legislators who have worked to advance policies and support family and friends, provide caregiver services which help the elderly continue to live independently in their homes. Senator Stiles was recognized as part of this exclusive group in January edition of the *State Legislators* magazine for her support and work on two bills she sponsored, including Senate Bill 187, allowing a patient to designate a caregiver upon entry to a medical facility; and Senate Bill 209, adopting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. Thank you, Senator Stiles for all your work, and thank you for staying here last night to make sure we got legislation.

Without objection all personal privileges or unanimous consent (other remarks) shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17)

PRESIDENT MORSE: You know if it wasn't for a puppy, I'd have enough energy to go through what I believe needs to happen in this Senate! But I want to warn you, there's 320 some bills in the Senate, we've dealt with all but 275. This session is very short; you'll be going on vacation somewhere around the 20th of February; the Governor's going to do the State of the State on February 4th; anything that's going to Finance has to be out by, I believe, March 1st so it can be on the floor! we're actually going to do an Addendum Calendar. With that I'm just telling you, if you have amendments talk about it ahead of time because it makes us very effective when we do that. So, thank you all for that.

LATE SESSION

Third Reading and Final Passage

HB 216-FN, (New Title) relative to recovery of certain investigatory costs by regulatory boards and commissions, and applying certain general administration provisions to the mechanical licensing board.

HB 285, relative to discussion with legal counsel under the right-to-know law.

HB 353, relative to the governance of condominium unit owners' associations.

HB 502, relative to petitions for verification of checklists.

HB 560-FN, (New Title) including a viable fetus in the definition of "another" for the purposes of certain criminal offenses.

HB 606-FN-L, relative to costs for public records filed electronically.

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

SB 237-FN, establishing a reporting requirement for gubernatorial inauguration contributions.

SB 257-FN, (New Title) relative to membership in the judicial retirement plan of judges appointed at age 63 or older.

SB 369-FN, requiring public schools to include drug and alcohol education as part of their health education curriculum.

SB 447-FN, (New Title) establishing a commission to study Narcan.

SB 576-FN-A, (New Title) relative to the penalty for possession and use of fentanyl-class drugs, insurance coverage for substance use disorders, the funding of the controlled drug prescription health and safety program, the membership of the board of medicine, and prescribers of controlled drugs.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.