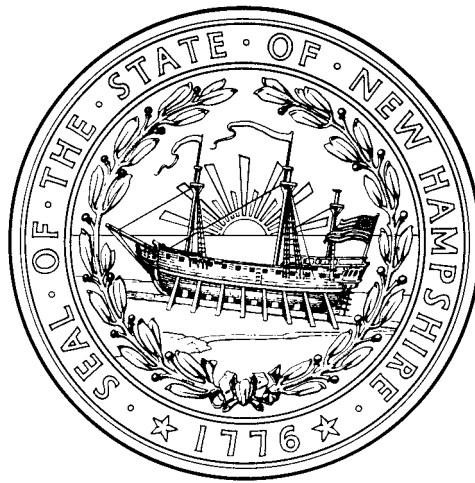


February 4, 2016  
Nos. 3-4

# **STATE OF NEW HAMPSHIRE**

Web Site Address: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)



**Second Year of the 164<sup>th</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – JANUARY 21, 2016 SESSION  
COMMENCEMENT – FEBRUARY 4, 2016 SESSION**

# SENATE JOURNAL 3 *(continued)*

*January 21, 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

16-2790

**SB 512**, relative to health care associated infections.(Carson, Dist 14; Stiles, Dist 24; Fuller Clark, Dist 21; Sherman, Rock. 24; Rosenwald, Hills. 30; Kotowski, Merr. 24; Commerce)

16-2714

**SB 513-FN**, relative to the Sununu Youth Service Center.(Reagan, Dist 17; Carson, Dist 14; Barry, Hills. 21; Byron, Hills. 20; Finance)

16-2860

**SB 514**, relative to the appropriation for Medicaid managed care.(Bradley, Dist 3; Finance)

16-2715

**SB 515-FN**, relative to child neglect and other changes to the child protection act.(Reagan, Dist 17; Carson, Dist 14; Fuller Clark, Dist 21; Kotowski, Merr. 24; LeBrun, Hills. 32; MacKay, Merr. 14; J. Ward, Rock. 19; Ford, Graf. 3; Simpson, Rock. 18; Health and Human Services)

16-2757

**SB 517-FN**, increasing the amount deducted from a fine for each day of a person's incarceration.(Bradley, Dist 3; Feltes, Dist 15; Woodburn, Dist 1; Stiles, Dist 24; Pantelakos, Rock. 25; Welch, Rock. 13; Judiciary)

16-2953

**SB 518-FN-A**, establishing a fee for political committees, political advocacy organizations, and candidates based on gross expenditures.(Feltes, Dist 15; Fuller Clark, Dist 21; Devine, Rock. 4; Burton, Straf. 6; Kidder, Merr. 5; Public and Municipal Affairs)

16-2696

**SB 519**, relative to highway signs.(Birdsell, Dist 19; Carson, Dist 14; Stiles, Dist 24; Baldasaro, Rock. 5; Potucek, Rock. 6; Transportation)

16-2892

**SB 520-FN**, relative to the form of drivers' licenses and identification cards.(Soucy, Dist 18; Bradley, Dist 3; Feltes, Dist 15; McLean, Hills. 15; Soucy, Hills. 34; Transportation)

16-2939

**SB 521-FN**, relative to an OHRV registration fee for persons who are members of an OHRV club.(Daniels, Dist 11; Bradley, Dist 3; Woodburn, Dist 1; Feltes, Dist 15; Chandler, Carr. 1; Mullen, Straf. 1; Rappaport, Coos 1; Goley, Hills. 8; Richardson, Coos 4; Transportation)

16-2964

**SB 522-FN-A**, making an appropriation to the pharmacy board for technology upgrades for the controlled drug prescription health and safety program.(Bradley, Dist 3; Birdsell, Dist 19; Boutin, Dist 16; Carson, Dist 14; Cataldo, Dist 6; D'Allesandro, Dist 20; Forrester, Dist 2; Fuller Clark, Dist 21; Kelly, Dist 10; Lasky, Dist 13; Little, Dist 8; Morse, Dist 22; Prescott, Dist 23; Reagan, Dist 17; Soucy, Dist 18; Stiles, Dist 24; Watters, Dist 4; Woodburn, Dist 1; Hinch, Hills. 21; Shurtleff, Merr. 11; Rosenwald, Hills. 30; L. Ober, Hills. 37; Finance)

16-2980

**SB 523-FN**, relative to the controlled drug prescription health and safety program.(Sanborn, Dist 9; Avard, Dist 12; Cataldo, Dist 6; Reagan, Dist 17; C. McGuire, Merr. 29; Commerce)

16-2962

**SB 524**, relative to state procurement card rebates.(Stiles, Dist 24; Forrester, Dist 2; Carson, Dist 14; L. Ober, Hills. 37; Executive Departments and Administration)

16-2972

**SB 525-FN**, relative to the board of registration of funeral directors and embalmers.(D'Allesandro, Dist 20; Boutin, Dist 16; Goley, Hills. 8; Executive Departments and Administration)

16-2965

**SB 526-FN**, requiring the department of resources and economic development to advertise changes to New Hampshire's business taxes.(Bradley, Dist 3; Boutin, Dist 16; Morse, Dist 22; Finance)

16-2971

**SB 527-FN-A**, making an appropriation to the police standards and training council, repealing the police standards and training council training fund, making an appropriation to the department of safety for the purchase of state police cruisers.(D'Allesandro, Dist 20; Morse, Dist 22; Bradley, Dist 3; Forrester, Dist 2; Woodburn, Dist 1; Little, Dist 8; Watters, Dist 4; Finance)

16-2985

**SB 528-FN-A**, making an appropriation for supportive housing for persons with substance use disorders.(Feltes, Dist 15; Stiles, Dist 24; D'Allesandro, Dist 20; Finance)

16-2708

**SB 529-FN**, establishing a food stamp photo identification requirement.(Cataldo, Dist 6; Cheney, Straf. 17; Gray, Straf. 8; Whitehouse, Straf. 2; Health and Human Services)

16-2801

**SB 530-FN**, relative to volunteer health services.(Forrester, Dist 2; Morse, Dist 22; Little, Dist 8; Spanos, Belk. 3; D. Brown, Graf. 16; Vadney, Belk. 2; Gallagher, Belk. 4; Health and Human Services)

16-2807

**SB 531-FN**, extending the New Hampshire health protection act.(Pierce, Dist 5; Woodburn, Dist 1; Watters, Dist 4; Kelly, Dist 10; Lasky, Dist 13; Feltes, Dist 15; Soucy, Dist 18; D'Allesandro, Dist 20; Fuller Clark, Dist 21; Grenier, Sull. 7; Richardson, Coos 4; Health and Human Services)

16-2878

**SB 532-FN**, relative to prior authorization for substance abuse treatment.(Stiles, Dist 24; Birdsell, Dist 19; Boutin, Dist 16; Carson, Dist 14; Cataldo, Dist 6; Feltes, Dist 15; Fuller Clark, Dist 21; Hosmer, Dist 7; Kelly, Dist 10; Lasky, Dist 13; Little, Dist 8; Pierce, Dist 5; Soucy, Dist 18; Watters, Dist 4; Woodburn, Dist 1; Sherman, Rock. 24; J. Ward, Rock. 19; Health and Human Services)

16-2929

**SB 533-FN-A-LOCAL**, relative to drug law enforcement and penalties, insurance coverage for substance use disorders, a statewide drug court grant program, and drug abuse prevention; and making appropriations therefor.(Woodburn, Dist 1; Soucy, Dist 18; Hosmer, Dist 7; Kelly, Dist 10; Fuller Clark, Dist 21; Lasky, Dist 13; Watters, Dist 4; Pierce, Dist 5; Feltes, Dist 15; Shurtleff, Merr. 11; Wallner, Merr. 10; Rosenwald, Hills. 30; Sherman, Rock. 24; Health and Human Services)

16-2932

**SB 534-FN**, to implement a system of care for children's behavioral health.(Forrester, Dist 2; Avard, Dist 12; Carson, Dist 14; Feltes, Dist 15; Fuller Clark, Dist 21; Kelly, Dist 10; Lasky, Dist 13; Little, Dist 8; Morse, Dist 22; Reagan, Dist 17; Sanborn, Dist 9; Stiles, Dist 24; Watters, Dist 4; Wallner, Merr. 10; Rosenwald, Hills. 30; Kotowski, Merr. 24; Ladd, Graf. 4; Health and Human Services)

16-2961

**SB 535-FN-A**, establishing a grant program for high schools for heroin and opiate prevention education. (Forrester, Dist 2; Birdsell, Dist 19; Bradley, Dist 3; Carson, Dist 14; Cataldo, Dist 6; D'Allesandro, Dist 20; Fuller Clark, Dist 21; Lasky, Dist 13; Little, Dist 8; Morse, Dist 22; Prescott, Dist 23; Stiles, Dist 24; Cooney, Graf. 8; D. Brown, Graf. 16; Suzanne Smith, Graf. 8; Hurt, Belk. 2; Health and Human Services)

16-2967

**SB 536**, relative to emergency interim relief under the child protection act. (Boutin, Dist 16; Fuller Clark, Dist 21; Soucy, Dist 18; Kelly, Dist 10; Woodburn, Dist 1; Reagan, Dist 17; Stiles, Dist 24; Watters, Dist 4; Lasky, Dist 13; Morse, Dist 22; Bradley, Dist 3; Weber, Ches. 1; Berrien, Rock. 18; P. Long, Hills. 10; Health and Human Services)

16-2968

**SB 537**, relative to record management of abuse and neglect reports. (Boutin, Dist 16; Fuller Clark, Dist 21; Soucy, Dist 18; Kelly, Dist 10; Woodburn, Dist 1; Reagan, Dist 17; Stiles, Dist 24; Watters, Dist 4; Lasky, Dist 13; Morse, Dist 22; Bradley, Dist 3; Weber, Ches. 1; Berrien, Rock. 18; P. Long, Hills. 10; Health and Human Services)

16-2969

**SB 538**, relative to children taken into custody under the child protection act and relative to the commission to review child abuse fatalities. (Boutin, Dist 16; Fuller Clark, Dist 21; Soucy, Dist 18; Kelly, Dist 10; Woodburn, Dist 1; Reagan, Dist 17; Stiles, Dist 24; Watters, Dist 4; Bradley, Dist 3; Lasky, Dist 13; Weber, Ches. 1; Berrien, Rock. 18; Health and Human Services)

16-2970

**SB 539**, relative to access to records under the child protection act. (Boutin, Dist 16; Fuller Clark, Dist 21; Soucy, Dist 18; Kelly, Dist 10; Woodburn, Dist 1; Reagan, Dist 17; Stiles, Dist 24; Watters, Dist 4; Bradley, Dist 3; Lasky, Dist 13; Weber, Ches. 1; Berrien, Rock. 18; Health and Human Services)

16-2978

**SB 540-FN**, prohibiting the possession, use, or sale of kratom. (Fuller Clark, Dist 21; Carson, Dist 14; Sherman, Rock. 24; LeBrun, Hills. 32; Health and Human Services)

16-2984

**SB 541**, establishing a commission to study provider rates. (Prescott, Dist 23; Avard, Dist 12; Boutin, Dist 16; Bradley, Dist 3; D'Allesandro, Dist 20; Daniels, Dist 11; Feltes, Dist 15; Forrester, Dist 2; Fuller Clark, Dist 21; Lasky, Dist 13; Reagan, Dist 17; Sanborn, Dist 9; Soucy, Dist 18; Stiles, Dist 24; Itse, Rock. 10; Almy, Graf. 13; Health and Human Services)

16-2986

**SB 542-FN**, relative to criminal interference with health services. (Pierce, Dist 5; Health and Human Services)

16-2850

**SB 543-FN**, relative to private transferring of adopted children. (Fuller Clark, Dist 21; Carson, Dist 14; Reagan, Dist 17; Lasky, Dist 13; Berrien, Rock. 18; Welch, Rock. 13; Pantelakos, Rock. 25; McBeath, Rock. 26; Judiciary)

16-2979

**SB 544**, establishing a committee to study funding options for the Internet crimes against children task force. (Fuller Clark, Dist 21; Forrester, Dist 2; Cushing, Rock. 21; Judiciary)

16-2966

**SB 545**, proclaiming August as Cure all Cancer month. (Morse, Dist 22; Soucy, Dist 18; Woodburn, Dist 1; Kelly, Dist 10; Public and Municipal Affairs)

16-2977

**SB 546-FN**, relative to petitions for verification of checklists. (Pierce, Dist 5; Lasky, Dist 13; Burton, Straf. 6; Public and Municipal Affairs)

16-2981

**SB 547**, relative to the National Guard force protection policy. (Sanborn, Dist 9; Avard, Dist 12; Cataldo, Dist 6; Reagan, Dist 17; Stiles, Dist 24; C. McGuire, Merr. 29; Public and Municipal Affairs)

16-2963

**SB 548**, naming a bridge in the city of Lebanon in honor of Korean War veterans.(Carson, Dist 14; Pierce, Dist 5; Abel, Graf. 13; White, Graf. 13; Sykes, Graf. 13; R. Ober, Hills. 37; Transportation)

16-2983

**SB 549-FN**, relative to public-private partnerships for intermodal infrastructure and transportation and establishing the public-private infrastructure oversight commission.(Lasky, Dist 13; D'Allesandro, Dist 20; Daniels, Dist 11; Feltes, Dist 15; Fuller Clark, Dist 21; Hosmer, Dist 7; Kelly, Dist 10; Pierce, Dist 5; Reagan, Dist 17; Soucy, Dist 18; Watters, Dist 4; Woodburn, Dist 1; Cloutier, Sull. 10; M. O'Brien, Hills. 36; Transportation)

16-2987

**SB 550-FN**, relative to the maximum gross weight for dump trailers.(Feltes, Dist 15; Prescott, Dist 23; Reagan, Dist 17; Transportation)

16-2733

**SB 551-FN-A-LOCAL**, establishing video lottery and table gaming at one location.(D'Allesandro, Dist 20; Soucy, Dist 18; Lasky, Dist 13; Morse, Dist 22; Woodburn, Dist 1; Estevez, Hills. 37; Ways and Means)

16-2982

**SB 552-FN**, relative to expense deductions under the business profits tax.(Sanborn, Dist 9; Avard, Dist 12; Cataldo, Dist 6; Reagan, Dist 17; Stiles, Dist 24; Prescott, Dist 23; Morse, Dist 22; Ways and Means)

#### HOUSE MESSAGE

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

SB 369-FN, (New Title) encouraging public schools to include drug and alcohol education as part of their health education curriculum.

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

REPRESENTATIVES: Ladd, Kurk, Hinch, Shaw.

#### 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 1193, relative to the wellness and primary prevention council.

HB 1438-FN-L, relative to the registration of antique trailers.

HB 1477, relative to the grace period for motor vehicle inspections.

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 4

*February 4, 2016*

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

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

In 1981, Prince Charles and Lady Di got engaged. And there was a big press conference right afterward where they talked about their wedding plans, and the honeymoon, and all of that stuff. And at the very end of the

conference there was one journalist who just sort of blurted out in his excitement at the end, "You two must be so in love." And Diana gave a very kind and polite British smile, and Prince Charles said, in his own way, "I suppose so. Whatever 'in love' means." Poor Diana. Poor anybody who receives that.

But, you and I, as Senators and as a clergy person, have similar callings. We protect, serve and provide for a community of people gathered in a specific place and time for better and fore worse. Our calling is, in other words, the "love." Sometimes it's difficult in our work, but if we try we can, actually, look at our committees, the legislation, the time spent here in the chamber as expressions of love. And our love has to be better than, "I suppose so. Whatever 'in love' means." Our districts deserve better than sentimental Hallmark card love or whatever Prince Charles was remarking on. They deserve the same real love that we live daily in our marriages and in our families; in the couples, the spouses, the partners that we see all around us in New Hampshire. The kind of love that isn't eyeing better options, but endures hard times and hard work.

And, to help us today, by way of a prayer, we might remember the wedding vows that you might have made, or you might remember or think of the wedding vows you might hope to make someday. How well might those also describe our relationship to our people and districts? So, as an example I will read the wedding vows that we use in the Episcopal Church, and you all can imagine or substitute those that come from your own faith and backgrounds. With just a little bit of alteration:

*In the name of God, I, Senator, take you, my District, to be my spouse, to have and to hold from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, to love and to cherish, until we are parted by death. This is yours, this is mine, this is our solemn vow.*

Senator Forrester led the Pledge of Allegiance.

#### INTRODUCTION OF GUESTS

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. It's my pleasure to introduce my friend, Kristi Durette, who is here with us from Leadership New Hampshire.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I have the honor to introduce a group of youngsters who are on the road to the White House from the University of Southern Florida. Welcome to New Hampshire and welcome to the First in the Nation Primary. And Judith Ann, their instructor, long time New Hampshire personality. Judith Ann, please welcome her. Thank you. Thank you, Mister President.

(The Chair recognized Senator Prescott.)

SENATOR PRESCOTT: Thank you very much, Mister President. I, too, want to say thank you for being here. Welcome to the State Senate. All those that are up there from the University of South Florida, I am your comrade because I graduated from the University of South Florida. Go Bulls! And, Mister President, my sister went to St. Pete J.C., and I think you're from the St. Pete campus, now. I think they took over that campus. I don't know for sure. But you guys, go get 'em. Do the process of a New Hampshire primary. You'll never forget it. Thank you for being here.

#### INTRODUCTION OF PAGES

Senator Birdsell introduced Jasmine Cuenca and Patrick Linehan of Pinkerton Academy in Derry serving as Senate Pages for the day.

Recess. Out of recess.

PRESIDENT MORSE: I learned, Senator Pierce, today, that your father was a staunch Republican from Texas, which comes as a surprise. And I'm told that he was especially proud of you when you ran for both the Democrat and the Republican nomination for state rep due to an unusual election law in New Hampshire. So, I know he was proud of you for countless other accomplishments, as well. We will continue to keep your family in our thoughts.

#### ADDENDUM REGULAR CALENDAR

##### FINANCE

SB 302-FN-A, relative to an appropriation to the division of homeland security and emergency management. Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance  
February 2, 2016  
2016-0366s  
05/04

### Amendment to SB 302-FN-A

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

AN ACT: making an appropriation to the department of safety for disaster and emergency response preparedness.

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

1 Electric Renewable Portfolio Standard; Renewable Energy Fund. Amend RSA 362-F:10, I to read as follows:

I. There is hereby established a renewable energy fund. This nonlapsing, special fund shall be continually appropriated to the commission to be expended in accordance with this section. The state treasurer shall invest the moneys deposited therein as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All payments to be made under this section shall be deposited in the fund. ~~[Of the moneys paid into the fund, the amount of \$720,000 for fiscal year 2016 and the amount of \$1,500,000 for fiscal year 2017 and each fiscal year thereafter shall be transferred to the division of homeland security and emergency management for the purpose of disaster and emergency response preparedness and coordination to help minimize utility and other disruptions resulting from natural or manmade disasters. Any remaining]~~ **The** moneys paid into the fund under paragraph II of this section, excluding class II moneys, shall be used by the commission to support thermal and electrical renewable energy initiatives. Class II moneys shall primarily be used to support solar energy technologies in New Hampshire. All initiatives supported out of these funds shall be subject to audit by the commission as deemed necessary. All fund moneys including those from class II may be used to administer this chapter, but all new employee positions shall be approved by the fiscal committee of the general court. No new employees shall be hired by the commission due to the inclusion of useful thermal energy in class I production.

2 Supplemental Appropriation to the Department of Safety. In addition to any other funds appropriated to the department of safety, the sum of \$745,119 for the fiscal year ending June 30, 2016, and \$1,553,015 for the fiscal year ending June 30, 2017, are hereby appropriated for the purpose of disaster and emergency response preparedness and coordination to help minimize utility and other disruptions resulting from natural or manmade disasters. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

2016-0366s

### AMENDED ANALYSIS

This bill makes a supplemental appropriation to the department of safety for the purpose of disaster and emergency response preparedness. The bill also removes a transfer from the renewable energy fund to the division of homeland security and emergency management made for the same purpose in 2015, 276.

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

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

### SPECIAL ORDER

Without objection, the following bill was special ordered to after Senate Bill 522.

### FINANCE

SB 464-FN-A, establishing a statewide drug court grant program and making appropriations therefor.

SB 480-FN-A, relative to the state house visitor's center revolving fund. Ought to Pass, Vote 6-0. Senator Hosmer for the committee.

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

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. Ought to Pass with Amendment, Vote 5-1. Senator Forrester for the committee.

Senate Finance  
February 2, 2016  
2016-0370s  
10/04

#### **Amendment to SB 485-FN-A**

Amend RSA 21-P:67, II as inserted by section 2 of the bill by replacing it with the following:

II. The substance abuse enforcement fund shall be a nonlapsing fund administered by the commissioner of the department of safety. The fund shall consist of an initial appropriation of \$1,875,000, and the commissioner may also accept and expend gifts, grants, and donations from any state or federal source for deposit into the fund. The fund shall be continually appropriated and expended at the discretion of the commissioner of the department of safety, in furtherance of the purposes of the fund. The commissioner shall create an accounting unit and expenditure classes for the fund as the commissioner deems necessary and appropriate to effectuate the purposes of the fund. Notwithstanding the provisions of RSA 9:16-a and the provisions of 2015, 276:198, the commissioner is authorized to transfer funds within and among the expenditure classes in furtherance of the purposes of the fund.

Amend the bill by replacing all after section 4 with the following:

5 Appropriation; Department of Safety. The sum of \$375,000 for the fiscal year ending June 30, 2016 and the sum of \$1,500,000 for the fiscal year ending June 30, 2017 are hereby appropriated to the department of safety, for the purpose of funding the substance abuse enforcement program and fund. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

2016-0370s

#### **AMENDED ANALYSIS**

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

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

Senators Pierce and Watters are in favor of the Committee Amendment on SB 485-FN-A.

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

Senators Pierce and Watters are in favor of the motion of Ought to Pass with Amendment on SB 485-FN-A.

SB 522-FN-A, making an appropriation to the pharmacy board for technology upgrades for the controlled drug prescription health and safety program. Ought to Pass with Amendment, Vote 6-0. Senator Reagan for the committee.

Senate Finance  
February 2, 2016  
2016-0368s  
10/04

#### **Amendment to SB 522-FN-A**

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

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

Amend the bill by replacing section 1 with the following:

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



2016-0368s

**AMENDED ANALYSIS**

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

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

Senator Pierce is in favor of the Committee Amendment on SB 522-FN-A.

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

Senator Pierce is in favor of the motion of Ought to Pass with Amendment on SB 522-FN-A.

SB 464-FN-A, establishing a statewide drug court grant program and making appropriations therefor. Ought to Pass with Amendment, Vote 6-0. Senator Little for the committee.

Senate Finance  
February 2, 2016  
2016-0369s  
10/04

**Amendment to SB 464-FN-A**

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

AN ACT establishing a statewide drug offender grant program and making appropriations therefor, and relative to transferring certain revenues to the revenue stabilization reserve account.

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

1 Chapter Title; Drug Courts and Drug Offender Grant Program. Amend the chapter heading of RSA 490-G to read as follows:

**CHAPTER 490-G****DRUG COURTS *AND* DRUG OFFENDER GRANT PROGRAM**

2 New Subdivision; Drug Offender Grant Program. Amend RSA 490-G by inserting after section 2 the following new subdivision:

**Drug Offender Grant Program****490-G:3 Grant Program Created.**

I. There is established a statewide drug offender grant program which shall provide state matching funds as appropriated to support drug courts or drug offender programs in all state superior court districts. The grant program shall be available to counties operating drug courts or alternative drug offender programs prior to the effective date of this section, and to counties that have not yet implemented a drug court or drug offender program.

II. There is established the office of drug offender program coordinator within the administrative office of the superior court. For purposes of this chapter, "office" means the office of drug offender program coordinator. The office shall be responsible for developing an application process by which counties shall apply for a state grant, evaluating the operating drug courts and alternative drug offender programs, determining certification, measuring recidivism rates, evaluating compliance with relevant standards, assisting in creating drug courts or alternative drug offender programs in counties seeking to implement them, and assisting counties in obtaining ongoing training.

III. Counties operating a drug court or alternative drug offender program, or which seek to establish such a program, may be eligible for a state grant which shall pay up to 50 percent of the cost from funds administered by the administrative office of the superior court. The remaining cost shall be funded by the counties.

**490-G:4 Eligibility for Grants.**

I. For the purpose of grants, the superior court districts of each county shall be grouped into 3 categories: small, medium, and large. Coos, Carroll, and Sullivan counties shall be categorized as small. Grafton, Belknap, and Cheshire counties shall be categorized as medium. The districts of Hillsborough county superior court north and Hillsborough county superior court south, and Strafford, Merrimack, and Rockingham coun-

ties shall be categorized as large. Subject to available appropriations, large counties and districts shall each be eligible for a grant of up to \$245,000 per year; medium counties shall each be eligible for a grant of up to \$150,000 per year; and small counties shall each be eligible for a grant of up to \$100,000 per year.

II. To be eligible for a state grant, a county operating a drug court or alternative drug offender program shall receive certification from the office. Grants shall be recommended by the advisory commission established in RSA 490-G:5 and paid upon approval of the recommended amount by the administrative office of the superior court. The office shall determine how often certification shall be required and the office shall award certification when the currently operating drug court or alternative drug offender program establishes:

(a) Compliance with the New Hampshire drug court or alternative drug offender program certification checklist as promulgated by the office and approved by the advisory commission; and

(b) A commitment on behalf of the county government.

III. A county without a drug offender program which seeks to implement a drug court or alternative drug offender program shall first apply for a federal grant for the purpose of establishing a program. A county shall be required to apply for a federal grant only once. Any county that applied for a federal grant before the effective date of this section shall not be required to apply again. In the event the county is awarded a federal grant, or any other grant from a nonprofit organization, designed to fund a drug court or alternative drug offender program, the county shall be eligible for a state grant after the federal or other nonprofit grant has expired. If the county does not receive a federal or other nonprofit grant for which it applied, then it shall be eligible for a state grant.

IV.(a) A county seeking to implement a drug court or alternative drug offender program may obtain a state grant for the purpose of establishing a program after satisfying the conditions in paragraph III. To obtain a state grant, a county shall:

(1) Submit a budget to the office;

(2) Submit policies and procedures including a participant handbook, which may be created from templates available through the office, or program outline and implementation plan.

(3) Obtain and complete drug offender program training as approved by the office; and

(4) Demonstrate a commitment on behalf of the county government.

(b) If the office approves the county's budget, policies and procedures or program outline and implementation plan, and certifies that the appropriate training has been completed and that the county has demonstrated the necessary commitment, the county shall receive the grant amount recommended by the advisory commission in RSA 490-G:5 and paid by the office for up to 50 percent of the approved budget for one year.

(c)(1) An alternative drug offender program may be established either separately or jointly with another county for high risk, and high or moderate need offenders. The alternative drug offender program developed shall be evidence-based and shall employ the use of an evidence-based risk/need assessment to determine participant eligibility. For counties to be eligible for a state grant, they shall obtain approval from the office of the drug offender program coordinator. Alternative drug offender programs shall comply with the requirements of subparagraph IV(a).

(2) Before obtaining a state grant, a county shall apply for federal grants that may be applicable for the program. If the county obtains a federal grant, it becomes eligible for up to a 50 percent state grant, pursuant to the conditions in this section, after the federal grant has been exhausted. The county shall be required to apply for a federal grant only once.

(d) To receive funding for subsequent years, the county shall obtain certification from the office. The office shall determine how often certification shall be required. The office shall grant certification if the county establishes:

(1) Compliance with the New Hampshire drug court or alternative drug offender program certification checklist as promulgated by the office and approved by the advisory commission; and

(2) A commitment on behalf of the county government.

V. The judicial branch administrative office of the superior court is authorized to expend from appropriated sums the amounts necessary to fund the grants certified by the office.

#### 490-G:5 Advisory Commission; Drug Offender Grant Program.

I. There is established an advisory commission to make recommendations on amounts of grant awards and renewal of the drug offender grant program. The members of the advisory commission are as follows:

- (a) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.
- (c) One member of the public, appointed by the governor.
- (d) The chief justice of the New Hampshire superior court, or designee.
- (e) The commissioner of the department of corrections, or designee.
- (f) The commissioner of the department of health and human services, or designee.
- (g) One member appointed by the New Hampshire Association of Counties.
- (h) The president of New Hampshire Association of Chiefs of Police, or designee.
- (i) One member of the Interbranch Criminal and Juvenile Justice Council (ICJJC) appointed by the chairperson.
- (j) One member who is a probation-parole officer, appointed by the commissioner of the department of corrections.
- (k) One member who is a public defender, appointed by the governor.
- (l) One member who is a prosecutor, appointed by the president of the senate.
- (m) One member who is a victim advocate, appointed by the speaker of the house of representatives.

II. The senate member shall call the first meeting. Meetings shall be held at least twice a year. A quorum shall consist of 5 members.

III. The advisory commission shall work with the office based on its evaluations of the operating drug courts and alternative drug offender programs, recidivism rates, and compliance with relevant standards and training as required, and recommend whether or not the drug offender grant program shall be continued. The advisory commission shall work with the office to recommend grant amounts as provided in this chapter. The advisory commission shall review and approve the drug court or alternative drug offender program certification checklist prior to implementation by the office.

#### 3 Appropriation; Judicial Branch; Drug Court Grant Program.

I. The sum of \$940,000 for the fiscal year ending June 30, 2016 and \$1,635,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the judicial branch for the purpose of funding the drug offender grants certified by the office of the drug offender program coordinator under RSA 490-G.

II. The sum of \$151,799 for the fiscal year ending June 30, 2016 and \$254,345 for the fiscal year ending June 30, 2017 is hereby appropriated to the judicial branch for the purpose of administrative support under RSA 490-G for the drug offender grant program.

III. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Transfer to Revenue Stabilization Reserve Account. Notwithstanding any provision of law to the contrary, to the extent combined unrestricted general and education trust fund revenues for the fiscal year ending June 30, 2016 as determined by the official audit performed pursuant to RSA 21-I:8, II(a) exceed the official estimates, an amount not to exceed \$5,000,000 of said excess shall immediately be transferred by the comptroller to the revenue stabilization fund established in RSA 9:13-e.

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

2016-0369s

#### AMENDED ANALYSIS

This bill establishes the statewide drug offender grant program administered by the office of drug offender program coordinator. Grants are paid by the administrative office of the superior court to counties meeting

the requirements. The bill establishes an advisory commission and makes appropriations for grants for the administration and funding of drug courts and alternative drug offender programs. The bill also provides for a transfer of excess revenues to the revenue stabilization reserve account.

The question is on the adoption of the Committee Amendment.

Senator Soucy moved to divide the question: Sections 1, 2, 3, and 5; Section 4.

The Chair ruled the question divisible: Sections 1, 2, 3, and 5; Section 4.

The question is on the adoption of Sections 1, 2, 3, and 5.

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

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

The following Senators voted No: (None)

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

The question is on the adoption of Section 4.

Senator Prescott presiding.

Senator Sanborn moved the question.

Recess. Out of recess.

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

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

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

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

President Morse presiding.

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 Sanborn.

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

The following Senators voted No: (None)

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

PRESIDENT MORSE: We will now move to the Regular Calendar

#### SPECIAL ORDER

Without objection, the following bill was special ordered to Thursday, February 11, 2016.

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 332, relative to state procurement of goods and services.

#### SPECIAL ORDER

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

#### FINANCE

SB 412, establishing a minimum wage.

#### FN REPORT FOR FEBRUARY 4, 2016

*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:

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 319-FN, relative to survivor benefits for families of police officers and firefighters killed in the line of duty.

## JUDICIARY

SB 385-FN-LOCAL, requiring a full-time circuit court judge in Coos County.

## TRANSPORTATION

SB 356-FN, relative to agricultural plates for vehicles of commercial fishing operations.

## REGULAR CALENDAR:

## COMMERCE

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

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 505-FN, relative to the transfer of animals and birds.

## HEALTH AND HUMAN SERVICES

SB 127-FN, relative to special conservatorships for Medicaid.

HB 628-FN, relative to indemnification of health care facilities under certain circumstances.

## JUDICIARY

SB 263-FN, relative to placing tracking devices on motor vehicles.

## TRANSPORTATION

SB 459-FN, relative to operation of drones.

## WAYS AND MEANS

SB 121-FN-LOCAL, relative to definitions used for purposes of current use taxation.

SB 440-FN, repealing the repeal of certain fees in the shoreland protection act.

Without objection, the FN Report is adopted.

## CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 319-FN, relative to survivor benefits for families of police officers and firefighters killed in the line of duty.  
Removed by Senator D'Allesandro.

## TRANSPORTATION

SB 356-FN, relative to agricultural plates for vehicles of commercial fishing operations. Removed by Senator Stiles.

## CONSENT CALENDAR

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

## COMMERCE

SB 307, establishing a committee to study business practices of motor vehicle and equipment dealers. Inexpedient to Legislate, Vote 5-0. Senator Prescott for the committee.

The sponsor submitted this legislation in anticipation of a pending supreme court decision. Now that the court has made its decision, the sponsor of the legislation request the committee recommend the bill is inexpedient to legislate.

**EDUCATION**

SB 312, relative to epinephrine administration in independent schools. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

This bill permits an independent school to adopt a policy governing the emergency administration of auto-injectable epinephrine. The committee believes it is essential that independent schools are given the same options to protect the safety of our students as all other schools have under current law.

SB 314, relative to the membership of the higher education commission. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

This bill provides that the American Council for Professional Education and Training shall recommend members to the higher education commission. This change is simply to reflect the change in name of the Council for Professional Education.

SB 322, relative to the provision and administration of bronchodilators, spacers, and nebulizers in schools. Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

This bill establishes procedures for the provision and administration of bronchodilators, spacers, or nebulizers to students in school. The committee amended the bill to appropriately address concerns brought forward during the hearing and to ensure the safety of our students.

Senate Education  
January 19, 2016  
2016-0098s  
04/05

**Amendment to SB 322**

Amend RSA 200:53, IV as inserted by section 1 of the bill by replacing it with the following:

IV. "Designated unlicensed assistive personnel" means a school employee or agent of a school designated by the school nurse, who has completed the New Hampshire School Nurses' Association approved training required to provide or administer bronchodilators, spacers, or nebulizers. Designated unlicensed assistive personnel shall complete an asthma training program prior to providing or administering a bronchodilator, spacer, or nebulizer made available by the school nurse and at least annually following completion of the initial asthma training program. Such training shall be conducted by the school nurse based on resources provided by the New Hampshire School Nurses' Association, the National Association of School Nurses, and the American Lung Association. Training shall be conducted in person and at a minimum shall address techniques on how to recognize symptoms of severe respiratory distress or asthma, and standards and procedures for the storage and administration of a bronchodilator with a spacer or nebulizer. The school nurse shall maintain a current list of those individuals who have successfully completed the asthma training program.

Amend RSA 200:54, I as inserted by section 1 of the bill by replacing it with the following:

I. A school board may authorize a school nurse who is employed by the school district and for whom the board is responsible to maintain a supply of asthma-related rescue medications at the school. The nurse shall determine the quantity of medication the school should maintain.

Amend the introductory paragraph in RSA 200:55, I as inserted by section 1 of the bill by replacing it with the following:

I. A school nurse and designated unlicensed assistive personnel may administer or make available to self-administer a bronchodilator, spacer, or nebulizer to a student who has been diagnosed with asthma for use in emergency or other situations as determined by the school nurse provided that:

Amend RSA 200:55, II as inserted by section 1 of the bill by replacing it with the following:

II. The school nurse shall notify the student's parent or legal guardian whenever a bronchodilator, spacer, or nebulizer from the emergency stockpile is administered to a student. The school nurse shall make the notification as soon as practicable in accordance with the contact information on file at the school.

**ENERGY AND NATURAL RESOURCES**

SB 318, permitting the state to enter into a lot line agreement with a private abutter to the Bradford Pines Natural Area. Ought to Pass, Vote 5-0. Senator Little for the committee.

This bill permits the state to enter into a lot line agreement with a private abutter to the Bradford Pines Natural Area. At the request of the Department of Resources and Economic Development, this bill allows for a lot line adjustment to resolve an encroachment issue that cannot be done without legislative approval. The normal process for such an agreement will be followed by DRED.

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 315, relative to the regulation of barbers, cosmetologists, estheticians, and manicurists. Ought to Pass, Vote 5-0. Senator Woodburn for the committee.

This legislation was a request of the Board of Barbering, Cosmetology, and Esthetics. The bill will modify and define definitions, make various changes to license renewal, temporary licenses, apprentice licensure, and exemptions from licensure.

SB 331, relative to fulfilling the requirement for a notarized signature electronically. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This legislation allows notarized signatures on documents to be filed electronically under the penalty of perjury.

SB 397, relative to the membership of the post-traumatic stress disorder and traumatic brain injury commission. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This legislation changes the membership of the post-traumatic stress disorder and traumatic brain injury commission by adding a representative of the Care Coordination Program of New Hampshire, a representative of Easter Seals Military and Veterans Services, and a representative of a traumatic brain injury provider's organization.

SB 398, relative to renewal of licenses issued by the board of funeral directors and embalmers. Ought to Pass, Vote 5-0. Senator Woodburn for the committee.

This legislation contains housekeeping language to bring continuing education and license renewal expiration in line with the 2-year license renewal cycle for funeral directors and embalmers adopted in the 2015 legislative session.

HB 141, relative to rulemaking authority concerning practice standards and safe and secure operation of pharmacies. Interim Study, Vote 5-0. Senator Carson for the committee.

The committee heard testimony from pharmacists about concerns related to workload issues. A stakeholder group has been initiated by the Board of Pharmacy to engage pharmacists in various practice settings (chains, independents, hospitals) to discuss workload issues and develop strategies to resolve them. This is not only a New Hampshire issue, but a national issue. At this time, the Senate ED & A committee requests this legislation be sent to Interim Study while we await resolutions from stakeholders that may need to move forward legislatively.

#### JUDICIARY

SB 59, relative to the removal of county officers and temporary filling of the office. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This legislation requires that if an elected county officer is removed from office, the elected county convention would select someone to fill out the removed official's term. The members of the county conventions are elected officials who also oversee the county budgets and are the appropriate body to deal with these vacancies.

SB 152, relative to criminal history records checks for school employees and designated school volunteers. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This legislation requires criminal background checks for prospective school employees and volunteers to include both felony and misdemeanor convictions in order to include any felony-level offenses that may have pled down to a misdemeanor. The committee Amendment enables the elected school board or other governing bodies, not a superintendent, to adopt a policy regarding the hiring of individuals with felony convictions.

Senate Judiciary  
January 27, 2016  
2016-0206s  
04/10

### Amendment to SB 152

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

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 ***of a 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.

SB 385-FN-LOCAL, requiring a full-time circuit court judge in Coos County. Inexpedient to Legislate, Vote 5-0. Senator Daniels for the committee.

While the committee understands the desire to have “local” judges in our Circuit Courts, we have concerns about the separation of powers as well as opening a door to other special requests for judicial appointments. The Legislature enacted the Circuit Court legislation and has realized efficiencies by its establishment. Therefore we cannot recommend that this bill go forward.

### TRANSPORTATION

SB 357, relative to driver’s license examinations. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

This bill adds requirements for driver’s license examinations to include questions regarding knowledge, road skill, distracted driving, driving under the influence, and driving during poor weather conditions. This legislation has broad support and was unopposed. The committee believes that this bill is an important step in making New Hampshire drivers as prepared and as safe as possible while operating their motor vehicles.

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

### REGULAR CALENDAR

#### FINANCE

SB 412, establishing a minimum wage. Inexpedient to Legislate, Vote 4-2. Senator Forrester for the committee.

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

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

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

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

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

### SPECIAL ORDER

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

#### COMMERCE

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



## ENERGY AND NATURAL RESOURCES

SB 309, relative to sulfur limits of certain liquid fuels. Ought to Pass, Vote 3-0. Senator Little for the committee.

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

SB 333, relative to net energy metering. Ought to Pass with Amendment, Vote 5-0. Senator Little for the committee.

Energy and Natural Resources

January 20, 2016

2016-0120s

06/09

**Amendment to SB 333**

Amend RSA 362-A:9, XVII as inserted by section 5 of the bill by replacing it with the following:

XVII. The commission shall issue an order initially approving or adopting such alternative tariffs, which may be subject to change or adjustment from time to time, within 10 months of the effective date of this paragraph.

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

Senator Sanborn offered a floor amendment.

Sen. Sanborn, Dist 9

February 3, 2016

2016-0402s

06/01

**Floor Amendment to SB 333**

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

I. Standard tariffs providing for net energy metering shall be made available to eligible customer-generators by each electric distribution utility in conformance with net metering rules adopted and orders issued by the commission. Each net energy metering tariff shall be identical, with respect to rates, rate structure, and charges, to the tariff under which a customer-generator would otherwise take default generation supply service from the distribution utility. Such tariffs shall be available on a first-come, first-served basis within each electric utility service area under the jurisdiction of the commission until such time as the total rated generating capacity owned or operated by eligible customer-generators totals a number equal to [50] **75 megawatts, with 50 megawatts of the 75 megawatts allocated to the 4 electric distribution utilities that were subject to the commission's jurisdiction in 2010 multiplied by each such utility's percentage share of the total 2010 annual coincident peak energy demand distributed by those 4 utilities, and 25 megawatts of the 75 megawatts allocated to the state's 3 investor-owned electric distribution utilities,** multiplied by each such utility's percentage share of the total 2010 annual coincident peak energy demand distributed by ~~[all-such]~~ **those 3 utilities all as to be determined by the commission and to be utilized by eligible customer-generators located within each such utility's service territory. Sixty percent of each utility's share of the 25 megawatts shall be apportioned to facilities with a total generating capacity of not more than 100 kilowatts and 40 percent to facilities with a total generating capacity in excess of 100 kilowatts, but no greater than one megawatt. The 25 megawatts of capacity shall be made available to eligible customer-generators until such time as commission approved alternative net metering tariffs become available.** No more than 4 megawatts of such total rated generating capacity shall be from a combined heat and power system as defined in RSA 362-A:1-a, I-d. **Facilities with a total generating capacity of no more than 20 kilowatts shall be exempt from the 75 megawatts cap.**

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Sanborn, Daniels, Reagan.

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

Roll Call, Yeas: 3 - Nays: 21. Failed.

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.

#### SPECIAL ORDER

Without objection, the following bill was special ordered to the present time.

#### COMMERCE

SB 131-FN, authorizing individuals and certain businesses to purchase health insurance from out-of-state companies. Inexpedient to Legislate, Vote 4-1. Senator Prescott for the committee.

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

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

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

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

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

Senator Prescott moved Ought to Pass.

Senator Sanborn offered a floor amendment.

Sen. Sanborn, Dist 9

February 4, 2016

2016-0419s

01/04

#### Floor Amendment to SB 131-FN

Amend RSA 404-J:1, II as inserted by section 1 of the bill by replacing it with the following:

II.(a) An individual who is a resident of this state or an employer with under 100 employees may purchase health insurance plans from out-of-state health insurance carriers which are approved by the state where the carrier does business; provided that such plans:

(1) Incorporate the 10 essential benefits provided under federal law; and

(2) Are approved for sale by the department of insurance of the carrier's domiciled state and such department of insurance is a member of the National Association of Insurance Commissioners (NAIC).

(b) If a carrier offers for sale a plan with the 10 essential benefits from its domiciled state, it must also offer for sale a plan which incorporates all of New Hampshire's service mandates.

(c) Any plan sold in New Hampshire shall be subject to the insurance premium tax.

(d) Any insurer selling insurance in New Hampshire pursuant to this section shall be subject to the jurisdiction of the New Hampshire insurance department and the New Hampshire courts and consents to adjudication in the state of New Hampshire.

Amend the bill by replacing section 2 with the following:

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

President Morse requested suspension of debate until after the Joint Convention.

The Clerk read the following House Message

#### HOUSE MESSAGE

The House of Representatives is ready to meet with the honorable Senate in Joint Convention for the purpose of hearing the State of the State Address by her Excellency, Governor Hassan.

Senator Bradley RESOLVED that the Senate is ready to meet with the honorable House of Representatives in Joint Convention for the purpose of hearing the State of the State Address by her Excellency, Governor Margaret Wood Hassan.

Recess to meet in Joint Convention. Out of recess.

Debate resumed on Senator Sanborn's floor amendment 0419s.

Senator Forrester is excused for the day.

Recess. Out of recess.

Senator D'Allesandro moved the question.

The question is on the adoption of the Floor Amendment.

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

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

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

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

Senator Forrester is excused.

Senator Bradley moved to Lay on the Table SB 131-FN. Adopted.

SB 377, relative to emission levels of municipal waste combustion units. Ought to Pass, Vote 3-0. Senator Feltes for the committee.

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

SB 378, relative to the availability of net metering tariffs. Ought to Pass with Amendment, Vote 4-1. Senator Feltes for the committee.

Energy and Natural Resources  
January 20, 2016  
2016-0114s  
06/01

#### **Amendment to SB 378**

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

2 Limited Electrical Energy Producers Act; Net Energy Metering. Amend RSA 362-A:9, I to read as follows:

I. Standard tariffs providing for net energy metering shall be made available to eligible customer-generators by each electric distribution utility in conformance with net metering rules adopted and orders issued by the commission. Each net energy metering tariff shall be identical, with respect to rates, rate structure, and charges, to the tariff under which a customer-generator would otherwise take default generation supply service from the distribution utility. Such tariffs shall be available on a first-come, first-served basis within each electric utility service area under the jurisdiction of the commission until such time as the total rated generating capacity owned or operated by eligible customer-generators totals a number equal to 50 megawatts multiplied by each such utility's percentage share of the total 2010 annual coincident peak energy demand distributed by all such utilities as determined by the commission. No more than 4 megawatts of such total rated generating capacity shall be from a combined heat and power system as defined in RSA 362-A:1-a, I-d. ***No person, owner, developer, installer of an eligible customer-generator facility, business organization, or any subsidiary thereof, shall reserve capacity space in the net metering interconnection queue more than 20 percent of the total net metering utility-specific allocation pursuant to this paragraph, and the creation of multiple business organizations by the same shall not defeat this requirement.***

3 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.

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

Senator Woodburn withdrew his request for a roll call.

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

SB 380, establishing the drinking water and groundwater trust fund and establishing the New Hampshire drinking water and groundwater advisory commission. Ought to Pass with Amendment, Vote 3-0. Senator Bradley for the committee.

Energy and Natural Resources

January 27, 2016

2016-0222s

06/05

#### **Amendment to SB 380**

Amend the introductory paragraph of RSA 485-F:3, I as inserted by section 2 of the bill by replacing it with the following:

I. The department shall administer the drinking water and groundwater trust fund through the MTBE remediation bureau. Trust fund proceeds sufficient to fund the department's MTBE remediation bureau and qualifying projects shall be transferred to the department and maintained in a separate, nonlapsing account, continually appropriated to the department for the purpose of paying all costs of this program. The department shall:

Amend RSA 485-F:3, I(g) as inserted by section 2 of the bill by replacing it with the following:

(g) Provide funding through cost-sharing grants to municipalities, municipally-owned water utilities, and water utilities regulated by the public utilities commission for the design, construction, and extension of public water systems, and the establishment and expansion of wellhead protection areas where they provide the most cost effective method for providing safe and clean drinking water.

Amend RSA 485-F:4, I(h) as inserted by section 2 of the bill by replacing it with the following:

(h) One municipal official, who shall represent municipalities with public water systems, appointed by the governor.

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.

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

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

The following Senators voted No: (None)

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

Senator Forrester is excused.

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

SB 313, relative to requirements for licensed estheticians. Ought to Pass, Vote 4-0. Senator Cataldo for the committee.

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

SB 392, relative to the special training licenses issued by the board of podiatry. Ought to Pass, Vote 4-0. Senator Reagan for the committee.

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

Senator Avard is in opposition to the motion of Ought to Pass on SB 392.

SB 505-FN, relative to the transfer of animals and birds. Inexpedient to Legislate, Vote 4-0. Senator Carson for the committee.

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

HB 427, relative to the definition of the New Hampshire fire code. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration  
November 17, 2015  
2015-2564s  
05/01

#### **Amendment to HB 427**

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

AN ACT relative to the definition of the New Hampshire fire code and establishing a committee to study the 2015 edition of the Uniform Fire Code NFPA 1.

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

1 New Hampshire Fire Code. Amend RSA 153:1, VI-a to read as follows:

VI-a. "New Hampshire fire code" or "state fire code" means the adoption by reference of the Life Safety Code [2009] **2015** edition and the Uniform Fire Code NFPA 1, 2009 edition, as published by the National Fire Protection Association and as amended by the state board of fire control and ratified by the general court pursuant to RSA 153:5; ***provided that the adoption by reference of the 2015 edition of the Life Safety Code shall not apply to structures built before January 1, 2017 unless 50 percent or more of the building is being renovated or rehabilitated.*** The provisions of any other national code, model code, or standard referred to within a code listed in this definition shall be included in the state fire code unless amended in accordance with RSA 153:5.

2 Committee Established. There is established a committee to study the 2015 edition of the Uniform Fire Code NFPA1.

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

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

(b) Four members of the house executive departments and administration committee, appointed by the speaker of the house of representatives.

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

III. The committee shall study the Uniform Fire Code NFPA 1, 2015 edition, as published by the National Fire Protection Association, and make recommendations to the legislature for adoption.

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

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

3 Effective Date.

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

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

2015-2564s

#### **AMENDED ANALYSIS**

This bill revises the definition of the New Hampshire fire code to include the adoption by reference of the Life Safety Code, 2015 edition, with certain exemptions for existing structures. The bill also establishes a committee to study the 2015 edition of the Uniform Fire Code NFPA 1.

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

Senator Kelly is in opposition to the Committee Amendment on HB 427.

Senator Carson offered a floor amendment.

Sen. Carson, Dist. 14  
January 22, 2016  
2015-0132s  
05/01

### **Floor Amendment to HB 427**

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

AN ACT relative to the definition of the New Hampshire fire code and establishing a committee to study the 2015 edition of the Uniform Fire Code NFPA 1.

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

1 New Hampshire Fire Code. Amend RSA 153:1, VI-a to read as follows:

VI-a. "New Hampshire fire code" or "state fire code" means the adoption by reference of the Life Safety Code [2009] **2015** edition and the Uniform Fire Code NFPA 1, 2009 edition, as published by the National Fire Protection Association and as amended by the state board of fire control and ratified by the general court pursuant to RSA 153:5. The provisions of any other national code, model code, or standard referred to within a code listed in this definition shall be included in the state fire code unless amended in accordance with RSA 153:5.

2 Committee Established. There is established a committee to study the 2015 edition of the Uniform Fire Code NFPA1.

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

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

(b) Four members of the house executive departments and administration committee, appointed by the speaker of the house of representatives.

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

III. The committee shall study the Uniform Fire Code NFPA 1, 2015 edition, as published by the National Fire Protection Association, and make recommendations to the legislature for adoption.

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

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

3 Effective Date.

I. Section 1 of this act shall take effect June 30, 2016.

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

2015-0132s

### **AMENDED ANALYSIS**

This bill revises the definition of the New Hampshire fire code to include the adoption by reference of the Life Safety Code, 2015 edition. The bill also establishes a committee to study the 2015 edition of the Uniform Fire Code NFPA 1.

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

Senator Sanborn is in favor of the Floor Amendment on HB 427.

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

Senators Kelly and Sanborn are in opposition to the motion of Ought to Pass with Amendment on HB 427.

#### FINANCE

SB 129-FN, allowing retired members of the retirement system to change an optional allowance election in certain circumstances. Ought to Pass, Vote 5-1. Senator Reagan for the committee.

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

Senator Kelly is in opposition to the motion of Ought to Pass on SB 129-FN.

SB 210-FN, relative to regulation of septic system evaluators. Ought to Pass, Vote 6-0. Senator Little for the committee.

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

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

SB 239-FN, relative to application of the Internal Revenue Code to provisions of the business profits tax. Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

Senator D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist 20  
February 1, 2016  
2016-0311s  
10/04

#### **Floor Amendment to SB 239-FN**

Amend the bill by inserting after section 3 the following and renumbering the original sections 4 and 5 to read as 5 and 6, respectively:

4 New Paragraph; Duties of the Commissioner of Revenue Administration; Report; Internal Revenue Code Changes. Amend RSA 21-J:3 by inserting after paragraph XXXII the following new paragraph:

XXXIII. File a report at least biennially with the finance committees of the senate and the house of representatives informing the committees of changes to the United States Internal Revenue Code, related Treasury Regulations, and administrative rulings which would impact New Hampshire.

2016-0311s

#### **AMENDED ANALYSIS**

This bill updates the effective version of the United States Internal Revenue Code of 1986 applicable to the business profits tax, subject to certain adjustments. The bill also requires the commissioner of revenue administration to report biennially on changes to the Internal Revenue Code.

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

Senator Boutin offered a floor amendment.

Sen. Boutin, Dist 16  
February 3, 2016  
2016-0413s  
10/03

#### **Floor Amendment to SB 239-FN**

Amend the introductory paragraph of RSA 77-A:3-a as inserted by section 2 of the bill by replacing it with the following:

77-A:3-a Adjustments; Internal Revenue Code Provisions. In determining gross business profits for any period, before net operating loss and special deductions, a business organization shall apply the provisions of the United States Internal Revenue Code consistent with the provisions of this chapter, with the following adjustments:

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.

SB 444-FN, relative to lottery retailer incentive awards. Ought to Pass, Vote 6-0. Senator Hosmer for the committee.

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

#### HEALTH AND HUMAN SERVICES

SB 127-FN, relative to special conservatorships for Medicaid. Ought to Pass with Amendment, Vote 4-0. Senator Sanborn for the committee.

Health and Human Services

January 28, 2016

2016-0236s

01/09

#### **Amendment to SB 127-FN**

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

AN ACT relative to the appointment of special Medicaid representatives.

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

1 New Chapter; Special Medicaid Representatives. Amend RSA by inserting after chapter 151-H the following new chapter:

#### CHAPTER 151-I

#### SPECIAL MEDICAID REPRESENTATIVES

151-I:1 Definitions. In this section:

I. "Care facility" means a long-term care facility licensed pursuant to He-P 803, 804, or 805 or "health care facility," "hospital" or "rehabilitation facility", as defined in RSA 151-C:2, XV-a, XX, and XXXIII.

II. "Court" means the circuit court-probate division.

III. "Department" means the department of health and human services.

IV. "Medicaid applicant" means the person and his or her agent, who applies for Medicaid benefits in accordance with a demand made pursuant to RSA 151-I:2.

V. "Person" means the patient or resident of a care facility from whom a completed Medicaid application is sought or for whom a special Medicaid representative is requested for the purpose of submitting a Medicaid application.

VI. "Special Medicaid representative" means an individual or entity appointed by the court to collect the information necessary and to complete and process an application for Medicaid with the department of health and human services.

151-I:2 Special Medicaid Representatives.

I. If a person in a care facility has not demonstrated an ability to pay the costs of care through personal funds, Medicare, private health or long-term care insurance, the Affordable Care Act, or other third party arrangement, and the care facility in good faith believes that the person may be eligible for Medicaid benefits:

(a) The care facility may send out a written demand signed by the duly-authorized representative of the care facility. The demand shall be sent to the person, the person's spouse, and any of the person's known agents including without limitation guardians, conservators, agents under powers of attorney, or any contractually responsible family members, by certified mail, return receipt requested, to their last known address. However, where the person notifies the care facility that he or she has a reasonable and credible fear of harm if the spouse is notified, no demand or notice to the spouse shall be required. For the purposes of this section, any refusal to receive or accept the demand shall be deemed constructive receipt.

(b) The person or one of the person's agents shall file a Medicaid application within 10 business days of the receipt of the demand. The application shall be in a form sufficient to be accepted to begin processing by



the department but does not need to be completed to the degree that it is ready for an eligibility determination by the department. A contemporaneous notice and copy of the application shall be provided to the care facility, the person's spouse, and any of the person's known agents, by certified mail, return receipt requested.

(c) If the person or the person's agents comply and file the Medicaid application as required under subparagraph (b), they shall cooperate with the care facility in executing authorizations in favor of the care facility including, but not limited to, authorizing the care facility to communicate with the department regarding the Medicaid application and otherwise cooperate in obtaining any additional financial and asset information required by the department to complete and process the Medicaid application such that it is sufficiently complete for the department to make an eligibility determination; provided, however, that the care facility shall minimize to the extent possible the number of authorized employees who work on the application or have access to the person's financial and asset information. The employees of the facility shall have a duty to preserve the confidentiality of the information, except to the extent necessary for the filing of the Medicaid application. The department shall promptly respond to any inquiries by the person, the person's legal agent, or an authorized care facility as to the status of the Medicaid application.

(d) If the care facility does not receive confirmation of the filing of a Medicaid application within 10 days of the demand to the person and any of the person's agents, then the care facility may petition the court for the appointment of a special Medicaid representative.

(e) If the Medicaid applicant or care facility is attempting in good faith to obtain financial and asset information held by a third party required by the department to process the application but is being prevented, hindered, or delayed from obtaining such information from that third party, the department shall not deny the application for failure to timely comply with its demands for information or documentation.

(f) In those instances where the Medicaid applicant or care facility seeks financial or asset information from an individual or entity, the individual or entity shall respond and produce the requested information to the extent that the individual or entity is in possession of such information no later than 30 days after receipt of the request, unless the individual or entity can show good cause in writing to the Medicaid applicant or care facility why more time is required or why it should not have to produce some or all of the information.

(g) Individuals or entities responding to a request for information from a Medicaid applicant or care facility pursuant to this section shall only be permitted to charge reasonable costs of responding, including no more than \$.25 per page for copying. If an individual or entity fails to respond within 30 days, then it shall forfeit any right to reimbursement for responding or copying or related costs.

(h) When the Medicaid applicant or the care facility believe that the Medicaid application is ready for an eligibility determination and so notify the department, the department shall state with specificity the information that still needs to be provided, or else act on the application within 90 days.

II.(a) Except in those instances where the court has already commenced a guardianship of the estate or the person or conservatorship as described under subparagraph (c), when the Medicaid applicant and, where applicable and required, the person's spouse, fails to cooperate in the Medicaid application process, the care facility may petition the court for the appointment of a special Medicaid representative for the limited purpose of applying for Medicaid for the person. The petition shall include the names and addresses of any current agents under any power of attorney over the person or the person's finances and assets, as known to the care facility and shall also include the following information:

(1) The name, address, corporate or agency status of the petitioning care facility and its connection with or relationship to the person.

(2) The name, age, and address of the person.

(3) The names and addresses of adult spouses, parents, children and siblings of the person, so far as they are known to the care facility.

(4) The name, address, occupation and relationship to the person, if any, of the proposed special Medicaid representative.

(5) The name and address of counsel, if any, for the person.

(b) The care facility shall file a statement with the petition containing facts demonstrating the need for the appointment of a special Medicaid representative which shall include an affidavit of a duly-authorized representative of the care facility demonstrating the basis for its belief that a Medicaid application is neces-

sary, and that the demand has been provided to the person or any agents of the person, and that neither the person nor any of the person's agents have filed a Medicaid application with the department that meets the requirements of subparagraph I(b).

(c) If the court has already commenced a guardianship of the estate or the person or a conservatorship, the care facility shall petition the court in that proceeding for relief compelling the guardian or conservator to submit and complete the Medicaid application.

III. A special Medicaid representative shall have the authority to request and receive from any individuals or entities, including any government entities and financial institutions, and to compile and report in the form of a Medicaid application, all information required by the department to determine the person's eligibility for Medicaid, and shall have the duty to expeditiously submit, complete, and prosecute such application. The Medicaid applicant and the care facility shall have a duty to cooperate with the special Medicaid representative. Any individual or entity receiving a request from such special Medicaid representative shall comply with the request no later than 30 days after receipt of such request to the extent that the individual or entity is in possession of such information, unless the individual or entity can show good cause in writing why more time is required or why it should not have to produce some or all of the information. If the individual or entity fails to comply with the request for information, the special Medicaid representative may notify the court of that failure with notice to the individual or entity by certified mail, return receipt requested, and the court may issue such orders as appropriate for the failure to respond. The special Medicaid representative shall provide contemporaneous notice to the person, the person's spouse, and the person's agents of any such request for information, by certified mail, return receipt requested. However, where the person notifies the court that the person has a reasonable and credible fear of harm if the spouse is notified, no notice to the spouse shall be required.

IV.(a) Within 10 days of the filing of the petition, the court shall issue orders of notice to the person, the person's spouse, and any of the person's known agents as provided to the court which shall contain:

(1) The date, time, and place set for the hearing on the petition, which hearing shall take place no later than 40 days from the filing of the petition.

(2) The deadline by which any interested parties shall file an objection to the petition.

(3) Information regarding the purpose of the appointment of a special Medicaid representative.

(4) Information regarding the rights of the person or the person's agents in the proceedings such as the right to oppose the proceeding, to attend the hearing, and to present evidence.

(5) Notice that, if the petition is granted, the person may be liable for the fees and expenses of the special Medicaid representative as allowed by the court.

(b) Orders of notice of the hearing shall include a copy of the petition and shall issue by first class mail to the:

(1) Person, the person's counsel, if any, the person's spouse, and the person's agents whose names and addresses appear on the petition;

(2) Proposed special Medicaid representative; and

(3) Care facility.

(c) At the hearing on the petition, the care facility shall have the burden of proving by a preponderance of the evidence that the Medicaid application is necessary, that the care facility has demanded that the person or the person's agents submit and complete a Medicaid application to the department, and that no Medicaid application has been submitted to the department for the person or that, where an application was submitted, the person, the person's spouse, or the person's agents have failed to cooperate or diligently prosecute the application. If the care facility meets its burden of proof, the court shall enter an order granting the petition and expressly and specifically memorializing the authority of the special Medicaid representative to request and receive from any entity or individual any and all information about the finances and assets of the person and the person's spouse, if applicable, required by the department to determine the person's eligibility for Medicaid. The order granting the petition shall not be stayed pending appeal except where expressly ordered by the court upon good cause shown.

(d) Objections, if any, to the petition shall be filed by the deadline scheduled by the court which shall in any event be no later than 5 days before the hearing date and shall describe with specificity the objection and the grounds for the objection; provided, however, that no such objection shall be sustained unless the objector can show by a preponderance of the evidence that:

(1) A full and complete Medicaid application has been submitted to the department by the person or the person's agents;

(2) The person has no outstanding charges owed to the care facility and has the financial capability to pay the estimated costs of care of the person at the care facility for a minimum of 6 months from the date of the hearing; or

(3) The person has adequate insurance or other third-party coverage to pay the care facility's costs of care.

V.(a) The authority of the special Medicaid representative shall terminate upon motion and order of the court following the final approval or denial by the department of the Medicaid application after a full eligibility determination as to the person including the resolution of all appeals. The special Medicaid representative shall file an annual status report with the court on the anniversary of the appointment of the special Medicaid representative. The court may require a bond from the special Medicaid representative in such sum as it deems appropriate. In the discretion of the court, a bond without sureties may be given.

(b) Any information obtained by the special Medicaid representative shall be used exclusively for the purposes of obtaining Medicaid coverage for the person and shall otherwise remain confidential except as to the authorized personnel of the care facility. The court may enter such orders as it deems appropriate upon proof by a preponderance of the evidence of:

(1) A violation of the duty of confidentiality described in the preceding sentence; and

(2) Actual damages.

(c) The court, in its discretion, may award the special Medicaid representative reasonable compensation for his or her services, including, but not limited to, expenses, legal fees, and other costs to be paid from the assets of the person in a priority to be determined by the court as allowed by law. Said compensation for services, expenses, legal fees and other costs of the special Medicaid representative may also be paid by agreement with any other interested party.

(d) Nothing contained this chapter shall diminish any other rights of a care facility.

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

2016-0236s

#### AMENDED ANALYSIS

This bill authorizes the appointment of special Medicaid representatives. Under this bill, special Medicaid representatives may be appointed to assist persons in long-term care facilities or hospitals fill out Medicaid applications required by the department of health and human services.

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 628-FN, relative to indemnification of health care facilities under certain circumstances. Ought to Pass with Amendment, Vote 3-1. Senator Carson for the committee.

Health and Human Services

January 28, 2016

2016-0235s

01/09

#### Amendment to HB 628-FN

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

AN ACT relative to indemnification of health care provider facilities under certain circumstances.

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

1 New Section; Health Care Provider Facilities; Immunity From Liability. Amend RSA 151 by inserting after section 16-b the following new section:

151:16-c Health Care Provider Facilities; Disclosure of Employment Information; Immunity. Any health care provider facility licensed under this chapter shall, when acting in good faith, disclose employment in-

formation regarding misconduct and competency about a health care worker upon request of a prospective or current employer. A health care provider facility and its directors and employees who provide information in accordance with this section shall be immune from civil liability for providing the information or for any consequences that result from the disclosure of the information unless it is alleged and proven that the information disclosed was false and disclosed with knowledge that such information was false.

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

2016-0235s

#### AMENDED ANALYSIS

This bill declares that any health care provider facility licensed under RSA 151 shall provide certain employment information to any other health care provider facility regarding an employee or prospective employee if the information was provided in good faith.

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 Avaré is in opposition to the motion of Ought to Pass on HB 628-FN.

#### JUDICIARY

SB 263-FN, relative to placing tracking devices on motor vehicles. Inexpedient to Legislate, Vote 4-0. Senator Carson for the committee.

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

#### TRANSPORTATION

SB 459-FN, relative to operation of drones. Interim Study, Vote 5-0. Senator Birdsell for the committee.

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

#### WAYS AND MEANS

SB 121-FN-LOCAL, relative to definitions used for purposes of current use taxation. Ought to Pass, Vote 5-0. Senator Feltes for the committee.

Senator Daniels offered a floor amendment.

Sen. Daniels, Dist 11

February 3, 2016

2016-0408s

10/04

#### Floor Amendment to SB 121-FN-LOCAL

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

AN ACT relative to exceptions from the land use change tax for removal of certain materials.

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

1 Current Use; Land Use Change Tax; Exception Added. Amend RSA 79-A:7, IV(b) to read as follows:

(b) Topsoil, gravel or minerals are excavated or dug from the site; except:

(1) Removal of topsoil in the process of harvesting a sod farm crop in amounts which will not deplete the topsoil; and

(2) Removal of gravel and other materials for construction and maintenance of roads and lands for agricultural and forestry purposes within the qualifying property of the owner or, with the approval of local authorities, to other qualifying property of the owner. Sale of excavated materials shall constitute a land use change of the property from which the material was excavated. The site shall be reclaimed when the construction or maintenance project is completed to mitigate environmental and aesthetic effects of the excavation. Both project completion time and acceptability of reclamation shall be determined by local authorities. The owner shall keep local officials informed in writing of plans to remove and use of soil material from qualify-

ing lands for purposes of this subparagraph and to assure conformance with any local ordinances, as well as plans for reclamation of the site. Fully reclaimed land shall be eligible for current use assessment if it meets open space criteria established by the board under RSA 79-A:4, I, whether or not such land was under current use assessment prior to the excavation[-]; **and**

**(3) Removal of topsoil, gravel, or minerals which does not change the underlying, qualifying use of the land.**

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

2016-0408s

#### AMENDED ANALYSIS

This bill clarifies that the removal of topsoil, gravel, or minerals which does not change the underlying, qualifying use of the land shall not be considered changed for the purpose of the land use change tax.

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.

SB 440-FN, repealing the repeal of certain fees in the shoreland protection act. Ought to Pass, Vote 3-1. Senator D'Allesandro for the committee.

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

Senator Sanborn is in opposition to the motion of Ought to Pass on SB 440-FN.

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

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 319-FN, relative to survivor benefits for families of police officers and firefighters killed in the line of duty. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This legislation, as amended, adds definitions of adult child and child for purposes of determining survivor benefits for families of police officers and firefighters killed in the line of duty. It also changes the determination period from 30 days to 180 days.

Senate Executive Departments and Administration

January 27, 2016

2016-0211s

09/04

#### Amendment to SB 319-FN

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

1 Survivor Benefits. Amend RSA 21-I:29-a, I to read as follows:

I. In this section:

(a) ***“Adult child” means a child, whether by blood or adoption, of the police officer or firefighter, age 18 or older at the time of death of such police officer or firefighter and who does not meet the definition of a dependent child.***

(b) ***“Dependent child” means a child, whether by blood or adoption, of the police officer or firefighter who:***

***(1) Is under the age of 25 and was dependent on the earnings of the police officer or firefighter at the time of death. For the purposes of this subparagraph, a child is not considered dependent if the child provides more than half of his or her own support, is married, or is legally adopted by another; or***

***(2) Is any age and is physically or mentally incapacitated and was dependent on the earnings of the police officer or firefighter at the time of death.***

(c) ***“Family” means the surviving spouse of the police officer or firefighter who was wholly or partially dependent, in fact, upon the earnings of the police officer or firefighter; or, if there is no surviving spouse, the***

surviving dependent child or dependent children, of such police officer or firefighter or, if there is no surviving dependent child, a surviving person qualifying as a common-law spouse pursuant to RSA 457:39, or if there is no surviving common-law spouse, the surviving adult child or adult children, or if there is no surviving adult child or adult children, the surviving parent or parents of such police officer or firefighter. ~~[A surviving dependent child shall include a dependent step-child whose expenses of daily living were substantially paid for by the decedent at the time of the death.]~~

~~[(b)]~~ **(d)** “Firefighter” means any firefighter, including auxiliary, intermittent, special, part-time, volunteer, call, or reserve firefighters who are employed by a city, town, village district, or precinct within the state of New Hampshire, any firefighter employed by the state of New Hampshire, or any firefighter who is a volunteer for or employed by a non-profit corporation which is the primary provider of fire protection for all or part of a New Hampshire municipality.

~~[(c)]~~ **(e)** “Killed in the line of duty” means a death of a police officer or firefighter while in the performance of his or her duties as a result of incident, accident, or violence causing death or injuries which are the direct or proximate cause of death. “Incident” shall include any death that is determined to be occupationally related by the worker’s compensation insurance carrier, a self-insured worker’s compensation plan, or by the labor commissioner for workers’ compensation purposes pursuant to RSA 281-A.

~~[(d)]~~ **(f)** “Police officer” means any law enforcement officer with the power of arrest, including auxiliary, intermittent, special, part-time, or reserve police officers, or sheriffs and their deputies who are employed by a city, town, village district, county, or precinct within the state of New Hampshire, police officers employed by the university system of New Hampshire, and any state law enforcement officer employed by the state of New Hampshire who has power of arrest as determined by state law.

2 Survivor Benefits. Amend RSA 21-I:29-a, II and the introductory paragraph of 21-I:29-a, III to read as follows:

II. In addition to any other benefits provided under this chapter, the state treasurer shall pay a \$100,000 death benefit to the family of a police officer or firefighter killed in the line of duty. Payment to a dependent child ***under the age of 18*** shall be made to the child’s trustee for the benefit of the child. The governor, with the consent of the executive council, is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The commissioner of safety, upon notice from the family or chief of department of any firefighter or police officer who may be entitled to a line-of-duty death benefit or upon the commissioner’s own initiative, shall obtain the available records related to the circumstances, cause, and manner of such death and the decedent’s status as a firefighter or police officer, may cause further inquiry to be made, and shall make a determination of whether the death qualifies as a line-of-duty death and who is entitled to the death benefit. The determination shall be made within ~~[30]~~ **180** days of the determination of the cause and manner of death by the office of the chief medical examiner, or within ~~[30]~~ **180** days from the date the commissioner received notice from the family or chief of department of the firefighter or police officer, whichever is later. For deaths that are not reviewed by the office of the chief medical examiner, the determination shall be made within ~~[30]~~ **180** days of a determination that the decedent qualifies for a workers’ compensation death benefit by a worker’s compensation carrier, self-insured worker’s compensation plan, or the labor commissioner pursuant to RSA 281-A, or within ~~[30]~~ **180** days from the date the commissioner received notice from the family or chief of department of the firefighter or police officer, whichever is later.

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

2016-0211s

#### AMENDED ANALYSIS

This bill adds definitions of “adult child” and “dependent child” for purposes of determining survivor benefits for families of police officers and firefighters killed in the line of duty. The bill also increases the time periods for determining whether a death benefit is awarded.

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

Senator D’Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20  
February 1, 2016  
2016-0303s  
09/06

**Floor Amendment to SB 319-FN**

Amend the bill by replacing section 3 with the following:

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

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.

**TRANSPORTATION**

SB 356-FN, relative to agricultural plates for vehicles of commercial fishing operations. Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

This bill authorizes agricultural plates for qualifying vehicles of commercial fishing operations. The committee amended the bill to clarify language to include "commercial fishing" in section V(a) of the bill, and changed the effective date to January 1, 2017 in order to allow more time for implementation. This legislation is an important step in affording commercial fishermen the same advantages that are given to New Hampshire's agricultural and farming communities.

Senate Transportation  
January 27, 2016  
2016-0200s  
03/05

**Amendment to SB 356-FN**

Amend RSA 261:82, V(a) as inserted by section 1 of the bill by replacing it with the following:

V.(a) To be eligible for the issuance of an agricultural vehicle registration *for agricultural, farming, and commercial fishing purposes*, the applicant shall sign the following form which the treasurer of a city or such other official as the city government may designate or the town clerk shall provide. This form shall be provided to the applicant upon request without further evidence from the applicant that the plate shall be used for purposes of this section.

I, the undersigned, fully understand the limitations concerning the use of trucks, tractor-trucks, tractors, or cargo vans registered under RSA 261:82, and hereby certify that my vehicle will be used only for agricultural and farming purposes and uses incidental thereto, within a 20 mile radius of the main entrance of the farm upon which the vehicle is to be driven.

Signed:

\_\_\_\_\_

Date: \_\_\_\_\_

Copies to:

Town or City Clerk

Applicant

Amend the bill by replacing section 2 with the following:

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

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

Senator Stiles offered a floor amendment.

Sen. Stiles, Dist 24  
January 27, 2016  
2016-0207s  
03/05

**Floor Amendment to SB 356-FN**

Amend the bill by replacing section 2 with the following:

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

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.

#### 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.

Senator Bradley moved non-concurrence. Adopted.

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

Senator Sanborn moved non-concurrence. Adopted.

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

Senator Boutin moved concurrence. Adopted.

#### MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

#### LATE SESSION ANNOUNCEMENTS

PRESIDENT MORSE: I just want to take a minute, here, to recognize the loss of a long time member of our local community, Marty Gross, who recently passed away as a result of a stroke on a trip in Antarctica.

While many of us knew Marty in one role or another, and even if you didn't know him personally, you are likely affected by one of his great accomplishments. But for those of us who knew him, and remember the years he spent as legal counsel in the Democrat Party, having served under multiple Governors, contributing his expertise to major laws that still govern our state today. He was an accomplished lawyer, who served in numerous other state offices and committees, as well as the private sector. He also spent three terms as a Mayor of the city of Concord where he built a friendly and approachable connection with his constituents.

In all of these things, Marty was a respected leader and a dedicated community member. As many have said, Marty was a one of a kind statesman and a true advocate for the betterment of the state of New Hampshire evident by his lifelong service to the state. His death is a major loss for all of us in New Hampshire, and I know all of our thoughts and prayers are with him and his friends and family during this difficult time.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I'd like to echo the President's remarks, and add to them from Attorney Gross' obituary:

Martin's adventures began in New York City where he was born on October 22, 1938. As a young child, Martin and his older brother, Woolf, were dispatched to summer camps and later to working cattle ranches in Utah during the summer months to escape the polio outbreaks that plagued New York City in the years



following World War II. After high school, Martin headed north to Cambridge, Massachusetts where he attended both Harvard College and Harvard Law School, graduating from the latter in 1964. Martin's fondest memories of his law school years were not his classes (he didn't figure out how to do [so] well on his exams until his third year), but the weekends he spent in Newburyport, Massachusetts with his good friend, Will Rogers, whose family adopted Martin and treated him as their own.

Before embarking on his first job as a law clerk in [the State of] New Hampshire, Martin and his first wife, the late Caroline Lord Gross, purchased a VW pop-up camper and drove to Alaska with Martin's mother, Harriet. Harriet slept in the camper; Martin and Caroline slept outdoors in a tent. After several weeks of abysmal weather the camper was coated with a thick layer of adobe-colored mud. When the trio returned to Concord and washed the car for the first time, it was in pristine condition. Thereafter, Martin never worried much if his car was dirty.

Following his clerkship, Martin joined the Concord law firm of Sulloway & Hollis, from which he retired (while maintaining [a] senior counsel status) in 2015 after more than 50 years of distinguished service to his clients and to the [State of New Hampshire and the] New Hampshire Bar. As with everything else in life, Martin viewed the practice of law as an adventure. He delighted in besting his adversaries and often developed long and lasting friendships with [his adversaries]. His in-house writing boot camps were legendary and his wit and charm were ever present at the office and in the courtroom.

While working full-time as a Sulloway lawyer, Martin served three terms as the mayor of [the great city of] Concord and could often be seen spending his lunch hours walking the length of Main Street between Capitol Street and McDonald's in the south end, chatting with constituents [walking by]. Martin so enjoyed these daily jaunts that this pattern continued long after his tenure as mayor had ended.

While a young lawyer at Sulloway, Martin developed a real talent for cooking. This was driven by necessity since Caroline's busy schedule at the State House meant she was often home late. Undeterred by a complete lack of training (and by a lifelong aversion to cookbooks) Martin channeled his inner top chef and produced thousands of wonderful meals for friends and family. Over the years, the informal "Sunday Suppers" he enjoyed with his close friends Malcolm and Susan McLane, Liz and Dennis Hager and other dear Concord friends were a social staple. In addition, following his induction into the Snowshoe Club, Martin spent several years preparing delicious meals (usually involving pork tenderloin or chicken) with his Snowshoe Club cooking partner, John Swope. Though not a baker, Martin loved dessert. His favorite after-dinner treat was a mini Dove bar (only 60 calories!) which he would consume in a single bite.

Six years after the loss of his beloved Caroline in 1993, fate intervened and Martin met his second wife, Deirdre Sheerr-Gross, architect, New London. The meeting occurred at Chicago's O'Hare airport where both were waiting to board a flight back to New Hampshire. It would turn out to be a kismet flight on United Airlines (friendly skies indeed!) with Deirdre sitting in seat 2B and Martin (who always flew coach and never paid for upgrades) inexplicably seated in seat 3B directly behind Deirdre. Seeing that seat 2A was open, Martin leaned over and graciously asked Deirdre "Can I buy you dinner?" They have been having dinner together ever since. This episode gave Martin plenty of fodder for his expansive repertoire of bad puns.... "United" Airlines.... 2B or not to be.... [that was the seat, and] Martin made the most of it. Six months later, in July 2000, Martin and Deirdre were married. On the day before their wedding, Deirdre gave Martin the car of his dreams – a Porsche Boxster – and Martin delighted in telling everyone that the car was a gift from his girlfriend.

During their 15 year marriage, Martin and Deirdre traveled the world. Despite temporary setbacks (Martin's surgeries, lost luggage, etc.) they visited South America, Africa, Australia, New Zealand, Canada, Central America and multiple European countries. This past September, in homage to Martin's mud-laden Alaskan road trip of the early 1960s, Martin and Deirdre rented an Airstream trailer and toured [the] Grand Teton and Yellowstone parks; they did not have to sleep outdoors.

Over the past few years, one of Martin's happiest endeavors was building a warm winter getaway in Ocean Ridge, Florida. He loved living in a house designed by his wife, Deirdre, conveniently located across the street from his dear friends, Peter and Jean Burling.

Two weeks ago, Martin and Deirdre left for Antarctica; a trip that was [going] to be Martin's last great adventure. While southbound on his way to Antarctica on a cruise ship he suffered a stroke and had to be transferred to a passing northbound vessel. That ship docked safely in Ushuaia (the cruise's point of origin) where Martin underwent surgery to relieve a subdural hematoma. Despite excellent care and a successful surgery, Martin contracted an infection which he did not recover [from].

Martin loved spontaneity and unpredictability of travel. He would have appreciated the irony of his last great adventure.

Martin is survived by his wife, Deirdre Sheerr-Gross, of New London; his brother, Woolf Gross (spouse Lucy) of Arlington; a nephew, William Gross, of Arlington; two cousins, John and Charles Gross, both of New York City, and his brother-in-law, (affectionately referred to as “hermano west,” Hugh McCrystal [and] (spouse Polly). In addition, Martin is survived by dozens of close friends including his childhood friend, Peter Soloman (who Martin always introduced as “the man I’ve never not known”), Will and Sherry Rogers and their two daughters, Anne and Catherine (who were Martin’s goddaughters and who lovingly called him “Uncle Martin”), Peter and Jean Burling, Rick and Karla Karash, Alex Bernhart and Myra Mayman, Merwyn and Carol Bagan, and others too numerous to name.

In honor of Martin’s extraordinary service to his community, donations can be made to the New Hampshire Charitable Foundation (on whose board he served for many years), to the Capitol Center for the Arts, to New Hampshire Public Radio, or to [a] charity of one’s choice.

*(The Concord Monitor, January 31, 2016)*

On a personal note, I didn’t know Marty as long as some other folks in this chamber, but I’m, you know, incredibly grateful for the advice, often blunt and unvarnished, that he would provide to me both personally and in terms of legislation. And, you know, folks in the legal community, you ask them about him, they say he’s a “lawyer’s lawyer.” And I think when you think about him, you think about someone who appreciates democratic debate, appreciates vigorous debate, appreciates folks getting their facts in their law correct, and using that as a platform for that good faith, vigorous debate, and he’s going to be sorely missed, Mister President. Thank you.

*(The Chair recognized Senator D’Allesandro.)*

SENATOR D’ALLESANDRO: Thank you, Mister President. And, first of all, thank you for your gracious comments in regard to Martin Gross, and thank you, Senator Feltes. Like very few, I was around here when Martin Gross started; when Walter Peterson was governor of the state, and Martin Gross and Caroline Gross were very, very involved in the Peterson administration. Marty was, as Senator Feltes said, he was a “lawyer’s lawyer.” But, I think, the thing we all ought to remember about Martin Gross was his civic engagement and his civic responsibility. He really cared about his community, and cared about doing the right thing. Both he and his wife’s memory will be in these halls as long as these halls exist. Caroline’s picture is in the House of Representatives, and Martin’s image will be here forever. And very few people in this life make an impression that lasts forever. He was in the Walter Peterson mode, in my opinion. Walter Peterson was one of the greatest Americans I’ve ever met, and Marty was like that. He would give you advice. I can tell you that I got calls at 3 o’clock in the morning from Caroline telling me how to run my campaign, and how to do things the right way, and how to move forward. Their willingness to give is, I think, part of the New Hampshire tradition; giving of one’s self, doing something for others. That’s a great mantra for all of us to follow, and I think that’s the legacy that Martin Gross leaves: he was a giver. He was willing to give of himself, time, effort, and financially to make the state better. To make the city of Concord better. And what better legacy can you leave? Then just because of your presence you made somebody else’s life better. We all hope that that happens when we have to leave this earth. That by being here, and by doing things, we made somebody else’s life better. That’s the legacy of Martin Gross. That legacy lives on, I hope in all of us. And a great tragedy, his loss. He had a good life, he worked hard in his life. He and his wife, as I said, were just great public servants. Great public servants. And if you can have that epitaph you have made a difference. Thank you, Mister President.

*(The Chair recognized Senator Stiles.)*

SENATOR STILES: Thank you, Mister President. Personal privilege please? I just want to remind everyone that it’s Penguin Plunge this weekend at the beach. We’ve had beautiful weather, so if you’re out and about and want to take a dive with about 100 other people come on down.

But the second piece I wanted to share, I don’t know how many in this chamber were here when Senator Preston served in the chamber. I just wanted to let you know his wife passed away this weekend. And the services will be Sunday and Monday. Thank you.

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: I just want to point out a couple of things. One, if you’re going to mention my business, mention the address and do it when the press is in the room. It will help. Valentine’s Day is coming. And two,

just a recommendation to the whole body: I would think Senator Bradley and Senator Woodburn need to come up with a system when the calendars come out on Thursday to the following Wednesday to work together on amendments so that when we go into our caucuses we can solve problems before we hit the floor. I think it would be much more effective. And, obviously, many of you had to leave today and we certainly were running out of time. But enough of the lecture.

#### LATE SESSION

##### Third Reading and Final Passage

HB 427, (New Title) relative to the definition of the New Hampshire fire code and establishing a committee to study the 2015 edition of the Uniform Fire Code NFPA 1.

HB 628-FN, (New Title) relative to indemnification of health care facilities under certain circumstances.

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

SB 121-FN-L, (New Title) relative to exceptions from the land use change tax for removal of certain materials.

SB 127-FN, (New Title) relative to the appointment of special Medicaid representatives.

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

SB 152, (New Title) relative to criminal history records checks for school employees and designated school volunteers.

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

SB 239-FN, relative to application of the Internal Revenue Code to provisions of the business profits tax.

SB 302-FN-A, (New Title) making an appropriation to the department of safety for disaster and emergency response preparedness.

SB 309, relative to sulfur limits of certain liquid fuels.

SB 312, relative to epinephrine administration in independent schools.

SB 313, relative to requirements for licensed estheticians.

SB 314, relative to the membership of the higher education commission.

SB 315, relative to the regulation of barbers, cosmetologists, estheticians, and manicurists.

SB 318, permitting the state to enter into a lot line agreement with a private abutter to the Bradford Pines Natural Area.

SB 319-FN, relative to survivor benefits for families of police officers and firefighters killed in the line of duty.

SB 322, relative to the provision and administration of bronchodilators, spacers, and nebulizers in schools.

SB 331, relative to fulfilling the requirement for a notarized signature electronically.

SB 333, relative to net energy metering.

SB 356-FN, relative to agricultural plates for vehicles of commercial fishing operations.

SB 357, relative to driver's license examinations.

SB 377, relative to emission levels of municipal waste combustion units.

SB 378, relative to the availability of net metering tariffs.

SB 380, establishing the drinking water and groundwater trust fund and establishing the New Hampshire drinking water and groundwater advisory commission.

SB 392, relative to the special training licenses issued by the board of podiatry.

SB 397, relative to the membership of the post-traumatic stress disorder and traumatic brain injury commission.

SB 398, relative to renewal of licenses issued by the board of funeral directors and embalmers.

SB 440-FN, repealing the repeal of certain fees in the shoreland protection act.

SB 444-FN, relative to lottery retailer incentive awards.

SB 464-FN-A, (New Title) establishing a statewide drug offender grant program and making appropriations therefor, and relative to transferring certain revenues to the revenue stabilization reserve account.

SB 480-FN-A, relative to the state house visitor's center revolving fund.

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.

SB 522-FN-A, (New Title) making an appropriation to the office of professional licensure and certification for technology upgrades for the controlled drug prescription health and safety program.

#### 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.