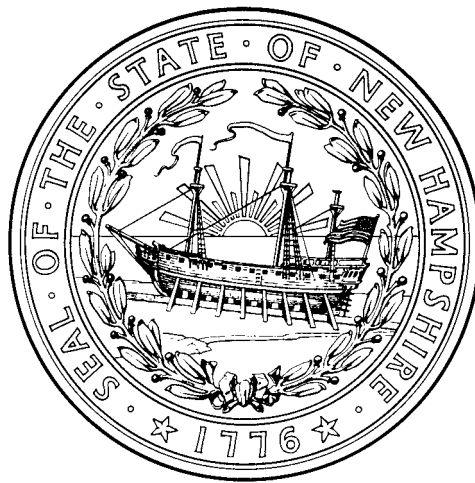


February 18, 2016  
Nos. 5-6

# **STATE OF NEW HAMPSHIRE**

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

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – FEBRUARY 11, 2016 SESSION  
COMMENCEMENT – FEBRUARY 18, 2016 SESSION**

# SENATE JOURNAL 5 *(continued)*

*February 11, 2016*

## 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 1352-FN, relative to the penalty for retirement system employers' noncompliance with reporting requirements for retirees.

HB 1604-FN-A-LOCAL, (Second New Title) relative to instructional methods to enable students to acquire and apply requisite knowledge and skills.

## 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 668-FN, relative to expense deductions under the business profits tax.

HB 1434-FN, relative to out-of-home placements under the child protection act.

HB 1616-FN, relative to drivers' licenses and identification cards that are compliant with federal identification law.

## 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

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

HB 1616-FN, relative to drivers' licenses and identification cards that are compliant with federal identification law. (Transportation)

February 3, 2016

2016-0375-EBA

04/09

## Enrolled Bill Amendment to SB 146

The Committee on Enrolled Bills to which was referred SB 146

AN ACT relative to accessory dwelling units.

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

FOR THE COMMITTEE

## Explanation to Enrolled Bill Amendment to SB 146

This enrolled bill amendment makes a change to RSA 674:21, IV as inserted by section 4 of the bill to reflect a change in the law made by 2015, 31:1 (SB 143).

## Enrolled Bill Amendment to SB 146

Amend the bill by replacing section 4 with the following:

4 Innovative Land Use Controls; Accessory Dwelling Units. Amend RSA 674:21, IV to read as follows:

IV. As used in this section:

(a) “Inclusionary zoning” means land use control regulations which provide a voluntary incentive or benefit to a property owner in order to induce the property owner to produce housing units which are affordable to persons or families of low and moderate income. Inclusionary zoning includes, but is not limited to, density bonuses, growth control exemptions, and a streamlined application process.

(b) [~~“Accessory dwelling unit” means a second dwelling unit, attached or detached, which is permitted by a land use control regulation to be located on the same lot, plat, site, or other division of land as the permitted principal dwelling unit.~~]

(c)] “Phased development” means a development, usually for large-scale projects, in which construction of public or private improvements proceeds in stages on a schedule over a period of years established in the subdivision or site plan approved by the planning board. In a phased development, the issuance of building permits in each phase is solely dependent on the completion of the prior phase and satisfaction of other conditions on the schedule approved by the planning board. Phased development does not include a general limit on the issuance of building permits or the granting of subdivision or site plan approval in the municipality, which may be accomplished only by a growth management ordinance under RSA 674:22 or a temporary moratorium or limitation under RSA 674:23.

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

Out of Recess. Call Senate to Order.

#### MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

# SENATE JOURNAL 6

*February 18, 2016*

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

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

Let us pray.

You might have seen the GE commercial about the birth of ideas where a little personified idea looks like some ugly little monster that then grows into awkward teenage years, and finally matures and flourishes into something beautiful like the story of the *Ugly Duckling*. In an interview, the writer Salman Rushdie says that some of his controversial novels are nothing but reflections on the question, how does a new idea come into the world? And he means his novels only incidentally to be about religion, even though that's what they're known for. But new ideas often come in religious terms like revelations, or epiphanies, or inspiration. He says for the birth of a new idea there are two tests. You have the test of weakness; when you are weak he says is when your idea is unpopular. Do we compromise? Do we bend? Do we give in? Do we accommodate? Do we have enough inner strength to stick by our idea when we're in the losing position? And the other is the test of strength; that when you're strong are we merciful, are we generous, or are we cruel? When our ideas are finally vindicated, how do we treat those who opposed us or didn't support us and believe in us? And, of course, these two tests are not about the ideas, are they? They're about us and how we value them, and how we treat others. And for that reason we turn now to prayer.

*Heavenly Spirit, by your inspiration and your revelation you bring new ideas into our minds and into the world. As we receive your gift, help us when ideas are young and weak and need us to stand by them. And if you provide for their success, help us in our strength always to remain gracious, merciful, and generous to those we work with and those we serve. Amen.*

Senator Woodburn led the Pledge of Allegiance.

Senator Lasky is excused for the day.

## INTRODUCTION OF GUESTS

Senator D'Allesandro introduced the 4th grade class from the Maple Avenue School in Goffstown visiting in the gallery.

## SPECIAL ORDER

Without objection, the following bill was special ordered to Thursday, March 3, 2016.

## PUBLIC AND MUNICIPAL AFFAIRS

SB 455-FN, relative to immunity for injuries from the possession or use of a firearm by an employee or official of a political subdivision.

## FN REPORT FOR FEBRUARY 18, 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 330-FN, relative to licensure of medical imaging technologists and radiation therapists.

## REGULAR CALENDAR:

## CAPITAL BUDGET

SB 367-FN, including state water pollution control and public water system grants proposed by the department of environmental services in the capital budget.

## ENERGY AND NATURAL RESOURCES

SB 461-FN, relative to expenditures of the Winnepesaukee River Basin control program funds.

SB 504-FN, relative to hunting and fishing licenses for disabled veterans.

## PUBLIC AND MUNICIPAL AFFAIRS

SB 455-FN, relative to immunity for injuries from the possession or use of a firearm by an employee or official of a political subdivision.

SB 458-FN, relative to reporting by political committees.

SB 486-FN, relative to election assistance for cities and towns.

SB 508-FN, authorizing citizen complaints to the ballot law commission for violations of registration and reporting requirements by political committees.

SB 518-FN-A, establishing a fee for political committees, political advocacy organizations, and candidates based on gross expenditures.

## WAYS AND MEANS

SB 497-FN-A-L, relative to disposition of meals and rooms tax revenues to towns and cities.

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

## REGULAR CALENDAR:

## CAPITAL BUDGET

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

## COMMERCE

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

## ENERGY AND NATURAL RESOURCES

SB 321, relative to incentive payments to certain churches which are owners of small renewable energy generation facilities.

SB 492-FN, relative to expenditures from the energy efficiency fund.

## PUBLIC AND MUNICIPAL AFFAIRS

SB 546-FN, relative to petitions for verification of checklists.

## WAYS AND MEANS

SB 344-FN, relative to tax credits applicable to client companies of employee leasing companies.

SB 551-FN-A-L, establishing video lottery and table gaming at one location.

SB 552-FN, relative to expense deductions under the business profits tax.

Without objection, the FN Report is adopted.

## 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.

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 330-FN, relative to licensure of medical imaging technologists and radiation therapists.

Ought to Pass with Amendment, Vote 5-0.

Senator Carson for the committee.

The bill, as amended, establishes the board of medical imaging professionals and radiation therapists for licensure and regulation, and will ensure educational and clinical training in this area of expertise.

Senate Executive Departments and Administration

February 10, 2016

2016-0492s

10/04

**Amendment to SB 330-FN**

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

AN ACT relative to licensure of medical imaging professionals and radiation therapists.

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

1 New Subparagraph; Office of Professional Licensure and Certification; Medical Imaging and Radiation Therapy. Amend RSA 310-A:1-a, II by inserting after subparagraph (y) the following new subparagraph:

(z) Medical imaging and radiation therapists under RSA 328-J:1.

2 New Chapter; Medical Imaging and Radiation Therapy. Amend RSA by inserting after chapter 328-I the following new chapter:

## CHAPTER 328-J

## MEDICAL IMAGING AND RADIATION THERAPY

328-J:1 Definitions. In this chapter:

I. "Board" means the board of medical imaging and radiation therapy.

II. "Certification organization" means a national certification organization that specializes in the certification and registration of medical imaging and radiation therapy technical personnel that is accredited by the National Commission for Certifying Agencies, American National Standards Institute, the International Organization for Standardization, or other accreditation organization recognized by the board.

III. "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

IV. "Fluoroscopy" means the exposure of a patient to ionizing radiation in a fluoroscopy mode, including the positions of the patient, positioning of the fluoroscopy equipment and the selection of exposure factors.

V. "Licensed practitioner" means a person licensed to practice medicine, dentistry, chiropractic, podiatry, or osteopathy in New Hampshire.

VI. "Limited x-ray machine operator" means a person who is licensed under this chapter to perform, under the supervision of a licensed practitioner, limited diagnostic radiography procedures of specific parts of human anatomy or bone density measurements using equipment that emits external ionizing radiation.

VII. "Magnetic resonance technologist" means a person who is licensed under this chapter to perform magnetic resonance procedures using magnetic fields and radio frequency signals.

VIII. "Medical imaging" means any procedure intended for use in the diagnosis or visualization of disease or other medical conditions in human beings, including, but not limited to the following modalities, radiography, nuclear medicine, fluoroscopy, magnetic resonance, and other procedures using ionizing radiation, magnetic resonance, or ultrasound.

IX. "Medical imaging professional" means any person who is a magnetic resonance technologist, nuclear medicine technologist, radiographer, radiologist assistant, or sonographer licensed under this chapter.

X. "Nuclear medicine technologist" means a person who is licensed under this chapter to perform a variety of nuclear medicine and molecular imaging procedures using sealed and unsealed radiation sources, ionizing and nonionizing radiation, and adjunctive medicine and therapeutic procedures using unsealed radioactive sources.

XI. "Radiation therapist" means a person who is licensed under this chapter to administer ionizing radiation to human beings for therapeutic purposes.

XII. "Radiographer" means a person who is licensed under this chapter to perform a comprehensive set of diagnostic radiographic procedures using external ionizing radiation to produce radiographic, fluoroscopic, or digital images.

XIII. "Radiologist" means a physician certified by or board-eligible to be certified for the American Board of Radiology, the American Osteopathic Board of Radiology, the British Royal College of Radiology, or the Canadian College of Physicians and Surgeons in that medical specialty.

XIV. "Radiologist assistant" means a radiographer who has met additional qualifications and who is licensed under this chapter to perform a variety of activities under the supervision of a radiologist in the areas of patient care, patient management, radiologic imaging or interventional procedures guided by radiologic imaging.

XV. "Sonographer" means a person who is licensed under this chapter to perform a comprehensive set of diagnostic sonography procedures using ultrasound to create medical images.

328-J:2 Purpose. This chapter is intended to safeguard life and health of the people of New Hampshire by ensuring the standardized training of limited x-ray machine operators, medical imaging professionals, and radiation therapists in anatomy, patient positioning, examination and treatment techniques, equipment protocols, radiation safety, radiation protection, and basic patient care.

328-J:3 Board; Membership; Terms.

I. There shall be a board of medical imaging and radiation therapy consisting of 7 members. The members shall be appointed by the governor with the consent of the council as follows:

- (a) One member who is a licensed radiographer.
- (b) One member who is a licensed nuclear medicine technologist.
- (c) One member who is a licensed radiation therapist.
- (d) One member who is a licensed sonographer.
- (e) One member who is a radiologist.

(f) Two public members, who are not and never were, members of a health care profession or the spouse of any such person, and who do not have, and never have had, a material financial interest in either the provision of medical services or an activity directly related to health care.

II.(a) Each professional member of the board shall hold a valid license issued by the board in the category of license for that member's specialty, shall be a resident of this state, and shall remain in active practice and in good standing with the board as a licensee during his or her term.

(b) Initial professional appointees to the board shall not be required to hold a current and valid license issued by the board, but shall have actively practiced for a minimum of 5 years as a means of his or her livelihood prior to appointment.

(c) The terms for the initial appointments under paragraph I shall be as follows:

- (1) The member under subparagraph I(b) shall serve for an initial 2-year term.

(2) The member under subparagraph I(c) shall serve for an initial one-year term.

(3) The member under subparagraph I(e) shall serve for an initial 2-year term.

III. Except for initial appointments under subparagraph II(c), each member shall be appointed to a term of 3 years. No member shall serve more than 2 consecutive terms. Appointees to fill vacancies shall serve the remainder of the unexpired term and until their successors have been duly appointed and qualified.

IV. Members of the board shall receive \$50 for each day actually engaged in the duties of the board and shall be reimbursed for all actual travel necessarily incurred in carrying out the provisions of this chapter.

328-J:4 Administrative and Business Processing Functions. All administrative, clerical, and business processing functions of the board shall be under the office of professional licensure and certification established in RSA 310-A:1 through RSA 310-A:1-e.

328-J:5 Removal of Members; Vacancies. The governor and council may remove any member of the board for misconduct, incompetence, neglect of duty, or other sufficient cause after the member has been given a written statement of the charges and an opportunity to be heard regarding such charges. Any vacancy in the membership of the board occurring otherwise than by expiration of a member's term shall be promptly filled for the unexpired term, after which the replacement board member shall be eligible for one additional consecutive term if reappointed. The replacement board member shall be of the same qualification and appointed by the governor and council.

328-J:6 Organization and Meetings. The board shall hold meetings at least 2 times per year. Other meetings of the board shall be held at such times and upon such notice as the rules of the board provide. Four members shall constitute a quorum.

328-J:7 Board Responsibilities; Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for any license issued under this chapter.

II. The qualifications of applicants in addition to those required by statute.

III. The design and content of all forms required under this chapter.

IV. The establishment of all fees required under this chapter.

V. How an applicant shall be examined, including:

(a) Time and place of examination.

(b) The subjects to be tested.

(c) Passing grade.

(d) Disposition of examination papers.

VI. How a license shall be renewed, reinstated, or placed on inactive status.

VII. Ethical standards, required to be met by each limited x-ray machine operator, medical imaging professional, and radiation therapist licensed under this chapter, and how a license may be revoked for violation of these standards.

VIII. Establishment of the scope of practice for limited x-ray machine operators, medical imaging professionals, and radiation therapists.

IX. Procedures for assuring the continuing competence of limited x-ray machine operators, medical imaging professionals, and radiation therapists licensed under this chapter including, but not limited to, continuing education requirements and the professional's health program.

X. How licensees shall provide evidence of good professional character and reliability to satisfy the board that they shall faithfully and conscientiously avoid professional misconduct and otherwise adhere to the requirements of this chapter.

XI. Procedures for accepting and responding to written complaints, publicizing the complaint procedure, standards of and procedures for conducting investigations, investigator training requirements, and procedures for conducting disciplinary hearings and alternative dispute resolution under this chapter.

XII. Procedures relative to the disclosure to the public of final disciplinary actions by the board, including those actions that occur without holding a public hearing. Dismissed complaints shall not be made public.

XIII. Standards of care for the practice of telemedicine or telehealth.

XIV. Interstate licensure and temporary permits under RSA 328-J:20.

XV. Procedures for an educational program review and approval to follow in making application for approval by the board.

XVI. A process for reviewing the accreditation status of an educational program which is currently accredited by a recognized national educational accreditation organization.

328-J:8 Educational Qualifications. The board shall approve medical imaging and radiation therapy educational programs that the board determines meet the criteria and standards established by the board. The curriculum for each course of study shall be no less stringent than the standards approved by the Joint Review Committee on Education in Radiologic Technology, Joint Review Committee on Education in Nuclear Medicine Technology, Commission on Accreditation of Allied Health Education Programs, or any other appropriate educational accreditation agency approved by the board.

328-J:9 Temporary Suspension Where Imminent Threat. In cases involving imminent danger to life or health, the board may order suspension of a license pending hearing for a period of no more than 120 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA 328-J:18, I. A licensee may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of the license suspension commensurate with the additional time extended.

328-J:10 License Required. Beginning July 1, 2017, no person shall perform medical imaging or administer radiation therapy procedures on humans for diagnostic or therapeutic purposes as defined in this chapter or otherwise indicate or imply that the person is licensed to perform medical imaging procedures or administer radiation therapy unless that person is currently licensed under this chapter.

328-J:11 Licensure; Medical Imaging Professionals and Radiation Therapists. The board shall issue licenses to individuals who meet the following qualifications:

I. Limited x-ray machine operator license. To qualify for a license as a limited x-ray machine operator, an applicant shall meet the following requirements:

- (a) Be at least 18 years of age;
- (b) Have obtained a high school diploma or have passed an approved equivalency test;
- (c) Successfully complete a course of study in limited x-ray machine operation approved by the board; and
- (d) Pass an examination in limited x-ray machine operation approved by the board. To assess an applicant's competence in limited x-ray machine operation the board may use:

(1) The American Registry of Radiologic Technologist limited x-ray machine operator examination for limited bone density, chest, extremities, podiatric, skull/sinus and podiatric radiography;

(2) The American Chiropractic Registry of Radiologic Technologists examination in spine radiography;

(3) The American Society of Podiatric Medical Assistants examination in podiatric radiography;

(4) The International Society for Clinical Densitometry examination in clinical bone densitometry technology; or

(5) A certification organization recognized by the board.

II. Magnetic resonance technologist license. To qualify for a license as a magnetic resonance technologist, an applicant shall meet the following requirements:

- (a) Be at least 18 years of age;
- (b) Have obtained a high school diploma or have passed an approved equivalency test;
- (c) Successfully complete a course of study in radiography and additional educational requirements in magnetic resonance technology approved by the board; and



(d) Possess current certification and registration in radiography from the American Registry of Radiologic Technologists or current certification and registration in magnetic resonance from the American Registry of Radiologic Technologists or a certification organization approved by the board.

(e) By January 1, 2020, all applicants for a magnetic resonance technologist license shall be certified in magnetic resonance by the American Registry of Radiologic Technologists or a certification organization recognized by the board.

III. Nuclear medicine technologist license. To qualify for a license as a nuclear medicine technologist, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in nuclear medicine technology approved by the board; and

(d) Possess current certification and registration in nuclear medicine technology from the American Registry of Radiologic Technologists, Nuclear Medicine Technology Certification Board, or a certification organization recognized by the board.

IV. Radiation therapist license. To qualify for a license as a radiation therapist, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in radiation therapy approved by the board; and

(d) Possess current certification and registration in radiation therapy from the American Registry of Radiologic Technologists or a certification organization recognized by the board.

V. Radiographer license. To qualify for a license as a radiographer, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in radiography approved by the board; and

(d) Possess current certification and registration in radiography from the American Registry of Radiologic Technologists or a certification organization approved by the board.

VI. Radiologist assistant license. To qualify for a license as a radiologist assistant, an applicant shall meet the following requirements:

(a) Possess a radiographer license and current certification and registration in radiography from the American Registry of Radiologic Technologists or a certification organization approved by the board;

(b) Possess current certification and registration as a radiologist assistant or radiology practitioner assistant from the American Registry of Radiologic Technologists, Certification Board of Radiology Physician Assistants or a certification organization approved by the board; and

(c) Submit to the board clinical protocols signed by the supervising radiologist specifying procedures that are performed by the radiologist assistant, levels of radiologist supervision, and locations of practice designated by the supervising radiologist. Updated protocols shall be submitted biannually consistent with license renewal. The radiologist assistant scope of practice shall be consistent with the most recent version of the Radiologist Assistant Practice Standards published by the American Society of Radiologic Technologists.

VII. Sonographer license. To qualify for a license as a sonographer, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in sonography approved by the board; and

(d) Possess current certification and registration in sonography from the American Registry of Radiologic Technologists, American Registry of Diagnostic Medical Sonography, Cardiovascular Credentialing International, or a certification organization approved by the board.

**328-J:12 Scope of Practice; Limitations.**

I. A person holding a license under this chapter may use radioactive substances, equipment emitting ionizing radiation, magnetic resonance, or ultrasound for medical imaging or radiation therapy procedures on humans for diagnostic or therapeutic purposes only by prescription of an individual authorized by the state to prescribe medical imaging or radiation therapy procedures and under the supervision of a licensed practitioner.

II. A person holding a license under this chapter may use radioactive substances or equipment emitting ionizing radiation, magnetic resonance, or ultrasound for medical imaging and radiation therapy procedures on humans for diagnostic or therapeutic purposes only within the scope of that license as specified in this chapter and under the rules adopted by the board.

III. Persons licensed as limited x-ray machine operators shall perform tasks only within the scope of the specific permit issued to them by the board and under the direct supervision of a licensed practitioner or licensed radiographer for a particular area of the human anatomy as provided in the chapter and shall not perform computed tomography, fluoroscopy, magnetic resonance imaging, mammography, radiation therapy, sonography, mobile imaging procedures, or imaging procedures using contrast media.

IV. Individuals licensed as a radiologist assistant shall not interpret images, make diagnoses, or prescribe medications or therapies.

**328-J:13 Applications; Temporary License.**

I. Applications for licensure or for a temporary license shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work. The board shall establish fees for application and any examination required under this chapter. If the board denies the issuance of a license or a temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.

II. The board may issue a temporary license to any person whose certification and registration is pending or when issuance is for the purpose of providing medical imaging or radiation therapy services to medically underserved areas as determined by the board. A temporary license shall be issued only if the board finds that it will not violate the purpose of this chapter or endanger the public health and safety. A temporary license shall expire 90 days after the date of the next examination if the applicant is required to take an examination. If the applicant does not take the examination on the scheduled date, the temporary license shall expire. In all other cases, a temporary license shall expire when the determination is made either to issue or deny the applicant a regular license. A temporary license shall not be issued for a period longer than 180 days.

III. New graduates awaiting national certification and registration may be issued a temporary license for employment purposes for a period not to exceed one year.

IV. Any person issued a license under this chapter shall display the official license document or a verified copy in each place of regular employment.

**328-J:14 Educational Programs.** All educational programs approved by the board in radiography, radiation therapy, nuclear medicine technology, magnetic resonance technology, sonography, radiologist assistant or limited x-ray machine operation may be offered by a medical facility or educational institution. The program shall be affiliated with one or more hospitals or clinics approved by the board to provide the requisite clinical education.

**328-J:15 License Renewal; Continuing Education.**

I. The board shall send, by mail or otherwise, notification of the impending license expiration to each licensee at least 2 months prior to the expiration of the license, along with a request for payment of a renewal fee. Licensees in good standing may renew their licenses by paying the renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the board of completion of the continuing education requirements. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

II. All licenses issued by the board shall expire on the last day of the licensee's month of birth in the second year following the year of issuance, or upon such other biennial date as the board may adopt. If the renewal fee is not submitted within 12 months after the expiration date, the licensee's name shall be removed from current status, and application for reinstatement shall be required to return to current status. The board shall charge a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee. Any renewal application received 12 months after the expiration date shall be rejected, unless accompanied by proof of successful completion of the examination required by the board. Licensees shall complete at least 24 hours of board-approved continuing education during each license period in order to maintain his or her license. If a licensee fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the licensee shall be required to reapply and to be re-examined for licensure.

III. Licensees who have been activated by the military shall be exempt from any penalties or fees for renewal or reinstatement due to their absence, as approved by the board.

328-J:16 Notification of Changes. Licensees shall notify the board in writing within 30 days after a name or address change.

328-J:17 Required Reporting. A licensee shall submit written notification to the board of any legal or disciplinary action other than minor traffic infractions or proceedings initiated against the licensee by any other licensing jurisdiction whether United States or foreign, any health care institution, any professional society or association, any certification organization, any government agency, by any law enforcement agency, or any court within 30 days for acts or conduct substantially the same as acts or conduct which would constitute grounds for suspension, denial, modification, limitation, revocation, or refusal to renew a license.

328-J:18 Hearings.

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and appropriately pursued by the board. Written complaints received by the board shall be acknowledged within 3 months of the date of notice to the board. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

II. The board shall have the power to administer oaths or affirmations, preserve testimony, subpoena witnesses, and to compel, by subpoena duces tecum, the production of all books, records, files and documents, whether originals, copies, or in electronic or other form, and other materials, relevant to its investigation of any grievance, complaint, or disciplinary proceeding before the board.

(a) The board may issue subpoenas with the approval of the office of the attorney general.

(b) A minimum of 10 business days' notice shall be given for compliance with a subpoena under this chapter.

III. At any hearing, the named person or licensee shall have the right to:

(a) Appear in person, by counsel, or both.

(b) Produce evidence and witnesses.

(c) Cross-examine witnesses.

IV. If the named person fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.

V. Any disciplinary action by the board shall be published in the report of the board and shall be a public record in accordance with RSA 91-A.

328-J:19 Penalties.

I. The board may deny, suspend, revoke, or refuse to renew a license or impose probationary conditions on a license if the licensee or applicant for licensure has engaged in any of the following conduct:

(a) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts.

(b) Engaging in unprofessional conduct pursuant to rules adopted by the board.

(c) Having been convicted of or pleaded guilty or nolo contendere to a crime involving moral turpitude or any crime which indicates that the licensee or applicant is unfit or incompetent to administer medical imaging or radiation therapy procedures or that the licensee or applicant has deceived or defrauded the public.

(d) Engaging in any act or practice in violation of any of the provisions of this chapter or any rule adopted by the board or aiding, abetting, or assisting any person in such a violation.

(e) Committing an act or acts of malpractice, gross negligence, or incompetence in administering medical imaging or radiation therapy procedures.

(f) Practicing as a person licensed to administer medical imaging or radiation therapy procedures without a current license.

(g) Engaging in conduct that could result in harm or injury to the public.

(h) Having a license issued under this chapter revoked or suspended or other disciplinary action taken, whether in this state or another jurisdiction.

(i) Being unfit or incompetent to administer medical imaging or radiation therapy services by reason of deliberate or negligent acts or omissions, regardless of whether actual injury to a patient is established.

II. The board, upon making an affirmative finding under paragraph I, may take disciplinary action in any one or more of the following ways:

(a) By written reprimand.

(b) By suspension, refusal to renew, limitation or restriction of a license, or probation for a period of time determined to be reasonable by the board.

(c) By revocation of a license.

(d) By requiring the person to participate in a program of continuing education in the area or areas in which the person has been found deficient.

(e) By requiring the person to practice under the direct supervision of a medical imaging professional or radiation therapist for a period of time specified by the board.

(f) By assessing civil penalties, after notification and due process, in amounts established by the board which shall not exceed \$2,500 per offense or, in the case of continuing offenses, \$250 for each day the violation continues, whichever is greater.

III. The denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a license may be ordered by the board after a hearing held in accordance with RSA 328-J:18 and rules adopted by the board. An application may be made to the board for reinstatement of a revoked license if the revocation has been in effect for at least 2 years after the date of the board's order revoking the license.

328-J:20 Violations. It shall be a class A misdemeanor for any natural person or a felony for any business organization to:

I. Present or attempt to use the license of another as one's own;

II. Give any false or forged evidence of any kind to the board or to any board member in obtaining a license;

III. Falsely impersonate any other licensee of like or different name;

IV. Attempt to use an expired or revoked license; or

V. Violate any of the provisions of this chapter.

328-J:21 Injunctive Relief. The board is hereby authorized to apply in its own name for relief by injunction to the superior court, to enforce the provisions of this chapter or to restrain any violation of the provisions of this chapter. In such proceedings, it shall be unnecessary to allege or to prove that either an adequate remedy at law does not exist or that substantial or irreparable damage would result from any continued violation. The members of the board shall not be personally liable under these proceedings.

328-J:22 Grandfather Provision. Persons who have been engaged in the practice of medical imaging or radiation therapy, other than a radiologist assistant, who do not hold a current certification and registration from a certification organization approved by the board may continue to practice in the modality of medical imaging or radiation therapy in which they are currently employed provided that they:

- I. Register with the board on or before July 1, 2017.
- II. Do not change the scope of their current practice.
- III. Complete all continuing education requirements for their area of practice biannually as prescribed by the board.
- IV. Practice only under the supervision of a licensed practitioner, and
- V. Obtain a license from the board on or before January 1, 2020.

328-J:23 Investigative Costs. For any order issued in resolution of a disciplinary proceeding by the board, where the board has found misconduct sufficient to support disciplinary action, including but not limited to a violation of this chapter or an administrative rule adopted under this chapter, the board may require the registrant who is the subject of such finding to pay the board a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. This sum shall not exceed \$5,000. This sum may be imposed in addition to any otherwise authorized administrative fines levied by the board as part of the penalty. The investigative and prosecution costs shall be assessed by the board and any sums recovered shall be credited to the board's fund and disbursed by the board for any future investigations of complaints and activities that violate this chapter or rules adopted under this chapter.

328-J:24 Reports. Biennially, as of December 31, the office of professional licensure and certification shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.

328-J:25 Exemptions. Nothing in this chapter shall be construed to prevent or affect:

- I. A registered dental hygienist licensed under the laws of the state of New Hampshire.
- II. A dental assistant licensed or holding a certificate under the laws of the state of New Hampshire.
- III. A physical therapist who performs medical imaging within the scope of practice and maintains a current physical therapist license to practice in New Hampshire.
- IV. A student enrolled in and attending a school or college of medicine, dentistry, osteopathy, chiropractic, podiatry, limited x-ray machine operator, medical imaging or radiation therapy who performs medical imaging or radiation therapy procedures on humans while under the supervision of a licensed practitioner, magnetic resonance technologist, nuclear medicine technologist, radiation therapist, radiographer, radiologist assistant, or sonographer holding a license under this chapter.
- V. A person administering medical imaging or radiation procedures who is employed by the United States government when performing duties associated with that employment.
- VI. A person performing medical procedures or therapy on non-human subjects or cadavers.

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

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

## REGULAR CALENDAR

### CAPITAL BUDGET

SB 367-FN, including state water pollution control and public water system grants proposed by the department of environmental services in the capital budget. Inexpedient to Legislate, Vote 3-0. Senator Daniels for the committee.

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

SB 368-FN-A, making a capital appropriation for department of environmental services monitoring equipment. Ought to Pass, Vote 4-0. Senator Kelly for the committee.

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

### COMMERCE

SB 301, relative to the consumption of liquor at sports complexes. Ought to Pass, Vote 3-0. 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 304, prohibiting corporate advertising and marketing on school property. Ought to Pass with Amendment, Vote 3-0. Senator Prescott for the committee.

Commerce  
February 10, 2016  
2016-0489s  
04/05

#### **Amendment to SB 304**

Amend RSA 189:15-b, II as inserted by section 1 of the bill by replacing it with the following:

II. This section shall not apply to:

(a) Advertising on broadcast, digital, or print media, unless the media are produced or controlled by the school district, school, faculty, or its students.

(b) Advertising on clothing with brand images worn on school grounds.

(c) Advertising contained on product packaging of items brought in by students for self consumption.

(d) Advertising on vehicles owned and operated by a food or beverage company on school property while in the process of delivering to the school or servicing company owned equipment leased to the school.

(e) Advertising on vending machines located in faculty lounges or other areas with restricted student access.

(f) Trademarks on items or literature when such materials are used as part of a school authorized educational event, activity, or presentation.

Senator Prescott moved to Lay on the Table SB 304.

A division vote was requested.

Division, Yeas: 12 - Nays: 10. Adopted.

SB 305, including fermented pear juice in the definition of cider. Ought to Pass, Vote 3-0. 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 306, enabling the sampling of beer or wine at farmers' markets. Ought to Pass with Amendment, Vote 3-0. Senator Prescott for the committee.

Commerce  
January 29, 2016  
2016-0263s  
03/08

#### **Amendment to SB 306**

Amend RSA 179:44, II-a as inserted by section 1 of the bill by replacing it with the following:

II-a. Notwithstanding paragraph I, wine manufacturers, beverage manufacturers, nano breweries, and brew pubs, may provide samples for tasting to persons of legal drinking age at a farmers' market provided they have received written authorization by the town or city's governing body, which authorization shall remain effective until revoked in writing, and they have provided the commission with a copy of that authorization. Provision of samples shall be restricted to clearly defined areas approved by the commission. Samples shall be limited to one 4-ounce sample per label per person for any beer, specialty beer, or cider, and one 2-ounce sample per label per person for any wine.

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

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

SB 393, relative to data privacy in the workplace. Interim Study, Vote 3-0. Senator Bradley for the committee.

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

SB 450, relative to investments by insurance companies. Ought to Pass, Vote 3-0. Senator Prescott for the committee.

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

SB 500-FN, relative to student health insurance plans. Ought to Pass, Vote 3-0. Senator Bradley for the committee.

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

#### ENERGY AND NATURAL RESOURCES

SB 317, creating a special fund in the department of environmental services to be used for education of property owners on issues affecting waterways. Interim Study, Vote 4-0. Senator Bradley for the committee.

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

SB 321, relative to incentive payments to certain churches which are owners of small renewable energy generation facilities. Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Energy and Natural Resources

February 10, 2016

2016-0495s

06/01

#### Amendment to SB 321

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

1 New Paragraph; Electric Renewable Portfolio Standards; Renewable Energy Fund; Eligibility of Religious Establishments. Amend RSA 362-F:10 by inserting after paragraph XI the following new paragraph:

XII. The commission shall extend eligibility to religious establishments located in New Hampshire having federal tax-exempt status under section 501(c)(3) of the Internal Revenue Code that are customers of municipal electric utilities for the purpose of receiving rebates from the commercial and industrial solar incentive and rebate program established under RSA 362-F:10, VIII.

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

XI. The commission shall issue requests for proposals that provide renewable projects in the nonresidential sector, which include commercial and industrial sited renewable energy projects, existing generators, and developers of new commercial-scale renewable generation in New Hampshire, with opportunities to receive funds from the renewable energy fund established under RSA 362-F:10. The requests for proposals shall provide such opportunities to those renewable energy projects that are not eligible to participate in incentive and rebate programs developed by the commission under RSA 362-F:10, V [and], RSA 362-F:10, VIII, **and RSA 362-F:10, XII**. The commission shall issue a request for proposals no later than March 1, 2011 and annually thereafter, and select winning projects in a timely manner.

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

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

#### SPECIAL ORDER

Without objection, the following bill was special ordered to Thursday, March 3, 2016.

#### ENERGY AND NATURAL RESOURCES

SB 384, relative to the feeding of wild deer. Ought to Pass, Vote 4-0. Senator Feltes for the committee.

SB 461-FN, relative to expenditures of the Winnepesaukee River Basin control program funds. Ought to Pass, Vote 4-0. Senator Bradley for the committee.

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

February 18, 2016

2016-0630s

08/04

#### Floor Amendment to SB 461-FN

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Winnepesaukee River Basin Control Program Fund; Expenditures. Amend RSA 485-A:49 by inserting after paragraph I the following new paragraph:

I-a. In addition to the uses set forth in paragraph I, and with the approval of the governor and council, the department may evaluate the most cost effective operation of such systems, including evaluating the cost effectiveness of alternative governance structures for the Winnepesaukee River basin control program under this subdivision. The department may not make any changes to the current governance structure unless specifically authorized by statute. The department may present any recommendations concerning alternative governance structures to the general court for consideration.

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 484, relative to the role of the Winnepesaukee River advisory board. Ought to Pass, Vote 4-0. 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 492-FN, relative to expenditures from the energy efficiency fund. Ought to Pass, Vote 3-1. Senator Feltes for the committee.

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

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

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

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

Roll Call, Yeas: 12 - Nays: 11. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

Senator Lasky is excused for the day.

SB 504-FN, relative to hunting and fishing licenses for disabled veterans. Interim Study, Vote 4-0. Senator Bradley for the committee.

Senator Bradley moved to Lay on the Table SB 504-FN. Adopted.

Senator Carson is in opposition to the motion of Lay on the Table on SB 504-FN.

Senator Forrester is in opposition to the motion of Interim Study on SB 504-FN.

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 310, expanding the defense and indemnification provided under RSA 99-D to certain claims filed with and investigations by professional licensing boards, committees, and regulatory agencies. Ought to Pass, Vote 4-0. Senator Soucy for the committee.

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

SB 329, revising the nurse licensure compact. Ought to Pass, Vote 4-0. Senator Woodburn for the committee.

Senator Reagan offered a floor amendment.

Sen. Reagan, Dist 17

February 17, 2016

2016-0618s

10/04

#### Floor Amendment to SB 329

Amend RSA 326-B:46, Article VII(b)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) Each party state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this compact for each party state. The administrator for New Hampshire shall hold a current license issued by the New Hampshire board of nursing and shall represent the board of nursing. Any administrator may be removed or suspended from office as provided by the law of the state from which the administrator is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the party state in which the vacancy exists.



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 334, establishing a commission to study the planning functions of the office of energy and planning. Ought to Pass, Vote 4-0. Senator Soucy for the committee.

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

SB 388, requiring a public hearing on proposed changes to the state retiree group insurance plan. Ought to Pass, Vote 3-0. Senator Reagan for the committee.

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

#### PUBLIC AND MUNICIPAL AFFAIRS

SB 418, relative to obtaining a ballot to vote and adding National Guard members to the absentee voting laws. Ought to Pass, Vote 4-0. Senator Birdsell for the committee.

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

Recess. Out of recess.

#### SPECIAL ORDER

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

#### PUBLIC AND MUNICIPAL AFFAIRS

SB 458-FN, relative to reporting by political committees.

#### INTRODUCTION OF GUESTS

Senator D'Allesandro introduced the 4th grade class from the Maple Avenue School in Goffstown visiting in the gallery.

SB 486-FN, relative to election assistance for cities and towns. Inexpedient to Legislate, Vote 3-1. Senator Stiles for the committee.

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

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

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

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

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

Senator Lasky is excused for the day.

Senator Kelly is in opposition to the motion of Inexpedient to Legislate on SB 486-FN.

Recess. Out of recess.

SB 508-FN, authorizing citizen complaints to the ballot law commission for violations of registration and reporting requirements by political committees. Inexpedient to Legislate, Vote 3-1. Senator Birdsell for the committee.

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

Recess. Out of recess.

SB 518-FN-A, establishing a fee for political committees, political advocacy organizations, and candidates based on gross expenditures. Inexpedient to Legislate, Vote 3-1. Senator Boutin for the committee.

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

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

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

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

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

Senator Lasky is excused for the day.

Senators Avard, Birdsell, Boutin, Bradley, Carson, D'Allesandro, Feltes, Forrester, Fuller Clark, Hosmer, Kelly, Little, Pierce, Sanborn, Soucy, Watters, Woodburn assert Rule 6-25 on SB 518-FN-A.

SB 545, proclaiming August as Cure all Cancer month. Ought to Pass, Vote 4-0. Senator Birdsell for the committee.

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

SB 546-FN, relative to petitions for verification of checklists. Ought to Pass, Vote 4-0. Senator Boutin for the committee.

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

#### WAYS AND MEANS

SB 344-FN, relative to tax credits applicable to client companies of employee leasing companies. Ought to Pass with Amendment, Vote 5-0. Senator Sanborn for the committee.

Senate Ways and Means

February 9, 2016

2016-0470s

10/03

#### Amendment to SB 344-FN

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

1 Employee Leasing Companies; Tax Credits. Amend RSA 277-B:17-a to read as follows:

277-B:17-a Tax Credits [~~and Other Incentives~~]. For purposes of determination of **business profits** tax credits[, grants, or any other economic incentives] **under RSA 77-A, Coos county job creation credits under RSA 162-Q, economic revitalization zone credits under RSA 162-N, or any other available statutory tax credits** provided by this state [~~or other government entity~~] that are based on employment, leased employees shall be deemed employees solely of the client company if an election is made pursuant to RSA 77-E:13-a. A client company shall be entitled to the benefit of any **such** tax credit[, ~~economic incentive, or other benefit~~] arising as the result of the employment of leased employees of such client company. Notwithstanding that the employee leasing company is the W-2 reporting employer, the client company shall continue to qualify for [~~such benefit, incentive, or credit~~] **business profits tax credits under RSA 77-A, Coos county job creation credits under RSA 162-Q, economic revitalization zone credits under RSA 162-N, or any other available statutory tax credits**. [~~If a grant or amount of any such incentive is based on the number of employees, then each client company shall be treated as employing only those leased employees co-employed by the client company.~~] Leased employees working for other client companies of the employee leasing company shall not be counted together. Each employing leasing company shall provide, upon request by a client company, state agency, or department responsible for administration of any such tax credit [~~or economic incentive~~], employment information reasonably required by such agency or department and necessary to support any request, claim, application, or other action by a client company seeking any such tax credit [~~or economic incentive~~]. **This section shall not apply to the administration of RSA 282-A.**

2 Application. The provisions of section 1 of this act shall apply to wages paid beginning on and after January 1, 2016.

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. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 442-L, relative to property taxation of public real estate used or occupied by a private person. Ought to Pass with Amendment, Vote 5-0. Senator Feltes for the committee.

Senate Ways and Means  
 February 9, 2016  
 2016-0471s  
 10/03

### **Amendment to SB 442-LOCAL**

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

AN ACT establishing a commission to study the taxability of lease interests in public property.

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

1 New Subdivision; Commission to Study Taxability of Lease Interests in Public Property. Amend RSA 72 by inserting after section 78 the following new subdivision:

#### **Commission to Study Taxability of Lease Interests in Public Property**

72:79 Commission to Study Taxability of Lease Interests in Public Property.

I. There is established a commission to study taxability of lease interests in public property. The commission shall determine if sufficient language exists in RSA 72:23, I to define property subject to taxation.

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

- (a) Two members 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) The commissioner of the department of revenue administration, or designee.
- (d) One representative of the New Hampshire Municipal Association.
- (e) One representative of the New Hampshire Association of Assessing Officials.

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

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

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

2 Prospective Repeal. RSA 72:79, relative to the commission to study taxability of lease interests in public property, is repealed.

3 Effective Date.

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

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

2016-0471s

### **AMENDED ANALYSIS**

This bill establishes a commission to study taxability of lease interests in public property.

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

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

SB 497-FN-A-L, relative to disposition of meals and rooms tax revenues to towns and cities. Interim Study, Vote 4-1. Senator Sanborn for the committee.

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

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

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

The following Senators voted No: Woodburn, Bradley, Watters, Pierce, Cataldo, Feltes, Soucy, Fuller Clark, Prescott, Stiles.

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

Senator Lasky is excused for the day.

SB 551-FN-A-L, establishing video lottery and table gaming at one location. Ought to Pass, Vote 3-2. Senator D'Allesandro for the committee.

Senator Bradley moved to Lay on the Table SB 551-FN-A-L. Adopted.

SB 552-FN, relative to expense deductions under the business profits tax. Ought to Pass with Amendment, Vote 3-2. Senator Sanborn for the committee.

Senate Ways and Means

February 9, 2016

2016-0466s

10/09

#### **Amendment to SB 552-FN**

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

2 Applicability. Section 1 of this act shall take effect for property placed in service on or after January 1, 2017.

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

Senator Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 9

Sen. Boutin, Dist. 16

Sen. Bradley, Dist. 3

Sen. Morse, Dist. 22

February 9, 2016

2016-0478s

10/05

#### **Floor Amendment to SB 552-FN**

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

AN ACT relative to application of the Internal Revenue Code to provisions of the business profits tax.

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

1 New Subparagraph; Business Profits Tax; Definition; United States Internal Revenue Code. Amend RSA 77-A:1, XX by inserting after subparagraph (l) the following new subparagraph:

(m) For all taxable periods beginning on or after January 1, 2016, the United States Internal Revenue Code of 1986, as amended, subject to RSA 77-A:3-a.

2 Business Profits Tax; Adjustments; Internal Revenue Code. RSA 77-A:3-a is repealed and reenacted to read as follows:

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:

I. The United States Internal Revenue Code shall be applied without section 168(k) of such code.

II. The United States Internal Revenue Code shall be applied without section 199 of such code.

3 Applicability.

I. Section 1 of this act shall take effect for taxable periods beginning on or after January 1, 2016.

II. Section 2 of this act shall take effect for property placed in service on or after January 1, 2016.

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.

5 Repeal. RSA 77-A:1, X(g), relative to a reference to the Internal Revenue Code, is repealed.

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

2016-0478s

#### 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.

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

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

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

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

Roll Call, Yeas: 15 - Nays: 8. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

Senator Lasky is excused for the day.

Recess. Out of recess.

#### PUBLIC AND MUNICIPAL AFFAIRS

SB 458-FN, relative to reporting by political committees. Inexpedient to Legislate, Vote 2-2. Senator Birdsell for the committee.

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

Senator Sanborn moved Ought to Pass.

Senator Sanborn offered a floor amendment.

Sen. Sanborn, Dist 9

February 18, 2016

2016-0636s

03/09

#### Floor Amendment to SB 458-FN

Amend RSA 664:6, I as inserted by section 1 of the bill by replacing it with the following:

I. Any political committee whose receipts or expenditures exceed \$500 [~~except, for the purposes of this paragraph only, the political committee of a political party or the political committee of a candidate;~~] shall file with the secretary of state an itemized statement in the form prescribed by the secretary of state, signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name and postal address of the contributor in alphabetical order and the amount of the contribution, the date it was received, and the aggregate total for each election for each contributor of over \$100. [The statement] **Statements** shall be filed not later than the **first Wednesday in June and December after the state general election and before the filing deadline established in RSA 655:14, after which statements shall be filed no later than the** Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. All receipts of \$25 or under shall appear on the statements as unitemized receipts. Any listing that exceeds an individual's aggregate total of \$100 for each election shall be accompanied by the contributor's occupation including official job title, the name of the contributor's employer, and the city or town of the contributor's principal place of business, if any. The statement shall also show each committee

expenditure exceeding \$25 with the full name and postal address of the payee or promise of payment, the date paid or obligated, and the election for which the expenditure was made, with the specific nature and amount of each expenditure since the date of the registration.

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.

Senators Avard, Birdsell, Boutin, Bradley, Carson, D'Allesandro, Feltes, Forrester, Fuller Clark, Hosmer, Kelly, Little, Pierce, Sanborn, Soucy, Watters, Woodburn assert Rule 6-25 on SB 458-FN.

#### MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

#### LATE SESSION

##### LIST OF RULE 6-25'S FOR THE DAY

Senators Avard, Birdsell, Boutin, Bradley, Carson, D'Allesandro, Feltes, Forrester, Fuller Clark, Hosmer, Kelly, Little, Pierce, Sanborn, Soucy, Watters, Woodburn: SB 458-FN and SB 518-FN-A.

#### ANNOUNCEMENTS

(The Chair recognized Senator Pierce.)

SENATOR PIERCE: Mister President, I ask for unanimous consent. Mister President, anyone who knows me knows that I am absolutely passionate about protecting the right to vote, and the integrity of the ballot. And in my passion on the bill earlier, I apparently raised an inference that I thought the Secretary of State was not doing his job generally, or that he was corrupt. I appreciate the withdrawal of the corrupt comment. But, as I stated, I do not believe the Secretary of State is not doing his job in all cases. What I said in my speech was that he was asked to provide the handicap accessible voting booth, he was asked to provide posters, and said no. This bill was an attempt to help New Hampshire vote. This bill would have directed the Secretary of State to be, as the chief election officer of the state, to provide those municipal elections. Any inference otherwise, beyond the scope of what I said, I apologize for. It was not my intent to raise that inference. Thank you.

PRESIDENT MORSE: Thank you for your comments Senator Pierce, and we will enter them into the permanent *Journal*.

I just want to wish everyone a great vacation because I just got the numbers and there's over 50 bills coming to the floor on the 3rd not counting if we have some bills in Finance that we can get here. So, the 3rd will be a long day, and we haven't had a 50 bill day in a while. But, enjoy your vacation because people are getting tense, and we don't work well when we're tense. We work well when we work together.

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

#### LATE SESSION

##### Third Reading and Final Passage

SB 301, relative to the consumption of liquor at sports complexes.

SB 305, including fermented pear juice in the definition of cider.

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

SB 310, expanding the defense and indemnification provided under RSA 99-D to certain claims filed with and investigations by professional licensing boards, committees, and regulatory agencies.

SB 329, revising the nurse licensure compact.

SB 330-FN, (New Title) relative to licensure of medical imaging professionals and radiation therapists.

SB 334, establishing a commission to study the planning functions of the office of energy and planning.

SB 388, requiring a public hearing on proposed changes to the state retiree group insurance plan.

SB 418, relative to obtaining a ballot to vote and adding National Guard members to the absentee voting laws.

SB 442-L, (New Title) establishing a commission to study the taxability of lease interests in public property.

SB 450, relative to investments by insurance companies.

SB 458-FN, relative to reporting by political committees.

SB 461-FN, relative to expenditures of the Winnepesaukee River Basin control program funds.

SB 484, relative to the role of the Winnepesaukee River advisory board.

SB 545, proclaiming August as Cure all Cancer month.

#### 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.