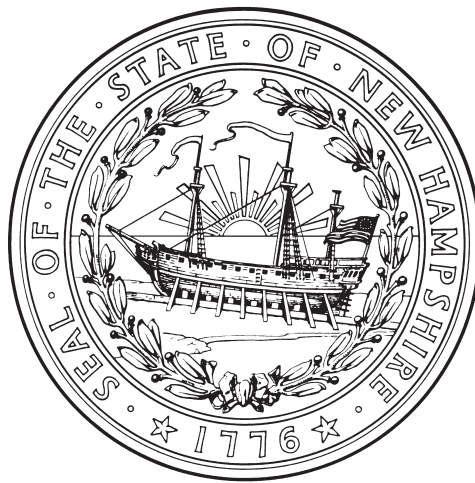


**March 29, 2017
Nos. 10-11**

STATE OF NEW HAMPSHIRE

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



**First Year of the 165th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MARCH 23, 2017 SESSION
COMMENCEMENT – MARCH 29, 2017 SESSION**

SENATE JOURNAL 10 *(continued)*

March 23, 2017

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled House Bill(s):

HB 368-FN-A, relative to the heating of certain state-owned buildings in Concord and making appropriations therefor.

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 10-FN, relative to dairy farmer relief.

HOUSE MESSAGE

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

SB 64, establishing a committee to study medication synchronization.

SB 246-FN, relative to credit union branching authority.

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 161-FN, relative to beverage sales at farmers' markets.

HB 173, relative to regulations restricting the use of water for outdoor usage.

HB 190, relative to the wildlife habitat account and the fisheries habitat account.

HB 354-FN-A-LOCAL, making an appropriation to the department of education to provide additional adequate education grant payments to certain municipalities.

HB 356-FN, (New Title) establishing a committee to study education funding and the cost of an opportunity for an adequate education.

HB 380-FN, relative to the oil discharge and disposal cleanup fund.

HB 386-FN, relative to technical corrections to the education tax credit statute.

HB 463-FN, regulating groundwater pollution caused by polluting emissions in the air.

HB 568-FN, relative to the taxability of lease interests in public property.

HB 624, relative to group II vested deferred retirements, the age of dependents in the retiree health plan, and retired judges' participation in the retiree health plan.

HB 632-FN, relative to appeals of liquor commission decisions.

HB 649-FN, making emergency medical technicians and rescue squad members eligible for a death benefit if killed in the line of duty.

HB 652-FN, (New Title) establishing a veterans track within the court system and relative to annulment of a sentence imposed by a mental health court.

HB 654-FN, (New Title) establishing a committee to study the regulation and taxation of vacation rentals and short-term rentals.

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 161-FN, relative to beverage sales at farmers' markets. (Commerce)

HB 173, relative to regulations restricting the use of water for outdoor usage. (Public and Municipal Affairs)

HB 190, relative to the wildlife habitat account and the fisheries habitat account. (Energy and Natural Resources)

HB 354-FN-A-LOCAL, making an appropriation to the department of education to provide additional adequate education grant payments to certain municipalities. (Finance)

HB 356-FN, establishing a committee to study education funding and the cost of an opportunity for an adequate education. (Education)

HB 380-FN, relative to the oil discharge and disposal cleanup fund. (Energy and Natural Resources)

HB 386-FN, relative to technical corrections to the education tax credit statute. (Ways and Means)

HB 463-FN, regulating groundwater pollution caused by polluting emissions in the air. (Energy and Natural Resources)

HB 568-FN, relative to the taxability of lease interests in public property. (Public and Municipal Affairs)

HB 624, relative to group II vested deferred retirements, the age of dependents in the retiree health plan, and retired judges' participation in the retiree health plan. (Executive Departments and Administration)

HB 632-FN, relative to appeals of liquor commission decisions. (Commerce)

HB 649-FN, making emergency medical technicians and rescue squad members eligible for a death benefit if killed in the line of duty. (Health and Human Services)

HB 652-FN, establishing a veterans track within the court system and relative to annulment of a sentence imposed by a mental health court. (Judiciary)

HB 654-FN, establishing a committee to study the regulation and taxation of vacation rentals and short-term rentals. (Ways and Means)

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

SB 246-FN, relative to credit union branching authority.

HB 105, naming a building in honor of Van McLeod.

HB 149, prohibiting disclosure of certain information obtained by former employees of the insurance department.

HB 368-FN-A, relative to the heating of certain state-owned buildings in Concord and making appropriations therefor.

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

Out of Recess. Call the Senate to Order.

SPECIAL ORDER

Without objection, the following bills are special ordered to Thursday, March 30, 2017.

ENERGY AND NATURAL RESOURCES

SB 128, relative to the policy goal of electric utility restructuring.

FINANCE

SB 7-FN-LOCAL, relative to eligibility for food stamps.

SB 74-FN, relative to economic revitalization zone tax credits.

SB 190-FN, repealing the sunset provision on the first responder's critical injury benefit fund.

SB 206-FN, relative to wagering on historic horse racing.

SB 215-FN, permitting the community college system to participate in the state health care plan.

SB 216-FN, relative to differential pay for state troopers and relative to crowd control by marine patrol officers.

SB 235-FN, relative to Medicaid reimbursement to schools for students with medical needs and establishing a home and community based behavioral health services program for children.

SB 240-FN-LOCAL, relative to the monitoring and treatment of contaminated wells.

SB 244-FN-A, relative to exemption of income from taxation under the tax on interest and dividends.

SB 247-FN-A, preventing childhood lead poisoning from paint and water and making an appropriation to a special fund.

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 11

March 29, 2017

The Senate reconvened at 1:00 p.m., a quorum being present.

The Reverend Kate Atkinson, chaplain to the Senate, offered the following prayer:

Good afternoon. Let us pray.

God of life: God of cycling seasons, fresh beginnings, and the promise of renewal. You support us through the challenges and losses that affect us and you delight us with unexpected joys even when the world seems bleak. Thank you for the many people with whom we share our lives: those who are with us now, those who have passed on, and those we haven't yet met. Inspire us to treasure all that they bring to our life experience – their wisdom, imagination, and sense of humor, the principles they believe in, the causes they support, and those aspects of their character which are beyond our experience, and so can enrich our own perspective. Give us grace to honor one another daily, with gratitude for all we learn from others, recognition of all they can learn from us, and awareness of how you work through us all to bring light into the world. Amen.

Senator Avard led the Pledge of Allegiance.

Senators Carson, Hennessey, Innis and Sanborn are excused for the day.

INTRODUCTION OF GUESTS

(The Chair Recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, on our Calendar is House Bill 262 which names the blackberry the berry of the biennium, and the students that worked on that particular bill, Owen Blood and Francy Reid of Simonds Elementary in Warner, are in the gallery along with their state Representative Clyde Carson. Let's give them a round of applause.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. As the Senator representing our two young constituents, I would like to bring it to the attention of the Senate that this is their fifth visit to the State House pursuing a legislative objective, and I think that's deserving as well of a round of applause.

INTRODUCTION OF PAGES

Senator Kahn introduced Richard Durkee and Diego Betancourt, from Keene High School, serving as Senate Pages for the day.

FN REPORT FOR MARCH 29, 2017

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

CONSENT CALENDAR:

ENERGY AND NATURAL RESOURCES

HB 428-FN, relative to crossbow hunting by persons 68 years of age and older.

REGULAR CALENDAR:

ENERGY AND NATURAL RESOURCES

HB 591-FN, relative to suction dredging in the surface waters of the state.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 184-FN, relative to the license requirement for medical imaging and radiation therapy and relative to registration by practitioners with the board of medical imaging and radiation therapy.

JUDICIARY

HB 259-FN, relative to the records of the probate court.

TRANSPORTATION

HB 479-FN, authorizing Rotary Foundation number plate decals.

Senator Gary Daniels recommends the following bill be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:

REGULAR CALENDAR:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 595-FN, relative to positions in the corporations division of the secretary of state's office.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

The following bills were removed from the Consent Calendar:

COMMERCE

SB 86, relative to the regulation of banks, trusts, and credit unions by the banking department. Removed by Senator Bradley.

HEALTH AND HUMAN SERVICES

SB 154, making oral contraceptives available without a prescription. Removed by Senator French.

SPECIAL ORDER

Without objection, the following bills are special ordered to the beginning of the Regular Calendar on Thursday, March 30, 2017.

COMMERCE

SB 86, relative to the regulation of banks, trusts, and credit unions by the banking department.

ENERGY AND NATURAL RESOURCES

SB 119, relative to the length of a dock on a water body.

HEALTH AND HUMAN SERVICES

SB 154, making oral contraceptives available without a prescription.

SB 155, relative to implementation of the Medicaid managed care program.

JUDICIARY

SB 249, relative to procedures related to the disclosure of exculpatory evidence by police officers.

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 85, amending the Uniform Securities Act.

Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

This bill makes corrections to certain definitions, some minor editorial changes, updates the federal law citations for the 2015 Bureau of Securities recodification bill which was passed by this body. This is a housekeeping measure and the committee amendment changes two incorrectly referenced federal citations.

Commerce

March 22, 2017

2017-1046s

08/10

Amendment to SB 85

Amend RSA 421-B:2-202(11) as inserted by section 5 of the bill by replacing it with the following:

(11) A nonissuer sale of notes or bonds secured by a mortgage to no more than 5 ***purchasers as determined in accordance with RSA 421-B:2-202-A(1)*** [persons], in total, in all jurisdictions combined;

Amend RSA 421-B:3-302(a)(1)(B) as inserted by section 10 of the bill by replacing it with the following:

(B) for notice filings for federal covered securities described in section 18(b)(4)(A) and section 18(b)(4)(D) of the Securities Act of 1933, the name of a registered broker-dealer who will effect transactions in this state;

SB 91, relative to the title loan default process.

Re-refer to Committee, Vote 5-0. Senator Sanborn for the committee.

This bill requires a title loan lender to cease accruing and collecting interest on a title loan when it is in default. The bill had some opposition and needs to be worked out through the committee process which is the reason the committee unanimously supported rerefer to committee.

SB 92, relative to the consumer complaint process at the banking department.

Re-refer to Committee, Vote 5-0. Senator Sanborn for the committee.

This bill does two things: decreases some of the deadline times for which you have to file a response to complaints in the banking industry and decreases the time in which the investigation has to occur. There are questions as to whether banks could comply with the new requirements. It is important for all parties to come together on this bill which is the reason the committee voted to rerefer.

SB 93, relative to adoption of the Uniform Access to Digital Assets Act.

Ought to Pass with Amendment, Vote 5-0. Senator Innis for the committee.

Currently NH law does not give fiduciaries the authority to manage a person's digital property like computer files, web domains and virtual currency as they can with tangible personal property. This bill adopts the revised uniform fiduciary access to digital assets act which has been adopted by many other states. The committee amendment makes it clear it doesn't supersede HIPPA laws and the references the correct chapter.

Commerce

March 22, 2017

2017-1048s

08/10

Amendment to SB 93

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

1 New Chapter; Revised Uniform Fiduciary Access to Digital Assets Act. Amend RSA by inserting after chapter 554 the following new chapter:

CHAPTER 554-A

REVISED UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT

554-A:1 Short Title. This chapter may be cited as the Revised Uniform Fiduciary Access to Digital Assets Act.

554-A:2 Definitions. In this chapter:

(a) "Account" means an arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives, or stores a digital asset of the user or provides goods or services to the user.

(b) "Agent" means an attorney-in-fact granted authority under a durable or nondurable power of attorney.

(c) "Carries" means engages in the transmission of an electronic communication.

(d) "Catalogue of electronic communications" means information that identifies each person with which a user has had an electronic communication, the time and date of the communication, and the electronic address of the person.

(e) "Conservator" means a person who is appointed by the court to manage the estate of one who requests the appointment of a conservator.

(f) "Content of an electronic communication" means information concerning the substance or meaning of the communication which:

(1) Has been sent or received by a user;

(2) Is in electronic storage by a custodian providing an electronic communication service to the public or is carried or maintained by a custodian providing a remote computing service to the public; and

(3) Is not readily accessible to the public.

(g) "Court" means the circuit court having jurisdiction over the protected person.

(h) "Custodian" means a person that carries, maintains, processes, receives, or stores a digital asset of a user.

(i) “Designated recipient” means a person chosen by a user using an online tool to administer digital assets of the user.

(j) “Digital asset” means an electronic record in which an individual has a right or interest. The term shall not include an underlying asset or liability unless the asset or liability is itself an electronic record.

(k) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(l) “Electronic communication” has the meaning set forth in 18 U.S.C. Section 2510(12), as amended.

(m) “Electronic communication service” means a custodian that provides to a user the ability to send or receive an electronic communication.

(n) “Fiduciary” means an original, additional, or successor personal representative, conservator, guardian of the estate, agent, trustee, or any person so appointed by the court.

(o) “Guardian of the estate” means one appointed by the court to manage the estate of the incapacitated person as specified by a court order.

(p) “Information” means data, text, images, videos, sounds, codes, computer programs, software, databases, or the like.

(q) “Online tool” means an electronic service provided by a custodian that allows the user, in an agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a third person.

(r) “Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(s) “Personal representative” means an executor, administrator, special administrator, or person that performs substantially the same function under law of this state other than this chapter.

(t) “Power of attorney” means a record that grants an agent authority to act in the place of a principal.

(u) “Principal” means an individual who grants authority to an agent in a power of attorney.

(v) “Protected person” means an individual for whom a conservator or a guardian of the estate has been appointed. The term includes an individual for whom an application for the appointment of a conservator or guardian of the estate is pending.

(w) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(x) “Remote computing service” means a custodian that provides to a user computer-processing services or the storage of digital assets by means of an electronic communications system, as defined in 18 U.S.C. Section 2510(14), as amended.

(y) “Terms of service agreement” means an agreement that controls the relationship between a user and a custodian.

(z) “Trustee” means a fiduciary with legal title to property under an agreement or declaration that creates a beneficial interest in another. The term includes a successor trustee.

(aa) “User” means a person that has an account with a custodian.

(bb) “Will” includes a codicil, testamentary instrument that only appoints an executor, and instrument that revokes or revises a testamentary instrument.

554-A:3 Applicability.

(a) This chapter shall apply to:

(1) A fiduciary acting under a will or power of attorney executed before, on, or after the effective date of this chapter;

(2) A personal representative acting for a decedent who died before, on, or after the effective date of this chapter;

(3) A conservatorship or guardianship proceeding commenced before, on, or after the effective date of this chapter; and

(4) A trustee acting under a trust created before, on, or after the effective date of this chapter.

(b) This chapter applies to a custodian if the user resides in this state or resided in this state at the time of the user's death.

(c) This chapter shall not apply to a digital asset of an employer used by an employee in the ordinary course of the employer's business.

(d) This chapter shall not apply to a digital asset that includes protected health information as defined under 45 C.F.R. section 160.103 unless the requirements to access such information under applicable federal and state law are satisfied.

554-A:4 User Direction for Disclosure of Digital Assets.

(a) A user may use an online tool to direct the custodian to disclose to a designated recipient or not to disclose some or all of the user's digital assets, including the content of electronic communications. If the online tool allows the user to modify or delete a direction at all times, a direction regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of attorney, or other record.

(b) If a user has not used an online tool to give direction under subsection (a) or if the custodian has not provided an online tool, the user may allow or prohibit in a will, trust, power of attorney, or other record, disclosure to a fiduciary of some or all of the user's digital assets, including the content of electronic communications sent or received by the user.

(c) A user's direction under subsection (a) or (b) overrides a contrary provision in a terms-of-service agreement that does not require the user to act affirmatively and distinctly from the user's assent to the terms of service.

554-A:5 Terms of Service Agreement.

(a) This chapter shall not change or impair a right of a custodian or a user under a terms-of-service agreement to access and use digital assets of the user.

(b) This chapter shall not give a fiduciary or designated recipient any new or expanded rights other than those held by the user for whom, or for whose estate, the fiduciary or designated recipient acts or represents.

(c) A fiduciary's or designated recipient's access to digital assets may be modified or eliminated by a user, by federal law, or by a terms-of-service agreement if the user has not provided direction under RSA 554-A:4.

554-A:6 Procedure for Disclosing Digital Assets.

(a) When disclosing digital assets of a user under this chapter, the custodian may at its sole discretion:

(1) Grant a fiduciary or designated recipient full access to the user's account;

(2) Grant a fiduciary or designated recipient partial access to the user's account sufficient to perform the tasks with which the fiduciary or designated recipient is charged; or

(3) Provide a fiduciary or designated recipient a copy in a record of any digital asset that, on the date the custodian received the request for disclosure, the user could have accessed if the user were alive and had full capacity and access to the account.

(b) A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under this chapter.

(c) A custodian need not disclose under this chapter a digital asset deleted by a user.

(d) If a user directs or a fiduciary requests a custodian to disclose under this chapter some, but not all, of the user's digital assets, the custodian need not disclose the assets if segregation of the assets would impose an undue burden on the custodian. If the custodian believes the direction or request imposes an undue burden, the custodian or fiduciary may seek an order from the court to disclose:

(1) A subset limited by date of the user's digital assets;

(2) All of the user's digital assets to the fiduciary or designated recipient;

(3) None of the user's digital assets; or

(4) All of the user's digital assets to the court for review in camera.

554-A:7 Disclosure of Content of Electronic Communications of Deceased User. If a deceased user consented or a court directs disclosure of the contents of electronic communications of the user, the custodian shall disclose to the personal representative of the estate of the user the content of an electronic communication sent or received by the user if the representative gives the custodian:

- (a) A written request for disclosure in physical or electronic form;
- (b) A certified copy of the death certificate of the user;
- (c) A certified copy of the letter of appointment or court order;
- (d) Unless the user provided direction using an online tool, a copy of the user's will, trust, power of attorney, or other record evidencing the user's consent to disclosure of the content of electronic communications; and
- (e) If requested by the custodian:
 - (1) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;
 - (2) Evidence linking the account to the user; or
 - (3) A finding by the court that:
 - (A) The user had a specific account with the custodian, identifiable by the information specified in subparagraph (1);
 - (B) Disclosure of the content of electronic communications of the user would not violate 18 U.S.C. Section 2701 et seq., as amended, 47 U.S.C. Section 222, as amended, or other applicable law;
 - (C) Unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications; or
 - (D) Disclosure of the content of electronic communications of the user is reasonably necessary for administration of the estate.

554-A:8 Disclosure of Other Digital Assets of Deceased User. Unless the user prohibited disclosure of digital assets or the court directs otherwise, a custodian shall disclose to the personal representative of the estate of a deceased user a catalogue of electronic communications sent or received by the user and digital assets, other than the content of electronic communications, of the user, if the representative gives the custodian:

- (a) A written request for disclosure in physical or electronic form;
- (b) A certified copy of the death certificate of the user;
- (c) A certified copy of the letter of appointment or court order; and
- (d) If requested by the custodian:
 - (1) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;
 - (2) evidence linking the account to the user;
 - (3) an affidavit stating that disclosure of the user's digital assets is reasonably necessary for administration of the estate; or
 - (4) a finding by the court that:
 - (A) the user had a specific account with the custodian, identifiable by the information specified in subparagraph (1); or
 - (B) disclosure of the user's digital assets is reasonably necessary for administration of the estate.

554-A:9 Disclosure of Content of Electronic Communications of Principal. To the extent a power of attorney expressly grants an agent authority over the content of electronic communications sent or received by the principal and unless directed otherwise by the principal or the court, a custodian shall disclose to the agent the content if the agent gives the custodian:

- (a) A written request for disclosure in physical or electronic form;
- (b) An original or copy of the power of attorney expressly granting the agent authority over the content of electronic communications of the principal;

(c) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

(d) If requested by the custodian:

(1) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or

(2) evidence linking the account to the principal.

554-A:10 Disclosure of Other Digital Assets of Principal. Unless otherwise ordered by the court, directed by the principal, or provided by a power of attorney, a custodian shall disclose to an agent with specific authority over digital assets or general authority to act on behalf of a principal a catalogue of electronic communications sent or received by the principal and digital assets, other than the content of electronic communications, of the principal if the agent gives the custodian:

(a) A written request for disclosure in physical or electronic form;

(b) An original or a copy of the power of attorney that gives the agent specific authority over digital assets or general authority to act on behalf of the principal;

(c) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

(d) If requested by the custodian:

(1) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or

(2) Evidence linking the account to the principal.

554-A:11 Disclosure of Digital Assets Held in Trust When Trustee is Original User. Unless otherwise ordered by the court or provided in a trust, a custodian shall disclose to a trustee that is an original user of an account any digital asset of the account held in trust, including a catalogue of electronic communications of the trustee and the content of electronic communications.

554-A:12 Disclosure of Contents of Electronic Communications Held in Trust When Trustee Not Original User. Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose to a trustee that is not an original user of an account the content of an electronic communication sent or received by an original or successor user and carried, maintained, processed, received, or stored by the custodian in the account of the trust if the trustee gives the custodian:

(a) A written request for disclosure in physical or electronic form;

(b) A certified copy of the trust instrument or a certification of the trust under RSA 564-B:10-1013 that includes consent to disclosure of the content of electronic communications to the trustee;

(c) A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and

(d) If requested by the custodian:

(1) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or

(2) Evidence linking the account to the trust.

554-A:13 Disclosure of Other Digital Assets Held in Trust When Trustee Not Original User. Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose, to a trustee that is not an original user of an account, a catalogue of electronic communications sent or received by an original or successor user and stored, carried, or maintained by the custodian in an account of the trust and any digital assets, other than the content of electronic communications, in which the trust has a right or interest if the trustee gives the custodian:

(a) A written request for disclosure in physical or electronic form;

(b) A certified copy of the trust instrument or a certification of the trust under RSA 564-B:10-1013;

(c) A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and

(d) If requested by the custodian:

(1) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or

(2) Evidence linking the account to the trust.

554-A:14 Disclosure of Digital Assets to Conservator, Guardian of the Estate, or Other Duly Authorized Person of Protected Person.

(a) After an opportunity for a hearing under RSA 464-A, the court may grant a conservator, guardian of the estate, or any other person access to the digital assets of a protected person.

(b) Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a conservator, guardian of the estate, or other person so ordered by the court the catalogue of electronic communications sent or received by a protected person and any digital assets, other than the content of electronic communications, in which the protected person has a right or interest if the conservator, guardian of the estate, or other person so ordered by the court gives the custodian:

(1) A written request for disclosure in physical or electronic form;

(2) A certified copy of the court order that gives the conservator, guardian of the estate, or other person authority over the digital assets of the protected person; and

(3) If requested by the custodian:

(A) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the account of the protected person; or

(B) Evidence linking the account to the protected person.

(c) A conservator, guardian of the estate, or other person with general authority to manage the assets of a protected person may request a custodian of the digital assets of the protected person to suspend or terminate an account of the protected person for good cause. A request made under this section shall be accompanied by a certified copy of the court order giving the conservator, guardian of the estate, or other person authority over the protected person's property.

554-A:15 Fiduciary Duty and Authority.

(a) The legal duties imposed on a fiduciary charged with managing tangible property apply to the management of digital assets, including:

(1) The duty of care;

(2) The duty of loyalty; and

(3) The duty of confidentiality.

(b) A fiduciary's or designated recipient's authority with respect to a digital asset of a user:

(1) Except as otherwise provided in RSA 554-A:5, is subject to the applicable terms of service;

(2) Is subject to other applicable law, including copyright law;

(3) In the case of a fiduciary, is limited by the scope of the fiduciary's duties; and

(4) May not be used to impersonate the user.

(c) A fiduciary with authority over the property of a decedent, protected person, principal, or settlor has the right to access any digital asset in which the decedent, protected person, principal, or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.

(d) A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, protected person, principal, or settlor for the purpose of applicable computer fraud and unauthorized computer access laws, including RSA 638:17.

(e) A fiduciary with authority over the tangible, personal property of a decedent, protected person, principal, or settlor:

(1) Has the right to access the property and any digital asset stored in it; and

(2) Is an authorized user for the purpose of computer fraud and unauthorized computer access laws, including RSA 638:17.

(f) A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to the user.

(g) A fiduciary of a user may request a custodian to terminate the user's account. A request for termination shall be in writing, in either physical or electronic form, and accompanied by:

(1) If the user is deceased, a certified copy of the death certificate of the user;

(2) A certified copy of the letter of appointment, court order, power of attorney, or trust giving the fiduciary authority over the account; and

(3) If requested by the custodian:

(A) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(B) Evidence linking the account to the user; or

(C) A finding by the court that the user had a specific account with the custodian, identifiable by the information specified in subparagraph (A).

554-A:16 Custodian Compliance and Immunity.

(a) Not later than 60 days after receipt of the information required under RSA 554-A:7 through 15, a custodian shall comply with a request under this chapter from a fiduciary or designated recipient to disclose digital assets or terminate an account. If the custodian fails to comply, the fiduciary or designated recipient may apply to the court for an order directing compliance.

(b) An order under subsection (a) directing compliance shall contain a finding that compliance is not in violation of 18 U.S.C. Section 2702, as amended.

(c) A custodian may notify the user that a request for disclosure or to terminate an account was made under this chapter.

(d) A custodian may deny a request under this chapter from a fiduciary or designated recipient for disclosure of digital assets or to terminate an account if the custodian is aware of any lawful access to the account following the receipt of the fiduciary's request.

(e) This chapter shall not limit a custodian's ability to obtain or require a fiduciary or designated recipient requesting disclosure or termination under this chapter to obtain a court order which:

(1) Specifies that an account belongs to the protected person or principal;

(2) Specifies that there is sufficient consent from the protected person or principal to support the requested disclosure; and

(3) Contains a finding required by law other than this chapter .

(f) A custodian and its officers, employees, and agents shall be immune from liability for an act or omission done in good faith in compliance with this chapter.

554-A:17 Uniformity of Application and Construction. In applying and construing this chapter, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact the Revised Uniform Fiduciary Access to Digital Assets Act.

554-A:18 Relation to Electronic Signatures in Global and National Commerce Act. This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

554-A:19 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

2 Computer Crime; Definitions. Amend RSA 638:16, II to read as follows:

II. "Authorization" means the express or implied consent given by a person to another, ***including, but not limited to, a fiduciary under RSA 554-A***, to access or use said person's computer, computer network, computer program, computer software, password, identifying code, or personal identification number.

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

EDUCATION

HB 166, relative to assessments administered to pupils in grades 3 through 8.

Ought to Pass, Vote 5-0. Senator Watters for the committee.

This bill amends the schedule for a school district to administer the statewide assessment and requires a school district to develop and administer an assessment in those years in which the statewide assessment is not administered. The Committee believes that this bill will give greater local control and flexibility for assessments while relieving the burden on classroom educational time.

HB 210, relative to a code of ethics for certified educational personnel.

Ought to Pass, Vote 5-0. Senator Ward for the committee.

This bill authorizes the state board of education to adopt rules establishing a code of ethics for certified educational personnel in the areas of a professional's responsibility to the education profession, students, school community, and responsible and ethical use of technology. The majority of professional organizations each have a code of ethics and this bill would provide the same for educators. This legislation is based on the model code of ethics for educators used across the country and only applies to those who are issued certification by the state.

HB 216, relative to educational assignments for pupils who have been suspended.

Ought to Pass, Vote 5-0. Senator Kahn for the committee.

This bill requires a school to make educational assignments available to a suspended student during their period of suspension lasting ten or more school days. This legislation would assist students in staying up to date on their school work so that he or she is set up to succeed as much as possible upon returning to school after this disciplinary measure.

HB 221, relative to the national guard scholarship fund and the New Hampshire national guard education assistance act.

Ought to Pass, Vote 5-0. Senator Giuda for the committee.

This bill makes a modification to the National Guard Scholarship Fund so that these scholarships may be awarded for the purposes of paying for licensing, certifications, books, and fees and not just four-year college tuition programs. For those in the New Hampshire National Guard who are not pursuing a degree, this bill will help these individuals pay for the above-mentioned costs so that they may become better members of the National Guard and productive, contributing members of their community and employees of businesses.

HB 233, relative to the submission of school emergency response plans.

Ought to Pass, Vote 5-0. Senator Kahn for the committee.

This bill requires a school to submit its emergency response plan, and any updates to the plan, to the Department of Education on an annual basis. The Division of Homeland Security and Emergency Management can meet with schools to help craft an emergency response plan that meets each school's needs. Such emergency response plans help to allow schools to be better prepared in the event of natural disasters, active shooters, and the like.

HB 275, prohibiting the inclusion of statewide assessment results in a student's transcript without consent.

Ought to Pass, Vote 5-0. Senator Watters for the committee.

This bill provides that a student's statewide assessment results shall not be a part of a student's transcript without parental consent or consent of a student age 18 years or older. The Senate Education Committee believes that whether or not a student performs well on a statewide assessment is not reflective of a student's potential in their future educational endeavors. A student would still be allowed to choose to include these results on their transcript.

ELECTION LAW AND INTERNAL AFFAIRS

SB 47, relative to enforcement of election laws.

Re-refer to Committee, Vote 5-0. Senator Soucy for the committee.

This bill authorizes the Secretary of State to conduct investigations to determine whether election laws have been violated and to institute enforcement proceedings and impose penalties. Although this concept has merit, the committee needs more time for consideration of this bill.

ENERGY AND NATURAL RESOURCES

HB 428-FN, relative to crossbow hunting by persons 68 years of age and older.

Ought to Pass, Vote 5-0. Senator Feltes for the committee.

This bill allows a person 68 years of age or older to hunt deer by crossbow during the archery deer season without obtaining an additional permit. Currently, the New Hampshire Fish & Game Department allows only those with qualifying disabilities to be able to use a crossbow. Over the years, more people have come to the Department stating they do not have a qualifying disability, but would like to use a crossbow. HB 428 would allow older hunters to continue to enjoy all that New Hampshire's hunting season has to offer, regardless of their age.

HEALTH AND HUMAN SERVICES

SB 151, relative to arbitration agreements in nursing home contracts.

Re-refer to Committee, Vote 5-0. Senator Avard for the committee.

This bill would prohibit a nursing facility from requiring that a patient sign a mandatory arbitration agreement. At the hearing it was clear that there is still a lot of disagreement among all of the stakeholders. By re-referring this bill to committee it gives more time for them to try and reach a compromise.

SB 158, relative to authorization for clinician-prescribed substance use disorder services.

Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

This bill, as amended by the committee, would declare that if substance use disorder services are a covered benefit under a health benefit plan, no utilization review shall be required for 12 months for authorized or otherwise approved medications for a substance use disorder. Utilization reviews can be burdensome on both the patient and the provider and this would ensure that there are no gaps in care for patients undergoing this treatment.

Health and Human Services

March 22, 2017

2017-1043s

01/06

Amendment to SB 158

Amend RSA 420-J:18 as inserted by section 1 of the bill by replacing it with the following:

420-J:18 Authorization for Medication-Assisted Treatment. Whenever substance use disorder services are a covered benefit under a health benefit plan subject to this chapter, a health carrier that has authorized or otherwise approved medication-assisted treatment for such services shall not require a renewal of such authorization more frequently than once every 12 months.

2017-1043s

AMENDED ANALYSIS

This bill declares that if substance use disorder services are a covered benefit under a health benefit plan, a health carrier that has authorized or approved medication-assisted treatment for such services shall not require a renewal of a prior authorization more frequently than once every 12 months.

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

REGULAR CALENDAR

COMMERCE

SB 40, relative to electronic wills.

Ought to Pass with Amendment, Vote 5-0. Senator Sanborn for the committee.

Commerce

March 21, 2017

2017-1011s

01/06

Amendment to SB 40

Amend the bill by replacing section 2 with the following:

2 New Chapter; New Hampshire Electronic Wills Act. Amend RSA by inserting after chapter 551-A the following new chapter:

CHAPTER 551-B
NEW HAMPSHIRE ELECTRONIC WILLS ACT

551-B:1 Definitions. In this chapter:

I. "Certified paper original" means a tangible record that contains the text of an electronic will, including a self-proving affidavit concerning that will if applicable.

II. "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

III. "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record "Electronic signature" includes an electronic notary seal.

IV. "Electronic will" means an instrument, including a codicil, executed by a person in the manner prescribed by this chapter which disposes of the person's property on or after his or her death.

V. "Qualified custodian" means a person who meets the requirements of RSA 551-B:10, I.

551-B:2 Electronic Wills.

I. Every person of the age of 18 years and married persons under that age, of sane mind, may devise and dispose of their property, real and personal, and of any right or interest they may have in any property, by electronic will.

II. Except as otherwise provided in this chapter, all questions as to the force, effect, validity and interpretation of an electronic will that complies with this chapter shall be determined in the same manner as in the case of a will formally executed in accordance with RSA 551:2 or RSA 551:2-a.

551-B:3 Requirements for Electronic Wills. To be valid, an electronic will shall:

I. Be made by a testator qualifying under RSA 551-B:2.

II. Exist in an electronic record.

III. Contain the electronic signature of the testator.

IV. Be electronically signed by 2 or more credible witnesses, who shall, at the request of the testator and in the testator's presence, attest to the testator's electronic signature by placing their electronic signatures on the electronic will.

551-B:4 Self-Proved Electronic Wills. An electronic will is self proved if all of the following requirements are met.

I. The signatures of the testator and the attesting witnesses shall be followed by or logically associated with a declaration by the attesting witnesses, made under penalties of perjury that:

As a witness to the foregoing instrument, I hereby under oath do swear as follows:

1. The testator placed his or her electronic signature on the record as the testator's electronic will.

2. This was the testator's free and voluntary act for the purposes expressed in the electronic will.

3. Each witness (if applicable) placed his electronic signature on the electronic will at the request of the testator, in the testator's presence, and in the presence of the other witness(es).

4. To the best of my knowledge, at the time of the signing the testator was at least 18 years of age, or if under 18 years was a married person, and was of sane mind and under no constraint or undue influence.

II. The electronic will shall designate a qualified custodian to control the electronic record of the electronic will.

III. The electronic record containing the electronic will shall remain under the control of a qualified custodian.

IV. If probate of a certified paper original is sought, the electronic will shall have always been under the control of a qualified custodian before being reduced to such certified paper original.

551-B:5 Revocation of Electronic Wills.

I. Except as provided in paragraph II, no electronic will or clause in such will shall be revoked unless by:

(a) Some other valid will or codicil;

(b) Some writing executed in accordance with the requirements of RSA 557-B:3;

(c) Another electronic will executed in accordance with this chapter; or

(d) Canceling, rendering unreadable, obliterating or otherwise destroying the same, with the intent to revoke it, by:

(1) The testator;

(2) Some person at the testator's direction and in the testator's presence; or

(3) If the will is in the custody of a qualified custodian, by the qualified custodian at the testator's direction and in the testator's presence or pursuant to a writing of the testator executed in accordance with the requirements of RSA 551-B:3.

II. Divorce or annulment of the testator's marriage shall operate to revoke any provision of an electronic will as provided in RSA 551:13, II in the same manner as if such provisions were contained in a will formally executed in accordance with RSA 551:2.

III. Paragraphs I and II shall not control or affect any revocation of an electronic will, implied by law, from any change in the circumstances of the testator, or his or her family, devisees, legatees or estate, occurring between the time of making the will and the death of the testator.

551-B:6 Method and Place of Execution. For purposes of this chapter and for all purposes relating to the execution and filing of any document with any court in any proceeding involving or relating to an electronic will:

I. An individual shall be deemed to be in the presence of or appearing before another individual if:

(a) Such individuals are in the same physical location; or

(b) Such individuals are in remote physical locations but can communicate with each other by means of live video and audio conference.

II. Any requirement that a document be signed may be satisfied by an electronic signature.

III. If a law requires a document that was signed electronically to be presented in its original form, or provides consequences if the document is not presented in its original form, that law is satisfied by a tangible record that contains the text of the signed electronic record.

IV. A document shall be deemed to be executed in this state if all of the following requirements are met:

(a) The person creating the document states that he or she is executing, and that he or she intends to execute, the document in and pursuant to the laws of this state;

(b) The attesting witnesses or the notary public whose electronic signatures are contained in the electronic will were physically located within this state at the time the electronic will was executed in accordance with RSA 551-B:2; and

(c) In the case of an electronic will, the electronic will designates a qualified custodian who, at the time of execution, is domiciled in this state or who is incorporated or organized under the laws of this state.

551-B:7 Application of Electronic Requirements to Advance Directives. For purposes of RSA 137-J, and for all purposes relating to the execution of an advance directive under RSA 137-J:14, I(a) and the execution, or filing with a court, of any document relating to any advance directive executed under RSA 137-J:14, I(a), including the disclosure statements required by RSA 137-J:19 and RSA 137-J:20, the provisions of RSA 551-B:6 shall apply to the execution of the advance directive under RSA 137-J:14, I(a) and to the execution of such related documents or disclosure statements.

551-B:8 Application of Electronic Requirements to Powers of Attorney. For purposes of RSA 506, and for all purposes relating to the execution and filing of any document with any court in any proceeding involving or relating to any power of attorney, the provisions of RSA 551-B:6 shall apply to the execution of the power of attorney and to the execution of the disclosure statements required by RSA 506:6, VI and RSA 506:6, VII.

551-B:9 Probate of Electronic Wills.

I. An electronic will deemed to be executed in this state may be proved and allowed in the court of probate, in common form or solemn form, and the courts of this state shall have jurisdiction over such wills. The venue for the probate of electronic wills shall be as provided in RSA 547:8 and 547:9 or in the county in which the qualified custodian or executor has its domicile or registered office.

II. A certified paper original of the electronic will may be offered for and admitted to probate in the same manner as if it were the original will formally executed in accordance with RSA 551:2.

III. A certified paper original of a self-proved electronic will shall be presumed to be valid.

IV. During his or her life, an individual may commence a judicial proceeding to determine the validity of his or her electronic will, subject only to the electronic will's subsequent modification or revocation, in accordance with RSA 552:18, in the same manner as if it were the original will formally executed in accordance with RSA 551:2. For purposes of commencing the proceeding under this section, the individual shall be domiciled in this state or own real property in this state or the individual's electronic will shall be deemed to be executed in this state under RSA 551-B:6.

V. An electronic will that is executed or deemed executed in another state in accordance with the laws of such other state or of this state shall be a valid electronic will in this state.

551-B:10 Qualified Custodians; Requirements.

I. To serve as a qualified custodian of an electronic will, a person shall:

- (a) For a given testator and electronic will, not be an heir, beneficiary, or devisee.
- (b) Be domiciled in and a resident of this state or be incorporated or organized in the state.
- (c) Consistently employ a system for ensuring the safekeeping of electronic records.
- (d) Create and store in the electronic record of the electronic will each of the following:

(1) A photocopy, photograph, facsimile or other visual record of a document taken by the qualified custodian contemporaneously to the execution of the electronic will that provides, the for the testator and each of the attesting witnesses, satisfactory proof of the identity within the meaning of RSA 456-B:2, VI.

(2) An audio and video recording of the testator and attesting witnesses taking the actions described in RSA 551-B:3 or RSA 551-B:4.

(e) Furnish for any court hearing a matter involving an electronic will that is currently or was previously stored by the qualified custodian any information requested by the court pertaining to the qualified custodian's qualifications, policies, and practices related to the creation, sending, communication, receipt, maintenance, storage, and production of electronic wills.

II. In dealing with the electronic record of an electronic will, the qualified custodian:

(a) Shall provide access or information concerning or the certified paper original of such electronic will only to the testator and such other persons as directed by the written instructions of the testator and, after the testator's death, the executor or any person beneficially interested; and

(b) May, in its absolute discretion, elect to destroy such electronic record at any time following:

- (1) The 5th anniversary of the admission of any will of the testator to probate;
- (2) The 5th anniversary of the revocation of such electronic will;
- (3) The 5th anniversary of ceasing to serve as qualified custodian under paragraphs IV or V; or
- (4) The 100th anniversary of the execution of such electronic will.

III. Upon the written instructions of the testator executed in accordance with RSA 551-B:3, a qualified custodian who at any time maintains custody of the electronic record of the testator's electronic will shall cancel, render unreadable, or obliterate the electronic record containing the electronic will.

IV. A qualified custodian who at any time maintains custody, the electronic record of an electronic will may elect to cease to serve in such capacity by:

(a) If the outgoing qualified custodian is not designating a successor qualified custodian:

(1) Delivering 30 days' written notice that the outgoing qualified custodian of the electronic will has elected to cease serving in such capacity to the testator, if then living, or, after the death of the testator, to the testator's executor or a person beneficially interested; and

(2) Delivering the certified paper original of, and all records concerning, the electronic will to the testator, if then living, or, after the death of the testator, to the executor or such person beneficially interested.

(b)(1) If the outgoing qualified custodian is designating a successor qualified custodian:

(A) Delivering 30 days' written notice that the outgoing qualified custodian of the electronic will has elected to cease to serve in such capacity to the testator (if then living, or, after the testator's death, to the duly appointed administrator of the testator's estate) and to a successor qualified custodian designated by the outgoing qualified custodian.

(B) Delivering the electronic record of the electronic will to such successor qualified custodian.

(C) Delivering to such successor qualified custodian an affidavit of the outgoing qualified custodian stating that:

(i) The outgoing qualified custodian is eligible to act as a qualified custodian in this state;

(ii) The outgoing qualified custodian is the qualified custodian designated by the testator in the electronic will or otherwise duly appointed to act in such capacity;

(iii) An electronic record was created at the time the testator made the electronic will;

(iv) The electronic record has been in the control of one or more qualified custodians since the time the electronic record was created, and the identity of such qualified custodians; and

(v) The electronic record has not been altered since the time the electronic record was created.

(2) For the purposes of making the affidavit under this subparagraph, the outgoing qualified custodian shall be entitled to rely conclusively on any affidavits delivered by a predecessor qualified custodian in connection with its designation or appointment as qualified custodian provided that all such affidavits are delivered to the successor qualified custodian.

V. Upon the written request of the testator during his or her life, a qualified custodian who at any time maintains custody of the electronic record of the testator's electronic will shall cease to serve in such capacity and shall deliver either to the testator, the certified paper original, or to a successor qualified custodian designated in writing by the testator:

(a) The electronic record; and

(b) The affidavit of the outgoing qualified custodian as described in subparagraph IV(b)(1)(C).

VI. No qualified custodian shall effectively succeed to office as a qualified custodian of an electronic will, and no outgoing qualified custodian shall be effectively discharged from office, unless and until such successor shall affirmatively agree in writing to serve in such capacity.

VII. If a qualified custodian is an entity, an affidavit of a duly authorized officer or agent of such entity shall constitute the affidavit of the qualified custodian.

551-B:11 Affidavit for Certified Paper Original. A person who creates a certified paper original shall make an affidavit that satisfies the following requirements.

I.(a) If the electronic will has always been under the control of a qualified custodian, the qualified custodian shall state in an affidavit that:

(1) The qualified custodian is eligible to act as a qualified custodian in this state;

(2) The qualified custodian is the qualified custodian designated by the testator in the electronic will or appointed to act in such capacity under RSA 551-B:10, IV(b) or V;

(3) An electronic record was created at the time the testator made the electronic will;

(4) The electronic record has been in the control of one or more qualified custodians since its creation, and the identity of such qualified custodians;

(5) To the best of his, her or its knowledge, the electronic record has not been altered since its creation;

(6) The certified paper original is a true, correct, and complete tangible manifestation of the electronic will; and

(7) The qualified custodian has in its custody the records required under 551-B:10, I(d).

(b) For purposes of making this affidavit, the qualified custodian shall be entitled to rely conclusively on any affidavits delivered by a predecessor qualified custodian in connection with its designation or appointment as qualified custodian.

II. If the electronic will has not always been under the control of a qualified custodian, the person who discovered the electronic will and the person who reduced the electronic will to paper shall each state in an affidavit to the best of their knowledge:

(a) When the electronic will was created, if not indicated in the electronic will itself;

(b) When and how the electronic will was discovered, and by whom;

(c) All of the people who had access to the electronic will;

(d) The method in which the electronic will was stored and what safeguards were in place to prevent alterations to the electronic will;

(e) Whether the electronic will has been altered since its creation; and

(f) That the certified paper original is a true, correct, and complete tangible manifestation of the electronic will.

III. A person who acts in reliance upon a certified paper original without knowledge that the representations contained therein are incorrect shall not be liable to any person for so acting and may assume without inquiry the existence of the facts contained in the certified paper original.

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

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

SB 82, relative to labeling for maple syrup.

Inexpedient to Legislate, Vote 3-0. Senator Innis for the committee.

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

EDUCATION

HB 122, relative to withdrawal from a cooperative school district.

Re-refer to Committee, Vote 5-0. Senator Giuda for the committee.

The question is on the adoption of the motion of Re-refer to Committee. Adopted.

ELECTION LAW AND INTERNAL AFFAIRS

SB 110, establishing the painted turtle as the state reptile.

Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

Election Law and Internal Affairs

March 22, 2017

2017-1051s

08/04

Amendment to SB 110

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

AN ACT declaring the painted turtle to be the reptile of the biennium.

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

1 Reptile of the Biennium. The general court of the state of New Hampshire finds that the painted turtle (*Chrysemys picta*) is a vital part of the New Hampshire ecosystem which has adapted to our long, cold winters by hibernating in the sand under the state's many beautiful lakes, ponds, and other bodies of water. The general court further finds that as the painted turtle was named such from the red, orange, and yellow markings on its head, neck, and tail which look like the strokes of an artist's brush, it makes a colorful and suitable complement to many of the other animals which have come to symbolize the state of New Hampshire such as the white tailed deer and the purple finch. Therefore, in recognition of the notability of the painted turtle, the general court of the state of New Hampshire declares the painted turtle (*Chrysemys picta*) to be the reptile of the biennium.

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

2017-1051s

AMENDED ANALYSIS

This bill declares the painted turtle to be the reptile of the biennium.

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

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

HB 91, relative to General John Stark Day.

Ought to Pass, Vote 5-0. Senator Soucy for the committee.

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

HB 262, establishing the blackberry as the state berry.

Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

Election Law and Internal Affairs

March 22, 2017

2017-1053s

08/04

Amendment to HB 262

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

AN ACT declaring the common blackberry to be the berry of the biennium.

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

1 Berry of the Biennium. The general court of the state of New Hampshire finds that the common blackberry (*Rubus allegheniensis*) is a vital part of the New Hampshire ecosystem and as such declares the common blackberry (*Rubus allegheniensis*) to be the berry of the biennium.

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

2017-1053s

AMENDED ANALYSIS

This bill declares the common blackberry to be the berry of the biennium.

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

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

ENERGY AND NATURAL RESOURCES

SB 126, relative to eligibility of hospitals with renewable energy projects for funds from the renewable energy fund.

Ought to Pass, Vote 4-1. Senator Fuller Clark for the committee.

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

HB 591-FN, relative to suction dredging in the surface waters of the state.

Inexpedient to Legislate, Vote 4-0. Senator Bradley for the committee.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 184-FN, relative to the license requirement for medical imaging and radiation therapy and relative to registration by practitioners with the board of medical imaging and radiation therapy.

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.

HB 595-FN, relative to positions in the corporations division of the secretary of state's office.

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 the Committee on Finance (Rule 4-5).

INTRODUCTION OF GUESTS

Senator Watters introduced Samantha Leiper who is attending the University of New Hampshire, and interning for the New Hampshire Alzheimer's Association.

HEALTH AND HUMAN SERVICES

SB 65, relative to vaccines administered by pharmacists.

Ought to Pass, Vote 4-0. Senator Gray for the committee.

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

SB 150, relative to pharmacist administration of vaccines.

Ought to Pass, Vote 4-0. Senator Gray for the committee.

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

SB 157, relative to network adequacy and consumer rights under the managed care law.

Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Health and Human Services

March 22, 2017

2017-1042s

01/06

Amendment to SB 157

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

2 New Section; Notice of Consumer Rights. Amend RSA 420-J by inserting after section 7-d the following new section:

420-J:7-e Notice of Consumer Rights. A health carrier shall, at least annually, in a conspicuous communication as approved by the commissioner which may be included as an insert in an annual mailing, notify each covered person of his or her consumer rights under this chapter, including, but not limited to, appeal rights and the ability to access services out-of-network in the event covered services are not available in-network. A health carrier shall also notify covered persons of the right to access out-of-network services when the covered person contacts the health carrier directly requesting assistance finding clinically appropriate in-network care.

3 Effective Date. This act shall take effect January 1, 2018.

2017-1042s

AMENDED ANALYSIS

This bill adds rulemaking for persons with substance use disorder for the purposes of the managed care law. This bill also requires health carriers to notify covered persons of their consumer rights under RSA 420-J.

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

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

Sen. Feltes, Dist 15

March 28, 2017

2017-1174s

01/05

Floor Amendment to SB 157

Amend RSA 420-J:7-e as inserted by section 2 of the bill by replacing it with the following:

420-J:7-e Notice of Consumer Rights. A health carrier shall, at least annually, in a conspicuous communication as approved by the commissioner which may be included as an insert in an annual mailing or by electronic communication, notify each covered person of his or her consumer rights under this chapter, including, but not limited to, appeal rights and the ability to access services out-of-network in the event covered services are not available in-network. A health carrier shall also notify covered persons of the right to access out-of-network services when the covered person contacts the health carrier directly requesting assistance finding clinically appropriate in-network care. A health carrier shall also provide notification to covered persons of their right to appeal whenever a covered person contacts the health carrier and coverage has been denied.

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

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

SB 159, relative to qualifying medical conditions for the purposes of therapeutic cannabis.
Ought to Pass, Vote 4-0. Senator Hennessey for the committee.

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

Senator Morse is in opposition to the motion of Ought to Pass on SB 159.

SB 160, authorizing religious nonmedical personnel, consistent with Centers for Medicare and Medicaid Services guidelines, to certify eligibility for walking disability plates and placards.
Ought to Pass, Vote 4-0. Senator Fuller Clark for the committee.

Recess. Out of recess.

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

SB 161, establishing a commission to evaluate the direct care workforce and preparedness of long-term care and support services for aging adults with dementia or other cognitive brain injuries.
Ought to Pass with Amendment, Vote 4-0. Senator Avard for the committee.

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Amendment to SB 161

Amend RSA 151-E:21, I(a)(8) and (9) as inserted by section 1 of the bill by replacing them with the following:

(8) A representative of a long-term care facility, appointed by the New Hampshire Health Care Association.

(9) The long-term care ombudsman, or designee.

(10) A representative of a statewide association representing nonprofit housing and senior services programming, appointed by the president of the senate.

Amend RSA 151-E:21, III as inserted by section 1 of the bill by replacing it with the following:

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

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

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

JUDICIARY

HB 259-FN, relative to the records of the probate court.
Ought to Pass, Vote 4-0. Senator French for the committee.

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

TRANSPORTATION

HB 479-FN, authorizing Rotary Foundation number plate decals.
Ought to Pass, Vote 4-0. Senator Watters for the committee.

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

MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

LATE SESSION
LIST OF RULE 6-25'S FOR THE DAY

Senator Sanborn: SB 40, SB 47, SB 65, SB 82, SB 85, SB 86, SB 91, SB 92, SB 93, SB 110, SB 119, SB 126, SB 150, SB 151, SB 154, SB 155, SB 157, SB 158, SB 159, SB 160, SB 161, SB 249, HB 91, HB 122, HB 166, HB 184-FN, HB 210, HB 216, HB 221, HB 233, HB 259-FN, HB 262, HB 275, HB 428-FN, HB 479-FN, HB 591-FN, HB 595-FN

Senator Woodburn: SB 155

LATE SESSION
Third Reading and Final Passage

SB 40, relative to electronic wills.
SB 65, relative to vaccines administered by pharmacists.
SB 85, amending the Uniform Securities Act.
SB 93, relative to adoption of the Uniform Access to Digital Assets Act.
SB 110, declaring the painted turtle to be the reptile of the biennium.
SB 126, relative to eligibility of hospitals with renewable energy projects for funds from the renewable energy fund.
SB 150, relative to pharmacist administration of vaccines.
SB 157, relative to network adequacy and consumer rights under the managed care law.
SB 158, relative to authorization for clinician-prescribed substance use disorder services.
SB 159, relative to qualifying medical conditions for the purposes of therapeutic cannabis.
SB 160, authorizing religious nonmedical personnel, consistent with Centers for Medicare and Medicaid Services guidelines, to certify eligibility for walking disability plates and placards.
SB 161, establishing a commission to evaluate the direct care workforce and preparedness of long-term care and support services for aging adults with dementia or other cognitive brain injuries.
HB 91, relative to General John Stark Day.
HB 166, relative to assessments administered to pupils in grades 3 through 8.
HB 184-FN, relative to the license requirement for medical imaging and radiation therapy and relative to registration by practitioners with the board of medical imaging and radiation therapy.
HB 210, relative to a code of ethics for certified educational personnel.
HB 216, relative to educational assignments for pupils who have been suspended.
HB 221, relative to the national guard scholarship fund and the New Hampshire national guard education assistance act.
HB 233, relative to the submission of school emergency response plans.
HB 259-FN, relative to the records of the probate court.
HB 262, declaring the common blackberry to be the berry of the biennium.
HB 275, prohibiting the inclusion of statewide assessment results in a student's transcript without consent.
HB 428-FN, relative to crossbow hunting by persons 68 years of age and older.
HB 479-FN, authorizing Rotary Foundation number plate decals.

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.