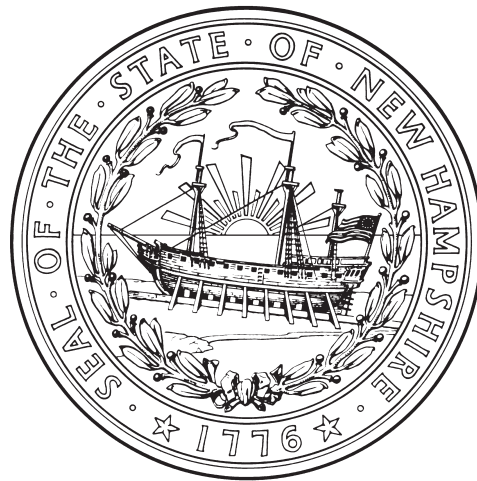


**March 30, 2017  
Nos. 11-12**

# **STATE OF NEW HAMPSHIRE**

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



**First Year of the 165<sup>th</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – MARCH 29, 2017 SESSION  
COMMENCEMENT – MARCH 30, 2017 SESSION**

# SENATE JOURNAL 11 *(continued)*

*March 29, 2017*

Out of Recess. Call the 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 12

*March 30, 2017*

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

The Reverend Jon Hopkins, chaplain to the Senate, offered the following prayer:

Let us pray.

*Dear God, we're reminded that we come here today not alone, but with those who have gone before us and those who come after us. We're reminded today that we come to this place standing on the shoulders of those who have come before us. We stand in the shadow of men and women who heard the call of public service and built up our democracy with passion and integrity. We're reminded today that we come to this place to make laws that will reverberate for years to come; we make laws not just for us, but for our children who come after us. It is because of this that we remember our sacred duty within this chamber to give of our best selves, to give our hearts and minds that will produce just laws that will honor those who have come before us and help those who come after us. Be with us today, God, as we make decisions, listen to each other and vote our conscience. Help us to be wise, brave and compassionate so that those that come next will look back and be proud of the work we have done here today. Amen.*

Senator Lasky led the Pledge of Allegiance.

## INTRODUCTION OF GUESTS

Senator Bradley introduced his special guest, Karen McNiff.

## INTRODUCTION OF PAGES

Senator Woodburn introduced Trevor Greene, from North Country Charter Academy in Lancaster, serving as a Senate Page for the day.

Senator Giuda introduced Colby Horne, from North Country Charter Academy in Littleton, serving as a Senate Page for the day.

## INTRODUCTION OF GUESTS

Senator Morse introduced Josh McElveen, political director, news anchor, and reporter for WMUR News 9.

Senator Giuda recognized Josh McElveen for his service in the United States Marine Corps.

## REGULAR CALENDAR

### COMMERCE

SB 86, relative to the regulation of banks, trusts, and credit unions by the banking department. Ought to Pass with Amendment, Vote 5-0. Senator Innis for the committee.

Commerce

March 22, 2017

2017-1049s

08/04

### Amendment to SB 86

Amend RSA 383-B:10-1004 as inserted by section 10 of the bill by replacing it with the following:

## 383-B:10-1004 Interstate Establishment or Acquisition of Branch Offices by Depository Banks.

(a) A depository bank may establish a branch in any state or may acquire one or more branch offices of a foreign bank in any state under federal law and the laws of the other state. The depository bank shall **submit an application to establish or acquire a branch office to the commissioner under RSA 383-A:6-602. The depository bank may proceed to establish or acquire the branch office if it is permitted to do so by the commissioner under RSA 383-A:6-604.** ~~[be required to follow all procedures and to obtain all approvals necessary to establish or acquire a branch office under New Hampshire law. The depository bank shall provide the commissioner with written notice of the proposed establishment or acquisition of a branch as required under RSA 383-A:6-602 and file with the commissioner a copy of each application or notice filed with federal or other state regulatory authorities relating to the transaction at the same time such application or notice is filed with such federal or other state regulatory authorities. A depository bank may proceed to establish or acquire the branch if it is permitted to do so by the commissioner under RSA 383-A:6-604.]~~ The depository bank shall have all the powers under the laws of the state in which each branch office is located, subject to the duties and restrictions thereof. In addition to any regulation by regulatory authorities in the state where a branch office is located, each branch of the depository bank located outside of New Hampshire shall be subject to regulation by the commissioner as if such branch office were located in New Hampshire and shall comply with New Hampshire law in the conduct of its banking business in such other state unless otherwise required or permitted under the laws of such other state.

(b) A foreign bank may establish one or more new branch offices in New Hampshire or may acquire one or more branch offices from a depository bank or a national bank or federal savings bank having its principal place of business in New Hampshire. The foreign bank shall **submit an application to establish or acquire the branch office to the commissioner under RSA 383-A:6-602. The foreign bank may proceed to establish or acquire the branch office if it is permitted to do so by the commissioner under RSA 383-A:6-604.** ~~[be required to obtain all approvals necessary to establish or acquire a branch office under RSA 383-B:7-702.]~~ No branch office may be established or acquired if it will result in a violation of the deposit limitation contained in RSA 383-B:7-702(a). The foreign bank shall ~~[provide the commissioner with written notice of the proposed establishment or acquisition of a branch office as required under RSA 383-A:6-602 and]~~ file with the commissioner a copy of each application or notice filed with federal or other state regulatory authorities relating to the establishment or acquisition of a branch office or branch offices at the same time such application or notice is filed with such federal or other state regulatory authorities. ~~[A foreign bank may proceed to establish or acquire the branch if it is permitted to do so by the commissioner under RSA 383-A:6-604.]~~ The foreign bank shall have all the powers held by a depository bank with respect to the operation of the branch office or branch offices located in New Hampshire under New Hampshire law, subject to the duties and restrictions thereof. Each branch office located in New Hampshire of a foreign bank, other than a national bank or federal savings association, shall be regulated by the commissioner as if the branch office were a branch office of a depository bank. Any foreign bank having a branch office located in New Hampshire shall comply with New Hampshire law in the conduct of its banking business in New Hampshire. No branch office of a foreign bank shall be permitted to engage in any activity not permissible for a depository bank. Notwithstanding the foregoing, if the foreign bank is a national bank or a federal savings association, it shall comply with New Hampshire law to the maximum extent allowed under federal law.

Amend RSA 383-C:7-702 as inserted by section 11 of the bill by replacing it with the following:

383-C:7-702 Opening or Relocation of Trust Office. Before opening or relocating a trust office, ~~[other than an opening or relocation that is expressly provided in the trust company's business plan approved by the commissioner, a trust company that, under the MOECA components under the Uniform Interagency Trust Rating System, has a composite rating of at least 2 as a result of its most recent examination by the commissioner, shall provide the commissioner with written notice of its proposal to open or relocate a trust office as required under RSA 383-A:6-602. All other trust companies]~~ **a trust company that has been transacting business for more than 3 years** shall submit ~~[an application]~~ **a notice** to establish a trust office under RSA 383-A:6-602. **During the first 3 years of transacting business, a company shall submit an application to open or relocate a trust office unless the opening or relocation is expressly provided in the trust company's business plan as approved by the commissioner.** A trust company **that submits such an application** may proceed with the opening or relocation of the trust office if permitted by the commissioner under RSA 383-A:6-604.

Amend the bill by replacing all after section 11 with the following:

12 Amendment of Bylaws. Amend RSA 383-E:3-311 to read as follows:

383-E:3-311 Amendment of Bylaws. The board of directors of a credit union may, by majority vote, amend the bylaws if the credit union files ~~[a notice of]~~ **an application describing** the proposed amendment under RSA 383-A:6-601 and it is permitted to do so by the commissioner based on the considerations set forth in RSA 383-E:3-301, as applicable.

13 Material Change in Operating Conditions. Amend RSA 383-E:3-312 to read as follows:

383-E:3-312 Material Change in Operating Conditions. If a board of directors of a credit union proposes to make a material change in the strategic plan, funding plan or other factors considered by the commissioner in granting a charter to the credit union within 5 years of its receipt of a certificate to engage in business under RSA 383-E:3-310, the board may not make such change unless it ~~[gives notice thereof]~~ **submits an application seeking approval of the change** to the commissioner as provided in RSA 383-A:6-602 and it is permitted to do so by the commissioner.

14 Transactions Involving Assets and Liabilities. Amend RSA 383-E:4-417 to read as follows:

383-E:4-417 Transactions Involving Assets and Liabilities. A credit union may purchase assets from and assume liabilities of, or sell assets and transfer liabilities to, a bank, state credit union, federal credit union, or foreign credit union if it files an application with the commissioner under RSA 383-A:6-602 ~~[and is permitted to do so by the commissioner under RSA 383-A:6-604]~~, subject to other federal or state regulatory approvals.

15 Branching Authority. Amend RSA 383-E:9-901(b) and (c) to read as follows:

(b) ~~[A credit union that is well capitalized under applicable federal law and has a composite CAM-ELS rating of at least 2 as a result of its most recent examination by its federal regulatory authority or the commissioner, shall provide the commissioner with notice of its proposal to establish or acquire a branch office as required under RSA 383-A:6-602.]~~ All ~~[other]~~ credit unions shall submit an application to establish **or acquire** a branch office **to the commissioner** under RSA 383-A:6-602. A credit union may proceed to establish or acquire the branch office if it is permitted to do so by the commissioner **under RSA 383-A:6-604**.

(c) A foreign credit union may establish or acquire a branch office in this state if a state credit union would be permitted to do so in the state in which its principal office is located under conditions no more restrictive than those imposed by the laws of this state as determined by the commissioner. The foreign credit union shall submit ~~[a notice or]~~ **an** application to establish or acquire a branch **office** to the commissioner under RSA 383-A:6-602. ~~[and may proceed to do so if permitted by the commissioner.]~~ **The foreign credit union may proceed to establish or acquire the branch office if it is permitted to do so by the commissioner under RSA 383-A:6-604.**

16 Branch Closings and Relocations. Amend RSA 383-E:9-902 to read as follows:

383-E:9-902 Branch Closings and Relocations.

(a) A credit union may close a branch office upon the affirmative vote of a majority of its board of directors, but the closing shall not occur until the credit union has filed notice of the branch office closing with the commissioner under RSA 383-A:6-602 ~~[and it is permitted to do so by the commissioner]~~. The credit union shall be required to comply with federal requirements for branch closings.

(b) A credit union may relocate a branch office upon the affirmative vote of a majority of its board of directors, but the relocation shall not occur until the credit union has filed notice of the branch office relocation with the commissioner under RSA 383-A:6-602 ~~[and it is permitted to do so by the commissioner]~~. The credit union shall be required to comply with federal requirements for branch relocations.

17 Regulatory Approval Procedures. Amend RSA 383-A:6-601 through RSA 383-A:6-603 to read as follows:

383-A:6-601 Notices and Applications. This article applies to all persons **who are (i)** seeking to engage in an act or transaction under the Banking Act or Credit Union Act that requires the prior review and approval by the commissioner, **or (ii) required to provide notice to the commissioner under the Banking Acts or the Credit Union Act**. The commissioner shall have the power to adopt rules relating to the forms and procedures related to filings required under this article.

83-A:6-602 Filing Procedure.

(a) A person seeking to engage in any act or transaction under the Banking Acts ~~[and]~~ **or** the Credit Union Act, that requires the prior review of the commissioner shall ~~[make a notice filing or]~~ submit a written application, as appropriate, with the commissioner. ~~[For purposes of this article, "filer" means the person filing the notice or application.]~~

**(b) A person required to provide notice to the commissioner under the Banking Acts or the Credit Union Act shall submit a written notice to the commissioner in such form as the commissioner may prescribe.**

**(c) For purposes of this article, "filer" means the person filing the notice or application.** The filer shall provide such relevant information as the commissioner may require with respect to the act or transaction under law or rules adopted by the commissioner.

~~[(e)]~~ **(d)** The filer shall pay an administrative fee in accordance with RSA 383-A:6-609. No notice or application shall be considered by the commissioner until payment of the enumerated fee has been received.

~~[-(d)]~~ **(e)** The filer shall provide to the commissioner a copy of any application ~~[and]~~ **or** notice filed with any other regulatory authority relating to the act or transaction at the time the application ~~[and]~~ **or** notice is made.

#### 383-A:6-603 Substantial Completeness of Filing.

(a) The commissioner shall examine each ~~[notice or]~~ application filed under RSA 383-A:6-602 to determine whether it complies with applicable filing requirements, including payment of any required fee. No later than 30 days after receipt of the filing by the commissioner, the ~~[notice or]~~ application shall be deemed substantially complete unless the commissioner notifies the filer within the 30-day period that it is not substantially complete or requests the person to submit additional information.

(b) The filer may re-file the ~~[notice or]~~ application with required modifications or submissions. If the re-filing is made within 90 days after receipt of commissioner's notice, then the initial filing fee shall cover the re-filing, and no additional filing fee shall be required to be paid. If the re-filing is made after the expiration of the 90-day period, then a new fee must be paid. The commissioner shall then determine whether the re-filed ~~[notice or]~~ application is substantially complete within 30 days after receipt of the re-filing and shall so notify the person.

(c) ~~[-A notice or]~~ **An** application deemed substantially complete under this section shall be subject to final determination by the commissioner under RSA 383-A:6-604.

18 Regulatory Approval Procedures; Determination. RSA 383-A:6-604 is repealed and reenacted to read as follows:

#### 383-A:6-604 Determination.

(a) Within 10 business days after receipt of a notice, the commissioner shall issue a written acknowledgment of receipt of the notice to the filer.

(b) Within 60 days after the application is deemed substantially complete under RSA 383-A:6-603, the commissioner shall issue:

(1) A decision approving or denying the application, in whole or in part, including any conditions of approval the commissioner deems necessary or advisable; or

(2) A notice that further investigation or examination is required, including the possibility of soliciting public comment by hearing or otherwise.

(c) Upon completion of any further investigation or examination under subsection (b)(2), the commissioner shall issue a decision approving or denying the application, in whole or in part, including any conditions of approval the commissioner deems necessary or advisable.

19 Dissolution. Amend RSA 383-C:10-1004 through RSA 383-C:10-1006 to read as follows:

#### 383-C:10-1004 **Application for** Dissolution ~~[Notice]~~.

**(a) [A] Before a** trust company ~~[-seeking to]~~ **may** dissolve its charter **under RSA 383-A:10-1002 or RSA 383-A:10-1003, the trust company** shall file ~~[a]~~ **with the commissioner an application for** dissolution ~~[notice with the commissioner under RSA 383-A:6-602 and this section]~~.



(b) The ~~[dissolution notice]~~ **application** shall include a comprehensive plan of dissolution setting forth the proposed disposition of all assets and liabilities in reasonable detail to effect the liquidation or reorganization. ~~[Among other things, the]~~

(c) ~~The~~ plan of dissolution shall ~~[provide for the]~~ **include arrangements for:**

(1) ~~The~~ discharge or assumption of all of the trust company's known or unknown claims and liabilities; ~~[and the transfer of all of its responsibilities as a trustee or other fiduciary to a successor trustee or trustees or other fiduciaries. Additionally, the dissolving]~~

(2) **With respect to each trust of which it serves as a trustee, trust advisor, or trust protector, the appointment of a successor trustee, trust advisor, or trust protector; and**

(3) **With respect to each other account or arrangement of which it serves as a fiduciary, the appointment of a successor fiduciary.**

(d) **In connection with any further investigation or examination that the commissioner conducts in accordance with RSA 383-A:6-604, the** trust company shall provide to the commissioner ~~[such other]~~ **any** certifications, affidavits, documents, ~~[or]~~ **and** information with respect to the dissolution as the commissioner may ~~[require to understand how]~~ **request concerning:**

(1) **How** assets and liabilities will be disposed of; ~~[the]~~

(2) **The** timetable for effecting disposition of trust company assets and liabilities~~;~~; and

(3) ~~[the]~~ **The** dissolving trust company's proposal for dealing with any claims that are asserted after the dissolution has been completed.

383-C:10-1005 Commissioner Determination. After receipt of ~~[a notice of trust company]~~ **an application for** dissolution under RSA 383-C:10-1004, the commissioner shall make a determination under RSA 383-A:6-604.

383-C:10-1006 Completion of Plan of Dissolution.

(a) Upon issuance ~~[by the commissioner of a no-objection letter or a determination]~~ of **the commissioner's decision approving** ~~[approval in response to]~~ a **trust company's application for** dissolution ~~[notice under RSA 383-C:10-1004]~~, the trust company may dissolve in accordance with the terms of its **application for** dissolution ~~[notice]~~ and plan for dissolution.

(b) Upon completion of all actions required under the plan for dissolution and **compliance with** any conditions prescribed by the commissioner, the ~~[dissolving]~~ trust company shall submit a report of its actions to the commissioner. ~~[and the dissolving]~~

(c) **The** trust company's board of directors shall certify, under oath, that ~~[it]~~ **the report** is true and correct.

(d) Following receipt of the report, the commissioner may examine the trust company to determine whether: ~~[the commissioner is satisfied that all]~~

(1) **All** required actions have been taken to liquidate or reorganize the trust company in accordance with the plan for dissolution; and

(2) **The trust company complied with** any conditions prescribed **by the commissioner**. ~~[Following receipt of the dissolving]~~

(e) **After receiving the** trust company's report, ~~[and after]~~ determining that the **required actions under the** plan for dissolution **have been completed**, and **determining that the trust company complied with** any conditions prescribed **by the commissioner** ~~[have been satisfied]~~, the commissioner shall notify the ~~[dissolving]~~ trust **company** that the dissolution has been completed and is final~~;~~.

(1) **The** ~~[which]~~ notice shall supplement the ~~[prior no-objection or]~~ approval of **the application for** dissolution issued by the commissioner under RSA 383-A:6-604. ~~[Thereupon, the dissolving]~~

(2) **After receiving the notice, the** trust company shall surrender its charter to the commissioner, and the commissioner shall issue a certificate of dissolution, ~~[to be filed]~~ **which the trust company shall file** with the secretary of state **in accordance with RSA 383-C:10-1007.**

(f) If the commissioner is not satisfied that all required actions have been taken **or the trust company has not complied with all of the conditions prescribed by the commissioner**, then the commissioner shall notify the dissolving trust company what additional actions shall be taken to be eligible for a certificate of dissolution~~[which]~~.

(1) *The* notice shall supplement the ~~[prior no-objection or]~~ approval of *the application for* dissolution issued by the commissioner under RSA 383-A:6-604.

(2) In the notice, the commissioner may establish a deadline for the submission of evidence that the additional actions have been taken.

(3) The commissioner may extend the deadline for good cause shown.

(4) If, *before the deadline*, the [applicant] *trust company* fails to ~~[file a supplemental report showing]~~ *submit evidence* that the additional actions have been taken ~~[before the deadline, or submits a report that is found not to be satisfactory by]~~ *or* the commissioner *determines that the submitted evidence is inadequate or otherwise unsatisfactory*, then the commissioner may ~~[issue an order under RSA 383-A:6-604 denying the dissolution and reversing any prior approval or no-objection]~~ *revoke its approval of the application for dissolution*.

20 Repeal. RSA 383-A:6-605, relative to further investigation or examination, is repealed.

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

Recess. Out of recess.

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

Senator Innis offered a floor amendment.

Sen. Innis, Dist 24

March 28, 2017

2017-1170s

08/04

#### Floor Amendment to SB 86

Amend the bill by inserting after section 19 the following and renumbering the original sections 20 and 21 to read as 22 and 23, respectively:

20 Cross Reference Change; Additional Information. Amend RSA 383-A:6-606 to read as follows:

383-A:6-606 Additional Information. At any time after any notice or application is determined to be substantially complete under RSA 383-A:6-603 and before the issuance of a final determination by the commissioner under RSA 383-A:6-604(a)[; *or* RSA 383-A:6-604(b), ~~[or RSA 383-A:6-605,]~~ the commissioner may request the filer to provide additional information and may deny any notice or application for failure of the person to timely provide the requested information.

21 Cross Reference Change; Appeal. Amend RSA 383-A:6-608 to read as follows:

383-A:6-608 Appeal. The commissioner's final determination under RSA 383-A:6-604 ~~[or RSA 383-A:6-605]~~ may be appealed under RSA 541.

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.

#### ENERGY AND NATURAL RESOURCES

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

Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Energy and Natural Resources

March 23, 2017

2017-1099s

08/10

#### Amendment to SB 119

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

AN ACT relative to the length of docks on a water body, water body size.

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

1 New Paragraph; Excavating and Dredging Permits; Exemption for Temporary Docks, Boatlifts, and Personal Watercraft Lifts. Amend RSA 482-A:3 by inserting after paragraph IV-a the following new paragraph:

IV-b. Any existing or grandfathered dock extension shall be exempt from permitting, provided that a notification is sent to the department by the owner of the property that includes the name and address of the property owner, the municipality, the waterbody, and tax map and lot number on which the proposed dock will be seasonally extended. The installation of a temporary dock under this paragraph shall not create any new rights to the land or water on which such temporary dock is placed. To qualify for an exemption under this paragraph, a temporary seasonal dock extension shall be:

- (a) Constructed to be an extension of an existing permitted or grandfathered dock;
- (b) Constructed to be removed during the non-boating season;
- (c) Removed from the lake bed for a minimum of 5 months a year;

(d) On bodies of water of over 1,000 acres, no more than a maximum total length of 50 feet including the existing dock or 450 square feet, such that at the end of the dock the water level shall be 4 feet of water as measured at normal full lake level; nor more than a maximum of 40 feet in length, including the existing dock, or 160 square feet on bodies of water under 1,000 acres; and

(e) Located at least 20 feet from an abutting property line or the imaginary extension of the property line over the water, unless previously grandfathered or permitted.

2 Boat Slip; Lake Size. Amend RSA 482-A:2, VIII (a) and (b) to read as follows:

(a) On water bodies over [~~10,000~~] **1,000** acres, [~~means~~] a volume of water 25 feet long, 8 feet wide, and 3 feet deep as measured at normal high water and located adjacent to a structure to which a watercraft may be secured.

(b) On water bodies of [~~10,000~~] **1,000** acres or less, a volume of water 20 feet long, 6 feet wide, and 3 feet deep as measured at normal high water mark and located adjacent to a structure to which a watercraft may be secured.

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

2017-1099s

#### AMENDED ANALYSIS

This bill:

I. Exempts certain temporary seasonal docks from obtaining an excavating and dredging permit.

II. Changes water body size requirements with regard to boat slip sizes.

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

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

Sen. Sanborn, Dist 9

March 29, 2017

2017-1219s

08/10

#### Floor Amendment to SB 119

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Temporary Docks, and Boat Lifts. Amend RSA 482-A:3 by inserting after paragraph IV-a the following new paragraphs:

IV-b. An extension to any existing or grandfathered dock shall be exempt from permitting, provided that a notification is sent to the department by the owner of the property that includes the name and address of the property owner, the municipality, the waterbody, and tax map and lot number on which the proposed dock will be seasonally extended. To qualify for an exemption under this paragraph, a temporary seasonal dock extension shall be:

- (a) Constructed to be an extension of an existing permitted or grandfathered dock;
- (b) Constructed to be removed during the non-boating season;



(c) Removed from the lake bed for a minimum of 5 months a year;

(d) On bodies of water of over 1,000 acres, no more than 50 feet in length including the existing dock, or 300 square feet, such that at the end of the dock the water level shall be 4 feet of water or less as measured at normal full lake level; nor more than 40 feet total in length, including the existing dock or 240 square feet on bodies of water under 1,000 acres; and

(e) Located at least 20 feet from an abutting property line or the imaginary extension of the property line over the water, unless previously grandfathered or permitted.

IV-c. Temporary seasonal boat lifts installed in any lake or pond shall be exempt from the permitting requirements of this section, provided that a notification is sent to the department by the owner of the property that includes the name and address of the property owner, the municipality, the waterbody, and tax map and lot number on which the proposed lift will be located. No more than 1 boat lift shall be located on any property under this paragraph. To qualify for an exemption under this paragraph, a temporary seasonal boat lift shall:

(a) Only be installed adjacent to an existing permitted or grandfathered dock in a legally existing boat slip, such that no additional boat slip or dock is created;

(b) Be located at least 20 feet from the abutting property line or imaginary extension of the property line over the water under this section;

(c) Be removed during the non-boating season; and

(d) Be removed from the lake bed for a minimum of 5 months each year.

2017-1219s

#### AMENDED ANALYSIS

This bill exempts certain temporary seasonal docks and boat lifts from permitting requirements of the department of environmental services.

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.

#### HEALTH AND HUMAN SERVICES

SB 154, making oral contraceptives available without a prescription.

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

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

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

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

Health and Human Services

March 22, 2017

2017-1044s

01/03

#### Amendment to SB 155

Amend the bill by replacing section 1 with the following:

##### 1 Medicaid Managed Care Program; Implementation.

I. Notwithstanding any other provision of law to the contrary, 2 of the remaining unimplemented phases of the Medicaid managed care program, established in RSA 126-A:5, XIX, specifically nursing facility services and services provided under the choices for independence waiver, issued by the Centers for Medicare and Medicaid Services (CMS) under 42 U.S.C. section 1396n(c), shall be incorporated into the Medicaid managed care delivery system beginning on January 1, 2019. The remaining provisions of step 2 of the Medicaid managed care program including services provided under the developmental disability waiver shall be implemented beginning on July 1, 2019.

II. The commissioner shall re-procure contracts with vendors to administer the Medicaid managed care program, with a program start date of January 1, 2019.

2017-1044s

## AMENDED ANALYSIS

This bill clarifies when step 2 of the Medicaid managed care program shall be implemented.

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 29, 2017

2017-1218s

01/04

## Floor Amendment to SB 155

Amend the bill by replacing section 1 with the following:

## 1 Medicaid Managed Care Program; Implementation.

I. Notwithstanding any other provision of law to the contrary, 2 of the remaining unimplemented phases of the Medicaid managed care program, established in RSA 126-A:5, XIX, specifically nursing facility services and services provided under the choices for independence waiver, issued by the Centers for Medicare and Medicaid Services (CMS) under 42 U.S.C. section 1396n(c), shall be incorporated into the Medicaid managed care delivery system beginning on January 1, 2019. The remaining provisions of step 2 of the Medicaid managed care program including services provided under the developmental disability waiver shall not be implemented before July 1, 2019.

II. The commissioner shall re-procure contracts with vendors to administer the Medicaid managed care program, with a program start date of January 1, 2019.

2017-1218s

## AMENDED ANALYSIS

This bill clarifies when step 2 of the Medicaid managed care program shall be implemented.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Avard.

Senator Avard withdrew his request for a roll call.

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.

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

The following Senators voted Yes: Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 22 - Nays: 0. Adopted, bill ordered to Third Reading.

Senator Woodburn asserts Rule 6-25 on SB 155.

## JUDICIARY

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

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

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

## COMMERCE

SB 84, relative to payment of workers' compensation benefits by direct deposit.

Ought to Pass, Vote 3-2. Senator Soucy for the committee.

Senator Giuda moved Re-refer to Committee.

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

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

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

Roll Call, Yeas: 14 - Nays: 9. Adopted.

#### EDUCATION

HB 103, relative to school district policies regarding objectionable course material.

Ought to Pass, Vote 3-2. Senator Giuda for the committee.

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

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

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

Roll Call, Yeas: 14 - Nays: 9. Adopted, bill ordered to Third Reading.

#### ELECTION LAW AND INTERNAL AFFAIRS

CACR 9, relating to terms of office for state officers. Providing that terms shall be for 4 years.

Inexpedient to Legislate, Vote 4-1. Senator Sanborn for the committee.

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

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

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Giuda, French, Kahn, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 15 - Nays: 8. Adopted.

SB 3, relative to domicile for voting purposes.

Ought to Pass with Amendment, Vote 3-2. Senator Birdsell for the committee.

Election Law and Internal Affairs

March 21, 2017

2017-1016s

03/01

#### Amendment to SB 3

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

1 Voters; Temporary Absence or Presence. Amend RSA 654:2 to read as follows:

654:2 Temporary Absence **or Presence**.

**I.** A domicile for voting purposes acquired by any person in any town shall not be interrupted or lost by a temporary absence therefrom with the intention of returning thereto as his or her domicile. Domicile for the purpose of voting as defined in RSA 654:1, once existing, continues to exist until another such domicile is gained. Domicile for purposes of voting is a question of fact and intention ***coupled with a verifiable act or acts carrying out that intent***. A voter can have only one domicile for ~~[these]~~ ***voting*** purposes. No person shall be deemed to have lost a domicile by reason of his or her presence or absence while the voter or his or her spouse is employed in the service of the United States; nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a teacher in or student of any seminary of learning; nor while confined in any public prison or other penal institution; nor while a patient or confined for any reason in any nursing, convalescent home or hospital, old folks or old age home, or like institution or private facility.

*II. (a) A person present in New Hampshire for temporary purposes shall not gain a domicile for voting purposes. A person who maintains a voting domicile where he or she came from, to which he or she intends to return to as his or her voting domicile after a temporary presence in New Hampshire, does not gain a domicile in New Hampshire regardless of the duration of his or her presence in New Hampshire.*

*(b) A person who has been present and residing in one town or ward in New Hampshire for 30 or fewer days is presumed to be present for temporary purposes unless that person has the intention of making the place in which the person resides his or her one place, more than any other, from which he or she engages in the domestic, social, and civil activities of participating in democratic self-government including voting, and has acted to carry out that intent.*

*(c) For the purposes of this chapter, temporary purposes shall include, but are not limited to, being present in New Hampshire for 30 or fewer days for the purposes of tourism, visiting family or friends, performing short-term work, or volunteering or working to influence voters in an upcoming election.*

*(d) For the purposes of voter registration, acts demonstrating an intent to make a place an individual's domicile shall include, but are not limited to:*

*(1) Residency at an institution of higher learning;*

*(2) Renting or leasing an abode at that place for a period of more than 30 days;*

*(3) Purchasing an abode at that place;*

*(4) Obtaining a New Hampshire resident motor vehicle registration, driver's license, or official nondriver's picture identification card listing that place as his or her residence;*

*(5) Enrolling the person's dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of that place;*

*(6) Listing that place as the person's physical residence address on state or federal tax forms, other government identification, or other government forms that show the domicile address;*

*(7) Providing the address of that place to the United States Post Office as the person's permanent address, provided it is not a postal service or commercial post office box;*

*(8) Obtaining a New Hampshire resident hunting or fishing license, listing that place as his or her residence;*

*(9) Obtaining utility services for an indefinite period at that place; or*

*(10) Arranging for a homeless shelter or similar service provider located in the town or ward to receive United States mail on behalf of the individual using that facility's address as the individual's domicile address for voting purposes.*

*(e) An applicant whose domicile is at an abode rented, leased, or owned by another and whose name is not listed on the rental agreement, lease, or deed may provide a written statement from a person who is listed on the rental agreement, lease, or deed, or other reasonable proof of ownership or control of the property or his or her agent who manages the property that the applicant resides at that address, signed by the owner or manager of the property under penalty of voting fraud if false information is provided. The statement shall be on the form prescribed by the secretary of state for that purpose or contain all the information set forth on that official form.*

*III. An individual applying for registration as a voter 30 or fewer days before an election shall use the election day registration form required by RSA 654:7, IV(c) which shall require the applicant to provide the date he or she established his or her voting domicile in New Hampshire. The registration form shall require the voter to identify and provide evidence of a verifiable action he or she has taken carrying out his or her intent to make the place claimed on the voter registration form his or her domicile.*

*IV. A person may register on election day through use of an acknowledgment of domicile evidence obligation on the registration form and vote if he or she does not have any document in his or her possession at the polls providing evidence of an action carrying out his or her intent to*

*make the address claimed as his or her voting domicile. A person relying on an acknowledgment of domicile evidence obligation to register must mail or present evidence of an action taken before registering to vote to carry out his or her intent to make the address claimed his or her domicile to the town or city clerk within 10 days following the election, or within 30 days in towns where the clerk's office is open fewer than 20 hours weekly.*

*V. The supervisors of the checklist shall as soon as practical following the first election at which a person who relied solely on an acknowledgment of domicile evidence obligation to register and vote, but who fails to mail or present evidence of having taken some action to carry out his or her intent to establish domicile at the address listed on his or her voter registration application to the clerk by the deadline, verify that the person was domiciled at the address claimed on election day by means including, but not limited to:*

*(a) Examining public records held by the town or city clerk, municipal assessing and planning offices, tax collector, or other municipal office that may house public records containing domicile confirmation; or*

***(b) Requesting 2 or more supervisors or municipal, county, or state election officers or their agents to visit the address and verify that the individual was domiciled there on election day.***

*VI. The supervisors shall promptly report to the secretary of state, the name of any applicant who fails to mail or present evidence of a verifiable act to the clerk. The supervisors shall also initiate removal of the person from the checklist by sending the person the notice required by RSA 654:44.*

2 Voter Registration Form; Day of General Election. Amend RSA 654:7, IV(c) to read as follows:

(c) The secretary of state shall prescribe the form of the voter registration form to be used only for voter registrations, transfers, or updates ***starting 30 days before each election and*** at the polling place on the date of a state general election, which shall be in substantially the following form:

\_\_\_\_\_ NEW REGISTRATION I am not registered to vote in New Hampshire

\_\_\_\_\_ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire

\_\_\_\_\_ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have changed my name/address

Date *registration form is submitted* \_\_\_\_\_

*Date applicant moved to the address listed below as the voter's domicile* \_\_\_\_\_

# VOTER REGISTRATION FORM

FOR USE **STARTING 30 DAYS BEFORE AN ELECTION** AND AT THE POLLING PLACE ON THE DATE  
OF THE STATE GENERAL ELECTION

(Please print or type)

1. Name \_\_\_\_\_

Last	(suffix) First	Full Middle Name
------	----------------	------------------

Last

(suffix) First

Full Middle Name

2. Domicile Address \_\_\_\_\_

Street	Ward Number
--------	-------------

Street

Ward Number

Town or City	Zip Code
--------------	----------

Town or City

Zip Code

3. Mailing Address if different than in 2 \_\_\_\_\_ Street

Street

Town or City	Zip Code
--------------	----------

Town or City

Zip Code

4. Place and Date of Birth \_\_\_\_\_

Town or City

State

Town or City

State



\_\_\_\_\_ *By placing my initials next to this paragraph, I am acknowledging that I am aware of no evidence of actions carrying out my intent to be domiciled at this address, that I will not be mailing or delivering evidence to the clerk's office, and that I understand that officials may be sending mail to the address on this form or taking other actions to verify my domicile at this address.*

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

_____ Date	_____ Signature of Applicant
---------------	---------------------------------

If this form is used in place of proof of identity, age, citizenship, or domicile, I hereby swear that such information is true and accurate to the best of my knowledge.

This form was executed for purposes of proving (applicant shall circle yes [~~or no~~] and initial each item):

Identity	yes/no	_____ (initials)
Citizenship	yes/no	_____ (initials)
Age	yes/no	_____ (initials)
Domicile	yes/no	_____ (initials)

_____ Applicant	_____ Election Official
--------------------	----------------------------

\_\_\_\_\_  
Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000. ***In accordance with RSA 659:34-a voting in more than one state in the same election is a class B felony with a maximum sentence of imprisonment not to exceed 7 years and a fine not to exceed \$4,000.***

***V. The secretary of state shall prepare and distribute an addendum to the voter registration form used under RSA 654:7, IV(c) to be distributed to those election day residents who do not provide proof of domicile or a verifiable action to demonstrate domicile. The "verifiable action of domicile" document shall be in substantially the following form:***

***Verifiable Action of Domicile***

***As a newly registered voter, you have received this document because you did not provide proof of domicile when you registered to vote. RSA 654:2, IV requires you to provide evidence that you have taken a verifiable act to establish domicile.***

***The following checklist shall be used as a guide for what you may use as evidence and shall be submitted to the town or city clerk along with documentation that you are required to provide. Only one item on the list is required to demonstrate a verifiable act.***

***To establish that you have engaged in a verifiable act establishing domicile, provide evidence that you have done at least one of the following:***

\_\_\_\_\_ ***rented or leased, for a period of more than 30 days, or purchased an abode at the address listed on the voter registration form***

\_\_\_\_\_ ***obtained a New Hampshire resident motor vehicle registration, driver's license, or official nondriver's picture identification card listing the address on the voter registration form***

\_\_\_\_\_ ***enrolled a dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of the address listed on the voter registration form***

***Listed the address on the voter registration form as your physical residence address on:***

\_\_\_\_\_ ***state or federal tax forms***



*statement, or tax document. A person who possess such a document, but failed to bring it with the person when seeking to register to vote shall be required to return when he or she can present one of these documents or to bring the document and register on election day.*

*(B) A person who attests under penalty of voter fraud that he or she does not possess any of the qualified documents listed in subparagraph (A) may present any reasonable documentation [which indicates] of having established a physical presence at the place claimed as domicile, having an intent to make that place his or her domicile, and having taken a verifiable act to carry out that intent. The documentation must establish that it is more likely than not that the applicant has a domicile and intends to maintain [a] that domicile, as defined in this chapter, at least until election day in the town[, city,] or ward in which he or she desires to vote[. or,]. Reasonable documentation includes, but is not limited to evidence of:*

- (i) Residency at an institution of higher learning;*
- (ii) Renting or leasing an abode at that place for a period of more than 30 days;*
- (iii) Evidence of purchasing an abode at that place;*
- (iv) Enrolling the applicant's dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of that place;*
- (v) Listing that place as the person's physical residence address on state or federal tax forms, a United States passport, other government identification, or other government forms;*
- (vi) Providing the address of that place to the United States Post Office as the person's permanent address, provided it is not a postal service or commercial post office box;*
- (vii) Obtaining a New Hampshire resident hunting or fishing license listing that place as residence;*
- (viii) Obtaining utility services for an indefinite period at that place; or*
- (ix) Arranging for a homeless shelter or similar service provider located in the town or ward to receive United States mail on behalf of the individual.*

*An applicant whose domicile is at an abode of another and whose name is not listed on the document offered as proof of domicile may provide a written statement from a person who is listed as owner, property manager, or tenant on the document that the applicant resides at that address, signed by that person under penalty of voting fraud if false information is provided. The statement shall be on the form prescribed by the secretary of state for that purpose or must contain all the information set forth on the official form.*

*(2) Registering on election day.*

*(A) When registering on election day as provided in RSA 654:7-a, if the applicant does not have in his or her possession at the polls one of the qualified documents listed in subparagraph (1) nor other reasonable documentation which establishes that it is more likely than not that the applicant has a domicile at the address claimed in the town or ward in which he or she desires to vote [if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration], he or she may execute a sworn statement on the general election day voter registration form[, or an affidavit] and initial the acknowledgment of domicile evidence obligation. If the applicant identifies on his or her application action taken to establish his or her domicile, which he or she has documentation of, he or she must agree to mail a copy of or present the document in person to the city or town clerk within 10 days, or where the town clerk's office is open fewer than 20 hours weekly, within 30 days. Copies of documents provided in compliance with this section are exempt from the public disclosure required by RSA 91-A. The clerk shall document receipt of a copy or completion of verification of a document presented in person and report receipt or verification to the supervisors of the checklist. An applicant whose voter registration is approved based on an acknowledgment of domicile evidence obligation who fails to provide a document to the city or town clerk as required by this paragraph shall be subject to the penalties of wrongful voting as established in RSA 659:34. The supervisors of the checklist shall initiate removing the name from the checklist of any such person who fails to provide proof of domicile by the deadline by sending the person the notice required by RSA 654:44.*

***(B) A person registering on election day who does not possess reasonable documentation of establishing domicile and has taken no verifiable action to carry out his or her intent to establish domicile at the address claimed on the voter registration application may nonetheless register to vote by initialing the paragraph on the registration form acknowledging that domicile may be verified. The supervisors of the checklist shall as soon as practical following the first election at which the person initials such paragraph to register and vote verify that the person was domiciled at the address claimed on election day by:***

***(i) Examining public records held by the town or city clerk, municipal assessing and planning offices, tax collector, or other municipal office that may house public records containing domicile confirmation;***

***(ii) Requesting 2 or more supervisors or municipal, county, or state election officers or their agents to visit the address and verify that the individual was domiciled there on election day.***

***(C) Any case where supervisors are unable to verify the applicant's domicile or where evidence exists of voting fraud shall be promptly reported to the secretary of state and to the attorney general, who shall cause such further investigation as is warranted. [in the following form, which shall be retained in accordance with RSA 33-A:3-a:-***

**~~DOMICILE AFFIDAVIT~~**

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

Name: \_\_\_\_\_

Current Domicile Address: \_\_\_\_\_

Street

Ward Number

Town or City

Zip Code

Current Mailing Address (if different): \_\_\_\_\_

Street

Ward Number

Town or City

Zip Code

Telephone number (requested but optional) \_\_\_\_\_

Email address (requested but optional) \_\_\_\_\_

Date when current domicile was established: Month: \_\_\_\_\_ Year: \_\_\_\_\_

Place and date of birth: \_\_\_\_\_

Address of last previous domicile: \_\_\_\_\_

Street

Ward Number

Town or City

Zip Code

— I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not currently in possession of necessary documents to prove my domicile and that my established domicile is at the current domicile address I have entered above. I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other city/town, and that to the best of my knowledge and belief the information above is true and correct.

\_\_\_\_\_  
(Signature of applicant)

— In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.



—On the date shown above, before me, \_\_\_\_\_ (print name of notary public, justice of the peace, election officer), appeared \_\_\_\_\_ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

—Notary Public/Justice of the Peace/Official Authorized by RSA 659:30]

4 Determining Qualifications of Applicant. Amend RSA 654:12, V(a) to read as follows:

V.(a) The election official approving the application for registration as voter of a person who does not present an approved form of photo identification as proof of identity when registering, shall mark the voter registration form to indicate that no photo identification was presented and shall inform the person that, if he or she is a first-time election day registrant in New Hampshire, he or she will receive a letter of identity verification. The person entering the voter information into the centralized voter registration database shall determine if the person is listed in the system as having been previously registered in the town or ward reported by the applicant on the voter registration form. If the person is a new registrant who has not been previously registered anywhere in New Hampshire or if the centralized voter registration database does not confirm a previous registration claimed on the voter registration form, the election official shall cause the record created in the centralized voter registration database to indicate that the person is a new applicant in New Hampshire and that no photo identification was presented. When municipalities enter information on people who register on election day into the centralized voter registration database, to the extent practical applicants who are registering for the first time in New Hampshire and who also register without presenting an approved photo identification shall be entered first. The person entering the voter information of election day residents into the centralized voter registration database shall cause the records to indicate if the voter executed [a domicile affidavit or] a sworn statement on the general election day voter registration form.

5 Determining Qualifications of Applicant. Amend RSA 654:12, V(d) to read as follows:

(d) Within 90 days of each election, the secretary of state shall cause a list of persons executing [domicile affidavits and] sworn statements on the general election day voter registration form since the prior election to be forwarded to the attorney general and the division of motor vehicles. The secretary of state shall send a letter to each such person informing him or her of a driver's obligation to obtain a New Hampshire driver's license within 60 days of becoming a New Hampshire resident. The letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information.

6 References Deleted. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, domicile address, mailing address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, qualified voter [and domicile] affidavits, affidavit of religious exemption, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Notwithstanding the foregoing, qualified voter [and domicile] affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any qualified voter [or domicile] affidavit. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, qualified voter [and domicile] affidavits, affidavits of religious exemption, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

7 Reference Deleted. Amend RSA 659:30 to read as follows:

659:30 Affidavit. The affidavit of a challenged voter, an asserting a challenge form, a qualified voter affidavit, ~~[a voter domicile affidavit,]~~ or any other affidavit required by the election statutes may be sworn before any person authorized by law to administer oaths or before any election officer.

8 Reference Deleted. Amend RSA 659:34, I(a) to read as follows:

(a) When registering to vote; when obtaining an official ballot; when casting a vote by official ballot; or when applying for a photo identification card for voting purposes, purposely or knowingly makes a false material statement regarding his or her qualifications as a voter to an election officer or submits a voter registration form, an election day registration affidavit, a qualified voter affidavit, ~~[a domicile affidavit,]~~ a challenged voter affidavit, an affidavit of religious exemption, an identification card voucher, or an absentee registration affidavit containing false material information regarding his or her qualifications as a voter;

9 Wrongful Voting; Penalties for Voter Fraud. Amend RSA 659:34, I(f)-(g) to read as follows:

(f) Gives a false name or answer if under examination as to his or her qualifications as a voter before the supervisors of the checklist or moderator; ~~[or]~~

(g) Presents falsified proof of identity at any election;

***(h) Registers to vote on election day using an affidavit to satisfy proof of being qualified, represents on the affidavit that the person possess proof that he or she does not have in his or her possession at the polling place, and fails to provide a copy of the document by mail or present the document in person to the town or city clerk by the deadline established in RSA 654:12; or***

***(i) Provides false information in a written and signed statement or other documentation that another person is domiciled at an address that is owned, leased, rented, or managed by the individual providing the statement for the purposes of voter registration and that statement is used for voter registration purposes.***

10 References Deleted. Amend RSA 659:101 to read as follows:

659:101 Preservation of Absentee Voting Materials~~[,] and Election Day Affidavits[, and Domicile Affidavits]~~. The absentee ballot affidavits and application forms processed by the moderator as provided in RSA 659:50, the absentee ballots challenged and rejected as provided in RSA 659:51 and RSA 659:53, and the qualified voter affidavits ~~[and domicile affidavits]~~ as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official shall be preserved in accordance with RSA 33-A:3-a. Qualified voter~~[,] and~~ voter registration~~[, and domicile]~~ affidavits shall be retained for the period set forth in RSA 33-A:3-a, and other materials may be destroyed after the election is settled and all appeals have expired or one year after the election, whichever is longer.

11 Verifiable Action of Domicile Documents. Amend RSA 33-A:3-a, CXLI(f) to read as follows:

(f) ~~[Domicile affidavit]~~ ***Verifiable action of domicile document:*** until voter is removed from checklist plus 7 years.

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

2017-1016s

#### AMENDED ANALYSIS

This bill modifies the definition of domicile for voting purposes. This bill also modifies requirements for documenting the domicile of a person registering to vote.

#### INTRODUCTION OF GUESTS

Senator Fuller Clark introduced 4th grade students from Little Harbor School in Portsmouth visiting in the gallery.

The question is on the adoption of the Committee Amendment.

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

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

Roll Call, Yeas: 14 - Nays: 9. Adopted.

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

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avar, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

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

Roll Call, Yeas: 14 - Nays: 9. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

SB 107, establishing an independent redistricting commission.

Inexpedient to Legislate, Vote 3-2. Senator Sanborn for the committee.

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

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avar, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

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

Roll Call, Yeas: 14 - Nays: 9. Adopted.

SB 111, establishing a bipartisan commission to evaluate New Hampshire's response to Russian interference in our democracy.

Inexpedient to Legislate, Vote 3-2. Senator Gray for the committee.

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

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avar, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

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

Roll Call, Yeas: 14 - Nays: 9. Adopted.

SB 248, ratifying elections and meetings postponed due to a weather emergency on March 14, 2017.

Ought to Pass with Amendment, Vote 3-2. Senator Gray for the committee.

Election Law and Internal Affairs

March 23, 2017

2017-1086s

10/06

#### Amendment to SB 248

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

AN ACT establishing a committee to study the rescheduling of elections.

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

1 Committee Established. There is established a committee to study the rescheduling of elections.

2 Membership and Compensation.

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

(a) Two members of the senate, appointed by the president of the senate.

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

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

3 Duties. The committee shall study the rescheduling of elections. The study shall consider:

I. Under what circumstances the state, a town or city, or a school district should reschedule an election.

II. What process would be required in rescheduling an election.

III. Who should be authorized to reschedule an election.

IV. The best way to mitigate potential adverse consequences upon bond issue caused by any election issue related to the March 14, 2017 storm.

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

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

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

2017-1086s

#### AMENDED ANALYSIS

This bill establishes a committee to study the rescheduling of elections.

President Pro Tempore Carson presiding.

President Morse presiding.

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

Senator Woodburn offered a floor amendment.

Sen. Woodburn, Dist 1

Sen. D'Allesandro, Dist 20

Sen. Feltes, Dist 15

Sen. Fuller Clark, Dist 21

Sen. Hennessey, Dist 5

Sen. Kahn, Dist 10

Sen. Lasky, Dist 13

Sen. Soucy, Dist 18

Sen. Watters, Dist 4

March 29, 2017

2017-1221s

10/01

#### Floor Amendment to SB 248

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

AN ACT establishing a committee to study the rescheduling of elections, and ratifying elections and meetings postponed due to a weather emergency on March 14, 2017.

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

6 Town and School District Meetings and Elections; Ratification. All actions, votes, and proceedings, including but not limited to the receipt and issuance of absentee ballots and the time for official recounts, held at any town election, town meeting, school district election, or school district meeting, that were originally scheduled to take place on March 14, 2017, postponed due to a weather emergency, and held at a later date are hereby legalized, ratified, and confirmed.

7 Town and School District Meetings and Elections; Official Ballot Jurisdictions; Ratification. All actions, votes, and proceedings, including but not limited to the receipt and issuance of absentee ballots and the time for official recounts, held at any session of an annual meeting of a town or school district that has adopted the provisions of RSA 40:13 that were originally scheduled to take place on March 14, 2017, postponed due to a weather emergency, and held at a later date are hereby legalized, ratified, and confirmed.

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

2017-1221s

#### AMENDED ANALYSIS

This bill establishes a committee to study the rescheduling of elections. This bill also ratifies actions, votes, and proceedings of town and school district meetings and elections postponed due to the weather emergency on March 14, 2017.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 9 - Nays: 14. Failed.

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

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

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: D'Allesandro, Fuller Clark.

Roll Call, Yeas: 21 - Nays: 2. Adopted, bill ordered to Third Reading.

#### ENERGY AND NATURAL RESOURCES

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

Ought to Pass with Amendment, Vote 2-1. Senator Avard for the committee.

Energy and Natural Resources

March 15, 2017

2017-0883s

08/03

#### Amendment to SB 128

Amend paragraph II as inserted by section 1 of the bill by replacing it with the following:

II. Although retail and wholesale competitive markets for energy have developed since the initial restructuring of the state's electric utilities, there remain problems and limitations that have resulted in price volatility and the potential for inadequate capacity supply.

Amend RSA 374-F:3, I as inserted by section 4 of the bill by replacing it with the following:

I. System Reliability. Reliable electricity service must be maintained while ensuring public health, safety, and quality of life. ***The commission and electric utilities should pursue measures that are expected to mitigate the cost of electric service in the state, reduce the price volatility of that service, and reduce the potential for disruptions in electricity supply due to inadequate wholesale generating capacity in the New England marketplace, subject to the commission's determination that such measures are in the public interest. In evaluating a proposed measure, the commission shall consider whether such measure is likely to result in near term rate relief and reasonably protects ratepayers from the risk of stranded costs consistent with the principles established in this chapter. Such measures shall:***

***(a) Not include any measure that involves the purchase of natural gas supply or capacity, the siting of natural gas infrastructure within this state, or the recovery of the cost of building new infrastructure unless otherwise allowed by law;***



***(b) Not include any measure that results in New Hampshire ratepayers paying an unreasonable share of the costs of any regional projects; and***

***(c) Be consistent with applicable federal law.***

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Distributed Generation; Definitions; Exclusions. Amend RSA 374-G:2, I(b) to read as follows:

(b) "Distributed energy resources" means electric generation equipment, including clean and renewable generation, energy storage, energy efficiency, demand response, load reduction or control programs, and technologies or devices located on or interconnected to the local electric distribution system for purposes including but not limited to reducing line losses, supporting voltage regulation, or peak load shaving, as part of a strategy for minimizing transmission and distribution costs as provided in RSA 374-F:3, III ***or for mitigating the price volatility and the cost of electricity pursuant to RSA 374-F:3, I.***

Amend RSA 374-F:3, XI as inserted by section 6 of the bill by replacing it with the following:

XI. Near Term Rate Relief. The goal of restructuring is to create competitive markets that are expected to produce lower prices for all customers than would have been paid under the current regulatory system. Given New Hampshire's higher than average regional prices for electricity, utilities, in the near term, should work to reduce rates for all customers. To the greatest extent practicable, rates should approach competitive regional electric rates. The state should recognize when state policies impose costs that conflict with this principle and should take efforts to mitigate those costs. The unique New [Hampshire] ***England*** issues contributing to [the highest] ***high*** prices [in New England] should be addressed[ ~~during the transition~~], wherever possible to ***mitigate such high prices, price volatility, and the potential for supply disruptions due to deficiencies in electric generating capacity.***

2017-0883s

#### AMENDED ANALYSIS

This bill modifies electric utility restructuring policy principles by permitting the commission and electric utilities to pursue measures to mitigate the cost of electric service, reduce the price volatility of that service, and reduce the potential for disruptions in electricity supply, subject to the commission's determination that such measures are in the public interest.

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

Senator Giuda is in opposition to the Committee Amendment on SB 128.

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

Sen. Feltes, Dist 15

March 28, 2017

2017-1175s

06/03

#### Floor Amendment to SB 128

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

1 Findings. The general court finds that:

I. The provision of reliable and economic electricity is a necessary service upon which the economy and the welfare of this state rest.

II. Although retail and wholesale competitive markets for energy have developed since the initial restructuring of the state's electric utilities, there remain problems and limitations that have resulted in price volatility and the potential for inadequate capacity supply.

III. ISO-New England, Inc., the independent, nonprofit regional transmission organization (RTO), that oversees the operation of New England's bulk electric power system and transmission lines has stated that infrastructure constraints could pose a challenge to the reliable operation of the regional power grid, create price volatility, and contribute to air emission increases.

IV. The high cost of electric rates, their volatility, the potential for supply disruption, and increased air emissions has a particularly adverse impact on New Hampshire's citizens and its economy.

V. It is in the best interests of all citizens of New Hampshire that the public utilities commission be directed and granted authority to consider and implement measures that are expected to mitigate the cost of electric service in the state, reduce the price volatility of that service, and/or reduce the potential for disruptions in electricity supply due to inadequate wholesale generating capacity in the New England marketplace.

2 Electric Utility Restructuring; Purpose. Amend RSA 374-F:1, I to read as follows:

I. The most compelling reason to restructure the New Hampshire electric utility industry is to reduce costs for all consumers of electricity by harnessing the power of competitive markets **and by other methods determined to be in the public interest**. The overall public policy goal of restructuring is to ~~[develop a more efficient industry structure and regulatory framework that results in a more productive economy by reducing costs to consumers while maintaining safe and reliable electric service]~~ **reduce the cost of electricity without negatively impacting the reliable supply and delivery thereof** with minimum adverse impacts on the environment. Increased customer choice and the development of competitive markets for wholesale and retail electricity services are key elements in a restructured industry that will require unbundling of prices and services and at least functional separation of centralized generation services from transmission and distribution services.

3 Electric Utility Restructuring; Restructuring Policy Principles; System Reliability. Amend RSA 374-F:3, I to read as follows:

I. System Reliability. Reliable electricity service must be maintained while ensuring public health, safety, and quality of life. **The commission and electric utilities should pursue measures that are expected to mitigate the cost of electric service in the state, reduce the price volatility of that service, and reduce the potential for disruptions in electricity supply due to inadequate wholesale generating capacity in the New England marketplace, or that harness the power of competitive markets, subject to the commission's determination that such measures are in the public interest. In evaluating a proposed measure, the commission shall consider whether such measure is likely to result in near term rate relief and reasonably protects ratepayers from the risk of stranded costs consistent with the principles established in this chapter. Such measures shall:**

**(a) Not include any measure that involves the purchase of natural gas supply or capacity, the siting of natural gas infrastructure within New England, or the recovery of the cost of building new infrastructure;**

**(b) Not include any measure that results in New Hampshire ratepayers paying an unreasonable share of the costs of any regional projects;**

**(c) Be consistent with applicable federal law; and**

**(d) To the extent reasonably possible without reducing the cost savings to customers, be implemented in a manner that minimizes their impact on the competitive market.**

4 Electric Utility Restructuring; Restructuring Policy Principles; Near Term Relief. Amend RSA 374-F:3, XI to read as follows:

XI. Near Term Rate Relief. The goal of restructuring is to create competitive markets that are expected to produce lower prices for all customers than would have been paid under the current regulatory system. Given New Hampshire's higher than average regional prices for electricity, utilities, in the near term, should work to reduce rates for all customers. To the greatest extent practicable, rates should approach competitive regional electric rates. The state should recognize when state policies impose costs that conflict with this principle and should take efforts to mitigate those costs. The unique New ~~[Hampshire]~~ **England** issues contributing to ~~[the highest]~~ **high** prices ~~[in New England]~~ should be addressed ~~[during the transition]~~, wherever possible **to mitigate such high prices, price volatility, and the potential for supply disruptions due to deficiencies in electric generating capacity.**

5 Electric Utility Restructuring; Restructuring Policy Principles; Regionalism. Amend RSA 374-F:3, XIII to read as follows:

XIII. Regionalism. New England Power Pool (NEPOOL) should be reformed and efforts to enhance competition and to complement industry restructuring on a regional basis should be encouraged. New Hampshire should work with other New England and northeastern states to accomplish the goals of restructuring **to address the high and volatile price of electricity, and to ensure an adequate supply of electric generating capacity.** Working with other regional states, New Hampshire should assert maximum state

authority over the entire electric industry restructuring process. While it is desirable to design and implement a restructured industry in concert with the other New England and northeastern states, New Hampshire should not unnecessarily delay its timetable. Any pool structure adopted for the restructured industry should not preclude bilateral contracts with pool and non-pool services and should not preclude ancillary pool services from being obtained from non-pool sources.

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

2017-1175s

#### AMENDED ANALYSIS

This bill modifies electric utility restructuring policy principles by permitting the commission and electric utilities to pursue measures to mitigate the cost of electric service, reduce the price volatility of that service, and reduce the potential for disruptions in electricity supply, subject to the commission's determination that such measures are in the public interest.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Bradley, Watters, Hennessey, Gray, French, Kahn, Daniels, Avar, Lasky, Carson, Feltes, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Giuda, Ward, Sanborn, Reagan, Fuller Clark.

Roll Call, Yeas: 17 - Nays: 6. Adopted.

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

Senators Giuda and Ward are in opposition to the motion of Ought to Pass with Amendment on SB 128.

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

Re-refer to Committee, Vote 6-0. Senator Feltes for the committee.

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

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

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Reagan, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avar, Carson, Birdsell, Gannon, Innis, Morse.

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

Senator Avar moved Ought to Pass.

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

Sen. Avar, Dist 12

March 28, 2017

2017-1189s

05/10

#### Floor Amendment to SB 7-FN-LOCAL

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

AN ACT relative to eligibility for food stamps and establishing the Granite Workforce pilot program.

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

3 Purpose Statement. The purpose of sections 4-10 of this act is to establish a pilot program by using allowable federal funds available from the Temporary Assistance to Needy Families (TANF) program to end the dependence of needy parents on governmental programs by promoting job and work preparation and placing them into high labor need jobs based on the goals set forth in 45 C.F.R. section 260.20. The long-term goal of this program is to place low-income individuals into unsubsidized jobs in high labor need areas, transition them

to self-sufficiency through providing career pathways with specific skills, and assist in eliminating barriers to work such as transportation and childcare. Taken together, these measures are designed to help low-income participants break the cycle of poverty and move them from living on the margin to the middle class and beyond.

#### 4 Granite Workforce; Pilot Program Established.

I. The commissioner of the department of health and human services shall use allowable funds from the TANF program to provide subsidies to employers in high need areas, as determined by the department of employment security based upon workforce shortages, and to create a network of assistance to remove barriers to work for low-income families. The funds shall be used to establish a pilot program, referred to as Granite Workforce, a TANF nonassistance program, which shall accept enrollments by applicants for an initial period of 6 months and which shall last for 9 months from the effective date of this section. The program shall be jointly administered by the department of health and human services and the department of employment security. No cash assistance shall be provided to eligible participants through Granite Workforce. The total cost of the pilot program shall not exceed \$9,000,000 in federal TANF funds.

II. To be eligible for Granite Workforce, applicants shall be:

- (a) In a household with an income under 200 percent of the federal poverty level; and
- (b) Parents aged 18 through 64 with a child under age 18 in the household; or
- (c) Noncustodial parents age 18 through 64 with a child under the age of 18.

III. The department of employment security shall determine eligibility and entry into the program, using nationally recognized assessment tools for vocational and job readiness assessments. Vocational assessments shall include educational needs, vocational interest, personal values, and aptitude. The department shall use the assessment results to work with the participant to produce a long-term career plan for moving into the middle class and beyond.

IV. Except as otherwise provided in paragraph II regarding program eligibility, administrative rules governing the New Hampshire employment program, adopted under RSA 541-A as chapter He-W 600, shall apply to the Granite Workforce pilot program.

#### 5 Granite Workforce; Subsidies for Employers.

I. Upon placement of a participant into a paying job and receiving verification of employment and wages from the employer, the department of employment security shall pay the employer a subsidy of \$2,000.

II. After at least 3 full months of the continued employment of the participant and receiving verification of the continued employment and wages from the employer, the department of employment security shall pay the employer a second subsidy of \$2,000.

III. If an overpayment is made, the employer shall reimburse the department that amount upon being notified by the department.

6 Referral for Barriers to Employment. The department of health and human services, in consultation with the department of employment security, shall issue a request for applications (RFAs) for community providers interested in offering case management services to participants with barriers to employment. Participants shall be identified by the department of employment security using an assessment process that screens for barriers to employment including, but not limited to, transportation, child care, substance use, mental health, and domestic violence. Thereafter, the department of employment security shall refer to community providers those individuals deemed needing assistance with removing barriers to employment. When child care is identified as a barrier to employment, the department of employment security or the community provider shall refer the individual to available child care service programs.

#### 7 Network of Education and Training.

I. If after the assessment conducted by the department of employment security additional job training, education, or skills development is necessary prior to job placement, the department of employment security shall address those needs by:

- (a) Referring individuals to training and apprenticeship opportunities offered by the community college system of New Hampshire;
- (b) Referring individuals to the department of resources and economic development to utilize available training funds and support services;

(c) Referring individuals to education and employment programs for youth available through the department of education; or

(d) Referring individuals to training available through other colleges and training programs.

II. All industry specific skills and training will be provided for jobs in high need areas, as determined by the department of employment security based upon workforce shortages.

#### 8 Job Placement.

I. Upon determining the participant is job ready, the department of employment security shall place individuals into jobs with employers in high need areas, as determined by the department of employment security based upon workforce shortages. This includes, but is not limited to, high labor need jobs in the fields of healthcare, advanced manufacturing, construction/building trades, information technology, and hospitality. Training and job placement shall focus on:

(a) Supporting health care/safety issues: training/jobs to combat the opioid crisis, including nurses, nursing assistants, clinicians, social workers, and treatment providers at the licensed alcohol and drug addictions counselor and licensed mental health counselor levels. Additionally, jobs to address long-term care needs, home healthcare services, and expanding mental/behavioral health services.

(b) Advanced manufacturing to meet employer needs: training/jobs that include computer-aided drafting and design, electronic and mechanical engineering, precision welding, computer numerical controlled precision machining, robotics, and automation.

(c) Construction/building trades to address critical infrastructure needs: training/jobs for building roads, bridges, municipality infrastructure, and ensuring safe drinking water.

(d) Information technology: training/jobs to allow businesses to excel in an ever-increasing network dependent business environment.

(e) Hospitality-training/jobs to address the workforce shortage and support New Hampshire's tourism industry, to include but not be limited to hotel workers, restaurant workers, campground workers, lift operators, state park workers, and amusement park workers.

#### 9 Reporting Requirement; Measurement of Outcomes.

I. The department of health and human services shall prepare a report on the outcomes of the Granite Workforce program using appropriate standard common performance measures. Program partners, as a condition of participation, shall be required to provide the department with the relevant data. Metrics to be measured shall include, but are not limited to:

(a) Degree of participation.

(b) Progress with overcoming barriers.

(c) Entry into employment.

(d) Job retention.

(e) Earnings gain.

(f) Movement within established federal poverty level measurements, including the Supplemental Nutrition Assistance Program (SNAP) and the New Hampshire health protection program.

(g) Health insurance coverage provider.

(h) Attainment of education or training, including credentials.

II. The report shall be issued to the speaker of the house of representatives, president of the senate, the governor, and the state library on or before November 1, 2018.

#### 10 Repeal. Sections 4-8, relative to the Granite Workforce pilot program, are repealed.

#### 11 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

II. Section 10 of this act shall take effect July 1, 2018.

III. The remainder of this act shall take effect October 1, 2017.



2017-1189s

#### AMENDED ANALYSIS

This bill:

I. Provides that the department of health and human services shall not apply for, accept, or renew a waiver of the federal work requirements for food stamp eligibility without the approval of the health and human services oversight committee.

II. Requires the department to use the federal resource limits for food stamp eligibility, unless there are minor children in the household and the health and human services oversight committee approves the alternative eligibility criteria.

III. Requires the department to use federal income limits for food stamp eligibility rather than categorical eligibility standards, unless there are minor children in the household and the health and human services oversight committee approves the alternative eligibility criteria.

IV. Requires individuals to cooperate with the division of child support services as a condition of eligibility for food stamps.

V. Establishes the Granite Workforce pilot program, a TANF nonassistance program jointly administered by the department of health and human services and department of employment security.

The Chair ruled sections of Floor Amendment 1189s non-germane.

Without objection, the Chair moved to suspend Senate Rule 3-17 to allow consideration of non-germane Floor Amendment 1189s to SB 7-FN-L.

Senator Feltes objected to the suspension of Senate Rule 3-17.

Senator Bradley moved to suspend Senate Rule 3-17. Adopted by the necessary 2/3 vote.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Daniels, Avard, Carson, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Sanborn, Kahn, Lasky, Feltes, Reagan, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 12 - Nays: 11. Adopted.

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

Senator Feltes moved to divide the question: Sections 1, 2 and 11; and Sections 3 through 11.

The Chair ruled the question divisible.

The question is on the adoption of Ought to Pass with Amendment, Sections 1, 2 and 11.

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Gannon, Innis, Morse.

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

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

The question is on the adoption of Ought to Pass with Amendment, Sections 3 through 11.

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

The following Senators voted Yes: Giuda, Bradley, Watters, Gray, Ward, Daniels, Avard, Carson, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Hennessey, French, Sanborn, Kahn, Lasky, Feltes, Reagan, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 12 - Nays: 11. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

#### MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 191-FN from the Table. Adopted.

#### EDUCATION

SB 191-FN, relative to the definition of average daily membership in attendance.

The pending motion is Refer to Finance, Rule 4-5.

Senator Daniels waived referral to the Committee on Finance.

#### MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider SB 191-FN, the bill having previously been found: Ought to Pass. Adopted.

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3  
March 28, 2017  
2017-1190s  
04/06

#### Floor Amendment to SB 191-FN

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

AN ACT establishing the kindergarten initiative development support grant program.

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

1 Kindergarten Initiative Development Support Grant. RSA 198:48-b is repealed and reenacted to read as follows:

198:48-b Kindergarten Initiative Development Support Grants.

I. When specific terms used in this section are defined in RSA 198:38, such terms shall have the meaning given such terms in RSA 198:38, and, in addition, in this section:

(a) "Adjusted equalized valuation excluding utilities" means the equalized valuation of property in a jurisdiction as determined by the department of revenue administration pursuant to RSA 76:8 for April 1 of the fiscal year 2 years prior to the applicable determination year.

(b) "Average daily membership in attendance" or "ADMA" shall mean the average daily membership in attendance, as defined in RSA 189:1-d, III, of pupils in kindergarten through grade 12, in the determination year. ADMA shall only include pupils who are legal residents of New Hampshire pursuant to RSA 193:12 and educated at school district expense which may include public academies or out-of-district placements. For the purpose of calculating funding for municipalities, the ADMA shall not include pupils attending chartered public schools, but shall include pupils attending a charter conversion school approved by the school district in which the pupil resides.

(c) "Equalized valuation per pupil" means, for any municipality, the adjusted equalized valuation excluding utilities of the municipality for the determination year, divided by the municipality's total ADMR for the determination year.

(d) "KIDS grant" means the kindergarten initiative development support grants determined pursuant to this section.

(e) "Municipality's ELL factor" means, with respect to each municipality, the municipality's ELL percentage for the applicable determination year divided by the statewide ELL percentage for the same determination year.

(f) “Municipality’s ELL percentage” means, with respect to each municipality, the municipality’s English language learner pupils for the applicable determination year divided by the total statewide English language learner pupils for the same determination year.

(g) “Municipality’s F&R factor” means, with respect to each municipality, the municipality’s F&R percentage for the applicable determination year divided by the statewide F&R percentage for the same determination year.

(h) “Municipality’s F&R percentage” means, with respect to each municipality, the municipality’s pupils eligible for a free or reduced-price meal for the applicable determination year divided by the municipality’s total ADMA for the same determination year.

(i) “Property wealth factor” means, with respect to each municipality, the statewide average equalized valuation per pupil for the applicable determination year divided by the municipality’s equalized valuation per pupil for the same determination year.

(j) “Statewide aggregate KIDS grant” means, with respect to any determination year, the amount established by the legislature as an appropriation to fund the grants authorized under this section.

(k) “Statewide average equalized valuation per pupil” means the total statewide adjusted equalized valuation excluding utilities of all municipalities that had resident pupils during the determination year, divided by the total statewide ADMR for the determination year.

(l) “Statewide ELL percentage” means the total statewide English language learner pupils for the applicable determination year divide by the total statewide ADMA for the same determination year.

(m) “Statewide F&R percentage” means the total statewide number of pupils eligible for a free or reduced price meal for the applicable determination year divided by the total statewide ADMA for the same determination year.

(n) “Statewide KIDS grant per weighted kindergarten ADMA” means, with respect to any determination year, the statewide aggregate KIDS grant for the determination year divided by the statewide weighted kindergarten ADMA for the same determination year.

(o) “Statewide weighted kindergarten ADMA” means, with respect to any determination year, the sum of weighted kindergarten ADMA for all municipalities for the same determination year.

(p) “Weighted aggregate KIDS grant factor” means, with respect to each municipality, the sum of:

- (1) 0.5 multiplied by the municipality’s property wealth factor for the determination year; plus
- (2) 0.25 multiplied by the municipality’s F&R factor for the determination year; plus
- (3) 0.25 multiplied by the municipality’s ELL factor for the determination year.

(q) “Weighted kindergarten ADMA” means, with respect to each municipality, the municipality’s kindergarten ADMA for the determination year multiplied by the municipality’s weighted aggregate KIDS grant factor for the same determination year.

II.(a) Except for the municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the total KIDS grant for each municipality in accordance with this section.

(b) The amount of each municipality’s KIDS grant for any fiscal year shall be equal to the statewide KIDS grant per weighted kindergarten ADMA for the determination year multiplied by the municipality’s weighted kindergarten ADMA for the same determination year.

(c) The department shall use, to the greatest extent possible, the same data and methods used to determine adequate education grants for purposes of determining KIDS grants, subject to the specific provisions of this section. The department shall otherwise use the best available data and methods to estimate any other data or factors required under this section for calculating KIDS grants.

III.(a) The KIDS grant determined in this section shall be distributed to each municipality’s school district or districts from the education trust fund established in RSA 198:39 in 4 payments of 20 percent on September 1, 20 percent on November 1, 30 percent on January 1, and 30 percent on April 1 of each school year; provided that for a dependent school district, the grant determined in this section shall be distributed to the municipality, which shall appropriate and transfer the grant funds to its dependent school department.

(b) For the fiscal year beginning July 1, 2018, and every fiscal year thereafter, the amount necessary to fund the KIDS grants under this section is hereby appropriated to the department from the education trust fund created under RSA 198:39. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of administrative services shall inform the fiscal committee of the general court and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of KIDS grants.

(c) The department of education shall certify the amount of each KIDS grant to the state treasurer and direct the payment thereof to the school district or municipality.

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

2017-1190s

#### AMENDED ANALYSIS

This bill establishes the kindergarten initiative development support grant program.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Avard, Lasky, Carson, Soucy, Birdsell, D'Allesandro, Fuller Clark, Innis, Morse.

The following Senators voted No: Sanborn, Daniels, Feltes, Reagan, Gannon.

Roll Call, Yeas: 18 - Nays: 5. Adopted.

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

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

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Sanborn, Daniels.

Roll Call, Yeas: 21 - Nays: 2. Adopted, bill ordered to Third Reading.

#### MOTION TO REMOVE FROM THE TABLE

Senator Fuller Clark moved to remove SB 112 from the Table. Adopted.

#### ELECTION LAW AND INTERNAL AFFAIRS

SB 112, establishing a council on the creative economy.

The pending motion is Inexpedient to Legislate.

Senator Birdsell moved Re-refer to Committee. Adopted.

#### FINANCE

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

Ought to Pass, Vote 4-2. Senator Giuda for the committee.

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

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

Re-refer to Committee, Vote 5-1. Senator Reagan for the committee.

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

Senator Reagan moved Ought to Pass.

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

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

Re-refer to Committee, Vote 6-0. Senator Giuda for the committee.

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

Senator French moved Ought to Pass.

Senator French offered a floor amendment.

Sen. French, Dist 7

March 30, 2017

2017-1230s

06/01

Floor Amendment to SB 206-FN

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

AN ACT relative to wagering on simulcast racing.

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

1 Pari-Mutuel Pools on Simulcast Racing. Amend RSA 284:22-a, II(d) to read as follows:

(d) Notwithstanding subparagraph II(a), an individual, association, partnership, joint venture, corporation, or other organization or entity may be issued a license to conduct simulcasting without conducting live horse racing at a location in Cheshire county, provided such person or entity applies for, and is issued, a license to conduct live horse racing at such location in Cheshire county, complies with other provisions of this chapter with regard to application and issuance of such license, makes such election with the approval of the commission, and such person or entity has submitted an economic development plan to the commission to conduct a live horse racing meet in Cheshire county within ~~[36]~~ **48** months of the granting of a license. If no live horse racing is conducted within the ~~[36-month]~~ **48-month** period the license to receive simulcast wagers shall be revoked. The commission shall adopt regulations regarding the criteria of the proposed economic development plan prior to issuance of any approval.

2 Pari-Mutuel Pools; Tax. Amend RSA 284:23, I(c) to read as follows:

(c) Any amounts so paid to the state treasurer by any person, association, or corporation licensed to simulcast a running horse race or running horse meet under this chapter collected in Cheshire county shall be held in escrow for a period of not more than ~~[36]~~ **48** months by the state treasurer. If any person, association, or corporation licensed under this chapter has commenced to hold a live race meet within the ~~[36-month]~~ **48-month** period the escrowed amounts shall be paid to the lottery commission to offset any expenses incurred for the services required to hold such meet. If there is no live race meet within the 36-month period all sums so escrowed shall be for the use of the state.

3 Pari-Mutuel Pools; Tax. Amend RSA 284:23, II(c) to read as follows:

(c) Any amounts so paid to the state treasurer by any person, association, or corporation licensed to simulcast a harness horse race or harness horse race meet under this chapter collected in Cheshire county shall be held in escrow for a period of not more than ~~[36]~~ **48** months by the state treasurer. If any person, association, or corporation licensed under this chapter has commenced to hold a live race meet within the ~~[36-month]~~ **48-month** period the escrowed amounts shall be paid to the lottery commission to offset any expenses incurred for the services required to hold such meet. If there is no live race meet within the 36-month period all sums so escrowed shall be for the use of the state.

4 Pari-Mutuel Pools; Tax. Amend RSA 284:23, III(c) to read as follows:

(c) Any amounts so paid to the state treasurer by any person, association, or corporation licensed to simulcast a dog race or meet under this chapter collected in Cheshire county shall be held in escrow for a period of not more than ~~[36]~~ **48** months by the state treasurer. If any person, association, or corporation licensed under this chapter has commenced to hold a live race meet within the ~~[36-month]~~ **48-month** period the escrowed amounts shall be paid to the lottery commission to offset any expenses incurred for the services required to hold such meet. If there is no live race meet within the ~~[36-month]~~ **48-month** period all sums so escrowed shall be for the use of the state.

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

2017-1230s

AMENDED ANALYSIS

This bill modifies the requirements for simulcast racing.



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 215-FN, permitting the community college system to participate in the state health care plan. Inexpedient to Legislate, Vote 4-2. Senator Daniels for the committee.

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

A division vote was requested.

Yeas: 10 - Nays: 11. Failed.

Senator D'Allesandro moved Ought to Pass.

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

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

The following Senators voted Yes: Woodburn, Watters, Hennessey, Sanborn, Kahn, Lasky, Feltes, Soucy, D'Allesandro, Gannon, Innis.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Daniels, Avard, Reagan, Birdsell, Morse.

Roll Call, Yeas: 11 - Nays: 10. Adopted, bill ordered to Third Reading.

Senator Fuller Clark is excused.

Senator Carson asserts Rule 6-25 on SB 215-FN.

SB 216-FN, relative to differential pay for state troopers and relative to crowd control by marine patrol officers. Inexpedient to Legislate, Vote 3-1. Senator Reagan for the committee.

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

Senator Reagan moved Ought to Pass.

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

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.

Re-refer to Committee, Vote 5-1. Senator Giuda for the committee.

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

Senator Bradley moved Ought to Pass.

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

March 23, 2017

2017-1106s

05/04

#### Floor Amendment to SB 235-FN

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

AN ACT relative to Medicaid reimbursement to schools for students with medical needs.

Amend the bill by deleting section 4 and renumbering the original sections 5-6 to read as 4-5, respectively.

2017-1106s

#### AMENDED ANALYSIS

This bill allows schools to use the Medicaid to schools program to pay for services provided to children with medical needs, without requiring the recipient of those services to have an individualized education plan (IEP).

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

Senator Sanborn offered a floor amendment.

Sen. Sanborn, Dist 9  
March 30, 2017  
2017-1231s  
05/10

Floor Amendment to SB 235-FN

Amend the bill by replacing section 2 with the following:

2 Medicaid to Schools Program; Reporting Requirement. Amend RSA 186-C:25, VI to read as follows:

VI. New Hampshire local school districts, [or] school administrative units, **or their contractors** shall be the enrolled Medicaid providers for the purpose of administration and billing.

***VII. Beginning on September 1, 2018, the commissioner of the department of health and human services shall submit an annual report to the senate president, the speaker of the house of representatives, and the chairpersons of the house and senate finance committees regarding the total cost of the Medicaid to schools program and the number of students who received services through the program during the prior school year.***

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 240-FN-L, relative to the monitoring and treatment of contaminated wells.  
Inexpedient to Legislate, Vote 4-2. Senator Daniels for the committee.

Senator Bradley moved Re-refer to Committee.

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Soucy, D'Allesandro, Gannon, Innis.

Roll Call, Yeas: 12 - Nays: 10. Adopted.

Senator Fuller Clark is excused.

SB 206-FN, relative to wagering on simulcast racing.

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

SB 244-FN-A, relative to exemption of income from taxation under the tax on interest and dividends.  
Ought to Pass, Vote 4-2. Senator Reagan 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 Avard.

The following Senators voted Yes: Giuda, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Soucy, D'Allesandro.

Roll Call, Yeas: 13 - Nays: 8. Adopted.

Senator Fuller Clark is excused.

Senator Bradley asserts Rule 6-25 on SB 244-FN-A.

Senator Sanborn moved to Lay on the Table SB 244-FN-A. Adopted.

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

Re-refer to Committee, Vote 4-2. Senator Daniels for the committee.

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

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

The following Senators voted Yes: Giuda, French, Ward, Sanborn, Daniels, Reagan, Morse.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Gray, Kahn, Avard, Lasky, Carson, Feltes, Soucy, Birdsell, D'Allesandro, Gannon, Innis.

Roll Call, Yeas: 7 - Nays: 15. Failed.

Senator Fuller Clark is excused.

Senator Feltes moved Ought to Pass.

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

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

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, Kahn, Avard, Lasky, Carson, Feltes, Soucy, Birdsell, D'Allesandro, Gannon, Innis.

The following Senators voted No: Giuda, French, Ward, Sanborn, Daniels, Reagan, Morse.

Roll Call, Yeas: 15 - Nays: 7. Adopted, bill ordered to Third Reading.

Senator Fuller Clark is excused.

#### MOTION OF RECONSIDERATION

Senator Sanborn, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 240-FN-LOCAL, relative to the monitoring and treatment of contaminated wells, the bill having previously been found: Re-referred to Committee. Adopted.

Recess. Out of recess.

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

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Kahn, Daniels, Avard, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Sanborn, Lasky, Feltes, Soucy, D'Allesandro, Gannon, Innis.

Roll Call, Yeas: 12 - Nays: 10. Adopted.

Senator Fuller Clark is excused.

#### WAYS AND MEANS

SB 78, requiring audit records related to payment of business profits tax to be confidential.  
Ought to Pass, Vote 3-2. Senator Giuda for the committee.

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

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Soucy, D'Allesandro.

Roll Call, Yeas: 14 - Nays: 8. Adopted, bill ordered to Third Reading.

Senator Fuller Clark is excused.

SB 184, modifying the research and development tax credit for first-time recipients of the credit.  
Inexpedient to Legislate, Vote 3-2. Senator Giuda for the committee.

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

SB 185, extending the community revitalization tax relief program to coastal properties subject to storm surge, sea level rise, and extreme precipitation.

Ought to Pass with Amendment, Vote 4-0. Senator Sanborn for the committee.

Senate Ways and Means

March 22, 2017

2017-1050s

10/04

Amendment to SB 185

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

2 Definition; Qualifying Structure. Amend RSA 79-E:2, II to read as follows:

II. "Qualifying structure" means a building located in a district officially designated in a municipality's master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter. Qualifying structure shall also mean historic structures in a municipality whose preservation and reuse would conserve the embodied energy in existing building stock. Cities or towns may further limit "qualifying structure" according to the procedure in RSA 79-E:3 as meaning only a structure located within such districts that meet certain age, occupancy, condition, size, or other similar criteria consistent with local economic conditions, community character, and local planning and development goals. Cities or towns may further modify "qualifying structure" to include buildings that have been destroyed by fire or act of nature, including where such destruction occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town. ***In a city or town that has adopted the provisions of RSA 79-E:4-a, "qualifying structure" also means potentially impacted structures identified by the municipality within the coastal resilience incentive zone established under RSA 79-E:4-a.***

3 New Section; Community Revitalization Tax Relief Incentive; Coastal Resilience Incentive Zone. Amend RSA 79-E by inserting after section 4 the following new section:

79-E:4-a Coastal Resilience Incentive Zone.

I. A city or town may adopt the provisions of this section by vote of its legislative body according to the procedures described in RSA 79-E:3, to establish a coastal resilience incentive zone (CRIZ). Municipalities may use storm surge, sea-level rise, and extreme precipitation projections in the 2016 report of the New Hampshire Coastal Risk and Hazards Commission, "Preparing New Hampshire for Projected Storm Surge, Sea-Level Rise, and Extreme Precipitation," and its successor projections, to identify potentially impacted structures.

II. The municipality implementing a CRIZ shall determine the resilience measures it deems qualifying, such as, but not limited to, elevation and free-board renovations, elevation of mechanicals, construction of resilient natural features, enhancement or creation of tidal marshes, elevation of private driveways and sidewalks, construction or enlargement of private culverts and other structures to enable increased water flow and storm-surge, movement of property to higher elevation on the property or to a newly acquired property at a higher elevation within the municipality. Municipalities may grant tax relief to the qualifying structure and property as described in RSA 79-E:4.

III. Municipalities may provide other relief to properties in a coastal resilience incentive zone that are subject to repeated inundation, by acquiring preservation or water control easements or establishing tax increment financing districts.

IV. Municipalities may create a nonlapsing CRIZ fund as a capital reserve fund under RSA 34 or RSA 35, or a town-created trust fund under RSA 31:19-a, to provide funding for projected municipal costs associated with projected storm surge, sea-level rise, and extreme precipitation, and such funds may be used to support the coastal resilience incentive zone purpose established in this section.

4 Effective Date. This act shall take effect 60 days after 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 with Amendment. Adopted, bill ordered to Third Reading.

SB 187, clarifying the application of the road toll.

Ought to Pass with Amendment, Vote 4-0. Senator Feltes for the committee.

Senate Ways and Means

March 22, 2017

2017-1054s

06/03

#### Amendment to SB 187

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 3 and 4, respectively:

2 Administration of Motor Vehicle Laws; Road Toll on Users of Special Fuel. Amend RSA 260:52, III(a) to read as follows:

(a) Vehicles owned by the [federal] **United States** government ***for the use of the armed forces only***, the state, a city, town, county, village, or school district.

Amend the bill by replacing section 3 with the following:

3 Repeal. The following are repealed:

I. RSA 260:47, V, relative to refunds to diplomatic personnel eligible for an exemption from motor fuel tax.

II. RSA 260:52, III(b), relative to exemption from the road toll for diplomatic or consular personnel.

2017-1054s

#### AMENDED ANALYSIS

This bill:

I. Modifies the description of vehicles using special fuel on which the supplier has prepaid the road toll fees.

II. Repeals the provision entitling diplomats to a refund of the road toll.

III. Repeals the exemption from the road toll for diplomatic and consular personnel.

This bill is a request of the department of transportation.

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.

Recess. Out of recess.

#### MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 2-FN-A from the Table. Adopted.

#### FINANCE

SB 2-FN-A, reducing the rates of the business profits tax and the business enterprise tax.

The pending motion is the Committee Amendment.

Senate Finance

March 21, 2017

2017-1013s

04/01

#### Amendment to SB 2-FN-A

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

1 Business Profits Tax; Imposition of Tax; 2020. RSA 77-A:2 is repealed and reenacted to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of 7.5 percent upon the taxable business profits of every business organization.



2 Business Enterprise Tax; Imposition of Tax; 2020. RSA 77-E:2 is repealed and reenacted to read as follows:

77-E:2 Imposition of Tax. A tax is imposed at the rate of .50 percent upon the taxable enterprise value tax base of every business enterprise.

3 Applicability. Sections 1 and 2 of this act shall apply to taxable periods ending on or after December 31, 2020.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect July 1, 2020.

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

2017-1013s

#### AMENDED ANALYSIS

This bill reduces the rates of the business profits tax and the business enterprise tax for the tax year ending on or after December 31, 2020.

The question is on the adoption of the Committee Amendment.

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avar, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Soucy, D'Allesandro.

Roll Call, Yeas: 14 - Nays: 8. Adopted.

Senator Fuller Clark is excused.

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

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avar, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Soucy, D'Allesandro.

Roll Call, Yeas: 14 - Nays: 8. Adopted, bill ordered to Third Reading.

Senator Fuller Clark is excused.

#### MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 54 from the Table. Adopted.

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 54, relative to the licensure of alcohol and drug counselors.

The pending motion is Ought to Pass.

Senator Carson offered a floor amendment.

Sen. Carson, Dist 14

March 27, 2017

2017-1157s

10/04

#### Floor Amendment to SB 54

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

AN ACT relative to the licensure of alcohol and drug counselors, requiring occupational regulatory boards and commissions to post reciprocity information, and establishing a committee to study licensure of alcohol and drug counselors.

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

3 New Paragraph; Alcohol and Other Drug Use Professionals; Applicants from Other States. Amend RSA 330-C:21 by inserting after paragraph I the following new paragraph:

I-a. An applicant whose state licensure meets the requirements in paragraph I shall be deemed able to practice in this state not more than 60 days after the application is received by the board pending final approval or denial for other reason by the board. The board shall adopt rules under RSA 541-A to ensure the timely review and approval of applications under this section.

4 New Section; General Administration; Boards and Commissions; Reciprocity Information. Amend RSA 332-G by inserting after section 11 the following new section:

332-G:12 Reciprocity Information.

I. All boards or commissions, including the board of hearing care providers established in RSA 137-F:3, shall post information on their website relative to reciprocal licensure or certification for persons holding a current and valid license or certification for the practice of the regulated profession in another state. Such information shall include a list of the states which the board or commission has determined to have license or certification requirements equal to, or greater than, the requirements of this state. The posting shall also list states with which the board or commission has:

- (a) Entered into a reciprocity agreement;
- (b) Entered into a multistate compact; or
- (c) Established criteria for licensure by endorsement.

II. In addition, the posted reciprocity information shall clearly identify and describe the terms, conditions, or criteria under which a licensee or certificate holder from a listed state may obtain a license or certification in this state. Such terms, conditions, and criteria, may include, but shall not be limited to, the successful completion of an examination addressing the laws of the state of New Hampshire and the payment of a fee.

5 Committee to Study Licensure of Alcohol and Drug Counselors Established.

I. There is established a committee to study licensure of alcohol and drug counselors.

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

(a) One member of the senate, who shall be a member of the executive departments and administration committee, appointed by the president of the senate.

(b) Two members of the house of representatives, who shall be members of the executive departments and administration committee, appointed by the speaker of the house of representatives.

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

IV. The committee shall:

- (a) Study the licensure of alcohol and drug counselors under RSA 330-C.
- (b) Make recommendations on the addition of other levels of licensure and/or certification of alcohol and drug counselors in New Hampshire.
- (c) Make recommendations concerning the structure of the board of licensing for alcohol and other drug use professionals in RSA 330-C.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

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

6 Effective Date.

I. Section 1-3 of this act shall take effect 60 days after its passage.

II. Section 4 of this act shall take effect January 1, 2018.

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

2017-1157s

## AMENDED ANALYSIS

This bill:

I. Increases the number of hours of alcohol and drug use education required for initial licensure as a master license alcohol and drug counselor or as a licensed alcohol and drug counselor.

II. Provides that qualified alcohol and drug counselors from other states are able to practice in this state not more than 60 days after application to the board of licensing for alcohol and other drug use professionals, pending final approval.

III. Requires that occupational regulatory boards and commissions provide information on their website concerning reciprocity for persons holding a current and valid license or certification in another state.

IV. Establishes a committee to study the licensure of alcohol and drug counselors.

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.

Senator Sanborn moved to divide the question: Sections 1 and 6; and Sections 2 through 6.

The Chair ruled the question divisible.

The question is on the adoption Ought to Pass with Amendment, Sections 1 and 6.

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

The following Senators voted Yes: Bradley, Watters, Hennessey, Gray, Ward, Kahn, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Giuda, French, Sanborn, Daniels.

Roll Call, Yeas: 17 - Nays: 5. Adopted.

Senator Fuller Clark is excused.

The question is on the adoption of Ought to Pass with Amendment, Sections 2 through 6.

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

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 22 - Nays: 0. Adopted, bill ordered to Third Reading.

Senator Fuller Clark is excused.

## MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 57-FN-A from the Table. Adopted.

## FINANCE

SB 57-FN-A, making appropriations to the department of environmental services for the purposes of funding eligible drinking water and wastewater projects under the state aid grant program.

The pending motion is Order to Third Reading.

## MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider SB 57-FN-A, the bill having previously been found: Ought to Pass. Adopted.

Senator Bradley moved Ought to Pass.

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3  
 March 28, 2017  
 2017-1192s  
 08/10

### Floor Amendment to SB 57-FN-A

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

AN ACT making appropriations to the department of environmental services for the purposes of funding eligible drinking water and wastewater projects under the state aid grant program and relative to making an appropriation from the drinking water and groundwater trust fund to the department of environmental services to address drinking water contamination in Amherst.

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

1 Department of Environmental Services; Appropriation. There is hereby appropriated to the department of environmental services the sum of \$1,351,220 for the fiscal year ending June 30, 2017, which shall be non-lapsing and expended pursuant to section 2 of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2 Projects Funded; Department of Environmental Services. Projects with warrant articles after December 31, 2008 that were completed before July 1, 2013 but without SAG application process and final certification for payment before July 1, 2013:

	<u>FY 2018</u>	<u>FY 2019</u>
North Conway Water Precinct D2007-0417 Ash Street	\$36,541	\$36,540
Merrimack 215-09 WWTF Dewatering Upgrade	\$81,372	\$79,458
Nashua 158-24 Wet Weather Treatment Facility	\$435,202	\$426,779
Nashua D2013-0808 CSO-004 Infrastructure Improvement Burke Street Phase 1	\$21,510	\$21,510
Claremont 114-15 Maple Ave Wastewater Collection System	\$26,992	\$26,993
Dover D2011-0102 WWTF Dewatering Upgrade	\$44,395	\$44,395
Enfield D2011-305 Route 4 Sewer & Water Extension	\$34,767	\$34,766
Total Projects Completed before The Stipulation of Warrant Articles After December 31, 2008 was established but without SAG Application Before July 1, 2013.	<u>\$680,779</u>	<u>\$670,441</u>
Total Appropriation for the biennium ending June 30, 2019		\$1,351,220

3 Department of Environmental Services; Appropriation. There is hereby appropriated to the department of environmental services the sum of \$2,228,692 for the fiscal year ending June 30, 2017, which shall be non-lapsing and expended pursuant to section 4 of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Projects Funded; Department of Environmental Services. Projects with Warrant Article Before December 31, 2008 but Without SAG Application Before July 1, 2013.

		<u>FY 2018</u>	<u>FY 2019</u>
Portsmouth	D02011.0502 Lincoln Area Sewer Separation Contract 3B	\$95,450	\$95,450
Portsmouth	D2011.1101 Cass Street Area Sewer Improvements	\$52,995	\$52,995
Portsmouth	106-12 Rye Line Pump Station	\$21,907	\$21,907
Nashua	D2004-0906 Primary Clarifier Rehabilitation	\$14,983	\$14,982
Durham	D2010-0213 West End Sewer Improvements	\$4,712	\$4,712
Berlin	D02011-0705 Inflow and Infiltration Reduction, Phase 1, Contract 2	\$31,077	\$31,077
Portsmouth	D2013-D102 Lincoln Area Sewer Separation - Contract 83C Conway Village	\$67,057	\$67,057
Fire District	237-04 Sewerage Improvements Program Phase II	\$247,655	\$247,655
Lebanon	092-04 & 092-06 WWTF & Energy Evaluation Improvements, Phase II	\$195,235	\$195,235

Berlin	111-05 & 111-06 Wastewater Treatment Facility		
	Phase 2 Upgrade	\$234,828	\$234,828
Nashua	D2012-0202 WWTF Grit System and Dewatering Upgrade	\$85,206	\$85,206
Nashua	D2012-060S Aeration and Secondary Clarifier Upgrade	\$63,241	\$63,242
Total Projects with Warrant Article Before December 31, 2008			
	But Without SAG Application Before July 1, 2013	<u>\$1,114,346</u>	<u>\$1,114,346</u>
Total Appropriation for the biennium ending June 30, 2019			\$2,228,692

5 Department of Environmental Services; Appropriation.

I. The sum of \$5,000,000 is hereby appropriated to the department of environmental services from the drinking water and groundwater trust fund established under RSA 6-D:1 for the purpose of financing the extension of an existing Pennichuck Water Company water line to an area of homes and businesses in Amherst, New Hampshire impacted by contamination with perfluorinated compounds. Such an extension is in the public interest and will provide the residents of the town of Amherst access to a safe drinking water resource as an alternative to contaminated public groundwater.

II. The department of environmental services is hereby authorized to lend up to \$5,000,000 to any potentially responsible party that demonstrates an ability to repay the loan amount with interest over a reasonable period of time for purposes of construction of the waterline improvements, provision of service connections to the impacted properties, and decommissioning of impacted drinking water wells.

III. The department of environmental services shall establish, issue, and service the loan using the criteria of the state water pollution control revolving loan fund program authorized by RSA 486:14 using established rates and procedures to the extent applicable and consistent with the intent of this section.

IV. The loan shall not be made using funds from the state water pollution control revolving loan fund program authorized by RSA 486:14, and as such, shall not be subject to the federal requirements imposed by the United States Environmental Protection Agency for such loans.

V. Loan repayment funds, including all interest, and any unused loan funds shall be deposited in the state's drinking water and groundwater trust fund established under RSA 6-D:1.

6 Effective Date.

I. Section 5 of this act shall take effect July 1, 2017.

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

2017-1192s

AMENDED ANALYSIS

This bill:

I. Makes appropriations to the department of environmental services for the purposes of funding eligible drinking water and wastewater projects under the state aid grant program.

II. Makes appropriations to the department of environmental services for funding specific water and wastewater projects.

III. Makes an appropriation from the drinking water and groundwater trust fund to the department of environmental services to address drinking water contamination in Amherst.

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.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 133-FN from the Table. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 133-FN, relative to security screening at state correctional facilities.

The pending motion is Ought to Pass.



Senator Daniels waived referral to the Committee on Finance.

Senator Carson offered a floor amendment.

Sen. Carson, Dist 14  
March 27, 2017  
2017-1156s  
10/04

Floor Amendment to SB 133-FN

Amend the bill by replacing section 1 with the following:

1 State Prisons; Security Screening Required. RSA 622:6-a is repealed and reenacted to read as follows:

622:6-a Security Screening Required. Any individual entering the secure perimeter of a state correctional facility, including but not limited to visitors, state officials, employees, contractors, and vendors, shall be subject to one or more security screenings and inspections that will incorporate the use of electronic devices, visual searches, pat searches, or search by drug dog. All prisoners may be subject to one or more security screenings and inspections, including a full body security scanner at any time and shall be subject to one or more security screenings, including a full body scanner upon entering the secure perimeter of a state correctional facility. The full body security scanners shall be installed and operated in a manner that only enables the detection of weapons and contraband. No image created by a full body scanner shall be copied or duplicated except for images that are used for investigative purposes or that show weapons or contraband and are needed as evidence for prosecution.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: Giuda, Sanborn.

Roll Call, Yeas: 20 - Nays: 2. Adopted.

Senator Fuller Clark is excused.

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

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 135-FN from the Table. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION  
SB 135-FN, relative to the regulation of electricians.

The pending motion is the Committee Amendment.

Senator Daniels waived referral to the Committee on Finance.

Senate Executive Departments and Administration  
February 15, 2017  
2017-0477s  
10/04

Amendment to SB 135-FN

Amend the bill by replacing sections 2 and 3 with the following:

2 New Paragraph; Electricians; Inspectors; Identification. Amend RSA 319-C:5 by inserting after paragraph IV the following new paragraph:

V. A city or town building official or code enforcement officer designated by the administrative authority of the city or town, shall have the authority to check the license or identification card issued under this chapter.

3 New Section; Third Party Electrical Inspections; Rulemaking. Amend RSA 319-C by inserting after section 5 the following new section:

319-C:5-a Third Party Electrical Inspections. The board shall adopt rules under RSA 319-C:6-a requiring any entity engaging a person to conduct third-party electrical inspections of electrical installations in this state to have the person conducting the inspection be approved by the board. The board shall maintain and make available a list of such persons approved for third-party electrical inspections.

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

5 Licensing Requirements; Requests for Certificate. Amend RSA 319-C:7, III to read as follows:

III. All persons licensed by the board shall receive a certificate under the seal of the board and with the signature of the board chairman, which must be publicly displayed at the principal place of business of said electrician, or, if no such place of business, must be carried on his person and displayed at any time upon request ***to any electrical inspector appointed under this chapter***, as long as said person continues in the business as herein defined. The certificate shall specify the name of the person licensed who, in the case of a firm, shall be one of its members or employees and, in the case of a corporation, one of its officers or employees passing the examination. In the case of a firm or corporation, the license shall be void upon the death of or the severance from the company of said person.

6 Department of Safety; Enforcement by Fire Marshal; Electricians Removed. Amend RSA 21-P:4, VII to read as follows:

VII. Have the discretion to grant authority to issue a citation for violations of fire safety rules adopted under RSA 153:4-a, RSA 153:5, and RSA 160-C and to unlicensed persons who perform actions that require a license under RSA 153:28, RSA 153:29-a, ~~[RSA 319-C;]~~ or RSA 329-A to the state fire marshal or his or her designee, or to any fire chief, fire investigator, fire inspector or fire prevention officer who meets the qualifications established pursuant to RSA 21-P:14, II(s). A citation for violations under this paragraph shall carry the penalty set forth under RSA 153:24. A building official or code enforcement officer may also be granted authority under RSA 21-P:14, II(s) to issue a citation to any unlicensed person who performs actions requiring a license under RSA 153:28, RSA 153:29-a, ~~[RSA 319-C;]~~ or RSA 329-A.

7 Effective Date.

I. Section 4 of this act shall take effect January 1, 2018.

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

2017-0477s

#### AMENDED ANALYSIS

This bill allows for the regulation of electrical installations done without compensation, clarifies who may request identification of licensed inspectors, requires the electricians' board to adopt rules on third party electrical inspections, updates the National Electrical Code in the state building code, and removes authority of the state fire marshal to enforce provisions on electrician regulation.

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

Senator Carson offered a floor amendment.

Sen. Carson, Dist 14

March 29, 2017

2017-1215s

10/04

#### Floor Amendment to SB 135-FN

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

1 New Paragraph; Electricians; Inspectors; Identification. Amend RSA 319-C:5 by inserting after paragraph IV the following new paragraph:

V. A city or town building official or code enforcement officer designated by the administrative authority of the city or town, shall have the authority to check the license or identification card issued under this chapter.

2 New Section; Third Party Electrical Inspections; Rulemaking. Amend RSA 319-C by inserting after section 5 the following new section:

319-C:5-a Third Party Electrical Inspections. The board shall adopt rules under RSA 319-C:6-a requiring any entity engaging a person to conduct third-party electrical inspections of electrical installations in this state to have the person conducting the inspection be approved by the board. The board shall maintain and make available a list of such persons approved for third-party electrical inspections. The approval of a person to conduct third-party electrical inspections shall not prohibit a city or town that has established inspections under RSA 47:22 or RSA 674:51 from contracting with any person of its choice to perform third-party electrical inspections.

3 State Building Code; National Electrical Code. Amend RSA 155-A:1, IV to read as follows:

IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code 2009, the International Existing Building Code 2009, the International Plumbing Code 2009, the International Mechanical Code 2009, the International Energy Conservation Code 2009, and the International Residential Code 2009, as published by the International Code Council, and the National Electrical Code [2014] **2017**, as amended by the state building code review board and ratified by the legislature in accordance with RSA 155-A:10. The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition.

4 Licensing Requirements; Requests for Certificate. Amend RSA 319-C:7, III to read as follows:

III. All persons licensed by the board shall receive a certificate under the seal of the board and with the signature of the board chairman, which must be publicly displayed at the principal place of business of said electrician, or, if no such place of business, must be carried on his person and displayed at any time upon request **to any electrical inspector appointed under this chapter**, as long as said person continues in the business as herein defined. The certificate shall specify the name of the person licensed who, in the case of a firm, shall be one of its members or employees and, in the case of a corporation, one of its officers or employees passing the examination. In the case of a firm or corporation, the license shall be void upon the death of or the severance from the company of said person.

5 Department of Safety; Enforcement by Fire Marshal; Electricians Removed. Amend RSA 21-P:4, VII to read as follows:

VII. Have the discretion to grant authority to issue a citation for violations of fire safety rules adopted under RSA 153:4-a, RSA 153:5, and RSA 160-C and to unlicensed persons who perform actions that require a license under RSA 153:28, RSA 153:29-a, [RSA 319-C,] or RSA 329-A to the state fire marshal or his or her designee, or to any fire chief, fire investigator, fire inspector or fire prevention officer who meets the qualifications established pursuant to RSA 21-P:14, II(s). A citation for violations under this paragraph shall carry the penalty set forth under RSA 153:24. A building official or code enforcement officer may also be granted authority under RSA 21-P:14, II(s) to issue a citation to any unlicensed person who performs actions requiring a license under RSA 153:28, RSA 153:29-a, [RSA 319-C,] or RSA 329-A.

6 Effective Date.

I. Section 3 of this act shall take effect January 1, 2018.

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

2017-1215s

#### AMENDED ANALYSIS

This bill clarifies who may request identification of licensed electrical inspectors, requires the electricians' board to adopt rules on third party electrical inspections, updates the National Electrical Code in the state building code, and removes the authority of the state fire marshal to enforce provisions on electrician regulation.

The question is on the adoption of the Floor Amendment.

Senator Giuda moved to divide the question: Sections 1, 2, 4, 5 and 6; and Sections 3 and 6.

The Chair ruled the question divisible.

The question is on the adoption of the Floor Amendment, Sections 1, 2, 4, 5 and 6. Adopted.

The question is on the adoption of the Floor Amendment, Sections 3 and 6.

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

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Ward, Kahn, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: Giuda, Gray, French, Sanborn, Daniels, Avard.

Roll Call, Yeas: 16 - Nays: 6. Adopted.

Senator Fuller Clark is excused.

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

#### MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 168 from the Table. Adopted.

#### PUBLIC AND MUNICIPAL AFFAIRS

SB 168, relative to increasing the maximum amount of the optional veterans tax credit.

The pending motion is Inexpedient to Legislate.

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

The following Senators voted Yes: Bradley, Hennessey, Gray, French, Ward, Kahn, Reagan, Morse.

The following Senators voted No: Woodburn, Giuda, Watters, Sanborn, Daniels, Avard, Lasky, Feltes, Soucy, Birdsell, D'Allesandro, Gannon, Innis.

Roll Call, Yeas: 8 - Nays: 13. Failed.

Senator Fuller Clark is excused.

Senator Carson asserts Rule 6-25 on SB 168.

Senator Gannon moved Ought to Pass.

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

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

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Sanborn, Kahn, Lasky, Feltes, Reagan, Soucy, D'Allesandro, Gannon, Innis.

The following Senators voted No: Giuda, Gray, French, Ward, Daniels, Avard, Birdsell, Morse.

Roll Call, Yeas: 13 - Nays: 8. Adopted, bill ordered to Third Reading.

Senator Fuller Clark is excused.

Senator Carson asserts Rule 6-25 on SB 168.

#### MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 174-L from the Table.

#### PUBLIC AND MUNICIPAL AFFAIRS

SB 174-L, relative to municipal parking surcharges and parking maintenance and operations.

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

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Reagan, Soucy, D'Allesandro.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 9 - Nays: 13. Failed.

Senator Fuller Clark is excused.

## 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 Birdsell: SB 168

Senator Bradley: SB 244-FN-A

Senator Carson: SB 168, SB 215-FN

Senator D'Allesandro: SB 168, SB 244-FN-A

Senator Daniels: SB 168

Senator Fuller Clark: SB 244-FN-A

Senator Giuda: SB 168

Senator Gray: SB 168, SB 235-FN, SB 247-FN-A

Senator Hennessey: SB 244-FN-A

Senator Kahn: SB 215-FN

Senator Lasky: SB 244-FN-A

Senator Sanborn: CACR 9, SB 2-FN-A, SB 3, SB 7-FN-L, SB 54, SB 74-FN, SB 84, SB 86, SB 107, SB 111, SB 112, SB 119, SB 128, SB 133-FN, SB 135-FN, SB 154, SB 155, SB 168, SB 174-L, SB 184, SB 185, SB 187, SB 190-FN, SB 191-FN, SB 206-FN, SB 215-FN, SB 216-FN, SB 235-FN, SB 240-FN-L, SB 244-FN-A, SB 247-FN-A, SB 248, SB 249, HB 103

Senator Woodburn: SB 247-FN-A

## ANNOUNCEMENTS

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. It's with a great deal of sadness that I mention that Katie Dunn, who used to be our Director of Medicaid, is at Brigham and Women's Hospital with a brain tumor and she's in an induced coma. I would hope that we would remember her in our prayers. Katie Dunn, who used to be Director of Medicaid for the state of New Hampshire, is in Brigham and Women's Hospital with a brain tumor, in an induced coma and fighting for her life. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. In 2012 Senators Lambert, Rausch, O'Dell and Representative Winter introduced Senate Bill 398. Senate Bill 398 designated March 30<sup>th</sup> each year as Welcome Home Vietnam Veterans Day. The Vietnam conflict ran from 1961 to 1975. During that time over 58,000 men and women lost their lives and over 300,000 were wounded. Today marks the 50<sup>th</sup> anniversary of the final withdrawal of troops from South Vietnam. Mister President, I raise this point today to thank all Vietnam veterans and assure them that we will not forget their service and sacrifice to our nation, our state and their communities. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you, I just want to thank everybody for the courtesy shown to Karen. Senator Lasky and Senator Carson said I owe you a dinner. I can't wait to pay up.

PRESIDENT MORSE: Our thoughts and prayers are with Katie Dunn, and if you visit her Senator make sure she knows that.

Without objection all personal privileges and unanimous consent 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 2-FN-A, reducing the rates of the business profits tax and the business enterprise tax.

SB 3, relative to domicile for voting purposes.

SB 7-FN-LOCAL, relative to eligibility for food stamps and establishing the Granite Workforce pilot program.



SB 54, relative to the licensure of alcohol and drug counselors, requiring occupational regulatory boards and commissions to post reciprocity information, and establishing a committee to study licensure of alcohol and drug counselors.

SB 57-FN-A, making appropriations to the department of environmental services for the purposes of funding eligible drinking water and wastewater projects under the state aid grant program and relative to making an appropriation from the drinking water and groundwater trust fund to the department of environmental services to address drinking water contamination in Amherst.

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

SB 78, requiring audit records related to payment of business profits tax to be confidential.

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

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

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

SB 133-FN, relative to security screening at state correctional facilities.

SB 135-FN, relative to the regulation of electricians.

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

SB 168, relative to increasing the maximum amount of the optional veterans tax credit.

SB 185, extending the community revitalization tax relief program to coastal properties subject to storm surge, sea level rise, and extreme precipitation.

SB 187, clarifying the application of the road toll.

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

SB 191-FN, establishing the kindergarten initiative development support grant program.

SB 206-FN, relative to wagering on simulcast 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.

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

SB 248, establishing a committee to study the rescheduling of elections.

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

HB 103, relative to school district policies regarding objectionable course material.

#### 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.