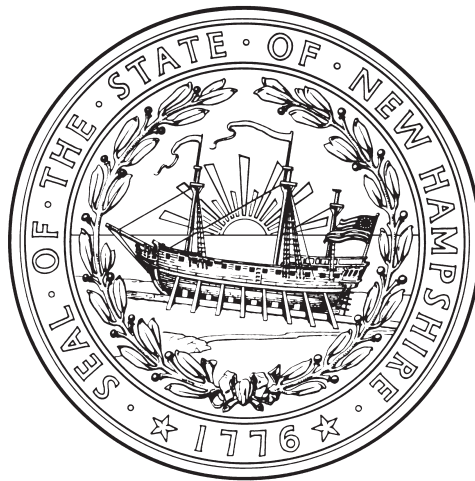


May 18, 2017  
Nos. 16-17

# STATE OF NEW HAMPSHIRE

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

**Legislative Proceedings**

## SENATE JOURNAL

**ADJOURNMENT – MAY 11, 2017 SESSION  
COMMENCEMENT – MAY 18, 2017 SESSION**

# SENATE JOURNAL 16 *(continued)*

*May 11, 2017*

## REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 154, relative to interference with traffic devices.

HB 178, establishing a commission to study processes to resolve right-to-know complaints.

HB 220, amending the title of the chapter relating to child pornography.

HB 251, relative to capital reserve fund appropriations by municipalities.

HB 355-FN, relative to criminal record checks in adoption proceedings and foster family home licensing.

HB 362, prohibiting certain immunization requirements for noncommunicable diseases.

HB 458, relative to motorcycle headlamps.

SB 9, relative to the admissibility of proffered evidence in sexual assault cases.

SB 21, relative to licensure and continuing education of architects.

SB 53, relative to regulation of appraisal management companies by the real estate appraiser board.

SB 80, relative to implementation of the all veterans' tax credit, and relative to applications for recovery from the FRM victims' contribution recovery fund.

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

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

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 17

*May 18, 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, give us courage, energy, and abundant resources to do the right things. Help us to live the American principles and values of our founders. Help us take the steps we need to pass just and good legislation. Give us the motivation, a driving passion to take necessary action. We have been given much, and often we have hoarded it. Give us the passion for our state and for our country so we are ready to give of our time, energy and money to serve our country and state. We pray that we be led, that you lead us farther and farther away from self-centeredness and materialism, and closer to serving each other and our neighbors. We pray for all those this day who are sick and suffering. We pray especially for Senator Soucy's father who had surgery; may you give him your healing touch. We give thanks for all families who give each other love and support. Families are the backbone of our community; help us to pass laws that help families to care for each other and thrive in our state. Amen.*

Senator D'Allesandro led the Pledge of Allegiance.

Senator Soucy is excused for the day.

## INTRODUCTION OF PAGES

Senator Carson introduced Chloe Tardif from Bishop Guertin High School of Nashua, serving as Senate Page for the day.

## SPECIAL ORDER

Without objection, the following bills are special ordered to the next session. Adopted

## COMMERCE

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

## FINANCE

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

## SPECIAL ORDER

Without objection, the following bill is special ordered to the end of the calendar. Adopted

## COMMERCE

HB 353-FN, relative to sales of beer in refillable containers.

## FN REPORT FOR MAY 18, 2017

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

## CONSENT CALENDAR:

## ENERGY AND NATURAL RESOURCES

HB 352-FN, relative to the energy efficiency fund.

## REGULAR CALENDAR:

## COMMERCE

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

HB 455-FN, relative to the practices of pharmacy benefit managers.

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

## ELECTION LAW AND INTERNAL AFFAIRS

HB 552-FN, relative to investigation of voter verification letters.

## JUDICIARY

HB 474-FN, regulating the use of a cell site simulator device.

## WAYS AND MEANS

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

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

## REGULAR CALENDAR:

## COMMERCE

HB 353-FN, relative to sales of beer in refillable containers.

## ENERGY AND NATURAL RESOURCES

HB 225, relative to information collection concerning electric renewable portfolio standards.

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

## WAYS AND MEANS

HB 164, relative to poker in private residences.

HB 531-FN, increasing the minimum gross business income required for filing a business profits tax return—if Inexpedient to Legislate recommendation is overturned.

HB 560-FN-A-L, establishing keno—if Re-Refer to Committee recommendation is overturned.

HB 574-FN, increasing the limit on contributions to the community development finance authority for which an investment tax credit may be taken—if Re-Refer to Committee recommendation is overturned.

Without objection, the FN Report is adopted.

## CONSENT CALENDAR REPORTS REMOVED

## HEALTH AND HUMAN SERVICES

HB 469 by Senator Bradley

## CONSENT CALENDAR

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

## ENERGY AND NATURAL RESOURCES

HB 246, relative to timber trespass.

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

This bill corrects the inappropriate use of the timber trespass law in shade and ornamental tree disputes. Current statute does not spell out the value for timber that is cut. Clarifying that the market value based on the stumpage value of a forest product, not a replacement value, reduces the tendency to exceed values beyond the intent of the statute while still maintaining the ability to penalize trespass violations. It will also reduce the time that the Department of Resources and Economic Development spends on trespass cases to address more pressing responsibilities.

HB 337, relative to municipal regulations of small wind energy systems.

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

This bill modifies the authority of municipalities to set noise level limits for small wind energy systems. The committee supports the merits of this bill, but believes more time is needed to allow for input from all stakeholders on this matter.

HB 352-FN, relative to the energy efficiency fund.

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

This bill allows the State to more effectively manage various State energy programs that help save energy and that also help the State with more modern energy contract management.

## HEALTH AND HUMAN SERVICES

HB 536, directing the wellness and primary prevention council to establish a system of family resource centers of quality.

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

This bill would direct the wellness and primary prevention council to establish a system of family resource centers of quality. Family Resource Centers play a unique role in our communities and are crucial to the health and wellness of New Hampshire families. In order to meet the needs of New Hampshire communities, a stronger infrastructure of Family Resource Centers of quality is necessary.

## JUDICIARY

HB 439, relative to the admissibility of proffered evidence in sexual assault cases.

Inexpedient to Legislate, Vote 5-0. Senator Hennessey for the committee.

This bill would establish a procedure to determine the admissibility of proffered evidence in sexual assault cases. The Committee recommends not moving forward with this legislation, as the same language has now been passed by the House in SB9.

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

## REGULAR CALENDAR

## COMMERCE

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

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

Commerce

May 10, 2017

2017-1698s

03/01

## Amendment to HB 161-FN

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

AN ACT relative to beverage sales at farmers' markets and relative to liquor commission sales.

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

2 Liquor Commission; Marketing and Merchandising. Amend RSA 176:11, II to read as follows:

II. In the event that the commission determines New Hampshire liquor revenues are being diverted by actions taken by persons holding ~~[either liquor and wine representative or liquor and wine vendor licenses]~~ **any license issued under this title** who compete directly or indirectly with the commission for market share ~~[in this or other states]~~, the commission may take such marketing or merchandising action, or both, as it deems necessary, including sanctions against ~~[products supplied by]~~ the competing entities.

2017-1698s

#### AMENDED ANALYSIS

This bill requires beverage manufacturer licensees to pay the beer tax on beverages sold at farmers' markets. This bill also expands the liquor commission's marketing and merchandising authority.

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

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

HB 455-FN, relative to the practices of pharmacy benefit managers.

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

Commerce

May 10, 2017

2017-1703s

01/03

#### Amendment to HB 455-FN

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

2 Repeal. RSA 420-J:8, XV(c), prohibiting pharmacy benefit managers to require providers to obtain certain accreditation, credentialing, or licensing, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect May 1, 2018.

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

2017-1703s

#### AMENDED ANALYSIS

This bill prohibits pharmacy benefit managers from requiring providers to attain accreditation, credentialing, or licensing other than by the pharmacy board or other state or federal entity until May 1, 2018.

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.

#### ELECTION LAW AND INTERNAL AFFAIRS

HB 552-FN, relative to investigation of voter verification letters.

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

Election Law and Internal Affairs

May 9, 2017

2017-1683s

03/08

#### Amendment to HB 552-FN

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

1 Letters of Identity Verification. Amend RSA 654:12, V(c) to read as follows:

(c) The secretary of state shall ~~[cause]~~ **conduct an inquiry regarding** any letters mailed pursuant to subparagraph (b) that are returned as undeliverable by the United States Post Office ~~[to be referred to the attorney general. The secretary of state shall also prepare and forward to the attorney general a list of all]~~ **and those** persons who were mailed letters under subparagraph (b) and have not confirmed their registration. **The inquiry may include consulting with, and examining public records held by, municipal**

*officials, which contain information relevant to a person's qualifications to vote in New Hampshire, and interviewing persons living at the address listed on the voter registration form. After such inquiry, the secretary of state shall prepare and forward to the attorney general for investigation a list of those people whose identity or eligibility to vote could not be confirmed.* Upon receipt of notice from a person who receives a letter of identity verification that the person did not register and vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.

2 Letters of Driver's Obligation. Amend RSA 654:12, V(e)-(f) to read as follows:

(e) The secretary of state shall ~~[cause]~~ **conduct an inquiry regarding** any letters mailed pursuant to subparagraph (d) that are returned as undeliverable by the United States Post Office ~~[to be referred to the attorney general and]~~. ***The inquiry may include consulting with, and examining public records held by, municipal officials, which contain information relevant to a person's qualifications to vote in New Hampshire, and interviewing persons living at the address listed on the letters. After such inquiry, the secretary of state shall prepare and forward to the attorney general for investigation a list of those people whose eligibility to vote could not be confirmed.*** The attorney general shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.

(f) Upon completion of any investigation authorized under ~~[this section]~~ **RSA 654:12, the secretary of state and** the attorney general shall forward a report summarizing the results of the ***inquiry and*** investigation, ***respectively,*** to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.

3 Letters of Identity Verification. Amend RSA 659:13, IV(b) to read as follows:

(b) The secretary of state shall ~~[prepare a list of voters from]~~ **conduct an inquiry regarding** any letters mailed pursuant to subparagraph (a) that are returned as undeliverable by the United States Post Office and of voters who were mailed letters under subparagraph (a) and have not responded to the secretary of state. ***The inquiry may include consulting with, and examining public records held by, municipal officials, which contain information relevant to a person's qualifications to vote in New Hampshire, and interviewing persons living at the address listed on the letters. After such inquiry, the secretary of state shall prepare and forward to the attorney general for investigation a list of those people whose identity or eligibility to vote could not be confirmed.*** ~~[The secretary of state shall revise the list based on input solicited from the supervisors of the checklist. The secretary of state shall forward the revised list of names to]~~ The attorney general ~~[who]~~ shall cause an investigation to be made to determine whether fraudulent voting occurred.

4 Centralized Voter Registration Database; Information Shared With Other States. Amend RSA 654:45, VIII to read as follows:

VIII.(a) The secretary of state may enter into an agreement to share voter information or data from the statewide centralized voter registration database for the purpose of comparing duplicate voter information with other states or groups of states. The secretary of state shall only provide information that is necessary for matching duplicate voter information with other states and shall take precautions to make sure that information in the database is secure in a manner consistent with RSA 654:45, VI. The secretary of state may solicit input from the department of safety and the department of information technology and shall ensure that any information or data shared between the agencies that is of a confidential nature remains confidential.

(b) ***The secretary of state shall investigate any duplicate matches of voters resulting from any comparisons of the statewide centralized voter registration database with other states. If the investigation results in the inability to confirm the eligibility of a person or persons who voted, or there is reason to believe a person or persons voted who were not eligible, the secretary of state shall forward the results to the attorney general for further investigation or prosecution.***

(c) ***Upon completion of any investigation authorized under RSA 654:45, VIII(b), the attorney general and the secretary of state shall forward a report summarizing the results of the investigation to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.***

5 Repeal. RSA 654:45, IX, relative to sharing voter information with other states, is repealed.

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



2017-1683s

## AMENDED ANALYSIS

This bill requires the secretary of state to conduct an inquiry regarding a letter of identity verification or driver's obligation if the letter is returned as undeliverable or if the recipient fails to respond. This bill also requires the secretary of state to investigate matches resulting from interstate comparisons of voter information.

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.

Senator Feltes is in opposition to the motion of Ought to Pass with Amendment on HB 552-FN.

## INTRODUCTION OF GUESTS

Senator D'Allesandro introduced students from Meeting House Montessori School of Bow visiting in the gallery.

Senator Lasky introduced students from World Academy of Nashua visiting in the gallery.

President Morse introduced Rachel Hill, a good friend of his daughter Emma, visiting in the gallery.

## ENERGY AND NATURAL RESOURCES

HB 225, relative to information collection concerning electric renewable portfolio standards.  
Ought to Pass with Amendment, Vote 4-1. Senator Avard for the committee.

Energy and Natural Resources  
May 10, 2017  
2017-1696s  
06/03

## Amendment to HB 225

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

1 Electric Renewable Portfolio Standard; Information Collection. RSA 362-F:8 is repealed and reenacted to read as follows:

## 362-F:8 Information Collection.

I. Beginning July 31, 2018 and by July 31 of each subsequent year, each provider of electricity shall submit a report to the commission, or request a report to be submitted by the administrator of the NEPOOL Generation Information System to the commission, in a form approved by the commission, documenting its compliance with the requirements of this chapter for the prior calendar year. The report shall also include the number of renewable energy certificates that were purchased during the prior calendar year and identify the class and source of each renewable energy certificate.

II. Beginning July 31, 2018 and by July 31 of each subsequent year, each certified New Hampshire renewable energy certificate provider, or aggregator, as defined by RSA 53-E:2, II, working on its behalf, shall submit a report to the commission or request a report to be submitted by the administrator of the NEPOOL Generation Information System to the commission, in a form approved by the commission, documenting the number of renewable energy certificates that were produced during the prior calendar year on a quarterly basis and the class of each renewable energy certificate.

III. The commission shall adopt rules governing the reporting requirements under paragraphs I and II that are designed to minimize the administrative costs and burden on electricity providers and renewable energy certificate providers.

IV. The commission shall disclose the information under paragraphs I and II as public information in the commission's annual report pursuant to RSA 362-F:10, IV. No information shall be disclosed to the public that includes confidential contractual terms agreed to by any individual seller or purchaser of renewable energy certificates. The commission may investigate compliance and collect any information necessary to verify and audit the information provided to the commission by providers of electricity.

V. The commission shall complete the rulemaking process and submit requests to the administrator of the NEPOOL Generation Information System that are necessary to implement this section no later than April 1, 2018.

2 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 the Committee on Finance (Rule 4-5).

Recess. Out of recess.

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

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

Energy and Natural Resources

May 9, 2017

2017-1678s

08/04

#### Amendment to HB 463-FN

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

AN ACT regulating groundwater pollution caused by polluting emissions in the air and relative to standards for emerging contaminants in drinking water.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:

3 New Subdivision; Contaminants in Drinking Water. Amend RSA 485 by inserting after section 16-d the following new subdivision:

#### Perfluorochemicals

485:16-e Perfluorochemicals. The commissioner shall, in consultation with the commissioner of the department of health and human services and stakeholders, within 120 days from the effective date of this section, initiate rulemaking to adopt a maximum contaminant limit (MCL) for perfluorooctanesulfonate (PFOS) and perfluorooctanoic acid (PFOA) for public water systems regulated by this chapter. The commissioner shall consider the standards of other states, including the science considered by states with standards lower than those contained in health advisories from the United States Environmental Protection Agency. The commissioner shall adopt MCLs that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer reviewed science and independent or government agency studies, provided no MCL shall exceed that contained in any MCL promulgated by the United States Environmental Protection Agency. The commissioner shall annually review the newest peer reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

4 New Paragraph; Ambient Groundwater Quality Standards. Amend RSA 485-C:6 by inserting after paragraph III the following new paragraph:

IV. The commissioner shall, in consultation with the commissioner of the department of health and human services and stakeholders, within 120 days from the effective date of this paragraph, determine whether to revise the ambient groundwater quality standards for perfluorooctanesulfonate (PFOS) and perfluorooctanoic acid (PFOA) established in rule in order to comply with this paragraph and shall make public his or her determination. The commissioner shall consider the standards of other states, including the science considered by states with standards lower than those contained in the lifetime health advisory promulgated by the United States Environmental Protection Agency. The commissioner shall adopt standards that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer reviewed science and independent or government agency studies, provided no standard shall exceed that contained in any standard promulgated by the United States Environmental Protection Agency. If the commissioner determines that the standard should be changed, the commissioner shall initiate rulemaking within 60 days of making the determination. The commissioner shall annually review the newest peer reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

2017-1678s

#### AMENDED ANALYSIS

This bill:

I. Allows the department of environmental services to make rules regarding air pollution and the deposit of such pollutants on soils and water.

II. Regulates devices emitting or having the potential to emit air pollutants that may harm soil and water through the deposit of such pollutants.



III. Requires the commissioner of the department of environmental services to adopt a state drinking water standard relative to perfluorochemicals.

IV. Requires the commissioner to establish ambient groundwater quality standards.

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 the Committee on Finance (Rule 4-5).

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 85, relative to installation requirements for arc-fault circuit interrupters.

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

Senate Executive Departments and Administration

April 19, 2017

2017-1465s

05/10

#### Amendment to HB 85

Amend RSA 155-A:3-c, III as inserted by section 1 of the bill by replacing it with the following:

III.(a) If a device without AFCI protection is installed, the property owner shall provide notice of the installation, by registered letter or email with a read receipt requested, to all occupants of the building or structure, as applicable.

(b) If an electrician performs the replacement, the electrician shall file an AFCI unwanted tripping report with the National Electrical Manufacturers Association on the association's website: [www.afcिसafety.org/report.html](http://www.afcिसafety.org/report.html) and shall submit a copy of the report to the property owner and the electricians' board.

Amend the bill by replacing section 2 with the following:

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

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

Senator Carson offered a floor amendment.

Sen. Carson, Dist 14

May 9, 2017

2017-1816s

10/01

#### Floor Amendment to HB 85

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

1 New Section; New Hampshire Building Code; Installation of Arc-Fault Circuit Interrupters; Exception.  
Amend RSA 155-A by inserting after section 3-b the following new section:

155-A:3-c Installation of Arc-Fault Circuit Interrupters (AFCI); Exception.

I. Notwithstanding any provision of the state building code or state fire code requiring the installation of arc-fault circuit interrupters, after repeated tripping of an AFCI device and determination the branch circuit is not causing the AFCI to trip, an AFCI device may be replaced with one without AFCI protection in accordance with this section.

II. All receptacle outlets supplied by the branch circuit without AFCI protection shall prior to occupancy either be:

(a) Marked "No AFCI Protection;" or

(b) Identified in a notice given by the property owner to all occupants.

III. If an electrician installs a device without AFCI protection, within 5 working days the electrician shall file an AFCI unwanted tripping report with the National Electrical Manufacturers Association on the association's webpage for arc fault breaker safety, and shall submit a copy of the report to the property owner and the electricians' board.

IV. The device without AFCI protection shall be permitted to remain in place for the period of time it takes for the manufacturer to resolve the matter.

V. Nothing in this section shall prevent a homeowner from making electrical installations in or about a single family residence owned and occupied by him or her or to be occupied by him or her as his or her bona fide personal abode.

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

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

Senator Sanborn offered a floor amendment.

Sen. Sanborn, Dist 9

April 27, 2017

2017-1557s

05/10

#### Floor Amendment to HB 85

Amend RSA 155-A:3-c, III as inserted by section 1 of the bill by replacing it with the following:

III. If an electrician installs a device without AFCI protection, the electrician shall file an AFCI unwanted tripping report with the National Electrical Manufacturers Association on the association's website: [www.afcिसafety.org/report.html](http://www.afcिसafety.org/report.html) and shall submit a copy of the report to the property owner and the electricians' board.

Amend the bill by replacing section 2 with the following:

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

Recess. Out of recess.

#### SPECIAL ORDER

Without objection, the following bill is special ordered to the end of the calendar before HB 353. Adopted.

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 85, relative to installation requirements for arc-fault circuit interrupters.

#### FINANCE

HB 294-FN-A, relative to the cost of fiscal analysis of legislation relating to the retirement system. Inexpedient to Legislate, Vote 3-3. Senator Daniels for the committee.

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

A roll call was requested by Senator D'Allesandro, seconded by Senator Sanborn.

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

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

The following Senators were excused: Soucy.

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

HB 414-FN-A, limiting parental liability under a CHINS petition in certain circumstances. Ought to Pass, Vote 5-0. Senator Giuda for the committee.

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

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

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

Senator Reagan moved to Lay on the Table.

The question is on the adoption of the motion to Lay on the Table.

A roll call was requested by Senator Woodburn, seconded by Senator Fuller Clark.

Recess. Out of recess.

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

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

The following Senators were excused: Soucy.

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

#### JUDICIARY

HB 474-FN, regulating the use of a cell site simulator device.

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

Senate Judiciary

May 9, 2017

2017-1694s

08/04

#### Amendment to HB 474-FN

Amend RSA 570-A:2-a, I(a)(5) as inserted by section 1 of the bill by replacing it with the following:

(5) Denying a communications device access to other communications devices, communications protocols, or services without informing affected users.

Amend RSA 570-A:2-a, I(b)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) A telecommunications company, its customers, or vendors, solely to the extent such device is used by such entity or individual to operate its communications network efficiently.

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.

#### WAYS AND MEANS

HB 164, relative to poker in private residences.

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

Senate Ways and Means

May 10, 2017

2017-1708s

08/03

#### Amendment to HB 164

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

AN ACT relative to poker in private residences and relative to limits on wagers in charitable games of chance.

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

1 New Subparagraph; Poker in Private Residences. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

(d) A poker game held in a private residence so long as the house takes no compensation from the prize pool, no admission fee or seat fee is charged, no one receives any money or anything of value for conducting the game, for allowing the use of his or her residence for the game, or for any other reason except his or her own winnings as a player, the game's odds do not favor a "house" or any player, there is no house bank, the game is limited to no more than 10 players, and the game is not advertised to the public.

2 Limit on Wagers. Amend RSA 287-D:16 to read as follows:

287-D:16 Wagers. No single wager by a player, on any game of chance, shall exceed the amount of [~~\$4~~] **\$10**. Provided, however, that in games of poker where the chips have monetary value, play may be conducted under "table stakes" rules where the amount of blinds, antes, and any other type of forced bet shall not exceed [~~\$4~~] **\$10** per player but the amount wagered by a player during the play of a hand shall not be limited except by the amount of chips the player has in his or her possession on the table. In any such "table stakes" game, the amount of chips a player may purchase during the course of play in said game shall be no greater in value than \$150.

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

2017-1708s

#### AMENDED ANALYSIS

This bill allows the playing of home poker games.

This bill also raises the limits on wagers in charitable games of chance.

The question is on the adoption of the Committee Amendment.

Senator Sanborn moved to divide the question: Sections 1 and 3, and Sections 2 and 3.

The Chair ruled the question divisible.

The question is on the adoption of the Committee Amendment, Sections 2 and 3. Failed.

The question is on the adoption of the Committee Amendment, Sections 1 and 3.

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

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

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

The following Senators were excused: Soucy.

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

The question is on the adoption of the motion of Ought to Pass with Amendment, Sections 1 and 3. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

HB 316, relative to a statewide property tax exemption for commercial and industrial construction. Ought to Pass, Vote 3-2. Senator Sanborn for the committee.

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

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

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

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

The following Senators were excused: Soucy.

Roll Call, Yeas: 12 - Nays: 10. Adopted, bill ordered to Third Reading.

HB 531-FN, increasing the minimum gross business income required for filing a business profits tax return. Inexpedient to Legislate, Vote 5-0. Senator Feltes for the committee.

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

HB 560-FN-A-L, establishing keno.

Re-refer to Committee, Vote 4-1. Senator Sanborn for the committee.

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

HB 574-FN, increasing the limit on contributions to the community development finance authority for which an investment tax credit may be taken.

Re-refer to Committee, Vote 3-2. Senator Daniels for the committee.

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

Recess. Out of recess.

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

Ought to Pass with Amendment, Vote 5-0. Senator D'Allesandro for the committee.

Senate Ways and Means  
May 10, 2017  
2017-1709s  
10/04

Amendment to HB 654-FN

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

AN ACT establishing a committee to study the regulation and taxation of vacation rentals and short-term rentals, and relative to examinations of vacation and short-term rentals.

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

6 New Section; Housing Standards; Examination of Vacation Rentals and Short-Term Rentals. Amend RSA 48-A by inserting after section 15 the following new section:

48-A:16 Examination of Vacation Rentals and Short-Term Rentals.

I.(a) Notwithstanding any provision of law to the contrary, a municipality or public agency shall be permitted to enter upon the premises of a vacation rental or short-term rental for the purpose of making examinations under this chapter, provided that such entries shall be made only upon an individualized showing of probable cause that a particular dwelling is unfit for human habitation sufficient to support issuance of a search warrant by a court of competent jurisdiction in the event entry is denied or resisted. In no case shall entries into dwellings for the purpose of making such examinations be permitted in the absence of an individualized showing of probable cause.

(b) Before conducting an examination under subparagraph (a), the municipality shall provide at least 48-hour notice to the dwelling owner in writing of the municipality's request for inspection and the basis for the municipality's claim of probable cause. The mere fact that a dwelling is used as a vacation rental or short-term rental shall not constitute probable cause for entry into the dwelling.

(c) The municipality shall not charge a fee for an inspection under this paragraph.

(d) The municipality shall not require a certificate of occupancy or other license for a short-term or vacation rental.

II. In this section, "vacation rental" or "short-term rental" means any individually or collectively owned single-family house or dwelling unit or any unit or group of units in a condominium, cooperative, or owner occupied residential home, that is offered for a fee and for less than 30 consecutive days. Vacation rentals and short-term rentals are residential uses of property and do not include any unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center, or another similar use.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2017.

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

2017-1709s

AMENDED ANALYSIS

This bill establishes a committee to study the regulation and taxation of vacation rentals and short-term rentals. This bill also establishes limits on examinations of vacation and short-term rentals by a municipality or public agency.

Senator Fuller Clark moved Re-refer to Committee.

A roll call was requested by Senator Avard, seconded by Senator Fuller Clark.

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

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

The following Senators were excused: Soucy.

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



## INTRODUCTION OF GUESTS

Senator D'Allesandro introduced students from Dunbarton Elementary School visiting in the gallery.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Fuller Clark, seconded by Senator Sanborn.

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

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

The following Senators were excused: Soucy.

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

Recess. Out of recess.

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 Woodburn.

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

The following Senators voted No: Fuller Clark.

The following Senators were excused: Soucy.

Roll Call, Yeas: 21 - Nays: 1. Adopted, bill ordered to Third Reading.

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 85, relative to installation requirements for arc-fault circuit interrupters.

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

Senator Sanborn withdrew floor amendment 1557s.

Senator Sanborn offered a floor amendment.

Sen. Sanborn, Dist 9

May 18, 2017

2017-1878s

10/05

## Floor Amendment to HB 85

Amend RSA 155-A:3-c, II as inserted by section 1 of the bill by replacing it with the following:

II. All receptacle outlets supplied by the branch circuit without AFCI protection shall be marked "No AFCI Protection."

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Giuda, Sanborn.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators were excused: Soucy.

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

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

The following Senators voted No: Sanborn.

The following Senators were excused: Soucy.

Roll Call, Yeas: 21 - Nays: 1. Adopted, bill ordered to Third Reading.

#### COMMERCE

HB 353-FN, relative to sales of beer in refillable containers.

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

Commerce

May 10, 2017

2017-1700s

03/01

#### Amendment to HB 353-FN

Amend RSA 178:32, I-II as inserted by section 2 of the bill by replacing them with the following:

I. A beer specialty licensee paying an additional fee of \$240 shall be issued a refillable beer container license authorizing the licensee to fill standard refillable containers in accordance with this section.

II. Beer specialty licensees shall comply with the following:

(a) The licensee shall designate an area of the premises where at least 3 but not more than 10 filling stations shall be permanently installed.

(b) The designated area shall be separated from customers by a counter or other barrier.

(c) Containers may only be filled by the licensee and the licensee's employees.

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

Senator Sanborn offered a floor amendment.

Sen. Sanborn, Dist 9

May 18, 2017

2017-1874s

03/04

#### Floor Amendment to HB 353-FN

Amend RSA 178:32, I as inserted by section 2 of the bill by replacing it with the following:

I. A beer specialty licensee may upon the request of the licensee be issued a refillable beer container license authorizing the licensee to fill standard refillable containers in accordance with this section.

The question is on the adoption of the Floor 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, D'Allesandro, Fuller Clark.

The following Senators were excused: Soucy.

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

Senator Watters offered a floor amendment.

Sen. Watters, Dist 4

May 18, 2017

2017-1869s

03/04

#### Floor Amendment to HB 353-FN

Amend RSA 178:32, I as inserted by section 2 of the bill by replacing it with the following:

I. A beer specialty licensee paying an additional fee of \$240 or a beverage manufacturer licensee shall be issued a refillable beer container license authorizing the licensee to fill standard refillable containers in accordance with this section.

2017-1869s

## AMENDED ANALYSIS

This bill authorizes the sale of beer in refillable containers. The bill also authorizes beverage manufacturers to fill refillable beer containers.

The question is on the adoption of the Floor Amendment.

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

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

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

The following Senators were excused: Soucy.

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

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

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

## HEALTH AND HUMAN SERVICES

HB 469, establishing a continuous quality improvement program for pharmacies.

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

Health and Human Services

May 10, 2017

2017-1705s

10/05

## Amendment to HB 469

Amend RSA 318:45-a, IV-VI as inserted by section 1 of the bill by replacing them with the following:

## IV.(a) The pharmacy shall either:

(1) Report incidents and unsafe events as quality-related events through a contracted patient safety organization (PSO) recognized by the Agency for Healthcare Research and Quality (AHRQ) whose primary mission is pharmacy continuous quality improvement; or

(2) Document incidents and unsafe events as quality-related events in an internal program in the pharmacy in a written record or computer database created solely for that purpose.

(b) The quality-related event shall be documented by the individual who discovers the event or the individual to whom it is initially reported. Documentation of quality-related events shall include a description of the event that is sufficient to permit categorization and analysis of the event. Pharmacies shall maintain such records at least until the event has been considered and incorporated in a summary of documented actions.

V. As a component of its CQI program, each licensed pharmacy shall assure that, following a quality-related event, all reasonably necessary steps have been taken to prevent or minimize patient harm.

VI. CQI programs shall be confidential. The summarization document shall analyze process improvements undertaken following a quality-related event. No patient names or employee names shall be included in this summarization. The summarization shall be maintained for 4 years and be made available within 3 business days of a request by the board's inspectors. Continuous quality improvement records shall be considered peer-review documents and not subject to discovery in civil litigation or administrative actions.

Senator Bradley moved Re-refer to Committee.

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

Without objection, the Clerk shall read the first complete House Message and thereafter only the title of each bill shall be read.

## HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 116, requiring notice to affected municipalities of energy facility siting.

Senator Avarad moved concurrence. Adopted.

SB 130, relative to classification of certain state employee positions.

Senator Carson moved concurrence. Adopted.

SB 140, relative to the independent investment committee in the New Hampshire retirement system.

Senator Carson moved concurrence. Adopted.

SB 210, relative to certain positions in the insurance department.

Senator Carson moved concurrence. Adopted.

SB 147, establishing a committee to study mental health and social service business process alignment and information system interoperability.

Senator Bradley moved concurrence. Adopted.

SB 235-FN, relative to Medicaid reimbursement to schools for students with medical needs.

Senator Bradley moved concurrence. Adopted.

SB 134, relative to electronic tolling at certain tolling facilities and relative to optional anonymous transponders.

Senator Birdsell moved nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Birdsell, Gannon and Watters.

SB 176, to officially retain the name of a bridge in the city of Lebanon as Lyman Bridge.

Senator Birdsell moved concurrence. Adopted.

## MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

## LATE SESSION

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

Senator Sanborn: HB 85, HB 161-FN, HB 164, HB 225, HB 246, HB 294-FN-A, HB 316, HB 337, HB 352-FN, HB 353-FN, HB 414-FN-A, HB 439, HB 455-FN, HB 463-FN, HB 469, HB 531-FN, HB 536, HB 552-FN, HB 560-FN-A-L, HB 574-FN, HB 632-FN, HB 649-FN, HB 652-FN, HB 654-FN

## ANNOUNCEMENTS

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. Our esteemed colleague from District 4 has retired from the University with a distinguished career as a professor of English, and we will continue to hear his lectures and gain wisdom from all his words. Thank you, and congratulations Senator Watters.

PRESIDENT MORSE: Just a couple of things. Tuesday, May 30<sup>th</sup>, 10 o'clock in Rep's Hall – hopefully we're presenting a budget that day.

A few other things: Tuesday, May 30<sup>th</sup>, Rep's Hall, 10 o'clock, that will be the day we present the Senate's version of the budget. The Senate will not be in session next week, Thursday, May 25<sup>th</sup> – go ahead and clap. The Senate will be in session, to make up for this, on Wednesday, May 31<sup>st</sup> at 1:00 p.m. and Thursday, June 1<sup>st</sup>, obviously, to take up every bill that's left. So every bill needs to be out of committee by the 25<sup>th</sup>; that includes our version of House Bill 1, House Bill 2, House Bill 25, and anything else that's in committees. Have we got it?

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I saw a memo, I think it was Senator Gray's, notifying that Tuesday at, I think, 5 o'clock, you should have all gotten a copy of it, up at New Hampshire Motor Speedway one of the NASCAR teams is actually up there testing. If you have never been, I can't stress enough, especially after the wonderful day we'll have on Tuesday, that you all get up there and participate because they're going to let you into the pit, into the hot pits, and really get as close to the action as you possibly can, and being it's a test day it will be a very personal experience. So, again, I stress that anyone who has never been up to do it – NHMS is one of our true gems; it brings our state a lot of money, and they give you guys the opportunity to see how it really rolls, is something not to be missed. Thank you, Mister President.

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

HB 85, relative to installation requirements for arc-fault circuit interrupters.

HB 161-FN, relative to beverage sales at farmers' markets and relative to liquor commission sales.

HB 246, relative to timber trespass.

HB 316, relative to a statewide property tax exemption for commercial and industrial construction.

HB 352-FN, relative to the energy efficiency fund.

HB 414-FN-A, limiting parental liability under a CHINS petition in certain circumstances.

HB 455-FN, relative to the practices of pharmacy benefit managers.

HB 474-FN, regulating the use of a cell site simulator device.

HB 536, directing the wellness and primary prevention council to establish a system of family resource centers of quality.

HB 552-FN, relative to investigation of voter verification letters.

HB 654-FN, establishing a committee to study the regulation and taxation of vacation rentals and short-term rentals, and relative to examinations of vacation and short-term rentals.

#### 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 forming committees of conference and when we recess, we recess to the Call of the Chair.

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