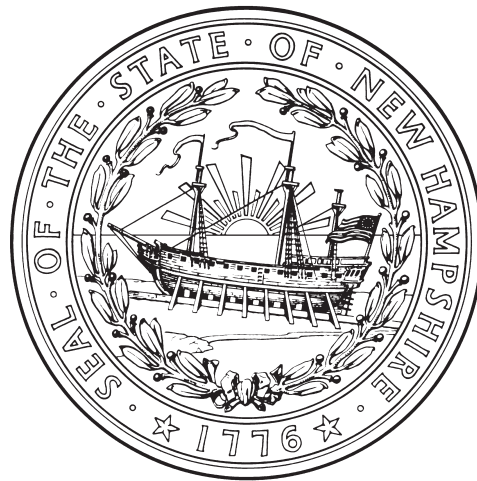


February 23, 2017
Nos. 6-7

STATE OF NEW HAMPSHIRE

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



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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – FEBRUARY 16, 2017 SESSION
COMMENCEMENT – FEBRUARY 23, 2017 SESSION**

SENATE JOURNAL 6 *(continued)*

February 16, 2017

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 84, (New Title) relative to having a loaded firearm in a motorhome.

HB 117, relative to the property tax exemption for improvements to assist persons with disabilities.

HB 120, relative to deposit of county unassigned fund balances in a revenue stabilization reserve account.

HB 151, relative to industrial hemp as a controlled substance.

HB 196, establishing a committee to study requiring passengers on school buses to wear seat belts.

HB 218, relative to activities at polling places.

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

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

HB 258, relative to the submission and approval of subsurface sewage disposal system plans.

HB 264, (New Title) establishing a commission to study allowing pharmacists to prescribe or make available via protocol oral contraceptives and certain related medications.

HB 290, relative to rabies vaccination protocols for companion animals.

HB 291-FN, (New Title) removing veterinarians from the requirements of adopting rules for prescribing opioids and querying the controlled drug prescription health and safety program.

HB 296, allowing counties to authorize and fund forensic audits.

HB 338, relative to grounds for termination of parental rights.

HB 367, relative to central registry checks for out-of-state child care providers and staff.

HB 390, relative to parties on certain election forms and ballots and relative to the voter registration form used on the day of the general election.

HB 405, (New Title) relative to the duties of the decennial retirement commission.

HB 418, relative to the state retiree health plan commission.

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

HB 453, relative to vacancies in the office of supervisor of the checklist.

HB 488, establishing a state parks advisory council.

HB 507, establishing a committee to study the responsibility of a person who through their pollution makes drinking water non-potable.

HB 531-FN, increasing the minimum gross business income required for filing a business profits tax return.

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

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 88-FN, relative to the motor vehicle registration fees for disabled veterans.

HB 133, relative to a jury's determination as to the applicability of law.

HB 208, establishing a commission to study current mental health procedures for involuntary commitment.

HB 238, establishing a committee to study broadband access to the Internet.

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

HB 389, relative to voters with physical disabilities.

HB 489, (New Title) establishing a commission to study adaptation of the tax structure of the state to economic and demographic change.

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this Resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted.

First and Second Reading and Referral

- HB 81, establishing a committee to study gold star number plates. (Transportation)
- HB 84, relative to having a loaded firearm in a motorhome. (Energy and Natural Resources)
- HB 86, relative to voting on variances. (Public and Municipal Affairs)
- HB 87, relative to vacancies in the office of moderator. (Public and Municipal Affairs)
- HB 88-FN, relative to the motor vehicle registration fees for disabled veterans. (Transportation)
- HB 89, relative to municipal revolving funds. (Public and Municipal Affairs)
- HB 91, relative to General John Stark Day. (Election Law and Internal Affairs)
- HB 98-FN, relative to brewpub licenses. (Commerce)
- HB 100, relative to the definition and use of toy smoke devices. (Commerce)
- HB 103, relative to school district policies regarding objectionable course material. (Education)
- HB 104, repealing the commuters income tax. (Ways and Means)
- HB 105, naming a building in honor of Van McLeod. (Executive Departments and Administration)
- HB 107, relative to the membership of the advanced manufacturing education advisory council. (Executive Departments and Administration)
- HB 108, relative to municipal record retention and conversion. (Public and Municipal Affairs)
- HB 117, relative to the property tax exemption for improvements to assist persons with disabilities. (Public and Municipal Affairs)
- HB 120, relative to deposit of county unassigned fund balances in a revenue stabilization reserve account. (Public and Municipal Affairs)
- HB 123, relative to continuation of a public hearing of the zoning board of adjustment. (Public and Municipal Affairs)
- HB 127, relative to vacancies in county offices. (Public and Municipal Affairs)
- HB 133, relative to a jury's determination as to the applicability of law. (Judiciary)
- HB 143, relative to recommittal of a prisoner by the parole board. (Judiciary)
- HB 144, relative to procedures for adoption of the budget for Rockingham County. (Public and Municipal Affairs)
- HB 149, prohibiting disclosure of certain information obtained by former employees of the insurance department. (Executive Departments and Administration)
- HB 150, relative to property and casualty insurance. (Commerce)
- HB 151, relative to industrial hemp as a controlled substance. (Judiciary)
- HB 154, relative to interference with traffic devices. (Transportation)
- HB 163, relative to the responsibility of a municipality to enforce its ordinances. (Public and Municipal Affairs)
- HB 166, relative to assessments administered to pupils in grades 3 through 8. (Education)
- HB 167, relative to audits of county funds. (Public and Municipal Affairs)
- HB 172, relative to tax anticipation notes in counties. (Public and Municipal Affairs)
- HB 175, relative to the definition of a cigar bar. (Commerce)
- HB 178, establishing a commission to study processes to resolve right-to-know complaints. (Judiciary)
- HB 196, establishing a committee to study requiring passengers on school buses to wear seat belts. (Transportation)
- HB 208, establishing a commission to study current mental health procedures for involuntary commitment. (Health and Human Services)
- HB 209, relative to the adoption of Atlantic standard time. (Executive Departments and Administration)
- HB 211-FN, relative to temporary OHRV registrations for nonresidents. (Transportation)
- HB 218, relative to activities at polling places. (Election Law and Internal Affairs)
- HB 219, establishing a demographic study committee. (Executive Departments and Administration)
- HB 220, amending the title of the chapter relating to child pornography. (Judiciary)
- HB 221, relative to the national guard scholarship fund and the New Hampshire national guard education assistance act. (Education)
- HB 228, relative to transportation of alcoholic beverages by a minor. (Judiciary)
- HB 233, relative to the submission of school emergency response plans. (Education)
- HB 237, establishing a committee to study helmet and restraint laws for youth operators and passengers of OHRVs and snowmobiles. (Transportation)
- HB 238, establishing a committee to study broadband access to the Internet. (Public and Municipal Affairs)
- HB 242, relative to the definition and regulation of e-cigarettes. (Commerce)
- HB 246, relative to timber trespass. (Energy and Natural Resources)
- HB 247, relative to retention of voter registration forms. (Election Law and Internal Affairs)
- HB 251, relative to the use of capital reserve fund appropriations by municipalities. (Public and Municipal Affairs)
- HB 255, relative to allowing a designee for the commissioner of the department of administrative services on certain commissions. (Executive Departments and Administration)

HB 258, relative to the submission and approval of subsurface sewage disposal system plans. (Energy and Natural Resources)

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

HB 262, establishing the blackberry as the state berry. (Election Law and Internal Affairs)

HB 264, establishing a commission to study allowing pharmacists to prescribe or make available via protocol oral contraceptives and certain related medications. (Health and Human Services)

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

HB 276, relative to student exemption from the statewide assessment. (Education)

HB 290, relative to rabies vaccination protocols for companion animals. (Executive Departments and Administration)

HB 291-FN, removing veterinarians from the requirements of adopting rules for prescribing opioids and querying the controlled drug prescription health and safety program. (Health and Human Services)

HB 296, allowing counties to authorize and fund forensic audits. (Public and Municipal Affairs)

HB 299, relative to notice by mail for zoning and planning purposes. (Public and Municipal Affairs)

HB 301, relative to the regulation of electric grills. (Executive Departments and Administration)

HB 338, relative to grounds for termination of parental rights. (Judiciary)

HB 340, relative to the sale of the Laconia state school. (Finance)

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

HB 367, relative to central registry checks for out-of-state child care providers and staff. (Health and Human Services)

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

HB 389, relative to voters with physical disabilities. (Election Law and Internal Affairs)

HB 390, relative to parties on certain election forms and ballots and relative to the voter registration form used on the day of the general election. (Election Law and Internal Affairs)

HB 405, relative to the duties of the decennial retirement commission. (Executive Departments and Administration)

HB 418, relative to the state retiree health plan commission. (Executive Departments and Administration)

HB 420-FN, relative to ignition interlock requirements in manslaughter cases involving alcohol. (Judiciary)

HB 428-FN, relative to crossbow hunting by persons 68 years of age and older. (Energy and Natural Resources)

HB 453, relative to vacancies in the office of supervisor of the checklist. (Election Law and Internal Affairs)

HB 488, establishing a state parks advisory council. (Executive Departments and Administration)

HB 489, establishing a commission to study adaptation of the tax structure of the state to economic and demographic change. (Ways and Means)

HB 507, establishing a committee to study the responsibility of a person who through their pollution makes drinking water non-potable. (Energy and Natural Resources)

HB 508, naming the New Hampshire Army National Guard Regional Training Institute and Barracks facility in Pembroke after Colonel Edward Cross. (Transportation)

HB 516, relative to the time period for refiling a petition for annulment of a criminal record. (Judiciary)

HB 531-FN, increasing the minimum gross business income required for filing a business profits tax return. (Ways and Means)

HB 591-FN, relative to suction dredging in the surface waters of the state. (Energy and Natural Resources)

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 7

February 23, 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.

God bless this nation of ours. We pray for liberty that none may be oppressed or exploited. We pray for democracy, that all voices be heard and none silenced. We pray for peace, that there may be harmony in which everyone's gifts may flourish. We pray for justice, that no one benefit at the expense of another, that there be a just and equitable sharing of power. We give thanks that we live in a land of laws. Be with those who have been entrusted with the sacred honor of making those laws. Give them wisdom to make the laws fair and just. We pray for our spirit of patriotism, that we may be faithful to one another as a whole. We thank you for our freedom and those who have protected it: teachers who taught us to question, neighbors who acted in covenant with one another, those who spoke out against injustice. We thank you for the gift of our diversity, where we honor all people and celebrate our rich differences. We thank you for this land. Temper our might with humility and our power with compassion. Mend our divisions, heal our fear and restore our love for one another. Bless us O God and make us a nation of justice and peace, a nation of benevolence and generosity, a nation of mutual sharing and cooperation, a nation devoted to the healing of the world. We may be divided at times, but we give thanks that we will be united in rooting and being together as patriots. Amen.

Senator French led the Pledge of Allegiance.

Senator Hennessey is excused for the day.

INTRODUCTION OF PAGES

Senator Feltes introduced Samuel Morris of Changzhou, China and Gwen Morris of Lich, Germany both homeschooled with the New Hampshire Virtual Academy, serving as Senate Pages for the day.

SPECIAL ORDER

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

ENERGY AND NATURAL RESOURCES

SB 30, defining woodland buffers and relative to such woodland buffers for the purposes of the shoreland protection act.

SB 48, establishing a commission to study changes to the fish and game commission and department.

CONSENT CALENDAR REPORTS REMOVED

The following bills were removed from the Consent Calendar:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 133-FN, relative to security screening at state correctional facilities. Removed by Senator Sanborn.

PUBLIC AND MUNICIPAL AFFAIRS

SB 168, relative to increasing the maximum amount of the optional veterans tax credit. Removed by Senator Gannon.

FN REPORT FOR FEBRUARY 23, 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:

COMMERCE

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

EDUCATION

SB 101-FN, relative to enrollment eligibility for regional career and technical education programs.

REGULAR CALENDAR:

EDUCATION

SB 8-FN, relative to school attendance in towns with no public schools.

HEALTH AND HUMAN SERVICES

SB 144-FN, relative to qualifying medical conditions for the therapeutic use of cannabis.

SB 224-FN, relative to conversion therapy seeking to change a person's sexual orientation.

JUDICIARY

SB 163-FN, relative to live medical testimony in courts. (If Inexpedient to Legislate recommendation is overturned.)

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

CONSENT CALENDAR:**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

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

SB 211-FN, establishing a statewide law enforcement data network. (If Inexpedient to Legislate recommendation is overturned.)

PUBLIC AND MUNICIPAL AFFAIRS

SB 172-FN, relative to dams on residential property. (If Re-Refer to Committee recommendation is overturned.)

TRANSPORTATION

SB 25, relative to small claims resulting from accidents due to activities of the department of transportation.

REGULAR CALENDAR:**EDUCATION**

SB 105-FN-L, relative to emergency school building aid.

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

SB 192-FN, relative to state contributions to public school renovations. (If Inexpedient to Legislate recommendation is overturned.)

SB 193-FN, establishing education freedom savings accounts for students.

SB 228-FN-A, establishing the New Hampshire college graduate retention incentive partnership (NH GRIP).

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

SB 213-FN, waiving initial licensure fees for certain applicants for occupational or professional licenses. (If Inexpedient to Legislate recommendation is overturned.)

HEALTH AND HUMAN SERVICES

SB 223-FN-A, relative to staffing recommendations from the quality assurance review of the division of children, youth and families.

TRANSPORTATION

SB 178-FN, relative to motor vehicle registration transfer credits. (If Re-Refer to Committee recommendation is overturned.)

SB 179-FN-A, making appropriations for the operation, maintenance, and repair of certain welcome centers and rest areas in Coos county.

SB 241-FN-A, requiring the department of transportation and the department of resources and economic development to determine a location for a visitor center in Cheshire county.

SB 243-FN-A, relative to complete streets policies, establishing a complete streets pilot program, and making an appropriation therefor.

Without objection, the FN Report is adopted.

CONSENT CALENDAR

Senator Giuda 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 as follows:

FN bills not waived under Senate Rule 4-5, to the Committee on Finance; non-FN bills approved for referral to Finance by the day's FN report, to the Committee on Finance; and all other bills, to Third Reading.

COMMERCE

SB 18, eliminating the procedure for reinstating foreign limited liability partnerships.

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

This bill as introduced, eliminated the procedure for reinstating foreign also known as out of state limited liability partnerships. The amendment makes the foreign corporations and foreign LLC's reinstatement process consistent with the current domestic liability LLC and corporation reinstatement process.

Commerce
February 15, 2017
2017-0464s
01/04

Amendment to SB 18

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

AN ACT relative to reinstatement of foreign corporations and foreign limited liability partnerships.

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

1 New Subparagraph; Procedure for and Effect of Revocation; Foreign Corporations. Amend RSA 293-A:15.31 by inserting after subparagraph (d) the following new subparagraph:

(e) A foreign corporation whose certificate of authority has been revoked under this section may apply to the secretary of state for reinstatement by completion of a reinstatement form together with payment of fees in arrears at the time of revocation. Beyond 120 days, a reinstatement shall be accompanied by, in addition to the above, annual fees for the years since the revocation, if the foreign corporation was doing business in this state during those years, and a certificate from the New Hampshire department of revenue administration indicating there are no taxes due to the department.

2 New Paragraph; Procedures for and Effect of Revocation; Foreign Limited Liability Companies. Amend RSA 304-C:184 by inserting after paragraph IV the following new paragraph:

V. A foreign limited liability company whose certificate of authority has been revoked under this section may apply to the secretary of state for reinstatement by completion of a reinstatement form together with payment of fees in arrears at the time of revocation. Beyond 120 days, a reinstatement shall be accompanied by, in addition to the above, annual fees for the years since the revocation, if the foreign corporation was doing business in this state during those years, and a certificate from the New Hampshire department of revenue administration indicating there are no taxes due to the department.

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

2017-0464s

AMENDED ANALYSIS

This bill establishes procedures for reinstatement of foreign corporations and foreign limited liability companies.

SB 24, relative to examinations by the insurance commissioner.

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

This bill authorizes the insurance department to share examination reports or results with the department of labor. Each department has a role in the regulation of compensation insurance. This bill allows them to share information confidentially between both agencies. The amendment specifically states this statute only applies to sharing of workers' compensation audits.

Commerce
February 15, 2017
2017-0465s
01/04

Amendment to SB 24

Amend RSA 400-A:37, IV-a(e)(4) as inserted by section 1 of the bill by replacing it with the following:

(4) May disclose the content of an examination report, preliminary examination report or results, or any matter relating thereto relative to workers' compensation audits, to the department of labor, and all such information disclosed and in the possession or control of the department of labor shall be confidential by law and privileged, shall not be subject to disclosure under RSA 91-A, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. The commissioner of the department of labor shall agree in writing to hold such information confidential and in a manner consistent with this subparagraph.

2017-0465s

AMENDED ANALYSIS

This bill authorizes the insurance commissioner to share examinations relative to workers' compensation audits with the department of labor.

SB 29, relative to persons authorized to sign corporate documents.
Inexpedient to Legislate, Vote 5-0. Senator Soucy for the committee.

This bill would have allowed for an “authorized” person to sign corporate documents for businesses. The committee felt that this bill was a little too vague and may have unintended consequences which is why the committee request inexpedient to legislate.

SB 246-FN, relative to credit union branching authority.
Ought to Pass, Vote 5-0. Senator Soucy for the committee.

This bill allows for a merger of a New Hampshire chartered credit union with an out of state credit union under the supervision of the New Hampshire Banking Department. This bill would allow credit unions to expand and in turn provide consumers with more choices.

EDUCATION

SB 45, requiring a course in civics for high school graduation.
Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

This bill provides that a one-half year civics course shall be required for high school graduation. The Committee amended the bill to clarify the intent behind it and recognizes the vital importance of civics education for our society.

Senate Education
February 16, 2017
2017-0495s
04/06

Amendment to SB 45

Amend the introductory paragraph of RSA 189:11, II as inserted by section 1 of the bill by replacing it with the following:

II. ~~[As a component of instruction under paragraph I, a locally developed competency assessment of United States government and civics that includes, but is not limited to, the nature, purpose, structure, function, and history of the United States government, the rights and responsibilities of citizens, and noteworthy government and civic leaders, shall be administered to students as part of the high school course in history and government of the United States and New Hampshire. Students who attain a passing grade on the competency assessment shall be eligible for a certificate issued by the school district. The United States Citizenship and Immigration Services (USCIS) test may be used to satisfy the requirement of this paragraph.]~~ ***A course of instruction in civics shall be given in all high schools in the state. The course shall be a one-half unit of credit required for graduation. A school district shall develop and offer the civics course provided, at a minimum, the course includes instruction in the following areas:***

SB 46, relative to participation in public school cocurricular programs offered in another school district.
Inexpedient to Legislate, Vote 5-0. Senator Reagan for the committee.

This bill would require the school district in which a pupil resides to grant a pupil’s request to participate in a cocurricular program in another school district, if such program is not offered in the school district in which the pupil resides. The Committee believes that there are already sufficient rules in place to allow these types of requests and that the implementation of this would cause various issues in terms of liability and the authority of the receiving schools.

SB 101-FN, relative to enrollment eligibility for regional career and technical education programs.
Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This bill changes the high school attendance requirement for enrolling in a career and technical education program from two years to one year. Implementing this will allow students to start building towards their future careers earlier and offer them more opportunities to achieve success.

SB 104, establishing a credential for master teacher in school counseling and relative to the membership of regional advisory committees for career and technical education.
Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

This bill adds a school counselor as a member of each regional career and technical education advisory committee. The Committee amended the bill to remove some concerning language regarding school counseling credentials.

Senate Education
February 16, 2017
2017-0501s
04/08

Amendment to SB 104

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

AN ACT relative to career and technical education.

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

1 Career and Technical Education; Advisory Committees. Amend RSA 188-E:4-a to read as follows:

188-E:4-a Advisory Committees.

I. Each designated region shall have a regional advisory committee consisting of representatives from each sending district and the receiving district. Appointees from each district shall represent a reasonable balance ~~[among] of the [recognized vocational areas including, but not limited to, agriculture, marketing and distribution, health, home economics, office occupations, and trades and industry]~~ ***career cluster areas in the region's approved career and technical education programs***. Each regional advisory committee shall have at least 7 members representative of the districts and ~~[vocational]~~ ***career and technical education areas and at least one member shall be a certified high school counselor***.

II. The regional advisory committee shall advise the receiving district school board on matters related to ~~[vocational]~~ ***career and technical*** education but shall have no legal authority with respect to such board's responsibility.

III. Each regional ~~[vocational]~~ ***career and technical*** education center shall have active ~~[craft]~~ ***program advisory*** committees representing each ~~[vocational area]~~ ***approved career and technical education program*** established at the center. Said ~~[craft]~~ ***program advisory*** committees shall advise the regional advisory committee on matters relating to their particular ~~[vocational area]~~ ***approved career and technical education program*** but shall have no legal authority with respect to the regional advisory committee's responsibility.

2 Career and Technical Education; Funding for Renovation and Expansion. Amend the introductory paragraph of RSA 188-E:10, I to read as follows:

I. The department of education is responsible for maintaining a statewide system of regional vocational education centers to provide and allow for a variety of career and technical education programs funded within state budget appropriations. The treasurer of the state of New Hampshire is hereby authorized to make funds available to the department of education for the renovation and expansion of qualified regional ~~[vocational]~~ ***career and technical*** education centers or regional ~~[vocational]~~ ***career and technical*** education programs authorized in the capital budget, provided that:

3 Career and Technical Education; Funding for Renovation and Expansion. Amend RSA 188-E:10, I (f)(8) to read as follows:

(8) Is a regional ~~[vocational]~~ ***career and technical*** education center within a public school, or a public academy as defined in RSA 194:23, II, in the state of New Hampshire.

4 Career and Technical Education; Funding for Renovation and Expansion. Amend RSA 188-E:10, II to read as follows:

II. The renovation and expansion reserve funding required by subparagraph I(d) may be funded through local community funds, ~~[vocational]~~ ***career and technical*** education tuition payments, gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, organizations, or institutions. School districts shall consider priority funding for programs certified or needing additional funds to become certified as set forth in subparagraph I(b).

5 Career and Technical Education; Equipment and Instruction Program. Amend RSA 188-E:11 to read as follows:

188-E:11 Equipment and Instruction Program; Revolving Fund.

I. There is established an equipment and instruction program in which any regional ~~[vocational]~~ ***career and technical education*** center may establish a revolving fund to be used for capital improvement costs for the replacement or upgrading of equipment, or for aiding instruction in the various ~~[vocational]~~ ***career and technical education*** programs offered by the center. The fund shall be used to pay necessary costs of equipment and related instructional materials which are required to provide up-to-date adult, business and industry training, re-training or customized programs.

II. If a revolving fund is established, the revenues from non-school district sources generated by ~~[vocational]~~ ***career and technical*** educational programs in excess of legitimate and customary school district expenses shall be placed in the fund. Such revenues shall include, but are not limited to, profits from program operations consisting of capitalization costs calculated as part of rental services, cash gifts to ~~[vocational]~~ ***career and technical*** education programs, and moneys from the sale of donated equipment. The revolving fund shall be established as a separate school district account and shall be used only for the purposes specified in paragraph I.

6 Career and Technical Education; Subdivision Heading Amended. Amend RSA 188-E:12 to read as follows:

Secondary ~~[Vocational]~~ ***Career and Technical*** Education Programs

7 Career and Technical Education; Secondary Career and Technical Education Programs. Amend RSA 188-E:12 to read as follows:

188-E:12 Secondary ~~[Vocational]~~ ***Career and Technical*** Education Programs; Federal Authorization. In accordance with 20 U.S.C. sec. 9271, the state shall include in its unified plan, all secondary ~~[vocational]~~ ***career and technical*** education programs authorized under 20 U.S.C. 2301 et seq., known as the Carl D. Perkins ~~[Vocational and Applied Technology Education Act of 1998]~~ ***Career and Technical Education Act of 2006***.

8 Pre-Engineering Technology Curriculum. Amend RSA 188-E:14, IV to read as follows:

IV. The department of education, in coordination with the regional ~~[vocational]~~ ***career and technical*** education centers, shall include in its biennial capital budget request, funding for the planning, construction, and renovation of equipment necessary for the operation of pre-engineering technology curriculum in the public schools for students in grades 6 through 12.

9 Pre-Engineering Technology Curriculum; Funding. Amend RSA 188-E:18, IV to read as follows:

IV. When appropriate, the department of education shall include in its biennial capital budget request funding for the planning, construction, and renovation of equipment necessary for the operation of automotive technology curriculum in the regional ~~[vocational]~~ ***career and technical*** education centers.

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

2017-0501s

AMENDED ANALYSIS

This bill changes references from “vocational” education to “career and technical” education.

ELECTION LAW AND INTERNAL AFFAIRS

SB 32, relative to penalties for violation of political advertising laws.

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

This bill adds civil penalties to the penalties for violating the requirements for signature, identification, and authorization of political advertising. The prime sponsor requested that this bill be found inexpedient to legislate, as there are a number of issues in the language that are unresolved at this time.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 52, relative to a procedural manual for department of safety policies and relative to reporting requirements regarding revenue generated from safe boater education certificates.

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

This legislation required the commissioner of the Department of Safety to prepare a procedural manual of Department of Safety policies. According to Title I, Chapter 21-G, Organization of Executive Branch, Section 21-G:9 the commissioner presently has this authority. The bill as amended corrects an oversight for reporting activities to the Governor and Council and the Legislature to biennially, and not annually, as originally written.

Senate Executive Departments and Administration
 February 15, 2017
 2017-0475s
 05/01

Amendment to SB 52

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

AN ACT relative to reporting requirements regarding revenue generated from safe boater education certificates.

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

2017-0475s

AMENDED ANALYSIS

This bill requires the department of safety to submit a biennial, rather than annual, report on revenue generated from safe boater education certificates.

The bill is a request of the department of safety.

SB 130, relative to classification of certain state employee positions.
 Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This legislation establishes salary grades for several unclassified positions and was a request of the Joint Committee on Employee Classification.

SB 138, relative to state procurement of goods and services.
 Ought to Pass, Vote 5-0. Senator Carson for the committee.

This legislation provides that if an agency's negotiation of a state procurement contract has not been finalized 5 days prior to submission of a contract to the Department of Administrative Services, the agency shall issue a statement that contract negotiations are ongoing and disclose additional information when the contract is finalized. The bill clarifies agencies can publicize cancellation of a contract; clarifies grant applications are not subject to the requirements of RSA 21-G:37 and provides for the advisory committee on state procurement to continue to work with the Department of Justice to update state procurement procedures.

SB 142, relative to honoring E. Maude Ferguson, the first woman elected to the New Hampshire senate.
 Ought to Pass, Vote 5-0. Senator Soucy for the committee.

The legislation directs the Joint Legislative Historical Committee to give priority to hanging a portrait in the State House of E. Maude Ferguson, the first woman elected to the New Hampshire state senate.

SB 210, relative to certain positions in the insurance department.
 Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

The legislation as amended modifies titles of several unclassified positions within the Department of Insurance to accurately reflect the scope of duties. This modification does not affect statutory grade or salary assigned under RSA 94. The legislation eliminates reference to good behavior in order to bring the law into conformity with standards governing other at-will unclassified employees.

Senate Executive Departments and Administration
 February 15, 2017
 2017-0476s
 01/06

Amendment to SB 210

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

2 Department of Insurance; Department Positions. Amend RSA 400-A:6, VII to read as follows:

VII. The commissioner shall appoint, as the commissioner's assistants, ***a director of financial regulation***, a ~~[health care policy analyst]~~ ***director of health economics***, a ~~[health care statistician]~~ ***director of health care analytics***, a general counsel, an insurance fraud attorney, a senior insurance fraud investigator, ~~[an assistant]~~ ***a property and casualty actuary, a chief property and casualty actuary, a workers' compensation analyst, a chief life, accident and health actuary***, a compliance and enforcement counsel,

a chief financial examiner, and a health reform coordinator, each of whom shall serve at the pleasure of the commissioner during good behavior. The ~~[health care policy analyst, health care statistician]~~ **director of financial regulation, director of health economics, director of healthcare analytics**, general counsel, insurance fraud attorney, senior insurance fraud investigator, ~~[assistant]~~ property and casualty actuary, **chief property and casualty actuary, workers' compensation analyst, chief life, accident and health actuary**, compliance and enforcement counsel, chief financial examiner, and health reform coordinator, shall perform such duties and exercise such powers as the commissioner may authorize.

3 Insurance Department; Salaries of Department Positions. Amend RSA 400-A:8, I and II to read as follows:

I. Compensation. The salary of the commissioner, deputy commissioner, ~~[director of operations, director of financial regulation, actuary, life, accident and health actuary]~~ **assistant commissioner**, and **all** assistants to the commissioner shall be as prescribed in RSA 94:1-a.

II. Expenses. The commissioner, deputy commissioner, ~~[director of operations, director of financial regulation, actuary, life, accident and health actuary]~~ **assistant commissioner**, and ~~[the]~~ **all** assistants to the commissioner shall be allowed their traveling expenses while engaged in the performance of their duties.

4 Compensation of State Officers. Amend RSA 94:1-a, I(b), salary grade DD to read as follows:

DD Insurance department ~~[health care statistician]~~
director of health care analytics

5 Compensation of State Officers. Amend RSA 94:1-a, I(b), salary grade EE to read as follows:

EE Insurance department ~~[director of operations]~~
assistant commissioner

6 Compensation of State Officers. Amend RSA 94:1-a, I(b), salary grade FF to read as follows:

FF Insurance department ~~[assistant actuary]~~
property and casualty actuary

FF Insurance department ~~[health care policy analyst]~~
director of health economics

7 Compensation of State Officers. Amend RSA 94:1-a, I(b), salary grade HH to read as follows:

HH Insurance department ~~[actuary]~~
chief property and casualty actuary

8 Compensation of State Offices. Amend RSA 94:1-a, I(b) by inserting in salary grade HH the following:

HH Insurance department chief life, accident and health actuary

9 Repeal. RSA 400-A:6, III-b-III-d, and VI, relative to certain positions in the department, are repealed.

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

SB 211-FN, establishing a statewide law enforcement data network.
Inexpedient to Legislate, Vote 5-0. Senator Gannon for the committee.

This legislation would establish a statewide law enforcement data network. While the idea is great, there is a need for the working group to go back to develop a fee structure, because of the concern of downshifting the costs to other users of this network. An appeals process also needs to be put in place. The committee believes this legislation needs more work.

JUDICIARY

SB 166, relative to termination of the parent-child relationship in cases of sexual assault.
Ought to Pass, Vote 5-0. Senator Lasky for the committee.

This bill provides that upon a showing that the child's birth is the result of sexual assault of the birth mother, there shall be a rebuttable presumption that termination of the biological father's parental rights is in the best interest of the child. The Committee believes it is important that the burden of proof be met by the biological father who has been convicted of the assault and not one that the birth mother must prove.

SB 167, relative to the burden of proof in termination of parental rights cases.
Ought to Pass, Vote 5-0. Senator French for the committee.

This is a housekeeping bill that was requested by the NH Supreme Court and provides that the burden of proof in termination of parental rights cases shall be proof beyond a reasonable doubt, rather than clear and convincing evidence, that grounds for termination exist. Under both state and federal law, parental rights are a liberty and therefore, to terminate them the issue has to be 'proven beyond a reasonable doubt'.

PUBLIC AND MUNICIPAL AFFAIRS

SB 19, relative to warrant articles that have been submitted to the department of revenue administration.
Inexpedient to Legislate, Vote 5-0. Senator Birdsell for the committee.

This bill prohibits amendments to petitioned warrant articles that have been submitted to the department of revenue administration. However, the 2016 NH Supreme Court decision in *Harriet E. Cady v. Town of Deerfield* states that as long as the subject of the article stays the same, town officials may make changes to articles in a deliberative session at their discretion.

SB 73, relative to septic requirements in conversions to accessory dwellings.
Ought to Pass, Vote 5-0. Senator McGilvray for the committee.

This bill defines single-family residence for purposes of approving plans for construction of sewage or waste disposal systems. By including homes with accessory dwelling units in the definition of "single-family residence", this bill eliminates confusing and burdensome requirements for homeowners seeking to add an accessory dwelling unit to their property.

SB 169, relative to the definition of agritourism.
Re-refer to Committee, Vote 5-0. Senator Ward for the committee.

This bill modifies the definition of agritourism. Considering the legislature's passage of SB 345 last year to define agritourism, the committee needs more time to gather information on the efficacy of existing statute and continue working with the prime sponsor to address any concerns.

SB 172-FN, relative to dams on residential property.
Re-refer to Committee, Vote 5-0. Senator Kahn for the committee.

This bill requires that no dam located on residential property shall be declared a menace unless the local governing body of a municipality where such dam is located votes to declare it such. The prime sponsor has requested that this bill be re-referred to committee for further consideration.

TRANSPORTATION

SB 25, relative to small claims resulting from accidents due to activities of the department of transportation.
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

This bill, at the request of the Secretary of State, raises the amount the Commissioner of Transportation may pay to one person for small claims resulting from accidents due to activities of the Department of Transportation. The amounts of small claims have increased in recent years and this legislation seeks to reflect a more realistic, modern-day amount.

Senate Transportation
February 15, 2017
2017-0474s
06/10

Amendment to SB 25

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

1 Commissioner of Transportation; Small Claims. Amend RSA 228:29 to read as follows:

228:29 Small Claims. With the approval of the governor and council, the commissioner may use the funds accruing to his *or her* department for the payment of small claims occasioned by accidents due to the activities of his *or her* department. No such claim shall be paid to any one person in an amount of over [\$600] **\$1,000**. Any person claiming damage due to the activities of the department of transportation in an amount of less than [\$600] **\$1,000** may make application to the commissioner for payment thereof. Said application shall be filed within 60 days of the date of the accident. If the commissioner upon investigation is of the opinion that the damage was caused because of activities of the department, he *or she* shall submit his *or her* recommendation to the governor and council for approval.

2 Commissioner of Transportation; Small Claims; 2018. RSA 228:29 is repealed and reenacted to read as follows:

228:29 Small Claims. With the approval of the governor and council, the commissioner may use the funds accruing to his or her department for the payment of small claims occasioned by accidents due to the activities of his or her department. No such claim shall be paid to any one person in an amount of over \$1,500. Any person claiming damage due to the activities of the department of transportation in an amount of less than \$1,500 may make application to the commissioner for payment thereof. Said application shall be filed within 60 days of the date of the accident. If the commissioner upon investigation is of the opinion that the damage was caused because of activities of the department, he or she shall submit his or her recommendation to the governor and council for approval.

3 Commissioner of Transportation; Small Claims; 2019. RSA 228:29 is repealed and reenacted to read as follows:

228:29 Small Claims. With the approval of the governor and council, the commissioner may use the funds accruing to his or her department for the payment of small claims occasioned by accidents due to the activities of his or her department. No such claim shall be paid to any one person in an amount of over \$2,000. Any person claiming damage due to the activities of the department of transportation in an amount of less than \$2,000 may make application to the commissioner for payment thereof. Said application shall be filed within 60 days of the date of the accident. If the commissioner upon investigation is of the opinion that the damage was caused because of activities of the department, he or she shall submit his or her recommendation to the governor and council for approval.

4 Effective Date.

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

II. Section 3 of this act shall take effect July 1, 2019.

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

2017-0474s

AMENDED ANALYSIS

This bill raises the amount the commissioner of transportation may pay to one person for small claims resulting from accidents due to activities of the department of transportation.

SB 181, relative to the regulation of biodiesel.

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

This bill includes biodiesel in the definition of exempt fuel at the request of the Department of Environmental Services. Biodiesel burns hotter and cleaner than many fuels, is environmentally friendly, and is used in both heating and transportation.

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

REGULAR CALENDAR

EDUCATION

SB 8-FN, relative to school attendance in towns with no public schools.

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

Recess. Out of recess.

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

A roll call was requested by Senator Avard, 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, Kahn, Lasky, Feltes, McGilvray, Soucy, D'Allesandro, Fuller Clark.

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

Senator Hennessey is excused.

INTRODUCTION OF GUESTS

Senator Soucy introduced Henry-Wilson School of Manchester visiting in the gallery.

Senator Feltes introduced Lydia Morris, sister to the two Senate pages, visiting in the gallery.

SB 43, relative to non-academic surveys administered by a public school to its students.
Ought to Pass, Vote 3-2. Senator Ward 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 Sanborn.

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

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

Roll Call, Yeas: 13 - Nays: 10. Adopted, bill ordered to Third Reading.

Senator Hennessey is excused.

SB 44, prohibiting the state from requiring implementation of common core standards.
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, Kahn, Lasky, Feltes, McGilvray, Soucy, D'Allesandro, Fuller Clark.

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

Senator Hennessey is excused.

INTRODUCTION OF GUESTS

Senator Soucy introduced Henry-Wilson School of Manchester visiting in the gallery.

SB 102, relative to eligibility of school district employees for Family and Medical Leave Act.
Inexpedient to Legislate, Vote 3-2. Senator Ward 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: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

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

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

Senator Hennessey is excused.

SB 103, limiting food and beverage advertising and marketing on school property.
Ought to Pass, Vote 4-1. Senator Watters for the committee.

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

Senator Morse is in opposition to the motion of Ought to Pass on SB 103.

SB 105-FN-L, relative to emergency school building aid.
Ought to Pass with Amendment, Vote 5-0. Senator Kahn for the committee.

Senate Education
February 16, 2017
2017-0497s
04/05

Amendment to SB 105-FN-LOCAL

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

AN ACT making an appropriation for the replacement of heat and hot water systems in the Concord school district.

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

1 Heat and Hot Water System Purchase and Replacement; Appropriation. The sum of \$2,500,000 for the fiscal year ending June 30, 2018 is hereby appropriated to the department of administrative services to be disbursed to the Concord school district no later than September 1, 2017, which shall be used for the purchase and replacement of all systems providing heat to those buildings in the Concord school district which are currently obtaining steam from Concord Steam corporation. The Concord school district is authorized to expend such appropriation for the purpose set forth in this section. The Concord school district shall advise the commissioner of the department of administrative services of cost and expenditure estimates relating to the project. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

2017-0497s

AMENDED ANALYSIS

This bill makes an appropriation to the department of administrative services for the purchase and replacement of all systems that provide heat to those buildings in the Concord school district which are currently obtaining steam from Concord Steam corporation.

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.

Senator Morse is in opposition to the motion of Ought to Pass with Amendment on SB 105-FN-L.

Senator Bradley moved to Lay on the Table SB 105-FN-L. Adopted.

SB 191-FN, relative to the definition of average daily membership in attendance.
Ought to Pass, Vote 5-0. Senator Watters 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: Woodburn, Giuda, Bradley, Watters, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, McGilvray, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Gray

Roll Call, Yeas: 22 - Nays: 1. Adopted.

Senator Hennessey is excused.

Senator Morse is in opposition to the motion of Ought to Pass on SB 191-FN.

Senator Bradley moved to Lay on the Table SB 191-FN. Adopted.

SB 192-FN, relative to state contributions to public school renovations.
Inexpedient to Legislate, Vote 3-2. Senator Giuda for the committee.

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

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

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

The following Senators voted No: Woodburn, Watters, Kahn, Feltes, McGilvray, Soucy, D'Allesandro, Fuller Clark.
Roll Call, Yeas: 15 - Nays: 8. Adopted.

Senator Hennessey is excused.

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 192-FN, relative to state contributions to public school renovations.: Inexpedient to Legislate. Adopted.

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

A roll call was requested by Senator Kahn, 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, Kahn, Lasky, Feltes, McGilvray, Soucy, D'Allesandro, Fuller Clark.

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

Senator Hennessey is excused.

SB 193-FN, establishing education freedom savings accounts for students.
Ought to Pass with Amendment, Vote 3-2. Senator Ward for the committee.

Senate Education
February 16, 2017
2017-0500s
04/05

Amendment to SB 193-FN

Amend RSA 194-E:3, IX as inserted by section 1 of the bill by replacing it with the following:

IX. The department may conduct an audit of an eligible student's account as needed to ensure compliance with this chapter.

Amend RSA 194-E:3, X(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The parent may appeal the decision of the scholarship organization to the department.

Amend RSA 194-E:3, XII as inserted by section 1 of the bill by replacing it with the following:

XII. The scholarship organization or the department may refer cases of fraudulent misuse of funds to the attorney general for investigation.

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

INTRODUCTION OF GUESTS

Senator Gannon introduced Chester Academy visiting in the gallery.

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

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

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

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

Roll Call, Yeas: 13 - Nays: 10. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

Senator Hennessey is excused.

Recess. Out of recess.

SB 228-FN-A, establishing the New Hampshire college graduate retention incentive partnership (NH GRIP).
Ought to Pass, Vote 5-0. Senator Kahn for the committee.

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

ELECTION LAW AND INTERNAL AFFAIRS

SB 33, relative to the definition of political advocacy organization.

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 Bradley, seconded by Senator Sanborn.

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

The following Senators voted No: Woodburn, Bradley, Watters, French, Kahn, Lasky, Carson, Feltes, McGilvray, Soucy, D'Allesandro, Fuller Clark, Innis, Morse.

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

Senator Hennessey is excused.

Senator Bradley moved Ought to Pass.

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

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

The following Senators voted Yes: Woodburn, Bradley, Watters, French, Ward, Kahn, Lasky, Carson, Feltes, McGilvray, Soucy, D'Allesandro, Fuller Clark, Innis.

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

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

Senator Hennessey is excused.

SB 106, relative to eligibility to vote.

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

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

SB 109, authorizing a moderator to conduct a verification count of machine-counted ballots.

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

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

SPECIAL ORDER

Without objection, the following bill was special ordered to the next Senate session.

ELECTION LAW AND INTERNAL AFFAIRS

SB 112, establishing a council on the creative economy.

SB 115, relative to political contributions made by limited liability companies.

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 Sanborn, seconded by Senator Feltes.

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, Kahn, Lasky, Feltes, McGilvray, Soucy, D'Allesandro, Fuller Clark.

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

Senator Hennessey is excused.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

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

Senator Bradley moved to Lay on the Table SB 54. Adopted.

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

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

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.

Senator Carson moved to Lay on the Table SB 135-FN. Adopted.

SB 213-FN, waiving initial licensure fees for certain applicants for occupational or professional licenses. Inexpedient to Legislate, Vote 4-1. Senator Reagan for the committee.

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

FINANCE

SB 10-FN, relative to dairy farmer relief.

Ought to Pass, Vote 3-1. Senator D'Allesandro for the committee.

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

Senator Avard is in opposition to the motion of Ought to Pass on SB 10-FN.

SB 97-FN-A, relative to funding the New Hampshire agricultural lands program.

Inexpedient to Legislate, Vote 4-0. 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 Fuller Clark, seconded by Senator Sanborn.

Recess. Out of recess.

Senator Bradley moved to Lay on the Table SB 97-FN-A. Adopted.

SB 99-A, funding the New Hampshire Internet crimes against children task force.

Ought to Pass, Vote 4-0. Senator D'Allesandro for the committee.

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

Senator Bradley moved to Lay on the Table SB 99-A. Adopted.

SB 100-FN-A, making a general fund appropriation for continuation of the project development phase of the New Hampshire capital rail corridor project.

Inexpedient to Legislate, Vote 3-1. Senator Reagan for the committee.

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

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

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

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

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

Senator Hennessey is excused.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 97-FN-A from the table. Adopted.

FINANCE

SB 97-FN-A, relative to funding the New Hampshire agricultural lands program.

Inexpedient to Legislate, Vote 4-0. 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 Fuller Clark, 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, Kahn, Lasky, Carson, Feltes, McGilvray, Soucy, D'Allesandro, Fuller Clark.

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

Senator Hennessey is excused.

SB 196-FN-A, relative to liquor revenues deposited into the alcohol abuse prevention and treatment fund.

Ought to Pass with Amendment, Vote 3-1. Senator Daniels for the committee.

Senate Finance
February 15, 2017
2017-0460s
03/04

Amendment to SB 196-FN-A

Amend the bill by replacing section 1 with the following:

1 Liquor Commission; Funds. Amend RSA 176:16, III to read as follows:

III. ~~[1-7]~~ **3.4** percent of the previous fiscal year gross profits derived by the commission from the sale of liquor shall be deposited into the alcohol abuse prevention and treatment fund established by RSA 176-A:1. For the purpose of this section, gross profit shall be defined as total operating revenue minus the cost of sales and services as presented in the state of New Hampshire comprehensive annual financial report, statement of revenues, expenses, and changes in net position for proprietary funds.

The question is on the adoption of the Committee Amendment.

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

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, Kahn, Lasky, Feltes, McGilvray, Soucy, D'Allesandro, Fuller Clark.

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

Senator Hennessey is excused.

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

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

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

The following Senators voted No: (None)

Roll Call, Yeas: 23 - Nays: 0. Adopted.

Senator Hennessey is excused.

Senator Bradley moved to Lay on the Table SB 196-FN-A. Adopted.

SB 217-FN, requiring admission without charge to state parks for children.
Inexpedient to Legislate, Vote 4-0. Senator Reagan for the committee.

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

SB 218-FN, relative to public assistance for certain persons.

Inexpedient to Legislate, Vote 4-0. Senator D'Allesandro for the committee.

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

HEALTH AND HUMAN SERVICES

SB 59, relative to blood testing orders.

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

Health and Human Services
February 16, 2017
2017-0499s
06/04

Amendment to SB 59

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

1 New Subdivision; First Responder Exposure Blood Testing. Amend RSA 141-G by inserting after section 7 the following new subdivision:

First Responder and Healthcare Provider Exposure Blood Testing

141-G:8 Definitions. As used in this subdivision:

I. "Advanced practice registered nurse" means a registered nurse licensed by the state of New Hampshire pursuant to RSA 326-B:18

II. "Applicant" means a person who applies for a testing order or on whose behalf an application for a testing order is made.

III. "Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

IV. "Court" means the superior court.

V. "Commissioner" means the commissioner of the department of health and human services.

VI. "Healthcare provider" means all persons working in a healthcare setting who have the potential for exposure to infectious materials, including, but not limited to, body substances.

VII. "Physician" means a medical practitioner licensed by the state of New Hampshire pursuant to RSA 329:12.

VIII. "Physician assistant" means a physician assistant licensed by the state of New Hampshire pursuant to RSA 328-D:2

IX. "Source individual" means any person whose blood, body fluids, tissue, or organs were specifically identified as the source of a bloodborne pathogen exposure to an applicant under this subdivision.

X. "Test results" means results of an analysis conducted for the purposes referred to in this subdivision.

XI. "Testing order" means an order under RSA 141-G:11, I.

XII. "Unprotected exposure" includes instances of commingling of blood or other potentially infectious material of a source individual and an applicant, which is capable of transmitting a bloodborne pathogen or any other such type of exposure that may be designated by the commissioner by rule adopted under RSA 141-G:19.

141-G:9 Notice of Intention. A person who intends to apply under RSA 141-G:10, I for a testing order after an unprotected exposure to a source individual shall provide notice of that intention to the source individual in accordance with rules adopted under RSA 141-G:19.

141-G:10 Application for Testing Order.

I. Subject to RSA 141-G:9, a person may apply to the court for a testing order if such person has had an unprotected exposure to blood or body fluids from a source individual in any of the following circumstances:

(a) While providing emergency health services;

(b) While performing his or her duties as a firefighter, emergency medical technician, paramedic, or other emergency medical care provider, police officer, probation officer, peace officer, or a healthcare provider; or

(c) While being involved in activities defined in rules adopted under RSA 141-G:19.

II. If a person who had an unprotected exposure to blood or body fluids from a source individual in a circumstance referred to in paragraph I is unable to apply for a testing order under paragraph I, a representative of the person may apply on behalf of the person.

III. An application for a testing order shall:

(a) Include a medical evaluation by a physician, physician assistant, or advanced practice registered nurse confirming that the exposure to the source individual puts the applicant at reasonable risk for a possible exposure to a bloodborne pathogen;

(b) Be made within 20 days of the date of the exposure referred to in paragraph I;

(c) Be made in accordance with the rules adopted under this subdivision; and

(d) Be served on the source individual at least 4 days before the court hears the application.

IV. The court shall hear an application for a testing order as soon as practicable and may, on application or on the court's own motion, order that the public is excluded from all or part of a hearing.

V. If giving notice is impossible or impracticable, the court may hear ex parte an application made under paragraph I without notice to the source individual if the applicant satisfies the court by a preponderance of the evidence that complying with paragraph II or subparagraph III(d) within a reasonable time is impossible or impracticable and is necessary to decrease or eliminate the risk to the health of the applicant as a result of the exposure.

141-G:11 Testing Order.

I. On an application made under RSA 141-G:10, I, the court may issue an order requiring testing if the court, having considered the medical evaluation and any other evidence the court considers relevant, is satisfied of the following:

- (a) The applicant has complied with RSA 141-G:9 and RSA 141-G:10;
- (b) The applicant has had an unprotected exposure to blood or bodily fluids from the source individual in one of the circumstances set out in RSA 141-G:10, I;
- (c) There are reasonable grounds to believe that the applicant may have been exposed, as a result of the exposure, to a bloodborne pathogen that causes a communicable disease;
- (d) An analysis of the applicant's bodily fluids would not determine, in a timely manner, whether the applicant has been infected by a bloodborne pathogen;
- (e) Taking a blood sample from the source individual would not endanger the source individual's life or health;
- (f) The information to be obtained under the testing order cannot reasonably be obtained in any other manner; and
- (g) The testing order is necessary to decrease or eliminate the risk to the health of the applicant as a result of the exposure.

II. A testing order:

- (a) Shall require the source individual, within the time specified in the order, to attend the health facility identified in the order so that a blood sample may be taken from the source individual for the purpose of determining whether the source individual is infected with a bloodborne pathogen that causes a communicable disease listed in rules adopted under RSA 141-G:19.
- (b) Shall require the health facility identified in the order to ensure that a blood sample from the source individual is taken.
- (c) Shall require the applicant to have the testing order served and any other information required by rules, within the time specified in the order, on the source individual and the health facility identified in the order.

III. If the source individual named in a testing order is a minor or an incapacitated adult, the testing order shall require the guardian of the minor or the person responsible for the incapacitated adult under rules adopted by the commissioner under RSA 141-G:19 to take all reasonable steps to ensure that the source individual complies with the testing order.

IV. A decision of the court under paragraph I may be appealed to the supreme court.

141-G:12 Obligations of Person Who Takes Sample. A person at a health facility who, pursuant to a testing order, takes from the source individual a blood sample shall:

- (a) Deliver the sample, a copy of the testing order, and any other required information to a laboratory licensed under RSA 151 for the purpose of having the sample analyzed; and
- (b) Not use the sample for any purpose or test the sample for any organisms or substances other than those stated in the order.

141-G:13 Test Results.

I. Test results shall be promptly provided by the licensed laboratory in a written report to the applicant's physician, physician assistant, or advanced practice registered nurse and the source individual's physician, physician assistant, or advanced practice registered nurse.

II. The applicant's physician, physician assistant, or advanced practice registered nurse shall notify the applicant of the test results.

III. The source individual's physician, physician assistant, or advanced practice registered nurse shall notify the source individual of the test results.

141-G:14 Confidentiality.

I. No person shall use or disclose any information concerning an applicant or a source individual if that information becomes known to the person in the course of carrying out his or her responsibilities under this subdivision or as a result of obtaining a testing order.

II. Paragraph I shall not apply to disclosure in the following circumstances:

- (a) In the course of carrying out a duty imposed or exercising a power conferred under this subdivision.
- (b) As required by law.
- (c) With the consent of the person who is the subject of the information.
- (d) In the course of a consultation between qualified health professionals.
- (e) In the case of information about a minor to a guardian of that minor.
- (f) As provided in rules adopted under RSA 141-G:19.

III. No person who is subpoenaed or otherwise compelled to give evidence in a legal proceeding, other than a proceeding for the purposes of RSA 141-G:11, I or an appeal under RSA 141-G:11, IV, shall disclose information described in paragraph I, unless the court first examines the information, with the public excluded, and determines that the information may be disclosed. The court shall consider:

- (a) The probative value of the information;
- (b) The relevance of the information to the proceeding, and
- (c) The effect of the disclosure on the privacy of the person who is the subject of the information.

141-G:15 Costs. Subject to rules adopted by the commissioner under RSA 141-G:19, an applicant's workers' compensation insurance carrier shall be responsible for paying the costs relating to a testing order.

141-G:16 Immunity. No legal proceeding for damages may be commenced or maintained against a person who in good faith engages in any act or omission:

- I. In the exercise or intended exercise of any power under this subdivision;
- II. In the performance or intended performance of any duty under this subdivision; or
- III. In the taking, under a testing order, of a sample from a source individual.

141-G:17 Notice and Service.

I. All documents or notifications required to be given to or served on a person shall be given or served in accordance with the rules adopted by the commissioner, in collaboration with the judicial branch, under RSA 141-G:19.

II. If a person is required under this subdivision to provide a notice to or serve a document on another person, notice or service may be made on an authorized representative of the source individual.

141-G:18 Penalties.

- I. Any source individual who knowingly contravenes a testing order shall be guilty of a misdemeanor.
- II. Any person who violates the provisions of RSA 141-G:14, shall be guilty of a misdemeanor.

III. If an offense under this subdivision continues for more than one day, separate fines, each not exceeding the maximum fine for that offense, may be imposed for each day the offense continues.

IV. A prosecution for an offense under this subdivision shall be commenced within 2 years after the date on which the act or omission that is alleged to constitute the offense occurred.

141-G:19 Rules.

I. The commissioner shall be responsible for the statewide supervision of first responder and healthcare provider exposure blood testing.

II. The commissioner shall adopt rules under RSA 541-A, relative to:

- (a) Defining diseases or conditions as bloodborne pathogens for the purposes of this subdivision.
- (b) Providing the notice required under RSA 141-G:9, including developing forms for that purpose.
- (c) Identifying circumstances and activities eligible for a blood testing order under RSA 141-G:10, I.
- (d) Developing applications for testing orders, including forms for that purpose.
- (e) Medical evaluation reports pursuant to RSA 141-G:10, III(a).
- (f) The taking and analysis of blood samples under the authority of a testing order.
- (g) Identifying eligible health facilities.
- (h) Information required for completing a testing order.
- (i) The reporting procedures for test results if the source individual's physician, physician assistant, or advanced practice registered nurse is not known or the source individual does not have one.
- (j) Circumstances when confidential information under this subdivision may be disclosed.
- (k) Circumstances in which the government may be responsible for paying the costs referred to in RSA 141-G:15.
- (l) Notice and service, including identifying authorized persons who may be notified or served instead of the source individual of the notice or service.

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 as Amended. Adopted, bill ordered to Third Reading.

SB 144-FN, relative to qualifying medical conditions for the therapeutic use of cannabis.

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

Health and Human Services

February 16, 2017

2017-0498s

01/05

Amendment to SB 144-FN

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

AN ACT relative to qualifying medical conditions for the therapeutic use of cannabis and relative to registry identification cards.

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

2 Registry Identification Cards. Amend RSA 126-X:4, I(h) to read as follows:

(h) A statement signed by the applicant[;] ***indicating that the applicant understands relevant state and federal policies, including that use and possession of cannabis is a federal crime, and that by using cannabis the qualifying patient is subject to the denial of rights and privileges by federal agencies including, but not limited to, the loss of rights related to employment such as driving a commercial vehicle, the inability to pass a security clearance, and the loss of rights to own, possess, or purchase a firearm and/or ammunition, and*** pledging not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this chapter and acknowledging that his or her diversion of cannabis is punishable as a class B felony and ***may result in*** revocation of his or her registry identification card, in addition to other penalties for the illegal sale of cannabis.

3 Registry Identification Cards. Amend RSA 126-X:4, II(f) to read as follows:

(f) A signed statement from the applicant agreeing to act as the designated caregiver for the qualifying patient named in the application ***indicating that the applicant understands relevant state and federal policies, including that use and possession of cannabis is a federal crime, and that by using cannabis the designated caregiver's qualifying patient is subject to the denial of rights and privileges by federal agencies including, but not limited to, the loss of rights related to employment such as***

driving a commercial vehicle, the inability to pass a security clearance, and the loss of rights to own, possess, or purchase a firearm and/or ammunition, and pledging not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this chapter and acknowledging that the diversion of cannabis is punishable as a class B felony and ***may result in*** revocation of one's registry identification card, in addition to other penalties for the illegal sale of cannabis.

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

2017-0498s

AMENDED ANALYSIS

This bill clarifies the definition of "qualifying medical condition" to include certain conditions which trigger certain medical symptoms and deletes the requirement that a medical provider document how the injury affects activities of daily living. This bill also clarifies the statements signed by applicants for a registry identification card.

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

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

Senator Morse is in opposition to the motion of Ought to Pass with Amendment on SB 144-FN.

SB 145, prohibiting smoking in motor vehicles when a passenger under the age of 16 is in the vehicle. Re-refer to Committee, Vote 3-2. Senator Gray for the committee.

Senator Gray moved to Lay on the Table SB 145. Adopted.

SB 223-FN-A, relative to staffing recommendations from the quality assurance review of the division of children, youth and families.

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

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

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

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

The following Senators voted No: (None)

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

Senator Hennessey is excused.

SB 224-FN, relative to conversion therapy seeking to change a person's sexual orientation.

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

Health and Human Services

February 16, 2017

2017-0502s

01/06

Amendment to SB 224-FN

Amend RSA 332-L:1 as inserted by section 1 of the bill by replacing it with the following:

332-L:1 Definition. In this chapter, "conversion therapy" means practices or treatments that seek to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy shall not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

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

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

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

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

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

Roll Call, Yeas: 15 - Nays: 8. Adopted, bill ordered to Third Reading.

Senator Hennessey is excused.

Recess. Out of recess.

JUDICIARY

SB 163-FN, relative to live medical testimony in courts.

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

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

Senator Soucy is excused for the day.

PUBLIC AND MUNICIPAL AFFAIRS

SB 171-L, relative to the perambulation of towns.

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 division vote was requested.

Division, Yeas: 8 - Nays: 13. Failed.

Senator Watters moved Ought to Pass.

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

SB 173, relative to the use of accessory dwelling units.

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

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

SPECIAL ORDER

Without objection, the following bill was special ordered to the next Senate session.

PUBLIC AND MUNICIPAL AFFAIRS

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

TRANSPORTATION

SB 134, relative to electronic tolling at certain tolling facilities.

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

Senate Transportation

February 15, 2017

2017-0471s

06/04

Amendment to SB 134

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

AN ACT relative to electronic tolling at certain tolling facilities and relative to optional anonymous transponders.

Amend the bill by replacing section 1 with the following:

1 New Sections; Turnpike System; All Electronic Tolling; Anonymous Transponder Option. Amend RSA 237 by inserting after section 50 the following new sections:

237:51 All Electronic Tolling. The department may consider, and if financially feasible, install and implement all electronic tolling for toll collection purposes at the existing or future Dover and/or Rochester tolling facilities along the Spaulding Turnpike, and/or the Hooksett ramp tolling facility.

237:52 Anonymous Transponder Option. In conjunction with the installation and implementation of all electronic tolling under RSA 237:51, the department shall make available an optional system of anonymous transponders, allowing customers to anonymously fund and use a transponder, provided the transponder is properly funded and mounted prior to use. The transponders shall be available at public locations that allow the purchaser to remain anonymous. The department shall retain the least amount of information necessary for auditing purposes on the anonymous transponder transactions.

2017-0471s

AMENDED ANALYSIS

This bill permits the department of transportation to install, if financially feasible, all electronic tolling at certain tolling facilities. This bill also requires the department of transportation, in conjunction with all electronic tolling, to offer an option of anonymous transponders.

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

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

SB 178-FN, relative to motor vehicle registration transfer credits.

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

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

SB 179-FN-A, making appropriations for the operation, maintenance, and repair of certain welcome centers and rest areas in Coos county.

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

Senate Transportation

February 15, 2017

2017-0469s

06/03

Amendment to SB 179-FN-A

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

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

2017-0469s

AMENDED ANALYSIS

This bill makes appropriations to the department of transportation for the maintenance and repair of welcome centers in the towns of Colebrook and Littleton and the demolition of a welcome center in the town of Shelburne.

This bill makes appropriations to the department of resources and economic development for the operation and maintenance of welcome centers in the towns of Colebrook and Littleton.

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

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

SB 241-FN-A, requiring the department of transportation and the department of resources and economic development to determine a location for a visitor center in Cheshire county.

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

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

SB 243-FN-A, relative to complete streets policies, establishing a complete streets pilot program, and making an appropriation therefor.

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

Senate Transportation
February 15, 2017
2017-0470s
06/05

Amendment to SB 243-FN-A

Amend RSA 228:117, I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Formalize criteria for municipal project applications for complete streets projects including a requirement of at least 60 percent municipal or private leveraging.

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

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

WAYS AND MEANS

SB 37, relative to game operators and tip pooling.

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

Senate Ways and Means
February 15, 2017
2017-0487s
06/05

Amendment to SB 37

Amend RSA 279:26-b, III as inserted by section 1 of the bill by replacing it with the following:

III. No game operator employer may receive any distribution from any employee tip pool. Employees licensed under RSA 287-D as primary game operators and secondary game operators shall be considered to be in the same job category whether or not the employee is tipped directly.

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

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

SB 79, relative to taxation of historic residential structures.

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

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

SB 186, establishing a committee to study the tax characterization of stormwater utility fees.

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

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

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

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

This legislation would make security screening discretionary for all individuals entering the secure perimeter of a state correction facility. Because of the way the current law was written every person entering the facility had to be scanned. The legislation also states no image shall be copied or duplicated except when the images are being used for investigative purposes or are needed as evidence for prosecution.

Senator Sanborn moved to Lay on the Table SB 133-FN. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS

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

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

This bill allows towns and cities to adopt an increased amount of the optional veterans' tax credit against property taxes. Considering the legislature's expansion of the veterans' tax credit last year and the Senate's recent passage of SB 80 to allow towns to phase this expansion into their budgets over a 3-year period, it would not be prudent to pass this bill at this time.

Senator Gannon moved to Lay on the Table SB 168. 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.

LIST OF RULE 6-25'S FOR THE DAY

Senator Birdsell: SB 168

Senator Bradley: SB 30

Senator Carson: SB 168

Senator D'Allesandro: SB 168

Senator Daniels: SB 30, SB 168, SB 171-L

Senator Feltes: SB 45

Senator French: SB 167

Senator Giuda: SB 168, SB 192-FN

Senator Gray: SB 168

Senator Innis: SB 30

Senator Sanborn: SB 8-FN, SB 10-FN, SB 18, SB 19, SB 24, SB 25, SB 29, SB 30, SB 32, SB 33, SB 37, SB 43, SB 44, SB 45, SB 46, SB 48, SB 52, SB 54, SB 59, SB 73, SB 79, SB 97-FN-A, SB 99-A, SB 100-FN-A, SB 101-FN, SB 102, SB 103, SB 104, SB 105-FN-L, SB 106, SB 109, SB 112, SB 115, SB 130, SB 133-FN, SB 134, SB 135-FN, SB 138, SB 142, SB 144-FN, SB 145, SB 163-FN, SB 166, SB 167, SB 168, SB 169, SB 171-L, SB 172-FN, SB 173, SB 174-L, SB 178-FN, SB 179-FN-A, SB 181, SB 186, SB 191-FN, SB 192-FN, SB 193-FN, SB 196-FN-A, SB 210, SB 211-FN, SB 213-FN, SB 217-FN, SB 218-FN, SB 223-FN-A, SB 224-FN, SB 228-FN-A, SB 241-FN-A, SB 243-FN-A, SB 246-FN

INTRODUCTION OF GUESTS

Senator Feltes thanked Pages Gwen Morris and Samuel Morris and introduced their mother, Mary Morris, visiting in the gallery.

LATE SESSION

Third Reading and Final Passage

SB 8-FN, relative to school attendance in towns with no public schools.

SB 10-FN, relative to dairy farmer relief.

SB 18, relative to reinstatement of foreign corporations and foreign limited liability partnerships.

SB 24, relative to examinations by the insurance commissioner.

SB 33, relative to the definition of political advocacy organization.

SB 37, relative to game operators and tip pooling.

SB 43, relative to non-academic surveys administered by a public school to its students.

SB 44, prohibiting the state from requiring implementation of common core standards.

SB 45, requiring a course in civics for high school graduation.

SB 52, relative to reporting requirements regarding revenue generated from safe boater education certificates.

SB 59, relative to blood testing orders.

SB 73, relative to septic requirements in conversions to accessory dwellings.

SB 101-FN, relative to enrollment eligibility for regional career and technical education programs.

SB 103, limiting food and beverage advertising and marketing on school property.

SB 104, relative to career and technical education.

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

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

SB 138, relative to state procurement of goods and services.

SB 142, relative to honoring E. Maude Ferguson, the first woman elected to the New Hampshire senate.

SB 144-FN, relative to qualifying medical conditions for the therapeutic use of cannabis and relative to registry identification cards.

SB 166, relative to termination of the parent-child relationship in cases of sexual assault.

SB 167, relative to the burden of proof in termination of parental rights cases.

SB 171-LOCAL, relative to the perambulation of towns.

SB 181, relative to the regulation of biodiesel.

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

SB 224-FN, relative to conversion therapy seeking to change a person's sexual orientation.

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

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.