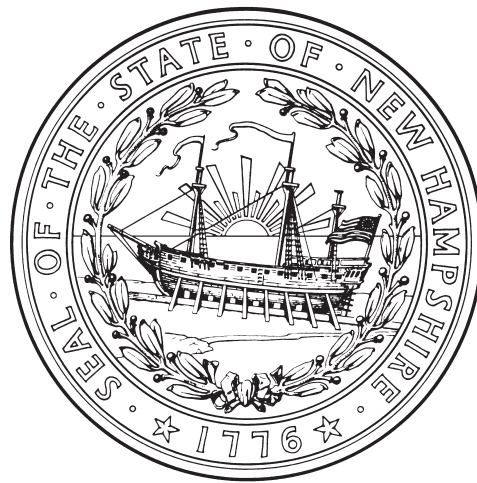


March 16, 2017
Nos. 8-9

STATE OF NEW HAMPSHIRE

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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MARCH 9, 2017 SESSION
COMMENCEMENT – MARCH 16, 2017 SESSION**

SENATE JOURNAL 8 *(continued)*

March 9, 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 79-FN, relative to New Hampshire products purchased and sold by the liquor commission.
- HB 85, (New Title) relative to installation requirements for arc-fault circuit interrupters.
- HB 95, (New Title) establishing a committee to study how taxpayer funds appropriated to the university system of New Hampshire and the community college system of New Hampshire are expended and the procedures to ensure accountability for such expenditures.
- HB 99, (New Title) relative to beverage containers.
- HB 122, relative to withdrawal from a cooperative school district.
- HB 131, relative to the costs for notice of changes in a zoning district.
- HB 140-FN, relative to sales and samples provided by wine manufacturers.
- HB 152-FN, (New Title) relative to wholesale distributors of alcoholic beverages.
- HB 157, adding chronic pain to qualifying conditions under therapeutic use of cannabis.
- HB 160, adding post-traumatic stress disorder to qualifying medical conditions under therapeutic use of cannabis.
- HB 184-FN, (New Title) relative to the license requirement for medical imaging and radiation therapy and relative to registration by practitioners with the board of medical imaging and radiation therapy.
- HB 210, relative to a code of ethics for certified educational personnel.
- HB 216, (New Title) relative to educational assignments for pupils who have been suspended.
- HB 226, relative to documenting the improvement of non-proficient readers.
- HB 250, (New Title) establishing a committee to consider revisions to the New Hampshire health insurance laws.
- HB 265, relative to accessory dwelling units.
- HB 288, relative to the statutory construction of the phrase “under oath.”
- HB 304, (New Title) relative to implementation of academic standards by a local school board and relative to review of academic standards under consideration by the state board of education.
- HB 310, (New Title) relative to insurance group-wide supervision and relative to supervisory college confidentiality.
- HB 319, (New Title) relative limiting 20-day registration plates.
- HB 323, (New Title) relative to standards for revaluations established by the assessing standards board.
- HB 330-FN, relative to form and rate filing fees.
- HB 334, (New Title) relative to exemptions from licensure by the board of medical imaging and radiation therapy.
- HB 336, relative to standards for outdoor wood-fired hydronic heaters.
- HB 349-FN, relative to out-of-home placements under the child protection act.
- HB 353-FN, relative to sales of beer in refillable containers.
- HB 358-FN, (New Title) relative to loitering restrictions on premises of liquor licensees.
- HB 371-LOCAL, relative to bond requirements for public works contracts.
- HB 373, relative to rulemaking on forms for allied health professionals and relative to information on court cases concerning the validity of administrative rules.
- HB 397, relative to juvenile justice procedures.
- HB 400, (New Title) requiring the department of health and human services to develop a 10-year plan for mental health services.
- HB 409, (New Title) relative to the university system of New Hampshire and community college system of New Hampshire operating budgets.
- HB 414-FN-A, limiting parental liability under a CHINS petition in certain circumstances.
- HB 430, relative to recording voters’ out-of-state drivers’ licenses.
- HB 431, establishing a commission to study long term goals and requirements for drinking water in the seacoast area.
- HB 436, exempting persons using virtual currency from registering as money transmitters.
- HB 439, (New Title) relative to the admissibility of proffered evidence in sexual assault cases.
- HB 450, relative to the membership of the New Hampshire commission on deafness and hearing loss.

HB 451, (New Title) relative to motorcycle endorsements and restrictions and relative to enhanced drivers' licenses and identification cards.
HB 457-FN, relative to consumer credit division entities.
HB 460, relative to minutes under the right-to-know law.
HB 473, relative to the sale of gift certificates.
HB 474-FN, (New Title) regulating the use of a cell site simulator device.
HB 479-FN, (New Title) authorizing Rotary Foundation number plate decals.
HB 484, establishing a commission on the seacoast cancer cluster investigation.
HB 501, relative to access to minutes of meetings of condominium unit owner's associations.
HB 502, relative to the availability of condominium financial information to unit owners.
HB 511, (New Title) establishing a commission to study environmentally-triggered chronic illness.
HB 513, authorizing the state veterans' advisory committee to accept gifts, grants, and donations for payment of the committee's costs.
HB 527, relative to confidentiality of forms and rates.
HB 538-FN, (New Title) requiring occupational regulatory boards and commissions to post reciprocity information.
HB 540-FN, (New Title) repealing the voluntary greenhouse gas emissions reductions registry.
HB 545, (New Title) relative to immunity from prosecution for persons involved in a drug-related emergency.
HB 549-FN, relative to beverage vendor fees.
HB 552-FN, (New Title) relative to investigation of voter verification letters.
HB 556, requiring schools to post the state telephone numbers to report child abuse.
HB 557-FN, relative to school attendance in towns with no public schools.
HB 561-FN, (New Title) relative to contributions by retirement system employers for certain full-time positions changed to part-time or interim employment and relative to enforcement of provisions concerning retired members working part-time after retirement.
HB 575-FN, relative to the certification of acupuncture detoxification specialists.
HB 580-FN-A, (New Title) regulating online fantasy sports contests.
HB 586-FN, relative to the regulation of certain professions by the office of professional licensure and certification.
HB 595-FN, relative to positions in the corporations division of the secretary of state's office.
HB 600-FN, relative to requirements for certain alcoholic beverage licenses.
HB 607-FN-A, (New Title) establishing a New Hampshire student access grant program and making an appropriation therefor.
HB 612, relative to livestock and meat inspection.
HB 620, relative to compliance with state and federal education mandates.
HB 650-FN, relative to procedures of the board of psychologists.

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 472, permitting qualifying patients to cultivate cannabis for their own therapeutic use.

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 82, relative to hair braiding.
HB 94-FN, prohibiting certain defenses in prostitution and human trafficking cases.
HB 97-FN, relative to the use of drones.
HB 164, relative to poker in private residences.
HB 171, prohibiting the state or its political subdivisions from assisting a federal agency in the collection of electronic data without a warrant.
HB 195, establishing a committee to study temporary seasonal docks.
HB 215, establishing a commission to study the legalization, regulation, and taxation of marijuana.
HB 294-FN-A, relative to the cost of fiscal analysis of legislation relating to the retirement system.
HB 305, clarifying lessee liability for month-to-month leases.
HB 315, relative to persons who may accompany a youth operator of an OHRV or a snowmobile.
HB 322, adding rulemaking authority to require completion of a certain survey as part of the license renewal process for health care providers.
HB 329, establishing a committee to study balance billing.

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

HB 339, relative to reimbursement of transportation costs for students attending a career and technical education center.

HB 342, establishing a commission to study the transition of certain regulatory authority to the department of environmental services from the Environmental Protection Agency.

HB 343, relative to disapproval of forms.

HB 363, repealing the laws regarding motorized locomotives and ski area plates.

HB 372, relative to construction of the terms “resident,” “inhabitant,” “residence,” and “residency.”

HB 391, relative to checklists in other districts.

HB 412, relative to the pre-engineering technology curriculum.

HB 433, relative to number plate decals for firefighters.

HB 437, relative to the authority of municipal law enforcement officers.

HB 448, relative to certain ignition interlock violations.

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

HB 468-FN, relative to licensure of mental health practitioners from other states.

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

HB 475, relative to honoring Jessie Doe and Mary L.R. Farnum, the first women elected to the New Hampshire house of representatives.

HB 514, relative to alternate members of an elected planning board.

HB 517, relative to the function and organization of the department of administrative services risk management unit and division of personnel.

HB 537, relative to campaign contributions.

HB 629-FN, establishing a preference for the appointment of the child’s grandparent as guardian of the minor in certain cases.

HB 640-FN, relative to the penalties for possession of marijuana.

HCR 9, affirming states’ powers based on the Constitution for the United States and the Constitution of New Hampshire.

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 170, relative to posting notice and minutes of public meetings on the public body’s website.

HB 186, (New Title) relative to limitation of actions in which the state is a plaintiff.

HB 225, (New Title) relative to information collection concerning electric renewable portfolio standards.

HB 303-LOCAL, relative to filling vacancies in the office of county commissioner.

HB 332, relative to dedicated funds with no activity in the financial system for at least the most recent fiscal year.

HB 362, prohibiting certain immunization requirements for noncommunicable diseases.

HB 364, relative to accidents involving youth operators of motor vehicles.

HB 417-FN, (New Title) relative to certain motor vehicle records.

HB 524, (New Title) relative to the definition of “emergency” for purposes of a quorum under the right-to-know law.

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

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

HB 617-FN, (New Title) relative to penalties for violations of planning and zoning laws.

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 121, relative to the maximum optional fee for transportation improvements charged by municipalities when collecting motor vehicle registration fees.

HB 136, clarifying the equity jurisdiction of the judicial branch family division.

HB 194, permitting employers to pay wages to employees weekly or biweekly.

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

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

HB 424-FN, relative to documentation required for registration of certain title exempted vehicles and modifying the requirements for removal and sale of certain vehicles.

HB 432, relative to enforcement of parking prohibitions.

HB 458, relative to motorcycle headlamps.

HB 461, relative to the acceptance of grants by Carroll county.

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

HB 614-FN, relative to forfeiture of personal property.

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

17-0021

HB 79-FN, relative to New Hampshire products purchased and sold by the liquor commission.(Hansen, Hills. 22; Williams, Hills. 4; Birdsell, Dist 19; Commerce)

17-0030

HB 82, relative to hair braiding.(McGuire, Merr. 29; Schleien, Hills. 37; E. Edwards, Hills. 11; Executive Departments and Administration)

17-0036

HB 85, relative to installation requirements for arc-fault circuit interrupters.(Proulx, Hills. 44; Beaudoin, Straf. 9; Hansen, Hills. 22; DiSilvestro, Hills. 9; Executive Departments and Administration)

17-0079

HB 94-FN, prohibiting certain defenses in prostitution and human trafficking cases.(Massimilla, Graf. 1; Katsakiores, Rock. 6; Theberge, Coos 3; Irwin, Sull. 6; Ebel, Merr. 5; Judiciary)

17-0080

HB 95, establishing a committee to study how taxpayer funds appropriated to the university system of New Hampshire and the community college system of New Hampshire are expended and the procedures to ensure accountability for such expenditures.(Chandler, Carr. 1; Dean-Bailey, Rock. 32; Byron, Hills. 20; Barry, Hills. 21; Hunt, Ches. 11; Sytek, Rock. 8; Danielson, Hills. 7; Finance)

17-0102

HB 97-FN, relative to the use of drones.(Kurk, Hills. 2; Berch, Ches. 1; Cushing, Rock. 21; Executive Departments and Administration)

17-0104

HB 99, relative to beverage containers.(Hunt, Ches. 11; Commerce)

17-0033

HB 121, relative to the maximum optional fee for transportation improvements charged by municipalities when collecting motor vehicle registration fees.(Higgins, Graf. 12; Cloutier, Sull. 10; Gould, Hills. 7; Pierce, Hills. 6; Sykes, Graf. 13; Crawford, Carr. 4; Sytek, Rock. 8; Watters, Dist 4; Public and Municipal Affairs)

17-0037

HB 122, relative to withdrawal from a cooperative school district.(J. Belanger, Hills. 27; Gauthier, Sull. 3; Education)

17-0082

HB 131, relative to the costs for notice of changes in a zoning district.(Massimilla, Graf. 1; Theberge, Coos 3; Irwin, Sull. 6; Public and Municipal Affairs)

17-0092

HB 136, clarifying the equity jurisdiction of the judicial branch family division.(Itse, Rock. 10; Hoell, Merr. 23; Spillane, Rock. 2; Burt, Hills. 39; Baldasaro, Rock. 5; Daniels, Dist 11; Reagan, Dist 17; Judiciary)

17-0107

HB 140-FN, relative to sales and samples provided by wine manufacturers.(Hunt, Ches. 11; D. Long, Merr. 4; Daniels, Dist 11; Commerce)

17-0106

HB 152-FN, relative to wholesale distributors of alcoholic beverages.(Hunt, Ches. 11; Murphy, Hills. 7; Commerce)

17-0114

HB 157, adding chronic pain to qualifying conditions under therapeutic use of cannabis.(Schleien, Hills. 37; E. Edwards, Hills. 11; Fisher, Belk. 9; Zaricki, Hills. 6; Josephson, Graf. 11; Health and Human Services)

17-0117

HB 160, adding post-traumatic stress disorder to qualifying medical conditions under therapeutic use of cannabis.(Schleien, Hills. 37; Fisher, Belk. 9; Zaricki, Hills. 6; Phinney, Straf. 24; Fromuth, Hills. 7; Josephson, Graf. 11; Health and Human Services)

17-0205

HB 164, relative to poker in private residences.(Schleien, Hills. 37; Fisher, Belk. 9; Zaricki, Hills. 6; Fromuth, Hills. 7; Ways and Means)

17-0261

HB 170, relative to posting notice and minutes of public meetings on the public body's website.(Comeau, Carr. 5; Judiciary)

17-0271

HB 171, prohibiting the state or its political subdivisions from assisting a federal agency in the collection of electronic data without a warrant.(Kurk, Hills. 2; McGuire, Merr. 29; Daniels, Dist 11; Avard, Dist 12; Executive Departments and Administration)

17-0423

HB 184-FN, relative to the license requirement for medical imaging and radiation therapy and relative to registration by practitioners with the board of medical imaging and radiation therapy.(Sylvia, Belk. 6; McGuire, Merr. 29; Executive Departments and Administration)

17-0443

HB 186, relative to limitation of actions in which the state is a plaintiff.(L'Heureux, Hills. 21; Barry, Hills. 21; Judiciary)

17-0558

HB 194, permitting employers to pay wages to employees weekly or biweekly.(L. Turcotte, Straf. 4; Hill, Merr. 3; Murphy, Hills. 7; Vose, Rock. 9; Commerce)

17-0629

HB 195, establishing a committee to study temporary seasonal docks.(Mullen, Straf. 1; Chandler, Carr. 1; McConkey, Carr. 3; McGuire, Merr. 29; Bradley, Dist 3; Energy and Natural Resources)

17-0186

HB 210, relative to a code of ethics for certified educational personnel.(Ladd, Graf. 4; Cordelli, Carr. 4; Myler, Merr. 10; Heath, Hills. 14; Gile, Merr. 27; V. Sullivan, Hills. 16; Grenier, Sull. 7; Shaw, Hills. 16; McBeath, Rock. 26; Education)

17-0210

HB 215, establishing a commission to study the legalization, regulation, and taxation of marijuana.(Cushing, Rock. 21; John T. O'Connor, Rock. 6; Reagan, Dist 17; Feltes, Dist 15; Judiciary)

17-0214

HB 216, relative to educational assignments for pupils who have been suspended.(Ladd, Graf. 4; Myler, Merr. 10; Grenier, Sull. 7; Shaw, Hills. 16; Watters, Dist 4; Education)

17-0329

HB 225, relative to information collection concerning electric renewable portfolio standards.(Fromuth, Hills. 7; Vose, Rock. 9; Barry, Hills. 21; Harrington, Straf. 3; Schleien, Hills. 37; Scully, Hills. 33; Beaudoin, Straf. 9; Notter, Hills. 21; Sanborn, Dist 9; Energy and Natural Resources)

17-0334

HB 226, relative to documenting the improvement of non-proficient readers.(Ladd, Graf. 4; Weyler, Rock. 13; Hinch, Hills. 21; Cordelli, Carr. 4; Education)

17-0515

HB 250, establishing a committee to consider revisions to the New Hampshire health insurance laws.(McNamara, Hills. 38; Leishman, Hills. 24; Butler, Carr. 7; Suzanne Smith, Graf. 8; Commerce)

17-0635

HB 265, relative to accessory dwelling units.(Matthews, Rock. 3; Hunt, Ches. 11; Fuller Clark, Dist 21; Public and Municipal Affairs)

17-0144

HB 288, relative to the statutory construction of the phrase “under oath.”(Rouillard, Hills. 6; Berch, Ches. 1; Rosenwald, Hills. 30; Carson, Dist 14; Judiciary)

17-0228

HB 294-FN-A, relative to the cost of fiscal analysis of legislation relating to the retirement system.(Rogers, Merr. 28; M. Smith, Straf. 6; Wallner, Merr. 10; White, Graf. 13; Soucy, Merr. 16; Leishman, Hills. 24; McGilvray, Dist 16; Executive Departments and Administration)

17-0327

HB 303-LOCAL, relative to filling vacancies in the office of county commissioner.(Gagne, Hills. 13; LeBrun, Hills. 32; J. Belanger, Hills. 27; Shaw, Hills. 16; P. Long, Hills. 10; Hinch, Hills. 21; Jack, Hills. 36; Public and Municipal Affairs)

17-0333

HB 304, relative to implementation of academic standards by a local school board and relative to review of academic standards under consideration by the state board of education.(Ladd, Graf. 4; Hinch, Hills. 21; Chandler, Carr. 1; Cordelli, Carr. 4; T. Wolf, Hills. 7; Murotake, Hills. 32; Giuda, Dist 2; Education)

17-0339

HB 305, clarifying lessee liability for month-to-month leases.(Dean-Bailey, Rock. 32; Spillane, Rock. 2; Verville, Rock. 2; Nasser, Rock. 2; Commerce)

17-0367

HB 310, relative to insurance group-wide supervision and relative to supervisory college confidentiality.(Butler, Carr. 7; Commerce)

17-0431

HB 315, relative to persons who may accompany a youth operator of an OHRV or a snowmobile.(Steven Smith, Sull. 11; Transportation)

17-0435

HB 316, relative to a statewide property tax exemption for commercial and industrial construction.(F. McCarthy, Carr. 2; Cordelli, Carr. 4; Bucu, Carr. 2; Avellani, Carr. 5; Crawford, Carr. 4; Comeau, Carr. 5; Hill, Merr. 3; Hynes, Hills. 21; Emerick, Rock. 21; Bradley, Dist 3; Ways and Means)

17-0483

HB 319, relative limiting 20-day registration plates.(Packard, Rock. 5; Transportation)

17-0502

HB 322, adding rulemaking authority to require completion of a certain survey as part of the license renewal process for health care providers.(Fothergill, Coos 1; S. Schmidt, Carr. 6; Campion, Graf. 12; J. MacKay, Merr. 14; P. Schmidt, Straf. 19; Woodburn, Dist 1; Feltes, Dist 15; Reagan, Dist 17; Executive Departments and Administration)

17-0540

HB 323, relative to standards for revaluations established by the assessing standards board.(Abrami, Rock. 19; Vose, Rock. 9; Azarian, Rock. 8; Lovejoy, Rock. 36; D. Thomas, Rock. 5; D’Allesandro, Dist 20; Executive Departments and Administration)

17-0578

HB 329, establishing a committee to study balance billing.(Luneau, Merr. 10; Myler, Merr. 10; Wallner, Merr. 10; Butler, Carr. 7; Williams, Hills. 4; Cahill, Rock. 17; Knirk, Carr. 3; Feltes, Dist 15; Health and Human Services)

17-0593

HB 330-FN, relative to form and rate filing fees.(Butler, Carr. 7; Reagan, Dist 17; Fuller Clark, Dist 21; Commerce)

17-0616

HB 332, relative to dedicated funds with no activity in the financial system for at least the most recent fiscal year.(Major, Rock. 14; Almy, Graf. 13; Abrami, Rock. 19; Kurk, Hills. 2; L. Ober, Hills. 37; Finance)

17-0626

HB 334, relative to exemptions from licensure by the board of medical imaging and radiation therapy.(Scully, Hills. 33; Notter, Hills. 21; Wuelper, Straf. 3; Murotake, Hills. 32; King, Hills. 33; Avard, Dist 12; Executive Departments and Administration)

17-0657

HB 336, relative to standards for outdoor wood-fired hydronic heaters.(McNamara, Hills. 38; Energy and Natural Resources)

17-0667

HB 337, relative to municipal regulations of small wind energy systems.(Vadney, Belk. 2; Vose, Rock. 9; D. Thomas, Rock. 5; Cordelli, Carr. 4; Energy and Natural Resources)

17-0688

HB 339, relative to reimbursement of transportation costs for students attending a career and technical education center.(Shaw, Hills. 16; Education)

17-0721

HB 342, establishing a commission to study the transition of certain regulatory authority to the department of environmental services from the Environmental Protection Agency.(Gould, Hills. 7; J. Graham, Hills. 7; Danielson, Hills. 7; Energy and Natural Resources)

17-0727

HB 343, relative to disapproval of forms.(Hunt, Ches. 11; Luneau, Merr. 10; Butler, Carr. 7; Feltes, Dist 15; Commerce)

17-0096

HB 349-FN, relative to out-of-home placements under the child protection act.(Itse, Rock. 10; Hoell, Merr. 23; Judiciary)

17-0213

HB 352-FN, relative to the energy efficiency fund.(Richardson, Coos 4; Murotake, Hills. 32; Backus, Hills. 19; Shepardson, Ches. 10; Merner, Coos 7; S. Harvey, Hills. 29; Energy and Natural Resources)

17-0249

HB 353-FN, relative to sales of beer in refillable containers.(Williams, Hills. 4; Commerce)

17-0191

HB 358-FN, relative to loitering restrictions on premises of liquor licensees.(Spillane, Rock. 2; Notter, Hills. 21; J. Edwards, Rock. 4; Itse, Rock. 10; Commerce)

17-0425

HB 362, prohibiting certain immunization requirements for noncommunicable diseases.(Fraser, Belk. 1; Gould, Hills. 7; Murphy, Hills. 7; W. Marsh, Carr. 8; Avard, Dist 12; Health and Human Services)

17-0430

HB 363, repealing the laws regarding motorized locomotives and ski area plates.(Steven Smith, Sull. 11; Transportation)

17-0490

HB 364, relative to accidents involving youth operators of motor vehicles.(Roberts, Hills. 4; Shepardson, Ches. 10; McNamara, Hills. 38; Williams, Hills. 4; Transportation)

17-0729

HB 371-LOCAL, relative to bond requirements for public works contracts.(Danielson, Hills. 7; Transportation)

17-0010

HB 372, relative to construction of the terms "resident," "inhabitant," "residence," and "residency."(Bates, Rock. 7; Election Law and Internal Affairs)

17-0014

HB 373, relative to rulemaking on forms for allied health professionals and relative to information on court cases concerning the validity of administrative rules.(McGuire, Merr. 29; Executive Departments and Administration)

17-0691

HB 391, relative to checklists in other districts.(Fields, Belk. 4; Education)

17-0719

HB 397, relative to juvenile justice procedures.(Walz, Merr. 23; Wallner, Merr. 10; Judiciary)

17-0730

HB 400, requiring the department of health and human services to develop a 10-year plan for mental health services.(Danielson, Hills. 7; Health and Human Services)

17-0603

HB 409, relative to the university system of New Hampshire and community college system of New Hampshire operating budgets.(V. Sullivan, Hills. 16; L. Ober, Hills. 37; Spillane, Rock. 2; Pitre, Straf. 2; Freeman, Hills. 12; Souza, Hills. 43; Notter, Hills. 21; Hansen, Hills. 22; Seidel, Hills. 28; Ferreira, Hills. 28; Finance)

17-0043

HB 412, relative to the pre-engineering technology curriculum.(Major, Rock. 14; Ladd, Graf. 4; Gile, Merr. 27; DeSimone, Rock. 14; Murotake, Hills. 32; T. Wolf, Hills. 7; Education)

17-0155

HB 414-FN-A, limiting parental liability under a CHINS petition in certain circumstances.(Horn, Merr. 2; Gauthier, Sull. 3; Health and Human Services)

17-0352

HB 417-FN, relative to certain motor vehicle records.(Hynes, Hills. 21; J. Edwards, Rock. 4; Fisher, Belk. 9; Guthrie, Rock. 13; Transportation)

17-0561

HB 424-FN, relative to documentation required for registration of certain title exempted vehicles and modifying the requirements for removal and sale of certain vehicles.(Crawford, Carr. 4; Transportation)

17-0359

HB 430, relative to recording voters' out-of-state drivers' licenses.(Bates, Rock. 7; Election Law and Internal Affairs)

17-0481

HB 431, establishing a commission to study long term goals and requirements for drinking water in the seacoast area.(Messmer, Rock. 24; Bean, Rock. 21; Malloy, Rock. 23; T. Le, Rock. 31; R. Tilton, Rock. 37; H. Marsh, Rock. 22; Cushing, Rock. 21; Berrien, Rock. 18; P. Gordon, Rock. 29; Fuller Clark, Dist 21; Bradley, Dist 3; Feltes, Dist 15; Innis, Dist 24; Energy and Natural Resources)

17-0375

HB 432, relative to enforcement of parking prohibitions.(L'Heureux, Hills. 21; Transportation)

17-0390

HB 433, relative to number plate decals for firefighters.(Tanner, Sull. 9; Gottling, Sull. 2; O'Brien, Hills. 36; Hennessey, Dist 5; Transportation)

17-0621

HB 436, exempting persons using virtual currency from registering as money transmitters.(Biggie, Hills. 23; Ammon, Hills. 40; Commerce)

17-0633

HB 437, relative to the authority of municipal law enforcement officers.(Murphy, Hills. 7; Judiciary)

17-0072

HB 439, relative to the admissibility of proffered evidence in sexual assault cases.(Cushing, Rock. 21; Judiciary)

17-0428

HB 448, relative to certain ignition interlock violations.(Steven Smith, Sull. 11; Sykes, Graf. 13; T. Walsh, Merr. 24; Judiciary)

17-0471

HB 450, relative to the membership of the New Hampshire commission on deafness and hearing loss.(Porter, Hills. 1; Health and Human Services)

17-0482

HB 451, relative to motorcycle endorsements and restrictions and relative to enhanced drivers' licenses and identification cards.(Packard, Rock. 5; T. Walsh, Merr. 24; Steven Smith, Sull. 11; D. Thomas, Rock. 5; Transportation)

17-0520

HB 455-FN, relative to the practices of pharmacy benefit managers.(Hennessey, Graf. 1; Bailey, Graf. 14; Massimilla, Graf. 1; Danielson, Hills. 7; Byron, Hills. 20; Hennessey, Dist 5; Commerce)

17-0522

HB 457-FN, relative to consumer credit division entities.(Hunt, Ches. 11; Commerce)

17-0524

HB 458, relative to motorcycle headlamps.(Spillane, Rock. 2; Transportation)

17-0538

HB 460, relative to minutes under the right-to-know law.(True, Rock. 4; J. Edwards, Rock. 4; Torosian, Rock. 14; Brown, Graf. 16; Comeau, Carr. 5; Judiciary)

17-0544

HB 461, relative to the acceptance of grants by Carroll county.(Comeau, Carr. 5; Cordelli, Carr. 4; Avellani, Carr. 5; Public and Municipal Affairs)

17-0602

HB 468-FN, relative to licensure of mental health practitioners from other states.(Cilley, Straf. 4; P. Schmidt, Straf. 19; Sytek, Rock. 8; Innis, Dist 24; Executive Departments and Administration)

17-0661

HB 469, establishing a continuous quality improvement program for pharmacies.(P. Schmidt, Straf. 19; Patten, Merr. 17; Health and Human Services)

17-0071

HB 472, permitting qualifying patients to cultivate cannabis for their own therapeutic use.(Cushing, Rock. 21; E. Edwards, Hills. 11; P. Gordon, Rock. 29; W. Pearson, Ches. 16; Bean, Rock. 21; Health and Human Services)

17-0099

HB 473, relative to the sale of gift certificates.(Hunt, Ches. 11; Williams, Hills. 4; Butler, Carr. 7; Ladd, Graf. 4; Spanos, Belk. 3; Watters, Dist 4; Reagan, Dist 17; Birdsell, Dist 19; Carson, Dist 14; Commerce)

17-0101

HB 474-FN, regulating the use of a cell site simulator device.(Kurk, Hills. 2; Murotake, Hills. 32; King, Hills. 33; Judiciary)

17-0120

HB 475, relative to honoring Jessie Doe and Mary L.R. Farnum, the first women elected to the New Hampshire house of representatives.(Cushing, Rock. 21; Alicea, Merr. 8; Keans, Straf. 23; Pantelakos, Rock. 25; DeSimone, Rock. 14; Rouillard, Hills. 6; Wallner, Merr. 10; Wall, Straf. 6; Fuller Clark, Dist 21; Soucy, Dist 18; Hennessey, Dist 5; Carson, Dist 14; Election Law and Internal Affairs)

17-0248

HB 479-FN, authorizing Rotary Foundation number plate decals.(Mangipudi, Hills. 35; Barnes, Rock. 8; Transportation)

17-0284

HB 484, establishing a commission on the seacoast cancer cluster investigation.(Messmer, Rock. 24; Cushing, Rock. 21; Malloy, Rock. 23; Berrien, Rock. 18; Bean, Rock. 21; P. Gordon, Rock. 29; H. Marsh, Rock. 22; Innis, Dist 24; Fuller Clark, Dist 21; Feltes, Dist 15; Bradley, Dist 3; Health and Human Services)

17-0495

HB 501, relative to access to minutes of meetings of condominium unit owner's associations.(Webb, Rock. 6; Rouillard, Hills. 6; Umberger, Carr. 2; Kotowski, Merr. 24; Pantelakos, Rock. 25; Baroody, Hills. 43; M. MacKay, Hills. 30; Forest, Hills. 18; Abbott, Ches. 1; Patten, Merr. 17; Almy, Graf. 13; Carson, Dist 14; Reagan, Dist 17; Avard, Dist 12; Commerce)

17-0496

HB 502, relative to the availability of condominium financial information to unit owners.(Webb, Rock. 6; Rouillard, Hills. 6; Umberger, Carr. 2; Kotowski, Merr. 24; Pantelakos, Rock. 25; Baroody, Hills. 43; M. MacKay, Hills. 30; Forest, Hills. 18; Abbott, Ches. 1; Patten, Merr. 17; Almy, Graf. 13; Carson, Dist 14; Reagan, Dist 17; Avard, Dist 12; Commerce)

17-0597

HB 511, establishing a commission to study environmentally-triggered chronic illness.(Messmer, Rock. 24; Bean, Rock. 21; Malloy, Rock. 23; T. Le, Rock. 31; R. Tilton, Rock. 37; H. Marsh, Rock. 22; Cushing, Rock. 21; P. Gordon, Rock. 29; Feltes, Dist 15; Fuller Clark, Dist 21; Bradley, Dist 3; Health and Human Services)

17-0617

HB 513, authorizing the state veterans' advisory committee to accept gifts, grants, and donations for payment of the committee's costs.(Baldasaro, Rock. 5; Burt, Hills. 39; R. Ober, Hills. 37; L. Ober, Hills. 37; Leishman, Hills. 24; Theberge, Coos 3; Weyler, Rock. 13; Carson, Dist 14; French, Dist 7; Avard, Dist 12; Executive Departments and Administration)

17-0643

HB 514, relative to alternate members of an elected planning board.(Valera, Hills. 38; Public and Municipal Affairs)

17-0676

HB 517, relative to the function and organization of the department of administrative services risk management unit and division of personnel.(L. Ober, Hills. 37; Beaudoin, Straf. 9; Weyler, Rock. 13; Umberger, Carr. 2; McGuire, Merr. 29; D'Allesandro, Dist 20; Reagan, Dist 17; Bradley, Dist 3; Executive Departments and Administration)

17-0723

HB 524, relative to the definition of "emergency" for purposes of a quorum under the right-to-know law.(Hull, Graf. 9; Judiciary)

17-0991

HB 527, relative to confidentiality of forms and rates.(Hunt, Ches. 11; Commerce)

17-0426

HB 536, directing the wellness and primary prevention council to establish a system of family resource centers of quality.(Berrien, Rock. 18; Gargasz, Hills. 27; Gile, Merr. 27; Fothergill, Coos 1; Watters, Dist 4; Health and Human Services)

17-0605

HB 537, relative to campaign contributions.(Porter, Hills. 1; Myler, Merr. 10; Luneau, Merr. 10; Election Law and Internal Affairs)

17-0398

HB 538-FN, requiring occupational regulatory boards and commissions to post reciprocity information.(Kurk, Hills. 2; Executive Departments and Administration)

17-0546

HB 540-FN, repealing the voluntary greenhouse gas emissions reductions registry.(L. Turcotte, Straf. 4; Sylvia, Belk. 6; J. Moore, Hills. 21; Beaudoin, Straf. 9; V. Sullivan, Hills. 16; Energy and Natural Resources)

17-0601

HB 545, relative to immunity from prosecution for persons involved in a drug-related emergency.(J. Edwards, Rock. 4; Cushing, Rock. 21; K. Rice, Hills. 37; Alicea, Merr. 8; Burt, Hills. 39; Baroody, Hills. 43; Sylvia, Belk. 6; Herbert, Hills. 43; Ulery, Hills. 37; Judiciary)

17-0105

HB 549-FN, relative to beverage vendor fees.(Hunt, Ches. 11; Commerce)

17-0310

HB 552-FN, relative to investigation of voter verification letters.(Ohm, Hills. 36; Twombly, Hills. 34; Seidel, Hills. 28; Christensen, Hills. 21; Azarian, Rock. 8; Carson, Dist 14; Election Law and Internal Affairs)

17-0177

HB 556, requiring schools to post the state telephone numbers to report child abuse.(Cordelli, Carr. 4; Reagan, Dist 17; Carson, Dist 14; Education)

17-0185

HB 557-FN, relative to school attendance in towns with no public schools.(Ladd, Graf. 4; Jasper, Hills. 37; Hinch, Hills. 21; Hill, Merr. 3; McGuire, Merr. 29; Chandler, Carr. 1; Cordelli, Carr. 4; V. Sullivan, Hills. 16; Irwin, Sull. 6; Bradley, Dist 3; Reagan, Dist 17; Giuda, Dist 2; Ward, Dist 8; Education)

17-0526

HB 560-FN-A-LOCAL, establishing keno.(Azarian, Rock. 8; Abrami, Rock. 19; Ohm, Hills. 36; Ways and Means)

17-0651

HB 561-FN, relative to contributions by retirement system employers for certain full-time positions changed to part-time or interim employment and relative to enforcement of provisions concerning retired members working part-time after retirement.(Kurk, Hills. 2; L. Turcotte, Straf. 4; Ohm, Hills. 36; Azarian, Rock. 8; Giuda, Dist 2; Executive Departments and Administration)

17-0326

HB 574-FN, increasing the limit on contributions to the community development finance authority for which an investment tax credit may be taken.(Hunt, Ches. 11; Hennessey, Graf. 1; D'Allesandro, Dist 20; Ways and Means)

17-0332

HB 575-FN, relative to the certification of acupuncture detoxification specialists.(Backus, Hills. 19; J. Schmidt, Hills. 28; King, Hills. 33; MacKenzie, Hills. 17; O'Neil, Hills. 9; DiSilvestro, Hills. 9; Heath, Hills. 14; Butler, Carr. 7; Cushing, Rock. 21; Sofikitis, Hills. 34; Soucy, Dist 18; Executive Departments and Administration)

17-0527

HB 580-FN-A, regulating online fantasy sports contests.(Azarian, Rock. 8; Ohm, Hills. 36; Eaton, Ches. 3; Bradley, Dist 3; D'Allesandro, Dist 20; Woodburn, Dist 1; Birdsell, Dist 19; Ways and Means)

17-0364

HB 586-FN, relative to the regulation of certain professions by the office of professional licensure and certification.(P. Schmidt, Straf. 19; Patten, Merr. 17; Executive Departments and Administration)

17-0675

HB 595-FN, relative to positions in the corporations division of the secretary of state's office.(L. Ober, Hills. 37; Burt, Hills. 39; Seidel, Hills. 28; Spanos, Belk. 3; Leishman, Hills. 24; Reagan, Dist 17; Carson, Dist 14; Executive Departments and Administration)

17-0328

HB 600-FN, relative to requirements for certain alcoholic beverage licenses.(Fromuth, Hills. 7; Schleien, Hills. 37; Ammon, Hills. 40; Commerce)

17-0537

HB 607-FN-A, establishing a New Hampshire student access grant program and making an appropriation therefor.(Grenier, Sull. 7; Irwin, Sull. 6; Watters, Dist 4; Education)

17-0474

HB 612, relative to livestock and meat inspection.(Bixby, Straf. 17; John T. O'Connor, Rock. 6; Energy and Natural Resources)

17-0615

HB 614-FN, relative to forfeiture of personal property.(Sylvia, Belk. 6; Burt, Hills. 39; Judiciary)

17-0754

HB 617-FN, relative to penalties for violations of planning and zoning laws.(Brewster, Merr. 21; Public and Municipal Affairs)

17-0314

HB 620, relative to compliance with state and federal education mandates.(Ladd, Graf. 4; Cordelli, Carr. 4; V. Sullivan, Hills. 16; Barry, Hills. 21; Weyler, Rock. 13; McGuire, Merr. 29; Hinch, Hills. 21; Seidel, Hills. 28; Giuda, Dist 2; Reagan, Dist 17; Avard, Dist 12; Education)

17-0291

HB 629-FN, establishing a preference for the appointment of the child's grandparent as guardian of the minor in certain cases.(M. MacKay, Hills. 30; LeBrun, Hills. 32; J. MacKay, Merr. 14; Cote, Hills. 31; Rosenwald, Hills. 30; Notter, Hills. 21; Walz, Merr. 23; M. McCarthy, Hills. 29; Baldasaro, Rock. 5; Seidel, Hills. 28; D'Allesandro, Dist 20; Lasky, Dist 13; Avard, Dist 12; Judiciary)

17-0069

HB 640-FN, relative to the penalties for possession of marijuana.(Cushing, Rock. 21; Eaton, Ches. 3; McGuire, Merr. 29; Murphy, Hills. 7; Grassie, Straf. 11; Sapareto, Rock. 6; W. Pearson, Ches. 16; Lovejoy, Rock. 36; Reagan, Dist 17; Innis, Dist 24; Fuller Clark, Dist 21; Judiciary)

17-0459

HB 650-FN, relative to procedures of the board of psychologists.(McGuire, Merr. 29; Cilley, Straf. 4; P. Schmidt, Straf. 19; Hatch, Coos 6; Kurk, Hills. 2; Reagan, Dist 17; Executive Departments and Administration)

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 9

March 16, 2017

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

The Reverend Jason Wells, chaplain to the Senate, offered the following meditative thoughts and prayer:

They say a rolling stone gathers no moss. But you are not called to be rolling stones, looking for the next move. You are leaders of the people and so we are called to be like the trees, planted still, which gather moss. The White Birch is a native of the state and found everywhere in New Hampshire. The White Birch is a tree that's a pioneer species, the first to help recover from disaster. The White Birch has no tap root, meaning the strongest winds can't uproot it. The White Birch gives of itself to serve others; pulp for paper, firewood for daily living, and bark for nimbly moving canoes. So with that in mind, let us pray.

Almighty Creator, make us like your creature, the White Birch tree. Keep us rooted in your deeper truth. Help us to hold still, not looking for the next move. Help us to hold on when the winds blow too strong. And make us so planted that we grow moss on our north side, giving guidance and leadership to all who walk our way. Amen.

Senator Sanborn led the Pledge of Allegiance.

Senator McGilvray is excused for the day.

INTRODUCTION OF GUESTS

Senator Feltes introduced students from Concord Christian Academy visiting in the gallery.

Senator Hennessey introduced Anishka Allivele and Carla Lavelle visiting in the gallery.

INTRODUCTION OF PAGES

Senator Daniels introduced Anabelle Bergstrom and Anna Bartsch from Wilton-Lyndeborough Cooperative School, serving as Senate Pages for the day.

SPECIAL ORDER

Without objection the following bill is special ordered to the next session.

FINANCE

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

FN REPORT FOR MARCH 16, 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:

JUDICIARY

SB 198-FN, relative to electronic publication by the probate division.

SB 230-FN, establishing the Uniform Power of Attorney Act.

REGULAR CALENDAR:

CAPITAL BUDGET

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

COMMERCE

SB 209-FN, relative to the tobacco use prevention and cessation program. (If Inexpedient to Legislate recommendation is overturned.)

JUDICIARY

SB 233-FN, relative to the legalization and regulation of marijuana and establishing a committee to study the legalization of marijuana. (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:

JUDICIARY

SB 231-FN, relative to status for part-time retired judges.

SB 232-FN-L, relative to the issuance of a summons instead of arrest.

PUBLIC AND MUNICIPAL AFFAIRS

SB 240-FN-L, allowing owners of certain contaminated wells access to municipal water systems.

REGULAR CALENDAR:

COMMERCE

SB 83-FN-L, relative to the state minimum wage. (If Inexpedient to Legislate recommendation is overturned.)

SB 87-FN, relative to on-premises sales by liquor manufacturers. (If Re-Refer to Committee recommendation is overturned.)

SB 88-FN, authorizing satellite tasting rooms for wine manufacturers. (If Re-Refer to Committee recommendation is overturned.)

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

SB 225-FN, revising the New Hampshire trust code.

SB 226-FN, relative to eliminating the waiting period before eligibility to receive unemployment benefits.

SB 227-FN, relative to a workforce development and training fund.

ENERGY AND NATURAL RESOURCES

SB 195-FN-L, relative to fees for operation of a heating and agitation device in public waters. (If Re-Refer to Committee recommendation is overturned.)

HEALTH AND HUMAN SERVICES

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

SB 220-FN, relative to the definition of mental illness for purposes of mental health services. (If Re-Refer to Committee recommendation is overturned.)

SB 234-FN, relative to hypodermic syringes and needles containing residual amounts of controlled drugs and authorizing the operation of syringe service programs in New Hampshire.

SB 236-FN, making the Medicaid expansion law permanent.

SB 238-FN, relative to the usual and customary price of filling a prescription.

SB 239-FN, removing the division for children, youth and families from the department of health and human services and making it an independent department.

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

WAYS AND MEANS

SB 1-FN-A, reducing the rate of the business profits tax. (If Re-Refer to Committee recommendation is overturned.)

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

SB 183-FN, establishing the New Hampshire technology sector marketing tax credit. (If Re-Refer to Committee recommendation is overturned.)

SB 188-FN, establishing a nonpartisan revenue estimator position in the department of administrative services—if Inexpedient to Legislate recommendation is overturned.

SB 205-FN-A, establishing the small business jobs fund and tax credit.

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

SB 207-FN-A, relative to the tax on chewing tobacco.

SB 208-FN, establishing a working families property tax refund program. (If Inexpedient to Legislate recommendation is overturned.)

SB 242-FN-A-L, relative to video lottery and table gaming. (If Inexpedient to Legislate recommendation is overturned.)

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

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

The following bill was removed from the Consent Calendar:

JUDICIARY

SB 231-FN, relative to status for part-time retired judges. Removed by Senator Soucy.

CONSENT CALENDAR

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

JUDICIARY

SB 67, relative to the authority of state police employees.

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

This bill grants state police employees the authority to enforce motor vehicle laws and regulations relative to the transportation of hazardous materials on all state roads. The Committee amended the bill with the help of the NH police force and the state police to ensure that jurisdictional authority was appropriately respected.

Senate Judiciary

March 7, 2017

2017-0765s

04/06

Amendment to SB 67

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

1 Statement of Purpose. The purpose of this act is to enhance the ability of the New Hampshire state police to patrol our state highways and protect the public, support other law enforcement agencies and to reduce civil liability, by ensuring that the laws defining state police jurisdiction are unambiguous and comprehensive. As the population increases and tourism grows, local and state law enforcement agencies are increasingly called upon to work in a coordinated and cooperative manner to address the public safety needs of this state, particularly in the areas of impaired driving enforcement and stemming the flow of illegal drugs traveling into New Hampshire on our roadways. This act shall ensure there are no jurisdictional limitations on that cooperative law enforcement effort. This act is not intended to limit the critical role that local law enforcement agencies play in protecting public safety in their respective communities.

2 Authority and Duties of Police Employees. Amend RSA 106-B:12 to read as follows:

106-B:12 Authority and Duties of Police Employees. Police employees shall be ex-officiis constables throughout the state~~[-, shall patrol the highways, enforce the highway traffic laws and regulations, enforce the motor vehicle laws relative thereto].~~ ***They shall have statewide authority to enforce all provisions of RSA title XXI relative to motor vehicle laws*** and ~~[enforce]~~ ***the*** regulations relative to the transportation of hazardous materials, pursuant to RSA 106-A:18 and RSA 106-B:15~~[-, and]~~. The director, division of state police, shall report to the director, division of motor vehicles, all violations of and prosecutions under the motor vehicle laws. Police employees shall have general power to enforce all criminal laws of the state and to serve criminal processes and make arrests, under proper warrants, in all counties. They shall not serve civil processes. No police employee shall act, be used or called upon for service within any town in any industrial dispute unless actual violence has occurred therein, and then only upon order of the governor. When any police employee shall apprehend any person who has committed or attempted to commit a felony the director

shall immediately make a report to the attorney and the sheriff of the county **and the chief of police of the municipality** in which the offense was, or was suspected of being, committed and such cases shall be investigated and prosecuted by said county officials with the cooperation of said police employees.

3 Jurisdiction of Police Employees. Amend RSA 106-B:15 to read as follows:

106-B:15 Jurisdiction of Police Employees.

I. Police employees have **primary** jurisdiction on all turnpikes, toll roads, **limited access highways**, and interstate highways and nothing in this section shall be construed to limit the authority of local police officers.

II. A police employee shall not act within the limits of a town having a population of more than 3,000 or of any city, except when he **or she is enforcing the motor vehicle laws or the regulations relative to the transportation of hazardous materials**, witnesses a crime, ~~[or]~~ is in pursuit of a law violator or suspected violator, ~~[or when]~~ **is** in search of a person wanted for a crime committed outside its limits, ~~[or when]~~ **is** in search of a witness of such crime, ~~[or when traveling through such town or city,]~~ **is faced with public safety exigent circumstances**, or when acting as an agent of the director of motor vehicles enforcing rules pertaining to driver licenses, registrations and the inspection of motor vehicles, or when requested to act by an official of another law enforcement agency, or when ordered by the governor. No criminal case shall be abated, quashed, or dismissed and no evidence in a criminal case shall be suppressed or excluded because a police employee has failed to comply with the jurisdictional limits of this section, provided, that the police employee had a good faith belief that he **or she** had authority to act when he **or she** acted. **Notwithstanding paragraph I, nothing in this section shall be construed to limit the primary jurisdiction of the local police agency in a town having a population of more than 3,000 or any city.**

III. **No civil liability shall lie against the state or any state actor for any violation of this section as long as the individual was acting in good faith pursuant to this section and not in a wanton or reckless manner.**

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

2017-0765s

AMENDED ANALYSIS

This bill grants state police employees the authority to enforce motor vehicle laws and regulations relative to the transportation of hazardous materials.

SB 162, establishing a procedure for the annulment of a mental health record.

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

This bill would establish a procedure for the annulment of a mental health record. The Committee heard testimony that there are numerous issues with the bill and although the Committee appreciates the intent behind it, the bill is not ready to move forward at this time.

SB 198-FN, relative to electronic publication by the probate division.

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

This bill deals with electronic publications by the probate division and affects the duties of the register of probate. As the Committee voted to move forward on CARC8, relative to the elimination of registers of probate, it makes sense to wait and see the results of the ballot question before moving forward on legislation of this nature.

SB 199, relative to limited driving privileges after an administrative license suspension.

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

This bill would authorize limited privilege drivers' licenses for certain persons whose licenses have been administratively suspended for operating under the influence or refusal to take a test. This bill is in need of some more work before moving forward, but the Committee is confident a resolution can be achieved with some more time.

SB 230-FN, establishing the Uniform Power of Attorney Act.

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

This bill adopts the Uniform Power of Attorney Act to offer individuals the option to utilize a power of attorney form and to create a clear process for establishing a power of attorney. The Committee amended the bill to clear up the formatting of the language.

Senate Judiciary
March 7, 2017
2017-0771s
08/10

Amendment to SB 230-FN

Amend RSA 564-E:102 as inserted by section 1 of the bill by replacing it with the following:

(1) “Agent” means a person granted authority to act for a principal under a power of attorney, whether denominated an agent, attorney-in-fact, or otherwise. The term includes an original agent, coagent, successor agent, and a person to which an agent’s authority is delegated.

(2) “Court” means a court of competent jurisdiction.

(3) “Durable,” with respect to a power of attorney, means not terminated by the principal’s incapacity.

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

(5) “Good faith” means honesty in fact.

(6) “Incapacity” means inability of an individual to manage property or business affairs because the individual:

(A) has an impairment in the ability to receive and evaluate information or make or communicate decisions even with the use of technological assistance; or

(B) is:

(i) missing;

(ii) detained, including incarcerated in a penal system; or

(iii) outside the United States and unable to return.

(7) “Include” and “including” means the same as “include, without limitation” and “including, without limitation,” regardless of whether expressly specified.

(8) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(9) “Power of attorney” means a writing or other record that grants authority to an agent to act in the place of the principal, whether or not the term power of attorney is used.

(10) “Presently exercisable general power of appointment,” with respect to property or a property interest subject to a power of appointment, means power exercisable at the time in question to vest absolute ownership in the principal individually, the principal’s estate, the principal’s creditors, or the creditors of the principal’s estate. The term includes a power of appointment not exercisable until the occurrence of a specified event, the satisfaction of an ascertainable standard, or the passage of a specified period only after the occurrence of the specified event, the satisfaction of the ascertainable standard, or the passage of the specified period. The term does not include a power exercisable in a fiduciary capacity or only by will.

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

(12) “Property” means anything that may be the subject of ownership, whether real or personal, or legal or equitable, or any interest or right therein.

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

(14) “Sign” means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic sound, symbol, or process.

(15) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band recognized by federal law or formally acknowledged by a state.

(16) “Stocks and bonds” means stocks, bonds, mutual funds, and all other types of securities and financial instruments, whether held directly, indirectly, or in any other manner. The term does not include commodity futures contracts and call or put options on stocks or stock indexes.

Amend RSA 564-E:105 as inserted by section 1 of the bill by replacing it with the following:

564-E:105 Execution Of Power Of Attorney. A power of attorney must be signed by the principal or in the principal’s conscious presence by another individual directed by the principal to sign the principal’s name on the power of attorney, and the principal must acknowledge the signature before a notary public or other individual authorized by law to take acknowledgments. In addition, a disclosure statement in substantially the following form must be signed by the principal or by another individual directed by the principal to sign the principal’s name and affixed to the power of attorney:

INFORMATION CONCERNING THE POWER OF ATTORNEY

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:

Notice to the Principal: As the “Principal,” you are using this Power of Attorney to grant power to another person (called the “Agent”) to make decisions, including, but not limited to, decisions concerning your money, property, or both, and to use your money, property, or both on your behalf. If this Power of Attorney does not limit the powers that you give to your Agent, your Agent will have broad and sweeping powers to sell or otherwise dispose of your property, and to spend your money without advance notice to you or approval by you. Unless you have expressly provided otherwise in this Power of Attorney, your Agent will have these powers before you become incapacitated, and unless you have expressly provided otherwise in this Power of Attorney, your Agent will continue to have these powers after you become incapacitated. You have the right to retain this Power of Attorney and to release it later or to request that another person retain this Power of Attorney on your behalf and release it only if one or more conditions specified in advance by you are satisfied. You have the right to revoke or take back this Power of Attorney at any time, so long as you are of sound mind. If there is anything about this Power of Attorney that you do not understand, you should seek professional advice.

Amend RSA 564-E:108(b)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) The fiduciary shall have the same power as the principal to revoke, suspend, or terminate all or any part of such power of attorney.

Amend RSA 564-E:111(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Except as otherwise provided in the power of attorney and subsection (d), an agent that does not participate in or conceal a breach of fiduciary duty committed by another agent, including a predecessor agent, is not liable for the actions of the other agent.

Amend RSA 564-E:113(a) as inserted by section 1 of the bill by replacing it with the following:

(a) A person designated as agent under a power of attorney shall have no authority to act as agent unless, at any time prior to exercising the power granted under the power of attorney and not necessarily at the time the power of attorney is signed by the principal, the person has signed and affixed to the power of attorney an acknowledgment in substantially the following form:

I, _____, have read the attached power of attorney and am the person identified as the agent for the principal. I hereby acknowledge that when I act as agent, I am given power under the power of attorney to make decisions about money, property, or both belonging to the principal, and to spend the principal’s money, property, or both on the principal’s behalf, in accordance with the terms of the power of attorney. When acting as agent, I have duties (called “fiduciary duties”) to act in the principal’s best interest, to act in good faith, and to act only within the scope of authority granted in the power of attorney, as well as other duties imposed by law to the extent not provided otherwise in the power of attorney. As an agent, I am not entitled to use the money or property for my own benefit or to make gifts to myself or others unless the power of attorney specifically gives me the authority to do so. As an agent, my authority under the power of attorney will end when the principal dies and I will not have authority to manage or dispose of any property or administer the estate of the principal. If I violate a fiduciary duty under the power of attorney, I may be liable for damages and may be subject to criminal prosecution. If there is anything about the power of attorney, or my duties under it, that I do not understand, I understand that I should seek professional advice.

Amend RSA 564-E:116(a) and (b) as inserted by section 1 of the bill by replacing it with the following:

(a) The following persons may petition a court to determine whether a power of attorney is in effect, to determine whether a power of attorney has terminated, to determine whether an agent's authority has terminated, to determine whether a particular gift is authorized as provided in subsection (g), to determine whether a particular transaction is authorized, to construe a power of attorney or to review the agent's conduct, and to grant appropriate relief:

- (1) the principal;
- (2) the agent;
- (3) a guardian, conservator, or other fiduciary acting for the principal;
- (4) a person authorized to make health-care decisions for the principal;
- (5) the principal's spouse, parent, or descendant;

(6) a person who would take property of the principal under the laws of intestate succession if the principal were to die at the time the petition is filed, whether or not the principal has a will;

(7) a person named as a beneficiary to receive any property, benefit, or contractual right on the principal's death or as a beneficiary of a trust created by or for the principal that has a financial interest in the principal's estate;

(8) the department of justice, the department of health and human services, the county attorney, or any other governmental agency having regulatory authority to protect the welfare of the principal.

(b) If there is no person specified in subsection (a) who is able or willing to file a petition for a purposes specified in subsection (a), then the court may entertain a petition for such purpose from any other interested party who or which demonstrates to the satisfaction of the court the following:

- (1) sufficient knowledge of the principal to demonstrate interest in the welfare of the principal; and
- (2) the lack of capacity of the principal to bring such a petition.

Amend RSA 564-E:116(e), as inserted by section 1 of the bill, by replacing it with the following:

(e) In a proceeding under this section commenced by the filing of a petition by a person other than the agent, the court may order the agent to pay reasonable attorney's fees to the petitioner if the court determines that the agent has clearly violated the agent's fiduciary duties under the power of attorney or has failed without any reasonable cause or justification to submit accounts or reports after written request pursuant to RSA 564-E:114(h).

Amend RSA 564-E:120 as inserted by section 1 of the bill by replacing it with the following:

564-E:120 Liability For Refusal To Accept Acknowledged Power Of Attorney.

(a) Except as otherwise provided in subsection (b):

(1) a person shall either accept an acknowledged power of attorney or request a certification, a translation, or an opinion of counsel under RSA 564-E:119(d) no later than 7 business days after presentation of the power of attorney for acceptance;

(2) if a person requests a certification, a translation, or an opinion of counsel under RSA 564-E:119(d), the person shall accept the power of attorney no later than 5 business days after receipt of the certification, translation, or opinion of counsel; and

(3) a person may not require an additional or different form of power of attorney for authority granted in the power of attorney presented.

(b) A person is not required to accept an acknowledged power of attorney if:

(1) the person is not otherwise required to engage in a transaction with the principal in the same circumstances;

(2) engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with federal law, including, without limitation, federal rules and federal regulations;

(3) the person has actual knowledge of the termination of the agent's authority or of the power of attorney before exercise of the power;

(4) a request for a certification, a translation, or an opinion of counsel under RSA 564-E:119(d) is refused;

(5) the person in good faith believes that the power is not valid or that the agent does not have the authority to perform the act requested, whether or not a certification, a translation, or an opinion of counsel under RSA 564-E:119(d) has been requested or provided; or

(6) the person makes, or has actual knowledge that another person has made, a report to the appropriate adult protective services or law enforcement agency stating a good faith belief that the principal may be subject to physical or financial abuse, neglect, exploitation, or abandonment by the agent or a person acting for or with the agent.

(c) A person that refuses in violation of this section to accept an acknowledged power of attorney:

(1) is subject to a court order mandating acceptance of the power of attorney; and

(2) may be held liable for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney.

Amend RSA 564-E:201, (a)-(d) as inserted by section 1 of the bill by replacing it with the following:

(a) An agent under a power of attorney may do the following on behalf of the principal or with the principal's property only if the power of attorney expressly grants the agent the authority and exercise of the authority is not otherwise prohibited by another agreement or instrument to which the authority or property is subject:

(1) create, amend, revoke, or terminate an inter vivos trust;

(2) make a gift, except the agent may not make a gift that will leave the principal without sufficient assets or income to provide for the principal's care without relying on Medicaid, other public assistance or charity unless the power of attorney expressly grants such authority or unless the gift is approved in advance by the court upon a determination that the gift is authorized in accordance with RSA 564-E:116(g);

(3) create or change rights of survivorship;

(4) create or change a beneficiary designation;

(5) delegate authority granted under the power of attorney;

(6) waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan;

(7) exercise a fiduciary power that the principal has authority to delegate to the extent that the principal specifically and expressly delegates such power to the agent; or

(8) exercise authority over the content of electronic communications sent or received by the principal.

(b) Notwithstanding a grant of authority to do an act described in subsection (a):

(1) an agent may not exercise authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property by gift unless the power of attorney otherwise provides or unless the gift is approved in advance by the court upon a determination that the gift is authorized in accordance with RSA 564-E:116(g); and

(2) an agent (other than an agent that is an ancestor, spouse, or descendant of the principal) may not exercise authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property by any manner other than a gift, including, without limitation, by right of survivorship, beneficiary designation, or disclaimer, unless the power of attorney otherwise provides.

(c) Subject to subsections (a), (b), (d), and (e), if a power of attorney grants to an agent authority to do all acts that a principal could do, the agent has the general authority described in RSA 564-E:204 through RSA 564-E:216.

(d) Unless the power of attorney otherwise provides, a grant of authority to make a gift is subject to RSA 564-E:217.

Amend the introductory paragraph of RSA 564-E:203 as inserted by section 1 of the bill by replacing it with the following:

564-E:203 Construction Of Authority Generally. Except as otherwise provided in the power of attorney, by executing a power of attorney that incorporates by reference a subject described in RSA 564-E:204 through RSA 564-E:217 or that grants to an agent authority to do all acts that a principal could do pursuant to RSA 564-E:201(c), a principal authorizes the agent, with respect to that subject, to:

Amend RSA 564-E:204(9) as inserted by section 1 of the bill by replacing it with the following:

(9) dedicate to public use, with or without consideration, easements or other real property in which the principal has, or claims to have, an interest.

Amend RSA 564-E:210 as inserted by section 1 of the bill by replacing it with the following:

564-E:210 Insurance And Annuities. Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to insurance and annuities authorizes the agent to:

(1) continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal which insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract;

(2) procure new, different, and additional contracts of insurance and annuities for the principal and the principal's spouse, children, and other dependents, and select the amount, type of insurance or annuity, and mode of payment;

(3) pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent;

(4) apply for and receive a loan secured by a contract of insurance or annuity;

(5) surrender and receive the cash surrender value on a contract of insurance or annuity;

(6) exercise an election;

(7) exercise investment powers available under a contract of insurance or annuity;

(8) change the manner of paying premiums on a contract of insurance or annuity;

(9) change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section;

(10) apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal;

(11) collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity;

(12) select the form and timing of the payment of proceeds from a contract of insurance or annuity; and

(13) pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with, a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or its proceeds or liability accruing by reason of the tax or assessment.

Amend RSA 564-E:211(a) as inserted by section 1 of the bill by replacing it with the following:

(a) In this section, "estate, trust, or other beneficial interest" means a trust, probate estate, guardianship, conservatorship, escrow, or custodianship or a fund from which the principal is, may become, or claims to be, entitled to a share or payment.

Amend RSA 564-E:213(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to personal and family maintenance authorizes the agent to:

(1) perform the acts necessary to maintain the customary standard of living of the principal, the principal's spouse, and the following individuals, whether living when the power of attorney is executed or later born:

(A) individuals legally entitled to be supported by the principal; and

(B) the individuals whom the principal has customarily supported or indicated the intent to support;

(2) make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which the principal is a party;

(3) provide living quarters for the individuals described in paragraph (1) by:

(A) purchase, lease, or other contract; or

(B) paying the operating costs, including interest, amortization payments, repairs, improvements, and taxes, for premises owned by the principal or occupied by those individuals;

(4) provide normal domestic help, usual vacations and travel expenses, and funds for shelter, clothing, food, appropriate education, including postsecondary and vocational education, and other current living costs for the individuals described in paragraph (1);

(5) pay expenses for necessary health care and custodial care on behalf of the individuals described in paragraph (1);

(6) act as the principal's personal representative pursuant to the Health Insurance Portability and Accountability Act, Sections 1171 through 1179 of the Social Security Act, 42 U.S.C. section 1320d, as amended, and applicable regulations, in making decisions related to the past, present, or future payment for the provision of health care consented to by the principal or anyone authorized under the law of this state to consent to health care on behalf of the principal;

(7) continue any provision made by the principal for automobiles or other means of transportation, including registering, licensing, insuring, and replacing them, for the individuals described in paragraph (1);

(8) maintain credit and debit accounts for the convenience of the individuals described in paragraph (1) and open new accounts; and

(9) continue payments incidental to the membership or affiliation of the principal in a religious institution, club, society, order, or other organization or [to] continue contributions to those organizations.

Amend RSA 564-E:214(b)(6) as inserted by section 1 of the bill by replacing it with the following:

(6) receive the financial proceeds of a claim described in paragraph (4) and conserve, invest, disburse, or use for a lawful purpose anything so received.

Amend RSA 564-E:217(b)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) the principal's personal history of making or joining in the making of lifetime gifts;

Amend RSA 564-E:301 as inserted by section 1 of the bill by replacing it with the following:

564-E:301 Statutory Form Power Of Attorney. A document substantially in the following form may be used to create a power of attorney that is in compliance with the provisions of this chapter:

NEW HAMPSHIRE

STATUTORY POWER OF ATTORNEY

INFORMATION CONCERNING THE POWER OF ATTORNEY

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:

Notice to the Principal: As the "Principal," you are using this Power of Attorney to grant power to another person (called the "Agent") to make decisions, including, but not limited to, decisions concerning your money, property, or both, and to use your money, property, or both on your behalf. If this Power of Attorney does not limit the powers that you give to your Agent, your Agent will have broad and sweeping powers to sell or otherwise dispose of your property, and to spend your money without advance notice to you or approval by you. Unless you have expressly provided otherwise in this Power of Attorney, your Agent will have these powers before you become incapacitated, and unless you have expressly provided otherwise in this Power of Attorney, your Agent will continue to have these powers after you become incapacitated. You have the right to retain this Power of Attorney and to release it later or to request that another person retain this Power of Attorney on your behalf and release it only if one or more conditions specified in advance by you are satisfied. You have the right to revoke or take back this Power of Attorney at any time, so long as you are of sound mind. If there is anything about this Power of Attorney that you do not understand, you should seek professional advice.

Principal's Signature: _____

Date: _____

1. DESIGNATION OF AGENT

I, (Name of Principal), of (Address of Principal), name the following person as my agent:

Name of Agent: _____

Agent's Address: _____

2. DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name the following person as my successor agent:

Name of Successor Agent: _____

Successor Agent's Address: _____

If my successor agent is unable or unwilling to act for me, I name the following person as my second successor agent:

Name of Second Successor Agent: _____

Second Successor Agent's Address: _____

3. REVOCATION OF EXISTING POWERS OF ATTORNEY

(Initial the following statement if it is your choice.)

_____ This Power of Attorney revokes all existing powers of attorney previously executed by me.

4. GRANT OF GENERAL AUTHORITY

(Initial beside your choice of A or B, but not both.)

_____ A. I grant my agent general authority to act for me in all matters, including, without limitation, all of the subjects enumerated in B below.

_____ B. I grant my agent general authority over the following subjects as defined in the following sections of the Uniform Power of Attorney Act:

(Initial each subject you want to include in the agent's general authority.)

_____ Real Property as defined in RSA 564-E:204

_____ Tangible Personal Property as defined in RSA 564-E:205

_____ Stocks and Bonds as defined in RSA 564-E:206

_____ Commodities and Options as defined in RSA 564-E:207

_____ Banks and Other Financial Institutions as defined in RSA 564-E:208

_____ Operation of Entity or Business as defined in RSA 564-E:209

_____ Insurance and Annuities as defined in RSA 564-E:210

_____ Estates, Trusts and Other Beneficial Interests as defined in RSA 564-E:211

_____ Claims and Litigation as defined in RSA 564-E:212

_____ Personal and Family Maintenance as defined in RSA 564-E:213

_____ Benefits from Governmental Programs or Civil or Military Service as defined in RSA 564-E:214

_____ Retirement Plans as defined in RSA 564-E:215

_____ Taxes as defined in RSA 564-E:216

_____ Digital Assets

5. GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

(Initial each subject you want to include in the agent's authority. CAUTION: As to some of the following subjects, granting your agent authority will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death.)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

_____ Create, amend, revoke, or terminate an inter vivos trust

_____ Make a gift, subject to the limitations of RSA 564-E:217 of the Uniform Power of Attorney Act

(If you have granted your agent the authority to make a gift, then as to each of the following statements, initial beside it if it is your choice.)

_____ My agent may make a gift, even if it will leave me without sufficient assets or income to provide for my care without relying on Medicaid; other public assistance or charity.

_____ My agent may make a gift to himself or herself and to any individual to whom my agent owes a legal obligation of support.

_____ Create or change rights of survivorship

_____ Create or change a beneficiary designation

_____ Delegate authority granted under this Power of Attorney to another person

_____ Waive my right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan

_____ Exercise the fiduciary power(s) that I have the authority to delegate as specified in the "Special Instructions" in Paragraph 7 of this Power of Attorney

_____ Exercise authority over the content of electronic communication sent or received by me

_____ Exercise authority with respect to intellectual property, including, without limitation, copyrights, contracts for payment of royalties, and trademarks

6. LIMITATION ON AGENT'S AUTHORITY (OTHER THAN GIFTING)

(If an agent (including successor agent) named in this Power of Attorney is someone other than an ancestor of yours, your spouse, or a descendant of yours, you must initial the following statement if it is your choice that such agent have the following authority. An agent who is an ancestor of yours, your spouse, or a descendant of yours already has the following authority under New Hampshire law.)

_____ My agent may exercise authority under this Power of Attorney to create in my agent, or in an individual to whom my agent owes a legal obligation of support, an interest in my property by any manner (other than a gift), including, without limitation, by right of survivorship, beneficiary designation, or disclaimer.

7. SPECIAL INSTRUCTIONS (OPTIONAL)

(Here you may include special instructions. You may leave this Paragraph blank. You may attach additional pages as necessary.)

8. EFFECTIVE DATE AND AUTHORITY OF AGENT

This Power of Attorney is effective immediately unless I have stated otherwise in the Special Instructions in Paragraph 7 of this Power of Attorney. An agent (including successor agent) named in this Power of Attorney will have no authority to act as my agent until he or she has signed and affixed to this Power of Attorney an acknowledgment that is substantially the same as the Acknowledgment at the end of this Power of Attorney.

9. GOVERNING LAW

This Power of Attorney shall be governed by the laws of the State of New Hampshire.

10. RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon this Power of Attorney if it is acknowledged before a notary public or other individual authorized to take acknowledgements (or a copy of the acknowledged Power of Attorney), unless that person knows it is void, invalid, or terminated.

SIGNATURE AND ACKNOWLEDGMENT

(You must date and sign this Power of Attorney. If you are physically unable to sign, it may be signed by someone else writing your name, in your presence and at your express direction. This Power of Attorney must be acknowledged before a notary public or other individual authorized by law to take acknowledgments.)

Principal's Signature: _____

Date: _____

STATE OF NEW HAMPSHIRE

COUNTY OF _____

The foregoing Power of Attorney was acknowledged before me on _____, by _____, known to me or satisfactorily proven to be the person named herein

Signature of Notarial Officer: _____

Title (and Rank): _____

My commission expires: _____

AGENT ACKNOWLEDGMENT

Notice to Agent: You will have no authority to act as agent under this Power of Attorney until you sign and affix this acknowledgment to the Power of Attorney.

I, _____, have read the attached power of attorney and am the person identified as the agent for the principal. I hereby acknowledge that when I act as agent I am given power under the power of attorney to make decisions about money, property, or both belonging to the principal, and to spend the principal's money, property, or both on the principal's behalf, in accordance with the terms of the power of attorney. When acting as agent, I have duties (called "fiduciary duties") to act in the principal's best interest, to act in good faith, and to act only within the scope of authority granted in the power of attorney, as well as other duties imposed by law to the extent not provided otherwise in the power of attorney. As an agent, I am not entitled to use the money or property for my own benefit or to make gifts to myself or others unless the power of attorney specifically gives me the authority to do so. As an agent, my authority under the power of attorney will end when the principal dies and I will not have authority to manage or dispose of any property or administer the estate of the principal. If I violate a fiduciary duty under the power of attorney, I may be liable for damages and may be subject to criminal prosecution. If there is anything about this power of attorney, or my duties under it, that I do not understand, I understand that I should seek professional advice.

Agent's Signature: _____

Date: _____

Amend RSA 564-E:302, as inserted by section 1 of the bill, by replacing it with the following:

564-E:302 Agent's Certification. The following optional form may be used by an agent to certify facts concerning a power of attorney:

AGENT'S CERTIFICATION AS TO THE VALIDITY OF POWER OF ATTORNEY AND AGENT'S AUTHORITY

STATE OF NEW HAMPSHIRE

COUNTY OF _____

I, _____, certify under penalty of perjury that _____ granted me authority as an agent in a power of attorney dated _____.

I further certify that to my knowledge:

- (1) the principal is alive and has not revoked the Power of Attorney or my authority to act under the Power of Attorney and the Power of Attorney and my authority to act under the Power of Attorney have not terminated;
- (2) if the Power of Attorney was drafted to become effective upon the happening of an event or contingency, the event or contingency has occurred;
- (3) if I was named as a successor agent, the prior agent is no longer able or willing to serve; and

(4) (Insert Other Relevant Statement(s)).

SIGNATURE AND ACKNOWLEDGMENT

Agent's Signature: _____

Date: _____

Agent's Name Printed _____

Agent's Address _____

Agent's Telephone Number _____

Signed and sworn to (or affirmed) before me on _____, by _____, known to me or satisfactorily proven to be the person named herein

Signature of Notarial Officer: _____

Title (and Rank): _____

My commission expires: _____

Amend RSA 137-J:22, I as inserted by section 3 of the bill by replacing it with the following:

I. The principal or any person who is a near relative of the principal, or who is a responsible adult who is directly interested in the principal by personal knowledge and acquaintance, including, but not limited to a guardian, social worker, physician, or *member of the* clergy, may file an action in the probate court of the county where the principal is located at the time:-

(a) Requesting that the authority granted to an agent by an advance directive be revoked on the grounds that the principal was not of sound mind or was under duress, fraud, or undue influence when the advance directive was executed, and shall have all the rights and remedies provided by ~~[RSA 506:7]~~ **RSA 564-E:116** which shall apply to directives executed under this chapter and persons acting pursuant to this chapter.

(b) Challenging the right of any agent who is acting or who proposes to act as such pursuant to this chapter and naming another person, who agrees to so act, to be appointed guardian over the person of the principal for the sole purpose of making health care decisions, as provided for in RSA 464-A.

Amend the bill by replacing all after section 3 with the following:

4 Judges of Probate; Jurisdiction; Cross Reference. Amend RSA 547:3, II(b) to read as follows:

(b) Durable powers of attorney under ~~[RSA 506:6 and 506:7]~~ **RSA 564-E**.

5 Repeal. The following are repealed:

I. RSA 506:5, relative to powers of attorney and effect of death of principal.

II. RSA 506:6, relative to powers of attorney and disability or incompetence of the principal.

III. RSA 506:7 relative to powers of attorney and limitations on the agent.

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

SB 232-FN-L, relative to the issuance of a summons instead of arrest.

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

This bill was requested by the Supreme Court and states that a warrant of arrest may be issued for failure to remain of good behavior in a case where a police officer has issued a summons instead of an arrest warrant. The implementation of this change will offer more efficiency for our officers and allow for the use of discretion to determine the appropriateness of a summons versus bail.

PUBLIC AND MUNICIPAL AFFAIRS

SB 240-FN-L, allowing owners of certain contaminated wells access to municipal water systems.

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

This bill as amended requires routine testing of wells if certain contaminants are found. This bill also requires that if the source of the contaminants is identified, the responsible party shall either treat the water or provide an alternative source of drinkable water. This is a step in the right direction to provide relief to property owners who may be impacted by groundwater contamination.

Public and Municipal Affairs
March 8, 2017
2017-0807s
08/04

Amendment to SB 240-FN-LOCAL

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

AN ACT relative to the monitoring and treatment of contaminated wells.

Amend the bill by replacing section 1 with the following:

1 New Section; Groundwater Protection Act; Contaminated Wells; Monitoring. Amend RSA 485-C by inserting after section 6-b the following new section:

485-C:6-c Contaminated Wells; Monitoring. Upon receiving information that a drinking water well that is not a source for a public water system exhibits the presence of a man-made contaminant, other than road salt, but the concentration does not exceed an existing ambient groundwater quality standard, the department shall determine whether the well should be monitored and whether it is possible to identify the source of the contaminant. If a responsible party is identified as the source of the contaminant and the department determines monitoring is warranted, the department shall require the responsible party to monitor the contamination at a frequency sufficient to provide advance warning of any exceedance of the standard. If the department determines that monitoring trends or other available information reasonably suggest that the concentration of the contaminant in the well is likely to exceed the ambient groundwater quality standard prior to the next scheduled monitoring date, the responsible party shall provide treatment or an alternative supply of drinking water that meets all applicable standards and is approved by the department.

2017-0807s

AMENDED ANALYSIS

This bill requires routine testing of wells if certain contaminants are found.

This bill also requires that if the source of the contaminants is identified, the responsible party shall either treat the water or provide an alternative source of drinkable water.

HB 87, relative to vacancies in the office of moderator.
Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill revises the method of appointing a moderator pro tempore. To account for cases where school district clerks may be unwilling or unable to personally fill a vacancy for moderator, this bill allows them to appoint a moderator pro tempore. Additionally, this bill corrects language in RSA 40:3, which references a statute that no longer exists.

HB 123, relative to continuation of a public hearing of the zoning board of adjustment.
Ought to Pass, Vote 5-0. Senator Ward for the committee.

This bill authorizes a Zoning Board of Adjustment to continue a public hearing to a specified time and place with no additional notice required. If Planning Board hearings are recessed, they are not required to provide additional notice of the continued hearing if the date, time, and place were made known at the prior hearing. This bill applies that language to Zoning Board of Adjustment hearings as well, preventing costly duplication of the notification process.

HB 127, relative to vacancies in county offices.
Ought to Pass, Vote 5-0. Senator Kahn for the committee.

This bill requires that the filling of a vacancy in a county office by the county convention be by a majority of the ballots cast. This bill changes the existing voting procedure to a secret ballot.

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

REGULAR CALENDAR

CAPITAL BUDGET

HB 368-FN-A, relative to the heating of certain state-owned buildings in Concord and making appropriations therefor.
Ought to Pass with Amendment, Vote 3-0. Senator D'Allesandro for the committee.

Capital Budget
March 9, 2017
2017-0815s
10/04

Amendment to HB 368-FN-A

Amend the bill by replacing section 3 with the following:

3 Appropriation; Department of Administrative Services. In lieu of bonding such projects pursuant to section 2 of this act, the commissioner of the department of administrative services is hereby authorized to identify and expend an amount necessary for said projects out of any money in the treasury not otherwise appropriated, when such action may be beneficial to the state. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. In no instance shall the total amount authorized pursuant to sections 2, 3, and 4 of this act exceed \$25,000,000 plus interest.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-5 to read as 5-6, respectively:

4 Authorization; Department of Administrative Services. The commissioner of administrative services is hereby authorized to procure operating lease financing pursuant to RSA 6:35 to fund the cost of the heating system purchase and replacement as identified in paragraph I and II of section 1 of this act. The term of such financing shall not be subject to the 10-year limit prescribed in RSA 6:35, nor shall such financing constitute an energy performance contract pursuant to RSA 21-I:19-b. The cost of procuring such financing and the resulting operating lease payments shall be paid when due out of existing department of administrative services and other state agency appropriations for utility expenses. The department of administrative services shall determine the proper appropriation allocations to other state agencies. In no instance shall the total amount authorized pursuant to sections 2, 3, and 4 of this act exceed \$25,000,000 plus interest.

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

Senator Daniels offered a floor amendment.

Sen. Daniels, Dist 11
Sen. D'Allesandro, Dist 20
March 16, 2017
2017-0899s
10/04

Floor Amendment to HB 368-FN-A

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

1 Department of Administrative Services; Authority; Heating of State-Owned Buildings.

I. The sum of \$13,000,000 is hereby appropriated to the department of administrative services for the fiscal year ending June 30, 2017 for the purpose of the purchase and replacement of all systems providing heat to state facilities located at the Governor Hugh J. Gallen state office park and state-owned buildings in downtown Concord that are currently obtaining steam from Concord Steam corporation, as well as the decommissioning of the steam plant located at 105 Pleasant Street in Concord, including but not limited to system design, construction, hazardous material remediation, and project administration and management, as required. This project shall be managed by the division of public works design and construction and funds may be expended to fund any temporary personnel for the purpose of project administration, management, or clerk of the works. The commissioner of the department of administrative services is also authorized to employ a classified, full-time, permanent project manager in the division of public works design and construction, whose initial salary and benefit cost shall be from funds appropriated pursuant to this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated, and said funds shall not lapse until June 30, 2019.

II. The commissioner of administrative services shall request an additional \$12,000,000 in capital appropriations to be included in the state capital budget (HB 25) of the 2017 legislative session. Said sums shall be used for the purposes described in paragraph I and shall be in addition to the appropriation contained in paragraph I.

III. The combined totals for the funding appropriated and requested in paragraphs I and II of this act shall not exceed \$25,000,000.

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

2017-0899s

AMENDED ANALYSIS

This bill authorizes the commissioner of administrative services to decommission the Concord Steam Corporation facilities and manage the replacement of systems providing heat to state-owned buildings in Concord. The bill makes an appropriation to the department of administrative services for the purposes of the bill.

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

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

COMMERCE

SB 83-FN-L, relative to the state minimum wage.

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

INTRODUCTION OF GUESTS

Senator Carson introduced Ethan Hensley visiting in the gallery.

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

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

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

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

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

Senator McGilvray is excused.

SB 87-FN, relative to on-premises sales by liquor manufacturers.

Re-refer to Committee, Vote 4-0. Senator Soucy for the committee.

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

SB 88-FN, authorizing satellite tasting rooms for wine manufacturers.

Re-refer to Committee, Vote 4-0. Senator Soucy for the committee.

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

Senator Daniels moved Ought to Pass.

Senator Daniels offered a floor amendment.

Sen. Daniels, Dist 11

March 15, 2017

2017-0895s

03/01

Floor Amendment to SB 88-FN

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

AN ACT authorizing wine manufacturer retail outlets.

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

1 New Paragraph; Definitions; Wine Manufacturer Retail Outlet. Amend RSA 175:1 by inserting after paragraph LXIX the following new paragraph:

LXIX-a. "Wine manufacturer retail outlet" means an outlet for the sale, sampling, and promotion of wine and other products manufactured by a wine manufacturer licensee.

2 Wine Manufacturer Licensee. Amend RSA 178:8, III to read as follows:

III. Each wine manufacturer shall have the right to sell at retail or wholesale at its winery, **and at retail at one wine manufacturer retail outlet**, for off-premises consumption any of its wines. **The wine manufacturer shall pay an annual fee of \$216 to the commission for the wine manufacturer retail**

outlet. The wine manufacturer may transport wines it manufactures to its wine manufacturer retail outlet for sample or sale. Visitors of legal drinking age at ~~[said premises]~~ **the manufacturing location or wine manufacturer retail outlet** may be provided with samples of wine manufactured ~~[on the premises]~~ **by the licensee in this state** for tasting. Samples may be provided either free or for a fee and shall be limited to one 2-ounce sample per label per person. Pursuant to rules adopted by the commission, a wine manufacturer may transport its products to a farmers' market or a wine festival licensed under RSA 178:31, and may sell such products at retail in the original container.

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

2017-0895s

AMENDED ANALYSIS

This bill authorizes a licensed wine manufacturer to operate an outlet for the sale, sampling, and promotion of its products.

The question is on the adoption of the Floor Amendment.

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

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

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

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

Senator McGilvray is excused.

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

SB 190-FN, repealing the sunset provision on the first responder's critical injury benefit fund. Ought to Pass with Amendment, Vote 4-0. Senator Soucy for the committee.

Commerce

March 8, 2017

2017-0781s

01/08

Amendment to SB 190-FN

Amend RSA 281-A:32-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Payments awarded under this section shall be subject to all other provisions of RSA 281-A. Total compensation payments for all additional compensation claims paid under this section shall not exceed \$125,000 per claimant. ~~[No payments shall be made after July 1, 2018.]~~ Benefits paid under this section for all claimants shall not exceed \$500,000 **per biennium**.

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

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

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

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

The following Senators voted No: Giuda, Bradley.

Roll Call, Yeas: 21 - Nays: 2. Adopted.

Senator McGilvray is excused.

MOTION OF RECONSIDERATION

Senator Carson having voted on the prevailing side, moved to reconsider SB 190-FN, repealing the sunset provision on the first responder's critical injury benefit fund. Adopted.

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

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

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

The following Senators voted No: Giuda.

Roll Call, Yeas: 22 - Nays: 1. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

Senator McGilvray is excused.

SB 209-FN, relative to the tobacco use prevention and cessation program.
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 Watters, seconded by Senator Sanborn.

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

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

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

Senator McGilvray is excused.

Recess. Out of recess.

SB 225-FN, revising the New Hampshire trust code.
Ought to Pass with Amendment, Vote 4-0. Senator Innis for the committee.

Commerce
March 8, 2017
2017-0780s
08/10

Amendment to SB 225-FN

Amend the bill by replacing section 22 with the following:

22 New Subparagraph; Limitation of Action Against a Trust Advisor or Trust Protector. Amend RSA 564-B:12-1206 by inserting after subparagraph (e) the following new paragraph:

(f) For purposes of determining whether, for purposes of this section, a trust has terminated or a beneficiary's interest in a trust has terminated, trust property excludes any claim against a trustee, trust advisor, or trust protector.

Amend RSA 383:9-d, I as inserted by section 24 of the bill by replacing it with the following:

I. Unless an exception is granted as provided in paragraph II, the commissioner shall examine the condition and management of all **depository** banks[,] **and** credit unions[, ~~trust companies, and family trust companies;~~] every 18 months or more often when necessary in his or her judgment. ***The commissioner shall examine the condition and management of all trust companies in accordance with RSA 383-C:14-1401. The commissioner shall examine the condition and management of all family trust companies in accordance with RSA 383-D:11-1101.***

Amend the bill by replacing sections 26-28 with the following:

26 New Paragraph; Liquidation Pledge. Amend RSA 383-C:5-503 by inserting after paragraph (b) the following new paragraph:

(c) A trust company may apply to provide a letter of credit in lieu of pledging cash or securities by filing with the commissioner an application to provide a letter of credit.

(1) In accordance with RSA 383-A:6-604, the commissioner shall make a determination as to whether the trust company qualifies to provide a letter of credit.

(2) A trust company qualifies to provide a letter of credit if:

(A) Under the terms of the letter of credit, the issuing bank unconditionally agrees to pay the liquidation pledge amount to the commissioner upon presentation of a written instrument that is signed by the commissioner and states that the commissioner has commenced the liquidation of a trust company under RSA 395;

(B) The issuing bank is:

- (i) A depository bank;
- (ii) A national bank having a branch or office in this state;
- (iii) A federal savings bank having a branch or office in this state; or
- (iv) A foreign state bank having a branch or office in this state;

(C) The letter of credit is:

- (i) Irrevocable during its term; and
- (ii) On a form prescribed by the commissioner.

(D) For purposes of securing the trust company's obligation to pay to the issuing bank any amounts that the commissioner draws against the letter of credit, the trust company or other person:

(i) Grants to the issuing bank a security interest in money or other property in an amount that is not less than 120 percent of the liquidation pledge amount;

(ii) Together with the issuing bank, executes a collateral pledge and security agreement that:

(a) Is irrevocable during the term of the letter of credit;

(b) Requires the pledgor to transfer to the issuing bank money or other property sufficient to maintain the minimum collateral amount under subsection (c)(2)(D)(i) at all times during the term of the letter of credit; and

(c) Is in a form acceptable to the commissioner; and

(E) Under the collateral pledge and security agreement or other agreement the issuing bank agrees that:

(i) If the commissioner draws against the letter of credit, then the issuing bank may claim its right of reimbursement only against the collateral in which the issuing bank has a security interest under the collateral pledge and security agreement, and not against the liquidation estate;

(ii) Except as provided under subsection (c)(2)(E)(i), the issuing bank waives any right of reimbursement against the trust company;

(iii) The letter of credit will be drawn in the event of a failure of the institution requiring liquidation by the commissioner; and

(iv) If, for any reason, the letter of credit is terminated, it shall immediately notify the commissioner.

(3) If the commissioner approves the trust company's application to provide a letter of credit, then the trust company shall continuously maintain the letter of credit in accordance with this subsection until it pledges cash or securities in accordance with subsection (a).

(4) The trust company shall pay any fees and expenses associated with obtaining and maintaining the letter of credit and the collateral pledge and security agreement.

27 New Subdivisions; Trust Company Act. Amend RSA 383-C by inserting after section 12-1202 the following new subdivisions:

Article 13 Reports and Other Filings

383-C:13-1301 Reports and Other Filings. A trust company shall file with the commissioner reports of condition as required under RSA 383-A:5-510 and copies of other documents as required under RSA 383-A:5-511.

Article 14
Examination

383-C:14-1401 Regular Examination. Subject to RSA 383-C:14-1402, the commissioner shall examine the condition and management of a trust company every 18 months.

383-C:14-1402 Exemption from Regular Examination.

(a) A trust company may apply for an exemption from one regular examination under RSA 383-C:14-1401 by filing with the commissioner an application for exemption.

(b) In accordance with RSA 383-A:6-604, the commissioner shall make a determination as to whether the trust company qualifies for a conditional exemption from examination.

(c) A trust company qualifies for a conditional exemption from examination if:

(1) The commissioner has deemed the application for exemption substantially complete under RSA 383-A:6-603 no sooner than 12 months and no later than 15 months after the date the commissioner signs the most recent report of examination;

(2) The trust company has received high ratings in each of its 2 most recent prior examinations;

(3) The trust company files with the commissioner a copy of each financial audit report completed within 12 months after the conclusion of its most recent examination;

(4) Each financial audit report filed under subsection (c)(3) is:

(A) Made in accordance with RSA 383-A:5-509; and

(B) Is unqualified; and

(5) The trust company is not currently subject to any formal or informal enforcement proceeding or order of any regulatory authority.

(d) For purposes of subsection (c)(2), a trust company has received high ratings if it has received a rating of 1 or 2 in each of the components used under the Uniform Interagency Trust Rating System, provided there has not been a degradation in the composite rating from the prior examination.

(e) Subject to subsection (k), a trust company that qualifies for a conditional exemption from examination may be exempt from one regular examination under RSA 383-C:14-1401 if it satisfies the following conditions:

(1) The trust company files with the commissioner a copy of a fiduciary compliance audit report made in accordance with subsection (h) no sooner than 12 months and no later than 15 months after the date the commissioner signs the most recent report of examination;

(2) The trust company files with the commissioner a copy of each financial audit report completed after the trust company filed its application for exemption and on or before the trust company files the fiduciary compliance audit under subsection (e)(1);

(3) Each financial audit report filed under subsection (e)(2) is:

(A) Made in accordance with RSA 383-A:5-509; and

(B) Is unqualified; and

(4) The trust company is not currently subject to any formal or informal enforcement proceeding or order of any regulatory authority.

(f) Upon receipt of the reports described in subsections (e)(1) and (e)(2), the commissioner shall make a determination whether the trust company is exempt from examination under subsection (e).

(g) If, under subsection (f), the commissioner determines that the trust company is not exempt from examination, then the commissioner shall examine the condition and management of the trust company within 21 months after the conclusion of the trust company's most recent examination.

(h) For purposes of subsection (e)(1), a fiduciary compliance audit report shall meet the following requirements:

(1) The report includes a review of each material aspect of the trust company's management, operations, internal controls and audit, compliance, and asset management;

(2) The report conforms to applicable generally accepted auditing standards;

(3) The report is unqualified; and

(4) The report is completed no later than 3 months before the date on which the trust company files it with the commissioner.

(i) Based on the trust company's safety and soundness, the commissioner:

(1) May waive the requirement under subsection (e)(1); or

(2) May accept any documents or other information that the commissioner deems a suitable substitute for a fiduciary compliance audit report made in accordance with subsection (h).

(j) The commissioner shall examine the condition and management of a trust company that is exempt from examination under subsection (e) no later than 36 months after the conclusion of its most recent prior examination.

(k) The commissioner may examine the condition and management of a trust company that is exempt from examination under subsection (e) at any time if, after qualifying for the exemption under subsection (e), the trust company receives anything other than an unqualified financial audit report, or based on a determination by the commissioner that the trust company's safety and soundness might have been materially impaired, or the trust company is currently subject to any formal or informal enforcement proceeding or order of any regulatory authority.

28 Family Trust Company Act; Safety and Soundness. Amend RSA 383-D:3-302 to read as follows:

383-D:3-302 Safety and Soundness.

(a) For purposes of determining the safety or soundness of a family trust company or any act that a family trust company has taken or proposes to take, ***the following shall apply:***

(1) Subject to subsection (b), the commissioner shall consider the factors described in RSA 383-C:4-401[-];

(2) The commissioner shall give primary consideration to whether the family trust company poses a harm to the general public; and

(3) To the extent that the family trust company does not pose a harm to the general public and subject to the requirements of this chapter, the family trust company shall have broad latitude to determine how it is organized and how it will operate its affairs.

(b) For purposes of ~~[those factors, a]~~ ***applying the factors described in RSA 383-C:4-401 to a family trust company, the commissioner shall consider that:***

(1) The family trust company's market is serving family clients[-]; and ~~[a]~~

(2) The family trust company's financial success is determined by the avoidance of net losses over multiple years.

(c) A family trust company poses a harm to the general public if the family trust company:

(1) Transacts business with the general public;

(2) Fails to establish and maintain procedures reasonably designed to assure and monitor its compliance with applicable anti-money laundering and similar laws; or

(3) Engages in any other activity that the commissioner determines poses a direct, material harm to the general public.

Amend the bill by deleting section 29 and section 30, and renumbering sections 31-52 to read as 29-50 respectively.

Amend the bill by replacing sections 29-30 with the following:

29 Family Trust Company Act; Required Capital. Amend RSA 383-D:6-602(a)-(c) to read as follows:

(a) The minimum required capital of a family trust company is ~~[\$250,000]~~ **\$50,000**. The commissioner may require a family trust company to maintain additional capital. From time to time, the commissioner may reduce or increase the amount of additional capital that a family trust company is required to maintain.

(b) After it obtains the authority to exercise trust powers, a family trust company shall maintain an amount of capital that equals or exceeds the required capital.

(c) A family trust company shall not make any distribution to the extent that, upon making the distribution, the family trust company's total capital would be less than the required capital.

(d) For purposes of [this] subsection (c), "distribution" means a direct or indirect transfer of money or other property (except an equity interest in the family trust company) to or for the benefit of family trust company's equity owners in respect of any of equity interests in the family trust company.

[~~(c)~~] (e) RSA 383-C:5-502(a) and (b) shall not apply to family trust companies.

30 New Section; Effects of Transacting Business with the General Public. Amend RSA 383-D by inserting after section 7-703 the following new section:

383-D:7-704 Effects of Transacting Business with the General Public.

(a) Any action by a family trust company in its capacity as a trustee or other fiduciary shall not be void or voidable solely by reason of the entity transacting business with the general public.

(b) To the extent that a family trust company transacts business with the general public, each of its directors and executive officers shall be personally, jointly, and severally liable for all liabilities created by transacting business with the general public, including any breach of a fiduciary duty to a member of the general public.

(c) The directors' and officers' liability under subsection (b) is in addition to any civil or criminal penalties imposed by this title or other applicable law.

(d) This section shall not limit the commissioner's enforcement powers under this title or other applicable law, including, but not limited to prohibiting the family trust company from requesting a waiver of examination for 72 months and ordering restitution to persons affected by such conduct pursuant to RSA 383:10-d.

Amend the bill by replacing section 32 with the following:

32 New Section; Exemption from Annual Audits. Amend RSA 383-D by inserting after section 10-1004 the following new section:

383-D:10-1005 Exemption from Annual Audits.

(a) A family trust company may apply for an exemption from RSA 383-A:5-509 if the family trust company demonstrates that:

(1) It can maintain its safety and soundness without the audit;

(2) The cost of an audit would be an undue financial burden on the family trust company; and

(3) It has an alternate audit arrangement in place that will assure the commissioner that its financial statements are true and accurate.

(b) The commissioner may revoke any exemption granted if, in his or her judgment, the safety and soundness of the family trust company requires it.

Amend the bill by deleting sections 34-36 and renumbering the original sections 37-50 to read as 34-47, respectively.

Amend RSA 564-E:4-401(c)(1) as inserted by section 34 of the bill by replacing it with the following:

(1) The name of an entity incorporated, authorized, formed, or registered to transact business in this state under RSA 292, RSA 293-A, RSA 293-B, RSA 294-A, RSA 301, RSA 301-A, RSA 304-A, RSA 304-B, RSA 304-C, RSA 305-A, RSA 383-E, RSA 349, or this chapter;

Amend RSA 564-E:8-802 as inserted by section 34 by replacing it with the following:

564-E:8-802 Trust Powers.

(a) Subject to subsection (b), a foundation shall not have the power to act as a trustee or otherwise engage in a trust business as defined in RSA 383-A:2-201(a)(51).

(b) To the extent permitted under RSA 383-A and RSA 383-D, a foundation shall have the power to act as a trustee or otherwise engage in a trust business as defined in RSA 383-A:2-201(a)(51) if it is:

(1) A family trust company as defined in RSA 383-A:2-201(a)(26);

(2) A foreign family trust company that is authorized to engage in trust business in this state under RSA 383-D:13-1301; or

(3) An exempt family trust company as defined in RSA 383-D:14-1401(a).

(c) A foundation that is described in subsection (b) is subject to the bank commissioner's supervision in accordance with title 35 and any other applicable law.

Amend the bill by replacing sections 35-37 with the following:

35 Income from Trusts. Amend RSA 77:10 to read as follows:

77:10 Income From Trusts **and Foundations**. Interest and dividend income received by ~~[estates held by trustees]~~ **trusts and foundations** treated as grantor trusts under section 671 of the United States Internal Revenue Code shall be included in the return of their grantor, to the extent that the grantor is an inhabitant or resident of this state. Income reported by, and taxed federally as interest or dividends to, a trust **or foundation** beneficiary who is an individual inhabitant or resident of this state with respect to distributions from a trust **or foundation** that is not treated as a grantor trust under section 671 of the United States Internal Revenue Code shall be included as interest or dividends in the return of such beneficiary and subject to taxation in accordance with the provisions of this chapter.

36 Definitions; Business Organization. Amend RSA 77-A:1, I to read as follows:

I. "Business organization" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust or other form of organization; organized for gain or profit, carrying on any business activity within the state, except such enterprises as are expressly made exempt from income taxation under the United States Internal Revenue Code as defined in RSA 77-A:1, XX. Each enterprise under this definition shall be subject to taxation under RSA 77-A:2 as a separate entity, unless specifically authorized by this chapter to be treated otherwise, such as, but not limited to, combined reporting. Trusts **or foundations** treated as grantor trusts under section 671 of the United States Internal Revenue Code shall be included in the return of their owners, and such owners shall be subject to the tax thereon to the extent such owners would be considered a business organization hereunder notwithstanding the existence of the trust **or foundation**. The use of consolidated returns as defined in the United States Internal Revenue Code as defined in RSA 77-A:1, XX is not permitted. Notwithstanding any other provision of this paragraph, an enterprise shall not be characterized as a business organization and shall be excluded from taxation at the entity level if it elects to be treated as a qualified investment company as defined in RSA 77-A:1, XXI. A partnership, limited liability company, estate, trust, **or foundation** except grantor trusts pursuant to section 671 of the United States Internal Revenue Code, "S" corporation, real estate investment trust, or any other such entity, other than an organization electing to be treated as a qualified investment company as defined in RSA 77-A:1, XXI whose net income is reportable by the true owners either directly or indirectly shall be subject to tax at the entity level, and no part of such earnings or loss shall be included in the calculation of the gross business profits of the owners of such entity.

37 Definitions; Business Enterprise. Amend RSA 77-E:1, III to read as follows:

III. "Business enterprise" means any profit or nonprofit enterprise or organization, whether corporation, partnership, limited liability company, proprietorship, association, trust, **foundation**, business trust, real estate trust or other form of organization engaged in or carrying on any business activity within this state, except such enterprises as are expressly made exempt from income taxation under section 501(c)(3) of the United States Internal Revenue Code to the extent such enterprise does not engage in any business activity constituting unrelated business activity as defined by section 513 of the United States Internal Revenue Code. Each business enterprise under this definition shall be subject to the tax imposed under RSA 77-E as a separate entity except that trusts **and foundations** treated as grantor trusts under section 671 of the United States Internal Revenue Code shall be included in the return of their owners, and such owners shall be subject to the tax thereon to the extent any such owners would be considered a business enterprise hereunder notwithstanding the existence of the trust **or foundation**. The use of consolidated returns as defined in the United States Internal Revenue Code or of combined reporting is not permitted. Notwithstanding any other provision of this paragraph, an enterprise shall not be characterized as a business enterprise and shall be excluded from taxation at the entity level if it is a qualified investment company as defined in RSA 77-E:1, XIV.

Amend the bill by replacing all after section 46 with the following:

47 Trustee's Power to Decant Trust. Amend RSA 564-B:4-418(b) to read as follows:

(b)(1) The beneficiaries of the second trust may include only one or more of the beneficiaries of the first trust.

(2) The second trust may exclude one or more of the beneficiaries of the first trust.

(3) A person is not a beneficiary of the second trust solely by reason of being a permissible appointee of a power of appointment under the terms of the second trust.

(4) The current distributees and current permissible distributees of the second trust may include one or more persons who, under the terms of the first trust, are not current distributees or current permissible distributees, but would be distributees or permissible distributees upon the occurrence of a future date or event.

48 Rights of Beneficiary's Creditor or Assignee. RSA 564-B:5-501 is repealed and reenacted to read as follows:

564-B:5-501 Creditor's Claim Against a Beneficiary.

(a) To the extent that a beneficiary's interest in a trust is not subject to a spendthrift provision, the court may authorize a creditor or assignee of the beneficiary to reach the beneficiary's interest by:

(1) Attachment of present or future distributions to or for the benefit of the beneficiary; or

(2) Subject to RSA 564-B:5-504, any other means.

(b) The court may limit the relief under subsection (a) as is appropriate under the circumstances.

(c) Subject to RSA 564-B:5-504(b) and (c), a creditor or assignee of a beneficiary may not compel the beneficiary to exercise any right or power that, in any fiduciary or nonfiduciary capacity, the beneficiary has under the terms of the trust, including any of the following:

(1) Any power of appointment;

(2) Any power to direct or veto a distribution;

(3) Any power to appoint or remove a trustee, trust advisor, or trust protector; or

(4) Any right to receive reports, notices, or other information concerning the trust and its administration.

49 Spendthrift Provision RSA 564-B:5-502 is repealed and reenacted to read as follows:

564-B:5-502 Creditor's Claim Against a Beneficiary of a Trust Containing a Spendthrift Provision.

(a) A spendthrift provision is valid only if it restrains both voluntary and involuntary transfer of a beneficiary's interest.

(b) A term of a trust providing that the interest of a beneficiary is held subject to a "spendthrift trust," or words of similar import, is sufficient to restrain both voluntary and involuntary transfer of the beneficiary's interest.

(c) A beneficiary may not transfer an interest in a trust in violation of a valid spendthrift provision.

(d) To the extent that a beneficiary's interest in a trust is subject to a spendthrift provision, a creditor or assignee of the beneficiary may not reach:

(1) The beneficiary's interest in the trust; or

(2) A distribution from the trust before its receipt by the beneficiary.

(e) To the extent that a beneficiary's interest in a trust is subject to a spendthrift provision, the beneficiary's interest:

(1) Is not property for purposes of RSA 458:16-a, I; and

(2) Shall not be subject to any forced heirship, legitime, forced share, or any similar heirship rights under the laws of any jurisdiction.

(f) A spendthrift provision is unenforceable against a claim of this state or the United States to the extent that a statute of this state or federal law so provides.

50 Discretionary Trusts; Effect of Standard RSA 564-B:5-504 is repealed and reenacted to read as follows:

564-B:5-504 Creditor's Claim Against a Beneficiary of a Discretionary Trust.

(a) Whether or not a trust contains a spendthrift provision, a creditor or assignee of a beneficiary may not compel a distribution that is subject to the trustee's discretion, even if:

- (1) The discretion is expressed in the form of a standard of distribution; or
- (2) The trustee has abused the discretion.

(b) Subject to subsection (c), a creditor or assignee of a beneficiary may not compel a distribution to the beneficiary solely by reason that the beneficiary:

- (1) Is a trustee; or
- (2) In any fiduciary capacity, has the power to direct distributions.

(c) Upon petition by a creditor or assignee of a beneficiary, a court may compel a distribution to the beneficiary to the extent that:

- (1) The beneficiary:
 - (A) Is a trustee; or
 - (B) In any fiduciary capacity, has the power to direct distributions;
 - (2) In the capacity described in subsection (c)(1), the beneficiary has:
 - (A) The discretionary power to make distributions to himself, herself, or itself; or
 - (B) The discretionary power to direct distributions to himself, herself, or itself;
 - (3) The discretion is expressed in the form of a standard of distribution;
 - (4) The beneficiary can exercise the power without the consent of any trustee, trust advisor, trust protector, or person holding an adverse interest; and
 - (5) The beneficiary has abused the discretion.
- (d) This section does not limit the right of a beneficiary to commence a judicial proceeding against a trustee, trust advisor, or trust protector for:

- (1) An abuse of discretion; or
- (2) A failure to comply with a standard for distribution.

51 Creditor's Claim Against a Settlor of a Revocable Trust. RSA 564-B:5-505 is repealed and reenacted to read as follows:

564-B:5-505 Creditor's Claim Against a Settlor of a Revocable Trust.

(a) During the settlor's life, the property of a revocable trust is subject to claims of the settlor's creditors regardless of whether the trust contains a spendthrift provision.

(b) After the settlor's death and subject to the settlor's right to direct the source from which liabilities will be paid, the property of a trust that was revocable immediately before the settlor's death is subject to the following claims to the extent that the settlor's probate estate is inadequate to satisfy those claims:

- (1) Claims of the settlor's creditors;
- (2) Costs of administration of the settlor's estate; and
- (3) Expenses of the settlor's funeral and disposal of remains.

(c) Subsection (b) shall apply to a trust regardless of whether the trust contains a spendthrift provision.

(d) Subsection (b) shall not apply to:

- (1) The proceeds and any other benefits of a policy of life or endowment insurance effected by a settlor, a trustee, or any other person on the settlor's life or another individual's life as provided in RSA 408:2; or

(2) Any claim barred under RSA 564-B:5-508.

(e) During only the period that the power of withdrawal may be exercised, the holder of a power of withdrawal shall be treated in the same manner under this section as the settlor of a revocable trust to the extent of the property subject to the power of withdrawal.

52 New Sections; Creditor's Claim Against a Settlor of an Irrevocable Trust. Amend RSA 564-B by inserting after section 5-505 the following new sections:

564-B:5-505A Creditor's Claim Against a Settlor of an Irrevocable Trust.

(a) To the extent that a settlor's interest in an irrevocable trust is not subject to a spendthrift provision, a creditor or assignee of the settlor may reach the maximum amount of trust property that can be distributed to or for the benefit of the settlor.

(b) If the trust has more than one settlor, then the amount that a creditor or assignee of a particular settlor may reach under subsection (a) may not exceed the settlor's interest in the portion of the trust attributable to that settlor's contribution.

(c) A settlor may not transfer the settlor's interest in an irrevocable trust in violation of a spendthrift provision.

(d) To the extent that a settlor's interest in an irrevocable trust is subject to a spendthrift provision, a creditor or assignee of the settlor may not reach:

(1) The settlor's interest in the trust; or

(2) A distribution from the trust before its receipt by the settlor.

(e) Subsection (d) shall apply to any type of irrevocable trust, including:

(1) A charitable remainder annuity trust within the meaning of section 664(d)(1) of the Internal Revenue Code;

(2) A charitable remainder unitrust within the meaning of section 664(d)(2) of the Internal Revenue Code;

(3) A trust described in section 2523(e) of the Internal Revenue Code;

(4) A trust described in section 2523(f) of the Internal Revenue Code;

(5) An irrevocable special needs trust established for a disabled person as described in 42 U.S.C. section 1396p(d)(4) or similar federal law governing the transfer to such a trust;

(6) A trust in which a trustee, trust advisor, or trust protector has a duty or a discretionary power to:

(A) Pay directly to any taxing authority any tax that is:

(i) Imposed on the trust's income or principal; and

(ii) Payable by the settlor under the law imposing the tax;

(B) Reimburse the settlor for any tax described in subsection (g)(6)(A); or

(C) Direct a trustee, trust advisor, or trust protector to take the action described in subsection (e)(6)(A) or (e)(6)(B); and

(7) A trust in which the settlor has:

(A) The power to reacquire trust property by substituting other property of an equivalent value; or

(B) Any power of administration within the meaning of section 675(4) of the Internal Revenue Code.

(f) Notwithstanding RSA 545-A:9, a creditor or assignee of a settlor may not commence a judicial proceeding with respect to the settlor's transfer of property to an irrevocable trust that contains a spendthrift provision after the later of:

(1) Two years after the transfer is made; or

(2) If the creditor or assignee is a creditor or assignee of the settlor when the transfer is made, six months after the creditor or assignee discovers or reasonably should have discovered the transfer.

(g) For purposes of subsection (f), a person shall be deemed to have discovered the existence of a transfer at the time any public record is made of the transfer, including:

(1) A conveyance of real property that is recorded in the office of the register of deeds of the county in which the property is located;

(2) The filing of a financing statement under article 9 of RSA 382-A; or

(3) Any equivalent recording or filing of a similar instrument with the appropriate official or person under the laws of a jurisdiction other than this state.

(h) For purposes of subsection (f) and RSA 545-A:4, a creditor or assignee of a settlor shall prove by clear and convincing evidence that, with respect to the creditor or assignee, the settlor's transfer to the trust was fraudulent.

(i) Notwithstanding any law to the contrary, a person shall not have any claim against any of the following persons to the extent that the claim is based in any way on a settlor or other person availing or seeking to avail himself, herself, or itself of the benefits of this section:

(1) A trustee;

(2) A trust advisor;

(3) A trust protector;

(4) A person who advised a settlor, trustee, trust advisor, or trust protector concerning trust, the trust's formation, any transfer of property to the trust, or the application of this section; or

(5) A person who was involved in counseling, drafting, preparing, or executing:

(A) With respect to the trust, a trust instrument; or

(B) A governing instrument of a corporation, partnership, limited partnership, limited liability company, or other entity, the interests of which a settlor transferred to the trust.

(j) Notwithstanding any law to the contrary, a person may not commence a judicial proceeding seeking the enforcement of a judgment entered by a court or other body having adjudicative authority or asserting any other claim if:

(1) The judgment or claim is based in any way on a settlor's transfer of property to an irrevocable trust that contains a spendthrift provision; and

(2) With respect to the transfer, a claim of the creditor or assignee of the settlor would be barred under subsection (f).

(k) Subsections (i) and (j) shall not affect:

(1) Any claim by a settlor;

(2) Any claim by a beneficiary against a current or former trustee, trust advisor, or trust protector for a breach of trust; or

(3) Any claim by a trustee, trust advisor, or trust protector.

(l) If two or more transfers of property are made to a trust that contains a spendthrift provision, then the following shall apply:

(1) For the purpose of determining whether, under this section, a creditor or other person may commence a judicial proceeding with respect to a specific transfer, any subsequent transfer shall be disregarded; and

(2) Any distribution from a trust to a settlor or other beneficiary shall be deemed to have been made from:

(A) First, the most recent transfer to the extent of the previously undistributed portion of that transfer; and

(B) Subsequently, each preceding transfer in reverse chronological order to the extent of the previously undistributed portion of that transfer.

(m) A creditor or assignee of a settlor may not compel the settlor to exercise any right or power that, in any fiduciary or nonfiduciary capacity, the settlor has under the terms of the trust, including:

- (1) Any power of appointment;
- (2) Any power to direct or veto a distribution;
- (3) Any power to reacquire trust property by substituting other property of an equivalent value;
- (4) Any power of administration within the meaning of section 675(4) of the Internal Revenue Code;
- (5) Any power to appoint or remove a trustee, trust advisor, or trust protector; or
- (6) Any right to receive reports, notices, or other information concerning the trust and its administration.

(n) This section shall not affect the application of:

- (1) In the case of a trust that was revocable immediately before the settlor's death, RSA 564-B:5-505(b);
- (2) RSA 564-B:5-505(e); or
- (3) Except as otherwise provided in this section, RSA 545-A or a similar law of another state having jurisdiction over a transfer of property.

(o) To the extent that a settlor's interest in an irrevocable trust is subject to a spendthrift provision, the settlor's interest:

- (1) Is not property for purposes of RSA 458:16-a, I, to the extent that:
 - (A) The settlor's interest is subject to a spendthrift provision; and
 - (B) The settlor transferred the property to the trust more than 30 days before his or her marriage to the individual seeking to claim that the settlor's interest is property for purposes of RSA 458:16-a, I, unless that individual expressly consented to the transfer; and
- (2) Shall not be subject to any forced heirship, legitime, forced share, or any similar heirship rights under the laws of any jurisdiction.

(p) A spendthrift provision is unenforceable against a claim of this state or the United States to the extent that a statute of this state or federal law so provides.

(q) A spendthrift provision is a restriction on the transfer of the settlor's beneficial interest that is enforceable under nonbankruptcy law within the meaning of 11 U.S.C. section 541(c)(2).

564-B:5-505B Coordination with Qualified Dispositions in Trusts.

(a) On the effective date of RSA 564-B:5-505A, RSA 564-B:5-505A shall apply to:

- (1) Any transfer that:
 - (A) Was made before the effective date of RSA 564-B:5-505A; and
 - (B) Qualified as a qualified disposition within the meaning of RSA 564-D:1, VII, as in effect immediately before the effective date of RSA 564-B:5-505A; and
- (2) Any trust into which, before the effective date of RSA 564-B:5-505A, there was a transfer described in subsection (a)(1).

(b) Except as otherwise permitted under RSA 564-B:5-505A, a creditor or assignee of a settlor may not avoid a transfer described in subsection (a)(1) if the creditor or assignee could not have avoided the transfer under RSA 564-D as in effect immediately before the effective date of RSA 564-B:5-505A.

(c) Except as otherwise permitted under RSA 564-B:5-505A, a creditor or assignee of a settlor may not reach any property of a trust described in subsection (a)(2) if the creditor or assignee could not have reached the property under RSA 564-D as in effect immediately before the effective date of RSA 564-B:5-505A.

53 Repeal. The following are hereby repealed:

- I. RSA 564-B:5-503, relative to exceptions to a spendthrift provision, is repealed.

II. RSA 564-D, relative to qualified dispositions in trusts.

54 Effective Date.

I. Sections 2, 4, 5, 9, 10, 13, 18, 19, 20, 21, 22, and 31 of this act shall take effect upon its passage.

II. Sections 34 through 46 of this act shall take effect October 1, 2017.

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

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

Senator Innis offered a floor amendment.

Sen. Innis, Dist 24

March 13, 2017

2017-0836s

08/10

Floor Amendment to SB 225-FN

Amend RSA 564-E as inserted by section 34 of the bill by deleting RSA 564-E:1-104.

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

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

SB 226-FN, relative to eliminating the waiting period before eligibility to receive unemployment benefits. Ought to Pass, Vote 4-0. Senator Soucy for the committee.

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

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

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

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

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

Senator McGilvray is excused.

Senator Sanborn moved Inexpedient to Legislate. Adopted.

SB 227-FN, relative to a workforce development and training fund. Ought to Pass with Amendment, Vote 4-0. Senator Soucy for the committee.

Commerce

March 8, 2017

2017-0783s

08/01

Amendment to SB 227-FN

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

1 Unemployment Fund; Employer Rates. Amend RSA 282-A:87, IV to read as follows:

IV.(a)(1) Each employer subject to payment of contributions pursuant to RSA 282-A:69, I shall have its rate reduced by ~~[2/10]~~ **1/2** of one percent beginning in the ~~[second]~~ **third** quarter of ~~[2007]~~ **2017**. An administrative contribution equal to the amount of this reduction shall be paid by all such employers.

(2) Commencing ~~[July 1, 2007]~~ **September 1, 2017**, after deduction of all costs incurred in the collection of the administrative contribution, 1/3 of the quarterly administrative contribution collected, not to exceed ~~[\$2,000,000]~~ **\$8,500,000** annually, shall be deposited each quarter in the fund established by RSA 282-A:138-a and shall be expended only as provided by and for the purposes provided in that section. The remaining quarterly administrative contribution collected shall **then be divided so that the proportional**

share of the quarterly administrative contribution resulting from the increase over 2/10 of one percent shall then be deposited in the unemployment compensation fund established under RSA 282-A:103 and the remaining amount deposited in the fund established by RSA 282-A:140 and shall be expended only as provided by and for the purposes provided in that section, and not for any other purpose.

2 Training Fund. Amend RSA 282-A:138-a, I to read as follows:

I. There is hereby created in the state treasury a special fund to be known as the training fund. Commencing January 1, 2002, the moneys in this fund may be used, solely as determined by the commissioner of resources and economic development in accordance with rules and guidelines adopted by the commissioner of resources and economic development, ***after consultation with the governor's state workforce innovation board***, for funding training under the job training program for economic growth, established under RSA 12-A:51-58. Rulemaking authority relative to administration of the grant award process shall be with the commissioner of resources and economic development pursuant to RSA 12-A:54, II(a).

3 Job Training Program Expanded. Amend RSA 12-A:51 to read as follows:

12-A:51 Program Established. There is hereby established a program to provide job training which is designed to attract new business, assist in the expansion of business, and retain existing business in the state of New Hampshire. ***Pursuant to rules adopted by the commissioner of resources and economic development under RSA 541-A, no more than \$500,000 annually may be provided to further support programs offered as of January 1, 2017, and in addition to programs offered as of January 1, 2017, funding shall be provided for:***

I. Training individuals not otherwise eligible for state or federal training funds available as of January 1, 2017, including the cost of certificate programs and occupational skills training in order to fill current in-demand employment in New Hampshire with employers having immediate employment needs, with a priority for jobs identified through the state's sector partnership initiative;

II. Enhanced support services, including child care and transportation assistance, which would not otherwise be available through any other state, federal or other programs, with such assistance limited to income eligible individuals with an identified career path and who are determined to be in need of such support services to successfully compete for employment opportunities;

III. The WorkReadyNH program established by the community college system of New Hampshire in an amount no more than \$500,000 annually, including expanding the WorkReadyNH program to current high school students in grades 10 through 12 on a pilot basis;

IV. Marketing for and program availability of certificate programs and occupational skills training opportunities for New Hampshire high school students upon graduation in order to fill current in-demand employment in New Hampshire;

V. Marketing of New Hampshire's workforce development initiatives to employers and business community representatives in New Hampshire; and

VI. Outreach and coordination of services provided in this section to populations with higher than average unemployment in New Hampshire, including persons in need of training to change careers, persons with substance use disorders who are in recovery programs, legal immigrants and speakers of languages other than English.

4 Eligible Costs; Job Training Program. Amend RSA 12-A:56, IV to read as follows:

IV. The department may use no more than 10 percent, or [~~\$200,000~~] ***\$850,000***, of any moneys received from the training fund established at RSA 282-A:138-a, whichever is less, to administer this program.

5 Report; Job Training Program; New Paragraph. Amend RSA 12-A:58 by inserting after paragraph III the following new paragraph:

IV. The commissioner shall annually provide a report to the governor's state workforce innovation board, the speaker of the house of representatives, the president of senate, the chairman of the senate committee with jurisdiction over commerce issues and the chairperson of the house committee with jurisdiction over labor issues concerning the effectiveness of all job training programs and services.

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

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

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

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

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

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

Roll Call, Yeas: 19 - Nays: 4. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

Senator McGilvray is excused.

ENERGY AND NATURAL RESOURCES

SB 129, requiring a portion of the renewable energy fund to benefit low to moderate income residential customers and relative to electric renewable energy classes and relative to the class rate for biomass.

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

Energy and Natural Resources

March 7, 2017

2017-0770s

06/10

Amendment to SB 129

Amend RSA 362-A:9, XIV(c) as inserted by section 7 of the bill by replacing it with the following:

(c) Notwithstanding paragraph V, a group host shall be paid for its surplus generation at the end of each billing cycle at rates consistent with the credit the group host receives relative to its own net metering under either subparagraph IV(a) or (b) or alternative tariffs that may be applicable pursuant to paragraph XVI. ***Each group member of a group host for a low-moderate income community solar project, as defined in RSA 362-F:2, X-a, may receive credits on the customer electric bill for each member and the host, limited to one new project per calendar year for 3 years in each utility's service territory through 2020. Each utility shall provide a report to the commission on the costs and benefits of such projects on or before December 31, 2020.*** On an annual basis, the electric distribution utility shall calculate a payment adjustment if the host's surplus generation for which it was paid is greater than the group's total electricity usage during the same time period. The adjustment shall be such that the resulting compensation to the host for the amount that exceeded the group's total usage shall be at the utility's avoided cost or its default service rate in accordance with subparagraph V(b) or paragraph VI or alternative tariffs that may be applicable pursuant to paragraph XVI. The utility shall pay or bill the host accordingly.

Amend RSA 362-A:9, XIX as inserted by section 8 of the bill by replacing it with the following:

XIX. No person, owner, developer, or installer of an eligible customer-generator facility, business organization, or any subsidiary thereof, shall use any unfair method of competition or any unfair or deceptive act or practice in any way for projects involving net metering.

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

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

March 13, 2017

2017-0853s

06/10

Floor Amendment to SB 129

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

AN ACT requiring a portion of the renewable energy fund to benefit low to moderate income residential customers, relative to electric renewable energy classes, relative to the class rate for biomass, and relative to requirements for incentive payments from the renewable energy fund.

Amend the bill by inserting after section 9 the following and renumbering the original section 10 to read as 11, respectively:

10 Renewable Energy Fund; Incentive Payments. Amend RSA 362-F:10, V to read as follows:

V. The public utilities commission shall make and administer a one-time incentive payment of \$3 per watt of nominal generation capacity up to a maximum payment of \$6,000, or 50 percent of system costs, whichever is less, per facility to any residential owner of a small renewable generation facility, that would qualify as a Class I or Class II source of electricity, ~~[has a total peak generation capacity of 10 kilowatts or fewer,]~~ begins operation on or after July 1, 2008, and is located on or at the owner's residence.

2017-0853s

AMENDED ANALYSIS

This bill:

I. Requires a portion of the funds in the renewable energy fund to benefit low-moderate income residential customers.

II. Makes changes to renewable energy classes.

III. Raises the class rate for biomass.

IV. Eliminates the generation capacity requirement for incentive payments from the renewable energy fund.

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

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

SB 195-FN-L, relative to fees for operation of a heating and agitation device in public waters.

Re-refer to Committee, Vote 4-0. Senator Bradley for the committee.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 55, relative to backflow devices for water.

Re-refer to Committee, Vote 3-0. Senator Carson for the committee.

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

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

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

Senate Executive Departments and Administration

March 9, 2017

2017-0818s

10/05

Amendment to SB 140

Amend the bill by replacing section 1 with the following:

1 Retirement System; Independent Investment Committee. Amend RSA 100-A:14-b, I to read as follows:

I. The independent investment committee shall consist of not more than 5 members, 3 of whom shall be persons who are not members of the board of trustees appointed by the governor with the consent of the council, and up to 2 of whom shall be members of the board of trustees appointed by the chairperson of the board of trustees. ***Each independent investment committee member shall serve for a term of 3 years.***

2017-0818s

AMENDED ANALYSIS

This bill establishes terms for the retirement system's independent investment committee members.

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

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

SB 143, allowing for notarized signatures electronically on court documents.

Ought to Pass with Amendment, Vote 3-0. Senator Gannon for the committee.

Senate Executive Departments and Administration
 February 22, 2017
 2017-0583s
 04/05

Amendment to SB 143

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

AN ACT relative to court requests for documents in conjunction with petitions for guardianship of a minor and guardianship of an incapacitated person.

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

1 State Police; Criminal Records. Amend RSA 106-B:14, I(c) to read as follows:

(c) ***Except as provided in subparagraph (f)***, any individual or any public or private agency may request and receive a copy of the criminal conviction record of another who has provided authorization in writing, duly signed and notarized, explicitly allowing the requestor to receive such information.

2 New Subparagraph; State Police; Criminal Records. Amend RSA 106-B:14, I by inserting after subparagraph (e) the following new subparagraph:

(f) A court may request and receive a copy of the criminal conviction record of a proposed guardian and any household member, in conjunction with a petition for guardianship of a minor pursuant to RSA 463 or a petition for guardianship of an incapacitated person pursuant to RSA 464-A, who has provided a signed authorization electronically or otherwise under the penalty of perjury and the authorization document is accompanied by a statement under the electronic signature stating "the penalty for perjury may include a fine or imprisonment or both."

3 Child Protection Act; Central Registry. Amend RSA 169-C:35, VI to read as follows:

VI. Upon receipt of a written request from ***a court in conjunction with a petition for guardianship of a minor pursuant to RSA 463 or a petition for guardianship of an incapacitated person pursuant to RSA 464-A, or from*** another state's child welfare agency or from a private adoption agency that is licensed or certified in another state to check the central registry established under this section for information on a prospective foster or adoptive parent or any other adult living in the home of such a prospective foster or adoptive parent, the department shall conduct the requested check and shall provide the requesting ***court***, state, or private adoption agency with the results of the check along with such additional information from the department's case records as the department deems necessary for the requesting ***court***, state, or private adoption agency to be able to evaluate the results.

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

2017-0583s

AMENDED ANALYSIS

This bill authorizes a court to request and receive a copy of the criminal conviction record of a proposed guardian and any household member who has provided authorization, in conjunction with a petition for guardianship of a minor pursuant to RSA 463 or a petition for guardianship of an incapacitated person pursuant to RSA 464-A.

The Chair ruled Committee Amendment #0583s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the consideration of non-germane Committee Amendment #0583s to SB 143. Adopted.

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

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

Recess. Out of recess.

FINANCE

SB 25, relative to small claims resulting from accidents due to activities of the department of transportation. Ought to Pass, Vote 4-0. Senator Feltes for the committee.

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

INTRODUCTION OF GUESTS

Senator Sanborn introduced students from Mont Vernon Village School visiting in the gallery.

SB 63, relative to record management of abuse and neglect reports.

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

Senator Giuda moved to Re-refer to Committee. Adopted.

MOTION TO VACATE

Without objection the following Senate Bill was vacated from the Finance Committee and referred to the Health and Human Services Committee. Adopted.

SB 63, relative to record management of abuse and neglect reports.

SB 132, establishing a New Hampshire inventory of historic burial grounds and cemeteries.

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

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

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

Inexpedient to Legislate, Vote 4-2. Senator Reagan for the committee.

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

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

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

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

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

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

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

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

Senator McGilvray is excused.

SB 197-FN-A, making an appropriation to the department of justice to enforce election and lobbying laws. Ought to Pass with Amendment, Vote 4-1. Senator D'Allesandro for the committee.

Senate Finance

March 7, 2017

2017-0776s

03/10

Amendment to SB 197-FN-A

Amend the bill by replacing section 1 with the following:

1 Appropriation; Department of Justice. The sums of \$100,000 for the fiscal year ending June 30, 2018 and \$100,000 for the fiscal year ending June 30, 2019 are hereby appropriated to the department of justice to fund one full-time investigator position for enforcement of election and lobbying laws, including, but not limited to, filing and disclosure requirements and voter registration and voting procedures. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2017-0776s

AMENDED ANALYSIS

This bill appropriates \$100,000 in each fiscal year of the biennium to the department of justice to enforce election and lobbying laws.

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

Senator Daniels moved to Lay on the Table SB 197-FN-A.

Senator Daniels withdrew the motion to Lay on the Table on SB 197-FN-A.

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

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

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

The following Senators voted No: (None)

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to Third Reading.

Senator McGilvray is excused.

SB 219-FN-A, relative to a one-time allowance for certain state retirees.

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

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

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

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

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

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

Senator McGilvray is excused.

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

Inexpedient to Legislate, Vote 4-2. Senator Reagan for the committee.

Senator Reagan moved to Lay on the Table SB 223-FN-A.

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

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

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

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

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

Senator McGilvray is excused.

SB 228-FN-A, establishing the New Hampshire college graduate retention incentive partnership (NH GRIP). Ought to Pass, Vote 4-2. Senator D'Allesandro for the committee.

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

Senator Daniels moved to Lay on the Table SB 228-FN-A. Adopted.

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.

Inexpedient to Legislate, Vote 5-1. Senator Giuda for the committee.

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

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

Inexpedient to Legislate, Vote 4-2. Senator Daniels for the committee.

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

HEALTH AND HUMAN SERVICES

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

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

Health and Human Services

March 8, 2017

2017-0790s

05/04

Amendment to SB 7-FN-LOCAL

Amend RSA 161:10-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV.(a) The department of health and human services shall elect the option pursuant to 7 C.F.R. section 273.11(o) to require individuals living with and exercising parental control over a child under the age of 18 who has an absent parent to cooperate with the department's division of child support services in establishing paternity of the child and in establishing, modifying, or enforcing a support order with respect to the child in accordance with section 454 (29) of the Social Security Act, 42 U.S.C. section 654 (29), in order to be eligible to participate in the food stamp program.

(b) The department shall elect the option pursuant to 7 C.F.R. section 273.11(p) to require a putative or identified obligor/parent of a child under the age of 18 to cooperate with the department's division of child support services in establishing the paternity of the child and in providing support for the child in order to be eligible to participate in the food stamp program.

(c) The inability of the putative or identified obligor/parent to comply with the requirements of subparagraph (b), as determined by the department's division of child support services or an appropriate court of law, or a finding of good cause to excuse cooperation, as determined by the department, shall preclude a determination of ineligibility to participate in the food stamp program.

The question is on the adoption of the Committee Amendment.

A division vote was requested.

Yeas: 0 - Nays: 16

Failed

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

Sen. Avard, Dist 12

March 15, 2017

2017-0898s

05/10

Floor Amendment to SB 7-FN-LOCAL

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

1 Purpose Statement. The purpose of this act is to encourage able-bodied, childless adults to return to work, while protecting children, and to ensure that required child support payments are being made to families.

2 New Section; Food Stamp Program. Amend RSA 161 by inserting after section 10 the following new section:

161:10-a Food Stamp Program; Program Eligibility and Administration.

I. The department of health and human services shall not apply for, accept, or renew any waiver of requirements established under 7 U.S.C. section 2015(o) without the prior approval of the health and human services oversight committee, established in RSA 126-A:13.

II. The resource limit standards of the food stamp program shall not exceed the standards specified in 7 U.S.C. section 2014(g)(1), unless expressly required by federal law; provided that the department may allow higher resource limits for households with children under 18 years of age with the prior approval of the health and human services oversight committee. In no case shall categorical eligibility exempting households from these resource limits be granted for any non-cash, in-kind or other benefit, unless expressly required by federal law.

III. The department of health and human services shall not apply gross income standards for food assistance higher than the standards specified in 7 U.S.C. section 2014(c) unless expressly required by federal law; provided that the department may allow higher gross income standards for households with children under 18 years of age with the prior approval of the health and human services oversight committee. In no case shall categorical eligibility exempting households from this income standard be granted for any non-cash, in-kind or other benefit, unless expressly required by federal law.

IV.(a) The department of health and human services shall elect the option pursuant to 7 C.F.R. section 273.11(o) to require individuals living with and exercising parental control over a child under the age of 18 who has an absent parent to cooperate with the department's division of child support services in establishing paternity of the child and in establishing, modifying, or enforcing a support order with respect to the child in accordance with section 454 (29) of the Social Security Act, 42 U.S.C. section 654 (29), in order to be eligible to participate in the food stamp program.

(b) The department shall elect the option pursuant to 7 C.F.R. section 273.11(p) to require a putative or identified obligor/parent of a child under the age of 18 to cooperate with the department's division of child support services in establishing the paternity of the child and in providing support for the child in order to be eligible to participate in the food stamp program.

(c) The inability of the putative or identified obligor/parent to comply with the requirements of subparagraph (b), as determined by the department's division of child support services or an appropriate court of law, or a finding of good cause to excuse cooperation, as determined by the department, shall preclude a determination of ineligibility to participate in the food stamp program.

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

2017-0898s

AMENDED ANALYSIS

This bill:

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

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

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

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

Recess. Out of recess.

Senator Woodburn moved to Lay on the Table SB 7-FN-L.

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

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

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

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

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

Senator McGilvray is excused.

Senator Birdsell moved the question. Adopted.

The question is on the adoption of the Floor Amendment.

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

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

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

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

Senator McGilvray is excused.

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

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

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

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

Roll Call, Yeas: 14 - Nays: 9. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

Senator McGilvray is excused.

SB 61, relative to medical records of a deceased spouse or next of kin.

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

Health and Human Services

March 8, 2017

2017-0792s

01/03

Amendment to SB 61

Amend the bill by replacing section 1 with the following:

1 Medical Records of Deceased Spouse or Next of Kin. RSA 560:22 is repealed and reenacted to read as follows:

560:22 Medical Records of Deceased Spouse or Next of Kin.

I. Where there is no estate administration, the surviving spouse or next of kin of the deceased is designated the personal representative of the deceased for the limited purpose of obtaining the medical records of the deceased. Such authority shall automatically cease upon the initiation of estate administration or the death of the surviving spouse or next of kin.

II.(a) "Next of kin" means:

(1) Adult child by blood or adoption only in the absence of a surviving spouse.

(2) Parent, only in the absence of a surviving spouse or adult child.

(b) If 2 or more relatives in the same category qualify as next of kin, each shall be considered the deceased's personal representative under this section.

III.(a) Where there is no estate administration, the requestor shall provide:

(1) A notarized affidavit, pursuant to paragraph VII, indicating he or she is authorized to access the patient's records;

(2) An authorization in compliance with the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. section 1320d et seq., and the regulations implementing such act ("HIPAA"); and

(3) A copy of the death certificate.

(b) Upon request, a health care provider, as defined in RSA 332-I:1, II(b), shall provide the surviving spouse or next of kin with a copy of the legal medical records of the deceased, unless the deceased has indicated or any court of competent jurisdiction has ordered that the surviving spouse or next of kin not have access to those records. The health care provider shall provide such records within the time frame required under applicable law.

(c) A health care provider shall not release mental health records or other medical records afforded additional privacy protection under other state or federal law.

IV. A health care provider shall not be required to initiate a conversation with a patient on the subject of access to the information in a medical record by a surviving spouse or next of kin.

V. Any provider shall be justified in relying upon the affidavit provided in accordance with paragraph III.

VI. Any provider or person who in good faith releases copies of medical records in accordance with this section shall not have violated any criminal law or be civilly liable to the patient, the deceased patient's estate, or to any other person for the release of such medical records.

VII. The following form of affidavit shall be used by any surviving spouse or next of kin seeking records under this section.

AFFIDAVIT OF SURVIVING SPOUSE OR NEXT OF KIN
SEEKING ACCESS TO MEDICAL RECORDS

I, _____, being duly sworn, do hereby state as follows:

As "Surviving Spouse" or "Next of Kin" to _____ (name of "decedent"), I am requesting a copy of a decedent's legal medical record.

I acknowledge and understand that Next of Kin includes the following surviving individuals:

- 1) Adult Child by blood or adoption only in the absence of a surviving spouse.
- 2) Parent only in the absence of a surviving spouse or adult child.

I represent that, as the surviving spouse, adult child by blood or adoption, parent (*circle one*) of the decedent, that I am the Surviving Spouse or Next of Kin and that there is no survivor of higher priority.

I hereby represent and affirm that no estate administration has been initiated on behalf of the decedent and that I have not applied and been denied access to the requested records by any court.

I declare subject to the criminal penalty of false swearing established in RSA 641:2 that the foregoing statements are true and correct.

Date: _____

Signed: _____

STATE OF NEW HAMPSHIRE

COUNTY OF _____

Signed and sworn to (or affirmed) before me on the ____ day of ____, 20__, by _____
(name of person).

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

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

SB 149, authorizing individuals and certain businesses to purchase health insurance from out-of-state companies. Ought to Pass with Amendment, Vote 4-0. Senator Avard for the committee.

Health and Human Services

March 8, 2017

2017-0796s

01/10

Amendment to SB 149

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

2 Applicability. If the 10 essential benefits under the Patient Protection and Affordable Care Act of 2009, as amended, are changed or eliminated, an out-of-state insurance company offering health insurance plans in New Hampshire shall offer 2 plans, one of which shall be inclusive of all requirements of New Hampshire law. The insurance department shall determine to what extent any benefits under such Act have changed as certified to the secretary of state and the director of legislative services.

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.

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

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

Senator McGilvray is excused.

Senator Morse rescinds Order to Third Reading. Adopted.

Senator Sanborn moved to Lay on the Table SB 149. Adopted.

SB 152, relative to criminal history background checks for certain health care workers. Ought to Pass with Amendment, Vote 4-0. Senator Gray for the committee.

Health and Human Services

March 8, 2017

2017-0797s

10/08

Amendment to SB 152

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

1 Residential Care and Health Facility Licensing; Employment. Amend RSA 151:2-d, III to read as follows:

III. The licensee or certificate holder shall submit the notarized criminal conviction record release authorization form to the division of state police after an applicant accepts a conditional offer of employment. The licensee or certificate holder shall review the results of the criminal conviction record check before making a final offer of employment. ~~[An employee shall not begin work before the final offer of employment is made.]~~ ***Pending the results of the criminal conviction record check an employee may begin working provisionally if he or she is under the supervision of a staff person and he or she has revealed no disqualifying criminal history; provided that this paragraph shall not be construed to waive any statutory requirement for direct supervision of a licensee or certificate holder.***

2 Nurse Practice Act; Temporary Licensure. Amend RSA 326-B:24 to read as follows:

326-B:24 Temporary Licenses; All Licensees.

I. The board ~~[may]~~ ***shall*** issue temporary licenses, as provided in ~~[paragraph]~~ ***paragraphs II and III***, to applicants who meet entry level licensing requirements in the license category. A temporary license shall expire on the date the board approves or denies the permanent license sought by the holder of the temporary license, or in 120 days, whichever is less.

II. The following applicants for licensure as RNs or LPNs ~~[may]~~ ***shall*** be issued temporary licenses:

(a) Unlicensed applicants for licensure under paragraph I and applicants for licensure under RSA 326-B who have met all requirements for licensure except that they have not yet taken the required examination or the results of the examination are not yet available to the board.

(b) If they can demonstrate proficiency in English, currently foreign-licensed applicants for licensure under RSA 326-B who have met all requirements for licensure except that they have not yet taken the required examination or the results of the examination are not yet available to the board.

(c) Applicants for licensure under RSA 326-B who have met all of the requirements of that paragraph and are awaiting the board's decision on their application for permanent licensure.

III. Applicants for licensure as licensed nursing assistants shall be issued temporary licenses if they have passed the examination required under RSA 326-B:19 and are awaiting the results of the criminal history background check required under RSA 326-B:15, provided however that the applicant shall have passed a criminal history background check as part of a board-approved nursing assistant education program.

IV. Applicants described in ~~[paragraph]~~ **paragraphs II and III** who have received temporary licenses shall practice only under the supervision of an RN currently licensed in New Hampshire.

3 Residential Care and Health Facility Licensing; Employment; 2019 Version. Amend RSA 151:2-d, III to read as follows:

III. The licensee or certificate holder shall submit the notarized criminal conviction record release authorization form to the division of state police after an applicant accepts a conditional offer of employment. The licensee or certificate holder shall review the results of the criminal conviction record check before making a final offer of employment. ~~[Pending the results of the criminal conviction record check an employee may begin working provisionally if he or she is under the supervision of a staff person and he or she has revealed no disqualifying criminal history; provided that this paragraph shall not be construed to waive any statutory requirement for direct supervision of a licensee or certificate holder.]~~ **An employee shall not begin work before the final offer of employment is made.**

4 Temporary Licenses; 2019 Version. Amend RSA 326-B:24 to read as follows:

326-B:24 Temporary Licenses; All Licensees.

I. The board ~~[shall]~~ **may** issue temporary licenses, as provided in ~~[paragraphs II and III]~~ **paragraph II**, to applicants who meet entry level licensing requirements in the license category. A temporary license shall expire on the date the board approves or denies the permanent license sought by the holder of the temporary license, or in 120 days, whichever is less.

II. The following applicants for licensure as RNs or LPNs ~~[shall]~~ **may** be issued temporary licenses:

(a) Unlicensed applicants for licensure under paragraph I and applicants for licensure under RSA 326-B who have met all requirements for licensure except that they have not yet taken the required examination or the results of the examination are not yet available to the board.

(b) If they can demonstrate proficiency in English, currently foreign-licensed applicants for licensure under RSA 326-B who have met all requirements for licensure except that they have not yet taken the required examination or the results of the examination are not yet available to the board.

(c) Applicants for licensure under RSA 326-B who have met all of the requirements of that paragraph and are awaiting the board's decision on their application for permanent licensure.

III. ~~[Applicants for licensure as licensed nursing assistants shall be issued temporary licenses if they have passed the examination required under RSA 326-B:19 and are awaiting the results of the criminal history background check required under RSA 326-B:15, provided however that the applicant shall have passed a criminal history background check as part of a board-approved nursing assistant education program.]~~

~~IV.]~~ Applicants described in ~~[paragraphs II and III]~~ **paragraph II** who have received temporary licenses shall practice only under the supervision of an RN currently licensed in New Hampshire.

5 Effective Date.

I. Sections 3 and 4 of this act shall take effect June 30, 2019.

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

2017-0797s

AMENDED ANALYSIS

This bill establishes for 2 years the provision for temporary employment in a residential care facility or as a licensed nursing assistant by persons awaiting the results of a criminal history background check.

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

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

SB 156, relative to pharmacy pricing.

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

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

SB 220-FN, relative to the definition of mental illness for purposes of mental health services.
Re-refer to Committee, Vote 4-0. Senator Bradley for the committee.

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

SB 222, relative to the New Hampshire birth conditions program.
Ought to Pass with Amendment, Vote 4-0. Senator Avard for the committee.

Health and Human Services

March 8, 2017

2017-0793s

01/04

Amendment to SB 222

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

AN ACT relative to the New Hampshire birth conditions program and relative to the administration of certain prescription medication for treatment of a communicable disease.

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

2 New Section; Public Health; Communicable Disease; Administration of Certain Prescription Medication for Treatment or Prevention of a Communicable Disease. Amend RSA 141-C by inserting after section 15 the following new section:

141-C:15-a Administration of Certain Prescription Medication for Treatment or Prevention of a Communicable Disease.

I. Notwithstanding the provisions of RSA 326-B:2, I-a, and RSA 329:1-c, a health care professional authorized to prescribe prescription medication for the treatment or prevention of a communicable disease may prescribe, dispense, or distribute directly or by standing order, an antimicrobial medication to a patient he or she did not evaluate and with whom there is no established health care provider-patient relationship to empirically treat for, or provide prophylaxis to prevent, a communicable disease that poses a threat to public health. Any such prescription shall be regarded as being issued for a legitimate medical purpose and in accordance with established clinical practice guidelines, when available.

II. Communicable diseases that pose a threat to public health for the purposes of paragraph I shall be limited to the following:

(a) *Bordetella pertussis*, *Chlamydia trachomatis*, *Neisseria gonorrhea*, and *Neisseria meningitis*; or

(b) Diseases that constitute an immediate threat to public health and for which the commissioner, or designee, issues clinical guidance that requests providers to consider prescribing, dispensing, or distributing antimicrobial agents under paragraph I in order to control a disease outbreak.

III. No health care professional who, acting in good faith and with reasonable care, prescribes, dispenses, or distributes an antimicrobial medication for the treatment or prevention of a communicable disease as described in paragraph I, shall be subject to any criminal or civil liability, or any professional disciplinary action, for any action authorized by this section or any outcome resulting from an action authorized by this section.

2017-0793s

AMENDED ANALYSIS

This bill clarifies the definition of "birth condition" for the purposes of the New Hampshire birth conditions program.

This bill authorizes health care professionals to prescribe certain medications for treatment or prevention of a communicable disease.

This bill is a request of the department of health and human services.

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

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

SPECIAL ORDER

Without objection the following bill is special ordered to be taken up after the next recess.

HEALTH AND HUMAN SERVICES

SB 234-FN, relative to hypodermic syringes and needles containing residual amounts of controlled drugs and authorizing the operation of syringe service programs in New Hampshire.

SB 236-FN, making the Medicaid expansion law permanent.

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

Health and Human Services

March 8, 2017

2017-0791s

01/03

Amendment to SB 236-FN

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

AN ACT extending the New Hampshire health protection act.

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

1 Department of Health and Human Services; Premium Assistance Program. Amend RSA 126-A:5, XXV(a) to read as follows:

(a) Consistent with the time frames in this paragraph, there is hereby established the marketplace premium assistance program. This will be a premium assistance program for newly eligible adults and their eligible spouse and dependents, if applicable, until December 31, ~~[2018]~~ **2020** and shall be administered by the department of health and human services. In order to receive medical assistance from the program, newly eligible adults who are ineligible for the HIPP program shall choose from any qualified health plans (QHPs) offered on the federally-facilitated exchange if cost effective; provided, however, that any newly eligible adult who had coverage under an alternative benefit plan (ABP) offered by a managed care organization (MCO) under paragraph XIX during the voluntary bridge to marketplace premium assistance program established under RSA 126-A:5, XXIV shall be automatically enrolled at the beginning of open enrollment in a comparable QHP by that same MCO if one is available, unless such newly eligible adult subsequently chooses a different QHP during the enrollment period. If a comparable QHP is not offered by the newly eligible adult's MCO then the newly eligible adult may choose from any QHPs, if cost effective. Provider payments shall be in an amount which shall be no less than before the effective date of this paragraph.

2 Department of Health and Human Services; Premium Assistance Program. Amend RSA 126-A:5, XXV(c) to read as follows:

(c) If the waiver to implement the marketplace premium assistance program is approved on or before March 31, 2015 then, coverage under the voluntary bridge to marketplace premium assistance program established in RSA 126-A:5, XXIV shall terminate on December 31, 2015. Enrollment in the marketplace premium assistance program shall begin on October 15, 2015 and coverage shall begin on January 1, 2016. Coverage shall end on December 31, ~~[2018]~~ **2020**. The cost of the medical assistance provided under the marketplace premium assistance program shall be paid solely from non-general fund sources, including federal funds as provided under 42 U.S.C. section 1396d(y).

3 Funding the State Share of the New Hampshire Health Protection Program. Amend RSA 126-A:5-c, I(b) to read as follows:

(b) "Remainder amount" means the cost of the program for coverage effective between January 1, 2017 and June 30, 2017 plus administrative costs attributable to the program, less all federal reimbursement for the program and federal reimbursement for the related administrative costs; and the cost of the program for coverage effective between July 1, 2017 and December 31, ~~[2018]~~ **2020**, plus administrative costs attributable to the program, less all federal reimbursement for the program and federal reimbursement for administrative costs attributable to the program, and taxes attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under RSA 126-A:5, XXIV-XXVI, consistent with RSA 400-A:32, III(b).

4 Funding the State Share of the New Hampshire Health Protection Program. Amend the introductory paragraph of RSA 126-A:5-c, II to read as follows:

II. Funding for the program from January 1, 2017 until December 31, [2018] **2020** shall not be funded from general funds. The program shall be funded as follows:

5 Voluntary Provider Contributions. Amend RSA 126-A:5-d to read as follows:

126-A:5-d Voluntary Provider Contributions. For the period of January 1, 2017 through December 31, [2018] **2020**, voluntary provider donations received from the Foundation for Healthy Communities or any other charitable foundation may be deposited into the New Hampshire health protection trust fund, established pursuant to RSA 126-A:5-b.

6 Individual Health Insurance Market; Definitions. Amend RSA 404-G:5-a, IV(d) to read as follows:

(d) For the period of January 1, 2017 through December 31, [2018] **2020**, an amount not to exceed 50 percent of the remainder amount, as defined in RSA 126-A:5-c, I(b), less the amount made available to the program pursuant to RSA 404-G:11, VI. The association shall transfer all amounts collected pursuant to this subparagraph and the amount made available to the program pursuant to RSA 404-G:11, VI to the New Hampshire health protection trust fund, established pursuant to RSA 126-A:5-b.

7 New Hampshire Health Protection Program. Amend RSA 2014, 3:10, I, as amended by 2016, 13:13, to read as follows:

I. If at any time the federal match rate applied to medical assistance for newly eligible adults under RSA 126-A:5, XXIV-XXV between July 1, 2014–December 31, 2016 is less than 100 percent, less than 95 percent in 2017 [and], less than 94 percent in 2018, **less than 93 percent in 2019, and less than 90 percent in 2020**, of the amount as set forth in 42 U.S.C. section 1396d(y)(1), then RSA 126-A:5, XXIV and XXV shall be repealed 180 days after the event under this subparagraph occurs upon notification by the commissioner of the department of health and human services to the secretary of state and the director of legislative services. The commissioner shall immediately issue notice to program participants of the program's pending repeal.

8 New Hampshire Health Protection Plan Extended. Amend 2014, 3:13, I-a as amended by 2015, 276:260 and 2016, 13:14 to read as follows:

I-a. Section 12, paragraphs II-VII of this act shall take effect December 31, [2018] **2020**.

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

2017-0791s

AMENDED ANALYSIS

This bill extends the New Hampshire health protection act for 2 years.

Senator Bradley moved to Lay on the Table SB 236-FN. Adopted.

SB 238-FN, relative to the usual and customary price of filling a prescription.
Ought to Pass with Amendment, Vote 4-0. Senator Hennessey for the committee.

Health and Human Services

March 8, 2017

2017-0794s

01/03

Amendment to SB 238-FN

Amend the bill by replacing sections 1-3 with the following:

1 Regulation of Pharmacies; Price of Filling Prescriptions. Amend RSA 318:47-h, I to read as follows:

I. A pharmacy benefits manager or insurer shall require a contracted pharmacy to charge an enrollee or insured person the pharmacy's usual and customary price of filling the prescription or the contracted co-payment, whichever is less. ***For the purposes of this paragraph, "usual and customary price" means the price an individual would pay for a prescription at a retail pharmacy if that individual did not have a prescription drug benefit or insurance. For the purposes of this paragraph, "contracted copayment" means a fixed amount an individual is responsible to pay for covered prescriptions as set forth in the health benefit plan.***

2 Managed Care Law; Price of Filling Prescriptions. Amend RSA 420-J:7-b, X(a) to read as follows:

(a) A pharmacy benefits manager or insurer shall require a contracted pharmacy to charge an enrollee or insured person the pharmacy's usual and customary price of filling the prescription or the contracted copayment, whichever is less. ***For the purposes of this subparagraph, "usual and customary price" means the price an individual would pay for a prescription at a retail pharmacy if that individual did not have a prescription drug benefit or insurance. For the purposes of this subparagraph, "contracted copayment" means a fixed amount an individual is responsible to pay for covered prescriptions as set forth in the health benefit plan.***

3 Accident and Health Insurance; Price of Filling Prescriptions. Amend RSA 415:26, I to read as follows:

I. A pharmacy benefits manager or insurer shall require a contracted pharmacy to charge an enrollee or insured person the pharmacy's usual and customary price of filling the prescription or the contracted copayment, whichever is less. ***For the purposes of this paragraph, "usual and customary price" means the price an individual would pay for a prescription at a retail pharmacy if that individual did not have a prescription drug benefit or insurance. For the purposes of this paragraph, "contracted copayment" means a fixed amount an individual is responsible to pay for covered prescriptions as set forth in the health benefit plan.***

2017-0794s

AMENDED ANALYSIS

This bill clarifies the terms "usual and customary price" and "contracted copayment" for the purposes of filling prescriptions.

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

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

SB 239-FN, removing the division for children, youth and families from the department of health and human services and making it an independent department.

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

Health and Human Services

March 8, 2017

2017-0803s

05/04

Amendment to SB 239-FN

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

AN ACT establishing the position of associate commissioner in the department of health and human services, the office of the child advocate, and the oversight commission for children's services and juvenile justice.

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

1 Department of Health and Human Services; Associate Commissioner of Health and Human Services; Position Established. RSA 126-A:9, I(a) is repealed and reenacted to read as follows:

(a) Subject to the approval of the governor and council, the commissioner of health and human services shall appoint an associate commissioner, who shall serve for a term of 4 years. The associate commissioner shall perform such duties as may be assigned by the commissioner, which shall include oversight of the division for children, youth and families and assigned responsibilities of the department under RSA 170-G. The annual salary of the associate commissioner shall be as prescribed in RSA 94:1-a.

2 Department of Health and Human Services; Salaries; Reference to Associate Commissioner Added; Reference to Senior Division Director Removed. Amend RSA 126-A:10 to read as follows:

126-A:10 Salaries. The annual salaries of the commissioner of health and human services, deputy commissioner of health and human services, ~~[senior division director]~~ **associate commissioner**, division directors, and unclassified employees of the department shall be as prescribed by RSA 94:1-a.

3 Salary of Associate Commissioner. Amend RSA 94:1-a, I(b) to read as follows:

Delete:

JJ Department of health and human services senior division director

Insert:

JJ Department of health and human services associate commissioner

4 New Subdivision; Office of the Child Advocate. Amend RSA 170-G by inserting after section 16 the following new subdivision:

Office of the Child Advocate

170-G:17 Office of the Child Advocate.

I. The office of the child advocate shall be an independent agency, administratively attached to the department of administrative services pursuant to RSA 21-G:10.

II. The office shall be under the supervision of an unclassified director of the office of the child advocate. The director shall serve a term of 4 years and until a successor is appointed and qualified. Any vacancy in the office shall be filled in the same manner as the original appointment for the remainder of the unexpired term. The director shall be appointed by the governor and council, upon the recommendation of the oversight commission established in RSA 170-G:18. The director shall possess a professional graduate degree in law, social work, public health, or a related field and be qualified by reason of education, experience, and expertise to perform the duties of the office.

III. The office of the child advocate shall:

(a) Provide independent oversight of the state's child protection system to assure that the best interests of children are being protected.

(b) Regularly consult with the department of health and human services and the oversight commission established in RSA 170-G:18.

(c) Maintain client confidentiality and the confidentiality of all case records as specified in law.

(d) Have access to records within the scope of its mission, except for those records maintained by the department of justice which are part of a pending legal proceeding.

(e) Have the ability to subpoena witnesses and/or records.

(f) Have the authority to review and investigate any aspect of the department's child protection policies or practices.

(g) Provide information and referral services to the public regarding the department's child protection services; provided that case specific complaints shall be handled by the department.

(h) Receive a copy of all critical incident reports from the department. The department shall provide the office with a copy of the report not later than 48 hours after the occurrence; provided that any child fatality shall be immediately communicated to the office by phone.

(i) Perform educational outreach and advocacy activities in furtherance of the mission and responsibilities of the office.

(j) Investigate and report on issues related to child protection upon the request of the governor, commissioner of health and human services, speaker of the house of representatives, senate president, or oversight commission.

IV. Beginning November 1, 2017 and each November 1 thereafter, the director of the office of the child advocate shall submit an annual report of its activity, findings, and recommendations to the commissioner of the department of health and human services, the governor, the speaker of the house of representatives, the senate president, and the state library.

170-G:18 Oversight Commission on Children's Services and Juvenile Justice Established.

I. There shall be an oversight commission on children's services and juvenile justice, which shall consist of the following members:

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

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

(c) Four members representing the executive branch, appointed by the governor.

(d) Two members representing the judicial branch, appointed by the chief justice of the supreme court.

(e) Two representatives of the New Hampshire Association of Chiefs of Police, one of whom serves as chief of police for a city and one of whom serves as chief of police for a town.

(f) Four members of child advocacy organizations, appointed by the governor.

II. Legislative members of the commission shall serve a term coterminous with their term in office. Members appointed under subparagraphs (c)-(f) shall serve 3-year terms. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The oversight commission shall:

(a) Recommend at least 3 qualified candidates to the governor for appointment as director of the office of the child advocate; except that in the case of reappointment, a single recommendation shall be sufficient.

(b) Provide oversight to the department of health and human services and the office of the child advocate to support an effective, comprehensive, and coordinated system of services and programs for children, youth, and families.

(c) Analyze the efficacy of selected programs and services of the department, including the characteristics of target populations, trends affecting program costs and participation, and alternative approaches to programmatic and administrative concerns.

(d) Collaborate with the department of health and human services and the office of the child advocate to identify and implement best practices on behalf of children and families.

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

V. Beginning November 1, 2017, and each November 1 thereafter, the commission shall submit a report of its activity, findings, and any recommendations for proposed legislation to the commissioner of the department of health and human services, the director of the office of the child advocate, the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

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

2017-0803s

AMENDED ANALYSIS

This bill replaces the position of senior division director with the position of associate commissioner, whose responsibilities shall include oversight of the division for children, youth, and families. The bill also establishes an independent office of the child advocate and an oversight commission on children's services and juvenile justice.

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

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

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

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

Health and Human Services

March 8, 2017

2017-0795s

01/10

Amendment to SB 247-FN-A

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

1 Lead Paint Poisoning Prevention; Parental Notification. Amend RSA 130-A:6-b to read as follows:

130-A:6-b Parent Notification. The department shall send materials to the parents of any child with a blood lead level of [5]3 micrograms per deciliter or higher. Such materials shall inform parents who are tenants to work with the property owner and advise against engaging in renovation, repair, or painting activities themselves. Such materials shall inform parents who own and occupy the house in which the child resides of resources for identifying and eliminating lead hazards, including the Renovation, Repair and Painting Program.

2 Lead Paint Poisoning Prevention; Property Owner Notification. Amend RSA 130-A:6-a, I to read as follows:

I. The department shall notify in writing the owner or registered agent of an owner of a dwelling or dwelling unit where the child resides if a venous blood test lead level of ~~[5]3~~ to 9.9 micrograms per deciliter is found in the child's blood. Such notice to the property owner shall specify that it is neither a finding that a lead exposure hazard exists in the property nor is it an order for lead hazard reduction. Such notice shall include information about the health hazards of lead poisoning, standards for identifying and eliminating lead hazards, and the federal Renovation, Repair, and Painting Program.

3 Lead Paint Poisoning Prevention and Control, Testing for Blood Levels. Amend RSA 130-A:5-a to read as follows:

130-A:5-a ***Universal Testing***; Health Care Providers; Not Liable. All health care providers who provide primary medical care shall ~~[ensure that parents and guardians of children 6 years of age or younger are advised of the availability and advisability of screening and testing their children for lead in accordance with this chapter]~~ ***conduct blood testing of all one and 2-year old patients to determine a blood lead level.*** A health care provider shall not be liable for not performing a ~~[screening or confirmation]~~ test for blood lead level when a parent or guardian has been informed of the ~~[availability and advisability of screening]~~ ***blood test requirement*** and has refused to consent or has failed to follow through in response to a referral for a ~~[screening or confirmation]~~ test. ***Nothing in this section shall prevent a health care provider from recommending blood testing for children younger than one year or older than 2 years should circumstances, including potential lead hazard exposures, warrant such testing.***

4 New Section; Lead Paint Poisoning Prevention and Control; Blood Lead Testing. Amend RSA 130-A by inserting after section 5-b the following new section:

130-A:5-c Blood Lead Testing.

I. All parents or legal guardians shall have their children who are residing in this state tested for blood lead level at the ages of one and 2. Effective July 1, 2019, no child 6 years old or younger shall be admitted or enrolled in any school or child care agency, public or private, unless it is demonstrated that such child has been tested for blood lead level at the ages of one and 2 or, should it not be possible to demonstrate testing at these ages, testing on at least one occasion prior admission or enrollment shall be performed. Notwithstanding the foregoing, parents shall be provided a period of 30 days following admission or enrollment to obtain a blood lead level test or documentation of an appointment within 30 days or to obtain and provide proof of testing.

II. The requirements for admission or enrollment contained in this section shall not apply if the parent or guardian executes and provides to the school or child care agency a form prepared by the department acknowledging that he or she understands the benefits of blood lead testing and is affirmatively refusing such testing. Such form shall be prepared by the department, in coordination with the department of education, no later than March 1, 2019 and shall contain information regarding the health risks associated with childhood lead poisoning and the health benefits of blood lead testing.

III. A child shall be exempt from this required blood lead level testing if a parent or legal guardian objects to such testing because of religious beliefs and provides sworn statement to such effect or if a physician licensed under RSA 329, or a physician exempted under RSA 329:21, III, certifies that blood lead level testing may be detrimental to the child's health. The latter exemption shall exist only for the length of time that, in the opinion of the physician, testing would be detrimental to the child.

5 New Sections; Remediation of Lead in Water and Rental Housing Fund. Amend RSA 130-A by inserting after section 15 the following new sections:

130-A:15-a Remediation of Lead in Water and Rental Housing Fund Established.

I. There is hereby established the remediation of lead in water and rental housing fund to be used to for the purposes of remediating lead in water and in rental housing. The fund shall be composed of appropriations, gifts, grants, donations, bequests, or other moneys from any public or private source and shall be used to pay costs to remediate lead in water and rental housing. The fund shall be nonlapsing and shall be continually appropriated to the commissioner of the department of health and human services for the purposes of this chapter. In using moneys from the fund for the purpose of remediating lead in rental housing the commissioner shall contract with the New Hampshire housing finance authority. The fund may reimburse owners of for-profit and not-for-profit rental property for the costs of remediation of lead in water, including installation and replacement of water filters and also the costs of replacing windows, doors, and other components that pose lead hazards provided that:

(a) Such replacements are conducted in accordance with lead-safe practices under applicable laws and regulations; and

(b) Whether or not the property has been the subject of an order for lead hazard reduction pursuant to RSA 130-A:6 or an enforcement action under RSA 130-A:7.

II. The department shall prepare a schedule of reimbursable costs for such components premised on 75 percent of the reasonable cost of purchase and installation, or 100 percent of the reasonable cost of purchase and installation if there is a demonstrated financial hardship. One-third of the annual fund moneys may be used for loan loss reserve purposes in order to back or otherwise secure low-interest loans from New Hampshire banks for the purpose of this section.

130-A:15-b Rulemaking for the Remediation of Lead in Water and Rental Housing Fund. In developing the schedule of the reimbursable costs and the rules for the administration of the fund provided for in RSA 130-A:15-a, the department shall consult with stakeholders representing including, but not limited to, landlords, tenants, public health interests, realtors, financial services and banking industry.

6 New Subparagraph; Application of Receipts; Remediation of Lead in Water and Rental Housing Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (333) the following new subparagraph:

(334) Moneys deposited in the remediation of lead in water and rental housing fund established in RSA 130-A:15-a.

7 Child Day Care Licensing; License or Permit Suspension, Revocation, or Denial. Amend RSA 170-E:12, XII and XIII to read as follows:

XII. Fails to comply with the corrective action plan submitted by the child day care agency and approved by the department; [or]

XIII. Loses health, safety or zoning approval; *or*

XIV. Fails to comply with applicable public health laws and regulations concerning lead.

8 New Paragraph; Residential Care and Child-Placing Agency Licensing; License or Permit Suspension, Revocation, or Denial. Amend RSA 170-E:35 by inserting after paragraph XV the following new paragraph:

XVI. Fails to comply with applicable public health laws and regulations concerning lead.

9 New Section; Coverage for Blood Lead Testing; Individual. Amend RSA 415 by inserting after section 6-u the following new section:

415:6-v Coverage for Blood Lead Testing; Individual. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses shall provide to persons covered by such insurance who are residents of this state coverage for the costs of blood lead testing conducted pursuant to RSA 130-A:5-a. Benefits provided under this section shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer.

10 New Section; Coverage for Blood Lead Testing; Individual. Amend RSA 415 by inserting after section 18-z the following new section:

415:18-aa Coverage for Blood Lead Testing; Group. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the costs of blood lead testing conducted pursuant to RSA 130-A:5-a. Benefits provided under this section shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer.

11 Health Services Corporations; Applicable Statutes; Effective Until January 1, 2021 at 12:01 a.m. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, ***RSA 415:6-v***, RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, ***RSA 415:18-aa***, RSA 415:22, RSA 417,

RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

12 Health Services Corporations; Applicable Statutes; Effective January 1, 2021 at 12:01 a.m. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, **RSA 415:6-v**, RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, **RSA 415:18-aa**, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

13 Health Maintenance Organizations; Statutory Construction; Effective October 1, 2017, at 12:02 a.m. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, **RSA 415:6-v**, RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, **RSA 415:18-aa**, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

14 Health Maintenance Organizations; Statutory Construction; Effective January 1, 2021 at 12:01 a.m. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, **RSA 415:6-v**, RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, **RSA 415:18-aa**, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

15 Realty Conveyances and Interests; Notification Required; Lead. Amend the section heading and paragraph I of RSA 477:4-a to read as follows:

477:4-a Notification Required; Radon, Arsenic, and Lead [Paint].

I. Prior to the execution of any contract for the purchase and sale of any interest in real property which includes a building, the seller, or seller's agent, shall provide the following notification to the buyer. The buyer shall acknowledge receipt of this notification by signing a copy of such notification:

"Radon: Radon, the product of decay of radioactive materials in rock, may be found in some areas of New Hampshire. Radon gas may pass into a structure through the ground or through water from a deep well. Testing of the air by a professional certified in radon testing and testing of the water by an accredited laboratory can establish radon's presence and equipment is available to remove it from the air or water."

"Arsenic: Arsenic is a common groundwater contaminant in New Hampshire that occurs at unhealthy levels in well water in many areas of the state. Tests are available to determine whether arsenic is present at unsafe levels, and equipment is available to remove it from water. The buyer is encouraged to consult the New Hampshire department of environmental services private well testing recommendations (www.des.nh.gov) to ensure a safe water supply if the subject property is served by a private well."

"Lead [Paint]: Before [1977] **1978**, paint containing lead may have been used in structures. ***Exposure to lead from the presence of flaking, chalking, chipping lead paint or lead paint dust from friction surfaces, or from the disturbance of intact surfaces containing lead paint through unsafe renovation, repair or painting practices, or from soils in close proximity to the building, can present a serious health hazard, especially to young children and pregnant women. Lead may also be present in drinking water as a result of lead in service lines, plumbing and fixtures.*** Tests are available to determine whether lead is present ***in paint or drinking water.***"

16 New Section; Lead in Drinking Water in School and Child Care Facilities. Amend RSA 485 by inserting after section 17 the following new section:

485:17-a Lead in Drinking Water in Schools and Child Care Facilities.

I. No later than 180 days after the effective date of this section, and within every 5-year period thereafter, public and private schools and licensed and license-exempt child care that have not sampled in the prior 2 years shall test for the presence of lead in drinking water at all locations at the facility that is available for consumption by children. Such testing shall be in accordance with guidance from the department of environmental services. If test results demonstrate the presence of lead in a concentration that exceeds the applicable standard established by the Environmental Protection Agency, the school or licensed child care facility shall, within 5 business days, notify parents and guardians and shall, as an interim measure, ensure that the children are provided only drinking water that meets the standard. The school or licensed child care facility shall also implement a remediation plan, as approved by the department within 30 days of notification of parents or, in consultation with the department, as soon as practicable. The department shall review the plan and any associated submittals within 30 days of receiving them. If 3 consecutive rounds of sampling performed every 5 years are below the standard, further testing shall not be required.

II. Any time the applicable federal standard for lead in drinking water is changed, public and private schools and licensed child care facilities shall within 30 days compare the results of their most recent testing with such new standard and, in the event any such results exceed the new standard, proceed with the requirements of paragraph I relative to notice, remediation, and interim measures.

17 New Section; Safe Drinking Water Act; Identification and Disclosure of Lead in Public Water Systems. Amend RSA 485 by inserting after section 23-a the following new section:

485:23-b Identification and Disclosure of Lead in Public Water Systems. By January 1, 2019, all public water systems and privately owned redistribution systems shall make reasonable efforts to identify and publicly disclose all lead components that are in contact with drinking water supplied to customers from their systems and shall make reasonable efforts to prevent elevated lead levels in their systems. These efforts shall include, at a minimum: reviewing applicable system and public records; consulting with system staff; requesting information from customers whose drinking water may be affected; and documenting any new information about lead in their systems. This section shall not require any system to perform excavation or conduct inspections on all customer premises to identify lead components. Subject to the availability of funds, portions of the costs of eliminating lead pipes may be eligible for funding from the drinking water and groundwater trust fund established in RSA 6-D:1.

18 New Section; Testing for Presence of Lead Prior to Leasing Unit Required. Amend RSA 540-A by inserting after section 3 the following new section:

540-A:3-a Testing for Presence of Lead in Drinking Water. Any time a child tests positive for lead the department of health and human services shall test the water in the unit for lead. If the presence of lead in the drinking water exceeds the standard established by the Environmental Protection Agency, the landlord shall notify the tenant or prospective tenant and, shall install on the kitchen faucet a filtering device certified to reduce lead by NSF International/American National Standards Institute and follow all standards for the replacement of the filtering device and cartridges. The landlord shall not be required to maintain or install water filters where the source of the lead has been removed and the water tests below the advisory level established by the Environmental Protection Agency, as verified by the department of health and human services.

19 Reporting and Recommendation on Lead Poisonings Between 3 and 9.9 Micrograms. The department of health and human services shall provide a report to the childhood lead poisoning prevention and screening commission, established pursuant to RSA 130-A:19, on or by December 31, 2017, which shall include a comprehensive accounting of venous blood test levels of 3 micrograms or higher from the effective date this act until December 31, 2017, including, but not limited to, any and all raw data points excluding personally identifying information and the disclosure of methods of retrieving, collecting, or otherwise receiving such data. After a review and public discussion of this report, the childhood lead poisoning prevention and screening commission shall make a recommendation to the general court relative to whether and how to lower the current threshold of 10 micrograms provided for in RSA 130-A:5, I.

20 Appropriation. The sum of \$3,000,000 for fiscal year ending June 30, 2018 and the sum of \$3,000,000 for the fiscal year ending June 30, 2019 are hereby appropriated to the department of health and human services to be deposited in the remediation of lead in water and rental housing fund, established in RSA 130-A:15-a. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

21 Lead Paint Poisoning Prevention and Control; Testing for Blood Levels RSA 130-A:5-a is repealed and reenacted to read as follows:

130-A:5-a Health Care Providers; Not Liable. All health care providers who provide primary medical care shall ensure that parents and guardians of children 6 years of age or younger are advised of the availability and advisability of screening and testing their children for lead in accordance with this chapter. A health care provider shall not be liable for not performing a screening or confirmation test for blood lead level when a parent or guardian has been informed of the availability and advisability of screening and has refused to consent or has failed to follow through in response to a referral for a screening or confirmation test.

22 Repeal. RSA 130-A:5-c, relative to blood lead testing.

23 Contingent Effectiveness. Sections 21 and 22 shall take effect July 1, 2019 if the appropriation in section 20 of this act does not continue for fiscal year 2020 at least at the same amount as appropriated in section 20.

24 Effective Date.

I. Sections 9, 10, 11, and 13 shall take effect October 1, 2017 at 12:03 a.m.

II. Sections 12 and 14 shall take effect January 1, 2021 at 12:02 a.m.

III. Sections 21 and 22 shall take effect as provided in section 23 of this act.

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

2017-0795s

AMENDED ANALYSIS

This bill makes various changes in the laws regarding lead. Some of the changes are as follows:

I. Changes the blood levels for parental notification and property owners relative to blood lead levels in children.

II. Requires testing for blood lead levels in children at the age of one and 2.

III. Establishes a remediation of lead in water and rental housing fund and makes an appropriation for the purposes of the fund.

IV. Requires insurance coverage for blood lead level testing.

V. Requires certain notification regarding lead for the purchase and sale of certain real estate.

VI. Requires testing for lead in drinking water in child care facilities and schools.

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

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

Sen. Feltes, Dist 15

March 15, 2017

2017-0877s

01/10

Floor Amendment to SB 247-FN-A

Amend RSA 540-A:3-a as inserted by section 18 of the bill by replacing it with the following:

540-A:3-a Testing for Presence of Lead in Drinking Water. Any time a child tests positive for lead the department of health and human services shall test the water in the unit for lead. If the presence of lead in the drinking water exceeds the action level established by the Environmental Protection Agency, the landlord shall notify the tenant or prospective tenant and, shall install on the kitchen faucet a filtering device certified to reduce lead by NSF International/American National Standards Institute and follow all standards for the replacement of the filtering device and cartridges. The landlord shall not be required to maintain or install water filters where the source of the lead has been removed and the water tests below the action level established by the Environmental Protection Agency, as verified by the department of health and human services.

President Pro Tempore Carson presiding.

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

Recess. Out of recess.

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

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

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

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

Roll Call, Yeas: 17 - Nays: 6. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

Senator McGilvray is excused.

President Morse presiding.

JUDICIARY

CACR 8, relating to eliminating registers of probate. Providing that part II, article 71 be amended to eliminate registers of probate.

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

Senate Judiciary

March 7, 2017

2017-0775s

06/10

Amendment to CACR 8

Amend the resolution by replacing all after the resolving clause with the following:

I. That article 71 of the second part of the constitution be amended to read as follows:

[Art.] 71. [County Treasurers, ~~Registers of Probate,~~ County Attorneys, Sheriffs, and Registers of Deeds Elected.] The County Treasurers, ~~registers of probate,~~ County Attorneys, Sheriffs and Registers of Deeds, shall be elected by the inhabitants of the several towns, in the several counties in the State, according to the method now practiced, and the laws of the State, Provided nevertheless the Legislature shall have authority to alter the manner of certifying the votes, and the mode of electing those officers; but not so as to deprive the people of the right they now have of electing them.

II. That article 81 of the second part of the constitution be amended to read as follows:

[Art.] 81. [Judges ~~and Registers of Probate~~] Not to Act as Counsel.] No judge~~[-or register of probate,]~~ shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any ~~[probate]~~ business which is pending, or may be brought into any court ~~[of probate]~~ in the county of which he is judge~~[-or register]~~.

III. That article 82 of the second part of the constitution be amended to read as follows:

[Art.] 82. [Clerks of Courts, by Whom Appointed.] The judges of the courts ~~[(those of probate excepted)]~~ shall appoint their respective clerks to hold their office during pleasure: And no such clerk shall act as an attorney or be of counsel in any cause in the court of which he is clerk, nor shall he draw any writ originating a civil action.

IV. That the above amendments proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2018.

V. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2018 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2017 session of the general court shall be approved.

VI. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending articles 71, 81, and 82 of the second part of the constitution to read as follows:

[Art.] 71. [County Treasurers, County Attorneys, Sheriffs, and Registers of Deeds Elected.] The County Treasurers, County Attorneys, Sheriffs and Registers of Deeds, shall be elected by the inhabitants of the several towns, in the several counties in the State, according to the method now practiced, and the laws of the State, Provided nevertheless the Legislature shall have authority to alter the manner of certifying the votes, and the mode of electing those officers; but not so as to deprive the people of the right they now have of electing them.

[Art.] 81. [Judges Not to Act as Counsel.] No judge shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any business which is pending, or may be brought into any court in the county of which he is judge.

[Art.] 82. [Clerks of Courts, by Whom Appointed.] The judges of the courts shall appoint their respective clerks to hold their office during pleasure: And no such clerk shall act as an attorney or be of counsel in any cause in the court of which he is clerk, nor shall he draw any writ originating a civil action."

VII. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2017 General Court" shall be printed in bold type at the top of the ballot.

VIII. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

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.

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

The following Senators voted Yes: Watters, Hennessey, Lasky, Carson, Gannon, Morse.

The following Senators voted No: Woodburn, Giuda, Bradley, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Innis.

Roll Call, Yeas: 6 - Nays: 17. Failed, lacking the necessary three-fifths vote.

Senator McGilvray is excused.

Recess. Out of recess.

Senator Soucy moved Inexpedient to Legislate. Adopted.

SPECIAL ORDER

Without objection Senator D'Allesandro moved to special order SB 242-FN-A-L to the present time. Adopted.

WAYS AND MEANS

SB 242-FN-A-L, relative to video lottery and table gaming.

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

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

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

The following Senators voted Yes: Bradley, Hennessey, Ward, Sanborn, Kahn, Avard, Feltes, Reagan, Fuller Clark.

The following Senators voted No: Woodburn, Giuda, Watters, Gray, French, Daniels, Lasky, Carson, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

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

Senator McGilvray is excused.

Senator D'Allesandro moved Ought to Pass.

Senator D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist 20

March 16, 2017

2017-0901s

08/04

Floor Amendment to SB 242-FN-A-LOCAL

Amend RSA 284-B:16, IV as inserted by section 1 of the bill by replacing it with the following:

IV. If there is only one complete application for a gaming license pending, then the commission shall end the selection process and issue another request for applications pursuant to RSA 284-B:11.

Amend RSA 284-B as inserted by section 1 of the bill by inserting after section 49 the following new section:

284-B:50 Impact Study. Within 3 years of the issuance of the first gaming license, the lottery commission shall begin a study of the impact of the gaming facility on the host community, on neighboring communities, and on the state, and shall determine a way to evaluate the success of the gaming facility. The lottery commission shall have one year to complete its study and submit a report to the speaker of the house of representatives, the president of the senate, and the governor. The lottery commission may recommend legislation that creates more gaming licenses, with consideration given to the potential for success of different sized gaming facilities.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Woodburn, Giuda, Watters, Gray, French, Kahn, Lasky, Carson, Feltes, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: Bradley, Hennessey, Ward, Sanborn, Daniels, Avard, Reagan, Fuller Clark.

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

Senator McGilvray is excused.

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

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

The following Senators voted Yes: Woodburn, Giuda, Watters, Gray, French, Lasky, Carson, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: Bradley, Hennessey, Ward, Sanborn, Kahn, Daniels, Avard, Feltes, Reagan, Fuller Clark.

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

Senator McGilvray is excused.

JUDICIARY

SB 71, relative to the law governing alimony.

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

Senate Judiciary

March 7, 2017

2017-0767s

05/04

Amendment to SB 71

Amend RSA 458:19-b as inserted by section 4 of the bill by replacing it with the following:

458:19-b Divorce in Another Jurisdiction. The circuit court shall have jurisdiction to make such orders or temporary orders of alimony to a divorced wife or divorced husband, or of support to the children of divorced parents as justice shall require in cases where the decree of divorce was not granted in this jurisdiction, even though said divorce decree makes provision for alimony and support, subject to the provisions of RSA 546-B.

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

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

SB 233-FN, relative to the legalization and regulation of marijuana and establishing a committee to study the legalization of marijuana.

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

Senator Woodburn moved to Lay on the Table SB 233-FN. Failed.

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

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

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

The following Senators voted No: Woodburn, Feltes, Reagan, Fuller Clark.

Roll Call, Yeas: 19 - Nays: 4. Adopted.

Senator McGilvray is excused.

WAYS AND MEANS

SB 1-FN-A, reducing the rate of the business profits tax.

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

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

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

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

Senate Ways and Means

March 8, 2017

2017-0804s

10/08

Amendment to SB 2-FN-A

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

1 Business Profits Tax; Imposition of Tax; 2018. RSA 77-A:2 is repealed and reenacted to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of 7.8 percent upon the taxable business profits of every business organization.

2 Business Profits Tax; Imposition of Tax; 2019. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of [7.8] **7.7** percent upon the taxable business profits of every business organization.

3 Business Profits Tax; Imposition of Tax; 2020. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of [7.7] **7.6** percent upon the taxable business profits of every business organization.

4 Business Profits Tax; Imposition of Tax; 2021. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of [7.6] **7.5** percent upon the taxable business profits of every business organization.

5 Business Enterprise Tax; Imposition of Tax; 2018. RSA 77-E:2 is repealed and reenacted to read as follows:

77-E:2 Imposition of Tax. A tax is imposed at the rate of .65 percent upon the taxable enterprise value tax base of every business enterprise.

6 Business Enterprise Tax; Imposition of Tax; 2019. Amend RSA 77-E:2 to read as follows:

77-E:2 Imposition of Tax. A tax is imposed at the rate of [-65] **.60** percent upon the taxable enterprise value tax base of every business enterprise.

7 Business Enterprise Tax; Imposition of Tax; 2020. Amend RSA 77-E:2 to read as follows:

77-E:2 Imposition of Tax. A tax is imposed at the rate of [-60] **.55** percent upon the taxable enterprise value tax base of every business enterprise.

8 Business Enterprise Tax; Imposition of Tax; 2021. Amend RSA 77-E:2 to read as follows:

77-E:2 Imposition of Tax. A tax is imposed at the rate of [-55] **.50** percent upon the taxable enterprise value tax base of every business enterprise.

9 Applicability.

- I. Sections 1 and 5 of this act shall apply to taxable periods ending on or after December 31, 2018.
- II. Sections 2 and 6 of this act shall apply to taxable periods ending on or after December 31, 2019.
- III. Sections 3 and 7 of this act shall apply to taxable periods ending on or after December 31, 2020.
- IV. Sections 4 and 8 of this act shall apply to taxable periods ending on or after December 31, 2021.

10 Effective Date.

- I. Sections 1 and 5 of this act shall take effect July 1, 2018.
- II. Sections 2 and 6 of this act shall take effect July 1, 2019.
- III. Sections 3 and 7 of this act shall take effect July 1, 2020.
- IV. Sections 4 and 8 of this act shall take effect July 1, 2021.
- V. The remainder of this act shall take effect upon its passage.

2017-0804s

AMENDED ANALYSIS

This bill reduces the rates of the business profits tax and the business enterprise tax over a 4-year period.

INTRODUCTION OF GUESTS

Senator Sanborn introduced former Senate President Peter Bragdon visiting in the gallery.

Senator D'Allesandro introduced former Senator Robert Clegg visiting in the gallery.

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.

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

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

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

Roll Call, Yeas: 14 - Nays: 9. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

Senator McGilvray is excused.

SB 183-FN, establishing the New Hampshire technology sector marketing tax credit.

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

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

SB 188-FN, establishing a nonpartisan revenue estimator position in the department of administrative services.

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

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

SB 205-FN-A, establishing the small business jobs fund and tax credit.

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

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

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

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

Senate Ways and Means
March 8, 2017
2017-0806s
08/10

Amendment to SB 206-FN

Amend the bill by inserting after section 6 the following and renumbering the original sections 7-9 to read as 11-13, respectively:

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

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

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

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

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

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

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

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

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

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

Senator Morse is in opposition to the motion of Ought to Pass with Amendment on SB 206-FN.

SB 207-FN-A, relative to the tax on chewing tobacco.

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

Senator Sanborn moved to Lay on the Table SB 207-FN-A. Adopted.

Senator Lasky is excused for the day.

SB 208-FN, establishing a working families property tax refund program.
Inexpedient to Legislate, Vote 3-2. 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 Feltes, seconded by Senator Soucy.

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

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

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

Senators Lasky and McGilvray are excused.

SB 244-FN-A, relative to exemption of income from taxation under the tax on interest and dividends.
Ought to Pass with Amendment, Vote 3-2. Senator Sanborn for the committee.

Ways and Means

March 8, 2017

2017-0811s

01/10

Amendment to SB 244-FN-A

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

1 Who Taxable. Amend RSA 77:3, I to read as follows:

I. Taxable income is that income received from interest and dividends during the tax year prior to the assessment date by:

(a) Individuals who are inhabitants or residents of this state for any part of the taxable year whose gross interest and dividend income from all sources, including income from a qualified investment company pursuant to RSA 77:4, V, exceeds [~~\$2,400~~] **\$10,000** during that taxable period.

(b) Partnerships, limited liability companies, and associations, the beneficial interest in which is not represented by transferable shares, whose gross interest and dividend income from all sources exceeds [~~\$2,400~~] **\$10,000** during the taxable year, but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.

(c) Executors deriving their appointment from a court of this state whose gross interest and dividend income from all sources exceeds [~~\$2,400~~] **\$10,000** during the taxable year.

2 Interest and Dividends Tax; Exemptions RSA 77:5 is repealed and reenacted to read as follows:

77:5 Exemptions. Each taxpayer shall have an exemption from income of \$10,000.

3 Applicability. This act shall apply to taxable periods ending on or after December 31, 2017.

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

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

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

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

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

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

Roll Call, Yeas: 13 - Nays: 8. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

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

Senators Lasky and McGilvray are excused.

Recess. Out of recess.

HEALTH AND HUMAN SERVICES

SB 234-FN, relative to hypodermic syringes and needles containing residual amounts of controlled drugs and authorizing the operation of syringe service programs in New Hampshire.

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

Health and Human Services

March 8, 2017

2017-0789s

01/04

Amendment to SB 234-FN

Amend the bill by replacing all after section 3 with the following:

4 Controlled Drug Act; Disposal of Controlled Drugs in Possession of Practitioner. Amend RSA 318-B:17-a to read as follows:

318-B:17-a Disposal of Controlled Drugs in Possession of Practitioner. No person other than the pharmacy board, its officers, agents, and inspectors is authorized to destroy any out-dated, deteriorated, excessive or otherwise unwanted or confiscated controlled drugs which are in the possession of a practitioner, veterinarian, pharmacy, peace officer, nursing home, manufacturer, wholesaler, clinic, or laboratory or hospital. No payment shall be made to any person or institution for any drug surrendered for destruction. A record shall be maintained which indicates the name, strength, and quantity of all drugs destroyed; the place and manner of destruction; the date and time destroyed; the name of the practitioner or institution surrendering the drugs; and the signature and title of the person witnessing destruction. Such records shall conform to any federal requirements and shall be open to inspection by all federal or state officers charged with the enforcement of federal or state controlled drug laws. ***This section shall not apply to residual amounts in hypodermic syringes and needles.***

5 Controlled Drug Act; Penalties; Exception Added. Amend the introductory paragraph of RSA 318-B:26, I(c) to read as follows:

(c) ***Except for residual amounts in hypodermic syringes and needles***, in the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 7 years, a fine of not more than \$100,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than 15 years, a fine of not more than \$200,000, or both:

6 New Subparagraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26, I by inserting after subparagraph (d) the following new subparagraph:

(e) In the case of a violation involving a hypodermic syringe or needle containing a residual amount of a controlled substance, as defined in RSA 318-B:1, XXIX-a, a person may be sentenced to a maximum term of imprisonment of not more than 6 months, a fine of not more than \$2,000, or both.

7 New Subparagraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26, II by inserting after subparagraph (e) the following new subparagraph:

(f) In the case of a violation involving a hypodermic syringe or needle containing a residual amount of a controlled substance, as defined in RSA 318-B:1, XXIX-a, a person shall be guilty of a misdemeanor.

8 Repeal. RSA 318:52-d, recording and filing of prescriptions for hypodermic syringes and needles, is repealed.

9 New Subdivision; Syringe Service Programs. Amend RSA 318-B by inserting after section 42 the following new subdivision:

Syringe Service Programs

318-B:43 Syringe Service Programs Authorized.

I.(a) The following entities, if self-funded, may operate a syringe service program in New Hampshire to prevent the transmission of disease and reduce morbidity and mortality among individuals who inject drugs, and those individuals' contacts:

- (1) Federally qualified health centers.
- (2) Community health centers.
- (3) Public health networks.

- (4) AIDS service organizations.
- (5) Substance misuse support or treatment organizations.
- (6) Community based organizations.

(b) The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, further defining the entities in subparagraph (a).

II. Any entity operating a syringe service program in New Hampshire shall:

(a) Provide referral and linkage to HIV, viral hepatitis, and substance use disorder prevention, care, and treatment services, as appropriate.

(b) Coordinate and collaborate with other local agencies, organizations, and providers involved in comprehensive prevention programs for people who inject drugs to minimize duplication of effort.

(c) Attempt to be a part of a comprehensive service program that may include, as appropriate:

- (1) Providing sterile needles, syringes, and other drug preparation equipment and disposal services.
- (2) Educating and counseling to reduce sexual, injection, and overdose risks.
- (3) Providing condoms to reduce risk of sexual transmission of viral hepatitis, HIV, or other STDs.
- (4) Screening for HIV, viral hepatitis, STDs, and tuberculosis.
- (5) Providing naloxone to reverse opioid overdoses.
- (6) Providing referral and linkage to HIV, viral hepatitis, STD and tuberculosis prevention, treatment, and care services, including antiretroviral therapy for hepatitis C virus (HCV) and HIV, pre-exposure prophylaxis (PrEP), post-exposure prophylaxis (PEP), prevention of mother-to-child transmission, and partner services.
- (7) Providing referral and linkage to hepatitis A virus (HAV) and hepatitis B virus (HBV) vaccination.
- (8) Providing referral and linkage to and provision of substance use disorder treatment including medication assisted treatment for opioid use disorder which combines drug therapy such as methadone, buprenorphine, or naltrexone with counseling and behavioral therapy.
- (9) Providing referral to medical care, mental health services, and other support services.

(d) Posting its address, phone number, program contact information, if appropriate, hours of operation, and services offered on its Internet website.

(e) Reporting quarterly to the department, which report shall include the following information regarding the program's activities:

- (1) Number of needles/syringes distributed.
- (2) Number of needles/syringes taken back.
- (3) Number of HIV tests performed or delivered by the program.
- (4) Number of HCV tests performed/delivered by program.
- (5) Delivery of substance misuse treatment/care.
- (6) Delivery of HIV care.
- (7) Delivery of HCV care.
- (8) Number of referrals to substance misuse treatment/services.
- (9) Number of referrals to HIV testing.
- (10) Number of referral to HCV testing.
- (11) Number of referrals to HIV care.
- (12) Number of referrals to HCV care.

318-B:44 Syringe Service Programs; Affirmative Defense. It is an affirmative defense to prosecution under this chapter for possession of a hypodermic syringe or needle that the item was obtained through participation in a syringe service program. The affirmative defense shall be proved by the defendant by a preponderance

of the evidence. It shall not be necessary for the state to negate any such fact in any criminal complaint, information, indictment, or other pleading or in any trial, hearing, or other proceeding. Nothing in this section shall be construed to limit a prosecution for the possession, manufacture, or distribution of a controlled substance or any violation of RSA 318-B.

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

2017-0789s

AMENDED ANALYSIS

This bill:

I. Exempts residual amounts of controlled substances in hypodermic syringes and needles from the provisions of the controlled drug act.

II. Authorizes persons other than pharmacists to dispense hypodermic syringes and needles and allows them to be sold in retail establishments other than pharmacies.

III. Adds certain penalties.

IV. Authorizes the operation of syringe service programs in New Hampshire.

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

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

March 16, 2017

2017-0907s

01/04

Floor Amendment to SB 234-FN

Amend the bill by replacing all after section 3 with the following:

4 Controlled Drug Act; Disposal of Controlled Drugs in Possession of Practitioner. Amend RSA 318-B:17-a to read as follows:

318-B:17-a Disposal of Controlled Drugs in Possession of Practitioner. No person other than the pharmacy board, its officers, agents, and inspectors is authorized to destroy any out-dated, deteriorated, excessive or otherwise unwanted or confiscated controlled drugs which are in the possession of a practitioner, veterinarian, pharmacy, peace officer, nursing home, manufacturer, wholesaler, clinic, or laboratory or hospital. No payment shall be made to any person or institution for any drug surrendered for destruction. A record shall be maintained which indicates the name, strength, and quantity of all drugs destroyed; the place and manner of destruction; the date and time destroyed; the name of the practitioner or institution surrendering the drugs; and the signature and title of the person witnessing destruction. Such records shall conform to any federal requirements and shall be open to inspection by all federal or state officers charged with the enforcement of federal or state controlled drug laws. ***This section shall not apply to residual amounts in hypodermic syringes and needles.***

5 New Subparagraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26, II by inserting after subparagraph (e) the following new subparagraph:

(f) In the case of a residual amount of a controlled substance, as defined in RSA 318-B:1, XXIX-a, a person shall be guilty of a misdemeanor if the person is not part of a service syringe program under RSA 318-B:43.

6 Repeal. RSA 318:52-d, recording and filing of prescriptions for hypodermic syringes and needles, is repealed.

7 New Subdivision; Syringe Service Programs. Amend RSA 318-B by inserting after section 42 the following new subdivision:

Syringe Service Programs

318-B:43 Syringe Service Programs Authorized.

I.(a) The following entities, if self-funded, may operate a syringe service program in New Hampshire to prevent the transmission of disease and reduce morbidity and mortality among individuals who inject drugs, and those individuals' contacts:

- (1) Federally qualified health centers.
- (2) Community health centers.
- (3) Public health networks.
- (4) AIDS service organizations.
- (5) Substance misuse support or treatment organizations.
- (6) Community based organizations.

(b) The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, further defining the entities in subparagraph (a).

II. Any entity operating a syringe service program in New Hampshire shall:

(a) Provide referral and linkage to HIV, viral hepatitis, and substance use disorder prevention, care, and treatment services, as appropriate.

(b) Coordinate and collaborate with other local agencies, organizations, and providers involved in comprehensive prevention programs for people who inject drugs to minimize duplication of effort.

(c) Attempt to be a part of a comprehensive service program that may include, as appropriate:

- (1) Providing sterile needles, syringes, and other drug preparation equipment and disposal services.
- (2) Educating and counseling to reduce sexual, injection, and overdose risks.
- (3) Providing condoms to reduce risk of sexual transmission of viral hepatitis, HIV, or other STDs.
- (4) Screening for HIV, viral hepatitis, STDs, and tuberculosis.
- (5) Providing naloxone to reverse opioid overdoses.

(6) Providing referral and linkage to HIV, viral hepatitis, STD and tuberculosis prevention, treatment, and care services, including antiretroviral therapy for hepatitis C virus (HCV) and HIV, pre-exposure prophylaxis (PrEP), post-exposure prophylaxis (PEP), prevention of mother-to-child transmission, and partner services.

(7) Providing referral and linkage to hepatitis A virus (HAV) and hepatitis B virus (HBV) vaccination.

(8) Providing referral and linkage to and provision of substance use disorder treatment including medication assisted treatment for opioid use disorder which combines drug therapy such as methadone, buprenorphine, or naltrexone with counseling and behavioral therapy.

(9) Providing referral to medical care, mental health services, and other support services.

(d) Posting its address, phone number, program contact information, if appropriate, hours of operation, and services offered on its Internet website.

(e) Reporting quarterly to the department, which report shall include the following information regarding the program's activities:

- (1) Number of needles/syringes distributed.
- (2) Number of needles/syringes taken back.
- (3) Number of HIV tests performed or delivered by the program.
- (4) Number of HCV tests performed/delivered by program.
- (5) Delivery of substance misuse treatment/care.
- (6) Delivery of HIV care.
- (7) Delivery of HCV care.
- (8) Number of referrals to substance misuse treatment/services.
- (9) Number of referrals to HIV testing.
- (10) Number of referral to HCV testing.
- (11) Number of referrals to HIV care.
- (12) Number of referrals to HCV care.

318-B:44 Syringe Service Programs; Affirmative Defense. It is an affirmative defense, as provided in RSA 626:7, to prosecution for possession of a hypodermic syringe or needle that the item was obtained through participation in a syringe service program. Nothing in this section shall be construed as an affirmative defense for any offense other than as set forth under RSA 318-B:26, II, (f).

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

2017-0907s

AMENDED ANALYSIS

This bill:

I. Exempts residual amounts of controlled substances in hypodermic syringes and needles from the provisions of the controlled drug act.

II. Authorizes persons other than pharmacists to dispense hypodermic syringes and needles and allows them to be sold in retail establishments other than pharmacies.

III. Authorizes the operation of syringe service programs in New Hampshire.

Recess. Out of recess.

Senator Bradley withdrew floor amendment 2017-0907s.

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

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

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

The following Senators voted No: Sanborn, Daniels.

Roll Call, Yeas: 20 - Nays: 2. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

Senators Lasky and McGilvray are excused.

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

JUDICIARY

SB 231-FN, relative to status for part-time retired judges.

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

This bill was requested by the Supreme Court and allows a part-time judge of the circuit court to retire under the provisions of RSA 100-A and elect for senior active or judicial referee status. Changing this statute will aid the state in our judge shortage and further the efficiency of our courts.

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

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

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

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

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

Senators Lasky and McGilvray are excused.

Senator Soucy moved Inexpedient to Legislate. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

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

Senator Bradley: SB 244-FN-A

Senator D'Allesandro: SB 244-FN-A

Senator Fuller Clark: SB 244-FN-A

Senator Gray: SB 220-FN, SB 247-FN-A

Senator Hennessey: SB 244-FN-A

Senator Lasky: SB 244-FN-A

Senator Morse: SB 1-FN-A

Senator Sanborn: CACR 8, SB 1-FN-A, SB 2-FN-A, SB 7-FN-L, SB 25, SB 55, SB 61, SB 63, SB 67, SB 71, SB 83-FN-L, SB 87-FN, SB 88-FN, SB 129, SB 132, SB 140, SB 143, SB 149, SB 152, SB 156, SB 162, SB 179-FN-A, SB 183-FN, SB 188-FN, SB 190-FN, SB 193-FN, SB 195-FN-L, SB 197-FN-A, SB 198-FN, SB 199, SB 205-FN-A, SB 206-FN, SB 207-FN-A, SB 208-FN, SB 209-FN, SB 216-FN, SB 219-FN-A, SB 220-FN, SB 222, SB 223-FN-A, SB 225-FN, SB 226-FN, SB 227-FN, SB 228-FN-A, SB 230-FN, SB 231-FN, SB 233-FN, SB 234-FN, SB 236-FN, SB 238-FN, SB 239-FN, SB 240-FN-L, SB 241-FN-A, SB 242-FN-A-L, SB 243-FN-A, SB 244-FN-A, SB 247-FN-A, HB 87, HB 123, HB 127,

Senator Woodburn: SB 247-FN-A

ANNOUNCEMENTS

(The Chair Recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, it's with great sadness that I tell the body that Deb O'Loughlin, a long, long time public servant, twenty-six years over at the Insurance Department and prior to that ten years working for the House of Representatives, she worked in Chris Spirou's office. She passed away in Florida, and she just retired just a few months ago. But those of us who've been around here a little while remember Deb and others remember her coming over here representing the Insurance Department; a terrific worker, great lady, always willing to help. And it's really with great sorrow that I report her passing. Thank you Mister President.

PRESIDENT MORSE: I'd just like to announce that my good friend Howie Glynn is winning the Ganley Award tomorrow. He shares that with his wife, Bev Glynn, I'm sure, so it's a distinction that's long overdue.

Tomorrow night, my good friend passed away a few years ago, the sheriff, and his friends picked up the idea of doing a fund raiser on St. Patrick's Day, they're calling themselves Inspiring Futures. They're doing a St. Patrick's Day party in Atkinson from 4:00-10:00 tomorrow night. No senator or staff needs a ticket. You can just come down and tell them you know me. It's going to be a great event. You'll have 400 of your closest friends there. But we're raising money for the Boys and Girls Club. We're writing them a pretty good check actually. But listen, after today feel free to come down, my wife will probably buy you a drink.

(The Chair Recognized Senator Kahn.)

SENATOR KAHN: I'm sorry I missed the wake for the police chief of Keene, Brian Costa, a wonderful man, fought and helped this state deliver on programs that would assist emergency responders in dealing with the opioid crisis. He was a fine confidant for anybody in public service. I'll greatly miss him, and I want that entered into our record seeing as I'm unable to be there tonight.

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

LATE SESSION
Third Reading and Final Passage

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

SB 61, relative to medical records of a deceased spouse or next of kin.

SB 67, relative to the authority of state police employees.

SB 71, relative to the law governing alimony.

SB 129, requiring a portion of the renewable energy fund to benefit low to moderate income residential customers, relative to electric renewable energy classes, relative to the class rate for biomass, and relative to requirements for incentive payments from the renewable energy fund.

SB 132, establishing a New Hampshire inventory of historic burial grounds and cemeteries.

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

SB 143, relative to court requests for documents in conjunction with petitions for guardianship of a minor and guardianship of an incapacitated person.

SB 152, relative to criminal history background checks for certain health care workers.

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

SB 197-FN-A, making an appropriation to the department of justice to enforce election and lobbying laws.

SB 222, relative to the New Hampshire birth conditions program and relative to the administration of certain prescription medication for treatment of a communicable disease.

SB 230-FN, establishing the Uniform Power of Attorney Act.

HB 87, relative to vacancies in the office of moderator.

HB 123, relative to continuation of a public hearing of the zoning board of adjustment.

HB 127, relative to vacancies in county offices.

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

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.