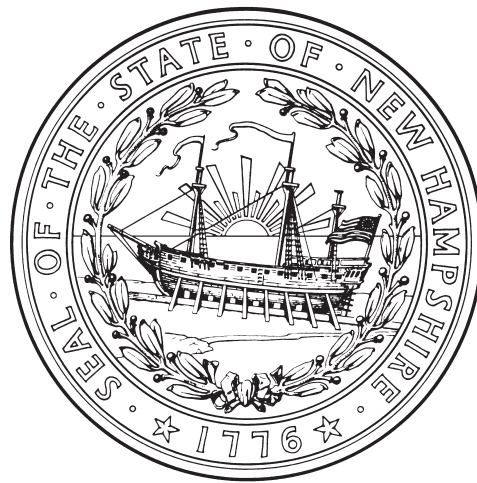


January 3, 2018
No. 1

STATE OF NEW HAMPSHIRE

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



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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – JUNE 22, 2017 SESSION
COMMENCEMENT – JANUARY 3, 2018 SESSION**

SENATE JOURNAL 20 *(continued)*

June 22, 2017

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bill(s):

HB 86, relative to voting on variances.

OUTSTANDING BILLS

Pursuant to Senate Rule 3-23, all bills or resolutions remaining on the table upon adjournment of the first-year session shall be made inexpedient to legislate at that time.

HB 538-FN, requiring occupational regulatory boards and commissions to post reciprocity information.

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

SB 28, relative to salvage certificates of titles for motor vehicles.

SB 41-FN-A, establishing a fund to forgive certain educational debt and making an appropriation therefor.

SB 77-FN-A, relative to expense deductions under the business profits tax.

SB 94-FN-A, making a capital appropriation for affordable housing.

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

SB 105-FN-LOCAL, making an appropriation for the replacement of heat and hot water systems in the Concord school district.

SB 117-FN, making an appropriation for stormwater management and flood resilience grants.

SB 145, prohibiting smoking in motor vehicles when a passenger under the age of 16 is in the vehicle.

SB 146-FN, requiring the department of health and human services to develop a centralized state system for transporting persons subject to involuntary emergency admission.

SB 149, authorizing individuals and certain businesses to purchase health insurance from out-of-state companies.

SB 153-FN-A, making an appropriation for early childhood intervention services.

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

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

SB 203-FN, requiring the department of transportation to alleviate safety issues at an intersection in Ossipee.

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

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

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

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

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

SB 239-FN, 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.

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

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 of June 22, 2017.

Adopted. Adjournment from the Late Session of June 22, 2017.

SENATE JOURNAL 1

January 3, 2018

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:

When John XXIII became Pope in 1958 one of his jobs, of course, was to govern the worldwide Catholic Church. Daily he heard stories of troubles all around that world: priests and nuns who were killed in Africa, the plight of war and poverty, refugees who needed help, and on and on; the problems seem endless. One temptation is to think that being given a role of power means that you can save everyone, everything, every situation. And so when the sky seemed to be falling, Pope John had a prayer every night so that he could sleep. He would pray I've done the best that I could in your service, O Lord, I'm going to bed now, it's your Church, you take care of it. It's a prayer that's not about indifference to problems; it's not about an abdication of responsibility, but it recognizes our human limitations. The fact that because we can do some things, we have to realize we cannot do everything. And just because we can't do everything doesn't mean we can't do something. So, recognizing those human limitations let us turn our own thoughts and minds to prayer to the limitless and infinite One.

Almighty God, we give over to you ourselves, our state, those whom we serve. We give them over to your kind caregiving. Help us to see that the world is not as bad as we fear it is. Help us to see that the world is not as good as we pretend it is. Help us to do what we can, but not more. For we are all your people and this is your world; take care of us, O loving God. Amen.

Senator Woodburn led the Pledge of Allegiance.

SENATOR CAVANAUGH ASSUMES DISTRICT 16 SENATE SEAT

President Morse recognized that Senator Kevin J. Cavanaugh, representing Senate District 16, has taken his seat today as a member of the Honorable Senate, having been sworn into office by the Honorable Chris Sununu, Governor, and the Honorable Executive Council, on August 23, 2017.

Senator Hennessey is excused for the day.

INTRODUCTION OF GUESTS

PRESIDENT MORSE: Senator D'Allesandro, can you join me can you join me up here with Anthony?

SENATOR D'ALLESANDRO: Thank you, Mister President. Tomorrow is my grandson's 10th birthday, and he couldn't be with us tomorrow because his chess club has a meeting. But ten years ago at the Brigham and Women's Hospital this young boy was born. He was born in the intensive care unit of the NICU at Brigham and Women's and there were real questions about his life expectancy. He has a very rare mosaic, Mosaic Trisomy 22, but what I really want to emphasize to all of my colleagues is that miracles do happen. And we have before us, today, a miracle, and it's just wonderful to be able to share that story with you so we all become believers that no matter what we can make it happen. And my lovely wife is here, my daughter is outside, but Anthony is a living example. This young man has undergone thirteen surgeries before the age of five. He's had open heart surgery, and a series of other difficult procedures, but he's courageous, he hangs in, and he's as tough as nails. So I wanted to present him to all of you because I know all of us believe in miracles and we've had one in the D'Allesandro family, and we thank you, Mister President.

PRESIDENT MORSE: Senator Avard why don't you start with "Happy Birthday?"

Senator Avard led the Senate in "Happy Birthday" to Anthony Smith.

ANTHONY SMITH: Thank you everyone for being so nice and supportive and not turning me out at the doorway because of that sign over there...

PRESIDENT MORSE: You know as we were being led in prayer everything's going through my head today on what's being removed, how the process is going to work, and then I looked up and I saw Shawn Jasper and Laurie out there and I got a little smile because, you know, I've lightened up just a bit because we have a different relationship now. Matter of fact, he told me where his office is, today. It's just right down the barrel from the third floor to the second floor in the next building. So, I'd be careful. But the reality is...I hope you can join me up here... Laurie. Everything you've given to the State, the Senate just wants to recognize you for everything you've done.

I said I wanted to take an opportunity today to recognize a long-time friend and colleague in the House, Shawn Jasper. Many of you don't know this but I started in the House in 1988, and I'm fortunate enough to have been through half of the positions I'm going to read to you today that he's served in. But we certainly gained a relationship over the last couple of years, and while we lost him as a leader in the House I think we've gained a great leader in Agriculture. Like many of you and Senator Woodburn doesn't have to worry about it, I've already said he needs to make a stop up at Fadden's and talk about maple syrup. I didn't hit you about the nursery business yet but that will be next, just don't charge me for anything, and remember we write the budget. In any case, I'd like to read this resolution:

Shawn Jasper, for his service and dedication to the State of New Hampshire

WHEREAS, Shawn Jasper was first elected to the New Hampshire House of Representatives in 1984, serving on numerous committees on behalf of the towns of Hudson and Pelham in Hillsborough County, District 37 and in varying leadership roles in nearly 24 years of service to the state until 2017; and

WHEREAS, Shawn Jasper was elected by his colleagues to serve as Speaker of the House of Representatives in 2014, having previously held roles including Deputy Majority Leader, Assistant Majority Leader, Majority Whip and Minority Whip; and

WHEREAS, Shawn Jasper service to his community also includes membership to the Hudson Historical Society, serving as a member of the Hudson Board of Selectmen and on the Hudson Municipal Budget Committee as well as Town and School District Moderator, among other roles in town government; and

WHEREAS, Serving as House Speaker, Shawn Jasper has been a strong advocate for the state of New Hampshire, willing to work with disparate views to do what is right for the state and its citizens; and

WHEREAS, Shawn Jasper's leadership in public service is highly regarded and evident by the many accomplishments that bear his name; and

Now, therefore, be it resolved that the New Hampshire Senate joins in celebrating the Honorable Shawn Jasper for his contributions to the state of New Hampshire as Speaker and as a long-serving member of the House of Representatives...[we wish you] the very best.

COMMISSIONER JASPER: Thank you so much for this honor. And thank you for the honor of being able to stand here at this President's podium. I've been acting Governor, but never been able to stand here and speak, so this is a unique honor. Thank you so much for your friendship over the years. It's been a pleasure working with all of you. I think we've accomplished great things in the last few years, and I know that you will continue to do so for the rest of the year and in years to come. My office is just across the street in the Annex on the second floor right across from the Secretary of State's Office. I invite all of you to come over, stop by, but particularly to work with me on any issues related to agriculture, markets and foods that you have. I stand ready to work with you. Some of you have already taken that opportunity, and I look forward to more of that in the future. Again, thank you so very much. Laurie and I are very honored.

INTRODUCTION OF PAGES

Senator Lasky introduced Margaret Mikailov and Ben Telerski from Nashua High School South, serving as Senate Pages for the day.

SPECIAL ORDER

Without objection, the following bill is special ordered to Thursday, January 18, 2018. Adopted

COMMERCE

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

MOTION TO VACATE

Without objection, the following Senate Bill was vacated from the Committee on Commerce and referred to the Committee on Public and Municipal Affairs. Adopted.

SB 430, relative to priority of liens for liability for support of assisted persons.

FN REPORT FOR JANUARY 3, 2018

Senator 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:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 214-FN, relative to privatization of state services.

JUDICIARY

SB 98-FN, eliminating the statute of limitations on sexual assault.

SB 164-FN, removing the limitations on actions for sexual assaults on victims under 18 years of age.

SB 165-FN, authorizing periodic payments as security after a motor vehicle accident.

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

REGULAR CALENDAR:

COMMERCE

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

SB 189-FN, requiring insurance policies to cover 3-D mammography.

HB 79-FN, relative to New Hampshire products purchased and sold by the liquor commission.

EDUCATION

HB 557-FN, relative to school attendance in towns with no public schools.

ENERGY AND NATURAL RESOURCES

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

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

HEALTH AND HUMAN SERVICES

SB 220-FN, relative to the definition of mental illness for purposes of mental health services.

PUBLIC AND MUNICIPAL AFFAIRS

SB 172-FN, relative to dams on residential property.

TRANSPORTATION

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

WAYS AND MEANS

SB 1-FN-A, reducing the rate of the business profits tax.

SB 75-FN, establishing a tax credit against business profits taxes for donations to career and technical education centers.

SB 76-FN-A, establishing an option to rebate the research and development tax credit against business profits taxes, and making an appropriation therefor.

SB 183-FN, establishing the New Hampshire technology sector marketing tax credit.

HB 560-FN-A-L, 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.

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

REGULAR CALENDAR:

COMMERCE

HB 549-FN, relative to beverage vendor fees.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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.

HEALTH AND HUMAN SERVICES

SB 63, relative to record management of abuse and neglect reports—if Committee Amendment is adopted.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 55, by Senator D'Allesandro

JUDICIARY

HB 143, by Senator Carson

HB 614-FN, by Senator Sanborn

CONSENT CALENDAR

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

ELECTION LAW AND INTERNAL AFFAIRS

SB 47, relative to enforcement of election laws.

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

This bill would authorize the secretary of state to conduct investigations to determine whether election laws have been violated and to institute enforcement proceedings and impose penalties. With the passage of SB 3, which addresses the enforcement of election laws this bill is no longer relevant and therefore inexpedient to legislate.

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

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

This bill as amended authorizes the inclusion of additional parties on election forms used to request an absentee ballot and to change party registration on the day of the primary.

Election Law and Internal Affairs

November 29, 2017

2017-2540s

03/04

Amendment to HB 390

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

AN ACT relative to parties on certain election forms and ballots.

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

1 Change of Registration. Amend RSA 654:34, V(a) to read as follows:

V.(a) At any primary, the supervisors of the checklist shall make available within the polling place a card or list of undeclared voters from the statewide centralized voter registration database to enable a voter who was registered as an undeclared voter but who changed registration on the day of the primary in order to vote as a registered member of a party to change registration so that the voter is registered once again as an undeclared voter. The card or list shall be in substantially the following form:

Name _____
(Print)

Address _____

I hereby request that my political party registration be changed as follows:

From: Democrat [], or Republican [], **or (name of any party determined by the secretary of state to have achieved official status under RSA 652:11) []**

To: Undeclared []

Signed under the pains and penalties of perjury.

Date _____

2 Absentee Voting; Forms. Amend RSA 657:4, I to read as follows:

I. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance, and Disability:

I hereby declare that (check one):

_____ I am a duly qualified voter who is currently registered to vote in this town/ward.

_____ I am absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

I will be entitled to vote by absentee ballot because (check one):

_____ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.

_____ I am requesting a ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.

_____ I cannot appear in public on election day because of observance of a religious commitment.

_____ I am unable to vote in person due to a disability.

_____ I cannot appear at any time during polling hours at my polling place because of an employment obligation. For the purposes of this application, the term "employment shall include the care of children and infirm adults, with or without compensation.

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an official absentee ballot for the following election (check one):

_____ Presidential Primary to be held on _____
(MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

_____ State Primary to be held on _____
(MM/DD/YYYY)

_____ General Election

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

_____ Republican Party

_____ Democratic Party

_____ *(name of any party determined by the secretary of state to have achieved official status under RSA 652:11)*

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name:

(Last)

(First)

(Middle)

(Sr., Jr., II., III)

Applicant's Voting Domicile (home address):

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Mail the ballot to me at this address (if different than the home address):

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Applicant's Phone Number (optional): _____

Applicant's Email Address (optional): _____

Applicant's Signature: _____

Date Signed: _____

(MM/DD/YYYY)

The applicant must sign this form to receive an absentee ballot. The signature on this form must match the signature on the affidavit envelope in which the absentee ballot is returned, or the ballot may be rejected. Any person who assists a voter with a disability in executing this form shall make a statement acknowledging the assistance on the application form to assist the moderator when comparing signatures on election day.

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

2017-2540s

AMENDED ANALYSIS

This bill authorizes the inclusion of additional parties on election forms used to request an absentee ballot and to change party registration on the day of the primary.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 136, eliminating the land use board and requiring approval of federal land acquisitions by the governor and council.

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

This legislation would eliminate the land use board and require approval of federal land acquisitions by the Governor and Council. The prime sponsor of this legislation requested the vote of the committee to be Inexpedient to Legislate. Further information is needed from the federal government prior to introducing new legislation.

SB 214-FN, relative to privatization of state services.

Interim Study, Vote 5-0. Senator Soucy for the committee.

This bill would regulate the use of private contractors for public services. The Department of Administrative Services reviewed this legislation and stated in order to have a firm opinion further studies would need to be completed on the impact it would have on multiple departments. The committee believes further study is warranted.

JUDICIARY

SB 98-FN, eliminating the statute of limitations on sexual assault.

Interim Study, Vote 5-0. Senator Carson for the committee.

This bill would have eliminated the statute of limitations on prosecuting sexual assault and incest cases. The Committee believes this matter needs further clarification and has therefore, placed the goals and interests of this bill into a study commission in SB164-FN, which is of a similar subject matter.

SB 164-FN, removing the limitations on actions for sexual assaults on victims under 18 years of age.

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

This bill would have eliminated the limitations on prosecuting sexual assault and incest cases, where the victim was under 18 years of age at the time of the offense. This important issue needs further clarification and examination and therefore, this bill as amended would form a study commission to determine the best and most effective direction forward.

Senate Judiciary
December 5, 2017
2017-2545s
04/05

Amendment to SB 164-FN

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

AN ACT establishing a commission to study repealing the statute of limitations and limitations on actions for sexual assault.

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

1 New Section; Sexual Assault and Related Offenses; Commission to Study Repealing the Statute of Limitations and Limitations on Actions for Sexual Assault. Amend RSA 632-A by inserting after section 10-c the following new section:

632-A:10-d Commission to Study Repealing the Statute of Limitations and Limitations on Actions for Sexual Assault.

I. There is established a commission to study repealing the statute of limitations and limitations on actions for sexual assault.

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

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

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

(c) A representative from the New Hampshire Coalition Against Domestic and Sexual Violence.

(d) One member of the New Hampshire Association of County Attorneys, appointed by that association.

(e) One member of the New Hampshire Bar Association, appointed by that association.

(f) One mental health professional, appointed by the National Alliance on Mental Illness.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall:

(a) Review current statutes in New Hampshire relating to the statute of limitations and limitations on actions for sexual assault.

(b) Identify current barriers facing victims of sexual assault accessing justice.

(c) Identify current trends in reforming statutes of limitations and limitations on actions on sexual assault across the country.

(d) Develop recommendations for future legislation.

(e) Solicit information from any person or entity the commission deems relevant to its study.

V. The members of the study 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 30 days of the effective date of this section. Five members of the commission shall constitute a quorum.

VI. The commission shall issue an interim report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before September 1, 2018, and shall issue a final report on or before December 1, 2018.

2 Repeal. RSA 632-A:10-d, relative to the commission to study repealing the statute of limitations and limitations on actions for sexual assault, is repealed.

3 Effective Date.

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

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

2017-2545s

AMENDED ANALYSIS

This bill establishes a commission to study repealing the statute of limitations and limitations on actions for sexual assault.

SB 165-FN, authorizing periodic payments as security after a motor vehicle accident.

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

This bill would authorize the director of the division of motor vehicles to order periodic payments as security after an accident which resulted in death, personal injury, or damages to property. The Committee amended the bill to allow for rulemaking by the director in order to ensure the most appropriate and effective process.

Senate Judiciary

December 5, 2017

2017-2546s

03/08

Amendment to SB 165-FN

Amend RSA 264:4-a as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII. The director shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The periodic payment hearing process.

(b) A definition of the ability to pay.

(c) Process for minors subject to suspension under this section.

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

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

This bill authorizes limited privilege drivers' licenses for certain persons whose licenses have been administratively suspended for operating under the influence or for the refusal to take a sobriety test.

The Committee amended the bill to clarify any ambiguity within the statute.

Senate Judiciary

December 5, 2017

2017-2547s

03/08

Amendment to SB 199

Amend the bill by replacing section 1 with the following:

1 Limited Driving Privilege; Administrative Suspension. Amend the introductory paragraph of RSA 263:57-b, I to read as follows:

I. Notwithstanding any provision of law to the contrary, if a person is convicted of a first offense under RSA 265-A:2, I, not including any conviction involving driving a commercial motor vehicle, **and a person's license is administratively suspended under RSA 265-A:30**, he or she may petition the court for a restoration of his or her operator's license with limited driving privileges. To qualify for consideration, the person shall submit proof of financial responsibility in accordance with RSA 265-A:28 and an application that demonstrates the need for the license. Satisfactory evidence of at least one of the following must be presented, including satisfactory proof from the employer, program, medical treatment facility, state-approved educational institution, or other destination:

2017-2547s

AMENDED ANALYSIS

This bill limits eligibility for limited privilege drivers' licenses to persons who have been convicted of a first DWI offense and whose licenses have been administratively suspended for operating under the influence or refusal to take a test.

PUBLIC AND MUNICIPAL AFFAIRS

SB 169, relative to the definition of agritourism.

Inexpedient to Legislature, Vote 5-0. Senator Woodburn for the committee.

This bill would modify the definition of agritourism. The Committee felt that the definition of agritourism was addressed in statute effective in 2016. This legislation would not serve to improve upon that, and the Committee requests Inexpedient to Legislature.

SB 170, relative to the authority of towns to issue bonds for the expansion of broadband infrastructure. Ought to Pass with Amendment, Vote 5-0. Senator Kahn for the committee.

This bill as amended allows a municipality (and town) or county to raise funds through infrastructure or revenue bonds in order to finance public-private partnerships that improve broadband connectivity for locations unserved. Unserved locations are those lacking “broadband,” capability as defined by section 706 of the Telecommunications Act of 1996, irrespective of the network technology used. Currently, a location is unserved if 25 megabyte download and 3 megabyte upload service is unavailable. These amendments allow a municipality to bundle unserved areas into a single request for proposals from existing service providers and others. Selection of a private partner is at the discretion of the municipality based upon criteria including, but not limited to, a provider’s ability to deploy, manage, and maintain a broadband network which meets or exceeds the anticipated needs of the community.

Public and Municipal Affairs

November 1, 2017

2017-2497s

06/01

Amendment to SB 170

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

1 Municipal Finance Act; Definitions; Location. Amend RSA 33:1, III to read as follows:

III. “Net indebtedness,” all outstanding and authorized indebtedness, heretofore or hereafter incurred by a municipality, exclusive of the following: unmatured tax anticipation notes issued according to law; or notes issued in anticipation of grants of federal or state aid or both; debts incurred for supplying the inhabitants with water or for the construction, enlargement, improvement or maintenance of water works; debts incurred to finance the cost of sewerage systems or enlargements or improvements thereof, or sewage or waste disposal works when the cost thereof is to be financed by sewer rents or sewer assessment; debt incurred pursuant to RSA 31:10; debts incurred to finance energy production projects, the reconstruction or enlargement of a municipally owned utility, or the manufacture or furnishing of light, heat, power or water for the public, or the generation, transmission or sale of energy ultimately sold to the public; debts incurred to finance small scale power facilities under RSA 374-D; debts incurred outside the statutory debt limit of the municipality under any general law or special act heretofore or hereafter enacted (unless otherwise provided in such legislation); and sinking funds and cash applicable solely to the payment of the principal of debts incurred within the debt limit[-];

IV. “Location,” property, parcel or address where broadband could be purchased by a customer.

2 Municipal Finance Act; Purpose of Issue of Bonds. Amend RSA 33:3 to read as follows:

33:3 Purpose of Issue of Bonds or Notes. A municipality or county may issue its bonds or notes for the acquisition of land, **for economic development**, for planning relative to public facilities, for the construction, reconstruction, alteration, and enlargement or purchase of public buildings, for other public works or improvements, **or for the financing of improvements**, of a permanent nature including broadband infrastructure as defined in RSA 38:38, I(e), ~~[to be purchased or constructed in areas not served by an existing broadband carrier or provider,]~~ **to serve any location within a municipality unserved by broadband as defined in RSA 38:38, I(c)** for the purchase of departmental equipment of a lasting character, **and** for the payment of judgments~~[-, and for purposes of economic development which]~~. **The issuance of such bonds or notes shall include, but not be limited to,** public-private partnerships involving capital improvements, loans, **financing**, and guarantees. The public benefit in any public-private partnership must outweigh any benefit accruing to a private party. Bonds or notes for the purposes of economic development may be issued only after the governing body of the municipality or county has held hearings and presented the public benefit findings to the public and after such issuance has been approved by the legislative body. A municipality or county shall not issue bonds or notes to provide for the payment of expenses for current maintenance and operation except as otherwise specifically provided by law.

3 Municipal Finance Act; Issue of Bonds for Preliminary Expenses. Amend RSA 33:3-c, I to read as follows:

I. A municipality or county may issue its bonds or notes for the purpose of defraying the cost of preliminary or final plans and specifications or other preliminary expenses incidental to, or connected with, any proposed public work or improvement of a permanent nature consisting of the construction, reconstruction, alteration, enlargement, ~~or~~ improvement, **or the financing of the construction, reconstruction, alteration, enlargement, or improvement** of the following:

- (a) A public building.
- (b) A water works.
- (c) A sewerage system or sewage or waste treatment facility.
- (d) A solid waste disposal or resource recovery facility.

(e) Broadband infrastructure as defined in RSA 38:38, **I(e)** ~~[to be purchased or]~~ constructed ~~[in areas not served]~~ **to serve any locations within a municipality unserved** by ~~[an existing]~~ broadband ~~[carrier or provider]~~ **as defined in RSA 38:38, I(c).**

4 Municipal Finance Act; Broadband Infrastructure Bonds. Amend RSA 33:3-g to read as follows:

33:3-g Broadband Infrastructure Bonds.

I. A municipality may issue bonds for the purpose of financing the development, construction, reconstruction, ~~renovation,~~ **and** improvement~~[- and acquisition]~~ of broadband infrastructure in ~~[areas not served by an existing broadband carrier or provider that would be provided at a fee to broadband carriers that provide broadband services]~~ **any locations within a municipality unserved by broadband as defined in RSA 38:38, I(c).** Without limiting the foregoing, broadband infrastructure may be the subject of public-private partnerships established in accordance with the provisions of RSA 33:3.

II. Bonds issued under this section shall be payable in annual payments so that the amount of annual payment of principal and interest in any year on account of any bond shall be not less than the amount of principal and interest payable in any subsequent year by more than 5 percent of the principal of the entire bond. The total amount of payments shall be sufficient to extinguish the entire bond at such bond's maturity. The first payment of principal on any bond shall be made no later than 5 years and the last payment not later than 30 years after the date issued. Each authorized issue of bonds shall be a separate and distinct loan.

III. A municipality shall not issue bonds for the purpose of financing the development, construction, reconstruction, renovation, improvement, and acquisition of broadband infrastructure in ~~[areas not served by an existing broadband carrier or provider]~~ **any location within a municipality unserved by broadband as defined in RSA 38:38, I(c)** unless a request for ~~[proposals]~~ **information** has been issued ~~[and no broadband carrier or provider has responded positively within 2 months or deployed broadband service within 14 months of the issuance of the request for proposals]~~, **at a minimum, to all providers serving the issuing community and such providers have been given 2 months to respond to the request. The request for information may include, but is not limited to, information identifying locations within a municipality unserved by broadband as defined in RSA 38:38, I(c). After completing, issuing, and receiving responses to such request for information, a municipality may issue a request for proposals for the purpose of engaging in a public-private partnership pursuant to RSA 33:3 or RSA 33-B for the deployment of broadband infrastructure, as defined in RSA 38:38, I(e), and the provision of broadband service as defined in RSA 38:38, I(f). A municipality may select a proposal based on criteria including, but not limited to, provider ability to deploy, manage, and maintain a broadband network which meets or exceeds the anticipated needs of the community. A municipality may determine that no provider has met the criteria included in the request for proposals and may issue bonds for purposes pursuant to RSA 33:3 and RSA 33-B, including but not limited to, open networks.**

5 Municipal Revenue Bonds; Definitions; Revenue-producing Facilities. Amend RSA 33-B:1, VI to read as follows:

VI. "Revenue-producing facilities" means water works, broadband infrastructure as defined in RSA 38:38, I(e), purchased or constructed ~~[in areas not served by an existing broadband carrier or provider]~~ **to serve any location within a municipality unserved by broadband as defined in RSA 38:38, I(c)**, sewerage systems, sewage treatment or disposal facilities, solid waste disposal or resource recovery facilities, parking facilities, facilities for the production, generation, transmission, or distribution of electricity or gas, any

other real or personal property or interests in a municipality or regional water district owned or controlled by the municipality or regional water district, from the operation of which revenues are or are expected to be derived by the municipality, or regional water district, and qualifying energy conservation and clean energy improvements for which a municipality provides financing pursuant to RSA 53-F.

6 Broadband Access; Definitions. Amend RSA 38:38, I to read as follows:

I. In this subdivision:

(a) "Access tariff" means the fee charged on a monthly or annual basis to broadband ~~[carriers]~~ **providers** for access to the broadband infrastructure.

(b) "Areas not served" means any part of a municipality without a wireless or facilities based broadband service or a wireless or facilities based broadband service provider. Wireless shall not include subscription satellite service.

(c) "Broadband" means the transmission of information, between or among points specified by the user, with or without change in the form or content of the information as sent and received, at rates of transmission defined by the Federal Communications Commission as ~~["broadband."]~~ **a wireline advanced telecommunications capability as defined by section 706 of the Telecommunications Act of 1996, irrespective of the network technology used.**

(d) "Broadband ~~[carrier]~~ **provider**" means any provider of broadband services, except aggregators of broadband services, as defined in section 226 of the 1996 Telecommunications Act.

(e) "Broadband infrastructure" means all equipment and facilities, including all changes, modifications, and expansions to existing facilities, as well as the customer premises equipment used to provide broadband, **as defined in subparagraph (c)**, and any software integral to or related to the operations, support, facilitation, or interconnection of such equipment~~[, including upgrades, and any installation, operations and support, maintenance, and other functions required to support the delivery of broadband].~~

(f) "Broadband service" means the offering of broadband for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

(g) "Open network" means any broadband infrastructure which is open to any third party users in a nondiscriminatory manner on a fair and equitable basis using publicly available access tariffs for services.

(h) "Open network interfaces" means the technical and operational means, manners, and methods for any third party access to the broadband infrastructure, which shall be provided on the basis of generally acceptable industry standards available at the time of access.

7 Broadband Fund. Amend RSA 38:40, I to read as follows:

I. The funds received from the collection of access tariffs shall be kept as a separate fund to be known as the broadband fund. Such fund shall be allowed to accumulate from year to year, shall not be commingled with town or city tax revenues, and shall not be deemed part of the municipality's general fund accumulated surplus. Such fund may be expended only for the purposes specified in RSA ~~[38:38, or for the previous expansion or replacement of broadband infrastructure]~~ **33:3 and RSA 33-B.**

8 Repeal. RSA 38:38, I(b), definition of areas not served by broadband, is repealed.

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

HB 173, relative to regulations restricting the use of water for outdoor usage.
Inexpedient to Legislate, Vote 5-0. Senator Birdsell for the committee.

This bill would extend the authority of selectmen to restrict outdoor water usage. The Committee felt that this bill would adversely affect some commercial businesses over others. Due to the unintended consequences this would cause, the Committee requests Inexpedient to Legislate.

HB 296, allowing counties to authorize and fund forensic audits.
Inexpedient to Legislate, Vote 5-0. Senator Gray for the committee.

This bill would allow the county convention to authorize a forensic audit and pay for it from the contingency fund. The Committee believes this legislation is unnecessary as municipalities already have the authority to do this in statute. Therefore, the Committee requests Inexpedient to Legislate.

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

REGULAR CALENDAR

COMMERCE

SB 84, relative to payment of workers' compensation benefits by direct deposit.
Ought to Pass with Amendment, Vote 3-2. Senator Sanborn for the committee.

Commerce
December 8, 2017
2017-2552s
01/06

Amendment to SB 84

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

AN ACT relative to payment of workers' compensation benefits by direct deposit and authorizing electronic payment of payroll.

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

2 Payment of Wages; Weekly or Biweekly. Amend RSA 275:43, I(e) to read as follows:

(e) With checks on a financial institution convenient to the place of employment where suitable arrangements are made for the cashing of such checks by employees for the full amount of the wages due; ~~provided, however, that if an employer elects to pay employees as specified in subparagraphs (b), (c), or (d), the employer shall offer employees the option of being paid as specified in subparagraph (e), and further,~~ provided that all wages in the nature of health and welfare fund or pension fund contributions required pursuant to a health and welfare fund trust agreement, pension fund trust agreement, collective bargaining agreement, or other agreement adopted for the benefit of employees and agreed to by the employer shall be paid by every such employer within 30 days of the date of demand for such payment, the payment to be made to the administrator or other designated official of the applicable health and welfare or pension trust fund.

3 Payment of Wages; Weekly or Biweekly. RSA 275:43, II(b) is repealed and reenacted to read as follows:

(b) Provide its employees the option of being paid by direct deposit under subparagraph I(c). If, after the employer has offered an employee direct deposit and provided the employee with the written disclosures required by subparagraph (a), the employee does not designate an account at a financial institution for direct deposit, the employer may arrange to pay the employee using a payroll card.

4 Payment of Wages; Weekly or Biweekly. Amend RSA 275:43, II(c) and (d) to read as follows:

(c) Provide written notice of any change to any of the terms and conditions of the payroll card or payroll card account, including but not limited to an itemized list of all fees that may have changed, ~~and obtain written assent from the employee that the employee voluntarily consents to receive wages to a payroll card or payroll card account subject to the changes~~. The employer shall be responsible for any increase in fees charged to the employee before the employer provides written notice of such changes to the employee.

(d) Provide the employee the option to discontinue receipt of wages by a payroll card or payroll card account at any time, without penalty to the employee ***and to instead receive wages by direct deposit or another method offered by the employer, if any.***

5 Effective Date.

I. Section 1 of this act shall take effect January 1, 2019.

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

2017-2552s

AMENDED ANALYSIS

This bill authorizes payment of compensation under the workers' compensation law to be made to the injured worker by direct deposit.

This bill also deletes the requirement that an employer who pays wages by electronic fund transfer offer employees the option of being paid by check and permits an employer to pay wages with a payroll card after offering employees the option of being paid by direct deposit.

The question is on the adoption of the Committee 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, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators were excused: Hennessey.

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

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

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

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

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

SB 91, relative to the title loan default process.

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

Commerce

November 7, 2017

2017-2506s

08/10

Amendment to SB 91

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

1 Title Loan Renewals. Amend RSA 399-A:19, II-III to read as follows:

II. A title loan lender may allow such loan to be renewed no more than ~~[10]~~ **9** additional periods each equal to the original term, provided however, that at each such renewal the borrower shall pay at least 10 percent of the title loan's original principal balance in addition to any finance charge owed, to reduce the principal balance outstanding. ***No action shall be required of the borrower to renew the loan.***

III. If the borrower cannot pay this principal reduction at any renewal, the title loan lender ~~[may]~~ **shall** either: (a) declare the borrower in default; or (b) allow the loan to be renewed, provided that, ***in either event***, the lender shall reduce the current principal amount of the loan by 10 percent of the original principal amount for the purposes of calculating interest thereafter. This reduction in principal shall continue to be owed by the borrower, but such amount shall not be entitled to accrue interest thereafter. ***No interest shall accrue on a title loan 60 days after the borrower has been declared in default, unless the borrower cures such default.***

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

2017-2506s

AMENDED ANALYSIS

This bill requires a title loan lender to cease accruing and collecting interest on a title loan which is in default for over 60 days.

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 189-FN, requiring insurance policies to cover 3-D mammography.

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

Commerce
 December 8, 2017
 2017-2553s
 01/04

Amendment to SB 189-FN

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

AN ACT requiring insurance policies to cover 3-D mammography under certain circumstances.

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

1 Low-Dose Mammography; Definitions. Amend RSA 417-D:1, III to read as follows:

III. "Low-dose mammography" means the **2-dimensional** X-ray examination of the breast using equipment dedicated specifically for mammography, including the X-ray tube, filter, compression device, screens, films, and cassettes, with a radiation exposure which is diagnostically valuable and in keeping with the recommended "Average Patient Exposure Guides" as published by the Conference of Radiation Control Program Directors, Inc.

2 Low-Dose Mammography; Coverage. Amend the introductory paragraph of RSA 417-D:2, I to read as follows:

I. Each insurer that issues or renews any policy of accident and health insurance providing benefits for hospital expense, medical-surgical expense, or major medical expense shall provide in each group or individual policy, contract, or certificate of insurance issued or renewed for persons who are residents of this state, coverage for screening ~~[by low-dose mammography]~~ for all women 35 years of age or older for the presence of occult breast cancer within the provisions of the policy, contract, or certificate **by low-dose mammography, or Digital Breast Tomosynthesis (DBT) after a physician consultation with the patient about the potential patient-specific risks and benefits of DBT.** The coverage shall be as follows:

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

2017-2553s

AMENDED ANALYSIS

This bill requires insurance coverage for 3-D mammography under certain circumstances.

The question is on the adoption of the Committee Amendment.

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

The following Senators voted Yes: French, Sanborn.

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

The following Senators were excused: Hennessey.

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

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

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

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

The following Senators voted No: (None)

The following Senators were excused: Hennessey.

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to Third Reading.

HB 79-FN, relative to New Hampshire products purchased and sold by the liquor commission. Inexpedient to Legislate, Vote 5-0. Senator French for the committee.

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

HB 305, clarifying lessee liability for month-to-month leases.
Ought to Pass with Amendment, Vote 4-1. Senator Sanborn for the committee.

Commerce
December 8, 2017
2017-2551s
05/04

Amendment to HB 305

Amend RSA 540:11, II as inserted by section 1 of the bill by replacing it with the following:

II. A tenancy at will, from month to month, may be terminated by the lessee upon 30 days notice; provided that if the date of termination given in the notice does not coincide with the rent due date, the lessee is responsible for the rent for the entire month in which the notice expires, up to the next rent due date, unless the terms of the lease provide otherwise.

2017-2551s

AMENDED ANALYSIS

This bill clarifies lessee liability for rent when the notice of termination does not coincide with the rent due date in a tenancy at will.

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

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

HB 549-FN, relative to beverage vendor fees.
Ought to Pass, Vote 4-1. Senator French 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 Avar.

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

The following Senators voted No: Giuda, Sanborn, Daniels, Gannon, Morse.

The following Senators were excused: Hennessey.

Roll Call, Yeas: 18 - Nays: 5. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

EDUCATION

HB 122, relative to withdrawal from a cooperative school district.
Ought to Pass, Vote 4-0. Senator Kahn for the committee.

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

HB 557-FN, relative to school attendance in towns with no public schools.
Inexpedient to Legislate, Vote 4-0. Senator Ward for the committee.

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

ELECTION LAW AND INTERNAL AFFAIRS

SB 106, relative to eligibility to vote.
Inexpedient to Legislate, Vote 4-1. Senator Gray for the committee.

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

SB 112, establishing a council on the creative economy.
Ought to Pass, Vote 4-1. Senator Birdsell for the committee.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
December 19, 2017
2018-0009s
05/10

Floor Amendment to SB 112

Amend the bill by replacing section 1 with the following:

1 New Section; Department of Natural and Cultural Resources; Council on the Creative Economy. Amend RSA 12-A by inserting after section 10-m the following new section:

12-A:10-n Council on the Creative Economy Established.

I. There is established a council on the creative economy.

II. The council shall consist of the following members:

(a) The commissioner of the department of natural and cultural resources, or designee.

(b) The commissioner of the department of business and economic affairs, or designee.

(c) The director of arts, department of natural and cultural resources, or designee.

(d) The director of travel and tourism development, department of business and economic affairs, or designee.

(e) The commissioner of the department of education, or designee.

(f) The commissioner of the department of health and human services, or designee.

III. The council shall:

(a) Identify ways to develop, strengthen, and promote the creative economy through partnerships and joint programming initiatives.

(b) Develop coordination between state agencies when seeking federal or private funding in support of the creative economy.

(c) Review and analyze data related to the creative economy in order to have a greater understanding of the role the creative economy plays with regard to the overall economy of the state.

(d) Pursue such studies and joint initiatives as the council deems appropriate to strengthen and promote the creative economy in the state of New Hampshire.

(e) Solicit information and testimony from such agencies, individuals, and organizations as may assist the council in the performance of its duties.

IV. The members of the council shall elect a chairperson from among the members. The first meeting of the council shall be called by the commissioner of the department of natural and cultural resources, or the commissioner's designee. The first meeting of the council shall be held within 45 days of the effective date of this section. Three members of the council shall constitute a quorum.

V. Beginning November 1, 2018, and each November 1 thereafter, the council shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

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

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

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

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

The following Senators voted No: Sanborn, Daniels.

The following Senators were excused: Hennessey.

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

HB 372, relative to construction of the terms “resident,” “inhabitant,” “residence,” and “residency.” Ought to Pass with Amendment, Vote 3-2. Senator Birdsell for the committee.

Election Law and Internal Affairs
November 30, 2017
2017-2536s
03/04

Amendment to HB 372

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

1 Purpose. New Hampshire’s constitution uses the terms “domicile,” “residence,” “resident,” and “inhabitant” to recognize or establish specific rights and responsibilities. New Hampshire’s supreme court has construed the statutory definitions for these terms to create different meanings for the terms residence and domicile. Therefore, under current law, a person who is not a resident of New Hampshire can vote and hold public office in New Hampshire. A nonresident voter or office holder is not subject to the responsibilities imposed on voters and public office holders who are residents of New Hampshire. The statutory definitions for these terms, other than the inclusion of a requirement that a resident has manifested an intent to remain in New Hampshire for the indefinite future, are substantially the same. Laws that permit a nonresident to vote and hold public office are confusing and contradict the basic premise of government of the people, by the people, and for the people. As amended by the general court and construed by the courts, these terms create different classes of voters, those subject to the obligations imposed on residents and those that are not. The use of the terms has evolved away from the plain meaning of these words. The general court has determined that all similarly situated people should be treated equally, sharing equally in rights and responsibilities. Accordingly, the terms residence, domicile, and inhabitant shall have the same meaning for all purposes in statute, unless the law explicitly establishes a different meaning for a specific limited purpose. A person must be a resident of New Hampshire to vote or hold office in New Hampshire.

2 Statutory Construction; Resident; Inhabitant. Amend RSA 21:6 and 21:6-a to read as follows:

21:6 Resident; Inhabitant. A resident or inhabitant or both of this state and of any city, town or other political subdivision of this state shall be a person who is domiciled ~~[or has a place of abode or both]~~ in this state and in any city, town, or other political subdivision of this state, and who has, through all of his *or her* actions, demonstrated a current intent to designate that ~~[place of abode]~~ **domicile** as his *or her* principal place of physical presence ~~[for the indefinite future]~~ to the exclusion of all others.

21:6-a Residence. Residence or residency shall mean a person’s place of ~~[abode or]~~ domicile. ~~[The]~~ **This** place of abode or domicile ~~[is]~~ **must be** that ~~[designated by a person]~~ **place the person has, through all of his or her actions, demonstrated a current intent to designate** as his *or her* principal place of physical presence ~~[for the indefinite future]~~ to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there is an intent to return to such residence or residency ~~[as the principal place of physical presence]~~.

3 New Section; Severability. Amend RSA 654 by inserting after section 46 the following new section:

654:47 Severability. If any provision within this statutory chapter, or if any penalty associated with any provision within this statutory chapter, is held invalid, in whole or in part, either on its face or as applied to any person or circumstance, the invalidity shall not affect any other provisions or applications of this statutory chapter that can be given effect without the invalid provisions, and to this end, the provisions of this statutory chapter shall be severable.

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

The question is on the adoption of the Committee Amendment.

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

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

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

The following Senators were excused: Hennessey.

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

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

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

The following Senators were excused: Hennessey.

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

ENERGY AND NATURAL RESOURCES

SB 49, relative to permits for solid waste facilities.

Interim Study, Vote 4-0. Senator Fuller Clark for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

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

Interim Study, Vote 4-0. Senator Feltes for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

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

Interim Study, Vote 4-0. Senator Bradley for the committee.

Senator Bradley moved Rerefer to Committee.

The question is on the adoption of the motion of Rerefer to Committee. Adopted.

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

Ought to Pass, Vote 3-1. Senator Bradley for the committee.

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

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

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

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

Recess. Out of recess.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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.

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

Senate Executive Departments and Administration

December 5, 2017

2017-2549s

10/08

Amendment to HB 561-FN

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

AN ACT relative to part-time employment of a retirement system retiree by a participating employer.

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

1 Retirement System; Definition; Part-Time. Amend RSA 100-A:1, XXXIV to read as follows:

XXXIV. "Part-time" for purposes of employment of a retired member of the New Hampshire retirement system but excepting per diem court security officers and court bailiffs, means employment [~~during a calendar year~~] by one or more **participating** employers of the retired member which shall not exceed [~~32 hours in each~~]

normal calendar week. Employment in some instances may exceed 32 hours in any normal calendar week provided that in such case, the part-time employment of the retired member shall not exceed 1,300 hours in a calendar year, so long as such part-time employment does not occur outside of a 5-consecutive-month period in any 12-month period.] **1,040 hours in a calendar year. Notwithstanding the foregoing, no retired member shall be employed on a part-time basis by any participating employer for a period of 60 days from the member's effective date of retirement.**

2 Restoration to Service; Working After Retirement. Amend RSA 100-A:7 to read as follows:

100-A:7 [Restoration to Service] ***Working After Retirement; Exceeding Part-time Hourly Limit.***

I. [If a disability beneficiary or any other beneficiary is] Any retired member returning to work for a participating employer in a position requiring mandatory membership pursuant to RSA 100-A:3 shall be restored to service[,] and the [beneficiary's] retiree's retirement allowance shall cease, the [beneficiary] retiree shall again become a member of the retirement system and the [beneficiary] retiree shall contribute at the percentage payable pursuant to RSA 100-A:16, I(a). Anything herein to the contrary notwithstanding, any credit for membership service and for any prior service on the basis of which the [beneficiary's] retired member's creditable service was computed at the time of [the beneficiary's] his or her former retirement shall be restored to full force and effect; upon subsequent retirement, the [beneficiary] retiree shall receive a retirement allowance based on [the beneficiary's] his or her combined creditable service and [the member's] average final compensation.

II. Any retired member who, in any calendar year, works part-time for one or more participating employers and exceeds the maximum permitted hours as provided in RSA 100-A:1, XXXIV, shall forfeit the state annuity portion of his or her retirement allowance, and any allocable cost of living adjustments, with such forfeiture commencing as soon as administratively feasible in the next calendar year and continuing for a period of 12 months.

3 Annual Notice Required. Amend RSA 100-A:7-a to read as follows:

100-A:7-a Certain Part-Time Employment; Notice Required. The retirement system shall annually provide written notice to all retired members of the retirement system of the [hourly] limitations on part-time employment as defined in RSA 100-A:1, XXXIV and the potential effect that exceeding such hourly limitations could have on the retired member's retirement benefits, including restoration to service as required in RSA [100-A:7] ***100-A:7, I and the forfeiture of the state annuity portion of his or her retirement allowance for exceeding the maximum permitted part-time hours under RSA 100-A:7, II.***

4 Retirement System; Employer Reports. Amend RSA 100-A:16, VII(a) to read as follows:

VII.(a) Every employer shall report to the retirement system [monthly] ***annually***, in a format provided by the retirement system, all compensation paid by, ***and the total hours worked for***, the employer [to retired members] ***by each retired member*** of the retirement system, including the name of, and the total hours worked, for each retired member of the retirement system, except that an employer shall not include in the report the compensation and hours worked by a retiree for serving as an elected state official or as an elected official of a political subdivision in either a group I or group II position.

5 Application to Existing Employment Contracts. The amendments to the provisions of RSA 100-A made by this act shall not apply to service after retirement by a retired member pursuant to a valid employment contract effective as of the effective date of this act, but shall apply upon the expiration of such employment contract.

6 Repeal. RSA 100-A:7-b, relative to an emergency exception from the weekly part-time limit on retiree employment, is repealed.

7 Effective Date. This act shall take effect January 1, 2019.

2017-2549s

AMENDED ANALYSIS

This bill changes the limit on part-time employment of a retirement system retiree to an annual 1,040 hourly limit and prohibits part-time employment in the first 60 days after retirement. The bill also establishes a penalty for retired members' exceeding the annual part-time hourly limit.

This bill is a request of the decennial retirement commission under RSA 100-A:57.

Senator Bradley moved Rerefer to Committee.

The question is on the adoption of the motion of Rerefer to Committee. Adopted.

FINANCE

SB 219-FN-A, relative to a one-time allowance for certain state retirees.

Inexpedient to Legislate, Vote 4-2. Senator Giuda for the committee.

Recess. Out of recess.

INTRODUCTION OF GUESTS

Senator Woodburn introduced his daughter, Molly Woodburn, visiting in the gallery.

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

Senator Giuda moved Refer to Interim Study.

The question is on the adoption of the motion of Interim Study. Adopted.

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

Interim Study, Vote 5-1. Senator Daniels for the committee.

Recess. Out of recess.

Senator Bradley moved Rerefer to Committee.

Recess. Out of recess.

The question is on the adoption of the motion of Rerefer to Committee. Adopted.

HEALTH AND HUMAN SERVICES

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

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

Health and Human Services

November 28, 2017

2017-2532s

05/10

Amendment to SB 63

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

AN ACT relative to record management of abuse and neglect reports and establishing a pilot program and making an appropriation therefor.

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

3 Child Protection Act; Records Management of Abuse and Neglect Reports; Pilot Program Established. There is hereby established a pilot program to assess the cost and feasibility of the statewide electronic storage of abuse and neglect records as required by RSA 169-C:35-a. Under the pilot program, the department of health and human services shall scan and store electronic copies of its records of screened-out, closed unfounded, and closed founded reports from a selected district office or offices. On or before November 1, 2018, the department shall provide a report to the house and senate committees with jurisdiction over health and human services and the house and senate finance committees containing its assessment of the pilot program and the projected costs and feasibility of expanding the program statewide.

4 Department of Health and Human Services; Division for Children, Youth and Families; Classified Positions Established. The following classified positions are hereby established in the department of health and human services, division for children, youth, and families:

I. Program assistant I, at labor grade 12

II. Program assistant I, at labor grade 12

5 Department of Health and Human Services; Division for Children, Youth and Families; Classified Positions Established. Subject to approval by the fiscal committee of the general court, the following classified positions are hereby established in the department of health and human services, division for children, youth and families:

I. Program assistant I, at labor grade 12

II. Program assistant I, at labor grade 12

6 Department of Health and Human Services; Appropriation. The sum of \$24,000 for the fiscal year ending June 30, 2018, and the sum of \$156,000 for the fiscal year ending June 30, 2019, are hereby appropriated to the department of health and human services for the purpose of establishing the pilot program under section 3 of this act. This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

7 Effective Date.

I. Section 5 of this act shall take effect January 1, 2019.

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

2017-2532s

AMENDED ANALYSIS

This bill revises the record retention requirements for founded, unfounded, and screened-out reports of abuse or neglect; establishes a pilot program regarding electronic storage of abuse and neglect records and makes an appropriation to fund the program; and establishes certain classified positions within 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 the Committee on Finance (Rule 4-5).

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

Interim Study, Vote 4-0. Senator Fuller Clark for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

SB 154, making oral contraceptives available without a prescription.

Interim Study, Vote 4-0. Senator Fuller Clark for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

SB 220-FN, relative to the definition of mental illness for purposes of mental health services.

Interim Study, Vote 4-0. Senator Bradley for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

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

Interim Study, Vote 4-0. Senator Fuller Clark for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

JUDICIARY

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

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

Senate Judiciary

December 5, 2017

2017-2548s

08/03

Amendment to HB 151

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

AN ACT establishing a committee to study the feasibility of using hemp in agricultural and industrial processes and to further study the licensing, registration, and permitting of industrial hemp growers.

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

1 Committee Established. There is established a committee to study the feasibility of using hemp in agricultural and industrial processes and to further study the licensing, registration, and permitting of industrial hemp growers.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, one of whom shall be a member of the criminal justice and public safety committee and 2 of whom shall be members of the environment and agriculture committee, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

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

3 Duties. The committee shall:

I. Study the feasibility of hemp usage in providing animal feed, biofuels, and soil conservation and restoration.

II. Further study the licensing, registration, and permitting of industrial hemp growers and allowing for the growth and processing of hemp in New Hampshire.

III. Review the Federal Industrial Hemp Farming Act of 2017, H.R. 3530, 115th Cong. (2017), along with the 2018 farm bill as they relate to New Hampshire laws.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2018.

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

2017-2548s

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of using hemp in agricultural and industrial processes and to further study the licensing, registration, and permitting of industrial hemp growers.

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.

PUBLIC AND MUNICIPAL AFFAIRS

SB 172-FN, relative to dams on residential property.

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

Public and Municipal Affairs

November 14, 2017

2017-2529s

08/10

Amendment to SB 172-FN

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

AN ACT relative to non-menace dams.

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

1 Menace Dams. Amend RSA 482:12, I to read as follows:

I. It shall be the duty of the department from time to time to cause all dams in the state which, by reason of their condition, height or location, may be a menace to the public safety to be inspected by competent engineers. ***A dam that is classified as a non-menace structure as of February 20, 1981 shall retain such status until the department determines conditions downstream have changed since the dam was classified that warrant reclassification or until such reconstruction of the dam is needed requiring a permit to reconstruct the dam.***

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

2017-2529s

AMENDED ANALYSIS

This bill requires that certain dams shall not be declared a menace unless the department of environmental services determines that there has been a change in conditions downstream.

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

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

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

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

Senator Woodburn offered a Floor Amendment.

Sen. Woodburn, Dist 1

December 19, 2017

2018-0011s

03/05

Floor Amendment to HB 121

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2018.

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

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

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

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

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

The following Senators were excused: Hennessey.

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

Senator Bradley moved Refer to Interim Study.

The question is on the adoption of the motion of Interim Study. Adopted.

TRANSPORTATION

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

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

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

WAYS AND MEANS

SB 1-FN-A, reducing the rate of the business profits tax.

Interim Study, Vote 3-2. Senator Giuda for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

SB 75-FN, establishing a tax credit against business profits taxes for donations to career and technical education centers.

Interim Study, Vote 3-2. Senator Daniels for the committee.

The question is on the adoption of the motion of Interim Study.

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

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

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

The following Senators were excused: Hennessey.

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

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider SB 75-FN, the bill having previously been found Referred to Interim Study. Adopted.

The question is on the adoption of the motion of Interim Study.

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

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

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

The following Senators were excused: Hennessey.

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

SB 76-FN-A, establishing an option to rebate the research and development tax credit against business profits taxes, and making an appropriation therefor.

Interim Study, Vote 3-2. Senator Daniels for the committee.

The question is on the adoption of the motion of Interim Study.

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

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

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

The following Senators were excused: Hennessey.

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

SB 183-FN, establishing the New Hampshire technology sector marketing tax credit.

Interim Study, Vote 3-2. Senator Daniels for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

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

Interim Study, Vote 3-2. Senator Sanborn for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

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

Interim Study, Vote 3-2. Senator Daniels for the committee.

The question is on the adoption of the motion of Interim Study.

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

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

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

The following Senators were excused: Hennessey.

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

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 55, relative to backflow devices for water.

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

Senate Executive Departments and Administration

December 6, 2017

2017-2550s

08/03

Amendment to SB 55

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

AN ACT relative to the servicing of backflow devices and arrest powers of fire marshals.

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

1 Backflow Device Requirements. Amend RSA 485:11 to read as follows:

485:11 Backflow Device Requirements and Tests, Installations, Repairs and Replacements. There shall be a backflow prevention device installed at every connection to a public water system if the facility connected may pose a hazard to the quality of water supplied by the public water system as determined by the department. Where applicable, the facility receiving water from a public water supply shall be responsible for having such drinking water distribution system protective backflow prevention devices inspected and tested by individuals certified by a third party who has been approved by the department to conduct backflow device inspection and testing certification. The facility shall also have backflow devices installed, maintained, repaired, and replaced by individuals qualified by either a plumbers license or by certification by the department under RSA 332-E:3, III proving competency in distribution system operation. The activities to be conducted by *individuals* qualified ~~[individuals]~~ **by certification by the department** shall be specifically limited to: *(a)* the inspection and testing, maintenance, repair, ~~[or]~~ replacement, **removal**, and installation of the water meters, meter horns, backflow preventers, and assembly devices directly adjacent to and required as part of the protection for the drinking water distribution system; *and (b) the testing, maintenance, repair, replacement, or removal of such devices which are not directly adjacent to the drinking water distribution system.* Testing of drinking water distribution system protective backflow prevention devices, where applicable, shall occur after installation or repair to ensure that new and repaired devices are working properly. There shall be a backflow prevention device installed at every connection to a public water system if the facility connected may pose a hazard to the quality of water supplied by the public water system as determined by the department of environmental services. The facility receiving water from a public water supply shall be responsible for having such backflow prevention devices installed, serviced, and tested by individuals qualified by license or certification to perform these activities. Testing of backflow devices shall occur twice annually unless the public water supplier determines the facility poses a low hazard, in which case testing shall be performed on an annual basis. The facility receiving water from a public water supplier is responsible for ensuring that the backflow prevention ~~[device is]~~ **devices are** working properly to prevent backflow into the public water system. Testing shall also occur twice annually for any high hazard devices and facilities. When the public water supplier determines that the facility poses a low hazard, testing shall occur annually. A residential property containing a non-testable device shall not be considered a hazard facility and shall not require annual testing. A residential property may be considered a high hazard facility if it has an irrigation system, private well connection, or other feature that may cause a public health risk. If an outside irrigation system is the sole reason a residential property is considered a hazard to the public water supply distribution system,

such irrigation system shall be tested annually during the period when the irrigation system is operated. The facility receiving water from a public water supplier is responsible for ensuring that the backflow prevention ~~[device is]~~ **devices are** working properly to prevent backflow into the public water system.

2 Exceptions; License Requirements. Amend RSA 153:36, IV to read as follows:

IV. The license requirements of this subdivision shall not apply to employees of public drinking water systems and public water system operators certified by the department of environmental services for drinking water treatment plants and distribution systems, when performing plumbing tasks within their certifications, as defined in RSA 485:11 and RSA 332-E:3. This exception is specifically limited to the testing, maintenance, repair, ~~[or]~~ replacement, **removal**, and installation of the water meter, meter horn, and backflow prevention devices directly adjacent to and required as part of the protection of the drinking water distribution system **and the testing, maintenance, repair, or replacement of such devices which are not directly adjacent to the drinking water distribution system.**

3 Duties of Commissioner. Amend RSA 21-P:4, V to read as follows:

V. Have discretion to grant to the state fire marshal and any deputy fire marshal or fire investigator within the division of public safety the authority ~~[to detain and make arrests as a peace officer pursuant to RSA 594:]~~ to serve criminal processes, to enforce the rules adopted under RSA 153:4-a and RSA 153:5, and to enforce RSA 154:7-a in order to promote the efficient discharge of such persons' lawful duties. Except for fire investigators under RSA 154:7-a, the commissioner shall assure in granting the authority provided in this paragraph that any person so designated has received appropriate law enforcement training through a program approved by the police standards and training council. Whenever persons ~~[authorized as peace officers]~~ under this paragraph are involved in the investigation of felonies or cases involving death due to fires, ~~[or whenever an arrest is to be made,]~~ such persons shall as soon as practicable notify a law enforcement agency having jurisdiction in the geographical area where the ~~[arrest or]~~ investigation is to take place.

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

2017-2550s

AMENDED ANALYSIS

This bill allows individuals certified by the department of environmental services to do so, to perform services on backflow devices that are not directly adjacent to a drinking water distribution system.

This bill also removes the power to detain and arrest from fire marshals.

The Chair ruled sections of the Committee Amendment non-germane.

Without objection, Senate Rule 3-17 is suspended to allow consideration of the non-germane Committee Amendment. Adopted by the necessary 2/3 vote.

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

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

JUDICIARY

HB 143, relative to recommitment of a prisoner by the parole board.

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

Senate Judiciary

December 5, 2017

2017-2544s

04/03

Amendment to HB 143

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Parole of Prisoners. Amend RSA 651-A:19 by inserting after paragraph VII the following new paragraph:

VIII. Notwithstanding paragraph I or VII, the parole board may suspend any portion of the term of recommitment for a prisoner who enters and successfully completes a residential or intensive outpatient substance abuse treatment program deemed acceptable by the board.

2017-2544s

AMENDED ANALYSIS

This bill authorizes the parole board to suspend any portion of the term of recommitment for a prisoner who enters and successfully completes a residential or intensive outpatient substance abuse treatment program deemed acceptable by the board.

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

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14
December 29, 2017
2018-0028s
04/05

Floor Amendment to HB 143

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Parole of Prisoners. Amend RSA 651-A:19 by inserting after paragraph VII the following new paragraph:

VIII. Notwithstanding paragraph I or subparagraphs VII(a) or (d), the parole board may impose a term of recommitment of less than 90 days for a prisoner who enters and successfully completes a residential substance abuse treatment program deemed acceptable by the board.

2018-0028s

AMENDED ANALYSIS

This bill authorizes the parole board to impose a term of recommitment of less than 90 days for a prisoner who enters and successfully completes a residential substance abuse treatment program deemed acceptable by the board.

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.

HB 614-FN, relative to forfeiture of personal property.
Interim Study, Vote 5-0. Senator Gannon for the committee.

The question is on the adoption of the motion of Interim Study.

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

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

The following Senators voted No: Giuda, Sanborn, Daniels, Innis.

The following Senators were excused: Hennessey.

Roll Call, Yeas: 19 - Nays: 4. 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 Avard: SB 189-FN
Senator Gray: SB 220-FN
Senator Morse: SB 1-FN-A

Senator Sanborn: HB 79-FN, HB 121, HB 122, HB 143, HB 151, HB 173, HB 225, HB 296, HB 305, HB 337, HB 342, HB 372, HB 390, HB 472, HB 549-FN, HB 557-FN, HB 560-FN-A-L, HB 561-FN, HB 574-FN, HB 614-FN, SB 1-FN-A, SB 47, SB 49, SB 55, SB 63, SB 75-FN, SB 76-FN-A, SB 84, SB 87-FN, SB 91, SB 92, SB 98-FN, SB 106, SB 112, SB 136, SB 151, SB 154, SB 164-FN, SB 165-FN, SB 169, SB 170, SB 172-FN, SB 178-FN, SB 183-FN, SB 189-FN, SB 195-FN-L, SB 199, SB 214-FN, SB 219-FN-A, SB 220-FN, SB 240-FN-L

ANNOUNCEMENTS

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President; personal privilege, please. Thank you. A few things: first, on behalf of Erin and Iris and myself, I want to thank all of the Senators and all of the Senate staff for all of their generosity, support, gift, time, wonderful words—I really appreciate it. If Iris was here today she would say the same thing, although she can't talk yet, although she might be more coherent than I am sometimes. Really appreciate it and really appreciate everything everybody has done to support us, and I look forward to having Iris with me on different occasions. She has been at the Medicaid Expansion Commission and promptly fell asleep when Senator Bradley started talking. But we will...

SENATOR BRADLEY: She cried when you started talking.

SENATOR FELTES: Maybe it was when I started talking.

SENATOR CARSON: She smiled at me.

SENATOR FELTES: She did smile at Senator Carson. So, on a much less happy note, a sad note, you may know that Mary Louise Hancock passed away. She was the first woman Senator, state Senator of District 15, and the first Democrat. In the interest of time I'm going to read segments of her obituary into the record.

Mary Louise Hancock died on December 4, 2017, at [her] home in beloved Concord, after a long and full life. She was born in Franklin, New Hampshire on July 5, 1920, about a month before women in the United States got the right to vote. Her parents, Amanda Lambert Hancock and Herbert Hancock, moved to Concord when she was 8 years old.

Stricken with polio at age 3, Mary Louise never let the limited use of her left leg slow her down. Indeed, throughout her life she met any and all challenges with grit and [with] grace. Whether it was getting things done as New Hampshire's State Planning Director from 1960-1976 or serving as the first woman and first Democrat to represent Concord District 15 in the State Senate. Mary Louise was a can-do Yankee to the core.

Her home was always a welcoming place...with warm hospitality and good scotch. [That's true.] Mary Louise had a keen interest in people and always wanted to hear their stories. She enjoyed stimulating conversation and a competitive card game. [As an aside, Mister President, I've never beat her in cribbage; over two dozen games and she always beat me.] As a 1942 graduate of UNH and an English major, she loved poetry nearly as much as politics. She'd happily regale visitors with passages from Shakespeare, Dickinson, and Frost. Mary Louise was an active and engaged citizen. She served on countless local, state, and national boards and committees. Many sought her out, through [her] years, for advice and input. She was generous, insightful, and knowledgeable purveyor of political and personal wisdom.

A principled advocate, Mary Louise was a staunch environmentalist and a champion for people with disabilities and for seniors. As a public servant, she maintained a strong belief in the power and [the] promise of government to act in the best interests of everyone and to provide a safety net for those in need. Mary Louise will be sorely missed by [a] wide community of family members and friends.

As Mary Louise would say: be sure to vote, and [as] always, "be of good cheer and write when you find work."

(The Concord Monitor, Dec. 6, 2017)

Mary Louise, a great friend and mentor to many of us in this room.

On a happier note, I'm going to embarrass my friend from the North Country. As you may know, Jeff Woodburn got engaged about a month ago. Congratulations to Jeff Woodburn!

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I ask unanimous consent. We lost one of our own, Leo Everett Lessard died October 18, 2017 in Milton. Leo was an extraordinary individual. He had been born

in Rochester, raised in Milton, and he was of Milton. Although he did sojourn for fifteen years in Dover, he returned to Milton where he raised his family, made a second family, and served his county in this state. At the time of his death he was a County Commissioner for Strafford County following more than two decades of service as the County Register of Deeds during which time he thoroughly modernized that office, computerized it, and made it a model for offices across all the counties for the state. He served here in the state legislature; he was the Senate Democratic Leader. Also continued to be active in Milton where he served as town selectman for many years. Those who knew Leo besides knowing his love for his family, his love for Milton, his love for dogs, his love for going out in the boat, and Milton 3 Ponds will probably also know his great, deep love for history in particular Civil War history. You know the memorial service was at the Nute High School, and it was just packed with family, friends, and so many of us who had worked with him over the years. There're two short stories that I remembered when I was sitting there at the service: the first, you know, he graduated from Nute High School and then worked his way through college, the School of Lifelong Learning at UNH. And he would often talk about how other students were there taking their classes, and he was working as a janitor cleaning up the Memorial Union Building. And he never forgot what it meant to work hard for a living, and what a privilege it was to be able to work to get his education. You know, whenever there was an election Leo would show up at meetings with these old, musty boxes filled with letters. And I'm thinking what is this, and he would say every election I've ever run in I've tried to write all my constituents that I could in the time of the election period and these are the letters that I got back from my first race, the first race that I won. And there were hundreds and hundreds of them, and that's how he campaigned. He may have had a few yard signs but Leo was not spending money on campaigns, he was writing individual, handwritten letters to voters asking for their support and thanking them for it. We're all going to miss Leo, and his service to this body, as well. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Again, personal privilege. First I want to thank you for allowing my grandson to come, and thank every member of this Senate for wishing him a happy birthday. And I just want to tell you why he's a miracle, and why I believe in miracles. That young man has Mosaic Trisomy 22; 21 and 23 are mental retardation. He survived by the grace of God, and is a 22. That means he has three chromosomes instead of two and those chromosomes attack his body; that's why he's had thirteen surgeries. He's had open heart surgery; he's had to have his adenoids and his tonsils taken out because he was choking to death. He's had serious surgeries on his hearing. Obviously you know he has the Blue Ear, which is his hearing aid, but he's also had the permeation of his skull; drilled a hole in his skull so another hearing aid could be put in. But he survived all of these things, and is a bright, bright young man. So, it's truly a miracle that he's still alive, and we count every day as a miracle. So miracles do happen, and his presence here was just wonderful for me and for his mother and his grandmother, and I can't thank you enough for allowing that to happen. And to all of you, there comes a time in your life, and I had a time in my life this summer where, you know, but for the grace of God I wouldn't be here today, I could've died. I was in the hospital in Connecticut. I had some immediate surgery, emergency surgery, and my death was imminent, but I survived. And, you know, sometimes you survive for a variety of reasons. I'm very, very lucky it just wasn't my time. But the Senate was very kind to me when I was in the hospital and I appreciate that. So, thank you all for everything you do for your constituents, and thank you so much for what you've done for me and my family. Thank you very much, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise for a few announcements here: first to ask for prayers and peace for our colleague, Senator Hennessey, and her family as they deal with her ailing father, John Hennessey.

I'd also ask to pay respect and appreciation to Ryan Mahoney who served as our Chief in the Democratic Office in the Senate for a number of years and has since moved on to the Mayor of Manchester's Office; and Laura O'Neill will end her career with us on Friday, and will be going to work for Senator Shaheen— to thank them for their great service to us. We appreciate it very much.

And further, Mister President, if I could also welcome Donald Manning and Alan Raff who will be working in our office as well.

And then one further announcement, Mister President, if you don't mind, the former occupant of this seat, Charles Dailey Bond passed away. Charlie Bond from Jefferson, New Hampshire served in the state Senate from 1985 to '91. He was a dedicated public servant, a person of passion and patience, and a kind

neighbor to all. Charlie passed away at the age of 85. He made a peaceful transition with his loving wife of thirty-six years by his side. Charlie was born on March 20, 1932, and was raised in Topsfield, Massachusetts, and attended The Gunnery School, and received a Bachelor's degree from Harvard; served in the United States Army as Lieutenant and obtained the rank of Captain; and served in many different capacities in his professional life including Personnel Director at Dynamics Research in Stoneham, Massachusetts; and was the owner of the Carroll County Company in North Conway. Charlie was a successful realtor for over twenty years, and negotiated the sale of the 4,000 acre Waumbek property to the United States Forest Service in 1978. He also was the Director of Worker's Compensation in the state of Vermont. Charlie was a great believer of public service and was encouraged by his family to be involved in their community. He was a longtime school board member and Chairman of the White Mountain Regional School Board, and many, many other organizations. And, finally, Senator Bond was kind and generous, and he said, nearing the end of his life he wanted to be "remembered that I really loved humanity," and that certainly was evident in his life and his work. He is survived by his wife, Marie Bond; his children Parker, Geoffrey, Eliza, Joshua, and Rachel. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. If you've read cover to cover maybe this is unnecessary, but on the back of our Senate agenda Calendar there is an announcement of Keene State College President Melinda Treadwell inviting you to her Legislative Breakfast on January 22nd with an RSVP deadline of January 12th. So seeing as we won't be convened together before then, I would hope that you'd come to Keene where it's always beautiful, just a couple of degrees colder than some other places in the state.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President I rise for a moment of personal privilege. Since the last time we were in session as many of you know, I didn't think I would do this. My dad passed away on July 9th, and from the bottom of my heart I want to thank all of you, my colleagues, for all of your support during that very difficult time, and for all of your support since then. My father, C. Arthur Soucy, was an extraordinary man, not just to me but to so many in our community. The outpouring of affection for him was really extraordinary and really means a great deal to me and provides me with comfort. My father was very accomplished in all that he did. He grew up on the West side of Manchester. He owned his own grocery store; became Grocer of the Year. He was a realtor; received accolades for that. He was involved in, certainly, Democratic politics; he was the founder of the New Hampshire Young Democrats. He was both Alderman and a County Commissioner. He and I are the only father/daughter Aldermen that have ever served in the city of Manchester. And I could go on and there were so many things said about my dad. As I said, he excelled in everything that he did because everything that he did was about giving of himself. He was the most important man in my life and I miss him dearly. But, once again, I truly, truly thank all of you from the bottom of my heart. He is greatly missed but, as I said, your condolences, your comfort, your notes, your appearances really made a great difference in my life, and I want to thank you all.

PRESIDENT MORSE: It's been a long holiday season, and I'll just take a moment. There were two women that I'd like to acknowledge. Not only were they friends, they were mentors to me in Salem. Judy Galluzzo was a longtime friend, and she was a loyal and dedicated public servant and served on Governor John H. Sununu's staff among many other public service roles. She was a Salem GOP Chairwoman for many years, an activist, a political advisor, and was the type of person who would do anything for a friend. She was opinionated—Senator Downey's looking down on me now saying we got the brunt of that. A strong woman leader in politics, and was certainly a mentor to me. Judy's personality and dedication to our state will surely be missed. Let us keep her and her family and friends in our thoughts and prayers.

Nancy Stickney also passed away. She was one of the most influential women in Salem helping to bring our town to the place it is today as a thriving and growing community. Nancy was inspirational to me; having served in the New Hampshire for two terms and knowing how to accomplish whatever it was she set out to do. She had an infectious personality and people gravitated to her. She led many service organizations in Salem, and will be remembered for her compassion and dedication to the community and our state. Please keep Nancy's friends, her family, and Wally in your thoughts and prayers. Thank you.

I have a couple of announcements. We have six bills left and three legislative days to deal with them: the 18th or this month, the 25th of this month, and the 1st of February. And I just want to make sure the public understands that if they come here tomorrow the Senate won't be here, we finished our business.

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). Adopted.

LATE SESSION

Third Reading and Final Passage

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

HB 143, relative to recommittal of a prisoner by the parole board.

HB 151, establishing a committee to study the feasibility of using hemp in agricultural and industrial processes and to further study the licensing, registration, and permitting of industrial hemp growers.

HB 305, clarifying lessee liability for month-to-month leases.

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

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

HB 390, relative to parties on certain election forms and ballots.

SB 55, relative to the servicing of backflow devices and arrest powers of fire marshals.

SB 84, relative to payment of workers’ compensation benefits by direct deposit and authorizing electronic payment of payroll.

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

SB 91, relative to the title loan default process.

SB 112, establishing a council on the creative economy.

SB 164-FN, establishing a commission to study repealing the statute of limitations and limitations on actions for sexual assault.

SB 165-FN, authorizing periodic payments as security after a motor vehicle accident.

SB 170, relative to the authority of towns to issue bonds for the expansion of broadband infrastructure.

SB 172-FN, relative to non-menace dams.

SB 189-FN, requiring insurance policies to cover 3-D mammography.

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

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.