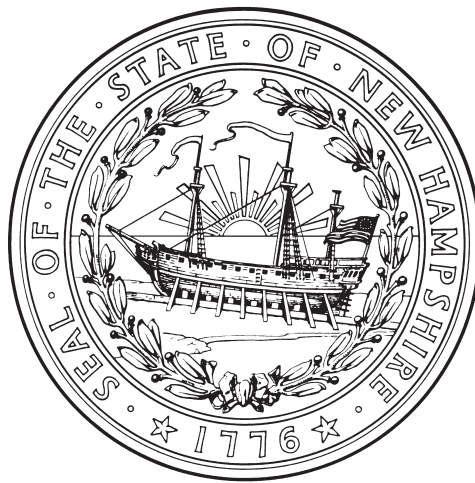


March 22, 2018
Nos. 9-10

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 – MARCH 21, 2018 SESSION
COMMENCEMENT – MARCH 22, 2018 SESSION**

SENATE JOURNAL 9 *(continued)*

March 21, 2018

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

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

First and Second Reading and Referral

HB 1201, relative to an employee's earned but unused vacation time. (Commerce)

HB 1262-LOCAL, relative to online driver education. (Transportation)

HB 1443, relative to a jury's determination as to the applicability of a law. (Judiciary)

HB 1474, designating the New Hampshire Red as the official state poultry. (Energy and Natural Resources)

HB 1555, relative to participation by the public utilities commission in regional activities. (Energy and Natural Resources)

HB 1579-FN, requiring records to be kept for certain exempt convenings under the right-to-know law. (Public and Municipal Affairs)

HB 1672-FN, prohibiting release of certain information relative to users of therapeutic cannabis to federal agencies. (Judiciary)

HB 1682-FN, establishing a committee to study the pervasiveness of foreclosure practices that violate state or federal law. (Commerce)

HB 1686-FN, relative to applications for and the use of education tax credits. (Ways and Means)

HB 1725-FN, relative to wine samples and samples for consumption on the premises of a beverage manufacturer. (Commerce)

HB 1788-FN-LOCAL, relative to costs charged under the right-to-know law. (Judiciary)

HB 2018, relative to the state 10-year transportation improvement program. (Transportation)

REPORT OF COMMITTEE ON ENROLLED BILLS

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

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

HB 1334, establishing a commission to review the structure of motor vehicle laws.

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

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 10

March 22, 2018

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

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

Let us pray.

God of our ancestors, in this holy season remember that what lies fallow now will be blooming in due season. Give the New Hampshire Senate a renewed sense of purpose and passion. Teach them truth that they may administer all affairs of state fairly, that peace and security, happiness and prosperity, justice and freedom may forever abide in our midst. We ask your blessing for our country, for its government, for its leaders and advisors, and for all who exercise just and rightful authority. Remember this day people experiencing poverty. Give us wisdom on how to lift them out of poverty, and not to keep them living in poverty. The problems of this world cannot be fixed by government alone. Guide and direct our leaders to make just as many laws as we need to give freedom, opportunity, and justice to the people of New Hampshire. Renew us in a spirit of hope, that indeed our endeavors will produce growth for future generations to come. Amen.

Senator Daniels led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Gray.)

SENATOR GRAY: It is with much pleasure that I introduce the sisters and their husbands for a true American Hero, John Lawrence, who we hope to honor later. We have Linda Rockenmacher, and her husband, Sol; and Sharon Glidden, and her husband, Malcolm; and, hopefully, on the internet, that we have their other sister, Carole Day and her family watching us via the internet connection. Thank you, and welcome to the New Hampshire Senate.

INTRODUCTION OF PAGES

Senator Feltes introduced Gwen Morris from Lich, Germany and Lydia Morris from Nanjing, China, home-schooling in Concord, serving as Senate Pages for the day.

SPECIAL ORDER

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

TRANSPORTATION

HB 1278, naming the rest area in Colebrook in honor of Frederick W. King, Sr. and naming a bridge in Farmington in honor of Major John W. Lawrence, Jr.

Without objection, the following bills are special ordered to the end of the addendum. Adopted.

COMMERCE

SB 318, amending the prohibitions on youth employment.

FINANCE

SB 541-FN-A, establishing a fund to reimburse costs associated with firefighters who have cancer.

REGULAR CALENDAR

TRANSPORTATION

HB 1278, naming the rest area in Colebrook after Frederick W. King, Sr.
Ought to Pass, Vote 5-0. Senator Ward for the committee.

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6

March 8, 2018

2018-1024s

04/10

Floor Amendment to HB 1278

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

AN ACT naming the rest area in Colebrook in honor of Frederick W. King, Sr. and naming a bridge in Farmington in honor of Major John W. Lawrence, Jr.

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

2 Major John W. Lawrence, Jr. Bridge. Pursuant to RSA 4:43, the bridge in the town of Farmington on state route 153 over the Cocheco River is hereby named the Major John W. Lawrence, Jr. Bridge. Appropriate signage or markers shall be placed at or near the site of the bridge.

3 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under sections 1 and 2 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this act shall be approved by the department of transportation.

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

2018-1024s

AMENDED ANALYSIS

This bill names the route 3 rest area in Colebrook in honor of Frederick W. King, Sr. The bill also names a bridge in Farmington in honor of Major John W. Lawrence, Jr.

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 Gray, seconded by Senator Soucy.

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

The following Senators voted No: (None)

The following Senators were excused: Cavanaugh.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1386, establishing a joint committee on employee relations.

Ought to Pass, Vote 4-1. Senator Carson for the committee.

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

FINANCE

SB 526-FN, relative to school food and nutrition programs.

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

Senator Giuda moved to Lay on the Table.

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

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

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

The following Senators were excused: Cavanaugh.

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

SB 548-FN, relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome and making an appropriation therefor.

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

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

Senator Bradley moved Ought to Pass.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

March 19, 2018

2018-1132s

01/03

Floor Amendment to SB 548-FN

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

AN ACT relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome.

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

1 Pilot Program Plan.

I. The commissioner of the department of health and human services shall submit a plan to the senate president, the speaker of the house of representatives, the governor, and the chairpersons of the house and senate finance committees to establish a 3-year pilot program in 4 geographically dispersed areas in New Hampshire that provides therapeutic intervention to infants diagnosed with neonatal abstinence syndrome (NAS) and their families and caregivers. The plan shall:

(a) Include infants discharged from an inpatient hospital with a diagnosis of NAS and provide best practice intervention from the onset of discharge to the time where an early support services program (ESS) may begin early intervention services.

(b) Provide best practice interventions, including infant evaluation and treatment, to address the self-regulation needs of a developing NAS infant between the ages of birth through 12 months, with the focus of service between birth and 3 months.

(c) Provide therapeutic intervention for both infants and families and caregivers, including education relative to understanding infant cues and signals, infant massage and other calming or self-soothing techniques that promote typical self-regulation development of the infant, such as normal sleep cycles, typical movement patterns, and decreased stress responses.

(d) Provide opportunities for parents and caregivers of NAS infants to learn and practice techniques for the carry-over of intervention in the home.

(e) Make clear that a parent may bring a therapeutic summary of intervention to the ESS intake evaluation to reduce duplication of services and to ensure generalization of strategies and interventions.

(f) Use an assessment tool that will successfully identify the infant's progress. This tool shall consist of a sensory processing assessment and stress response questionnaire.

(g) Coordinate summary reports that can be shared with an area ESS program case manager.

II. The commissioner may propose to contract with providers to effectuate the work of the pilot program. Any proposal to contract may include the following:

(a) That when an infant is discharged from a hospital with a diagnosis of NAS, an immediate referral to the program shall be made and services shall begin within 3-5 days. Services shall continue through the time an area ESS program is able to begin its initial intake evaluation.

(b) That when progress is made toward appropriate self-regulation development, as measured by one of the therapeutic assessments under paragraph I, the successful calming strategies shall be taught to parents and included in a therapeutic summary. The summary shall be available to area ESS programs under HIPPA guidelines.

(c) If a NAS infant does not demonstrate progress in self-regulation skills, as measured by one of the therapeutic assessments under paragraph I, explain in detail the reasons why the child is not meeting developmental milestones or progressing towards them, and shall recommend specific strategies, services, and programs that shall be provided to assist the child's success.

III. The pilot program shall only apply to children from birth to 6 months of age but may be extended to 12 months in certain cases.

2 Implementation of Plan for Pilot Program. The fiscal committee of the general court may recommend implementation of the plan for the pilot program under section 1 of this act on an interim basis prior to June 30, 2019 if funds are available.

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

2018-1132s

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to submit a plan for establishing a 3-year pilot program that provides therapeutic intervention to infants diagnosed with neonatal abstinence syndrome.

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.

RULES AND ENROLLED BILLS

SB 343, relative to legislative ethics guidelines.

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

Recess. Out of recess.

SPECIAL ORDER

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

RULES AND ENROLLED BILLS

SB 343, relative to legislative ethics guidelines.

WAYS AND MEANS

HB 1292, relative to the effective dates of changes to the rates for the business profits tax and the business enterprise tax.

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

Senator D'Allesandro offered a Floor Amendment.

Sen. D'Allesandro, Dist 20

Sen. Feltes, Dist 15

March 20, 2018

2018-1161s

10/05

Floor Amendment to HB 1292

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

2 Applicability of the 2019 and 2021 Tax Period Reductions to Business Tax Rates; Contingency Added; Report.

I. By December 31, 2018, the legislative budget assistant, using the combined amount of revenue from the schedule of undesignated/unassigned fund balance for the general fund and education trust fund as contained in the audited comprehensive annual report performed pursuant to RSA 21-I:8, II(a), shall make a report to the secretary of state, the governor, speaker of the house of representatives, the senate president, the fiscal committee of the general court, the director of the office of legislative services, the commissioner of the department of revenue administration, and the commissioner of the department of administrative services, determining whether the rate of growth in the combined unrestricted general and education trust fund revenues collected for the fiscal year ending June 30, 2018 over the amount of combined unrestricted general and education trust fund revenue collected for the fiscal year ending June 30, 2017 is equal to or greater than the percent change in the Consumer Price Index for All Urban Consumers, Northeast Region, as published by the Bureau of Labor Statistics, United States Department of Labor plus one percent for the same 12-month period.

II. If the combined revenue growth determined under paragraph I is less than the Consumer Price Index for the period plus one percent then section 3 of this act shall take effect January 1, 2019 and the rate for the business profits tax under RSA 77-A:2 shall remain as 7.9 percent and the rate under the business enterprise tax under RSA 77-E:2 shall remain as .65 percent.

3 Contingent Repeal of Prospective Business Tax Rate Reductions. 2017, 156:213 through 2017, 156:217, relative to reductions to the business tax rates, are repealed.

4 Effective Date.

I. Section 3 of this act shall effect as provided in paragraph II of section 2 of this act.

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

2018-1161s

AMENDED ANALYSIS

This bill changes the effective dates of the rate reductions to the business profits tax and the business enterprise tax to the beginning of the respective calendar year. This bill also adds a requirement that the

business tax rate reductions adopted in 2017, 156 (HB 517) shall not take effect if the combined revenue growth in general and education funds for the fiscal year ending June 30, 2018 does not exceed the change in the Consumer Price Index for the period, plus one percent.

INTRODUCTION OF GUESTS

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

The question is on the adoption of the Floor Amendment.

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

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

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

The following Senators were excused: Cavanaugh.

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

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

INTRODUCTION OF GUESTS

Senator Sanborn introduced students from the Well School in Peterborough, visiting in the gallery.

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

CONSENT CALENDAR REPORTS REMOVED

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 410, relative to the legislative youth advisory council.

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

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

March 20, 2018

2018-1152s

05/04

Floor Amendment to HB 410

Amend the bill by replacing section 3 with the following:

3 Legislative Youth Advisory Council; Staff Assistance. RSA 19-K:4, VI is repealed and reenacted to read as follows:

VI. The office of the speaker of the house of representatives and the office of the senate president may provide staff assistance to the council.

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

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

HEALTH AND HUMAN SERVICES

SB 350, relative to biological products dispensed by pharmacists.

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

Health and Human Services

March 14, 2018

2018-1096s

03/05

Amendment to SB 350

Amend the introductory paragraph of RSA 318:47-dd, VI(a) as inserted by section 3 of the bill by replacing it with the following:

VI.(a) Within 5 business days following the dispensing of a biological product, the dispensing pharmacist or the pharmacist's designee shall make an entry of the specific product provided to the patient, including the name of the product and the manufacturer. The communication shall be conveyed by making an entry that is electronically accessible to the prescriber through:

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

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
March 16, 2018
2018-1125s
03/05

Floor Amendment to SB 350

Amend RSA 318:47-dd, V as inserted by section 3 of the bill by replacing it with the following:

V. A pharmacist shall not substitute an interchangeable biological product pursuant to this section if the prescriber indicates that substitution is not authorized by specifying on the prescription "medically necessary" on a paper prescription, or uses electronic indications when transmitted electronically, or gives instructions when transmitted orally that the biological product prescribed is medically necessary.

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

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

SB 383, establishing a commission to assess benefits and costs of a "health care for all" program for New Hampshire.

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

Health and Human Services
March 14, 2018
2018-1097s
01/03

Amendment to SB 383

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

AN ACT establishing a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents.

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

1 Statement of Intent. The general court recognizes that despite dramatic changes in the federal health insurance programs, many residents of New Hampshire remain uninsured or under insured, and costs continue to soar. The general court further recognizes that the state has an interest in containing the costs of delivering care within the financial means of the stakeholders in our state. Because of the unique demographic, economic, and fiscal characteristics of New Hampshire, improving access to affordable health care should be carefully evaluated and considered. Therefore, the general court hereby establishes a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents.

2 New Subdivision; Commission to Recommend Policies That Will Enhance Access to Affordable Health Care for all New Hampshire Residents. Amend RSA 126-A by inserting after section 74 the following new subdivision:

Commission to Recommend Policies That Will Enhance Access to
Affordable Health Care for all New Hampshire Residents

126-A:75 Commission to Recommend Policies That Will Enhance Access to Affordable Health Care for all New Hampshire Residents.

I. There is established a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents.

(a) The members of the commission shall be as follows:

- (1) One member of the senate, appointed by the president of the senate.
 - (2) Three members of the house of representatives, appointed by the speaker of the house of representatives.
 - (3) The insurance commissioner, or designee.
 - (4) The commissioner of the department of health and human services, or designee.
 - (5) Two public members who shall represent New Hampshire patients, appointed by the governor.
 - (6) A representative of the New Hampshire Hospital Association, appointed by the association.
 - (7) Two representatives of the New Hampshire Medical Society, appointed by the society.
 - (8) One member representing the private health insurance industry in New Hampshire, appointed by the speaker of the house of representatives.
 - (9) A representative of the University of New Hampshire Institute for Health Policy and Practice, appointed by the institute.
 - (10) A representative of the Business and Industry Association of New Hampshire, appointed by the association.
 - (11) A representative of organized labor, appointed by the speaker of the house of representatives.
 - (12) A member representing mental health patients, appointed by the governor.
 - (13) A member representing persons with substance use disorders, appointed by the governor.
- (b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

II.(a) The commission shall review costs of health care and health insurance in New Hampshire and review policies that will improve access to affordable health care. The commission shall include in its study a review of state and federal policies.

(b) The commission may solicit input from any person or entity the commission deems relevant to its study.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Nine members of the commission shall constitute a quorum.

IV. The commission shall make an interim report with its findings and any recommendations for proposed legislation on or before November 1, 2018 and a final report on November 1, 2019 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.

3 Repeal. RSA 126-A:75, relative to a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2019.

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

2018-1097s

AMENDED ANALYSIS

This bill establishes a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents.

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

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

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

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

The following Senators voted No: (None)

The following Senators were excused: Cavanaugh.

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

ADDENDUM REGULAR CALENDAR

ENERGY AND NATURAL RESOURCES

SB 453, relative to requirements and criteria for a competitive grant program for drinking water protection. Ought to Pass with Amendment, Vote 3-0. Senator Fuller Clark for the committee.

Energy and Natural Resources

March 20, 2018

2018-1140s

08/03

Amendment to SB 453

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

3 New Hampshire Drinking Water and Groundwater Advisory Commission Established. Amend RSA 485-F:4, I(g) to read as follows:

(g) The director of economic development, department of ~~[resources]~~ **business** and economic ~~[development]~~ **affairs**, or designee.

4 New Hampshire Drinking Water and Groundwater Advisory Commission Established. Amend RSA 485-F:4, VII(a)(5) to read as follows:

(5) The project provides funding through cost-sharing grants to municipalities, municipally-owned water utilities, and **privately owned** water utilities ~~[regulated by the public utilities commission]~~ **that are public water systems as defined in RSA 485:1-a, XV** for the design, construction, and extension of public water systems, and the establishment and expansion of wellhead protection areas where they provide the most cost effective method for providing safe and clean drinking water.

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.

FINANCE

SB 388, relative to dispensary locations for therapeutic cannabis.

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

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

Senator Morse is in opposition to the motion of Ought to Pass on SB 388.

SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.

Ought to Pass with Amendment, Vote 5-1. Senator D'Allesandro for the committee.

Senate Finance

March 20, 2018

2018-1158s

08/10

Amendment to SB 564-FN-A

Amend RSA 77-A:5-c, I and II as inserted by section 6 of the bill by replacing them with the following:

I. Business organizations shall file an election with the commissioner to be a qualified regenerative manufacturing company with respect to any taxable period on a form prescribed by the commissioner at any time on or before the fifteenth day of the third month immediately following the end of such taxable period. Such an election shall be effective for the taxable period of the qualified regenerative manufacturing company for which it is made and for all succeeding taxable periods until such election is terminated as provided in this section.

II. The election to be a qualified regenerative manufacturing company shall expire for taxable periods beginning after December 31, 2027. No subsequent election may be made after the expiration of an election, with respect to either the business organization or the active regenerative manufacturing business conducted by such business organization or any successor business organization.

Amend the bill by replacing section 8 with the following:

8 Applicability. The provisions of sections 2 through 6 of this act shall apply for taxable periods beginning after December 31, 2017.

Recess. Out of recess.

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

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15
March 20, 2018
2018-1159s
10/08

Floor Amendment to SB 564-FN-A

Amend RSA 77-a:5-c, I as inserted by section 6 of the bill by replacing it with the following:

I. Business organizations shall file an election with the commissioner to be a qualified regenerative manufacturing company with respect to any taxable period on a form prescribed by the commissioner at any time on or before the fifteenth day of the third month immediately following the end of such taxable period. Such an election shall be effective for the taxable period of the qualified regenerative manufacturing company for which it is made and shall be applicable only where, as reported by New Hampshire department employment security, the average quarterly employment of the business organization in the taxable period is greater than the average quarterly employment of the business organization in the preceding taxable period. A valid election shall be applicable for all succeeding taxable periods until such election is terminated as provided in this section.

INTRODUCTION OF GUESTS

Senator Giuda introduced one of his younger brothers and nephew, Brandon Giuda and Ian visiting in the gallery.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Woodburn, Hennessey, Feltes, Reagan.

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

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 4 - Nays: 19. Failed.

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

Senator Feltes is in favor of the motion of Ought to Pass with Amendment on SB 564-FN-A.

SB 569-FN, relative to animal cruelty and establishing a commission to study certain language applicable to the transfer of animals.

Ought to Pass with Amendment, Vote 4-2. Senator Feltes for the committee.

Senate Finance
March 20, 2018
2018-1157s
08/05

Amendment to SB 569-FN

Amend RSA 437:1, III as inserted by section 2 of the bill by replacing it with the following:

III. "Breeding female" means an unspayed female dog, 24 months of age or older kept or maintained for the purpose of breeding and selling the dog's offspring. An unspayed female dog that is bred prior to reaching 24 months of age shall be considered a breeding female.

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 577, requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy. Inexpedient to Legislate, Vote 3-3. Senator Daniels for the committee.

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

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

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

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

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 4 - Nays: 19. Failed.

Senator Bradley moved Ought to Pass.

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

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

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

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

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 19 - Nays: 4. Adopted, bill ordered to Third Reading.

SB 582-FN, authorizing an assessment to determine appropriate caseload and workload standards for the division for children, youth and families; establishing additional child protection services positions in the division for children, youth and families; relative to foster care and adoption programs and services; and making appropriations therefor.

Ought to Pass with Amendment, Vote 6-0. Senator Reagan for the committee.

Senate Finance
March 20, 2018
2018-1154s
04/05

Amendment to SB 582-FN

Amend the bill by replacing section 5 with the following:

5 Department of Health and Human Services; Appropriation; Foster Care and Adoption Programs and Services. The sum of \$1,100,000 for the fiscal year ending June 30, 2019, is hereby appropriated to the department of health and human services for the purpose of funding foster care and adoption programs, rate increases, and services pursuant to RSA 170-G:3. This appropriation is in addition to any other funds appropriated to the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by deleting section 6 and renumbering the original section 7 to read as 6.

2018-1154s

AMENDED ANALYSIS

This bill:

I. Directs the department of health and human services to conduct an assessment to determine appropriate caseload and workload standards for child protection staff and makes an appropriation for such purpose.

II. Makes appropriations to the department of health and human services for additional child protection staff, and for foster care and adoption programs, rate increases, and services.

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

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

SB 590-FN-A, making a supplemental appropriation to the state loan repayment program and relative to emergency involuntary admissions, the child protection act, and the developmental disabilities wait list and making appropriations therefor.

Ought to Pass, Vote 6-0. Senator Feltes for the committee.

Recess. Out of recess.

Senator Fuller Clark offered a Floor Amendment.

Sen. Kahn, Dist 10

Sen. Fuller Clark, Dist 21

March 22, 2018

2018-1197s

05/06

Floor Amendment to SB 590-FN-A

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

AN ACT making a supplemental appropriation to the state loan repayment program and relative to emergency involuntary admissions, the child protection act, and the developmental disabilities wait list and making appropriations therefor; and relative to school food and nutrition programs.

Amend the bill by replacing all after section 22 with the following:

23 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, I to read as follows:

I. Each school board shall make [a] ***at least one*** meal available during school hours to every pupil under its jurisdiction. Such meals shall be served without cost or at a reduced cost to any [needy] child who [is unable to pay the full cost of said meals] ***meets federal income eligibility guidelines***. The state board of education shall insure compliance with this section and shall establish minimum nutritional standards for such meals and shall further establish income guidelines setting forth the minimum family size annual income levels to be used in determining eligibility for free and reduced price meals. Nothing in this section shall prohibit the operation of both a breakfast and lunch program in the same school. Further any requirement of this section which conflicts with any federal statute or regulation may be waived by the state board of education.

24 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, VII(b) to read as follows:

(b) Such school which demonstrates to the department of education that an approved school wellness policy, as required under the [~~Child Nutrition and WIC Reauthorization Act of 2004~~], ***Richard B. Russell National School Lunch Act 42, U.S.C. section 1758b*** is in effect, and that such school is providing breakfast meals to pupils that meet or exceed the United States Department of Agriculture's child nutrition criteria may apply for and receive a 3 cent reimbursement for each breakfast meal served to a pupil. The department of education shall request biennial appropriations in an amount sufficient to meet projected school breakfast reimbursements. The department of education shall prescribe forms as necessary under this paragraph. ***In addition to the \$.03 state reimbursement for each breakfast served to all pupils, the department of education shall request biennial appropriations equal to the difference between the reduced and free federal reimbursement rates for breakfast so that pupils eligible for reduced price meals are offered breakfast at no cost.***

25 Effective Date.

I. Sections 7-12 of this act shall take effect July 1, 2018.

II. Sections 23 and 24 of this act shall take effect July 1, 2019.

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

2018-1197s

AMENDED ANALYSIS

This bill:

I. Clarifies admission to receiving facilities and other services for persons who are involuntarily committed under RSA 135-C.

II. Makes a supplemental appropriation to the state loan repayment program.

III. Clarifies the determination of unfounded but with reasonable concern for possible abuse and neglect under the child protection law, and enables the department of health and human services to offer voluntary services to the family.

IV. Makes appropriations for voluntary services and community-based prevention programs under the child protection act.

V. Provides that the New Hampshire home visiting program shall be available to Medicaid eligible families.

VI. Makes an appropriation to the department of health and human services to hire additional attorneys.

VII. Makes an appropriation to the department of health and human services for the purpose of funding the developmental disabilities wait list.

VIII. Requires the commissioner of the department of health and human services to issue requests for proposals for a behavioral health crisis treatment center and, contingent upon available funding, an additional mobile crisis team and apartments.

IX. Clarifies the department of health and human services' authority to consent to medical treatment for a minor in foster care.

X. Requires schools to make at least one free or reduced cost meal available to children who meet federal eligibility guidelines and directs the department of education to request an appropriation sufficient to provide a free breakfast to students eligible for reduced cost meals.

Senator Bradley presiding.

Without objection, Senator Birdsell moved the question. Adopted.

The question is on the adoption of the Floor Amendment.

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

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

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

The following Senators were excused: Cavanaugh.

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

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

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

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

The following Senators voted No: (None)

The following Senators were excused: Cavanaugh.

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

President Morse presiding.

SB 592-FN-A, relative to the child welfare system.

Ought to Pass with Amendment, Vote 6-0. Senator Reagan for the committee.

Senate Finance
 March 20, 2018
 2018-1153s
 04/05

Amendment to SB 592-FN-A

Amend the bill by replacing section 5 with the following:

5 Department of Health and Human Services; Supplemental Appropriation.

I. The sum of \$445,160, for the biennium ending June 30, 2019, is hereby appropriated to the department of health and human services for the purpose of funding the following positions, as either state employee or contract positions within the department:

- (a) Eight child protective services workers, who shall be designated resource workers.
- (b) Two licensed alcohol and drug counselors, who shall contract with the department.

II. The appropriation in paragraph I shall be in addition to any other funds appropriated to the department for the biennium ending June 30, 2019. The governor is authorized to draw a warrant for such amount from any money in the treasury not otherwise appropriated.

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

CACR 22, relating to rights for crime victims. Providing that crime victims shall be afforded constitutional rights. Ought to Pass with Amendment, Vote 4-1. Senator Carson for the committee.

Senate Judiciary
 March 20, 2018
 2018-1146s
 06/04

Amendment to CACR 22

Amend the resolution by replacing all after the resolving clause with the following:

I. That the first part of the constitution be amended by inserting after article 14 the following new article:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2018.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2018 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2018 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the first part of the constitution by inserting after article 14 a new article to read as follows:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim’s safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term “victim” does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim’s attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court.”

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote “Yes” or “No.” If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words “Questions Relating to Constitutional Amendments proposed by the 2018 General Court” shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

The question is on the adoption of the Committee Amendment.

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

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

The following Senators voted No: Giuda.

The following Senators were excused: Cavanaugh.

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

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider the following action taken by the body on CACR 22, relating to rights for crime victims. Providing that crime victims shall be afforded constitutional rights.: Reconsider the vote on the Committee Amendment. Adopted.

The question is on the adoption of the Committee Amendment.

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

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

The following Senators voted No: Giuda.

The following Senators were excused: Cavanaugh.

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

Senator Hennessey offered a Floor Amendment.

Sen. Hennessey, Dist 5
March 22, 2018
2018-1200s
06/04

Floor Amendment to CACR 22

Amend the resolution by replacing paragraph I with the following:

I. That the first part of the constitution be amended by inserting after article 14 the following new article:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an unnecessary interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting after article 14 a new article to read as follows:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an unnecessary interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court."

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Woodburn, Giuda, Watters, Hennessey, French, Sanborn, Daniels, Avard, Lasky, Feltes, Reagan, D'Allesandro, Fuller Clark, Innis.

The following Senators voted No: Bradley, Gray, Ward, Kahn, Carson, Soucy, Birdsell, Gannon, Morse.

The following Senators were excused: Cavanaugh.

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

Senator Hennessey offered a Floor Amendment.

Sen. Hennessey, Dist 5

March 22, 2018

2018-1196s

06/10

Floor Amendment to CACR 22

Amend the resolution by replacing paragraph I with the following:

I. That the first part of the constitution be amended by inserting after article 14 the following new article:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense is committed or who is directly and proximately harmed by the commission of the offense. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting after article 14 a new article to read as follows:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense is committed or who is directly and proximately harmed by the commission of the offense. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court."

Recess. Out of recess.

Senator Hennessey withdrew Floor Amendment 2018-1196s.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2
 March 22, 2018
 2018-1181s
 06/04

Floor Amendment to CACR 22

Amend the resolution by replacing paragraph I with the following:

I. That the first part of the constitution be amended by inserting after article 14 the following new article:

[Art.] 14-a. [Rights of Victims of Crimes.] A victim of crime has the right to be treated with fairness and respect for the victim's safety and dignity, the right to fair notice of relevant proceedings involving adjudication of an accused's guilt, sentencing, and post-conviction release of a convicted defendant, and the right to be heard at such proceedings, all of which rights shall be enforced consistent with the rights guaranteed to others involved in the criminal justice system.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting after article 14 a new article to read as follows:

[Art.] 14-a. [Rights of Victims of Crimes.] A victim of crime has the right to be treated with fairness and respect for the victim's safety and dignity, the right to fair notice of relevant proceedings involving adjudication of an accused's guilt, sentencing, and post-conviction release of a convicted defendant, and the right to be heard at such proceedings, all of which rights shall be enforced consistent with the rights guaranteed to others involved in the criminal justice system."

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Giuda, French, Sanborn, Daniels, Avar.

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

The following Senators were excused: Cavanaugh.

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

Recess. Out of recess.

Senator Bradley moved to Lay on the Table CACR 22. Adopted.

SPECIAL ORDER

Without objection, the following bill is special ordered to the current time. Adopted.

FINANCE

SB 541-FN-A, establishing a fund to reimburse costs associated with firefighters who have cancer.

FINANCE

SB 541-FN-A, establishing a fund to reimburse costs associated with firefighters who have cancer. Ought to Pass with Amendment, Vote 4-2. Senator Daniels for the committee.

Senate Finance
 March 20, 2018
 2018-1156s
 08/04

Amendment to SB 541-FN-A

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

AN ACT establishing a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer.

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

1 New Section; Commission to Study the Funding and Operations of the Presumption Under Workers' Compensation Requiring the Reimbursement of Costs Associated with Firefighters who Have Cancer. Amend RSA 281-A by inserting after section 17 the following new section:

281-A:17-a Commission Established.

I.(a) There is established a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer. The members of the commission shall be as follows:

- (1) One member of the senate, appointed by the president of the senate.
 - (2) Three members of the house of representatives, appointed by the speaker of the house of representatives.
 - (3) The labor commissioner, or designee.
 - (4) The commissioner of safety, or designee.
 - (5) The insurance commissioner, or designee.
 - (6) A representative of the New Hampshire Municipal Association, appointed by the association.
 - (7) A representative of the New Hampshire Association of Counties appointed by the association.
 - (8) A fire chief, appointed by the New Hampshire Association of Fire Chiefs.
 - (9) A representative of the Professional Fire Fighters of New Hampshire appointed by that organization.
 - (10) A representative of the New Hampshire Public Risk Management Exchange, appointed by that organization.
 - (11) An attorney practicing in the field of workers' compensation defense, appointed by the governor.
- (b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

II.(a) The commissions shall study:

- (1) The costs that have been incurred to date under RSA 281-A:17.
 - (2) How to conclusively determine that the cause of cancer is occupationally related.
 - (3) Reasonable methods and practices to screen out non-occupationally related cancers, that are a result of, including, but not limited to; other employment, genetics, and life style choices made before, during, and after service.
 - (4) The annual costs to provide physicals and the additional workers' compensation coverage.
 - (5) An appropriate, stable, and long-term funding mechanism.
 - (6) Any other issues applicable to the subject matter of RSA 281-A:17.
- (b) The commission may solicit input from any person or entity the commission deems relevant to its study.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

IV. On or before November 1, 2018, the commission shall submit a 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.

2 Repeal. RSA 281-A:17-a, relative to a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer, is repealed.

3 Effective Date.

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

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

2018-1156s

AMENDED ANALYSIS

This bill establishes a commission to study the funding and operations of the presumption under workers' compensation requiring reimbursement of costs associated with firefighters who have cancer.

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

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

March 22, 2018

2018-1188s

01/03

Floor Amendment to SB 541-FN-A

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

AN ACT establishing a fund to reimburse costs associated with firefighters who have cancer and establishing a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer.

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

1 Workers' Compensation; Firefighter With Heart, Lung, and Cancer Disease. Amend RSA 281-A:17, II to read as follows:

II. Notwithstanding the provisions of RSA 281-A:2, XI and XIII, 16 and 27, there shall exist a prima facie presumption that cancer disease in a firefighter, whether a regular, call, volunteer, or retired member of a fire department, is occupationally related. In order to receive this occupational cancer disability benefit, the type of cancer involved must be a type which may be caused by exposure to heat, radiation, or a known or suspected carcinogen as defined by the International Agency for Research on Cancer, **including such types and variations as colon, lung, melanoma, mesothelioma, multiple myeloma, non-melanoma skin, prostate, rectal, non-Hodgkin's lymphoma, and stomach.** However:

(a) A ~~call or volunteer~~ firefighter shall have the benefit of this prima facie presumption only if there is on record reasonable medical evidence that such firefighter was free of such disease ~~[at the beginning of his or her employment]~~ **for 10 years after completion of the comprehensive medical physical.** It shall be the duty of the employer of ~~call or volunteer~~ firefighters to provide the required reasonable medical evidence **as outlined by the National Fire Protection Association standard 1582 or another evaluation mandated by the fire standards and training commission under RSA 21-P:25.** ~~[If the employer fails to do so, the call or volunteer firefighter shall have the benefit of the prima facie presumption regardless of the absence of said reasonable medical evidence.]~~

(b) A retired firefighter who agrees to submit to ~~[any]~~ **a compliant** physical examination ~~[requested by his city, town, or precinct]~~ **during employment and meets all other standards pertaining to this section** shall have the benefit of the prima facie presumption for a period of 20 years from the effective date of such firefighter's retirement.

(c) **To qualify for treatment under this paragraph, a firefighter shall:**

(1) **After completion of a comprehensive medical physical determining the firefighter is cancer-free, document a tobacco-free lifestyle.**

(2) **Have continuously served at least 10 years in the fire service.**

(3) **Have completed courses and training in accordance with certification for firefighter I in accordance with RSA 21-P:25.**

III. **There is hereby established in the office of the state treasurer a fund to be known as the firefighters with cancer disease fund. All moneys in such fund shall be nonlapsing and continually appropriated to the commissioner to be used for the sole purpose of reimbursing costs associated with medical physicals under subparagraph II(b) and additional costs in workers' compensation coverage. The state treasurer shall disburse moneys from the fund only upon written order of the commissioner. The commissioner, with the approval of the fiscal committee of the general court, shall disburse moneys from the fund to the political subdivisions of this state and to the public risk**

pools covered under RSA 5-B. The commissioner shall conserve the assets of the fund. The attorney general shall appoint an employee of the department of justice to represent the fund in all proceedings brought to enforce claims against the fund. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the proper administration of the fund.

2 New Subparagraph; Rulemaking Added. Amend RSA 281-A:60, I by inserting after subparagraph (aa) the following new subparagraph:

(bb) The administration of the fund established in RSA 281-A:17, III.

3 New Subparagraph; Special Fund Added. Amend RSA 6:12, I(b) by inserting after subparagraph (339) the following new subparagraph:

(340) Moneys deposited into the firefighters with cancer disease fund, established in RSA 281-A:17, III.

4 New Section; Commission to Study the Funding and Operations of the Presumption Under Workers' Compensation Requiring the Reimbursement of Costs Associated with Firefighters who Have Cancer. Amend RSA 281-A by inserting after section 17 the following new section:

281-A:17-a Commission Established.

I.(a) There is established a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer. The members of the commission shall be as follows:

- (1) One member of the senate, appointed by the president of the senate.
- (2) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (3) The labor commissioner, or designee.
- (4) The commissioner of safety, or designee.
- (5) The insurance commissioner, or designee.
- (6) A representative of the New Hampshire Municipal Association, appointed by the association.
- (7) A representative of the New Hampshire Association of Counties, appointed by the association.
- (8) A fire chief, appointed by the New Hampshire Association of Fire Chiefs.
- (9) A representative of the Professional Fire Fighters of New Hampshire, appointed by that organization.
- (10) A representative of the New Hampshire Public Risk Management Exchange, appointed by that organization.
- (11) An attorney practicing in the field of workers' compensation defense, appointed by the governor.

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

II.(a) The commission shall study:

- (1) The costs that have been incurred to date under RSA 281-A:17.
- (2) How to conclusively determine that the cause of cancer is occupationally related.
- (3) Reasonable methods and practices to screen out non-occupationally related cancers, that are a result of, including, but not limited to: other employment, genetics, and lifestyle choices made before, during, and after service.
- (4) The annual costs to provide physicals and the additional workers' compensation coverage and how they should be funded.
- (5) An appropriate, stable, and long-term funding mechanism and the costs of administering the funding mechanism.
- (6) Whether the funding mechanism should include an insurance assessment against carriers issuing certain insurance policies.

(7) Any other issues applicable to the subject matter of RSA 281-A:17.

(b) The commission may solicit input from any person or entity the commission deems relevant to its study.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

IV. On or before November 1, 2018, the commission shall submit a 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.

5 Repeal. RSA 281-A:17-a, relative to a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer, is repealed.

6 Effective Date.

I. Sections 1-3 of this act shall take effect July 1, 2018.

II. Section 5 of this act shall take effect November 1, 2018.

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

2018-1188s

AMENDED ANALYSIS

This bill establishes a fund to reimburse costs associated with firefighters who have cancer. The fund shall consist of moneys from an annual assessment by the insurance department against each carrier and self-insurer issuing homeowners and business insurance policies. This bill also establishes a commission to study the funding and operations of the presumption under workers' compensation requiring reimbursement of costs associated with firefighters who have cancer.

Senator Bradley presiding.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

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

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

The following Senators were excused: Cavanaugh.

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

Recess. Out of recess.

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

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

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

The following Senators voted No: (None)

The following Senators were excused: Cavanaugh.

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

President Morse presiding.

INTRODUCTION OF GUESTS

Senator Bradley introduced his Finance, Karen McNiff.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove CACR 22 from the Table. Adopted.

JUDICIARY

CACR 22, relating to rights for crime victims. Providing that crime victims shall be afforded constitutional rights.

The pending motion is Ought to Pass with Amendment.

Senator Giuda offered a Floor Amendment.

Sen. Hennessey, Dist 5

Sen. Feltes, Dist 15

Sen. Giuda, Dist 2

March 22, 2018

2018-1202s

06/04

Floor Amendment to CACR 22

Amend the resolution by replacing paragraph I with the following:

I. That the first part of the constitution be amended by inserting after article 14 the following new article:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an unnecessary interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting after article 14 a new article to read as follows:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an unnecessary interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request.

Senator Bradley presiding.

President Morse presiding.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Giuda, Hennessey, French, Sanborn, Daniels, Avard, Feltes, Innis.

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

The following Senators were excused: Cavanaugh.

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

Senator French offered a Floor Amendment.

Sen. French, Dist 7

March 22, 2018

2018-1204s

06/01

Floor Amendment to CACR 22

Amend the resolution by replacing paragraph I with the following:

I. That the first part of the constitution be amended by inserting after article 14 the following new article:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any natural person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an unnecessary interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting after article 14 a new article to read as follows:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any natural person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an unnecessary interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests

of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court."

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Hennessey, French.

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

The following Senators were excused: Cavanaugh.

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

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

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

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

The following Senators voted No: Giuda, Sanborn, Avard.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 20 - Nays: 3. Adopted by necessary 3/5 vote. Resolution ordered to Third Reading.

COMMERCE

SB 318, amending the prohibitions on youth employment.

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

Commerce

March 6, 2018

2018-0981s

08/05

Amendment to SB 318

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

AN ACT amending the prohibitions on youth employment and relative to documentation requirements for the department of labor.

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

1 Legislative Findings and Purpose. The general court finds that:

I. There is a significant and ongoing need in this state to encourage businesses to grow and hire here, particularly small businesses which are the backbone of New Hampshire's economy.

II. Our current laws relating to employment tend to discourage employers from hiring with heavy handed enforcement of excessive and unnecessary laws and with costly, time consuming audits and fines.

III. The overall purpose of the legislation is to significantly reduce the excessive and unnecessary documentation and regulatory (red tape) burdens, both in laws and in rules, that are inhibiting employers from hiring and growing, and preventing people from working.

IV. It is time to change the culture of state government from one of enforcement, fees, fines, assessments, and delays, to one that encourages responsible business activity and hiring with a "how can I help you succeed?" customer service approach instead. This legislation is necessary to move us in the right direction and reset the tone and actions of government.

V. Making our state significantly more attractive and friendly to employers with passage of this Red Tape Reduction Act will enable our economy to flourish.

VI. The goals of this Red Tape Reduction Act shall include the following:

(a) Written documentation is not required to meet the intent of the law and paperwork discrepancies will not be fined.

(b) Reduce limitations and allow flexibility on working hours for individuals 16 and 17 years of age (if parents approve, then any hours are okay).

(c) Allow employees to buy company clothing.

(d) No need for employee signing/documenting when leaving before 2 hour minimum on their own, when correcting hours to be paid due to their clock-in errors, when receiving pay increases, etc. (verbal is okay).

(e) No random or targeted industry/employer audits (burden of proof on department of labor to show need for audit/investigation due to a pattern of documented complaints or known problems for that specific location of multi-site business).

(f) Expand flexibility with unpaid internships for people of all ages if both parties agree with express understanding that there is no workers' compensation, unemployment, or other benefits provided.

(g) Reduce record keeping requirement from 4 to 3 years.

(h) No fines for not posting laws in "conspicuous" place.

2 Labor Commissioner; Inspections. RSA 273:9 is repealed and reenacted to read as follows:

273:9 Inspections. The commissioner may visit a specific location of a manufacturing, mechanical, or mercantile establishment in the state at a reasonable time for the purpose of ascertaining whether the laws with reference to employment are complied with after a pattern of documented complaints to the department or known problems for that specific location of the business has been identified within the prior 12 months.

3 Protective Legislation; Definition of Terms. Amend the introductory paragraph in RSA 275:4, II to read as follows:

II. In this subdivision, "employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b) (2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, **or a person who volunteers to work for an employer for a learning or charitable opportunity and who explicitly agrees in writing to the absence of wages and benefits for a specified period of time not to exceed 6 months**, or any person who meets all of the following criteria:

4 Protective Legislation; Day of Rest. Amend RSA 275:33 to read as follows:

275:33 Day of Rest. No employer shall operate any such business on Sunday unless he or she has ~~[posted in a conspicuous place on the premises]~~ **made available to employees** a schedule containing a list of employees who are required or allowed to work on Sunday and designating the day of rest for each; ~~and shall promptly file a copy of such schedule and every change therein with the labor commissioner~~. No employee shall be required ~~[or allowed]~~ to work on the day of rest designated for him **or her**. ~~[Whoever violates this section shall be fined \$50.]~~

5 Required Pay. Amend RSA 275:43-a to read as follows:

275:43-a Required Pay.

I. On any day an employee reports to work at an employer's request, he or she shall be paid not less than 2 hours' pay at his or her regular rate of pay; ~~provided, however, that~~. **If the employee chooses to leave work after reporting, the employer may, without penalty, elect not to pay the employee.**

II. This section shall not apply to employees of counties or municipalities or ski and snowboard instructional employees at ski resorts, provided that these employees receive other compensation that is at least equal to their rate of pay, and provided further that no employer who makes a good faith effort to notify an employee not to report to work shall be liable to pay wages under this section. However, if the employee reports to work after the employer's attempt to notify him or her has been unsuccessful or if the employer is prevented from making notification for any reason, the employee shall perform whatever duties are assigned by the employer at the time the employee reports to work.

6 Protective Legislation; Payment of Wages. Amend RSA 275:48, V(b) to read as follows:

(b) "Uniform" means a garment with a company logo or fashion of distinctive design, worn by one or more employees, and serving as a means of identification or distinction. ***No employer shall require an employee to wear a uniform unless the employer provides each employee with a uniform at no cost to the employee. An employee may purchase any other company garments or items if the employee chooses.***

7 Protective Legislation; Notification, Posting and Records. Amend RSA 275:49, I-II to read as follows:

I. ***Verbally or in writing*** notify the employees, at the time of hiring of the rate of pay, and of the day and place of payment;

II. ***Verbally or in writing*** notify his or her employees of any changes in the arrangements specified above prior to the time of such changes;

8 Protective Legislation; Notification, Posting, and Records. Amend RSA 275:49, VI-VII to read as follows:

VI. Make such records of the persons employed by him or her, including wage and hour records, preserve such records for ~~[such periods of time]~~ **3 years**, and make such reports therefrom to the commissioner, as ~~[the commissioner shall prescribe by regulation as necessary or appropriate]~~ **are required in statute** for the enforcement of the provisions of this subdivision; and

VII. ~~[Keep posted in a place accessible to his or her]~~ **Make available to** employees the following **information**: "It is illegal in New Hampshire under both state and federal law to pay employees different wages for the same work based solely on sex. If you think that your employer has violated this provision, please contact the New Hampshire Department of Labor." This notice shall also include the address, phone number, and email address of department personnel to be contacted with complaints under this subdivision, as well as an Internet link to RSA 275:37.

9 Youth Employment Law; Prohibitions. RSA 276-A:4 is repealed and reenacted to read as follows:

276-A:4 Prohibitions.

I. No youth shall be employed or permitted to work in any hazardous occupation, except in an apprenticeship, vocational rehabilitation, or training program approved by the commissioner.

II. No youth under 16 years of age shall be employed or permitted to work without a certificate except:

- (a) For his or her parents, grandparents, or guardian;
- (b) At work defined in this chapter as casual;
- (c) As farm labor; or
- (d) With the permission of a parent or legal guardian.

III. No youth under 16 years of age shall be employed or permitted to work in a dangerous area in manufacturing, construction, and mining and quarrying occupations, or in woods and logging.

IV. No youth under 12 years of age may be employed or permitted to work except for his parents, grandparents, or guardian, or at work defined in this chapter as casual, or in the door-to-door delivery of newspapers.

10 Youth Employment Law; Enforcement. Amend RSA 276-A:6 to read as follows:

276-A:6 Enforcement. The commissioner shall have the responsibility for enforcing the provisions of this chapter. ~~[Investigators and truant officers shall visit and inspect all places of employment and cause the provisions of this chapter to be enforced as directed by the commissioner. For this purpose they shall have the power to serve warrants.]~~

11 Youth Employment Law; Certain Labor. Amend RSA 276-A:11 to read as follows:

276-A:11 Certain Labor. In addition to the prohibitions listed in RSA 276-A:4, ~~[II, IV, V, VI, and VII]~~ no youth shall be employed or permitted to work at manual or mechanical labor in any manufacturing establishment more than 10 hours in any one day, or more than 48 hours in any one week. No youth shall be employed or be permitted to work at manual or mechanical labor in any other employment, except household labor and nursing, domestic, hotel and cabin including dining and restaurant service operated in connection with such service, and boarding house labor, operating in telegraph and telephone offices and farm labor, or canning of perishable vegetables and fruit, or as a laboratory technician, more than 10- 1/4 hours in any one day, or more than 54 hours in any one week.

12 Youth Employment Law; Additional Prohibitions. Amend RSA 276-A:21 to read as follows:

276-A:21 Additional Prohibitions. The prohibitions under this subdivision shall be in addition to those prohibitions listed in RSA 276-A:4[, III, IV, V and VI].

13 Youth Training and Employment in Firefighting; Limitations on Youth Training and Employment. Amend RSA 276-A:23, V to read as follows:

V. Fire organizations shall follow the requirements of ~~[RSA 276-A:4, VIII and]~~ RSA 276-A:24 and rules adopted by the commissioner when employing or permitting 16 or 17 year old youths to work in support of firefighting.

14 Employer's Records; Records of Hours and Wages. Amend RSA 279:27 to read as follows:

279:27 Records of Hours and Wages. Every employer of employees shall keep a true and accurate record of the hours worked by each, wages paid to each, and classification of employment when necessary, and shall furnish to the commissioner or the commissioner's authorized representative upon demand a sworn statement of the same. ***Employers shall retain employee records for 3 years and such records [shall] may be open to inspection by the commissioner or the authorized representative at any reasonable time, provided that a pattern of documented complaints to the department of labor for the employees of a specific location of the business has been identified within the prior 12 months.*** ~~[Every employer subject to a statutory minimum wage shall keep a copy of such statutory minimum wage posted in a conspicuous place in every establishment in which employees are employed. Employers shall be furnished copies of posters on request without charge.]~~

15 Repeal. The following are repealed:

I. RSA 276-A:5, relative to youth employment certificates.

II. RSA 276-A:13, relative to youth night work.

III. RSA 276-A:14, relative to a special agreement for youth night work.

IV. RSA 276-A:20, relative to posting of notice of meal breaks permitted to youth employees and maximum allowed hours for youth employment.

V. RSA 276-A:22, relative to evidence of violations of youth employment in certain jobs.

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

2018-0981s

AMENDED ANALYSIS

This bill repeals certain provisions of the youth employment law governing the employment of youths 16 and 17 years of age. This bill also modifies notification requirements regarding work schedules and payment of wages, and deletes the requirement that investigators visit places of employment.

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

Senator Bradley offered a Floor Amendment.

Sen. French, Dist 7

Sen. Sanborn, Dist 9

Sen. Bradley, Dist 3

Sen. Morse, Dist 22

Sen. Innis, Dist 24

March 22, 2018

2018-1198s

04/10

Floor Amendment to SB 318

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

AN ACT relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.

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

1 Labor Commissioner; Inspections. RSA 273:9 is repealed and reenacted to read as follows:

273:9 Inspections. The commissioner may, subject to the provisions of this paragraph, without notice, visit, at a reasonable time, a manufacturing, mechanical or mercantile establishment in the state for the purpose of ascertaining compliance with the laws adopted under this title. The commissioner shall only visit such a specific location upon receipt of a complaint, with knowledge of other information that causes the commissioner to have an articulable suspicion that the violation identified in the complaint or other information will be substantiated by the visit to the location, or upon request of the employer to visit other specific locations.

2 New Section; Labor Commissioner; Proportionality of Inspections. Amend RSA 273 by inserting after section 9 the following new section:

273:9-a Proportionality of Inspections. All inspections performed by the commissioner shall be proportional to the seriousness of the violation which the commissioner has an articulable suspicion to believe exists. "Proportional" in this section shall be determined with reference to the importance of the issues at stake in the inspection, the degree to which the alleged violation involves risk of physical injury, the potential for lost wages, the amount in controversy, the parties' relative access to relevant information, and the parties' resources.

3 Protective Legislation; Day of Rest. Amend RSA 275:33 to read as follows:

275:33 Day of Rest. No employer shall operate any such business on Sunday unless he or she has posted ~~[in a conspicuous place on the premises]~~ **and made available to employees** a schedule containing a list of employees who are required or allowed to work on Sunday and designating the day of rest for each ~~[-and shall promptly file a copy of such schedule and every change therein with the labor commissioner]~~. No employee shall be required ~~[or allowed]~~ to work on the day of rest designated for him **or her**. ~~[Whoever violates this section shall be fined \$50.]~~

4 Protective Legislation; Payment of Wages. Amend RSA 275:48, V(b) to read as follows:

(b) "Uniform" means a garment with a company logo or fashion of distinctive design, worn by one or more employees, and serving as a means of identification or distinction. **No employer shall require an employee to wear a uniform unless the employer provides each employee with a uniform reasonably suited for the conditions in which the employee would be required to wear one, at no cost to the employee. An employee may purchase any other company garments or items if the employee chooses.**

5 Protective Legislation; Notification, Posting and Records. Amend RSA 275:49, II to read as follows:

II. Notify his or her employees of any changes in the arrangements specified above prior to the time of such changes, **provided however that there shall be no penalty for failure to provide notification to an employee concerning changes to the minimum hourly rate pursuant to RSA 279:21;**

6 Protective Legislation; Notification, Posting, and Records. Amend RSA 275:49, VI-VII to read as follows:

VI. Make such records of the persons employed by him or her, including wage and hour records, preserve such records for ~~[such periods of time]~~ **3 years**, and make such reports therefrom to the commissioner, as ~~[the commissioner shall prescribe by regulation as necessary or appropriate]~~ **are required in statute** for the enforcement of the provisions of this subdivision; and

VII. ~~[Keep posted in a place accessible to his or her]~~ **Post and make available to his or her** employees the following: "It is illegal in New Hampshire under both state and federal law to pay employees different wages for the same work based solely on sex. If you think that your employer has violated this provision, please contact the New Hampshire Department of Labor." This notice shall also include the address, phone number, and email address of department personnel to be contacted with complaints under this subdivision, as well as an Internet link to RSA 275:37.

7 Youth Employment Law; Prohibitions. Amend RSA 276-A:4, VI-VIII to read as follows:

VI. (a) **In any employer's predetermined designated work week during which school is in session for 5 days**, no youth 16 or 17 years of age who is duly enrolled in school shall ~~[be permitted to]~~ work more than 6 consecutive days or more than 30 hours during ~~[the school calendar week, which shall be Sunday through Saturday]~~ **that work week**.

(b) **In any employer's predetermined designated work week during which school is in session for 4 days**, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 40 ¼ hours **in that work week**.

(c) In any employer's predetermined designated work week during which school is in session for more than one but less than 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 48 hours in that work week.

VII. No youth 16 or 17 years of age who is duly enrolled in school shall work for more than 6 consecutive days or ~~[48]~~ **56** hours in any one week during school vacations, including summer vacation. For purposes of this paragraph, "summer vacation" means June 1 through Labor Day. This prohibition shall not apply to youths 16 or 17 years of age who reside and work at a summer camp for minors.

VIII. No youth 16 or 17 years of age~~[, except a youth 16 or 17 years of age who has graduated from high school or obtained a general equivalency diploma,]~~ shall be employed by an employer unless the employer obtains and maintains on file a signed written document from the youth's parent or legal guardian permitting the youth's employment. ***A youth who is 16 or 17 years of age who has graduated from high school or obtained a high school equivalency credential shall not require permission of a parent or legal guardian.***

8 Youth Employment Law; Enforcement. Amend RSA 276-A:6 to read as follows:

276-A:6 Enforcement. The commissioner shall have the responsibility for enforcing the provisions of this chapter. ~~[Investigators and truant officers shall visit and inspect all places of employment and cause the provisions of this chapter to be enforced as directed by the commissioner. For this purpose they shall have the power to serve warrants.]~~

9 Youth Employment Law; Hours of Labor. Amend RSA 276-A:11 to read as follows:

276-A:11 Certain Labor. In addition to the prohibitions listed in RSA 276-A:4, III, IV, V, VI, and VII no youth shall be employed or permitted to work at manual or mechanical labor in any manufacturing establishment more than 10 hours in any one day, or more than 48 hours in any one week. No youth shall be employed or be permitted to work at manual or mechanical labor in any other employment, except household labor and nursing, domestic, hotel and cabin including dining and restaurant service operated in connection with such service, and boarding house labor, operating in telegraph and telephone offices and farm labor, or canning of perishable vegetables and fruit, or as a laboratory technician, more than 10-1/4 hours in any one day, or more than ~~[54]~~ **56** hours in any one week.

10 Youth Employment Law; Notice of Hours. Amend RSA 276-A:20 to read as follows:

276-A:20 Notice of Hours. Every employer shall post ~~[in a conspicuous place in every room where youths are employed a printed]~~ ***and make available to all employed youths a*** notice stating the hours of work, the time allowed for dinner or other meals, and the maximum number of hours any youth is permitted to work in any one day.

11 Employer's Records; Records of Hours and Wages. Amend RSA 279:27 to read as follows:

279:27 Records of Hours and Wages. Every employer of employees shall keep a true and accurate record of the hours worked by each, wages paid to each, and classification of employment when necessary, and shall furnish to the commissioner or the commissioner's authorized representative upon demand a sworn statement of the same. ***Employers shall retain such records of hours and wages for 3 years and such*** records shall be open to inspection by the commissioner or the authorized representative at any reasonable time, ***subject to the provisions of RSA 273:9.*** Every employer subject to a statutory minimum wage shall ~~[keep]~~ ***post and make available to his or her employees*** a copy of such statutory minimum wage ~~[posted in a conspicuous place in every establishment in which employees are employed]~~. Employers shall be furnished copies of posters on request without charge.

12 Repeal. RSA 276-A:22, relative to evidence of violations of youth employment in certain jobs, is repealed.

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

2018-1198s

AMENDED ANALYSIS

This bill establishes criteria under which the commissioner of the department of labor may conduct a workplace inspection; amends certain notification and posting requirements; amends certain provisions of the youth employment law; and amends the requirements for employer retention of hour and wage records.

Senators Reagan and Watters are excused.

Senator Feltes moved to divide the question.

The Chair ruled the question divisible.

Senator Feltes moved to divide the question: Section 7 VII and Section 13.

The question is on the adoption of Section 7 VII and Section 13.

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

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

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

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 12 - Nays: 9. Adopted.

Senator Feltes moved to divide the question: Section 8 and Section 13.

The question is on the adoption of Section 8 and Section 13.

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

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

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

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 12 - Nays: 9. Adopted.

Senator Feltes moved to divide the question: Section 12 and Section 13.

The question is on the adoption of Section 12 and Section 13.

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

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

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

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 11 - Nays: 10. Adopted.

Senator Gannon moved to divide the question: Section 7 VI and Section 13.

The question is on the adoption of Section 7 VI and Section 13.

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

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

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

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 11 - Nays: 10. Adopted.

The question is on the adoption of All Remaining Sections and Section 13.

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

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

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

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 11 - Nays: 10. Adopted.

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

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

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

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

The following Senators were excused: Watters, Cavanaugh, Reagan.

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

RULES AND ENROLLED BILLS

SB 343, relative to legislative ethics guidelines.

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

Senator Kahn offered a Floor Amendment.

Sen. Kahn, Dist 10

March 22, 2018

2018-1191s

03/10

Floor Amendment to SB 343

Amend the bill by replacing section 2 with the following:

2 Gifts, Honorariums, and Reimbursements. Amend RSA 14-C:2, IV(a)(2) to read as follows:

(2) Any other tangible thing, intangible thing, service, or the use thereof having an individual value of greater than \$50. ***For purposes of this section, "service" shall not include acceptance of legal services on an individual basis when the legislator enters into an attorney-client relationship with the attorney for the purposes of addressing a complaint or petition if the attorney is not a registered lobbyist and not in a law firm or other business organization that has as a member, partner, associate, employee, or other person with a similar relationship who is a registered lobbyist.***

The question is on the adoption of the Floor Amendment.

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

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

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

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 11 - Nays: 10. Adopted.

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

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

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

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

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 12 - Nays: 9. Adopted, bill ordered to Third Reading.

MOTION TO REMOVE FROM THE TABLE

Senator D'Allesandro moved to remove SB 586-FN-A-L from the Table. Adopted.

WAYS AND MEANS

SB 586-FN-A-LOCAL, relative to casino gambling.

The pending motion is Refer to Interim Study.

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

Senator D'Allesandro moved Ought to Pass.

Senator Bradley presiding.

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

The following Senators voted Yes: Woodburn, Giuda, French, Lasky, Soucy, Birdsell, D'Allesandro, Morse, Gannon, Innis.

The following Senators voted No: Hennessey, Gray, Ward, Sanborn, Kahn, Daniels, Avard, Carson, Feltes, Fuller Clark, Bradley.

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 10 - Nays: 11. Failed.

Senator Daniels moved Referred to Interim Study.

Senator Feltes moved to Lay on the Table SB 586-FN-A-L. Adopted.

President Morse presiding.

MOTION TO REMOVE FROM THE TABLE

Senator Birdsell moved to remove SB 520-FN from the Table. Adopted.

TRANSPORTATION

SB 520-FN, relative to organizations authorized to issue decals for multi-use decal plates.

The pending motion is Ought to Pass with Amendment.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19

March 20, 2018

2018-1149s

03/05

Floor Amendment to SB 520-FN

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

AN ACT relative to organizations authorized to issue decals for multi-use decal plates.

Amend the bill by replacing section 1 with the following:

1 Multi-Use Decal Plates; Authorized Organizations. Amend RSA 261-B:9 to read as follows:

261-B:9 Authorized [~~Organization~~] **Organizations**. The *following organizations are authorized to issue decals under this chapter:*

I. Rotary District 7870 Foundation [~~is authorized to issue decals under this chapter~~].

II. New Hampshire Catholic Charities, provided that all proceeds from decals issued by New Hampshire Catholic Charities shall be for the benefit of the New Hampshire Food Bank.

III. New England Donor Services, Inc.

IV. Sophia's Fund.

V. The New Hampshire Breast Cancer Coalition.

VI. The university system of New Hampshire. Granite state college, Keene state college, and Plymouth state university are each authorized to issue decals, provided that all proceeds shall remain with the issuing institution and be used only for student scholarships.

2018-1149s

AMENDED ANALYSIS

This bill authorizes New Hampshire Catholic Charities, New England Donor Services, Inc., Sophia's Fund, the New Hampshire Breast Cancer Coalition, and the university system of New Hampshire to issue decals for multi-use decal plates.

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

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

MOTION TO REMOVE FROM THE TABLE

Senator Carson moved to remove SB 461 from the Table. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 461, relative to continuing education for real estate brokers and salespersons.

There is no pending motion.

Senator Carson moved Ought to Pass.

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

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

The following Senators voted Yes: Woodburn, Bradley, Hennessey, Ward, Kahn, Avar, Lasky, Carson, Feltes, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon.

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

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 14 - Nays: 7. Adopted, bill ordered to Third Reading.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 576-FN from the Table. Adopted.

EDUCATION

SB 576-FN, relative to home health services rate setting.

The pending motion is Inexpedient to Legislate.

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

Senator Bradley moved Ought to Pass.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

March 22, 2018

2018-1182s

01/03

Floor Amendment to SB 576-FN

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

AN ACT relative to home health services rate setting.

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

1 Department of Health and Human Services; Establishing Home Health Services Rates. The commissioner of the department of health and human services shall review Medicaid reimbursement rates for home health services and determine whether they reflect the average cost for providers to deliver services. The commissioner shall consult with stakeholders in reviewing the rates considering the factors of economy, efficiency, quality of care, and access to care, in accordance with guidelines in federal regulations. The commissioner shall report the findings to the president of the senate, the speaker of the house of representatives, the governor, and the chairpersons of the house and senate finance committees for consideration for inclusion in the state operating budget for the biennium ending June 30, 2021.

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

2018-1182s

AMENDED ANALYSIS

This bill requires the department of health and human services to review Medicaid reimbursement rates for home health services.

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

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

MOTION TO REMOVE FROM THE TABLE

Senator Sanborn moved to remove SB 375 from the Table.

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

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

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

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 9 - Nays: 12. Failed.

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 Morse: SB 318

Senator Sanborn: CACR 22, SB 318, SB 343, SB 350, SB 375, SB 388, SB 383, SB 453, SB 461, SB 520-FN, SB 526-FN, SB 541-FN-A, SB 548-FN, SB 564-FN-A, SB 569-FN, SB 576-FN, SB 577, SB 582-FN, SBS 586-FN-A-L, SB 590-FN-A, SB 592-FN-A, HB 410, HB 1278, HB 1292, HB 1386

Senator Soucy: SB 541-FN-A

Senator Woodburn: SB 461

ANNOUNCEMENTS

(The Chair recognized Senator Gannon.)

SENATOR GANNON: The Sandown Lions are having their world famous Irish dinner at 4:30 in Sandown on Saturday. Any legislator, or anybody up in the gallery, if you come, I'll pay for your nice Irish dinner on Saturday at 4:30. Come on down. Thank you.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: I just want to remind everyone that we're not having session next Thursday, so Transportation will be meeting at 1 o'clock.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I would just like members of Senate Judiciary to know we are meeting next Thursday at 9:30.

PRESIDENT MORSE: If the Senate could just pay attention for two more minutes, a close friend of mine, for the past thirty years, passed away this past week. And it's kind of ironic because when Senator Downing was alive we used to have a St. Patrick's Day party, and we took a year off and then we started it up a year ago. And a bunch of us put together a group called Inspiring Futures and we actually try to help young people with after school programs and projects like that. Chief Consentino came to the event this past Friday

night, which was a huge event, and a lot of good friends getting together and when he went to leave I chased him down because he was in a wheelchair and he obviously wasn't feeling good. And he said to me, at the time, this will be the last event that I get to go to, and he passed away. He was one of those guys that did everything for his community, and has been a long time mentor and role model. He served as Police Chief in Atkinson for thirty-five years, was well known for his work for the elderly community serving as Atkinson's Elderly Services Program director for twenty-six years. He's been the driving force behind positive changes in the community in Atkinson, has seen and made caring for the elderly and disabled a priority in this town. He never stopped giving to the community, having served on the Atkinson Fire Department, as a Selectman, and with the Atkinson Lions Club. He had a hand in many things to make the community of Atkinson great. His unending dedication to the community was obvious even in the last days. He even attended a Board of Selectman meeting last week, last week. He was devoted, selfless and caring – probably the best way to describe Phil. His many contributions and his leadership will solely be missed, and his loss will undoubtedly be felt by the town for many years. I want to share my gratitude for all the work he has done over the many years in serving the community. He leaves behind his wife of fifty-two years, Jody, and two sons, Philip and David. Susan and I wish them the best, and our thoughts and prayers are with them.

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

CACR 22, relating to rights for crime victims. Providing that crime victims shall be afforded constitutional rights.

HB 410, relative to the legislative youth advisory council.

HB 1278, naming the rest area in Colebrook in honor of Frederick W. King, Sr. and naming a bridge in Farmington in honor of Major John W. Lawrence, Jr.

HB 1292, relative to the effective dates of changes to the rates for the business profits tax and the business enterprise tax.

HB 1386, establishing a joint committee on employee relations.

SB 318, relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.

SB 343, relative to legislative ethics guidelines.

SB 350, relative to biological products dispensed by pharmacists.

SB 383, establishing a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents.

SB 388, relative to dispensary locations for therapeutic cannabis.

SB 453, relative to requirements and criteria for a competitive grant program for drinking water protection.

SB 461, relative to continuing education for real estate brokers and salespersons.

SB 520-FN, relative to organizations authorized to issue decals for multi-use decal plates.

SB 541-FN-A, establishing a fund to reimburse costs associated with firefighters who have cancer and establishing a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer.

SB 548-FN, relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome.

SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.

SB 569-FN, relative to animal cruelty and establishing a commission to study certain language applicable to the transfer of animals.

SB 576-FN, relative to home health services rate setting.

SB 577, requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy.

SB 582-FN, authorizing an assessment to determine appropriate caseload and workload standards for the division for children, youth and families; establishing additional child protection services positions in the division for children, youth and families; relative to foster care and adoption programs and services; and making appropriations therefor.

SB 590-FN-A, making a supplemental appropriation to the state loan repayment program and relative to emergency involuntary admissions, the child protection act, and the developmental disabilities wait list and making appropriations therefor.

SB 592-FN-A, relative to the child welfare system.

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.