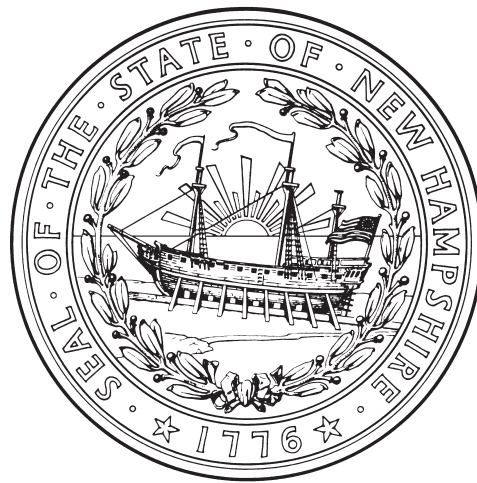


March 8, 2018
Nos. 5-6

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 – FEBRUARY 22, 2018 SESSION
COMMENCEMENT – MARCH 8, 2018 SESSION**

SENATE JOURNAL 5 *(continued)*

February 22, 2018

HOUSE MESSAGE

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

CACR 16, Relating to privacy. Providing that an individual's right to live free of governmental intrusion is natural, essential, and inherent.

HB 1217, amending the certification requirements for school nurses.

HB 1227, relative to an unattended idling vehicle on private property.

HB 1237, relative to the definition of "public at large."

HB 1243, relative to exemptions from property attachments.

HB 1247, relative to administering oaths to certain state officers.

HB 1252-FN, relative to certificates of insurance.

HB 1265, relative to the release of criminal conviction records.

HB 1280-FN, relative to bow and arrow hunting licenses for permanently disabled military veterans.

HB 1281, establishing an executive order registry.

HB 1283, prohibiting sobriety checkpoints.

HB 1284, relative to the reports required by the incapacitated and vulnerable adult fatality review committee.

HB 1285, relative to dancers and entertainers in premises serving alcoholic beverages.

HB 1288, relative to petitions for annulment.

HB 1289, relative to trespassing domestic fowl.

HB 1303, relative to the purposes of revolving funds in towns.

HB 1304, relative to the authorization for forensic audits by a county convention.

HB 1310, establishing a committee to study all non-regulatory boards and commissions.

HB 1329, relative to eyewitness identification procedures.

HB 1335, relative to the cybersecurity software used by the state of New Hampshire.

HB 1352-FN, eliminating the nonresident freshwater bait dealers license.

HB 1356, relative to data sharing between the department of environmental services and the department of health and human services.

HB 1361, relative to county audits.

HB 1374, relative to financial regulation technicals.

HB 1401, relative to the New Hampshire accountancy act.

HB 1404, relative to the competing harms defense.

HB 1416-FN, repealing the prohibition on bottle rockets.

HB 1420-FN, relative to a criminal penalty for driving after certification as an habitual offender.

HB 1425-FN, relative to simple assault.

HB 1441-FN, establishing the office of the ombudsman in the department of state.

HB 1446, relative to childhood cancer awareness month.

HB 1458, relative to exempting certain rules governing marine species from the administrative procedures act.

HB 1467, relative to the penalty for driving after revocation or suspension.

HB 1468, establishing a commission to study legislative oversight activities related to the department of health and human services.

HB 1472, relative to the state building code provisions for energy conservation in new building construction.

HB 1477-FN, relative to annulment of arrests or convictions for possession of 3/4 of an ounce of marijuana, or less.

HB 1483, amending the wiretapping and eavesdropping statute to include private communication networks.

HB 1494, relative to the definition of academic standards.

HB 1498, relative to alternate certification pathways for career and technical education instructors.

HB 1545, relative to the statewide interoperability executive committee.

HB 1554-FN, increasing exemptions under the interest and dividends tax and decreasing the total amount of research and development credits against business taxes.

HB 1565-FN, relative to requiring the secure psychiatric unit to be accredited as a psychiatric hospital and making an appropriation therefor.

HB 1593, authorizing a school district meeting to adopt an article authorizing the trustees of the trust fund to charge certain expenses against capital reserve funds.

HB 1598-LOCAL, relative to the vote to withdraw from a cooperative school district.

HB 1622, relative to organization of the department of information technology.

HB 1637, requiring school districts to establish policies relating to suspensions and expulsions.

HB 1638, declaring April 7, 2018 as tabletop gaming day in New Hampshire.

HB 1664, relative to terms of appointment of members of governing boards for allied health professionals.

HB 1673-FN-LOCAL, relative to the interest charged on late and delinquent property tax payments.

HB 1674, relative to computer science and digital skills required for an adequate education.

HB 1676-FN, repealing the licensing requirement for open-air shows and repealing the laws related to the keeping of billiard tables.

HB 1738, transferring the division of film and digital media to the division of travel and tourism in the department of business and economic affairs.

HB 1740, relative to costs of blood testing orders.

HB 1791-FN, allowing pharmacists to disclose information relative to lower cost drugs under the managed care law.

HB 1808, repealing certain inactive dedicated funds.

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 6

March 8, 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:

O God, from whom all power comes, by whose divine will all must abide. We pray to keep everyone safe in the aftermath of yet another New England Northeaster. We thank you for our civil liberties and freedom for our opportunities and our privileges. We beg of you to bless, assist and enlighten Senators in this body today and always. May they prove worthy of the confidence placed in them by their fellow citizens. May they be just and upright in their thinking, honest in all their actions and ever be guided by a true conscience of the legislation they propose or vote on. Hold in your protective hands our military and first responders. Forgive us all our mistakes and selfish tendencies and help prepare us by our good deeds for an eternal union with you. Dear Christ Our Lord, Amen.

Senator Gray led the Pledge of Allegiance.

INTRODUCTION OF PAGES

Senator Birdsell introduced Catherine McCarthy and Cole Fournier from Pinkerton Academy, serving as Senate Pages for the day.

FN REPORT FOR MARCH 8, 2018

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

CONSENT CALENDAR:

HEALTH AND HUMAN SERVICES

SB 581-FN, relative to pharmacy benefit managers under the managed care law.

JUDICIARY

SB 391-FN, relative to sexual assault survivors' rights.

SB 497-FN, relative to breast-feeding.

SB 498-FN, relative to information on property seized pursuant to a criminal proceeding.

SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record.
SB 584-FN, prohibiting electroconvulsive therapy on children 16 years of age or under.

REGULAR CALENDAR:

COMMERCE

SB 317-FN, relative to veterans' preference in public employment.
SB 566-FN, relative to unemployment compensation for school bus drivers and monitors.

ELECTION LAW AND INTERNAL AFFAIRS

SB 527-FN-L, relative to absentee voting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 370-FN, adopting the emergency medical services personnel licensure interstate compact.
SB 462-FN, relative to occupational licensure, certification, or registration for persons with criminal records, and relative to license applicants for barbering, cosmetology, esthetics, and manicuring.
SB 570-FN, relative to the work requirement for the child care scholarship program.
SB 588-FN, relative to inspections of laboratories.
SB 589-FN, relative to regulation of certified recovery support workers.

HEALTH AND HUMAN SERVICES

SB 546-FN, relative to purchasing alliances.

TRANSPORTATION

SB 559-FN-A, making an appropriation for a sound barrier on the Everett Turnpike in Bedford.
SB 585-FN, authorizing the New Hampshire Breast Cancer Coalition to issue decals for multi-use decal plates.

WAYS AND MEANS

SB 410-FN, establishing a registration fee for canoes and kayaks.
SB 411-FN-A, eliminating the cap on the research and development tax credit.

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

CONSENT CALENDAR:

EDUCATION

SB 525-FN, prohibiting the distribution of higher education and adult education financial assistance to any student who is not a legal resident—if Inexpedient to Legislate recommendation is overturned.

HEALTH AND HUMAN SERVICES

SB 548-FN, relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome (NAS).
SB 572-FN, relative to the individual health insurance market—if Interim Study recommendation is overturned.
SB 583-FN, establishing a pilot program to eliminate employment barriers for certain parents.

JUDICIARY

SB 555-FN-A, establishing a citizens' right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor.
SB 557-FN, establishing a board of housing development appeals.

REGULAR CALENDAR:

COMMERCE

SB 553-FN, relative to mental health parity for workers' compensation—if Interim Study recommendation is overturned.
SB 567-FN, relative to workforce development and job training.

EDUCATION

SB 526-FN, relative to school breakfast programs.
SB 568-FN, relative to criminal history record checks for school employees and certain volunteers.

ENERGY AND NATURAL RESOURCES

SB 309-FN, relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.

SB 530-FN, relative to high voltage electric transmission lines in highway rights-of-ways—if Interim Study recommendation is overturned.

SB 569-FN, relative to animal cruelty.

SB 577, requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 463-FN, establishing an architectural paint can recycling program—if Inexpedient to Legislate recommendation is overturned.

SB 532-FN, relative to group II status of certain department of corrections officials.

SB 571-FN, requiring the department of health and human services to perform an efficiency audit—if Inexpedient to Legislate recommendation is overturned.

HEALTH AND HUMAN SERVICES

SB 582-FN, relative to caseload standards for child protective service workers in the department of health and human services.

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

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

TRANSPORTATION

SB 562-FN, allowing the waiver of fees for reinstatement of a driver's license and registration in cases of demonstrated financial hardship—if Inexpedient to Legislate recommendation is overturned.

WAYS AND MEANS

SB 563-FN, establishing a recovery friendly workplace initiatives tax credit against business taxes administered by the community development finance authority.

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

SB 587-L, relative to the collection of fees for public parking facilities—if Inexpedient to Legislate recommendation is overturned.

Senator Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bill which is still in its respective committee:

JUDICIARY

SB 593-FN, relative to the penalty for capital murder.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

EDUCATION

SB 525-FN, by Senator Sanborn

ENERGY AND NATURAL RESOURCES

SB 446, by Senator Bradley

HEALTH AND HUMAN SERVICES

SB 581-FN, by Senator Bradley

JUDICIARY

SB 388, by Senator Woodburn

TRANSPORTATION

HB 1278, by Senator Gray

CONSENT CALENDAR

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

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

EDUCATION

HB 1370, relative to a school's emergency management plan.

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

This bill requires the department of education to provide a copy of a school's emergency management plan, as updated, to the director of homeland security and emergency management, department of safety. This bill makes an important change based on legislation passed last year to ensure that these emergency plans are given to all who may need them. These emergency plans include those that deal with active shooters. The committee amended the bill to clarify language that these plans will also be provided to local emergency authorities.

Senate Education
March 6, 2018
2018-0963s
06/05

Amendment to HB 1370

Amend RSA 189:64, II as inserted by section 1 of the bill by replacing it with the following:

II. ***Each school shall provide the plan to, and coordinate the plan*** ~~[shall be coordinated]~~ with, local emergency authorities and with the emergency operations plan in the municipality in which the school is located. Each school shall review its plan at least annually and update the plan, as necessary, and shall submit the updated plan to the department of education by September 1. If after review, the plan is unchanged, the school shall notify the department by September 1 that the plan is unchanged. ***The department shall provide a copy of any updated plan to the director of homeland security and emergency management, department of safety.*** The director of homeland security and emergency management, department of safety shall assist school districts in conducting training for and providing support to school districts in the development, implementation, and review of an emergency response plan, as may be needed.

2018-0963s

AMENDED ANALYSIS

This bill requires the department of education to provide a copy of a school's emergency management plan, as updated, to the director of homeland security and emergency management, department of safety.

This bill also requires a school to provide its emergency management plan to, and coordinate it with, local emergency authorities.

HEALTH AND HUMAN SERVICES

SB 478, establishing an advisory council on lactation.

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

This bill would amend and reauthorize the advisory council on pregnancy and lactation. This council has made large strides in providing information and services to pregnant and lactating women as well as employers. It is important that the work of the council continues in order to ensure that our state becomes a more welcoming place for young people to start and raise a family.

Health and Human Services
March 6, 2018
2018-0977s
08/03

Amendment to SB 478

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Advisory Council on Lactation. Amend RSA 275 by inserting after section 76 the following new section:

275:77 Advisory Council on Lactation.

I. There is hereby established an advisory council on pregnancy and lactation. The advisory council shall be comprised of:

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

(b) Two members of the house of representatives, one from the majority party and one from the minority party, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of labor, or designee.

(d) The commissioner of the department of transportation, or a designee from the division of aeronautics, rail, and transit.

(e) Two members from the business community, one from a business with 50 or more employees and one from a business with less than 50 employees, both appointed by the governor.

(f) A member of the New Hampshire Business and Industry Association, appointed by the president of that association.

(g) One individual representing women of color regarding health equity, appointed by the president of the New Hampshire chapter of the American Civil Liberties Union.

(h) One member from the New Hampshire Medical Society representing obstetrics and gynecology, appointed by the president of that association.

(i) The executive director of the human rights commission, or a member of the commission's board.

(j) One member from National Education Association for New Hampshire, appointed by the president of that association

(k) One member from the department of health and human services, division of public health, appointed by the director of that division.

(l) A representative from the Women, Infants, and Children program (WIC), appointed by the commissioner of the department of health and human services.

(m) A certified midwife, appointed by the midwifery council established in RSA 326-D:3.

(n) The president of the New Hampshire Breastfeeding Rights Coalition and the Rustik Baby Project, or designee.

(o) The chairperson of the New Hampshire breastfeeding task force, or designee.

(p) A hospital administrator from a certified baby-friendly hospital, appointed by the governor.

(q) A mother who is breastfeeding a child or children, appointed by the governor.

(r) An attorney with experience in human rights issues, appointed by the New Hampshire commission for human rights.

II. The advisory council shall:

(a) Examine best practices on behalf of pregnant women and lactating mothers in New Hampshire.

(b) Research availability of accommodations and support for lactating mothers in the public arena, including but not limited to transportation hubs, educational institutions, government buildings, and courts and correctional facilities.

(c) Review definition of sex discrimination and disparate treatment related to pregnancy and lactation on federal and state levels in order to consider amendments to existing statutes.

(d) Review federal and state definitions of reasonable accommodations and clarify definitions for state laws as it related to pregnancy and lactation accommodations.

(e) Clarify that lactation is a medical condition related to pregnancy.

(f) Review the history of pregnancy and lactation legislation in New Hampshire.

III. Legislative members shall receive mileage at the legislative rate while attending to the duties of the advisory council.

IV. The advisory council may meet as often as necessary to accomplish its goals and meetings may be held by conference call. A minimum of 3 meetings per year shall be open to the public.

V. The advisory council shall submit an interim report on November 1, 2018, and a final report on November 1, 2019, detailing its activities and findings, together with any recommendations for proposed legislation, to the president of the senate, the speaker of the house of representatives, and the governor.

2 Transition. The advisory council on pregnancy and lactation established in RSA 275:77 shall continue the work of the advisory council on lactation established in RSA 275:76, but repealed by 2016, 232:3, I.

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

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

This bill as amended would create a pilot program in four geographically dispersed locations to help in creating services for Neonatal Abstinence Syndrome. This is a debilitating condition that infants born to mothers with substance use disorders suffer from. This problem is on the rise in New Hampshire and we need to make sure there are services available for some of the most vulnerable people in our society.

Health and Human Services

March 6, 2018

2018-0987s

01/04

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 and making an appropriation therefor.

Amend the introductory paragraph of paragraph I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner of the department of health and human services shall 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 program shall:

Amend paragraph V as inserted by section 1 of the bill by replacing it with the following:

V. The commissioner shall make an interim report relative to the progression of the program on or before November 1, 2019 and a final report on or before November 1, 2020, together with any recommendations for legislation, to the president of the senate, the speaker of the house of representatives, and the governor.

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

3 Appropriation. The sum of \$589,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of health and human services for the purposes of this act. This appropriation shall be in addition to any other moneys appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date.

I. Section 2 of this act shall take effect November 1, 2020.

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

2018-0987s

AMENDED ANALYSIS

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

This bill makes an appropriation for the purposes of the bill.

SB 572-FN, relative to the individual health insurance market.

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

This bill would have sought to remove the Medicaid expansion population out of the individual market and into their own risk pool. Currently there is legislation in the process that would remove the Medicaid expansion population from the individual market and into the managed care population making this bill no longer necessary.

SB 583-FN, establishing a pilot program to eliminate employment barriers for certain parents.
Ought to Pass, Vote 5-0. Senator Bradley for the committee.

This bill establishes a 2-year pilot program for case management and employment counseling for certain parents enrolled in the New Hampshire employment program or otherwise eligible for TANF. Having a criminal record is a clearly identified barrier to employment. This pilot program would provide services to individuals, eligible for TANF, to help annul their criminal record with the goal of them obtaining full time employment. This bill does not change the annulment statutes or process but simply helps individuals get the services needed to work through the annulment process. This program would be funded completely with TANF reserve dollars.

JUDICIARY

SB 391-FN, relative to sexual assault survivors' rights.

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

This bill will establish a sexual assault survivors' commission tasked with consulting on policy with law enforcement, prosecution, forensic examiners, health care providers, and representatives of sexual assault survivor advocacy organizations. The commission will work with stakeholders to disseminate and implement best practices in dealing with cases of sexual assault and work in development, outreach, engagement, and training associated with victim-centered care for sexual-assault survivors.

Senate Judiciary

March 6, 2018

2018-0956s

04/10

Amendment to SB 391-FN

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

AN ACT establishing a sexual assault survivors' rights commission.

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

1 New Subdivision; Department of Justice; Sexual Assault Survivors' Rights Commission. Amend RSA 21-M by inserting after section 17 the following new subdivision:

Sexual Assault Survivors' Rights Commission

21-M:18 Sexual Assault Survivors' Commission.

I. There is established a sexual assault survivors' rights commission to develop, coordinate, and disseminate best practices regarding the care and treatment of sexual assault survivors and the preservation of forensic evidence. The commission shall consist of the following members:

- (a) Four members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One senator, appointed by the president of the senate.
- (c) The attorney general, or designee.
- (d) The commissioner of the department of health and human services, or designee.

II. The commission shall consult with and solicit advice and testimony from law enforcement personnel, prosecution, forensic laboratory personnel, counseling, forensic examiners, health care providers and representatives from not less than 3 national organizations and state coalitions with demonstrated expertise in sexual assault prevention, sexual assault advocacy, or representation of sexual assault victims, particularly representatives of underserved or ethnic minority communities.

III. The commission shall:

(a) Improve the coordination of the dissemination and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation of evidence to hospital administrators, physicians, forensic examiners, medical associations, and health care professionals.

(b) Develop and implement, where appropriate, clinical guidelines and other incentives to encourage the adoption and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation of evidence among hospital administrators, physicians, forensic examiners, and other medical associations and health care professionals.

(c) Improve the coordination of the dissemination and implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence to state and county attorneys, state and local law enforcement agencies, health care facilities, and forensic laboratory directors and managers.

(d) Develop and implement, where appropriate, incentives to encourage the adoption or implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence among state and county attorneys, state and local law enforcement agencies, health care facilities, and forensic laboratory directors and managers.

(e) Collect feedback from state and local law enforcement agencies, victim services, forensic science practitioners, and health care professionals to inform development of future best practices clinical guidelines regarding the care and treatment of sexual assault survivors.

(f) Perform other activities, such as activities relating to development, dissemination, outreach, engagement, or training associated with advancing victim-centered care for sexual assault survivors.

IV. 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. The commission shall meet not fewer than 2 times and not more than 5 times each year. Four members of the commission shall constitute a quorum.

V. Not later than one year after the effective date of this section, and annually thereafter, the commission shall submit a report 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 Effective Date. This act shall take effect upon its passage.

2018-0956s

AMENDED ANALYSIS

This bill establishes a sexual assault survivors' right commission.

SB 497-FN, relative to breast-feeding.

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

This bill will allow an individual who has been discriminated against in employment or housing due to pregnancy or a medical condition which results from pregnancy to file a discrimination claim with the State Commission for Human Rights or seek an immediate injunction in superior court. Under this bill, individuals will have an avenue to pursue discrimination claims through superior court, as a claim with the State Commission for Human Rights can take an extended amount of time.

Senate Judiciary
February 13, 2018
2018-0586s
08/04

Amendment to SB 497-FN

Amend RSA 132:10-d as inserted by section 1 of the bill by replacing it with the following:

132:10-d Breast-feeding. Breast-feeding a child does not constitute an act of indecent exposure and to restrict or limit the right of a mother to breast-feed her child is discriminatory. *A person who has been discriminated against in employment or housing due to pregnancy or a medical condition which results from pregnancy may file a discrimination claim with the state commission for human rights under RSA 354-A or may seek immediate injunctive relief in superior court.*

2018-0586s

AMENDED ANALYSIS

This bill creates a cause of action for a person who has been discriminated against in employment or housing due to pregnancy or a medical condition which results from pregnancy.

SB 498-FN, relative to information on property seized pursuant to a criminal proceeding.
Ought to Pass with Amendment, Vote 5-0. Senator French for the committee.

This bill requires the Attorney General to post an annual report on the Department of Justice's website detailing forfeiture activity in the state. The information required is already compiled by the Attorney General's Office and this bill will simply adjust the manner of posting to create improved transparency within the State.

Senate Judiciary
March 2, 2018
2018-0899s
04/06

Amendment to SB 498-FN

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

AN ACT requiring an annual report detailing activity related to forfeiture of personal property.

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

1 New Section; Forfeitures of Personal Property; Report. Amend RSA 617 by inserting after section 11 the following new section:

617:12 Report.

I. The attorney general, no later than 120 days after the close of the fiscal year, shall post a report on the department of justice website detailing forfeiture activity in the state, for the preceding fiscal year, including the type, approximate value, and disposition of the property seized, and the amount of any proceeds received or expended at the state and local levels. The report shall provide a categorized accounting of all proceeds expended. Summary data on seizures, forfeitures, and expenditures of forfeiture proceeds shall be provided by the law enforcement agency in disaggregated form to the attorney general.

II. The attorney general may include proposed legislative recommendations to improve policies to ensure that seizures and forfeitures are undertaken and reported in a manner that is fair to crime victims, innocent property owners, secured interest holders, citizens, and law enforcement officers.

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

2018-0899s

AMENDED ANALYSIS

This bill requires the attorney general to post an annual report on the department's website detailing activity related to forfeiture of personal property.

SB 500, amending references to firearms terminology.

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

This bill will amend current state statutes by condensing and clarifying firearm terminology and the Fish and Game statute. The bill further removes the prohibition of carrying a loaded rifle or shotgun in or on a stationary motor vehicle, OHRV, snowmobile, or aircraft for the purposes of protecting livestock and crops.

Senate Judiciary
March 6, 2018
2018-0966s
04/10

Amendment to SB 500

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

1 Pistols and Revolvers. Amend RSA 159:12, II(a) to read as follows:

(a) Fathers, mothers, grandparents, guardians, administrators or executors who give a **pistol or** revolver to their children or wards or to heirs to an estate.

2 Protection of Persons From Domestic Violence; Definitions. Amend RSA 173-B:1, XI to read as follows:

XI. "Firearm" means any weapon, including a starter gun, which will ~~[or]~~, is designed to, or may readily be converted to expel a projectile by ~~[force of gunpowder]~~ **the action of an explosive.**

3 General Provisions as to Fish and Game; Definitions. Amend RSA 207:1, I to read as follows:

I. Air Rifle: A gun operated by a compressed air or nonflammable gas cylinder by which a projectile of any size or kind can be discharged or propelled.

I-a. Angling: The taking of fish by line in hand, or rod in hand to which is attached a cast of artificial flies, or an artificial bait, or hooks or other devices for the attachment of bait. A person may have in use not more than 2 such lines at one time. Nothing in this title shall prohibit the use of a rod-holder in a boat.

4 New Paragraph; General Provisions as to Fish and Game; Definitions. Amend RSA 207:1 by inserting after paragraph V the following new paragraph:

V-a. "Firearm" means any weapon, including a starter gun, which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.

5 New Paragraph; General Provisions as to Fish and Game; Definitions. Amend RSA 207:1 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Loaded" shall mean a round in the chamber fully dischargeable by pulling the trigger.

6 General Provisions as to Fish and Game; Lawful Methods of Taking. Amend RSA 207:3, I to read as follows:

I. Wildlife shall be taken in the daytime between 1/2 hour before sunrise and 1/2 hour after sunset with a gun, **firearm, muzzleloader, or air rifle**, fired at arm's length, or bow and arrow **or crossbow**, unless otherwise specifically permitted.

7 Hunting From Motor Vehicle, OHRV, Snowmobile, Boat, or Aircraft. Amend RSA 207:7, II-IV to read as follows:

II. No person shall ~~[have or]~~ carry, in or on a motor vehicle, OHRV, snowmobile, or aircraft, ~~[whether when moving or stationary]~~, a cocked crossbow, a loaded rifle or loaded shotgun, ~~[or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun]~~ **except a person or a person's agent while in the act of protecting his or her interest in their livestock or crops. Such person or the person's agent may carry a loaded rifle or shotgun while traveling through or between farming or agricultural areas while in the course of protecting his or her interest in their livestock or crops.**

III. No person shall have in or on a boat or other craft while being propelled by mechanical power, or in a boat or other craft being towed by a boat or other craft propelled by mechanical power, a cocked crossbow, a loaded rifle or loaded shotgun~~[, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun]~~.

IV. The provisions of this section shall not apply to law enforcement officers carrying guns **or firearms** in the line of duty.

8 Game Animals; Bow and Arrow. Amend RSA 208:5, V to read as follows:

V. The licensee shall ~~[not]~~ be entitled to carry ~~[any]~~ firearms while hunting under the provisions of this section, unless such licensee ~~[also possesses a valid firearms hunting license or a valid license to carry firearms issued pursuant to RSA 159]~~ **is prohibited by state or federal law from carrying a firearm.**

9 Hunting, Fishing, Trapping; Refusing Licenses. Amend RSA 214:17 to read as follows:

214:17 Refusing Licenses; Appeal. The executive director and his agents shall refuse to issue any license to hunt if it appears that the applicant is ~~[not a suitable person to carry firearms]~~ **prohibited by state or federal law from carrying a firearm.** Any person who has been refused a license by an agent shall have the right of appeal to the executive director, whose decision, given after hearing, shall ~~[be final]~~ **not be reviewable for a period of one year from the date of the refusal.** Any attempt to secure a license from another agency, after having been refused by an agency and before appealing to the executive director, and any attempt to secure a license from any source in the same year that the executive director, on appeal, has decided that the applicant is ~~[not a suitable person to carry firearms]~~ **prohibited by state or federal law from carrying a firearm**, shall be a violation of the provisions of this chapter.

10 Obstructing Governmental Operations; Taking a Firearm From a Law Enforcement Officer. Amend RSA 642:3-a, V(a) to read as follows:

(a) "Firearm" [has the meaning given that term in section 921 of Title 18 of the United States Code] ***means any weapon, including a starter gun, which will, is designed to, or may be readily converted to expel a projectile by the action of an explosive.***

11 Repeal. RSA 214:18, relative to the executive director's authority to suspend or revoke the license of a physically or mentally improper or incompetent person, is repealed.

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

2018-0966s

AMENDED ANALYSIS

This bill amends the definition of firearm in certain statutes. The bill also removes the prohibition on carrying a loaded rifle or shotgun in or on a stationary motor vehicle, OHRV, snowmobile, or aircraft. The bill also defines air rifle for the purpose of the fish and game laws.

The bill also allows the taking of wildlife with a muzzleloader, crossbow, or air rifle.

SB 555-FN-A, establishing a citizens' right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor.

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

This bill establishes procedures to streamline the resolution of complaints under RSA 91-A, establishes the citizens' right-to-know appeals commission and the office of the right-to-know ombudsman, and establishes an alternative process to resolve right-to-know complaints. The Committee amended the bill in order to clarify appropriate oversight parameters for the Commission and to implement workable deadlines for public bodies to respond to complaints.

Senate Judiciary

March 6, 2018

2018-0971s

01/04

Amendment to SB 555-FN-A

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

3 New Sections; Citizens' Right-to-Know Appeals Commission; Office of the Ombudsman; Complaint Process; Appeals. Amend RSA 91-A by inserting after section 7 the following new sections:

91-A:7-a Citizens' Right-to-Know Appeals Commission Established. There is established a commission to provide oversight for an alternative right-to-know complaint resolution process.

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) A member, appointed by the chief justice of the supreme court.
- (d) The secretary of state, or designee.
- (e) A representative of Right to Know NH, appointed by that organization.
- (f) Ten citizen members, one from each county, no more than 4 of whom shall be current, local, county, state or federal employees or currently serving in any elected or appointed capacity with any political subdivision, public agency or public institution; and 10 alternate members, one from each county, no more than 4 of whom shall be current local, county, state, or federal employees or currently serving in any elected or appointed capacity with any political subdivision public agency or public institution; all appointed by the governor with advice and consent of the council.

II. The members of the commission shall serve without compensation, but shall be reimbursed for necessary travel and other necessary expenses. Legislative members shall receive mileage at the legislative rate when attending to the duties of the commission.

III. Legislative members of the commission shall serve a term coterminous with their term in office. The members appointed under subparagraph I(g) shall serve for a term of 3 years, except that the initial appointment of such members shall be for staggered terms of one, 2, and 3 years. No member shall serve more than 3 consecutive terms. No member under subparagraph I(g) shall be a current lobbyist or an attorney for any entity subject to this chapter, or an attorney for any organization representing the interests of such entity. Nor shall any such member be employed by any such lobbyist or attorney. The member appointed under subparagraph I(d) shall recuse himself or herself from any court proceedings involving appeals under this chapter. The members appointed under subparagraphs I (c)-(f) shall be advisory only members who shall advise the voting members on questions of law and existing policy governing RSA 91-A.

IV. The commission shall:

(a) Establish rules of procedure, pursuant to RSA 541-A, to accomplish the mission of the commission to make resolution of complaints under this chapter fast, easy, and inexpensive.

(b) Make recommendations to the legislature concerning proposed changes to this chapter.

(c) Create, and update annually, educational materials relative to this chapter.

V. The members of the commission shall elect a chairperson and a vice chairperson annually from among the voting 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 voting members of the commission shall constitute a quorum.

VI. The commission shall be administratively attached to the department of state.

VII. Beginning November 1, 2019, and each November 1 thereafter, the commission shall submit an annual report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, and the governor. The report shall also include the total number of complaints received, the number of complaints received concerning public records and public meetings, the number of complaints received concerning state and county agencies, municipalities, school administrative units, and other public entities, the number of complaints in which a ruling was rendered by the ombudsman, the number of violations of each provision of this chapter found by the ombudsman, and the number of ombudsman rulings that were appealed to the superior court, including whether the appeal was from a complainant or a public agency or official, and whether the ombudsman's ruling was sustained before the superior court.

91-A:7-b Office Established. There is hereby established the office of the right-to-know ombudsman to be administratively attached to the department of state under RSA 21-G:10. The ombudsman shall be appointed by the governor and council, after consultation with the commission, and shall have the following minimum qualifications:

I. Be a member of the New Hampshire bar.

II. Have a minimum of 10 years full-time practice of law in any jurisdiction.

III. Be experienced with and knowledgeable of the provisions of this chapter, the federal Freedom of Information Act, and other states laws regarding right-to-know.

IV. Complete a minimum of 3 hours of continuing legal education courses or other training relevant to the provisions of this chapter.

91-A:7-c Complaint Process.

I. Any party aggrieved by a violation of this chapter shall have the option to either petition the superior court or file a signed, written complaint with the office of the ombudsman, established under RSA 91-A:7-b. Any signed, written complaint filed with the ombudsman shall attach, if applicable, the request served on the public agency or official and the written response of the public agency or official. The complaint shall be deemed sufficient if it states facts constituting a violation of this chapter.

II. Once a complaint has been filed and provided by the ombudsman to the public body or public agency, the public body or public agency shall have 20 calendar days to submit an acknowledgment of the complaint and an answer to the complaint, which shall include applicable law and, if applicable, a justification for any refusal to or delay in producing the requested information. This 20-day deadline may be extended to a reasonable time frame by the ombudsman for good cause.

III. In reviewing complaints filed with the ombudsman, the ombudsman shall be authorized to:

(a) Compel timely delivery of records within a reasonable time, regardless of medium, and conduct a confidential in-camera review of records where the ombudsman concludes that it is necessary and appropriate under the law.

(b) Compel interviews with the parties.

(c) Order attendance at hearings within a reasonable time if the ombudsman determines that a hearing is necessary.

(d) Issue findings in writing to all parties.

(e) Order a public body or public agency to disclose requested records within a reasonable time, provide access to meetings, or otherwise comply with the provisions of this chapter, subject to appeal.

(f) Make any finding and order any other remedy to the same extent as provided by the court under RSA 91-A:8.

IV. The ombudsman may draw negative inferences from a party's failure to participate and comply with orders during the review process.

V. In implementing the provisions of this section, the ombudsman shall follow the procedures established by the commission.

VI. The ombudsman shall determine whether there have been any violations of this chapter and issue a ruling within 30 calendar days following receipt of the parties' submissions. This 30-day deadline may be extended to a reasonable time frame by the ombudsman for good cause. The ombudsman may also expedite resolution of the complaint upon a showing of good cause. Rulings on expedited complaints shall be issued within 10 business days, or sooner where necessary.

VII. The ombudsman shall, where necessary and appropriate under the law, access governmental records in camera that a public body or public agency believes are exempt in order to make a ruling concerning whether the public body or public agency shall release the records or portions thereof to the public. The ombudsman shall maintain the confidentiality of records provided to the ombudsman by a public body or public agency under this section and shall return the records to the public body or public agency when the ombudsman's review is complete. All records submitted to the ombudsman for in camera review shall be exempt from the public disclosure provisions of RSA 91-A.

VIII. Nothing in this section shall affect the ability of a person to seek relief in superior court under RSA 91-A:7, I in lieu of this process.

91-A:7-d Appeal and Enforcement.

I. Any party may appeal the ombudsman's final ruling to the superior court by filing a notice of appeal in superior court no more than 30 calendar days after the ombudsman's ruling is issued. The ombudsman's ruling shall be attached to the document initiating the appeal, admitted as a full exhibit by the superior court, considered by the judge during deliberations, and specifically addressed in the court's written order. Citizen-initiated appeals shall have no filing fee or surcharge. The public body or public agency shall pay the sheriff's service costs if the public body or public agency, or its attorney, declines to accept service. Nothing in this section shall prevent a superior court from staying an ombudsman's decision pending appeal to the superior court.

II. A superior court appeal of the ombudsman's ruling shall review the ruling de novo.

III. If the ombudsman's final ruling is not appealed, the ombudsman shall, after the deadline has passed, follow up with all parties, as required, to verify compliance with rulings issued.

IV. The ombudsman's final rulings which are not appealed may be registered in the superior court as judgments and enforceable through contempt of court. If such action is necessary to enforce compliance, all costs and fees, including reasonable attorney fees, shall be paid by the noncompliant public body or public agency.

91-A:7-e Rulemaking. The commission, in consultation with the secretary of state, shall adopt rules pursuant to RSA 541-A relative to:

I. Establishing procedures to streamline the process of resolving complaints under this chapter.

II. Content of educational materials under RSA 91-A:7-a.

III. Other matters necessary to the proper administration of RSA 91-A:7-a through RSA 91-A:7-d.

4 Appropriation. The sum of \$48,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of state for the purpose of compensating the position of ombudsman established in RSA 91-A:7-b as inserted by section 3 of this act. This appropriation is in addition to any other funds appropriated to the department of state. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date.

I. Sections 1 and 4 of this act and, RSA 91-A:7-a and RSA 91-A:7-e as inserted by section 3 of this act shall take effect July 1, 2018.

II. The remainder of this act shall take effect April 1, 2019.

SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record. Ought to Pass with Amendment, Vote 5-0. Senator French for the committee.

This bill revises the procedures for the granting of bail, amends the procedure for annulment of violations and class B misdemeanors depending on the date of conviction, and amends the requirements for demonstrating indigency for the purpose of annulment of a criminal record. The Committee amended the bill to clarify the language and to ensure that the appropriate procedures are in place.

Senate Judiciary
March 6, 2018
2018-0958s
04/01

Amendment to SB 556-FN

Amend RSA 597:2, III(a) and the introductory paragraph of RSA 597:2, III(b) as inserted by section 2 of the bill by replacing them with the following:

III.(a) The court shall order the pre-arraignment or pretrial release of the person on his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, or cash or corporate surety bail, subject to the condition that the person not commit a crime during the period of his or her release, and subject to such further condition or combination of conditions that the court may require unless the court determines by a preponderance of the evidence that such release will not reasonably assure the appearance of the person as required. A person who the court determines to be a danger to the safety of that person or the public shall be governed by the provisions of paragraph IV, except that such dangerousness determination shall not be based solely on evidence of drug or alcohol addiction or homelessness.

(b) In determining the amount of the unsecured appearance bond or cash or corporate surety bail under subparagraph II(a), if any, the court:

Amend RSA 597:2, IX as inserted by section 2 of the bill by replacing it with the following:

IX. Upon the appearance of a person charged with a class A or class B misdemeanor, the court shall issue an order that, pending arraignment, the person be released on his or her personal recognizance, unless the court determines pursuant to paragraph IV that such release will endanger the safety of the person or the public. The court shall appoint an attorney to represent any indigent person charged with a class B misdemeanor denied release for the purpose of representing such person at any detention hearing.

Amend the bill by replacing section 6 with the following:

6 Annulment of Criminal Records. Amend RSA 651:5, III(a) and (b) to read as follows:

(a)(1) For a violation *with a conviction date prior to January 1, 2019 or a violation with a conviction date on or after January 1, 2019 that was not the highest offense of conviction*, one year, unless the underlying conviction was for an offense specified under RSA 259:39.

(2) For a violation with a conviction date on or after January 1, 2019 where the violation was the highest offense of conviction, unless the underlying conviction was for an offense specified under RSA 259:39, or another violation for which there is an enhanced penalty for a subsequent conviction, after the person has completed all the terms and conditions of the sentence. If the court determines the conviction is eligible for annulment, the court shall submit a notice of its determination to the person convicted of the offense and to the prosecutor. The prosecutor shall have 20 days from the date of receipt of the notice to object to the annulment on the ground that the offense is not eligible for annulment or that the person has not completed all the terms and conditions of the sentence. If the prosecutor fails to timely object or the court denies the prosecutor's objection, the court shall annul the conviction.

(b)(1) For a class B misdemeanor *with a conviction date prior to January 1, 2019 or a class B misdemeanor with a conviction date on or after January 1, 2019 that was not the highest offense of conviction*, except as provided in subparagraphs (f) and (h), 2 years.

(2) For a class B misdemeanor with a conviction date on or after January 1, 2019 where the class B misdemeanor was the highest offense of conviction, except as provided in subparagraphs (f) and (h), 2 years after the person has completed all the terms and conditions of the sentence. If the court determines that a class B misdemeanor is eligible for annulment after 2 years, the court shall submit a notice of its determination to the person convicted of the offense and to the prosecutor. The prosecutor shall have 20 days from the date of receipt of the notice to object to the annulment on the ground that the offense is not eligible for annulment or that the person has not completed all the terms and conditions of the sentence. If the prosecutor fails to timely object or the court denies the prosecutor's objection, the court shall annul the conviction.

Amend the bill by inserting after section 8 the following and renumbering the original section 9 to read as 11:

9 Annulment of Criminal Records. Amend RSA 651:5, III(d)-(e) to read as follows:

(d) For a class B felony except as provided in [subparagraph] **subparagraphs (g) and (i)**, 5 years.

(e) For a class A felony, **except as provided in subparagraph (i)**, 10 years.

10 Annulment of Criminal Records. Amend RSA 651:5, III(i) to read as follows:

(i) For a class A misdemeanor **or felony offense** under RSA 318-B:26, II[(d) or (e)], 2 years.

SB 557-FN, establishing a board of housing development appeals.

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

This bill establishes a board with concurrent, appellate jurisdiction with the superior court regarding municipal decisions on housing and housing developments. This will give housing developers the opportunity to challenge adverse local land use decisions outside of costly trial court. The Committee amended the bill to clarify the jurisdiction.

Senate Judiciary
March 6, 2018
2018-0967s
03/04

Amendment to SB 557-FN

Amend RSA 679:7 as inserted by section 1 of the bill by replacing it with the following:

679:7 Jurisdiction; Court Appeals.

I. In matters within its authority the board shall have concurrent, appellate jurisdiction with the superior court. An election by an applicant to bring an action before the board shall be deemed a waiver of any right to bring an action in the superior court; as such, the board shall retain jurisdiction of any matter originally brought before it.

II. In an appeal of a local decision on housing or housing development, any claim that is within the board's authority under RSA 679:5 and that has previously been or is subsequently included in an appeal in superior court by abutters or any other aggrieved or injured party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15 shall automatically be stayed by the court to provide the party with standing the opportunity to intervene in the matter before the board. If intervenor status is granted,

the stay of the court action regarding those claims shall continue during the pendency of the appeal to the board. After the board has decided the appeal, the court shall dismiss the matter before it to the extent the matter has been resolved by the board. Any claim included in an appeal to superior court that is not within the board's authority shall not be subject to automatic stay by the court.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2019.

SB 584-FN, prohibiting electroconvulsive therapy on children 16 years of age or under.

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

This bill would have prohibited children under the age of 16 from receiving electroconvulsive therapy as treatment for medical conditions. The Committee heard testimony that this treatment is rarely used on children and only in situations where the individual has not responded to other neurological treatments. Electroconvulsive therapy is widely accepted evidence based practice and it should continue to be allowed in medically necessary cases.

PUBLIC AND MUNICIPAL AFFAIRS

SB 340, relative to department of revenue administration guidelines for municipal audits.

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

This bill as amended limits an audit of municipal accounts to events and transactions that occurred subsequent to the last completed audit. It also will categorize compliance into three separate sections of the final audit report. The first will categorize findings testing current assessing practices, the second will examine the permanent records and the third section will summarize compliance in a single conclusion statement.

Public and Municipal Affairs

February 21, 2018

2018-0803s

03/05

Amendment to SB 340

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

AN ACT relative to the commissioner of revenue administration's assessment report.

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

1 New Paragraph; Revenue Administration; Assessment Report. Amend RSA 21-J:11-a by inserting after paragraph III the following new paragraph:

IV. The report shall separately categorize compliance with findings that test current assessing practices since the year of the prior assessment report, examine permanent records, and summarize compliance in a single conclusion statement.

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

2018-0803s

AMENDED ANALYSIS

This bill establishes additional requirements for the commissioner of revenue administration's assessment report.

TRANSPORTATION

SB 346, relative to requiring enhanced technology ignition interlock devices.

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

As amended, this bill requires that all ignition interlock devices required to be installed after the effective date of the legislation be enhanced technology interlock devices. This bill also eliminates the authority of the department of safety to order installation of an ignition interlock device in DWI cases not involving alcohol. Further, the bill requires that the interlock device, equipped with a camera, will transmit data as events occur. This bill is important in order to ensure that these devices are being used properly and by those for whom they were intended.

Senate Transportation
February 20, 2018
2018-0739s
03/04

Amendment to SB 346

Amend the bill by replacing sections 1 and 2 with the following:

1 Words and Phrases Defined; Enhanced Technology Interlock Device. Amend RSA 259:28-b to read as follows:

259:28-b Enhanced Technology Ignition Interlock Device. “Enhanced technology ignition interlock device” shall mean an ignition interlock device equipped with a camera and which ~~[is capable of transmitting data as events occur]~~ ***will transmit data as events occur and is capable of capturing and encoding as events occur a digital or photographic image of the vehicle driver including the time, date, and breath alcohol level of all breath attempts. Images and data shall be stored by the manufacturer for 3 years.***

2 New Paragraph; Alcohol Ignition Interlock Program. Amend RSA 265-A:36 by inserting after paragraph IV the following new paragraph:

IV-a. Wherever the term “alcohol ignition interlock device” or “ignition interlock device” is referred to in this chapter or in department administrative rules, it shall mean an enhanced technology ignition interlock device, as defined in RSA 259:28-b. A device installed on or before January 1, 2019 that is not an enhanced technology ignition interlock device may, if it is recalibrated within 30 days of installation and every 60 days thereafter, continue to be operated in the vehicle in which it was installed until January 1, 2022 or such time as the vehicle is replaced with a different vehicle, whichever occurs first, at which time it shall be replaced with an enhanced technology ignition interlock device.

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

4 Alcohol Ignition Interlock Device; Recalibration. RSA 265-A:36, VI(a) is repealed and reenacted to read as follows:

(a) Provide recalibration of each enhanced technology ignition interlock device no less frequently than every 180 days unless otherwise ordered by the court;

5 Alcohol Ignition Interlock Device; Recalibration. Amend RSA 265-A:36, VI(g) to read as follows:

(g) Provide reports to the department when data specified in department rules becomes available. ***The reports shall be provided no less frequently than every 60 days.*** The department shall make data from the reports available to the director of the division of motor vehicles, appropriate prosecutor, prosecuting agency, treatment provider, probation officer, and defense attorney by means of authorizing the interlock provider to provide these entities with secure electronic access to the data via the interlock provider’s web-based portal.

6 Effective Date.

I. Section 4 of this act shall take effect January 1, 2022.

II. The remainder of this act shall take effect January 1, 2019.

2018-0739s

AMENDED ANALYSIS

This bill requires that all ignition interlock devices required to be installed after the effective date of the bill be enhanced technology ignition interlock devices. This bill also eliminates the authority of the department of safety to order installation of an ignition interlock device in DWI cases not involving alcohol.

SB 401, relative to repair of roads not maintained by a municipality.

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

This bill requires an owner of land that abuts a road that is not maintained by a municipality to repair and maintain his or her share of such road. The committee amended the bill in order to use similar language from the state of Vermont, to add a residential-only provision, and to make an exemption for class VI roads.

Senate Transportation
February 21, 2018
2018-0810s
03/06

Amendment to SB 401

Amend RSA 231:89-a, II as inserted by section 1 of the bill by replacing it with the following:

II. In the absence of an express agreement or requirement governing maintenance of a private road, when more than one residential owner enjoys a common benefit from a private road, each residential owner shall contribute rateably to the cost of maintaining the private road, and shall have the right to bring a civil action to enforce the requirement of this paragraph. This paragraph shall not apply to any highway defined in RSA 229:5.

SB 522, relative to alteration of speed limits.

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

This bill eliminates certain restrictions on local authorities' power to decrease speed limits. The committee amended the bill to modify the authorization for local authorities to alter these speed limits, at the request of the prime sponsor. As other modes of transportation, such as bicycling, become more common, it is appropriate to allow municipalities to control the speed limits to be able to lower them to lesser limits as they deem appropriate in certain areas.

Senate Transportation
February 21, 2018
2018-0759s
03/08

Amendment to SB 522

Amend the bill by replacing section 1 with the following:

1 Alteration of Speed Limits. RSA 265:63 is repealed and reenacted to read as follows:

265:63 Alteration of Limits.

I. Notwithstanding the provisions of RSA 265:60, or any other law to the contrary, whenever local authorities in their respective jurisdictions determine on the basis of an engineering or traffic investigation that the prima facie speed permitted under this chapter is greater or less than is reasonable and safe under the conditions found to exist upon any way or part of a way, the local authority may determine and declare a reasonable and safe prima facie limit thereon which:

(a) Decreases the limit within any city or within any business or urban residence district or compact section of any city or town.

(b) Decreases the limit within a rural residential district.

(c) Increases the limit within an urban district but not to more than 60 miles per hour.

(d) Decreases the limit at intersections.

II. Local authorities in their respective jurisdictions shall determine by an engineering or traffic investigation the proper prima facie speed for all streets and shall declare a reasonable and safe prima facie limit thereon.

III. Local authorities shall not be required to hire outside consultants to determine the proper prima facie speed limits as provided in paragraphs I and II if the local community has sufficient staff to conduct the required engineering or traffic investigation.

IV. Local authorities shall not be required to conduct any additional investigation or study of a limit that, prior to the effective date of this paragraph, has been determined to be a reasonable and safe prima facie limit and appropriate signs giving notice thereof have been erected.

V. Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or way.

VI. Except for any way located in a compact section of any city or town designated pursuant to RSA 229:5, V, any alteration of limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the commissioner of transportation.

VII. Notwithstanding the other provisions of this section, local authorities shall modify the speed limits authorized herein so that said speed limits shall not exceed the temporary prima facie speed limits established for the state highway system under RSA 265:62, II, so long as the same are in effect.

2018-0759s

AMENDED ANALYSIS

This bill modifies the authorization for local authorities to alter speed limits.

HB 1334, establishing a commission to review the structure of motor vehicle laws.
Ought to Pass, Vote 5-0. Senator Gannon for the committee.

At the request of the Department of Safety, this bill establishes a commission to review the structure of motor vehicle laws. Since these laws have not been reviewed or updated since 1980, this commission is important in order to ensure that laws are up to date and as effective as possible.

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

REGULAR CALENDAR

EDUCATION

SB 431, relative to non-academic surveys required to be filed by school districts to maintain federal funding. Inexpedient to Legislate, Vote 3-2. Senator Reagan for the committee.

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

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

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

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

Roll Call, Yeas: 13 - Nays: 11. Adopted.

ELECTION LAW AND INTERNAL AFFAIRS

SB 438, relative to the postponement of local elections.

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

Election Law and Internal Affairs

February 13, 2018

2018-0591s

06/03

Amendment to SB 438

Amend RSA 669:1, V(b)(1) as inserted by section 2 of the bill by replacing it with the following:

(b)(1) The moderator, or if the moderator is unavailable, the clerk, notifies the secretary of state that an extreme weather emergency or an imminent serious threat to public health or safety makes conducting the election when and where scheduled impossible. Prior to deciding to notify the secretary of state, to the extent practical, the moderator shall consult, with the jurisdiction's governing body, clerk, and as appropriate for the circumstances the fire chief, police chief, and emergency management director. If the consultation with the governing body includes a quorum of that body, the consultation shall be exempt from the notice and public meeting requirements of RSA 91-A.

Amend RSA 669:1, VI(b) as inserted by section 2 of the bill by replacing it with the following:

(b) All other statutory provisions associated with a postponed election under this section shall also be extended the same 2 weeks, except that supervisors of the checklist shall not be required to meet again until the postponed town election day. If the election is postponed to a date that follows the date of the business meeting, the end of the term of the moderator established in RSA 40:1 shall be extended through the completion of all election day duties or until the qualification of a successor, whichever is later. Any school district election coordinated with a town under RSA 671:26-a or otherwise held in conjunction with the town election shall also be subject to the provisions of this section.

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

4 New Section; Town Meetings; Elections; Definitions. Amend RSA 39 by inserting after section 1-c the following new section:

39:1-d Definitions. Notwithstanding any other provision of law, for the purposes of all statutes pertaining to annual and special meetings of towns, school districts, and village districts:

I. "Election" means the choosing of officers by official ballot and in towns, school districts, and village districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13, voting on warrant articles by use of official ballot. "Election" shall include any voting where a voter has a right to vote by absentee ballot as established by part I, article 11 of the New Hampshire constitution and RSA 669, RSA 670, and RSA 671. Elections are governed by RSA 669, RSA 670, and RSA 671 and the election provisions of RSA 40:13.

II. "Meeting" means the discussion of business of the towns, school districts, or village districts and voting on warrant articles only by voice, division, or secret "yes-no" ballot vote. Meeting shall include the deliberative session of an annual meeting in towns, school districts, and village districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13. Meetings are governed by RSA 39 and RSA 40.

5 New Section; Town Elections and Meetings; Definitions. Amend RSA 669 by inserting after section 1 the following new section:

669:1-a Definitions. Notwithstanding any other provision of law, for the purposes of all statutes pertaining to town elections:

I. "Election" means the choosing of officers by official ballot and in towns that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13, voting on warrant articles by use of official ballot. "Election" shall include any voting where a voter has a right to vote by absentee ballot as established by part I, article 11 of the New Hampshire constitution and RSA 669. Town elections are governed by RSA 669 and the election provisions of RSA 40:13.

II. "Meeting" means the discussion of business of the town and voting on warrant articles only by voice, division, or secret "yes-no" ballot vote. "Meeting" shall include the deliberative session of an annual meeting in towns that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13. Meetings are governed by RSA 39 and RSA 40.

6 New Sections; Elections and Meetings; Definitions; Emergency Postponement. Amend RSA 670 by inserting after section 1 the following new sections:

670:1-a Definitions. Notwithstanding any other provision of law, for the purposes of all statutes pertaining to village district elections:

I. "Election" means the choosing of officers by official ballot and in village districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13, voting on warrant articles by use of official ballot. "Election" shall include any voting where a voter has a right to vote by absentee ballot as established by part I, article 11 of the New Hampshire constitution and RSA 670. Elections are governed by RSA 670 and the election provisions of RSA 40:13.

II. "Meeting" means the discussion of business of the village district and voting on warrant articles only by voice, division, or secret "yes-no" ballot vote. "Meeting" shall include the deliberative session of an annual meeting in village districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13. Meetings are governed by RSA 39 and RSA 40.

670:1-b Postponing a Village District Election When There is a State of Emergency. A village district election that is held in conjunction with a town election shall be postponed when the town election is postponed as authorized by RSA 669:1, V. A village district election that is not held in conjunction with town elections, may be postponed in the same manner as provided for a town election in RSA 669:1, V and VI.

7 New Sections; Definitions; Emergency Postponement. Amend RSA 671 by inserting after section 1 the following new sections:

671:1-a Elections and Meetings; Definitions. Notwithstanding any other provision of law, for the purposes of all statutes pertaining to school district elections:

I. "Election" means the choosing of officers by official ballot and in school districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13, voting on warrant articles by use of official ballot. "Election" shall include any voting where a voter has a right to vote by absentee ballot as established by part I, article 11 of the New Hampshire constitution and RSA 671. School district elections are governed by RSA 671 and the election provisions of RSA 40:13.

II. "Meeting" means the discussion of business of the school district and voting on warrant articles only by voice, division, or secret "yes-no" ballot vote. "Meeting" shall include the deliberative session of an annual meeting in school districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13. Meetings are governed by RSA 39 and RSA 40.

671:1-b Postponing a School District Election When There is a State of Emergency. A school district election that is held in conjunction with a town election shall be postponed when the town election is postponed as authorized by RSA 669:1, V. A school district election that is not held in conjunction with town elections, may be postponed in the same manner as provided for a town election in RSA 669:1, V and VI.

8 Town Meeting; Moderator; Duties. Amend RSA 40:4, II to read as follows:

II. In the event a weather emergency occurs on or before the date of a deliberative session or [~~voting day of a~~] meeting in a town, which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may, up to 2 hours, **but not more than 24 hours**, prior to the scheduled session, postpone and reschedule the deliberative session [~~or voting day of the~~] meeting to another reasonable date, place, and time certain. The date originally scheduled shall continue to be deemed the **date of the** deliberative session or [~~voting day of the~~] meeting for purposes of satisfying statutory meeting date requirements; provided, that in towns or districts that have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours. The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled deliberative session or [~~voting day~~] **meeting**.

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

The question is on the adoption of the Committee Amendment.

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

The following Senators voted Yes: Woodburn, Giuda, Bradley, Gray, French, Sanborn, Avard, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Morse.

The following Senators voted No: Watters, Hennessey, Ward, Kahn, Daniels, Lasky, Cavanaugh, Fuller Clark, Innis.

Roll Call, Yeas: 15 - Nays: 9. Adopted.

Senator Fuller Clark offered a Floor Amendment.

Sen. Fuller Clark, Dist 21
February 22, 2018
2018-0822s
06/01

Floor Amendment to SB 438

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

1 Statement of Purpose. The general court recognizes that existing law prescribes the dates for annual town meetings, but also gives town moderators the authority to postpone a meeting in the event of a weather emergency. The general court further recognizes that in most towns, the annual meeting consists of 2 sessions — a voting session for the election of officers and voting on certain other matters by official ballot, and a session often referred to as the deliberative session or business session, at which items to be voted on are debated and amended, and at which final votes may or may not be taken, depending on the form of town meeting the town has adopted. The general court recognizes that the official ballot voting session includes the election of officers and that it is an integral, long-standing part of the town meeting, not a separate event. Because of questions that were raised about the process of postponing town meeting during the severe snowstorm on town meeting day in March 2017, this act is intended to clarify and improve the existing process for postponing either or both sessions of the annual town meeting.

2 Duties of Moderator; Postponement of Town Meeting; Date for Rescheduled Meeting; Absentee Ballots. Amend RSA 40:4 to read as follows:

40:4 Duties.

I. The moderator shall preside in the town meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed, and may prescribe rules of proceeding; but such rules may be altered by the town.

II.(a) In the event a weather emergency occurs on or before the date of [a] ***the*** deliberative session, ***business session***, or ***official ballot*** voting [day] ***session*** of a ***town*** meeting [in a town], which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may, up to 2 hours, ***but not more than 24 hours***, prior to the scheduled session, postpone and reschedule the [deliberative] session [or voting day of the meeting] to [another reasonable] ***a*** date, place, and time certain, ***as provided in subparagraph II(c). To the extent practical, prior to making a decision to postpone, the moderator shall consult with the governing body, the clerk, and as appropriate for the circumstances, the police chief, the fire chief, and the local emergency management director.***

(b) ***In the event an accident, natural disaster, or other emergency occurs which the moderator reasonably believes may render use of the meeting location unsafe or which destroys the ballots or makes them unusable, the moderator may, at any time prior to the scheduled session, postpone and reschedule the session to a date, place, and time certain, as provided in subparagraph II(c). To the extent practical, prior to making a decision to postpone the moderator shall consult with the governing body, the clerk, and as appropriate for the circumstances, the police chief, the fire chief, and the local emergency management director.***

(c) ***The rescheduled date for an official ballot voting session shall be the second Tuesday following the date originally scheduled. The moderator shall reschedule the business session or deliberative session of a meeting to a reasonable date, place, and time certain, subject to subparagraph II(d). The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled date or dates, as well as information on obtaining absentee ballots for the rescheduled dates. The rescheduling of school district elections in multi-town school districts shall be governed by RSA 671:22-a.***

(d) The date originally scheduled shall continue to be deemed the deliberative session, ***business session***, or ***official ballot*** voting [day] ***session*** of the meeting for purposes of satisfying statutory meeting date requirements; provided, that in towns or districts that have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours. [The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled deliberative session or voting day.]

III. ***If the official ballot voting session is rescheduled as provided in paragraph II, any absentee ballots that have been issued based on a voter's absence or inability to appear at the polls on the original election date shall remain valid and shall be accepted if properly executed and received by the clerk no later than 5:00 p.m. on the rescheduled election date, regardless of whether the voter is absent or unable to appear at the polls on the rescheduled election date. In addition, voters who satisfy the requirements for voting by absentee ballot on the rescheduled election date may vote by absentee ballot, and all references to the day of the election in the provisions of RSA 657 and RSA 659 related to absentee ballots shall be deemed to refer to the day of the rescheduled election.***

IV. ***For purposes of this section:***

(a) ***"Business session" means, in a town that has not adopted the provisions of RSA 40:13, the session of a town meeting at which voters discuss, deliberate, and vote on matters other than the election of officers by official ballot and other questions that are placed on the official ballot.***

(b) ***"Deliberative session" means the first session of a meeting in a town that has adopted the provisions of RSA 40:13.***

(c) ***"Official ballot voting session" means the session of a town meeting at which voters vote on the election of officers and other matters by official ballot.***

3 City Elections; Postponement for Emergency. Amend RSA 44:11 to read as follows:

44:11 Times.

I. The meeting of the voters of each ward for the election of city and ward officers shall be held on such day as may be fixed by law or by ordinance of the city council but in no event shall it be held in conjunction with a biennial election; and all ward and city officers who are chosen by the people shall hold their respective offices for the term and from the day fixed by law or ordinance, and until others are appointed in their stead. The prohibitions in this section shall not apply to a special election held to fill a vacancy for the office of a city or a ward officer.

II. In the event of a weather or other emergency as described in RSA 40:4, II, the election may be postponed and rescheduled in the manner provided in that section for the rescheduling of a town meeting official ballot voting session, except that all references to the moderator shall be deemed to refer to the city clerk.

4 Town Elections; Date Subject to Postponement. Amend RSA 669:1, I to read as follows:

I. Subject to RSA 40:4, all towns shall hold an election annually for the election of town officers on the second Tuesday in March, except those towns which have adopted an alternative date under RSA 40:14 or those towns which have adopted the provisions of RSA 31:94-a and have, by majority vote at a previous town meeting, decided to elect officers on the second Tuesday in May.

5 New Section; School District Elections; Rescheduling. Amend RSA 671 by inserting after section 22 the following new section:

671:22-a Rescheduling Elections. In the case of a school district that comprises one or more preexisting districts and holds its elections in conjunction with the town elections in the component towns as provided in this subdivision, the town moderators in each town shall, in the event of an emergency described in RSA 40:4, II, use their best efforts to agree on rescheduling the town and school district elections. Unless the moderators from all towns in the district agree to reschedule their elections, all town and school district elections shall proceed on the date originally scheduled.

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

2018-0822s

AMENDED ANALYSIS

This bill provides for the postponement of local elections.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Watters, Hennessey, Kahn, Daniels, Lasky, Feltes, Cavanaugh, Fuller Clark.

The following Senators voted No: Woodburn, Giuda, Bradley, Gray, French, Ward, Sanborn, Avard, Carson, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

Roll Call, Yeas: 8 - Nays: 16. Failed.

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

SB 527-FN-L, relative to absentee voting.

Ought to Pass with Amendment, Vote 2-0. Senator Birdsell for the committee.

Election Law and Internal Affairs

February 20, 2018

2018-0717s

03/05

Amendment to SB 527-FN-LOCAL

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

1 Absentee Voting Application Form. Amend RSA 657:4, I to read as follows:

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

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

I hereby declare that (check one):

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

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

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

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

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

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

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

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

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

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

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

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

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

☐ General Election

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

☐ Republican Party

☐ Democratic Party

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

Please print:

Applicant's Name:

(Last) (First) (Middle) (Sr., Jr., II., III)

Applicant's Voting Domicile (home address):

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

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

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

Applicant's Phone Number [(optional)]: _____

Applicant's Email Address [(optional)]: _____

Applicant's Signature: _____

Date Signed: _____
(MM/DD/YYYY)

I attest that I assisted the applicant in executing this form because he or she has a disability.

Signature _____ *Print Name* _____

If your absentee ballot affidavit envelope does not have the printed name and signature of a person who assisted you with voting, your signature will be compared to your signature on the absentee ballot affidavit to verify your identity. If your signatures do not appear to be made by the same person, your absentee ballot may not be counted.

The applicant must sign this form to receive an absentee ballot. ~~[The signature on this form must match the signature on the affidavit envelope in which the absentee ballot is returned, or the ballot may be rejected.]~~ Any person who **witnesses and** assists a voter with a disability in executing this form shall ~~[make a statement acknowledging the assistance on]~~ **print and sign his or her name in the space provided on** the application form ~~[to assist the moderator when comparing signatures on election day]~~. **The clerk and moderator will not compare the voter's signature on the application with the signature on the absentee ballot affidavit when a person assisting the voter has signed the statement that assistance was provided.**

2 New Section; Verification of In-Person Absentee Voter. Amend RSA 657 by inserting after section 17 the following new section:

657:17-a Verification of In-Person Absentee Voter.

I. An absentee voter who returns his or her completed absentee ballot to the clerk's office in person shall be treated as a verified voter provided:

(a) The voter voluntarily shows the clerk a photo identification that meets the requirements of RSA 659:13; or

(b) The voter voluntarily completes a challenged voter affidavit in the same manner as is required for an election day voter who does not present a qualified voter identification.

II. The clerk shall mark the absentee ballot affidavit enveloped "voter verified" and note on the clerk's list of absentee voters that the voter has been verified. The verified voter's signatures on the application for an absentee ballot shall not be compared to the voter's signature on the absentee ballot affidavit on election day.

III. A voter who does not present a qualified photo identification and who does not complete a challenged voter affidavit shall not be treated as a verified voter, and his or her signatures on the application for an absentee ballot shall be compared to his or her signature on the absentee ballot affidavit on election day in the same manner as other absentee voters.

3 Announcement by Moderator. Amend RSA 659:50 to read as follows:

659:50 Announcement by Moderator.

I. The moderator shall begin processing absentee ballots by clearly announcing that he or she is about to open the envelopes which were delivered to him or her. The moderator shall then remove the envelope containing the ballots of each absentee voter and, **for those absentee ballots where the absentee voter has not been verified by the clerk as provided in RSA 657:17-a**, shall compare the signature on the affidavit with the signature on the application for the ballot. If:

[I-] (a) The name of the voter is on the checklist; and

[H-] (b) The affidavit appears to be properly executed; and

[H-] (c) ~~[The signature]~~ **If the affidavit shows that the voter received assistance, the absentee voter shall be processed as verified. Otherwise, the signatures** on the affidavit **shall be examined to determine if it** appears to be executed by the same person who signed the application ~~[unless the voter received assistance because the voter is blind or has a disability; and]~~.

[IV] II. **For the absentee ballots processed in accordance with paragraph I and those where the clerk has previously verified the absentee voter in accordance with RSA 657:17-a, if** the signatures appear to be the signatures of a duly qualified voter who has not voted at the election; then the moderator shall publicly announce the name of the absentee voter, except that with respect to any voter who has been included in the address confidentiality program under RSA 7:43 or who has been granted a protective order under RSA 173-B, the moderator shall identify such voters as "confidential voter number 1" and "confidential voter number 2," and so forth. If these conditions are not met, the moderator shall follow the procedure provided in RSA 659:53.

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

2018-0717s

AMENDED ANALYSIS

This bill establishes additional procedures for verification of absentee voters.

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.

ENERGY AND NATURAL RESOURCES

SB 443, relative to the jurisdiction of counties concerning retail electric supply.

Ought to Pass, Vote 4-0. Senator Feltes for the committee.

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

SB 451, relative to wildlife trafficking.

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

Energy and Natural Resources

February 20, 2018

2018-0718s

04/10

Amendment to SB 451

Amend RSA 212-C:1, I as inserted by section 1 of the bill by replacing it with the following:

I. "Covered animal species" means any species of:

(a) Elephant (superfamily Elephantidae).

(b) Rhinoceros (family Rhinocerotidae).

(c) Tiger (species *Panthera tigris*).

(d) Lion (species *Panthera leo*).

(e) Leopard (species *Panthera pardus*).

(f) Cheetah (species *Acinonyx jubatus*).

(g) Jaguar (species *Panthera onca*).

(h) Pangolin (family Manidae).

(i) Endangered shark, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

(j) Endangered ray, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

(k) Endangered sea turtle, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

(l) Endangered whale, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Amend RSA 212-C:2, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) When the activity, and any sport-hunted item that is legally obtained in accordance with federal law, are authorized by federal law.

Amend RSA 212-C:2, III as inserted by section 1 of the bill by replacing it with the following:

III. There is a presumption of possession with intent to sell a covered animal species part or product when the part or product is possessed by a retail or wholesale establishment or other forum engaged in the business of buying or selling of similar items, and a finding of intent to sell is supported by any other evidence which independently establishes such intent.

Amend RSA 212-C:2, IV-VI as inserted by section 1 of the bill by replacing them with the following:

IV. A person who violates this section shall be guilty of a violation and may be fined not more than \$1,000, or an amount equal to 2 times the total value of the covered animal species part or product that is the subject of the violation, whichever is greater. The circuit court and the superior court shall have concurrent

jurisdiction to hear matters brought under this chapter. If the appraised value of the covered animal species part or product exceeds \$25,000 or if the prosecuting entity seeks relief unavailable in the circuit court, the matter shall be transferred to the superior court for adjudication.

V. Any covered animal species part or product that has been seized by a law enforcement officer pursuant to this chapter shall be appraised to determine its value. During the pendency of any criminal matter, the court shall provide an opportunity for a hearing to determine who shall maintain custody of the items, how the items shall be preserved, liability for any costs incurred to preserve the items, and such other matters as may be required to protect the property until a final dispositional order has been entered.

VI. If the owner of the covered animal species part or product is found not guilty, the property shall be returned to the owner. If the owner is found guilty, the covered items shall be forfeited to the fish and game department. Any fines assessed by the court shall be used first to reimburse the entity ordered to preserve the property prior to adjudication, and thereafter, to the fish and game department to reimburse for any costs incurred in final disposition of the items, and finally to the entity which successfully prosecuted the matter.

VII. The executive director of the fish and game department may adopt rules pursuant to RSA 541-A relative to:

(a) The purchase, sale, offer for sale, or possession with intent to sell, of parts or products of any animal species that so closely resemble in appearance parts or products of a covered animal species that law enforcement personnel would have substantial difficulty in attempting to differentiate between the species.

(b) The method and manner to be used in appraising the value of any covered animal species part or product seized by law enforcement or abandoned into the care or custody of the department.

(c) A prohibition against commercial sale of any covered animal species part or product in its custody or ownership.

(d) The method and manner used to determine ownership of any covered animal species part or product abandoned to its care or custody other than by order of a court of competent jurisdiction.

(e) The noncommercial disposition of covered animal species parts or products to:

(1) A legal beneficiary of an estate, trust, or other inheritance;

(2) A bona fide scientific or educational institution for scientific or educational purposes; or

(3) Any enrolled member of a federally-recognized Indian tribe.

(f) The destruction of covered animal species parts or products not otherwise disposed of in accordance with this chapter.

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 569-FN, relative to animal cruelty.

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

Energy and Natural Resources

February 20, 2018

2018-0720s

08/04

Amendment to SB 569-FN

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

AN ACT relative to animal cruelty and establishing a commission to study certain language applicable to the transfer of animals.

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

437:1 Definitions. In this subdivision:

I. "Animal rescue facility" means any non-profit organization which is tax exempt under Section 501(c)(3) of the United States Internal Revenue Code or is licensed or registered as an animal rescue facility or similar entity with a state regulatory agency, and whose mission and practice is, in whole or in significant

part, the rescue of homeless or abandoned animals and the placement of those animals in permanent homes. “Animal rescue facility” shall not include any person which is, or is housed on the premises of, a breeder or broker, obtains dogs, cats, or ferrets from a breeder or broker in exchange for payment or compensation, or resells dogs, cats, or ferrets obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

II. “Animal shelter facility” means a facility, including the building and the immediate surrounding area, which is used to house or contain animals and which is owned, operated, and maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals, and also a public pound for the housing of strays or a pound operated by any person, excluding veterinarians, who contracts with a municipality to serve that function.

III. “Breeding female” means an unspayed female dog, 12 months of age or older kept or maintained for the purpose of breeding and selling the dog’s offspring.

IV. “Broker” means a person acting as an agent or intermediary in negotiating or transferring dogs, cats, or ferrets when transfer to the final owner occurs in New Hampshire.

V. “Commercial kennel” means a person that keeps, maintains, or owns 7 or more breeding female dogs or transfers 10 or more litters or 50 or more puppies in any 12-month period. “Commercial kennel” includes a person that keeps, maintains, or owns dogs on the same property as another person who also keeps, maintains, or owns dogs and the total number of breeding female dogs on the property is 7 or more. The term “commercial” shall not be taken into consideration for any zoning purposes.

VI. “Commissioner” means the commissioner of the department of agriculture, markets, and food.

VII. “Person” means any person, firm, business, corporation, or other entity.

VIII. “Pet store” means any person licensed to keep, maintain, and transfer certain live animals, birds, and fish at retail to the public.

IX. “Pet vendor” means any person engaged in the business of transferring live animals or birds customarily used as household pets to the public, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire, when transfer to the final owner occurs within New Hampshire. Pet vendor includes animal rescue facilities, animal shelter facilities, brokers, commercial kennels, and pet stores.

X. “Transfer” means transfer of ownership of live animals or birds from any person to a member of the public.

Amend the introductory paragraph of RSA 437:3 as inserted by section 3 of the bill by replacing it with the following:

437:3 Requirements. No pet vendor shall transfer animals or birds without a license. A pet vendor shall apply to the commissioner for a license giving such information as the commissioner shall require. The application shall include proof that the zoning enforcement official of the municipality wherein any facility is to be maintained has certified that the facility conforms to the municipal zoning regulations. The application shall be accompanied by a non-refundable \$200 fee. ***A license shall be issued if, after inspection, the department or a person appointed by the department finds that all premises, buildings, and other enclosures comply with the requirements of paragraph I. If the premises, buildings, and other enclosures do not comply, the applicant may reapply within 30 days of the initial inspection. If, after a second application and inspection, the premises, buildings, and other enclosures still do not comply with the requirements of paragraph I, no license shall be issued.*** All licenses shall expire on June 30 of each year and be subject to renewal upon submission of a new application. No licenses shall be transferable. ***The department may suspend or revoke a license at any time, if in the judgment of the department the conditions under which the license was issued are not being maintained. Upon receipt of a written complaint from a person or agency alleging violation of this subdivision, the department shall investigate said complaint within a reasonable time.*** A pet vendor licensed under this subdivision shall:

Amend RSA 437:4, I(d) and (e) as inserted by section 4 of the bill by replacing them with the following:

[IV.] (d) The licensee ceased to operate the business for which the license was issued; or

[V-] (e) The applicant or licensee held any similar license issued in another jurisdiction **or by the United States Department of Agriculture** which was revoked or suspended by that jurisdiction as a result of engaging in conduct prohibited by RSA 437 during the preceding 5 years.

Amend RSA 644:8, IV-b(d) as inserted by section 10 of the bill by replacing it with the following:

(d) If the court determines by a preponderance of the evidence that the animal or animals has been or is being abused or neglected in violation of paragraph III or III-a or when there is a clear and imminent danger to the animal's health or life and there is not sufficient time to obtain a court order, then the court shall set a renewable bond or other security in an amount sufficient to cover the reasonable costs of providing the confiscated animal with humane care and adequate and necessary veterinary services for a period of 30 days. When determining the reasonable costs of providing humane care, the court shall consider the income of the animal's owner.

Amend RSA 644:8, IV-b(e)(1) as inserted by section 10 of the bill by replacing it with the following:

(e)(1) If the court orders a bond or other security to be posted, then the amount of funds necessary for 30 days of the animal's care, as determined by the court, shall be posted with the municipal or county treasurer. The owner shall be ordered to deposit the same amount every 30 days thereafter until the final disposition of the criminal matter, unless he or she requests a hearing no less than 5 business days prior to the expiration of a 30-day period. If the required funds are not deposited within 5 business days of the issuance of the order setting the amount of funds, or 5 business days after the expiration of a 30-day period, then the animal is forfeited to the petitioner by operation of law. If the owner is unable to pay the bond, the court shall not fine the owner for nonpayment.

Amend the bill by replacing section 11 with the following:

11 Appropriation. In addition to any sums appropriated in the state operating budget, the sum of \$200,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the commissioner of the department of agriculture, markets, and food, to support the increase in oversight and inspections of pet vendors. 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 replacing all after section 11 with the following:

12 Group Licenses. Amend RSA 466:6, I to read as follows:

I. The owner or keeper of [5] 7 or more dogs shall annually by April 30 pay the required fee and obtain a license authorizing the owner or keeper to keep the dogs upon the premises described in the license, or off the premises while under such owner's or keeper's control. Such owner or keeper shall not be required to obtain a "commercial kennel" license under RSA 466:4, III unless such person has a commercial kennel as defined under RSA 466:4, III.

13 New Paragraph; Group Licenses. Amend RSA 466:6 by inserting after paragraph V the following new paragraph:

VI. On June 1st of each year, the municipality shall, to the extent practicable, notify the department of agriculture, markets, and food of the number of group licenses issued in the previous year.

14 New Subdivision; Animal Transfer Study Commission. Amend RSA 437 by inserting after section 22 the following new subdivision:

Animal Transfer Study Commission

437:23 Animal Transfer Study Commission.

I. There is established a commission to study RSA 437:1 as it pertains to the definition of "in the business of transferring live animals or birds customarily used as household pets to the public."

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) One member of the house of representatives who is a member of the environment and agriculture committee, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of agriculture, markets, and food, or designee.
- (d) One member representing dog owner and breeder interests, appointed by the governor.

(e) One member representing a humane organization, appointed by the governor.

(f) One member representing an animal rescue organization subject to RSA 437:1, appointed by the governor.

(g) One member representing pet stores, appointed by the governor.

(h) The attorney general, or designee.

(i) One member from the New Hampshire Veterinary Medical Association, appointed by that organization.

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

IV. The commission shall study and make clarifying recommendations for the phrase “in the business of transferring animals” as it applies to licensed pet vendors under RSA 437:1.

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

VI. The commission shall report its findings and any recommendations for proposed legislation to the chairperson of the senate energy and natural resources committee, the chairperson of the house environment and agriculture committee, the senate clerk, the house clerk, and the state library on or before November 1, 2018.

15 Repeal. RSA 437:23, relative to the animal transfer study commission, is repealed.

16 Effective Date.

I. Sections 1-13 of this act shall take effect January 1, 2019.

II. Section 15 of this act shall take effect November 1, 2018.

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

2018-0720s

AMENDED ANALYSIS

This bill:

I. Defines “breeding female” for dogs.

II. Requires inspection of premises before issuance of a license to transfer animals or birds.

III. Allows the suspension or revocation of a license to transfer animals or birds if conditions under which the license was issued are not maintained.

IV. Allows for a person caring for an animal confiscated during an animal cruelty trial to petition the town for a bond to cover the cost of animal care.

V. Makes an appropriation to the department of agriculture, markets, and food to increase oversight of pet vendors.

VI. Establishes a commission to study certain language applicable to the transfer of animals.

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

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19

March 7, 2018

2018-1020s

01/03

Floor 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.

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

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

March 5, 2018

2018-0938s

08/10

Floor Amendment to SB 569-FN

Amend RSA 437:4, I as inserted by section 4 of the bill by deleting subparagraph (f).

Amend the bill by replacing sections 11 and 12 with the following:

11 Appropriation. In addition to any sums appropriated in the state operating budget, the sum of \$200,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the commissioner of the department of agriculture, markets, and food. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

12 Inspectors; Authorization. The commissioner of the department of agriculture, markets and food is authorized to hire 2 inspectors to support the increase in oversight and inspections of pet vendors.

2018-0938s

AMENDED ANALYSIS

This bill:

I. Defines "breeding female" for dogs.

II. Requires inspection of premises before issuance of a license to transfer animals or birds.

III. Allows the suspension or revocation of a license to transfer animals or birds if conditions under which the license was issued are not maintained.

IV. Allows for a person caring for an animal confiscated during an animal cruelty trial to petition the town for a bond to cover the cost of animal care.

V. Makes an appropriation to the department of agriculture, markets, and food, and authorizes the commissioner to hire 2 inspectors to increase oversight of pet vendors.

VI. Establishes a commission to study certain language applicable to the transfer of animals.

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 Feltes, seconded by Senator French.

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

The following Senators voted No: Giuda, French, Sanborn, Daniels, Birdsell.

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

SB 577, requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin.

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

Energy and Natural Resources

February 20, 2018

2018-0721s

10/08

Amendment to SB 577

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

AN ACT 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.

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

1 Findings. The general court finds that the continued operation of the Burgess BioPower plant in Berlin is important to the economy of the north country and the city of Berlin, as well as the forest products industry, and important for the attainment of renewable energy portfolio standard goals and the environment, and is therefore in the public interest.

2 Public Utilities Commission; Proceedings. Within 30 days after the effective date of this act, the public utilities commission shall initiate a proceeding in order to consider how it is in the public interest to revise its Order 25,213 (Docket DE 10-195). The commission shall consider whether it is in the public interest to increase the amount of the cap on the level of the cumulative reduction factor, or to make other adjustments or revisions to the order, so that the Burgess BioPower plant can continue to operate. When considering the best way to meet the public interest the commission shall consider the impact the potential closing of, or the reduced capacity at, Burgess BioPower could have upon jobs at the plant and in the forest products industry, property tax and other impacts on the city of Berlin, renewable energy resources in New Hampshire, the impact on Eversource ratepayers, and other such factors the commission deems appropriate.

3 Sulphur Limits; Import Prohibited. Amend RSA 125-C:10-d to read as follows:

125-C:10-d Sulfur Limits of Certain Liquid Fuels.

I. *No person shall import into the state any of the following liquid fuels:*

(a) *No. 2 oil, also referred to as distillate oil, with a sulfur content greater than 0.0015 percent by weight;*

(b) *No. 4 oil with a sulfur content greater than 0.25 percent by weight; or*

(c) *Nos. 5 or 6 oil, also referred to as residual oil, with a sulfur content greater than 0.5 percent by weight.*

II. *Beginning on February 1, 2019 and continuing thereafter*, no person shall sell, offer for sale, supply, distribute for sale or use, except for fuel remaining in storage for a device not requiring a permit pursuant to RSA 125-C:11, any of the following liquid fuels:

(a) No. 2 oil, also referred to as distillate oil, with a sulfur content greater than 0.0015 percent by weight;

(b) No. 4 oil with a sulfur content greater than 0.25 percent by weight; or

(c) Nos. 5 or 6 oil, also referred to as residual oil, with a sulfur content greater than 0.5 percent by weight.

[H] III. The commissioner may temporarily allow the use of non-conforming fuels with respect to paragraph [E] II if there is a demonstrated need to do so based on an acute shortage of supply.

4 Electric Renewable Energy Classes; Useful Thermal Energy. Amend the introductory paragraph of RSA 362-F:4, I to read as follows:

I. Class I (New) shall include the production of electricity [~~or useful thermal energy~~] from any of the following, provided the source began operation after January 1, 2006, except as noted below, ***or the production of useful thermal energy as noted below:***

5 Electric Renewable Energy Classes; Useful Thermal Energy. Amend RSA 362-F:4, I(e) to read as follows:

(e) Methane gas ***if the methane gas energy output is in the form of useful thermal energy provided that the unit began operation after January 1, 2013.***

6 Effective Date.

I. Section 3 of this act shall take effect 12:01 a.m. July 1, 2018.

II. Sections 4 and 5 of this act shall take effect 60 days after its passage.

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

2018-0721s

AMENDED ANALYSIS

This bill:

I. Requires the public utilities commission to initiate a proceeding to consider changes to its order affecting the Burgess BioPower plant in Berlin.

II. Prohibits the import of certain liquid fuels and prohibits the sale of such fuels in 2019.

III. Changes the inclusion in electric renewable energy class I for methane gas.

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

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

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

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15

Sen. Avard, Dist 12

February 28, 2018

2018-0884s

10/04

Floor Amendment to SB 577

Amend the bill by deleting section 4 and renumbering the original sections 5 and 6 to read as 4 and 5, respectively.

Amend paragraph II of section 5 of the bill by replacing it with the following:

II. Section 4 of this act shall take effect 60 days after its passage.

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 Avard, seconded by Senator Sanborn.

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

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

Roll Call, Yeas: 20 - Nays: 4. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 570-FN, relative to the work requirement for the child care scholarship program.

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

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

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

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

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS

SB 506, limiting amendments to warrant articles.

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

Public and Municipal Affairs
February 21, 2018
2018-0818s
06/08

Amendment to SB 506

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

1 Town Meetings; Petitioned Warrant Articles. Amend RSA 39:3 to read as follows:

39:3 Articles. Upon the written application of 25 or more registered voters or 2 percent of the registered voters in town, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the selectmen or one of them not later than the fifth Tuesday before the day prescribed for an annual meeting, the selectmen shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required. ***Such corrections shall not in any way change the intent of the article as presented in the original language of the petition.*** For the purposes of this section, the number of registered voters in a town shall be the number of voters registered prior to the last state general election. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32. In towns with fewer than 10,000 inhabitants upon the written application of 50 or more voters or 1/4 of the voters in town, whichever is fewer, and in towns with 10,000 or more inhabitants upon the written application of 5 percent of the registered voters in the town, so presented not less than 60 days before the next annual meeting, the selectmen shall warn a special meeting to act upon any question specified in such application. The checklist for an annual or special town meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31. Those persons qualified to vote whose names are on the corrected checklist shall be entitled to vote at the meeting. The same checklist used at a recessed town meeting shall be used at any reconvened session of the same town meeting. In no event shall a special town meeting be held on the biennial election day.

2 School Meetings; Warrant and Articles. Amend RSA 197:6 to read as follows:

197:6 Warrant and Articles. Upon the written application of 25 or more voters or 2 percent of the voters of the school district, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the school board or one of them not later than 30 days before the date prescribed for the school district meeting or the second Tuesday in March, whichever is earlier, the school board shall insert in the school district warrant for such meeting the petitioned article with only such minor textual changes as may be required. No article may be inserted after posting of said warrant. ***Petitioned articles shall not be amended except for minor textual corrections. Such corrections shall not in any way change the intent of the article as presented in the original petition.*** The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32.

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

2018-0818s

AMENDED ANALYSIS

This bill limits amendments to petitioned warrant articles to minor textual corrections.

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.

TRANSPORTATION

SB 400, relative to traveler information signs on highways.

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

Senate Transportation
February 21, 2018
2018-0755s
01/04

Amendment to SB 400

Amend RSA 230:52, III as inserted by section 1 of the bill by replacing it with the following:

III. The fee charged under paragraph II to a registered nonprofit organization that maintains a museum or heritage tourism site which is open to the public and listed in the National Register of Historic Places or the New Hampshire register of historic places under RSA 227-C:33, shall be limited to the cost of the initial creation and placement of the sign, or its replacement.

2018-0755s

AMENDED ANALYSIS

This bill provides that the fee charged to certain nonprofit organizations for advertising space on a limited access highway shall be limited to the initial cost of the sign or its replacement.

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 464, relative to the procedure for driveway permits.

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

Senate Transportation

February 21, 2018

2018-0758s

01/10

Amendment to SB 464

Amend RSA 236:13-a, III(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Extend the time for rendering a decision on the application for good cause.

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 559-FN-A, making an appropriation for a sound barrier on the Everett Turnpike in Bedford.

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

Senate Transportation

February 21, 2018

2018-0788s

04/05

Amendment to SB 559-FN-A

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

AN ACT establishing a committee to study the construction of sound barriers on type I and type II highways.

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

1 Committee Established. There is established a committee to study the construction of sound barriers on type I and type II highways.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the construction of sound barriers on type I and type II highways. The committee shall also study:

I. The formula for cost-effectiveness.

II. Type I and type II projects and potential costs for each type.

III. The town's role in determining the costs associated with type I and type II projects.

IV. Alternate methods for funding type I and type II projects.

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

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

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

2018-0788s

AMENDED ANALYSIS

This bill establishes a committee to study the construction of sound barriers on type I and type II highways. The question is on the adoption of the Committee Amendment.

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

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

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

Roll Call, Yeas: 18 - Nays: 6. Adopted.

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

SB 562-FN, allowing the waiver of fees for reinstatement of a driver's license and registration in cases of demonstrated financial hardship.

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

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

SPECIAL ORDER

Without objection, the following bill is special ordered to 5 o'clock. Adopted.

FINANCE

SB 313-FN, reforming New Hampshire's Medicaid and Premium Assistance Program.

SB 585-FN, authorizing the New Hampshire Breast Cancer Coalition to issue decals for multi-use decal plates. Ought to Pass, Vote 4-0. Senator Ward for the committee.

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

Senator Birdsell moved to Lay on the Table SB 585-FN. Adopted.

WAYS AND MEANS

SB 563-FN, establishing a recovery friendly workplace initiatives tax credit against business taxes administered by the community development finance authority.

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

Senate Ways and Means

February 21, 2018

2018-0787s

05/04

Amendment to SB 563-FN

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

1 New Paragraph; Community Development Finance Authority; Recovery Friendly Workplace Initiatives Tax Credit. Amend RSA 162-L:4 by inserting after paragraph I the following new paragraph:

I-a. The authority shall dedicate the contributions received pursuant to RSA 162-L:10, I-a exclusively to investing or lending to nonprofit organizations that deliver recovery friendly workplace programs. Such contributions shall not exceed \$1,000,000 in any state fiscal year. In this section, “recovery friendly workplace programs” means programs that educate employers in evidence-based practices that reduce substance misuse in the workplace and create work environments that are conducive to enabling persons in addiction and mental health recovery to sustain and re-enter the workforce as productive members of society. Such programs shall include the training of all employees, including specialized training for human resources personnel, and shall be consistent with Substance Abuse and Mental Health Services Administration (SAMHSA) standards. The term “recovery friendly workplace programs” also includes the propagation of public awareness and information that supports health and safety for employees, while promoting active community engagement that will assist in reducing the negative impact of unaddressed substance misuse and untreated mental health. On or by September 30, 2020, the authority shall make public on its website and provide a report to the governor, the president of the senate, and the speaker of the house of representatives concerning the effectiveness of the recovery friendly workplace initiatives tax credit, including, but not limited to, how many workers in recovery were attracted to and retained in the workforce.

2 New Paragraph: Community Development Finance Authority; Recovery Friendly Workplace Initiatives Tax Credit. Amend RSA 162-L:10 by inserting after paragraph I the following new paragraph:

I-a. A recovery friendly workplace initiatives tax credit equal to up to 75 percent of the contribution made during the period of July 1, 2018 through June 30, 2020 shall be allowed against any of the following individually or in combination:

- (a) Taxes imposed by RSA 77-A.
- (b) Taxes imposed by RSA 400-A.
- (c) Taxes imposed by RSA 77-E.

3 Community Development Finance Authority; New Investment Tax Credit; Annual Limit. Amend RSA 162-L:10, IV(b) to read as follows:

(b) Contributions received by the authority for which credit is to be taken shall not exceed [~~\$5,000,000~~] **\$6,000,000** in any state fiscal year. Contributions received by the authority in excess of [~~\$5,000,000~~] **\$6,000,000** in any state fiscal year shall not be eligible for credit in such fiscal year but may be carried forward to the next succeeding fiscal year or years and shall be given priority in determining the total contributions eligible for credit in such fiscal year.

4 New Paragraph; Business Profits Tax; Recovery Friendly Workplace Initiatives Tax Credit. Amend RSA 77-A:5 by inserting after paragraph XV the following new paragraph:

XVI. The recovery friendly workplace initiatives tax credit as computed in RSA 162-L:10, I-a.

5 New Section; Business Enterprise Tax; Recovery Friendly Workplace Initiatives Tax Credit. Amend RSA 77-E by inserting after section 3-d the following new section:

77-E:3-e Recovery Friendly Workplace Initiatives Tax Credit. The recovery friendly workplace initiatives tax credit, as computed in RSA 162-L:10, I-a, shall be allowed against the tax due under this chapter.

6 Applicability. The tax credits authorized in this act shall apply to tax years beginning on and after January 1, 2019.

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

2018-0787s

AMENDED ANALYSIS

This bill establishes a credit against the business profits tax and the business enterprise tax for donations made to the community development finance authority for recovery friendly workplace initiatives.

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

Senator Sanborn offered a Floor Amendment.

Sen. Sanborn, Dist 9
Sen. Giuda, Dist 2
Sen. Daniels, Dist 11
Sen. D'Allesandro, Dist 20
Sen. Feltes, Dist 15
February 26, 2018
2018-0846s
10/01

Floor Amendment to SB 563-FN

Amend the introductory paragraph of RSA 162-L:10, I-a as inserted by section 2 of the bill by replacing it with the following:

I-a. A recovery friendly workplace initiatives tax credit equal to up to 75 percent of the contribution made during the period of July 1, 2018 through June 30, 2020 may be carried forward for no more than 5 succeeding tax years and shall be allowed against any of the following individually or in combination:

Amend the bill by replacing section 7 with the following:

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

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

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

SB 587-L, relative to the collection of fees for public parking facilities.
Inexpedient to Legislate, Vote 3-1. Senator Sanborn for the committee.

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

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

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

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

Roll Call, Yeas: 14 - Nays: 10. Adopted.

ADDENDUM REGULAR CALENDAR

COMMERCE

SB 317-FN, relative to veterans' preference in public employment.
Interim Study, Vote 3-1. Senator Sanborn for the committee.

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

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

The following Senators voted Yes: Sanborn, Daniels.

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

Roll Call, Yeas: 2 - Nays: 22. Failed.

Senator Carson moved Ought to Pass.

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

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

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

SPECIAL ORDER

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

COMMERCE

SB 318, amending the prohibitions on youth employment.

SB 351, relative to managed care programs under workers' compensation.

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

Commerce

March 6, 2018

2018-0975s

01/06

Amendment to SB 351

Amend the bill by replacing section 1 with the following:

1 Workers' Compensation; Managed Care Programs. Amend RSA 281-A:23-a, V to read as follows:

V. Every managed care program shall include a sufficient number of injury management facilitators, including resident injury management facilitators, who shall be qualified by reason of education, training, and experience to manage the injured employee's medical, hospital and remedial care, vocational rehabilitation, modified duty, and return to work plans. An injury management facilitator shall work with the injured employee, employer, and medical, hospital and other providers to ensure that the injured employee receives effective, timely, and appropriate services in order to achieve maximum medical improvement and an expeditious return to work. Any person ~~[employed]~~ **operating** as an injury management facilitator ~~[by]~~ **in conjunction with** a managed care program **under this section** shall be approved by the commissioner with ratification by the workers' compensation advisory council. The commissioner shall, in consultation with the advisory council, by rule determine the number of facilitators which shall be sufficient.

2018-0975s

AMENDED ANALYSIS

This bill clarifies the qualifications of an injury management facilitator affiliated with managed care programs under workers' compensation.

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 422, relative to advance notice of work schedules.

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

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

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

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

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

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Bradley moved to Lay on the Table.

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

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

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

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator French moved Ought to Pass.

Senator French offered a Floor Amendment.

Sen. French, Dist 7
March 7, 2018
2018-1002s
04/08

Floor Amendment to SB 422

Amend RSA 275:37-c, I as inserted by section 3 of the bill by replacing it with the following:

I. Employers shall provide hourly paid employees notice of the employees' work schedule at least 7 days in advance of any pay period.

Amend RSA 275:37-c as inserted by section 3 of the bill by inserting after paragraph IV the following new paragraph:

V. This section shall not apply to any employer with fewer than 15 employees.

2018-1002s

AMENDED ANALYSIS

This bill requires an employer with 15 or more employees to give advance notice of work schedules to its employees.

President Pro Tempore Carson presiding.

SPECIAL ORDER

Without objection, the following bill is special ordered to after SB 422. Adopted.

FINANCE

SB 313-FN, reforming New Hampshire's Medicaid and Premium Assistance Program.

Without objection, Senator Woodburn moved the question. Adopted

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: Woodburn, Watters, Hennessey, French, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

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

Roll Call, Yeas: 11 - Nays: 13. Failed.

Senator Bradley moved to Lay on the Table.

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, Reagan, Birdsell, Morse, Gannon, Innis, Carson.

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

Roll Call, Yeas: 14 - Nays: 10. Adopted.

President Morse presiding.

FINANCE

SB 313-FN, reforming New Hampshire's Medicaid and Premium Assistance Program.

Ought to Pass with Amendment, Vote 10-1. Senator Bradley for the committee.

Senate Finance
March 6, 2018
2018-0984s
01/03

Amendment to SB 313-FN

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

AN ACT reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds.

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

1 New Chapter; New Hampshire Granite Advantage Health Care Program. Amend RSA by inserting after chapter 126-Z the following new chapter:

CHAPTER 126-AA
NEW HAMPSHIRE GRANITE ADVANTAGE HEALTH CARE PROGRAM

126-AA:1 Definitions. In this chapter:

- I. "Commissioner" means the commissioner of the department of health and human services.
- II. "Department" means the department of health and human services.
- III. "Fund" means the New Hampshire granite advantage health care trust fund.
- IV. "Program" means the New Hampshire granite advantage health care program.

V. "Remainder amount" means, for the 6-month period between January 1, 2019 and June 30, 2019 and for each single identified fiscal year thereafter for any authorized period of the granite advantage health care program, the cost of the program, including administrative costs attributable to the program, less the amount of revenue transferred from the alcohol abuse prevention and treatment fund pursuant to RSA 176-A:1, IV, less all federal reimbursement for the program that period or fiscal year, including federal reimbursement for administrative costs attributable to the program, and taxes attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under this chapter, consistent with RSA 400-A:32, III(b).

126-AA:2 New Hampshire Granite Advantage Health Care Program Established.

I.(a) The commissioner shall apply for any necessary waivers and state plan amendments to implement a 5-year demonstration program beginning on January 1, 2019 to create the New Hampshire granite advantage health care program which shall be funded exclusively from non-general fund sources, including federal funds. The commissioner shall include in an application for the necessary waivers submitted to the Centers for Medicare and Medicaid Services (CMS) a waiver of the requirement to provide 90-day retroactive coverage. To receive coverage under the program, those individuals in the new adult group who are eligible for benefits shall choose coverage offered by one of the managed care organizations (MCOs) awarded contracts as vendors under Medicaid managed care, pursuant to RSA 126-A:5, XIX(a). The program shall make coverage available in a cost-effective manner and shall provide cost transparency measures, and ensure that patients are utilizing the most appropriate level of care. Cost effectiveness shall be achieved by offering cash incentives and other forms of incentives to be offered to the insured by choosing preferred lower cost medical providers. Loss of incentives shall also be employed. MCOs shall employ reference-based pricing, cost transparency, and the use of incentives and loss of incentives to the Medicaid and newly eligible population. For the purposes of this subparagraph, "reference-based pricing" means setting a maximum amount payable for certain medical procedures.

(b) The department shall ensure through managed care contracts that MCOs incorporate measures to promote continuity of coverage, including, but not limited to, assisting over income participants in applying for coverage on the federal marketplace in New Hampshire and maintaining care and case management during the pendency of such application.

(c) The MCOs shall promote personal responsibility through the use of incentives, loss of incentives, and case management to the greatest extent practicable.

(d) Prior to submitting the waiver or state plan amendment to CMS, the commissioner shall present the waiver or state plan amendment to the governor and the fiscal committee of the general court for approval. The program shall not commence operation until such waivers or state plan amendments have been approved by CMS. All necessary waivers and state plan amendments shall be submitted by June 30, 2018. If all waivers necessary for the program are not approved by December 1, 2018, the commissioner shall immediately notify all program participants that the program will be terminated in accordance with the federally required Special Terms and Conditions No. 11-W-003298/1.

(e) In order to combat the opioid and heroin crisis facing New Hampshire, the department shall establish behavioral health rates sufficient to ensure access to, and provider capacity for all behavioral health services including, as appropriate, establishing specific substance use disorder services rate cells for inclusion into capitated rates for managed care.

(f) Any person transitioning from the premium assistance program to the program shall not lose coverage due solely to the transition, which shall be for a period of at least 90 days. All MCOs shall honor all pre-existing authorizations for care plans and treatments for all program participants for a period of not less than 90 days after enrollment.

(g)(1) The commissioner shall include in MCO contracts with the state clinically and actuarially sound incentives designed to improve care quality and utilization and to lower the total cost of care within the Medicaid managed care program. The commissioner shall also include in the MCO contract provisions an obligation for the MCO to include provider alignment incentives to leverage the combined efforts of the parties to achieve the purposes of the incentives. Preferential auto-assignment of newly eligible members, shared incentive pools, and differential capitation rates are among the options for incentives the commissioner may employ to achieve improved performance. Initial areas to improve care quality and utilization and to lower the total cost of care may include, but are not limited to:

- (A) Appropriate use of emergency departments relative to low acuity non-emergent visits.
- (B) Reduction in preventable admissions and 30-day hospital readmission for all causes.
- (C) Timeliness of prenatal care and reductions in neonatal abstinence births.
- (D) Timeliness of follow-up after a mental illness or substance use disorder admission.
- (E) Reduction of polypharmacy resulting in drug interaction harm.

(2) The commissioner shall include in MCO contracts actuarial appropriate rebate provisions for failure to implement contractually agreed upon incentive measures.

(h) Savings generated as a result of individuals disenrolled from the program for failing to meet the work and community engagement requirement shall not be included in any calculation submitted to CMS to establish federal budget neutrality of any waiver issued for the program.

(i) Consistent with the state plan amendment submitted by the department and approved by CMS, all contracts between a Medicaid managed care organization and a federally qualified health care center, as defined in section 1905(1)(2)(B) of the Social Security Act, 42 U.S.C. section 1396d(1)(2)(B), providing services in geographic areas served by the plan, shall reimburse each such center for such services as provided in 42 U.S.C. section 18022(g).

II.(a) To receive benefits under this section and to the extent allowed by federal law, the individual shall:

(1) Provide all necessary information regarding financial eligibility, assets, residency, citizenship or immigration status, and insurance coverage to the department in accordance with rules, or interim rules, including those adopted under RSA 541-A;

(2) Inform the department of any changes in financial eligibility, residency, citizenship or immigration status, and insurance coverage within 10 days of such change; and

(3) At the time of enrollment acknowledge that the program is subject to cancellation upon notice.

(b) If allowed by federal law, all resources which the individual and his or her family own shall be considered to determine eligibility under this paragraph, including cash, bank accounts, stocks, bonds, permanently unoccupied real estate, and trusts. The home in which the individual resides in, furniture, and one vehicle owned by the individual applying for benefits shall be excluded from the eligibility requirements for benefits under this paragraph. If, after counting or excluding the individual's household's resources, the total countable resources equal or fall below \$25,000, he or she shall be considered asset eligible.

III.(a) Newly eligible adults who are unemployed shall be eligible to receive benefits under this paragraph if the commissioner finds that the individual is engaging in at least 100 hours per month based on an average of 25 hours per week in one or more work or other community engagement activities, as follows:

- (1) Unsubsidized employment, including nonprofit organizations.
- (2) Subsidized private sector employment.
- (3) Subsidized public sector employment.
- (4) On-the-job training.

(5) Job skills training related to employment, including credit hours earned from an accredited college or university in New Hampshire. Academic credit hours shall be credited against this requirement on an hourly basis.

(6) Job search and job readiness assistance, including, but not limited to, persons receiving unemployment benefits and other job training related services, such as job training workshops and time spent with employment counselors, offered by the department of employment security. Job search and job readiness assistance under this section shall be credited against this requirement on an hourly basis.

(7) Vocational educational training not to exceed 12 months with respect to any individual.

(8) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency.

(9) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

(10) Community service or public service.

(11) Caregiver services for a nondependent relative or other person with a disabling medical or developmental condition.

(12) Participation in substance use disorder treatment.

(b) If an individual in a family receiving benefits under this paragraph refuses to engage in work or community engagement activities required in accordance with this subparagraph, the assistance shall be terminated. The commissioner shall adopt rules under RSA 541-A to determine good cause and other exceptions to termination. An individual may apply for good cause exemptions which shall include, at a minimum, the following verified circumstances:

(1) The beneficiary experiences the birth, or death, of a family member living with the beneficiary.

(2) The beneficiary experiences severe inclement weather, including a natural disaster, and therefore was unable to meet the requirement.

(3) The beneficiary has a family emergency or other life-changing event such as divorce.

(4) The beneficiary is a victim of domestic violence, dating violence, sexual assault, or stalking consistent with definitions and documentation required under the Violence Against Women Reauthorization Act of 2013 under 24 C.F.R. section 5.2005 and 24 C.F.R. section 5.2009, as determined by the commissioner pursuant to rulemaking under RSA 541-A.

(c) This subparagraph shall only apply to those considered, able-bodied adults as described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act of 1935, as amended, 42 U.S.C. section 1396a(a)(10)(A)(i). In this subparagraph, "childless" means an adult who does not live with a dependent child which includes a child under 19 years of age or under 20 years of age if the child is a full-time student in a secondary school or the equivalent.

(d) This subparagraph shall not apply to:

(1) A person who is temporarily unable to participate in the requirements under subparagraph (a) due to illness, incapacity, or treatment, including inpatient treatment, as certified by a licensed physician, an advanced practice registered nurse (APRN), a licensed behavioral health professional, a licensed physician assistant, a licensed drug and alcohol counselor (LADAC), or a board-certified psychologist. The physician, APRN, licensed behavioral health professional, licensed physician assistant, LADAC, or psychologist shall certify, on a form provided by the department, the duration and limitations of the disability.

(2) A person participating in a state-certified drug court program, as certified by the administrative office of the superior court.

(3) A parent or caretaker as identified in RSA 167:82, II(g) where the required care is considered necessary by a licensed physician, APRN, board-certified psychologist, physician assistant, or licensed behavioral health professional who shall certify the duration that such care is required.

(4) A parent or caretaker of a dependent child under 13 years of age or a child with developmental disabilities who is residing with the parent or caretaker.

(5) Pregnant women.

(6) A beneficiary who has a disability as defined by the Americans with Disabilities Act (ADA), section 504 of the Rehabilitation Act, or section 1557 of the Patient Protection and Affordable Care Act and is unable to meet the requirement for reasons related to that disability; or who has an immediate family member in the home with a disability under federal disability rights laws and who is unable to meet the requirement for reasons related to the disability of that family member, or the beneficiary or an immediate family member who is living in the home or the beneficiary experiences a hospitalization or serious illness.

(7) Beneficiaries who are identified as medically frail, under 42 C.F.R section 440.315(f), and as defined in the alternative benefit plan in the state plan.

(8) Any beneficiary who is in compliance with the requirement of the Supplemental Nutritional Assistance Program (SNAP) and/or Temporary Assistance to Needy Families (TANF) employment initiatives.

(e) The commissioner shall adopt rules under RSA 541-A pertaining to the community engagement requirement. Those rules shall be consistent with the terms and conditions of any waiver issued by the Centers for Medicare and Medicaid Services for the program and shall address, at a minimum, the following:

(1) Enrollment, suspension, and disenrollment procedures in the program.

(2) Verification of compliance with community engagement activities.

(3) Verification of exemptions from participation.

(4) Opportunity to cure and re-activation following noncompliance, including not being barred from re-enrollment.

(5) Good cause exemptions.

(6) Education and training of enrollees.

IV. The commissioner shall implement the work and community engagement requirement under paragraph III beginning January 1, 2019 in accordance with the terms and conditions of any waiver approved by CMS. Verification of qualifying activities, exemptions, and enrollee status shall be accomplished in the following manner:

(a) MCOs under contract with the department shall share enrollee reported information regarding the work and community engagement requirement status obtained through standard contract activities including enrollment, outreach activities, and enrollee care management.

(b) For the period of January 1, 2019 through June 30, 2020 only, the department shall verify enrollee status to the greatest extent practicable through the verification of enrollee and MCO reported status and information, including information from the eligibility file. Enrollees shall be required to report information regarding their qualifying activities, exemptions, enrollee status, and changes in their status to the department in accordance with the department's rules.

(c) No later than January 1, 2019, the commissioner shall submit to the governor, president of the senate, and speaker of the house of representatives a plan for the implementation of a fully automated verification system that utilizes state and commercial data sources to assess compliance with all work and community engagement activities beginning on July 1, 2020. The plan shall provide an option to hire a third party vendor to manage the automated verification system.

V. A person shall not be eligible to enroll or participate in the program, unless such person verifies his or her United States citizenship by 2 forms of identification and proof of New Hampshire residency by either a New Hampshire driver's license or a nondriver's picture identification card issued pursuant to RSA 260:21.

VI. No person, organization, department, or agency shall submit the name of any person to the National Instant Criminal Background Check System (NICS) on the basis that the person has been adjudicated a "mental defective" or has been committed to a mental institution, except pursuant to a court order issued following a hearing in which the person participated and was represented by an attorney.

VII. For any person determined to be eligible and who is enrolled in the program, the MCO shall support the individual to arrange a wellness visit with his or her primary care provider, either previously identified or selected by the individual from a list of available primary care physicians. The wellness visit shall include appropriate assessments of both physical and mental health, including screening for depression, mood, suicidality, and unhealthy substance use, for the purpose of developing a health wellness and care plan.

VIII. Any person receiving benefits from the program shall be responsible for providing information regarding his or her change in status or eligibility, including current contact information. The commissioner shall adopt rules, under RSA 541-A, pertaining to the opportunity to cure and for re-activation following noncompliance.

126-AA:3 The New Hampshire Granite Advantage Health Care Trust Fund.

I. There is hereby established the New Hampshire granite advantage health care trust fund which shall be accounted for distinctly and separately from all other funds and shall be non-interest bearing. The fund shall be administered by the commissioner and shall be used solely to provide coverage for the newly eligible Medicaid population as provided for under RSA 126-AA:2, and to pay for the administrative costs for the program. The commissioner may accept any gifts, grants, donations, or other funding from any source and shall deposit all such revenue received into the fund. No state general fund appropriations shall be deposited into the fund. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of the fund. The fund shall be authorized to pay and/or reimburse the cost of medical services and cost-effective related services, including without limitation, capitation payments to managed care organizations.

II. The commissioner, as the administrator of the fund, shall have the sole authority to:

(a) Apply for federal funds to support the program.

(b) Notwithstanding any provision of law to the contrary, accept and expend federal funds as may be available for the program and the commissioner shall notify the bureau of accounting services, by letter, with a copy to the fiscal committee of the general court and the legislative budget assistant.

(c) Make payments and reimbursements from the fund as outlined in this section.

III. The commissioner shall submit a report to the governor and the fiscal committee of the general court detailing the activities and operation of the trust fund annually within 90 days of the close of each state fiscal year.

IV. On or before August 15, 2018, the commissioner, in consultation with the insurance commissioner, shall estimate the remainder amounts for the period of January 1, 2019 to June 30, 2019 and for state fiscal year 2020. The commissioner shall report the estimated annual remainder amount to the insurance commissioner, the New Hampshire Health Plan, the governor, the speaker of the house of representatives, and the president of the senate. Thereafter, on or before August 15 of each fiscal year, the commissioner, in consultation with the insurance commissioner, shall estimate the remainder amounts for both the current and next fiscal year. The commissioner shall report the estimated remainder amount to the insurance commissioner, the New Hampshire Health Plan, the governor, the speaker of the house of representatives, and the president of the senate.

V. On or before September 30, the commissioner shall calculate the estimated final remainder amount for the 6-month period between January 1, 2019 and June 30, 2019. On or before September 30 of each subsequent year, the commissioner shall calculate the estimated final remainder amount for the prior fiscal year. If the actual remainder amount is greater than the prior calculated estimated remainder for any fiscal year, the difference shall be retained in the trust fund and shall be used in the calculation of future estimated remainder amounts.

VI. The commissioner of the department of health and human services, in accordance with the most current available information, shall be responsible for determining, every 6 months commencing no later than December 31, 2018, whether there is sufficient funding in the fund, to cover projected program costs for the nonfederal share for the next 6-month period. If at any time the commissioner determines that a projected shortfall exists, he or she shall terminate the program in accordance with the federally approved terms and conditions issued by CMS.

126-AA:4 Commission to Evaluate the Effectiveness and Future of the New Hampshire Granite Advantage Health Care Program.

I. There is hereby established a commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program.

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

(1) Three members of the senate, appointed by the president of the senate, one of whom shall be a member of the minority party.

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the minority party.

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

(4) The commissioner of the department of insurance, or designee.

(5) A representative of each managed care organization awarded contracts as vendors under the Medicaid managed care program, appointed by the governor.

(6) A representative of a hospital that operates in New Hampshire, appointed by the speaker of the house of representatives.

(7) A public member, who has health care expertise, appointed by the senate president.

(8) A public member, who currently receives coverage through the program, appointed by the speaker of the house of representatives.

(9) A public member representing the interests of taxpayers in New Hampshire, appointed by the president of the senate.

(10) A representative of the medical care advisory committee, department of health and human services, appointed by the chairperson of the committee.

(11) A licensed physician, appointed by the governor.

(12) A licensed mental health professional, appointed by the governor.

(13) A licensed substance use disorder professional, appointed by the governor.

(14) An advanced practice registered nurse (APRN), appointed by the New Hampshire Nurse Practitioner Association.

(15) The chairperson of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery, or designee.

(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 evaluate the effectiveness and future of the program. Specifically the commission shall:

(1) Review the program's financial metrics.

(2) Review the program's product offerings.

(3) Review the program's impact on insurance premiums for individuals and small businesses.

(4) Make recommendations for future program modifications, including, but not limited to whether the program is the most cost-effective model for the long term versus a return to private market managed care.

(5) Evaluate non-general fund funding options for longer term continuation of the program, including options to accept funding from the federal government allowing a self-administered program.

(6) Review up-to-date information regarding changes in the level of uncompensated care through shared information from the department, the department of revenue administration, the insurance department, and provider organizations and the program's impact on insurance premium tax revenues and Medicaid enhancement tax revenue.

(7) Review the granite workforce pilot program.

(8) Evaluate reimbursement rates to determine if they are sufficient to ensure access to and provider capacity for all behavioral health services.

(9) Review the number of people who are found ineligible or who are dropped from the rolls of the program because of the work requirement.

(10) Review the program's provider reimbursement rates and overall financing structure to ensure it is able to provide a stable provider network and sustainable funding mechanism that serves patients, communities, and the state of New Hampshire.

(b) Any funding solutions recommended by the commission shall not include the use of new general funds.

(c) The commission shall solicit information from any person or entity the commission deems relevant to its study.

(d) The commission shall make a recommendation on or by February 1, 2019 to the commissioner concerning recommended monitoring and evaluation requirements for work and community engagement requirements, including a draft of proposed metrics for quarterly and annual reporting, including suggested costs and benefits evaluations.

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 first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Ten members of the commission shall constitute a quorum.

IV. The commission shall make an interim report on or before December 1, 2020 and a final report together with its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2022.

126-AA:5 Evaluation Report Required.

I. The program shall employ an outcome-based evaluation of its Medicaid program annually to:

(a) Provide accountability to patients and the overall program.

(b) Ensure that patients are making informed decisions in carrying out health care choices and utilizing the most appropriate level of care.

(c) Ensure that the use of incentives, the loss of incentives, cost transparency, and reference based pricing have been effective in lowering costs.

II. The results of the evaluation conducted under this section shall be in the form of a report to be provided to CMS, the president of the senate, the speaker of the house of representatives, the governor, and the fiscal committee of the general court by December 31 of each year beginning in 2019.

2 Purpose Statement. The purpose of sections 3-9 of this act is to establish a pilot program by using allowable federal funds available from the Temporary Assistance to Needy Families (TANF) program to end the dependence of needy parents and low income childless adults ages 18 through 24 on governmental programs by promoting job and work preparation and placing them into high labor need jobs based on the goals set forth in 45 C.F.R. section 260.20. The long-term goal of this program is to place low-income individuals into unsubsidized jobs in high labor need areas, transition them to self-sufficiency through providing career pathways with specific skills, and assist in eliminating barriers to work such as transportation and childcare. Taken together, these measures are designed to help low-income participants break the cycle of poverty and move them from living on the margin to the middle class and beyond.

3 Granite Workforce; Pilot Program Established.

I. The commissioner of the department of health and human services shall use allowable funds from the Temporary Assistance to Needy Families (TANF) program to provide subsidies to employers in high need areas, as determined by the department of employment security based upon workforce shortages, and to create a network of assistance to remove barriers to work for low-income families. The funds shall be used to establish a pilot program, referred to as Granite Workforce, a TANF nonassistance program, which shall accept enrollments by applicants for an initial period of 6 months. The program shall be jointly administered by the department of health and human services and the department of employment security. No cash assistance shall be provided to eligible participants through Granite Workforce. The total cost of the pilot program shall not exceed \$3,000,000 in federal TANF funds for the biennium ending June 30, 2019.

II. To be eligible for Granite Workforce, applicants shall be:

- (a) In a household with an income up to 138 percent of the federal poverty level; and
- (b) Parents aged 18 through 64 with a child under age 18 in the household;
- (c) Noncustodial parents aged 18 through 64 with a child under the age of 18; or
- (d) Childless adults between 18 and less than 25 years of age.

III. The department of employment security shall determine eligibility and entry into the program, using nationally recognized assessment tools for vocational and job readiness assessments. Vocational assessments shall include educational needs, vocational interest, personal values, and aptitude. The department shall use the assessment results to work with the participant to produce a long-term career plan for moving into the middle class and beyond.

IV. Except as otherwise provided in paragraph II regarding program eligibility, administrative rules governing the New Hampshire employment program, adopted under RSA 541-A as chapter He-W 600, shall apply to the Granite Workforce pilot program.

4 Granite Workforce; Subsidies for Employers.

I. Upon placement of a participant into a paying job and receiving verification of employment and wages from the employer, the department of employment security shall pay the employer a subsidy of \$2,000.

II. After at least 3 full months of the continued employment of the participant and receiving verification of the continued employment and wages from the employer, the department of employment security shall pay the employer a second subsidy of \$2,000.

III. If an overpayment is made, the employer shall reimburse the department that amount upon being notified by the department.

5 Referral for Barriers to Employment. The department of health and human services, in consultation with the department of employment security, shall issue a request for applications (RFAs) for community providers interested in offering case management services to participants with barriers to employment. Participants shall be identified by the department of employment security using an assessment process that screens for barriers to employment including, but not limited to, transportation, child care, substance use, mental health, and domestic violence. Thereafter, the department of employment security shall refer to community providers those individuals deemed needing assistance with removing barriers to employment. When child care is identified as a barrier to employment, the department of employment security or the community provider shall refer the individual to available child care service programs, including, specifically the child care scholarship program administered by the department of health and human services. In addition to employer subsidies authorized under this section, TANF funds allocated to the Granite Workforce program shall be used to pay for other services that eliminate barriers to work in accordance with all TANF guidelines.

6 Network of Education and Training.

I. If after the assessment conducted by the department of employment security additional job training, education, or skills development is necessary prior to job placement, the department of employment security shall address those needs by:

- (a) Referring individuals to training and apprenticeship opportunities offered by the community college system of New Hampshire;
- (b) Referring individuals to the department of business and economic affairs to utilize available training funds and support services;
- (c) Referring individuals to education and employment programs for youth available through the department of education; or
- (d) Referring individuals to training available through other colleges and training programs.

II. All industry specific skills and training will be provided for jobs in high need areas, as determined by the department of employment security based upon workforce shortages.

7 Job Placement. Upon determining the participant is job ready, the department of employment security shall place individuals into jobs with employers in high need areas, as determined by the department of

employment security based upon workforce shortages. This includes, but is not limited to, high labor need jobs in the fields of healthcare, advanced manufacturing, construction/building trades, information technology, and hospitality. Training and job placement shall focus on:

I. Supporting health care/safety issues: training/jobs to combat the opioid crisis, including nurses, nursing assistants, clinicians, social workers, and treatment providers at the licensed alcohol and drug addictions counselor and licensed mental health counselor levels. Additionally, jobs to address long-term care needs, home healthcare services, and expanding mental/behavioral health services.

II. Advanced manufacturing to meet employer needs: training/jobs that include computer-aided drafting and design, electronic and mechanical engineering, precision welding, computer numerical controlled precision machining, robotics, and automation.

III. Construction/building trades to address critical infrastructure needs: training/jobs for building roads, bridges, municipality infrastructure, and ensuring safe drinking water.

IV. Information technology: training/jobs to allow businesses to excel in an ever-increasing network dependent business environment.

V. Hospitality-training/jobs to address the workforce shortage and support New Hampshire's tourism industry, to include but not be limited to hotel workers, restaurant workers, campground workers, lift operators, state park workers, and amusement park workers.

8 Reporting Requirement; Measurement of Outcomes.

I. The department of health and human services shall prepare a report on the outcomes of the Granite Workforce program using appropriate standard common performance measures. Program partners, as a condition of participation, shall be required to provide the department with the relevant data. Metrics to be measured shall include, but are not limited to:

(a) Degree of participation.

(b) Progress with overcoming barriers.

(c) Entry into employment.

(d) Job retention.

(e) Earnings gain.

(f) Movement within established federal poverty level measurements, including the Supplemental Nutrition Assistance Program (SNAP) and the New Hampshire granite advantage health care program under RSA 126-AA.

(g) Health insurance coverage provider.

(h) Attainment of education or training, including credentials.

II. The report shall be issued to the speaker of the house of representatives, president of the senate, the governor, the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program established under RSA 126-AA:4, and the state library on or before December 1, 2019.

9 Insurance Premium Tax; New Hampshire Granite Advantage Health Care Program. Amend RSA 400-A:32, III to read as follows:

III.(a) Except as provided in subparagraph (b), the taxes imposed in paragraphs I and II of this section shall be promptly forwarded by the commissioner to the state treasurer for deposit to the general fund.

(b) Taxes imposed attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under RSA [126-A:5, XXIV-XXVI] **126-AA** shall be deposited into the New Hampshire ~~health protection trust fund, established in RSA 126-A:5-b]~~ **granite advantage health care trust fund established in RSA 126-AA:3**. The commissioner shall notify the state treasurer of sums for deposit into the New Hampshire ~~health protection]~~ **granite advantage health care trust fund** no later than 30 days after receipt of said taxes. ***The moneys in the trust fund may be used for the administration of the New Hampshire granite advantage health care program, established in RSA 126-AA.***

10 Plan of Operation for the High Risk Pool. Amend RSA 404-G:5-a, IV(d) to read as follows:

(d) ~~[For the period of January 1, 2017 through December 31, 2018,] An amount not to exceed [50 percent of the remainder amount, as defined in RSA 126-A:5-c, I(b), less the amount made available to the program pursuant to RSA 404-G:11, VI. The association shall transfer all amounts collected pursuant to this subparagraph and the amount made available to the program pursuant to RSA 404-G:11, VI to the New Hampshire health protection trust fund, established pursuant to RSA 126-A:5-b]~~ ***the lesser of the remainder amount or the amount of revenue transferred from the alcohol abuse prevention and treatment fund pursuant to RSA 176-A:1, IV and taxes attributable to premiums written for medical and other medical-related services for the newly eligible Medicaid population, as defined in RSA 126-AA:1, V.***

11 New Hampshire Granite Advantage Health Care Program; Federal Match. Amend 2014, 3:10, I as amended by 2016,13:13 to read as follows:

I. If at any time the federal match rate applied to medical assistance for newly eligible adults under ~~[RSA 126-A:5, XXIV-XXV between July 1, 2014 – December 31, 2016 is less than 100 percent, less than 95 percent in 2017 and less than 94 percent in 2018, of the amount as set forth in 42 U.S.C. section 1396d(y) (1), then RSA 126-A:5, XXIV and XXV shall be]~~ ***RSA 126-AA is less than 94 percent in 2018, less than 93 percent in 2019, and less than 90 percent in 2020 and any year thereafter in which the program is authorized, then the program is hereby*** repealed 180 days after the event under this ~~[subparagraph]~~ ***paragraph*** occurs upon notification by the commissioner of the department of health and human services to the secretary of state and the director of legislative services. The commissioner shall immediately issue notice to program participants of the program's pending repeal ***consistent with the terms and conditions of any waiver approved by the Centers for Medicare and Medicaid Services for the program.***

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

III. [3-4] ***Five*** percent of the previous fiscal year gross profits derived by the commission from the sale of liquor shall be deposited into the alcohol abuse prevention and treatment fund established by RSA 176-A:1. For the purpose of this section, gross profit shall be defined as total operating revenue minus the cost of sales and services as presented in the state of New Hampshire comprehensive annual financial report, statement of revenues, expenses, and changes in net position for proprietary funds.

III-a. In order to facilitate the initial funding of the granite advantage health care trust fund, established under RSA 126-AA:3, for the period of January 1 to June 30, 2019, an amount no less than 1/2 of the 5 percent of such gross profits based on the state comprehensive annual financial report for the state fiscal year 2017 shall be deposited into the alcohol abuse prevention and treatment fund no later than November 30, 2018.

13 Alcohol Abuse Prevention and Treatment Fund. Amend RSA 176-A:1, II and III to read as follows:

II. The fund shall be nonlapsing and continually appropriated for the purposes of funding alcohol education and abuse prevention and treatment programs. ***The commissioner of the department of health and human services may accept gifts, grants, donations, or other funding from any source and shall deposit all such revenue received into the fund.*** The state treasurer shall invest the moneys deposited in the fund as provided by law. Interest earned on moneys deposited in the fund shall be deposited into the fund.

III. Moneys ***received from all other sources other than the liquor commission pursuant to RSA 176:16, III*** shall be disbursed from the fund upon the authorization of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery established pursuant to RSA 12-J:1. Funds disbursed shall be used for alcohol and other drug abuse prevention, treatment, and recovery services, and other purposes related to the duties of the commission under RSA 12-J:3.

IV. Moneys received from the liquor commission pursuant to RSA 176:16, III and deposited into the fund shall be transferred to the New Hampshire granite advantage health care trust fund, established under RSA 126-AA:3, for use in ensuring the delivery of substance use disorder prevention, treatment, and recovery and other behavioral health services for persons enrolled in the New Hampshire granite advantage health care program; provided, however, that any program or service approved by the governor's commission on alcohol and drug abuse prevention, treatment, and recovery that would have been funded from moneys transferred from the fund shall be paid for with federal or other funds available from within the department of health and human services. For this purpose and no later than December 1, 2018, the sum of \$5,100,000 from the alcohol abuse and

prevention treatment fund shall be transferred to the granite advantage health care trust fund for use in the period of January 1 to June 30, 2019. Beginning July 1, 2019 the funds deposited into the fund shall be transferred to the granite advantage health care trust fund established under RSA 126-AA:3 annually no later than June 1 for use during the forthcoming fiscal year based upon the most recently issued comprehensive annual financial report of the state.

14 Individual Health Insurance Market; Purpose. Amend RSA 404-G:1, II to read as follows:

II. Create a nonprofit, voluntary organization to facilitate the availability of affordable individual nongroup health insurance by establishing an assessment mechanism and an individual health insurance market mandatory risk sharing plan as a mechanism to distribute the risks associated within the individual nongroup market and to support the ~~[marketplace premium assistance program established in RSA 126-A:5; XXV]~~ ***New Hampshire granite advantage health care program established in RSA 126-AA.***

15 Individual Health Insurance Market; Definitions. Amend RSA 404-G:2, X-a to read as follows:

X-a. "Plan of operation" means the plan of operation of the risk sharing mechanism, the high risk pool, support for the program established in RSA ~~[126-A:5; XXV]~~ ***126-AA***, and the federally qualified high risk pool, including articles, bylaws and operating rules, procedures and policies adopted by the association.

16 Managed Care Law; Right to External Review. Amend RSA 420-J:5-a, II(a) to read as follows:

(a) Health care services provided through Medicaid, the state Children's Health Insurance Program (Title XXI of the Social Security Act), Medicare or services provided under these programs but through a contracted health carrier, except where those services are provided through private insurance coverage pursuant to the ~~[marketplace premium assistance program under RSA 126-A:5; XXV]~~ ***New Hampshire granite advantage health care program under RSA 126-AA*** in which case all provisions of this chapter shall apply.

17 Insurance Department; Administration Fund. Amend RSA 400-A:39, VI(a) to read as follows:

(a) Based on the annual statement filed in such year by each insurer under RSA 400-A:31, RSA 420-A:20, RSA 420-B:9, RSA 420-F:9, or other financial statement filed under RSA 415-E:11, the commissioner shall ascertain each insurer's amount of gross direct premiums written, including policy, membership and other fees, service charges, policy dividends applied in payment for insurance, and all other considerations for insurance originating from policies covering property, subjects, or risks located, resident or to be performed in New Hampshire after deducting return premiums and dividends actually returned or credited to policyholders. The premium for Medicaid managed care coverage provided by a health carrier contracting with the department of health and human services under RSA 126-A:5, XIX shall not be included in an insurer's assessable premium, except where that coverage is provided through the purchase of insurance coverage pursuant to the ~~[marketplace premium assistance program under RSA 126-A:5; XXV, or through the health insurance premium payment program under RSA 126-A:5; XXIII]~~ ***New Hampshire granite advantage health care program under RSA 126-AA.*** If any such insurer does not otherwise timely provide the commissioner with the information necessary for such ascertainment, it shall do so on or before May 1 of each year.

18 New Subparagraph; Application of Receipts; New Hampshire Advantage Health Care Program. Amend RSA 6:12, I(b) by inserting after subparagraph (339) the following new subparagraph:

(340) Moneys deposited in the New Hampshire granite advantage health care trust fund under RSA 126-AA:3.

19 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

20 Contingency. RSA 126-AA:2, II(b) as inserted by section 1 of this act shall take effect on the date of certification by the commissioner of the department of health and human services to the director of legislative services and the secretary of state that 42 U.S.C. section 1396a(e)(14)(c) has been repealed or amended to permit the application of an asset test.

21 Funding; New Hampshire Granite Advantage Health Care Program. If the federal government amends 42 U.S.C. section 1396d (y)(1) to eliminate the state's share of funding for the New Hampshire granite advantage health care program, or if the federal government allows the use of savings within the Medicaid program to apply to the state's share of funding the program, or if any other state is permitted to receive funds from

the federal government to allow a solely federally funded program, the commissioner of health and human services shall send a letter of notification regarding this change to the governor, the president of the senate, the speaker of the house of representatives, the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program established in RSA 126-AA, and the chairperson of the appropriate standing committee of the house and senate. The commissioner shall apply for the necessary waivers to similarly fund the New Hampshire granite advantage health care program.

22 Repeals. The following are repealed:

- I. RSA 404-G:2, X-c, relative to the marketplace premium assistance program.
- II. RSA 126-AA:4, relative to the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program.
- III. RSA 126-AA, relative to the New Hampshire granite advantage health care program.
- IV. RSA 126-A:5-c, relative to funding the state share of the New Hampshire health protection program.
- V. RSA 126-A:5-d, relative to voluntary contribution.
- VI. RSA 126-A:5, XXX, relative to the New Hampshire health protection program.
- VII. RSA 6:12, I(b)(340), relative to the moneys deposited in the New Hampshire granite advantage health care trust fund.

23 Effective Date.

- I. Paragraph II of section 22 of this act shall take effect December 1, 2022.
- II. Paragraphs III and VII of section 22 of this act shall take effect December 31, 2023.
- III. Section 1 of this act shall take effect upon its passage.
- IV. RSA 126-AA:2, II(b) as inserted by section 1 of this act shall take effect as provided in section 20 of this act.
- V. Section 3-8 of this act shall take effect January 1, 2019.
- VI. The remainder of this act shall take effect December 31, 2018.

2018-0984s

AMENDED ANALYSIS

This bill:

I. Establishes the New Hampshire granite advantage health care program which shall replace the current New Hampshire health protection program. Under this program, those individuals eligible to receive benefits under the Medicaid program and newly eligible adults shall choose coverage offered by one of the managed care organizations contracted as vendors under the Medicaid program.

II. Establishes the granite workforce pilot program.

III. Increases the amount of liquor revenues to be deposited into the alcohol abuse prevention and treatment fund and provides that moneys deposited into the fund shall be transferred to the New Hampshire granite advantage health care trust fund for substance use disorder prevention, treatment, and recovery.

The question is on the adoption of the Committee Amendment.

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

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

The following Senators voted No: Giuda, French, Sanborn, Daniels, Avard, Birdsell.

Roll Call, Yeas: 18 - Nays: 6. Adopted.

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15
Sen. Woodburn, Dist 1
Sen. Watters, Dist 4
Sen. Hennessey, Dist 5
Sen. Kahn, Dist 10
Sen. Lasky, Dist 13
Sen. Cavanaugh, Dist 16
Rep. Soucy, Merr. 16
Sen. D'Allesandro, Dist 20
Sen. Fuller Clark, Dist 21
March 8, 2018
2018-1036s
03/10

Floor Amendment to SB 313-FN

Amend RSA 126-AA:3, I as inserted by section 1 of the bill by replacing it with the following:

I. There is hereby established the New Hampshire granite advantage health care trust fund which shall be accounted for distinctly and separately from all other funds and shall be non-interest bearing. The fund shall be administered by the commissioner and shall be used solely to provide coverage for the newly eligible Medicaid population as provided for under RSA 126-AA:2, and to pay for the administrative costs for the program. The commissioner may accept any gifts, grants, donations, or other funding from any source and shall deposit all such revenue received into the fund. No state general fund appropriations shall be deposited into the fund. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of the fund. The fund shall be authorized to pay and/or reimburse the cost of medical services and cost-effective related services, including without limitation, capitation payments to managed care organizations. An amount not to exceed \$1,500,000 from the fund for the biennium ending June 30, 2019 may be used to reduce barriers to work for childless adults age 25 and older, consistent with the requirements of the Granite Workforce pilot program.

The question is on the adoption of the Floor Amendment.

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

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

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

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Sanborn offered a Floor Amendment.

Sen. Sanborn, Dist 9
March 8, 2018
2018-1030s
03/10

Floor Amendment to SB 313-FN

Amend RSA 126-AA:2, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) The commissioner shall apply for any necessary waivers and state plan amendments to implement a 2-year demonstration program beginning on January 1, 2019 to create the New Hampshire granite advantage health care program which shall be funded exclusively from non-general fund sources, including federal funds. The commissioner shall include in an application for the necessary waivers submitted to the Centers for Medicare and Medicaid Services (CMS) a waiver of the requirement to provide 90-day retroactive coverage. To receive coverage under the program, those individuals in the new adult group who are eligible for benefits shall choose coverage offered by one of the managed care organizations (MCOs) awarded contracts as vendors under Medicaid managed care, pursuant to RSA 126-A:5, XIX(a). The program shall make coverage available in a cost-effective manner and shall provide cost transparency measures, and ensure that patients are utilizing the most appropriate level of care. Cost effectiveness shall be achieved by offering cash incentives and other forms of incentives to be offered to the insured by choosing preferred

lower cost medical providers. Loss of incentives shall also be employed. MCOs shall employ reference-based pricing, cost transparency, and the use of incentives and loss of incentives to the Medicaid and newly eligible population. For the purposes of this subparagraph, "reference-based pricing" means setting a maximum amount payable for certain medical procedures.

Amend RSA 126-AA:4, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The commission shall make an interim report on or before December 1, 2019 and a final report together with its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2020.

Amend paragraphs I and II of section 23 by replacing them with the following:

I. Paragraph II of section 22 of this act shall take effect December 1, 2020.

II. Paragraphs III and VII of section 22 of this act shall take effect December 31, 2020.

The question is on the adoption of the Floor Amendment.

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

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

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

Roll Call, Yeas: 5 - Nays: 19. Failed.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2
March 7, 2018
2018-0998s
01/03

Floor Amendment to SB 313-FN

Amend RSA 126-AA:2, VII as inserted by section 1 of the bill by replacing it with the following:

VII. For any person determined to be eligible and who is enrolled in the program, the MCO shall require the individual to arrange a wellness visit with his or her primary care provider, either previously identified or selected by the individual from a list of available primary care physicians. The wellness visit shall include appropriate assessments of both physical and mental health, including screening for depression, mood, suicidality, and unhealthy or unlawful substance use, for the purpose of developing a health wellness and care plan.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Giuda, Sanborn, Daniels, Avar, Carson, Birdsell, Gannon.

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

Roll Call, Yeas: 7 - Nays: 17. Failed.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
Sen. D'Allesandro, Dist 20
March 8, 2018
2018-1022s
01/03

Floor Amendment to SB 313-FN

Amend the bill by replacing section 10 with the following:

10 Plan of Operation for the High Risk Pool. Amend RSA 404-G:5-a, IV(d) to read as follows:

(d) ~~[For the period of January 1, 2017 through December 31, 2018,]~~ An amount not to exceed [50 percent of the remainder amount, as defined in RSA 126-A:5-c, I(b), less the amount made available to the program pursuant to RSA 404-G:11, VI. The association shall transfer all amounts collected pursuant to this subparagraph and the amount made available to the program pursuant to RSA 404-G:11, VI to the New Hampshire health protection trust fund, established pursuant to RSA 126-A:5-b] ***the lesser of the remainder amount or the amount of revenue transferred from the alcohol abuse prevention and treatment fund pursuant to RSA 176-A:1, IV and taxes attributable to premiums written for medical and other medical-related services for the newly eligible Medicaid population, as defined in RSA 126-AA:1, V. The association shall transfer all amounts collected pursuant to this subparagraph to the New Hampshire granite advantage health care trust fund established pursuant to RSA 126-AA:3.***

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

Senator Bradley presiding.

President Morse presiding.

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

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

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

The following Senators voted No: Giuda, French, Sanborn, Daniels, Avar, Carson, Birdsell.

Roll Call, Yeas: 17 - Nays: 7. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

COMMERCE

SB 423, relative to noncompete clauses for low-wage employees.

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

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

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

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

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

The following Senators were excused: Reagan.

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

Senator Watters moved Ought to Pass.

Senator Watters offered a Floor Amendment.

Sen. Watters, Dist 4

March 7, 2018

2018-1018s

04/06

Floor Amendment to SB 423

Amend the bill by replacing section 1 with the following:

1 New Section; Protective Legislation; Noncompete Agreements for Low-Wage Employees. Amend RSA 275 by inserting after section 70 the following new section:

275:70-a Noncompete Agreements for Low-Wage Employees.

I. In this section:

(a) "Employer" shall have the same meaning as in RSA 279:1, X. "Employer" shall not include employees of governmental or quasi-governmental bodies.

(b) "Low-wage employee" means an employee who earns:

(1) An hourly rate equal to 200 percent of the federal minimum wage; or

(2) An hourly rate equal to 200 percent of the tipped minimum wage pursuant to RSA 279:21.

(c) "Noncompete agreement" means an agreement between an employer and a low-wage employee that restricts such low-wage employee from performing:

(1) Work for another employer for a specified period of time;

(2) Work in a specified geographical area; or

(3) Work for another employer that is similar to such low-wage employee's work for the employer who is a party to the agreement; and that is entered into after the effective date of this section.

II.(a) No employer shall require a low-wage employee to enter into a noncompete agreement.

(b) A noncompete agreement entered into between an employer and a low-wage employee shall be void and unenforceable.

2018-1018s

AMENDED ANALYSIS

This bill prohibits an employer from requiring a low-wage employee to enter into a noncompete agreement. Recess. Out of recess.

SPECIAL ORDER

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

COMMERCE

SB 423, relative to noncompete clauses for low-wage employees.

SB 553-FN, relative to mental health parity for workers' compensation.

SB 426, relative to the commission on primary care workforce issues.

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

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

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

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

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

The following Senators were excused: Reagan.

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

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider SB 426, the bill having previously been found Inexpedient to Legislate. Adopted.

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

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

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

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

The following Senators were excused: Reagan.

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

SB 427, limiting the liability of successor corporations for asbestos-related claims.

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

Senator Gannon offered a Floor Amendment.

Sen. Gannon, Dist 23
 March 7, 2018
 2018-1015s
 06/10

Floor Amendment to SB 427

Amend RSA 507-H:5, IV as inserted by section 2 of the bill by replacing it with the following:

IV. No adjustment of the fair market value of total gross assets shall be applied to any liability insurance that may be included in the calculation of total gross assets by RSA 507-H:4, III.

Amend the section heading of RSA 507-H:7 as inserted by section 2 of the bill by replacing it with the following:

507-H:6 Scope of Act; Application.

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

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

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

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

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

The following Senators were excused: Reagan.

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

SB 566-FN, relative to unemployment compensation for school bus drivers and monitors.
 Ought to Pass with Amendment, Vote 3-1. Senator Lasky for the committee.

Commerce
 March 6, 2018
 2018-0982s
 08/03

Amendment to SB 566-FN

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

AN ACT establishing a commission to study the school bus driver shortage.

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

1 New Section; Commission to Study the School Bus Driver Shortage. Amend RSA 189 by inserting after section 6-c the following new section:

189:6-d Commission to Study the School Bus Driver Shortage.

I. The general court finds that the shortage of school bus drivers in places like Northwood creates a significant burden on our school districts and our families. Later school start times and an inability to transport students to extracurricular activities adversely effect the education of our students. There is hereby established a commission to study the school bus driver shortage.

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, one of whom shall be from the labor, industrial and rehabilitative services committee and one of whom shall be from the education committee, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of employment security, or designee.
- (d) The director of division of motor vehicles, department of safety, or designee.
- (e) The commissioner of the department of education, or designee.
- (f) Two members of the New Hampshire School Transportation Association, appointed by the association.

(g) Two school bus drivers who are affiliated members of a labor organization, appointed by the labor organization's local union.

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

IV. The commission shall study the effect of bus driver shortages on school districts, the effect of search for work requirements for bus drivers collecting unemployment, and the effect of search for work requirements on seasonal employees.

V. 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. Five members of the commission shall constitute a quorum.

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

2 Repeal. RSA 189:6-d, relative to the commission to study the school bus driver shortage, 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.

2018-0982s

AMENDED ANALYSIS

This bill establishes a commission to study the shortage of school bus drivers.

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 567-FN, relative to workforce development and job training.
Interim Study, Vote 3-1. Senator French for the committee.

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

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

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

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

The following Senators were excused: Reagan.

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

EDUCATION

SB 526-FN, relative to school breakfast programs.
Ought to Pass with Amendment, Vote 4-1. Senator Kahn for the committee.

Senate Education

March 6, 2018

2018-0962s

05/06

Amendment to SB 526-FN

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

AN ACT relative to school food and nutrition programs.

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

1 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.

2 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, 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 rate for breakfast so that pupils otherwise eligible for reduced price meals have access to breakfast at no cost.**

3 Applicability. For the fiscal year ending June 30, 2019, the amount required under section 2 of this act to provide breakfast at no cost to pupils otherwise eligible for reduced price meals shall be drawn from funds appropriated to the department of education in 2017, 155.

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

2018-0962s

AMENDED ANALYSIS

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

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

Senator Fuller Clark offered a Floor Amendment.

Sen. Fuller Clark, Dist 21

March 8, 2018

2018-1028s

06/03

Floor Amendment to SB 526-FN

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

AN ACT relative to school food and nutrition programs.

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

1 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.

2 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.***

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

2018-1028s

AMENDED ANALYSIS

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

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 Fuller Clark, seconded by Senator Kahn.

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

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

The following Senators were excused: Reagan.

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

SPECIAL ORDER

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

EDUCATION

SB 568-FN, relative to criminal history record checks for school employees and certain volunteers.

ENERGY AND NATURAL RESOURCES

SB 309-FN, relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.

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

Energy and Natural Resources

March 6, 2018

2018-0973s

08/03

Amendment to SB 309-FN

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

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

Perfluorochemicals

485:16-e Perfluorochemicals. The commissioner shall, in consultation with the commissioner of the department of health and human services and stakeholders, and no later than January 1, 2019, initiate rulemaking to adopt a maximum contaminant limit (MCL) for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) for public water systems regulated by this chapter. The commissioner shall consider the standards of other states, including the science considered by states with standards lower than those contained in health advisories from the United States

Environmental Protection Agency. The commissioner shall adopt MCLs that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer reviewed science and independent or government agency studies, provided no MCL shall exceed that contained in any MCL promulgated by the United States Environmental Protection Agency. The commissioner shall annually review the newest peer reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

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

IV. The commissioner shall, in consultation with the commissioner of the department of health and human services and stakeholders, and no later than January 1, 2019, determine whether to revise the ambient groundwater quality standards for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) established in rule in order to comply with this paragraph and shall make public his or her determination. The commissioner shall consider the standards of other states, including the science considered by states with standards lower than those contained in the lifetime health advisory promulgated by the United States Environmental Protection Agency. The commissioner shall adopt standards that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer reviewed science and independent or government agency studies, provided no standard shall exceed that contained in any standard promulgated by the United States Environmental Protection Agency. If the commissioner determines that the standard should be changed, the commissioner shall initiate rulemaking within 60 days of making the determination. The commissioner shall annually review the newest peer reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

3 New Paragraph; Surface Water Quality Standards. Amend RSA 485-A:8 by inserting after paragraph II-a the following new paragraph:

II-b. The commissioner shall, in consultation with stakeholders, and no later than January 1, 2020, establish a surface water quality standard for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) in Class A and Class B waters, if scientifically feasible. The commissioner shall consider the standards of other states. The commissioner shall adopt standards that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer-reviewed science and independent or government agency studies, provided no standard shall exceed that contained in any standard promulgated by the United States Environmental Protection Agency. If the commissioner determines that the standard should be changed, the commissioner shall initiate rulemaking within 60 days of making the determination. The commissioner shall annually review the newest peer-reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

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

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

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

SB 530-FN, relative to high voltage electric transmission lines in highway rights-of-ways.
Interim Study, Vote 4-0. Senator Fuller Clark for the committee.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 370-FN, adopting the emergency medical services personnel licensure interstate compact.
Ought to Pass with Amendment, Vote 4-0. Senator Reagan for the committee.

Senate Executive Departments and Administration
February 12, 2018
2018-0552s
10/08

Amendment to SB 370-FN

Amend RSA 153-A:35 as inserted by section 1 of the bill by inserting after the section heading the following new introductory paragraph:

The emergency medical services compact is adopted and entered into with all other jurisdictions that legally join the compact, which is substantially as follows:

Amend RSA 153-A:35, X(e)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states, but New Hampshire shall not be assessed more than \$6,000 annually. This limitation is not intended to suggest that such amount has been appropriated.

Amend RSA 153-A:35, X(f)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

Amend RSA 153-A:35, XV as inserted by section 1 of the bill by replacing it with the following:

XV. Construction and Severability.

(a) This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of EMS agencies.

(b) The director of the division of fire standards and training and emergency medical services shall review decisions of the interstate commission for EMS personnel practice established pursuant to paragraph X of this compact and, upon approval by the commission of any action that will have the result of increasing the cost to the state of New Hampshire of its membership in the compact, may recommend to the general court that the state withdraw from the compact.

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 462-FN, relative to occupational licensure, certification, or registration for persons with criminal records, and relative to license applicants for barbering, cosmetology, esthetics, and manicuring.
Inexpedient to Legislate, Vote 4-0. Senator Reagan for the committee.

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

SPECIAL ORDER

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 463-FN, establishing an architectural paint can recycling program.

SB 532-FN, relative to group II status of certain department of corrections officials.
Ought to Pass with Amendment, Vote 4-0. Senator Cavanaugh for the committee.

Senate Executive Departments and Administration

March 7, 2018

2018-0997s

10/08

Amendment to SB 532-FN

Amend the bill by replacing section 1 with the following:

1 New Section; Department of Corrections; Officials; Status in Retirement System. Amend RSA 21-H by inserting after section 8-a the following new section:

21-H:8-b Status in Retirement System. For purposes of classification under RSA 100-A, any person who is or becomes the director of professional standards, the director of community corrections, the director of security and training, the director of field services, or the director of medical and psychiatric services, shall be included in the definition of correctional line personnel, as defined in RSA 100-A:1, VII under the retirement system, if such person was a group II member for at least 10 years prior to appointment in his or her position and shall remain in group II status for the duration of service in that position with the department.

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

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

SB 571-FN, requiring the department of health and human services to perform an efficiency audit. Inexpedient to Legislate, Vote 4-0. Senator Reagan for the committee.

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

SB 588-FN, relative to inspections of laboratories.
Ought to Pass with Amendment, Vote 4-0. Senator Reagan for the committee.

Senate Executive Departments and Administration
March 7, 2018
2018-0994s
01/04

Amendment to SB 588-FN

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

AN ACT relative to inspections of laboratories and relative to loans for lead hazard remediation projects.

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

2 Loans for Lead Hazard Remediation Projects. RSA 130-A:15-a, IV is repealed and reenacted to read as follows:

IV. The department shall adopt rules, pursuant to RSA 541-A, to establish the eligibility criteria, application process, and maximum loan amounts pursuant to this section. The rules shall also include a requirement that the lender record a lien for the full amount of the loan at the time the loan is issued for any property under this section. The lien shall be in the name of the lender and the state of New Hampshire. The lender shall service the loan in accordance with its standard practices. If the borrower fails to pay the loan as required by the loan documents, the lender shall mail a written notice of default to the borrower at his or her last known address, with a copy to the department. If the default is not cured, the lender may foreclose the lien in accordance with terms of the loan documents and state law. To the extent that the foreclosure proceeds do not cover at least 80 percent of the unpaid principal balance plus interest and reasonable collection expenses as provided under RSA 130-A:15-a, I, the lender may apply to the state for payment of the guaranty for any such deficiency. The state shall pay the guaranty in accordance with the terms of the loan guaranty program.

3 Contingency. Section 2 of this act shall take effect at 12:01 a.m. on the effective date of RSA 130-A:15-a as inserted by section 7 of SB 247-FN-A of the 2018 regular legislative session. If SB 247-FN-A does not become law, section 2 of this act shall not take effect.

4 Effective Date.

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

II. The remainder of this act shall take effect July 1, 2018.

2018-0994s

AMENDED ANALYSIS

This bill declares that laboratories certified under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) shall be deemed licensed for purposes of the residential care and health facility license law.

This bill also clarifies the loan terms of the loans for lead hazard remediation projects.

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 589-FN, relative to regulation of certified recovery support workers.
Ought to Pass, Vote 4-0. Senator Reagan for the committee.

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

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

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

The following Senators voted No: Woodburn, Watters, Hennessey, Sanborn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro.

The following Senators were excused: Reagan.

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

FINANCE

SB 301-FN, temporarily reducing the real estate transfer tax for first-time home buyers.
Ought to Pass, Vote 5-0. Senator Feltes for the committee.

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

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

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Sanborn, Daniels, Avard, Carson, Feltes, Cavanaugh, Soucy, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Ward, Kahn, Lasky, D'Allesandro.

The following Senators were excused: Reagan.

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

Senator Lasky is in favor of the motion of Ought to Pass on SB 301-FN.

SB 408-FN, licensing historic racing.
Ought to Pass, Vote 5-0. Senator Daniels for the committee.

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

SB 432-FN-L, establishing a commission to study whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective.
Inexpedient to Legislate, Vote 4-1. Senator Reagan for the committee.

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

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

The following Senators voted Yes: Woodburn, Bradley, Gray, French, Ward, Kahn, Daniels, Avard, Birdsell, Morse.

The following Senators voted No: Giuda, Watters, Hennessey, Sanborn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark, Gannon, Innis.

The following Senators were excused: Reagan.

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

Senator Gannon moved Ought to Pass.

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

SB 533-FN, relative to the composition and compensation of the personnel appeals board.
Ought to Pass with Amendment, Vote 6-0. Senator Feltes for the committee.

Senate Finance
March 6, 2018
2018-0979s
05/03

Amendment to SB 533-FN

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 2019.

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

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

SPECIAL ORDER

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

FINANCE

SB 540-FN, relative to funding full day kindergarten.

SB 565-FN, relative to aircraft registration fees and airways tolls.

Ought to Pass, Vote 5-1. Senator Giuda for the committee.

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

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

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

The following Senators voted No: Feltes, Cavanaugh, Soucy, Fuller Clark.

The following Senators were excused: Reagan.

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

SPECIAL ORDER

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

HEALTH AND HUMAN SERVICES

SB 475, relative to testing for Lyme disease.

SB 546-FN, relative to purchasing alliances.

SB 582-FN, relative to caseload standards for child protective service workers in the department of health and human services.

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

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

JUDICIARY

SB 499, relative to the applicability of certain DWI prohibitions.

HB 287, establishing a committee to study decriminalizing sex work.

WAYS AND MEANS

SB 410-FN, establishing a registration fee for canoes and kayaks.

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

Senate Ways and Means

March 7, 2018

2018-1004s

04/10

Amendment to SB 410-FN

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

AN ACT establishing a commission to study creating a boat safe card.

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

1 New Subdivision; Commission to Study Creating a Boat Safe Card. Amend RSA 270-D by inserting after section 20 the following new subdivision:

Commission to Study Creating a Boat Safe Card

270-D:21 Commission Established.

I. There is established a commission to study creating a boat safe card. The commission shall be comprised of the following members:

- (a) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.
- (c) One member representing the fish and game department, search and rescue program, appointed by the executive director of the fish and game department.
- (d) One member representing the lakes management and protection program in the department of environmental services, appointed by the commissioner of the department of environmental services.
- (e) The captain of marine patrol, department of safety, or designee.
- (f) The chairperson of the exotic aquatic weeds and species committee established in RSA 487:30, or designee.
- (g) A representative of the Appalachian Mountain Club-New Hampshire, appointed by the organization.
- (h) A representative of American Whitewater, appointed by the organization.
- (i) A representative of the New Hampshire Campground Owners' Association, appointed by the association.
- (j) A representative of the New Hampshire Lakes Association, appointed by the association.
- (k) A representative of the New Hampshire Rivers Council, appointed by the organization.

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

III. The commission shall:

- (a) Evaluate potential mechanisms of funding for the search and rescue fund and the lake restoration and preservation fund, including equitability of charges or costs.
- (b) Evaluate a target level of funding needed for the various programs.
- (c) Explore the feasibility of a boat safe card using the hike safe card as a model, including:
 - (1) Studying the revenues of the hike safe card, its implementation, number of purchases per year, cost to implement, and measured benefits since implementation.
 - (2) Studying who would administer and implement a boat safe card program, how revenues would be split, and the possible costs and revenues of implementing such a program.

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

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

2 Repeal. RSA 270-D:21, relative to the commission to study creating a boat safe card, 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.

2018-1004s

AMENDED ANALYSIS

This bill establishes a commission to study creating a boat safe card.

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

Senator Sanborn offered a Floor Amendment.

Sen. Sanborn, Dist 9

March 7, 2018

2018-1019s

04/05

Floor Amendment to SB 410-FN

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

AN ACT establishing a commission to study creating a boat safe card.

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

1 New Subdivision; Commission to Study Creating a Boat Safe Card. Amend RSA 270-D by inserting after section 20 the following new subdivision:

Commission to Study Creating a Boat Safe Card

270-D:21 Commission Established.

I. There is established a commission to study creating a boat safe card. The commission shall be comprised of the following members:

- (a) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.
- (c) One member representing the fish and game department, search and rescue program, appointed by the executive director of the fish and game department.
- (d) One member representing the lakes management and protection program in the department of environmental services, appointed by the commissioner of the department of environmental services.
- (e) The captain of marine patrol, department of safety, or designee.
- (f) The chairperson of the exotic aquatic weeds and species committee established in RSA 487:30, or designee.
- (g) A representative of the Appalachian Mountain Club-New Hampshire, appointed by the organization.
- (h) A representative of American Whitewater, appointed by the organization.
- (i) A representative of the New Hampshire Campground Owners' Association, appointed by the association.
- (j) A representative of the New Hampshire Lakes Association, appointed by the association.
- (k) A representative of the New Hampshire Rivers Council, appointed by the organization.
- (l) A representative of a marine towing company, appointed by the governor.
- (m) A representative of a marine trade association, appointed by the governor.

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

III. The commission shall:

- (a) Evaluate potential mechanisms of funding for the search and rescue fund and the lake restoration and preservation fund, including equitability of charges or costs.
- (b) Evaluate a target level of funding needed for the various programs.

(c) Explore the feasibility of a boat safe card using the hike safe card as a model, including:

(1) Studying the revenues of the hike safe card, its implementation, number of purchases per year, cost to implement, and measured benefits since implementation.

(2) Studying who would administer and implement a boat safe card program, how revenues would be split, and the possible costs and revenues of implementing such a program.

IV. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the 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.

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

2 Repeal. RSA 270-D:21, relative to the commission to study creating a boat safe card, 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.

2018-1019s

AMENDED ANALYSIS

This bill establishes a commission to study creating a boat safe card.

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 411-FN-A, eliminating the cap on the research and development tax credit.
Ought to Pass with Amendment, Vote 5-0. Senator Feltes for the committee.

Senate Ways and Means

March 7, 2018

2018-1006s

10/05

Amendment to SB 411-FN-A

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

AN ACT relative to the research and development tax credit.

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

1 Business Profits Tax; Credit for Research and Development; Survey. Amend RSA 77-A:5, XIII to read as follows:

XIII.(a) There shall be allowed a research and development tax credit for qualified manufacturing research and development expenditures made or incurred during the fiscal year, as follows:

(1) The aggregate of tax credits issued by the commissioner to all taxpayers claiming the credit shall not exceed \$7,000,000 for any fiscal year.

(2) Each credit shall be used to offset the taxpayer's tax liability within the subsequent 5 tax years. The amount of the credit shall be the lesser of:

(A) Ten percent of the excess of the qualified manufacturing research and development expenses for the taxable year over the base amount;

(B) The proportional share of the maximum aggregate credit amount allowed in subparagraph (1);

(C) \$50,000.

(3) Taxpayers shall apply for the tax credit on forms provided by the commissioner and shall be accompanied by information or records required by the commissioner, ***including but not limited to the survey described in subparagraph (d).*** Such application shall be postmarked no later than June 30 following the tax year during which research and development occurred.

(4) A determination on the final amount of the credit awarded by the commissioner to each taxpayer claiming the credit shall be made no later than September 30 of each year.

(5) Wages for which a credit is taken under this paragraph shall not also be eligible for a credit under RSA 162-N.

(b) For purposes of this paragraph:

(1) The term “qualified manufacturing research and development expenditures” shall mean solely any wages paid or incurred to an employee of the business organization for services rendered by such employee within this state within the meaning of RSA 77-A:3; I(b), provided that:

(A) Such wages shall be treated as wages for qualified research expenses under section 41(b) of the United States Internal Revenue Code.

(B) Such services are undertaken for the purpose of discovering information which constitutes qualified research and development of a new or improved manufacturing process or business component of the business organization.

(C) The wages qualify and are reported as a credit by the business organization under section 41 of the United States Internal Revenue Code as defined in RSA 77-A:1, XX.

(D) The wages are reported by the business organization in the enterprise value tax base under RSA 77-E.

(2) “Base amount” shall mean the base amount of expenditure as defined under section 41 of the United States Internal Revenue Code as defined by RSA 77-A:1, XX, except that the minimum base amount may be 0.

(c) A unitary business or an enterprise consisting of one or more taxpayers under this chapter shall be considered a single taxpayer for purposes of claiming the credit under this paragraph.

(d) Applications for the research and development tax credit shall be accompanied by a completed survey, upon such form as the commissioner may direct, providing information describing the impact of the expenditures upon which the tax credit is based as follows:

(1) The types of research and development projects supported by the expenditures;

(2) Whether the projects supported by the expenditures resulted in products being brought to market;

(3) An estimate of the number of jobs created or supported as a result of the expenditures;

(4) The total prior year business profits tax liability of the taxpayer, before consideration of any credits provided for in this section;

(5) The number of times the taxpayer has received the research and development tax credit in the past;

(6) The total amount of research and development tax credits that the taxpayer had outstanding at the end of the prior tax year, and

(7) Any other question helpful to evaluating the costs and benefits of the research and development tax credit.

(e) On or before December 31 2019, and each December 31 thereafter, the commissioner shall provide the president of the senate, the speaker of the house of representatives, and members of the senate ways and means committee and house ways and means committee a report detailing, consistent with RSA 21-J:14, the aggregated results of the survey described in subparagraph (d).

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

2018-1006s

AMENDED ANALYSIS

This bill requires applicants for the research and development tax credit against business profits taxes to complete a survey.

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

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

Senate Ways and Means

March 7, 2018

2018-1005s

10/05

Amendment to SB 564-FN-A

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

II. The election to be a qualified regenerative manufacturing company shall expire on the last day of the taxable period of the business organization that includes December 31, 2028. 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.

2018-1005s

AMENDED ANALYSIS

This bill establishes exemptions from the business profits tax and the business enterprise tax for qualified regenerative manufacturing businesses. The bill also provides for a workforce development program for such businesses administered by the business finance authority.

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

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

SPECIAL ORDER

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

EDUCATION

SB 525-FN, prohibiting the distribution of higher education and adult education financial assistance to any student who is not a legal resident.

ENERGY AND NATURAL RESOURCES

SB 446, relative to net energy metering limits for customer-generators.

HEALTH AND HUMAN SERVICES

SB 581-FN, relative to pharmacy benefit managers under the managed care law.

JUDICIARY

SB 388, relative to satellite dispensaries for therapeutic cannabis.

TRANSPORTATION

HB 1278, naming the rest area in Colebrook after Frederick W. King, Sr.

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 Fuller Clark: SB 565-FN

Senator Morse: SB 422

Senator Sanborn: HB 287, HB 1278, HB 1334, HB 1370, SB 301-FN, SB 309-FN, SB 313-FN, SB 317-FN, SB 318, SB 340, SB 346, SB 351, SB 370-FN, SB 388, SB 391-FN, SB 400, SB 401, SB 408-FN, SB 410-FN, SB 411-FN-A, SB 422, SB 423, SB 426, SB 427, SB 431, SB 432-FN-L, SB 433, SB 438, SB 443, SB 446, SB 451, SB 462-FN, SB 463-FN, SB 464, SB 475, SB 478, SB 497-FN, SB 498-FN, SB 499, SB 500, SB 506, SB 522, SB 525-FN, SB 526-FN, SB 527-FN-L, SB 530-FN, SB 532-FN, SB 533-FN, SB 540-FN, SB 546-FN, SB 548-FN, SB 553-FN, SB 555-FN-A, SB 556-FN, SB 557-FN, SB 559-FN-A, SB 562-FN, SB 566-FN, SB 567-FN, SB 559-FN-A, SB 562-FN, SB 563-FN, SB 564-FN-A, SB 565-FN, SB 568-FN, SB 569-FN, SB 570-FN, SB 571-FN, SB 572-FN, SB 577, SB 581-FN, SB 582-FN, SB 583-FN, SB 584-FN, SB 585-FN, SB 587-L, SB 588-FN, SB 589-FN, SB 590-FN-A, SB 592-FN-A

Senator Soucy: SB 553-FN

ANNOUNCEMENTS

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. A moment of personal privilege. Mister President, here in New Hampshire we have a citizen government, not just a citizen legislature, but a citizen municipal government as well. So it really does pain me to feel compelled to comment on something that was published in Municipal Association's legislative bulletin this past week. The bulletin said regardless how anyone feels about giving the secretary of state power over postponing town meeting voting sessions for the first time ever, the bill makes a mess of town meeting statutes and cannot in good conscience be supported by anyone who has any regard for town government. We may disagree about things in this body. We argue, loudly sometimes, about what policy would be best for the citizens that we serve. Sometimes we disagree on very fundamental issues and we can disagree and advocate for our positions as zealously, like we have today. But I believe we do a good job of recognizing that no matter how strongly we feel about an issue, the person who feels differently can reach his or her position in good conscience even when that position is diametrically opposed to our own. Mister President, we all have a high regard for town government, we've given back \$38 million to the towns for the roads and bridges, we've returned education dollars back to the towns, to the school systems. Just because we don't take the position advocated by the Municipal Association or anyone else does not mean that we're not advocating in our own good conscience. Many of you here saw SB 438 differently. That's okay. I believe you all come to your position in good conscience and I hope you believe that I come to my position in good conscience as well. In New Hampshire we should treat each other with respect, regardless of which side of the issue we find ourselves on. Mister President, I truly regret that the Municipal Association has lowered the level of debate and is unable to see that people can disagree without being disagreeable. The Municipal Association is free to advance its positions, I just hope that in the future it changes its tone and does its work in a manner that show respect for the people who may not agree with it. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Just a point of personal privilege. Some of us, who have been around here for a while, served with Irene Messier in the House of Representatives. She spent thirty years in the House. Irene passed away last week. Irene was my neighbor for almost fifty years. She lived on the West side of Manchester in Ward 10; represented Ward 10 in the House of Representatives. I don't think you could find a kinder, more gentle person than Irene Messier. Her husband Armand, who passed before her, had his garden I the back of the house and was always sharing vegetables with us in the area. Irene was a woman who never had a bad word for anybody, nobody. And she came up here, as mentioned in her obituary. She rode up with Steve Vaillancourt; two more opposite ends of the spectrum you never could have seen. Never! I mean Irene was kind, gentle, never said a bad word about anybody and Vaillancourt was like the scourge of the earth— from my perspective. I'll tell you; from my perspective. My wife and I visited Irene when she was in the nursing home, and it was awful, to be honest with you, but Irene said, I'm getting the best care that I ever could have. They take care of me, and just get me everything that I want. Never had a bad word never had a moment when she wasn't being just magnanimous in terms of her praise for those who were taking care of her. So, you know we're losing people every day, but when you lose the really, really good ones it's very, very sad. Irene gave thirty years of her life across the hall. Had one sign; she made one

sign. It was a green sign, had her name on it, and she held it at the poles, held it. She had a little like a door handle on one side and she would hold the sign on the other side and she'd stand at the poles all day long. And if any of you have been to the West side of Manchester the Parker-Varney School, there's Irene Messier and she would be remembered eternally. So, left a wonderful family, and a great impression on, obviously, me and I think the voters of Ward 10. So, I've lost some great people, and she certainly is one of them. Thank you, Mister President.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

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

HB 1370, relative to a school's emergency management plan.

SB 301-FN, temporarily reducing the real estate transfer tax for first-time home buyers.

SB 313-FN, reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds.

SB 317-FN, relative to veterans' preference in public employment.

SB 340, relative to the commissioner of revenue administration's assessment report.

SB 346, relative to requiring enhanced technology ignition interlock devices.

SB 351, relative to managed care programs under workers' compensation.

SB 370-FN, adopting the emergency medical services personnel licensure interstate compact.

SB 391-FN, establishing a sexual assault survivors' rights commission.

SB 400, relative to traveler information signs on highways.

SB 401, relative to repair of roads not maintained by a municipality.

SB 408-FN, licensing historic racing.

SB 410-FN, establishing a commission to study creating a boat safe card.

SB 411-FN-A, relative to the research and development tax credit.

SB 427, limiting the liability of successor corporations for asbestos-related claims.

SB 432-FN-LOCAL, establishing a commission to study whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective.

SB 438, relative to the postponement of local elections.

SB 443, relative to the jurisdiction of counties concerning retail electric supply.

SB 451, relative to wildlife trafficking.

SB 464, relative to the procedure for driveway permits.

SB 478, establishing an advisory council on lactation.

SB 497-FN, relative to breast-feeding.

SB 498-FN, requiring an annual report detailing activity related to forfeiture of personal property.

SB 500, amending references to firearms terminology.

SB 506, limiting amendments to warrant articles.

SB 522, relative to alteration of speed limits.

SB 527-FN-LOCAL, relative to absentee voting.

SB 533-FN, relative to the composition and compensation of the personnel appeals board.

SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record.

SB 559-FN-A, establishing a committee to study the construction of sound barriers on type I and type II highways.

SB 565-FN, relative to aircraft registration fees and airways tolls.

SB 566-FN, establishing a commission to study the school bus driver shortage.

SB 570-FN, relative to the work requirement for the child care scholarship program.

SB 588-FN, relative to inspections of laboratories and relative to loans for lead hazard remediation projects.

SB 589-FN, relative to regulation of certified recovery support workers.

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.