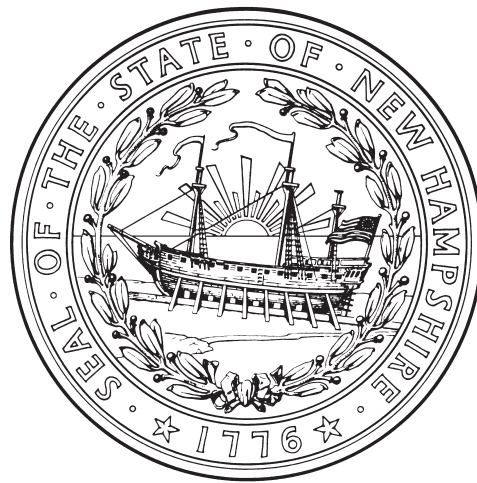


March 14, 2018
Nos. 6-7

STATE OF NEW HAMPSHIRE

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



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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MARCH 8, 2017 SESSION
COMMENCEMENT – MARCH 14, 2018 SESSION**

SENATE JOURNAL 6 *(continued)*

March 8, 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 15, relating to legal actions. Providing that taxpayers have standing to bring actions against the government.

HB 476, relative to the duties of registers of probate.

HB 559-FN, relative to expenditures from the energy efficiency fund.

HB 1100, establishing a commission to review and evaluate workforce and job training in New Hampshire.

HB 1101-FN, regulating groundwater pollution caused by polluting emissions in the air.

HB 1102-FN, enabling the department of health and human services to contract with certain certified physicians.

HB 1103-FN, relative to financial responsibility for voluntary services provided pursuant to a report of abuse or neglect that is “unfounded but with reasonable concern.”

HB 1215, relative to voting on variances.

HB 1216, relative to liability for deferred property taxes and relative to applications for abatement of property taxes.

HB 1228, removing the limitation on a chartered public school incurring long term debt.

HB 1233, preempting local regulation of seeds and fertilizer.

HB 1238, relative to animal cruelty involving an equine colt.

HB 1254, establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire.

HB 1258, relative to the advanced manufacturing education advisory council.

HB 1261, relative to record management of abuse and neglect reports.

HB 1264, relative to construction of the terms “resident,” “inhabitant,” “residence,” and “residency.”

HB 1271, changing the name of Industrial Drive at the Hugh Gallen Office Park to Ratification Way.

HB 1273, suspending state licensure laws for physicians and physician assistants employed by the United States Department of Veterans Affairs.

HB 1286, relative to fishing and hunting licenses for permanently disabled veterans.

HB 1290, relative to vehicle registration for new residents to New Hampshire.

HB 1294, relative to religious societies.

HB 1307, relative to the presentation of a default budget.

HB 1308-FN, relative to non-renewal of lines of business.

HB 1309, relative to transferring dogs, cats, and ferrets by animal shelter facilities.

HB 1315, prohibiting the university system funds from being spent to oppose the formation of unions and collective bargaining units.

HB 1319, prohibiting discrimination based on gender identity.

HB 1327, relative to apprentice electricians.

HB 1331, relative to incidental uses for agricultural plates.

HB 1340, relative to absences among officers required to be present at school district elections.

HB 1354, adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees.

HB 1363, relative to the waiver of vehicle registration suspension fees.

HB 1365, relative to OHRV operation on public ways.

HB 1372, prohibiting the implanting of subcutaneous identification devices in individuals.

HB 1377, relative to emancipation by marriage and establishing a committee to study the emancipation of minors.

HB 1378, relative to domestic insurance company investments.

HB 1379, relative to confidentiality of forms and rates.

HB 1382, repealing the requirement that restaurants provide separate bathrooms for each sex.

HB 1389, relative to commercial lines modernization.

HB 1418-FN, relative establishing a commission to study greater transparency in pharmaceutical costs and drug rebate programs.

HB 1421-FN, relative to the regulation of event tents.

HB 1427-FN, relative to membership in the retirement system for certain officials.
HB 1428-FN, relative to removal of roadside memorials.
HB 1450, relative to retention of job applications and personnel files.
HB 1453, relative to the traffic safety commission.
HB 1454, eliminating the commission to study recommendations of the National Transportation Safety Board.
HB 1473-FN, relative to the timber yield tax.
HB 1476, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.
HB 1480, relative to the membership of the board of trustees of a chartered public school.
HB 1484, relative to late fees in manufactured housing parks.
HB 1487, relative to banks and credit unions.
HB 1488, establishing a committee to study the public utilities commission's role and scope of duties in a deregulated environment.
HB 1493, relative to the statewide assessment system of performance in schools.
HB 1495, relative to standards for determining an adequate education.
HB 1496, relative to requirements for performance based accountability for an adequate education.
HB 1497, relative to accountability for school performance.
HB 1501-FN, relative to regulation of consultants for games of bingo and lucky 7.
HB 1502, adding the utility property tax exclusion for exempt water and air pollution control facilities to tax expenditure review.
HB 1515, relative to an exemption from the combustion ban on construction and demolition debris.
HB 1517, relative to vehicle inspection failures for rust.
HB 1519, relative to the conduct of condominium unit owners' associations votes without a meeting.
HB 1523, relative to heavy duty recovery vehicles.
HB 1530, requiring criminal history records checks for applicants for allied health professional licensure or certification.
HB 1533, relative to termination of variances and special exceptions.
HB 1562-FN, relative to the role of foster parents.
HB 1571, authorizing an alternative recovery monitoring program for nurses licensed by the board of nursing.
HB 1575, permitting hunting with an air rifle.
HB 1577, relative to the administration of anesthesia by dentists.
HB 1578, relative to samples from nano breweries.
HB 1587, relative to the minimum age for marriage.
HB 1589, relative to actions against tenants for a caregiver under an agreement for a person with disabilities.
HB 1595, relative to the use of the left lane of a multilane roadway.
HB 1599, relative to the governor's commission on disability.
HB 1601, relative to a declarant's options for condominium expansion.
HB 1603, relative to employee representation on the independent investment committee in the New Hampshire retirement system.
HB 1605, relative to reinsurance.
HB 1606, relative to naturopathic health care practice.
HB 1612, relative to data security in schools.
HB 1613, relative to operation of uninspected vehicles.
HB 1615, relative to speed limits in work zones.
HB 1623, relative to criteria for debarment of vendors.
HB 1624, relative to state procurement practices and criteria for acceptance of bids.
HB 1636, establishing a committee to study teacher preparation and education programs.
HB 1654, relative to automobile medical payments.
HB 1660, relative to delinquent accounts of liquor licensees.
HB 1661, relative to a marriage petition by a party under age.
HB 1663, establishing a committee to study reimbursement rates under automobile insurance policies.
HB 1665, relative to the authority of the governing boards of allied health professionals.
HB 1683-FN, relative to the definition of child abuse.
HB 1684, relative to criminal background checks for emergency medical services license applicants.
HB 1687, relative to banking and consumer credit.
HB 1689-FN, repealing the repeal of the pollution prevention program of the department of environmental services.
HB 1690-FN, relative to liquor licenses.
HB 1692-FN, allowing liquor licensees to select an anniversary for renewal.

HB 1697-FN, authorizing the Daniel Webster Council of Boy Scouts of America to issue decals for multi-use decal plates.

HB 1700, relative to the procedure for placing a security freeze on a consumer credit report.

HB 1715-FN, establishing a committee to study options for tenants to dispute a rent increase in a manufactured housing park if such increase was arbitrary and unreasonable.

HB 1719-FN, relative to donations of liquor to nonprofits.

HB 1720-FN, relative to the storage of beverages produced by contract brewers.

HB 1736, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund.

HB 1741, relative to a definition of "contracted copayment" for purposes of the managed care law.

HB 1743-FN, relative to funding for the Sununu Youth Services Center, and unfunded positions in the department of health and human services.

HB 1744, authorizing a parent to exempt his or her child from participating in the statewide assessment program.

HB 1746-FN, relative to the practices of pharmacy benefit managers.

HB 1753-FN, relative to transportation of alcoholic beverages by a minor.

HB 1761, relative to the math learning communities program in secondary schools.

HB 1769-FN, relative to maintenance of certification by physicians or applicants for a license to practice medicine in New Hampshire.

HB 1774, relative to parenting plans and relocation of a child's residence.

HB 1775, relative to the appointment of guardians ad litem in parenting cases.

HB 1777-FN, relative to energy infrastructure corridor revenue.

HB 1781, relative to condominiums with 10 or fewer residential units.

HB 1782-FN, relative to insurance payments for ambulance providers.

HB 1786-LOCAL, prohibiting costs for inspection of governmental records under the right-to-know law.

HB 1795, eliminating the oversight commission on motor vehicle fines.

HB 1796, relative to the legislative oversight committee on electric utility restructuring.

HB 1805, establishing a committee to study level dollar amortization of retirement system unfunded accrued liability and relative to the retirement system board of trustees.

HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults.

HB 1809-FN, relative to balance billing under the managed care law.

HB 1810, establishing a commission to study the effectiveness of the current statutes related to management of non-tidal public water ways and the construction or placement of structures within them.

HB 1823-FN, relative to layered amortization of retirement system liabilities.

HOUSE MESSAGE

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

HB 1506-FN, relative to regulation of graduate physicians.

HB 1626-FN, requiring the governor's commission on alcohol and drug abuse prevention, treatment, and recovery to report on the cost effectiveness of funded programs.

HB 1685-FN, establishing a statutory commission for oversight over occupational regulation.

HB 1756-FN-A, relative to an additional allowance and a cost of living adjustment for retirees from the state retirement system.

HB 1766-FN, relative to remediating the Coakley Landfill in Greenland.

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

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

First and Second Reading and Referral

CACR 15, relating to legal actions. Providing that taxpayers have standing to bring actions against the government. (Rules and Enrolled Bills)

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

HB 476, relative to the duties of registers of probate. (Judiciary)

HB 559-FN, relative to expenditures from the energy efficiency fund. (Finance)

HB 1100, establishing a commission to review and evaluate workforce and job training in New Hampshire. (Commerce)

HB 1101-FN, regulating groundwater pollution caused by polluting emissions in the air. (Energy and Natural Resources)

HB 1102-FN, enabling the department of health and human services to contract with certain certified physicians. (Health and Human Services)

HB 1103-FN, relative to financial responsibility for voluntary services provided pursuant to a report of abuse or neglect that is “unfounded but with reasonable concern.” (Health and Human Services)

HB 1215, relative to voting on variances. (Public and Municipal Affairs)

HB 1216, relative to liability for deferred property taxes and relative to applications for abatement of property taxes. (Public and Municipal Affairs)

HB 1217, amending the certification requirements for school nurses. (Education)

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

HB 1228, removing the limitation on a chartered public school incurring long term debt. (Education)

HB 1233, preempting local regulation of seeds and fertilizer. (Energy and Natural Resources)

HB 1237, relative to the definition of “public at large.” (Public and Municipal Affairs)

HB 1238, relative to animal cruelty involving an equine colt. (Energy and Natural Resources)

HB 1243, relative to exemptions from property attachments. (Rules and Enrolled Bills)

HB 1247, relative to administering oaths to certain state officers. (Public and Municipal Affairs)

HB 1252-FN, relative to certificates of insurance. (Commerce)

HB 1254, establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire. (Executive Departments and Administration)

HB 1258, relative to the advanced manufacturing education advisory council. (Education)

HB 1261, relative to record management of abuse and neglect reports. (Health and Human Services)

HB 1264, relative to construction of the terms “resident,” “inhabitant,” “residence,” and “residency.” (Election Law and Internal Affairs)

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

HB 1271, changing the name of Industrial Drive at the Hugh Gallen Office Park to Ratification Way. (Transportation)

HB 1273, suspending state licensure laws for physicians and physician assistants employed by the United States Department of Veterans Affairs. (Health and Human Services)

HB 1280-FN, relative to bow and arrow hunting licenses for permanently disabled military veterans. (Energy and Natural Resources)

HB 1281, establishing an executive order registry. (Rules and Enrolled Bills)

HB 1283, prohibiting sobriety checkpoints. (Judiciary)

HB 1284, relative to the reports required by the incapacitated and vulnerable adult fatality review committee. (Health and Human Services)

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

HB 1286, relative to fishing and hunting licenses for permanently disabled veterans. (Energy and Natural Resources)

HB 1288, relative to petitions for annulment. (Judiciary)

HB 1289, relative to trespassing domestic fowl. (Energy and Natural Resources)

HB 1290, relative to vehicle registration for new residents to New Hampshire. (Transportation)

HB 1294, relative to religious societies. (Public and Municipal Affairs)

HB 1303, relative to the purposes of revolving funds in towns. (Public and Municipal Affairs)

HB 1304, relative to the authorization for forensic audits by a county convention. (Public and Municipal Affairs)

HB 1307, relative to the presentation of a default budget. (Public and Municipal Affairs)

HB 1308-FN, relative to non-renewal of lines of business. (Commerce)

HB 1309, relative to transferring dogs, cats, and ferrets by animal shelter facilities. (Energy and Natural Resources)

HB 1310, establishing a committee to study all non-regulatory boards and commissions. (Executive Departments and Administration)

HB 1315, prohibiting the university system funds from being spent to oppose the formation of unions and collective bargaining units. (Finance)

HB 1319, prohibiting discrimination based on gender identity. (Judiciary)

HB 1327, relative to apprentice electricians. (Executive Departments and Administration)

HB 1329, relative to eyewitness identification procedures. (Judiciary)

HB 1331, relative to incidental uses for agricultural plates. (Transportation)

HB 1335, relative to the cybersecurity software used by the state of New Hampshire. (Executive Departments and Administration)

HB 1340, relative to absences among officers required to be present at school district elections. (Public and Municipal Affairs)

HB 1352-FN, eliminating the nonresident freshwater bait dealers license. (Energy and Natural Resources)

HB 1354, adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees. (Finance)

HB 1356, relative to data sharing between the department of environmental services and the department of health and human services. (Health and Human Services)

HB 1361, relative to county audits. (Public and Municipal Affairs)

HB 1363, relative to the waiver of vehicle registration suspension fees. (Transportation)

HB 1365, relative to OHRV operation on public ways. (Transportation)

HB 1372, prohibiting the implanting of subcutaneous identification devices in individuals. (Judiciary)

HB 1374, relative to financial regulation technicals. (Commerce)

HB 1377, relative to emancipation by marriage and establishing a committee to study the emancipation of minors. (Judiciary)

HB 1378, relative to domestic insurance company investments. (Commerce)

HB 1379, relative to confidentiality of forms and rates. (Commerce)

HB 1382, repealing the requirement that restaurants provide separate bathrooms for each sex. (Commerce)

HB 1389, relative to commercial lines modernization. (Commerce)

HB 1401, relative to the New Hampshire accountancy act. (Finance)

HB 1404, relative to the competing harms defense. (Judiciary)

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

HB 1418-FN, relative establishing a commission to study greater transparency in pharmaceutical costs and drug rebate programs. (Health and Human Services)

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

HB 1421-FN, relative to the regulation of event tents. (Executive Departments and Administration)

HB 1425-FN, relative to simple assault. (Judiciary)

HB 1427-FN, relative to membership in the retirement system for certain officials. (Executive Departments and Administration)

HB 1428-FN, relative to removal of roadside memorials. (Transportation)

HB 1441-FN, establishing the office of the ombudsman in the department of state. (Executive Departments and Administration)

HB 1446, relative to childhood cancer awareness month. (Public and Municipal Affairs)

HB 1450, relative to retention of job applications and personnel files. (Public and Municipal Affairs)

HB 1453, relative to the traffic safety commission. (Transportation)

HB 1454, eliminating the commission to study recommendations of the National Transportation Safety Board. (Transportation)

HB 1458, relative to exempting certain rules governing marine species from the administrative procedures act. (Energy and Natural Resources)

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

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

HB 1472, relative to the state building code provisions for energy conservation in new building construction. (Executive Departments and Administration)

HB 1473-FN, relative to the timber yield tax. (Public and Municipal Affairs)

HB 1476, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use. (Health and Human Services)

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

HB 1480, relative to the membership of the board of trustees of a chartered public school. (Education)

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

HB 1484, relative to late fees in manufactured housing parks. (Public and Municipal Affairs)

HB 1487, relative to banks and credit unions. (Commerce)

HB 1488, establishing a committee to study the public utilities commission's role and scope of duties in a deregulated environment. (Energy and Natural Resources)

HB 1493, relative to the statewide assessment system of performance in schools. (Education)
HB 1494, relative to the definition of academic standards. (Education)
HB 1495, relative to standards for determining an adequate education. (Education)
HB 1496, relative to requirements for performance based accountability for an adequate education. (Education)
HB 1497, relative to accountability for school performance. (Education)
HB 1498, relative to alternate certification pathways for career and technical education instructors. (Education)
HB 1501-FN, relative to regulation of consultants for games of bingo and lucky 7. (Ways and Means)
HB 1502, adding the utility property tax exclusion for exempt water and air pollution control facilities to tax expenditure review. (Ways and Means)
HB 1506-FN, relative to regulation of graduate physicians. (Executive Departments and Administration)
HB 1515, relative to an exemption from the combustion ban on construction and demolition debris. (Energy and Natural Resources)
HB 1517, relative to vehicle inspection failures for rust. (Transportation)
HB 1519, relative to the conduct of condominium unit owners' associations votes without a meeting. (Commerce)
HB 1523, relative to heavy duty recovery vehicles. (Transportation)
HB 1530, requiring criminal history records checks for applicants for allied health professional licensure or certification. (Executive Departments and Administration)
HB 1533, relative to termination of variances and special exceptions. (Public and Municipal Affairs)
HB 1545, relative to the statewide interoperability executive committee. (Executive Departments and Administration)
HB 1554-FN, increasing exemptions under the interest and dividends tax and decreasing the total amount of research and development credits against business taxes. (Ways and Means)
HB 1562-FN, relative to the role of foster parents. (Health and Human Services)
HB 1565-FN, relative to requiring the secure psychiatric unit to be accredited as a psychiatric hospital and making an appropriation therefor. (Health and Human Services)
HB 1571, authorizing an alternative recovery monitoring program for nurses licensed by the board of nursing. (Executive Departments and Administration)
HB 1575, permitting hunting with an air rifle. (Energy and Natural Resources)
HB 1577, relative to the administration of anesthesia by dentists. (Health and Human Services)
HB 1578, relative to samples from nano breweries. (Commerce)
HB 1587, relative to the minimum age for marriage. (Judiciary)
HB 1589, relative to actions against tenants for a caregiver under an agreement for a person with disabilities. (Judiciary)
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. (Public and Municipal Affairs)
HB 1595, relative to the use of the left lane of a multilane roadway. (Transportation)
HB 1598-LOCAL, relative to the vote to withdraw from a cooperative school district. (Education)
HB 1599, relative to the governor's commission on disability. (Executive Departments and Administration)
HB 1601, relative to a declarant's options for condominium expansion. (Commerce)
HB 1603, relative to employee representation on the independent investment committee in the New Hampshire retirement system. (Executive Departments and Administration)
HB 1605, relative to reinsurance. (Commerce)
HB 1606, relative to naturopathic health care practice. (Health and Human Services)
HB 1612, relative to data security in schools. (Education)
HB 1613, relative to operation of uninspected vehicles. (Transportation)
HB 1615, relative to speed limits in work zones. (Transportation)
HB 1622, relative to organization of the department of information technology. (Executive Departments and Administration)
HB 1623, relative to criteria for debarment of vendors. (Executive Departments and Administration)
HB 1624, relative to state procurement practices and criteria for acceptance of bids. (Executive Departments and Administration)
HB 1626-FN, requiring the governor's commission on alcohol and drug abuse prevention, treatment, and recovery to report on the cost effectiveness of funded programs. (Finance)
HB 1636, establishing a committee to study teacher preparation and education programs. (Education)
HB 1637, requiring school districts to establish policies relating to suspensions and expulsions. (Education)
HB 1638, declaring April 7, 2018 as tabletop gaming day in New Hampshire. (Public and Municipal Affairs)
HB 1654, relative to automobile medical payments. (Commerce)
HB 1660, relative to delinquent accounts of liquor licensees. (Commerce)

HB 1661, relative to a marriage petition by a party under age. (Judiciary)

HB 1663, establishing a committee to study reimbursement rates under automobile insurance policies. (Commerce)

HB 1664, relative to terms of appointment of members of governing boards for allied health professionals. (Executive Departments and Administration)

HB 1665, relative to the authority of the governing boards of allied health professionals. (Executive Departments and Administration)

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

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

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

HB 1683-FN, relative to the definition of child abuse. (Judiciary)

HB 1684, relative to criminal background checks for emergency medical services license applicants. (Executive Departments and Administration)

HB 1685-FN, establishing a statutory commission for oversight over occupational regulation. (Executive Departments and Administration)

HB 1687, relative to banking and consumer credit. (Commerce)

HB 1689-FN, repealing the repeal of the pollution prevention program of the department of environmental services. (Energy and Natural Resources)

HB 1690-FN, relative to liquor licenses. (Commerce)

HB 1692-FN, allowing liquor licensees to select an anniversary for renewal. (Commerce)

HB 1697-FN, authorizing the Daniel Webster Council of Boy Scouts of America to issue decals for multi-use decal plates. (Transportation)

HB 1700, relative to the procedure for placing a security freeze on a consumer credit report. (Commerce)

HB 1715-FN, establishing a committee to study options for tenants to dispute a rent increase in a manufactured housing park if such increase was arbitrary and unreasonable. (Commerce)

HB 1719-FN, relative to donations of liquor to nonprofits. (Commerce)

HB 1720-FN, relative to the storage of beverages produced by contract brewers. (Commerce)

HB 1736, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund. (Finance)

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. (Executive Departments and Administration)

HB 1740, relative to costs of blood testing orders. (Commerce)

HB 1741, relative to a definition of "contracted copayment" for purposes of the managed care law. (Health and Human Services)

HB 1743-FN, relative to funding for the Sununu Youth Services Center, and unfunded positions in the department of health and human services. (Finance)

HB 1744, authorizing a parent to exempt his or her child from participating in the statewide assessment program. (Education)

HB 1746-FN, relative to the practices of pharmacy benefit managers. (Health and Human Services)

HB 1753-FN, relative to transportation of alcoholic beverages by a minor. (Judiciary)

HB 1756-FN-A, relative to an additional allowance and a cost of living adjustment for retirees from the state retirement system. (Finance)

HB 1761, relative to the math learning communities program in secondary schools. (Education)

HB 1766-FN, relative to remediating the Coakley Landfill in Greenland. (Energy and Natural Resources)

HB 1769-FN, relative to maintenance of certification by physicians or applicants for a license to practice medicine in New Hampshire. (Health and Human Services)

HB 1774, relative to parenting plans and relocation of a child's residence. (Judiciary)

HB 1775, relative to the appointment of guardians ad litem in parenting cases. (Judiciary)

HB 1777-FN, relative to energy infrastructure corridor revenue. (Energy and Natural Resources)

HB 1781, relative to condominiums with 10 or fewer residential units. (Commerce)

HB 1782-FN, establishing a committee to study insurance payments to ambulance providers and balance billing by ambulance providers. (Health and Human Services)

HB 1786-LOCAL, prohibiting costs for inspection of governmental records under the right-to-know law. (Public and Municipal Affairs)

HB 1791-FN, allowing pharmacists to disclose information relative to lower cost drugs under the managed care law. (Health and Human Services)

HB 1795, eliminating the oversight commission on motor vehicle fines. (Transportation)

HB 1796, relative to the legislative oversight committee on electric utility restructuring. (Energy and Natural Resources)

HB 1805, establishing a committee to study level dollar amortization of retirement system unfunded accrued liability and relative to the retirement system board of trustees. (Executive Departments and Administration)

HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults. (Health and Human Services)

HB 1808, repealing certain inactive dedicated funds. (Finance)

HB 1809-FN, relative to balance billing under the managed care law. (Health and Human Services)

HB 1810, establishing a commission to study the effectiveness of the current statutes related to management of non-tidal public water ways and the construction or placement of structures within them. (Energy and Natural Resources)

HB 1823-FN, relative to layered amortization of retirement system liabilities. (Executive Departments and Administration)

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 7

March 14, 2018

The Senate reconvened at 12:00 p.m., a quorum being present.

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

Let us pray.

God, our creator, who has given us this good land for our heritage, we humbly ask that we may always prove ourselves a people mindful of all our blessings. May we continue to bless our community with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogance, and from every evil way. Defend our liberties and fashion into one united people, the multitudes brought to New Hampshire out of many nations and tongues. We thank you for noble men and women whom we have elected and entrusted with the authority of government. We thank you that they have heard the call to serve all the people of New Hampshire with their best selves. Give them the spirit of wisdom, that there may be justice and peace at home and that their obedience to the law we may show forth all that is good and honorable. In the time of prosperity fill our hearts with thankfulness. In the day of trouble give us courage to face the obstacles ahead. Amen

Senator French led the Pledge of Allegiance.

SPECIAL ORDER

Without objection, the following bills are special ordered to Thursday, March 15, 2018. Adopted.

COMMERCE

SB 318, amending the prohibitions on youth employment.

SB 423, relative to noncompete clauses for low-wage employees.

SB 553-FN, relative to mental health parity for workers' compensation.

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

REGULAR CALENDAR

EDUCATION

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

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

Senate Education
 March 6, 2018
 2018-0965s
 06/04

Amendment to SB 568-FN

Amend RSA 189:13-a, I as inserted by section 1 of the bill by replacing it with the following:

I.(a) The ~~[employing]~~ school administrative unit, school district, ~~[or]~~ chartered public school, **or public academy** shall complete a criminal history records check on every selected applicant for employment **or designated volunteer** in any position ~~[in]~~ **within** the school administrative unit, school district, ~~[or]~~ chartered public school, **or public academy** prior to a final offer of employment **or the acceptance of volunteer services from a designated volunteer. A school administrative unit, school district, chartered public school, or public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section to the division of state police.** ~~[A public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section to the division of state police.]~~ The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy may extend a conditional offer of employment to a selected applicant, with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a final offer of employment unless the school administrative unit, school district, chartered public school, or public academy has completed a criminal history records check. The school administrative unit, school district, chartered public school, or public academy shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant, or the acceptance of volunteer services from a designated volunteer, with a criminal history was in any way negligent or deficient, if the school administrative unit, school district, chartered public school, or public academy fulfilled the requirements of this section.

(b) A nonpublic school may elect to require a criminal history records check on selected applicants for employment or selected volunteers. A nonpublic school that elects to conduct a criminal history records check shall comply with the procedures and requirements set forth in this section. **A school administrative unit, school district, chartered public school, or public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section to the division of state police.**

(c) **If a selected applicant for employment has been credentialed within the previous 12 months and had a criminal background check completed pursuant to paragraph II-a, no such background check shall be required for employment by the school administrative unit, school district, chartered public school, or public academy.**

Amend RSA 189:13-a, V as inserted by section 1 of the bill by replacing it with the following:

V. Any person who has been charged pending disposition for or convicted of any violation or attempted violation of RSA **318-B:2, controlled drug act; 630:1, capital murder; 630:1-a, first degree murder; 630:1-b, second degree murder; 630:2, manslaughter; 631:1, first degree assault; 631:2, second degree assault; 631:2-b, domestic violence; 632-A:2, aggravated felonious sexual assault; 632-A:3, felonious sexual assault; 632-A:4, sexual assault; 633:1, kidnapping; 634:1, arson; 639:2, incest; 639:3, endangering welfare of child or incompetent; 645:1, II or III, indecent exposure and lewdness; 645:2, prostitution and related offenses; 649-A:3, possession of child sexual abuse images; 649-A:3-a, distribution of child sexual abuse images; 649-A:3-b, manufacture of child sexual abuse images; 649-B:3, computer pornography; or 649-B:4, certain uses of computer services;** or any violation or any attempted violation of RSA 650:2, **obscenity**, where the act involves a child in material deemed obscene; in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be hired by a school administrative unit, school district, chartered public school, or public academy. The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy may deny a selected applicant a final offer of employment if such person has been convicted of any crime, misdemeanor or felony, in addition to those listed above. The governing body of a school district, chartered public school, or public academy shall adopt a policy relative to hiring practices based on the results of the criminal history records check and report of misdemeanors and felonies received under paragraph II. Such policy may include language stating that any person who has been convicted of any misdemeanor, or any of a list of misdemeanors, may not be hired. Such policy may also include language stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

Amend RSA 189:13-a, IX(a) as inserted by section 1 of the bill by replacing it with the following:

IX.(a) Substitute teachers and other educational staff, not otherwise addressed in this section, shall apply for a criminal history records check at the employing school administrative unit, school district, chartered public school, or public academy. The division of state police shall complete the criminal history records check, as established in paragraph II, and, upon completion, shall ~~issue a report to the applicant. The report shall be valid for 30 days from the date of issuance and shall constitute satisfactory proof of compliance with this section]~~ **issue the applicant's record to the employing school district. The employing school district may, at the request of the substitute teachers or other educational staff not otherwise addressed in this section and for the same purpose as originally submitted, share the results with other school districts within 45 days of receiving said results.**

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

Senator Reagan offered a Floor Amendment.

Sen. Reagan, Dist 17

March 8, 2018

2018-1033s

06/10

Floor Amendment to SB 568-FN

Amend RSA 189:13-a, I as inserted by section 1 of the bill by replacing it with the following:

I.(a) The ~~employing~~ school administrative unit, school district, ~~or~~ chartered public school, **or public academy** shall complete a criminal history records check on every selected applicant for employment **or designated volunteer** in any position ~~in~~ **within** the school administrative unit, school district, ~~or~~ chartered public school, **or public academy** prior to a final offer of employment **or the acceptance of volunteer services from a designated volunteer. A school administrative unit, school district, chartered public school, or public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section to the division of state police.** ~~[A public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section to the division of state police.]~~ The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy may extend a conditional offer of employment to a selected applicant, with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a final offer of employment unless the school administrative unit, school district, chartered public school, or public academy has completed a criminal history records check. The school administrative unit, school district, chartered public school, or public academy shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant, or the acceptance of volunteer services from a designated volunteer, with a criminal history was in any way negligent or deficient, if the school administrative unit, school district, chartered public school, or public academy fulfilled the requirements of this section.

(b) A nonpublic school may elect to require a criminal history records check on selected applicants for employment or selected volunteers. A nonpublic school that elects to conduct a criminal history records check shall comply with the procedures and requirements set forth in this section. **A school administrative unit, school district, chartered public school, or public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section to the division of state police.**

(c) **If a selected applicant for employment has been credentialed within the previous 12 months and had a criminal background check completed pursuant to paragraph II-a, no such background check shall be required for employment by the school administrative unit, school district, chartered public school, or public academy.**

Amend RSA 189:13-a, V as inserted by section 1 of the bill by replacing it with the following:

V. Any person who has been charged pending disposition for or convicted of any violation or attempted violation of RSA 630:1; 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall

not be hired by a school administrative unit, school district, chartered public school, or public academy. The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy may deny a selected applicant a final offer of employment if such person has been convicted of any crime, misdemeanor or felony, in addition to those listed above. The governing body of a school district, chartered public school, or public academy shall adopt a policy relative to hiring practices based on the results of the criminal history records check and report of misdemeanors and felonies received under paragraph II. Such policy may include language stating that any person who has been convicted of any misdemeanor, or any of a list of misdemeanors, may not be hired. Such policy may also include language stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

Amend RSA 189:13-a, IX(a) as inserted by section 1 of the bill by replacing it with the following:

IX.(a) Substitute teachers and other educational staff, not otherwise addressed in this section, shall apply for a criminal history records check at the employing school administrative unit, school district, chartered public school, or public academy. The division of state police shall complete the criminal history records check, as established in paragraph II, and, upon completion, shall ~~issue a report to the applicant. The report shall be valid for 30 days from the date of issuance and shall constitute satisfactory proof of compliance with this section]~~ **issue the applicant's record to the employing school district. The employing school district may, at the request of the substitute teachers or other educational staff not otherwise addressed in this section and for the same purpose as originally submitted, share the results with other school districts within 45 days of receiving said results.**

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Giuda.

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

Roll Call, Yeas: 1 - Nays: 23. Failed.

Senator Bradley moved to Lay on the Table SB 568-FN. Adopted.

ENERGY AND NATURAL RESOURCES

SB 446, relative to net energy metering limits for customer-generators.

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

Energy and Natural Resources

March 6, 2018

2018-0972s

10/08

Amendment to SB 446

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

1 Net Energy Metering; Definition of Eligible Customer-generator. Amend RSA 362-A:1-a, II-b to read as follows:

II-b. "Eligible customer-generator" or "customer-generator" means an electric utility customer who owns, operates, or purchases power from an electrical generating facility either powered by renewable energy or which employs a heat led combined heat and power system, with a total peak generating capacity of up to and including ~~[one megawatt]~~ **5 megawatts, or from a qualifying facility larger than 5 megawatts but less than 25 megawatts if the facility's output allocated for net energy metering participation is limited to not more than 5 megawatts, and** that is located behind a retail meter on the customer's premises, is interconnected and operates in parallel with the electric grid, and is used to offset the customer's own electricity requirements. Incremental generation added to an existing generation facility, that does not itself qualify for net metering, shall qualify if such incremental generation meets the qualifications of this paragraph and is metered separately from the nonqualifying facility.

2 Net Energy Metering; Billing. Amend RSA 362-A:9, IV(b) to read as follows:

(b) For facilities with a total peak generating capacity of more than 100 kilowatts **and up to 5 megawatts**, the customer-generator shall pay all applicable charges on all kilowatt hours supplied to the customer over the electric distribution system [~~less a credit on default service charges~~] equal to the metered energy generated by the customer-generator and fed into the electric distribution system over a billing period.

3 Net Energy Metering; Crediting. Amend RSA 362-A:9, V(b) to read as follows:

(b) Except as provided in paragraph VI, the customer-generator **with a total peak generating capacity of more than 1 megawatt and not exceeding 5 megawatts** may elect to be paid or credited by the electric distribution utility for its excess generation at rates [~~that are equal to the utility's avoided costs for energy and capacity to provide default service as determined by the commission consistent with the requirements of the Public Utilities Regulatory Policy Act of 1978 (PURPA)~~] **as determined by the public utilities commission. The public utilities commission shall initiate a proceeding to determine an interim rate as expeditiously as possible and issue its order within 6 months of the effective date of this paragraph at which time a customer generator could generate more than 1 megawatt and not exceed 5 megawatts. Projects that receive the interim rate shall be grandfathered for a period of 12 years from the time at which the project becomes operational. The PUC shall determine a final rate within 3 years based upon the results of the alternative net metering tariff proceedings in Docket DE-16-576. In developing such rates the commission shall consider costs and benefits of customer generated facilities, avoidance of unjust and unreasonable cost shifting, rate effects on all customers, timely recovery of lost revenue by the utility using an automatic rate adjustment mechanism and electric distribution utilities administrative processes required to implement such rates.** The commission shall determine reasonable conditions for such an election, including the frequency of payment and how often a customer-generator may choose this option versus the option in subparagraph (a).

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

2018-0972s

AMENDED ANALYSIS

This bill increases the electric generating capacity of customer generators who may participate in net energy metering, and requires the public utilities commission to determine the rates for crediting the electric generation.

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

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

March 7, 2018

2018-1021s

10/03

Floor Amendment to SB 446

Amend the bill by replacing section 2 with the following:

2 Net Energy Metering; Billing. Amend RSA 362-A:9, IV(b) to read as follows:

(b) For facilities with a total peak generating capacity of more than 100 kilowatts **and up to one megawatt**, the customer-generator shall pay all applicable charges on all kilowatt hours supplied to the customer over the electric distribution system, less a credit on default service charges equal to the metered energy generated by the customer-generator and fed into the electric distribution system over a billing period.

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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 463-FN, establishing an architectural paint can recycling program.

Inexpedient to Legislate, Vote 3-1. Senator Gannon 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: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Daniels, Avar, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Kahn.

Roll Call, Yeas: 23 - Nays: 1. Adopted.

FINANCE

SB 540-FN, relative to funding full day kindergarten.

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

Senate Finance

March 6, 2018

2018-0980s

06/10

Amendment to SB 540-FN

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

1 Definitions; Average Daily Membership in Attendance. Amend RSA 198:38, I(a) to read as follows:

I.(a) "Average daily membership in attendance" or "ADMA" means the average daily membership in attendance, as defined in RSA 189:1-d, III, of pupils in kindergarten through grade 12, in the determination year, provided that no kindergarten pupil shall count as more than 1/2 day attendance per school year ***except in school districts where the kindergarten pupil is attending a full-day school district operated kindergarten program.*** ADMA shall only include pupils who are legal residents of New Hampshire pursuant to RSA 193:12 and educated at school district expense which may include public academies or out-of-district placements, ***or in the case of kindergarten programs only during fiscal years 2019 and 2020, a combination of school district expense and private payments.*** For the purpose of calculating funding for municipalities, the ADMA shall not include pupils attending chartered public schools, but shall include pupils attending a charter conversion school approved by the school district in which the pupil resides.

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

2018-0980s

AMENDED ANALYSIS

This bill modifies the definition of "average daily membership in attendance" to include full-day kindergarten and provide for certain private payments.

The question is on the adoption of the Committee Amendment. 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

Sen. Soucy, Dist 18

Sen. D'Allesandro, Dist 20

Sen. Fuller Clark, Dist 21

March 8, 2018

2018-1034s

06/10

Floor Amendment to SB 540-FN

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Kindergarten Grants. Amend RSA 198:48-c, III(a) to read as follows:

III.(a) For fiscal year 2020 and each fiscal year thereafter, in addition to any funds received pursuant to RSA 198:40-a, the department of education shall distribute a total kindergarten grant, pursuant to RSA 198:40-a, for the remaining 1/2 of each average daily membership not counted under RSA 198:40-a to each school district or chartered public school that operates an approved full-day kindergarten program. ~~[If the amount of revenue raised through keno is insufficient to fully fund the distribution of grants under this section, the revenue shall be prorated proportionally based on entitlement among the districts entitled to a grant. The prorated portion of this grant shall not be less than the per pupil amount disbursed under paragraph I(b).]~~

2018-1034s

AMENDED ANALYSIS

This bill modifies the definition of “average daily membership in attendance” to include full-day kindergarten and provide for certain private payments. This bill also deletes the requirement that revenue distributed to districts entitled to kindergarten grants be prorated if revenue raised through keno is insufficient to fully fund the grants.

The question is on the adoption of the Floor Amendment.

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

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

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

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

Senator Watters offered a Floor Amendment.

Sen. Watters, Dist 4

Sen. Woodburn, Dist 1

March 14, 2018

2018-1101s

06/04

Floor Amendment to SB 540-FN

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

AN ACT relative to the counting of kindergarteners for “average daily membership in attendance” and relative to the operation of keno games in unincorporated places.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Paragraph; Keno; Local Option. Amend RSA 284:51 by inserting after paragraph IV the following new paragraph:

IV-a. An unincorporated place may allow the operation of keno games by majority vote of the county delegation.

2018-1101s

AMENDED ANALYSIS

This bill modifies the definition of “average daily membership in attendance” to include full-day kindergarten and provide for certain private payments.

This bill also provides that unincorporated places may permit the operation of keno games by a majority vote of the county delegation.

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

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

HEALTH AND HUMAN SERVICES

SB 475, relative to testing for Lyme disease.

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

Health and Human Services

March 6, 2018

2018-0978s

01/03

Amendment to SB 475

Amend RSA 141-K:2, I as inserted by section 2 of the bill by replacing it with the following:

I. Every health care provider who orders a laboratory test for the presence of Lyme disease shall provide to the patient or his or her legal representative the following written information:

“Your health care provider has ordered a laboratory test for the presence of Lyme disease for you. Current laboratory testing for Lyme disease can be problematic and standard laboratory tests often result in false negative and false positive results. If you are tested for Lyme disease, and the results are negative, this does not necessarily mean you do not have Lyme disease. If you continue to experience symptoms, you should contact your health care provider and inquire about the appropriateness of retesting or additional treatment.”

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

3 Repeal. RSA 141-K, relative to Lyme disease, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2023.

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

2018-0978s

AMENDED ANALYSIS

This bill requires health care providers to provide certain information to persons being tested for Lyme disease for 5 years.

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

Senator Daniels moved to Lay on the Table SB 475. Adopted.

SB 546-FN, relative to purchasing alliances.

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

Health and Human Services

March 6, 2018

2018-0986s

01/04

Amendment to SB 546-FN

Amend the bill by replacing section 2 with the following:

2 Purchasing Alliances; Qualified Purchasing Alliance. Amend the introductory paragraph and paragraph I of RSA 420-M:13 to read as follows:

A purchasing alliance that has a minimum of [3,000] **250** enrollees may elect to obtain certification from the commissioner as a qualified purchasing alliance. To obtain certification, a purchasing alliance shall demonstrate:

I. Either that membership in the alliance is open to all employers without discrimination or that the alliance has established membership criteria that limit membership in the alliance to ~~[employers that are]~~ members of ~~[or affiliated with]~~ an association, trade group, or other entity that has been in existence for at least 10 years and was established and maintained for purposes other than the provision of health coverage; and

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

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

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

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

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

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

SB 581-FN, relative to pharmacy benefit managers under the managed care law.
Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

Health and Human Services
March 6, 2018
2018-0976s
01/08

Amendment to SB 581-FN

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

AN ACT relative to compounding of drugs.

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

1 Pharmacists and Pharmacies; Definitions. Amend RSA 318:1, III-a to read as follows:

III-a. "Compounding" means the preparation, mixing, assembling, packaging or labeling of a drug or device as a result of a practitioner's prescription drug order or initiative based on the pharmacist-patient-prescriber relationship in the course of professional practice or, for the purpose of, or as an incident, to research, teaching, or chemical analysis, but not selling or dispensing. "Compounding" also includes the preparation of drugs or devices in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns. "Compounding" shall not include the reconstitution of powdered formulations before dispensing or the addition of flavoring. ***"Compounding" shall not include the simple addition of flavoring, nor shall it include the preparation of a single dose of a non-hazardous commercially available drug or licensed biologic for immediate administration to an individual patient when done in accordance with the manufacturer's approved labeling or instructions consistent with that labeling.***

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

2018-0976s

AMENDED ANALYSIS

This bill amends the definition of compounding for the purposes of the law regulating pharmacists and pharmacies until July 1, 2020.

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.

TECHNICAL AND ADMINISTRATIVE CORRECTIONS

Without objection, the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate on SB 581-FN. Adopted.

Please note: The Clerk was instructed to correct the amended analysis.

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

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

Health and Human Services
March 6, 2018
2018-0990s
01/05

Amendment to SB 582-FN

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

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

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

1 Department of Health and Human Services; Division for Children, Youth and Families; Assessment to Determine Appropriate Caseload and Workload Standards for Child Protection Staff. The commissioner of the department of health and human services shall conduct an assessment to determine appropriate caseload and/or workload standards for the department's division for children, youth and families' child protection staff that are consistent with the goals of the agency's practice model and that will enable the agency to fulfill its statutory mission to protect children from abuse and neglect. In conducting the assessment, the department may solicit information from experts, community stakeholders, and national leaders, and shall consider caseload trends and the impact of caseloads and workloads on recruitment and retention and the supervision and training of department staff. On or before January 1, 2019, the department shall report the findings of its assessment, along with the department's recommendations for establishing and maintaining appropriate caseload and/or workload standards and the department's estimate of the cost to implement those recommendations, to the house health, human services and elderly affairs committee and senate health and human services committee and the house and senate finance committees.

2 Department of Health and Human Services; Appropriation; Assessment. For the fiscal year ending June 30, 2019, the sum of \$100,000 is hereby appropriated to the department of health and human services for the purpose of conducting the assessment under section 1 of this act. This appropriation is in addition to any other funds appropriated to the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

I. Thirteen child protection social worker I positions, at labor grade 18.

II. Two supervisor IV positions, at labor grade 25.

4 Department of Health and Human Services; Appropriation; Positions. For the fiscal year ending June 30, 2019, the sum of \$1,100,000 is hereby appropriated to the department of health and human services for the purpose of funding the positions established in section 3 of this act. This appropriation is in addition to any other funds appropriated to the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

6 Department of Health and Human Services; Transfer of Funds; Foster Care Rate Increases. The department of health and human services may transfer up to \$429,000 of existing general fund appropriations in the fiscal year ending June 30, 2019, from account 05-95-47-470010-7948, Medicaid Care Management, to account 05-95-42-421010-2958, Child Family Services, for the purpose of funding foster care rate increases. This transfer shall not require prior approval of the fiscal committee of the general court, nor shall fiscal committee approval be required for the department to accept any federal matching funds for the purposes of this section.

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

2018-0990s

AMENDED ANALYSIS

This bill:

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

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

III. Authorizes the department of health and human services to transfer certain funds for the purpose of funding foster care rate increases.

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

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

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

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 the Committee on Finance (Rule 4-5).

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

Health and Human Services

March 6, 2018

2018-0991s

05/01

Amendment to SB 590-FN-A

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

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

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

1 New Paragraph; Mental Health Services System; Definitions. Amend RSA 135-C:2 by inserting after paragraph XV the following new paragraph:

XV-a. "Transitional housing program services" means a residential program that provides housing and support services to persons with serious and persistent mental illness through a contract with the department of health and human services.

2 Involuntary Emergency Admissions; Examination. Amend RSA 135-C:28, I to read as follows:

I. The involuntary emergency admission of a person shall be to the state mental health services system under the supervision of the commissioner. The admission may be ordered upon the certificate of a physician or APRN, as defined in RSA 135-C:2, II-a, who is approved by either a designated receiving facility or a community mental health program approved by the commissioner, provided that within 3 days of the completion of the petition the physician or APRN has conducted, or has caused to be conducted, a physical examination if indicated and circumstances permit, and a mental examination. The physician or APRN must find that the person to be admitted meets the criteria of RSA 135-C:27. The certificate shall state the time and, in detail, the nature of the examinations conducted. The certificate shall also state a specific act or actions the physician or APRN has actually observed or which have been reported to him or her by the petitioner or a reliable witness who shall be identified in the certificate, and which in the physician's or APRN's opinion satisfy the criteria set forth in RSA 135-C:27. The physician or APRN shall ~~[identify in the certificate the facility in the state mental health services system to which the person shall be admitted]~~ **inform the person of the specific designated receiving facility in the mental health services system that he or she will be transported to upon the facility location being identified.** The admission shall be made to the facility which can best provide the degree of security and treatment required by the person and shall be consistent with the placement principles set forth in RSA 135-C:15. As used in RSA 135-C:27-33, "petitioner" means any individual, including a physician or APRN completing a certificate, who has requested that a physician or APRN conduct or who has conducted an examination for purposes of involuntary emergency admission. Every certificate shall be accompanied by a written petition signed by a petitioner.

3 Nonemergency Involuntary Admissions; Conditions of Conditional Discharge. Amend RSA 135-C:50, III to read as follows:

III. During the term of conditional discharge, the person conditionally discharged shall be provided with continuing treatment on an out-patient basis by a community mental health program approved by the commissioner **or by transitional housing services**.

4 Nonemergency Involuntary Admissions; Revocation of Conditional Discharge. Amend the introductory paragraph of RSA 135-C:51, I to read as follows:

I. If a psychiatrist or APRN, as defined in RSA 135-C:2, II-a, at a community mental health program **or transitional housing services** providing continuing treatment on an outpatient basis to a person conditionally discharged pursuant to RSA 135-C:50, reasonably believes that:

5 Nonemergency Involuntary Admissions; Revocation of Conditional Discharge. Amend RSA 135-C:51, III to read as follows:

III. If the psychiatrist or APRN, following the examination the psychiatrist or APRN conducted or caused to be conducted of the person, finds that the person either has violated a condition of the discharge or is in such a mental condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or herself or to others, he or she may temporarily revoke the conditional discharge. If the conditional discharge is temporarily revoked, the psychiatrist, or APRN, or designee, shall prepare, offer to and explain to the person a written notice, if it can be done safely without significant possibility of bodily harm, giving the reasons for the revocation and to ~~identify the receiving facility to which the person is to be delivered~~ **inform the person of the specific designated receiving facility in the mental health services system that he or she will be transported to upon the facility location being identified**. If this cannot be done safely, a description of the circumstances indicating such risk shall be placed in the file.

6 Guardians and Conservators; General Powers and Duties of Guardian of the Person. Amend RSA 464-A:25, I(a) to read as follows:

(a) To the extent that it is consistent with the terms of any order by a court of competent jurisdiction relating to detention or commitment of the ward, the guardian shall be entitled to custody of the ward and may establish the ward's place of abode within or without this state. Admission to a state institution **or other designated receiving facility** shall be in accordance with the following:

(1) A guardian may admit a ward to a state institution **or other designated receiving facility** with prior approval of the probate court if, following notice and hearing, the court finds beyond a reasonable doubt that the placement is in the ward's best interest and is the least restrictive placement available. Authorization for such admission shall not be time limited unless the court so orders. Authority to admit a ward to a state institution **or other designated receiving facility** with prior approval under this subparagraph shall not be subject to the limitations contained in RSA 464-A:25, I(a)(2) through (7).

(2) A guardian may admit a ward to a state institution **or other designated receiving facility** without prior approval of the probate court upon written certification by a physician licensed in the state of New Hampshire, or, in the case of placement in New Hampshire hospital **or other designated receiving facility**, by a psychiatrist licensed in the state of New Hampshire, or an advanced practice registered nurse, as defined in RSA 135-C:2, II-a, that the placement is in the ward's best interest and is the least restrictive placement available. Within 36 hours, excluding days when the court is closed, of such an admission of a ward to a state institution **or other designated receiving facility**, the guardian shall submit to the Merrimack county probate court notice of the admission and the reasons therefor, together with a copy of the certificate by the physician, psychiatrist, or advanced practice registered nurse.

(3) The Merrimack county probate court shall review the guardian's notice within 48 hours of the filing of the notice, excluding days when the court is closed, to determine whether the notice on its face appears to establish that the placement is in the ward's best interest and is the least restrictive placement available. If the court concludes that the notice is insufficient, the court shall order the immediate release of the ward from the state institution **or other designated receiving facility**. If the court concludes that the notice is sufficient, counsel for the ward shall be appointed no later than 48 hours following the court's review of the guardian's notice, excluding days when the court is closed. Notice of the appointment shall be transmitted to the ward, to the guardian, and to counsel. Counsel's notice shall be transmitted in writing and electronically or in another manner which is likely to give actual notice of the appointment to counsel at the earliest

practicable time. For purposes of proceedings regarding admissions to state institutions ***or other designated receiving facilities*** without prior court approval, the ward shall have the right to legal counsel in the same manner as provided in RSA 464-A:6. The court shall also provide the ward a notice stating that the ward has the right to appointed counsel, the right to oppose the admission by the guardian, and the right to a hearing and to present evidence at that hearing.

(4) Counsel for a ward admitted to a state institution ***or other designated receiving facility*** who has been appointed pursuant to subparagraph (3) shall deliver a written report to the court within 5 days of his or her appointment which shall declare whether the ward requests a hearing on the propriety of the admission. Unless the ward waives a hearing, counsel's report shall include a request for a hearing on behalf of the ward. A copy of counsel's report shall be sent to the ward and to the guardian. If the court does not receive a written report from counsel within 5 days of counsel's appointment, the court shall order appropriate relief, including but not limited to substitution of counsel, an order to show cause, or scheduling of a hearing on the propriety of the admission without awaiting a report from counsel.

(5) Upon receipt of a request for a hearing, the court shall schedule a hearing on the admission to a state institution ***or other designated receiving facility*** without prior approval of the probate court, at which the guardian shall have the burden of proving, beyond a reasonable doubt, that the placement is in the ward's best interest and is the least restrictive placement available. The hearing shall be held within 10 days, excluding days when the court is closed, from the date that the request is received.

(6) A guardian may not admit a ward to a state institution ***or other designated receiving facility*** for more than 60 days for any single admission or more than 90 days in any 12-month period upon certification of a physician or psychiatrist, or an advanced practice registered nurse, as defined in RSA 135-C:2, II-a, without filing a petition requesting approval of the probate court.

(7) At any time, the ward or counsel for the ward may request a hearing on the admission to a state institution ***or other designated receiving facility*** without prior approval of the probate court, at which the guardian shall have the burden of proving, beyond a reasonable doubt, that the placement is in the ward's best interest and is the least restrictive placement available. The hearing shall be held within 15 days, excluding days when the court is closed, from the date that the hearing is requested.

7 Child Protection Act; Duties of the Department of Health and Human Services. Amend RSA 169-C:34, II-a to read as follows:

II-a. The department may issue a confidential letter of concern to a person or persons responsible for the safety and welfare of the child that although there is insufficient evidence to substantiate a finding of abuse or neglect or of unfounded but with reasonable concern, the department encourages the person or persons responsible for the safety and welfare of the child to seek family support services and provide contact information to obtain such services. ***Upon initiating an assessment, the department may offer the family ameliorative services to reduce risk and address child safety concerns.***

8 Child Protection Act; Duties of the Department of Health and Human Services. Amend RSA 169-C:34, V and V-a to read as follows:

V. Notwithstanding any other provision of law to the contrary, the department may~~[-pursuant to a voluntary service plan that is developed and provided for a minor and the minor's family by the department,]~~ offer voluntary services to families without making a determination of the person or persons ~~[apparently]~~ responsible for the abuse or neglect. The department shall adopt rules, pursuant to RSA 541-A, relative to the provision of voluntary services under this paragraph. ***The costs of voluntary services provided by the department under this paragraph shall not be subject to reimbursement under RSA 169-C:27.***

V-a. Notwithstanding any other provision of law to the contrary, the department may~~[-pursuant to a voluntary service plan that is developed and provided for the child by the department,]~~ offer voluntary services to any child who prior to his or her eighteenth birthday was found to be neglected or abused, who was in legal custody of the department as of his or her eighteenth birthday, and who is less than 21 years of age. ***The costs of voluntary services provided by the department under this paragraph shall not be subject to reimbursement under RSA 169-C:27.***

9 Child Protection Act; Liability of Expenses and Hearing on Liability. Amend RSA 169-C:27, I(a) to read as follows:

(a) Whenever an order creating liability for expenses is issued by the court under this chapter ~~for whenever a voluntary service plan is developed and provided for a minor and the minor's family by the department~~, any expenses incurred for services, placements, and programs the providers of which are certified pursuant to RSA 170-G:4, XVIII, shall be payable by the department of health and human services.

10 Appropriation. The sum of \$1,500,000 dollars for the fiscal year ending June 30, 2019, is hereby appropriated to the department of health and human services for the purposes of funding voluntary services provided to children, youth and families under RSA 169-C. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

11 New Paragraph; Services for Children, Youth and Families; Incentive Funds. Amend RSA 170-G:4 by inserting after paragraph XIX the following new paragraph:

XX. Encourage cities, towns and counties to develop and maintain prevention programs, court diversion programs and alternatives to out of home placement for children, youth and families through the transfer of funds to cities, town and counties which have or are developing such programs. The transfer of funds shall be in such amounts as are appropriated by the general court for this purpose. The method of distribution shall be based on rules adopted by the commissioner pursuant to RSA 541-A. For the purposes of this paragraph, prevention programs shall include programs or activities for the prevention of child abuse and neglect as well as programs or activities for the prevention of children in need of services (CHINS) and delinquent behaviors.

12 Appropriation. The sum of \$1,500,000 dollars for the fiscal year ending June 30, 2019, is hereby appropriated to the department of health and human services for the purpose of funding community-based prevention programs and services pursuant to RSA 170-G:4, XX. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated

13 Supplemental Appropriation; State Loan Repayment Program. In addition to any other sums appropriated to accounting unit 05, 95, 90, 901010, 7965, line 073, grants-non-federal, there is hereby appropriated the sum of \$1,100,000 for the fiscal year ending June 30, 2019 for the state loan repayment program. The department may exceed this amount if new federal funds become available to the program. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

14 New Section; Protection for Maternity and Infancy. Amend RSA 132 by inserting after section 10-d the following new section:

132:10-e Home Visiting Program. The New Hampshire home visiting program shall be available to Medicaid eligible families without restriction.

15 New Section; Rescission of Involuntary Admission. Amend RSA 135-C by inserting after section 29 the following new section:

135-C:29-a Rescission of Involuntary Admission.

I. Following completion of an involuntary emergency admission certificate under RSA 135-C:28 and before custody of the person is accepted by a law enforcement officer pursuant to RSA 135-C:29, the certificate may be rescinded and the person who is the subject of the certificate released in any of the following circumstances:

(a) A mobile crisis team under contract with the department of health and human services accepts transfer of the person's care.

(b) An assertive community treatment team operated by a community mental health program accepts transfer of the person's care.

(c) A community-based provider accepts transfer of the person's care.

II. Following completion of an involuntary emergency admission certificate under RSA 135-C:28 and before custody of the person is accepted by a law enforcement officer pursuant to RSA 135-C:29, the certificate shall be rescinded and the person who is the subject of the certificate released if the physician or APRN who completed the certificate, or any other physician or APRN authorized to complete such certificates, finds that the person no longer meets the criteria of RSA 135-C:27.

III. No civil action shall be maintained against a person who rescinds an involuntary admission pursuant to paragraph I or II, provided that the person is acting in good faith within the limits of his or her authority.

16 Appropriation; Department of Health and Human Services; Division for Children, Youth and Families; Attorneys. The sum of \$310,000 for the biennium ending June 30, 2019, is hereby appropriated to the department of health and human services for the purpose of hiring 3 attorneys for the division for children, youth and families. This sum is in addition to any other funds appropriated to the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

17 Appropriation; Department of Health and Human Services; Developmental Disabilities Wait List. The sum of \$1,162,135 for the fiscal year ending June 30, 2018, is hereby appropriated to the department of health and human services for the purposes of funding the developmental disabilities wait list. This sum is in addition to any other funds appropriated to the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

18 10-Year Plan for Mental Health Services. Amend 2017, 112:2, III to read as follows:

III. The commissioner of the department of health and human services shall submit the plan to the speaker of the house of representatives, the president of the senate, and the governor on or before ~~July 1, 2018~~ **October 15, 2018**. The department shall provide interim reports to the oversight committee on health and human services, established under RSA 126-A:13, on or before October 1, 2017 and on or before March 1, 2018. Thereafter, the department shall report quarterly to the health and human services oversight committee providing an update on the progress of the development and implementation of the plan.

19 Department of Health and Human Services; Behavioral Health Crisis Treatment Center. Amend 2017, 156:188 to read as follows:

156:188 ~~[Mobile Crisis Teams and Apartments]~~ **Behavioral Health Crisis Treatment Center**. The commissioner of the department of health and human services shall issue a request for proposals (RFP) for a ~~[mobile crisis team and apartments]~~ **behavioral health crisis treatment center** from qualified vendors. The RFP for the ~~[mobile crisis team and apartments]~~ **treatment center** shall be issued no later than June 30, 2017 and operational no later than ~~[January]~~ **July 1, 2018**. Any new ~~[mobile crisis teams]~~ **behavioral health crisis treatment center** shall be established in ~~a geographic [locations]~~ **location** that ~~[have]~~ **has** high rates of admissions to and discharges from New Hampshire hospital.

20 Department of Health and Human Services; Mobile Crisis Teams and Apartments. The commissioner of the department of health and human services shall issue a request for proposals (RFP) for qualified vendors to establish an additional mobile crisis team and apartments. The RFP for the mobile crisis team and apartments shall be issued contingent upon available funding for the biennium ending June 30, 2019. Before issuing the RFP, the commissioner shall present to the fiscal committee of the general court, established under RSA 14:30-a, the source of the funds to be used to support the new mobile crisis team and apartments.

21 Designated Receiving Facilities; Residential Beds. The section heading and paragraph I of 2017, 156:186 are repealed and reenacted to read as follows:

156:186 Supported Housing; Residential Beds.

I. The commissioner of the department of health and human services shall contract with programs that enable individuals with serious mental illness to attain and maintain integrated, affordable, supported housing. The department shall use funding not to exceed \$500,000 from existing appropriations for the biennium ending June 30, 2019.

22 Effective Date.

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

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

2018-0991s

AMENDED ANALYSIS

This bill:

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

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

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

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

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

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

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

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

President Pro Tempore Carson presiding.

The question is on the adoption of the Committee Amendment.

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

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

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

Senator Reagan offered a Floor Amendment.

Sen. Reagan, Dist 17

March 12, 2018

2018-1061s

05/01

Floor Amendment to SB 590-FN-A

Amend the bill by inserting after section 21 the following and renumbering the original section 22 to read as 23:

22 New Section; Guardianship of Minors and Estates of Minors; Guardianship of Minors in Foster Care and Consent for Medical Treatment. Amend RSA 463 by inserting after section 12 the following new section:

463:12-a Guardianship of Minors in Foster Care and Consent for Medical Treatment. For any guardianship granted to the department of health and human services for a minor in foster care, or for any minor in the legal custody of the department receiving foster care services, the department's authority to consent to medical treatment for the minor may be established by, but not limited to, any of the following:

I. A duly executed "Authorization for Medical Treatment" signed by the minor's parent or guardian;

II. For the provision of ordinary medical care, including behavioral, mental health, or developmental health services, a copy of that portion of the court order transferring legal custody of the minor to the department under RSA 169-C; or

III. A copy of the letter of guardianship issued to the department that authorizes the department to consent to medical or other treatment of the minor.

2018-1061s

AMENDED ANALYSIS

This bill:

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

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

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

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

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

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

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

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

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

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).

President Morse presiding.

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

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

Health and Human Services

March 6, 2018

2018-0992s

10/01

Amendment to SB 592-FN-A

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

1 Child Protection Act; Liability For Expenses; Voluntary Services Excluded. Amend RSA 169-C:27, I(a) and (b) to read as follows:

I.(a) Whenever an order creating liability for expenses is issued by the court under this chapter [~~or whenever a voluntary service plan is developed and provided for a minor and the minor's family by the department~~], any expenses incurred for services, placements, and programs the providers of which are certified pursuant to RSA 170-G:4, XVIII, shall be payable by the department of health and human services.

(b) Subparagraph (a) shall not apply to:

(1) Expenses incurred for special education and related services[~~or to~~];

(2) Expenses incurred for evaluation, care, and treatment of the child at the New Hampshire hospital;
[~~or to~~]

(3) Expenses incurred for the cost of accompanied transportation; **or**

(4) Expenses incurred for voluntary services provided to a minor or the minor's family pursuant to RSA 169-C:34, II-a, RSA 169-C:34, V, or RSA 169-C:34, V-a.

2 TANF Funded Initiative; Home Visiting Services. The department of health and human services shall use allowable Temporary Assistance to Needy Families (TANF) funds to expand home visiting services through family resource centers. A priority shall be placed on providing home visiting services to families to whom the department has issued a letter of concern pursuant to RSA 169-C:34, II-a, cases reported by the department of health and human services as unfounded but with reasonable concern, as defined in RSA 169-C:3, XXIX, and TANF recipients who, as parents of children under 12 months old, are exempt from TANF work requirements.

3 TANF Funded Initiative; Family Resource Centers of Quality Specialist. The department of health and human services shall use allowable TANF funds to contract with a family resource center of quality special-

ist. The role of the specialist shall be to provide technical assistance to family resource centers throughout the state and aid the centers in establishing and achieving the high quality standards necessary for national certification. The person selected by the department shall be qualified by reason of education and experience to assume the responsibilities of a family resource centers of quality specialist.

4 TANF Funded Initiative; Child Care Services. The department of health and human services shall use allowable TANF funds to expand child care services to eligible recipients. Priority shall be given to foster families, families with voluntary service plans through the department of health and human services, and families with individual service plans through family resource centers.

5 Department of Health and Human Services; Supplemental Appropriation.

I. The sum necessary to fund the following positions, which may be either state employee or contract positions, is hereby appropriated to the department of health and human services for the biennium ending June 30, 2019:

(a) Eight child protective services workers, who shall be designated resource workers.

(b) Two licensed alcohol and drug counselors, who shall contract with the department.

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

6 Family Drug Court; Study Committee Established. There is established a committee to study the development of a family drug court in New Hampshire.

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

(a) One member 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.

III. The committee shall study family drug court models and the feasibility of establishing a family drug court in New Hampshire. The specialized court, with jurisdiction over child protection cases that involve substance use by the child's parents or guardians, would provide a coordinated and collaborative approach to reducing child maltreatment by treating parents' underlying substance use disorders. The committee shall solicit information and testimony from any individual or agency the committee deems relevant to its study, including licensed alcohol and drug counselors, family law attorneys, representatives of the department of health and human services, and representatives of the district court family division.

IV. 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 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.

V. 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.

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

2018-0992s

AMENDED ANALYSIS

This bill:

I. Waives reimbursement for voluntary services under the child protection act.

II. Establishes a home visiting services initiative.

III. Directs the department of health and human services to contract with a family resource center of quality specialist.

IV. Expands certain child care services.

V. Makes an appropriation to the department of health and human services for additional child protective services workers and licensed alcohol and drug counselors.

VI. Establishes a committee to study family drug court models.

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).

MOTION TO REMOVE FROM THE TABLE

Senator Daniels moved to remove SB 475 from the Table. Adopted.

HEALTH AND HUMAN SERVICES

SB 475, relative to testing for Lyme disease.

The pending motion is Ought to Pass with Amendment.

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

JUDICIARY

SB 388, relative to satellite dispensaries for therapeutic cannabis.

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

Senate Judiciary

March 6, 2018

2018-0952s

01/04

Amendment to SB 388

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

AN ACT relative to dispensary locations for therapeutic cannabis.

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

1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6 by inserting after paragraph III the following new paragraph:

IV. The department may adopt rules regarding the establishment of a second dispensary location by the alternative treatment center described in RSA 126-X:7, X including, but not limited to, fees, operational requirements, and geographic location.

2 New Paragraph; Use of Cannabis for Therapeutic Purposes; Dispensary Locations. Amend RSA 126-X:7 by inserting after paragraph IX the following new paragraph:

X. If the department determines that having additional locations for the dispensing of therapeutic cannabis is necessary to adequately and effectively meet the needs of qualifying patients and designated caregivers, the department may authorize the alternative treatment center allowed to operate in the geographic area that includes Carroll, Coos, and Grafton counties, not including the town of Hanover and the city of Lebanon in Grafton county, to establish a second dispensary location within that same geographic area. A second dispensary location shall only be established in a geographic location approved by the department, shall be limited solely to the dispensing of cannabis and educational efforts, and shall not be used for cultivation or other activities relative to the production of cannabis. A second dispensary location shall be subject to rules adopted by the department under RSA 126-X:6, III, and any additional rules adopted by the department relative to a second dispensary location under RSA 126-X:6, IV, and all applicable provisions of this chapter relative to alternative treatment centers including, but not limited to, compliance with local zoning laws. The department shall, in conjunction with the local governing body of the town or city where the second dispensary location would be located, solicit input from qualifying patients, designated caregivers, and residents of the town or city in which the second dispensary location would be located.

2018-0952s

AMENDED ANALYSIS

This bill authorizes the department of health and human services to establish a second dispensary location in the geographic area that includes Carroll, Coos, and Grafton counties, for therapeutic cannabis.

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

Senator Kahn offered a Floor Amendment.

Sen. Kahn, Dist 10

Sen. Reagan, Dist 17

March 13, 2018

2018-1086s

01/04

Floor Amendment to SB 388

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

1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6 by inserting after paragraph III the following new paragraph:

IV. The department may adopt rules regarding the establishment of a second dispensary location by the alternative treatment centers described in RSA 126-X:7, X including, but not limited to, fees, operational requirements, and geographic location.

2 New Paragraph; Use of Cannabis for Therapeutic Purposes; Dispensary Locations. Amend RSA 126-X:7 by inserting after paragraph IX the following new paragraph:

X. If the department determines that having additional locations for the dispensing of therapeutic cannabis is necessary to adequately and effectively meet the needs of qualifying patients and designated caregivers, the department may authorize the alternative treatment center allowed to operate in the geographic area that includes Carroll, Coos, and Grafton counties, not including the town of Hanover and the city of Lebanon in Grafton county, to establish a second dispensary location within that same geographic area. In addition, the department may authorize the alternative treatment center allowed to operate in the geographic area that includes Cheshire and Sullivan counties and the town of Hanover and the city of Lebanon in Grafton county to establish a second dispensary location within that same geographic area. A second dispensary location shall only be established in a geographic location approved by the department, shall be limited solely to the dispensing of cannabis and educational efforts, and shall not be used for cultivation or other activities relative to the production of cannabis. A second dispensary location shall be subject to rules adopted by the department under RSA 126-X:6, III, and any additional rules adopted by the department relative to a second dispensary location under RSA 126-X:6, IV, and all applicable provisions of this chapter relative to alternative treatment centers including, but not limited to, compliance with local zoning laws. The department shall, in conjunction with the local governing body of the town or city where the second dispensary location would be located, solicit input from qualifying patients, designated caregivers, and residents of the town or city in which the second dispensary location would be located.

2018-1086s

AMENDED ANALYSIS

This bill authorizes the department of health and human services to establish a second dispensary location in the geographic area that includes Carroll, Coos, and Grafton counties, for therapeutic cannabis. This bill also authorizes the department of health and human services to establish a second dispensary location in the geographic area that includes Cheshire and Sullivan counties.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Giuda, Watters, Hennessey, Sanborn, Kahn, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Innis.

The following Senators voted No: Woodburn, Bradley, Gray, French, Ward, Daniels, Avard, Lasky, Carson, Birdsell, Gannon, Morse.

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

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 Thursday, March 15, 2018. Adopted.

JUDICIARY

SB 499, relative to the applicability of certain DWI prohibitions.

HB 287, establishing a committee to study decriminalizing sex work.

SPECIAL ORDER

Without objection, the following bill is special ordered to Thursday, March 22, 2018. Adopted.

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 Sanborn: SB 318, SB 388, SB 423, SB 446, SB 463-FN, SB 475, SB 499, SB 525-FN, SB 540-FN, SB 546-FN, SB 553-FN, SB 568-FN, SB 581-FN, SB 582-FN, SB 590-FN-A, SB 592-FN-A, HB 287, HB 1278
Senator Soucy: SB 553-FN

LATE SESSION

Third Reading and Final Passage

SB 446, relative to net energy metering limits for customer-generators.

SB 475, relative to testing for Lyme disease.

SB 540-FN, relative to the counting of kindergarteners for "average daily membership in attendance" and relative to the operation of keno games in unincorporated places.

SB 546-FN, relative to purchasing alliances.

SB 581-FN, relative to compounding of drugs.

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.