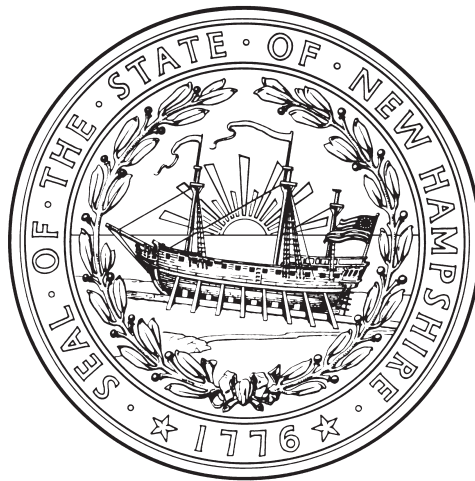


March 15, 2018  
Nos. 7-8

# **STATE OF NEW HAMPSHIRE**

Web Site Address: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)



**Second Year of the 165<sup>th</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – MARCH 14, 2018 SESSION  
COMMENCEMENT – MARCH 15, 2018 SESSION**

# SENATE JOURNAL 7 *(continued)*

*March 14, 2018*

## REPORT OF COMMITTEE ON ENROLLED BILLS

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

SB 215-FN, permitting the university system of New Hampshire and the community college system of New Hampshire to participate in the state health insurance plan.

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

Out of Recess. Call the Senate to Order.

## MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

# SENATE JOURNAL 8

*March 15, 2018*

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

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

Let us pray.

God we give you thanks for giving us another day. We use this moment to be reminded of your presence and to tap the resources needed by the members of the New Hampshire State Senate to do their work as well as it can be done. May they be led by a spirit of wisdom, justice and peace in the decisions they make. May they be spared from any tensions that might tear the people's legislature apart and from worries that might wear them out. All this day, may they do their best to find solutions to pressing issues facing our state. Please hasten the day when justice and love shall dwell in the hearts of all people and rule the affairs of the nations of earth. May all that is done this day be to serve the people of New Hampshire so that we all might prosper in life, liberty and the pursuit of happiness. Amen.

Senator Ward led the Pledge of Allegiance.

## MOTION OF RECONSIDERATION

Senator Woodburn, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 388, relative to dispensary locations for therapeutic cannabis.: Rescind Order to Third Reading, Reconsider the vote on Ought to Pass as Amended, Reconsider the vote on Senator Kahn's Floor Amendment 2018-1086s. Adopted.

## JUDICIARY

SB 388, relative to satellite dispensaries for therapeutic cannabis.

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 Avar, seconded by Senator Carson.

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

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

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

#### INTRODUCTION OF GUESTS

Senator Gray introduced students from Henry Wilson Memorial School in Farmington visiting in the gallery.

#### REGULAR CALENDAR

##### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 323, relative to rehiring of laid off classified state employees.

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

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

SB 373, requiring rulemaking by the department of corrections.

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

Senate Executive Departments and Administration  
 March 7, 2018  
 2018-0995s  
 05/10

#### Amendment to SB 373

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

1 Department of Corrections; Powers and Duties of Commissioner; Rulemaking. Amend the introductory paragraph of RSA 21-H:8, III to read as follows:

III. The commissioner shall adopt, **as rules under RSA 541-A**, such reasonable internal practices and procedures, ~~[which shall not be considered rules subject to the provisions of RSA 541-A,]~~ **except for security protocols**, as may be necessary to carry out the duties **and programs** of the department and its divisions, consistent with this chapter. These procedures shall include at least the following elements:

2 Department of Corrections; Powers and Duties of Commissioner; Rulemaking. Amend RSA 21-H:8, XI to read as follows:

XI. The commissioner and the commissioner of the department of health and human services shall jointly establish procedures for sharing data, at least in the aggregate, on delinquents and offenders for purposes of correctional planning and needs assessments. These procedures shall not be considered rules subject to RSA 541-A, **but shall be subject to RSA 91-A**, and shall be established so as to ensure compliance with state and federal confidentiality and privacy laws.

3 Behavior of Inmates. Amend RSA 21-H:14 to read as follows:

21-H:14 Behavior of Inmates. The commissioner shall establish written standards regarding the behavior and responsibilities of inmates. These standards shall be made available to all such inmates and shall be considered public records. These standards shall ~~[not]~~ be considered rules, subject to the provisions of RSA 541-A, **unless the standards are needed on an emergency basis, in which case they shall be exempt from the rulemaking requirements of RSA 541-A**.

4 Sentences and Limitations; Home Confinement. Amend RSA 651:2, V(e) to read as follows:

(e) The department of corrections ~~[and the various county departments of corrections]~~ shall adopt rules **pursuant to RSA 541-A** governing eligibility for home confinement, intensive supervision, and special alternative incarceration programs.

5 Repeal. RSA 541-A:21, I(aa), relative to the rulemaking exemption for internal practices and procedures of the department of corrections, is repealed.

6 Effective Date. This act shall take effect one year after its passage.

2018-0995s

#### AMENDED ANALYSIS

This bill revises certain rulemaking requirements for the department of corrections.

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

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

SB 455, relative to state employees injured in the line of duty.

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

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

SB 458, authorizing the purchase of retirement system creditable service by a certain surviving spouse.

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

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

SB 459, relative to reciprocity for licensure as a real estate broker or salesperson.

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

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

SB 461, relative to continuing education for real estate brokers and salespersons.  
Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration  
March 7, 2018  
2018-0996s  
10/05

#### Amendment to SB 461

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

1 Real Estate Practice; Continuing Education Requirements. Amend RSA 331-A:20, II(a) to read as follows:

(a) Continuing education [~~3-hour core courses~~] **of 6 hours of total core coursework** shall cover, but not be limited to, changes in state and federal laws dealing with real estate brokerage, housing, financing of real property and consumer protection as well as changes in state enabling laws dealing with zoning and subdivision practices. The core courses shall be designed to assist the licensee in keeping abreast of changing laws, rules and practices which will affect the interest of the licensee's clients or customers.

2 Rulemaking; Continuing Education; Topics. Amend RSA 331-A:25, IX to read as follows:

IX. A minimum of [~~a 3-hour core course of~~] **6 hours of total core coursework in** continuing education for active and inactive license renewal, and an additional [~~12~~] **15** elective hours of continuing education for active license renewals. ***The initial 15 hours of continuing education for salespersons prior to their first license renewal shall be established by the commission in specified topics or courses related to the salesperson's practice.***

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

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

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

The following Senators voted Yes: Bradley, Watters, Gray, Ward, Lasky, Carson, Cavanaugh, Soucy, Birdsell, D'Allesandro, Gannon, Morse.

The following Senators voted No: Woodburn, Giuda, Hennessey, French, Sanborn, Kahn, Daniels, Avard, Feltes, Reagan, Fuller Clark, Innis.

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

Senator Bradley moved to Lay on the Table SB 461. Adopted.

SB 466, relative to political activities of commissioners of state agencies.  
Inexpedient to Legislate, Vote 3-1. Senator Carson for the committee.

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

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

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.

#### PUBLIC AND MUNICIPAL AFFAIRS

SB 342, requiring written disclosure of certain default budget items during the deliberative session.  
Ought to Pass with Amendment, Vote 4-0. Senator Gray for the committee.

Public and Municipal Affairs  
March 7, 2018  
2018-1009s  
06/01

#### Amendment to SB 342

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

AN ACT requiring identification of specific items in the default budget.

Amend the bill by replacing section 1 with the following:

1 Default Budget. Amend RSA 40:13, XI(a) to read as follows:

XI.(a) The default budget shall be disclosed at the first budget hearing held pursuant to RSA 32:5 or RSA 197:6. The governing body, unless the provisions of RSA 40:14-b are adopted, shall complete a default budget form created by the department of revenue administration to demonstrate how the default budget amount was calculated. ***The line item details for changes under subparagraph (2) shall be available for inspection by voters.*** The form and associated calculations shall, at a minimum, include the following:

- (1) Appropriations contained in the previous year's operating budget;
- (2) Reductions and increases to the previous year's operating budget ***including identification of specific items that constitute a change by account code, and the reasons for each change;*** and
- (3) One-time expenditures as defined under subparagraph IX(b).

2018-1009s

#### AMENDED ANALYSIS

This bill requires identification in the default budget of specific items that constitute a reduction or increase to the previous year's budget.

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

Senator Daniels offered a Floor Amendment.

Sen. Daniels, Dist 11

March 7, 2018

2018-1014s

06/10

#### Floor Amendment to SB 342

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

AN ACT requiring identification of specific items in the default budget.

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

1 Use of Official Ballot; Default Budget. Amend RSA 40:13, IX(b) to read as follows:

(b) "Default budget" as used in this subdivision means the amount of the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the operating budget ***and by salaries of positions that have been eliminated.*** For the purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the governing body, unless the provisions of RSA 40:14-b are adopted, of the local political subdivision.

2 Default Budget. Amend RSA 40:13, XI(a) to read as follows:

XI.(a) The default budget shall be disclosed at the first budget hearing held pursuant to RSA 32:5 or RSA 197:6. The governing body, unless the provisions of RSA 40:14-b are adopted, shall complete a default budget form created by the department of revenue administration to demonstrate how the default budget amount was calculated. ***The line item details for changes under subparagraph (2) shall be available for inspection by voters.*** The form and associated calculations shall, at a minimum, include the following:

- (1) Appropriations contained in the previous year's operating budget;
- (2) Reductions and increases to the previous year's operating budget ***including identification of specific items that constitute a change by account code, and the reasons for each change;*** [and]
- (3) One-time expenditures as defined under subparagraph IX(b); ***and***
- (4) ***Appropriations contained in the previous year's operating budget minus salaries of positions that have been eliminated.***

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



2018-1014s

## AMENDED ANALYSIS

This bill requires identification in the default budget of specific items that constitute a reduction or increase to the previous year's budget.

The question is on the adoption of the Floor Amendment.

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

Recess. Out of recess.

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.

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

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

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 395, relative to access electronic records under the right-to-know law.

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

Public and Municipal Affairs

March 7, 2018

2018-1010s

01/06

## Amendment to SB 395

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

AN ACT relative to access to records under the right-to-know law.

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

1 Right-to-Know Law; Minutes and Records Available for Public Inspection. Amend RSA 91-A:4, I to read as follows:

I. Every citizen during the regular or business hours of all public bodies or agencies, and on the regular business premises of such public bodies or agencies, has the right to inspect all governmental records in the possession, custody, or control of such public bodies or agencies, including minutes of meetings of the public bodies, and to copy and make memoranda or abstracts of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5. In this section, "to copy" means the reproduction of original records by whatever method, including but not limited to photography, photostatic copy, printing, or electronic or tape recording. ***If a citizen requesting access to governmental records is not able to appear during the regular business hours of a public body or agency of the political subdivision, the person may request an accommodation from the public body or agency. The public body or agency shall make a reasonable effort to accommodate the request. A reasonable effort to accommodate the request shall be at no additional cost to the public body or agency and may include making the records available for inspection at an alternative time and place. A public body or agency may, in consultation with the director of the division of archives and records management, develop guidelines for posting and providing records in portable document format/archival (PDF/A) or other approved format. The guidelines shall identify any costs which shall be paid by the requester such as printing the record or converting the format of the records. A public body or agency shall not be required to post or provide records electronically unless it is feasible to do so with reasonable effort.***

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

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

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

#### WAYS AND MEANS

SB 403-L, relative to the exemption for recreational vehicles from property taxation.

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

Senate Ways and Means

March 7, 2018

2018-1012s

08/05

#### Amendment to SB 403-LOCAL

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

1 Taxation of Property; Exemption; Recreational Vehicles. RSA 72:7-d is repealed and reenacted to read as follows:

72:7-d Exemption; Recreational Vehicles. For purposes of this chapter, recreational vehicles, as defined in RSA 216-I:1, VIII, having a maximum width of 8 feet and 6 inches while being transported, and located at a "recreational campground or camping park," as those terms are defined in RSA 216-I:1 VII, shall not be taxable as real estate.

2 Definition of Recreational Campground or Camping Park. Amend RSA 216-I:1, VII to read as follows:

VII. "Recreational campground or camping park" means a parcel of land on which 2 or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only ***for an undetermined or indefinite amount of time***, and not for permanent year-round residency, excluding recreation camps as defined in RSA 485-A:23.

3 Effective Date. This act shall take effect April 1, 2019.

2018-1012s

#### AMENDED ANALYSIS

This bill removes the requirement that recreational vehicles exempt from property taxation have a valid motor vehicle registration and number plate. The bill also removes the requirement that campground owners provide local assessing officials with the name and address of recreational vehicles at the campground that fall within the tax exemption. Finally, the bill amends the definition of recreational campground or camping park to include a reference to an undetermined or indefinite amount of time.

#### INTRODUCTION OF GUESTS

Senator Gray introduced students from Henry Wilson Memorial School in Farmington visiting in the gallery.

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

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

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

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

The following Senators voted No: French.

Roll Call, Yeas: 23 - Nays: 1. Adopted, bill ordered to Third Reading.

SB 405, enabling municipalities to adopt a separate exemption against the statewide property tax for certain long-term residents.

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



Senate Ways and Means  
 March 7, 2018  
 2018-1013s  
 05/04

#### Amendment to SB 405

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

AN ACT establishing a commission to study the effect of current use taxation on small and rural municipalities.

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

1 New Section; Current Use Taxation; Commission to Study the Effect of Current Use Taxation on Small and Rural Municipalities. Amend RSA 79-A by inserting after section 26 the following new section:

79-A:27 Commission to Study the Effect of Current Use Taxation on Small and Rural Municipalities.

I. There is established a commission to study the effect of current use taxation on small and rural municipalities.

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (c) A representative of the New Hampshire Municipal Association, appointed by the association.
- (d) A representative of the current use advisory board established in RSA 79-A:3, appointed by the board.
- (e) One selectman from a town with current use and conservation easements, appointed by the governor.

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

IV. The commission shall study the effect of current use taxation on small and rural municipalities.

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

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

2 Repeal. RSA 79-A:27, relative to the commission to study the effect of current use taxation on small and rural municipalities, is repealed.

3 Effective Date.

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

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

2018-1013s

#### AMENDED ANALYSIS

This bill establishes a commission to study the effect of current use taxation on small and rural municipalities. The question is on the adoption of the Committee Amendment. Failed.  
 Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2  
March 14, 2018  
2018-1094s  
05/10

Floor Amendment to SB 405

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

AN ACT establishing a commission to study the effect of conservation restrictions on the property tax in small and rural municipalities.

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

1 New Section; Current Use Taxation; Commission to Study the Effect of Conservation Restrictions on the Property Tax in Small and Rural Municipalities. Amend RSA 79-A by inserting after section 26 the following new section:

79-A:27 Commission to Study the Effect of Conservation Restrictions on the Property Tax in Small and Rural Municipalities.

I. There is established a commission to study the effect of conservation restrictions on the property tax in small and rural municipalities.

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

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

(b) One member of the house of representatives, appointed by the speaker of the house of representatives.

(c) A representative of the New Hampshire Municipal Association, appointed by the association.

(d) A representative of the current use board established in RSA 79-A:3, appointed by the board.

(e) One selectman from a town with property under current use and conservation easements, appointed by the governor.

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

IV. The commission shall study the following issues:

(a) Whether property under conservation restrictions is constitutionally eligible for current use assessment.

(b) Existing valuation and assessment methods for properties under current use and properties under conservation restrictions.

(c) The financial impact of current use and conservation restriction assessments and tax rates on the overall property tax rates in small and rural communities.

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

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

2 Repeal. RSA 79-A:27, relative to the commission to study the effect of conservation restrictions on the property tax in small and rural municipalities, is repealed.

3 Effective Date.

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

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

2018-1094s

## AMENDED ANALYSIS

This bill establishes a commission to study the effect of conservation restrictions on the property tax in small and rural municipalities.

Senator Carson moved to Lay on the Table.

A division vote was requested.

Yeas: 17 - Nays: 6. Adopted.

SB 412, relative to agritourism.

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

Senate Ways and Means

March 7, 2018

2018-1011s

08/04

## Amendment to SB 412

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

1 Agricultural Uses of Land; Existing Agricultural Uses. Amend RSA 674:32-b, II to read as follows:

II. Any new establishment, re-establishment after abandonment, or significant expansion of a farm stand, retail operation, or other use involving on-site transactions with the public, including agritourism as defined in RSA 21:34-a, may be made subject to applicable special exception, building permit, or other local land use board approval and may be regulated to prevent traffic and parking from adversely impacting adjacent property, streets and sidewalks, or public safety. ***No municipality shall adopt an ordinance, bylaw, definition, or policy regarding agritourism activities that conflicts with the definition of agritourism in RSA 21:34-a.***

2 New Paragraph; Duties of Commissioner of Department of Agriculture, Markets, and Food; Agritourism Disputes. Amend RSA 425:4 by inserting after paragraph VIII the following new paragraph:

IX. Adjudicate disputes concerning activities that constitute agritourism pursuant to RSA 21:34-a. Prior to a party filing a land use application with a municipality, or after such land use application is denied, an applicant may petition the commissioner for a declaratory ruling regarding whether or not a municipality's ordinance bylaw, definition, or policy regarding agritourism activities, conflicts with RSA 21:34-a. The commissioner's jurisdiction shall be limited to the question of whether or not a municipality's ordinance, bylaw, definition, or policy on agritourism conflicts with RSA 21:34-a. The commissioner, or the commissioner's authorized representative, shall notify the parties, hold a hearing within 30 days of such request, and shall issue a declaratory ruling within 15 days of the hearing. The commissioner's declaratory ruling shall be dispositive, including in future land use applications with a municipality where such ordinance, bylaw, definition, or policy is at issue. A party aggrieved by the declaratory ruling may petition the commissioner for reconsideration within 20 days of the declaratory ruling, and thereafter, within 30 days of the decision on reconsideration, may appeal such decision to the New Hampshire supreme court. If the applicant petitions the commissioner for a declaratory ruling, all municipal appeal processes, including those defined in RSA 677:2 shall be stayed. The 30 day time period in which to request a rehearing shall begin on the next calendar day after the commissioner issues the declarative ruling, or after any appeal of the declarative ruling is complete. The commissioner shall adopt rules pursuant to RSA 541-A relative to the declaratory ruling process, including, but not limited, an allowance for timely intervention of an aggrieved party. A municipality shall furnish the commissioner with a copy of any non-confidential appeal decision on any land use application involving whether or not a municipality's definition or policy on agritourism conflicts with RSA 21:34-a.

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

2018-1011s

## AMENDED ANALYSIS

This bill prohibits municipalities from adopting an ordinance, bylaw, definition, or policy regarding agritourism that conflicts with state statute.

This bill also allows the commissioner of the department of agriculture, markets, and food to issue a declaratory ruling on whether agricultural activities constitute agritourism.

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.

#### ADDENDUM REGULAR CALENDAR

##### FINANCE

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

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

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

SB 331, prohibiting Medicaid from paying for sex reassignment drug or hormone therapy or surgery.

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

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

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

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

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

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

Senator Bradley moved to Lay on the Table SB 331.

Senator Bradley withdrew the motion to Lay on the Table on SB 331.

#### MOTION OF RECONSIDERATION

Senator Watters, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 331, prohibiting Medicaid from paying for sex reassignment drug or hormone therapy or surgery.: Reconsider the vote on Inexpedient to Legislate. Adopted.

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

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

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

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

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

#### MOTION OF RECONSIDERATION

Senator Giuda, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 331, prohibiting Medicaid from paying for sex reassignment drug or hormone therapy or surgery.: Recsonider the vote on Inexpedient to Legislate. Adopted.

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

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

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

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

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

Senator Bradley moved to Lay on the Table SB 331. Adopted.

SB 404-FN-A, phasing out the tax on interest and dividends.  
Inexpedient to Legislate, Vote 3-3. Senator D'Allesandro for the committee.

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

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

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

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

The following Senators filed a Declaration of Intent: Bradley.

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

Senator Feltes moved to Lay on the Table on SB 404-FN-A.

The question is on the adoption of the motion to Lay on the Table.

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

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

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

The following Senators filed a Declaration of Intent: Bradley.

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

Recess. Out of recess.

SB 450-FN-A, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program.  
Ought to Pass with Amendment, Vote 6-0. Senator Feltes for the committee.

Senate Finance  
March 12, 2018  
2018-1072s  
08/10

#### Amendment to SB 450-FN-A

Amend RSA 149-Q:2 as inserted by section 1 of the bill by inserting after paragraph XII the following new paragraph:

XIII. The Great Bay Piscataqua Waterkeeper.

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

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

#### SPECIAL ORDER

Without objection, Senator Bradley moved to special order SB 526-FN and SB 548-FN to the next session. Adopted.

SB 528-FN-L, relative to dam registration fees and relative to permit fees for constructing or reconstructing a dam.  
Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance  
March 12, 2018  
2018-1073s  
08/10

#### Amendment to SB 528-FN-LOCAL

Amend the bill by replacing section 3 with the following:

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

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

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

SB 529-FN, requiring the department of environmental services to conduct a study regarding the Baker River in the town of Warren and making an appropriation for such study.

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

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

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

Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance

March 12, 2018

2018-1068s

05/10

#### Amendment to SB 532-FN

Amend RSA 21-H:8-b as inserted by section 1 of the bill by replacing it with the following:

21-H:8-b Status in Retirement System. For purposes of classification under RSA 100-A, any person who is or becomes the assistant commissioner, the director of professional standards, the director of community corrections, the director of security and training, the director of field services, or the director of medical and psychiatric services, shall be included in the definition of correctional line personnel, as defined in RSA 100-A:1, VII under the retirement system, if such person was a group II member for at least 10 years prior to appointment in his or her position and shall remain in group II status for the duration of service in that position with the department.

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

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

SB 535-FN, relative to licensure for the practice of professional art therapy and establishing an advisory council on alternative mental health therapies, and relative to certain revenues from the sale of commemorative liquor bottles of historic significance.

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

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

SB 538-FN, including police officers of the state office complex police force in group II of the retirement system.

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

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

SB 543-FN, relative to health care premium payments for certain retired state workers.

Inexpedient to Legislate, Vote 5-1. Senator Giuda for the committee.

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

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

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

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

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

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

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

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



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

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

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

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

Senator Giuda moved Ought to Pass.

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

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

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

Roll Call, Yeas: 13 - Nays: 11. Adopted, bill ordered to Third Reading.

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

Ought to Pass, Vote 5-1. Senator Giuda for the committee.

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

SB 560-FN-L, relative to updating the state trails plan and making an appropriation therefor.

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

Senate Finance

March 12, 2018

2018-1071s

06/05

#### Amendment to SB 560-FN-LOCAL

Amend the bill by replacing section 2 with the following:

2 Appropriation; Department of Transportation; State Trails Plan. The sum of \$1 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of transportation for the purpose of updating the New Hampshire state trails plan under RSA 21-L:12-c. This appropriation is in addition to any other funds appropriated to the department of transportation. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

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

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

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

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

SB 573-FN-A, relative to the controlled drug prescription health and safety program and making an appropriation therefor.

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

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

SB 578-FN, relative to unclassified positions within the department of health and human services.

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

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

SB 583-FN, establishing a pilot program to eliminate employment barriers for certain parents.

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

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

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

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.

#### JUDICIARY

SB 335, relative to disclosure of asbestos trust claims in civil actions.

Interim Study, Vote 3-1. Senator Carson for the committee.

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

Senator Carson moved Ought to Pass.

Senator Carson offered a Floor Amendment.

Sen. French, Dist 7

Sen. Carson, Dist 14

March 15, 2018

2018-1117s

06/08

#### Floor Amendment to SB 335

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

AN ACT establishing a committee to review compensation in asbestos litigation and to study ways to promote transparency, fairness, and timeliness of payment in asbestos litigation.

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

1 Committee Established. There is established a committee to review compensation in asbestos litigation and to study ways to promote transparency, fairness, and timeliness of payment in asbestos litigation.

#### 2 Membership and Compensation.

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.

#### 3 Duties.

I. The committee shall review the current compensation system specific to asbestos litigation and study ways to promote transparency, fairness, and timeliness of payment in the asbestos litigation system in New Hampshire.

II. The committee may receive input from the state veterans advisory committee, other local and national veterans groups, and any other person or organization it deems relevant to gain an understanding of how the asbestos litigation system impacts veterans and others affected by asbestos.

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

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

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

2018-1117s

## AMENDED ANALYSIS

This bill establishes a committee to review compensation in asbestos litigation and to study ways to promote transparency, fairness, and timeliness of payment in asbestos litigation.

Recess. Out of recess.

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

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

SB 501, relative to immunity for campground owners.

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

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

Senator Carson moved Ought to Pass.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

March 13, 2018

2018-1078s

04/01

## Floor Amendment to SB 501

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

1 Findings. The state of New Hampshire finds that:

I. Camping is a popular form of recreation in the state. It affords residents of the state access to natural environments, outdoor activity and relaxation. It is a major source of tourism visits from nonresidents which generate employment, taxes and economic activity for the state. Camping, by its very nature, involves experiences in natural environments which inherently involve risks and hazards which are not present in the built environment.

II. Persons who choose to camp must accept the inherent risks of camping, without an expectation that they may recover damages if they are injured as a consequence of the experience they have selected.

2 New Subdivision; Campground Immunity. Amend RSA 216-I by inserting after section 15 the following new subdivision:

## Campground Immunity

216-I:16 Definitions. In this subdivision:

I. "Camping" means all aspects of visiting, staying at and using a recreational campground, or camping park.

II. "Inherent risk of camping" means a danger or condition that is an integral part of camping, including but not limited to the following:

(a) Naturally occurring features of the natural world, such as trees, infectious agents, tree stumps, roots, brush, rocks, mud, holes, sand, standing water, and soil.

(b) Uneven or unpredictable terrain.

(c) Natural bodies of water and the use of natural bodies of water, including swimming, and aquatic sports.

(d) Another person at a recreational campground or camping park acting in a negligent manner, where the campground owner or employees are not involved.

(e) A lack of lighting at campsites.

(f) Campfires in a properly constructed and maintained fire pit or enclosure provided by the recreational campground or camping park.

(g) Weather.

(h) Insects, birds, bears, and other wildlife.

(i) Violation of safety rules or disregard for signs indicating danger.

(j) Actions by campers or visitors which exceed their physical limitations or abilities.

(k) Animals owned by other persons which cause injury or death, unless the recreational campground or camping park has accepted responsibility for care of the animal or has actual knowledge that the animal poses a hazard to the safety of other campers.

(l) Activities undertaken by a camper or visitor, utilizing the camper's own equipment, and undertaken for the purpose of exercise, relaxation, or pleasure, including but not limited to hunting, fishing, picnicking, exploring, bicycling, horseback riding, operation of a powered vehicle, cutting wood, water sports, harvesting the products of nature and any other outdoor sport, game, or educational activity.

III. "Willful disregard" means conduct committed with an intentional or reckless disregard for the safety of the actor or others.

#### 216-I:17 Immunity.

I. Except as provided in paragraph II, a campground owner, including any employees, officers, and agents of a campground owner, shall be immune from civil liability for acts or omissions related to camping at a recreational campground or camping park resulting in the death of or injury to a person, or damage to property, caused by the inherent risk of camping.

II. The provisions of paragraph I shall not apply if the campground owner, including any employee, officer, and agent of a campground owner seeking immunity:

(a) Intentionally causes death or injury to another person or intentionally causes damage to property.

(b) Acts with willful disregard for the safety of another person or property.

(c) Fails to conspicuously post warning signs of a dangerous, inconspicuous condition known to him or her on a recreational campground or camping park, if he or she is aware of the condition.

(d) Is grossly negligent.

III. This section shall not be construed to limit the immunity created under RSA 212:34.

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

2018-1078s

#### AMENDED ANALYSIS

This bill provides immunity for campground owners and establishes exceptions to immunity under certain circumstances.

The question is on the adoption of the Floor Amendment.

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

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

The following Senators voted No: Hennessey, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro.

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

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

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

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

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

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

The following Senators voted Yes: Woodburn, Giuda, Watters, Hennessey, French, Ward, Kahn, Daniels, Avard, Lasky, Feltes, Reagan, Soucy, Fuller Clark.

The following Senators voted No: Bradley, Gray, Sanborn, Carson, Cavanaugh, Birdsell, D'Allesandro, Gannon, Innis, Morse.

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

Recess. Out of recess.

President Morse Ordered SB 593-FN to Third Reading.

#### SPECIAL ORDER

Without objection, Senator Bradley moved to special order SB 318 to the next session. Adopted.

#### COMMERCE

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

Floor Amendment #2018-1018s, Pending Motion. Senator Watters for the Recommendation.

Sen. Watters, Dist 4

March 7, 2018

2018-1018s

04/06

#### Floor Amendment to SB 423

Amend the bill by replacing section 1 with the following:

1 New Section; Protective Legislation; Noncompete Agreements for Low-Wage Employees. Amend RSA 275 by inserting after section 70 the following new section:

275:70-a Noncompete Agreements for Low-Wage Employees.

I. In this section:

(a) "Employer" shall have the same meaning as in RSA 279:1, X. "Employer" shall not include employees of governmental or quasi-governmental bodies.

(b) "Low-wage employee" means an employee who earns:

(1) An hourly rate equal to 200 percent of the federal minimum wage; or

(2) An hourly rate equal to 200 percent of the tipped minimum wage pursuant to RSA 279:21.

(c) "Noncompete agreement" means an agreement between an employer and a low-wage employee that restricts such low-wage employee from performing:

(1) Work for another employer for a specified period of time;

(2) Work in a specified geographical area; or

(3) Work for another employer that is similar to such low-wage employee's work for the employer who is a party to the agreement; and that is entered into after the effective date of this section.

II.(a) No employer shall require a low-wage employee to enter into a noncompete agreement.

(b) A noncompete agreement entered into between an employer and a low-wage employee shall be void and unenforceable.

2018-1018s

#### AMENDED ANALYSIS

This bill prohibits an employer from requiring a low-wage employee to enter into a noncompete agreement.

Senator Watters withdrew the Floor Amendment.

Senator Watters offered a Floor Amendment.

Sen. Watters, Dist 4

March 8, 2018

2018-1041s

04/03

#### Floor Amendment to SB 423

Amend the bill by replacing section 1 with the following:

1 New Section; Protective Legislation; Noncompete Agreements for Low-Wage Employees. Amend RSA 275 by inserting after section 70 the following new section:

275:70-a Noncompete Agreements for Low-Wage Employees.

I. In this section:

(a) "Employer" shall have the same meaning as in RSA 279:1, X. "Employer" shall not include employees of governmental or quasi-governmental bodies.

(b) "Low-wage employee" means an employee who earns:

(1) An hourly rate less than or equal to 200 percent of the federal minimum wage; or

(2) An hourly rate less than or equal to 200 percent of the tipped minimum wage pursuant to RSA 279:21.

(c) "Noncompete agreement" means an agreement between an employer and a low-wage employee that restricts such low-wage employee from performing:

(1) Work for another employer for a specified period of time;

(2) Work in a specified geographical area; or

(3) Work for another employer that is similar to such low-wage employee's work for the employer who is a party to the agreement; and that is entered into after the effective date of this section.

II.(a) No employer shall require a low-wage employee to enter into a noncompete agreement.

(b) A noncompete agreement entered into between an employer and a low-wage employee shall be void and unenforceable.

2018-1041s

#### AMENDED ANALYSIS

This bill prohibits an employer from requiring a low-wage employee to enter into a noncompete agreement. The question is on the adoption of the Floor Amendment.

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

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.

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

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

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 Sanborn moved Inexpedient to Legislate.

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

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

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



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

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

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

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

Senator Bradley moved Ought to Pass.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

Sen. Innis, Dist 24

March 15, 2018

2018-1116s

01/04

#### Floor Amendment to SB 553-FN

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

AN ACT establishing a commission to study the incidence of post traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation.

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

1 New Section; Commission to Study the Incidence of Post Traumatic Stress Disorder in First Responders and Whether Such Disorder Should be Covered Under Workers' Compensation. Amend RSA 281-A by inserting after section 17 the following new section:

281-A:17-a Commission Established.

I.(a) There is established a commission to study the incidence of post traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation. The members of the commission shall be as follows:

- (1) One member of the senate, appointed by the president of the senate.
- (2) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (3) The labor commissioner, or designee.
- (4) The commissioner of safety, or designee.
- (5) The insurance commissioner, or designee.
- (6) A representative of the New Hampshire Municipal Association, appointed by the association.
- (7) A representative of the New Hampshire Association of Counties appointed by the association.
- (8) A representative of the National Alliance on Mental Illness New Hampshire, appointed by the alliance.
- (9) A fire chief, appointed by the New Hampshire Association of Fire Chiefs.
- (10) One member appointed by the New Hampshire Association of Chiefs of Police.
- (11) One member appointed by the New Hampshire Police Association.
- (12) A representative of the Professional Firefighters of New Hampshire, appointed by that organization.
- (13) A representative of the New Hampshire Association of Emergency Medical Technicians, appointed by the association.
- (14) A representative of the New Hampshire Ambulance Association, appointed by the association.
- (15) A representative of the New Hampshire Public Risk Management Exchange, appointed by that organization.
- (16) The adjutant general, or designee.

(17) An attorney, appointed by the New Hampshire Association of Justice.

(18) An attorney practicing in the field of workers' compensation defense, appointed by the governor.

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

II.(a) The commissions shall study:

(1) The prevalence of post traumatic stress disorder (PTSD) among first responders.

(2) The prevalence of PTSD, or factors contributing to PTSD, among first responders at the time of hiring.

(3) The extent to which first responders' employment benefits provide health insurance coverage for treatment of PTSD.

(4) The degree to which employers who hire first responders are capable of reassigning affected workers to less stressful positions that would allow employees to continue working while receiving mental health treatment.

(5) The degree to which employers currently provide peer-to-peer counseling programs for first responders, the effectiveness of such programs, and the degree to which such programs should be expanded.

(6) The degree to which workplace culture prevents first responders from seeking assistance for mental health issues that may be caused or exacerbated by workplace stress.

(7) The extent to which prior military service may contribute to the rate of PTSD among first responders.

(8) The difficulty first responders currently have establishing that a PTSD diagnosis is causally related to employment.

(9) The difficulty employers would have establishing that a pre-employment condition or experience caused PTSD, rather than a first responders' current employment.

(10) The cost that creating a rebuttal presumption that PTSD was caused uncured during service in the line of duty would impose on public employers, private employers, and taxpayers.

(11) Other issues the commission deems relevant to its study.

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

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

IV. On or before November 1, 2018, the commission shall submit a report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

2 Repeal. RSA 281-A:17-a, relative to a commission to study the incidence of post traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation, is repealed.

3 Effective Date.

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

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

2018-1116s

#### AMENDED ANALYSIS

This bill establishes a commission to study the incidence of post traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation.

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).

#### EDUCATION

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

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

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

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

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

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

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

Senator Sanborn moved Ought to Pass.

Senator Sanborn offered a Floor Amendment.

Sen. Sanborn, Dist 9

March 8, 2018

2018-1023s

04/01

#### Floor Amendment to SB 525-FN

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

AN ACT prohibiting the distribution of adult education financial assistance to any student who is not a legal resident.

Amend the bill by deleting sections 1 and 2 and renumbering the original sections 3 and 4 to read as 1 and 2, respectively.

2018-1023s

#### AMENDED ANALYSIS

This bill limits the availability of adult education programs funded by state or local sources to legal residents of the state of New Hampshire.

Senator Bradley presiding.

Without objection, Senator Avard moved the question. Adopted

The question is on the adoption of the Floor Amendment.

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

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

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

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

President Morse presiding.

Senator Feltes moved to Lay on the Table SB 525-FN.

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

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

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

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

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

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

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

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

Roll Call, Yeas: 13 - Nays: 11. Adopted, bill ordered to Third Reading.

Senator Daniels waived referral to the Committee on Finance.

Senator Daniels waived referral to the Committee on Finance on SB 553-FN.

President Morse Ordered SB 553-FN to Third Reading.

#### JUDICIARY

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

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

Senate Judiciary

March 6, 2018

2018-0957s

03/06

#### Amendment to SB 499

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Alcohol or Drug Impairment; Definitions. Amend RSA 265-A:1 by inserting after paragraph V the following new paragraph:

VI. "Drive or attempt to drive" shall not include sleeping, resting, or sheltering in place by a person in a passenger automobile parked in any place where parking is permitted, or any action or activity with respect to a passenger automobile by a person who is outside of the automobile.

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 Watters, seconded by Senator Avar.

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

The following Senators voted No: Watters, Ward, Kahn, Gannon.

Roll Call, Yeas: 20 - Nays: 4. Adopted, bill ordered to Third Reading.

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

Inexpedient to Legislate, Vote 4-1. 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 Fuller Clark, seconded by Senator Sanborn.

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

The following Senators voted No: Giuda, Hennessey, Cavanaugh, Fuller Clark.

Roll Call, Yeas: 20 - Nays: 4. Adopted.

## MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 287, establishing a committee to study decriminalizing sex work.: The vote on Inexpedient to Legislate. Adopted.

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

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

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

The following Senators voted No: Hennessey, Cavanaugh, Fuller Clark.

Roll Call, Yeas: 21 - Nays: 3. Adopted.

## MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

## LIST OF RULE 6-25'S FOR THE DAY

Senator Bradley: SB 404-FN-A

Senator Carson: SB 525-FN

Senator Feltes: SB 501

Senator Fuller Clark: SB 404-FN-A

Senator Giuda: SB 501

Senator Hennessey: SB 404-FN-A

Senator Lasky: SB 404-FN-A

Senator Sanborn: SB 309-FN, SB 318, SB 323, SB 331, SB 335, SB 342, SB 373, SB 395, SB 403-L, SB 404-FN-A, SB 405, SB 412, SB 423, SB 450-FN-A, SB 455, SB 458, SB 459, SB 461, SB 466, SB 499, SB 501, SB 525-FN, SB 526-FN, SB 528-FN-L, SB 529-FN, SB 532-FN, SB 535-FN, SB 538-FN, SB 543-FN, SB 548-FN, SB 553-FN, SB 555-FN-A, SB 557-FN, SB 560-FN-L, SB 563-FN, SB 573-FN-A, SB 578-FN, SB 583-FN, SB 593-FN, HB 287

Senator Soucy: SB 553-FN

Senator Watters: SB 404-FN-A, SB 525-FN

Senator Woodburn: SB 459, SB 461

## LATE SESSION

## Third Reading and Final Passage

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

SB 323, relative to rehiring of laid off classified state employees.

SB 335, establishing a committee to review compensation in asbestos litigation and to study ways to promote transparency, fairness, and timeliness of payment in asbestos litigation.

SB 342, requiring identification of specific items in the default budget.

SB 373, requiring rulemaking by the department of corrections.

SB 395, relative to access to records under the right-to-know law.

SB 403-LOCAL, relative to the exemption for recreational vehicles from property taxation.

SB 412, relative to agritourism.

SB 450-FN-A, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program.

SB 455, relative to state employees injured in the line of duty.

SB 458, authorizing the purchase of retirement system creditable service by a certain surviving spouse.

SB 459, relative to reciprocity for licensure as a real estate broker or salesperson.

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

SB 501, relative to immunity for campground owners.

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

SB 528-FN-LOCAL, relative to dam registration fees and relative to permit fees for constructing or reconstructing a dam.

SB 529-FN, requiring the department of environmental services to conduct a study regarding the Baker River in the town of Warren and making an appropriation for such study.

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

SB 535-FN, relative to licensure for the practice of professional art therapy and establishing an advisory council on alternative mental health therapies, and relative to certain revenues from the sale of commemorative liquor bottles of historic significance.

SB 538-FN, including police officers of the state office complex police force in group II of the retirement system.

SB 553-FN, establishing a commission to study the incidence of post traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation.

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

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

SB 560-FN-LOCAL, relative to updating the state trails plan and making an appropriation therefor.

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

SB 573-FN-A, relative to the controlled drug prescription health and safety program and making an appropriation therefor.

SB 578-FN, relative to unclassified positions within the department of health and human services.

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

#### 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.