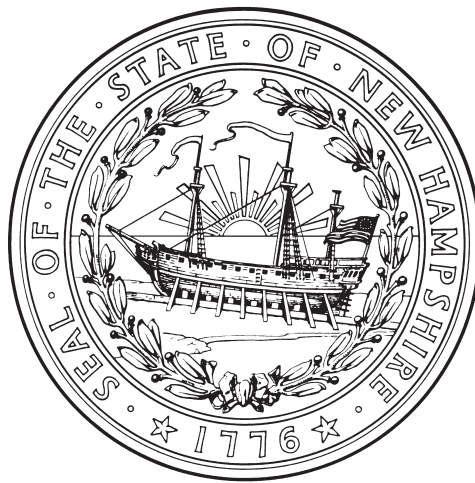


March 27, 2019
Nos. 9-10

STATE OF NEW HAMPSHIRE

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**First Year of the 166th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MARCH 21, 2019 SESSION
COMMENCEMENT – MARCH 27, 2019 SESSION**

SENATE JOURNAL 9 *(continued)*

March 21, 2019

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 109-FN, requiring background checks for commercial firearms sales.

HB 110-FN-A, relative to the cost of fiscal analysis of legislation relating to the retirement system.

HB 118, (New Title) relative to notifying a child's primary health care provider of a report of abuse or neglect.

HB 121-FN, (New Title) relative to the regulation of massage, reflexology, structural integrator and Asian bodywork therapy establishments.

HB 137, establishing a commission to examine the effects of wake boats in the state of New Hampshire.

HB 224-FN, making emergency medical technicians and rescue squad members eligible for a death benefit if killed in the line of duty.

HB 225, relative to the National Guard Scholarship Fund.

HB 233, relative to the group and individual health insurance market.

HB 244, repealing the moorings appeals board.

HB 261, requiring the commissioner of the department of environmental services to revise rules relative to arsenic contamination in drinking water.

HB 263, relative to department of health and human services family reunification practices involving convicted sex offenders.

HB 271, (New Title) relative to apprentice electricians and third party electrical inspections.

HB 277, establishing a commission to study a public option for health insurance.

HB 309, relative to procedures for foreclosure of a mortgage.

HB 324, (New Title) relative to operation of personal water craft around the marsh lands or flats in the Hampton/Seabrook estuary.

HB 348, relative to procedures for condominiums with 25 or fewer residential units.

HB 357, relative to the public school infrastructure fund.

HB 368-FN, (New Title) relative to medically recognized disorders identified on drivers' licenses.

HB 389-FN, (New Title) requiring the secretary of state to prepare materials for businesses relative to service dogs.

HB 393, establishing a committee to study child care in New Hampshire.

HB 394-FN, relative to crop theft.

HB 413, relative to membership of the energy efficiency and sustainable energy board.

HB 427, relative to the procedure for filing a protective order on behalf of a minor.

HB 437, establishing a commission to study parental alienation.

HB 447, relative to school calendar days.

HB 448, making technical corrections in the department of education.

HB 450, relative to examinations conducted by the banking department.

HB 458-FN, repealing certain inactive dedicated funds.

HB 459-FN, (New Title) defining industrial hemp, relative to its growth in New Hampshire, its use in food, and establishing a committee to study the federal guidelines on growing industrial hemp.

HB 468-FN-LOCAL, relative to the inclusion of attendance stipends as earnable compensation in the retirement system.

HB 474, relative to principal offices of trust companies and banking and trusts insurance.

HB 480-FN, relative to sports betting.

HB 489, relative to changing a pupil's school or assignment because of a manifest educational hardship.

HB 494, relative to removal or containment of contaminants from the Coakley Landfill.

HB 495, establishing a commission on drinking water.

HB 514-FN, imposing a waiting period between the purchase and delivery of a firearm.

HB 520, relative to availability of diaper changing stations in public restrooms.

HB 539-FN, (New Title) establishing a committee to study the implementation of the One4All ballot in municipal elections.

HB 548, relative to certain organizations that are authorized to issue decals.

HB 558-FN, restricting the distribution of plastic straws.
HB 560-FN, relative to single-use carryout bags.
HB 562, relative to the state building code.
HB 574-FN, relative to the emancipation of minors.
HB 591, amending the laws governing OHRVs and snowmobiles.
HB 598, (New Title) establishing a commission to study beer, wine, and liquor tourism.
HB 600-FN, (New Title) adding an exception to the real estate transfer tax for transfers of interest in certain low-income housing.
HB 605-FN, relative to criminal penalties for possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aiding in, or contributing to such fighting.
HB 624, establishing a commission to study management systems and customer service of New Hampshire government agencies.
HB 628-FN, relative to universal changing stations in certain places of public accommodation.
HB 645-FN, establishing a dock registration procedure.
HB 648-FN, defining and regulating service entities.
HB 654, relative to surety required on construction loans.
HB 656, establishing a commission to study the impact of financial initiatives for commercially insured members by drug manufacturers on prescription drug prices and health insurance premiums.
HB 657, (New Title) relative to prescription drugs under the managed care law.
HB 660-FN, relative to studying the economic and other impacts of OHRV use in New Hampshire.
HB 663, relative to the definition of agriculture and existing agricultural uses.
HB 664-FN, relative to vehicle repair standards.
HB 668, relative to heating, agitating or other devices in public waters.
HB 670-FN, relative to the cost of prescription drugs.
HB 684-FN, relative to mediation of rent increases in manufactured housing parks.
HB 695, relative to transparency of nonprofit patient advocacy organizations.
HB 700, relative to valuation of utility company assets for local property taxation.
HB 703-FN, relative to providing notice of the introduction of new high-cost prescription drugs.
HB 707, relative to settlement money from actions pertaining to the contamination of groundwater or drinking water.
HB 710-FN, relative to adoption of state building code and fire code amendments.
HB 713-FN-LOCAL, (New Title) relative to transportation of pupils.
HB 714-FN, relative to New Hampshire products purchased and sold by the liquor commission.
HB 717-FN, prohibiting prescription drug manufacturers from offering coupons or discounts to cover insurance copayments or deductibles.
HB 730-FN-A, relative to funding for the CART program.
HB 737, establishing a commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford and Litchfield.
HB 740, exempting certain mortgages from the law regarding licensing of nondepository mortgage bankers, brokers, and servicers.
HCR 3, relative to welcoming communities.
HJR 2, recommending and requesting the president of the United States and the United States Congress to exclude the state of New Hampshire from offshore oil and gas drilling and exploration activities.

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 139, (New Title) relative to restrictions on smoking in state forests, parks, land, or buildings operated by the department of natural and cultural resources.
HB 280, designating the red-tailed hawk as the state raptor.
HB 293, relative to employee credit privacy.
HB 312, (New Title) establishing a committee to study tiny houses.
HB 321-FN, relative to authorized organizations producing multiple decal designs in the multi-use decal number plates program.
HB 325, relative to control of marine pollution and aquatic growth.
HB 326, relative to the definition of prime wetland.

HB 358, relative to combustion of wood residue at municipal waste combustors.
HB 365, relative to net energy metering limits for customer generators.
HB 370, relative to membership on city and town planning boards.
HB 397-FN, relative to drivers' licenses for New Hampshire residents who do not possess a social security card.
HB 409, relative to the maximum optional fee for transportation improvements charged by municipalities when collecting motor vehicle registration fees.
HB 415, relative to the official ballot referendum form of town meetings.
HB 443, relative to municipal watering restrictions.
HB 464, relative to the definitions of solar energy systems and wind-powered energy systems for assessed value of real estate exemptions.
HB 466, relative to the capacity of electricity customer generators for eligibility for net energy metering.
HB 475, establishing a shoreland septic system study commission.
HB 536-FN, adding biometric information to the consumer protection act.
HB 540-LOCAL, relative to the issuance of bonds by the county for redevelopment districts in unincorporated places.
HB 549-FN, (New Title) establishing gold star family decals for motor vehicles.
HB 568, relative to the New Hampshire energy strategy.
HB 582-FN, relative to the regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.
HB 614-FN, (New Title) increasing penalties and fines for air pollution and water pollution.
HB 618-LOCAL, relative to the definition of contracts relative to official ballot default budgets.
HB 669-FN, relative to gender identity information included on drivers' licenses and nondrivers' identification cards.
HB 715-FN, relative to electrical energy storage.
HCR 7, urging the president and congress to adopt a policy renouncing the first use of nuclear weapons.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 16, relative to certain information provided by the commissioner of the department of employment security to the United States Department of Labor.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 1-FN, relative to family and medical leave.

INTRODUCTION OF LEGISLATION

Senator Feltes offered the following Resolution:

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

First and Second Reading and Referral

HB 128, establishing a committee to study veterans property tax credits and exemptions. (Election Law and Municipal Affairs)
HB 140, establishing a commission to study the licensing of drivers from foreign countries. (Transportation)
HB 150-FN, relative to statements of financial interests filed by state officials. (Executive Departments and Administration)
HB 155, relative to procedures for determining and disclosing exculpatory evidence in a police officer's personnel file. (Judiciary)
HB 156, establishing a commission to study the establishment of a state department of energy. (Energy and Natural Resources)
HB 166, relative to funding energy efficiency programs. (Energy and Natural Resources)
HB 183, establishing a committee to study the applications of microgrids in New Hampshire and changes in law necessary to allow for microgrids in electrical supply. (Energy and Natural Resources)

HB 186, establishing a state minimum wage and providing for adjustments to the minimum wage. (Commerce)
 HB 198, clarifying the prohibition against the use of mobile electronic devices while driving. (Transportation)
 HB 252, establishing a committee to study certain labor statutes. (Commerce)
 HB 286-LOCAL, relative to free inspection of records under the right-to-know law. (Judiciary)
 HB 291, establishing a committee to study certain findings and other initiatives regarding end-of-life care. (Judiciary)
 HB 391, relative to permits for vehicle registration. (Transportation)
 HB 396-FN-LOCAL, relative to delay or denial of records under the right-to-know law. (Judiciary)
 HB 406, relative to reporting and investigation of serious injuries and death in the workplace. (Commerce)
 HB 446, relative to initiating amendments and corrections to birth records. (Health and Human Services)
 HB 472-FN, relative to special number plates for certain veterans. (Transportation)
 HB 496, establishing a committee to identify the requirements needed to commit New Hampshire to a goal of at least 50 percent renewable energy for electricity by 2040. (Energy and Natural Resources)
 HB 522, establishing a commission to study the environmental and health effects of evolving 5G technology. (Health and Human Services)
 HB 562, relative to the state building code. (Executive Departments and Administration)
 HB 592, relative to OHRV operation and license. (Transportation)
 HB 597-FN, relative to sales of beverages and wine hosted by other licensees. (Commerce)
 HB 615, relative to the regulation of pharmacies and pharmacists. (Executive Departments and Administration)
 HB 621-FN, establishing the state commission on aging. (Executive Departments and Administration)
 HB 635-LOCAL, enabling a payment in lieu of taxes for a combined heat and power agricultural facility. (Election Law and Municipal Affairs)
 HB 692-FN, relative to dental care for Medicaid recipients. (Health and Human Services)
 HB 736, reestablishing the commission to study environmentally-triggered chronic illness. (Health and Human Services)

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 10

March 27, 2019

The Senate reconvened at 3:00 p.m., a quorum being present.

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

Let us pray.

Dear God, we see in springtime a message of hope to a world tiring of winter starkness, longing for that first crocus to push through snow and ice blanket and spread its leaves. Let it be for us a yearly reminder that, to a world that was dark and cold, a world devoid of love's sweet warmth, we have hope. Hope that a sleeping world emerges to new possibilities and in due season creation bursts into life. Hope that we can work together to better the lives of all people of New Hampshire. Hope that our hearts will be warmed to care for the most vulnerable among us. Hope that peace will be our marching orders. Hope that the people of this land will flourish. Hope that we will continue to enjoy the freedoms that those who have come before us bled and died for. Hope that we will be courageous in the face of the obstacles we face. Hope that on this day the New Hampshire State Senate will do its work with passion and compassion. Springtime is a season of optimism and hope; thank you for the hope that you bring and the renewal that you bring both to this world and to our hearts and lives. Amen.

Senator Dietsch led the Pledge of Allegiance.

Senator Fuller Clark is excused for the day.

FN REPORT FOR MARCH 27, 2019

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

CONSENT CALENDAR:

TRANSPORTATION

HB 320-FN, authorizing Future In Sight to issue decals for multi-use decal number plates.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 157, by Senator Levesque

JUDICIARY

SB 36, by Senator French

TRANSPORTATION

SB 187, by Senator Watters

HB 320-FN, by Senator Sherman

SPECIAL ORDER

Without objection, the following bills are special ordered to the beginning of the regular calendar. Adopted.

EDUCATION AND WORKFORCE DEVELOPMENT

SB 108, relative to eligibility for the governor's scholarship program.

SB 267, relative to the release of student assessment information and data.

FINANCE

SB 281-FN-A-LOCAL, relative to mental health services for schools and making an appropriation therefor.

SB 291-FN, relative to the construction of new mental health facilities.

SB 294-FN-A-LOCAL, relative to juvenile diversion programs.

SB 308-FN-A, relative to the health care workforce and making appropriations therefor.

SB 313-FN, establishing a citizen's right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor.

HEALTH AND HUMAN SERVICES

SB 4, relative to the group and individual health insurance market.

SB 120, relative to the controlled drug prescription health and safety program.

SB 175, relative to qualifying medical conditions for therapeutic cannabis.

WAYS AND MEANS

SB 94, relative to the number of days a charitable organization may operate bingo.

JUDICIARY

SB 36, creating a cause of action for certain constitutional deprivations of right.

TRANSPORTATION

SB 187, relative to OHRV dealer and rental agency registration fees and snowmobile registration fees.

HB 320-FN, authorizing Future In Sight to issue decals for multi-use decal number plates.

CONSENT CALENDAR

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

COMMERCE

SB 60, relative to advance notice to hourly employees of work schedules.

Re-refer to Committee, Vote 5-0. Senator Morgan for the committee.

This bill requires employers with 15 or more employees in this state to provide employees with advance notice of the work schedule. The committee heard many concerns about this legislation from various stakeholders who worried about the potential application of this bill. The committee feels that this legislation needs more time so that interested parties can come to a solution.

SB 148, relative to notification to public employees regarding their right to join or not join a union. Ought to Pass with Amendment, Vote 5-0. Senator French for the committee.

This bill requires an employer to provide written notice to any person hired for employment with the state or any of its political subdivisions regarding the employee's constitutional right to decide whether to join or not to join a union and the estimated annual cost to the employee of joining a union. This bill increases transparency and educates new employees on their rights under collective bargaining in the public sector. The amendment clarifies how union representatives can meet with new employees in a timely manner.

Commerce
March 19, 2019
2019-1165s
04/06

Amendment to SB 148

Amend the bill by replacing section 1 with the following:

1 New Section; Public Employee Labor Relations; Notification of Rights Regarding Union Membership. Amend RSA 273-A by inserting after section 11 the following new section:

273-A:11-a Notification of Rights Regarding Union Membership.

I. A public employer as defined in RSA 273-A:1, X shall, at the time of hiring, provide written notice to any person hired for employment with the state or any of its political subdivisions regarding the employee's constitutional right to decide whether to join or not to join a union and the estimated cost to the employee of joining a union. The written notice shall state: "You have the constitutional right to join or decline membership in a union or authorized collective bargaining unit. Union dues for the position for which you have been hired are estimated to be \$_____ per pay period."

II.(a) A public employer shall provide to an employee organization access to members of the bargaining unit that the employee organization exclusively represents. Access shall include the following:

(1) The right to meet with affected employees on the premises of the public employer during the work day to investigate and discuss grievances and workplace-related complaints,

(2) The right to conduct worksite meetings during lunch and other non-work breaks, and before and after the workday, on the employer's premises to discuss workplace issues, collective bargaining negotiations, the administration of collective bargaining agreements, other matters related to the duties of an exclusive representative and internal union matters involving the governance or business of the employee organization.

(3) The right to meet with newly-hired employees, without charge to the pay or leave time of the employees, for 60 minutes, not later than 10 calendar days after the employee's first day of employment, during new employee orientations or, if the employer does not conduct new employee orientations, at individual or group meetings.

(4) Meetings for any other purpose shall be by mutual agreement between the employee organization and the employer.

(b) Personal information, including but not limited to home address, phone numbers, email addresses, date of birth, bargaining units and groupings of employees, shall not be public and shall be prohibited from disclosure.

(c) Notwithstanding any law to the contrary, emails and other communications between employee organizations and their members shall be private records and shall be prohibited from disclosure.

(d) The exclusive representative shall be allowed to use government buildings and other facilities that are owned or leased by government entities to conduct meetings consistent with the purposes established in this section; provided, that the use does not interfere with governmental operations. An exclusive representative conducting a meeting in a government building or other government facility pursuant to this paragraph may be charged for maintenance, security and other costs related to the use of the government building or facility that would not otherwise be incurred by the government entity.

(e) Nothing in this paragraph shall be construed to diminish the obligations of an employer to comply with a collective bargaining agreement that provides greater access and orientation rights than the rights established by law.

(f) In this paragraph, “exclusive representative” means an employee organization which has been designated as the exclusive representative of employees in a collective bargaining unit.

2019-1165s

AMENDED ANALYSIS

This bill requires an employer to provide written notice to any person hired for employment with the state or any of its political subdivisions regarding the employee’s constitutional right to decide whether to join or not to join a union and the estimated annual cost to the employee of joining a union. The bill also requires a public employer to provide to an employee organization access to certain personal information of employees which the organization represents.

SB 192, relative to self-service storage facility liens.

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

This bill recodifies RSA 451-C, relative to self-service storage facility liens. This legislation offers updated definitions as well as ways to modernize common industry practices. The committee heard from multiple members in the self-service storage industry who expressed their support for this bill.

SB 251, relative to the life and health insurance guaranty association.

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

This bill makes changes recommended by the National Association of Insurance Commissioners to their model law on the Life and Health Insurance Guaranty Association of 1996. The amendment 2019-1175s addresses both minor language changes to the bill and prevents a citizen that receives a prescription for Narcan for public health purposes from losing or obtaining life insurance coverage.

Commerce

March 19, 2019

2019-1175s

01/06

Amendment to SB 251

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

AN ACT relative to the life and health insurance guaranty association and relative to an unfair insurance practice regarding certain prescriptions.

Amend RSA 408-B:2, II as inserted by section 1 of the bill by replacing it with the following:

II. To provide this protection, an association of *member* insurers is created to pay benefits and to continue coverages as limited herein, and members of the association are subject to assessment to provide funds to carry out the purpose of this chapter.

Amend RSA 408-B:5, II(b)(11) as inserted by section 7 of the bill by replacing it with the following:

(11) A policy or contract providing any hospital, medical, prescription drug or other health care benefits pursuant to Part C or Part D of subchapter XVIII, chapter 7 of Title 42 of the United States Code, commonly known as Medicare Part C and D, *or subchapter XIX, chapter 7 of Title 42 of the United States Code (commonly known as Medicaid)*, or any regulations issued pursuant thereto.

Amend RSA 408-B:5, III(b)(1)(B)(i) as inserted by section 8 of the bill by replacing it with the following:

(i) \$100,000 for coverages not defined as disability *income* insurance or ~~[basic hospital, medical and surgical insurance]~~ *health benefit plans* or long-term care insurance, as defined in RSA 415-D, including any net cash surrender and net cash withdrawal values;

Amend RSA 408-B:8, IV(c) as inserted by section 15 of the bill by replacing it with the following:

(c) With respect to individual policies *and contracts covered by the association*, make available to each known insured, *enrollee, or annuitant* or owner if other than the insured, and with respect to an individual formerly *an* insured, *enrollee, or annuitant* under a group policy *or contract* who is not eligible for replacement group coverage, make available substitute coverage on an individual basis in accordance with the provisions of subparagraph (d), if the insureds, *enrollees, or annuitants* had a right under law or the terminated policy, *contract or annuity* to convert coverage to individual coverage or to continue an individual policy, *contract, or annuity* in force until a specified age or for a specified time, during which the insurer *or health maintenance organization* had no right unilaterally to make changes in any provision of the policy, *contract, or annuity* or had a right only to make changes in premium by class.

Amend RSA 408-B:8, XIV(g) as inserted by section 15 of the bill by replacing it with the following:

(g) Unless prohibited by law, in accordance with the terms and conditions of the policy or contract, file for actuarially justified rate or premium increases for any policy or contract for which it provided coverage under this chapter.

Amend the bill by replacing section 19 with the following:

19 Life and Health Insurance Guaranty Association of 1996; Prevention of Insolvencies. Amend RSA 408-B:12 to read as follows:

408-B:12 Prevention of Insolvencies. To aid in the detection and prevention of **member** insurer insolvencies or impairments:

I. It shall be the duty of the commissioner:

(a) To notify the commissioners of all the other states, territories of the United States, and the District of Columbia when the commissioner takes any of the following actions against a member insurer:

(1) Revocation of license;

(2) Suspension of license; or

(3) Makes any formal order that such [company] **member insurer** restrict its premium writing, obtain additional contributions to surplus, withdraw from the state, reinsure all or any part of its business, or increase capital, surplus, or any other account for the security of [policyholders] **policy owners, contract owners, certificate holders**, or creditors.

The notice shall be mailed to all commissioners within 30 days following the action taken or the date on which such action occurs.

(b) To report to the board of directors when the commissioner has taken any of the actions set forth in subparagraph (a) or has received a report from any other commissioner indicating that any such action has been taken in another state. The report to the board of directors shall contain all significant details of the action taken or the report received from another commissioner.

(c) To report to the board of directors when the commissioner has reasonable cause to believe from any examination, whether completed or in process, of any member company that the company may be an impaired or insolvent insurer.

(d) To furnish to the board of directors the NAIC Insurance Regulatory Information System (IRIS) ratios and listings of companies not included in the ratios developed by the National Association of Insurance Commissioners, and the board may use the information contained therein in carrying out its duties and responsibilities under this section. The report and the information contained therein shall be kept confidential by the board of directors until such time as made public by the commissioner or other lawful authority.

II. The commissioner may seek the advice and recommendations of the board of directors concerning any matter affecting the duties and responsibilities of the commissioner regarding the financial condition of member insurers and [companies] **insurers and health maintenance organizations** seeking admission to transact [insurance] business in this state.

III. The board of directors may, upon majority vote, make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation, or conservation of any member insurer or germane to the solvency of any [company] **insurer or health maintenance organization** seeking to do [insurance] business in this state. Such reports and recommendations shall not be considered public documents.

IV. It shall be the duty of the board of directors, upon majority vote, to notify the commissioner of any information indicating any member insurer may be an impaired or insolvent insurer.

V. The board of directors may, upon majority vote, request that the commissioner order an examination of any member insurer which the board in good faith believes may be an impaired or insolvent insurer. Within 30 days of the receipt of such request, the commissioner shall begin an examination. The examination may be conducted as a National Association of Insurance Commissioners examination or may be conducted by such persons as the commissioner designates. The cost of the examination shall be paid by the association and the examination report shall be treated as are other examination reports. In no event shall the examination

report be released to the board of directors prior to its release to the public, but this shall not preclude the commissioner from complying with paragraph I. The commissioner shall notify the board of directors when the examination is completed. The request for an examination shall be kept on file by the commissioner, but it shall not be open to public inspection prior to the release of the examination report to the public.

VI. The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of *member* insurer insolvencies.

VII. The board of directors shall, at the conclusion of any insurer insolvency in which the association was obligated to pay covered claims, prepare a report to the commissioner containing such information as it may have in its possession bearing on the history and causes of the insolvency. The board shall cooperate with the boards of directors of guaranty associations in other states in preparing a report on the history and causes of insolvency of a particular insurer, and may adopt by reference any report prepared by such other associations.

Amend RSA 408-B:14, IV(a) as inserted by section 21 of the bill by replacing it with the following:

IV.(a) Prior to the termination of any liquidation, rehabilitation or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, the shareholders, *contract owners, certificate holders, enrollees* and ~~[policyowners]~~ *policy owners* of the insolvent insurer, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of the insolvent insurer. In such a determination, consideration shall be given to the welfare of the ~~[policyholders]~~ *policy owners, contract owners, certificate holders, and enrollees* of the continuing or successor *member* insurer.

Amend RSA 408-B:19, II as inserted by section 22 of the bill by replacing it with the following:

II. Within 180 days after January 1, 1996, the association shall prepare a summary document describing the general purposes and current limitations of the chapter and complying with paragraph III. This document shall be submitted to the commissioner for approval. Unless paragraph IV applies, at the expiration of the 60th day after the date on which the commissioner approves the document, ~~[an]~~ *a member* insurer may not deliver a policy or contract covered by a guaranty fund to a policy ~~[or]~~ *owner*, contract ~~[holder]~~ *owner, certificate holder, or enrollee* unless the summary document is delivered to the policy ~~[or]~~ *owner*, contract ~~[holder]~~ *owner, certificate holder, or enrollee* prior to or at the time of delivery of the policy or contract. The document shall also be available upon request by a ~~[policyholder]~~ *policy owner, contract owner, certificate holder, or enrollee*. The distribution, delivery or contents or interpretation of this document does not guarantee that either the policy or the contract or the ~~[holder of the policy or contract]~~ *policy owner, contract owner, certificate holder, or enrollee* is covered in the event of the impairment or insolvency of a member insurer. The description document shall be revised by the association as amendments to the chapter may require. Failure to receive this document does not give the ~~[policyholder]~~ *policy owner*, contract ~~[holder]~~ *owner*, certificate holder, *enrollee*, or insured any greater rights than those stated in this chapter.

Amend the bill by inserting after section 22 the following and renumbering the original section 23 to read as 24:

23 New Subparagraph; Unfair Insurance Practices; Certain Prescriptions. Amend RSA 417:4, VIII by inserting after subparagraph (g) the following new subparagraph:

Amend RSA 417:4, VIII by inserting after subparagraph (g) the following new subparagraph:

(h) For life, life annuity, or disability coverage, refusing to insure or to continue to insure, or limiting the amount, extent, or kind of coverage based on the applicant who is also the proposed insured having filled a prescription for a medication, including, but not limited to, naloxone, when that prescription is not relevant to the applicant's health, but rather is designed to promote public health or to prevent disease. For any such prescription, the carrier shall inquire with the applicant as to the reason for the prescription prior to issuing an underwriting decision.

2019-1175s

AMENDED ANALYSIS

This bill makes changes recommended by the National Association of Insurance Commissioners to their model law on the Life and Health Insurance Guaranty Association of 1996.

This bill also makes it an unfair insurance practice to refuse to insure an applicant who has filled a prescription for certain medications.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 45, relative to electioneering at polling places.

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

This bill was requested by the Secretary of State. It defines electioneering and clarifies restrictions on electioneering at the polling place. Additionally, it grants authority to the moderator to impose restrictions on parking and travel at the polling place to ensure parking is available for voters.

SB 104-L, relative to the postponement of city, town, village, and school district elections.

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

This bill provides the procedures for postponement of town, city, village, and school district elections in the event of a weather or other emergency. These procedures insure the integrity of the elections is not compromised. This legislation is a result of numerous conversations between the Secretary of State's office, town moderators and that New Hampshire Municipal Association who were able to reach consensus on the language of the bill.

Election Law and Municipal Affairs

March 20, 2019

2019-1186s

11/04

Amendment to SB 104-LOCAL

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

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

II.(a) ~~[In the event a weather emergency occurs on or before]~~ ***If the National Weather Service issues a weather event warning applicable to a town on the date of a deliberative session or [voting day] business session of a town meeting [in a town], which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may, up to 2 hours but not more than 48 hours prior to the scheduled session, postpone and reschedule the [deliberative] session [or voting day] of the meeting to another reasonable date, place, and time certain. If an accident, natural disaster, or other emergency occurs which the moderator reasonably believes may render use of the meeting location unsafe, the moderator may, at any time prior to the scheduled deliberative or business session, postpone and reschedule the session to a date, place, and time certain. To the extent practical, prior to making a decision to postpone, the moderator shall consult with the governing body, the clerk, and as appropriate for the circumstances the police chief, the fire chief, the road agent, and the local emergency management director. The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled date or dates.***

(b) In the event of a weather or other emergency as described in RSA 669:1 that occurs on or before the date of an official ballot voting day as defined in RSA 652:16-g, which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may postpone the session in accordance with RSA 669:1 and RSA 669:1-a.

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

2 Government of Town Meeting; Optional Form of Meeting-Official Ballot Referenda; Use of Official Ballot. Amend RSA 40:13, VII to read as follows:

VII. The second session of the annual meeting, ***which is the official ballot voting day as defined in RSA 652:16-g***, to elect officers of the local political subdivision by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all warrant articles from the first session on official ballot, shall be held on the second Tuesday in March, the second Tuesday in April, or the second Tuesday in May, as applicable ***unless it is postponed in accordance with RSA 40:4, II(b) and RSA 669:1***. Notwithstanding RSA 669:1, 670:1, or 671:2, the second session shall be deemed the annual election date for purposes of all applicable election statutes including, but not limited to, RSA 669:5, 669:19, 669:30, 670:3, 670:4, 670:11, 671:15, 671:19, and 671:30 through 32; and votes on zoning ordinances, historic district ordinances, and building codes under RSA 675.

3 Cities and Wards; Local Elections; Times. Amend RSA 44:11 to read as follows:

44:11 Times.

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

II. In the event of a weather or other emergency as described in RSA 669:1, the election may be postponed and rescheduled in the manner provided in that section, except that all references to the moderator shall be deemed to refer to the city clerk.

4 New Sections; Elections; Terms and Definitions. Amend RSA 652 by inserting after section 16-d the following new sections:

652:16-e Business Session. "Business session" means, in a town that has not adopted the provisions of RSA 40:13, the session of a town meeting at which voters discuss, deliberate, and vote on matters other than the election of officers by official ballot and other questions that are placed on the official ballot.

652:16-f Deliberative Session. "Deliberative session" means the first session of a meeting in a town that has adopted the provisions of RSA 40:13.

652:16-g Official Ballot Voting Day. "Official ballot voting day" means the day on which voters in a town vote on the election of officers or other questions authorized by law to be voted on by official ballot, or both, in compliance with the procedures for elections for the partisan official ballot system as set forth in RSA 669:12 or the nonpartisan official ballot system as set forth in RSA 669:19 through RSA 669:22, RSA 670:5 through RSA 670:7, and RSA 671:20 through RSA 671:30, including all requirements pertaining to absentee voting, the polling place, and polling hours.

5 Elections; Absentee Voting; Eligibility; Absence, Religious Observance, and Disability Voting. Amend RSA 657:1, I to read as follows:

I. Any person who [is] **will be** absent on the day of any state election from the city, town, or unincorporated place in which he or she is registered to vote or who cannot appear in public on any election day because of his or her observance of a religious commitment or who is unable to vote there in person by reason of physical disability may vote at such elections as provided in this chapter. A person who is unable to appear at any time during polling hours at his or her polling place because of an employment obligation shall be considered absent for purposes of this chapter. For the purposes of this section, the term "employment" shall include the care of children and infirm adults, with or without compensation.

6 Absentee Voting; Eligibility; Absence, Religious Observance, and Disability Absentee Voting. Amend RSA 657:1, II(a)-(c) to read as follows:

(a) A person [~~who is elderly or infirm or who has a physical disability,~~] who otherwise would have voted in person but has concerns for his or her safety traveling in the storm, shall be considered absent for purposes of this chapter and may vote absentee on the ~~[Monday]~~ **day** immediately prior to the election.

(b) A person who cares for children or infirm adults who reasonably anticipates that school, child care, or adult care will be canceled, who otherwise would have voted in person but will be deterred from voting by the need to care for children or infirm adults, shall be considered absent for purposes of this chapter and may vote absentee on the ~~[Monday]~~ **day** immediately prior to the election.

(c) As required by RSA 652:20, the clerk's office shall be open to receive applications for absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive returned ballots on the ~~[Monday]~~ **day** immediately prior to an election at a minimum from 3:00 p.m. to 5:00 p.m. The clerk may designate a deputy clerk or assistant to provide this service, provided the individual has taken the oath of office and has been trained in the requirements for using an absentee ballot and the procedures for issuing and receiving absentee ballots.

(d) In the event an election is postponed pursuant to RSA 669:1, the provisions of subparagraph (c) shall apply to the day before the date of the originally scheduled election and the day before the date of the postponed election.

7 New Paragraph; Town Elections; General Provisions; Election Dates. Amend RSA 669:1 by inserting after paragraph IV the following new paragraph:

V.(a) If the National Weather Service issues a weather event warning applicable to a town on a date when an election is scheduled, which the moderator reasonably believes may cause the roads to be hazardous or unsafe, or if an accident, fire, natural disaster, or other emergency occurs that the moderator reasonably believes may render use of the election location unsafe on the date of the election, then the moderator may, after consulting with town officials, postpone the election. To the extent practical, prior to making a decision to postpone, the moderator shall consult with the governing body, the clerk, and as appropriate for the circumstances the police chief, the fire chief, the road agent, and the local emergency management director. The moderator shall document any decision to postpone the election and notify the secretary of state by phone or electronic mail of the postponement within two hours of the decision to postpone.

(b) When a ballot to be used at an election which has been postponed contains questions that are to be voted on simultaneously by more than one town, such as those relating to village, school, or water districts, the postponement of an election shall apply to all towns voting on that issue at the election. The moderators of the towns involved, after consultation with respective town officials, shall communicate with each other to reach a consensus on the postponement. In such instances, one of the moderators shall be selected to document the communications and notify the secretary of state. If a consensus cannot be reached, the election shall be postponed if a majority of the moderators vote to postpone.

(c) The decision to postpone shall be made on the day immediately prior to the election at any time before 6:00 p.m.

(d) If the moderator postpones the town election as provided in this paragraph V, the moderator shall document the decision and notify the secretary of state by telephone or electronic mail of the postponement within 2 hours of the decision to postpone.

(e) If a special state election is scheduled for the date of the town election, this section shall not apply.

8 New Section; Town Elections; General Provisions; Postponed Town Elections. Amend RSA 669 by inserting after section 1 the following new section:

669:1-a Postponed Town Elections.

I. Any election postponed pursuant to RSA 669:1, V shall be rescheduled to the Tuesday 2 weeks following the original date of the election, provided all other applicable statutory provisions associated with elections under this chapter shall also be extended the same 2 weeks.

II. The supervisors of the checklist shall not be required to meet again until the postponed town election day.

III. If the election is postponed to a date that follows the date of the business meeting, the end of the term of the moderator established in RSA 40:1 shall be extended through the completion of all election day duties or until the qualification of a successor, whichever is later.

IV. Any school district election coordinated with a town under RSA 671:26-a or otherwise held in conjunction with the town election shall also be subject to the provisions of this section.

V. The moderator and the governing body shall employ all reasonable means to provide voters with notice of the postponement, the date on which the postponed election shall be conducted, and information on obtaining absentee ballots for those voters who qualify to vote by absentee ballot at the postponed election. To the extent practical given the circumstances of the postponement, notice shall be posted at the location of the scheduled election, at the municipal offices, and on the website of each town, school district, and village district whose election is postponed.

VI. All ballots prepared for the original date of the election shall be used for the postponed election. A notice explaining the deadline for returning an absentee ballot shall be issued to voters who request and are sent an absentee ballot during the period between the original date and the postponed date of the election.

VII. All absentee ballots submitted to be counted on the date of the original election, all absentee ballots submitted for the original date of the election which arrive after that date but before 5:00 p.m. on the date of the postponed election, and all absentee ballots submitted to be counted at the postponed election shall be submitted to the moderator for processing in accordance with RSA 659.

VIII. To the extent practicable, the town clerk may decide to be at the location of the originally scheduled election to receive applications for absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive returned ballots during what would have been normal polling hours. The town clerk may designate a deputy clerk or assistant to provide this service, provided the individual has taken an oath of office and has been trained in the requirements for using an absentee ballot and the procedures for issuing and receiving absentee ballots.

IX. The absentee ballot of a voter who qualified to vote by absentee ballot because he or she expected to be absent or unable to appear at the polls on the original date of the election and who submitted an absentee ballot which otherwise satisfies the requirements for voting by absentee ballot, shall be counted even if the voter is present in the town or able to appear at the polls on the date of the rescheduled election.

X. All absentee ballots shall be processed as provided for by RSA 659.

9 New Section; Elections; Village District Elections; General Provisions; Rescheduling of Village District Elections. Amend RSA 670 by inserting after section 1 the following new section:

670:1-a Rescheduling of Village District Elections. In the case of a village district that includes voters from 2 or more towns and holds its elections in conjunction with town elections, in the event of a weather or other emergency as described in RSA 669:1, V, the town moderators in each town shall, as described in RSA 669:1, coordinate to reschedule the town and village district elections as provided in that section.

10 New Section; School District Elections; Conduct of Election: Coordination with Town Election; Rescheduling Elections. Amend RSA 671 by inserting after section 22 the following new section:

671:22-a Rescheduling Elections. In the case of a school district that comprises one or more preexisting districts and holds its elections in conjunction with the town elections in the component towns as provided in this subdivision, in the event of a weather or other emergency as described in RSA 669:1, V, the town moderators in each town shall, as described in RSA 669:1, coordinate to reschedule the town and school district elections.

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

SB 152, relative to third party inspections conducted pursuant to a planning board approval.

Re-refer to Committee, Vote 5-0. Senator Sherman for the committee.

This bill will require that planning boards that mandate third party inspection during construction processes develop a scope for the inspection and solicit inspection proposals from multiple bidders before selecting an inspector. The committee felt that the legislation needs more research to insure project protections for both the municipality and the developer.

SB 154, allowing municipalities to adopt a credit against property taxes for certain workforce housing. Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

This bill enables municipalities to adopt a credit against property taxes assessed on certain workforce housing. It will help preserve and enhance the existing stock of workforce housing which is desperately needed in New Hampshire. The amendment authorizes the town of Milton to sell a piece of property in town through a real estate broker.

Election Law and Municipal Affairs

March 20, 2019

2019-1198s

10/06

Amendment to SB 154

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

AN ACT allowing municipalities to adopt a credit against property taxes for certain workforce housing, and authorizing the sale of certain property by the town of Milton.

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

4 Town of Milton; Authorization to Sell Property. Notwithstanding RSA 41:14-a, II(c), the town of Milton is hereby authorized to sell property located at 460 White Mountain Highway, known as "the old fire station," which has been listed for sale with a real estate broker in order to satisfy the requirements of the division of charitable trusts, department of justice.

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

2019-1198s

AMENDED ANALYSIS

This bill enables municipalities to adopt a credit against property taxes assessed on certain workforce housing. This bill also authorizes the town of Milton to sell certain property through a real estate broker.

ENERGY AND NATURAL RESOURCES

SB 72, relative to issuance of renewable energy certificates.

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

This bill repeals the requirement that the Public Utilities Commission estimate and give credit for the total yearly production for customer-sited sources that are net metered and for which Class I or Class II renewable energy certificates (RECs) are not issued. This estimated REC production is credited against an electric supplier's RPS obligations in Class II. This credit has suppressed the value of Class II RECs in the RPS market, impacting the ability for developers and customers to invest in solar facilities. New Hampshire appears to be the only state that allows utilities to sweep such credits. Repealing this credit mechanism will require the purchase of more Class II RECs, increasing their price and stabilizing the Class II market.

SB 73, requiring the public utilities commission to quantify and consider environmental and socioeconomic costs in state energy plans of electric utilities.

Re-refer to Committee, Vote 5-0. Senator Watters for the committee.

This bill would have required the Public Utilities Commission to quantify and establish a range of environmental costs and socioeconomic costs associated with each method of electricity generation when evaluating and selecting resource options of electric utilities. Senate Bill 73 as introduced contained broad language that would have impacted default service solicitations, possibly leading to failed auctions. Additionally, the lack of definitions for "environmental costs" and "socioeconomic costs" would have created confusion for the electric distribution utilities and the PUC. The committee believes further review of this bill is required.

SB 75, establishing a commission to study the economic impact of national carbon pricing in New Hampshire.

Re-refer to Committee, Vote 5-0. Senator Fuller Clark for the committee.

This bill would establish a commission to study the economic impact of a national carbon pricing program on New Hampshire. The committee believes this bill requires further review and would like additional time to review the commission's structure and guidelines.

SB 78, relative to public utility customer data.

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

Current statute, when read narrowly, precludes the use of meter data for research and development of potentially new and beneficial demand energy response, energy management, and energy efficiency programs. Senate Bill 78 allows for the use of utility customer data for research, development, and implementation of new rate structures and tariffs. Such data would be helpful to inform whether there is a necessity for new programs and services that may be beneficial to customers, the electric grid, and the environment.

SB 204, relative to distributed energy resources and consumer energy storage.

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

Senate Bill 204 modifies the regulation of distributed energy resources of electric utilities, provides for electric consumer energy storage systems, and enables municipalities to adopt a property tax exemption for electric energy storage systems. The committee amendment ensures that any energy storage system funded by a public utility shall be consistent with the electric utility restructuring statute. The committee amendment reclarifies the purpose statement of RSA 374-G to encourage the market-based development of energy storage and makes clear that New Hampshire's electric consumers have the right to install energy storage systems without the burden of unnecessary restrictions or regulations.

Energy and Natural Resources

March 20, 2019

2019-1178s

10/04

Amendment to SB 204

Amend the bill by replacing section 2 with the following:

2 Distributed Energy Resources; Purpose. Amend RSA 374-G:1 to read as follows:

374-G:1 Purpose. ~~[Distributed energy resources can increase overall energy efficiency and provide energy security and diversity by eliminating, displacing, or better managing traditional fossil fuel energy deliveries from the centralized bulk power grid, in keeping with the objectives of RSA 362-F:1.]~~ It is [therefore] in the public interest to stimulate investment in distributed energy resources in New Hampshire in diverse ways, including by encouraging New Hampshire electric public utilities to invest in renewable and clean distributed energy resources at the lowest reasonable cost to taxpayers benefiting the transmission and distribution system under state regulatory oversight. ***This section shall not be interpreted to hinder or discourage market-based development of energy storage.***

Amend RSA 374-G:2, I(c) as inserted by section 3 of the bill by replacing it with the following:

(c) "Energy storage" means any system, including batteries and the batteries paired with on-site generation, that is capable of retaining, storing, and delivering energy by chemical, thermal, mechanical, or other means.

Amend RSA 374-G:2, III as inserted by section 3 of the bill by replacing it with the following:

III. Energy storage funded by a public utility shall be consistent with, as determined by the commission, the provisions of RSA 374-F.

Amend the bill by deleting section 5 and renumbering the original sections 6-13 to read as 5-12, respectively.

Amend RSA 374-G:8, I(b) as inserted by section 6 of the bill by replacing it with the following:

(b) New Hampshire's consumers of electricity have a right to install, interconnect, and use energy storage systems on their property without the burden of unnecessary restrictions or regulations and without unduly discriminatory rates or fees;

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 80, relative to applicants to the board of mental health practice from other states.

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

This bill as amended requires the Board of Mental Health Practice to issue an interim license to qualified applicants from other states while awaiting final approval or denial of their application within 15 days, if no complaints or other reasons for denial are found. The bill also adds two members to the Board and clarifies the procedure for insurance credentialing of out-of-state mental health practitioners and psychologists applying for state licensure.

Senate Executive Departments and Administration

March 20, 2019

2019-1194s

10/05

Amendment to SB 80

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

AN ACT relative to applicants to the board of mental health practice from other states, membership on the board of mental health practice, and insurance credentialing of out-of-state mental health practitioners and psychologists.

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

1 New Paragraph; Mental Health Practice; Applicants From Other States. Amend RSA 330-A:26 by inserting after paragraph III the following new paragraph:

IV. If the board fails to grant a regular license under paragraph II within 15 days to an applicant who meets the requirements of paragraphs I and/or III, for which applicant there are no complaints or other reasons for denial, the applicant shall be issued an interim license which shall allow the applicant to practice in this state pending final approval or denial of the application by the board.

2 Board of Mental Health Practice; New Members. Amend RSA 330-A:3, I to read as follows:

I. There shall be a board of mental health practice composed of the following members: one licensed pastoral psychotherapist, one licensed clinical social worker, one licensed marriage and family therapist, one licensed clinical mental health counselor, ***one member from a community mental health center, one member from a community health center,*** and 3 public members. The members shall be appointed to

a term of 3 years by the governor with the approval of the council. The members of the board shall elect a chairperson on an annual basis. No discipline's representative and no individual public member shall serve as chairperson for more than 2 years consecutively.

3 Board of Mental Health Practice; Quorum. Amend RSA 330-A:9, I to read as follows:

I. The board shall hold regular annual meetings. Other meetings of the board shall be held at such times and upon such notice as the rules of the board provide. ~~[Four]~~ **Five** members shall constitute a quorum.

4 Managed Care Law; Credentialing Verification; Mental Practitioners and Psychologists. Amend RSA 420-J:8-c to read as follows:

420-J:8-c Reimbursement for Providers Waiting for Health Carrier Credentialing Verification.

I. Pursuant to RSA 420-J:4, I, health carriers issuing health benefit plans subject to this chapter shall pay claims for covered services rendered to covered persons by a health care provider who, at the time of submission of a clean and complete credentialing application, has a valid license from the respective state licensing board and has been credentialed by the hospital, if appropriate. The claim for covered services rendered by the provider applicant shall be paid at the same contracted rate as the credentialed provider:

~~[F.]~~ **(a)** When covering on-call for another health care provider who is credentialed by the carrier and billed using the name of the credentialed provider; or

~~[H.]~~ **(b)** Who, at the time of application, is credentialed by the health carrier in another state or is in the health carrier's New Hampshire network based on employment with a particular health care entity.

II. For purposes of RSA 420-J:4 and this section, a health care provider having a valid license shall include all:

(a) Mental health practitioners licensed under RSA 330-A and applicants for mental health practice licensure from other states who are able to practice in this state pursuant to RSA 330-A:26, II or IV.

(b) Psychologists licensed under RSA 329-B and psychologists licensed in another jurisdiction issued a temporary license to practice under RSA 329-B:20, III.

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

2019-1194s

AMENDED ANALYSIS

This bill requires the board of mental health practice to issue an interim license to qualified applicants from other states while awaiting final approval or denial of the application. The bill also adds 2 members to the board of mental health practice. The bill also clarifies the procedure for insurance credentialing of out-of-state mental health practitioners and psychologists applying for state licensure.

SB 111, relative to the collection of health care data.

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

This bill, a request of the Department of Health and Human Services, addresses the collection of health care data. The intent of this legislation is to protect privacy while using data to inform public health and clinical care. Enacting this bill will provide direction to entities requesting data, transparency to the public and security for any data released. The Committee, with cooperation from the stakeholders, amended the bill to clarify the language and terminology.

Senate Executive Departments and Administration

March 20, 2019

2019-1188s

01/05

Amendment to SB 111

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

1 Vital Records and Health Statistics. Amend the chapter heading of RSA 126 to read as follows:

~~[VITAL RECORDS AND]~~ HEALTH STATISTICS

2 Health Care Data; Data Collection. RSA 126:25 is repealed and reenacted to read as follows:

126:25 Data Collection.

I. This subdivision establishes a system for the collection of health care data and for the disclosure of data consistent with the Health Insurance Portability Accountability Act of (1996), 45 C.F.R. sections 160, 162, and 164 (HIPAA), limited to, public health activities, health care oversight, research, health care operations, the administration of anti-fraud, waste, and abuse activities, and the prevention of anti-competition practices in the health care system. For the purposes of this section, health care operations shall not include marketing or fundraising except such use or disclosure shall be permissible for market analysis.

II. All health care facilities under RSA 151:2 shall file health care data as required by the commissioner of health and human services, pursuant to RSA 126:27. This data shall include, but not be limited to:

(a) For hospitals, the data now collected through the uniform health care facility discharge data set as amended by rule pursuant to RSA 541-A; and

(b) For all facilities, disposition destination of each patient or resident admitted, payer information, charge by discharge, and any demographic or diagnostic information necessary for the administration of this subdivision.

3 Health Care Data; Rulemaking. Amend RSA 126:27 to read as follows:

126:27 Rulemaking. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, relative to:

I. The types of data which each facility ~~[and provider]~~ shall be required to file under RSA 126:25 ~~[and the types of data required under RSA 420-G:11, II].~~

II. The form in which data shall be filed under RSA 126:25.

III. The times at which data shall be filed under RSA 126:25.

IV. User fees which shall be assessed persons requesting data under RSA 126:28, 126:30, and 141-B:9.

V. Confidentiality of data collected **and disclosed** under this subdivision subject to the provisions of RSA 126:28.

VI. Procedures ~~[for obtaining data from]~~ **and written requirements for obtaining, using, and protecting data provided by** the department of health and human services under RSA 126:28.

~~[VII. The types of data which shall be reported under RSA 420-G:4, V.]~~

4 Health Care Data; Availability of Data. RSA 126:28 and RSA 126:29 are repealed and reenacted to read as follows:

126:28 Availability of Data. Notwithstanding any other provision of law, data collected under RSA 126:25 shall be made available:

I. To the public upon request, provided that individual patients or health care practitioners shall not be directly or indirectly identifiable.

II. To individuals or entities for research, public health, or health care operations as defined by HIPAA, or any other individual or entity as allowable by law, demonstrating a legitimate need for such information, if such disclosure is consistent with all applicable HIPAA standards and approved by the commissioner, or designee, in accordance with rules adopted under RSA 126:27. Use of data disclosed shall not be for marketing or fundraising targeted to individuals except such use or disclosure shall be permissible for market analysis.

III. To the insurance department, the department of justice, or any other state or federal agency, and any agency's contractors, for review of health care matters within the agency's respective jurisdictional authority. An agency or contractor receiving health care data under this section shall comply with all state and federal confidentiality, privacy, and security protections.

126:29 Penalties. In addition to any other penalties provided by law, any health care facility which willfully fails to comply with the provisions of this subdivision shall be subject to a civil penalty of \$100 for each day of noncompliance, which shall not be reimbursable by a commercial insurer, nonprofit health services corporation, health maintenance organization, or multiple employer welfare arrangement as provided in RSA 415, 420-A, 420-B, and 415-E.

5 Public Health; Critical Health Problems Reporting Act; Form. Amend RSA 141-A:5, III to read as follows:

III. A report or other data relating to a critical health problem which discloses the identity of an individual who was reported as having a critical health problem shall be made available only to persons who demonstrate a need for the report or other data which is essential to health related research, ***including but not limited to, for purposes of administering the lead paint poisoning prevention control program under RSA 130-A.*** A report or data which does not disclose the identity of the individual shall be made available to the public in compliance with RSA 91-A.

6 Health Coverage; Development of a Comprehensive Health Care Information System. Amend RSA 420-G:11-a, I to read as follows:

I. The department, ***the department of justice,*** and the department of health and human services shall enter into a memorandum of understanding for collaboration in the development of a comprehensive health care information system, ***the sharing of submitted data fields, and the role of each in the security of transferred health care data.*** The memorandum of understanding shall include a description of the data sets that will be included in the comprehensive health care information system, the criteria and procedures for the development of limited use data sets, the criteria and procedures to ensure that Health Insurance Portability and Accountability Act of 1996 (HIPAA) compliant limited use data sets are accessible, and a proposed time frame for the creation of a comprehensive health care information system. To the extent allowed by HIPAA, the data shall be available as a resource for insurers, employers, providers, purchasers of health care, and state agencies to continuously review health care utilization, expenditures, and performance in New Hampshire and to enhance the ability of New Hampshire consumers and employers to make informed and cost-effective health care choices. In presenting data for public access, comparative considerations shall be made regarding geography, demographics, general economic factors, and institutional size. Notwithstanding HIPAA or any other provision of law, the comprehensive health care information system shall not include or disclose any data that contains direct personal identifiers. For the purposes of this section, "direct personal identifiers" include information relating to an individual that contains primary or obvious identifiers[~~such as the individual's name, street address, e-mail address, telephone number, and social security number~~].

7 Repeal. The following are repealed:

I. RSA 126:26, relative to data review.

II. RSA 126:33 and 126:34, relative to certain reports.

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

SB 211, exempting the department of transportation from certain reporting requirements.
Ought to Pass with Amendment, Vote 5-0. Senator Cavanaugh for the committee.

As amended, this bill requires state agencies that own real property to include certain encumbrances in their biennial report to the commissioner of the Department of Administrative Services, who will compile and file a consolidated set of these agency reports. The Committee amended the bill to require the Department of Transportation to only report on properties that potentially would be for sale and not for properties such as, rights of way, highways, bridges, rest areas and the like.

Senate Executive Departments and Administration
March 20, 2019
2019-1192s
06/10

Amendment to SB 211

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

AN ACT relative to reporting requirements for state agencies owning real property.

Amend the bill by replacing section 1 with the following:

1 Disposition of Property; Real Property Owned by State Agencies; Reporting Requirement. RSA 4:39-e is repealed and reenacted to read as follows:

4:39-e Real Property Owned by State Agencies; Reporting Requirement.

I. On or before July 1, 2013, and biennially thereafter, each state agency, as defined in RSA 21-G:5, III, shall make a report identifying all real property owned by the agency. For each parcel of land owned by the agency, the report shall include any reversionary provisions or other deed restrictions, conservation or other

easements, lease arrangements with third-party tenants, and any other agreement or encumbrance that may affect the future sale of the property, but only to the extent known by the agency or as may be determined through reasonable efforts. For each building or parcel of land leased to a third party by the agency, the report shall include the lease term. This section shall not apply to infrastructure properties used as the public rights of way for roads, highways, bridges, railroads, rail trails, rest areas, park and rides, or turnpike toll operations.

II. Each state agency shall file the report with the commissioner of the department of administrative services. The commissioner of the department of administrative services shall compile the reports from each agency and file a consolidated set of agency reports with the governor, the senate president, the speaker of the house of representatives, the chairperson of the senate capital budget committee, the chairperson of the house public works and highways committee, and the chairperson of the long range capital planning and utilization committee established in RSA 17-M:1.

III. The commissioner of the department of administrative services shall develop a standard format for agencies to use in submitting the report required under this section. The form of the report shall not be considered a rule subject to the provisions of RSA 541-A.

2019-1192s

AMENDED ANALYSIS

This bill requires state agencies that own real property to include certain encumbrances in their biennial report to the commissioner of the department of administrative services.

The bill also requires the commissioner of the department of administrative services to compile and file a consolidated set of agency reports.

HEALTH AND HUMAN SERVICES

SB 85, reestablishing the commission to study environmentally-triggered chronic illness. Ought to Pass with Amendment, Vote 5-0. Senator Sherman for the committee.

In its work over the last 2 years, the commission has started the process of developing the capacity to evaluate and report possible relationships between environmental exposure and illness in New Hampshire. This bill allows the commission to continue this work as recommended in its final report. The committee amendment replaces the bill with the language from House Bill 736 as it was introduced.

Health and Human Services

March 20, 2019

2019-1204s

01/06

Amendment to SB 85

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

1 Statement of Intent. The general court recognizes that nearly half of adults in the United States have at least one chronic health condition and chronic diseases are responsible for increased health care costs. Seventy percent of health care costs in the United States are for chronic diseases. Some chronic diseases are known or thought to be associated with environmental causes. According to the Centers for Disease Control, the state of New Hampshire has the highest rates of people with bladder, breast, esophageal, and pediatric cancer in the country. In addition, a double pediatric cancer cluster was identified in the seacoast of New Hampshire in 2014. Therefore, the general court hereby establishes the commission to study environmentally-triggered chronic illness.

2 New Section; Commission to Study Environmentally-Triggered Chronic Illness Reestablished. Amend RSA 126-A by inserting after section 73 the following new section:

126-A:73-a Commission to Study Environmentally-Triggered Chronic Illness Reestablished.

I. There is established a commission to study environmentally-triggered chronic illness.

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

(1) Five members of the house of representatives, 3 of whom shall be appointed by the speaker of the house of representatives and 2 of whom shall be appointed by the house minority leader.

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

- (3) The commissioner of the department of health and human services, or designee.
- (4) The commissioner of the department of environmental services, or designee.
- (5) The director of the university of New Hampshire institute for health policy and practice, or designee.
- (6) The director of Boston University public health policy and practice, or designee.
- (7) A representative from the New Hampshire Medical Society, appointed by the society.
- (8) The chair of the board of trustees of the New Hampshire Hospital Association, or designee.
- (9) An advanced practice registered nurse, appointed by the New Hampshire Nurse Practitioner Association.
- (10) The program manager of the environmental public health tracking program, department of health and human services, or designee.
- (11) Two community members with backgrounds in environmental science and/ or public health, nominated by the senators on the commission, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the speaker of the house of representatives.

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

III.(a) The commission's study shall include, but not be limited to:

- (1) Determining which entities may report confirmed cases of chronic conditions or other health-related impacts to the public health oversight program.
- (2) Recommending ways to alert public health officials regarding higher than expected rates of chronic disease or other health-related impacts which may be related to exposures of unrecognized environmental contaminants.
- (3) Recommending a method to inform citizens regarding programs designed to manage chronic disease or other environmental exposure health-related impacts.
- (4) Recommending data sources and a method to include data compiled by a public or private entity to the greatest extent possible in the development of the public health oversight program.
- (5) Defining by codes, the health status indicators to be monitored, including chronic conditions, medical conditions, and poor health outcomes.
- (6) Studying current health databases, including years available, potential for small area analysis, and privacy concerns.
- (7) Researching currently existing health data reports by agency, bureau, or organization.
- (8) Creating a model of desired data outputs and reports for chronic conditions and other health-related impacts.
- (9) Identifying the gaps between what currently exists and the model output.
- (10) Recommending the organizational structure responsible for the oversight function and mandatory reporting requirements.
- (11) Reviewing results of stages 1, 2 and 3 of the pilot study recommended by the previous commission established by 2017, 166 and identifying changes to subparagraphs (8), and further identify items in (9) and (10).
- (12) Identifying technology system changes necessary to carry out the charge of the commission.
- (13) Collaborating with the National Institutes of Health, the United States Environmental Protection Agency, and the Centers for Disease Control and Prevention to develop protocols for the department of health and human services to educate and provide guidelines for physicians and other advanced health care practitioners to identify and evaluate appropriate diagnostic screening tests to assess health effects from exposure to emerging contaminants.

(14) Collaborating with the National Institutes of Health, the United States Environmental Protection Agency, and the Centers for Disease Control and Prevention to develop protocols for programs to streamline education and outreach to health care providers about how to implement the guidelines specified in subparagraph (13). The protocols shall include education relative to methods to reduce further exposures and to eliminate the contaminants, if effective methods are available.

(15) Recommending legislation, as necessary, to carry out the charge of the commission.

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

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

V. The commission shall submit interim reports on November 1 of each year beginning November 1, 2020 containing its findings and any recommendations for proposed legislation and a final report on or before November 1, 2027 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.

3 Membership of Commission to Study Environmentally-Triggered Chronic Illness. To the extent possible, the initial membership of the commission to study environmentally-triggered chronic illness reestablished in section 2 of this act shall remain the same as the commission established in former RSA 126-A:73.

4 Data Sharing Between the Department of Environmental Services and the Department of Health and Human Services; Reference Deletion. Amend RSA 126-A:76, I(d) to read as follows:

(d) Make a presentation to the commission to study environmentally-triggered chronic illness[~~established in RSA 126-A:73;~~] regarding the departments' use of the standard operating procedure developed under subparagraph (b) to compare data, analyze community impacts, and communicate the results to the community.

5 Data Sharing Between the Department of Environmental Services and the Department of Health and Human Services; Reference Deletion. Amend RSA 126-A:76, III to read as follows:

III. On or before September 1, [2018] **2019, and at a minimum every 6 months thereafter**, the commissioners of the department of environmental services and the department of health and human services shall submit a report regarding the data sharing practices required under paragraph I to the speaker of the house of representatives, the senate president, the state library, and the commission to study environmentally-triggered chronic illness[~~established in RSA 126-A:73~~]. The report shall include [a description and estimate of the cost to perform a] **results of the** 2-way pilot project between the departments on arsenic in drinking water, where both health effects and environmental data exist.

6 Repeal. RSA 126-A:73-a, relative to the commission to study environmentally-triggered chronic illness, is repealed.

7 Effective Date.

I. Section 6 of this act shall take effect November 1, 2027.

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

SB 177, relative to the use of physical restraints on persons who are involuntarily committed. Ought to Pass with Amendment, Vote 5-0. Senator Sherman for the committee.

SB 177 adjusts the statute concerning the use of physical restraints on patients who are involuntary committed. Not everybody who is in the midst of a mental health crisis should be restrained. In many cases, the use of restraints can be traumatizing for these patients and ultimately hinder their treatment. SB 177 ensures that the use of restraints will only be used in cases where it is deemed that the patient poses a potential threat to themselves or others. The committee amendment clarifies that law enforcement officials have the right to use restraints during a secure transfer if they determine that the use of restraints is necessary for the safety of the patient and others.

Health and Human Services
March 19, 2019
2019-1172s
01/06

Amendment to SB 177

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

1 Mental Health Services System; Delivery to a Receiving Facility. RSA 135-C:29 is repealed and reenacted to read as follows:

135-C:29 Delivery to Receiving Facility.

I. Upon completion of an involuntary emergency admission certificate under RSA 135-C:28, a law enforcement officer shall, except as provided in paragraph II, take custody of the person to be admitted and shall immediately deliver such person to the receiving facility identified in the certificate. The mode and circumstances of transport to the receiving facility shall be determined in accordance with paragraph II.

II. The physician or APRN who is authorized to order involuntary emergency admission under RSA 135-C:28, I shall determine which transport option should be used to transport the person to New Hampshire hospital or the designated receiving facility. The transport options shall be by ambulance or by law enforcement. The transporting agency shall deliver the person to the designated receiving facility or New Hampshire hospital and shall determine whether restraint is necessary to protect the safety of the person, personnel conducting the transport, or the public. In the case of ambulance transport, such determination shall be in writing and shall state the factual basis for the conclusion that physical restraints are necessary. Physical restraints shall be used only to transport a person being admitted to New Hampshire hospital or a designated receiving facility, if necessary, to protect the safety of the person, personnel conducting the transport, property, or the public. For the purpose of this paragraph, "physical restraints" means the use of mechanical devices or other means to restrict the movement of a person or the movement or normal function of a portion of his or her body.

III. When the person being admitted to New Hampshire hospital or a designated receiving facility is a child under age 18, the physician or APRN shall consult with the parent, guardian, or legal custodian of the child prior to making the determination required under paragraph II.

IV. Each designated receiving facility and the chief executive officer of New Hampshire hospital shall submit an annual report regarding the use of restraint and the use of different modes of transportation to their facility. The report shall be submitted on or before November 1 of each year to the oversight committee on health and human services, established in RSA 126-A:13, and shall document the 12 months ending on September 30 of each year. The first report shall be for the 9 months ending on September 30, 2020. The report shall detail the number of admissions of children and adults, broken down by mode of transport, how often restraints were used in each mode of transport, and if the restraint was applied before or during transport.

2 Effective Date. This act shall take effect January 1, 2020.

HB 284, relative to biennial controlled substance inventories conducted under the Controlled Drug Act. Ought to Pass, Vote 5-0. Senator Sherman for the committee.

This bill adjusts the current statute requiring pharmacies to conduct an inventory of their controlled substances. Currently, pharmacies are required to conduct this inventory every odd-numbered year on May 1st. HB 284 will provide more flexibility to these pharmacies by specifying that they must conduct these inventories every odd numbered year and in accordance with federal law. The bill does not impose a specific date in which the inventory must be completed.

JUDICIARY

SB 182, relative to a duty to report when another person has suffered grave physical harm. Re-refer to Committee, Vote 5-0. Senator Carson for the committee.

This bill establishes a duty to report when another person has suffered grave physical harm. This is a very complicated area of law, and therefore the Committee asks for support of the Re-Refer motion in order to allow more time to examine the issue.

SB 212, relative to limited driving privilege after revocation or suspension. Ought to Pass, Vote 5-0. Senator Hennessey for the committee.

This bill clarifies the requirements for issuance of a driver's license with limited driving privileges. By clarifying this statute, the bill eliminates confusion for individuals driving with limited driving privileges, requires that these individuals have a copy of the court order on their person while operating a vehicle, and makes clear that the limited driving license cannot be valid for longer than the suspension period ordered by the judge.

TRANSPORTATION

SB 220, relative to department of transportation access to crash data.

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

This bill was requested by the Department of Transportation in order to clarify that the Department has the authority to access crash data from the Department of Safety to conduct real-time analysis. They need access to this data in a timely manner in order to improve safety and advance safety related initiatives. The committee amendment clarifies that no personally identifiable information may be used or disclosed by the Department.

Senate Transportation

March 19, 2019

2019-1171s

05/10

Amendment to SB 220

Amend RSA 21-L:12-c as inserted by section 1 of the bill by replacing it with the following:

21-L:12-c Access to Crash Data. Notwithstanding any provision of law to the contrary, the commissioner of the department of transportation and designated department of transportation safety representatives are authorized to access or be provided with crash data held by the department of safety, local law enforcement, or other government agencies or entities. The purpose of this authorization is to enable the department of transportation and its agents to access information for the sole purpose of timely crash analysis for improved safety and to advance safety related initiatives. For the stated purpose, the department of transportation is authorized to share the data with governmental transportation planning agencies and their contracted agents for transportation planning purposes, provided the information shall not be further disseminated or used for any other purpose. In the event that the department obtains personally identifiable information, the department shall not include such information in its analysis nor disclose the personally identifiable information. Any information received under this section by the department of transportation shall not be available under RSA 91-A.

HB 267, relative to the international registration plan.

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

This bill will repeal the International Registration Plan (IRP) and incorporate it by reference. The bill was requested by the Department of Safety. The Director of the Division of Motor Vehicles explained that the IRP evolves and gets amended on a continual basis and NH has to file legislation each time this happens in order to keep up to date. This bill will give the commissioner the authority to make any changes necessary to enter into and carry out the provisions of the IRP without legislation being required.

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

REGULAR CALENDAR

EDUCATION AND WORKFORCE DEVELOPMENT

SB 108, relative to eligibility for the governor's scholarship program.

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

Education and Workforce Development

March 19, 2019

2019-1132s

04/06

Amendment to SB 108

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

1 Governor's Scholarship Program and Fund. RSA 4-C:31 through 4-C:35 are repealed and reenacted to read as follows:

4-C:31 Definitions. In this subdivision:

I. "Eligible institution or program" means:

(a) A postsecondary educational institution or training program within the university system of New Hampshire as defined in RSA 187-A, a postsecondary educational institution or training program within the community college system of New Hampshire as defined in RSA 188-F, or a private postsecondary institution approved to operate in this state; and

(b) Is approved by the higher education commission pursuant to RSA 21-N:8-a or accredited by the New England Commission of Higher Education; and

(c) Is a not-for-profit organization eligible to receive federal Title IV funds.

II. "Eligible student" means a first-year, full-time, or Pell Grant-eligible student who meets the eligibility and residency requirements of RSA 4-C:33. "First-year" means a student who has never enrolled in an eligible institution or program.

III. "Full-time" means an enrolled student who is carrying an academic course load that is determined to be full-time by the eligible institution or program based on a standard applicable to all students enrolled in a particular educational program. The student's course load may include any combination of courses, work, research, or special studies that the eligible institution or program consider sufficient to classify the student as full-time.

IV. "Office" means the governor's office of strategic initiatives.

4-C:32 Governor's Scholarship Program and Fund Established.

I. There is hereby established the governor's scholarship program and the governor's scholarship fund in the office of strategic initiatives. The program and fund shall be administered by the office. The fund shall be kept distinct and separate from all other funds and shall be used to provide scholarships which a recipient shall apply to the costs of an education at an eligible institution or program. The funds shall be distributed to an eligible institution based on the number of eligible students awarded a scholarship and upon receipt of a request for reimbursement for such scholarship funds accompanied by appropriate documentation.

II. The state treasurer shall credit to the fund any appropriation relating to the governor's scholarship fund made to the department of education, division of educator support and higher education for each fiscal year. The state treasurer shall invest the fund in accordance with RSA 6:8. Any earnings on trust fund moneys shall be added to the fund.

III. All moneys in the fund shall be nonlapsing and continually appropriated to the office for the purposes of this subdivision.

IV. The office may institute promotional programs and solicit and receive gifts or donations of any kind for the purpose of supporting educational scholarships from the fund. The office may accept cash gifts to the fund.

V. All gifts, grants, and donations of any kind shall be credited to the fund.

4-C:33 Eligibility.

I. Any person who meets the following requirements shall be an eligible student:

(a) A person shall meet the residency requirements of RSA 193:12, and be a graduate of a New Hampshire high school, public academy, chartered public school, New Hampshire private preparatory high school, or a high school-level home education program as defined in RSA 193-A, have completed at least 3 years of high school in this state, be pursuing a certificate, associate, or bachelor degree at an eligible institution or program in this state, and be eligible to receive a Pell grant; or

(b) A person shall be a graduate of a preparatory high school outside of this state while a dependent of a parent or legal guardian who is a legal resident of this state and who has custody of the dependent; or

(c) A person shall have a parent or guardian who has served in or has retired from the United States Army, Navy, Air Force, Marine Corps, or Coast Guard within the last 4 years and is a resident of this state; or

(d) A person shall be a graduate of a high school, public academy, chartered public high school, or a high school-level home education program outside of this state but have maintained his or her primary residence in this state for not less than 5 years preceding the date of application for a scholarship.

II. A person shall meet the qualifications for academic performance or work experience as established by the office.

III. A person shall not have been adjudicated delinquent or convicted or pled guilty or nolo contendere to any felonies or any second or subsequent alcohol or drug-related offenses under the laws of this or any other state, or under the laws of the United States, except that an otherwise eligible person who has been adjudicated delinquent or has been convicted or pled guilty or nolo contendere to a second or subsequent alcohol or drug-related misdemeanor offense shall be eligible or continue to be eligible for a scholarship after the expiration of one academic year from the date of adjudication, conviction, or plea.

4-C:34 Procedures.

I. All scholarship funds shall be distributed to the eligible student by the eligible institution or program. The institution or program shall include the scholarship in the student's financial aid package and may seek subsequent reimbursement. The state shall provide the reimbursements twice per year to each eligible institution or program for the number of eligible students enrolled in the current semester or term who are receiving a scholarship. The institution or program shall submit the list of scholarship recipients to the office or its designee no later than November 30 and April 30 of each academic year, and shall be reimbursed within 30 days of submission.

II. An eligible student may receive a scholarship in the amount of \$1,000 per year provided he or she maintains at least a 2.0 grade point average. An eligible student who earned the New Hampshire scholar designation at the time of high school graduation may receive a scholarship in the amount of \$2,000 per year provided he or she maintains at least a 2.5 grade point average. The eligible institution or program shall not reduce any merit or need-based grant aid that would have otherwise been provided to the eligible student. An eligible student may receive an annual scholarship for a maximum of 4 years.

III. In the event the state does not reimburse the eligible institution or program for scholarship amounts paid to an eligible student receiving an award, the eligible institution or program shall agree not to seek additional payments from the eligible student and to absorb the loss of funds without any consequence to the eligible student.

IV. The office shall develop additional procedures that may be necessary for distributing scholarship funds to an eligible student enrolled in an eligible institution or program.

2 Application of Receipts; Governor's Scholarship Fund. Amend RSA 6:12, I(b)(336) to read as follows:

(336) Moneys deposited into the governor's scholarship fund established in ~~[RSA 4-C:34]~~ **RSA 4-C:32**.

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

2019-1132s

AMENDED ANALYSIS

This bill amends the governor's scholarship program and inserts new definitions for eligible students and eligible institutions.

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 267, relative to the release of student assessment information and data.
Ought to Pass with Amendment, Vote 4-1. Senator Kahn for the committee.

Education and Workforce Development

March 19, 2019

2019-1135s

06/08

Amendment to SB 267

Amend RSA 193-C:12 as inserted by section 1 of the bill by replacing it with the following:

193-C:12 Pupil Assessment Information. The department shall provide the testing entity as defined in RSA 189:65, VIII, with individual pupil names and unique pupil identifiers. The testing entity shall maintain the results, scores, or other evaluative materials for the purpose of measuring and reporting individual student growth. The department may provide the assessment results and comparative data to a parent, a legal guardian, or the pupil's school as provided in RSA 193-C:11. The department may collect student address informa-

tion from the individual school districts solely for the purpose of effectuating the distribution of assessment results and comparative data as provided in this section. The testing entity shall destroy all student data after reporting on students through grade 8 or when a student is no longer enrolled.

Amend the bill by replacing section 2 with the following:

2 Statewide Assessment Program; Disclosure of Information. Amend RSA 189:67 to read as follows:

II.(a) A school or the department may disclose to a testing entity the student's name ~~[or]~~, unique pupil identifier, ~~[but not both,]~~ and birth date for the sole purpose of identifying the test taker. Except when collected in conjunction with the SAT or ACT[;]:

(1) When such tests are used for the purpose of the state assessment as defined in RSA 193-C:6, the data shall be ~~[destroyed]~~ ***maintained*** by the testing entity ~~[as soon as the testing entity has completed the verification of test takers,]~~ ***in accordance with RSA 193-C:12.***

(2) ***The data*** shall not be disclosed by the testing entity to any other person, organization, entity, or government or any component thereof, other than the ~~[district,]~~ ***parent or guardian, the department,*** school or school district, and shall not be used by the testing entity for any other purpose ~~[whatsoever, including but not limited to test data analysis]~~ ***except as provided in RSA 193-C:12.***

(b) Any person who knowingly violates the provisions of subparagraph (a) shall be guilty of a class B felony.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 New Paragraph; Statewide Assessment Program; Definitions; Testing Entity. Amend RSA 193-C:2 by inserting after paragraph IV the following new paragraph:

V. "Testing entity" means any vendor contracted to provide the statewide assessment under RSA 193-C:6.

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 Ward, seconded by Senator Giuda.

The following Senators voted Yes: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Morgan, Sherman, Soucy.

The following Senators voted No: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 13 - Nays: 10. Adopted, bill ordered to Third Reading.

FINANCE

SB 281-FN-A-L, relative to mental health services for schools 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.

Senator D'Allesandro moved to Lay on the Table SB 281-FN-A-L. Adopted.

SB 291-FN, relative to the construction of new mental health facilities. 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.

Senator D'Allesandro moved to Lay on the Table SB 291-FN. Adopted.

SB 294-FN-A-L, relative to juvenile diversion programs. 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.

Senator D'Allesandro moved to Lay on the Table SB 294-FN-A-L. Adopted.

SB 308-FN-A, relative to the health care workforce and making appropriations therefor. Ought to Pass with Amendment, Vote 6-0. Senator Rosenwald for the committee.

Senate Finance
March 19, 2019
2019-1156s
04/06

Amendment to SB 308-FN-A

Amend the bill by replacing section 2 with the following:

2 Department of Health and Human Services; Medicaid Rate Increases. The commissioner of the department of health and human services shall increase all Medicaid provider rates, including all state plan services and waiver programs, by 5 percent in the fiscal year ending June 30, 2020 and an additional 7 percent in the fiscal year ending June 30, 2021. The commissioner shall make the necessary adjustments to the medical rate setting data book and direct the actuary and managed care organizations to pass through the increased funding to rates. Nothing in this section shall be construed to alter the traditional method of establishing the county contribution for the Medicaid federal medical assistance percentage.

Amend the bill by replacing section 21 with the following:

21 Governor's Scholarship Program; Health Care Scholarships. The office of strategic initiatives shall conduct a survey of the health care programs of study offered at postsecondary educational institutions or training programs in the state to determine how the funds provided in section 23 of this act should be distributed to ensure the development and enhancement of health care programs of study at postsecondary educational institutions and training programs and the financial solvency of the governor's scholarship program.

Amend the bill by replacing section 23 with the following:

23 Governor's Scholarship Program; Funds Distributed. From any sums appropriated to the governor's scholarship fund established in RSA 4-C:34, the office of strategic initiatives shall disburse up to \$1,250,000 for the fiscal year ending June 30, 2020 and up to \$1,250,000 for the fiscal year ending June 30, 2021 as scholarships for the educational costs of eligible students majoring in an approved health care course of study at a postsecondary institution. In order to be eligible to receive the governor's scholarship money for an approved health care course of study, a scholarship applicant shall agree to remain employed in this state in a health care-related field for a minimum of 36 months after graduation from the postsecondary educational institution or training program.

2019-1156s

AMENDED ANALYSIS

This bill:

- I. Increases the Medicaid provider rates.
- II. Requires certain health care professionals to complete a survey or an opt-out form for collecting data on the primary care workforce.
- III. Requires the department of health and human services to amend the income standard used for eligibility for the "in and out" medical assistance policy.
- IV. Permits the department of safety to contract with a private agency to process background check applications, and requires the department to accept and process background check applications online.
- V. Amends the definitions and services covered through telemedicine.
- VI. Makes appropriations to the department of health and human services, rural health and primary care section to establish new positions and programs to develop and enhance the state's healthcare workforce.
- VII. Provides funding for scholarships to students majoring in a health care field and to postsecondary educational institutions to develop and enhance programs of study offered in health care.

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

Senator D'Allesandro moved to Lay on the Table SB 308-FN-A.

Senator D'Allesandro withdrew the motion to Lay on the Table on SB 308-FN-A.

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

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

The following Senators voted Yes: Starr, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Carson, Feltes, Cavanaugh, Reagan, Birdsell, D'Allesandro, Morse, Morgan, Sherman, Soucy.

The following Senators voted No: (None)

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 23 - Nays: 0. Adopted.

Senator D'Allesandro moved to Lay on the Table SB 308-FN-A. Adopted.

SB 313-FN, establishing a citizen's right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor.

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.

Senator D'Allesandro moved to Lay on the Table SB 313-FN. Adopted.

HEALTH AND HUMAN SERVICES

SB 4, relative to the group and individual health insurance market.

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

Health and Human Services

March 19, 2019

2019-1176s

01/06

Amendment to SB 4

Amend RSA 420-G:4-d, II(j) as inserted by section 4 of the bill by replacing it with the following:

(j) Pediatric services, including oral and vision care; provided, that health coverage that does not specifically include such pediatric services shall be deemed to have offered the essential health benefit under this subparagraph if the health carrier has obtained reasonable assurance that such pediatric services are provided to the purchaser of the health coverage.

Amend the bill by replacing section 5 with the following:

5 Health Coverage; Medical Underwriting. Amend RSA 420-G:5, I and II to read as follows:

I. Health carriers providing health coverage ~~[for individuals may]~~ **shall not** perform medical underwriting, including the use of health statements or screenings or the use of prior claims history~~[-to the extent necessary to establish or modify premium rates as provided in RSA 420-G:4].~~

II. ~~[Health carriers providing health coverage for individuals may refuse to write or issue coverage to an individual because of his or her health status.]~~ Regardless of claim experience, health status, or medical history, health carriers providing health coverage for **individual or** small employers shall not refuse to write or issue any of their available coverages or health benefit plans to any **individual or** small employer group that elects to be covered under that plan and agrees to make premium payments and meet the other requirements of the plan.

II-a. Health carriers shall not establish any annual or lifetime limits on the dollar value of essential health benefits for any individual, except annual or lifetime limits may be imposed on specific covered benefits that are not essential health benefits to the extent permitted under federal law as of January 1, 2019.

Amend the bill by replacing section 6 with the following:

6 Health Coverage; Guaranteed Issue. Amend RSA 420-G:6, III to read as follows:

III. Health carriers shall actively market, issue, and renew all of the health coverages they sell in the **individual and** small employer market to all **individuals and** small employers **in that market. Health carriers offering health coverage to small employers shall permit small employers to purchase health coverage at any point during the year, with the small employer's health coverage consisting of the 12-month period beginning with the small employer's effective date of coverage.**

III-a. A health carrier shall not rescind health coverage issued to an individual or with respect to an individual covered under health coverage issued to a small or large employer, including a group to which the individual belongs or family coverage in which the individual is included, after the individual is covered under the plan, unless:

(a) The individual, or a person seeking coverage on behalf of the individual, performs an act, practice, or omission that constitutes fraud; or

(b) The individual makes an intentional misrepresentation of material fact, as prohibited by the terms of the plan or coverage.

III-b. For the purposes of subparagraph III-a(a), a person seeking coverage on behalf of an individual shall not include a producer, or an employee or authorized representative of the health carrier.

III-c. A health carrier in the individual, small group, or large group market shall provide individuals equal access to all health programs, coverage, or activities without discrimination on the basis of sex, sexual orientation, gender identity, race, creed, color, marital status, familial status, physical or mental disability, or national origin, as those terms are defined under RSA 354-A.

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 French.

The following Senators voted Yes: Starr, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Carson, Feltes, Cavanaugh, Birdsell, D'Allesandro, Morse, Morgan, Sherman, Soucy.

The following Senators voted No: Reagan.

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 22 - Nays: 1. Adopted, bill ordered to Third Reading.

SB 120, relative to the controlled drug prescription health and safety program.
Ought to Pass with Amendment, Vote 4-1. Senator Chandley for the committee.

Health and Human Services

March 19, 2019

2019-1170s

01/06

Amendment to SB 120

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

3 Controlled Drug Prescription Health and Safety Program Established. RSA 318-B:32 is repealed and reenacted to read as follows:

318-B:32 Controlled Drug Prescription Health and Safety Program Established.

I. The office shall design, establish, and contract with a third party for the implementation and operation of an electronic system to facilitate the confidential sharing of information relating to the prescribing and dispensing of schedule II-IV controlled substances, by prescribers and dispensers within the state.

II. The office may establish fees for the establishment, administration, operations and maintenance of the program. The program may also be supported through grants and gifts. The fee charged to individuals requesting their own prescription information shall not exceed the actual cost of providing that information.

III. Prescription information relating to any individual shall be deleted 3 years after the initial prescription was dispensed. All de-identified data may be kept for statistical and analytical purposes for perpetuity.

IV. The executive director shall establish and appoint an advisory council, as provided RSA 318-B:38.

4 Controlled Drug Prescription Health and Safety Program Operation. Amend RSA 318-B:33, I to read as follows:

I. The [board] **office** shall develop a system of registration for all prescribers and dispensers of schedule II-IV controlled substances within the state. The system of registration shall be established by rules adopted by the [board] **office**, pursuant to RSA 541-A.

5 Controlled Drug Prescription Health and Safety Program; Confidentiality. Amend RSA 318-B:34, II and III to read as follows:

II. The [board] **office** shall establish and maintain procedures to ensure the privacy and confidentiality of patients and patient information.

III. The [board] **office** may use and release information and reports from the program for program analysis and evaluation, statistical analysis, public research, public policy, and educational purposes, provided that the data are aggregated or otherwise de-identified.

6 New Subparagraph; Controlled Drug Prescription Health and Safety Program; Providing Controlled Drug Prescription Health and Safety Information. Amend RSA 318-B:35, I(b) by inserting after subparagraph (4) the following new subparagraph:

(5) A practitioner or consultant retained by the office to review the system information of an impaired practitioner program participant or a referral who has agreed to be evaluated or monitored through the program and who has separately agreed in writing to the consultant's access to and review of such information.

7 Controlled Drug Prescription Health and Safety Program; Information. Amend RSA 318-B:35, I(b)(3) to read as follows:

(3) Authorized law enforcement officials on a case-by-case basis for the purpose of investigation and prosecution of a criminal offense when presented with a court order based on probable cause. No law enforcement agency or official shall have direct access to [the] **query program information**.

8 Controlled Drug Prescription Health and Safety Program; Providing Controlled Drug Prescription Health and Safety Information. Amend RSA 318-B:35, II to read as follows:

II. The program shall notify the appropriate regulatory board listed in subparagraph I(b)(2) and the prescriber or dispenser at such regular intervals as may be established by the [board] **office** if there is reasonable cause to believe a violation of law or breach of professional standards may have occurred. The program shall provide prescription information required or necessary for an investigation.

9 Controlled Drug Prescription Health and Safety Program; Unlawful Act and Penalties. Amend RSA 318-B:36, I and II to read as follows:

I. Any [person] **dispenser or prescriber** who fails to submit the information required in RSA 318-B:33 or knowingly submits incorrect information shall be subject to a warning letter and provided with an opportunity to correct the failure. Any [person] **dispenser or prescriber** who subsequently fails to correct or fails to resubmit the information may be subject to discipline by the [board] **appropriate regulatory board**.

II. Any [person] **dispenser or prescriber** whose failure to report the dispensing of a schedule II-IV controlled substance that conceals a pattern of diversion of controlled substances into illegal use shall be guilty of a violation and subject to the penalties established under RSA 318-B:26 and the [board's] **office's and appropriate regulatory board's** rules as applicable. In addition, such [person] **dispenser or prescriber** may be subject to appropriate criminal charges if the failure to report is determined to have been done knowingly to conceal criminal activity.

10 Controlled Drug Prescription Health and Safety Program; Rulemaking. Amend the introductory paragraph of RSA 318-B:37 to read as follows:

318-B:37 Rulemaking. ~~[By June 30, 2013, the board]~~ **The office** shall adopt rules, pursuant to RSA 541-A, necessary to implement **and maintain** the program including:

11 Controlled Drug Prescription Health and Safety Program; Advisory Council. RSA 318-B:38 is repealed and reenacted to read as follows:

318-B:38 Advisory Council Established.

I. There is hereby established an advisory council to carry out the duties under this subdivision. Members of the council shall not be compensated for serving on the council, or serve on the council for more than 5 consecutive years except for the attorney general, or designee, or the commissioner of the department of health and human services, or designee. The members of the council shall be as follows:

(a) A member of the board of medicine, appointed by such board.

- (b) A member of the pharmacy board, appointed by such board.
- (c) A member of the board of dental examiners, appointed by such board.
- (d) A member of the New Hampshire board of nursing, appointed by such board.
- (e) A member of the board of veterinary medicine, appointed by such board.
- (f) A physician appointed by the New Hampshire Medical Society.
- (g) A dentist appointed by the New Hampshire Dental Society.
- (h) A chief of police appointed by the New Hampshire Association of Chiefs of Police.

(i) A community pharmacist appointed jointly by the New Hampshire Pharmacists Association, the New Hampshire Independent Pharmacy Association, and the New Hampshire Association of Chain Drug Stores.

(j) Two public members appointed by the governor's commission on alcohol and drug abuse prevention, treatment, and recovery, one of whom may be a member of the commission.

(k) A hospital administrator appointed by the New Hampshire Hospital Association.

(l) A nurse practitioner appointed by the New Hampshire Nurse Practitioner Association.

(m) The attorney general, or designee.

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

II. The council shall:

(a) Make recommendations to the office relating to the design, implementation and maintenance of the program, including recommendations relating to:

(1) Rules.

(2) Legislation.

(3) Sources of funding, including grant funds and other sources of federal, private, or state funds;

(b) Review the program's annual report and make recommendations to the office regarding the operation of the program.

(c) Provide ongoing advice and consultation on the implementation and operation of the program, including recommendations relating to:

(1) Changes in the program to reflect advances in technology and best practices.

(2) Changes to statutory requirements.

(3) The design and implementation of an ongoing evaluation component of the program.

(d) Advise the executive director regarding the implementation of this subdivision.

(e) Adopt rules necessary for the operation of the council.

III. The council shall meet at least quarterly to effectuate its goals. A chairperson shall be elected by the members. A majority of the members of the council constitutes a quorum for the transaction of business. Action by the council shall require the approval of a majority of the members of the council.

12 Repeal. RSA 318-B:31, I, relative to the definition of "board", is repealed.

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

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

Senator Sherman offered a Floor Amendment.

Sen. Sherman, Dist 24

March 26, 2019

2019-1304s

01/10

Floor Amendment to SB 120

Amend RSA 318-B:38, I as inserted by section 11 of the bill by inserting after subparagraph (n) the following new subparagraphs:

(o) A member of the senate, appointed by the president of the senate.

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

Amend RSA 318-B:38, II as inserted by section 11 of the bill by inserting after subparagraph (e) the following new subparagraph:

(f) Develop a mission statement for the program and strategic goals for its implementation, develop metrics in conjunction with the legislative budget assistant to measure the program's efficient operation, review the performance of the program against the metrics, and make recommendations to the program and ensure they are incorporated.

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 175, relative to qualifying medical conditions for therapeutic cannabis.
Re-refer to Committee, Vote 4-1. Senator Gray for the committee.

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

WAYS AND MEANS

SB 94, relative to the number of days a charitable organization may operate bingo.
Re-refer to Committee, Vote 5-0. Senator Morse for the committee.

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

CONSENT CALENDAR REPORTS REMOVED

PRESIDENT SOUCY: We are at the conclusion of the regular calendar and will take up the bills that were removed from consent, except we will not take up Senate Bill 157 today. We will begin with the Judiciary Committee Senate Bill 36.

JUDICIARY

SB 36, creating a cause of action for certain constitutional deprivations of right.
Ought to Pass, Vote 5-0. Senator French for the committee.

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

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

The following Senators voted Yes: Starr, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Carson, Feltes, Cavanaugh, Reagan, Birdsell, D'Allesandro, Morse, Morgan, Sherman, Soucy.

The following Senators voted No: (None)

The following Senators were excused: Fuller Clark.

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

TRANSPORTATION

SB 187, relative to OHRV dealer and rental agency registration fees and relative to snowmobile registration fees.

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

Senate Transportation

March 19, 2019

2019-1164s

04/10

Amendment to SB 187

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

AN ACT relative to OHRV dealer and rental agency registration fees, snowmobile registration fees, and making an appropriation for the snowmobile grant-in-aid program.

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

1 Fish and Game Agents; Agent's Accounting. Amend RSA 214-A:4, II to read as follows:

II. The agent shall collect from the applicant a fee of [~~\$3~~] **\$4** for each OHRV and snowmobile registration issued and shall account to the executive director for the full face value of the registration decals. He or she shall pay to the executive director no later than the fourteenth of each month the full face value of all registrations sold up to the first of the same month and shall report the names and addresses of all persons to whom registration decals have been sold and such other information as may be requested on blanks to be furnished by the executive director. All registrations sold at the department headquarters or any subagency thereof shall charge the same fee as outlined in this paragraph, and shall be credited to the fish and game fund.

2 Fish and Game Agents; Agent's Accounting; Effective May 1, 2023. Amend RSA 214-A:4, II to read as follows:

II. The agent shall collect from the applicant a fee of [~~\$4~~] **\$5** for each OHRV and snowmobile registration issued and shall account to the executive director for the full face value of the registration decals. He or she shall pay to the executive director no later than the fourteenth of each month the full face value of all registrations sold up to the first of the same month and shall report the names and addresses of all persons to whom registration decals have been sold and such other information as may be requested on blanks to be furnished by the executive director. All registrations sold at the department headquarters or any subagency thereof shall charge the same fee as outlined in this paragraph, and shall be credited to the fish and game fund.

3 Off Highway Recreational Vehicle; Registration. Amend RSA 215-A:21, II to read as follows:

II. Except as otherwise provided, no OHRV shall be operated in this state unless registered as provided in this chapter. No registration shall be required for an OHRV operated solely on land owned or leased by the owner of the OHRV. Except for temporary registrations under paragraph V, all OHRV registrations shall expire on [~~July 1~~] **May 1** in each year. The executive director shall collect a fee for each registration as provided in RSA 215-A:23.

4 Off Highway Recreational Vehicles and Trails; Registration Fees. Amend RSA 215-A:23, IV and IV-a to read as follows:

IV. Dealer registration- [~~\$45-50~~] **\$75** for each plate.

(a) The first [~~\$20-80~~] **\$35** shall be appropriated to the department of natural and cultural resources for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, [~~\$12-09~~] **\$20** shall be appropriated to the department of natural and cultural resources for administration of the bureau for the purposes listed in paragraph VII, and [~~\$12-61~~] **\$20** shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

IV-a. Rental agency registration- [~~\$75-40~~] **\$243** for each set of decals.

(a) The first [~~\$45-50~~] **\$143** shall be appropriated to the department of natural and cultural resources for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, [~~\$14-43~~] **\$50** shall be appropriated to the department of natural and cultural resources for administration of the bureau for the purposes listed in paragraph VII, and [~~\$15-47~~] **\$50** shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

5 Off Highway Recreational Vehicle; Registration Fees. Amend RSA 215-A:23, VI(b) to read as follows:

(b)(1) Grants-in-aid shall be granted to OHRV clubs and political subdivisions for the construction and maintenance of public use OHRV trails and facilities. The bureau shall make grants on such terms as it deems necessary and shall determine what trails and facilities shall be eligible. Notwithstanding the provisions of this subparagraph, a landowner who grants permission for a grant-in-aid trail to be located on his or her property shall retain the right to establish the inclusive dates during which OHRV operation shall be permitted. Use of trails on private land shall extend only to the specific type of OHRV and snowmobile permitted by the landowner.

(2) Structures, including but not limited to bridges and culverts built or installed using grant-in-aid funds, shall remain the property of the grant-in-aid program, through the bureau of trails, for a period of not less than 7 years. In the event a trail on private lands is closed to public OHRV use, the state, through the bureau of trails, may remove the structure from private lands within 180 days of notification of trail closure.

6 Snowmobiles; Definitions. Amend RSA 215-C:1, II to read as follows:

II. "Antique snowmobile" means a snowmobile owned by a resident of this state which is any of the following:

- (a) A snowmobile manufactured prior to the year ~~[1969]~~ **1995**; or
- (b) ~~[A snowmobile 25 or more years old; or~~
- (c) An antique motor vehicle converted to travel over snow, manufactured prior to 1940.

7 Snowmobiles; Registration. Amend RSA 215-C:36, II to read as follows:

II. Except as otherwise provided, no snowmobile shall be operated in this state unless registered as provided in this chapter. No registration shall be required for a snowmobile operated solely on land owned or leased by the owner of the snowmobile. All snowmobile registrations shall expire on ~~[July 1]~~ **May 1** in each year. The executive director shall collect a fee for each registration as provided in RSA 215-C:39.

8 Snowmobiles; Registration Fees. Amend RSA 215-C:39, I-VIII to read as follows:

I. Individual resident registration-~~[\$90]~~ **\$122** for each snowmobile registration upon presentation of a valid driver's license issued to a New Hampshire resident 18 years of age or older. An individual resident registering a snowmobile who provides proof, at the time of registration, that the individual is a member of an organized New Hampshire nonprofit snowmobile club which is a member of the New Hampshire Snowmobile Association shall pay ~~[\$60]~~ **\$92** for each snowmobile.

(a) The first ~~[\$63.30]~~ **\$82.30** for each snowmobile registration registered by an individual who does not, at the time of registration, provide proof of membership in an organized New Hampshire nonprofit snowmobile club, or ~~[\$33.30]~~ **\$52.30** of each snowmobile registration registered by an individual who provides proof of membership in a snowmobile club as provided for in paragraph I of this section, shall be appropriated to the department of natural and cultural resources for the bureau's grant-in-aid program pursuant to paragraph VII.

(b) From the balance, ~~[\$13.70]~~ **\$21.70** from each snowmobile registration shall be appropriated to the department of natural and cultural resources for administration of the bureau for the purposes listed in paragraph VIII, and ~~[\$13]~~ **\$18** from each snowmobile registration shall be appropriated to the department of fish and game for the purposes listed in paragraph IX.

II. ~~[Resident]~~ Antique snowmobile permanent registration-~~[\$46.50]~~ **\$122** for each registration upon presentation of a valid ~~[New Hampshire]~~ driver's license issued to a person 18 years of age or older. From each fee collected pursuant to this paragraph:

(a) The first ~~[\$26.50]~~ **\$82.30** shall be appropriated to the department of natural and cultural resources for administration of the bureau's grant-in-aid program pursuant to paragraph VII.

(b) From the balance, ~~[\$10]~~ **\$21.70** shall be appropriated to the department of natural and cultural resources for administration of the bureau for the purposes listed in paragraph VIII, and ~~[\$10]~~ **\$18** shall be appropriated to the department of fish and game for the purposes listed in paragraph IX.

(c) Individuals registering an antique snowmobile, regardless of residency, shall pay a one-time registration fee pursuant to this paragraph.

III. Individual nonresident registration-~~[\$110]~~ **\$142** for each snowmobile registration. An individual nonresident registering a snowmobile who provides proof, at the time of registration, that the individual is a member of an organized New Hampshire nonprofit snowmobile club which is a member of the New Hampshire Snowmobile Association, shall pay ~~[\$80]~~ **\$112** for each snowmobile.

(a) The first ~~[\$78.20]~~ **\$99** of each snowmobile registration registered by an individual who does not, at the time of registration, provide proof of membership in an organized New Hampshire nonprofit snowmobile club, or ~~[\$48.20]~~ **\$69** of each snowmobile registration registered by an individual who provides proof, at the time of registration, of membership as provided for in paragraph III of this section shall be appropriated to the department of natural and cultural resources for the bureau's grant-in-aid program pursuant to paragraph VII.

(b) From the balance, ~~[\$16]~~ **\$23** from each snowmobile registration shall be appropriated to the department of natural and cultural resources for administration of the bureau for the purposes listed in paragraph VIII, and ~~[\$15.80]~~ **\$20** from each snowmobile registration shall be appropriated to the department of fish and game for the purposes listed in paragraph IX.

IV. Dealer registration-~~[\$45.50]~~ **\$75** for each plate.

(a) The first ~~[\$20.80]~~ **\$35** shall be appropriated to the department of natural and cultural resources for administration of the bureau's grant-in-aid program pursuant to paragraph VII.

(b) From the balance, ~~[\$12.09]~~ **\$20** shall be appropriated to the department of natural and cultural resources for administration of the bureau for the purposes listed in paragraph VIII, and ~~[\$12.61]~~ **\$20** shall be appropriated to the department of fish and game for the purposes listed in paragraph IX.

V. Rental agency registration-~~[\$75.40]~~ **\$243** for each set of decals.

(a) The first ~~[\$45.50]~~ **\$143** shall be appropriated to the department of natural and cultural resources for administration of the bureau's grant-in-aid program pursuant to paragraph VII.

(b) From the balance, ~~[\$14.43]~~ **\$50** shall be appropriated to the department of natural and cultural resources for administration of the bureau for the purposes listed in paragraph VIII, and ~~[\$15.47]~~ **\$50** shall be appropriated to the department of fish and game for the purposes listed in paragraph IX.

VI. Registration after transfer as provided in RSA 215-C:37-\$17.50.

(a) The first \$10.50 shall be appropriated to the department of natural and cultural resources for administration of the bureau's grant-in-aid program pursuant to paragraph VII.

(b) From the balance, \$3.50 shall be appropriated to the department of natural and cultural resources for administration of the bureau for the purposes listed in paragraph VIII, and \$3.50 shall be appropriated to the department of fish and game for the purposes listed in paragraph IX.

VII.(a) Any funds appropriated to the department of natural and cultural resources for the bureau's grant-in-aid program shall be kept in a separate account and shall not be used for any other purpose. The corresponding registration fee moneys allocated to the bureau's grant-in-aid program under paragraphs I and III shall be deposited in the account. Moneys in the account may only be used for grant-in-aid projects that benefit the ridership of snowmobiles. Any unexpended balance in said account shall not lapse, but shall be carried forward to the next fiscal year. ~~[From each registration fee collected under this section, \$6.70 shall be used for the sole purpose of purchasing trail grooming equipment.]~~ All ~~[remaining]~~ funds shall be used for trail maintenance, construction, and the purchase of grant-in-aid equipment.

(b)(1) Grants-in-aid shall be granted to snowmobile clubs and political subdivisions for the purchase of equipment and the construction and maintenance of public use snowmobile trails and facilities. The bureau shall make grants on such terms as it deems necessary and shall determine what trails and facilities shall be eligible. Notwithstanding the provisions of this subparagraph, a landowner who grants permission for a grant-in-aid trail to be located on his or her property shall retain the right to establish the inclusive dates during which snowmobile operation shall be permitted. Use of trails on private land shall extend only to the specific type of snowmobile and OHRV permitted by the landowner.

(2) Structures, including but not limited to bridges and culverts built or installed using grant-in-aid funds, shall remain the property of the grant-in-aid program, through the bureau of trails, for a period of not less than 7 years. In the event a trail on private lands is closed to public snowmobile use, the state, through the bureau of trails, may remove the structure from private lands within 180 days of notification of trail closure.

(c) All revenue appropriated in this paragraph shall be in addition to any other funds appropriated to the grant-in-aid program of the bureau of trails. Such revenue is hereby continually appropriated to the department of natural and cultural resources for the purposes of this paragraph.

VIII. Funds appropriated to the department of natural and cultural resources for administration of the bureau shall be used for the following purposes:

(a) Publications.

(b) Trail maintenance and acquisition.

(c) Land purchases, easements, rights-of-way, and new construction of trails.

(d) Snowmobile facilities.

(e) ~~[From the amount collected from each individual registration fee, \$4 shall be used by the bureau for the purposes of purchasing trail maintenance equipment or paying trail maintenance expenses. These funds shall be kept in a separate account and shall be used and appropriated solely for these purposes.]~~

(f) Such other purposes as may be budgeted within the limits of the funds available. Any unexpended balance in said accounts shall not lapse, but shall be carried forward to the next fiscal year.

9 Snowmobiles; Registration Fees; Effective May 1, 2023. RSA 215-C:39, I-III are repealed and reenacted to read as follows:

I. Individual resident registration- \$143 for each snowmobile registration upon presentation of a valid driver's license issued to a New Hampshire resident 18 years of age or older. An individual resident registering a snowmobile who provides proof, at the time of registration, that the individual is a member of an organized New Hampshire nonprofit snowmobile club which is a member of the New Hampshire Snowmobile Association shall pay \$113 for each snowmobile.

(a) The first \$103.30 for each snowmobile registration registered by an individual who does not, at the time of registration, provide proof of membership in an organized New Hampshire nonprofit snowmobile club, or \$73.30 of each snowmobile registration registered by an individual who provides proof of membership in a snowmobile club as provided for in paragraph I of this section, shall be appropriated to the department of natural and cultural resources for the bureau's grant-in-aid program pursuant to paragraph VII.

(b) From the balance, \$21.70 from each snowmobile registration shall be appropriated to the department of natural and cultural resources for administration of the bureau for the purposes listed in paragraph VIII, and \$18 from each snowmobile registration shall be appropriated to the department of fish and game for the purposes listed in paragraph IX.

II. Antique snowmobile permanent registration- \$143 for each registration upon presentation of a valid driver's license issued to a person 18 years of age or older. From each fee collected pursuant to this paragraph:

(a) The first \$93 shall be appropriated to the department of natural and cultural resources for administration of the bureau's grant-in-aid program pursuant to paragraph VII.

(b) From the balance, \$25 shall be appropriated to the department of natural and cultural resources for administration of the bureau for the purposes listed in paragraph VIII, and \$25 shall be appropriated to the department of fish and game for the purposes listed in paragraph IX.

(c) Individuals registering an antique snowmobile, regardless of residency, shall pay a one-time registration fee pursuant to this paragraph.

III. Individual nonresident registration- \$153 for each snowmobile registration. An individual nonresident registering a snowmobile who provides proof, at the time of registration, that the individual is a member of an organized New Hampshire nonprofit snowmobile club which is a member of the New Hampshire Snowmobile Association, shall pay \$123 for each snowmobile.

(a) The first \$108.20 of each snowmobile registration registered by an individual who does not, at the time of registration, provide proof of membership in an organized New Hampshire nonprofit snowmobile club, or \$78.20 of each snowmobile registration registered by an individual who provides proof, at the time of registration, of membership as provided for in paragraph III of this section shall be appropriated to the department of natural and cultural resources for the bureau's grant-in-aid program pursuant to paragraph VII.

(b) From the balance, \$24 from each snowmobile registration shall be appropriated to the department of natural and cultural resources for administration of the bureau for the purposes listed in paragraph VIII, and \$22.80 from each snowmobile registration shall be appropriated to the department of fish and game for the purposes listed in paragraph IX.

10 Snowmobiles; Reciprocity. Amend RSA 215-C:47, I to read as follows:

I. ~~[A snowmobile which is registered in Vermont, Maine, or Quebec shall be deemed to be properly registered for the purposes of this chapter if it is registered in accordance with the laws of the state or province in which it is registered, but only to the extent that a reciprocal exemption or privilege is granted under the laws of that state or province for snowmobiles registered in this state. For the purpose of this section, the executive director shall determine the extent of the privilege of operation granted by Vermont, Maine, and Quebec and, when necessary, adopt rules and charge fees to achieve a true reciprocity.]~~ ***The executive director may allow snowmobiles registered in another state or a Canadian province to operate in this state for up to 3 consecutive days during the winter. A snowmobile which is legally registered to operate in another state or province shall be deemed legally registered in this state for such period of time. The executive director shall coordinate the dates of this open weekend with the bureau of trails.*** The executive director's determination shall be final.

11 New Section; Snowmobiles; Snowmobile Program Advisory Commission Established. Amend RSA 215-C by inserting after section 57 the following new section:

215-C:58 Snowmobile Program Advisory Commission.

I. The state of New Hampshire contains approximately 7,000 miles of publicly available snowmobile trails. The development and maintenance of this trail network is predominantly done by volunteer not-for-profit snowmobile clubs, utilizing a combination of public and private lands. Funding for trail development, maintenance and purchasing of trail grooming equipment is provided by registration fees of snowmobiles. The rising costs of trail maintenance equipment and materials for trail development continue to rise and concerns for future management and existence of the trail system increase each year. The financial viability of these trails, and the local clubs, is vital to the positive economic impacts this sport has to the state.

II. There is hereby established the snowmobile program advisory commission. The advisory commission shall be comprised of the following members:

- (a) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, one of whom shall be from the transportation committee and one of whom shall be from the resources, recreation and development committee, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of business and economic affairs, or designee.
- (d) The executive director of the fish and game department, or designee.
- (e) The chief supervisor of the bureau of trails, department of natural and cultural resources.
- (f) One member of the New Hampshire Snowmobile Association, appointed by the association.
- (g) One member of the New Hampshire Auto Dealers Association, appointed by the association.
- (h) One member from the New Hampshire Hotel, Lodging and Restaurant Association, appointed by the association.

III. The advisory commission shall:

- (a) Study the impacts of the snowmobile registration fee increase, which takes effect on May 1, 2020, on resident and non-resident registrations in New Hampshire, Vermont, and Maine, independent of the correlation of snowfall on the registrations.
- (b) Study all existing and projected costs associated with the operation and maintenance of the New Hampshire snowmobile trail system and determine whether further registration fee adjustments, which were approved in SB 187 in the 2019 legislative session, continue to be warranted, and if not, to recommend new legislation to address such issues identified.
- (c) Study whether partial state funding of the snowmobile trail system is necessary or prudent to maintain a registration fee advantage over surrounding states, and to mitigate, to the maximum extent possible, potential loss of participation by resident snowmobile registrants due to possible higher registration fees.
- (d) Determine if partial state funding is necessary or prudent, recommend whether additional sources funding are necessary, and determine for how long such additional sources of funding would be necessary.
- (e) Review and make recommendations about the existing snowmobile grants in aid program.
- (f) Study any other issues the commission deems relevant to the long-term sustainability of the snowmobile industry and trails in New Hampshire.
- (g) Solicit input from, but not limited to, registration agents, snowmobile clubs, snowmobile dealers, landowners that permit public trails on their lands, general snowmobile riding public and public agencies.

IV. The commissioner of the department of business and economic affairs shall be the chairperson of the advisory commission. The vice chairperson shall be one of the legislative members of the advisory commission. Five members of the advisory commission shall constitute a quorum.

V. The chairperson of the advisory commission shall call the first meeting within 90 days of the effective date of this section.

VI. The advisory commission shall issue an interim report on or before November 1, 2021 and a final report on or before November 1, 2022 to the president of the senate and the speaker of the house or representatives, and the governor.

12 Appropriation; Snowmobile Grant-in-Aid Program. The sum of \$1,800,000 for the fiscal year ending June 30, 2020 is hereby appropriated to the OHRV and snowmobile fund established in the department of natural and cultural resources for the purpose of the snowmobile grant-in-aid program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

13 Repeal. The following are repealed:

I. RSA 215-A:21, X, relative to 14-month registration for OHRVs.

II. RSA 215-A:23, VII(e), relative to a portion of OHRV registration fees used for the purchase of trail maintenance equipment or paying trail maintenance expenses.

III. RSA 215-C:58, relative to the snowmobile program advisory commission.

14 Effective Date.

I. Sections 1, 3, 4, 6-8, and paragraph I of section 13 of this act shall take effect May 1, 2020.

II. Sections 5, 10, 12, and paragraph II of section 13 of this act shall take effect July 1, 2019.

III. Paragraph III of section 13 of this act shall take effect November 1, 2022.

IV. Sections 2 and 9 of this act shall take effect May 1, 2023.

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

2019-1164s

AMENDED ANALYSIS

This bill:

I. Changes the registration fees for OHRV dealers and rental agencies, and for snowmobiles.

II. Provides that snowmobile trail grooming equipment shall be purchased through the grant-in-aid program.

III. Amends the definition of antique snowmobile and provides that individuals registering an antique snowmobile shall pay a one-time registration fee.

IV. Authorizes an open weekend for the operation of snowmobiles from other states or Canadian provinces.

V. Repeals the 14-month registration for OHRVs.

VI. Establishes a snowmobile program advisory commission.

VII. Makes an appropriation to the snowmobile grant-in-aid program.

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

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2

March 20, 2019

2019-1211s

04/10

Floor Amendment to SB 187

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

AN ACT relative to OHRV dealer and rental agency registration fees and snowmobile registration fees.

Amend RSA 215-C:39, III as inserted by section 9 of the bill by replacing it with the following:

III. Individual nonresident registration- \$153 for each snowmobile registration. An individual nonresident registering a snowmobile who provides proof, at the time of registration, that the individual is a member of an organized New Hampshire nonprofit snowmobile club which is a member of the New Hampshire Snowmobile Association, shall pay \$123 for each snowmobile.

(a) The first \$107.20 of each snowmobile registration registered by an individual who does not, at the time of registration, provide proof of membership in an organized New Hampshire nonprofit snowmobile club, or \$77.20 of each snowmobile registration registered by an individual who provides proof, at the

time of registration, of membership as provided for in paragraph III of this section shall be appropriated to the department of natural and cultural resources for the bureau's grant-in-aid program pursuant to paragraph VII.

(b) From the balance, \$23.50 from each snowmobile registration shall be appropriated to the department of natural and cultural resources for administration of the bureau for the purposes listed in paragraph VIII, and \$22.30 from each snowmobile registration shall be appropriated to the department of fish and game for the purposes listed in paragraph IX.

Amend the bill by replacing all after section 11 with the following:

12 Repeal. The following are repealed:

I. RSA 215-A:21, X, relative to 14-month registration for OHRVs.

II. RSA 215-A:23, VII(e), relative to a portion of OHRV registration fees used for the purchase of trail maintenance equipment or paying trail maintenance expenses.

III. RSA 215-C:58, relative to the snowmobile program advisory commission.

13 Effective Date.

I. Sections 1, 3, 4, 6-8, and paragraph I of section 12 of this act shall take effect May 1, 2020.

II. Sections 5, 10, and paragraph II of section 12 of this act shall take effect July 1, 2019.

III. Paragraph III of section 12 of this act shall take effect November 1, 2022.

IV. Sections 2 and 9 of this act shall take effect May 1, 2023.

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

2019-1211s

AMENDED ANALYSIS

This bill:

I. Changes the registration fees for OHRV dealers and rental agencies, and for snowmobiles.

II. Provides that snowmobile trail grooming equipment shall be purchased through the grant-in-aid program.

III. Amends the definition of antique snowmobile and provides that individuals registering an antique snowmobile shall pay a one-time registration fee.

IV. Authorizes an open weekend for the operation of snowmobiles from other states or Canadian provinces.

V. Repeals the 14-month registration for OHRVs.

VI. Establishes a snowmobile program advisory commission.

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

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

HB 320-FN, authorizing Future In Sight to issue decals for multi-use decal number plates. Ought to Pass, Vote 5-0. Senator Ward for the committee.

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

Senator Watters moved Rerefer to Committee.

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

Recess. Out of recess.

MOTION TO REMOVE FROM THE TABLE

Senator Feltes moved to remove SB 314-FN from the Table. Adopted.

JUDICIARY

SB 314-FN, relative to release of a defendant pending trial.

The pending motion is the Committee Amendment.

Senate Judiciary
 March 5, 2019
 2019-0797s
 04/05

Amendment to SB 314-FN

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 New Subparagraph; Bail and Recognizances; Release of Defendant Pending Trial. Amend RSA 597:2, III by inserting after subparagraph (f) the following new subparagraph:

(g) If the court determines by clear and convincing evidence that a person has 3 or more failures to appear within the past 5 years when charged with a felony, there shall be a rebuttable presumption that release will not reasonably assure the appearance of the person as required.

Without objection, Senator D'Allesandro waived referral to the Committee on Finance. Adopted.

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

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15
 Sen. Bradley, Dist 3
 Sen. Hennessey, Dist 5
 Sen. Carson, Dist 14
 March 27, 2019
 2019-1341s
 04/10

Floor Amendment to SB 314-FN

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

1 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, III(a) and the introductory paragraph of RSA 597:2, III(b) to read as follows:

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

(b) In determining the amount of the unsecured appearance bond or cash or corporate surety bail under subparagraph ~~[H(a)]~~ **III(a)**, if any, the court:

2 New Subparagraph; Bail and Recognizances; Release of Defendant Pending Trial. Amend RSA 597:2, III by inserting after subparagraph (f) the following new subparagraph:

(g) If the court determines by a preponderance of the evidence that a person has failed to appear on any previous matter charged as a felony, class A misdemeanor, or driving or operating while impaired, or a reasonably equivalent offense in an out-of-state jurisdiction, 3 or more times within the past 5 years, there shall be a rebuttable presumption that release will not reasonably assure the appearance of the person as required.

3 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, IV to read as follows:

IV.(a) If a person is charged with any criminal offense, an offense listed in RSA 173-B:1, I or a violation of a protective order under RSA 458:16, III, or after arraignment, with a violation of a protective order issued under RSA 173-B, the court may order preventive detention without bail, or, in the alternative, may order restrictive conditions including but not limited to electronic monitoring and supervision, only if the court determines by clear and convincing evidence that release will endanger the safety of that person or the public. The court may consider ~~[the following conduct as evidence of posing a danger, including, but not limited to:~~

~~(1) Threats of suicide.~~

~~(2) Acute depression.~~

~~(3) History of violating protective orders.~~

~~(4) Possessing or attempting to possess a deadly weapon in violation of an order.~~

~~(5) Death threats or threats of possessiveness toward another.~~

~~(6) Stalking, as defined in RSA 633:3-a.~~

~~(7) Cruelty or violence directed toward pets]~~ ***all relevant factors bearing on whether the release will endanger the safety of that person or the public.***

(b) Evidence in support of preventive detention shall be made by offer of proof at the initial appearance before the court. At that time, the defendant may request a subsequent bail hearing where live testimony is presented to the court. At any subsequent hearing, such testimony may be presented via video conferencing, unless the court determines that witness testimony in court is necessary. A request by the defendant for in-court testimony shall be made by oral motion at the initial hearing or by written motion prior to any subsequent hearing. Any order granting the defendant's request shall be distributed to the parties at least 48 hours prior to any subsequent hearing.

(c) There shall be a rebuttable presumption that an alleged victim of the crime shall not be required to testify at the bail hearing. Nothing in this section shall preclude an alleged victim from voluntarily testifying at such hearing. The state may present evidence of statements made in the course of an investigation through a law enforcement officer.

4 Judicial Branch; Bail Reform Coordinator. The judicial branch may establish the position of bail reform coordinator who shall be responsible for overseeing the judicial branch's text messaging initiative and monitoring and evaluating issues concerning a defendant's failure to appear while on bail.

5 Bail Commissioners; Fees. Amend RSA 597:20 to read as follows:

597:20 Fees. The bail commissioners in such cases shall be entitled to a fee of \$40. However, clerks of court or members of their staffs who are bail commissioners shall be entitled to collect such fee only when called while not on active duty. In jurisdictions where the bail commissioner is a full-time salaried police officer, constable, sheriff, deputy sheriff, state police employee, or anyone else authorized to execute police powers, such person shall not receive the fee established in this section, but instead such amount shall be remitted to the town or city in which the district court is situated. ***If the defendant is indigent, the fee shall be waived.***

6 Commission on Pretrial Detention, Pretrial Scheduling, and Pretrial Services. RSA 597:43 is repealed and reenacted to read as follows:

597:43 Commission Established.

I. There is established a commission on pretrial detention, pretrial scheduling, and pretrial services. The commission shall consist of the following members:

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

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

(c) The attorney general, or designee.

(d) The chief justice of the New Hampshire superior court, or designee.

(e) The chief administrative judge of the New Hampshire circuit court, or designee.

(f) The executive director of the American Civil Liberties Union of New Hampshire, or designee.

(g) The executive director of the New Hampshire Public Defender, or designee.

(h) The president of the New Hampshire Association of Chiefs of Police, or designee.

(i) The president of the New Hampshire Police Association, or designee.

(j) One superintendent of a New Hampshire county correctional facility, appointed by the governor.

(k) One member from the public with experience in law enforcement, appointed by the governor.

(l) One member from the Association of County Attorneys, appointed by that association.

II. The commission shall:

(a) Review and provide recommendations on risk assessment, dangerousness determinations, pretrial services, and funding for pretrial services in advance of the 2020-2021 legislative session.

(b) Review and provide recommendations on cost-effective court communications and scheduling of pretrial matters.

(c) Review the rates of failure to appear in criminal cases and possible reasons for such failures.

(d) Solicit testimony and input from the general public.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

IV. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2020.

7 Repeal. RSA 597:43, relative to establishing a commission on pretrial detention, pretrial scheduling, and pretrial services, is repealed.

8 Effective Date.

I. Section 7 of this act shall take effect November 1, 2020.

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

2019-1341s

AMENDED ANALYSIS

This bill amends the procedure for considering the dangerousness of a defendant for the purpose of determining whether the defendant should be released pending trial; authorizes the position of bail reform coordinator in the judicial branch; re-establishes the commission on pretrial detention, pretrial scheduling, and pretrial services; and waives the bail commissioner's fee for indigent defendants.

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.

SPECIAL ORDER

Without objection, the following bills are special ordered to the present time. Adopted.

FINANCE

SB 116-FN, relative to an assistance program for grandparents caring for minor children and making an appropriation therefor.

SB 143, relative to administrative costs of state aid for special education.

SB 236-FN-A, making an appropriation to the department of health and human services for the purposes of upgrades to substance use disorder treatment facilities.

SB 253-FN, relative to statewide deployment of a real-time threat notification system for schools.

SB 260-FN, establishing the New Hampshire pharmaceutical assistance pilot program for seniors and making an appropriation therefor.

FINANCE

SB 116-FN, relative to the New Hampshire employment program and family assistance program and making an appropriation therefor.

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

Senate Finance

March 19, 2019

2019-1145s

05/08

Amendment to SB 116-FN

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

AN ACT relative to an assistance program for grandparents caring for minor children and making an appropriation therefor.

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

1 Assistance Program for ~~[2-Parent Families With Dependent]~~ ***Grandparents Caring for Minor*** Children. Amend RSA 167:77-e to read as follows:

167:77-e Assistance Program for ~~[2-Parent Families With Dependent]~~ ***Grandparents Caring for Minor*** Children. ~~[Subject to available public and/or private funds,] The department may establish a non-TANF, state-funded financial assistance program for [2-parent needy families with dependent] ***grandparents caring for minor*** children [in which one parent is underemployed or unemployed. With the exception of parental underemployment or unemployment, client eligibility and program requirements and administration shall be in accordance with this chapter and the rules adopted under this chapter].~~

2 Appropriation. The sum of \$1,000,000 for the fiscal year ending June 30, 2020 and the sum of \$1,000,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the department of health and human services for the purposes of the assistance program established in RSA 167:77-e as amended in section 1 of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2019-1145s

AMENDED ANALYSIS

This bill changes the assistance program for 2-parent families with dependent children to an assistance program for grandparents caring for minor children. This bill makes an appropriation for the purposes of the bill.

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.

Senator D'Allesandro moved to Lay on the Table SB 116-FN. Adopted.

SB 143, relative to administrative costs of state aid for special education. Ought to Pass, Vote 5-0. Senator Kahn for the committee.

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

Senator D'Allesandro moved to Lay on the Table SB 143. Adopted.

SB 236-FN-A, making an appropriation to the department of health and human services for the purposes of upgrades to substance use disorder treatment facilities.

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

Senate Finance

March 19, 2019

2019-1158s

01/04

Amendment to SB 236-FN-A

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

1 Appropriation. The sum of \$5,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of health and human services for the purposes of upgrading existing substance use disorder treatment and recovery housing facilities and creating new substance use disorder treatment and recovery housing facilities. Funds appropriated under this section shall be used for upgrading or renovating existing facilities to ensure compliance with fire code and safety standards; expanding existing facilities to increase service capacity; and developing new substance use disorder treatment and recovery housing facilities. Facilities receiving funds under this section shall be in compliance with any state rules associated with the operation of such programs. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Funds appropriated in this section shall be nonlapsing.

2 Effective Date. This act shall take effect upon 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.

Senator D'Allesandro moved to Lay on the Table SB 236-FN-A. Adopted.

SB 253-FN, relative to statewide deployment of a real-time threat notification system for schools. Ought to Pass, Vote 5-1. Senator D'Allesandro for the committee.

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

Senator D'Allesandro moved to Lay on the Table SB 253-FN. Adopted.

SB 260-FN, establishing the New Hampshire pharmaceutical assistance pilot program for seniors and making an appropriation therefor.

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

Senate Finance

March 19, 2019

2019-1144s

05/08

Amendment to SB 260-FN

Amend the bill by replacing section 3 with the following:

3 Appropriation; Department of Health and Human Services. For the purpose of funding the prescription drug assistance pilot program for seniors established in section 2 of this act, the sum of \$1,250,000 for fiscal year ending June 30, 2019, is hereby appropriated to the department of health and human services. Such appropriation shall not lapse. The governor is authorized to draw a warrant for said sum 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.

Senator D'Allesandro moved to Lay on the Table SB 260-FN. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Feltes 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 Cavanaugh: SB 148

Senator Soucy: SB 148

ANNOUNCEMENTS

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Madam President. A point of personal privilege. I want to be very quick, but I think the world should be aware of atrocities that take place and sometimes it takes hundreds of years to get them remedied.

In the 1890s in the city of New Orleans a police chief was killed. There were several Italian immigrants who were brought to jail. They were tried, and many of them were exonerated; but they were put in prison and eleven of them were either hung, shot or clubbed to death in the city streets of New Orleans. This was the largest lynching in the history of the United States of America. No one was ever charged with a crime; no one was ever convicted of a crime. But these Italian immigrants were lynched for a murder that was never solved and those who were guilty of the lynching were never arrested or brought to justice. The most significant crime of its type ever committed in the United States of America because they were Italian immigrants in the city of New Orleans. The city of New Orleans is going to offer a proclamation of apology for this tragic event. The mayor of New Orleans, LaToya Cantrell, is going to issue this apology on Friday, April 12th of this year.

I bring this to your attention because we're talking about immigration, we're talking about this and this is a national issue. But this is an issue that involved people who immigrated from Italy; my family immigrated from Italy. My family made positive contributions to this country. But, indeed, recognized the fact that we

were a brutal, biased society at one time, and dammit, these people paid a price; they were mutilated, hung, and beaten to death on the streets of New Orleans. We can't even let anything like that happen again. Thank you, Madam President.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

HB 267, relative to the international registration plan.

HB 284, relative to biennial controlled substance inventories conducted under the Controlled Drug Act.

SB 4, relative to the group and individual health insurance market.

SB 36, creating a cause of action for certain constitutional deprivations of right.

SB 45, relative to electioneering at polling places.

SB 72, relative to issuance of renewable energy certificates.

SB 78, relative to public utility customer data.

SB 80, relative to applicants to the board of mental health practice from other states, membership on the board of mental health practice, and insurance credentialing of out-of-state mental health practitioners and psychologists.

SB 85, reestablishing the commission to study environmentally-triggered chronic illness.

SB 104-LOCAL, relative to the postponement of city, town, village, and school district elections.

SB 108, relative to eligibility for the governor's scholarship program.

SB 111, relative to the collection of health care data.

SB 120, relative to the controlled drug prescription health and safety program.

SB 148, relative to notification to public employees regarding their right to join or not join a union.

SB 154, allowing municipalities to adopt a credit against property taxes for certain workforce housing, and authorizing the sale of certain property by the town of Milton.

SB 177, relative to the use of physical restraints on persons who are involuntarily committed.

SB 187, relative to OHRV dealer and rental agency registration fees and snowmobile registration fees.

SB 192, relative to self-service storage facility liens.

SB 204, relative to distributed energy resources and consumer energy storage.

SB 211, relative to reporting requirements for state agencies owning real property.

SB 212, relative to limited driving privilege after revocation or suspension.

SB 220, relative to department of transportation access to crash data.

SB 251, relative to the life and health insurance guaranty association and relative to an unfair insurance practice regarding certain prescriptions.

SB 267, relative to the release of student assessment information and data.

SB 314-FN, relative to release of a defendant pending trial.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Feltes 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.