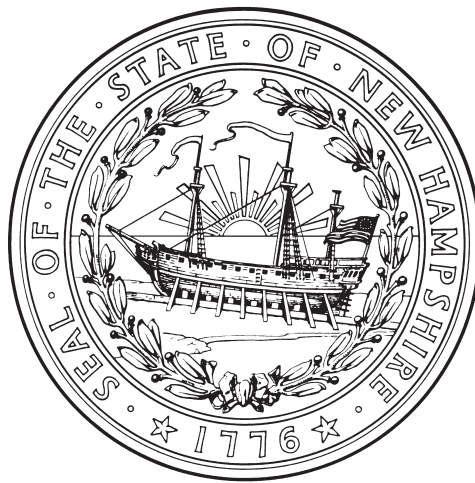


March 28, 2019  
Nos. 10-11

# STATE OF NEW HAMPSHIRE

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



**First Year of the 166<sup>th</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## SENATE JOURNAL

**ADJOURNMENT – MARCH 27, 2019 SESSION  
COMMENCEMENT – MARCH 28, 2019 SESSION**

# SENATE JOURNAL 10 *(continued)*

*March 27, 2019*

## 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 365, relative to net energy metering limits for customer generators. (Energy and Natural Resources)

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 11

*March 28, 2019*

The Senate reconvened at 9:00 a.m., a quorum being present.

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

Let us pray.

Dear God, whose mercy never ends, whose strength is always available, whose guidance shows the way, whose spirit provides a supernatural power, whose presence is our courage, whose joy transforms our gloom, whose peace calms our pressured hearts, whose light illuminates our path, whose goodness provides the wonderful gift of loved ones, family and friends. Whose will has brought us to this awesome task of the Senate today, and whose calling lifts us above party politics to put the good of our state and nation first. We make our earnest prayer that you will bless our work and that our work will bless the state of New Hampshire and the United States. We pray that the hearts of our fellow citizens will cultivate a spirit of service and good will to governments and to entertain affection and love for one another and the fellow citizens of the United States at large. And finally, help us to be free to do justice, to love mercy and to demean ourselves with charity, humility and peaceable temper of mind. Amen.

Senator Kahn led the Pledge of Allegiance.

## INTRODUCTION OF GUESTS

(The Chair recognized Senator Dietsch.)

SENATOR DIETSCH: I would like to welcome Mandy Sliver from Leadership New Hampshire, who is doing her observation today, so we need to be on our toes; she's watching us for leadership. Mandy is an eighth generation New Hampshire native, born and raised in Laconia, working in finance and wealth management. She has the pleasure of helping families and individuals successfully navigate through transitions in their lives. She enjoys working individually with people but also with small communities and feels that open communication and collaboration are the keys to success. For her past endeavors, Mandy was featured on New Hampshire Chronicle and was a 2015 fellow and a Manchester cohort of the New Hampshire Center for Nonprofits' Hoffman Haas Fellowship. During her sixteen years as a resident of Peterborough, she has served on the Board of the Greater Peterborough Chamber of Commerce and is a past president of the Women's Club. She currently serves on the Budget Committees and was recently appointed deputy treasurer and treasurer of the Peterborough Service Unit of Salvation Army. In addition to her town responsibilities, Mandy serves in a regional capacity on the

board of directors for the River Center, the Children's Trust Designated Family Resource Center of Quality for the Eastern Monadnock Region and she also volunteers as an IRS-certified tax preparer at the River Center. Busy now! Spending time with family and friends while appreciating New Hampshire's natural beauty is a priority for Mandy. She and her husband enjoy exploring the country on their motorcycles and they agree that many of the best roads are right here in New Hampshire. Thank you for joining us.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Yes, Madam President, I have a guest with me here on the floor, Zoe Stewart, who is a long-term friend and helpmate.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Madam President. I'd like the Senate to acknowledge our Fire Marshal who's here today, Chief Parisi.

### INTRODUCTION OF PAGES

Senator Feltes introduced Aidah Morris and Sam Morris of Concord, homeschooled and VLACS, serving as Senate Pages for the day.

### SPECIAL ORDER

Without objection, the following bill is special ordered to be taken up in committee order. Adopted.

### ELECTION LAW AND MUNICIPAL AFFAIRS

SB 157, making undeclared voters eligible to be inspectors.

### REGULAR CALENDAR

#### COMMERCE

SB 61, permitting private enforcement of the rights of construction and labor industry employees. Re-refer to Committee, Vote 3-2. Senator Cavanaugh for the committee.

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

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

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

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

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

SB 100, relative to discrimination in employment based on criminal background checks. Ought to Pass with Amendment, Vote 4-1. Senator Morgan for the committee.

Commerce

March 19, 2019

2019-1167s

08/10

### Amendment to SB 100

Amend RSA 275:37-c, II and III as inserted by section 1 of the bill by replacing them with the following:

II. No public or private employer or employer's agent shall inquire about a prospective employee's prior arrests, criminal charges, or convictions on an employment application, unless the employer needs to screen applications for specific criminal convictions because it is prohibited from hiring those with such convictions under state or federal law, then the employer may inquire only about those prior arrests, criminal charges, or convictions directly implicated by applicable state or federal law.

III. No employer or employer's agent shall conduct a criminal record check of an applicant prior to the initial interview nor may an employer make any inquiry covered by paragraph II except in person or by telephone, if it is standard practice for that employer to conduct telephone interviews. In cases where there is only one applicant for an open position at the close of the application period, the employer may inquire about the applicant's criminal background in writing without the need to do an in person or telephone interview, provided that the applicant has the opportunity to provide a written response.

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

Without objection, Senator Kahn moved the question. Adopted.

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

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

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

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

Roll Call, Yeas: 16 - Nays: 8. Adopted, bill ordered to Third Reading.

#### ELECTION LAW AND MUNICIPAL AFFAIRS

SB 8, establishing an independent redistricting commission.

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

Election Law and Municipal Affairs

March 20, 2019

2019-1197s

11/05

#### Amendment to SB 8

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

2 New Chapter; Independent Redistricting Commission. Amend RSA by inserting after chapter 662-A the following new chapter:

#### CHAPTER 662-B INDEPENDENT REDISTRICTING COMMISSION

##### 662-B:1 Independent Redistricting Commission.

I. There is hereby established an independent redistricting commission which shall be charged with establishing all election district boundaries for all state and federal elections in New Hampshire. This commission is established so that henceforth elections shall reflect to the greatest extent possible the wishes of the voters of New Hampshire by eliminating partisan distortions of electoral districts.

II. The commission shall consist of 15 members of the public.

III. No person shall be eligible to serve as a member of the commission if, at any point during the 4 years prior to submitting an application for appointment to the commission, the person:

- (a) Has been a candidate for, or elected to, any federal, state, or county elective public office.
- (b) Served as an officer or employee of, or consultant to, a major political party or a campaign committee of a candidate for federal, state, county, or municipal elective public office.
- (c) Served as an elected or appointed member of the state committee of a political party.
- (d) Has been registered as a paid lobbyist in New Hampshire.
- (e) Has contributed 75 percent or more of the individual campaign contribution limit allowable under the Federal Election Campaign Act, or any successor law that replaces the Federal Election Campaign Act, to any one federal candidate.

IV. No person shall be eligible to serve as a commission member if he or she is a staff member, consultant to, under a contract with, or a person with an immediate family relationship with the governor, secretary of state, any member of the legislature, or any member of the United States Congress. As used in this section, a member of a person's immediate family is one with whom the person has a bona fide relationship established through blood or legal relation, including parents, children, siblings, and in-laws.

V.(a) By joining the commission, a member waives his or her right to hold any state elective public office or to hold any appointed state or local public office for a period of 4 years from the date of appointment to the commission.

(b) A member of the commission shall not be eligible, for a period of 2 years from the appointment, to serve as an officer or employee of, or as a consultant to, the New Hampshire general court, or any individual legislator in the state or in the United States Congress, or to register as a governmental affairs agent in this state.

662-B:2 Appointment of Commissioners.

I. The secretary of state shall create an application designed to determine the eligibility of potential commissioners and circulate the application to the public. These efforts shall include, but not be limited to:

- (a) Advertising the application period and criteria in all daily newspapers in the state for one month.
- (b) Advertising the application period and criteria on the home page of all state agency websites.
- (c) Requesting media to publicize the commission's search for eligible members.

II.(a) A person who is interested in serving as a member of the commission may submit an application to the secretary of state no later than September 1 of each year ending in the number zero. In addition to conflict of interest eligibility, the secretary of state shall screen applicants for persons who are compromise oriented, are able to be impartial, and have an appreciation for New Hampshire's diverse demographics and geography. From all timely and eligible applications received, the secretary of state shall choose 45 applicants who have demonstrated their eligibility no later than the first Wednesday after the first Tuesday of December of each year ending in the number zero.

(b) The 45 persons so selected shall proportionally represent the 5 current executive council districts. In addition to fair geographic representation, the secretary of state shall, to the extent practicable, achieve racial, ethnic, and gender diversity within the applicant pool, reflective of the state's diversity.

(c) The 45 persons so selected shall be divided into 3 pools: 15 members who are members of the largest political party in the state; 15 members who are members of the next largest political party in the state; and 15 persons who are not members of either the largest or next largest political party in the state.

(d) The majority and minority leaders in each house of the general court shall review the 45 potential members for a period of up to 3 weeks and may each strike 2 applicants, up to a maximum of 8 total strikes by the 4 legislative leaders in total.

(e) From the potential members remaining, and no later than January 31 of each year ending in one, the secretary of state shall appoint at random 3 members who are members of the largest political party in the state, 3 members who are members of the next largest political party in the state, and 3 persons who are not members of either the largest or next largest political party in the state. These 9 members shall then appoint the final 6 members from those persons remaining in the pool. Of the final 6 members, 2 members shall be members of the largest political party in the state, 2 members shall be members of the next largest political party in the state, and 2 persons shall not be members of either the largest or next largest political party in the state.

III. In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, a member of the commission may, after being served written notice and given an opportunity for a response, be removed by a vote of 11 members of the commission. A finding of substantial neglect of duty or gross misconduct in office may result in referral to the New Hampshire attorney general for criminal prosecution.

IV. Vacancies on the commission shall be filled in the same manner as initial appointments.

V. The terms of all commissioners shall be 10 years. A member may be re-appointed upon the expiration of his or her term. The members shall elect annually a chairperson from among the members. In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, a member of the commission may be removed by a 2/3 vote of the commission. The commission may look at previous applicants or re-open the application process in order to fill a vacancy.

VI. No redistricting commission member shall make a contribution, as defined in RSA 664:2, to any candidate for office or political committee for the time they serve on the commission.

VII. Each commissioner shall be paid \$200 a day, or \$100 per half-day, plus mileage at the state employee rate while engaged in her or his official duties. These rates shall be adjusted annually to account for inflation or deflation based on the consumer price index. The chairperson or his or her designee shall receive his or her reasonable expenses while traveling out of state in the performance of her or his duties.



#### 662-B:3 Commission Meetings.

I. The commission shall act in public meetings by the affirmative vote of at least 9 members, including at least 2 members who are members of each of the 2 largest political parties in the state and 2 who are not members of either the largest or next largest political party in the state.

II. All meetings of the commission shall be open to the public. The commission shall publicly post notice of its meetings on the commission website and other appropriate outlets at least 7 days prior to such meetings. All records of the commission, including all communications to or from the commission regarding the work of the commission, shall be made available for public inspection.

III. The commission shall hold at least one public meeting in each county prior to drawing any maps and at least one public meeting in each county after releasing any proposed maps.

IV. The commission shall create a website that shall provide, at a minimum, a description of the role of the commission in the redistricting process, timely information to the public about the time, place, and purpose of each meeting of the commission, a portal for the submission of proposed maps, all preliminary maps, all data used to create maps, all reports analyzing the maps, and all other disclosures.

V. The commission shall provide a meaningful opportunity for all persons to participate in the public meetings, including, but not limited to, issuing notices in multiple languages and ensuring that translation and sign language services are available at all hearings at the commission's expense or through partnership with outside organizations. Meetings shall be held only in spaces that are accessible under the Americans with Disabilities Act of 1990, as amended.

VI. Commission meetings shall be adequately advertised and planned so as to encourage attendance and participation across the state. This includes scheduling meetings outside of regular work hours and using technology that allows for real-time, virtual participation and feedback.

VII. The commission shall be considered a public body subject to RSA 91-A. No documents created or received by the commissioners or staff as part of official duties, including emails and text messages, shall be exempt from disclosure for any privilege other than attorney-client privilege.

VIII. Commissioners and staff may not communicate with outside persons attempting to influence commissioners or commission action outside of public meetings. To the extent that commissioners and staff receive such communications, the identity of the person or group and the subject of the communication shall be publicly disclosed on the commission website.

#### 662-B:4 Commission Duties.

I. The commission shall establish districts for state representatives, state senators, executive councilors, and United States senators and representatives using the following criteria:

(a) Districts shall comply with the United States Constitution and all applicable federal laws. Districts shall be drawn on the basis of total population.

(b) Districts shall form single boundaries and shall not be bisected or otherwise divided by other districts.

(c) Districts shall respect the integrity of communities of interest to the extent practicable. A community of interest is defined as an area with recognized similarities of interests, including but not limited to, economic, social, cultural, geographic, or historic identities. Communities of interest shall not include common relationships with political parties or political candidates.

(d) Districts shall respect the geographic integrity of political boundaries to the extent practicable without violating the requirements of any of the preceding subparagraphs.

(e) Districts shall provide racial minorities and language minorities with an equal opportunity to participate in the political process and shall not diminish their ability to elect candidates of choice whether alone or in coalition with others.

(f) The redistricting plan as a whole shall not have the intent or the effect of unduly favoring or disfavoring any political party or incumbent or candidate for political office.

II. The commission shall solicit redistricting plans and suggestions from the people of New Hampshire. The commission shall be authorized to purchase redistricting software that shall be made available to the public and legislators within 10 business days of the commission receiving it.

III. The commission shall create a commission website that shall provide, at a minimum, a description of the role of the commission in the redistricting process, timely information to the public about the time, place, and purpose of each commission meeting, a portal for the submission of proposed maps, all preliminary maps, all data used to create maps, all reports analyzing the maps, and all other disclosures.

IV. The commission shall provide a meaningful opportunity for all persons to participate in the public meetings, including, but not limited to, issuing notices in no fewer than 3 languages most prevalent in New Hampshire as determined by the census and ensuring that translation services are available at all hearings at the commission's expense or through partnership with outside organizations. The commission shall hold at least one meeting in each county.

V. Commission meetings shall be adequately advertised and planned so as to encourage attendance and participation across the state. This includes scheduling meetings outside of regular work hours and using technology that allows for real-time, virtual participation and feedback.

VI. The commission may hire up to 3 staff in the 2 years preceding the census and redistricting process for a term not to exceed 3 years and may, if it so chooses, share staff with either the attorney general's office or the office of the secretary of state. Staffing salaries shall be in accordance with salary levels set by the joint committee on legislative facilities.

VII. Commissioners and staff shall not communicate with any outside persons attempting to influence commissioners or commission action outside of public meetings. To the extent that commissioners and staff receive such communications, the identity of the person or group and the subject of the communication shall be publicly disclosed on the commission website.

#### 662-B:5 Adopting a Plan.

I. The commission shall act to release proposed maps and shall display the proposed maps for a minimum of 14 days for public comment in a manner designed to achieve the widest public access reasonably possible before establishing a final plan.

II. No later than December 31 of any year ending in one, the commission shall act to approve final plans for New Hampshire house, senate, executive council, and congressional districts. Upon approval, the commission shall submit the final plan to the senate president, speaker of the house of representatives, and senate and house minority leaders.

III. The commission shall issue with all proposed and final maps written evaluations that measure the maps against external metrics. These metrics shall cover all criteria set forth in RSA 662-B:4, including the impact of the maps on the ability of minority communities to elect candidates of choice, measures of partisan fairness using multiple accepted methodologies, and the degree to which the maps preserve or divide communities of interest.

IV.(a) It is the intent of this chapter that the general court shall conduct a roll-call vote on the plan in either the house of representatives or the senate expeditiously under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this chapter that if the bill is approved by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar provision or rule.

(b) If a chamber of the legislature fails to pass the plan, it shall issue a written explanation specifying how the final plan fails the criteria listed in RSA 662-B:4 or any other binding federal or state law. The commission shall then amend the final plans to the extent necessary to satisfy the criteria in RSA 662-B:4 or other legal requirements and resubmit it to the legislature for a subsequent up or down floor vote.

(c) This process shall repeat until the legislature passes final plans for the New Hampshire house and senate.

662-B:6 Failure of Commission or Legislature to Reach Consensus. If the commission fails to approve and file redistricting plans by December 31 in the odd year following a decennial census, or the legislature fails to adopt and file the plan by February 15 of the even year following a federal decennial census, the New Hampshire supreme court shall appoint by March 1 in the even year following a decennial census a special master to create the relevant maps in accordance with the redistricting criteria and requirements set forth in RSA 662-B:6. The court shall make the special master's plans public and schedule a hearing where interested parties may present testimony and other evidence regarding the plans' compliance with redistricting criteria. The supreme court shall adopt the master's proposed plan no later than April 1 of the even year following the decennial census and certify the results to the secretary of state.

## 662-B:7 Judicial Review.

I. The New Hampshire supreme court has original and exclusive jurisdiction in all proceedings in which a final plan is challenged or is claimed not to have taken timely effect.

II. Any registered voter in this state may file a petition, within 45 days after adoption of the final plan on the grounds that the plan violates any federal or state law.

III. The New Hampshire supreme court shall give priority to ruling on any matter related to redistricting presented to the court. If the court determines that the final plan violates any federal or state law, the court shall fashion the relief that it deems appropriate, including, but not limited to, appointment of a special master to draw or modify a plan in accordance with RSA 662-B:6.

3 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

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

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

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15  
March 26, 2019  
2019-1309s  
11/05

## Floor Amendment to SB 8

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

2 New Chapter; Independent Redistricting Commission. Amend RSA by inserting after chapter 662-A the following new chapter:

CHAPTER 662-B  
INDEPENDENT REDISTRICTING COMMISSION

## 662-B:1 Independent Redistricting Commission.

I. There is hereby established an independent redistricting commission which shall be charged with establishing all election district boundaries for all state and federal elections in New Hampshire. This commission is established so that henceforth elections shall reflect to the greatest extent possible the wishes of the voters of New Hampshire by eliminating partisan distortions of electoral districts.

II. The commission shall consist of 15 members of the public.

III. No person shall be eligible to serve as a member of the commission if, at any point during the 4 years prior to submitting an application for appointment to the commission, the person:

- (a) Has been a candidate for, or elected to, any federal, state, or county elective public office.
- (b) Served as an officer or employee of, or consultant to, a major political party or a campaign committee of a candidate for federal, state, county, or municipal elective public office.
- (c) Served as an elected or appointed member of the state committee of a political party.
- (d) Has been registered as a paid lobbyist in New Hampshire.
- (e) Has contributed 75 percent or more of the individual campaign contribution limit allowable under the Federal Election Campaign Act, or any successor law that replaces the Federal Election Campaign Act, to any one federal candidate.

IV. No person shall be eligible to serve as a commission member if he or she is a staff member, consultant to, under a contract with, or a person with an immediate family relationship with the governor, secretary of state, any member of the legislature, or any member of the United States Congress. As used in this section, a member of a person's immediate family is one with whom the person has a bona fide relationship established through blood or legal relation, including parents, children, siblings, and in-laws.



V.(a) By joining the commission, a member waives his or her right to hold any state elective public office or to hold any appointed state or local public office for a period of 4 years from the date of appointment to the commission.

(b) A member of the commission shall not be eligible, for a period of 2 years from the appointment, to serve as an officer or employee of, or as a consultant to, the New Hampshire general court, or any individual legislator in the state or in the United States Congress, or to register as a lobbyist in this state.

662-B:2 Appointment of Commissioners.

I. The secretary of state shall create an application designed to determine the eligibility of potential commissioners and circulate the application to the public. These efforts shall include, but not be limited to:

(a) Advertising the application period and criteria in all daily newspapers in the state for one month.

(b) Advertising the application period and criteria on the home page of all state agency websites.

(c) Requesting media to publicize the commission's search for eligible members.

II.(a) A person who is interested in serving as a member of the commission may submit an application to the secretary of state no later than September 1 of each year ending in the number zero. In addition to conflict of interest eligibility, the secretary of state shall screen applicants for persons who are compromise oriented, are able to be impartial, and have an appreciation for New Hampshire's diverse demographics and geography. From all timely and eligible applications received, the secretary of state shall choose 45 applicants who have demonstrated their eligibility no later than the first Wednesday after the first Tuesday of December of each year ending in the number zero.

(b) The 45 persons so selected shall proportionally represent the 5 current executive council districts. In addition to fair geographic representation, the secretary of state shall, to the extent practicable, achieve racial, ethnic, and gender diversity within the applicant pool, reflective of the state's diversity.

(c) The 45 persons so selected shall be divided into 3 pools: 15 members who are members of the largest political party in the state; 15 members who are members of the next largest political party in the state; and 15 persons who are not members of either the largest or next largest political party in the state.

(d) The majority and minority leaders in each house of the general court shall review the 45 potential members for a period of up to 3 weeks and may each strike 2 applicants, up to a maximum of 8 total strikes by the 4 legislative leaders in total.

(e) From the potential members remaining, and no later than January 31 of each year ending in one, the secretary of state shall appoint at random 3 members who are members of the largest political party in the state, 3 members who are members of the next largest political party in the state, and 3 persons who are not members of either the largest or next largest political party in the state. These 9 members shall then appoint the final 6 members from those persons remaining in the pool. Of the final 6 members, 2 members shall be members of the largest political party in the state, 2 members shall be members of the next largest political party in the state, and 2 persons shall not be members of either the largest or next largest political party in the state.

III. In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, a member of the commission may, after being served written notice and given an opportunity for a response, be removed by a vote of 11 members of the commission. A finding of substantial neglect of duty or gross misconduct in office may result in referral to the New Hampshire attorney general for criminal prosecution.

IV. Vacancies on the commission shall be filled in the same manner as initial appointments.

V. The terms of all commissioners shall be 10 years. A member may be re-appointed upon the expiration of his or her term. The members shall elect annually a chairperson from among the members.

VI. No redistricting commission member shall make a contribution, as defined in RSA 664:2, to any candidate for office or political committee for the time they serve on the commission.

VII. Each commissioner shall be paid \$200 a day, or \$100 per half-day, plus mileage at the state employee rate while engaged in her or his official duties. These rates shall be adjusted annually to account for inflation or deflation based on the consumer price index. The chairperson or his or her designee shall receive his or her reasonable expenses while traveling out of state in the performance of her or his duties.

#### 662-B:3 Commission Meetings.

I. The commission shall act in public meetings by the affirmative vote of at least 9 members, including at least 2 members who are members of each of the 2 largest political parties in the state and 2 who are not members of either the largest or next largest political party in the state.

II. All meetings of the commission shall be open to the public. The commission shall publicly post notice of its meetings on the commission website and other appropriate outlets at least 7 days prior to such meetings. All records of the commission, including all communications to or from the commission regarding the work of the commission, shall be made available for public inspection.

III. The commission shall hold at least one public meeting in each county prior to drawing any plans and at least one public meeting in each county after releasing any proposed plans.

IV. The commission shall create a website that shall provide, at a minimum, a description of the role of the commission in the redistricting process, timely information to the public about the time, place, and purpose of each meeting of the commission, a portal for the submission of proposed plans, all preliminary plans, all data used to create plans, all reports analyzing the plans, and all other disclosures.

V. The commission shall provide a meaningful opportunity for all persons to participate in the public meetings, including, but not limited to, issuing notices in multiple languages and ensuring that translation and sign language services are available at all hearings at the commission's expense or through partnership with outside organizations. Meetings shall be held only in spaces that are accessible under the Americans with Disabilities Act of 1990, as amended.

VI. Commission meetings shall be adequately advertised and planned so as to encourage attendance and participation across the state. This includes scheduling meetings outside of regular work hours and using technology that allows for real-time, virtual participation and feedback.

VII. The commission shall be considered a public body subject to RSA 91-A. No documents created or received by the commissioners or staff as part of official duties, including emails and text messages, shall be exempt from disclosure for any privilege other than attorney-client privilege.

#### 662-B:4 Commission Duties.

I. The commission shall establish districts for state representatives, state senators, executive councilors, and United States representatives using the following criteria:

(a) Districts shall comply with the United States and New Hampshire Constitutions and all applicable federal laws. Districts shall be drawn on the basis of total population.

(b) Districts shall form single boundaries and shall not be bisected or otherwise divided by other districts.

(c) Districts shall respect the integrity of communities of interest to the extent practicable. A community of interest is defined as an area with recognized similarities of interests, including but not limited to, economic, social, cultural, geographic, or historic identities. Communities of interest shall not include common relationships with political parties or political candidates.

(d) Districts shall respect the geographic integrity of political boundaries to the extent practicable without violating the requirements of any of the preceding subparagraphs.

(e) Districts shall provide racial minorities and language minorities with an equal opportunity to participate in the political process and shall not diminish their ability to elect candidates of choice whether alone or in coalition with others.

(f) The redistricting plan as a whole shall not have the intent or the effect of unduly favoring or disfavoring any political party or incumbent or candidate for political office.

II. The commission shall solicit redistricting plans and suggestions from the people of New Hampshire. The commission shall be authorized to purchase redistricting software that shall be made available to the public and legislators within 10 business days of the commission receiving it.

III. The commission may hire up to 3 staff in the 2 years preceding the census and redistricting process for a term not to exceed 3 years and may, if it so chooses, share staff with either the attorney general's office or the office of the secretary of state. Staffing salaries shall be in accordance with salary levels set by the joint committee on legislative facilities.

IV. Commissioners and staff shall not communicate about official duties with any outside persons attempting to influence commissioners or commission action outside of public meetings. To the extent that commissioners and staff receive such communications, the identity of the person or group and the subject of the communication shall be publicly disclosed on the commission website.

#### 662-B:5 Adopting a Plan.

I. The commission shall act to release proposed plans and shall display the proposed plans for a minimum of 14 days for public comment in a manner designed to achieve the widest public access reasonably possible before establishing a final plan.

II. No later than December 31 of any year ending in one, the commission shall act to approve final plans for New Hampshire house, senate, executive council, and congressional districts. Upon approval, the commission shall submit the final plans to the senate president, speaker of the house of representatives, and senate and house minority leaders.

III. The commission shall issue with all proposed and final plans written evaluations that measure the plans against external metrics. These metrics shall cover all criteria set forth in RSA 662-B:4, I.

IV.(a) It is the intent of this chapter that the general court shall conduct a roll-call vote on the final plans in either the house of representatives or the senate expeditiously under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this chapter that if the bill is approved by the first chamber in which it is considered, it shall expeditiously be brought to a vote in the second chamber under a similar provision or rule.

(b) It is the intent of this chapter that if a chamber of the legislature fails to pass a final plan, it shall issue a written explanation specifying how the final plans fail the criteria listed in RSA 662-B:4, I or any other binding federal or state law. The commission shall then amend the final plans to the extent necessary to satisfy the criteria in RSA 662-B:4, I or other legal requirements and resubmit it to the legislature for a subsequent up or down floor vote.

(c) It is the intent of this chapter that this process shall repeat until the legislature passes final plans for the New Hampshire house, senate, executive council, and congressional districts.

V. It is the intent of this chapter that all enacted final plans shall satisfy the criteria in RSA 662-B:4, I.

662-B:6 Failure of Commission or Legislature to Reach Consensus. If the commission fails to approve final plans by December 31 in the odd year following a decennial census, or the legislature fails to adopt a final plan by February 15 of the even year following a federal decennial census, it is the intent of this chapter that the New Hampshire supreme court shall appoint by March 1 in the even year following a decennial census a special master to create the relevant plans in accordance with the redistricting criteria and requirements set forth in RSA 662-B:4, I. It is the intent of this chapter that the court shall make the special master's plans public and schedule a hearing where interested parties may present testimony and other evidence regarding the plans' compliance with redistricting criteria. It is the intent of this chapter that the supreme court shall adopt the master's proposed plan no later than April 1 of the even year following the decennial census.

#### 662-B:7 Judicial Review.

I. The New Hampshire supreme court has original and exclusive jurisdiction in all proceedings in which a final plan is challenged or is claimed not to have taken timely effect.

II. Any registered voter in this state may file a petition, within 45 days after adoption of a final plan on the grounds that the plan violates any federal or state law.

III. The New Hampshire supreme court shall give priority to ruling on any matter related to redistricting presented to the court. If the court determines that the final plan violates any federal or state law, the court shall fashion the relief that it deems appropriate, including, but not limited to, appointment of a special master to draw or modify a plan in accordance with RSA 662-B:4, I.

3 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

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

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

Without objection, Senator Feltes moved to call the question. Adopted.

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

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

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

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

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

Recess. Out of recess.

#### INTRODUCTION OF GUESTS

Senator Fuller Clark introduced students from Little Harbor School in Portsmouth visiting in the gallery.

SB 46, relative to qualifications of the inspectors of election.

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

Election Law and Municipal Affairs

March 13, 2019

2019-1042s

11/01

#### Amendment to SB 46

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

1 Cities and Wards; Wards. Amend RSA 44:4 to read as follows:

44:4 Wards. Each ward into which a city may be divided by law, or in pursuance of law, shall be a town for the purpose of the election of governor, councilor, state senator, representative to the general court, all county officers, senator and representative in congress, and electors of president and vice-president of the United States, and in all matters relating to jurors. ***A ward shall not be considered a town for purposes of determining qualifications of inspectors of election pursuant to RSA 658:3.***

2 Pre-Election Procedure; Inspectors of Election; Qualifications. Amend RSA 658:3 to read as follows:

658:3 Qualifications. The inspectors of election shall be registered to vote [at the polling place] ***in the city or town*** where they serve, ***provided that persons registered to vote in a city ward may serve as inspectors of election in a different ward of the same city.***

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

2019-1042s

#### AMENDED ANALYSIS

This bill requires that inspectors of election be registered to vote in the city or town where they serve, and allows persons registered to vote in one city ward to serve as inspectors of election in a different ward of the same city.

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

Senator Feltes moved Rerefer to Committee.

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

SB 67, relative to the definitions of resident and residency.

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

Election Law and Municipal Affairs

March 20, 2019

2019-1185s

08/06

#### Amendment to SB 67

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

1 Resident; Inhabitant. Amend RSA 21:6 to read as follows:

21:6 Resident; Inhabitant. A resident or inhabitant or both of this state and of any city, town, or other political subdivision of this state shall be a person who is domiciled or has a place of abode or both in this state and in any city, town, or other political subdivision of this state, and who has, through all of his or her actions, demonstrated a current intent to designate that place of abode as his or her principal place of physical presence to the exclusion of all others. ***A person who satisfies the definition of resident or inhabitant in this section, but who does not have a current intent to maintain his or her domicile or place of abode within New Hampshire for the indefinite future, including military personnel, a student of any institution of learning, or a person employed for a fixed term, is not a resident for the purposes of Title XXI of New Hampshire's statutes governing motor vehicles.***

2 Residence. Amend RSA 21:6-a to read as follows:

21:6-a Residence. Residence or residency shall mean a person's place of abode or domicile. The place of abode or domicile is that designated by a person as his or her principal place of physical presence to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there is an intent to return to such residence or residency as the principal place of physical presence. ***A person who satisfies the definition of residency in this section, but who does not have a current intent to maintain his or her domicile or place of abode within New Hampshire for the indefinite future, including military personnel, a student of any institution of learning, or a person employed for a fixed term, is not a resident for the purposes of Title XXI of New Hampshire's statutes governing motor vehicles.***

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

Without objection, Senator Dietsch moved to call the question.

Senator Giuda objects to the motion to call the question.

Without objection, Senator Dietsch moved to call the question. Adopted.

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

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

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

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

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

SB 70, relative to vacancies among primary candidates and prohibiting a candidate from receiving the nomination of more than one party.

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

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

SB 103-L, authorizing municipalities to engage in multi-town bonding projects.

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

Recess. Out of recess.

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

SB 106, relative to the definition of political advocacy organization and expenditure.

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

Election Law and Municipal Affairs

March 20, 2019

2019-1200s

05/10

#### Amendment to SB 106

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

AN ACT relative to the definition of political advocacy organization.

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

1 Political Expenditures and Contributions; Definition of Political Advocacy Organization. Amend RSA 664:2, XXII to read as follows:



XXII. "Political advocacy organization" means any entity, *including, but not limited to, an organization described in RSA 664:2, III*, that ~~[spends \$5,000]~~ **makes expenditures of \$2,500** or more in a calendar year to pay for ~~[a communication that is functionally equivalent to express advocacy because, when taken as a whole, such communication is likely to be interpreted by a reasonable person only as advocating the election or defeat of]~~ **communications that refer to** a clearly identified candidate or candidates or the success or defeat of a measure or measures, ~~[taking into account whether the communication involved mentions a candidacy or a political party, or takes a position on a candidate's character, qualifications, or fitness for office]~~ **and are publicly distributed within 60 days before a primary or general election to an audience that includes members of the electorate for the office sought by the candidate or one or more of the candidates, regardless of whether the communication or communications expressly advocate a vote for or against the candidate or candidates or for the success or defeat of a measure or measures. In this paragraph, expenditures do not include expenses for candidate forums, including, but not limited to, spending for advertisements, marketing, or event expenses.**

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

2019-1200s

#### AMENDED ANALYSIS

This bill modifies the definition of political advocacy organization for purposes of the political expenditures and contribution laws.

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 Feltes, 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, Reagan, Birdsell, D'Allesandro, Fuller Clark, Morse, Morgan, Sherman, Soucy.

The following Senators voted No: (None)

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

SB 155, relative to permissible campaign contributions by business organizations.  
Inexpedient to Legislate, Vote 4-1. Senator Levesque for the committee.

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

SB 156, relative to political contributions made by limited liability companies.  
Ought to Pass, Vote 3-2. Senator Morgan for the committee.

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

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

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

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

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

SB 157, making undeclared voters eligible to be inspectors.  
Ought to Pass with Amendment, Vote 5-0. Senator Levesque for the committee.

Election Law and Municipal Affairs

March 20, 2019

2019-1191s

11/05

#### Amendment to SB 157

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

AN ACT relative to inspectors of election.

Amend the bill by replacing section 1 with the following:

1 New Section; Inspectors of Election; Appointment by Moderator. Amend RSA 658 by inserting after section 6 the following new section:

658:6-a Appointment by Moderator. If the political parties, selectmen, or court have not appointed a sufficient number of inspectors of election pursuant to RSA 658:2 through RSA 658:6, the moderator shall temporarily appoint inspectors of election as needed. Such temporary inspectors of election shall meet the qualifications of RSA 658:3, and shall serve until such time that replacement inspectors of election are appointed pursuant to RSA 658:2, RSA 658:5, or RSA 658:6. Any temporary inspector of election appointed pursuant to this section may be either a member of a political party or an undeclared voter, provided that the moderator shall, to the greatest extent possible, ensure that no one party is overrepresented among the inspectors of election.

2019-1191s

#### AMENDED ANALYSIS

This bill allows a moderator to appoint temporary inspectors of election when sufficient numbers of inspectors of election are not appointed by political parties, selectmen, or courts.

Recess. Out of recess.

The question is on the adoption of the Committee Amendment.

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Fuller Clark, Morse.

The following Senators voted No: Starr, Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Morgan, Sherman, Soucy.

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

Senator Feltes moved Rerefer to Committee.

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

SB 158, relative to town and city membership in a nonprofit, nonpartisan organization and prohibiting recipients of municipal or county funds from using such funds for lobbying.

Re-refer to Committee, Vote 3-2. Senator Gray for the committee.

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

Recess. Out of recess.

#### SPECIAL ORDER

Without objection, the following bills are special ordered to after Energy and Natural Resources. Adopted.

#### FINANCE

SB 74-FN-A, relative to register of deeds fees used to support the land and community heritage investment program (LCHIP), and establishing a committee to study the economic impact of land conservation.

SB 290-FN, relative to the New Hampshire granite advantage health care program.

#### ENERGY AND NATURAL RESOURCES

SB 13, relative to limited electrical energy producers and net energy metering.

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

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

SB 79, relative to required reporting on waste reduction.

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

Energy and Natural Resources

March 19, 2019

2019-1162s

08/01

#### Amendment to SB 79

Amend RSA 149-M:23-a, I-II as inserted by section 1 of the bill by replacing them with the following:

I. In furtherance of the solid waste management planning requirements of RSA 149-M:23, all towns shall annually report to the department no later than March 31 whether and to what extent the town has met the state's goal of achieving a 40 percent minimum weight diversion of solid waste away from landfilling or incineration on a per capita basis, as set forth in RSA 149-M:2. Each annual report shall include:

- (a) The weight of all solid waste collected by the town during the calendar year prior to the report.
- (b) The weight of solid waste collected by the town that was diverted to recycling, composting, and reuse during the calendar year prior to the report.
- (c) The weight of solid waste collected by the town for recycling that was sent to a landfill or incinerator during the calendar year prior to the report.
- (d) A trend analysis comparing the data contained in subparagraphs (a) through (c) to the same data from every previous annual report.
- (e) A description of programs including Pay-As-You-Throw programs that the town has implemented or is in the process of developing to achieve source reduction, recycling, reuse, and composting. In describing recycling programs in particular, towns shall specify whether:
  - (1) The town is implementing single-stream or multi-stream recycling;
  - (2) The town is paying or being paid to have materials taken to be recycled; and
  - (3) The town is sending materials collected for recycling to a landfill or incinerator.

II. The first annual report shall be filed no later than March 31, 2020. For the first annual report, if all data required in paragraph I is not available for any or some of the prior calendar year, towns shall provide any data that is available and make good faith estimates for the preceding calendar year.

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 123, relative to lost and unaccounted for gas, and relative to electric distribution companies investment in natural gas operations.

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

Energy and Natural Resources

March 20, 2019

2019-1196s

10/01

#### Amendment to SB 123

Amend RSA 365:8-a, II as inserted by section 1 of the bill by replacing it with the following:

***II. The commission shall adopt rules under RSA 541-A which require all natural gas companies to report to the commission, the senate president, and the speaker of the house of representatives, in a uniform manner, lost and unaccounted for gas for each year.***

***(a) Such rules shall include a method using operational and billing data to determine the total amount of lost and unaccounted for gas and to identify and measure each of its components.***

***(b) The commission may grant waivers from the rules as necessary for the development of innovative projects to reduce lost and unaccounted for gas. Such innovative projects shall be intended to reduce costs to ratepayers and to reduce greenhouse gas emissions. An application for a waiver shall include the goals of the innovative project, the expected cost, the expected benefit to ratepayers and the expected reduction in greenhouse gas emissions.***

***(c) For the purposes of this paragraph, "lost and unaccounted for gas" shall mean an amount of gas that is the difference between the total gas purchased by a gas company and the sum of: (1) total gas delivered to customers; and (2) total gas used by a gas company in the conduct of its operations.***

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

Senator Feltes is in favor of the Committee Amendment on SB 123.

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

Senator Feltes is in favor of the motion of Ought to Pass with Amendment on SB 123.

SB 124, relative to renewable portfolio standards after 2025.

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

Energy and Natural Resources

March 20, 2019

2019-1181s

10/06

#### Amendment to SB 124

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

2 New Section; Minimum Electric Renewable Portfolio Standards; Exemption Period for Certain Electrical Supply Contracts. Amend RSA 362-F by inserting after section 3 the following new section:

362-F:3-a Exemption Period for Certain Electrical Supply Contracts.

I. The increases in the annual purchase percentages under RSA 362-F:3 applicable to class II for 2019 and thereafter as compared to the class II annual purchase percentages in effect as of January 1, 2019, shall not apply to the megawatt-hours delivered during the contract term under any electrical power supply contract entered into before the effective date of this section, provided that the contract term in effect before such effective date has not been extended or otherwise increased after that date.

II. Providers shall inform the commission by July 1 of each year, through July 1, 2022, of all such exempted contracts, including but not limited to, the execution date and expiration date of the contract, the basis for exemption under this section, and if applicable, the annual megawatt-hours supplied and exempted, or the annual amount of exempted methane gas certificates and the basis for exemption. All such information filed with the commission shall be exempt from the provisions of RSA 91-A:5, IV.

2019-1181s

#### AMENDED ANALYSIS

This bill revises the required minimum percentages of classes I to IV renewable energy in the electric renewable portfolio standards through the year 2040. The bill also provides an exemption from increases in the annual purchase percentages for certain electrical supply contracts.

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 Feltes, seconded by Senator Giuda.

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

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

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

SB 159, relative to net energy metering limits for customer-generators.

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

Energy and Natural Resources

March 19, 2019

2019-1174s

10/05

#### Amendment to SB 159

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

1 Findings. The general court finds that:

I. New Hampshire's electricity consumers, including municipalities, manufacturers, commercial businesses, and other large users, strongly support more competitive retail options to lower their energy costs.

II. These same consumers deserve the freedom to invest their own capital to become more self-sufficient and energy independent and less reliant on out-of-state electricity companies that control our high electricity rates.

III. ISO-New England, Inc., the independent, nonprofit regional transmission organization that oversees the operation of New England's bulk electric power system and transmission lines, has stated that infrastructure constraints could pose a challenge to the reliable operation of the regional power grid, create price increases and volatility, and contribute to increased air emissions, all of which would adversely impact New Hampshire's citizens, businesses, and economy.

IV. The current size limit of one megawatt on customer-generators that may participate in net energy metering is an unnecessary barrier that denies larger electricity users the same rights that smaller users already have to produce and use local renewable power that reduces their energy costs, increases supply, and insulates all New Hampshire ratepayers from electric price volatility and higher transmission costs.

V. The current size limit is also a barrier to significant investment in existing and new small renewable energy projects, which would help keep our energy dollars in-state, drive economic activity, support good-paying jobs, and increase state and local business and property tax revenues.

VI. The federal Public Utility Regulatory Policies Act (PURPA) as amended by the Energy Policy Act of 2005 calls upon states to consider the adoption and implementation of net metering policies. PURPA as amended states that electricity generated by an eligible on-site generating facility may be used to offset electric energy provided by the electric utility and allows states to define an eligible facility. Furthermore, under ISO New England's rules, a generating facility of less than 5 megawatts that is connected to the distribution grid is not required to register with ISO New England as a generator or participate in the wholesale energy markets; rather, if the generating facility elects not to register as a wholesale market participant or retires from such status, the customer generator is to be treated by ISO New England as a retail load reducer.

VII. It is therefore also in the best interests of all citizens of New Hampshire that the size limit on customer-generators that may participate in net energy metering and serve as retail load reducers be increased from one megawatt to up to but not including 5 megawatts to increase customer supply choice, foster a more robust retail market for local renewable energy, help mitigate the cost of electric service in the state, reduce the price volatility of that service, and reduce the potential for disruptions in electricity supply due to inadequate wholesale generating capacity in the New England marketplace.

2 Definition; Customer-generator. Amend RSA 362-A:1-a, II-b to read as follows:

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

3 Net Energy Metering; Net Effects. Amend RSA 362-A:9, VII to read as follows:

VII.(a) A distribution utility may perform an annual calculation to determine the net effect this section had on its default service and distribution revenues and expenses in the prior calendar year. The method of performing the calculation and applying the results, as well as a reconciliation mechanism to collect or credit any such net effects with appropriate carrying charges and credits applied, shall be determined by the commission.

**(b) For the purposes of accounting for any exports to the distribution grid by customer-generators, such exports shall be treated as reductions to the customer-generator's electricity supplier's wholesale load obligation for energy supply as a load serving entity, net of any applicable line loss adjustments as approved by the commission.**



*(c) A generator that first becomes operational on or after July 1, 2019 shall only be eligible to participate in net metering as a customer-generator if it does not register as a generator with ISO England, is not considered a "Network Resource" or "Asset" by ISO New England, and does not participate in any other sale of electricity in interstate commerce.*

*(d) A generator that first became operational before July 1, 2019 and that has outstanding capacity commitments in the forward capacity market administered by ISO New England, is registered as a generator with ISO New England, or is considered a "Network Resource" or "Asset" by ISO New England, may elect to become a customer-generator and participate in net metering upon retirement from all wholesale electric markets administered by ISO New England. A generator in the process of retiring from FERC regulated electric markets may prospectively register as a group host pursuant to paragraph XIV provided that net metering tariffs under this section shall not be effective until such retirement is effective.*

*(e) Any provisions of settlement agreements or orders that have been approved or issued by the commission that relate to a distribution utility's treatment of the output from qualifying facilities or independent power producers shall not apply to the output from an eligible customer-generator participating in net metering.*

4 Net Energy Metering; Transition of Tariffs. Amend RSA 362-A:9, XV to read as follows:

XV. Standard tariffs that are available to eligible customer-generators under this section shall terminate on December 31, 2040 and such customer-generators shall transition to tariffs that are in effect at that time. *Alternative tariffs shall be applicable and have such grandfathering provisions as may be approved or adopted by the commission under this section. Customer-generators with a nameplate or maximum rated capacity of more than one megawatt and less than 5 megawatts that are eligible for net metering before the commission adopts tariffs specifically for customer-generators with a generating capacity of more than one megawatt shall:*

*(a) Be eligible to receive the export credit rate approved by the commission in Order No. 26,029 (DE 16-576) for one megawatt sized customer-generators on default service, namely, the applicable default energy service rate.*

*(b) Be grandfathered by the terms of currently applicable tariffs for customer-generators with a total peak generating capacity of one megawatt if the customer-generator's electrical generating facility or qualified storage system first becomes operational on or after July 1, 2019.*

*(c) Transition to such new tariffs as are specifically approved by the commission for customer-generators with a nameplate or maximum rated capacity of more than one megawatt if the customer-generator's electrical generating facility or qualified storage system first became operational before July 1, 2019.*

5 Utility Property Tax; Exclusion From Definition of Utility Property. Amend RSA 83-F:1, V(d) to read as follows:

*(d) The electrical generation, production, storage, and supply equipment of an "eligible customer-generator" as defined in RSA 362-A:1-a, II-b, and of a "limited producer" as defined in RSA 362-A:1-a, III if selling at retail under RSA 362-A:2-a, for facilities with a nameplate or maximum rated electricity production capacity of up to and including one megawatt;*

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

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

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

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

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, Fuller Clark, Morse, Morgan, Sherman, Soucy.

The following Senators voted No: (None)

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

SB 162, exempting commercial vessels from rafting rules.

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

Energy and Natural Resources  
March 19, 2019  
2019-1163s  
08/06

Amendment to SB 162

Amend RSA 270:45, IX as inserted by section 1 of the bill by replacing it with the following:

***IX. Any commercial vessel on inland waters which is anchored by way of spudding or spuds.***

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 165, relative to net energy metering by low-moderate income community solar projects.  
Ought to Pass with Amendment, Vote 4-1. Senator Feltes for the committee.

Energy and Natural Resources  
March 19, 2019  
2019-1169s  
10/04

Amendment to SB 165

Amend the bill by replacing section 2 with the following:

2 Net Energy Metering; Group Host; Community Solar. Amend RSA 362-A:9, XIV(c) to read as follows:

(c) Notwithstanding paragraph V, a group host shall be paid for its surplus generation at the end of each billing cycle at rates consistent with the credit the group host receives relative to its own net metering under either subparagraph IV(a) or (b) or alternative tariffs that may be applicable pursuant to paragraph XVI. ~~[Each group member of]~~ ***Alternatively***, a group host ~~[for a low-moderate income community solar project, as defined in RSA 362-F:2, X-a,]~~ may ***elect to*** receive credits on the customer electric bill for each member and the host~~;~~ ***provided that there shall be only one new project under this paragraph in each utility's service territory by December 31, 2019 with such projects available on a first-come, first-served basis,*** ***with the utility being allowed the most cost-effective method of doing so according to an amount or percentage specified for each member on PUC form 909.09 (Application to Register or Re-register as a Host), along with a 3 cent per kwh addition for low-moderate income community solar projects, as defined in RSA 362-F:2, X-a.*** The commission shall report on the costs and benefits of ~~[such projects]~~ ***low-moderate income community solar projects, as defined in RSA 362-F:2, X-a*** on or before ~~[December 31, 2019]~~ ***June 1, 2020. The commission shall authorize at least 2 new low-moderate income community solar projects, as defined in RSA 362-F:2, X-a, each year in each utility's service territory beginning January 1, 2020.*** On an annual basis, for all group host systems except for residential systems with an interconnected capacity under 15 kilowatts, the electric distribution utility shall calculate a payment adjustment if the host's surplus generation for which it was paid is greater than the group's total electricity usage during the same time period. The adjustment shall be such that the resulting compensation to the host for the amount that exceeded the group's total usage shall be at the utility's avoided cost or its default service rate in accordance with subparagraph V(b) or paragraph VI or alternative tariffs that may be applicable pursuant to paragraph XVI. The utility shall pay or bill the host accordingly.

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 166, relative to competitive electricity supplier requirements under net energy metering.  
Ought to Pass with Amendment, Vote 3-2. Senator Feltes for the committee.

Energy and Natural Resources  
March 19, 2019  
2019-1173s  
10/08

Amendment to SB 166

Amend the bill by replacing section 1 with the following:

1 Net Energy Metering; Competitive Electricity Suppliers. Amend RSA 362-A:9, II to read as follows:

II. Competitive electricity suppliers registered under RSA 374-F:7 may determine the terms, conditions, and prices under which they agree to provide generation supply to ~~[and purchase net generation output from]~~ eligible customer-generators, ***but shall be required to purchase net generation output from eligible customer-generators according the same rules and tariffs as electric utilities regulated by the commission. Nothing in this paragraph shall be construed as limiting or otherwise interfering with the provisions or authority for municipal or county aggregators under RSA 53-E, including, but not limited to, the terms and conditions for net metering.***

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  
March 27, 2019  
2019-1345s  
10/04

#### Floor Amendment to SB 166

Amend the bill by replacing section 1 with the following:

1 Net Energy Metering; Competitive Electricity Suppliers. Amend RSA 362-A:9, II to read as follows:

II. Competitive electricity suppliers registered under RSA 374-F:7 may determine the terms, conditions, and prices under which they agree to provide generation supply to ~~[and purchase net generation output from]~~ eligible customer-generators, ***but shall be required to credit net generation output from eligible customer-generators at the same rate as the retail electricity price at which the eligible customer-generator is buying generation supply from the competitive electricity supplier.***

2019-1345s

#### AMENDED ANALYSIS

This bill requires competitive electricity suppliers to credit electricity generation from net energy metering at the same rate as retail electricity bought from the competitive electricity supplier.

Recess. Out of recess.

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

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

SB 168, relative to class 2 obligations under the electric renewable portfolio standards.  
Ought to Pass with Amendment, Vote 3-2. Senator Feltes for the committee.

Energy and Natural Resources  
March 20, 2019  
2019-1180s  
06/10

#### Amendment to SB 168

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

2 New Section; Minimum Electric Renewable Portfolio Standards; Exemption Period for Certain Electrical Supply Contracts. Amend RSA 362-F by inserting after section 3 the following new section:

362-F:3-a Exemption Period for Certain Electrical Supply Contracts.

I. The increases in the annual purchase percentages under RSA 362-F:3 applicable to class II for 2019 and thereafter as compared to the class II annual purchase percentages in effect as of January 1, 2019, shall not apply to the megawatt-hours delivered during the contract term under any electrical power supply contract entered into before the effective date of this section, provided that the contract term in effect before such effective date has not been extended or otherwise increased after that date.

II. Providers shall inform the commission by July 1 of each year, through July 1, 2022, of all such exempted contracts, including but not limited to, the execution date and expiration date of the contract, the basis for exemption under this section, and if applicable, the annual megawatt-hours supplied and exempted, or the annual amount of exempted methane gas certificates and the basis for exemption. All such information filed with the commission shall be exempt from the provisions of RSA 91-A:5, IV.

2019-1180s

#### AMENDED ANALYSIS

This bill increases the renewable portfolio standard requirements for new solar energy from 2019 through 2025. The bill also provides an exemption from increases in the annual purchase percentages for certain electrical supply contracts.

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 Feltes, seconded by Senator French.

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

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

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

SB 205, relative to energy efficiency programs funded from the systems benefits charge and adding a member to the energy efficiency and sustainable energy board.

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

Energy and Natural Resources

March 20, 2019

2019-1179s

10/04

#### Amendment to SB 205

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

AN ACT relative to energy efficiency programs funded from the systems benefits charge and the duties and members of the energy efficiency and sustainable energy board.

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

1 Electric Utility Restructuring; Policy Principles; System Benefits Charge. Amend RSA 374-F:3, VI to read as follows:

VI. Benefits for All Consumers. Restructuring of the electric utility industry should be implemented in a manner that benefits all consumers equitably and does not benefit one customer class to the detriment of another. Costs should not be shifted unfairly among customers. A nonbypassable and competitively neutral system benefits charge applied to the use of the distribution system may be used to fund public benefits related to the provision of electricity. Such benefits, as approved by regulators, may include, but not necessarily be limited to, programs for low-income customers, energy efficiency programs, funding for the electric utility industry's share of commission expenses pursuant to RSA 363-A, support for research and development, and investments in commercialization strategies for new and beneficial technologies. ~~Legislative approval of the New Hampshire general court shall be required to increase the system benefits charge. This requirement of prior approval of the New Hampshire general court shall not apply to the energy efficiency portion of the system benefits charge consistent with or authorized only by Order No. 25,932 issued by the commission, dated August 2, 2016.];~~ ***provided, however, that no less than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-income energy efficiency programs. Energy efficiency programs should include the development of relationships with third-party lending institutions to provide opportunities for low-cost financing of energy efficiency measures to leverage available funds to the maximum extent, and shall also include funding for workforce development to minimize waiting periods for low-income energy audits and weatherization.***



2 Energy Efficiency and Sustainable Energy Board. Amend RSA 125-O:5-a to read as follows:

125-O:5-a Energy Efficiency and Sustainable Energy Board.

I. An energy efficiency and sustainable energy board is hereby created to promote and coordinate energy efficiency, demand response, and sustainable energy programs in the state. The board's duties shall include but not be limited to:

(a) Review available energy efficiency, conservation, demand response, and sustainable energy programs and incentives and compile ~~[a report]~~ **reports as necessary** of such resources in New Hampshire.

(b) Develop ~~[a plan]~~ **plans as necessary** to achieve the state's energy efficiency potential for all fuels, including setting goals and targets for energy efficiency that are meaningful and achievable.

(c) Develop ~~[a plan]~~ **plans as necessary** for economic and environmental sustainability of the state's energy system including the development of high efficiency clean energy resources that are either renewable or have low net greenhouse gas emissions.

(d) ~~[Repealed.]~~

(e) Explore opportunities to coordinate programs targeted at saving more than one fuel resource, including conversion to renewable resources and coordination between natural gas and other programs which seek to reduce the overall use of nonrenewable fuels.

(f) Develop tools to enhance outreach and education programs to increase knowledge about energy efficiency and sustainable energy among New Hampshire residents and businesses.

(g) Expand upon the state government's efficiency programs to ensure that the state is providing leadership on energy efficiency and sustainable energy including reduction of its energy use and fuel costs.

(h) Encourage municipalities and counties to increase investments in energy efficiency and sustainable energy through financing tools, and to create local energy committees.

(i) Work with community action agencies and the office of strategic initiatives to explore ways to ensure that all customers participating in programs for low-income customers and the Low Income Home Energy Assistance Program (LIHEAP) have access to energy efficiency improvements, and where appropriate, renewable energy resources, in order to reduce their energy bills.

(j) Investigate potential sources of funding for energy efficiency and sustainable energy development and delivery mechanisms for such programs, coordinate efforts between funding sources to reduce duplication and enhance collaboration, and review investment strategies to increase access to energy efficiency and renewable energy resources.

***(k) Serve as a stakeholder forum that makes recommendations to program administrators and the public utilities commission with respect to the development and implementation of program plans under the energy efficiency resource standard, providing assistance interpreting and applying state policies with respect to energy efficiency, demand response, and strategic electrification.***

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

(a) The chairman of the public utilities commission, or designee.

(b) The director of the office of strategic initiatives, or designee.

(c) The consumer advocate, or designee.

(d) The commissioner of the department of environmental services, or designee.

(e) The commissioner of the department of business and economic affairs, or designee.

(f) The president of the Business and Industry Association of New Hampshire, or designee.

(g) The executive director of the New Hampshire Municipal Association, or designee.

(h) The executive director of New Hampshire Legal Assistance, or designee.

(i) The president of the Homebuilders & Remodelers Association of New Hampshire, or designee.

(j) Two members of the house ***of representatives, at least one of whom shall be from the*** science, technology and energy committee, appointed by the speaker of the house of representatives.



(k) One member of the senate energy[, environment and economic development] **and natural resources** committee, appointed by the president of the senate.

(l) ~~Three~~ **Five** representatives from not-for-profit groups representing energy, environmental, consumer, or public health issues and knowledgeable in energy conservation policies and programs, appointed by the chairman of the public utilities commission.

(m) The commissioner of the department of administrative services, or designee.

(n) The state fire marshal, or designee.

(o) The executive director of the New Hampshire housing finance authority, or designee.

**(p) The executive director of the community development finance authority, or designee.**

III. The board shall include, as nonvoting participants, the following:

(a) One representative from each utility-administered electric and natural gas energy efficiency program appointed by the chairman of the public utilities commission.

(b) A representative of energy services companies delivering energy efficiency services to residential and business customers, appointed by the chairman of the public utilities commission.

(c) A representative of a business or association of businesses selling or installing sustainable or renewable energy systems, appointed by the chairman of the public utilities commission.

(d) A representative from the investment, **financial services, or lending** community with expertise in efficiency **and/or renewable energy** investments and financing, appointed by the chairman of the public utilities commission.

**(e) A representative of the New Hampshire Bankers Association or the New Hampshire chapter of the Cooperative Credit Union Association, appointed by the chairman of the public utilities commission.**

IV. The chairman of the public utilities commission shall call the first meeting of the board. The board shall elect a chairperson from among its members. ~~Seven~~ **A majority of voting** members of the board shall constitute a quorum. The board shall make an annual report on ~~December 1~~ **January 31** to the governor, the speaker of the house of representatives, the president of the senate, the house science, technology and energy committee, the senate energy[, environment and economic development] **and natural resources** committee, and the public utilities commission, to provide an update on [its] activities **during the preceding calendar year** and recommendations for action including possible legislation.

V. The board shall be administratively attached to the public utilities commission under RSA 21-G:10.

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

VII. No member of the board shall vote on a matter in which the member, his or her spouse or dependent, or the organization or entity represented by or employing the member, has a private interest which may directly or indirectly affect or influence the performance of his or her duties.

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

2019-1179s

#### AMENDED ANALYSIS

This bill adds requirements for uses of system benefits charges for energy efficiency programs and removes the requirement for legislative approval of system benefits charge changes. The bill also adds voting members and a nonvoting member to the energy efficiency and sustainable energy board and clarifies procedures of the board.

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. Watters, Dist 4  
 March 27, 2019  
 2019-1346s  
 10/01

#### Floor Amendment to SB 205

Amend the bill by replacing section 1 with the following:

1 Electric Utility Restructuring; Policy Principles; System Benefits Charge. Amend RSA 374-F:3, VI to read as follows:

VI. Benefits for All Consumers. Restructuring of the electric utility industry should be implemented in a manner that benefits all consumers equitably and does not benefit one customer class to the detriment of another. Costs should not be shifted unfairly among customers. A nonbypassable and competitively neutral system benefits charge applied to the use of the distribution system may be used to fund public benefits related to the provision of electricity. Such benefits, as approved by regulators, may include, but not necessarily be limited to, programs for low-income customers, energy efficiency programs, funding for the electric utility industry's share of commission expenses pursuant to RSA 363-A, support for research and development, and investments in commercialization strategies for new and beneficial technologies. Legislative approval of the New Hampshire general court shall be required to increase the system benefits charge. This requirement of prior approval of the New Hampshire general court shall not apply to the energy efficiency portion of the system benefits charge [~~consistent with or authorized only by Order No. 25,932 issued by the commission, dated August 2, 2016.~~] ***if the increase is authorized by an order of the commission to implement the 3-year planning periods of the Energy Efficiency Resource Standard framework established by commission Order No 25,923 dated August 2, 2016, ending in 2020 and 2023, or, if for purposes other than implementing the Energy Efficiency Resource Standard, is authorized by the fiscal committee of the general court; provided, however, that no less than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-income energy efficiency programs. Energy efficiency programs should include the development of relationships with third-party lending institutions to provide opportunities for low-cost financing of energy efficiency measures to leverage available funds to the maximum extent, and shall also include funding for workforce development to minimize waiting periods for low-income energy audits and weatherization.***

2019-1346s

#### AMENDED ANALYSIS

This bill adds requirements for uses of system benefits charges for energy efficiency programs. The bill also adds voting members and a nonvoting member to the energy efficiency and sustainable energy board and clarifies procedures of the board.

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.

#### FINANCE

SB 74-FN-A, relative to register of deeds fees used to support the land and community heritage investment program (LCHIP), and establishing a committee to study the economic impact of land conservation.

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

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

SB 290-FN, relative to the New Hampshire granite advantage health care program.

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

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

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

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

The following Senators voted No: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.  
Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 49, relative to the state fire code.

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

Senate Executive Departments and Administration

March 20, 2019

2019-1201s

05/04

#### Amendment to SB 49

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

2 State Fire Code; Ratification of Amendments by the State Board of Fire Control. Pursuant to RSA 153:5, I, the general court hereby ratifies the amendments to the state fire code, as defined in RSA 153:1, VI-a, adopted by the state board of fire control between January 1, 2018 and March 1, 2019 in administrative rules Saf-C 6000.

2019-1201s

#### AMENDED ANALYSIS

This bill updates the state fire code to include the 2015 edition of the Uniform Fire Code NFPA 1. The bill also ratifies amendments to the state fire code adopted by the state board of fire control between January 1, 2018 and March 1, 2019.

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

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

Recess. Out of recess.

SB 97, relative to licensure of health facilities near a critical access hospital.

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

Senate Executive Departments and Administration

March 20, 2019

2019-1190s

01/06

#### Amendment to SB 97

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

1 Residential Care and Health Facility Licensing; Special Health Care Services License. Amend RSA 151:2-e, III to read as follows:

III.(a) The commissioner shall adopt rules, pursuant to RSA 541-A, to specify:

~~[(a)]~~ (1) The ~~[minimum]~~ requirements for equipment, personnel, training, operating, volume, and other criteria to assure the quality and safety for patients receiving each special health care service;

~~[(b)]~~ (2) The procedure for applying for and maintaining a special health care service license including, but not limited to, the frequency of licensing inspections, submission of information and data to evaluate the performance and ongoing operation of services and enforcement under this section; and

~~[(c)]~~ (3) The fees for applying for and maintaining a special health care service license in order to fully offset the cost to the department, including consultant fees and other related expenses necessary to process the application, and for any ongoing expenses to the department for maintaining a special health care service license.

~~[(d)]~~ (b) *Any facility that provides a special health care service shall be in compliance with all applicable rules adopted pursuant to this chapter.*

2 Residential Care and Health Facility Licensing; Application for Licensure. Amend RSA 151:4, III(a)(3)-(7) to read as follows:

(3) Certification, where local licensing is required, that the facility conforms with applicable local rules, regulations and ordinances having to do with health and safety; ***provided that this certification is not required for facilities licensed under RSA 151:2, I(b).***

(4) Name or location, or both, of community residences together with any certification required under subparagraph (a)(3) of this paragraph, when the application is submitted by an area agency as defined under RSA 171-A:2, I-b.

(5) Certification that the applicant has notified the public of the intent to file the application ***and the date the application will be filed*** with a description of the facility or special health care service to be licensed by publishing a notice in a newspaper of general circulation covering the area where the service is to be located in at least 2 separate issues of the newspaper no less than 10 business days prior to the filing of the application.

(6)(A) Certification, if the facility or special health care service is to be located within a radius of 15 miles of a ***New Hampshire*** hospital certified as a critical access hospital, pursuant to 42 C.F.R. section 485.610(b) and (c), that the applicant has given written notice of the intent to file the application ***and the date the application will be filed*** with a description of the facility or special health care service to be licensed to the chief executive officer of the ***New Hampshire critical access*** hospital by registered mail no less than 10 business days prior to the filing of the application.

***(B)(i) If, within 30 days of receipt of the applicant's notification under this subparagraph, the New Hampshire critical access hospital notifies the department that it objects to the applicant's licensure, the following additional requirements shall be met:***

***(ii) For any ambulatory surgical center, emergency medical care center, hospital, birth-ing center, drop-in or walk-in care center, dialysis center, or special health care service to be newly licensed under this chapter and located within a radius of 15 miles of a New Hampshire hospital certified as a critical access hospital pursuant to 42 C.F.R. 485.610(b) and (c), the department shall retain an independent contractor to study and report on whether or not the new facility will have a material adverse impact on the health care services provided in the New Hampshire critical access hospital's service area. The report shall be completed within 90 days from the date of the department's request and shall include how the proposed project will affect the health care services in the service area in terms of utilization, patient charges, market share, physician referral patterns, personnel resources, and referral sources. The applicant and critical access hospital shall provide any information requested by the independent contractor to complete its report. Notwithstanding any other provision of law, any information obtained at the request of the independent contractor shall remain confidential pursuant to RSA 151:13. If the report finds that the new facility will have a material adverse impact on the health care services provided in the service area of the New Hampshire critical access hospital, the department shall not grant the facility a license. If the applicant fails to provide the requested information to the independent contractor, for which the independent contractor is unable to complete its findings, the department shall not grant the facility a license. If the New Hampshire critical access hospital fails to provide the requested information to the independent contractor, for which the independent contractor is unable to complete its findings, no material adverse impact shall be found, and the facility may proceed with the licensure process. The cost of any fees associated with the retention and work completed by an independent contractor to comply with the provisions of this subparagraph shall be shared equally between the applicant and the hospital. These costs shall be paid in advance of any services performed. The department shall provide a copy of the report within 10 days of receipt to the applicant and critical access hospital.***

***(C) In this subparagraph:***

***(i) "Health care services" mean those patient services provided by the critical access hospital to the service area.***

***(ii) "Material adverse impact" means that granting the application would more likely than not significantly impede the ability of the critical access hospital to provide inpatient, outpatient surgery, or emergency services; coordination with emergency response systems; or staffing levels in its service area.***

***[(7) For any new facility to be licensed under RSA 151:2, I(a) or (d) to be located within a radius of 15 miles of a hospital certified as a critical access hospital, pursuant to 42 C.F.R. section 485.610(b) and (c), a***

~~written determination by the commissioner of health and human services, after inquiry to the critical access hospital, that the proposed new facility will not have a material adverse impact on the essential health care services provided in the service area of the critical access hospital.]~~

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

2019-1190s

#### AMENDED ANALYSIS

This bill requires an applicant seeking to construct certain health care facilities for licensure under RSA 151 to submit a report showing how the proposed project will affect health care services offered by a critical access hospital.

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

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

Sen. Rosenwald, Dist 13

March 28, 2019

2019-1372s

01/04

#### Floor Amendment to SB 97

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

AN ACT relative to special health care services licenses and establishing a committee to study providing certain health care services while ensuring increased access to affordable health care in rural areas of the state.

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

1 Residential Care and Health Facility Licensing; Special Health Care Services License. Amend RSA 151:2-e, III to read as follows:

III.(a) The commissioner shall adopt rules, pursuant to RSA 541-A, to specify:

~~[(a)]~~ (1) The ~~[minimum]~~ requirements for equipment, personnel, training, operating, volume, and other criteria to assure the quality and safety for patients receiving each special health care service;

~~[(b)]~~ (2) The procedure for applying for and maintaining a special health care service license including, but not limited to, the frequency of licensing inspections, submission of information and data to evaluate the performance and ongoing operation of services and enforcement under this section; and

~~[(c)]~~ (3) The fees for applying for and maintaining a special health care service license in order to fully offset the cost to the department, including consultant fees and other related expenses necessary to process the application, and for any ongoing expenses to the department for maintaining a special health care service license.

~~[(d)]~~ (b) ***Any facility that provides a special health care service shall be in compliance with all applicable rules adopted pursuant to this chapter.***

2 Committee Established.

I. There is established a committee to study providing certain health care services while ensuring increased access to affordable health care services in rural areas of the state. The members of the committee shall be as follows:

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

(b) Four members of the house of representatives, at least one of whom shall be a member of the minority party, appointed by the speaker of the house of representatives.

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



III.(a) The committee shall examine all issues related to providing emergency medical services, essential inpatient and obstetrical services and outpatient services while ensuring increased access to affordable health care services in rural areas of the state.

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

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

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2019.

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

2019-1372s

#### AMENDED ANALYSIS

This bill clarifies rulemaking regarding special health care services licensing. This bill also establishes a committee to study providing certain health care services while ensuring increased access to affordable health care services in rural areas of the state.

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 113, relative to municipal authority regarding the state building code.  
Re-refer to Committee, Vote 5-0. Senator Carson for the committee.

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

#### FINANCE

SB 7-FN-L, establishing the secure modern accurate registration act (SMART ACT).  
Ought to Pass with Amendment, Vote 4-1. Senator Feltes for the committee.

Senate Finance  
March 19, 2019  
2019-1157s  
11/06

#### Amendment to SB 7-FN-LOCAL

Amend RSA 654:15-a, II-IV as inserted by section 1 of the bill by replacing it with the following:

II. Any time a person applies for a driver's license, a nondriver's picture identification card, or a record change to a driver's license or nondriver's picture identification card with the division of motor vehicles, as specified below, during which he or she demonstrates that he or she is a United States citizen, 18 years of age or older, and a resident of New Hampshire, he or she shall, without taking any other action, automatically apply to register to vote unless he or she declines to submit such registration application under the procedures outlined in paragraph IV.

III. The division of motor vehicles shall electronically transmit to the secretary of state certain information as outlined in RSA 654:15-b about every eligible voter applying pursuant to this section. Such transmission shall be in a format that can be uploaded into the statewide centralized database and reviewed by election officials. The division of motor vehicles shall also transmit any updates to addresses or names to ensure that the voter checklists are kept up-to-date.

IV. The division of motor vehicles shall add a voter registration section to those online or paper forms used in connection with applying for a driver's license, a nondriver's picture identification card, or a record change related to a driver's license or nondriver's picture identification card, which shall collect information required for voter registration not already collected in such division of motor vehicles forms. The top of the

voter registration section shall include a statement that reads: "If you are a victim of domestic violence or stalking, you may not wish to register to vote, as registration information is considered public information. NH Domestic Violence Hotline: 1-866-644-3574." The voter registration section shall also include the following preprinted statement: "Your application to register to vote shall be submitted unless you decline to apply to register below. By signing and submitting this application, you are authorizing the division of motor vehicles to transmit this application to the secretary of state for voter registration purposes. **YOU MAY DECLINE TO APPLY TO REGISTER.** Both the location of the office through which you submit this application and your decision of whether or not to apply to register to vote will remain confidential and will be used for voter registration purposes only." A check box shall appear below such preprinted statement and next to the following statement: "Do not register me to vote or update my voter registration. I decline to register to vote or update my voter registration."

Amend RSA 654:15-b, I as inserted by section 1 of the bill by replacing it with the following:

I. The division of motor vehicles shall transmit, via a secure electronic transmission, data collected relevant to voter registration, including data relating to age, residency, citizenship, and identity, as well as a signature image, for every citizen who applies to register to vote in accordance with RSA 654:15-a to the secretary of state. Such transmission shall be in a format that can be uploaded to the statewide centralized voter registration database, and that allows the city or town clerk or supervisor of the checklist to print the information on an 8.5 x 11 inch sheet of paper. Notwithstanding RSA 294-E and any other law to the contrary, the secretary of state, state agencies, and political subdivisions shall accept, use, and permit the use of the applicant's signature image for purposes of this subdivision.

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

Senator Carson moved Rerefer to Committee.

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

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Morgan, Sherman, Soucy.

The following Senators were excused: Fuller Clark.

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

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

A roll call was requested by Senator Levesque, 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.

SB 216-FN, requiring the New Hampshire transportation council to conduct a review of automated vehicle testing and deployment, establishing an automated vehicle testing pilot program, and providing requirements for automated vehicle deployment.

Ought to Pass, Vote 4-1. Senator D'Allesandro for the committee.

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

SB 234-FN, establishing the position of director of the office of outdoor recreation industry development in the department of business and economic affairs.

Inexpedient to Legislate, Vote 4-1. Senator Reagan for the committee.

Senator Reagan moved to Lay on the Table SB 234-FN. Adopted.

SB 237-FN, relative to the office of cost containment.

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

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

SB 243-FN, relative to the low and moderate income homeowners property tax relief program.  
Ought to Pass, Vote 4-1. Senator Kahn for the committee.

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

Senator Feltes moved to Lay on the Table SB 243-FN. Adopted.

SB 266-FN, relative to funding for kindergarten pupils, keno revenues, and school building aid.  
Ought to Pass with Amendment, Vote 4-2. Senator D'Allesandro for the committee.

Senate Finance  
March 19, 2019  
2019-1168s  
06/04

#### Amendment to SB 266-FN

Amend RSA 198:15-a, V as inserted by section 3 of the bill by replacing it with the following:

V. There is hereby established the school building aid fund to be used for the purpose of funding school building aid grants under paragraph IV. This fund shall consist of a one-time transfer of funds identified as surplus funds in the educational trust fund or general fund, of \$15,600,000 allocated to projects currently identified on the department of education's list of ranked projects for 2020 which are approved by the state board of education. Any additional surplus funds may be allocated to this account for additional projects as ranked by the department of education for 2021 and subsequent years.

Amend the bill by deleting sections 4-7 and renumbering the original sections 8-10 to read as 4-6, respectively.

Amend RSA 6:12, I(b)(344) as inserted by section 4 of the bill by replacing it with the following:

(344) Moneys credited to the school building aid fund under RSA 198:15-a, V.

2019-1168s

#### AMENDED ANALYSIS

This bill establishes the school building aid fund.

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

Senator D'Allesandro moved to Lay on the Table SB 266-FN. Adopted.

SB 283-FN, relative to post-election audits of electronic ballot counting devices.  
No Recommendation, Vote 3-3. Senator Feltes for the committee.

Senator Bradley moved to Lay on the Table SB 283-FN. Adopted.

SB 293-FN, relative to federally qualified health care centers and rural health centers reimbursement.  
Ought to Pass, Vote 5-1. Senator Reagan for the committee.

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

A roll call was requested by Senator Bradley, 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.

#### MOTION TO REMOVE FROM THE TABLE

Senator Feltes moved to remove SB 283-FN from the Table. Adopted.

#### FINANCE

SB 283-FN, relative to post-election audits of electronic ballot counting devices.

There is no pending motion.

Senator Gray moved Ought to Pass.

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

SB 306-FN, establishing the housing appeals board.  
Ought to Pass, Vote 6-0. Senator Giuda for the committee.

Senator Dietsch offered a Floor Amendment.

Sen. Dietsch, Dist 9  
March 28, 2019  
2019-1366s  
10/04

#### Floor Amendment to SB 306-FN

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

AN ACT establishing the workforce housing appeals board.

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

1 Findings. The general court declares that:

I. An adequate supply of workforce housing is essential to New Hampshire's economic and community development goals.

II. Access to an efficient and inexpensive legal appeals process is fundamental to expanding the supply of workforce housing.

III. There are several factors that inhibit builders' ability to meet the demand for new workforce housing in New Hampshire. Significant among these factors are local land use regulations and board practices that can arbitrarily thwart development or impose costly delays. These powers are delegated to municipalities by the state, and must be used in a manner that is consistent with state law.

IV. Builders of workforce housing may appeal local land use decisions to the superior court, but such appeals are expensive and time consuming, often leading builders to either abandon their appeals or completely avoid seeking development permits.

V. It is appropriate and necessary to establish an alternative track for review of local decisions on workforce housing and its development without diminishing anyone's existing legal right to pursue a remedy in superior court and without affecting local control or changing the legal standards by which local decisions are adjudicated.

2 New Chapter; Workforce Housing Appeals Board. Amend RSA by inserting after chapter 678 the following new chapter:

#### CHAPTER 679 WORKFORCE HOUSING APPEALS BOARD

679:1 Definition. In this chapter, "workforce housing" means workforce housing as it is defined in RSA 674:58, IV.

679:2 Board Established. There is hereby established a workforce housing appeals board, hereinafter referred to as the board, which shall be composed of 5 members who shall individually and collectively be learned and experienced in questions of land use law or housing development or both. At least one member shall be an attorney licensed to practice law in the state of New Hampshire; at least one member shall be either a professional civil or environmental engineer; and at least one member shall have expertise in historic preservation. The board shall meet from time to time as needed and paid on a per diem basis. The members of the board shall not engage in any other employment, appointments, or duties during their terms that is in conflict with their duties as members of the board. Members shall complete a conflict of interest statement.

679:3 Appointment; Term; Chair; Compensation.

I. The members of the board shall be appointed by the supreme court and commissioned by the governor for a term of 5 years and until their successors are appointed and qualified; provided, however, that any vacancy on the board shall be filled for the unexpired term. The initial members of the board shall serve staggered terms of 3, 4, and 5 years.

II. The supreme court shall designate one member as chair to serve in that capacity for the duration of his or her term.

III. Members of the board shall each receive a per diem of \$200 for each day devoted to the work of the board and shall also be reimbursed for necessary travel expenses, subject to the approval of the governor and council.

679:4 Removal. Any member may be removed by the same authority for inefficiency, neglect of duty, or malfeasance in office; but, before removal, the member shall be furnished with a copy of the charges and have an opportunity to be heard in defense.

679:5 Authority; Duties.

I. It shall be the duty of the board and it shall have power and authority to hear and affirm, reverse, or modify, in whole or in part, appeals of final decisions of municipal boards, committees, and commissions regarding questions of workforce housing and its development. This includes, but is not limited to:

(a) Planning board decisions on subdivisions or site plans.

(b) Board of adjustment decisions on variances, special exceptions, administrative appeals, and ordinance administration.

(c) The use of innovative land use controls.

(d) Growth management controls and interim growth management controls.

(e) Decisions of historic district commissions, heritage commissions, and conservation commissions.

(f) Other municipal permits and fees applicable to workforce housing and its developments.

(g) Matters subject to the board's authority may include mixed-use combinations of residential and nonresidential uses. Such different uses may occur on separate properties, provided such properties are all part of a common scheme of development.

II. In exercising its authority under this chapter, the board shall have the power to award all remedies available to the superior courts in similar cases, including permission to develop the proposed workforce housing.

III. Relative to RSA 674:58 through RSA 674:61, the board shall have the power and authority to hear and determine appeals of decisions of local land use boards regarding proposals for workforce housing, including but not limited to whether the municipality's land use ordinances and regulations provide a reasonable and realistic opportunity for the development of workforce housing; whether the local land use board has imposed conditions of approval that render the proposal economically unviable; and whether a denial by a local land use board was unreasonable or unlawful.

IV. After local remedies have been exhausted, appeals may be brought before the board by an applicant to the municipal board, committee, or commission, or by any other aggrieved or injured party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15. The municipality shall be a party to the action. If the applicant is not the party initiating the action before the board, then the applicant shall automatically be an intervenor. The board shall grant intervenor status to abutters and to any other aggrieved or injured party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15.

679:6 Timing of Appeals and Board Proceedings.

I. Appeals shall be filed with the board within 30 days of the final decision of a municipal board, committee, or commission. At the same time an appeal is filed with the board, the applicant shall notify the municipal board, committee, or commission of such appeal.

II. The municipal board, committee, or commission shall within 30 days of receipt of such notice submit to the board a certified record of its proceedings on the matter subject to the appeal.

III. The board shall hold a hearing on the merits within 90 days of its receipt of a notice of appeal.

IV. The board shall make a decision on an appeal within 60 days after conducting a hearing on the merits.

679:7 Jurisdiction; Court Appeals.

I. In matters within its authority the board shall have concurrent, appellate jurisdiction with the superior court. An election by any party to bring an action before the board shall be deemed a waiver of any right to bring an action in the superior court, but shall not abrogate any party's right to appeal decisions of the board



to the supreme court; as such, the board shall retain jurisdiction of any matter originally brought before it. At any time during an appeal to the board, if the board determines that it does not have jurisdiction to hear the appeal, the appellant shall have 30 days to file an appeal with the superior court.

II. In an appeal of a local decision on workforce housing or its development, any claim that is within the board's authority under RSA 679:5 and that has previously been or is subsequently included in an appeal in superior court by another party to the decision or by any other aggrieved or injured party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15 shall automatically be stayed by the court to provide the party with standing the opportunity to intervene in the matter before the board. If intervenor status is granted, the stay of the court action regarding those claims shall continue during the pendency of the appeal to the board. After the board has decided the appeal, the court shall dismiss the matter before it to the extent the matter has been resolved by the board. Any claim included in an appeal to superior court that is not within the board's authority shall not be subject to automatic stay by the court.

679:8 Quorum; Disqualification; Temporary Members.

I. In all matters a majority of the board shall constitute a quorum to transact business.

II. No member of the board shall represent a party or testify as an expert witness or render any professional service for any party or interest before the board, and any member having an interest in the subject matter shall be disqualified to act therein.

III. If, in the event of a disqualification or temporary disability of a member or members of the board, it shall become necessary to do so, the board, subject to the approval of the supreme court, shall appoint such number of temporary board members as shall be necessary to meet the requirements herein imposed. Such temporary board members shall serve with respect to such matter until the same has been fully disposed of before the board.

IV. Temporary board members shall have the same qualifications as regular board members in whose place they are acting.

V. A temporary board member shall be compensated at the rate of \$75 for each day devoted to the work of the board and shall be reimbursed the necessary and reasonable expenses incurred by him or her in the performance of his or her duties.

VI. In the event of a vacancy on the board, the appellant may elect to continue the proceedings while awaiting the appointment of a successor board member.

679:9 Hearing Procedure; Standard of Review.

I. Appeals to the board shall be consistent with appeals to the superior court pursuant to RSA 677:4 through RSA 677:16. Appeals shall be on the certified record, and except in such cases as justice may warrant, in the sole discretion of the board, no additional evidence will be introduced. Consistent with the contested case provisions of RSA 541-A, the rules of evidence shall not strictly apply. In addition to the provisions of RSA 91-A, the board shall record the proceedings of any hearing before it and shall make such recording available to the public for inspection and recording from the date of the hearing to a date which is 15 working days after the board has made a final decision on the matter which is the subject of the hearing, or, if an appeal is made from such decision, the date upon which the matter has been finally adjudicated, whichever date is later.

II. The board shall not reverse or modify a decision except for errors of law or if the board is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable.

679:10 Representation by Nonattorneys. Nonattorneys, including professional engineers, architects, and land surveyors, may represent any party before the board. Nothing in this section shall prevent the board from denying representation by any individual it deems to be improper, inappropriate, or unable to adequately represent the interests of the applicant to the municipal board, committee, or commission.

679:11 Board Meetings. The board's deliberative processes in adjudicatory proceedings held pursuant to RSA 541-A shall be exempt from the public meeting and notice provisions of RSA 91-A. Decisions and orders in adjudicatory proceedings shall be publicly available, but only after they have been reduced to writing, signed by a quorum of the board, and served upon the parties, and shall set forth the board's rulings of law and findings of fact in support of its decisions. Discussions and actions by the board concerning procedural, administrative, legal, and internal matters shall be exempt from the meeting and notice provisions of RSA 91-A:2.

679:12 Rules and Regulations. The board may adopt rules under RSA 541-A necessary for carrying out its functions including but not limited to rules of procedure to be followed in hearings conducted by it not inconsistent with the provisions of this chapter.

679:13 Administration of Oaths, Subpoenas, Etc.; Fees. The board shall have authority to administer oaths and to compel the attendance of witnesses to proceedings before it. The board shall have the power to subpoena and subpoena duces tecum. Witnesses compelled to appear shall be paid the same fee and mileage that are paid to witnesses in the superior court of the state. A subpoena or subpoena duces tecum of the board may be served by any person designated in the subpoena or subpoena duces tecum to serve it. Any testimony given by a person duly sworn shall be subject to the pains and penalties of perjury. All applications or petitions to the board for which no filing fee has been otherwise specified by statute shall be accompanied by a \$250 filing fee. Costs and attorney's fees may be taxed as in the superior court.

679:14 Notice. The board shall serve notice in writing of the time, place, and cause of any hearing upon all parties at least 20 days prior to the date of the hearing.

679:15 Appeal. Decisions of the board may be appealed to the supreme court by any party in accordance with the provisions of RSA 541 as from time to time amended.

679:16 Enforcement of Decisions. After a decision of the board becomes final, the board shall, at the request of any party, file a certified abstract thereof in the Merrimack county superior court. The clerk of said court shall forthwith enter judgment thereon and such judgment may be enforced as with any final judgment of the superior court.

679:17 Staff. The board shall have such clerical, administrative, and technical staff as may be necessary within the limits of the appropriation made therefor.

679:18 Office. The board shall be provided with an office in Concord in which its records, documents, and books shall be kept, and with a suitable room in which it may hold hearings.

679:19 Neglect to Comply With Board's Orders. Neglect or failure on the part of any municipality to comply with such orders shall be deemed willful neglect of duty, and it shall be subject to the penalties and damages provided by law in such cases.

3 Appropriation; Housing Appeals Board. The sums of \$140,000 for the fiscal year ending June 30, 2020 and \$140,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the workforce housing appeals board established pursuant to RSA 679 for the proper administration of said chapter. Said sums shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

2019-1366s

#### AMENDED ANALYSIS

This bill establishes a workforce housing appeals board to hear appeals of decisions of municipal boards, committees, and commissions regarding questions of workforce housing and its development. The bill makes an appropriation to the workforce housing appeals board for the administration of the board's duties.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Dietsch, Sherman.

The following Senators voted No: Starr, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Chandley, Levesque, Rosenwald, Carson, Feltes, Cavanaugh, Reagan, Birdsell, D'Allesandro, Morse, Morgan, Soucy.

The following Senators were excused: Fuller Clark.

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

Senator Dietsch moved Rerefer to Committee.

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

The following Senators voted Yes: Dietsch, Kahn, Sherman.

The following Senators voted No: Starr, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Chandley, Levesque, Rosenwald, Carson, Feltes, Cavanaugh, Reagan, Birdsell, D'Allesandro, Morse, Morgan, Soucy.

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 3 - Nays: 20. Failed.

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

A roll call was requested by Senator Sherman, seconded by Senator Morgan.

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

The following Senators voted No: Dietsch, Kahn, Birdsell, Morse, Sherman.

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 18 - Nays: 5. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

The Chair Rescinded Order to Third Reading.

Senator D'Allesandro moved to Lay on the Table SB 306-FN. Adopted.

#### HEALTH AND HUMAN SERVICES

SB 117, relative to certain procedures conducted in teaching hospitals.

Re-refer to Committee, Vote 3-2. Senator Chandley for the committee.

Senator Hennessey moved to Lay on the Table SB 117.

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

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

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

The following Senators were excused: Fuller Clark.

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

#### JUDICIARY

SB 184, relative to limitation of liability for prescribing an approved drug or device.

Inexpedient to Legislate, Vote 4-1. Senator Chandley for the committee.

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

A roll call was requested by Senator Hennessey, seconded by Senator Levesque.

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.

SB 213, relative to immunity for private campground owners.

Re-refer to Committee, Vote 3-2. Senator French for the committee.

Recess. Out of recess.

Senator Levesque moved to Lay on the Table SB 213.

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

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

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

The following Senators were excused: Fuller Clark.

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

SB 263, relative to anti-discrimination protection for students in public schools.

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

Senate Judiciary

March 19, 2019

2019-1141s

08/04

#### Amendment to SB 263

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Discrimination in Public Schools. Amend RSA 193 by inserting after section 37 the following new subdivision:

#### Discrimination in Public Schools

193:38 Discrimination in Public Schools. No person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, physical or mental disability, religion, or national origin, all as defined in RSA 354-A. Any person claiming to be aggrieved by a discriminatory practice prohibited under this section may initiate a civil action against a school or school district in superior court for relief at law or at equity. The attorney general may also initiate a civil action against a school or school district pursuant to this section for relief at law or at equity.

2019-1141s

#### AMENDED ANALYSIS

This bill creates a cause of action for persons injured by discrimination in public schools.

This bill also creates a cause of action for the attorney general in cases of discrimination in public schools.

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

Recess. Out of recess.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

March 26, 2019

2019-1290s

05/10

#### Floor Amendment to SB 263

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

2 New Section; Discrimination Prevention Policy. Amend RSA 193-F by inserting after section 8-a the following new section:

193-F:8-b Discrimination Prevention Policy Required.

I. Each school district and chartered public school shall develop a policy that guides the development and implementation of a coordinated plan to prevent, assess the presence of, intervene in, and respond to incidents of discrimination on the basis of age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability, national origin, or any other classes protected under RSA 354-A. The policy shall include, but shall not be limited to, the following provisions:

(a) Training faculty, staff, and school volunteers in state and federal discrimination laws, identifying signs and acts of discrimination, methods of addressing discrimination, and resources available within the school and school district.

(b) Educating students in the importance of a discrimination free learning environment, recognizing the signs of discrimination against oneself and others, and providing help-seeking strategies for oneself or others, including how to engage school resources.

(c) Identifying within the school district the person or persons who serve as the point of contact when a student, faculty member, or staff member is believed to be discriminated against, or when a faculty member, or staff member is believed to be engaging in discrimination.

II. Each school district and chartered public school shall provide training, to begin within 9 months of the effective date of this chapter, for faculty, staff, and school volunteers in state and federal discrimination laws, identifying signs and acts of discrimination, methods of addressing discrimination, and resources available within the school and school district. Training shall occur within the first year for newly hired faculty and staff, and every 3 years thereafter. The training shall be accomplished within the framework of existing in-service training programs or offered as part of ongoing professional development activities.

III. School discrimination prevention policies required under paragraph I and the training required under paragraph II shall be evidence-based and adhere to best practices.

IV. Nothing in this chapter shall require the inclusion of any specific curriculum, textbook, or other material designed to address the topic of discrimination prevention in any program or activity conducted by a school district or chartered public school.

2019-1290s

#### AMENDED ANALYSIS

This bill:

I. Creates a cause of action for persons injured by discrimination in public schools.

II. Creates a cause of action for the commissioner of the department of education and the attorney general in cases of discrimination in public schools.

III. Requires each school district and chartered public school to develop a policy and training program to prevent and address incidents of discrimination in schools.

Recess. Out of recess.

Senator Watters moved to the divide the question on Floor Amendment 2019-1290s: Lines 1-11 to the period after RSA 354-A.; and then the balance of the amendment.

The Chair ruled the question divisible.

The question is on the adoption of Floor Amendment 2019-1290s: Lines 1-11 to the period on RSA 354-A.

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

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.

Recess. Out of recess.

The question is on the adoption of the balance of Floor Amendment 2019-1290s.

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

The following Senators voted Yes: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.



The following Senators voted No: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Morgan, Sherman, Soucy.

The following Senators were excused: Fuller Clark.

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

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

Recess. Out of recess.

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

Recess. Out of recess.

The question is on the adoption of the motion of Ought to Pass with Amendment 2019-1290s: Lines 1-11 to the period after RSA 354-A.

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

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

The following Senators voted No: Starr, French, Morse.

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 20 - Nays: 3. Adopted, bill ordered to Third Reading.

#### WAYS AND MEANS

SB 318, relative to donations to the education tax credit program.

Ought to Pass with Amendment, Vote 3-2. Senator D'Allesandro for the committee.

Senate Ways and Means

March 20, 2019

2019-1203s

10/05

#### Amendment to SB 318

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

AN ACT relative to extending the education tax credit program to include donations to public school programs.

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

1 Education TaxCredit; Definition; Receipt; Public School Grant Program Added. Amend RSA 77-G:1, XIII to read as follows:

XIII. "Receipt" means proof of payment received by:

(a) A school from a scholarship organization or, in the case of a home educated student, a document that is issued by the parent of a home educated student, to the scholarship organization which makes payment for educational expenses on behalf of an eligible student and that contains, at a minimum and where applicable:

~~[(a)]~~ (1) The name and address of a parent of a home educated student.

~~[(b)]~~ (2) The name and address of the eligible student for whom the expense has been paid.

~~[(c)]~~ (3) The name of the payee and the date and amount of the expense paid.

**(b) The program administrator, which makes payment for public school organization expenses for an approved program, that includes as a minimum and where applicable:**

**(1) The name of the public school organization.**

**(2) The name of the funded program.**

**(3) The name, address, telephone number, and email address of the program contact.**

2 New Paragraphs; Definitions; Public School Grant Program. Amend RSA 77-G:1 by inserting after paragraph XX the following new paragraphs:

XXI. “Management commission” means the education tax credit management commission established in RSA 77-G:13.

XXII. “Public school program administrator” or “program administrator” means a charitable organization incorporated or qualified to do business in this state that:

- (a) Is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code;
- (b) Complies with applicable state and federal anti-discrimination and privacy laws;
- (c) Is registered with the director of charitable trusts; and
- (d) Has the following qualifications:
  - (1) Experience with New Hampshire public education, including public school organizations and current policies and practices.
  - (2) Demonstrated grant, donation, and financial management capacity.
  - (3) Demonstrated capacity to support public school organizations in implementing new education initiatives.
  - (4) Ability to support workforce development projects.
  - (5) Ability to raise and administer administrative funds and public school donations in support of the public school donation program established by this chapter.
  - (6) Can demonstrate an understanding of the requirements of successfully administering the public school donation program.
- (e) Has been approved by the management commission for the purpose of issuing donations to public school organizations as provided in this chapter.

XXIII. “Public school organization” means a New Hampshire public school or charter school, public school district, or school administrative unit.

XXIV. “Public school program donation” means a donation made under this chapter and received by the program administrator for use by a public school organization to implement or support an approved workforce development program.

XXV. “Workforce development program” means a program that meets the purposes of this chapter and is approved by the management commission. A workforce development program includes programs in career and technical education, the New Hampshire Career Pathways program, Dual Pathways, and Running Start programs, including tuition payments for public school students.

XXVI. “Workforce development program grant” or “grant” means a grant to a public school organization approved by the management commission to carry out a workforce development program administered by the program administrator.

3 Subdivision Heading Added; Nonpublic School Scholarships. Amend RSA 77-G by inserting after section 77-G:1 the following subdivision heading:

#### Nonpublic School Scholarships

4 References Changed. Amend the following RSA provisions by replacing “chapter” with “subdivision”: 77-G:5, I(f); 77-G:5, II(i); 77-G:6, I(c) and (f); and 77-G:9.

5 Nonpublic School Donations; Tax Credits. Amend RSA 77-G:4, I to read as follows:

I. The aggregate of tax credits issued by the commissioner of the department of revenue administration to all taxpayers claiming the credit *under this subdivision* shall not exceed **60 percent of the \$5,100,000 maximum for this chapter, plus any unclaimed amount of credit under RSA 77-G:12**, for a program year.

6 New Subdivision; Public School Grant Program. Amend RSA 77-G by inserting after section 10 the following new subdivision:

#### Public School Grant Program

77-G:11 Contributions to Public School Program. For each contribution made to a program administrator for the public school grant program, a business organization, business enterprise, or individual may claim a credit equal to 85 percent of the contribution against the business profits tax due pursuant to RSA 77-A, against the business enterprise tax due pursuant to RSA 77-E, against the tax on interest and dividends

under RSA 77, or apportioned against each, provided the total credit granted shall not exceed the maximum education tax credit allowed. Credits provided under this subdivision shall not be deemed taxes paid for the purposes of RSA 77-A:5, X. The department of revenue administration shall not grant the credit without a receipt from the program administrator. No business organization, business enterprise, or individual shall direct, assign, or restrict any contribution to a public school program for the use of a public school organization. No business organization, business enterprise, or individual shall receive more than 10 percent of the aggregate amount of tax credits permitted in RSA 77-G:4 and RSA 77-G:12.

#### 77-G:12 Tax Credits.

I. The aggregate of tax credits issued by the commissioner of the department of revenue administration to all taxpayers claiming the credit under this subdivision shall not exceed 40 percent of the \$5,100,000 maximum for this chapter, plus any unclaimed amount of credit under RSA 77-G:4, for a program year.

II. The credit issued to a business organization or business enterprise, or any unused portion thereof, may be carried forward for no more than 5 succeeding years, but shall not exceed \$1,000,000 in any given tax year.

77-G:13 Education Tax Credit Management Commission. There shall be a commission known as the education tax credit management commission.

I. The education tax credit management commission shall include the following members:

- (a) One member of the senate appointed by the president of the senate.
- (b) Two members of the house of representatives appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of education, or designee.
- (d) One member appointed by the Business and Industry Association of New Hampshire.
- (e) One member appointed by the New Hampshire School Administrators Association.
- (f) One member appointed by the New Hampshire School Boards Association.
- (g) One member appointed by the Parent Information Center.
- (h) One member appointed by the New Hampshire Association of CTE directors.
- (i) One member appointed by the New Hampshire Alliance for Public Charter Schools.
- (j) One member appointed by New Hampshire Charitable Foundation.

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

(b) At the first meeting, the members of the commission shall elect a chairperson from among the members.

III. The commission's duties shall be to:

(a) Administer the public school grant program in accordance with the purposes and requirements established in this subdivision.

(b) Develop and issue a request for proposals from organizations wishing to serve as program administrator.

(c) Select the program administrator.

(d) Provide overall management and policy direction to the program administrator in administering the public school grant program.

(e) Set policies, qualifications, and priorities for the public school grant program.

#### 77-G:14 Public School Grant Program.

I. The purposes of the public school grant program shall be:

(a) Supporting and enhancing schools or districts in educational efforts to meet the workforce needs of New Hampshire businesses; and

(b) Improving the opportunity of low-income and underachieving students to enter successfully the workforce.

II. All New Hampshire public school organizations are eligible to receive donations. The highest priority of the management commission shall be to fund projects sponsored by public school organizations serving municipalities with property values lower than the state average in the most recently available reports available from the department of revenue administration.

III. By May 1 of each year, the management commission shall issue a request for proposals (RFP) soliciting projects that meet the objectives in this section. By September 15 of each year, schools and districts may respond with proposals describing projects and programs to be implemented starting in the following school year. By December 31 of each year, the management commission shall identify those projects eligible to receive grants under this subdivision.

IV. The program administrator shall:

(a) Administer eligible donations designated for workforce development programs designated by donors and approved by the management commission.

(b) Not use more than 10 percent of eligible donations used during the program year in which the donations are collected, and for which grant receipts were issued for tax credit purposes, for administrative expenses. Administrative expenses shall be reasonable and necessary for the organization's management and distribution of eligible contributions pursuant to this subdivision.

(c) In each program year, contributions may be carried forward to the following program year.

(d) Maintain separate accounts for tax-credit funded contributions, non-tax credit donations, and operating funds.

(e) A business organization, business enterprise, or individual shall submit an education tax credit application to the department of revenue administration no later than May 31 of each program year. Applications received after May 31 shall be processed for the following program year and approved within 30 days of receipt. Applications shall be processed on a first-come, first-served basis, up to the aggregate tax credit amount allowed under RSA 77-G:4. If multiple education tax credit applications are received on the same day, they shall be processed at random. No business organization, business enterprise, or individual shall be granted an education tax credit for more than 10 percent of the aggregate tax credit amount permitted in RSA 77-G:4. The department of revenue administration may approve only a portion of a request if required to prevent exceeding the aggregate tax credit amount allowed under RSA 77-G:12. The approval shall include the amount allowed and the date of approval.

(f) Once an education tax credit application is approved, the business organization, business enterprise, or individual shall donate no later than 60 days after the date of approval, and no later than June 30 of the program year during which its application was approved or the request shall expire. Donations may be made to multiple scholarship organizations provided the total amount donated by the business organization, business enterprise, or individual does not exceed the amount approved.

(g) Upon receiving a donation, the program administrator shall send a receipt to the department of revenue administration and to the business organization, business enterprise, or individual within 15 days. The department of revenue administration shall notify the program administrator and the business organization, business enterprise, or individual within 15 days if the donations made exceeds the amount approved. If a business organization, business enterprise, or individual fails to donate the total amount approved within the time permitted the department of revenue administration may grant credit requests in the order specified in subparagraph (e).

(h) A business organization, business enterprise, or individual may file for the tax credit after receiving the scholarship receipt, and may file a tax credit request for the subsequent program year up to the amount donated in the current program year.

77-G:15 Department of Revenue Administration; Requirements.

I. The department of revenue administration shall:

(a) Post contact and application information for the program administrator on the department's Internet website and forward such information to the commissioner of the department of education who shall post the information on the department of education's Internet website.

(b) Conduct or require audits in response to any reasonable complaints made. The cost of an independent audit shall be paid by the program administrator, but this cost shall be excluded from the administrative expenses requirement set forth in RSA 77-G:14, IV(b).

(c) Establish a process by which individuals may notify the department of revenue administration of any violation by a parent, business organization, business enterprise, scholarship organization, or public school organization of state laws relating to program participation. The department of revenue administration shall conduct an inquiry of any written complaint of a violation of this subdivision, or make a referral to the appropriate agency for an investigation, if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if it contains facts demonstrating a violation of this subdivision or any rule adopted pursuant to this subdivision. In order to determine legal sufficiency, the department of revenue administration may require supporting information or documentation from the complainant.

(d) Create, maintain, and post online the relevant forms and all reports under this subdivision.

(e) Adopt rules pursuant to RSA 541-A, relative to:

(1) The application procedure for a business organization, business enterprise, or individual applying to the program administrator for a tax credit under this subdivision.

(2) Complaint procedures, including the filing of a complaint and investigations of complaints.

(3) The design and content of the forms and applications required to be filed with, or issued by, the department of revenue administration under this subdivision.

77-G:16 Exceptions. Donations made by a business organization, business enterprise, or individual to the program administrator that are not for the purpose of obtaining a tax credit under this chapter shall not be subject to the requirements in this chapter.

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

2019-1203s

#### AMENDED ANALYSIS

This bill extends the education tax credit program to donations to public school programs including workforce development programs.

Senator D'Allesandro moved to Lay on the Table SB 318.

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

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

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

The following Senators were excused: Fuller Clark.

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

#### MOTION TO REMOVE FROM THE TABLE

Senator Rosenwald moved to remove SB 289-FN from the Table. Adopted.

#### FINANCE

SB 289-FN, relative to health and human services.

The pending motion is Order to Third Reading.

Senator Rosenwald offered a Floor Amendment.

Sen. Rosenwald, Dist 13

March 26, 2019

2019-1301s

05/04

#### Floor Amendment to SB 289-FN

Amend the bill by deleting section 9 and renumbering the original sections 10-16 to read as 9-15, respectively.

Amend the bill by replacing section 9 with the following:

9 Rulemaking. The department of health and human services shall enter into rulemaking to amend existing administrative rules to align with changes to RSA 171-A and RSA 151-E made in sections 4-8 of this act.



Amend the bill by replacing section 15 with the following:

15 Effective Date.

I. Sections 1-2 of this act shall take effect 60 days after its passage.

II. Sections 3-9 of this act shall take effect July 1, 2019.

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

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

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

#### 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 103-L  
Senator French: SB 159  
Senator Giuda: SB 74-FN-A  
Senator Hennessey: SB 8  
Senator Morgan: SB 97, SB 166

#### ANNOUNCEMENTS

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Madam President. My fellow Senators, as you know the House passed the legalization of marijuana out and it will be coming across to us. In the interest of providing as much information as factual as I can, I have presented to each of you and your offices three pieces of literature. One is a book called Tell Your Children the Truth About Marijuana, Mental Illness and Violence, written by Alex Berenson New York Times reporter, whose wife has thirty years' experience dealing with this issue. The second is the Volume 5 of the study, The Legalization of Marijuana in Colorado: The Impact by the Rocky Mountain High Intensity Drug Trafficking Area. It's an agency of the U.S. Government that looked at the statistical impact of this on different areas. And the third document is that same study, the update for September of 2018. Just in an effort to provide the Senate with as much information as possible on this issue, before we make such a momentous decision that's going to forever change the character of our state. Thank you, Madam President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Madam President. Just a point of personal privilege. Last evening in Manchester, New Hampshire, we had a deadly situation. Manchester Police and the law enforcement from the Drug Administration were caught in a shoot out in Manchester. Three people died: one person died last night, he was shot; the other two were found dead in the room in the hotel this morning. This incident is another indication of what's going on in our society. A gun battle took place at the Quality Inn in Manchester, shooting back and forth between DEA and the Manchester Police and those who were involved in some kind of a drug deal. Our Police Chief made a comment that I think all of us, all of us should remember and really never forget. Our police officers were involved in a gun fight. They were shot at, consistently shot at trying to do their job; just trying to do their job and do it well. They came under fire. One of the people was shot outside, he was killed last evening. The other two found dead in their hotel room. It's a Quality Inn in Manchester; South Willow Street was closed off. Just an indication of what our local law enforcement people are, the strain that they're under on a daily basis. In the city of Manchester, this is five deaths that have taken place in the last month. A few of those deaths took place in my district. It's unbelievable. So, kudos to the Manchester Police Force and the DRA for doing their job but think about what's happening to our society and let's really think about that. You know someone could have been in that motel and had to be evacuated, children could have been in the motel. These things have got to stop. They've really got to stop. Thank you, Madam President.

(The Chair recognized Senator Morse.)

SENATOR MORSE: Thank you, Madam President. Personal Privilege. I rise because when I came to this building in the late 1990s in the House, it was under Speaker Sytek's leadership, and I remember being in row 3 squeezed in the middle, and a lot of people trying to give me guidance when I got here. And I specifically remember Representative Chandler, and Representative Smith, and Representative Lieber on the Public Works Committee all saying the same thing: that when you get here your word is everything. And what I want the public to know, and I want my district to know, that on two bills today, Senate Bill 290 and Senate Bill 293, I gave my word when I supported health care that I wouldn't put any general funds into health care for a specific reason. That specific reason was the Federal Government did it to New Hampshire once before this in Special Ed, and never lived up to what they said they were going to do, and I swore that I would keep health care outside the budget and keep the Federal Government to the standard that they were going to pay for this like they said they were. I lived up to that word today, and I think it's a lesson I learned back in the late 1990s and I think it's an important lesson. Thank you.

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.

PRESIDENT SOUCY: On behalf of the entire Senate I want to thank all of our staff, in particular our Senate Clerk's staff. We had a little session last night but a marathon today and I think they all deserve a round of applause for their hard work. Thank you.

### LATE SESSION

#### Third Reading and Final Passage

SB 7-FN-LOCAL, establishing the secure modern accurate registration act (SMART ACT).

SB 8, establishing an independent redistricting commission.

SB 49, relative to the state fire code.

SB 67, relative to the definitions of resident and residency.

SB 70, relative to vacancies among primary candidates and prohibiting a candidate from receiving the nomination of more than one party.

SB 74-FN-A, relative to register of deeds fees used to support the land and community heritage investment program (LCHIP), and establishing a committee to study the economic impact of land conservation.

SB 79, relative to required reporting on waste reduction.

SB 97, relative to special health care services licenses and establishing a committee to study providing certain health care services while ensuring increased access to affordable health care in rural areas of the state.

SB 100, relative to discrimination in employment based on criminal background checks.

SB 103-LOCAL, authorizing municipalities to engage in multi-town bonding projects.

SB 106, relative to the definition of political advocacy organization.

SB 123, relative to lost and unaccounted for gas, and relative to electric distribution companies investment in natural gas operations.

SB 124, relative to renewable portfolio standards after 2025.

SB 156, relative to political contributions made by limited liability companies.

SB 159, relative to net energy metering limits for customer-generators.

SB 162, exempting commercial vessels from rafting rules.

SB 165, relative to net energy metering by low-moderate income community solar projects.

SB 166, relative to competitive electricity supplier requirements under net energy metering.

SB 168, relative to class 2 obligations under the electric renewable portfolio standards.

SB 205, relative to energy efficiency programs funded from the systems benefits charge and the duties and members of the energy efficiency and sustainable energy board.

SB 216-FN, requiring the New Hampshire transportation council to conduct a review of automated vehicle testing and deployment, establishing an automated vehicle testing pilot program, and providing requirements for automated vehicle deployment.

SB 237-FN, relative to the office of cost containment.

SB 263, relative to anti-discrimination protection for students in public schools.

SB 283-FN, relative to post-election audits of electronic ballot counting devices.

SB 289-FN, relative to health and human services.

SB 290-FN, relative to the New Hampshire granite advantage health care program.

SB 293-FN, relative to federally qualified health care centers and rural health centers reimbursement.

## 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.