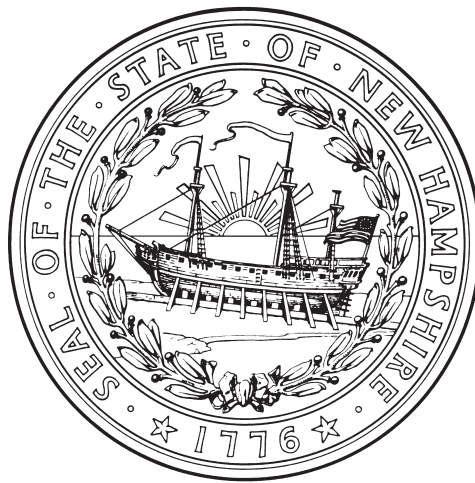


April 11, 2019
Nos. 11-12

STATE OF NEW HAMPSHIRE

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



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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MARCH 28, 2019 SESSION
COMMENCEMENT – APRIL 11, 2019 SESSION**

SENATE JOURNAL 11 *(continued)*

March 28, 2019

HOUSE MESSAGE

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

HB 113, relative to qualifications for and exceptions from licensure for mental health practice.
HB 116-FN, relative to the job classification of positions in the retirement system.
HB 120-FN, (New Title) relative to the regulation of body art establishments and massage, reflexology, structural integrator and Asian bodywork therapy establishments.
HB 292-FN, relative to including brokers fees in the calculation of the insurance premium tax.
HB 295-FN-A, establishing a special marriage officiant license.
HB 407-FN, clarifying the non taxability of certain telecommunications devices and equipment.
HB 457-FN, (New Title) establishing a committee to study the making, preservation, and Internet availability of audio and video recordings of proceedings of committees of the house of representatives.
HB 481-FN-A-LOCAL, relative to the legalization and regulation of cannabis and making appropriations therefor.
HB 508, (New Title) establishing a committee to study direct primary care.
HB 564, (New Title) relative to possession of firearms on school property.
HB 616-FN, relative to a cost of living adjustment for retirees in the state retirement system.
HB 620-FN, relative to the penalty fee structure for late premium tax payments.
HB 625-FN, relative to an aquatic invasive species decal for boats.
HB 630-FN, increasing certain fines for OHRV and snowmobile operation violations.
HB 641-LOCAL, allowing municipalities to collect an occupancy fee from operators of local room rentals.
HB 682-FN, establishing a water resources fund in the department of environmental services and charging certain application and permit fees.
HB 696-FN, establishing a protective order for vulnerable adults.

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 109-FN, requiring background checks for commercial firearms sales. (Judiciary)
HB 110-FN-A, relative to the cost of fiscal analysis of legislation relating to the retirement system. (Executive Departments and Administration)
HB 118, relative to notifying a child's primary health care provider of a report of abuse or neglect. (Judiciary)
HB 121-FN, relative to the regulation of massage, reflexology, structural integrator and Asian bodywork therapy establishments. (Executive Departments and Administration)
HB 137, establishing a commission to examine the effects of wake boats in the state of New Hampshire. (Transportation)
HB 139, relative to restrictions on smoking in state forests, parks, land, or buildings operated by the department of natural and cultural resources. (Energy and Natural Resources)
HB 224-FN, making emergency medical technicians and rescue squad members eligible for a death benefit if killed in the line of duty. (Executive Departments and Administration)
HB 225, relative to the National Guard Scholarship Fund. (Finance)
HB 233, relative to the group and individual health insurance market. (Commerce)
HB 244, repealing the moorings appeals board. (Executive Departments and Administration)
HB 261, requiring the commissioner of the department of environmental services to revise rules relative to arsenic contamination in drinking water. (Energy and Natural Resources)
HB 263, relative to department of health and human services family reunification practices involving convicted sex offenders. (Judiciary)

HB 271, relative to apprentice electricians and third party electrical inspections. (Executive Departments and Administration)

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

HB 280, designating the red-tailed hawk as the state raptor. (Executive Departments and Administration)

HB 293, relative to employee credit privacy. (Commerce)

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

HB 312, establishing a committee to study tiny houses. (Election Law and Municipal Affairs)

HB 321-FN, relative to authorized organizations producing multiple decal designs in the multi-use decal number plates program. (Transportation)

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

HB 325, relative to control of marine pollution and aquatic growth. (Energy and Natural Resources)

HB 326, relative to the definition of prime wetland. (Energy and Natural Resources)

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

HB 357, relative to the public school infrastructure fund. (Education and Workforce Development)

HB 358, relative to combustion of wood residue at municipal waste combustors. (Energy and Natural Resources)

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

HB 370, relative to membership on city and town planning boards. (Election Law and Municipal Affairs)

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

HB 393, establishing a committee to study child care in New Hampshire. (Health and Human Services)

HB 394-FN, relative to crop theft. (Judiciary)

HB 397-FN, relative to drivers' licenses for New Hampshire residents who do not possess a social security card. (Transportation)

HB 409, relative to the maximum optional fee for transportation improvements charged by municipalities when collecting motor vehicle registration fees. (Election Law and Municipal Affairs)

HB 413, relative to membership of the energy efficiency and sustainable energy board. (Energy and Natural Resources)

HB 415, relative to the official ballot referendum form of town meetings. (Election Law and Municipal Affairs)

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

HB 437, establishing a commission to study parental alienation. (Judiciary)

HB 443, relative to municipal watering restrictions. (Election Law and Municipal Affairs)

HB 447, relative to school calendar days. (Education and Workforce Development)

HB 448, making technical corrections in the department of education. (Education and Workforce Development)

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

HB 458-FN, repealing certain inactive dedicated funds. (Ways and Means)

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

HB 464, relative to the definitions of solar energy systems and wind-powered energy systems for assessed value of real estate exemptions. (Energy and Natural Resources)

HB 466, relative to the capacity of electricity customer generators for eligibility for net energy metering. (Energy and Natural Resources)

HB 468-FN-LOCAL, relative to the inclusion of attendance stipends as earnable compensation in the retirement system. (Executive Departments and Administration)

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

HB 475, establishing a shoreland septic system study commission. (Energy and Natural Resources)

HB 480-FN, relative to sports betting. (Ways and Means)

HB 489, relative to changing a pupil's school or assignment because of a manifest educational hardship. (Education and Workforce Development)

HB 494, relative to removal or containment of contaminants from the Coakley Landfill. (Energy and Natural Resources)

HB 495, establishing a commission on drinking water. (Energy and Natural Resources)

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

HB 520, relative to availability of diaper changing stations in public restrooms. (Executive Departments and Administration)

HB 536-FN, adding biometric information to the consumer protection act. (Commerce)

HB 539-FN, establishing a committee to study the implementation of the One4All ballot in municipal elections. (Election Law and Municipal Affairs)

HB 540-LOCAL, relative to the issuance of bonds by the county for redevelopment districts in unincorporated places. (Commerce)

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

HB 549-FN, establishing gold star family decals for motor vehicles. (Transportation)

HB 558-FN, restricting the distribution of plastic straws. (Commerce)

HB 560-FN, relative to single-use carryout bags. (Commerce)

HB 568, relative to the New Hampshire energy strategy. (Energy and Natural Resources)

HB 574-FN, relative to the emancipation of minors. (Judiciary)

HB 582-FN, relative to the regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. (Energy and Natural Resources)

HB 591, amending the laws governing OHRVs and snowmobiles. (Transportation)

HB 598, establishing a commission to study beer, wine, and liquor tourism. (Commerce)

HB 600-FN, adding an exception to the real estate transfer tax for transfers of interest in certain low-income housing. (Ways and Means)

HB 605-FN, relative to criminal penalties for possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aiding in, or contributing to such fighting. (Judiciary)

HB 614-FN, increasing penalties and fines for air pollution and water pollution. (Energy and Natural Resources)

HB 618-LOCAL, relative to the definition of contracts relative to official ballot default budgets. (Election Law and Municipal Affairs)

HB 624, establishing a commission to study management systems and customer service of New Hampshire government agencies. (Executive Departments and Administration)

HB 628-FN, relative to universal changing stations in certain places of public accommodation. (Executive Departments and Administration)

HB 645-FN, establishing a dock registration procedure. (Energy and Natural Resources)

HB 648-FN, defining and regulating service entities. (Commerce)

HB 654, relative to surety required on construction loans. (Commerce)

HB 656, establishing a commission to study the impact of financial initiatives for commercially insured members by drug manufacturers on prescription drug prices and health insurance premiums. (Commerce)

HB 657, relative to prescription drugs under the managed care law. (Commerce)

HB 660-FN, relative to studying the economic and other impacts of OHRV use in New Hampshire. (Transportation)

HB 663, relative to the definition of agriculture and existing agricultural uses. (Energy and Natural Resources)

HB 664-FN, relative to vehicle repair standards. (Commerce)

HB 668, relative to heating, agitating or other devices in public waters. (Energy and Natural Resources)

HB 669-FN, relative to gender identity information included on drivers' licenses and nondrivers' identification cards. (Transportation)

HB 670-FN, relative to the cost of prescription drugs. (Commerce)

HB 684-FN, relative to mediation of rent increases in manufactured housing parks. (Commerce)

HB 695, relative to transparency of nonprofit patient advocacy organizations. (Commerce)

HB 700, relative to valuation of utility company assets for local property taxation. (Ways and Means)

HB 703-FN, relative to providing notice of the introduction of new high-cost prescription drugs. (Commerce)

HB 707, relative to settlement money from actions pertaining to the contamination of groundwater or drinking water. (Energy and Natural Resources)

HB 710-FN, relative to adoption of state building code and fire code amendments. (Executive Departments and Administration)

HB 713-FN-LOCAL, relative to transportation of pupils. (Education and Workforce Development)

HB 714-FN, relative to New Hampshire products purchased and sold by the liquor commission. (Commerce)

HB 715-FN, relative to electrical energy storage. (Energy and Natural Resources)

HB 717-FN, prohibiting prescription drug manufacturers from offering coupons or discounts to cover insurance copayments or deductibles. (Commerce)

HB 730-FN-A, relative to funding for the CART program. (Executive Departments and Administration)

HB 737, establishing a commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford and Litchfield. (Energy and Natural Resources)

HB 740, exempting certain mortgages from the law regarding licensing of nondepository mortgage bankers, brokers, and servicers. (Commerce)

March 28, 2019
 2019-1367-EBA
 05/01

Enrolled Bill Amendment to SB 1-FN

The Committee on Enrolled Bills to which was referred SB 1-FN

AN ACT relative to family and medical leave.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 1-FN

This enrolled bill amendment corrects 2 RSA references and makes a grammatical correction.

Enrolled Bill Amendment to SB 1-FN

Amend RSA 282-B:6, IV as inserted by section 2 of the bill by replacing line 2 with the following:
 accordance and consistent with RSA 282-A:42 through RSA 282-A:68 and RSA 282-A:118. The

Amend RSA 282-B:6, IV as inserted by section 2 of the bill by replacing line 6 with the following:

for the next 26 weeks, in which the individual has been found to have willfully made a false statement or

Amend RSA 285-B:7 as inserted by section 2 of the bill by replacing line 1 with the following:

282-B:7 Limitations. Nothing in this chapter shall diminish an employer's obligation to comply
 Senator Soucy moved adoption of the Enrolled Bill Amendment. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

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

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

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

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

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 12

April 11, 2019

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

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

Let us pray.

Dear God, let us remember today, the founders of this country fought against oppression that here all people should be free and equal before the law. We honor them this day by using our best selves to serve our fellow citizens; for the good of the state of New Hampshire and our country help us to live peaceable lives. For Senators and all who serve the state of New Hampshire give them a desire to promote righteousness the things

that will bring honor to the state and its people, not themselves. Let them experience a joy of sacrifice, honor and pure conscience. Let us remember that a house divided against itself cannot stand. Bring a spirit of unity with compromise to promote the good. Let wisdom and integrity reign in every leader's life; keep their goals simple birthing ideas or laws that will keep our state safe, protect the weak, heal the broken, and encourage every person to their full potential. Give every leader a strong sense of their destiny and remind them of their accountabilities to the ones they serve. Raise up strong leaders in New Hampshire who will work tirelessly to foster peace, fairness, and justice for all. Amen.

Senator Chandley led the Pledge of Allegiance.

Senator D'Allesandro is excused for the day.

INTRODUCTION OF GUESTS

PRESIDENT SOUCY: We have a number of guests. I know there are three former Senators with us today: Senator Bob Clegg, Senator Bette Lasky, and Senator Amanda Merrill.

Are there any additional guests? If not, I would call up Senator Rosenwald for the purpose of recognizing some distinguished citizens.

SENATOR ROSENWALD: Thank you, Madam President. It's a real honor today to introduce my Senate colleagues to the Bishop Guertin Girls Varsity Basketball Team from Nashua, which this year boasted an undefeated record and won their fourth straight Division I Championship. With the guidance of Head Coach Brad Kreick, and Assistant Coaches Kristina Hayner and Kyle Tave.

The Cardinals have shown their peers in their community what it looks like to lead with grace. Today we recognize these players for their outstanding athleticism and technical skills and extend our best wishes for their continued success. As you move forward, ladies, with your schooling and your career, I hope you take the lessons you've learned on the court with you. Never forget there is no substitute for hard work and that success comes from working together. I look forward to watching many of you next year and watching what you all do in the future.

We have Senate resolutions for all of you, but today I'm just going to give Coach Kreick his.

And thank you again for all coming up here today, and we're just so in awe of everything you have all done.

COACH KREICK: Thank you for having us.

INTRODUCTION OF PAGES

Senator Soucy introduced Abigail Buxton and Travis Tucker from Campbell High School in Litchfield, serving as Senate Pages for the day.

FN REPORT FOR APRIL 11, 2019

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

CONSENT CALENDAR:

COMMERCE

HB 528-FN, relative to insurance reimbursement for emergency medical services.

HB 597-FN, relative to sales of beverages and wine hosted by other licensees.

HB 649-FN, relative to consumer credit corrections, consumer credit protection from fraud, and consumer credit regulatory reform.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 150-FN, relative to statements of financial interests filed by state officials.

HB 418-FN, relative to the limitations on part-time employment under the New Hampshire retirement system.

HB 463-FN, relative to licensure of pharmacist assistants.

HB 488-FN, requiring interpreters for the deaf and hard of hearing at the state house campus.

HB 675-FN, relative to the purchase of service credit in the state retirement system.

HB 701-FN, relative to bow and arrow licenses for certain disabled veterans.

TRANSPORTATION

HB 372-FN, relative to motorist duties when approaching highway emergencies.

REGULAR CALENDAR:

HEALTH AND HUMAN SERVICES

HB 726-FN, establishing a secure forensic psychiatric hospital advisory council.

JUDICIARY

HB 455-FN, relative to the penalty for capital murder.

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

REGULAR CALENDAR:

TRANSPORTATION

HB 534-FN, relative to certain major state projects.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 463-FN, by Senator Chandley

TRANSPORTATION

HB 140, by Senator Giuda

HB 500, by Senator French

SPECIAL ORDER

Without objection, the following bill is special ordered to Thursday, April 18, 2019. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 463-FN, relative to licensure of pharmacist assistants.

CONSENT CALENDAR

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

COMMERCE

HB 278, relative to the New Hampshire insurance department's annual hearing requirement. Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

This bill updates the insurance commissioner's annual public hearing requirement relative to premium rates. This legislation will help to focus the insurance department's annual public hearings discussion so they can better assess the cost drivers for health care premiums. The bill also synchronizes dates of data collection and cleans up confusing language.

HB 339, relative to commercial modernization.

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

This bill makes changes to the laws governing property and casualty insurance, specifically commercial modernization. The legislation streamlines the process of filing forms as well as approving, withdrawing or discontinuing forms according to the needs and concerns of the department of insurance.

HB 342, relative to insurance examinations.

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

This bill clarifies the disclosure of reports and other information related to workers' compensation audits to the department of labor. This legislation allows the department of labor and the department of insurance to easily share information, without a written agreement, while continuing to keep the information confidential. The bill also makes additional language changes for clarification purposes.

HB 433, relative to foreign insurance companies.

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

This bill is relative to foreign insurance companies and it inserts a definition section into RSA 405 for clarity. This bill updates statutes' regarding the regulation of foreign insurance companies. The bill also defines surplus line insurers as property and casualty businesses, therefore making New Hampshire law align with the federal law.

HB 528-FN, relative to insurance reimbursement for emergency medical services.
Ought to Pass, Vote 5-0. Senator Morgan for the committee.

This bill provides that an insurer retrospective review of a claim for reimbursement for emergency services shall include consideration of the presenting symptoms, final diagnosis, and statutory definitions of emergency medical condition and emergency services. This bill adds clarity to the existing law so that patients who seek emergency services avoid denial of claims because their claim will be determined by the patient's presenting diagnosis and not their discharge diagnosis.

HB 589, relative to signs for New Hampshire liquor and wine manufacturers.
Ought to Pass, Vote 5-0. Senator Morgan for the committee.

This bill allows liquor and wine manufacturers to advertise on the site of their licensed premises through the use of internally illuminated signs. This bill still allows towns to make the final decision in regards to zoning. This legislation also creates parity, regarding these signs, between beverage/wholesale manufacturers and liquor/wine manufacturers.

HB 597-FN, relative to sales of beverages and wine hosted by other licensees.
Ought to Pass, Vote 5-0. Senator French for the committee.

This bill allows nano brewery licensees to distribute samples at a wine manufacturer's facility for an annual fee. This bill also allows wine manufacturer licensees to distribute samples at a nano brewery. This bill allows a winery and brewery to accommodate to groups of individuals by offering a wider selection of beverages. The committee feels that this bill will help to increase patronage to local businesses.

HB 649-FN, relative to consumer credit corrections, consumer credit protection from fraud, and consumer credit regulatory reform.
Ought to Pass, Vote 5-0. Senator French for the committee.

This bill clarifies the banking commissioner's rulemaking authority relative to certain regulated transactions, defines "significant event" for purposes of consumer credit, small loans, debt adjustments, and money lending, and makes other technical changes to statutes pertaining to banks and banking in New Hampshire. The committee feels that this bill modernizes and streamlines the process for how the banking commission oversees regulated transactions.

EDUCATION AND WORKFORCE DEVELOPMENT

HB 123, relative to emergency response plans in schools.
Ought to Pass, Vote 5-0. Senator Morgan for the committee.

This bill requires that at least four of the ten currently required fire evacuation drills be emergency, all hazard response drills of which at least one shall test emergency response to an armed assailant. This legislation does not limit the number to four but recognizes the need for schools to prepare for the worst-case situation.

HB 181, relative to the house and senate members of the university system board of trustees.
Ought to Pass, Vote 5-0. Senator Ward for the committee.

The bill will repeal the effective date of the removal of the members of the House of Representatives and the Senate from the University System of New Hampshire Board of Trustees resulting in the house and senate members remaining on the Board of Trustees as voting members. These members have given great perspective and wisdom when debating issues that come before the Board of Trustees.

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 136, increasing the maximum period for the zoning board of adjustment to hold a public hearing.
Ought to Pass, Vote 5-0. Senator Sherman for the committee.

This bill will increase the time frame within which the zoning board of adjustment must hold a public hearing. It extends the time from thirty days to forty-five days. As a result, the board will not have to hold extra meetings for applications that come in close to the scheduled regular meeting. Additionally, it will relieve the extra administrative burden from the board volunteers.

HB 167, allowing the town of Kingston to hold a bonfire event in 2019.
Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill allows the town of Kingston to hold a bonfire event with a car on top of such bonfire in 2019. Due to the paint on the car that cannot be removed and state air quality standards, an exception to the permit process was needed. The official from the Department of Environmental Services was satisfied with safety measures the town has implemented for the bonfire event.

HB 245, relative to the planning board's procedures on plats.
Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill will allow a planning board to specify, in its rules, a shorter filing deadline for plan applications than the current twenty-one days before a meeting. Some municipalities have the staff to review the applications at a faster pace but cannot due to the twenty-one-day requirement. The language in this legislation leaves it up to the individual municipality and gives planning boards the option of setting the time frame for what their board can handle.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 150-FN, relative to statements of financial interests filed by state officials.
Re-refer to Committee, Vote 5-0. Senator Carson for the committee.

This bill would direct the Attorney General to contact any person who fails to file a statement of financial interests required under RSA 15-A and establishes a \$50 late fee for the failure to file in a timely manner. The bill would further direct the Attorney General to review disclosures made under RSA 15-A and compel compliance with the filing requirement. The Committee believes it may be possible to address this issue through the Ethics Committee and therefore requests support in the motion of Re-Refer.

HB 196, relative to proof of residency for fish and game purposes.
Ought to Pass with Amendment, Vote 5-0. Senator Rosenwald for the committee.

This bill allows for the use of a DD Form 214 from any branch of the armed forces to prove residency for fish and game purposes. The Committee amended the bill to clarify the language regarding accepted proofs of residency by the Department of Safety.

Senate Executive Departments and Administration
April 4, 2019
2019-1422s
10/04

Amendment to HB 196

Amend RSA 214:11-a, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) At fish and game department headquarters, a valid New Hampshire driver's license or New Hampshire nondriver's picture identification card issued pursuant to RSA 260:21, RSA 260:21-a, or RSA 260:21-b, or such alternate form of identification and proof of residency as would be accepted by the department of safety, division of motor vehicles, to support the issuance of a New Hampshire driver's license or New Hampshire nondriver's picture identification card.

HB 214, repealing an obsolete provision for legislative mileage for attaches from Concord.
Ought to Pass, Vote 5-0. Senator Chandley for the committee.

This is a housekeeping bill that repeals a provision for mileage for Concord attaches. The single sentence of the statute is obsolete. The Committee asks for your support in repealing RSA 14:17-a.

HB 398, relative to New Hampshire MasoniCare.
Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

This bill amends the membership requirements for the New Hampshire Masonicare board of trustees to assist the board in accomplishing their work more efficiently. Therefore, the Committee asks for support in passing this legislation.

HB 418-FN, relative to the limitations on part-time employment under the New Hampshire retirement system.
Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

This bill would modify the grandfathering provision for changes to part-time employment with a Retirement System employer to require only that grandfathered retired members remain with the same employer. The creation of this grandfathering provision last year was a hard fought compromise and the Committee believes more time should be given to its implementation before amending it. Therefore the Committee requests support in the motion of Inexpedient to Legislate.

HB 419, relative to the position of house clerk.
Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This is a housekeeping bill that simply clarifies the employment status of the Clerk of the House of Representatives by mirroring the language that covers the Clerk of the Senate. Making this change will ensure the clerks of both bodies are treated the same under the law.

HB 488-FN, requiring interpreters for the deaf and hard of hearing at the state house campus.
Ought to Pass, Vote 5-0. Senator Chandley for the committee.

This bill declares that interpreters shall be provided to persons who are deaf or hard-of-hearing when they consult with their senator or representative on the state house campus. The language of this bill is a narrow and appropriate way to ensure that individuals in the deaf and hard-of-hearing community are able to have access to their legislators on the state house campus, but also to ensure that New Hampshire legislators have access to those in the deaf and hard-of-hearing community.

HB 634, establishing a commission to study the licensure of individuals who forage for wild mushrooms for sale to others.

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

This is a timely bill to establish a commission to study the licensure of individuals who forage for wild mushrooms for sale to others. There is a growing interest in foraging and purchasing wild mushrooms in New Hampshire and the commission will examine this movement through the lens of safety and support for the industry.

HB 675-FN, relative to the purchase of service credit in the state retirement system.

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

This bill is a request of the NH Retirement System to modify the calculation methodologies for the cost of the purchase of service credit in the Retirement System for active service in the armed forces and in cases of employer fault. Making these changes will not have a material impact on the unfunded liability of the System, but it will implement a fairer and more consistent application of the service purchase statute. Therefore, the Committee requests support for the Ought to Pass recommendation.

HB 701-FN, relative to bow and arrow licenses for certain disabled veterans.

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

This bill discounts the bow and arrow license fee for certain disabled veterans. This is a housekeeping bill, as this discount was created in the previous Session, but conflicting terminology with federal identifiers prevented their sale to veterans who are between 80% and 99% disabled as intended.

TRANSPORTATION

HB 148, relative to electric bicycles.

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

This bill defines and regulates the three classes of electric bicycles based on their capabilities. It follows model language that has been enacted in other states and will bring New Hampshire in line with national standards. This will clarify confusion regarding where electric bicycles can be ridden while maintaining the ability of local authorities to enact restrictions on trails under their jurisdiction.

HB 188, amending the definition of headway speed.

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

This bill removes the 6 mile per hour portion of the definition of headway speed and is supported by the Department of Safety's Marine Patrol Bureau. The Bureau testified to the fact that some boaters use that provision to travel faster than necessary in no wake zones, thus creating potentially damaging wake. Under this bill, headway speed will be defined as the slowest speed possible that a boat can operate and still maintain the ability to travel straight.

HB 307, relative to driver's license photographs.

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

This bill removes the requirement that drivers' license photographs be in color and was requested by the Division of Motor Vehicles (DMV). The Director of the DMV testified that new technologies can produce black and white photographs that are clearer than a color photograph. While the DMV has no immediate plans to change drivers' license photographs, they would like to have this option when their current contract expires and they issue a new request for proposal.

HB 372-FN, relative to motorist duties when approaching highway emergencies.

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

This bill requires that motorists give a wide berth when encountering emergency vehicles that are displaying blue, red, or amber emergency or warning lights regardless of whether the emergency vehicle is moving or stationary, without endangering oncoming traffic. The state's current "move over" law applies only to stationary vehicles. This bill simply removes the word "stationary" from the existing statute.

HB 391, relative to permits for vehicle registration.
Ought to Pass, Vote 5-0. Senator Ward for the committee.

The committee heard testimony that municipalities are currently inconsistent with regard to the practice of requesting photo identification from individuals seeking to register a vehicle and nothing in state law gives them the explicit authority to do so. This bill simply places in statute the requirement that one furnish a current, government-issued photo identification card when registering a vehicle at the municipal level. This requirement will be helpful should any investigations of fraudulent activity occur.

HB 420, relative to naming buildings and other construction built using public funds.
Inexpedient to Legislate, Vote 5-0. Senator Watters for the committee.

No sponsors or members of the public spoke in support of this legislation, which sought to restrict the state's ability to name highways, bridges, and buildings after only those who have been deceased for at least 2 years and who have made a positive contribution to their local community, the state or the nation. The state has, on several occasions, named roads, bridges and buildings after living individuals for good reason and the committee sees no reason to restrict the state's ability to do so.

HB 428, relative to pedestrian control signals.
Ought to Pass, Vote 5-0. Senator Ward for the committee.

This bill eliminates a conflict between RSA265:11 and RSA265:10 III(f) by clarifying that motorists may make a right turn during a steady or flashing pedestrian signal provided there is no pedestrian within 50 feet of the roadway and no signage prohibiting such a turn.

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

REGULAR CALENDAR

HEALTH AND HUMAN SERVICES

HB 237, establishing the New Hampshire rare disease advisory council.
Ought to Pass, Vote 4-0. Senator Chandley for the committee.

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

HB 726-FN, establishing a secure forensic psychiatric hospital advisory council.
Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Health and Human Services
March 27, 2019
2019-1344s
01/06

Amendment to HB 726-FN

Amend RSA 622:52-a, I as inserted by section 1 of the bill by inserting after subparagraph (n) the following new subparagraph:

(o) A representative of New Hampshire Peer Voice, appointed by that organization.

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

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
April 10, 2019
2019-1456s
01/04

Floor Amendment to HB 726-FN

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

AN ACT establishing a secure forensic psychiatric hospital advisory council and establishing a new forensic psychiatric hospital and making an appropriation therefor.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Department of Health and Human Services; Forensic Psychiatric Hospital.

I. The commissioner of the department of health and human services, in consultation and in collaboration with the attorney general, the commissioner of the department of corrections, and the commissioner of the department of administrative services, shall administer the development and implementation of construction, staffing, and operational plans for a new 60-bed forensic psychiatric hospital.

II. The construction, operational, and staffing plans for the new 60-bed forensic psychiatric hospital shall be completed by November 1, 2019. Construction shall not commence until such plans are submitted to and approved by the joint legislative fiscal committee and the long range capital planning and utilization committee. The new forensic psychiatric hospital shall be operational by September 1, 2021.

III. All contracts and projects set forth in paragraphs I and II of this section, and plans and specifications therefor, shall be awarded in accordance with the provisions of RSA 21-I.

IV. In preparation for the operation of the new 60-bed forensic psychiatric hospital, the commissioner of the department of health and human services, in consultation and in collaboration with the attorney general, the commissioner of the department of corrections, and the commissioner of the department of administrative services, shall recommend proposed legislation for any changes to statutes or administrative rules that are deemed necessary for the transition of patients to and the operation of the new 60-bed forensic psychiatric hospital. In developing such recommendations, and the plans and deadlines required in paragraph II, the commissioner of the department of health human services shall solicit input from public and private stakeholders as the commissioner deems necessary and appropriate. The commissioner of the department of health human services shall submit the recommendations required by this paragraph to the speaker of the house of representatives, the president of the senate, and the governor no later than November 1, 2019.

V. There is hereby appropriated to the department of health and human services the sum of \$26,000,000 for the fiscal year ending June 30, 2019. Such funds shall be nonlapsing and shall be expended for the purpose of constructing a new 60-bed forensic psychiatric hospital in accordance with the provisions of this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2019-1456s

AMENDED ANALYSIS

This bill establishes a secure forensic psychiatric hospital advisory council to assist the commissioner of the department of health and human services in the development of plans for and the construction of a new secure multi-purpose forensic psychiatric hospital. The council is repealed January 1, 2023.

This bill also establishes procedures and deadlines for a new 60-bed forensic psychiatric hospital and makes an appropriation for that purpose.

INTRODUCTION OF GUESTS

Senator Ward introduced students from Lempster Community School visiting in the gallery.

Senator Sherman introduced students from Learning Skills Academy in Rye visiting in the gallery.

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: Starr, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Carson, Feltes, Cavanaugh, Reagan, Birdsell, Fuller Clark, Morse, Morgan, Sherman, Soucy.

The following Senators voted No: (None)

The following Senators were excused: D'Allesandro.

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

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

Senator Feltes moved to Lay on the Table HB 726-FN.

Recess. Out of recess.

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

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, Fuller Clark, Morgan, Sherman, Soucy.

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

The following Senators were excused: D'Allesandro.

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

JUDICIARY

HB 455-FN, relative to the penalty for capital murder.

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

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

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

The following Senators voted Yes: Starr, Giuda, Watters, Hennessey, French, Ward, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Reagan, Fuller Clark, Morgan, Sherman, Soucy.

The following Senators voted No: Bradley, Gray, Carson, Cavanaugh, Birdsell, Morse.

The following Senators were excused: D'Allesandro.

Roll Call, Yeas: 17 - Nays: 6. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove HB 726-FN from the Table.

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

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, Fuller Clark, Morgan, Sherman, Soucy.

The following Senators were excused: D'Allesandro.

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

TRANSPORTATION

HB 534-FN, relative to certain major state projects.

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

Senate Transportation

March 26, 2019

2019-1315s

05/04

Amendment to HB 534-FN

Amend the bill by replacing section 1 with the following:

1 Major Projects; Exclusion from Competitive Bidding Requirement. Amend RSA 21-I:80, I(b) to read as follows:

(b) Projects for the department of fish and game, the adjutant general's department, *the department of transportation, the department of health and human services' New Hampshire hospital and Glencliff home*, and the department of natural and cultural resources, whose estimated total cost is not more than [~~\$250,000~~] ***\$500,000 or for projects that cannot be accepted by the department of administrative services, division of public works.*** Such projects may be done on a force account basis, by contracts awarded through competitive bidding, by short term rental of construction equipment, or by any combination of these methods. These departments are authorized to rent construction equipment for periods not exceeding 6 months at rates the departments deem competitive through the use of quotes or bids.

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

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
April 11, 2019
2019-1481s
11/04

Floor Amendment to HB 534-FN

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

AN ACT relative to certain major state projects, and establishing a new forensic psychiatric hospital and making an appropriation therefor.

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

2 Department of Health and Human Services; Forensic Psychiatric Hospital.

I. The commissioner of the department of health and human services, in consultation and in collaboration with the attorney general, the commissioner of the department of corrections, and the commissioner of the department of administrative services, shall administer the development and implementation of construction, staffing, and operational plans for a new 60-bed forensic psychiatric hospital.

II. The construction, operational, and staffing plans for the new 60-bed forensic psychiatric hospital shall be completed by November 1, 2019. Construction shall not commence until such plans are submitted to and approved by the joint legislative fiscal committee and the long range capital planning and utilization committee. The new forensic psychiatric hospital shall be operational by September 1, 2021.

III. All contracts and projects set forth in paragraphs I and II of this section, and plans and specifications therefor, shall be awarded in accordance with the provisions of RSA 21-I.

IV. In preparation for the operation of the new 60-bed forensic psychiatric hospital, the commissioner of the department of health and human services, in consultation and in collaboration with the attorney general, the commissioner of the department of corrections, and the commissioner of the department of administrative services, shall recommend proposed legislation for any changes to statutes or administrative rules that are deemed necessary for the transition of patients to and the operation of the new 60-bed forensic psychiatric hospital. In developing such recommendations, and the plans and deadlines required in paragraph II, the commissioner of the department of health human services shall solicit input from public and private stakeholders as the commissioner deems necessary and appropriate. The commissioner of the department of health human services shall submit the recommendations required by this paragraph to the speaker of the house of representatives, the president of the senate, and the governor no later than November 1, 2019.

V. There is hereby appropriated to the department of health and human services the sum of \$26,000,000 for the fiscal year ending June 30, 2019. Such funds shall be nonlapsing and shall be expended for the purpose of constructing a new 60-bed forensic psychiatric hospital in accordance with the provisions of this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect June 30, 2019.

2019-1481s

AMENDED ANALYSIS

This bill expands the scope of projects that are exempt from the department of administrative services competitive bidding requirement.

This bill also establishes procedures and deadlines for a new 60-bed forensic psychiatric hospital and makes an appropriation for that purpose.

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: Starr, Giuda, Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

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

The following Senators were excused: D'Allesandro.

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

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

CONSENT CALENDAR REPORTS REMOVED

PRESIDENT SOUCY: We are at the conclusion of the regular calendar and will take up the bills that were removed from the consent calendar.

TRANSPORTATION

HB 140, establishing a commission to study the licensing of drivers from foreign countries.
Ought to Pass, Vote 5-0. Senator Hennessey for the committee.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2
April 8, 2019
2019-1438s
11/01

Floor Amendment to HB 140

Amend RSA 263:39-b, II as inserted by section 1 of the bill by inserting after subparagraph (h) the following new subparagraph:

- (i) The secretary of state, or designee.
- (j) The attorney general, or designee.

Amend RSA 263:39-b, III as inserted by section 1 of the bill by replacing it with the following:

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

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

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

HB 500, naming the Warner roundabout in memory of Barbara Annis.
Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

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

PRESIDENT SOUCY: I would note that there was an Addendum. There are three committees meeting this afternoon, and it must have been Nostradamus-like scheduling because we are at 12:30 and these committees are meeting either a half hour after session or 1 o'clock. We're right on both accounts, so. They are the committees on Commerce, Energy and Natural Resources, and Judiciary.

LATE SESSION Third Reading and Final Passage

HB 123, relative to emergency response plans in schools.

HB 136, increasing the maximum period for the zoning board of adjustment to hold a public hearing.

HB 140, establishing a commission to study the licensing of drivers from foreign countries.
HB 148, relative to electric bicycles.
HB 167, allowing the town of Kingston to hold a bonfire event in 2019.
HB 181, relative to the house and senate members of the university system board of trustees.
HB 188, amending the definition of headway speed.
HB 196, relative to proof of residency for fish and game purposes.
HB 214, repealing an obsolete provision for legislative mileage for attaches from Concord.
HB 237, establishing the New Hampshire rare disease advisory council.
HB 245, relative to the planning board's procedures on plats.
HB 278, relative to the New Hampshire insurance department's annual hearing requirement.
HB 307, relative to driver's license photographs.
HB 339, relative to commercial modernization.
HB 342, relative to insurance examinations.
HB 372-FN, relative to motorist duties when approaching highway emergencies.
HB 391, relative to permits for vehicle registration.
HB 398, relative to New Hampshire MasoniCare.
HB 419, relative to the position of house clerk.
HB 428, relative to pedestrian control signals.
HB 433, relative to foreign insurance companies.
HB 455-FN, relative to the penalty for capital murder.
HB 488-FN, requiring interpreters for the deaf and hard of hearing at the state house campus.
HB 500, naming the Warner roundabout in memory of Barbara Annis.
HB 528-FN, relative to insurance reimbursement for emergency medical services.
HB 589, relative to signs for New Hampshire liquor and wine manufacturers.
HB 597-FN, relative to sales of beverages and wine hosted by other licensees.
HB 634, establishing a commission to study the licensure of individuals who forage for wild mushrooms for sale to others.
HB 649-FN, relative to consumer credit corrections, consumer credit protection from fraud, and consumer credit regulatory reform.
HB 675-FN, relative to the purchase of service credit in the state retirement system.
HB 701-FN, relative to bow and arrow licenses for certain disabled veterans.

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.