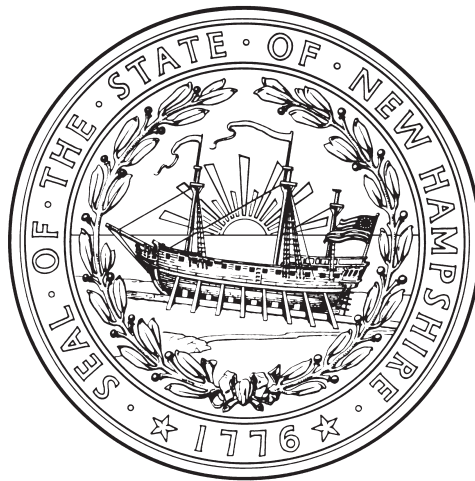


April 18, 2019
Nos. 12-13

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 – APRIL 11, 2019 SESSION
COMMENCEMENT – APRIL 18, 2019 SESSION**

SENATE JOURNAL 12 *(continued)*

April 11, 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 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021.

HB 2-FN-A-LOCAL, relative to state fees, funds, revenues, and expenditures.

HB 25-A, making appropriations for capital improvements.

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 113, relative to qualifications for and exceptions from licensure for mental health practice. (Executive Departments and Administration)

HB 116-FN, relative to the job classification of positions in the retirement system. (Executive Departments and Administration)

HB 120-FN, relative to the regulation of body art establishments and massage, reflexology, structural integrator and Asian bodywork therapy establishments. (Executive Departments and Administration)

HB 292-FN, relative to including brokers fees in the calculation of the insurance premium tax. (Ways and Means)

HB 295-FN-A, establishing a special marriage officiant license. (Judiciary)

HB 407-FN, clarifying the non taxability of certain telecommunications devices and equipment. (Ways and Means)

HB 457-FN, 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. (Executive Departments and Administration)

HB 508, establishing a committee to study direct primary care. (Health and Human Services)

HB 564, relative to possession of firearms on school property. (Judiciary)

HB 616-FN, relative to a cost of living adjustment for retirees in the state retirement system. (Executive Departments and Administration)

HB 620-FN, relative to the penalty fee structure for late premium tax payments. (Commerce)

HB 625-FN, relative to an aquatic invasive species decal for boats. (Transportation)

HB 630-FN, increasing certain fines for OHRV and snowmobile operation violations. (Judiciary)

HB 641-LOCAL, allowing municipalities to collect an occupancy fee from operators of local room rentals. (Election Law and Municipal Affairs)

HB 682-FN, establishing a water resources fund in the department of environmental services and charging certain application and permit fees. (Energy and Natural Resources)

HB 696-FN, establishing a protective order for vulnerable adults. (Judiciary)

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:

HB 267, relative to the international registration plan.

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

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 13

April 18, 2019

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

The Reverend Mark Warren, chaplain to the Senate, offered the following prayer:

Good morning. Let's pray.

Almighty Father, who has given us New Hampshire for our heritage, we humbly ask you that we may always prove ourselves a people mindful of your favor and glad to do your will. Bless this state with honorable industry, sound teaching, pure manners. Save us from violence, discord, and confusion from pride and arrogance, and from every evil way. Defend our liberties, and fashion us into a united people. Give our Senators the spirit of wisdom as they are entrusted with the authority to govern. That they may show justice and peace in New Hampshire, and that through obedience to your law we may show forth your praise among the other states in this great nation. In this time of prosperity fill our hearts with thankfulness, and in the days of trouble may our trust in you not fail. This Easter week let us remember the sacrifice that you've given us for our spiritual liberties. We ask this in our Lord's name. Amen.

Senator Levesque led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Chandley.)

SENATOR CHANDLEY: Yes, thank you, Madam President. I would like to introduce— I have a guest, Representative Megan Murray from Amherst, this year.

I have a very special guest that is Graham Murray, who is a third grader at Wilkins Elementary School in Amherst. And Graham is here to work on a special project for his school. He was very interested in spending part of his birthday celebration here observing the Senate. He is an avid writer and would like to write about his experience and present it to his class. So, join me in welcoming Graham Murray.

INTRODUCTION OF PAGES

Senator Sherman introduced Sophie Young and Remi Young from Heronfield Academy in Hampton Falls, serving as Senate Pages for the day.

SPECIAL ORDER

Without objection, the following bill is special ordered to Thursday, April 25, 2019. Adopted.

ENERGY AND NATURAL RESOURCES

HB 663, relative to the definition of agriculture and existing agricultural uses.

FN REPORT FOR APRIL 18, 2019

Senator D'Allesandro 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 389-FN, requiring the secretary of state to prepare materials for businesses relative to service dogs.

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

HEALTH AND HUMAN SERVICES

HB 369-FN, relative to the controlled drug prescription health and safety program.

TRANSPORTATION

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

REGULAR CALENDAR:

COMMERCE

HB 253, relative to criminal records checks in the employee application process.

ENERGY AND NATURAL RESOURCES

HB 365, relative to net energy metering limits for customer generators.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

TRANSPORTATION

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

Senator D'Allesandro recommends the following bills be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:

CONSENT CALENDAR:

EDUCATION AND WORKFORCE DEVELOPMENT

HB 719-FN-A, establishing the position of school nurse coordinator in the department of education and making an appropriation therefor.

REGULAR CALENDAR:

HEALTH AND HUMAN SERVICES

HB 692-FN, relative to dental care for Medicaid recipients.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

HEALTH AND HUMAN SERVICES

HB 369-FN, by Senator Bradley

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 as follows:

FN bills not waived under Senate Rule 4-5, to the Committee on Finance; non-FN bills approved for referral to Finance by the day's FN report, to the Committee on Finance; and all other bills, to Third Reading.

COMMERCE

HB 252, establishing a committee to study certain labor statutes.

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

This bill establishes a committee to study certain labor statutes and labor department rules. The bill will allow the committee to look broadly at labor laws, and their various aspects and impacts.

HB 285, relative to filing and approval of rates and rating plans applicable to workers' compensation.

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

This bill declares that when approved by the insurance commissioner, workers' compensation rates are open to public inspection this being a request of the insurance department. This legislation helps the insurance department in achieving their goal in becoming more transparent relative to the approval and filing of rates for workers' compensation.

HB 337, relative to property and casualty insurance.

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

This bill makes certain changes in the laws relative to property and casualty insurance and was a request of the insurance department. This legislation cleans up current language of typos so the department can conduct their work more efficiently as well as clarifies language regarding consumer inquiries.

HB 338, relative to rebates under the law governing unfair insurance practices.
Ought to Pass with Amendment, Vote 5-0. Senator Cavanaugh for the committee.

This bill moves the exceptions to rebating from RSA 402 to the law regulating unfair insurance practices for purposes of clarity and it is a request of the insurance department. This bill places all current exceptions for a rebate in one location to ensure consistency in the application of these exceptions. The bill's amendment fixes minor errors to ensure clarity.

Commerce
April 9, 2019
2019-1450s
01/04

Amendment to HB 338

Amend the introductory paragraph of RSA 417:4, IX(b)(12) as inserted by section 1 of the bill by replacing it with the following:

(12) For the purposes of subparagraph (11), "value added service, activity, or product" may include the following:

HB 389-FN, requiring the secretary of state to prepare materials for businesses relative to service dogs.
Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

This bill requires the secretary of state to prepare materials for businesses relative to service dogs. The goal of this bill is to educate the public and businesses of the trend of emotional support dogs/non-service animals who are being brought into businesses when they are not allowed to be. These businesses have the right to ask if a dog is a service animal, but currently many businesses are fearful of doing so. This bill will also help those who suffer from allergies and phobia of dogs.

HB 540-L, relative to the issuance of bonds by the county for redevelopment districts in unincorporated places.
Ought to Pass, Vote 5-0. Senator Morgan for the committee.

This bill permits the establishment by a county of a redevelopment district in an unincorporated place and allows the county to issue bonds for revitalization projects. This bill does not guarantee that a bond will be issued, but grants counties the authority to do so. The committee believes that this bill will provide a crucial tool in revitalizing critical areas in our state.

HB 714-FN, relative to New Hampshire products purchased and sold by the liquor commission.
Ought to Pass, Vote 5-0. Senator French for the committee.

This bill modifies the requirement that the liquor commission purchase and offer for sale New Hampshire products. This legislation will allow distillers and wineries the ability to advertise that they use New Hampshire grown resources in their products. The committee feels that this bill will help highlight the important work of New Hampshire local businesses.

EDUCATION AND WORKFORCE DEVELOPMENT

HB 171, establishing a commission to study equal access and opportunity for students with disabilities to participate in cocurricular activities.

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

This bill establishes a commission to study equal access and opportunity for students with disabilities to participate in cocurricular activities. It will bring together key stakeholders who will explore how to expand these opportunities for students with disabilities to participate in extracurricular and non-academic activities such as unified sports. Having high expectations for students with intellectual disabilities results in a number of positive outcomes for the student and for overall school culture.

Education and Workforce Development
April 9, 2019
2019-1451s
06/04

Amendment to HB 171

Amend RSA 186-C:28-a, II(a) as inserted by section 1 of the bill by inserting after subparagraph (10) the following new subparagraph:

(11) One member of the New Hampshire School Administrators Association, appointed by the association.

Amend RSA 186-C:28-a, IV as inserted by section 1 of the bill by replacing it with the following:

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

HB 356, relative to the retention of certain reports by institutions of higher learning.
Ought to Pass with Amendment, Vote 5-0. Senator Kahn for the committee.

This bill as amended requires institutions of higher learning which have ceased instruction, to retain certain records for 50 years. Currently there is no required limit and the records are too numerous to retain. This legislation will enable the Department of Education to purge those records which graduates are unlikely to request.

Education and Workforce Development
April 9, 2019
2019-1449s
04/06

Amendment to HB 356

Amend RSA 292:8-kk, I as inserted by section 1 of the bill by replacing it with the following:

I. When any institution of higher learning ceases the regular conduct of instruction, 2 certified transcripts and an electronic copy of the same for each student who was registered for instruction at the institution shall be forwarded to the commission together with a course catalogue for each year in which the institution operated, and an explanation of the institution's credit and grading system. The commission shall preserve these records **for 50 years** and upon request of the individual concerned, shall furnish a certified copy of the individual's record. The fee for each record so furnished to be paid to the commission shall be sufficient to cover related costs.

2019-1449s

AMENDED ANALYSIS

This bill changes the length of time an institution of higher learning which has ceased instruction is required to retain certain records.

HB 357, relative to the public school infrastructure fund.
Ought to Pass, Vote 5-0. Senator Morgan for the committee.

This bill provides that all moneys in the public-school infrastructure fund are non-lapsing. The current funds have been awarded to school districts and cannot be dispersed until the projects are finished. Allowing the funds to be non-lapsing will insure that those schools that have begun projects will be able to be reimbursed.

HB 719-FN-A, establishing the position of school nurse coordinator in the department of education and making an appropriation therefor.

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

This bill establishes the position of School Nurse Coordinator in the Department of Education to be staffed by a registered nurse with appropriate experience and education. The role, as it had existed historically, would be the central role to coordinate resources for school nurses, policy makers, administrators and others as it relates to student health and wellness. This legislation seeks to return a position that had existed in New Hampshire from 1919 to 2010.

Education and Workforce Development
April 9, 2019
2019-1447s
06/04

Amendment to HB 719-FN-A

Amend RSA 21-N:6-a as inserted by section 1 of the bill by replacing it with the following:

21-N:6-a School Nurse Coordinator. There is established within the division of learner support the position of school nurse coordinator who shall be a classified employee. The school nurse coordinator shall be a licensed RN eligible for New Hampshire school nurse certification under RSA 200:29 and shall be qualified to hold such position by reason of education and experience. The position shall be subject to any other employment requirements as determined by the department. The school nurse coordinator shall coordinate and provide technical assistance to guide school nurses and other school personnel responsible for student health care in the areas of student health and wellness, safety, behavioral and mental health, and alcohol and substance misuse. The school nurse coordinator shall also be a resource for administrators, educators, families, and policymakers across the state.

HEALTH AND HUMAN SERVICES

HB 111, establishing a committee to study the effect of the opioid crisis, substance misuse, adverse childhood experiences (ACEs), and domestic violence as a cause of posttraumatic stress disorder syndrome (PTSD) and other mental health and behavioral problems in New Hampshire children and students.

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

This bill would establish a committee to study the effect of the opioid crisis, substance misuse, adverse childhood experiences and domestic violence as a cause of post-traumatic stress disorder and other mental health conditions among New Hampshire children and students. As our state continues to combat the opioid crisis, it is critical that the legislature considers the impact that this crisis has on New Hampshire children. HB 111 will enable this important research to take place. The findings of the committee will help to inform the legislature on steps that should be taken to support children who have been impacted by this epidemic.

HB 310, relative to the membership of the wellness and primary prevention council.

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

This bill adjusts the membership of the Wellness and Primary Prevention Council. Members of the council testified at the public hearing that there is a need to update the council's membership. HB 310 will add a representative from the Department of Corrections, DCYF, the Department of Health and Human Services Division of Public Health, and a law enforcement officer.

HB 350, relative to licensed prescribers of medical marijuana.

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

HB 350 will allow physician assistants to certify that patients meet the criteria under New Hampshire's therapeutic cannabis law. This bill will ensure that patients can obtain their certification from a medical professional with whom they have a longstanding relationship. In many cases, patients have developed this relationship with a physician assistant. Physician assistants work under the supervision of licensed physicians, therefore the supervising physician will have the opportunity to approve or deny the certification. The committee amendment changes the title of the bill to bring it in line with the language of the current statute.

Health and Human Services

April 10, 2019

2019-1464s

01/06

Amendment to HB 350

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

AN ACT relative to licensed health care providers authorized to certify that criteria has been met for the use of therapeutic cannabis.

2019-1464s

AMENDED ANALYSIS

This bill adds physician assistants as providers authorizing the use of cannabis for therapeutic purposes.

HB 490, establishing a commission to study the role of clinical diagnosis and the limitations of serological diagnostic tests in determining the presence or absence of Lyme and other tick-borne diseases and available treatment protocols, and appropriate methods for educating physicians and the public about the inconclusive nature of prevailing test methods and available treatment alternatives.

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

HB 490 would establish a commission to study Lyme disease as well as other tick-borne illnesses. There is widespread agreement among committee members that the issue of Lyme disease and treatment protocols should be addressed. There are several working groups, including one within the New Hampshire Medical Society, which are currently studying this issue. The committee believes that it would be beneficial to consider this bill again once those groups have reported their findings.

HB 736, reestablishing the commission to study environmentally-triggered chronic illness.
Ought to Pass with Amendment, Vote 5-0. Senator Sherman for the committee.

HB 736 reestablishes the commission to study environmentally triggered chronic illnesses. The Senate previously approved SB 85, which would also reestablish the commission. The sponsors expressed concern over the House amendment, which they believe enables the Department of Health and Human Services to potentially “opt-out” of participating in the commission. The committee heard testimony that their participation is critical to the success of the Commission. The committee amendment therefore removes the House amendment and restores the language as it was introduced.

Health and Human Services

April 10, 2019

2019-1466s

01/06

Amendment to HB 736

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

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

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

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

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

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

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

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

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

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

(5) The director of the university of New Hampshire institute for health policy and practice, or designee.

(6) The director of Boston University public health policy and practice, or designee.

(7) A representative from the New Hampshire Medical Society, appointed by the society.

(8) The chair of the board of trustees of the New Hampshire Hospital Association, or designee.

(9) An advanced practice registered nurse, appointed by the New Hampshire Nurse Practitioner Association.

(10) The program manager of the environmental public health tracking program, department of health and human services, or designee.

(11) Two community members with backgrounds in environmental science and/ or public health, nominated by the senators on the commission, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the speaker of the house of representatives.

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

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

(1) Determining which entities may report confirmed cases of chronic conditions or other health-related impacts to the public health oversight program.

(2) Recommending ways to alert public health officials regarding higher than expected rates of chronic disease or other health-related impacts which may be related to exposures of unrecognized environmental contaminants.

(3) Recommending a method to inform citizens regarding programs designed to manage chronic disease or other environmental exposure health-related impacts.

(4) Recommending data sources and a method to include data compiled by a public or private entity to the greatest extent possible in the development of the public health oversight program.

(5) Defining by codes, the health status indicators to be monitored, including chronic conditions, medical conditions, and poor health outcomes.

(6) Studying current health databases, including years available, potential for small area analysis, and privacy concerns.

(7) Researching currently existing health data reports by agency, bureau, or organization.

(8) Creating a model of desired data outputs and reports for chronic conditions and other health-related impacts.

(9) Identifying the gaps between what currently exists and the model output.

(10) Recommending the organizational structure responsible for the oversight function and mandatory reporting requirements.

(11) Reviewing results of stages 1, 2 and 3 of the pilot study recommended by the previous commission established by 2017, 166 and identifying changes to subparagraphs (8), and further identify items in (9) and (10).

(12) Identifying technology system changes necessary to carry out the charge of the commission.

(13) Collaborating with the National Institutes of Health, the United States Environmental Protection Agency, and the Centers for Disease Control and Prevention to develop protocols for the department of health and human services to educate and provide guidelines for physicians and other advanced health care practitioners to identify and evaluate appropriate diagnostic screening tests to assess health effects from exposure to emerging contaminants.

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

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

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

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

V. The commission shall submit interim reports on November 1 of each year beginning November 1, 2020 containing its findings and any recommendations for proposed legislation and a final report on or before November 1, 2027 to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

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

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

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

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

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

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

7 Effective Date.

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

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

TRANSPORTATION

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

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

This bill simply gives organizations authorized to issue decals in the multi-use decal number plates program the authority to offer more than one decal design for their organization.

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

REGULAR CALENDAR

COMMERCE

HB 223, relative to night work.

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

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

HB 253, relative to criminal records checks in the employee application process.

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

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

Senator Bradley withdrew his request for a roll call.

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

HB 406, relative to reporting and investigation of serious injuries and death in the workplace.

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

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

Senators Carson, Feltes and D'Allesandro are excused.

Senator Cavanaugh withdrew his request for a roll call.

SPECIAL ORDER

Without objection, the following bill is special ordered to the end of the calendar. Adopted.

COMMERCE

HB 406, relative to reporting and investigation of serious injuries and death in the workplace.

ENERGY AND NATURAL RESOURCES

HB 139, relative to restrictions on smoking in state forests, parks, land, or buildings operated by the department of natural and cultural resources.

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

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

HB 365, 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

April 11, 2019

2019-1487s

06/10

Amendment to HB 365

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; Eligible Customer-Generator; Exclusion Clarified. 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, ***up to and including one megawatt***;

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

Recess. Out of recess.

INTRODUCTION OF GUESTS

Senator Carson introduced students from Londonderry Middle School visiting in the gallery.

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

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

Sen. Feltes, Dist 15

April 18, 2019

2019-1554s

06/10

Floor Amendment to HB 365

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 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 first became operational before July 1, 2019.

5 Utility Property Tax; Eligible Customer-Generator; Exclusion Clarified. 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, ***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 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 475, establishing a shoreland septic system study commission.

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

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

HB 668, relative to heating, agitating or other devices in public waters.

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

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

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

Senate Executive Departments and Administration

April 4, 2019

2019-1427s

10/05

Amendment to HB 463-FN

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

AN ACT relative to licensure of advanced pharmacy technicians.

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

1 New Paragraph; Definition; Licensed Advanced Pharmacy Technician. Amend RSA 318:1 by inserting after paragraph XXXII the following new paragraph:

XXXIII. “Licensed advanced pharmacy technician” means a person licensed by the board who:

(a) May perform all functions allowed by federal or state law and approved by the board, under the supervision of a licensed pharmacist who is physically on premises and holds an unrestricted license issued by the board.

(b) May conduct product verification, process refills, verify repackaging of drugs, and perform other pharmacist tasks not required to be completed by a licensed pharmacist.

(c) May perform duties allowed by either certified or registered pharmacy technicians.

(d) Shall not interpret or evaluate a prescription or drug order, verify a compounded drug, or counsel or advise individuals related to the clinical use of a medication.

2 New Paragraph; Pharmacy; Rulemaking; Licensed Advanced Pharmacy Technician. Amend RSA 318:5-a by inserting after paragraph XI-b the following new paragraph:

XI-c. Licensure of advanced pharmacy technicians, including:

(a) Requirements for licensure, including experience and education requirements.

(b) The duties, functions, and standards of conduct of licensed advanced pharmacy technicians.

(c) Standards for the supervision of licensed advanced pharmacy technicians by licensed pharmacists.

(d) Standards for denial and revocation of licensure.

(e) Establishment of the effective period of a license.

(f) Requirements for renewal of a license.

(g) Requirements for reinstatement of a license.

3 New Section; Licensed Advanced Pharmacy Technician. Amend RSA 318 by inserting after section 15-b the following new section:

318:15-c Licensed Advanced Pharmacy Technician.

I. No person employed as a licensed advanced pharmacy technician shall perform the functions or duties of a licensed advanced pharmacy technician as defined in RSA 318:1, XXXIII unless such person is issued a license by the board and does so under standards of supervision established by rules of the board adopted pursuant to RSA 318:5-a, XI-c.

II. When a pharmacy employs a licensed advanced pharmacy technician, in addition to dispensing prescriptions the pharmacist shall provide clinical services and the pharmacy owner shall provide the resources necessary for the pharmacist to safely provide the clinical services as determined in rules adopted by the board.

III. Nothing in this section shall require a pharmacy to employ a licensed advanced pharmacy technician.

4 Fees; Licensed Advanced Pharmacy Technician. Amend RSA 318:6-a, I to read as follows:

I. The board shall establish fees for examination of applicants, for licenses and for renewal of licenses to practice pharmacy, **for licensed advanced pharmacy technicians**, for registration and certification of pharmacy technicians, and for transcribing and transferring records and other services.

5 Notification; Reference Added. Amend RSA 318:26-a to read as follows:

318:26-a Change in Name, Employment, or Residence. Any pharmacist, **licensed advanced pharmacy technician**, or pharmacy technician who changes his or her name, place or status of employment, or residence shall notify the board in writing within 15 days. For failure to report such a change within 15 days, the board may suspend the pharmacist's license, **the advanced pharmacy technician's license**, or the pharmacy technician's registration. Reinstatement shall be made only upon payment of a reasonable fee as established by the board.

6 Continuous Quality Improvement Program; Reference Added. Amend RSA 318:45-a, II to read as follows:

II. A CQI program may be comprised of staff members of the pharmacist, including pharmacists, registered pharmacist interns, **licensed advanced pharmacy technicians**, registered pharmacy technicians, clerical staff, and other personnel deemed necessary by the pharmacist in charge or the consultant pharmacist of record.

7 Receipt of Oral Prescriptions. Amend RSA 318:47-c, I(a) to read as follows:

I.(a) A prescription may be written, oral, or electronically transmitted. All oral prescriptions shall be immediately reduced to writing by the pharmacist [or], authorized technician, **or licensed advanced pharmacy technician** receiving the oral prescription and shall indicate at least the name of the patient; the name, strength, and quantity of the drug prescribed; any directions specified by the prescriber; the name of the practitioner prescribing the medication; the date the prescription was ordered; a statement that the prescription was presented orally; and the name of the pharmacist who took the oral order. The pharmacist who dispensed an original prescription shall indicate on the face of the prescription at least the assigned prescription identification number; the date of dispensing; the quantity actually dispensed; and his or her name or [initials] **unique identifiers**. The prescription shall be filed numerically by the assigned identification number for a period not less than 4 years. Such prescription files shall be open to inspection by the pharmacist board and its agents.

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

2019-1427s

AMENDED ANALYSIS

This bill establishes the duties of and requirements for the licensure of licensed advanced pharmacy technicians working in a pharmacy under a supervising pharmacist.

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.

HB 572, proclaiming the second Saturday in June as Pollyanna of Littleton New Hampshire Recognition Day. Ought to Pass with Amendment, Vote 4-0. Senator Rosenwald for the committee.

Senate Executive Departments and Administration
April 10, 2019
2019-1467s
04/05

Amendment to HB 572

Amend the bill by replacing section 2 with the following:

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

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

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

INTRODUCTION OF GUESTS

Senator Watters introduced students from Maple Wood School in Somersworth visiting in the gallery.

FINANCE

HB 225, relative to the National Guard Scholarship Fund.

Ought to Pass, Vote 3-0. 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.

HEALTH AND HUMAN SERVICES

HB 692-FN, relative to dental care for Medicaid recipients.

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

Health and Human Services

April 10, 2019

2019-1465s

01/05

Amendment to HB 692-FN

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

2 Department of Health and Human Services; Adult Dental Benefit; Development of Plan. The department of health and human services shall develop a plan for the incorporation of an adult dental benefit into a value-based care platform, as follows:

I. In this section, "value-based care" means an oral health care delivery model in which providers are paid based upon making positive health outcomes while reducing costs.

II. No later than 30 days after the effective date of this section, the department shall convene a working group consisting, at a minimum, of representatives of the following stakeholders: each managed care plan under contract with the state, the New Hampshire Oral Health Coalition, a public health dentist and a solo private practice dentist recommended by the New Hampshire Dental Society, the New Hampshire Dental Hygienist Association, and the Bi-State Primary Care Association, a representative of a New Hampshire dental insurance carrier designated by the governor, 2 members of the house of representatives, one of whom shall be from the majority party and one of whom shall be from the minority party, appointed by the speaker of the house of representatives, 2 members of the senate, one of whom shall be from the majority party and one of whom shall be from the minority party, appointed by the president of the senate, a member of the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program designated by the commission, and 2 members of the New Hampshire medical care advisory committee, one of whom shall be a consumer advocate, designated by the committee.

III. The working group shall be convened by the commissioner of health and human services and shall be subject to RSA 91-A. The department, in consultation with the working group, shall prepare a plan for the implementation of an adult dental benefit into a value-based care platform. Each plan shall include, at a minimum, a detailed description of the following: eligibility and enrollment covered benefits and scope of services, cost benefit analysis including projected expenditures and anticipated cost savings, transition planning, prior authorization, transportation, pharmacy, case management, network adequacy, credentialing, quality metrics and outcome measurements, patient safety, utilization management, finance and reimbursement,

rates and payment, grievance and appeals, and office of ombudsman. Each plan shall also address how the incorporation of the services into a value-based care platform shall achieve the legislative intent of providing value, quality, efficiency, innovation, and savings.

IV. Under no circumstances shall a fee for service model be included in the plan. The plan shall promote the development of an adult value-based dental benefit and/or an alternative payment model.

3 Reports.

I. The department of health and human services shall present an update on the status of the plan preparation each month to the fiscal committee of the general court and the oversight committee on health and human services, established in RSA 126-A:13, until the plan has been implemented. The department's updates shall also include managed care organization and department readiness for implementation.

II. No later than October 1, 2019, the commissioner shall submit to the speaker of the house of representatives, the president of the senate, and the governor, all proposed changes to state law the commissioner believes may be necessary for the incorporation of an adult dental benefit into a value-based care platform.

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

2019-1465s

AMENDED ANALYSIS

This bill authorizes the Medicaid managed care program to provide dental benefits to covered persons. Under this bill, the commissioner of the department of health and human services shall convene a working group to develop a value-based dental benefit.

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

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

SPECIAL ORDER

Without objection, the following bill is special ordered to the present time. Adopted.

COMMERCE

HB 406, relative to reporting and investigation of serious injuries and death in the workplace.

COMMERCE

HB 406, relative to reporting and investigation of serious injuries and death in the workplace.
Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

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

A roll call was requested by Senator Cavanaugh, 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, Fuller Clark, Morse, Morgan, Sherman, Soucy.

The following Senators voted No: (None)

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

TRANSPORTATION

HB 320-FN, authorizing Future In Sight to issue decals for multi-use decal number plates.
Ought to Pass with Amendment, Vote 4-1. Senator Birdsell for the committee.

Senate Transportation

April 9, 2019

2019-1453s

11/01

Amendment to HB 320-FN

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

AN ACT relative to organizations authorized to issue decals for multi-use decal number plates.

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Multi-Use Decal Plates; Authorized Organizations. Amend RSA 261-B:9 by inserting after paragraph XII the following new paragraphs:

XIII. Future in Sight.

XIV. The Society of Mayflower Descendents in the State of New Hampshire.

2019-1453s

AMENDED ANALYSIS

This bill adds Future in Sight and the Society of Mayflower Descendents in the State of New Hampshire to the list of organizations approved to issue decals for multi-use plates.

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.

HB 548, relative to certain organizations that are authorized to issue decals.
Ought to Pass, Vote 4-0. Senator Levesque for the committee.

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

Recess. Out of recess.

CONSENT CALENDAR REPORTS REMOVED

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

HEALTH AND HUMAN SERVICES

HB 369-FN, relative to the controlled drug prescription health and safety program.
Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Health and Human Services

April 11, 2019

2019-1486s

01/04

Amendment to HB 369-FN

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

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

I. Information contained in the program, information obtained from it, and information contained in the records of requests for information from the program, is confidential, is not a public record or otherwise subject to disclosure under RSA 91-A, and is not subject to discovery, subpoena, or other means of legal compulsion for release and shall not be shared with an agency or institution, except ***the department of health and human services or as otherwise*** provided in this subdivision. This paragraph shall not prevent a practitioner from using or disclosing program information about a patient to others who are authorized by state or federal law or regulations to receive program information.

3 New Section; Department of Health and Human Services; Controlled Drug Prescription Health and Safety Program Information; Confidentiality. Amend RSA 126-A by inserting after section 77 the following new section:

126-A:78 Controlled Drug Prescription Health and Safety Program Information; Confidentiality.

I. Information obtained by the department from the controlled drug prescription health and safety program, pursuant to RSA 318-B:34, is confidential, is not a public record or otherwise subject to disclosure under RSA 91-A, is not subject to discovery, subpoena, or other means of legal compulsion for release and shall not be shared with an agency or institution, except as provided in RSA 318-B:34, or under this section.

II. The department, in consultation with the program, shall adopt rules, under RSA 541-A, to establish and maintain procedures to ensure the privacy and confidentiality of patients and patients' information and as necessary to carry out the duties of the department under this section.

III. The department may release information and reports for analysis and evaluation, statistical analysis, public research, public policy, and educational purposes; provided that the data is aggregated or otherwise de-identified.

IV. The department shall enter into one or more reciprocal agreements or contracts with the program to share prescription drug monitoring information, provided that the data is aggregated or otherwise de-identified.

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

2019-1486s

AMENDED ANALYSIS

This bill clarifies the rule regarding querying the controlled drug prescription health and safety program when writing an initial opioid prescription for a patient's pain or substance use disorder.

This bill also authorizes the program to share certain information with the department of health and human services.

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.

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 Birdsell: HB 320-FN

Senator Carson: HB 320-FN

Senator Fuller Clark: HB 320-FN

Senator Hennessey: HB 320-FN

Senator Sherman: HB 320-FN

ANNOUNCEMENTS

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you. I rise to speak of a very sad loss of my good friend Mark Connolly. Mark was a man of quiet courage and enormous integrity admired by many for the highly principled life he chose to lead. He died suddenly last Saturday at age sixty-three while on vacation in California. Those of us who knew him as a friend and colleague are still reeling from the news of his death unable to truly comprehend that he is no longer with us. And our hearts are breaking for his beloved Terri and her family, as well.

A New Hampshire native, Mark grew up in a single-parent family of very modest means. Thanks to the generosity of friends he was able to attend Dartmouth, and while in college he ran and won a seat in the New Hampshire legislature. Following that, recipient of a full scholarship he won to graduate from North Western University School of Business with a master's in business administration. He went on to work in private financial services for First Chicago, Chubb Life Insurance, Fleet Bank, and Wellington Management.

Upon his return to New Hampshire Mark served as Deputy Secretary of State from 2002-2010. Named by the Secretary of State, Bill Gardner, to the post of Director of Security Regulations, he was in charge of running the office that supervised all financial advisors in the sale of securities in New Hampshire. While there he oversaw cases against Tyco International, Enterprise, Inc., Pennichuck Corporation, Morgan Stanley, Merrill Lynch, and UBS netting more than \$55 million in fines and investor restitution. Upset about the state's handling of the Financial Resources Mortgage case, he resigned his position in 2010. Upon leaving state service Mark wrote a book titled Cover-Up about the state's handling of this case in which investors lost up to \$80 million they had sunk into a Ponzi scheme.

And only just three years ago, in 2016, deeply concerned about the direction of our state and after considerable thought and deliberation, Mark decided to enter the race for Governor. Throughout a highly contested Democratic primary, won by Colin Van Ostern, Mark was upbeat, positive and gracious, focusing on the people of this state and their needs rather than his opponent. He would have been a great governor.

At the time of his death Mark was running the investment firm he founded, New Castle Investment Advisors, based in Portsmouth, New Hampshire. Mark was the former chairman of the New Castle planning board, a member of the board of trustees of Strawberry Banke and the Portsmouth Athenaeum. Previously he had served on the boards of the New Hampshire Child and Family Services, the New Hampshire Audubon and the Greater Management Development Commission.

As a close friend and a colleague, and political confidante for over ten years, Mark was always available for thoughtful conversation and serious discourse mentoring others in the ways of New Hampshire politics and government. Incredibly handsome, especially when he smiled; he was also brilliant, charming, modest, kind, compassionate, warm and fun-loving. He loved history and art, sailing and books. He loved Terri, New Castle, her grandkids, and New Hampshire; and we loved him back, and now he is gone.

I will miss his boyish demeanor; his great smile; his firm handshake; or even better, a caring hug; the twinkle in his eye; and the generosity of friendship he so willingly extended without hesitation to everyone he encountered. His death is not only a great loss to his friends and family, but his community and the state he loved. A fine and dedicated public servant; he will be sorely missed. We have all lost a truly good man, an admirable individual way too soon. Thank you.

(The Chair recognized Senator Sherman.)

SENATOR SHERMAN: Thank you, Madam President. I, too, have prepared remarks on Mark Connolly, which I will— so that I don't repeat any of the comments of Senator Fuller Clark— I would like to share my remembrance.

Today I rise to remember and honor my constituent, my colleague, and friend Mark Connolly. Last Saturday I sat in the sun enjoying lunch outdoors and short sleeves after a morning of spring skiing. The moment was shattered by a text message from a friend telling me Mark had died. Stunned, I verified the news and was overwhelmed by a sense of loss and disbelief. My deepest sympathy goes out to Terri, his fiancée.

Many of us in the Senate knew Mark. He had a warmth that he extended to all who met him. Beneath his calm, thoughtful demeanor lay a deep, life-long devotion to New Hampshire.

Senator Fuller Clark has already covered much of his professional accomplishments. One additional professional accomplishment was that in 2007, Mark was presented with the highest award, the Enforcement Award, by North American Securities Administrators Association. The Enforcement Award is presented annually to the person recognized by the organization as rising above and beyond one's duty and reflecting the highest standard of excellence upon North American Securities Administrators Association. The Association President, upon presenting the award, said with his relatively small office Mark and New Hampshire has been like David and Goliath of the securities regulation sector and, like David, their efforts have proven successful. This membership consists of state, provincial, and territorial administrators in fifty states and all of Canada and Mexico.

In 2015 I had the opportunity to have long conversations with Mark about his planned run for governor. He was clear that this was not to be a stepping stone to higher office; all he wanted was to apply his comprehensive understanding of the financial and administrative infrastructure of New Hampshire to ensuring that every resident had the same opportunity for success. There were no gimmicks, and no political ploys. His message was direct and delivered with sincerity. Mark was passionate about our state, and about the right of each New Hampshire resident to live free of corporate and political corruption. His sense of decency and integrity drove him to fight against dishonesty; demanding transparency and accountability in all transactions.

I will deeply miss Mark's compassion, intellect and thoughtful insight. But his beloved state, our state of New Hampshire, will forever be changed for the better because of his work. His legacy will be the high standard he has set for integrity and fairness in business, government, and politics.

Thank you, Madam President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Madam President. I think in the eleven years I've been here, and this is only the second time I've ever stood for personal privilege, so thank you very much.

Last week our friend from District 20 wasn't here; that was really unfortunate. You know, when you've been here a long time you get some nicknames: sometimes he's called the Dean, sometimes he's called the Lion, I call him Captain because it's short for Captain America; because he will always be known as "have a great American day, Lou." So, imagine my surprise when I get my mail a couple of weeks ago and this is what I get! I'm going, "Captain Lou! Oh, my god!" So, here's how I would suggest that we honor our great American Senator: we're going to leave this copy of the CSG Capitol Ideas, Captain Lou is always Capitol, then all of us can autograph it and we'll get it framed and it will hang proudly on the wall of the office that you've had forever and a day.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: First of all, please, personal privilege. Thank you, Senator Bradley, thank you. I mean, you know, in our business we sometimes have conflicts but, indeed, our relationships are strong and make a tremendous difference in the lives of the people we serve. So, thank you.

I rise to bring you up to date on my grandson. I do this every once in a while, when he's had a serious situation. On Monday morning my grandson, Anthony Smith, the Blue Ear the superhero, entered Massachusetts Eye and Ear Hospital for a very serious surgery. My grandson was born without an ear, and as a result of this surgery— and by the way, they only perform three or four of these surgeries a year in this country; it's a very, very special surgery. He's eleven years old and I don't have to tell you how many surgeries he's had up to this point, but he's had heart surgery, he's had thirteen or fourteen surgeries. So, he and his mother talked about it and he wanted to have this done; he wanted to have this special surgery done so that he could have an ear.

So, he entered Massachusetts Eye and Ear Hospital and they perform a very delicate piece of surgery. They go into his ribs and they remove part of his rib from which they're going to create an ear. It's a very, very special situation. It's a very painful situation in that they go in, they remove part of his rib and they use that cartilage as the piece for the construction of his ear. So, he undergoes this surgery, and I've said to you in the past he has a very difficult time with anesthesia; for some reason it runs in our family and he has a very difficult time waking up. So, after my work here on Monday my wife and I drove down to see him, and he was in really great, great pain and he had some considerations.

But the reason why I talk about him is this little eleven-year-old guy has the courage of a giant. You know, think of us when we were eleven making a decision about surgery. We make a decision and we walk, as he did, into that operating room, and he's made a decision to do something that, hopefully, is going to make his life better; at eleven years old. You know, at four years old he had to make a decision about open heart surgery from which he...you know, many don't survive from that. So, my point is when any of us think the going is tough, think about the decisions that young kids make that prolong, hopefully, their lives. So, he's...I say he's as tough as nails. I just cannot believe how tough he is.

So, we go down to see him. He's under the weather, he's having some problems, but he fights through them. And what an example for me to see a little boy who has the courage to make decisions and, hopefully, I'm going to be better because of that.

So, indeed, he's going to get out of the hospital today. He's going to come home tonight. We're going to get together for Easter Sunday, and we've got a lot to be thankful for. And I share that with you because you're my colleagues, my friends and, indeed, the good news is that this kid made it and for that I'll be forever grateful.

Thank you, Madam President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Two hundred forty-four years ago today, Madam President, Paul Revere jumped on a horse and started an adventure in the history of the world that had been unsurpassed in success. Our nation has had its problems. We've always surmounted them. In the words of Ronald Reagan when asked how do we defeat communism he said we don't, we transcend it; and that's what we do here. That's what our nation has done. We've come through tumultuous times of terrible strife and wonderful friendship; but at the end of the day we owe a great deal to that man Paul Revere, and to every one of our predecessors who sat in this room and so many others across the state, and down in Washington, and in New York when that was the nation's capitol. And so, for those reasons I just ask us to pay a little bit of attention today to those who came before us and served, gave their lives, fortunes, sacred honor; all those wonderful things that we talk about and read about today is perhaps the day we should consider them in a very special way. Thank you, Madam President.

(The Chair recognized Senator Morse.)

SENATOR MORSE: Thank you, Madam President. A moment of personal privilege. First of all, God bless Senator D'Allesandro and his family. Senator, when I came to the floor this morning I was assured that there's no gambling in New Hampshire and my seatmate and I always pick a time that we're going to be finished and we picked 11:30; it will be the first time we're right this year.

But the reality is I just wanted to take a minute. Water has become a big issue in the state of New Hampshire, and I've been fortunate enough to Chair the Drinking Water and Groundwater Trust Fund Commission. Senator Feltes has been the Vicechair with me. He just retired. Senator Sherman just joined me. We funded a lot of programs with the Exxon Mobil lawsuit— from Errol, to Gorham, to Whitefield in the north, to Rochester, to Portsmouth, to Newmarket out on the seacoast, to Walpole and Lebanon in the Connecticut River Valley, just to name a few.

Tuesday marked a milestone, though, in one of the biggest projects our Commission has undertaken. On Tuesday the last party signed off on the intermunicipal agreement between four towns, three water companies, and ultimately involving eight communities in the southern tier of the state. This project will bring more than 3 million gallons a day of clean drinking water from Manchester through Derry, down to Windham and Salem, over to Atkinson and Hampstead, and finally to Plaistow.

We've approved \$93 million worth of projects. This project is about 27 million, but I think it's important because of the spurt of cooperation between all parties, and I think it's much like the Senate that we thank a lot of people. The document represents a lot of hard work by the staff at the Department of Environmental Services; both Commissioners; the Attorney General's Office; Susan Geiger from Orr & Reno; to towns of Derry, Salem, Windham, and Plaistow.

And I especially, with Senator D'Allesandro and the Senate President, want to thank you. Manchester Water Company has been fantastic. I think this project is the start of a bright future of solving a lot of problems in the state of New Hampshire with the help of Manchester Water Company. The Pennichuck East Hampstead Area Water Company.

They've all gone above and beyond to make sure that we can take care of the people. This isn't about making money. It's certainly about taking care of the people. And as I was quoted today, I just want everyone in the public to understand this document probably represents the halfway point. Everyone thinks we're done and water's going to come out of the faucet tomorrow. If we're lucky, and all the engineers and the construction companies can work together as hard as all those groups have worked together so far, we will be turning that water on next spring; and I think it's a great testament for the state of New Hampshire. So, congratulations to all involved.

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

LATE SESSION

Third Reading and Final Passage

HB 111, establishing a committee to study the effect of the opioid crisis, substance misuse, adverse childhood experiences (ACEs), and domestic violence as a cause of posttraumatic stress disorder syndrome (PTSD) and other mental health and behavioral problems in New Hampshire children and students.

HB 139, relative to restrictions on smoking in state forests, parks, land, or buildings operated by the department of natural and cultural resources.

HB 171, establishing a commission to study equal access and opportunity for students with disabilities to participate in cocurricular activities.

HB 223, relative to night work.

HB 225, relative to the National Guard Scholarship Fund.

HB 252, establishing a committee to study certain labor statutes.

HB 285, relative to filing and approval of rates and rating plans applicable to workers' compensation.

HB 310, relative to the membership of the wellness and primary prevention council.

HB 320-FN, relative to organizations authorized to issue decals for multi-use decal number plates.

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

HB 337, relative to property and casualty insurance.

HB 338, relative to rebates under the law governing unfair insurance practices.

HB 350, relative to licensed health care providers authorized to certify that criteria has been met for the use of therapeutic cannabis.

HB 356, relative to the retention of certain reports by institutions of higher learning.

HB 357, relative to the public school infrastructure fund.

HB 365, relative to net energy metering limits for customer generators.

HB 369-FN, relative to the controlled drug prescription health and safety program.

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

HB 406, relative to reporting and investigation of serious injuries and death in the workplace.

HB 463-FN, relative to licensure of advanced pharmacy technicians.

HB 475, establishing a shoreland septic system study commission.

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

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

HB 572, proclaiming the second Saturday in June as Pollyanna of Littleton New Hampshire Recognition Day.

HB 668, relative to heating, agitating or other devices in public waters.

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

HB 736, reestablishing the commission to study environmentally-triggered chronic illness.

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.