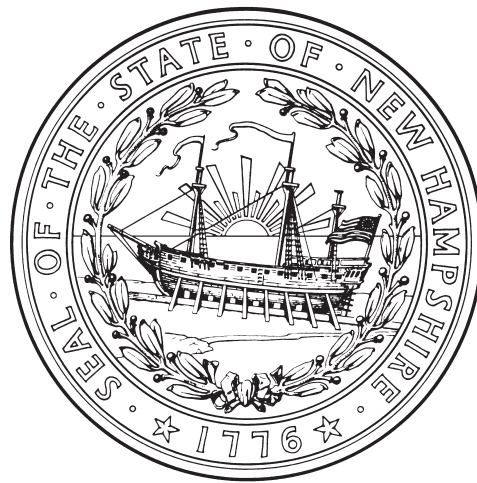


April 25, 2019  
Nos. 13-14

# STATE OF NEW HAMPSHIRE

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

**Legislative Proceedings**

## SENATE JOURNAL

**ADJOURNMENT – APRIL 18, 2019 SESSION  
COMMENCEMENT – APRIL 25, 2019 SESSION**

# SENATE JOURNAL 13 *(continued)*

*April 18, 2019*

## INTRODUCTION OF LEGISLATION

Senator Feltes offered the following Resolution:

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

### First and Second Reading and Referral

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021. (Finance)

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

HB 25-A, making appropriations for capital improvements. (Capital Budget)

HB 481-FN-A-LOCAL, relative to the legalization and regulation of cannabis and making appropriations therefor. (Judiciary)

April 17, 2019  
2019-1532-EBA  
08/10

### Enrolled Bill Amendment to HB 123

The Committee on Enrolled Bills to which was referred HB 123

AN ACT relative to emergency response plans in schools.

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 HB 123

This enrolled bill amendment makes a technical correction.

### Enrolled Bill Amendment to HB 123

Amend section 1 of the bill by deleting line 2.

Senator Soucy moved adoption of the Enrolled Bill Amendment. Adopted.

April 17, 2019  
2019-1526-EBA  
08/04

### Enrolled Bill Amendment to HB 148

The Committee on Enrolled Bills to which was referred HB 148

AN ACT relative to electric bicycles.

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 HB 148

This enrolled bill amendment corrects the spelling of a word to reflect preferred usage.

### Enrolled Bill Amendment to HB 148

Amend the introductory paragraph of RSA 259:27-a as inserted by section 3 of the bill by replacing line 1 with the following:

259:27-a Electric Bicycle. "Electric bicycle" shall mean a pedaled vehicle equipped with an  
Amend RSA 259:27-a, I as inserted by section 3 of the bill by replacing line 1 with the following:

I. "Class 1 electric bicycle" shall mean a pedaled vehicle equipped with a motor that  
Amend RSA 259:27-a, II as inserted by section 3 of the bill by replacing line 1 with the following:

II. "Class 2 electric bicycle" shall mean a pedaled vehicle equipped with a motor that may  
Amend RSA 259:27-a, III as inserted by section 3 of the bill by replacing line 1 with the following:

III. "Class 3 electric bicycle" shall mean a pedaled vehicle equipped with a motor that  
Senator Soucy moved adoption of the Enrolled Bill Amendment. Adopted.

April 17, 2019  
2019-1546-EBA  
11/10

Enrolled Bill Amendment to HB 488-FN

The Committee on Enrolled Bills to which was referred HB 488-FN

AN ACT requiring interpreters for the deaf and hard of hearing at the state house campus.

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 HB 488-FN

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 488-FN

Amend RSA 14:12-a as inserted by section 1 of the bill by replacing line 3 with the following:  
hearing if such persons wish to meet with their senator or representative on the state house

Senator Soucy moved adoption of the Enrolled Bill Amendment. Adopted.

April 17, 2019  
2019-1544-EBA  
11/10

Enrolled Bill Amendment to HB 634

The Committee on Enrolled Bills to which was referred HB 634

AN ACT establishing a commission to study the licensure of individuals who forage for wild mushrooms for sale to others.

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 HB 634

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 634

Amend the bill by replacing line 2 of section 1 with the following:

mushrooms and sell them to restaurants, suppliers, or at farmers markets may not be adequately

Amend RSA 433:37, II(e) as inserted by section 2 of the bill by replacing it with the following:

(e) An active wild mushroom forager who sells commercially, appointed by the governor.

Senator Soucy moved adoption of the Enrolled Bill Amendment. Adopted.

April 18, 2019  
2019-1563-EBA  
08/05

Enrolled Bill Amendment to HB 649-FN

The Committee on Enrolled Bills to which was referred HB 649-FN

AN ACT relative to consumer credit corrections, consumer credit protection from fraud, and consumer credit regulatory reform.

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 HB 649-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 649-FN

Amend section 5 of the bill by replacing lines 1-3 with the following:

5 New Paragraph; Banks and Banking; Licensing of Nondepository Mortgage Bankers, Brokers, and Servicers; Definitions. Amend RSA 397-A:1 by inserting after paragraph XXIII-a the following new paragraph:

Amend RSA 399-G:14, IV as inserted by section 49 of the bill by replacing line 1 with the following:

IV. It is unlawful to solicit, accept, or execute any contract or other document related to

Senator Soucy moved adoption of the Enrolled Bill Amendment. Adopted.

April 17, 2019  
2019-1540-EBA  
10/08

Enrolled Bill Amendment to HB 701-FN

The Committee on Enrolled Bills to which was referred HB 701-FN

AN ACT relative to bow and arrow licenses for certain disabled veterans.

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 HB 701-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 701-FN

Amend RSA 214:13, II(a) as inserted by section 1 of the bill by replacing line 1 with the following:

II.(a) If the applicant for a fishing [~~and~~], hunting, **or bow and arrow** license is a resident

Senator Soucy moved adoption of the Enrolled Bill Amendment. 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 14

*April 25, 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:

Let's pray.

O God, for this spring day we thank you. You are the fountain of wisdom, whose will is good and gracious and whose law is truth. We ask you to guide and bless our Senators and give them strength to finish this legislative session with strength and resolve; that they may enact such laws for the welfare of the people of New Hampshire. We thank you for Senate President Soucy for leading this chamber; and for the leadership of Majority Leader Feltes, Minority Leader Morse. Let us consider prosperity in the balance of the human spirit and material gain. Let our Senators weigh liberty and truth justly for the betterment of New Hampshire's residents and taxpayers. We thank you for a new day, and for the opportunity to bring hope, peace and love into this world. Amen.

PRESIDENT SOUCY: And at this time, I would like to extend our deepest sympathy and condolences to Josh Elliott on the passing of his grandmother and ask all of you if you would reflect for a moment of silence for Josh and for his whole family.

Thank you.

Senator Rosenwald led the Pledge of Allegiance.

## INTRODUCTION OF PAGES

Senator Dietsch introduced Gabrielle Oja and Nathaniel Reid Wilson from Conval High School in Peterborough, serving as Senate Pages for the day.

## FN REPORT FOR APRIL 25, 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 648-FN, defining and regulating service entities.

#### EDUCATION AND WORKFORCE DEVELOPMENT

HB 713-FN-L, relative to transportation of pupils.

### REGULAR CALENDAR:

#### COMMERCE

HB 511-FN, relative to vaping.

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

#### JUDICIARY

HB 396-FN-L, relative to delay or denial of records under the right-to-know law.

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

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:

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 487-FN, establishing a registry for the deaf, hard of hearing, and deaf/blind in the department of health and human services—if Re-refer to Committee recommendation is overturned.

## REGULAR CALENDAR:

## JUDICIARY

HB 518-FN, repealing certain statutes concerning reimbursement of cost of care by inmates.

Without objection, the FN Report is adopted.

## INTRODUCTION OF GUESTS

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Madam President, I believe I have two guests I need to introduce. Both of them are here from Newington, Nin Dell Isola and Nina Ross. Welcome.

## 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 347, adding insurer's policy administration expenses to commercial rate standards.

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

This bill adds insurer's policy administration expenses to commercial rate standards. This bill is a request of the insurance department. The committee feels that this legislation will increase efficiency in the department as well as offer potential cost savings for businesses.

HB 606, relative to certain insurance licensing statutes.

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

This bill updates certain insurance licensing statutes and this bill was a request of the insurance department. This legislation is part of the department's goal to modernize and update their statutes regarding insurance licenses. This bill puts the department's statutes in line with the National Association of Insurance Commissioners standards.

HB 607, relative to life and health insurance.

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

This bill, which is a request of the insurance department, recodifies provisions of law regarding medically necessary dental services from medical underwriting to the RSA chapters governing health insurance. This bill also changes the date for when continuing care communities must submit an annual report. By moving these rules and requirements of medically necessary dental coverage, this makes the language easier to understand and apply.

HB 642, defining specialty cider.

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

This bill defines specialty ciders and makes provisions regarding the manufacture of specialty ciders. This bill places specialty ciders under their own statute to clearly define that cider and wine are not the same. This bill will allow for cider manufacturers to brew cider above an 8% alcohol level twice a year.

HB 648-FN, defining and regulating service entities.

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

This bill defines service entity and establishes parameters under which depository banks and credit unions may engage with service entities. This bill was at the request of the banking department and helps to work toward the department's goal of ensuring systems regarding service entities operate efficiently.

## EDUCATION AND WORKFORCE DEVELOPMENT

HB 329, relative to review and adoption of school data security plans.

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

This bill adds an exemption from the requirements of RSA 91-A for records pertaining to information technology systems. It allows school boards to go into a non-public executive session to discuss certain parts of cybersecurity that would be detrimental if disclosed to the public. The intent is to protect information about where security gaps are in a district's current system due to the length of time it may take to address the gaps once discovered.

HB 713-FN-L, relative to transportation of pupils.  
Ought to Pass, Vote 5-0. Senator Ward for the committee.

This bill revises the requirements for transportation of pupils in kindergarten through grade 12. Current statute only provides for grades 1 through 8. This legislation will clarify that school districts may provide transportation through grade 12. There should only be a minimal fiscal impact as currently transportation is funded in adequacy grants through grade 12.

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 259, relative to building code violations.  
Ought to Pass, Vote 5-0. Senator Chandley for the committee.

This bill requires violation notices issued by a code enforcement authority to reference the relevant section of the state or local building or fire code that has been violated. Implementing this will help contractors address code violations more efficiently through increased understanding and access to information. For these reasons, please support the Committee's Ought to Pass recommendation.

HB 343, relative to application of the state fire code to foster homes.  
Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

This bill provides that a foster family home shall be exempt from local fire regulations and ordinances provided that the home complies with the requirements of the state fire code. New Hampshire is faced with a severe foster home shortage and the passage of this bill will ensure that applicants' homes are inspected for safety but are also not rejected due to overly burdensome and unnecessary requirements that should not apply to them. Therefore, please support the Committee's recommendation for passage.

HB 487-FN, establishing a registry for the deaf, hard of hearing, and deaf/blind in the department of health and human services.

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

This bill would establish a registry relative to persons who are deaf, hard of hearing, or deaf/blind in the Department of Health and Human Services and would grant rulemaking authority to the commissioner of the Department for the purposes of the bill. The hearing on this bill brought forward multiple concerns that the Department has requested more time to address. Therefore, please vote in support of Re-Referring HB 487.

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

#### REGULAR CALENDAR

##### COMMERCE

HB 309, relative to procedures for foreclosure of a mortgage.  
Inexpedient to Legislate, Vote 4-1. Senator French for the committee.

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

Senator Feltes is in opposition to the motion of Inexpedient to Legislate on HB 309.

HB 511-FN, relative to vaping.  
Ought to Pass with Amendment, Vote 3-2. Senator Cavanaugh for the committee.

Commerce  
April 16, 2019  
2019-1518s  
01/06

#### Amendment to HB 511-FN

Amend RSA 126-K:6, I as inserted by section 5 of the bill by replacing it with the following:

I. No ~~[person under 18 years of age]~~ **minor** shall purchase, attempt to purchase, possess, or use any tobacco product, e-cigarette, **device**, or ~~[liquid nicotine]~~ **e-liquid except that a minor who has been issued a registry identification card under RSA 126-X:4 may possess e-liquids containing cannabis and applicable devices.**

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 684-FN, relative to mediation of rent increases in manufactured housing parks.  
Ought to Pass, Vote 4-1. Senator Morgan for the committee.

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

## ENERGY AND NATURAL RESOURCES

HB 663, relative to the definition of agriculture and existing agricultural uses.  
Ought to Pass with Amendment, Vote 5-0. Senator Feltes for the committee.

Energy and Natural Resources  
April 11, 2019  
2019-1488s  
08/10

### Amendment to HB 663

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

1 Definition of Agriculture. Amend RSA 21:34-a, I to read as follows:

I. The word “farm” means any land, buildings, or structures on or in which agriculture and farming **operations or** activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock~~;~~ ~~and~~; in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in **the operations or activities** named in paragraph [H] **II(a) or (b)** of this section **or any combination of such individual operations or activities**.

2 Definition of Agriculture. Amend RSA 21:34-a, II to read as follows:

II. The words “agriculture” and “farming” mean all operations **or activities** of a farm, including:

(a)(1) The cultivation, conservation, ~~and~~ **or** tillage of the soil.

(2) The storage~~;~~ **and** use of~~;~~ ~~and~~ **or** spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments.

(3) The use of ~~and~~ **or** application of agricultural chemicals.

(4) The ~~raising~~ **husbandry** ~~and sale~~ of livestock which shall include but not be limited to all beef ~~and~~ **or** dairy cattle, steer, oxen, goats, sheep, swine, horses, mules or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, poultry, rabbits, yaks, elk (*Cervus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), ~~and~~ **or** reindeer (*Rangifer tarandus*).

(5) The ~~breeding~~ **husbandry**, boarding, ~~raising;~~ training, **or** riding instruction~~;~~ ~~and selling~~ of equines.

(6) The ~~commercial raising;~~ **husbandry and** harvesting~~;~~ ~~and sale of fresh water fish or other~~ aquaculture products **including fresh or salt water finfish, shellfish, or other aquatic organisms grown for consumption or processing**.

(7) The ~~raising, breeding, or sale~~ **husbandry** of poultry or game birds **or production of eggs**.

(8) The ~~raising~~ **husbandry** of bees **or production of honey**.

(9) The ~~raising, breeding, or sale~~ **husbandry** of domesticated strains of fur-bearing animals.

(10) The production of greenhouse crops.

(11) The production, cultivation, growing, **or** harvesting~~;~~ ~~and sale~~ of any agricultural, floricultural, viticultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery stock, sod, trees ~~and~~ **or** tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any ~~other~~ plant that can be legally grown ~~and~~ **or** harvested extensively for profit or subsistence.



(b) Any practice **or activity** on the farm incident to, **ancillary to**, or in conjunction with such farming operations, including, but not necessarily restricted to:

(1) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.

(2) The transportation to the farm of supplies and materials.

(3) The transportation of farm workers.

(4) Forestry or lumbering operations.

(5) [The] Marketing or selling at wholesale or retail, **regardless of the manner or form of the transaction**, [of] any **livestock or** products **derived principally** from the **production of the** farm, **including, but not limited to items listed in subparagraph (a), whether** on-site [and] **or** off-site, **provided that marketing such products is** [where] not **specifically** prohibited by local regulations. [Marketing includes] **For the purposes of this section marketing shall include** agritourism, which means attracting visitors to a farm to attend events [and] **or** activities that are accessory uses to the primary farm operation, including, but not limited to, [eating] **being provided** a meal, making overnight stays, enjoyment of the farm environment, education **which shall be instruction or learning** about [farm] **the farm's** operations, or active involvement in the [activity] **activities** of the farm.

(6) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

(7) The use of dogs for herding, working, or guarding livestock, as defined in RSA 21:34-a, II(a)(4).

(8) The production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm.

3 Definition of Agriculture. Amend RSA 21:34-a, IV to read as follows:

IV. **Management** practices on the farm shall include technologies recommended from time to time by the university of New Hampshire cooperative extension, the New Hampshire department of agriculture, markets, and food, [and] **or** appropriate agencies of the United States Department of Agriculture.

4 Declaration of Purpose. Amend RSA 672:1, III-d to read as follows:

III-d. For purposes of paragraphs III-a, III-b, III-c, and III-e, “unreasonable interpretation” includes the failure of local land use authorities to recognize that agriculture and agritourism **operations or activities** as defined in RSA 21:34-a, forestry, renewable energy systems, and commercial and recreational fisheries, when practiced in accordance with applicable laws and regulations, are traditional, fundamental and accessory uses of land throughout New Hampshire, and that a prohibition upon these uses cannot necessarily be inferred from the failure of an ordinance or regulation to address them;

5 Agricultural Uses of Land. Amend RSA 674:32-a to read as follows:

674:32-a Presumption. In accordance with RSA 672:1, III-d, whenever agricultural **operations or** activities **as defined in RSA 21:34-a** are not explicitly addressed with respect to any zoning district or location, **such operations or activities** [they] shall be deemed to be permitted there, as either a primary or accessory use, so long as conducted in accordance with best management practices **guidelines** adopted by the commissioner of **the department of** agriculture, markets, and food and with **applicable** federal and state laws, regulations, and rules.

6 Existing Agricultural Uses and Activities. Amend RSA 674:32-b to read as follows:

674:32-b Existing Agricultural Uses **and Activities**. Any agricultural use **or activity** which exists pursuant to RSA 674:32-a may without restriction be expanded, altered to meet changing technology or markets, or changed to another agricultural use **or activity**, as set forth in RSA 21:34-a, so long as any such expansion, alteration, or change complies with all federal and state laws, regulations, and rules, including **agricultural** best management practices **guidelines** adopted by the commissioner of **the department of** agriculture, markets, and food; subject, however, to the following limitations:

I. Any new establishment, re-establishment after abandonment, or significant expansion of an operation involving the keeping of livestock, poultry, or other animals may be made subject to special exception, building permit, **site plan review**, or other local land use board approval **in accordance with the provisions of RSA 674:32-c, II and III**.

II. Any new establishment, re-establishment after abandonment, or significant expansion of a farm stand, retail operation, or other use **or activity** involving on-site transactions with the public, including agritourism as defined in RSA 21:34-a, may be made subject to applicable special exception, building permit, **site plan review**, or other local land use board approval **in accordance with the provisions of RSA 674:32-c, II and III**, and may be regulated to prevent traffic and parking from adversely impacting adjacent property, streets and sidewalks, or public safety. No municipality shall adopt an ordinance, bylaw, definition, or policy regarding agritourism activities that conflicts with the definition of agritourism in RSA 21:34-a.

7 Agricultural Uses of Land. Amend RSA 674:32-c, II to read as follows:

II. Nothing in this subdivision, **or in RSA 674:32-b**, shall exempt new, re-established, or expanded agricultural operations **or activities** from generally applicable building and site requirements such as dimensional standards, setbacks, driveway and traffic regulations, parking requirements, noise, odor, or vibration restrictions or sign regulations; provided, however, that in circumstances where their literal application would effectively prohibit an agricultural use **or activity** allowed by this subdivision, or would otherwise be unreasonable in the context of an agricultural use **or activity**, **in accordance with the provisions of RSA 672:1, III-b**, the board of adjustment, building code board of appeals, or other applicable local board, after due notice and hearing, shall grant a waiver from such requirement to the extent necessary to reasonably permit the agricultural use **or activity**, unless such waiver would have a demonstrated adverse effect on public health or safety, or **on** the value of adjacent property. Such waiver shall continue only as long as utilized for the permitted agricultural use **or activity**.

8 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.

#### JUDICIARY

HB 118, relative to notifying a child's primary health care provider of a report of abuse or neglect. Ought to Pass, Vote 4-0. Senator Hennessey for the committee.

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

HB 396-FN-L, relative to delay or denial of records under the right-to-know law. Ought to Pass with Amendment, Vote 4-0. Senator Chandley for the committee.

Senate Judiciary  
April 16, 2019  
2019-1507s  
01/04

#### Amendment to HB 396-FN-LOCAL

Amend the bill by replacing section 1 with the following:

1 Right-to-Know; Minutes and Records Available for Public Inspection. RSA 91-A:4, IV is repealed and reenacted to read as follows:

IV.(a) Each public body or agency shall, upon request for any governmental record reasonably described, make available for inspection and copying any such governmental record within its files when such records are immediately available for such release.

(b) If a public body or agency is unable to make a governmental record available for immediate inspection and copying the public body or agency shall, within 5 business days of a request:

- (1) Make such record available;
- (2) Deny the request; or

(3) Provide a written statement of the time reasonably necessary to determine whether the request shall be granted or denied and the reason for the delay.

(c) A public body or agency denying, in whole or part, inspection or copying of any record shall provide a written statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

(d) If a computer, photocopying machine, or other device maintained for use by a public body or agency is used by the public body or agency to copy the governmental record requested, the person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the public body or agency. No fee shall be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of governmental records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

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 427, relative to the procedure for filing a protective order on behalf of a minor.  
Ought to Pass, Vote 4-0. Senator Hennessey for the committee.

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

HB 437, establishing a commission to study parental alienation.  
Ought to Pass with Amendment, Vote 3-1. Senator Hennessey for the committee.

Senate Judiciary  
April 17, 2019  
2019-1542s  
05/08

#### Amendment to HB 437

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

AN ACT establishing a commission to study co-parenting relationships.

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

1 New Section; Commission to Study Co-parenting Relationships. Amend RSA 461-A by inserting after section 24 the following new section:

461-A:25 Commission to Study Co-parenting Relationships Established. There is established a commission to study co-parenting relationships.

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

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

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

(c) One representative of the judicial branch family division, appointed by the administrative judge of the circuit court.

(d) One representative of the office of the governor, appointed by the governor.

(e) One guardian ad litem, appointed by the guardian ad litem board.

(f) One psychiatrist or psychologist, with experience in family law matters, appointed by the speaker of the house of representatives.

(g) One elementary school counselor, appointed by the speaker of the house of representatives.

(h) One representative of the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by the coalition.

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

III. The commission shall:

(a) Study co-parenting models that prevent or minimize one parent's attempt to exclude the other parent from the life of their child, or what may be referred to as "parental alienation."

(b) Examine the effects on a child when one parent attempts to exclude the other parent from the life of their child.

(c) Identify measures that may be used to prevent or minimize the effects of one parent's attempt to exclude the other parent from the life of their child.

(d) Solicit testimony from any organization or individual with information 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. Six members of the commission shall constitute a quorum.

V. The commission shall submit an interim report of its current findings to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2019. The commission shall submit a final report and recommendations, if any, for proposed legislation on or before November 1, 2020.

2 Repeal. RSA 461-A:25, relative to the commission to study co-parenting relationships, is repealed.

2019-1542s

#### AMENDED ANALYSIS

This bill establishes a commission to study co-parenting relationships.

Recess. Out of recess.

Senator Hennessey moved to Lay on the Table HB 437. Adopted.

HB 518-FN, repealing certain statutes concerning reimbursement of cost of care by inmates. Ought to Pass, Vote 4-0. Senator Levesque for the committee.

Senator Chandley offered a Floor Amendment.

Sen. Chandley, Dist 11

April 24, 2019

2019-1655s

04/05

#### Floor Amendment to HB 518-FN

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

2 Applicability. This act shall not apply to a person who is or has been subject to an order or a directive to pay cost of care reimbursement pursuant to RSA 622:55 issued prior to the effective date of this act.

2019-1655s

#### AMENDED ANALYSIS

This bill repeals the subdivision relating to reimbursement of cost of care by inmates. The bill does not affect any cost of care reimbursement order or directive issued prior to the effective date of this act.

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

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

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

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

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

#### WAYS AND MEANS

HB 700, relative to valuation of utility company assets for local property taxation.

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.

## MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

## LATE SESSION

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

Senator Cavanaugh: HB 700

## ANNOUNCEMENTS

(The Chair recognized Senator Sherman.)

SENATOR SHERMAN: Thank you, Madam President. This announcement should only take about an hour and a half...no, I'm just kidding! This is an invitation from the committee on Health and Human Services. We will be having a tour of New Hampshire Hospital and will be meeting with the head of the adult section of the New Hampshire Hospital, Doctor de Nesnera, and also the pediatric section, Doctor Cauble, on Tuesday from 3-5. I hope, I know there are some committees that will be ongoing, but as we move through the budget and try to understand the impact of some of the budgetary decisions, I would love to have us all have that perspective. So, I would invite you to join me. If you can come, please let me know as soon as possible so I can give the Director Lori Shibinette a head count of how many people are going to be coming. Thank you very much.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Madam President. I rise to read a proclamation of our Governor Christopher T. Sununu, and I appreciate the support of Chris Elms in the preparation of this. Statute RSA 413-T does describe that annually the state of New Hampshire will recognize Genocide Awareness Month.

In the year of our Lord Two Thousand and Nineteen

## GENOCIDE AWARENESS MONTH

APRIL 2019

WHEREAS, genocide is violence against members of a specific national, ethnic, racial, or religious group with the intent to destroy the group; and

WHEREAS, genocide continues to pose a threat to society as it dehumanizes violence on a massive scale against people based solely on their ethnic, national, or religious affiliation; and

WHEREAS, it is important to remember the genocides of the 20th century against Armenians, Jews, Rwandans, Cambodians, and Bosnians and call for an end to the ongoing conflicts that continue to occur in the 21st century; and

WHEREAS, [rising] awareness about genocide is necessary in ensuring that all citizens recognize our collective responsibility to make the world a safe and more tolerant place for all people to live; and

WHEREAS, the mission of the Cohen Center for Holocaust and Genocide Studies at Keene State College is to educate and engage the public on the history of genocides and our civic responsibilities to embrace diversity. Their efforts are commendable, and they are an invaluable resource to our local communities; and

WHEREAS, this kind of hatred and violence cannot be allowed, and as a society we should all strive toward acceptance and tolerance of all people, and embrace the differences between us;

NOW, THEREFORE,...CHRISTOPHER T. SUNUNU, GOVERNOR of the State of New Hampshire, [does] hereby proclaim APRIL 2019 as GENOCIDE AWARENESS MONTH in the State of New Hampshire, and call this to the attention of all citizens.

Madam President. Signed by the Governor Christopher T. Sununu.

Madam President, in light of some of the horrific incidents that have happened at churches, mosques, and synagogues within this last year; in light of the almost record number of incidents of hate, and bias, and bigotry being portrayed to various groups mentioned in this resolution in our country and around the world, it is important that we not only recognize genocide but all of those acts that lead up to the validation that



it's an acceptable act and it should never be viewed as acceptable. I appreciate the Governor making this proclamation. I appreciate the Senate giving us this moment to reflect on those lives lost and the kinds of actions we can take to prevent those kinds of actions and bigotry and hatred in the future. Thank you, Madam President.

(The Chair recognized Senator Morse.)

SENATOR MORSE: Thank you, Madam President. I'd just like the Senate Republicans to meet in room 120 as soon as session is over. Thank you.

PRESIDENT SOUCY: I would just remind the members of the Commerce and Election Law and Municipal Affairs Committee: those committees will be meeting 30 minutes at the end of session.

#### LATE SESSION

##### Third Reading and Final Passage

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

HB 259, relative to building code violations.

HB 329, relative to review and adoption of school data security plans.

HB 343, relative to application of the state fire code to foster homes.

HB 347, adding insurer's policy administration expenses to commercial rate standards.

HB 396-FN-LOCAL, relative to delay or denial of records under the right-to-know law.

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

HB 511-FN, relative to vaping.

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

HB 606, relative to certain insurance licensing statutes.

HB 607, relative to life and health insurance.

HB 642, defining specialty cider.

HB 648-FN, defining and regulating service entities.

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

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

HB 700, relative to valuation of utility company assets for local property taxation.

HB 713-FN-LOCAL, relative to transportation of pupils.

#### 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.