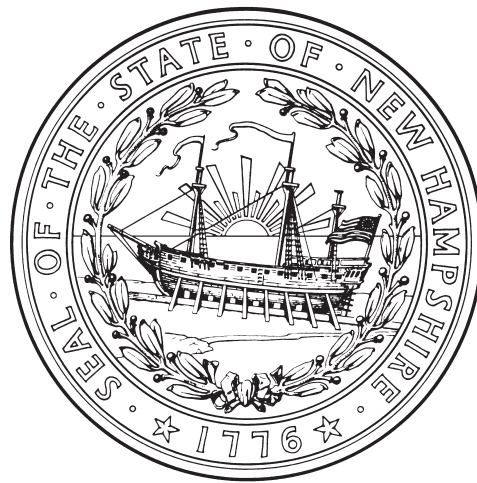


May 2, 2019
Nos. 14-15

STATE OF NEW HAMPSHIRE

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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – APRIL 25, 2019 SESSION
COMMENCEMENT – MAY 2, 2019 SESSION**

SENATE JOURNAL 14 *(continued)*

April 25, 2019

April 24, 2019
2019-1641-EBA
11/05

Enrolled Bill Amendment to HB 357

The Committee on Enrolled Bills to which was referred HB 357

AN ACT relative to the public school infrastructure fund.

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 357

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 357

Amend the bill by replacing line 1 of section 3 with the following:

3 Effective Date Changed; Public School Infrastructure. Amend 2017, 156:249, VII, as amended

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

April 24, 2019
2019-1636-EBA
06/04

Enrolled Bill Amendment to HB 475

The Committee on Enrolled Bills to which was referred HB 475

AN ACT establishing a shoreland septic system study commission.

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 475

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 475

Amend RSA 485-A:44-a, V(c) as inserted by section 2 of the bill by replacing line 2 with the following:

taken to effect remediation of septic systems on private property, including regulatory, educational,

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

REPORT OF COMMITTEE ON ENROLLED BILLS

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

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

HB 188, amending the definition of headway speed.

HB 214, repealing an obsolete provision for legislative mileage for attaches from Concord.

HB 237, establishing the New Hampshire rare disease advisory council.

HB 245, relative to the planning board's procedures on plats.

HB 278, relative to the New Hampshire insurance department's annual hearing requirement.

HB 307, relative to driver's license photographs.
HB 339, relative to commercial modernization.
HB 342, relative to insurance examinations.
HB 372-FN, relative to motorist duties when approaching highway emergencies.
HB 391, relative to permits for vehicle registration.
HB 419, relative to the position of house clerk.
HB 428, relative to pedestrian control signals.
HB 433, relative to foreign insurance companies.
HB 500, naming the Warner roundabout in memory of Barbara Annis.
HB 528-FN, relative to insurance reimbursement for emergency medical services.
HB 589, relative to signs for New Hampshire liquor and wine manufacturers.
HB 597-FN, relative to sales of beverages and wine hosted by other licensees.
HB 675-FN, relative to the purchase of service credit in the state retirement system.

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

REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 167, allowing the town of Kingston to hold a bonfire event in 2019.
HB 181, relative to the house and senate members of the university system board of trustees.
HB 398, relative to New Hampshire MasoniCare.

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

REPORT OF COMMITTEE ON ENROLLED BILLS

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

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

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 15

May 2, 2019

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

INTRODUCTION OF GUESTS

Senator Reagan introduced students from Pittsfield Elementary School visiting in the gallery.

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

Let us pray.

Dear God, we give thanks for our government, for the democracy alive in our country and our state. We give thanks that you have created everyone equal and for endowing us with inalienable rights, among them life, liberty and the pursuit of happiness. We give you thanks for governments that are instituted by and for the people so that we might live under the blessing of liberty. We pray for all men and women having heard the call to serve in the Senate in the state of New Hampshire; cause them to be men and women of integrity, help them to establish justice, ensure domestic tranquility, promote the general welfare, and secure the blessings

of liberty. Let wisdom enter their hearts and let knowledge be pleasant to them. Let discretion preserve them and understanding keep them. Help them to serve with the wisdom to know how best to respond, courage to do the right thing, and compassion to make laws for the good of all. Under their leadership may the people flourish; may there be lasting peace and plenty for all. Give us faith that we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood and sisterhood; with this faith we'll be able to work together, to pray together, to struggle together, to stand up for freedom together. Let everyone who enjoys the freedom of this country and state pitch in and do their part to make our country and state a better place to live. Amen.

Senator Carson led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

PRESIDENT SOUCY: Senator D'Allesandro, will you please join me. So, we have a very special guest here today, and I hope he will introduce all of his lovely family who is joining him as well. But we have prepared a resolution in the Senate that we would like to offer to retiring Commissioner John Barthelmes.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Madam President, and welcome Commissioner, Ex-Commissioner! Trooper! Trooper of renowned!

PRESIDENT SOUCY: Commissioner, why don't you join us at the podium.

SENATOR D'ALLESANDRO:

A RESOLUTION HONORING

John Barthelmes

On his retirement as the
Commissioner of the Department of Safety

Whereas, John Barthelmes began his career as a New Hampshire State Trooper in 1976 and was assigned to [the] northern NH patrolling area bordering Vermont, Maine, and Quebec; and

Whereas, in 1983 John Barthelmes was promoted to Sergeant and assigned as an investigator with the State Police Major Crime Unit until he was promoted to Lieutenant in 1989, serving as Commander of the Major Crime Unit where he was responsible for supervising unit personnel; and

Whereas, in 1993, John Barthelmes was promoted to Captain and was assigned as Commander of the Investigative Services Bureau; and

Whereas, in 1996 John Barthelmes was appointed Colonel by Governor Steven Merrill and was reappointed by Governor Jeanne Shaheen, serving in this role until 1999; and

Whereas, in 1999, John Barthelmes joined the New England High Intensity Drug Trafficking Area, serving as Deputy Director until 2006 when he took over as Director; and

Whereas, John Barthelmes was nominated to be the Commissioner of the Department of Safety in 2007 by Governor John Lynch; and

Whereas, John Barthelmes made it his top priority as Commissioner to improve customer service and under his leadership complaints decreased [and] compliments increased;

That's a miracle! That's a miracle in and of itself!

Whereas, John Barthelmes modernized a variety of services offered by the Department, such as online driver license renewal, online traffic ticket payment, and streamlining the vehicle registration process; and

Whereas, John Barthelmes oversaw many improvements at the Department of Safety including technological improvements, which resulted in time and travel savings, increased access to national databases, increased emergency preparedness, expanded training and staffing for the Fire Marshal's Office, and establish[ed] the ability to receive and respond to 911 emergencies sent via text messages; and

Whereas, John Barthelmes has honorably led one of the largest state agencies with dedication and distinction for the last 12 years;

Now therefore, the New Hampshire [State] Senate extends its thanks and appreciation to John Barthelmes for his 35 years of service to the State of New Hampshire and extends its best wishes for a well-deserved, happy and healthy retirement.

Signed by all twenty-four members of the Senate. Attested to by our President and our Clerk. John Barthelmes, one of the truly great Americans.

COMMISSIONER BARTHELMES: Thank you very much. This is an honor. Before I get into this, just a couple of quick remarks. Let me introduce my wife, Jadean; my daughter, Sarah; my daughter Katie, over there; my son-in-law, Adam; Adam two is Katie's partner. This is my grandson, John and Cole.

So, again, thank you very much. As I was standing up here and I'm listening to Senator D'Allesandro read all that. Forty-three years I got, and that's going through; but where did the time go?

The second thought as he was going through that proclamation is I was thinking about what it was like to be as a young Trooper in January up in the Canadian border many, many years ago. Never did I think that I'd be standing here today; never did I think I'd be serving as Commissioner.

It's very nice to hear all those things that we've accomplished at Safety, but the saying goes, we're not an island. The most important thing is surrounding yourself with excellence. And I think you can look at the Department of Safety, the people that serve not only in the leadership roles but also the employees; there's an energy, there's a pride, there's an understanding of the mission, and the importance of the mission of keeping New Hampshire citizens safe and they really believe in that, and I think that leads to really quality customer service.

The other thing is that, again, I could have a plan, I could have a vision but if I can't convince folks like you in the Senate that there's some merit when it comes time for the budget, or some of the legislative ideas that we have, we'd fail. So, I really owe you folks a thanks. I have a debt of gratitude that you partnered with Safety, and over my twelve years you treated me personally and the Department with dignity and respect. We didn't agree on everything, but I think we all had the same goal for serving the citizens of this great state. And I thank you for the role that you have played in making the Department of Safety what it is today.

Lastly, I just want to thank my wife. I truly wouldn't be here today if it wasn't for her.

Thank you.

PRESIDENT SOUCY: Thank you, again, Commissioner, for your years of dedicated service to our state and congratulations to you and your family.

COMMISSIONER BARTHELMES: Thank you.

INTRODUCTION OF PAGES

Senator Chandley introduced Allison Ouellette and Connor MacFarland, from Founders Academy Public Charter School in Manchester, serving as Senate Pages for the day.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Madam President. I'd like to ask Debbie Rivers and Jim Rivers and their friends, Chip and Tracy, to come on up.

It's an honor to be up here, Madam President, to issue a resolution on behalf of the Senate commending Debbie for her many years of service to the state, including giving amazing tours to many fourth-grade groups and other groups and many of us. So, here is the resolution:

The New Hampshire Senate

A Resolution, be it known that the New Hampshire Senate extends its congratulations to Deborah Irene Rivers in recognition of her many years of service to the state of New Hampshire, serving in the House Clerk's Office beginning in August 2006 and then working in the Visitor Center as the Public Information Administrator from April 2009 to May 2019.

And be it further known that the New Hampshire Senate extends its best wishes for a well-deserved, happy, and healthy retirement.

Signed by her state Senator, myself, Dan Feltes. Congratulations. Please give a round of applause to Debbie.

DEBBIE RIVERS: I just want to tell you all I've really enjoyed working with all of you Senators. Many of you I can now call a friend— we've gotten to know each other, I think the bonding with the fourth graders. And I also want to thank two people that work in the Senate that were at one time both Chiefs of Staff. One hasn't advanced his title very much; he's still Chief of Staff, but he's come to the other side, the other side of the wall; and that's Donald Manning. And President Soucy was also Chief of Staff, and they both interviewed me, and I thank them greatly for having the faith in me that I could do the job and learn about this wonderful State House and the history that it holds. And, thank you, Madam President.

PRESIDENT SOUCY: Thank you. Actually, Jim stole my line. I was going to say congratulations to Deb on her retirement and I'm sorry for Jim's... Thank you again, and congratulations.

FN REPORT FOR MAY 2, 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 670-FN, relative to the cost of prescription drugs.

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 301-FN-L, relative to funeral and burial or cremation expenses for assisted persons.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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.

HB 730-FN-A, relative to funding for the CART program.

JUDICIARY

HB 256-FN, establishing reciprocity for notaries in abutting states.

REGULAR CALENDAR:

EDUCATION AND WORKFORCE DEVELOPMENT

HB 175, relative to the requirements for school building aid grants.

WAYS AND MEANS

HB 458-FN, repealing certain inactive dedicated funds.

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

HB 116-FN, relative to the job classification of positions in the retirement system.

HB 621-FN, establishing the state commission on aging.

REGULAR CALENDAR:

COMMERCE

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

HEALTH AND HUMAN SERVICES

HB 550-FN, extending foster care beyond age 18.

TRANSPORTATION

HB 198-FN, clarifying the prohibition against the use of mobile electronic devices while driving.

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

Senator D'Allesandro recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bill which is still in its respective committee:

JUDICIARY

HB 552-FN, relative to transparency and standards for acquisition transactions in health care.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 110-FN-A, by Senator Soucy

SPECIAL ORDER

Without objection, the following bills are special ordered to the next session. Adopted.

EDUCATION AND WORKFORCE DEVELOPMENT

HB 652, relative to suicide prevention.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

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 450, relative to examinations conducted by the banking department.

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

This bill, a request of the banking department, clarifies the authority of the bank commissioner to conduct investigations and examinations on certain regulated entities and the cost of such examinations born by the entity being examined. This bill will assist the department in providing consistent treatment for examinations both inside and outside New Hampshire.

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

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

This bill establishes a commission to study beer, wine, and liquor tourism in New Hampshire. The committee feels that the creation of this commission will help to solve the issues that New Hampshire local businesses currently face in regards to promoting their products.

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

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

This bill requires health insurance carriers to maintain certain information relative to prescription drug costs within their data systems for purposes of the managed care law. This bill also requires health insurance carriers to have access to, as well as maintain, data systems about the costs at the counter for their consumers. The committee feels that this bill will assist the department in identifying the cost drivers of insurance, which will be detailed in their annual report.

EDUCATION AND WORKFORCE DEVELOPMENT

HB 383, relative to the prohibition on unlawful discrimination in public and nonpublic schools.

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

This bill prohibits discrimination on the basis of sex, gender identity, race color, marital status, physical or mental disability, religious creed, or natural origin in any public school, non-public school, or approved school tuition program. In consideration of SB 263, which is very similar to this bill, the committee recommends re-refer to further research how the two bills may complement each other and provide comprehensive protection from discrimination.

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

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

This bill makes technical corrections to terms within the statutes regarding the Department of Education. These corrections in no way affect the intent of the statutes and are just meant to bring clarification and consistency.

HB 570, establishing a commission to study career pathways from full-time service year programs to post-secondary education and employment opportunities in support of New Hampshire's future workforce needs. Ought to Pass with Amendment, Vote 5-0. Senator Morgan for the committee.

This bill as amended establishes a commission to study career pathways from full-time service year programs to postsecondary education and employment opportunities in support of New Hampshire's future workforce needs. The AmeriCorps program awards tuition money to those who finish a service year. This commission will research the ways in which those that do their service year in NH could be encouraged to use their tuition grants at one of the state's institutions of higher learning. The amendment gives additional time for the final report of the commission to be filed.

Education and Workforce Development

April 23, 2019

2019-1603s

04/10

Amendment to HB 570

Amend RSA 187-A:44, VI as inserted by section 1 of the bill by replacing it with the following:

VI. The commission shall submit an interim report of its findings on or before November 1, 2019, and a final report including any recommendations for proposed legislation, 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, 2020.

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2020.

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

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 145, relative to the counting of secret ballots.

Inexpedient to Legislate, Vote 5-0. Senator Gray for the committee.

The intent of this bill was to guarantee that a ballot cast at Town meeting would not be disregarded for failure to follow instructions if the voters intent can be determined. Language to this effect has been added to HB 146, therefore this legislation, if passed, would be redundant.

HB 146, relative to the counting of defective ballots.

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

This bill as amended requires that all ballots cast at Town Meeting shall be counted if the intent of the voter can be determined, regardless of whether the voter followed any voting instructions issued prior to the vote. Adding this to statute will bring clarity and guidance in situations where the moderator needs to decide the validity of a ballot and aligns this statute with RSA 659:64.

Election Law and Municipal Affairs

April 24, 2019

2019-1629s

11/10

Amendment to HB 146

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

1 New Section; Conduct of Voting; Intent of the Voter. Amend RSA 40 by inserting after section 4-f the following new section:

40:4-g Intent of the Voter. In any vote conducted pursuant to this chapter, every ballot shall be counted if the intent of the voter can be determined, regardless of whether the voter followed any instructions relative to marking the ballot provided before the vote.

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

2019-1629s

AMENDED ANALYSIS

This bill requires that a ballot shall be counted in any municipal vote if the intent of the voter can be determined, regardless of whether the voter followed any voting instructions issued prior to the vote.

HB 297, relative to political advertisements on behalf of political committees or advocacy organizations.
Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill requires that any political advertisements made on behalf of political action committees or political advocacy organizations contain the same name and address on the advertisement as is registered with the secretary of state. This will insure that the public and candidates will have an added level of transparency during an election season.

HB 301-FN-L, relative to funeral and burial or cremation expenses for assisted persons.
Ought to Pass, Vote 5-0. Senator Sherman for the committee.

This bill will authorize towns and cities to access certain funds for burial or cremation of assisted persons. Under RSA 165 local welfare offices are required to pay for basic needs such as burial expenses. With the passage of this legislation, it will allow funds to be accessed up to \$2,000 instead of only \$1,000 as current law allows. The funeral profession has always cared for the people in the community and they are facing an increased number of indigent deaths due to the opioid crisis. The change in language creates a limit of \$2,000 which reflects real cost for the funeral homes.

HB 312, establishing a committee to study tiny houses.
Ought to Pass, Vote 5-0. Senator Morgan for the committee.

This bill will establish a committee to study tiny houses and the communities where they reside. Currently, state building codes do not allow for tiny homes and the statutes for mobile homes do not apply. These homes are very popular with the younger generation of who do not want to be tied to a particular place or housing market. Tiny homes are more affordable and may help with the workforce housing shortage in New Hampshire. With the passage of this bill, New Hampshire will take a real leadership role in determining how to build codes and statutes to govern issues related to tiny homes.

HB 370, relative to membership on city and town planning boards.
Ought to Pass, Vote 5-0. Senator Levesque for the committee.

This bill removes the prohibition against appointed city planning board members holding other municipal office and permits any two appointed or elected members of a city or town planning board to serve on other municipal boards or commissions, subject to certain restrictions. Passage of this legislation will bring to cities what is already allowable for towns. Some small cities in NH have a lower population than certain towns and they face the burden of filling positions when there is no one to fill it.

HB 381, repealing requirements for transfer of appropriations in Carroll county.
Re-refer to Committee, Vote 5-0. Senator Levesque for the committee.

This bill will repeal the procedures for transfers of departmental appropriations in Carroll county as stated in RSA 24:13 D. The ability to oversee the appropriations are in RSA 24:14 and 24:15. The committee determined that more time is needed to consider the impacts of this legislation.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 116-FN, relative to the job classification of positions in the retirement system.
Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This bill allows for changes to the reclassification of certain Department of Corrections positions from group I to group II without specific legislation. Placing this process within the Department is an fitting avenue for these changes and ensures that the Department is able to appropriately and timely manage these changes to their employee classifications.

HB 119, relative to training requirements for electrologists.
Ought to Pass, Vote 5-0. Senator Rosenwald for the committee.

This bill requires the adoption of rules governing the training for the use of intense pulsed light (IPL) for hair removal by electrologists. Electrologists must go through significant training and education in order to obtain and maintain their licenses and allowing them to utilize IPL is an appropriate addition to their work.

HB 328, repealing the New Hampshire film and television commission.
Ought to Pass, Vote 5-0. Senator Chandley for the committee.

This bill repeals the New Hampshire Film and Television Commission in the Department of Natural and Cultural Resources. The New Hampshire Film Bureau has moved to the Department of Business and Economic Affairs and that office performs all of the duties of the Commission, which has only met sporadically. Repealing this Commission simply removes a redundant commission from our books.

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

This bill establishes a committee to study the making, preservation, and Internet availability of audio and video recordings of proceedings of committees of the House of Representatives. The Committee amended the membership as this is a matter for the House to examine and asks for your support in the Ought to Pass with Amendment motion.

Senate Executive Departments and Administration
April 25, 2019
2019-1660s
10/08

Amendment to HB 457-FN

Amend the bill by replacing paragraph I of section 2 with the following:

I. The committee shall be composed of 5 members of the house of representatives, at least 2 of whom shall be members of the minority party, appointed by the speaker of the house of representatives.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

HB 621-FN, establishing the state commission on aging.
Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill establishes the State Commission on Aging and repeals the current Committee on Aging. The Commission will reconstitute the duties of the State Committee on Aging into a statewide platform between departments, advocates, and the Legislature who will coordinate information and solutions.

HB 624, establishing a commission to study management systems and customer service of New Hampshire government agencies.

Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

This bill establishes a commission to study the efficiency and effectiveness of management systems and customer service provided by state agencies, for improving overall execution and efficiency, including streamlining processes, improving communication between agencies, and measuring the internal and external customer service. Presently, this is the duty of the Executive Branch.

HB 730-FN-A, relative to funding for the CART program.
Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

This bill reestablishes the CART provider and sign language interpreter net tuition repayment fund, and provides that the Division of Workforce Innovation in the Department of Education shall be responsible for administering the program. Implementing the program will encourage individuals to train in this field, helping to address the shortage of CART providers in the state. Therefore, please join the Committee in the Ought to Pass motion.

JUDICIARY

HB 256-FN, establishing reciprocity for notaries in abutting states.
Ought to Pass, Vote 5-0. Senator French for the committee.

This bill provides that a resident of an abutting state who is a registered notary in such state and who carries on a trade, business, or practice in New Hampshire may become a notary in New Hampshire. Surrounding

states already offer reciprocity for New Hampshire notaries and this will simply create parity for out-of-state notaries who have work in New Hampshire. Any notary applicants will still have to go through the vetting process established in statute, and the passage of this will benefit New Hampshire citizens and businesses.

HB 286-L, relative to free inspection of records under the right-to-know law.
Ought to Pass with Amendment, Vote 5-0. Senator Levesque for the committee.

This bill declares that no cost or fee shall be charged for the inspection or delivery of governmental records under the right-to-know law. The Committee amended the bill to clarify that municipalities can charge for records that need to be redacted, and then copied with redactions, before inspection. This amendment reinforces the intent of RSA91-A while removing potential unintended consequences from the bill.

Senate Judiciary
April 24, 2019
2019-1626s
01/06

Amendment to HB 286-LOCAL

Amend the bill by deleting section 1 and renumbering the original sections 2 and 3 to read as 1 and 2.

HB 353, establishing a committee to study whether non-attorney legal professionals could be licensed to engage in the limited practice of law in the family division of the circuit court while under the supervision of a licensed attorney.

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

This bill establishes a committee to study whether non-attorney legal professionals could be licensed to engage in limited practice in the family division of the circuit court while under the supervision of a licensed attorney. The Committee amended the bill to adjust the membership. The Committee supports the study of this innovative idea to address issues within our judicial system.

Senate Judiciary
April 24, 2019
2019-1621s
04/08

Amendment to HB 353

Amend section 2 of the bill by replacing paragraph I with the following:

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

(a) Four 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.

HB 354, establishing a committee to investigate whether modification should be made to the time frame for determining permanency pursuant to RSA 169-C:24-b.

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

This bill establishes a committee to investigate whether modification should be made to the time frame for determining permanency pursuant to RSA 169-C:24-b, Permanency Hearings within the Child Protection Act. The bill, as amended, changes the legislative membership serving on the committee.

Senate Judiciary
April 24, 2019
2019-1623s
05/08

Amendment to HB 354

Amend section 2 of the bill by replacing paragraph I with the following:

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

(a) Four 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.

HB 382, relative to private practice by the Carroll county attorney.
Ought to Pass, Vote 5-0. Senator Chandley for the committee.

This bill is a request of the Carroll county delegation and will prohibit the Carroll county attorney from engaging in the private practice of law. The passage of this legislation will put Carroll county in line with Rockingham, Cheshire, Sullivan, Strafford, and Coos counties. The Committee recommends passage of this in support of the Carroll county delegation.

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

REGULAR CALENDAR

COMMERCE

HB 268, relative to real estate commissions paid to unlicensed entities.
Ought to Pass, Vote 4-0. Senator Morse for the committee.

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

INTRODUCTION OF GUESTS

(The Chair recognized Senator Chandley.)

SENATOR CHANDLEY: Thank you, Madam President. In the gallery I would like to introduce my husband, Tom Silvia; my daughter, Elizabeth Silvia-Chandley; and one of my sons, Eamon Silvia-Chandley. They're here as my guests today and I ask you to join me in welcoming them.

HB 402, relative to required notice of mortgage funding at a construction jobsite.
Ought to Pass, Vote 4-0. 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 474, relative to principal offices of trust companies and banking and trusts insurance.
Ought to Pass, Vote 4-0. 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 620-FN, relative to the penalty fee structure for late premium tax payments.
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 the Committee on Finance (Rule 4-5).

HB 654, relative to surety required on construction loans.
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.

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

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.

Recess. Out of recess.

INTRODUCTION OF GUESTS

Senator Kahn introduced students from North Walpole School visiting in the gallery.

SPECIAL ORDER

Without objection, the following bill is special ordered to the next session. Adopted.

EDUCATION AND WORKFORCE DEVELOPMENT

HB 175, relative to the requirements for school building aid grants.

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 130-L, relative to property tax relief for totally and permanently disabled veterans.
Re-refer to Committee, Vote 4-1. Senator Gray for the committee.

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

ENERGY AND NATURAL RESOURCES

HB 325, relative to control of marine pollution and aquatic growth.
Ought to Pass, Vote 4-0. Senator Bradley 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 224-FN, making emergency medical technicians and rescue squad members eligible for a death benefit if killed in the line of duty.
Ought to Pass with Amendment, Vote 4-1. Senator Rosenwald for the committee.

Senate Executive Departments and Administration
April 24, 2019
2019-1653s
01/06

Amendment to HB 224-FN

Amend RSA 21-I:29-a, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) "Emergency medical technician" means all levels of emergency medical technician, including emergency medical responders, emergency medical technicians, advanced emergency medical technicians, and paramedics, whether auxiliary, intermittent, special, part-time, volunteer, call, or reserve, who is employed by a city, town, village district, or precinct within the state of New Hampshire, or any emergency medical technician who is a volunteer for or employed by a nonprofit corporation in New Hampshire, or any emergency medical technician employed by a New Hampshire licensed private ambulance service while in the performance of emergency medical services pursuant to RSA 153-A:2, VI either under contract or agreement with a city, town, village, or precinct.

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).

FINANCE

HB 692-FN, relative to dental care for Medicaid recipients.
Ought to Pass, Vote 4-0. Senator Reagan for the committee.

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

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

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

The following Senators voted No: (None)

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

HB 719-FN-A, establishing the position of school nurse coordinator in the department of education and making an appropriation therefor.
Ought to Pass, Vote 5-0. Senator Kahn for the committee.

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

Senator Feltes moved to Lay on the Table HB 719-FN-A. Adopted.

Recess. Out of recess.

HEALTH AND HUMAN SERVICES

HB 364, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use and permitting qualifying patients and designated caregivers to donate excess cannabis to other qualifying patients.
Ought to Pass with Amendment, Vote 3-2. Senator Sherman for the committee.

Health and Human Services
April 23, 2019
2019-1613s
01/04

Amendment to HB 364

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

1 Use of Therapeutic Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, IV to read as follows:

IV. "Cultivation location" means a locked and enclosed site, ***under the control of the qualifying patient or designated caregiver, or*** under the control of an alternative treatment center where cannabis is cultivated, secured with one or more locks or other security devices in accordance with the provisions of this chapter. ***A cultivation location under the control of a qualifying patient or designated caregiver shall be at that person's residence.***

2 Use of Therapeutic Cannabis; Definitions. Amend RSA 126-X:1, VI to read as follows:

VI. "Designated caregiver" means an individual who:

(a) Is at least 21 years of age;

(b)(1) Has agreed to assist with one or more (not to exceed 5) qualifying [patient's] ***patients in the*** therapeutic use of cannabis, except if the qualifying patient and designated caregiver each live greater than 50 miles from the nearest alternative treatment center, ~~[in which case]~~ the designated caregiver may assist with the therapeutic use of cannabis for up to 9 qualifying patients; ***or***

(2) Has agreed to cultivate cannabis for therapeutic use pursuant to this chapter for no more than one qualifying patient;

(c) Has never been convicted of a felony or any felony drug-related offense; and

(d) Possesses a valid registry identification card issued pursuant to RSA 126-X:4.

3 New Paragraphs; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X by inserting after paragraph VI-a the following new paragraphs:

VI-b. "Immature cannabis plant" means a cannabis plant that has not flowered and which does not have buds that may be observed by visual examination and which is at least 6 inches tall.

VI-c. "Mature cannabis plant" means a female cannabis plant that has flowered and that has buds that may be observed by visual examination.

4 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XII to read as follows:

XII. "Seedling" means a cannabis plant that ~~[has no flowers and is less than 12 inches in height and less than 12 inches in diameter]~~ ***is less than 6 inches tall.***

5 Use of Therapeutic Cannabis; Definitions. Amend RSA 126-X:1, XIII(c) to read as follows:

(c) Cultivation by a designated caregiver or qualifying patient, ***except as provided under RSA 126-X:2, II-a or II-b.***

6 Use of Therapeutic Cannabis Purposes; Protections. Amend RSA 126-X:2, I-III to read as follows:

I. A qualifying patient shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or denied any right or privilege for the therapeutic use of cannabis in accordance with this chapter, if the qualifying patient possesses an amount of cannabis that does not exceed the following, ***if the qualifying patient is not at the cultivation location he or she reported to the department, or transporting cannabis as allowed under paragraph II-a:***

(a) Two ounces of usable cannabis; and

(b) Any amount of unusable cannabis.

II. A designated caregiver shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or denied any right or privilege for the therapeutic use of cannabis in ac-

cordance with this chapter on behalf of a qualifying patient if the designated caregiver possesses an amount of cannabis that does not exceed the following, *if the designated caregiver is not at the cultivation location he or she reported to the department, or transporting cannabis as allowed under paragraph II-b:*

(a) Two ounces of usable cannabis, or the total amount allowable for the number of qualifying patients for which he or she is a designated caregiver; and

(b) Any amount of unusable cannabis.

II-a. Except as provided in RSA 126-X:3, VII(b), a qualifying patient shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or be denied any right or privilege for the therapeutic use of cannabis in accordance with this chapter, if the qualifying patient possesses or cultivates an amount of cannabis that does not exceed the following:

(a) If the qualifying patient does not have a designated caregiver who is authorized to cultivate cannabis for him or her, for the possession or cultivation, or both, of cannabis that occurs at the cultivation location under the control of the patient reported to the department, or while transporting cannabis and cannabis plants and seedlings to a new cultivation location that has been reported to the department within the prior 21 days:

(1) Eight ounces of usable cannabis;

(2) Any amount of unusable cannabis; and

(3) Three mature cannabis plants, 3 immature cannabis plants and 12 seedlings, where the plants are not subject to public view, including to view from another private property, without the use of optical aids, with a total canopy of no more than 50 square feet.

(b) If more than one qualifying patient, designated caregiver, or both, share a cultivation location, the total canopy of all cannabis plants shall not exceed 100 square feet.

II-b. Except as provided in RSA 126-X:3, VII(b), a designated caregiver shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or denied any right or privilege for the therapeutic use of cannabis in accordance with this chapter on behalf of a qualifying patient, an amount of cannabis that does not exceed the following:

(a) If, at the cultivation location under control of the caregiver and that has been reported to the department, or while transporting cannabis and cannabis plants and seedlings to a new cultivation location that has been reported to the department within the prior 21 days:

(1) Eight ounces of usable cannabis;

(2) Any amount of unusable cannabis; and

(3) Three mature cannabis plants, 3 immature cannabis plants and 12 seedlings, where the plants are not subject to public view, including to view from another private property, without the use of optical aids, with a total canopy of no more than 50 square feet.

(b) If more than one qualifying patient, designated caregiver, or both, share a cultivation location, the total canopy of all cannabis plants shall not exceed 100 square feet.

II-c.(a) A qualifying patient shall not be subject to arrest by state or local law enforcement, or prosecution or penalty under state or municipal law, for giving cannabis to a qualifying patient without remuneration, or for offering to do the same if the person giving the cannabis does not knowingly cause the recipient to possess more cannabis than is permitted under this section.

(b) A designated caregiver shall not be subject to arrest by state or local law enforcement, or prosecution or penalty under state or municipal law, for giving cannabis to a qualifying patient without remuneration or for offering to do the same if:

(1) The designated caregiver's qualifying patient consents to the gift, if they are alive;

(2) Nothing of value is transferred in return for the cannabis; and

(3) The person giving the cannabis does not knowingly cause the recipient to possess more cannabis than is permitted under this section.

(c) In this chapter, a transfer is for remuneration if cannabis is given away contemporaneously with another transaction between the same parties, if a gift of cannabis is offered or advertised in conjunction with an offer for sale of goods or services, or if the gift of cannabis is contingent upon a separate transaction for goods or services.

III. A designated caregiver may receive compensation for costs, **not to exceed \$500 per calendar year**, not including labor, associated with assisting a qualifying patient who has designated the **registered** designated caregiver to assist him or her with the therapeutic use of cannabis. Such compensation shall not constitute the sale of ~~[controlled substances]~~ **a controlled drug pursuant to RSA 318-B.**

7 Use of Therapeutic Cannabis; Protections. Amend RSA 126-X:2, XV to read as follows:

XV. A laboratory, **and the employees thereof**, which conducts testing of cannabis ~~[required under rules for]~~ **delivered to it by** alternative treatment centers, ~~[adopted under this chapter, and the employees thereof]~~ **qualifying patients, or designated caregivers**, shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or search, for acting pursuant to this chapter and department rules to possess cannabis on the premises of the laboratory for the purposes of testing, and, in the case of a laboratory employee, denied any right or privilege for working for such a laboratory.

8 Use of Therapeutic Cannabis; Prohibitions and Limits. Amend RSA 126-X:3, I to read as follows:

I. A qualifying patient may use **and a qualifying patient or designated caregiver may cultivate** cannabis on privately-owned real property only with written permission of the property owner or, in the case of leased property, with the permission of the tenant in possession of the property, except that a tenant shall not allow a qualifying patient to smoke cannabis on rented property if smoking on the property violates the lease or the lessor's rental policies that apply to all tenants at the property. **A tenant or guest of a tenant shall not cultivate cannabis on rented property if the lessor has prohibited therapeutic cannabis cultivation.** However, a tenant may permit a qualifying patient to use cannabis on leased property by ingestion or inhalation through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of this chapter, vaporization shall mean the inhalation of cannabis without the combustion of the cannabis.

9 New Subparagraph; Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4, I by inserting after subparagraph (h) the following new subparagraph:

(i) The qualifying patient's cultivation location, if any.

10 New Subparagraph; Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4, II by inserting after subparagraph (g) the following new subparagraph:

(h) The designated caregiver's cultivation location, where he or she may cultivate cannabis on behalf of a single qualifying patient who has not reported a cultivation location.

11 Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4, IX(a) to read as follows:

(a) A qualifying patient shall notify the department before changing his or her designated caregiver, **cultivation location**, or alternative treatment center. **A designated caregiver shall notify the department before changing his or her cultivation location.**

12 Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4, XI(a) through XI(b) (1)-(3) to read as follows:

XI.(a) The department shall create and maintain a confidential registry of each individual who has applied for and received a registry identification card as a qualifying patient or a designated caregiver in accordance with the provisions of this chapter. Each entry in the registry shall contain the qualifying patient's or designated caregiver's name, mailing address, date of birth, date of registry identification card issuance, date of registry identification card expiration, random 10-digit identification number, **cultivation location, if any**, and registry identification number of the qualifying patient's designated alternative treatment center, if any. The confidential registry and the information contained in it shall be exempt from disclosure under RSA 91-A.

(b)(1) Except as specifically provided in this chapter, no person shall have access to any information about qualifying patients or designated caregivers in the department's confidential registry, or any information otherwise maintained by the department about providers and alternative treatment centers, except for authorized employees of the department in the course of their official duties and local and state law enforcement personnel who have detained or arrested an individual who claims to be engaged in the therapeutic use of cannabis.

(2) If a local or state law enforcement officer submits a sworn affidavit to the department affirming that he or she has probable cause to believe cannabis is possessed **or cultivated** at a specific address, an authorized employee for the department may disclose whether the location is associated with a qualifying patient, designated caregiver, or cultivation location [~~of an alternative treatment center~~].

(3) If a local or state law enforcement officer submits a sworn affidavit to the department affirming that he or she has probable cause to believe a specific individual possesses **or cultivates** cannabis, an authorized employee for the department may disclose whether the person is a qualifying patient or a designated caregiver, provided that the law enforcement officer provides the person's name and address or name and date of birth.

13 New Paragraph; Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4 by inserting after paragraph XII the following new paragraph:

XIII.(a) No later than October 1, 2019, the department shall allow existing and new qualifying patients and designated caregivers to designate a cultivation location provided that:

(1) A qualifying patient may only designate a cultivation location if he or she does not have a designated caregiver who will cultivate for him or her.

(2) A designated caregiver may only cultivate for a single qualifying patient, and may only cultivate for a patient who does not have a cultivation location.

(b) No individual shall designate a cultivation location if such individual's permission to cultivate has been revoked.

14 Use of Therapeutic Cannabis; Affirmative Defense. Amend RSA 126-X:5, I to read as follows:

I. It shall be an affirmative defense for any person charged with manufacturing, possessing, having under his or her control, selling, purchasing, prescribing, administering, transporting, **cultivating**, or possessing with intent to sell, dispense, or compound cannabis, cannabis analog, or any preparation containing cannabis, if:

(a) The actor is a qualifying patient who has been issued a valid registry identification card, was in possession of **or was cultivating** cannabis in a quantity and location permitted pursuant to this chapter, and was engaged in the therapeutic use of cannabis;

(b) The actor is a designated caregiver who has been issued a valid registry identification card, was in possession of **or was cultivating** cannabis in a quantity and location permitted pursuant to this chapter, and was engaged in the therapeutic use of cannabis on behalf of a qualifying patient; ~~or~~

(c) The actor is an employee of a laboratory conducting testing required for alternative treatment centers pursuant to rules adopted under this chapter~~[-]~~ **or that tests cannabis provided to it by qualifying patients, and designated caregivers; or**

(d) The actor is a person with a qualifying medical condition who does not possess a registry identification card and, prior to the arrest, the actor submitted to the department a completed application to become a qualifying patient, including a written certification, but the actor had not yet received a registry identification card from the department; provided that:

(1) The actor does not possess more than the amount of cannabis permitted under RSA 126-X:2, I, if the cannabis is not on the actor's property; or

(2) If the cannabis is on the actor's property, the actor does not possess more than the amount of cannabis permitted under RSA 126-X:2, II-a, which shall be in a locked and enclosed location on the actor's property.

15 New Subparagraph; Use of Therapeutic Cannabis; Alternative Treatment Centers. Amend RSA 126-X:8, XIII by inserting after subparagraph (c) the following new subparagraph:

(d) A qualifying patient or designated caregiver shall not obtain from an alternative treatment center more than 12 seedlings during a 3-month period.

16 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, XIV(b) and (c) to read as follows:

(b) The person may notify local law enforcement and request that they dispose of the cannabis; ~~or~~

(c) The person may dispose of the cannabis, after mixing the cannabis with other ingredients such as soil to render it unusable; **or**

(d) The person may give the cannabis to a qualifying patient, provided that:

(1) The person giving away the cannabis does not knowingly cause the recipient to exceed his or her possession limit.

(2) If the person giving away the cannabis was a designated caregiver of a qualifying patient who continues to qualify under the program, the qualifying patient consents to the cannabis being given away.

17 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limits. Amend RSA 126-X:3, VII to read as follows:

VII.***(a)*** The department may revoke the registry identification card of a qualifying patient or designated caregiver for violation of rules adopted by the department or for ***a*** violation of any other provision of this chapter, and the qualifying patient or designated caregiver shall be subject to any other penalties established in law for the violation.

(b) The department may revoke a qualifying patient's or designated caregiver's permission to cultivate cannabis for a violation of the rules adopted by the department or for a violation of any provision of this chapter.

18 Use of cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-X:8, XV(a) to read as follows:

XV.(a)***(1)*** An alternative treatment center shall not possess or cultivate cannabis in excess of the following quantities:

[~~(1)~~] ***(A)*** Eighty ***mature*** cannabis plants, ***160 immature cannabis plants***, [~~160 seedlings~~], and 80 ounces of usable cannabis, or 6 ounces of usable cannabis per qualifying patient; and

[~~(2)~~] ***(B)*** Three mature cannabis plants, ***12 immature cannabis plants***, [~~12 seedlings~~], and 6 ounces for each qualifying patient who has designated the alternative treatment center to provide him or her with cannabis for therapeutic use.

(2) An alternative treatment center shall not be limited in the number of seedlings it can possess or cultivate.

19 Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6, III(a)(15) to read as follows:

(15) Procedures for determining and enforcing the daily maximum amount of therapeutic cannabis which an alternative treatment center may cultivate or possess pursuant to RSA 126-X:8, XV(a)***(1)***.

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

The question is on the adoption of the Committee Amendment.

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

Senators Sherman and Giuda withdrew their request for a roll call.

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

Senator Sherman offered a Floor Amendment.

Sen. Sherman, Dist 24

May 2, 2019

2019-1783s

01/04

Floor Amendment to HB 364

Amend RSA 126-X:2 as inserted by section 6 of the bill by deleting paragraph II-c.

Amend the bill by deleting section 16 and renumbering the original sections 17-20 to read as 16-19, respectively.

2019-1783s

AMENDED ANALYSIS

This bill permits qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.
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.

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

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

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

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

HB 550-FN, extending foster care beyond age 18.

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 the Committee on Finance (Rule 4-5).

JUDICIARY

HB 334-L, relative to disposition of certain municipal records.

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

Senate Judiciary

April 24, 2019

2019-1632s

06/08

Amendment to HB 334-LOCAL

Amend RSA 33-A:3-a, CVIII as inserted by section 1 of the bill by replacing it with the following:

CVIII. Police, non-criminal-internal affairs investigations: ~~[as required by attorney general and union contract and town personnel rules]~~ ***retirement or termination of subject officer plus 20 years, except that the municipality shall follow the retention period for non-criminal internal affairs investigations set forth in a union or collective bargaining agreement already in effect on July 1, 2019 until such agreement's expiration.***

Senator Feltes moved to Lay on the Table HB 334-L. Adopted.

TRANSPORTATION

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

Ought to Pass with Amendment, Vote 4-0. Senator Birdsell for the committee.

Senate Transportation

April 24, 2019

2019-1651s

08/10

Amendment to HB 137

Amend RSA 270:133, VI as inserted by section 1 of the bill by replacing it with the following:

VI. The commission shall report its findings and any recommendations for proposed legislation 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 June 30, 2020.

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. Section 2 of this act shall take effect June 30, 2020.

II. The remainder of 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.

HB 198-FN, clarifying the prohibition against the use of mobile electronic devices while driving. Ought to Pass with Amendment, Vote 4-0. Senator Ward for the committee.

Senate Transportation
April 24, 2019
2019-1620s
11/04

Amendment to HB 198-FN

Amend the bill by replacing section 2 with the following:

2 Motor Vehicles; Rules of the Road; Use of Mobile Electronic Devices While Driving; Prohibition. Amend RSA 265:79-c, III to read as follows:

III. Any person who violates this section shall be guilty of a violation and shall be fined \$100 plus penalty assessment for a first offense, \$250 plus penalty assessment for a second offense, and \$500 plus penalty assessment for any subsequent offense within a 24-month period. ***In addition, the director shall suspend the person's license to drive for up to 15 days for a second offense, and shall suspend the person's license to drive for not less than 30 days for any subsequent offense.***

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).

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

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

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

INTRODUCTION OF GUESTS

Senator Giuda introduced students from Holderness Central School visiting in the gallery.

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

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

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
Sen. Watters, Dist 4
April 30, 2019
2019-1730s
11/06

Floor Amendment to HB 368-FN

Amend the bill by replacing section 2 with the following:

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

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).

WAYS AND MEANS

HB 458-FN, repealing certain inactive dedicated funds.

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 REMOVE FROM THE TABLE

Senator Carson moved to remove HB 437 from the Table. Failed.

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.

LIST OF RULE 6-25'S FOR THE DAY

Senator Dietsch: HB 692-FN

ANNOUNCEMENTS

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Madam President. I'd like a moment of personal privilege. Today, well, the last couple of days have been the days of remembrance of the victims of the holocaust. So, last year on Memorial Day I spoke a little bit about my father and the fact that he had served during World War II. My sister and I had served in the service as well. But I want to go a little bit into a little bit more detail.

Where my father was a World War II veteran. He served in the U.S. 7th Army, 45th Infantry Division. My father never spoke: he was one of the first ones into Dachau on April 20...I guess it's April 29, 1945. He never spoke about the issues. I know at certain points he wanted to talk about it.

But I just want to go a little bit into detail about Dachau. Dachau was established in March 1933. The Dachau concentration camp was the first regular concentration camp established by Nazi's in Germany. Heinrich Himmler, in his capacity as Police President of Munich, officially described the camp as the first concentration camp for political prisoners. Dachau served as the prototype and model for other Nazi concentration camps that followed. During the first year the camp held about 4,800 prisoners and by 1937 the camp had risen to 13,260. Dachau was a training center for SS concentration camp guards, and the camp's organization and routine became a model for Nazi concentration camps.

In 1942 the crematorium was constructed next to the main camp. In Dachau, as in other Nazi camps, German physicians performed medical experiments on prisoners, including high altitude experiments using a decompression chamber; malaria and TB experiments; hypothermia experiments; and experiments testing new medications.

Dachau also served as the central camp for Christian religious prisoners. According to records of the Roman Catholic Church at least 3,000 religious deacons, priests, and bishops were imprisoned there.

And in 1944 the women's camp opened inside Dachau. Its first shipment of women came from Auschwitz and Birkenau.

And on April 26, 1945 as American forces approached there were 67,665 registered prisoners in Dachau and its subcamps. Out of these, 43,350 were categorized as political prisoners, while 22,100 were Jews, the remainder falling into various categories. Starting that day, the Germans forced more than 7,000 prisoners, mostly Jews, on a death march from Dachau to Tegonese. Far to the south... during the death march, the Germans shot anyone who could no longer continue. Many also died of hunger, cold, or exhaustion. Brigadier General Henning Linden's official report on the surrender of Dachau, they said as they neared the camp they found more than thirty railroad cars with bodies brought to Dachau all in advanced state of decomposition. According to General Dwight D. Eisenhower approximately 3,200 prisoners were liberated, 300 SS camp guards were quickly neutralized. The Americans found approximately 32,000 prisoners crammed, 1,600 to each of twenty barracks, which had been designated to house about 250. The number of prisoners incarcerated in Dachau between '33 and '45 exceeded 188,000 and the number of prisoners who died in the camp at the subcamps between January 1940 and May of 1945 was at least 28,000. It is unlikely that the total number of victims who died in Dachau will ever be known.

So, it's no wonder that some of these military men in World War II came back and couldn't talk about the horrors that they saw in these concentration camps, and God bless them all and hopefully we'll never see this again. Thank you, Madam President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Madam President. Again, a point of personal privilege. One of our colleagues in the legislature, Peter Leishman, lost his son. Many of you know Peter and many of us served with Peter when we were in the House. I think a terrific guy; a great, great friend. I think for a parent the most tragic situation known is when you lose a child. It's a terrible, terrible situation and I hope that all of us— I understand Peter doesn't want to be called, but if you shoot him an email and just express your concerns I know he would appreciate it. A good public servant, a really hard worker, has worked hard in the legislature; decent and honorable guy and to lose a child is a very, very, very terrible thing; terrible, terrible thing. So, please think about him and if you do pray, remember him in your prayers and hope for the best for the family. Thank you, Madam President.

(The Chair recognized Senator Dietsch.)

SENATOR DIETSCH: I stand to further speak for my fellow Peterborian, Peter Leishman, and his son, Jordan. I didn't know **Jordan**, but a young friend of mine did and I read her very sad statement on Facebook the night before that she had lost her third friend of the year from opioid addiction and realized the next day who that person was. This young woman managed to escape opioid addiction. She just recently celebrated nine years and nine months opioid and alcohol free, and she started her own company in Peterborough and is doing very well but was obviously having a very tough night and year so far of this.

So, I rose because we're working on these things. We're trying to make it better. We're trying to increase the number of treatment beds, we're trying to improve mental health. We're trying to, more importantly I think, is think of the future and give these kids a reason to live and something else to do. To make sunny days, to certify high school programs that if you're not an academic student you've got something exciting to do and internships to go to, and a future where you can make a good salary and have a family, and affordable housing. This is what we're working on: is to make life worth living for the next generation. Thank you.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Madam President. I want to thank my colleague from District 19 for standing and sharing her story. Indeed, the holocaust remembered in the Jewish calendar as Yom HaShoah is one that deeply affects my family as well. And as my cousin, Eric, walked off the train on his way to Dachau, because he served in labor camps as a German Jew in concentration camps and in worksites; because he was a young man and he was able to survive while his family did not during the holocaust.

There are divisions or categories by which we think of perpetrators, bystanders, and rescuers, and victims of the holocaust all of whom have stories that could not be told, and I appreciate your sharing a story with us from an American rescuer and that perspective. And we need to keep in mind, we need to understand the multiple perspectives on the issue because it's the only way that we stand between us and repeating history is by understanding those early stages and being active participants to avoid these things in the future. Thank you, Madam President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Madam President, and members of the Senate. The past week has been a difficult one. Last Thursday evening a very close friend of our family, age 78, passed away. She'd been on dialysis three times a week for seven years; she'd been through heart surgery. The tragedy was in her passing but even more so in what happened to her spouse, age 81, who suffers from dementia and is currently in a holding room in the emergency suite at Plymouth Speare Hospital.

It is unconscionable that in a state in which mental health crisis continues to grow and we continue to cut payments to nursing homes that our people have to spend nights and days and weeks in emergency rooms. It's a problem that we know. Amongst the emergency rooms staff it's known as the silent crisis because these people cannot speak for themselves; many times their presence of mind is not here. This gentleman does not, at times, even know his wife has passed. This is a crisis we have to deal with. And so, I commemorate today, in hopes that we will move forward with progress on that in this session, that I commemorate this talk to Mrs. Pat Dupre, who passed on and to her husband, Rod, who today sits at Plymouth Speare Hospital. Thank you, Madam President.

PRESIDENT SOUCY: I would just note that we will not be having session next week for the purpose of allowing committees an additional day to conduct hearings on fiscal note bills or to exec. And also, that we are having an Intern appreciation luncheon at the Upham Walker House starting at noon, so it should be ready for us. So, I would ask all of you to join with me in expressing our appreciate to the Interns who have been with us this session and done so much great work.

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 119, relative to training requirements for electrologists.
HB 137, establishing a commission to examine the effects of wake boats in the state of New Hampshire.
HB 146, relative to the counting of defective ballots.
HB 256-FN, establishing reciprocity for notaries in abutting states.
HB 268, relative to real estate commissions paid to unlicensed entities.
HB 286-LOCAL, relative to free inspection of records under the right-to-know law.
HB 297, relative to political advertisements on behalf of political committees or advocacy organizations.
HB 301-FN-LOCAL, relative to funeral and burial or cremation expenses for assisted persons.
HB 312, establishing a committee to study tiny houses.
HB 324, relative to operation of personal water craft around the marsh lands or flats in the Hampton/Seabrook estuary.
HB 325, relative to control of marine pollution and aquatic growth.
HB 328, repealing the New Hampshire film and television commission.
HB 353, establishing a committee to study whether non-attorney legal professionals could be licensed to engage in the limited practice of law in the family division of the circuit court while under the supervision of a licensed attorney.
HB 354, establishing a committee to investigate whether modification should be made to the time frame for determining permanency pursuant to RSA 169-C:24-b.
HB 364, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use and permitting qualifying patients and designated caregivers to donate excess cannabis to other qualifying patients.
HB 370, relative to membership on city and town planning boards.
HB 382, relative to private practice by the Carroll county attorney.
HB 402, relative to required notice of mortgage funding at a construction jobsite.
HB 448, making technical corrections in the department of education.
HB 450, relative to examinations conducted by the banking department.
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.
HB 458-FN, repealing certain inactive dedicated funds.
HB 474, relative to principal offices of trust companies and banking and trusts insurance.
HB 570, establishing a commission to study career pathways from full-time service year programs to post-secondary education and employment opportunities in support of New Hampshire's future workforce needs.
HB 598, establishing a commission to study beer, wine, and liquor tourism.
HB 654, relative to surety required on construction loans.
HB 670-FN, relative to the cost of prescription drugs.
HB 692-FN, relative to dental care for Medicaid recipients.
HB 730-FN-A, relative to funding for the CART program.
HB 740, exempting certain mortgages from the law regarding licensing of nondepository mortgage bankers, brokers, and servicers.

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.