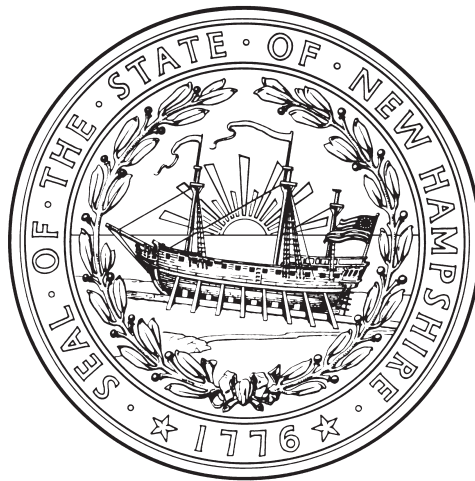


May 15, 2019
Nos. 15-16

STATE OF NEW HAMPSHIRE

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



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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MAY 2, 2019 SESSION
COMMENCEMENT – MAY 15, 2019 SESSION**

SENATE JOURNAL 15 *(continued)*

May 2, 2019

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 6-FN-A-LOCAL, relative to child protection staffing and making an appropriation therefor.

SB 11-FN-A, relative to mental health services and making appropriations therefor.

SB 28, (New Title) relative to an active retirement system member appointment to the independent investment committee.

SB 29, establishing a commission to study incidents of workplace violence against state employees.

SB 40-FN, relative to online driver education.

SB 50, relative to testing to determine alcohol concentration.

SB 55, authorizing the Harris Center for Conservation Education to issue decals for multi-use decal plates.

SB 62, relative to temporary layoffs of certain seasonal workers and establishing a commission to study school bus driver background checks.

SB 109-FN, relative to paid details by personnel of the division of fire safety.

SB 112, (New Title) establishing a committee to study procedures governing the hiring and payment of bail bondsmen and bail commissioners.

SB 126, relative to competency evaluations for certain court proceedings.

SB 129, relative to misdemeanor cases filed in superior court.

SB 136, relative to classification of students for tuition purposes in the university system.

SB 139, establishing a committee to study options for lowering student debt.

SB 151-FN, establishing an administrative hearing procedure and penalty for an employer who fails to make payment of wages or who fails to secure workers' compensation coverage.

SB 219, relative to the disposal of highway or turnpike funded real estate.

SB 239-FN, relative to implementation of the blue alert system in New Hampshire.

SB 298-FN, relative to summoning out-of-state witnesses in criminal cases.

SB 299-FN, requiring good behavior as a condition for release without arrest or bail.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 4, relative to the group and individual health insurance market.

SB 20, relative to notification requirements for employees, workplace inspections, and the youth employment law.

SB 21, relative to notice to cut timber.

SB 24, relative to New Hampshire's regional greenhouse gas initiative program.

SB 38, naming a bridge in Tamworth in honor of David Bowles.

SB 72, relative to issuance of renewable energy certificates.

SB 76, relative to the prohibition of offshore oil and natural gas exploration.

SB 78, relative to public utility customer data.

SB 132, naming a lake in Meredith as Lake Wicwas.

SB 137, relative to the certification of school nurses.

SB 145, relative to the organization of alternative treatment centers.

SB 146-FN, relative to eliminating the waiting period before eligibility to receive unemployment benefits.

SB 147, relative to adoption of the Uniform Fiduciary Access to Digital Assets Act.

SB 174, proclaiming an annual observance of Juneteenth.

SB 183-FN, relative to salaries of certain circuit court judges.

SB 189-FN, relative to the insurance premium tax.

SB 217, marking the Lafayette Trail in New Hampshire.

SB 271-FN-LOCAL, relative to requiring prevailing wages on state-funded public works projects.

SB 275-FN, requiring that all of the state's motor vehicles will be zero emissions vehicles by the year 2039.

SB 297-FN, extending the deadline for arraignments.

SB 314-FN, relative to release of a defendant pending trial.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 52-FN, (New Title) requiring the department of transportation to install a traffic light in the town of Conway.
SB 114, establishing a committee to study state oversight and regulation of life coaches.
SB 221, establishing a commission to study highway fund revenue for hybrid and electric vehicles.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 144, requiring the lottery commission to notify the department of education about revenue.
SB 160, (New Title) relative to swimming and non-motorized boating at public boat access areas.
SB 201, requiring the department of transportation and the fish and game department to develop a plan for the construction of a ramp, dock, and parking at Great Bay Waters at Hilton Park in Dover.
SB 249-FN, including the legislature as a public employer under the public employee labor relations act.
SB 254-FN-A, appropriating funds to the department of environmental services for the purpose of funding eligible wastewater projects under the state aid grant program.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

SB 77-FN, relative to costs of care for animals seized in cruelty cases and prohibiting the future ownership of animals in certain animal cruelty cases.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bill sent down from the Senate and has indefinitely postponed the Bill:

SB 310-FN-A-LOCAL, relative to casino gambling.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 140, establishing a commission to study the licensing of drivers from foreign countries.
HB 171, (New Title) establishing a commission to study equal access and opportunity for students with disabilities to participate in cocurricular activities.
HB 196, relative to proof of residency for fish and game purposes.
HB 320-FN, (New Title) relative to organizations authorized to issue decals for multi-use decal number plates.
HB 338, relative to rebates under the law governing unfair insurance practices.
HB 350, (New Title) relative to licensed health care providers authorized to certify that criteria has been met for the use of therapeutic cannabis.
HB 356, relative to the retention of certain reports by institutions of higher learning.
HB 365, relative to net energy metering limits for customer generators.
HB 396-FN-LOCAL, relative to delay or denial of records under the right-to-know law.
HB 463-FN, (Second New Title) relative to licensure of advanced pharmacy technicians.
HB 572, proclaiming the second Saturday in June as Pollyanna of Littleton New Hampshire Recognition Day.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 286-LOCAL, relative to free inspection of records under the right-to-know law.
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 457-FN, (New Title) establishing a committee to study the making, preservation, and Internet availability of audio and video recordings of proceedings of committees of the house of representatives.

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

May 7, 2019
2019-1828-EBA
11/04

Enrolled Bill Amendment to HB 119

The Committee on Enrolled Bills to which was referred HB 119

AN ACT relative to training requirements for electrologists.

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 119

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 119

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

XX. Training requirements for the use of intense pulsed light hair removal.

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

May 9, 2019
2019-1882-EBA
08/01

Enrolled Bill Amendment to HB 312

The Committee on Enrolled Bills to which was referred HB 312

AN ACT establishing a committee to study tiny houses.

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 312

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 312

Amend section 3 of the bill by replacing line 2 with the following:

houses suitable for year-round occupancy, including both tiny houses on permanent foundations and

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

May 8, 2019
2019-1871-EBA
05/04

Enrolled Bill Amendment to HB 365

The Committee on Enrolled Bills to which was referred HB 365

AN ACT relative to net energy metering limits for customer generators.

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 365

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 365

Amend RSA 362-A:9, VII(c) as inserted by section 3 of the bill by replacing line 3 with the following:

a generator with ISO New England, is not considered a “Network Resource” or “Asset” by ISO

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

May 1, 2019
2019-1758-EBA
06/04

Enrolled Bill Amendment to HB 648-FN

The Committee on Enrolled Bills to which was referred HB 648-FN

AN ACT defining and regulating service entities.

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 648-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 648-FN

Amend RSA 383-A:2-201(a)(48-a) as inserted by section 2 of the bill by replacing line 4 with the following:
organization” and “service corporation.”

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

May 8, 2019
2019-1868-EBA
10/05

Enrolled Bill Amendment to HB 654

The Committee on Enrolled Bills to which was referred HB 654

AN ACT relative to surety required on construction loans.

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 654

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 654

Amend RSA 204-C:10 as inserted by section 1 of the bill by replacing line 4 with the following:

letter of credit arrangement supervised by the authority, ***or any other surety sufficient*** to assure

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

May 1, 2019
2019-1779-EBA
11/05

Enrolled Bill Amendment to HB 700

The Committee on Enrolled Bills to which was referred HB 700

AN ACT relative to valuation of utility company assets for local property taxation.

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 700

This enrolled bill amendment corrects subparagraph references.

Enrolled Bill Amendment to HB 700

Amend RSA 72:8-d, VI(a)(5) as inserted by section 2 of the bill by replacing line 1 with the following:

(5) For each of the years in subparagraphs (a)(1) through (4), all utility company

Amend RSA 72:8-d, VI(a)(5) as inserted by section 2 of the bill by replacing line 4 with the following:

property tax year. For each of the years in subparagraphs (a)(1) through (4), all utility company

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 225, relative to the National Guard Scholarship Fund.

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

HB 337, relative to property and casualty insurance.

HB 357, relative to the public school infrastructure fund.

HB 475, establishing a shoreland septic system study commission.

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

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

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

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

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

HB 123, relative to emergency response plans in schools.

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

HB 148, relative to electric bicycles.

HB 223, relative to night work.

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

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

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

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

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

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

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

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

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

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

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

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

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

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:

SB 6-FN-A-LOCAL, relative to child protection staffing and making an appropriation therefor.

SB 11-FN-A, relative to mental health services and making appropriations therefor.

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 16

May 15, 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.

Lord God, we give you thanks for this new day. We're grateful that your mercies are new every morning. Grant our Senators wisdom and knowledge from above and let them lead with compassion and grace. Let the celestial spark which lives in humanity, known as our conscience, stay brightly glowing as a guide to informed decisions. As laws are debated for our diverse and glorious state, let your divine law be considered, which is a lamp unto our feet. God, we ask for your blessing on the families of our Senators, for the staff, who have equally sacrificed as men and women have given themselves in the service to New Hampshire. Today let your peace flood our hearts and your joy fill our souls. Amen.

Senator Feltes led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Senator Sherman introduced students from Cornerstone Montessori School in Stratham, visiting in the gallery.

Senator D'Allesandro introduced students from Bakersville Elementary School in Manchester, visiting in the gallery.

(The Chair recognized Senator Chandley.)

SENATOR CHANDLEY: Thank you, Madam President. From Merrimack, New Hampshire I would like to introduce Tim Guidish. I met Tim because he does a lot of advocacy work for people with cystic fibrosis, and I would like to welcome him to the New Hampshire Senate. Thanks.

(The Chair recognized Senator Levesque.)

SENATOR LEVESQUE: Yes, thank you, Madam President. I would like to introduce Lily Dougherty from Nashua and Nancy Fortin from Brookline. Hi Ladies! They are Seniors at Derryfield High School and they're interning with the Kent Street Coalition.

INTRODUCTION OF PAGES

Senator Levesque introduced Juliet R. Viola from Hollis-Brookline High School, serving as Senate Page for the day.

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

PRESENTATION

PRESIDENT SOUCY: Senator Bradley, would you please join me, and would Mrs. D'Allesandro please join me, as well.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Madam President. It is really an honor to be here and think about what we all mean as colleagues and this opportunity to salute— some people call him the Dean, he calls himself the Lion, I just call him Captain. I think you remember a couple of months ago a magazine showed up in all of our mail boxes honoring Captain Lou as the incoming Chair of the Council of State Governments; and so, we have something to give you, Captain, if you'd come up here, and you get to open it.

SENATOR D'ALLESANDRO: Thank you. Thank you. There's nothing, really, else I can say is thank you. Life's been great. I've had the wonderful, wonderful, wonderful experience of being with my wife for fifty-eight years of marriage, and we started in college as Freshman; and just thank you, Jeb. It's good to have her here today with my colleagues, and as Senator Watters says, "colleagues, colleagues," and so thank you. Thank you.

PRESIDENT SOUCY: A good way to start off a great American day, Senator D'Allesandro.

CONSENT CALENDAR REPORTS REMOVED

COMMERCE

HB 272, by Senator Cavanaugh

HB 703-FN, by Senator Sherman

SPECIAL ORDER

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 280, designating the red-tailed hawk as the state raptor.

SPECIAL ORDER

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

COMMERCE

HB 272, relative to temporary workers.

EDUCATION AND WORKFORCE DEVELOPMENT

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

HB 631, establishing a deaf child's bill of rights and an advisory council on the education of deaf children.

FN REPORT FOR MAY 15, 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 536-FN, adding biometric information to the consumer protection act.

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

HB 725-FN, relative to certain standards for managed care organizations.

ENERGY AND NATURAL RESOURCES

HB 568, relative to the New Hampshire energy strategy.

HB 715-FN, relative to electrical energy storage.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

REGULAR CALENDAR:

COMMERCE

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

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

EDUCATION AND WORKFORCE DEVELOPMENT

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

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 539-FN, establishing a committee to study the implementation of the One4All ballot in municipal elections.

ENERGY AND NATURAL RESOURCES

HB 476-FN, replacing the milk producers emergency relief fund with the dairy premium fund.

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

HB 614-FN, increasing penalties and fines for air pollution and water pollution.

HB 645-FN, establishing a dock registration procedure.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 121-FN, relative to the regulation of massage, reflexology, structural integrator and Asian bodywork therapy establishments.

JUDICIARY

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

TRANSPORTATION

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

HB 472-FN, relative to special number plates for certain veterans.

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

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

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

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

WAYS AND MEANS

HB 292-FN, relative to including brokers fees in the calculation of the insurance premium tax.

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

HB 595-FN, relative to the administration of the tobacco tax.

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

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 710-FN, relative to adoption of state building code and fire code amendments.

REGULAR CALENDAR:

EDUCATION AND WORKFORCE DEVELOPMENT

HB 689-FN-A, establishing a student career and college investment program and making an appropriation therefor.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

WAYS AND MEANS

HB 480-FN, relative to sports betting.

Without objection, the FN Report is adopted.

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 536-FN, adding biometric information to the consumer protection act.

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

This bill prohibits businesses from using, disclosing, or retaining biometric information about an individual. The committee heard from multiple stakeholders who agreed on the intent of the bill but felt that there were issues with the proposed language and potential application. Because of this, the committee feels that the bill needs more time to be assessed and potentially altered.

HB 725-FN, relative to certain standards for managed care organizations.

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

This bill establishes certain credentialing standards and claims quality assurance standards for managed care organizations for the purposes of the Medicaid program. The committee feels that this bill will provide better assistance to both the providers and the patients and increase the overall health and viability of our Medicaid population.

ENERGY AND NATURAL RESOURCES

HB 228, extending the commission to study the current statutes related to management of non-tidal public waterways and the construction or placement of structures within them.

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

HB 228, as amended, does three things for the Commission to Study the Effectiveness of the Current Statutes Related to Management of Non-tidal Public Waterways and the Construction or Placement of Structures within them. First, the amendment replaces a member with a public member representing recreational boating interests appointed by the Governor. Second, the amendment corrects chaptered law to change the Commission's repeal date to November 30th, 2020 to align with the new final reporting date. Third, the bill includes a quorum requirement of eight members to give the Commission greater flexibility to complete its study. HB 228 as amended also includes language that changes the appointing body for local river management advisory committee members from the Commissioner of the NH Department of Environmental Services to the rivers management advisory committee to relieve an administrative burden.

Energy and Natural Resources

May 9, 2019

2019-1880s

05/10

Amendment to HB 228

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

AN ACT extending the commission to study the current statutes related to management of non-tidal public waterways and the construction or placement of structures within them and relative to the New Hampshire rivers management and protection program.

Amend the bill by replacing section 1 with the following:

1 Commission to Study the Effectiveness of the Current Statutes Related to Management of Non-tidal Public Waterways and the Construction or Placement of Structures Within Them; Membership. RSA 482-A:35, II(o) is repealed and reenacted to read as follows:

(o) A public member representing recreational boating interests, appointed by the governor.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:

3 Structures on Non-tidal Public Waterways Commission; Repeal Date Extended. Amend 2018, 95:3, I to read as follows:

I. Section 2 of this act shall take effect November 30, [2019] **2020**.

4 Local River Management Advisory Committees; Appointment by the Rivers Management Advisory Committee. Amend RSA 483:8-a, I and II to read as follows:

I. The [commissioner] **advisory committee** shall appoint a local river management advisory committee for each designated river or segment. Committee members shall be chosen from lists of nominees submitted by the local governing bodies of the municipalities through which the designated river or segment flows. All members of such committees shall be New Hampshire residents.

II. Each committee shall be composed of at least 3 members who represent a broad range of interests in the vicinity of the designated river or segment. These interests shall include, but not be limited to, local government, business, conservation interests, recreation, agriculture, and riparian landowners. If an interest is not represented by the local governing bodies' nominations, the [commissioner] **advisory committee** may appoint a member from the vicinity of the designated river or segment, to the local river management advisory committee who will represent that interest. County commissioners shall be permitted to nominate members to the local river management advisory committee in unincorporated towns or unorganized places. Upon the request of the committee, local governing bodies or county commissioners within tributary drainage areas may submit nominees for appointment. Each member shall serve a term of 3 years, except when the committee is first established. When the committee is first established the [commissioner] **advisory committee** shall appoint members to one, 2, or 3 year terms to create staggered terms.

2019-1880s

AMENDED ANALYSIS

This bill:

I. Extends the commission established in RSA 482-A:35 to study the effectiveness of the current statutes related to management of non-tidal public waterways and the construction or placement of structures within them, revises appointment criteria for a member of the commission, and establishes a quorum.

II. Changes the appointing body for local river management advisory committee members from the commissioner of the department of environmental services to the rivers management advisory committee.

HB 281, relative to flow devices designed to control beaver damming and minimize the risk of flooding behind an existing beaver dam.

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

HB 281, also known as the beaver deceiver bill, allows for the installation of flow devices to discourage beaver damming and to minimize the risk of flooding behind an existing beaver dam. In certain cases around the state, beavers have built dams around a culvert that results in the flooding of roads or other important areas. HB 281 would allow a landowner, a landowner's agent, or a town or municipal or state official to install one or more flow devices on property under their control. That landowner or property owner would be responsible for maintaining that flow device. The bill also clarifies that flow devices can be installed without a permit under RSA 482-A.

HB 568, relative to the New Hampshire energy strategy.

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

This bill requires the energy strategy of the state to include consideration of the effects of climate change. While climate change is an important concern that should be considered, the committee felt the bill required further review as the Office of Strategic Initiatives may require outside technical assistance to determine the costs and effects of climate change.

HB 715-FN, relative to electrical energy storage.

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

This bill establishes target goals for energy storage capacity. This bill also requires the Public Utilities Commission to adopt rules or undertake proceedings to achieve the target goals. While there are strong merits for advancing energy storage policies, the technology for these systems is still emerging. The Federal Energy Regulatory Commission, as well as the Independent System Operator of New England, or ISO-NE, have been trying to find ways to reduce regulatory barriers for energy storage systems and to value them appropriately within competitive markets. Other states are grappling with the best path forward for policies regulating energy storage systems. The committee believed it prudent to step back and review the marketplace and other federal and state policies before establishing target goals for energy storage capacity.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 112, relative to the mechanical licensing board.

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

This was a request of the Mechanical Licensing Board to clarify the statute. As amended, it clarifies the definitions of persons licensed by the Mechanical Licensing Board, requires business entities to show proof of good standing and insurance, and provides for exceptions from licensure for persons performing certain electrical work.

Senate Executive Departments and Administration

May 1, 2019

2019-1774s

10/05

Amendment to HB 112

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 6:

4 New Paragraph; Mechanical Licensing; Exception; Electricians. Amend RSA 153:36 by inserting after paragraph VIII the following new paragraph:

IX. Any person licensed under RSA 319-C may perform work governed by their license on a gas appliance, including the operation of the appliance service gas shut off valve.

5 New Paragraph; Electricians; Exception Added. Amend RSA 319-C:3 by inserting after paragraph XII the following new paragraph:

XIII. Any person licensed under RSA 153:27 through 153:38 performing work governed by their license on electrical equipment, including the operation of the final disconnecting means at the equipment or appliance.

2019-1774s

AMENDED ANALYSIS

This bill clarifies the definitions of persons licensed by the mechanical licensing board, requires business entities to show proof of good standing and insurance, and provides for exceptions from licensure for persons performing certain electrical work.

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

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

This bill would require the licensure and inspection of tattooing, body piercing, or branding establishments, massage establishments, and reflexology, structural integration, or Asian bodywork therapy establishments. It would also clarify the regulation of body art practitioners by the Office of Professional Licensure and Certification. The Committee plans to examine this issue through HB121-FN, which addresses similar matters.

HB 127, relative to the board of medicine and the medical review subcommittee.

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

As amended this bill clarifies the service of the medical director on the Board of Medicine and the employment of the Medical Review Subcommittee investigator and requires certain health care professionals to complete a survey or an opt-out form for collecting data on the primary care workforce. Enacting this bill brings the statute in line with current practice and implements an opt-out form to increase participation in this important health care workforce survey.

Senate Executive Departments and Administration
 May 1, 2019
 2019-1775s
 10/05

Amendment to HB 127

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

AN ACT relative to the board of medicine and the medical review subcommittee and relative to health care workforce survey data.

Amend the bill by replacing all after section 2 with the following:

3 Commissioner of Health and Human Services; State Office of Rural Health. Amend RSA 126-A:5, XVIII-a(a) to read as follows:

XVIII-a.(a) The state office of rural health (SORH) established in paragraph XVIII ~~may~~ **shall** receive and collect data regarding surveys completed by participating licensees pursuant to RSA 317-A:12-a, RSA 318:5-b, RSA 326-B:9-a, RSA 328-D:10-a, RSA 328-F:11-a, RSA 329:9-f, RSA 329-B:10-a, RSA 330-A:10-a, and RSA 330-C:9-a.

4 Commissioner of Health and Human Services; State Office of Rural Health. Amend RSA 126-A:5, XVIII-a(e) to read as follows:

(e) On or before ~~[November 1, 2017]~~ **December 1, 2019**, and annually thereafter, the SORH shall make a written report to the speaker of the house of representatives, the senate president, the governor, the oversight committee on health and human services established under RSA 126-A:13, the chairs of the house and senate executive departments and administration committees, the chairs of the house and senate policy committee having jurisdiction over health and human services, and the commission on primary care workforce issues established by RSA 126-T:1. The report shall include, but not be limited to, aggregate data and information on current and projected primary workforce needs and the participation rate on surveys completed pursuant to this paragraph. This report shall be incorporated into the report required pursuant to RSA 126-A:5, XVIII(c).

5 Dentists and Dentistry; Examinations and Licensing. Amend RSA 317-A:12-a to read as follows:

317-A:12-a Completion of Survey; Rulemaking. The board ~~may~~ **shall** adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey **or opt-out form** provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. ~~[Participation in the survey under this section shall not be a condition of licensure.]~~

6 Pharmacists and Pharmacies; Completion of Survey. Amend RSA 318:5-b to read as follows:

318:5-b Completion of Survey; Rulemaking. The board ~~may~~ **shall** adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey **or opt-out form** provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. ~~[Participation in the survey under this section shall not be a condition of licensure.]~~

7 Nurse Practice Act; Completion of Survey. Amend RSA 326-B:9-a to read as follows:

326-B:9-a Completion of Survey; Rulemaking.

I. The board ~~may~~ **shall** adopt rules, pursuant to RSA 541-A, for APRNs only requiring, as part of the license renewal process, completion by licensees of a survey **or opt-out form** provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. ~~[Participation in the survey under this paragraph shall not be a condition of licensure.]~~

II. The board [may] **shall** adopt rules, pursuant to RSA 541-A, for RNs and LPNs only requiring, as part of the license renewal process, completion by licensees of a survey **or opt-out form** provided by the National Council of State Boards of Nursing regarding minimum data sets. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. ~~[Participation in the survey under this paragraph shall not be a condition of licensure.]~~

8 Physician Assistant; Completion of Survey. Amend RSA 328-D:10-a to read as follows:

328-D:10-a Completion of Survey; Rulemaking. The board [may] **shall** adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey **or opt-out form** provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. ~~[Participation in the survey under this section shall not be a condition of licensure.]~~

9 Allied Health Professionals; Completion of Survey. Amend RSA 328-F:11-a to read as follows:

328-F:11-a Completion of Survey; Rulemaking. The board [may] **shall** adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey **or opt-out form** provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. ~~[Participation in the survey under this section shall not be a condition of licensure.]~~

10 Physicians and Surgeons; Completion of Survey. Amend RSA 329:9-f to read as follows:

329:9-f Completion of Survey; Rulemaking. The board [may] **shall** adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey **or opt-out form** provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. ~~[Participation in the survey under this section shall not be a condition of licensure.]~~

11 Psychologists; Completion of Survey. Amend RSA 329-B:10-a to read as follows:

329-B:10-a Completion of Survey; Rulemaking. The board [may] **shall** adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey **or opt-out form** provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. ~~[Participation in the survey under this section shall not be a condition of licensure.]~~

12 Mental Health Practice; Completion of Survey. Amend RSA 330-A:10-a to read as follows:

330-A:10-a Completion of Survey; Rulemaking. The board [may] **shall** adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey **or opt-out form** provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. ~~[Participation in the survey under this section shall not be a condition of licensure.]~~

13 Alcohol and Other Drug Use Professionals; Completion of Survey. Amend RSA 330-C:9-a to read as follows:

330-C:9-a Completion of Survey; Rulemaking. The board [may] **shall** adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey **or opt-out form** provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in

RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. ~~[Participation in the survey under this section shall not be a condition of licensure.]~~

14 Effective Date.

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

II. The remainder of this act shall take effect July 1, 2019.

2019-1775s

AMENDED ANALYSIS

This bill clarifies the service of the medical director on the board of medicine and the employment of the medical review subcommittee investigator. The bill also requires certain health care professionals to complete a survey or an opt-out form for collecting data on the primary care workforce.

HB 138, relative to rules pertaining to marine species managed under the Magnusson-Stevens Fishery Conservation and Management Act.

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

This bill exempts from rulemaking requirements those Fish and Game rules governing marine species managed under the Magnusson-Stevens Fishery Conservation and Management Act. The state has jurisdiction from zero to three miles off the coast, while three miles and beyond is under federal jurisdiction. This will allow the Department to adopt rules that better conform to federal rulemaking and make it easier for the state to give guidance to commercial and recreational fisherman coming into state waters.

HB 244, repealing the moorings appeals board.

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

This bill repeals the Moorings Appeals Board and provides for appeals to mooring decisions to be made directly to the commissioner of the Department of Safety. Since the Moorings Appeals Board has not taken up an appeal in the last fifteen years, it is appropriate to move this process to of the Commissioner's Office.

HB 520, relative to availability of diaper changing stations in public restrooms.

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

This bill would require certain places of public accommodation to install and maintain at least one diaper changing station that is accessible to all genders when the facility is open to the public. The State Building Code Review Board will be taking this matter up at an upcoming meeting and therefore, the Committee recommends re-referring the bill to allow them the opportunity to address this issue.

HB 562, relative to the state building code.

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

As amended, this bill updates the definition of the state building code to include the 2015 editions of the International Building Code, the International Existing Building Code, the International Plumbing Code, the International Mechanical Code, the International Energy Conservation Code, and the International Residential Code. In addition, it adds the International Swimming Pool and Spa Code to the definition of the state building code. It will ratify certain amendments to the state building code adopted by the State Building Code Review Board. This updates New Hampshire's building codes from 2009 to the 2015, a step vital for the continued economic vitality of the state.

Senate Executive Departments and Administration

May 1, 2019

2019-1777s

05/10

Amendment to HB 562

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 State Building Code; Ratification of Amendment by the State Building Code Review Board. Pursuant to RSA 155-A:10, V, the general court hereby ratifies the following amendment to the state building code: Exhibit RE-15-45-19, adopted by the state building code review board on April 29, 2019, pursuant to administrative rules Bcr 300. The general court does not ratify state building code review board Exhibits RE-15-35-18 and RE-15-36-18, which exhibits, notwithstanding the 2-year period in RSA 155-A:10, V, shall not take effect.

2019-1777s

AMENDED ANALYSIS

This bill:

I. Updates the definition of the state building code to include the 2015 editions of the International Building Code, the International Existing Building Code, the International Plumbing Code, the International Mechanical Code, the International Energy Conservation Code, and the International Residential Code.

II. Adds the International Swimming Pool and Spa Code to the definition of the state building code.

III. Ratifies certain amendments to the state building code adopted by the state building code review board.

HB 710-FN, relative to adoption of state building code and fire code amendments.

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

As amended this bill provides for the appointment of alternative members of the State Building Code Review Board, revises the procedure for amendment to the state building code, requires the State Building Code Review Board to maintain a publicly accessible list of applicable building codes and amendments, and provides for an appeal to the State Building Code Review Board from decisions of a local building code board of appeals within 30 days. This is a procedural bill that will streamline the process for how the state deals with building code adoptions.

Senate Executive Departments and Administration

May 1, 2019

2019-1776s

05/10

Amendment to HB 710-FN

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Building Code Board of Appeals. Amend RSA 674:34 to read as follows:

674:34 Powers of Building Code Board of Appeals.

I. The building code board of appeals shall hear and decide appeals of orders, decisions, or determinations made by the building official or fire official relative to the application and interpretation of the state building code or state fire code as defined in RSA 155-A:1. An application for appeal shall be based on a claim that the true intent of the code or the rules adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of the state building code or the state fire code.

II. Appeals of decisions of any local building code board of appeals shall be made within 30 days of the board's decision to the state building code review board as outlined under RSA 155-A:10, IV(c).

HEALTH AND HUMAN SERVICES

HB 508, establishing a committee to study direct primary care.

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

HB 508 as amended specifies in statute that direct primary care is not an insurance product. By making this important clarification, the bill will remove statutory barriers that currently exist for patients who wish to utilize direct primary care. Direct primary care is an effective treatment option that is convenient for many patients in our state. For these reasons, the Senate Health and Human Services Committee supports the adoption of this bill as amended.

Health and Human Services

May 8, 2019

2019-1863s

01/05

Amendment to HB 508

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

AN ACT relative to direct primary care.

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

1 New Section; Direct Primary Care. Amend RSA 329 by inserting after section 1-d the following new section:
329:1-e Direct Primary Care.

I. In this section:

(a) "Direct primary care agreement" means a written agreement between a primary care provider and a patient, a patient's legal representative, or a patient's employer, which meets the requirements of paragraph II.

(b) "Primary care provider" means a health care provider licensed under RSA 329, RSA 326-B, or RSA 328-D, or a primary care group practice, who provides primary care services to patients.

(c) "Primary care services" mean medical services in family practice, general practice, internal medicine, pediatrics, obstetrics, or gynecology including the screening, assessment, diagnosis, and treatment of a patient conducted within the competency and training of the primary care provider for the purpose of promoting health or detecting and managing disease or injury.

II. Primary care services resulting from a primary care provider entering a direct primary care agreement is not insurance and the primary care provider shall not be subject to the requirements of RSA 415, RSA 420, or the jurisdiction of the commissioner when the following conditions are met:

(a) The agreement is in writing and signed by the primary care provider, or agent, and the individual patient or his or her legal representative.

(b) The agreement specifies the periodic fee required and any additional fees for services not covered by the periodic fee, and may allow the periodic fee and any additional fees to be paid by a third party.

(c) The agreement describes the health care services that are covered by the periodic fee.

(d) The agreement describes the duration of the agreement and any automatic renewal periods.

(e) The agreement allows either party to terminate the agreement in writing, without penalty or payment of a termination fee, at any time or after notice as specified in the agreement which shall not exceed 90 days.

(f) The agreement prominently states that the agreement is not health insurance and the primary care provider will not file any claims against the patient's health insurance policy or plan for reimbursement of any primary care services covered by the agreement.

(g) The agreement prominently states that the agreement is not workers' compensation insurance and does not replace an employer's obligations under RSA 281-A.

III. The direct primary care practice shall not decline to accept new direct primary care patients solely because of the patient's health status. A direct primary care practice may decline to accept a patient for cause, including, but not limited to:

(a) The practice has reached a maximum capacity;

(b) The patient has previously contracted for services for which they have not paid; or

(c) The patient's medical condition is such that the provider is unable to provide the appropriate type of primary care services.

IV. If the direct primary care practice provides the patient with notice and opportunity to obtain care from another physician, the direct primary care practice may discontinue care for a patient for cause, including, but not limited to:

(a) The patient fails to pay the periodic fee.

(b) The patient has performed an act of fraud.

(c) The patient repeatedly fails to adhere to the recommended treatment plan.

(d) The patient is abusive and presents an emotional or physical danger to the staff or other patients of the direct practice.

(e) The primary care provider discontinues operation as a direct primary care practice.

V. A direct primary care agreement may authorize a primary care provider to serve as a patient's authorized representative and as a claimant's representative as defined in RSA 420-J:3 and participate in grievance procedures under RSA 420-J:5 and request external review under RSA 420-J:5-a, 420-J:5-b, and 420-J:5-c.

2 New Subparagraph; Discount Medical Plan Organizations; Direct Primary Care Plan. Amend RSA 415-I:3, III by inserting after subparagraph (c) the following new subparagraph:

(d) A plan that provides direct primary care meeting the requirements of RSA 329:1-e.

3 Discount Medical Plan Organizations; Definitions; Direct Primary Care. Amend RSA 415-I:3, IV to read as follows:

IV. "Discount medical plan organization" means an entity that, in exchange for fees, dues, charges, or other consideration, provides access for discount medical plan members to providers of medical or ancillary services and the right to receive medical or ancillary services from those providers at a discount. "Discount medical plan organization" is the organization that contracts with providers, provider networks, or other discount medical plan organizations to offer access to medical or ancillary services at a discount and determines the charge to discount medical plan members. "Discount medical plan organization" does not include a provider that offers discounts to its own patients without any cost or fee of any kind to the patient. ***"Discount medical plan organization" shall not include providers of direct primary care meeting the requirements of RSA 329:1-e.***

4 Prohibition of Exclusive Arrangement With Managed Care Insurers. Amend RSA 420-I:1, III to read as follows:

III. "Managed care" means any arrangement for the provision of physician services which is characterized by some measure of risk-sharing through capitated or other shared-risk compensation formulae, and which are characterized by the establishment and maintenance of a provider network available to subscribers or participants, and which provides incentives for subscribers or participants to use that network for covered services, and which ordinarily limit coverage or the extent of such coverage to physician services provided by that network. "Managed care" shall include any managed care products or services or similar products including but not limited to those governed by RSA 415, RSA 419, RSA 420, RSA 420-A, RSA 420-B, and RSA 420-C. ***"Managed care" shall not include direct primary care services which meet the requirements of RSA 329:1-e.***

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

2019-1863s

AMENDED ANALYSIS

This bill declares that primary care providers providing direct primary care pursuant to a primary care agreement are not subject to the insurance laws, provided that certain conditions are met.

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

REGULAR CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 280, designating the red-tailed hawk as the state raptor.

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

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

May 14, 2019

2019-1947s

04/08

Floor Amendment to HB 280

Amend the bill by replacing section 2 with the following:

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

The question is on the adoption of the 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 Giuda, seconded by Senator Sherman.

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.

Recess. Out of recess.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Sherman.)

SENATOR SHERMAN: Thank you, Madam President. In honor of these amazing young adults and their teacher, I have a resolution for each of them; and I'll read the resolution: "In recognition of: their tenacity and persistence in getting HB 280, designating the red-tailed hawk as the state raptor, to pass through the NH State Legislature and succeeding in their 'Second Try to Live Free & Fly.'" I recognize them, and I thank them for their persistence.

COMMERCE

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

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

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

Senator Kahn is in opposition to the motion of Inexpedient to Legislate on HB 558-FN.

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

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

Recess. Out of recess.

INTRODUCTION OF GUESTS

Senator Rosenwald introduced students from World Academy in Nashua, visiting in the gallery.

Senator Sherman introduced students from Conerstone Montessori School in Stratham, visiting in the gallery.

SPECIAL ORDER

Without objection, the following bill is special ordered to when Senators return from House hearings. Adopted.

COMMERCE

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

EDUCATION AND WORKFORCE DEVELOPMENT

HB 149, relative to the apportionment of costs in cooperative school districts.

Inexpedient to Legislate, Vote 4-0. Senator Dietsch for the committee.

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

HB 258, establishing a committee to study teacher preparation and education programs.

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

Education and Workforce Development

May 7, 2019

2019-1836s

06/08

Amendment to HB 258

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

AN ACT establishing a commission to study teacher preparation and education programs.

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

1 New Section; Commission to Study Teacher Preparation and Education Programs. Amend RSA 190 by inserting after section 7 the following new section:

190:8 Commission Established.

I. There is established a commission to study New Hampshire teacher preparation and education programs.

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

- (a) Two 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) Two representatives of the university system of New Hampshire, appointed by the chancellor.
- (d) Two representatives of private institutions of higher education, appointed by the chairperson of the council for teacher education.
- (e) One teacher currently employed in a New Hampshire public school, appointed by the governor.
- (f) One representative of the New Hampshire School Board Association, appointed by the association.
- (g) One representative of NEA-NH, appointed by the association.
- (h) One representative of the American Federation of Teachers, appointed by the federation.
- (i) One representative of the New Hampshire Association of School Principals, appointed by the association.
- (j) One representative of the New Hampshire School Administrators Association, appointed by the association.
- (k) One representative of the council for teacher education, appointed by the council.
- (l) One representative of the Institutions of Higher Education Network, appointed by the president of the network.

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

IV. The commission may solicit input from individuals and state and national organizations with information or expertise relevant to the commission's objective. The commission shall:

- (a) Study New Hampshire teacher preparation and education programs that prepare teachers for careers in education in New Hampshire.
- (b) Specifically study the features of teacher preparation and education programs, including but not limited to recruitment and admission standards; teacher preparation and education courses; requirements for student teaching including internships, externships, and residencies; professional standards; salaries; certification and continuing education requirements; teacher absenteeism; and retention.
- (c) Review research based practices and the status of their implementation within programs such as competency based learning, project based learning, and assessment measures such as performance assessment of competency education (PACE).
- (d) Review the status of current laws and rules that govern such programs at the state and federal level.
- (e) Review the areas of critical need for teachers and make recommendations.
- (f) Review challenges and impediments to attracting teachers to New Hampshire schools, such as the cost of higher education and the extensive debt accrued for those seeking to be teachers.
- (g) Consider and investigate international and national programs that have shown extraordinary results and identify the factors that contribute to such results.
- (h) Recommend changes to current legislation and rules.

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

VI. The commission shall report its findings and any recommendations for proposed legislation to the house and senate education committees, the council for teacher education and the department of education for comments, and shall report 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.

2 Repeal. RSA 190:8, relative to the commission to study teacher preparation and education programs, is repealed.

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.

2019-1836s

AMENDED ANALYSIS

This bill establishes a commission to study teacher preparation and education programs.

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

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

Sen. Birdsell, Dist 19

Sen. Bradley, Dist 3

May 14, 2019

2019-1975s

06/01

Floor Amendment to HB 258

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

AN ACT establishing a commission to study teacher preparation and education programs and establishing a commission to study co-parenting relationships.

Amend the bill by replacing all after section 2 with the following:

3 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 representative of the judicial branch family division, appointed by the administrative judge of the circuit court.

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

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

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

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

(g) 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. Five 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.

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

5 Effective Date.

I. Sections 2 and 4 of this act shall take effect November 1, 2020.

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

2019-1975s

AMENDED ANALYSIS

This bill establishes a commission to study teacher preparation and education programs.

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

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bill is special ordered to when Senators return from House hearings. Adopted.

EDUCATION AND WORKFORCE DEVELOPMENT

HB 258, establishing a commission to study teacher preparation and education programs.

HB 435, relative to certain terminology in the rulemaking authority of the department of education. Ought to Pass with Amendment, Vote 4-0. Senator Kahn for the committee.

Education and Workforce Development

May 7, 2019

2019-1837s

06/04

Amendment to HB 435

Amend RSA 21-N:9, II(cc) as inserted by section 1 of the bill by replacing it with the following:

(cc)(1) The establishment and enforcement of a code of [ethics] **conduct** for [certified] **licensed** educational personnel, which shall be adopted no later than July 1, 2018. This professional code shall include a statement of purpose and standards defining each of the 4 primary principles which are:

(A) Responsibility to the education profession and educational professionals.

(B) Responsibility to students.

(C) Responsibility to the school community.

(D) Responsible and ethical use of technology as it relates to students, schools, and other educational professionals.

(2) The professional code of [ethics] **conduct** shall apply to all teachers, [supervisors,] **specialists, and** administrators[, and other personnel licensed or seeking licensure in the education profession in the state of New Hampshire. In this subparagraph, "teacher" means a person who has applied for or holds a valid teaching license, credential, or other equivalent certificate issued by the state board of education] **who are licensed by the department.**

Amend RSA 186:11, X(e) as inserted by section 2 of the bill by replacing it with the following:

(e) Establishment and enforcement of a code of [ethics] **conduct** for [certified] **licensed** educational personnel as provided in RSA 21-N:9, II(cc).

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

Senator Kahn offered a Floor Amendment.

Sen. Kahn, Dist 10

May 15, 2019

2019-1988s

06/04

Floor Amendment to HB 435

Amend RSA 21-N:9, II(cc) as inserted by section 1 of the bill by replacing it with the following:

(cc)(1) The establishment and enforcement of a code of ethics **and a code of conduct** for [certified] **licensed or certified** educational personnel[, which shall be adopted no later than July 1, 2018]. [This] **These** professional [code] **codes** shall include a statement of purpose and standards defining each of the 4 primary principles which are:

(A) Responsibility to the education profession and educational professionals.

(B) Responsibility to students.

(C) Responsibility to the school community.

(D) Responsible and ethical use of technology as it relates to students, schools, and other educational professionals.

(2) The professional code of ethics **and the professional code of conduct** shall apply to all teachers, [supervisors,] **specialists, and** administrators[, and other personnel licensed or seeking licensure in the education profession in the state of New Hampshire. In this subparagraph, "teacher" means a person who has applied for or holds a valid teaching license, credential, or other equivalent certificate issued by the state board of education] **who are licensed or certified by the department**.

Amend RSA 186:11, X(e) as inserted by section 2 of the bill by replacing it with the following:

(e) Establishment and enforcement of a code of ethics **and a code of conduct** for [certified] **licensed or certified** educational personnel as provided in RSA 21-N:9, II(cc).

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

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

HB 447, relative to school calendar days.

Re-refer to Committee, Vote 3-1. Senator Kahn for the committee.

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

HB 489, relative to changing a pupil's school or assignment because of a manifest educational hardship.

Inexpedient to Legislate, Vote 4-0. Senator Dietsch for the committee.

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

HB 652, relative to suicide prevention.

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

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

COMMERCE

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

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

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

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

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

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

Senator Feltes moved Ought to Pass.

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15
May 15, 2019
2019-1986s
06/01

Floor Amendment to HB 560-FN

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

AN ACT relative to required reporting on waste reduction.

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

1 New Section; State Waste Reduction Goal; Town Annual Reporting. Amend RSA 149-M by inserting after section 23 the following new section:

149-M:23-a Minimum Plan Requirements; Town Annual Reporting.

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

(a) The weight of all solid waste collected by the town during the calendar year prior to the report.

(b) The weight of solid waste collected by the town that was diverted to recycling, composting, and reuse during the calendar year prior to the report.

(c) The weight of solid waste collected by the town for recycling that was sent to a landfill or incinerator during the calendar year prior to the report.

(d) A trend analysis comparing the data contained in subparagraphs (a) through (c) to the same data from every previous annual report.

(e) A description of programs including Pay-As-You-Throw programs that the town has implemented or is in the process of developing to achieve source reduction, recycling, reuse, and composting. In describing recycling programs in particular, towns shall specify whether:

(1) The town is implementing single-stream or multi-stream recycling;

(2) The town is paying or being paid to have materials taken to be recycled; and

(3) The town is sending materials collected for recycling to a landfill or incinerator.

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

III. Towns that are part of a solid waste management district may, at their discretion, rely on the district to provide the town's annual report, provided such report provides the data required by paragraph I for the town.

IV. A town shall not be required to report data for waste that is not collected by the town or received at the town's facility, or waste for which the town does not have the means to obtain weight information. If 2 or more towns share a facility, the information required under paragraph I may be reported on a combined basis.

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

2019-1986s

AMENDED ANALYSIS

This bill requires towns to report certain information to the department of environmental services relative to solid waste reduction.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

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

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

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

EDUCATION AND WORKFORCE DEVELOPMENT

HB 258, establishing a committee to study teacher preparation and education programs.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14
Sen. Birdsell, Dist 19
Sen. Bradley, Dist 3
May 14, 2019
2019-1975s
06/01

Floor Amendment to HB 258

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

AN ACT establishing a commission to study teacher preparation and education programs and establishing a commission to study co-parenting relationships.

Amend the bill by replacing all after section 2 with the following:

3 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 representative of the judicial branch family division, appointed by the administrative judge of the circuit court.

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

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

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

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

(g) 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. Five 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.

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

5 Effective Date.

I. Sections 2 and 4 of this act shall take effect November 1, 2020.

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

2019-1975s

AMENDED ANALYSIS

This bill establishes a commission to study teacher preparation and education programs.

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

The question is on the adoption of the Floor Amendment.

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

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

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

Roll Call, Yeas: 8 - Nays: 16. Failed.

MOTION OF RECONSIDERATION

Senator Feltes, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 258, establishing a commission to study teacher preparation and education programs.: the vote on Senator Carson's Floor Amendment 2019-1975s. Adopted.

The question is on the adoption of the Floor Amendment.

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

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

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

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

INTRODUCTION OF GUESTS

Senator Bradley introduced students from the Kennett High School Key Club in North Conway, visiting in the gallery.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19

Sen. Carson, Dist 14

Sen. Bradley, Dist 3

May 15, 2019

2019-1989s

06/08

Floor Amendment to HB 258

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

AN ACT establishing a commission to study teacher preparation and education programs, establishing a commission to study co-parenting relationships, and relative to anti-discrimination protection for students in public schools.

Amend the bill by replacing all after section 4 with the following:

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

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

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

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

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

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

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

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

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

6 Effective Date.

I. Sections 2 and 4 of this act shall take effect November 1, 2020.

II. Section 5 of this act shall take effect 60 days after its passage.

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

2019-1989s

AMENDED ANALYSIS

This bill:

I. Establishes a commission to study teacher preparation and education programs.

II. Establishes a commission to study co-parenting relationships.

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

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

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

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

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

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

HB 689-FN-A, establishing a student career and college investment program and making an appropriation therefor.

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

Education and Workforce Development

April 30, 2019

2019-1744s

04/06

Amendment to HB 689-FN-A

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

1 Findings. The general court finds that New Hampshire has a critical workforce shortage and supports the attainment of a postsecondary degree or high quality credential by 65 percent of the state's working age population by the year 2025. The projections of New Hampshire's demographic future are clear; declining numbers of high school graduates and a rapidly increasing proportion of that population are eligible for the free and reduced price lunch program. Students from families where no one has earned a college degree and/or that have low incomes have lower college attendance rates and lower college graduation rates. Moreover, such families have much higher reliance on government assistance programs. Purposeful intervention is required to break these cycles and create a culture of savings and investment, and attainment of postsecondary credentials. Student's savings accounts are a proven vehicle for achieving these goals.

2 New Subparagraph; Application of Receipts; Student Career and College Investment Program Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

(344) Moneys deposited in the student career and college investment program fund established in RSA 195-J:6.

3 Student Career and College Investment Program. RSA 195-J is repealed and reenacted to read as follows:

CHAPTER 195-J

STUDENT CAREER AND COLLEGE INVESTMENT PROGRAM

195-J:1 Definitions. In this chapter:

I. "Account provider" means an entity that has been procured by the state treasurer and approved by the governor and council to hold student accounts, based upon a finding that the entity is subject to sufficient governmental or regulatory oversight, and possesses suitable internal controls to ensure the safety and soundness of amounts held in student accounts.

II. "Commission" means the student career and college investment program commission established in RSA 195-J:7.

III. "Department" means department of education.

IV. "Eligible student" means a student who is a resident of this state, who is enrolled in the second grade in a public school or chartered public school in this state, and who complies with the requirements of RSA 195-J:3.

V. "Program" means the student career and college investment program.

VI. "Responsible individual" means a parent or legal guardian of an eligible student.

VII. "Student account" means an account established with an account provider on behalf of an eligible student in accordance with this chapter.

195-J:2 Program Established. There is hereby established the student career and college investment program. The purpose of the program is to increase opportunities for college and career success for all students, to encourage positive postsecondary education savings behavior for low and moderate income families, and to provide, in cooperation with the public schools, financial literacy education for all students and their parents.

195-J:3 Eligibility.

I. Beginning in the 2020-2021 academic year, a student shall be eligible to participate in the program upon completion of a financial literacy module based on standards and competencies approved by the department and offered at the student's school of attendance, in the second grade. If a financial literacy module is not offered at a student's school of attendance, the department shall provide alternate access to an approved financial literacy module. School districts shall maintain a record of each student who has completed a financial literacy module and shall provide that information to the department. The responsible individual shall grant permission for the department to transmit information and documentation evidencing completion of the financial literacy module to the account provider.

II. The responsible individual shall also grant permission to the department of education to collect educational, savings, and demographic data to evaluate the effectiveness of the program and disseminate the results in the form of aggregated data. No personally identifiable information shall be disseminated, collected, or retained in accordance with RSA 189:65-68.

III. Participation in the program pursuant to this chapter shall not result in the loss or suspension of any federally-funded state-administered income-sensitive benefits, assistance, or subsidies received by a family participating in the program or for which such family may qualify.

195-J:4 Establishment of Student Accounts.

I. Beginning in the 2020-2021 academic year, a responsible individual, on behalf of an eligible student, may establish a student account in the New Hampshire college tuition savings plan pursuant to RSA 195-H, that complies with the requirements of section 529 of the Internal Revenue Code of 1986, as amended, and any related federal law applicable to the plan with the eligible student listed as the beneficiary. The student account shall be established in the responsible individual's name and through the account provider. No funds shall be required to establish the student account. The department shall furnish the information necessary to establish the student account to the account provider.

II. Upon establishment of the student account and verification of eligibility of each student by the account provider, the commission shall transfer \$250 from the student career and college investment program fund to the account provider for deposit into the student account. The commission shall ensure the proper recordkeeping and reporting procedures regarding the status of student accounts, including records of beginning balances, contributions, earnings, bonuses, and matches earned by each program participant during the fiscal year.

III. When the principal balance of a student account reaches \$500, the commission shall transfer an amount, to be determined annually by the commission based on the availability of funds, to the account provider for deposit into the student account.

195-J:5 Administration.

I. The commission shall administer the program, in cooperation with the department of education and the higher education commission.

II. The commission may adopt rules, pursuant to RSA 541-A, relative to the development of financial literacy materials, promotion and marketing of the program, data collection and related research, privacy and reporting requirements related to the program.

III. The department shall adopt rules, pursuant to RSA 541-A, necessary to implement the commission's directives, including but not limited to administrative and clerical support and student eligibility for the program.

195-J:6 Student Career and College Investment Program Fund Established.

I. There is established the student career and college investment program fund which shall be nonlapsing and be kept separate and distinct from all other funds. The fund is established to meet the requirements of the program established in this chapter and shall be administered by the commission.

II. The fund shall consist of all moneys transferred pursuant to RSA 421-B:6-614 (b)(3), all moneys appropriated to the fund, all moneys received under state or federal law, and any gifts, grants, or donations to the state or to the commission by private parties for the purpose of establishing and administering the program.

III. The commission shall include requests for appropriations in the budget submitted pursuant to RSA 9:4.

IV. The commission may accept, budget, and expend moneys in the fund received from any party for the purposes established in this chapter, including expenses incurred by the department related to the hiring of a person directly, or on a contract basis to administer the program, plus any start-up and ongoing administrative expenses.

V. All moneys in the fund shall be continually appropriated to the commission.

VI. The commission shall establish separate accounts within the fund in order to segregate funds according to funding source.

195-J:7 Commission Established.

I. The student career and college investment program commission is hereby established to ensure the proper administration, management, and development of the program. The members of the commission shall be as follows:

(a) Two 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) The state treasurer, or designee.

(d) The director of the division of educator support and higher education, department of education, or designee.

(e) One member from a community philanthropic organization, appointed by the governor.

(f) One member from the New Hampshire Higher Education Assistance Foundation, appointed by the foundation.

(g) One member from New Futures, appointed by the president of the organization.

(h) One member from SPARK-NH, appointed by the chairperson of the organization.

(i) Three public members, nominated by the chairperson of the commission and confirmed by the governor.

II. The commission shall elect a chairperson from its membership, and any other officers it deems necessary. The terms of the elected members of the commission shall be coterminous with their terms in office; the terms of all other appointed members shall be 3 years. In the event of a vacancy, a new member shall be appointed for the unexpired term in the same manner as the original appointment. Seven members of the commission shall constitute a quorum.

III. Members of the commission shall serve without compensation, but shall be reimbursed for necessary travel and other necessary expenses. Legislative members shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The department of education shall provide administrative and clerical support to the commission as may be necessary.

V. The commission shall keep written records of all its proceedings.

VI. No member of the commission shall have any personal interest in the gains or profits of any investment made by the commission; nor shall any member of the commission, directly or indirectly, for such member or as an agent, in any manner use the same except to make such current and necessary payments as are authorized by the commission; nor shall any member of the commission become an endorser or surety, or in any manner an obligor, for money loaned to or borrowed from the commission.

VII. Members of the commission shall be held harmless from civil liability for any decisions made or services rendered under the provisions of this chapter.

195-J:8 Duties of the Commission. The commission shall:

I. Investigate methods for encouraging increased participation of families with young children, including those of low and moderate income, in the New Hampshire college tuition savings plan as defined in RSA 195-H and other children's savings plans.

II. Develop administrative and operational practices in cooperation with the department for staffing, structuring, managing, marketing, and funding mechanisms to sustain a statewide program and include clearly stated objectives, action plans, and evaluation procedures.

III. Establish record keeping and reporting procedures regarding the status of the program consistent with RSA 195-J:4.

195-J:9 Reports.

I.(a) The commission shall, as needed, issue requests for proposals to evaluate the status of the program.

(b) The commission shall consider and, if appropriate, give preference to proposals which best demonstrate experience in research relating to similar program outcomes.

(c) The final selection of the proposal shall be made by the commission.

II. At least annually, the commission shall make or cause to be made an annual report regarding the status of the program to the speaker of the house of representatives, the senate president, and the state library.

4 Uniform Securities Act; Fees. Amend RSA 421-B:6-614 (b)(3) to read as follows:

(3) Annual non-refundable registration fee for each class of an issuer of open end mutual funds, due on or before May 1 of each year, if required to register under RSA 421-B:3-301 [~~\$1,000~~] ***\$1,100, from which the secretary of state shall transfer \$100 to the student career and college investment program fund established in RSA 195-J:6.***

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

Recess. Out of recess.

Senator Feltes moved to Lay on the Table HB 689-FN-A. Adopted.

Recess. Out of recess.

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 128, establishing a committee to study veterans property tax credits and exemptions.

Ought to Pass, Vote 3-0. Senator Sherman for the committee.

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

HB 303, relative to certification of building code compliance inspectors.

Re-refer to Committee, Vote 3-0. Senator Gray for the committee.

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

HB 345, relative to certification of devices for the electronic counting of ballots.

Ought to Pass, Vote 3-1. Senator Morgan for the committee.

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6

May 10, 2019

2019-1899s

11/08

Floor Amendment to HB 345

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

2 Electronic Ballot Counting Devices; Rules. Amend RSA 656:42, VII to read as follows:

VII. Each electronic ballot counting device shall have a ***removable*** memory [~~card, a metal bar covering the inserted memory card, a canvas cover closed by 2 zippers, 2 hard shell covers on the front of the device, a hard shell cover on the rear of the device, and 3 communication ports in the rear of the device~~] ***device which can be secured in the device with a tamper evident seal that will disclose unauthorized access to the hardware and software inside the device. Electronic ballot counting devices that are stored in a canvas bag or storage case when not in use shall have a bag or case that is capable of being secured with a tamper evident seal.***

3 Electronic Ballot Counting Devices; Rules. Amend RSA 656:42, VIII(b) and (c) to read as follows:

(b) The town or city clerk shall preserve each memory [card] **device** used at each election until after the recounts for such election are complete and any and all legal challenges to the outcome of that election are adjudicated.

(c) The town or city clerk shall securely preserve each memory [card] **device** used in any election as directed by the secretary of state.

4 Electronic Ballot Counting Devices; Rules. Amend RSA 656:42, VIII(d)(1)(A)-(C) to read as follows:

(A) The connection of the [2] zippers on the closed canvas cover of the counting device **carrying bag, case, or the device base for devices stored in their bases.**

(B) The [~~metal bar in front of the inserted~~] memory [card] **device.**

(C) Electronic ballot counting device housing[~~-~~

(i) ~~The seam connecting the 2 hard shell covers on the front of the counting device.~~

(ii) ~~The seam connecting the hard shell cover on the rear of the counting device.~~

(iii) The 3 communication ports in the rear of the counting device] **and all ports or access points to the device hardware or software, such that the seal(s) would be broken if the device is accessed.**

5 Electronic Ballot Counting Devices; Rules. Amend RSA 656:42, VIII(d)(7)-(8) to read as follows:

(7) Whenever the town or city clerk receives a memory [card] **device** from the vendor, the clerk shall break the memory [card] **device** seal, insert the memory [card] **device** in the electronic ballot counting device, and apply a new seal. The clerk shall lock any **programmed** memory [card] **device** not inserted into an electronic ballot counting device in a safe and record the names of individuals that have access to such safe on the activity log.

(8) Whenever the town or city clerk removes the memory [card] **device** from the electronic ballot counting device, the clerk shall immediately return it to the memory card programmer **or, if programmed locally, secure the device in a safe** and reseal the [~~metal bar in front of the~~] empty memory [card] **device** slot **or port.**

6 Electronic Ballot Counting Devices; Rules. Amend RSA 656:42, VIII(e)(10)-(11) to read as follows:

(10) The clerk shall test all electronic ballot counting devices and memory [cards] **devices** in the possession of the town or city.

(11) Prior to placing the electronic ballot counting device or any memory [card] **device** into service in an election, the moderator shall certify that there is evidence that pre-election testing was conducted on each electronic ballot counting device and each memory [card] **device** in the town or city clerk's possession, and that these **ballot counting** devices and [cards] **memory devices** have passed the test.

7 New Paragraph; Electronic Ballot Counting Devices; Rules. Amend RSA 656:42 by inserting after paragraph VIII the following new paragraph:

IX. Any electronic digital image of a marked ballot made by a ballot counting device, whether stored on the device, on a removable memory device, or on a government computer, shall be non-public and exempt from RSA 91-A.

8 New Section; Counting Write-In Votes. Amend RSA 654 by inserting after section 64 the following new section:

659:64-a Counting Write-In Votes.

I. In a town or city that uses a ballot counting device approved by the ballot law commission pursuant to RSA 656:40 and which prints an image of all write-in votes as part of the device's report of votes cast, a moderator may use the printed images to count write-in votes in place of examining each ballot to obtain the name of the person who received a write-in vote.

II. The moderator shall cause all write-in votes, whether viewed on the ballot or on the print out, to be examined for write-in votes that are for a person whose name is printed on the ballot as a candidate. Provided the voter did not overvote for that office, a write-in vote for a person whose name is on the ballot, shall be counted as a vote for that candidate. The moderator shall include that vote in the total of the number of votes cast for that candidate, adding votes by write-in to votes by a marked oval.

III. A ballot where the voter marked the oval beside the name of a candidate whose name is printed on the ballot and also wrote that same candidates name in as a write-in shall be counted as one vote for that candidate. The moderator shall include that one vote in the total number of votes cast for that candidate. The write-in shall not be counted separately as a write-in vote.

IV. If the moderator shall not use the device report of printed images of write-in votes to fulfill the requirement for publicly announcing all persons receiving votes and the number of votes that person received, the printed images shall be stored for future reference and kept in the possession of the town or city clerk. If write in votes are tallied using the device report, the report shall be marked "name on ballot" or "NOB" beside each write-in vote that was counted as a vote for a candidate whose name was printed on the ballot.

V. If the device report is used to tally write-in votes, a copy of the report shall be preserved with the ballots used at the election. The printed report showing the write-in votes in the voter's handwriting shall be a non-public record, and shall be exempt from RSA 91-A. The moderator shall also provide the clerk with a copy of the printed images of all write-in votes to be available as a non-public record to assist with post-election reporting.

VI. For all state elections, if used in the ballot counting process, the moderator and the clerk shall retain a copy of the printed images of all write-in votes to be available for reference if needed to resolve questions regarding the return of votes. The copy shall be a non-public document and shall be stored and used in a manner that limits the risk of exposing, through recognition of handwriting, the candidate written in by any voter.

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

2019-1899s

AMENDED ANALYSIS

This bill requires the ballot law commission to approve a new secure electronic ballot counting device at regular intervals. This bill also modifies the rules relative to electronic ballot counting devices and clarifies counting procedures for write-in votes counted by electronic ballot counting devices.

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

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

HB 384, relative to access to historic burial sites on state-owned land.

Re-refer to Committee, Vote 4-0. Senator Sherman for the committee.

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

HB 409, relative to the maximum optional fee for transportation improvements charged by municipalities when collecting motor vehicle registration fees.

No Recommendation, Vote 2-2. Senator Levesque for the committee.

Senator Sherman moved Ought to Pass.

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

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

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

Roll Call, Yeas: 15 - Nays: 9. Adopted, bill ordered to Third Reading.

HB 415, relative to the official ballot referendum form of town meetings.

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

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

HB 429, establishing a committee to study ways to improve civic engagement in New Hampshire.

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

Election Law and Municipal Affairs

May 9, 2019

2019-1885s

11/05

Amendment to HB 429

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

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

(a) Four members of the house of representatives, including 2 members from the majority party and 2 members from the minority party, appointed by the speaker of the house of representatives.

(b) Two members of the senate, including one member from each party, appointed by the president of the senate.

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

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 443, relative to municipal watering restrictions.

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

Election Law and Municipal Affairs

May 9, 2019

2019-1889s

06/10

Amendment to HB 443

Amend RSA 41:11-d, I as inserted by section 1 of the bill by replacing it with the following:

I. The local governing body may establish regulations restricting the use of water from private wells or public water systems for ~~[residential]~~ outdoor lawn watering when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought. ***The grass playing turf of a recreational field, the grass playing surfaces of a golf course, and grass agricultural fields, including fields used for the production of sod, may be excluded from any restrictions pursuant to this paragraph. Nothing in this paragraph shall limit any public water system's authority to require a reduction in demand or implementation of conservation measures in accordance with rules of the department of environmental services.***

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 452, establishing a commission on the first-in-the-nation presidential primary.

Inexpedient to Legislate, Vote 3-0. Senator Levesque for the committee.

Senator D'Allesandro moved to Lay on the Table HB 452. Adopted.

HB 539-FN, establishing a committee to study the implementation of the One4All ballot in municipal elections.

Ought to Pass with Amendment, Vote 3-0. Senator Sherman for the committee.

Election Law and Municipal Affairs

May 8, 2019

2019-1867s

11/06

Amendment to HB 539-FN

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

AN ACT establishing a committee to study the implementation of Accessible Ballots.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the feasibility of the use of existing technology to implement the Accessible Ballots in New Hampshire municipal elections.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall:

I. Study the potential use of the Accessible Ballots technology by the electorate, the availability of and access to appropriate hardware and software, municipal administration of the technology, municipal interest in using the technology, legal conflicts to the use of this technology, and other appropriate issues relating to the use of the Accessible Ballots in New Hampshire municipal elections.

II. Prepare generic implementation and application procedures for municipalities to follow if the committee determines that the technology can be efficiently and effectively used by municipalities.

2019-1867s

AMENDED ANALYSIS

This bill establishes a committee to study the implementation of the Accessible Ballot in municipal elections. 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.

ENERGY AND NATURAL RESOURCES

HB 283, relative to the age rabbits can be transferred.

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

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

HB 326, relative to the definition of prime wetland.

Ought to Pass with Amendment, Vote 3-1. Senator Bradley for the committee.

Energy and Natural Resources

May 9, 2019

2019-1888s

08/06

Amendment to HB 326

Amend RSA 482-A:15, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. For the purposes of this chapter, "prime wetlands" shall mean any contiguous areas falling within the jurisdictional definitions of RSA 482-A:2, X and RSA 482-A:4 that, because of their size, unspoiled character, fragile condition, or other relevant factors, make them of substantial significance. A prime wetland shall be at least 2 acres in size, shall not consist of a water body only, shall have at least 4 primary wetland functions, one of which shall be wildlife habitat. ***A prime wetland*** [~~and~~] shall have a width of at least 50 feet at its narrowest point ***across and perpendicular to its longitudinal axis. An existing prime wetland can be expanded to an area less than 50 feet at its narrowest point across and perpendicular to its longitudinal axis if the municipality can demonstrate that its narrower portions provide a significant contribution to the primary wetland functions of the prime wetland. To qualify as a significant contribution, the narrower portions shall contain 4 or more primary wetland functions as defined in RSA 482-A:2, XI and shall not include any man-made structures under RSA 482-A:3, IV. The municipality shall consider any potential adverse effects on the landowner of the narrower portion. Otherwise*** the boundary of a prime wetland shall coincide, where present, with the upland edge of any wetland, as defined in RSA 482-A:2, X, that is part of the prime wetland. On-site verification of proposed prime wetland boundaries shall be performed where landowner permission is provided. ***For the purposes of this paragraph existing state highway rights-of-way, including associated permanent easements, shall not include prime wetlands or their adjacent buffers.***

The question is on the adoption of the Committee Amendment.

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

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

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

Roll Call, Yeas: 16 - Nays: 8. Adopted.

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

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

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

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

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

HB 358, relative to combustion of wood residue at municipal waste combustors.
Inexpedient to Legislate, Vote 4-1. Senator Bradley for the committee.

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

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

The following Senators voted Yes: Starr, Giuda, Bradley, Watters, Gray, French, Kahn, Carson, Cavanaugh, Reagan, Birdsell, D'Allesandro, Fuller Clark, Morse, Morgan, Soucy.

The following Senators voted No: Hennessey, Ward, Dietsch, Chandley, Levesque, Rosenwald, Feltes, Sherman.

Roll Call, Yeas: 16 - Nays: 8. Adopted.

HB 476-FN, replacing the milk producers emergency relief fund with the dairy premium fund.
Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Energy and Natural Resources

May 9, 2019

2019-1886s

10/08

Amendment to HB 476-FN

Amend RSA 184:107, X as inserted by section 1 of the bill by replacing it with the following:

X. Any milk processor or private label may participate in the program as long as it certifies to the commissioner that either:

(a) The final product contains no less than 85 percent New Hampshire produced milk or a higher percentage of New Hampshire produced milk as set in rule by the dairy premium fund board, in which case the product shall qualify for labeling as "New Hampshire's Own;" or

(b) The final product contains 100 percent New England produced milk, in which case it shall qualify for labeling as "Supporting NH Dairy Farms."

Amend RSA 184:107, XII as inserted by section 1 of the bill by replacing it with the following:

XII. A manufacturer of dairy products other than fluid milk may also use the dairy premium program logo if such manufacturer remits a portion of sales of such products to the dairy premium fund based on a formula agreed to by the commissioner and approved by the dairy premium board. Each product a manufacturer produces shall be certified as participating under subparagraph X(a) or (b).

Amend RSA 184:108, I(c) through (e) as inserted by section 1 of the bill by replacing them with the following:

(c) The development of logos for use on premium milk products and rules for their use.

(d) The process of certification for the use of the logos by milk manufacturers of dairy products and collection of money from use of the dairy premium fund logos.

(e) The content and design of all forms and reports required by this subdivision.

(f) The percentage of New Hampshire produced milk a final product shall contain in order to qualify for labeling as "New Hampshire's Own."

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

Senator Fuller Clark offered a Floor Amendment.

Sen. Fuller Clark, Dist 21

May 14, 2019

2019-1949s

08/10

Floor Amendment to HB 476-FN

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 7:

5 Milk Producer Dairy Prices; Milk Producers Emergency Relief Fund Board; Cross References Removed. Amend RSA 434:56 to read as follows:

434:56 Establishment of Minimum Producer Dairy Prices. ~~[Notwithstanding the provisions of RSA 184:106-110,]~~ The commissioner~~[-after consulting with the milk producers emergency relief fund board,]~~ may establish by order an equitable minimum price to be paid to milk producers for raw milk produced in New Hampshire on the basis of the use thereof in the various classes, grades and forms. The commissioner~~[-after consulting with the board,]~~ may from time to time make, amend, or rescind an order if the commissioner finds that the federal milk marketing order covering New Hampshire is adequate or inadequate as the case may be to ensure a stable raw milk production and distribution system in the state.

6 Contingent Nullification of Repeal; HB 458. If HB 458 of the 2019 regular legislative session becomes law, then section 1, paragraph XV and section 11 of HB 458 of the 2019 regular legislative session, relative to the milk producers emergency relief fund and board, are hereby nullified and shall not take effect.

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

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

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

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

Energy and Natural Resources

May 9, 2019

2019-1892s

08/04

Amendment to HB 582-FN

Amend RSA 125-O:19-a as inserted by section 1 of the bill by replacing it with the following:

125-O:19-a Statement of Purpose and Findings. The general court finds that global climate change is a significant environmental problem posing a risk to humankind, and that carbon dioxide is a significant greenhouse gas that contributes to this climate change. Accordingly the purpose of this subdivision is to reduce greenhouse gas emissions resulting from energy use in New Hampshire.

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

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

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15

May 15, 2019

2019-1987s

08/10

Floor Amendment to HB 582-FN

Amend the bill by deleting section 1 and renumbering the original sections 2-7 to read as 1-6, respectively.

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 Giuda, seconded by Senator Feltes.

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

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

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

HB 614-FN, increasing penalties and fines for air pollution and water pollution.

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

Senator Fuller Clark offered a Floor Amendment.

Sen. Fuller Clark, Dist 21
May 15, 2019
2019-1990s
08/06

Floor Amendment to HB 614-FN

Amend the bill by replacing sections 3-4 with the following:

3 Air Toxic Control Act. Amend RSA 125-I:3-a to read as follows:

125-I:3-a Administrative Fines. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed [~~\$2,000~~] **\$4,000** for each offense upon any person who violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit or order issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this section shall be deposited in the general fund.

I. Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.

II. The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(b) **and (d)**.

III. The commissioner may assess an additional fine for repeat violations.

4 Asbestos Management and Control; Administrative Penalties and Fines. Amend RSA 141-E:16 to read as follows:

141-E:16 Administrative Fines.

I.(a) The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed [~~\$2,000~~] **\$4,000** for each offense upon any person who violates any provision of RSA 141-E:3 or any rule adopted by the commissioner under this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this section shall be deposited in the general fund.

(b) Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.

(c) The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(b) **and (d)**.

(d) The commissioner may assess an additional fine for repeat violations.

II. Whenever a person licensed pursuant to RSA 141-E:10 or certified pursuant to RSA 141-E:11 fails to pay an administrative fine as required by this section, the commissioner, after notice and hearing pursuant to rules adopted under RSA 541-A, may deny, suspend, or revoke the license or certificate or may issue an appropriate order.

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 Giuda, seconded by Senator French.

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

The following Senators voted No: Starr, Giuda, French, Carson, Birdsell.

Roll Call, Yeas: 19 - Nays: 5. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

HB 645-FN, establishing a dock registration procedure.

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

Energy and Natural Resources

May 9, 2019

2019-1893s

08/04

Amendment to HB 645-FN

Amend RSA 482-A:3, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) If an owner chooses to voluntarily register existing docking structures, at the time the owner registers the structures with the department, he or she shall also submit a nonrefundable fee of \$200.

Amend RSA 482-A:3, IV-a, (b)-(e) as inserted by section 2 of the bill by replacing them with the following:

(b) The repair or replacement of legally existing docking facilities in non-tidal waters shall be exempt from the permitting requirements of this section, provided that the structure has a valid registration filed with the department by the owner of the property, in accordance with RSA 482-A:11, XI, that includes the name and address of the property owner, the municipality, the waterbody, tax map and lot number on which the proposed dock will be located, photographs of all existing structures constructed or installed in the waterbody, and plans of the waterfront and structures to be repaired showing that the requirements of this paragraph will be met. To qualify for an exemption under this paragraph, the owner of the docking facilities shall provide evidence that the docking structures to be repaired:

(1) Have been:

(A) Constructed and maintained in compliance with a permit issued under RSA 482-A or its preceding statutes; or

(B) Maintained in their current size, location, and configuration since January 1, 2000;

(2) Were not constructed to make land in public waters;

(3) Are not subject to RSA 482-A:26; and

(4) Are not the subject of a department administrative order, consent decree, or court order that limits any aspect of the construction or use of the docking structures.

(c) Registrations for the repair or replacement of legally existing docking structures shall be effective on the date issued and shall be valid for 5 years or until ownership of the property changes, whichever occurs first.

(d) Within 10 business days of receipt of a registration filing, the department shall issue a written notice to the property owner stating that the registration has either been accepted and issued a registration number, or rejected. If the department does not respond within the 10-day period, the property owner or agent may submit to the department a written request for a response. If the department fails to respond to the written request within an additional 5 days, the property owner or agent shall be deemed to have submitted a complete and qualifying registration and may proceed with the repair or replacement of the legally existing docking structures as presented in the registration filing. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relative to water quality.

(e) Docking structures registered and maintained in accordance with this section shall be considered to be in compliance with this chapter.

Amend the bill by replacing section 5 with the following:

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

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

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

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

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

The following Senators voted No: Giuda, French, Dietsch, Carson, Birdsell.

Roll Call, Yeas: 19 - Nays: 5. Adopted, bill ordered to Third Reading.

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

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

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

Senator Feltes moved to Lay on the Table HB 682-FN. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

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

Senator Cavanaugh offered a Floor Amendment.

Sen. Cavanaugh, Dist 16

May 14, 2019

2019-1941s

10/05

Floor Amendment to HB 110-FN-A

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

AN ACT relative to the cost of fiscal analysis of legislation relating to the retirement system and relative to the reclassification of jobs in the retirement system.

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

2 Retirement System; Job Classification. RSA 100-A:3, IX is repealed and reenacted to read as follows:

IX. If there is any doubt as to the proper classification of a job in the retirement system, the trustees shall determine whether the person holding the job is an employee, teacher, permanent policeman, or permanent fireman as defined in RSA 100-A:1; provided, however, that a 2/3 vote shall be required to classify the job in group II, and further provided that in the case of a newly-created job held by more than one person, the job shall be classified in group I unless it is explicitly placed in group II by the legislation creating the job in the case of a state job, or by a majority vote of the legislative body of the political subdivision in the case of a political subdivision job. For the purposes of this paragraph, an increase in the number of persons holding a given job with a given employer shall not be considered as creation of a new job. No job shall be reclassified from group I to group II of the retirement system without legislation specifically authorizing a transfer from group I to group II.

3 Contingency. If HB 116-FN of the 2019 regular legislative session becomes law, then section 2 of this act shall take effect July 1, 2020. If HB 116-FN of the 2019 regular legislative session does not become law, then section 2 of this act shall not take effect.

4 Effective Date.

I. Section 2 of this act shall take effect as provided in section 3 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

2019-1941s

AMENDED ANALYSIS

This bill requires that the administrative and professional cost of the fiscal analysis of proposed legislation done by the retirement system be reimbursed from general funds not otherwise appropriated. The bill also removes provisions for the department of corrections to reclassify jobs for the retirement system.

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 121-FN, relative to the regulation of massage, reflexology, structural integrator and Asian bodywork therapy establishments.

Re-refer to Committee, Vote 4-1. Senator Chandley for the committee.

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

FINANCE

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

Ought to Pass, Vote 4-0. Senator D'Allesandro for the committee.

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

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

Ought to Pass with Amendment, Vote 6-0. Senator Feltes for the committee.

Senate Finance

April 30, 2019

2019-1755s

05/04

Amendment to HB 534-FN

Amend the bill by replacing section 1 with the following:

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

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

2019-1755s

AMENDED ANALYSIS

This bill provides that projects of not more than \$500,000 for the department of fish and game, the adjutant general, and the department of natural and cultural resources are exempt from the department of administrative services competitive bidding requirement. The current statute exempts such projects if the estimated total cost is not more than \$250,000.

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.

HEALTH AND HUMAN SERVICES

HB 446, relative to initiating amendments and corrections to birth records.

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

Health and Human Services

May 7, 2019

2019-1854s

05/06

Amendment to HB 446

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

1 Vital Records; Initiating Amendments and Corrections to Birth Records; Gender Identity. RSA 5-C:87, V is repealed and reenacted to read as follows:

V. If an individual requests a birth record reflecting a gender designation other than that which was assigned at birth, a new birth record shall be prepared to reflect a change in the individual's gender upon receipt of a notarized certification affirming the individual's gender designation by a licensed and qualified health care provider.

(a) The notarized certification shall be signed by a licensed and qualified health care provider under the penalty of RSA 5-C:14. It shall provide that the named individual is currently or was previously under the

signing health care provider's care, and that in the health care provider's professional opinion the individual's gender is (1) male, (2) female, or (3) neither male nor female, and can be reasonably expected to continue as such for the foreseeable future.

(b) The application shall be signed by the applicant under the penalty of RSA 5-C:14. This signature shall certify that the request for change of gender is for the purpose of ensuring that the applicant's birth record accurately reflects the applicant's gender, and that the request is not for any fraudulent or unlawful purpose. If the applicant is a minor who is at least 14 years of age but less than 18 years of age, the application shall be signed by the applicant and by each parent listed on the minor's birth certificate or the minor's legal guardian. If a parent listed on the birth certificate cannot be found, the applicant also shall submit a certified copy of a court order stating that the consent of only one parent is required. If a parent is deceased, a certified copy of the death certificate shall be submitted with the application.

(c) The individual shall surrender any prior birth record issued by the state of New Hampshire in the individual's possession. The original birth record shall be retained by the city or town of birth. The city or town clerk shall submit the individual's application, the health care provider's certification, and a certified copy of the original birth record to the state registrar for review. Upon approval by the state registrar, the city or town clerk shall issue a new birth record with a marginal note indicating that the record has been amended in accordance with this paragraph. The birth records shall reflect the gender as male, female, or neither.

(d) The fee to amend a birth record pursuant to this paragraph shall be the same as the fee to amend a birth record pursuant to RSA 5-C:10, III. Any subsequent amendment to the birth record regarding gender designation shall require a court order.

(e) In this paragraph, "licensed and qualified health care provider" means a treating and licensed physician, physician assistant, psychologist, advanced practice registered nurse, clinical social worker, or clinical mental health counselor.

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

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 260, relative to the purging of motor vehicle violations.

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

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

HB 291, establishing a committee to study certain findings and other initiatives regarding end-of-life care.

Ought to Pass with Amendment, Vote 3-1. Senator Hennessey for the committee.

Senate Judiciary

May 9, 2019

2019-1883s

01/06

Amendment to HB 291

Amend subparagraphs I(a) and(b) as inserted by section 2 of the bill by replacing them with the following:

(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.

Recess. Out of recess.

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

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

May 14, 2019

2019-1980s

01/04

Floor Amendment to HB 291

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

AN ACT establishing a committee to study certain findings regarding hospice and palliative care.
Amend the bill by replacing sections 1-3 with the following:

1 Committee Established. There is established a committee to study certain findings regarding hospice and palliative care.

2 Membership and Compensation.

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.

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

3 Duties.

I. The committee shall:

(a) Review of the findings of the commission to study palliative care and associated quality of life (2013, 225) and make a determination as to whether the commission's recommendations are being followed and whether the recommendations are effective.

(b) Review palliative care for other populations in addition to end-of-life, such as providing the long-term, whole-person benefits of palliative care for individuals living with life-long disability or chronic and complex health conditions.

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

2019-1980s

AMENDED ANALYSIS

This bill establishes a committee to study certain findings regarding hospice and palliative care.

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 Giuda, seconded by Senator Birdsell.

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

The following Senators voted No: Starr, Giuda, Gray, French, Birdsell, Morse.

Roll Call, Yeas: 18 - Nays: 6. Adopted, bill ordered to Third Reading.

HB 361, relative to property settlement including animals.

Ought to Pass, Vote 3-1. Senator Chandley for the committee.

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

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

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.

TRANSPORTATION

HB 397-FN, relative to drivers' licenses for New Hampshire residents who do not possess a social security card. Re-refer to Committee, Vote 4-0. Senator Watters for the committee.

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

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

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

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

Roll Call, Yeas: 16 - Nays: 8. Adopted.

HB 472-FN, relative to special number plates for certain veterans.
Inexpedient to Legislate, Vote 4-0. Senator Hennessey for the committee.

Senator Birdsell moved to Lay on the Table HB 472-FN. Adopted.

HB 549-FN, establishing gold star family decals for motor vehicles.
Ought to Pass with Amendment, Vote 4-0. Senator Levesque for the committee.

Senate Transportation

May 7, 2019

2019-1857s

11/05

Amendment to HB 549-FN

Amend RSA 261-C:3-a, I and II as inserted by section 1 of the bill by replacing it with the following:

I. In this section, "family member" means spouse, grandfather, grandmother, father, stepfather, adoptive mother, adoptive father, son, daughter, stepson, stepdaughter, adoptive son, adoptive daughter, brother, sister, half-brother, half-sister, stepbrother, or stepsister.

II. A family member of a person killed while on duty in the United States armed forces shall qualify for a gold star family decal in accordance with RSA 261-B:3-c and RSA 261-C:2, III. These gold star family decals shall be issued upon payment of the regular registration fees and a \$15 decal plate fee.

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

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

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

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

The following Senators voted No: Giuda, Carson, Birdsell.

Roll Call, Yeas: 21 - Nays: 3. Adopted, bill ordered to Third Reading.

HB 591, amending the laws governing OHRVs and snowmobiles.
Ought to Pass with Amendment, Vote 4-0. Senator Ward for the committee.

Senate Transportation

May 7, 2019

2019-1858s

04/10

Amendment to HB 591

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

1 New Paragraph; Operation of All OHRVs. Amend RSA 215-A:6 by inserting after paragraph I-a the following new paragraph:

I-b.(a) The driver of any OHRV upon approaching, overtaking, or while following within a distance of approximately 150 feet of another vehicle or OHRV during the period from 1/2 hour after sunset to 1/2 hour before sunrise shall dim all original equipped lights. The driver of any OHRV upon approaching, overtaking, or while following another vehicle or OHRV shall extinguish all aftermarket additional lighting at all times of the day or night.

(b) Aftermarket lighting shall be extinguished while operating upon any public way. Winter operation on public water, shall be exempt from this subparagraph except that additional lighting shall be extinguished when meeting or overtaking other vehicles.

(c) No person other than a sworn law enforcement officer with powers of arrest shall operate an OHRV equipped with blue colored lights. Blue colored lights shall only be used on OHRVs owned or leased by state, county, municipal, or federal agencies.

(d) No person other than a sworn law enforcement officer with powers of arrest or an emergency response employee or volunteer of a city, town, state, or the federal government or an employee of a private ambulance service contracted with a city or town shall operate an OHRV equipped with red colored lights.

2 OHRV; Manufacturing Specification Requirements. RSA 215-A:12 is repealed and reenacted to read as follows:

215-A:12 Manufacturing Specification Requirements.

I. No person shall operate, sell, or offer for sale an ATV, trail bike, UTV, or any other OHRV which produces total vehicle noise of more than 96 decibels of sound pressure on the "A" scale when measured in accordance with the Society of Automotive Engineers (SAE) J1287 standard.

II. No person shall operate in this state any trail bike or other OHRV which is designed, constructed, and sold solely for closed-course competition and is without a headlight and a taillight. The provisions of this paragraph shall not apply to trail bikes or OHRVs operated at approved OHRV competitions, or when the exhaust system is modified to comply with the provisions of paragraph I and RSA 227-L:20.

III. No person shall modify a OHRV in a manner that shall amplify or otherwise increase total vehicle noise above that emitted by the OHRV as originally manufactured with the original muffler nor shall any person operate any such modified OHRV. The provisions of this paragraph shall not apply to OHRVs operated at permitted OHRV events as defined in the department's administrative rules, Fis 1501.01(d).

IV. No person shall operate, sell, or offer for sale in this state any ATV manufactured after January 1, 1990, which does not have a working headlight, except that an ATV with an engine size of 90 cubic centimeters or less, having 3 or more tires designed to hold not more than 10 pounds per square inch of air pressure, shall not be required to be equipped with a headlight.

V. No person shall operate, sell, or offer for sale in this state any ATV manufactured after January 1, 1990, which is not equipped with a location on the front and rear of the ATV specifically for the placement of registration plates or decals, which measure 3 1/2 inches by 6 inches.

3 OHRV; Protective Headgear. Amend RSA 215-A:13-a to read as follows:

215-A:13-a Protective Headgear. No person under the age of 18 shall operate any OHRV within this state without wearing ~~[eye protection and]~~ protective headgear which meets or exceeds the specifications of FMVSS 218.

4 New Subparagraph; OHRV Required Equipment. Amend RSA 215-A:14, I by inserting after subparagraph (e) the following new subparagraph:

(f) At least one mirror showing the area to the rear of the OHRV. This subparagraph shall not apply to trail bikes.

5 New Paragraph; OHRV Registration. Amend RSA 215-A:21 by inserting after paragraph VI the following new paragraph:

VI-a. No person shall knowingly affix or permit to be affixed to his or her OHRV a registration decal or plate, issued by the department or by the registration authority of any other jurisdiction, that is assigned to another OHRV.

6 OHRV; Financial Responsibility and Conduct After an Accident. Amend RSA 215-A:28, I-a to read as follows:

I-a. The operator of an OHRV involved in an accident resulting in death or injury to a person or damage to property in excess of ~~[\$500]~~ **\$1,000**, or the owner of the OHRV having knowledge of the accident, should the operator be incapacitated, shall report the accident immediately to the nearest police officer or nearest police station and shall file a report of the accident with the department of fish and game and the department of safety within 5 days on forms prescribed by the department of fish and game.

7 New Paragraph; OHRV; Financial Responsibility and Conduct After an Accident. Amend RSA 215-A:28 by inserting after paragraph V the following new paragraph:

VI. Paragraphs I-a, III, IV, and V shall not apply to any person operating an OHRV solely as part of an organized, commercial event or area including but not limited to an OHRV race track or riding area.

8 OHRV Operation and License. Amend RSA 215-A:29, XV to read as follows:

XV. No person [~~under the age of 18~~] shall operate any OHRV within this state without wearing eye protection [~~and protective headgear which meets or exceeds the specifications of FMVSS 218~~], ***unless the OHRV is equipped with a windshield or screen which protects the driver's eyes and face when the driver is sitting erect.***

9 New Paragraphs; OHRV Operation and License. Amend RSA 215-A:29 by inserting after paragraph XX the following new paragraphs:

XXI.(a) No person shall operate a utility terrain vehicle (UTV) in this state while carrying as a passenger a person less than 18 years of age unless such person is wearing a seat or safety belt which is properly adjusted and fastened, if said UTV is so equipped.

(b) No person who is less than 18 years of age shall operate a UTV in this state unless such person is wearing a seat or safety belt which is properly adjusted and fastened, if said UTV is so equipped.

(c) No person shall operate a UTV in this state while carrying as a passenger a person less than 7 years of age unless such passenger is properly fastened and secured by a child restraint system which is in accordance with the safety standards approved by the United States Department of Transportation in 49 C.F.R. section 571.213. If the passenger is 57 inches or more in height, the provisions of this subparagraph shall not apply.

(d) A person shall not be guilty of a violation of this section if there is a provision contained in an individualized education program as defined in RSA 186-C:7 prohibiting or recommending against the use of restraints, or is being operated in a parade authorized by law or ordinance, provided that the parade vehicle is traveling at a speed of no more than 10 miles per hour.

XXII. No OHRV operator shall transport, carry, possess, or have any liquor or beverage, as defined in RSA 175:1, while seated on or within the passenger area of any OHRV except in the original container and with the seal unbroken. Securely capped partially filled containers of liquor or beverages shall be stored and transported in the storage compartment of the OHRV. If the OHRV does not have a storage compartment, such containers shall be stored and transported in that compartment or area of the OHRV which is the least accessible to the operator.

10 New Paragraph; Operation of Snowmobiles. Amend RSA 215-C:8 by inserting after paragraph I the following new paragraph:

I-a.(a) The driver of any snowmobile upon approaching, overtaking, or while following within a distance of approximately 150 feet of another vehicle or snowmobile during the period from 1/2 hour after sunset to 1/2 hour before sunrise shall dim all original equipped lights. The driver of any snowmobile upon approaching, overtaking, or while following another vehicle or snowmobile shall extinguish all aftermarket additional lighting at all times of the day or night.

(b) Additional aftermarket lighting shall be extinguished while operating upon any public way. Winter operation on public water shall be exempt from this provision, however, additional lighting shall be extinguished when meeting or overtaking other vehicles.

(c) No person other than a sworn law enforcement officer with powers of arrest shall operate a snowmobile equipped with blue colored lights. Blue colored lights shall only be used on snowmobiles owned or leased by state, county, municipal, or federal agencies.

(d) No person other than a sworn law enforcement officer with powers of arrest or an emergency response employee or volunteer of a city, town, state, or the federal government or an employee of a private ambulance service contracted with a city or town shall operate a snowmobile equipped with red colored lights.

11 Snowmobiles; Manufacturing Specification Requirements. Amend RSA 215-C:28 to read as follows:

215-C:28 Manufacturing Specification Requirements.

I. No person shall sell, offer to sell, or operate in this state, a snowmobile manufactured after July 1, 1981, unless it meets the minimum safety standards for snowmobile product certification of the Snowmobile Safety and Certification Committee in effect at the time of its manufacture, including the standards covering seats, controls, brake systems, fuel systems, shields and guards, electrical systems and lighting, reflectors, handgrips, and general hazard requirements. Proof of compliance with the requirements of this section shall be in the form of certification by a qualified independent testing company which is not affiliated with the manufacturer and is approved by the executive director.

II. ~~[No person shall sell, offer to sell, or operate in this state a snowmobile manufactured after January 1, 1973, which produces a sound level:-~~

~~(a) If manufactured between January 2, 1973, and June 30, 1978, inclusive, of 82 decibels or more on the "A" scale when measured in accordance with the provisions of the Society of Automotive Engineers Recommended Practice, J192a, "Exterior Sound Level for Snowmobiles";-~~

~~(b) If manufactured on or after July 1, 1978, of 73 decibels or more on the "A" scale when measured in accordance with the Society of Automotive Engineers Recommended Practice, J1161, "Operational Sound Level Measurement Procedure for Snow Vehicles."]~~ ***No person shall sell, offer to sell, or operate in this state a snowmobile which produces total vehicle noise of more than 82 decibels sound pressure on the "A" scale as measured using the Society of Automotive Engineers (SAE) J2567 standard.***

III. No person shall operate in this state any snowmobile which is designed, constructed, and sold solely for closed-course competition and is without a headlight and a taillight. The provisions of this paragraph shall not apply to snowmobiles operated at approved snowmobile ~~[competitions, or when the exhaust system is modified to comply with the provisions of paragraph IV and RSA 227-L:20.]~~ ***events as defined in the department's administrative rules, Fis 1501.01(d).***

IV. ~~[No person shall modify the manufacturer's specified exhaust system of any snowmobile in any manner which will increase or amplify the noise emitted above that emitted by the original muffler.]~~ ***No person shall modify any snowmobile in any manner that shall amplify or otherwise increase total vehicle noise above that emitted by the snowmobile as originally manufactured with the original muffler nor shall any person operate any such snowmobile. The provisions of this paragraph shall not apply to snowmobiles operated at permitted snowmobile events as defined in the department's administrative rules, FIS 1501.01(d).***

V. No person shall operate a snowmobile manufactured after February 1, 2007 that does not display on its exhaust system's critical components the letters "SSCC Certified," a visible and unaltered certification marking issued by an independent organization, the Snowmobile Safety and Certification Committee (SSCC), that certifies snowmobiles for uniformity of safety features and noise levels. The letters shall be legible and have a minimum height of 4 millimeters. The marking shall be on the exhaust silencer, visible and legible to an observer by lifting a snowmobile hood and without detaching or dismantling any component parts. The markings shall be embossed and pressed or attached in a similarly durable manner to the outer surface of the exhaust silencer assembly, and shall be resistant to alteration. The markings shall be so affixed that it shall be difficult to remove, replace, or alter without detection.

12 New Paragraph; Snowmobiles; Registration. Amend RSA 215-C:36 by inserting after paragraph IX the following new paragraph:

IX-a. No person shall knowingly affix or permit to be affixed to his or her snowmobile a registration decal or plate, issued by the department or by the registration authority of any other jurisdiction, that is assigned to another snowmobile.

13 Snowmobiles; Financial Responsibility and Conduct After an Accident. Amend RSA 215-C:48, II to read as follows:

II. The operator of a snowmobile involved in an accident resulting in death or injury to a person or damage to property in excess of ~~[\$500]~~ ***\$1,000***, or the owner of the snowmobile having knowledge of the accident, should the operator be incapacitated, shall report the accident immediately to the nearest police officer or nearest police station and shall file a report of the accident with the department of fish and game and the department of safety within 5 days on forms prescribed by the department of fish and game.

14 New Paragraph; Snowmobiles; Financial Responsibility and Conduct After an Accident. Amend RSA 215-C:48 by inserting after paragraph VI the following new paragraph:

VII. Paragraphs II, IV, V, and VI shall not apply to a person operating a snowmobile solely as part of an organized, commercial event or area including but not limited to a snowmobile race track or riding area.

15 Transporting Alcoholic Beverages. Amend RSA 265-A:44 to read as follows:

265-A:44 Transporting Alcoholic Beverages.

I. The words “liquor” and “beverage” as used in this section shall have the same meanings as defined in RSA 175:1.

II. Except as provided in paragraph V, no driver shall transport, carry, possess, or have any liquor or beverage within the passenger area of any motor vehicle **or OHRV** upon any way in this state except in the original container and with the seal unbroken. Securely capped partially filled containers of liquor or beverages shall be stored and transported in the trunk of the motor vehicle **or OHRV**. If the motor vehicle **or OHRV** does not have a trunk, such containers shall be stored and transported in that compartment or area of the vehicle **or OHRV** which is the least accessible to the driver.

III. Except as provided in paragraph V, no passenger shall carry, possess, or have any liquor or beverage within any passenger area of any motor vehicle **or OHRV** upon any way or in an area principally used for public parking in this state except in the original container and with the seal unbroken. Securely capped partially filled containers of liquor or beverages may be stored and transported in that compartment or area of the vehicle **or OHRV** which is the least accessible to the driver.

IV. A person who violates this section shall be guilty of a violation and shall be subject to a fine of \$150. In addition, a person who violates paragraph II of this section may have his or her drivers' license, if a resident, or driving privilege, if a nonresident, suspended 60 days for a first offense and up to one year for a second or subsequent offense.

V. This section shall not apply to persons transporting, carrying, possessing, or having any liquor or beverage in a chartered bus, in a taxi, or in a limousine for hire; provided, however, that the driver of any of said vehicles is prohibited from having any liquor or beverage in or about the driver's area.

VI. For the purposes of this section only:

(a) “Passenger area of any motor vehicle **or OHRV**” shall not include any section of a motor vehicle **or OHRV** which has been designed or modified for the overnight accommodation of persons or as living quarters.

(b) “Way” shall mean the entire width between the boundary lines of any public highway, street, avenue, road, alley, park, or parkway, or any private way laid out under authority of statute, or any such way provided and maintained by a public institution to which state funds are appropriated for public use or any such way which has been used for public travel for 20 years.

16 Operation of All OHRVs. Amend RSA 215-A:6, IX to read as follows:

IX. Pursuant to RSA 215-A:15, ***and following a duly noticed public hearing advertised at least 14 days in advance in a public location in the city or town and notification to abutters by verified mail pursuant to RSA 451-C:1, VII***, city or town councils and boards of selectmen may authorize the use of sidewalks and class IV, class V or class VI highways and bridges, or portions thereof, for use by OHRVs. The operation of OHRVs may also be allowed on sidewalks adjacent to class I, II, III, or III-a highways pursuant to RSA 236:56, II(e). Operators of OHRVs using said roads, or portions thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic. The bureau, or its designee, shall so post such highways where authorized. Following a duly noticed public hearing, except in the case of an emergency closure, such city or town authorities may change the allowable usage of a class IV, class V, or class VI highway by OHRVs by giving notification to the supervisor of the bureau and removing any signs that no longer apply. ***The petitioner shall bear the expense of verified mail notification to abutters of property for which OHRV use is sought under this paragraph.***

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

2019-1858s

AMENDED ANALYSIS

This bill amends the laws governing operation, registration, and required equipment for an OHRV or a snowmobile.

This bill is a request of the fish and game department.

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 592, relative to OHRV operation and license.

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

Senate Transportation

May 7, 2019

2019-1852s

04/01

Amendment to HB 592

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

1 Legislative Findings. The general court finds that it is in the public interest to offer a safety training program through the fish and game department in an effort to prevent injury to potential operators of OHRV's, their passengers, and other users of the trails and highways where they are operated in this state. The safety training program shall be focused on the special challenges inherent in the safe operation of these vehicles in both the off road and on road environments, including discussion of the application of statutory rules of the road applicable when operating on an approved highway. This program is not intended to serve as a substitute for motor vehicle driver education training or licensure, and successful completion of the OHRV safety training program shall not serve in any way to meet the requirements of any law, rule, or regulation applicable to motor vehicle licensure or operation.

2 OHRV Operation and License. Amend RSA 215-A:29, I-a(b) to read as follows:

(b) Any person at least 12 years of age, who has successfully completed an approved snowmobile or OHRV training program, operating an OHRV along the traveled portion of a public highway, where permitted, who is not licensed to drive as described in subparagraph I(b)(2) shall be accompanied at all times by a person who is licensed to drive as described in subparagraph I(b)(2), who is at least [18] **25** years of age, and who shall be legally responsible and be liable according to the law for personal injury or property damage to others which may result from such operation by an unlicensed person.

3 OHRV Operation and License. Amend RSA 215-A:29, II(a) and the introductory paragraph of RSA 215-A:29, II(b) to read as follows:

II.(a) Except as further specified in subparagraph (b), it shall be prima facie evidence that any person at least [18] **25** years of age who travels with a person under 14 years of age shall be legally responsible for the OHRV operation of such person and shall be liable according to law for personal injury or property damage to others which may result from such person's operation.

(b) When more than one person at least [18] **25** years of age is traveling with a person under 14 years of age, and if any of the following persons over [18] **25** years of age are present, then only such persons shall be legally responsible and liable under this paragraph:

4 OHRV Statistics and Safety. Amend RSA 215-A:32-a to read as follows:

215-A:32-a OHRV Statistics; Safety.

I. The executive director shall report annually to the registrar of vital records pursuant to RSA 5-C:2 on any deaths or injuries occurring in the state related to the operation of OHRVs and snowmobiles.

II. The executive director shall ~~[approve]~~ **administer** snowmobile or OHRV safety training courses ~~[after consultation with the commissioner of the department of health and human services]~~ **in accordance with rules adopted pursuant to RSA 541-A. The content of such courses shall be developed in consultation with the commissioner of the department of health and human services, and shall include information relative to operation of OHRVs at highway crossings and along approved highways in accordance with the statutory rules of the road.**

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

2019-1852s

AMENDED ANALYSIS

This bill:

I. Requires a person operating an OHRV along the traveled portion of a public highway and who is not licensed to drive to be accompanied by a person who is at least 25 years of age and licensed to drive.

II. Requires any person under 14 years of age operating an OHRV to be accompanied by a person at least 25 years of age who shall be legally responsible for the OHRV operation.

III. Requires the executive director of the fish and game department to administer snowmobile and OHRV safety training courses pursuant to rules.

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 625-FN, relative to an aquatic invasive species decal for boats.
Ought to Pass, Vote 4-0. Senator Levesque for the committee.

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

HB 660-FN, relative to studying the economic and other impacts of OHRV use in New Hampshire.
Ought to Pass with Amendment, Vote 4-0. Senator Ward for the committee.

Senate Transportation
May 7, 2019
2019-1850s
04/05

Amendment to HB 660-FN

Amend the bill by replacing section 1 with the following:

1 Department of Natural and Cultural Resources; Study of the Economic and Other Effects of OHRV Operation in New Hampshire.

I. To the extent of the department's available appropriations, the commissioner of the department of natural and cultural resources, with advice from the public, shall prepare a master plan for an integrated network of OHRV trails in Coos county, the goal of which is to locate all OHRV trails off state and municipal highways to the extent practicable with regard to trail connectivity, and with the understanding that a municipality shall retain the right to decide whether or not to grant OHRV access to public ways. The plan shall address the actual and potential locations of the trail network, the costs of construction and maintenance of the trail network, the interests of sanctioned ATV clubs, the interests and rights of private property owners including current and potential damage to class VI roads, aesthetics, historic sites, air and water quality, the natural environment, and public health and safety. The commissioner shall solicit and may accept gifts, grants, or donations from any source and may expend such moneys to fund the master plan required in this paragraph. The master plan shall be completed by November 1, 2021.

II. To the extent of the department's available appropriations, the commissioner of the department of cultural and natural resources shall prepare an update of the department's 2003 study titled "A Plan for Developing New Hampshire's Statewide Trail System for ATV's and Trail Bikes 2003-2008" and shall report the findings of such study, including any recommendations for legislation, no later than January 1, 2021. The commissioner shall solicit testimony from municipal officials, abutters, and other residents, interested parties, including non-motorized recreational users, concerning the impacts of current OHRV use, including noise levels, traffic, impacts on class VI roads and the adjacent environment, the practices of riders under 18, signage, and local and state enforcement of regulations. The update shall include consideration of procedures for requests by municipalities for changes to state corridors due to impacts on local roads and neighborhoods, and recommendations for alternatives to the use of state or municipal roads. The commissioner shall post on the department's public Internet site information about the update to the study and shall solicit and accept public comment concerning the update to the study for a period of not less than 30 days. The commissioner shall solicit and may accept gifts, grants, or donations from any source and may expend such moneys to fund the study required in this paragraph.

III. To the extent of the department's available appropriations, the commissioner of the department of natural and cultural resources shall study the effects of OHRV activity upon the state's economy using the best available science and conducted by independent researchers who shall be selected by the commissioner. The economic impacts studied shall include benefits to the recreational economy, accommodations, restaurants, other services, and equipment sales, as well as impacts on abutters, including noise levels and traffic, property values, road and environmental conditions, enforcement and signage costs to municipalities, and other matters deemed significant by the commissioner. The economic impact study shall be completed and

a report issued, including recommendations for legislation, no later than January 1, 2021, to the speaker of the house of representatives, senate president, governor, and state library. The commissioner shall solicit and may accept gifts, grants, or donations from any source and may expend such moneys to fund the study required in this paragraph.

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

Ought to Pass with Amendment, Vote 3-1. Senator Watters for the committee.

Senate Transportation

May 7, 2019

2019-1853s

11/01

Amendment to HB 669-FN

Amend RSA 263:5, II(d) as inserted by section 4 of the bill by replacing it with the following:

(d) Applicant's social security number, if required pursuant to RSA 263:40-a;

Amend the bill by replacing section 8 with the following:

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

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.

WAYS AND MEANS

HB 292-FN, relative to including brokers fees in the calculation of the insurance premium tax.

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

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

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

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

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

Roll Call, Yeas: 15 - Nays: 9. Adopted, bill ordered to Third Reading.

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

Ought to Pass, Vote 3-2. Senator Giuda for the committee.

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

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

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

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

The following Senators were excused: Ward.

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

Senator Bradley moved to Lay on the Table HB 407-FN. Adopted.

HB 480-FN, relative to sports betting.

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

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2
Sen. Feltes, Dist 15
May 14, 2019
2019-1974s
08/04

Floor Amendment to HB 480-FN

Amend RSA 287-I:1, X(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Any contractor of the commission or its agents when such contract relates to the conduct of sports wagering.

Amend the introductory paragraph of RSA 287-I:7 as inserted by section 1 of the bill by replacing it with the following:

287-I:7 Mobile Sports Wagering Authorized. The commission and its agents are authorized to operate a sports book through a mobile sports wagering platform by mobile devices or over the Internet. No more than 5 mobile sports wagering agents shall be in operation at any given time. With respect to mobile sports wagering, the commission, either independently, or through its agent, shall provide:

Amend the introductory paragraph of RSA 287-I:8, V-VII as inserted by section 1 of the bill by replacing them with the following:

V. The commission's agents shall submit a responsible gaming plan for the division's review and approval prior to conducting any sports wagering within the state and every year thereafter. This plan should include identification of posting and materials related to problem gaming, resources to be made available to bettors expressing concerns about problem gaming, house imposed player limits, and self-exclusion programs.

VI. The commission's agents shall maintain a cash reserve available to pay wagers as determined by the commission.

VII. The commission's agents or vendor shall not accept any wager on a sports event unless it has received approval from the commission to conduct that type or category of wager. A type of wager refers to the method of determining the outcome of the wager. The category refers to the kind of event being wagered on. The commission shall approve wager categories and types in a reasonable time frame. Once a particular category or wager type is approved for its first use it may be used on multiple events without further approval.

Amend RSA 287-I:12-15 as inserted by section 1 of the bill by replacing them with the following:

287-I:12 Risk Management. The commission's agents may take any risk management strategies as authorized by the director.

287-I:13 Maintaining Sports Integrity. The commission and agents may participate in national and international monitoring services and associations and may share betting information with those entities and sports governing bodies in order to ensure the integrity of sports wagers and sports events. The director may restrict, limit, or exclude wagering on a sports event if he or she determines that such an action is necessary to ensure the integrity of the sports book.

287-I:14 Financial Reports. The commission may seek financial and compliance reports from its agents periodically and may conduct audits of these reports to ensure that the state receives the agreed upon revenue sharing proceeds.

287-I:15 Compliance Reviews. The commission shall retain oversight of its agents to ensure that all sports wagering activities are conducted in accordance with this statute and any rules adopted by the commission.

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).

Senator Kahn is in opposition to the motion of Ought to Pass with Amendment on HB 480-FN.

HB 595-FN, relative to the administration of the tobacco tax.
Ought to Pass, Vote 3-2. Senator D'Allesandro for the committee.

Recess. Out of recess.

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

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

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

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

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

COMMERCE

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

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

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

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 5-FN-A, (2nd New Title) making an appropriation to the department of health and human services for Medicaid provider rates for mental health and substance use disorder and emergency shelter and stabilization services.

Senator Sherman moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 14-FN, relative to child welfare.

Senator Sherman moved Concurrence. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

LATE SESSION ANNOUNCEMENTS

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Madam President. Just a point of personal privilege, if I might. I want to thank Senator Bradley and my colleagues for the wonderful honor you bestowed on me today. There is nothing more meaningful than having your peers recognize you. It's a wonderful thing, and I think the really significant thing was the great wisdom expressed by the Senator in asking my wife to come. I didn't know anything about that. She pushed me out of the house this morning in order to get up here early. Men and women who serve in this body recognize that if it's your wife who is at home, they're paying a big price for you being here. My wife has done that since I ran for the House in 1973. So, that's a lot of time away from her; a lot of time away from my family. And to have her here when my peers said something positive about me, that's really meaningful to me and very meaningful to her; and I just have to say thank you. And to all of you thank you, thank you, thank you very much. Thank you.

PRESIDENT SOUCY: Thank you, Senator D'Allesandro, and it was wonderful to surprise you with the lovely Patricia D'Allesandro.

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 112, relative to the mechanical licensing board.

HB 127, relative to the board of medicine and the medical review subcommittee and relative to health care workforce survey data.

HB 128, establishing a committee to study veterans property tax credits and exemptions.

HB 138, relative to rules pertaining to marine species managed under the Magnusson-Stevens Fishery Conservation and Management Act.

HB 228, extending the commission to study the current statutes related to management of non-tidal public waterways and the construction or placement of structures within them and relative to the New Hampshire rivers management and protection program.

HB 244, repealing the moorings appeals board.

HB 258, establishing a commission to study teacher preparation and education programs.

HB 260, relative to the purging of motor vehicle violations.

HB 280, designating the red-tailed hawk as the state raptor.

HB 281, relative to flow devices designed to control beaver damming and minimize the risk of flooding behind an existing beaver dam.

HB 283, relative to the age rabbits can be transferred.

HB 291, establishing a committee to study certain findings regarding hospice and palliative care.

HB 292-FN, relative to including brokers fees in the calculation of the insurance premium tax.

HB 326, relative to the definition of prime wetland.

HB 345, relative to certification of devices for the electronic counting of ballots.

HB 361, relative to property settlement including animals.

HB 409, relative to the maximum optional fee for transportation improvements charged by municipalities when collecting motor vehicle registration fees.

HB 415, relative to the official ballot referendum form of town meetings.

HB 429, establishing a committee to study ways to improve civic engagement in New Hampshire.

HB 435, relative to certain terminology in the rulemaking authority of the department of education.

HB 443, relative to municipal watering restrictions.

HB 446, relative to initiating amendments and corrections to birth records.

HB 476-FN, replacing the milk producers emergency relief fund with the dairy premium fund.

HB 508, relative to direct primary care.

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

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

HB 539-FN, establishing a committee to study the implementation of Accessible Ballots.

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

HB 560-FN, relative to required reporting on waste reduction.

HB 562, relative to the state building code.

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

HB 591, amending the laws governing OHRVs and snowmobiles.

HB 592, relative to OHRV operation and license.

HB 595-FN, relative to the administration of the tobacco tax.

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

HB 614-FN, increasing penalties and fines for air pollution and water pollution.

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

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

HB 645-FN, establishing a dock registration procedure.

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

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

HB 725-FN, relative to certain standards for managed care organizations.

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.