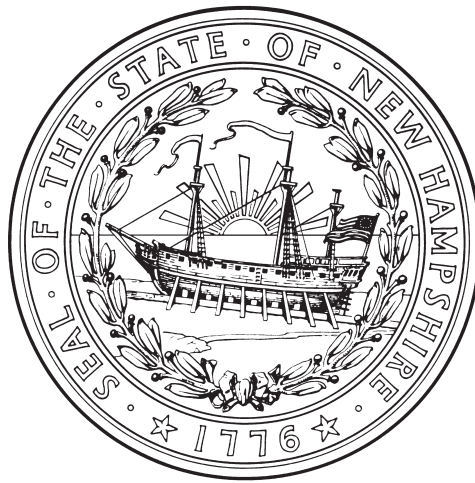


May 23, 2019
Nos. 16-17

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 15, 2019 SESSION
COMMENCEMENT – MAY 23, 2019 SESSION**

SENATE JOURNAL 16 *(continued)*

May 15, 2019

May 9, 2019
2019-1877-EBA
01/04

Enrolled Bill Amendment to HB 140

The Committee on Enrolled Bills to which was referred HB 140

AN ACT establishing a commission to study the licensing of drivers from foreign countries.

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 140

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 140

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

after section 39-a the following new section:

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

May 15, 2019
2019-1992-EBA
11/04

Enrolled Bill Amendment to HB 354

The Committee on Enrolled Bills to which was referred HB 354

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

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 354

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 354

Amend subparagraph I(a) as inserted by section 3 of the bill by replacing line 1 with the following:

(a) Whether the existing 12-month time frame provides parents with reasonable opportunity

Amend subparagraph I(d) as inserted by section 3 of the bill by replacing line 1 with the following:

(d) Whether increased drug-related cases warrant changes in the 12-month permanency

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

May 14, 2019
2019-1963-EBA
04/10

Enrolled Bill Amendment to HB 448

The Committee on Enrolled Bills to which was referred HB 448

AN ACT making technical corrections in the department of education.

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 448

This enrolled bill amendment inserts a contingency to resolve a duplication in HB 730-FN-A of the 2019 regular legislative session.

Enrolled Bill Amendment to HB 448

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Contingency. If HB 730-FN-A of the 2019 regular legislative session becomes law, section 5 of this act shall not take effect. If HB 730 FN-A does not become law, section 5 of this act shall take effect as provided in section 7 of this act.

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

May 10, 2019
2019-1908-EBA
11/10

Enrolled Bill Amendment to HB 458-FN

The Committee on Enrolled Bills to which was referred HB 458-FN

AN ACT repealing certain inactive dedicated funds.

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 458-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 458-FN

Amend RSA 400-A:29-a, I as inserted by section 22 of the bill by replacing line 2 with the following:

~~determined by the commissioner]~~ ***as provided in RSA 400-A:29, XXIII(a) and (b)*** from sponsoring

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

May 16, 2019
2019-2011-EBA
10/05

Enrolled Bill Amendment to HB 570

The Committee on Enrolled Bills to which was referred HB 570

AN ACT establishing a commission to study career pathways from full-time service year programs to postsecondary education and employment opportunities in support of New Hampshire's future workforce needs.

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 570

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 570

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

2 Repeal. RSA 187-A:44, relative to the commission to study career pathways from full-time service year

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

May 10, 2019
2019-1902-EBA
11/08

Enrolled Bill Amendment to SB 29

The Committee on Enrolled Bills to which was referred SB 29

AN ACT establishing a commission to study incidents of workplace violence against state employees.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 29

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 29

Amend RSA 273:28-a, I(h) as inserted by section 1 of the bill by replacing it with the following:

(h) The executive director of the fish and game department, or designee.

Amend RSA 273:28-a, III(b) as inserted by section 1 of the bill by replacing line 2 with the following:
determine effectiveness, timeliness, and protocol for anticipating deficiencies.

Amend RSA 273:28-a, III(c) as inserted by section 1 of the bill by replacing line 1 with the following:

(c) Review other states' workplace safety policies including, but not limited to, New

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

May 13, 2019
2019-1925-EBA
06/10

Enrolled Bill Amendment to SB 55

The Committee on Enrolled Bills to which was referred SB 55

AN ACT authorizing the Harris Center for Conservation Education to issue decals for multi-use decal plates.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 55

This enrolled bill amendment establishes a contingency to resolve a conflict with HB 320.

Enrolled Bill Amendment to SB 55

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

2 Contingent Renumbering. If HB 320 of the 2019 legislative session becomes law, then RSA 261-B:9, XIII as inserted by section 1 of the bill shall be renumbered as RSA 261-B:9, XV.

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

May 9, 2019
2019-1884-EBA
11/04

Enrolled Bill Amendment to SB 62

The Committee on Enrolled Bills to which was referred SB 62

AN ACT relative to temporary layoffs of certain seasonal workers and establishing a commission to study school bus driver background checks.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 62

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 62

Amend RSA 282-A:31, I(d)(5) as inserted by section 1 of the bill by replacing line 3 with the following:

the last day or work, such person shall be exempt from the work search requirements in

Amend section 5 of the bill by replacing line 2 with the following:

among the members. The first meeting of the committee shall be called by the senate

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

May 17, 2019

2019-2061-EBA

04/01

Enrolled Bill Amendment to SB 145

The Committee on Enrolled Bills to which was referred SB 145

AN ACT relative to the organization of alternative treatment centers.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 145

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 145

Amend RSA 126-X:8, XX(1) as inserted by section 4 of the bill by replacing line 1 with the following:

(a) By adopting a plan of entity conversion in accordance with RSA 293-A or RSA

Amend RSA 126-X:8, XX(2) as inserted by section 4 of the bill by replacing line 1 with the following:

(b) By adopting a plan of merger in accordance with RSA 293-A for which the

Amend RSA 126-X:8, XX(3) as inserted by section 4 of the bill by replacing line 1 with the following:

(c) By adopting a plan of merger in accordance with RSA 304-C for which the

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

REPORT OF COMMITTEE ON ENROLLED BILLS

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

SB 217, marking the Lafayette Trail in New Hampshire.

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 171, 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 350, relative to licensed health care providers authorized to certify that criteria has been met for the use of therapeutic cannabis.

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

HB 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, relative to licensure of advanced pharmacy technicians.

HB 572, proclaiming the second Saturday in June as Pollyanna of Littleton New Hampshire Recognition Day.
HB 740, exempting certain mortgages from the law regarding licensing of nondepository mortgage bankers, brokers, and servicers.

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

SB 40-FN, relative to online driver education.

SB 50, relative to testing to determine alcohol concentration.

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

SB 112, 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 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.

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

HB 268, relative to real estate commissions paid to unlicensed entities.

HB 297, relative to political advertisements on behalf of political committees or advocacy organizations.

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

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

HB 325, relative to control of marine pollution and aquatic growth.

HB 328, repealing the New Hampshire film and television commission.

HB 370, relative to membership on city and town planning boards.

HB 382, relative to private practice by the Carroll county attorney.

HB 402, relative to required notice of mortgage funding at a construction jobsite.

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

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

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

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 17

May 23, 2019

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

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

Let us pray.

Dear God, we remember and give thanks today for all those who selflessly gave of their lives for our country. When the need was greatest they stepped forward and did their duty to defend the freedoms that we enjoy. Help us to remember that freedom is not free. There are times when its cost is indeed dear. Never let us

forget that those who paid so terrible a price to ensure that freedom would be our legacy. Let their example inspire us today as we do the work in which we have been called in the New Hampshire State Senate. Let us honor their sacrifice by doing our best. Let us argue with passion, listen with an open mind, seek truth and understanding. Help us not to be filled with selfish ambition, but to work for the greater good of all those who we have been called to serve. Here today in the State Senate, let us reach for the ideals of liberty and justice for all people, so that we may live in peace and study war no more. In doing, we honor those who have given their last measure up for the cause of freedom, liberty and justice. Amen.

Senator Cavanaugh led the Pledge of Allegiance.

Senator Fuller Clark is excused for the day.

INTRODUCTION OF PAGES

Senator Birdsell introduced Tatum Metzler from Pinkerton Academy in Derry, serving as Senate Page for the day.

MOTION OF RECONSIDERATION

Senator Carson, moved to reconsider HB 291, establishing a committee to study certain findings regarding hospice and palliative care.

Without objection, HB 291 will be taken up after HB 631. Adopted.

CONSENT CALENDAR REPORTS REMOVED

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 239, by Senator Carson

JUDICIARY

HB 637-FN, by Senator Chandley

SPECIAL ORDER

Without objection, the following bills are special ordered to the beginning of the regular calendar. Adopted.

EDUCATION AND WORKFORCE DEVELOPMENT

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

JUDICIARY

HB 109-FN, requiring background checks for commercial firearms sales.

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

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

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 468-FN-LOCAL, relative to the inclusion of attendance stipends as earnable compensation in the retirement system.

HB 616-FN, relative to a cost of living adjustment for retirees in the state retirement system.

HB 628-FN, relative to universal changing stations in certain places of public accommodation.

SPECIAL ORDER

Without objection, the following bill is special ordered to the beginning of the Election Law and Municipal Affairs Committee. Adopted.

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 706-FN-A, establishing an independent redistricting commission.

SPECIAL ORDER

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

JUDICIARY

HB 637-FN, relative to criminal history background checks by employers and public agencies.

FN REPORT FOR MAY 23, 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 657, relative to prescription drugs under the managed care law.

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

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 479-FN, relative to eligibility for the low and moderate income homeowners property tax relief.

JUDICIARY

HB 189-FN, establishing an exemption from criminal penalties for child sex trafficking victims.

HB 637-FN, relative to criminal history background checks by employers and public agencies.

REGULAR CALENDAR:

COMMERCE

HB 186, establishing a state minimum wage and providing for adjustments to the minimum wage.

HB 664-FN, relative to vehicle repair standards.

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 105-FN, relative to domicile residency, voter registration, and investigation of voter verification letters.

HB 611-FN, allowing voters to vote by absentee ballot.

HB 706-FN-A, establishing an independent redistricting commission.

ENERGY AND NATURAL RESOURCES

HB 261, requiring the commissioner of the department of environmental services to revise rules relative to arsenic contamination in drinking water.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 468-FN-L, relative to the inclusion of attendance stipends as earnable compensation in the retirement system.

HB 616-FN, relative to a cost of living adjustment for retirees in the state retirement system.

HB 628-FN, relative to universal changing stations in certain places of public accommodation.

JUDICIARY

HB 109-FN, requiring background checks for commercial firearms sales.

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

HB 394-FN, relative to crop theft.

HB 399-FN, relative to annulment of arrests or convictions for possession of a certain quantity of marijuana.

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

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

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

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

REGULAR CALENDAR:

JUDICIARY

HB 481-FN-A-L, relative to the legalization and regulation of cannabis and making appropriations therefor—if Re-refer to Committee recommendation is overturned.

The question is on the adoption of the FN Report. 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 to Third Reading.

COMMERCE

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

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

This bill clarifies the law regarding prescription drugs under the managed care law. The committee supports this bill because it will help in lowering prescription drug costs for patients by expanding the formulary exception process to include any drug that has been removed from a patient's formulary in the last 12 months even if it is not for a medically necessary reason.

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

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

This bill prohibits with limited exceptions, prescription drug manufacturers from offering coupons or discounts to cover insurance copayments, or deductibles. The committee agrees with the bill's intent to lower the costs of prescription drugs, however the committee feels that this bill should be incorporated into a study commission in order to prevent any potentially negative unintended consequences.

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 479-FN, relative to eligibility for the low and moderate income homeowners property tax relief.

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

This bill will increase the income and property value criteria for claimants of the low- and moderate-income homeowners property tax relief against statewide education property taxes. The committee feels more time is needed to clarify the estimated numbers of claimants and the amount of the tax relief awarded.

HB 588, relative to presidential nominations.

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

This bill will amend the declaration of candidacy form for presidential primary candidates. It will add one line that will make the New Hampshire form consistent with what the federal constitution requires.

HB 593, relative to updating official voter checklists.

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

This bill outlines procedures that supervisors of the checklist must follow when they receive informal reports that a voter has died or has changed address. It will add to statute what is currently standard operating procedure. The amendment was requested by the Secretary of State and will make domicile information collected by the Secretary of State's office exempt from the Right to Know law.

Election Law and Municipal Affairs

May 16, 2019

2019-2038s

11/05

Amendment to HB 593

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

AN ACT relative to updating official voter checklists and expanding the voter information exemption under the right to know law.

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

3 Voters and Checklists; Right to Know Exemption. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, domicile address, mailing address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, qualified voter affidavits, ***domicile affidavits***, affidavit of religious exemption, [and] application for absentee ballot, ***and contact information, including but not limited to a phone number and email address, provided to the secretary of state or other election officials for the purpose of receiving information about elections*** shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Notwithstanding the foregoing, qualified voter affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any qualified voter affidavit. Election officials

and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, qualified voter affidavits, affidavits of religious exemption, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

2019-2038s

AMENDED ANALYSIS

This bill outlines procedures that supervisors of the checklist must follow when they receive informal reports that a voter has died or has changed address. The bill also expands the exemption for certain voter information under the New Hampshire right to know law.

ENERGY AND NATURAL RESOURCES

HB 156, establishing a commission to study the establishment of a state department of energy.
Ought to Pass, Vote 5-0. Senator Watters for the committee.

This bill establishes a commission to study the establishment of a state department of energy. New Hampshire's energy policy is addressed through a variety of state agencies like the NH Department of Environmental Services, the Public Utilities Commission, and the Office of Strategic Initiatives. This can sometimes lead to duplicative efforts by state agencies and leave the public confused as to where to access information regarding energy policy and programs. The commission will review the possibility of creating a single state agency to better provide information and support to an area of policy that is both intricate and complex.

HB 162, repealing the requirement for the inspection of timber.
Ought to Pass, Vote 5-0. Senator Giuda for the committee.

This bill is a housekeeping measure that removes the requirement for the inspection of timber. This section of statute is no longer enforced by the NH Division of Forest and Lands within the NH Department of Natural and Cultural Resources because the statute is no longer relevant to the timber industry.

HB 166, relative to funding energy efficiency programs.
Inexpedient to Legislate, Vote 5-0. Senator Bradley for the committee.

This bill provides for funding of energy efficiency programs through the system benefits charge. The committee worked on a bipartisan basis in SB 205 to find language that preserved the requirement for legislative approval for any increases in the systems benefits charge while allowing for the full implementation of the Energy Efficiency Resource Standard. The committee did not feel that it was appropriate to move this bill forward given the compromise that was found in SB 205.

HB 413, relative to membership of the energy efficiency and sustainable energy board.
Inexpedient to Legislate, Vote 5-0. Senator Watters for the committee.

This bill increases the number of members of the Energy Efficiency and Sustainable Energy Board, or EESE Board. Currently, the EESE Board has three representatives from not-for-profit groups representing energy, environmental, consumer, or public health issues and knowledgeable in energy conservation policies and programs. HB 413 would increase those three members to five members to give other organizations the opportunity to take part in EESE Board proceedings as board members. However, HB 413 is unnecessary as the bill's language was added to SB 205.

HB 464, relative to the definitions of solar energy systems and wind-powered energy systems for assessed value of real estate exemptions.
Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

This bill changes the definitions of solar energy systems and wind-powered energy systems for purposes of determining assessed value for real estate exemptions. The bill also allows cities and towns to adopt a property tax exemption for electric energy storage systems. The amended language carries over language from SB 204 that creates a local option for property tax exemption of electric energy storage systems. Creating this option allows for the use of technology that could be used to lower peak demand, compensate for the intermittence of renewable energy generation sources, and provide other important grid services.

Energy and Natural Resources
 May 14, 2019
 2019-1967s
 06/10

Amendment to HB 464

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

AN ACT relative to the definitions of solar energy systems and wind-powered energy systems for assessed value of real estate exemptions and enabling municipalities to adopt a property tax exemption for electric energy storage systems.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 7:

3 Procedure for Adoption of Property Tax Exemption. Amend the introductory paragraph of RSA 72:27-a, I to read as follows:

I. Any town or city may adopt the provisions of RSA 72:28, RSA 72:28-b, RSA 72:29-a, RSA 72:35, RSA 72:37, RSA 72:37-b, RSA 72:38-b, RSA 72:39-a, RSA 72:62, RSA 72:66, RSA 72:70, RSA 72:76, [or] RSA 72:82, **or RSA 72:85** in the following manner:

4 New Subdivision; Electric Energy Storage Systems Exemption. Amend RSA 72 by inserting after section 83 the following new subdivision:

Electric Energy Storage Systems Exemption

72:84 Electric Energy Storage System; Definition. In this subdivision “electric energy storage system” means a facility located behind a retail meter that stores electrical energy that is otherwise produced by an electricity generator or uses electricity to concentrate and store thermal energy, by electrical, chemical, mechanical, or thermal means, for discharge or use at a later time, whether in the form of thermal energy to meet space or process heating or cooling loads or electricity, which can be used to reduce peak loads, compensate for variability in renewable energy production, or provide other grid services, and which does not participate in any wholesale energy markets administered by ISO New England as a registered asset or otherwise. An electric energy storage system shall not include conventional electric resistance or gas domestic hot water heaters.

72:85 Exemption for Electric Energy Storage Systems. A city or town may adopt an exemption under RSA 72:27-a from the assessed value for property tax purposes, for persons owning real property which is equipped with an electrical energy storage system.

72:86 Application for Exemption. Applications for exemptions under RSA 72:85 shall be governed by the provisions of RSA 72:33, RSA 72:34, and RSA 72:34-a.

5 Department of Revenue Administration; Equalization; Reference Added. Amend RSA 21-J:3, XIII to read as follows:

XIII. Equalize annually by May 1 the valuation of the property as assessed in the several towns, cities, and unincorporated places in the state including the value of property exempt pursuant to RSA 72:37, **RSA 72:37-b, RSA 72:39-a, RSA 72:62, RSA 72:66, [and] RSA 72:70, and RSA 72:85**, property which is subject to tax relief under RSA 79-E:4, and property which is subject to tax relief under RSA 79-E:4-a, by adding to or deducting from the aggregate valuation of the property in towns, cities, and unincorporated places such sums as will bring such valuations to the true and market value of the property, and by making such adjustments in the value of other property from which the towns, cities, and unincorporated places receive taxes or payments in lieu of taxes, including renewable generation facility property subject to a payment in lieu of taxes agreement under RSA 72:74, as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just. In carrying out the duty to equalize the valuation of property, the commissioner shall follow the procedures set forth in RSA 21-J:9-a.

6 Department of Revenue Administration; Rules; Reference Added.. Amend RSA 72:36, I to read as follows:

I. The commissioner’s interpretation of RSA 72:28, 72:28-b, 72:28-c, 72:29, 72:29-a, 72:30, 72:31, 72:32, 72:33, 72:34, 72:34-a, 72:35, 72:36-a, 72:37, 72:37-a, 72:37-b, 72:38-a, 72:38-b, 72:39-a, 72:39-b, 72:41, 72:62, 72:66, [and] 72:70; and **72:85; and**

2019-1967s

AMENDED ANALYSIS

This bill changes the definitions of solar energy systems and wind-powered energy systems for purposes of determining assessed value for real estate exemptions. The bill also allows cities and towns to adopt a property tax exemption for electric energy storage systems.

HB 496, establishing a committee to identify the requirements needed to commit New Hampshire to a goal of at least 50 percent renewable energy for electricity by 2040.

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

This bill establishes a committee to undertake an analysis of the requirements that would have to be considered if New Hampshire were to commit to the goal of providing at least 50 percent renewable energy for electricity only to residents and businesses by the year 2040. Legislation is currently moving forward to increase the percentage obligations under the Renewable Portfolio Standard, or RPS. The committee felt this bill was not required at this time.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 113, relative to qualifications for and exceptions from licensure for mental health practice.

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

This bill allows experience as a master licensed alcohol and drug counselor to qualify as experience for licensure as a clinical social worker, clinical mental health counselor, or marriage and family therapist. The bill also clarifies the mental health license exemption for psychotherapy activities and services of psychologists and master licensed alcohol and drug counselors. Implementing this change will make it easier for individuals to qualify for licensure with relevant experience, while maintaining appropriate safeguards for the industry.

JUDICIARY

HB 153, relative to circumstances under which police officer disciplinary records shall be public documents.

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

This bill would make certain records concerning law enforcement officers subject to the right-to-know law. Due to the ongoing court case regarding this matter and the need for further examination of the consequences of the language the Committee asks for support in the motion of Re-Refer.

HB 155, relative to procedures for determining and disclosing exculpatory evidence in a police officer's personnel file.

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

This bill would require a determination of whether information in a police officer's personnel file constitutes exculpatory evidence and would allow a police officer who has information determined to be exculpatory evidence in his or her personnel file to have an opportunity to challenge the disciplinary finding. The Committee asks for support of a Re-Refer motion in order to allow for the completion of the relevant ongoing court case prior to making a determination about this language.

HB 189-FN, establishing an exemption from criminal penalties for child sex trafficking victims.

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

This bill exempts juvenile victims of human trafficking from prosecution for certain conduct chargeable as a criminal offense which was committed as a result of being trafficked. The bill also allows juvenile victims of human trafficking to petition to vacate a delinquency adjudication resulting from participating in conduct that was the direct result of being trafficked. Implementing this change will help these children feel safe coming forward, giving them more support and opportunity to escape from their captors without fear of prosecution.

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

REGULAR CALENDAR

EDUCATION AND WORKFORCE DEVELOPMENT

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

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

Education and Workforce Development
April 30, 2019
2019-1745s
05/04

Amendment to HB 631

Amend RSA 186-C:32, IX as inserted by section 1 of the bill by replacing it with the following:

IX. Children who are deaf or hard of hearing have the right to contact with and to be exposed to adult role models who are deaf or hard of hearing.

Amend RSA 186-C:35, I(h) as inserted by section 1 of the bill by replacing it with the following:

(h) One member of the New Hampshire Speech-Language-Hearing Association, appointed by the association.

Amend RSA 186-C:35, II as inserted by section 1 of the bill by replacing it with the following:

II. The commissioner of the department of education shall appoint the members under subparagraphs I(a)-I(c) and the commissioner of the department of health and human services shall appoint the members under subparagraphs I(d)-I(g). Each member shall serve a 2-year term.

Amend RSA 186-C:35, V as inserted by section 1 of the bill by replacing it with the following:

V. On or before November 1, the council shall submit an annual report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the education committees in the house and senate, the New Hampshire commission on deafness and hearing loss established in RSA 125-Q, the house clerk, the senate clerk, the governor, and the state library.

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.

MOTION OF RECONSIDERATION

Senator Carson, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 291, establishing a committee to study certain findings regarding hospice and palliative care.: Rescind Order to Third Reading, and reconsider the vote on Ought to Pass with 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 Birdsell.

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

The following Senators voted No: Giuda, French.

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 21 - Nays: 2. Adopted, bill ordered to Third Reading.

JUDICIARY

HB 109-FN, requiring background checks for commercial firearms sales.
Ought to Pass, Vote 3-2. Senator Hennessey for the committee.

Senator Hennessey offered a Floor Amendment.

Sen. Hennessey, Dist 5
May 23, 2019
2019-2244s
01/05

Floor Amendment to HB 109-FN

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

1 Purpose. It is the purpose and intent of the general court in enacting RSA 159-E to require commercial firearm sales in New Hampshire to be processed through a licensed firearms dealer, who will conduct a background check and create a record of each sale. The general court believes this law will protect public safety by helping to keep firearms out of the hands of felons, domestic abusers, and those adjudicated to be mentally ill.

2 New Chapter; Background Checks for Commercial Firearms Sales. Amend RSA by inserting after chapter 159-D the following new chapter:

CHAPTER 159-E
BACKGROUND CHECKS FOR COMMERCIAL FIREARMS SALES

159-E:1 Definitions. In this chapter:

I. "Commercial sale" means a transfer of ownership of a firearm, including but not limited to, a sale, exchange, or gift.

II. "Firearm" means any weapon or device designed to be used as a weapon, which will, is designed to, or may be readily converted to, expel a projectile by the action of an explosive, explosion, or other means of combustion, or the frame or receiver of such a device, provided the term "firearm" shall not include the term "antique firearm" as defined in 18 U.S.C. section 921(a)(16), or a weapon that has been rendered permanently inoperable and is incapable of being readily restored to a firing condition.

III. "Immediate family member" means a spouse, parent, stepparent, child, stepchild, sibling, stepsibling, grandparent, step-grandparent, grandchild, step-grandchild, great-grandparent, step-great-grandparent, great-grandchild, and step-great-grandchild.

IV. "Individual" means a natural person.

V. "Law enforcement" means any person employed by the United States, or a state, county, city, or town, or other political subdivision as a police officer, peace officer, or another position involving the enforcement of the law and protection of the public interest.

VI. "Licensed firearms dealer," "licensed dealer," or "dealer" means a person who has a valid federal firearms dealer license under 18 U.S.C. section 923(a), and all additional licenses required by state or local law to engage in the business of selling or transferring firearms.

VII. "Person" means any corporation, company, association, firm, partnership, club, organization, society, joint stock company or other entity, and shall include any entity that engages in business in this state, in whole or part, through Internet or mail order sales.

VII. "Prohibited person" means any individual or person who is prohibited from owning or possessing a firearm pursuant to 18 U.S.C. section 922(d) or pursuant to state law.

159-E:2 Firearms Sales to be Conducted Through a Licensed Dealer.

I. No individual or person shall engage in the commercial sale of a firearm unless:

- (a) The individual or person is a licensed firearms dealer;
- (b) The purchaser is a licensed firearms dealer; or
- (c) The requirements of paragraph II are met.

II. If neither party to a prospective firearms transaction is a licensed firearms dealer, the parties to the transaction shall complete the commercial sale through a licensed firearms dealer as follows:

(a) The seller shall deliver the firearm to the dealer, who shall process the sale as if he or she were the seller, except that the seller may remove the firearm from the business premises of the licensed dealer while the background check is being conducted. If the seller removes the firearm from the business premises of the licensed dealer while the background check is being conducted, the purchaser and the seller shall return to the business premises of the licensed dealer, and the seller shall again deliver the firearm to the licensed dealer prior to completing the sale.

(b) Except as provided in subparagraph (a), the dealer shall comply with all requirements of federal, state, and local law that would apply if the licensed dealer were selling the firearm from his or her inventory to the purchaser, including but not limited to, conducting a background check on the prospective purchaser, which shall include a check of the National Instant Criminal Background Check System (NICS), and compliance with all federal, state, and local recordkeeping requirements.

(c) If the transaction is not prohibited, the dealer shall deliver the firearm to the buyer after all legal requirements are met.

(d) If the dealer cannot legally deliver the firearm to the buyer, the dealer shall return the firearm to the seller without requiring a background check and the transfer to the buyer shall not take place.

(e) The dealer may impose on the purchaser a reasonable fee to cover administrative costs incurred by the dealer for facilitating the transfer of the firearm, plus any applicable fees permitted under state or federal law.

159-E:3 Successful Completion of Background Check. No firearm shall be delivered to an individual pursuant to a commercial sale until NICS has issued a "proceed" response.

159-E:4 Exceptions. This chapter shall not apply to a commercial sale where the transfer of ownership is:

(a) Between individuals, provided neither party to the transaction is a prohibited person. If the status of an individual's eligibility to own or possess a firearm cannot be ascertained, the transaction shall be completed through a licensed firearm dealer pursuant to RSA 159-E:2, II;

(b) Between immediate family members;

(c) To a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, as those terms are defined by 18 USC section 921;

(d) By or to a law enforcement agency; or

(e) By or to a law enforcement officer or member of the United States Armed Forces acting within the course of his or her official duties.

159-E:5 Penalties.

I. Any individual or person who violates any provision of this chapter shall be guilty of a class B misdemeanor for a first offense, and a class A misdemeanor for a second or subsequent offense.

II. The local law enforcement agency shall report all violations of this chapter by a licensed firearms dealer to the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives.

159-E:6 Other Laws.

I. Nothing in this chapter shall be construed to modify or change the duties of the department of safety pursuant to RSA 159-D.

II. Nothing in this chapter shall be construed to require or authorize any state, county, or local law enforcement agency to establish or maintain a registry of firearms sold or transferred in accordance with this chapter.

The question is on the adoption of the Floor Amendment.

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

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

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

The following Senators were excused: Fuller Clark.

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

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

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

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 13 - Nays: 10. Adopted, bill ordered to Third Reading.

HB 514-FN, imposing a waiting period between the purchase and delivery of a firearm.
Ought to Pass with Amendment, Vote 3-2. Senator Levesque for the committee.

Senate Judiciary
May 14, 2019
2019-1959s
04/08

Amendment to HB 514-FN

Amend RSA 159-E:1, I as inserted by section 1 of the bill by replacing it with the following:

I. No licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall transfer, sell, trade, give, transport, or deliver a firearm to any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector until a waiting period of 3 days, excluding weekends and legal holidays, has expired. "Licensed importer," "licensed manufacturer," "licensed dealer," "licensed collector," and "firearm" shall have the same meaning as in 18 U.S.C. section 921.

Amend RSA 159-E:1, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) To the purchase of a rifle or shotgun, upon a person's successfully completing a minimum of a 16-hour hunter education course offered by the department of fish and game. A person who is exempt from the hunter education course offered by the fish and game department and holds a valid New Hampshire hunting license shall be exempt from the waiting period under this section for the purchase of a rifle or shotgun.

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 Reagan, seconded by Senator Feltes.

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

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

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 13 - Nays: 10. Adopted, bill ordered to Third Reading.

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

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

Senate Judiciary
May 14, 2019
2019-1964s
06/04

Amendment to HB 564

Amend RSA 159:19-b, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Any person picking up or dropping off a student, provided the firearm remains in a locked motor vehicle.

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

Senator Morgan offered a Floor Amendment.

Sen. Morgan, Dist 23
Sen. Hennessey, Dist 5
May 23, 2019
2019-2247s
06/10

Floor Amendment to HB 564

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

1 New Subdivision; Possession of Firearms on School Property. Amend RSA 189 by inserting after section 72 the following new subdivision:

Possession of Firearms on School Property

189:73 Possession of Firearms on School Property. The school board of every district may develop and adopt a policy regulating the possession of firearms on public school property, including, but not limited to,

prohibiting any person from knowingly possessing a firearm on public school property, including buildings, grounds, school buses, and vans. The process of adopting such a policy shall involve at least one public hearing, noticed in the usual course, which shall also include written notice designed to reach the general student population for purposes of soliciting their input and participation.

189:74 Penalty. Any person who violates a policy adopted under RSA 189:73 shall be guilty of a class A misdemeanor.

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

2019-2247s

AMENDED ANALYSIS

This bill permits school districts to adopt a policy regulating the possession of firearms on school property. Recess. Out of recess.

INTRODUCTION OF GUESTS

Senator Watters introduced students from Mast Way School in Lee, visiting in the gallery.

The question is on the adoption of the Floor Amendment.

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

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

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

The following Senators were excused: Fuller Clark.

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

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

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

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

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

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 13 - Nays: 10. Adopted, bill ordered to Third Reading.

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

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

Senate Judiciary

May 14, 2019

2019-1968s

01/04

Amendment to HB 696-FN

Amend the introductory paragraph of RSA 173-D:5, I as inserted by section 1 of the bill by replacing it with the following:

I. Upon a showing of an immediate and present danger of abuse, exploitation, or neglect, the court may enter temporary orders to protect the plaintiff with or without actual notice to defendant. The court may issue such temporary orders by telephone, facsimile or any other methods approved by court rules. Such telephonically issued orders shall be made by a circuit court judge to a law enforcement officer, shall be valid in any jurisdiction in the state, and shall be effective until the close of the next regular court business day. Such orders shall be returnable to the circuit court where the plaintiff resides or to which the plaintiff has fled, unless otherwise ordered by the issuing judge. If non-telephonic temporary orders are made ex parte, the party against whom such relief is issued may file a written request with the clerk of the court and request a hearing on such orders. Such hearing shall be held no less than 2 business days and no more than 3 business days after the request is received by the clerk. Such hearings may constitute the final hearing described in RSA 173-D:4, V. Such temporary relief may include:

Amend RSA 173-D:5, I(a)(6) as inserted by section 1 of the bill by replacing it with the following:

(6) Restraining the defendant from taking, converting, or damaging property in which the plaintiff has a legal or equitable interest.

Amend RSA 175-D:5, I(b)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) In the case of financial exploitation, prohibiting the defendant from transferring or otherwise encumbering any of his or her assets which equal or exceed the amount of assets claimed to be exploited, provided, however, that such prohibition shall not extend to, encumber, or otherwise limit the rights of creditors, mortgagees, or secured parties in such property.

Amend RSA 173-D:6, I(a)(5) as inserted by section 1 of the bill by replacing it with the following:

(5) Restraining the defendant from taking, converting, or damaging property in which the plaintiff has a legal or equitable interest.

Amend RSA 173-D:14, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Law enforcement personnel may rely on the statement of the person protected by the order that the order remains in effect as written, provided such person reasonably appears to be of sound mind when making such statement.

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

Recess. Out of recess.

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 French.

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

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

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 13 - Nays: 10. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 468-FN-L, relative to the inclusion of attendance stipends as earnable compensation in the retirement system.

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

Senate Executive Departments and Administration

May 16, 2019

2019-2040s

10/06

Amendment to HB 468-FN-LOCAL

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

AN ACT relative to the inclusion of attendance stipends and certain additional pay for instructional activities as earnable compensation in the retirement system.

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

1 Intent. The general court intends that this act revise the definition of earnable compensation for the New Hampshire retirement system to include annual cash payments in the form of an attendance stipend or bonus paid pursuant to a collective bargaining agreement, personnel policy, or other agreement applicable to substantially all employees, the amount of which is determined by reference to the amount of sick days an employee used in the calendar or fiscal year, and to include certain additional pay for instructional activities of full-time community college system faculty.

2 Retirement System; Earnable Compensation; Annual Attendance Stipend or Bonus; Community College System Faculty. Amend RSA 100-A:1, XVII(a) and (b)(1) to read as follows:

(a) For members who have attained vested status prior to January 1, 2012 the full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay,

longevity or severance pay, cost of living bonus, **annual attendance stipend or bonus**, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, **additional pay for instructional activities of full-time faculty of the community college system**, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. Compensation for extra and special duty, as reported by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b)(1) For members who have not attained vested status prior to January 1, 2012, the full base rate of compensation paid, as determined by the employer, plus compensation over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs (2), (3), and (4), any overtime pay, cost of living bonus, **annual attendance stipend or bonus**, annual longevity pay, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, **additional pay for instructional activities of full-time faculty of the community college system**, compensation for extra and special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary.

2019-2040s

AMENDED ANALYSIS

This bill includes attendance stipends or bonuses paid as earnable compensation in the New Hampshire retirement system. The bill also provides that certain additional pay for full-time faculty of the community college system shall be included as earnable compensation in the retirement system.

The question is on the adoption of the Committee Amendment.

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

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

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

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 13 - Nays: 10. 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: Watters, Hennessey, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Morgan, Sherman, Soucy.

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

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 13 - Nays: 10. Adopted, bill ordered to Third Reading.

HB 616-FN, relative to a cost of living adjustment for retirees in the state retirement system.
Ought to Pass, Vote 3-2. Senator Cavanaugh for the committee.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

Sen. Bradley, Dist 3

May 22, 2019

2019-2218s

10/06

Floor Amendment to HB 616-FN

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

AN ACT relative to a one-time allowance for certain retired members of the retirement system and establishing a committee to study cost-of-living adjustments for retired members of the retirement system.

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

1 Retirement System; Additional Allowance; Appropriation.

I. An additional one-time allowance of \$500 shall be paid during state fiscal year 2020 to retired members of the retirement system receiving an allowance who are eligible as follows:

(a) The member retired with at least 20 years of creditable service if retired on a service retirement, or the member is retired on an ordinary or accidental disability retirement;

(b) The member retired and has been receiving an allowance for at least 5 years prior to July 1, 2019; and

(c) The annual retirement allowance of the member on June 30, 2019 is not greater than \$40,000.

II. The additional allowance shall not become a permanent addition to the member's base retirement allowance.

III. The sum necessary to fund the additional allowances granted under this act is hereby appropriated to the board of trustees of the retirement system. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Committee Established. There is established a committee to study cost-of-living adjustments for retired members of the retirement system.

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

(a) Two members of the senate, appointed by the president of the senate.

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

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

III. The committee shall study cost-of-living adjustments for retired members of the retirement system.

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

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2019.

3 Effective Date.

I. Section 1 of this act shall take effect July 1, 2019.

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

2019-2218s

AMENDED ANALYSIS

This bill grants a one-time additional allowance to certain retirees in the state retirement system. The bill makes a general fund appropriation for the retirement allowances. The bill also establishes a committee to study cost-of-living adjustments for retired members of the retirement system.

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 Giuda.

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

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

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 11 - Nays: 12. Failed.

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: Watters, Hennessey, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Morgan, Sherman, Soucy.

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

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 12 - Nays: 11. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

HB 628-FN, relative to universal changing stations in certain places of public accommodation. Ought to Pass with Amendment, Vote 4-1. Senator Chandley for the committee.

Senate Executive Departments and Administration

May 16, 2019

2019-2034s

01/06

Amendment to HB 628-FN

Amend paragraph II as inserted by section 4 of the bill by replacing it with the following:

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

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

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

SPECIAL ORDER

Without objection, the following bills are special ordered to after the Executive Departments and Administration Committee. Adopted.

HEALTH AND HUMAN SERVICES

HB 359, relative to warning labels on prescription drugs containing opiates.

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 706-FN-A, establishing an independent redistricting commission.

HB 105-FN, relative to domicile residency, voter registration, and investigation of voter verification letters.

HB 611-FN, allowing voters to vote by absentee ballot.

HB 651, allowing the use of campaign funds for child care expenses.

HEALTH AND HUMAN SERVICES

HB 359, relative to warning labels on prescription drugs containing opiates.

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

Health and Human Services

May 7, 2019

2019-1855s

01/04

Amendment to HB 359

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

1 New Section; Controlled Drugs Containing Opiates; Warning Label. Amend RSA 318-B by inserting after section 16 the following new section:

318-B:16-a Controlled Drugs Containing Opiates; Warning Label. Any controlled drug containing opiates dispensed by a health care provider or pharmacy may have an orange sticker with the word "opioid" in easily legible font placed on the cap or dispenser and may have a warning label stating "Risk of addiction and overdose." The health care provider or pharmacist shall also provide each person with a handout which shall be developed and approved by the governor's commission on alcohol and drug abuse, prevention, treatment, and recovery which shall include guidance on associated risks of opioid use and how to mitigate them. This section shall not apply to pharmacists or a pharmacy that dispenses a drug containing an opioid that is administered to a patient treated in a health care facility required to be licensed under RSA 151. A patient may remove the cap sticker or warning label.

2 New Paragraph; Governor's Commission on Alcohol and Drug Abuse, Prevention, Treatment, and Recovery; Duties. Amend RSA 12-J:3 by inserting after paragraph VI the following new paragraph:

VII. Develop a handout which shall describe the risks of opioid use and how to mitigate them for the purposes of RSA 318-B:16-a.

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

2019-1855s

AMENDED ANALYSIS

This bill authorizes any drug which contains an opiate dispensed by a health care provider or pharmacy to have an orange sticker on the cap or dispenser and a warning label regarding the risks of the drug.

This bill also requires the governor's commission on alcohol and drug abuse prevention, treatment, and recovery to develop a handout on the risks of opioids and how to mitigate them for persons who are receiving prescriptions for opioids.

INTRODUCTION OF GUESTS

Senator Sherman introduced Winnacunnet High School Marine Corp JROTC from Hampton, visiting in the gallery.

Recess. Out of recess.

Without objection, Senator Feltes moved to call the question. Adopted.

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

Senator Sherman offered a Floor Amendment.

Sen. Sherman, Dist 24

May 22, 2019

2019-2222s

01/10

Floor Amendment to HB 359

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

1 New Section; Controlled Drugs Containing Opiates; Warning Label Required. Amend RSA 318-B by inserting after section 16 the following new section:

318-B:16-a Controlled Drugs Containing Opiates; Warning Label Required. Any controlled drug containing opiates dispensed by a health care provider or pharmacy shall have an orange sticker with the word “opioid” in easily legible font placed on the cap or dispenser and shall have a warning label stating “Risk of addiction and overdose.” The health care provider or pharmacist shall also provide each person with a handout which shall be developed and approved by the governor’s commission on alcohol and drug abuse, prevention, treatment, and recovery which shall include guidance on associated risks of opioid use and how to mitigate them. This section shall not apply to pharmacists or a pharmacy that dispenses a drug containing an opioid that is administered to a patient treated in a health care facility required to be licensed under RSA 151. A patient may remove the cap sticker or warning label.

2 New Paragraph; Governor’s Commission on Alcohol and Drug Abuse, Prevention, Treatment, and Recovery; Duties. Amend RSA 12-J:3 by inserting after paragraph VI the following new paragraph:

VII. Develop a handout which shall describe the risks of opioid use and how to mitigate them for the purposes of RSA 318-B:16-a.

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

2019-2222s

AMENDED ANALYSIS

This bill requires any drug which contains an opiate dispensed by a health care provider or pharmacy to have an orange sticker on the cap or dispenser and a warning label regarding the risks of the drug.

This bill also requires the governor’s commission on alcohol and drug abuse prevention, treatment, and recovery to develop a handout on the risks of opioids and how to mitigate them for persons who are receiving prescriptions for opioids.

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 Sherman, seconded by Senator Morgan.

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

The following Senators voted No: Gray.

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 22 - Nays: 1. Adopted, bill ordered to Third Reading.

SPECIAL ORDER

Without objection, the following bills are special ordered to the present time. Adopted.

ENERGY AND NATURAL RESOURCES

HB 183, establishing a committee to study the applications of microgrids in New Hampshire and changes in law necessary to allow for microgrids in electrical supply, and relative to baseload renewable generation credits for biomass energy facilities.

HB 261, requiring the commissioner of the department of environmental services to revise rules relative to arsenic contamination in drinking water.

HB 459-FN, defining hemp, relative to its growth and use in New Hampshire, establishing a committee to study the federal guidelines on growing hemp, and relative to costs of care for animals seized in animal cruelty cases and prohibiting the future ownership of animals in certain animal cruelty cases.

FINANCE

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

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

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

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

HB 620-FN, relative to the penalty fee structure for late premium tax payments.
 HB 621-FN, establishing the state commission on aging.

ENERGY AND NATURAL RESOURCES

HB 183, establishing a committee to study the applications of microgrids in New Hampshire and changes in law necessary to allow for microgrids in electrical supply.
 Ought to Pass with Amendment, Vote 5-0. Senator Feltes for the committee.

Energy and Natural Resources
 May 14, 2019
 2019-1981s
 10/04

Amendment to HB 183

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

AN ACT establishing a committee to study the applications of microgrids in New Hampshire and changes in law necessary to allow for microgrids in electrical supply, and relative to baseload renewable generation credits for biomass energy facilities.

Amend the bill by replacing all after section 5 with the following:

6 New Paragraph; Preservation and Use of Renewable Generation to Provide Fuel Diversity; Definitions. Amend RSA 362-H:1 by inserting after paragraph VI the following new paragraph:

VII. “Real-time market price” means the average real-time locational marginal price at the pricing node applicable to the eligible facility in the independent system operator of New England (ISO-NE) real-time energy market for the applicable period used in the invoice submitted under RSA 362-H:3, IV.

7 New Sections; Baseload Renewable Generation Credits; Commission Authority. Amend RSA 362-H by inserting after section 2 the following new sections:

362-H:3 Baseload Renewable Generation Credits.

I. In addition to the requirements in RSA 362-F and notwithstanding any other law to the contrary, to promote retention of baseload or non-intermittent renewable generation, all net energy output generated by an eligible facility shall also produce baseload renewable generation credits for the eligible facility at the rate of one credit per net megawatt-hour generated by the eligible facility, provided that credits shall be produced only during the period commencing with the date the first credit is produced for purchase as stated in the invoice submitted under paragraph IV and ending 3 years thereafter. No baseload generation credits will be produced by any megawatt-hours purchased under RSA 362-H:2 or generated prior to the effective date of this section.

II. In this section, an “eligible facility” shall not include any facility combusting municipal solid waste.

III. Each electric distribution company subject to the commission’s approval regarding procurement of default service shall directly purchase all baseload generation credits offered for sale to it from eligible facilities located in its service territory based on the invoice submitted to it by the eligible facility. Each credit shall be purchased at a rate, expressed in dollars, equal to the positive difference between: (a) the adjusted energy rate applicable to the invoice period, and (b) the greater of the average energy rate, expressed in dollars per megawatt-hour, received in the month or applicable invoice period by the eligible facility for the sale of its energy, or the real-time market price. If the adjusted energy rate is no longer calculable due to a change in law or default service procurement, then the adjusted energy rate in (a) shall be the average of the last 2 adjusted energy rates. The purchase of credits shall not convey title to, or be deemed to be a purchase of, any electrical energy or capacity.

IV. The eligible facility shall invoice the purchasing electric distribution company monthly for the purchase of the credits produced in the prior month or other applicable period. Each invoice shall contain the net energy output generated (in megawatt-hours), the number of credits to be sold under the invoice, the average energy rate received by the eligible facility for the sale of energy in that month, or applicable invoice period, and the real-time market price. The invoice shall provide reasonable supporting detail to verify the invoice information. The invoice information and supporting detail shall be confidential information under all applicable laws. The electric distribution company shall calculate the amount due under the invoice, provide the calculation details to the eligible facility monthly, and pay the invoice within 15 days of receipt of the invoice.

V. Notwithstanding any law to the contrary, each electric distribution company shall recover, and the commission shall order the recovery of, the cost of purchasing credits and any reasonable costs incurred by the distribution company under this section through a nonbypassable delivery services charge applicable to all customers in the distribution company's service territory. The costs to be recovered under the charge shall be allocated among the electric distribution company's customer classes using the allocation percentages and process applicable to the particular distribution company as stated in RSA 362-H:2, V.

362-H:4 Commission Authority, Tolling, and Severability.

I. Any dispute arising under this chapter may be referred to the commission by the applicable electric distribution company or eligible facility for adjudication, and the commission is authorized to resolve any such dispute. Notwithstanding any law to the contrary, the commission shall order rate recovery under RSA 362-H:2, V.

II. If for any reason, the rights and obligations under any section of this chapter do not commence on the applicable effective date or are otherwise interrupted at any time, then any affected time period stated in the chapter shall be deemed tolled and automatically extended for the tolled period.

III. If any provision of this chapter shall be determined to be invalid or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity or enforceability of any other provision, including, without limitation, the allocation percentages and processes stated in RSA 362-H:2, V and any definitions applicable to the remaining provisions.

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

2019-1981s

AMENDED ANALYSIS

This bill establishes a committee to study the applications of microgrids in New Hampshire and changes in law necessary to allow for microgrids in electricity supply. The bill also requires electric distribution companies to purchase baseload renewable generation credits from eligible biomass facilities.

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 261, requiring the commissioner of the department of environmental services to revise rules relative to arsenic contamination in drinking water.

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

Energy and Natural Resources

May 14, 2019

2019-1983s

08/06

Amendment to HB 261

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

1 Ambient Groundwater Quality Standards; Contaminants in Drinking Water.

I. The commissioner shall initiate rulemaking pursuant to RSA 485-C:4, III within 120 days of the effective date of this paragraph to revise the ambient groundwater quality standard for arsenic to a value not to exceed 5 micrograms per liter. Such standard shall take effect no sooner than July 1, 2021.

II. The commissioner shall initiate rulemaking pursuant to RSA 485:3, I within 120 days of the effective date of this paragraph to adopt a maximum contaminant limit for arsenic to a value not to exceed 5 micrograms per liter for public water systems regulated by RSA 485-C. Such standards shall take effect no sooner than July 1, 2021.

2 Ambient Groundwater Quality Standards. Amend 2018, 190:1 to read as follows:

190:1 Department of Environmental Services; Ambient Groundwater Quality Standards. By January 1, 2019, the commissioner of the department of environmental services shall review the ambient groundwater standard for arsenic to determine whether it should be lowered, taking into consideration the extent to which the contaminant is found in New Hampshire, the ability to detect the contaminant in public water systems, the ability to remove

the contaminant from drinking water, the impact on public health, and the costs and benefits to affected entities that will result from establishing the standard. ~~[Any proposed change to the ambient groundwater standard for arsenic shall require the approval of the general court.]~~ On or before January 1, 2019, the commissioner shall submit a report of the findings to the chairpersons of the house and senate committees with jurisdiction over natural resources.

3 Drinking Water and Groundwater Advisory Commission. Amend RSA 485-F:4, VII(a)(1) to read as follows:

(1) Emergency remediation is necessary, where contamination to drinking water or groundwater is prevalent, ***or to assist with the capital costs of compliance with new or revised maximum contaminant levels or ambient groundwater quality standards.***

4 Effective Date. This act shall take effect 90 days after its passage.

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

Senator Sherman offered a Floor Amendment.

Sen. Sherman, Dist 24
May 23, 2019
2019-2243s
06/08

Floor Amendment to HB 261

Amend the bill by replacing section 1 with the following:

1 Ambient Groundwater Quality Standards; Contaminants in Drinking Water.

I. The commissioner shall initiate rulemaking pursuant to RSA 485-C:4, III within 120 days of the effective date of this paragraph to revise the ambient groundwater quality standard for arsenic to a value not to exceed 5 micrograms per liter. Such standard shall take effect no later than July 1, 2021.

II. The commissioner shall initiate rulemaking pursuant to RSA 485:3, I within 120 days of the effective date of this paragraph to adopt a maximum contaminant limit for arsenic to a value not to exceed 5 micrograms per liter for public water systems regulated by RSA 485-C. Such standards shall take effect no later than July 1, 2021.

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

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

Energy and Natural Resources
May 14, 2019
2019-1976s
08/10

Amendment to HB 459-FN

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

AN ACT defining hemp, relative to its growth and use in New Hampshire, establishing a committee to study the federal guidelines on growing hemp, and relative to costs of care for animals seized in animal cruelty cases and prohibiting the future ownership of animals in certain animal cruelty cases.

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

1 Findings. The general court finds:

I. Hemp has been continuously cultivated for millennia, is accepted and available in the global marketplace, and has numerous beneficial, practical, and economic uses, including: high-strength fiber, textiles, clothing, bio-fuel, paper products, protein-rich food containing essential fatty acids and amino acids, biodegradable plastics, resins, nontoxic medicinal and cosmetic products, construction materials, rope, and value-added crafts.

II. The many agriculturally and environmentally beneficial uses of hemp include: livestock feed and bedding, stream buffering, erosion control, water and soil purification, and weed control.

III. The hemp plant, an annual herbaceous plant with a long slender stem ranging in height from 4 to 15 feet and a stem diameter of $\frac{1}{4}$ to $\frac{3}{4}$ of an inch is morphologically distinctive and readily identifiable as an agricultural crop grown for the cultivation and harvesting of its fiber and seed.

IV. Hemp cultivation will enable the state of New Hampshire to accelerate economic growth and job creation and promote environmental stewardship.

2 New Chapter; Hemp. Amend RSA by inserting after chapter 439 the following new chapter:

CHAPTER 439-A HEMP

439-A:1 Purpose. The intent of this chapter is to define hemp so that farmers and other businesses in the New Hampshire agricultural industry can take advantage of this market opportunity afforded by the passage of the Agricultural Improvement Act of 2018.

439-A:2 Definitions. In this chapter:

I. "Cannabidiol" or "CBD" is a phytocannabinoid extracted from hemp plants.

II. "Commissioner" means the commissioner of the department of agriculture, markets, and food.

III. "Department" means the department of agriculture, markets, and food.

IV. "Hemp products" means all products made from hemp, including cloth, cordage, fiber, food, fuel, paint, paper, construction materials, plastics, seed, seed meal, seed oil, and certified seed for cultivation.

V. "Hemp" means the plant *Cannabis sativa* L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than 0.3 percent on a dry weight basis.

439-A:3 Hemp Permitted. Hemp is an agricultural product which may be grown as a crop, processed, possessed, and commercially traded in New Hampshire. Any grower, processor, or commercial trader of hemp shall be licensed by the United States Department of Agriculture.

3 Controlled Drug Act; Marijuana; Hemp Exception. Amend RSA 318-B:2-c, I(a) to read as follows:

(a) "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant genus *cannabis*, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin including hashish, and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. ***Marijuana shall not include hemp grown, processed, marketed, or sold under RSA 439-A.***

4 Therapeutic Cannabis; Industrial Hemp Excepted. Amend 126-X:1, III to read as follows:

III. "Cannabis" means all parts of any plant of the *Cannabis* genus of plants, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term shall not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such plants which are incapable of germination. ***In this chapter, cannabis shall not include hemp grown, processed, marketed, or sold under RSA 439-A.***

5 Committee Established. There is established a committee to study the administrative mechanisms for permitting growing hemp in New Hampshire consistent with the federal Agricultural Improvement Act of 2018 and determining labeling requirements for hemp products sold in New Hampshire.

6 Membership and Compensation.

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

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

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

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

7 Duties. The committee shall:

I. Review the statutes relating to hemp in the Agricultural Improvement Act of 2018 and the United States Department of Agriculture rules and guidelines for states choosing to license the growing, processing, marketing, and sale of hemp and hemp products.

II. Determine whether it is preferable for the state of New Hampshire to establish a state level oversight program for hemp within the department of agriculture, markets, and food or to request the federal government to oversee hemp production in New Hampshire.

III. Determine labeling requirements for hemp products in New Hampshire, and in particular, those products that may be intended for human consumption or for application to human skin and further, determine what department would be charged with oversight of labeling, and determine enforcement policies.

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

9 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

10 Animal Cruelty. RSA 644:8, IV is repealed and reenacted to read as follows:

IV.(a)(1) Any person charged with animal cruelty under paragraphs III or III-a may have his or her animals confiscated by the arresting officer.

(2) Courts shall give cases in which animals have been confiscated by an arresting officer priority on the court calendar. In cases in which animals have been confiscated by an arresting officer or his or her agency, a preliminary hearing shall be held by the court within 14 days of the confiscation of the animals.

(3) Any person with proof of sole ownership or co-ownership of an animal confiscated by an arresting officer in an animal cruelty case and who is not a defendant or party of interest in the criminal case may petition the court for temporary custody of the animal. The court shall give such person priority for temporary custody of the animal if the court determines it is in the best interest of the animal's health, safety, and wellbeing.

(4) No custodian of an animal confiscated under this section shall spay or neuter or otherwise permanently alter the confiscated animal in his or her custody pending final disposition of the court case unless a treating veterinarian deems such procedure necessary to save the life of the animal.

(5) Upon a person's conviction of cruelty to animals, the court shall dispose of the confiscated animal in any manner it decides except in a case in which the confiscated animal is owned or co-owned by persons other than the defendant. If the defendant does not have an ownership interest in the confiscated animal, the court shall give priority to restoring full ownership rights to any person with proof of ownership if the court determines that such is in the best interest of the animal's health, safety, and wellbeing. If the confiscated animal is co-owned by the defendant, the court shall give priority to transferring the defendant's interest in the property to the remaining owner or co-owners equitably if the court determines that such is in the best interest of the animal's health, safety, and wellbeing.

(6) The costs to provide the confiscated animals with humane care and adequate and necessary veterinary services, if any, incurred in boarding and treating the animal, pending disposition of the case, and in disposing of the animal upon a conviction of said person for cruelty to animals, shall be borne by the person so convicted in accordance with rules adopted by the department of agriculture, markets, and food.

(b) In addition, the court may prohibit any person convicted of a misdemeanor offense of animal cruelty under RSA 644:8, RSA 644:8-aa, RSA 644:8-b, RSA 644:8-c, or RSA 644:8-d, or violation of RSA 644:8-f from having future ownership or custody of, or residing with other animals for any period of time the court deems reasonable or impose any other reasonable restrictions on the person's future ownership or custody of animals as necessary for the protection of the animals. The court shall prohibit or limit any person convicted of a felony offense of animal cruelty under RSA 644:8 or a misdemeanor or felony offense of bestiality under RSA 644:8-g from having future ownership or custody of other animals for a minimum of 5 years, and may impose any other reasonable restrictions on the person's future ownership or custody of, or residing or hav-

ing contact with animals as necessary for the protection of the animals. For the purposes of this paragraph, a reasonable restriction on future contact may include limiting a person from engaging in any employment in the care of animals or other similar contact as the court sees fit. Any animal involved in a violation of a court order prohibiting or limiting ownership or custody of animals shall be subject to immediate forfeiture. Any person violating such order may, in addition to being held in criminal contempt of court or subject to a probation violation, be fined in the amount of \$1,000 in any court of competent jurisdiction for each animal held in unlawful ownership or custody.

(c) If a person convicted of any offense of cruelty to animals appeals any part of the conviction to the superior court or a higher court and any and any confiscated animal remains in the custody of the arresting officer, the arresting officer's agency, or the arresting officer's agency's designee pending disposition of the appeal, in order for the appellant to maintain a future interest in the animal, the trial or appellate court may require the appellant to post a bond or other security in an amount not exceeding \$2,000 for each animal in custody for costs expected to be incurred for the board and care of the animal during the appeal. Such bond or security shall be posted to the court within 30 days. If such bond or security is not paid within 30 days after the court orders the bond or security to be posted, the animals shall be forfeited to the arresting officer, the arresting officer's agency, or the arresting officer's agency's designee. The court may, for good cause, extend the deadline by no more than 15 days. If the conviction is affirmed on appeal, the costs incurred for the board and care of the animal, from the date the animal or animals were originally confiscated, shall be paid to the custodian from the posted security and the balance, if any, shall be returned to the person who posted it. A court shall order the return of any bond or security upon a court approved agreement of the parties, a finding of not guilty, or the reversal of a conviction, unless it is a reversal with remand for further proceeding.

11 New Paragraph; Health Certificates for Dogs, Cats, and Ferrets. Amend RSA 437:8 by inserting after paragraph V the following new paragraph:

VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual without first being protected against infectious diseases using a vaccine approved by the state veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer shall occur unless the transferred animal is accompanied by a health certificate issued within the prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the signing veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be given to the transferee upon transfer as provided in paragraph III. If an official health certificate is produced, it shall be prima facie evidence of transfer. The signing veterinarian shall provide a copy of the health certificate to the department of agriculture, markets, and food upon request.

12 Rulemaking; Authority; Care of Animals in Custody. Amend RSA 437:9, IV and V to read as follows:

IV. Notice and hearing on the refusal to issue or the revocation of a license; [and]

V. Setting limits for reasonable daily boarding and care costs for animals confiscated under RSA 644; and

[V-] VI. Any other matter the commissioner may deem necessary to carry out the provisions of this subdivision.

13 Effective Date.

I. Sections 10-12 of this act shall take effect January 1, 2020.

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

2019-1976s

AMENDED ANALYSIS

This bill:

I. Defines "hemp."

II. Allows for the growth of hemp in New Hampshire.

III. Establishes a study committee to study the federal guidelines on growing hemp.

IV. Establishes a study committee to study the federal guidelines on growing industrial hemp.

V. Further defines the meaning of priority on the calendar for animal cruelty cases in which animals must be held for the duration of a criminal prosecution.

VI. Clarifies the process for a defendant to post bond after conviction in order to retain a legal interest in the animals through the appeals process.

VII. Further defines the court's ability to ban a person convicted of animal cruelty from owning animals.

VIII. Requires dogs, cats, and ferrets to be transferred with a health certificate.

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

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

Sen. Feltes, Dist 15

May 23, 2019

2019-2258s

08/05

Floor Amendment to HB 459-FN

Amend RSA 644:8, IV(c) as inserted by section 10 of the bill by replacing it with the following:

(c) If a person convicted of any offense of cruelty to animals appeals any part of the conviction to the superior court or a higher court and any confiscated animal remains in the custody of the arresting officer, the arresting officer's agency, or the arresting officer's agency's designee pending disposition of the appeal, in order for the appellant to maintain a future interest in the animal, the trial or appellate court, after consideration of the income of the animal's owner, may require the appellant to post a bond or other security in an amount not exceeding \$2,000 for each animal in custody for costs expected to be incurred for the board and care of the animal during the appeal. Such bond or security shall be posted to the court within 30 days. If such bond or security is not paid within 30 days after the court orders the bond or security to be posted, the animals shall be forfeited to the arresting officer, the arresting officer's agency, or the arresting officer's agency's designee. The court may, for good cause, extend the deadline by no more than 15 days. If the conviction is affirmed on appeal, the costs incurred for the board and care of the animal, from the date the animal or animals were originally confiscated, shall be paid to the custodian from the posted security and the balance, if any, shall be returned to the person who posted it. A court shall order the return of any bond or security upon a court approved agreement of the parties, a finding of not guilty, or the reversal of a conviction, unless it is a reversal with remand for further proceeding.

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.

FINANCE

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

Ought to Pass, Vote 6-0. Senator Reagan for the committee.

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

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

Ought to Pass, Vote 6-0. 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 368-FN, relative to medically recognized disorders identified on drivers' licenses.

Re-refer to Committee, Vote 6-0. Senator Rosenwald for the committee.

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

Senator Watters moved Ought to Pass.

Senator Watters offered a Floor Amendment.

Sen. Watters, Dist 4

May 23, 2019

2019-2246s

11/10

Floor Amendment to HB 368-FN

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

2 Funding. The department of safety shall utilize up to \$25,000 from its existing appropriations in the state operating budget for the purpose of this act.

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

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

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

Ought to Pass, Vote 6-0. Senator Kahn for the committee.

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

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

Ought to Pass, Vote 6-0. 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 621-FN, establishing the state commission on aging.

Ought to Pass, Vote 4-2. Senator Giuda for the committee.

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

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bills are special ordered to the present time. Adopted.

EDUCATION AND WORKFORCE DEVELOPMENT

HB 131, establishing a commission on mental health education and behavioral health and wellness programs and conferring degree granting authority to Signum university.

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

HB 226, relative to the renomination of teachers.

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 706-FN-A, establishing an independent redistricting commission.

SPECIAL ORDER

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

COMMERCE

HB 186, establishing a state minimum wage and providing for adjustments to the minimum wage.

HB 272, relative to temporary workers.

HB 664-FN, relative to vehicle repair standards.

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 105-FN, relative to domicile residency, voter registration, and investigation of voter verification letters.

HB 611-FN, allowing voters to vote by absentee ballot.

HB 651, allowing the use of campaign funds for child care expenses.

JUDICIARY

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

HB 394-FN, relative to crop theft.

HB 399-FN, relative to annulment of arrests or convictions for possession of a certain quantity of marijuana.

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

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 239, relative to requirements for supervision for licensure of certain mental health and drug counselors.

EDUCATION AND WORKFORCE DEVELOPMENT

HB 131, establishing a commission on mental health education and behavioral health and wellness programs.

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

Education and Workforce Development
May 14, 2019
2019-1961s
06/04

Amendment to HB 131

Amend RSA 193-E:6, II as inserted by section 1 of the bill by inserting after subparagraph (v) the following new subparagraph:

(w) One staff member of the department of education with expertise in health care, health education, or curriculum development, appointed by the commissioner of the department of education.

Amend RSA 193-E:6, V and VI as inserted by section 1 of the bill by replacing them with the following:

V. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission. 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. Fourteen members of the commission shall constitute a quorum.

VI. The commission shall submit interim reports of its findings on January 30, 2020, and June 30, 2020 and a final report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 30, 2020.

Amend the bill by replacing section 3 with the following:

3 Effective Date.

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

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

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

Senator Kahn offered a Floor Amendment.

Sen. Kahn, Dist 10
May 21, 2019
2019-2169s
06/04

Floor Amendment to HB 131

Amend RSA 193-E:6, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) One teacher of health or related subjects, appointed by the governor.

Amend RSA 193-E:6, II as inserted by section 1 of the bill by inserting after subparagraph (w) the following new subparagraph:

(x) One teacher of health or related subjects, appointed by NEA-New Hampshire.

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

Senator Ward offered a Floor Amendment.

Sen. Ward, Dist 8
May 22, 2019
2019-2223s
06/01

Floor Amendment to HB 131

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

AN ACT establishing a commission on mental health education and behavioral health and wellness programs and conferring degree granting authority to Signum university.

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

3 Signum University; Authority to Grant Degrees. Signum university is hereby authorized to confer degrees upon its graduates subject to the authority of the higher education commission under RSA 21-N:8-a. The degrees shall be specified by the higher education commission as provided in RSA 292:8-h, III.

4 Effective Date.

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

II. Section 3 of this act shall take effect 60 days after its passage.

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

2019-2223s

AMENDED ANALYSIS

This bill establishes a commission to develop and promote mental health programs and behavioral health and wellness programs in kindergarten through grade 12.

This bill also authorizes Signum university to grant degrees in this state.

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 175, relative to the requirements for school building aid grants.
Ought to Pass, Vote 4-1. Senator Kahn for the committee.

Senator Kahn offered a Floor Amendment.

Sen. Kahn, Dist 10
May 22, 2019
2019-2229s
06/08

Floor Amendment to HB 175

Amend RSA 198:15-c, IV as inserted by section 1 of the bill by replacing it with the following:

IV. A school district that accepts school building aid for construction shall engage the services of a project manager for construction or reconstruction projects of \$1,000,000 or more, unless the commissioner waives such requirement as unnecessary. The school district's project manager shall have his or her own comprehensive liability and auto insurance, worker's compensation coverage, and professional liability coverage. The state board of education shall adopt rules pursuant to RSA 541-A relative to the required services, responsibilities, and qualifications for the school district's project manager.

2019-2229s

AMENDED ANALYSIS

This bill:

I. Establishes a timeline for school districts to apply for building aid grants.

II. Clarifies information to be provided in building aid applications.

III. Provides for emergency projects.

IV. Requires school district to engage the services of the school district's project manager for certain reconstruction or construction projects.

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 226, relative to the renomination of teachers.
Ought to Pass with Amendment, Vote 5-0. Senator Kahn for the committee.

Education and Workforce Development
May 14, 2019
2019-1962s
06/04

Amendment to HB 226

Amend the bill by replacing section 1 with the following:

1 Failure to be Renominated or Reelected. RSA 189:14-a is repealed and reenacted to read as follows:

I.(a) Any teacher who has a professional standards certificate from the state board of education and who has taught for one or more years in the same school district shall be notified in writing on or before April 15 or within 15 days of the adoption of the district budget by the legislative body, whichever is later, if that teacher is not to be renominated or reelected, provided that no notification shall occur later than the Friday following the second Tuesday in May.

(b) School boards shall have a teacher performance evaluation policy.

(c) Any such teacher who has at one time obtained an experienced educator certificate from the state board of education and who has also taught for 2 consecutive years or more in his or her current school district, may request in writing within 10 days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or reelected. For those teachers who obtain for the first time an experienced educator certificate after July 1, 2019, experienced educator certificate shall be as defined in RSA 186:11, XXXVIII. The notice shall advise the teacher of all of the teacher's rights under this section. The school board, upon receipt of said request, shall provide for a hearing on the request to be held within 15 days. The school board shall issue its decision in writing within 15 days of the close of the hearing. For purposes of this section only, a leave of absence shall not interrupt the consecutive nature of a teacher's service, but neither shall such a leave be included in the computation of a teacher's service. Computation of a teacher's service for any other purposes shall not be affected by this section.

II. In cases of nonrenomination or nonreelection because of reduction in force, the reduction in force shall not be based solely on seniority.

III. In all proceedings before the school board under this section, the burden of proof for nonrenewal of a teacher shall be on the superintendent of the local school district by a preponderance of the evidence. Except as provided in paragraph II, the grounds for nonrenomination and nonreelection shall be determined at the sole discretion of the school board.

IV. "Teacher" means any professional employee of any school district whose position requires certification as a professional engaged in teaching. The term "teacher" shall also include principals, assistant principals, librarians, and guidance counselors.

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

3 New Paragraph; Duties of State Board of Education. Amend RSA 186:11 by inserting after paragraph XXXVII the following new paragraph:

XXXVIII. Experienced Educator Certificate. The state board of education shall issue an experienced educator certificate to an individual who has at least 3 years of full-time experience as an educator at the elementary through secondary levels of education, has been deemed effective or above according to a local evaluation system for 2 consecutive years, and has completed successfully a 3 year renewal cycle pursuant to rules of the department as of July 1, 2019 and according to the state master plan as of July 1, 2019 or a local professional development master plan as determined by the local superintendent or district administrator or nonpublic school administrator. An experienced educator credential shall be valid for 3 years.

4 Effective Date. This act shall take effect July 1, 2020.

2019-1962s

AMENDED ANALYSIS

This bill changes the requirements for a teacher to be entitled to notification and a hearing where the teacher is not reappointed.

This bill also requires the state board of education to issue an experienced educator certificate to certain teachers.

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.

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 706-FN-A, establishing an independent redistricting commission.

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

Election Law and Municipal Affairs
 May 16, 2019
 2019-2026s
 11/04

Amendment to HB 706-FN-A

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

1 New Chapter; Independent Redistricting Commission. Amend RSA by inserting after chapter 662-A the following new chapter:

CHAPTER 662-B INDEPENDENT REDISTRICTING COMMISSION

662-B:1 Independent Redistricting Commission Established. There is hereby established a New Hampshire independent redistricting commission ("commission"), that shall convene no later than July 1, 2021, and every 10 years thereafter, in order to:

I. Conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines.

II. Draw district lines according to the redistricting criteria specified in this chapter.

III. Conduct its business with integrity and fairness.

662-B:2 Eligibility to Serve on the Commission. A person shall be eligible for appointment to the commission if the person is eligible to register to vote in New Hampshire and if the person does not currently hold office in the United States House of Representatives, New Hampshire senate, New Hampshire house of representatives, executive council, or a county commission.

662-B:3 Appointment of Commissioners.

I. The secretary of state shall identify the pool of eligible commissioners. He or she shall, to the extent practicable, notify all eligible persons and invite them to apply. These efforts may include:

- (a) Advertising the application period and criteria in daily newspapers in the state.
- (b) Advertising the application period and criteria on the home page of state agency websites.
- (c) Requesting media to publicize the commission's search for eligible members.
- (d) Publicizing the application period and criteria in the New Hampshire house and senate calendars.

II.(a) A person who is eligible to serve as a member of the commission may submit an application to the secretary of state no later than February 1 of each year ending in the number one. Such application shall include the following information:

- (1) Whether the applicant has registered as a lobbyist in the preceding 10 years.
- (2) What elective offices, if any, the applicant has held in New Hampshire in the preceding 10 years.
- (3) If the applicant has voted in a state primary election or presidential primary election in New Hampshire in the preceding 6 years, which political party's ballots the applicant has taken.

(b) From all eligible applications received, the senate and house leaders from the majority party in the house shall nominate 10 applicants from the majority party in the house, and the senate and house leaders from the largest minority party in the house shall nominate 10 applicants from the largest minority party in the house. The senate and house leaders from the majority party in the house shall chose 5 members from the 10 applicants so selected from largest minority party in the house to serve on the commission. The senate and house leaders from the largest minority party in the house shall chose 5 members from the 10 applicants so selected from the majority party in the house to serve on the commission.

(c) The 10 commissioners so selected shall together select 5 commissioners from the applicants who are not members of the majority party in the house or the largest minority party in the house. The 10 commissioners may not initiate communications or reply to communications about the selection process of the remaining 5 commissioners with outside persons attempting to influence commissioners or commission action. The process of selecting the 5 commission members not affiliated with the majority party in the house or the largest minority party in the house is not subject to the right-to-know law in RSA 91-A.

III. In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, a member of the commission may, after being served written notice and given an opportunity for a response, be removed by a vote of 11 members of the commission. A finding of substantial neglect of duty or gross misconduct in office may result in referral to the New Hampshire attorney general for criminal prosecution.

IV. Vacancies on the commission shall be filled when they occur by the commission selecting, by a vote of 11 members, a new member from among the original pool of applicants of the same political party as the vacated commissioner seat still willing to serve or by seeking a replacement in the same manner as initial appointments.

V. The term of office of commission members expires 2 years after the final enactment of the redistricting plan into law.

662-B:4 Commission Meetings.

I. The commission shall act in public meetings by the affirmative vote of at least 9 members.

II. All meetings of the commission shall be open to the public. The commission shall publicly post notice of its meetings on the commission website and other appropriate outlets at least 7 days prior to such meetings. All records of the commission, including all communications to or from the commission regarding the work of the commission, shall be made available for public inspection.

III. The commission shall hold at least one public meeting in each county prior to drawing any maps and at least one public meeting in each county after releasing any proposed maps.

IV. The commission shall create a website that shall provide, at a minimum, a description of the role of the commission in the redistricting process, timely information to the public about the time, place, and purpose of each meeting of the commission, reports, minutes, and such other information that will support an open and transparent process.

V. The commission shall provide a meaningful opportunity for all persons to participate in the public meetings. Meetings shall be held only in spaces that are accessible under the Americans with Disabilities Act of 1990, as amended.

VI. Commission meetings shall be adequately advertised and planned so as to encourage attendance and participation across the state. This includes scheduling meetings outside of regular work hours.

VII. The commission shall be considered a public body subject to RSA 91-A. No documents created or received by the commissioners or staff as part of official duties, including emails and text messages, shall be exempt from disclosure for any privilege other than attorney-client privilege.

VIII. Commissioners and staff may not initiate communications or reply to communications about commission business with outside persons attempting to influence commissioners or commission action outside of public meetings. To the extent that commissioners and staff receive such communications, the identity of the person or group and the subject of the communication shall be publicly disclosed on the commission website.

662-B:5 Developing Redistricting Maps.

I. During the map drawing process, any member of the public may submit maps or portion of maps for consideration by the commission in a portable document format suitable for archiving (PDF/A) format, or other format approved by the secretary of state. These submissions shall be made publicly available and shall include the name of the person making the submission. Electronically submitted maps may be posted on the commission website.

II.(a) The commission shall post proposed maps in a manner determined by the commission, provided that such display shall include posting on the commission website for a minimum of 7 days for public comment and by distribution to the news media in a manner designed to achieve the widest public access reasonably possible before establishing a final plan. Additionally, the efforts to achieve access may include but not be limited to:

- (1) Advertising the availability of the proposed maps in daily newspapers in the state.
- (2) Advertising the availability of the proposed maps on the home page of state agency websites.
- (3) Requesting media to publicize the availability of the proposed maps.

(b) When releasing a proposed map, the commission shall also release the data used to create the plan, such as population data, geographic data, and election data.

III. The commission shall issue with the proposed and final maps written evaluations that measure the maps against external metrics, and may include efficiency gap and compactness. These metrics shall cover all criteria set forth in RSA 662-B:6.

IV.(a) No later than December 20 of any year ending in one, the commission shall submit final plans for New Hampshire county commission, house, senate, executive council, and congressional districts to the senate president, speaker of the house of representatives, and senate and house minority leaders.

(b) If a chamber of the legislature fails to pass the final plans for any of the districts, the commission shall review the legislative record. The commission shall then amend the final plans after reviewing the legislative record, and resubmit the plans to the legislature.

(c) When the legislature passes final redistricting plans the plans shall be filed with the secretary of state.

662-B:6 Redistricting Criteria.

I. The commission shall establish single or multi-member districts for the New Hampshire county commissions, house of representatives, and single member districts for the New Hampshire senate, executive council, and United States representative, using the following criteria as set forth in the following order of priority:

(a) Districts shall comply with the United States Constitution and all applicable federal laws. Districts shall be drawn on the basis of total population.

(b) Districts shall comply with the New Hampshire constitution and all applicable state laws.

(c) Districts shall form single boundaries and shall not be bisected or otherwise divided by other districts, and shall respect the geographic integrity of political boundaries to the extent practicable without violating the requirements of state law or any preceding subdivisions.

(d) Districts shall be drawn in compact shapes and shall avoid jagged edges and extensions.

(e) Commissioners shall consider the integrity of communities of interest to the extent practicable. For purposes of this section a community of interest is defined as an area with recognized similarities of interests, including but not limited to racial, ethnic, economic, social, cultural, geographic or historic identities. Communities of interest shall not include common relationships with political parties or political candidates.

II.(a) The plan as a whole shall not have the intent or the effect of unduly favoring or disfavoring any political party, incumbent, or candidate for political office.

(b) Districts shall not have the intent or the effect of unduly favoring or disfavoring any racial or language group.

662-B:7 Failure of Legislature to Reach Consensus. If a redistricting plan is not enacted, any registered voter may file a petition with the New Hampshire supreme court. The supreme court may appoint a special master to create the relevant plans, upon its determination that no redistricting plan will be validly enacted in time for the upcoming election. If the court creates a redistricting plan, nothing in this section shall prevent a subsequent legislature from enacting an otherwise lawful redistricting plan.

662-B:8 Judicial Review. Any registered voter in this state may file a petition, within 45 days after adoption of a final map on the grounds that the plan violates any federal or state law.

662-B:9 Compensation. Members of the commission shall receive mileage reimbursement at the federal rate for expenses incurred in connection with the duties performed pursuant to this chapter.

662-B:10 Financial Independence.

I. For the fiscal year ending June 30, 2021, the governor may draw a warrant out of sums not otherwise appropriated to fund expenses of the commission established pursuant to this chapter.

II. For each subsequent biennium preceding the decennial census, the governor shall include in his or her budget recommendation appropriations sufficient to meet the estimated expenses of the commission, including but not limited to adequate funding for a statewide outreach program to solicit broad public participation in the redistricting process and adequate office space available for the operation of the commission.

662-B:11 Secretary of State to Provide Support. The secretary of state shall provide such administrative and staff support as is necessary for the commission to perform its duties.

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

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

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

MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Carson: HB 468-FN-L

Senator Cavanaugh: HB 468-FN-L

LATE SESSION

Third Reading and Final Passage

HB 109-FN, requiring background checks for commercial firearms sales.

HB 113, relative to qualifications for and exceptions from licensure for mental health practice.

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

HB 131, establishing a commission on mental health education and behavioral health and wellness programs and conferring degree granting authority to Signum university.

HB 156, establishing a commission to study the establishment of a state department of energy.

HB 162, repealing the requirement for the inspection of timber.

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

HB 183, establishing a committee to study the applications of microgrids in New Hampshire and changes in law necessary to allow for microgrids in electrical supply, and relative to baseload renewable generation credits for biomass energy facilities.

HB 189-FN, establishing an exemption from criminal penalties for child sex trafficking victims.

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

HB 226, relative to the renomination of teachers.

HB 261, requiring the commissioner of the department of environmental services to revise rules relative to arsenic contamination in drinking water.

HB 291, establishing a committee to study certain findings regarding hospice and palliative care.

HB 359, relative to warning labels on prescription drugs containing opiates.

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

HB 459-FN, defining hemp, relative to its growth and use in New Hampshire, establishing a committee to study the federal guidelines on growing hemp, and relative to costs of care for animals seized in animal cruelty cases and prohibiting the future ownership of animals in certain animal cruelty cases.

HB 464, relative to the definitions of solar energy systems and wind-powered energy systems for assessed value of real estate exemptions and enabling municipalities to adopt a property tax exemption for electric energy storage systems.

HB 468-FN-LOCAL, relative to the inclusion of attendance stipends and certain additional pay for instructional activities as earnable compensation in the retirement system.

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

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

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

HB 588, relative to presidential nominations.

HB 593, relative to updating official voter checklists and expanding the voter information exemption under the right to know law.

HB 616-FN, relative to a cost of living adjustment for retirees in the state retirement system.

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

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

HB 628-FN, relative to universal changing stations in certain places of public accommodation.

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

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

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

HB 706-FN-A, establishing an independent redistricting commission.

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.