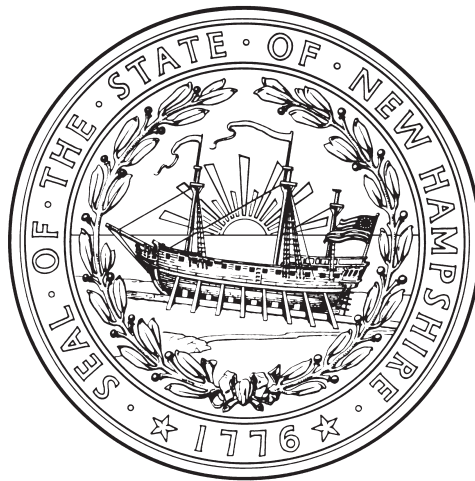


February 21, 2019
Nos. 5-6

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 – FEBRUARY 14, 2019 SESSION
COMMENCEMENT – FEBRUARY 21, 2019 SESSION**

SENATE JOURNAL 5 *(continued)*

February 14, 2019

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 112, relative to the mechanical licensing board.

HB 115, relative to the regulation of private investigators, security guards, and bail recovery agents.

HB 122, allowing for gifts, grants, and donations on behalf of state and national legislative association events.

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

HB 131, (New Title) establishing a commission on mental health education and behavioral health and wellness programs.

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

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

HB 145, relative to the counting of secret ballots.

HB 146, relative to the counting of defective ballots.

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

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

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

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

HB 181, relative to the house and senate members of the university system board of trustees.

HB 188, amending the definition of headway speed.

HB 211, relative to inquiries by prospective employers concerning salary history.

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

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

HB 243, (New Title) adding members to the Pease development authority board of directors to represent Greenland.

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

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

HB 259, relative to building code violations.

HB 270, relative to commencement of foreclosure by civil action.

HB 272, relative to temporary workers.

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

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

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

HB 287, relative to nepotism in state employment.

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

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

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

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

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

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

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

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

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

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

HB 361, relative to property settlement including animals.

HB 372-FN, relative to motorist duties when approaching highway emergencies.

HB 410, (New Title) allowing the department of environmental services to have access to enhanced 911 information.

HB 419, relative to the position of house clerk.

HB 428, relative to pedestrian control signals.

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

HB 453, (New Title) making changes to the membership of the state house bicentennial commission, declaring June 2 - June 8 as New Hampshire State House Bicentennial Week, and declaring June 6 as New Hampshire Legislators' Homecoming Day.

HB 524, (New Title) establishing a committee to study issues and impediments to starting, running, and growing home and commercial day care facilities in New Hampshire.

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

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

HB 587, relative to organ donation on a driver's license.

HB 617, establishing a committee to study recycling streams in New Hampshire.

INTRODUCTION OF LEGISLATION

Senator Feltes offered the following Resolution:

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

First and Second Reading and Referral

HB 453, making changes to the membership of the state house bicentennial commission, declaring June 2 - June 8 as New Hampshire State House Bicentennial Week, and declaring June 6 as New Hampshire Legislators' Homecoming Day. (Executive Departments and Administration)

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 6

February 21, 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:

Since it was President's Day this week our prayer this morning is based on a prayer that Abraham Lincoln gave on the National Day of Prayer.

Almighty God, we give you thanks this day for this good land of our heritage. We give you thanks for our country of liberty and justice; for our majestic and wonderful state of New Hampshire. We humbly ask that we always prove ourselves a people mindful of the gifts we have been given. Bless our land with honorable government, sound learning, and pure manners. Save us from violence, discord and confusion; from pride and arrogance, and from every evil way. Defend our liberties and fashion into one united people a multitude brought together out of many people and tongues. Give wisdom to those we entrust the authority of government that there may be justice and peace at home, and that through obedience to the law we may show forth praise among the nations of the earth. In time of prosperity, fill our hearts with thankfulness; and in the day of trouble strengthen our resolve to defend liberty and justice for all. Amen.

Senator Hennessey led the Pledge of Allegiance.

ANNOUNCEMENT

PRESIDENT SOUCY: Thank you. Are there any guests to be introduced? If not, I do have one note that I wanted to mention to the members. Last session, in particular, Tammy and I were having a little difficulty figuring out if people wanted to ask questions, or if they wanted to speak. If you want to speak, raise your hand and do something like this. If you want to ask a question, please make a question mark. It just makes it a little bit easier for us to keep track of who wants to participate, and in what way they want to participate in the debate.

INTRODUCTION OF PAGES

Senator Hennessey introduced Cally Barrette and Prescott Herzog from Stevens High School in Claremont, serving as Senate Pages for the day.

AMENDMENT TO SENATE RULES

Senator Feltes moved to amend the Senate Rules, with the amendment provided here today.

Senator Soucy
Senator Morse
February 21, 2019

AMENDMENT TO THE SENATE RULES

1. Amend Senate Rules 1-1, 3-23, 4-3, and 6-21 with the following:

1-1 Determination of Quorum; Correction of Journal - The President, having taken the chair, shall determine a quorum to be present. Any erroneous entry in the daily journal shall be corrected no later than the third succeeding legislative day, and the permanent journal corrected within one week after the permanent journal copy is placed in the hands of the Senate *or a Clerk's note written in the daily or the permanent journal.*

3-23 First-Year Bills or Resolutions Laid on the Table - All bills or resolutions remaining on the table upon adjournment of the first-year *and at the end of* session shall be made Inexpedient to Legislate at that time.

4-3 Tie Vote in Committee - In the event a committee is unable to reach a majority vote in favor of any recommendation, the bill or resolution shall be reported out of committee with a recommendation of inexpedient to legislate *no recommendation.*

6-21 Conditions for Inclusion - No bill or resolution shall appear on the Consent Calendar unless all of the following conditions are met:

(a) All members of the committee to which the bill or resolution was referred vote in favor of the final committee recommendation in executive session.

(b) All members of the committee to which the bill or resolution was referred vote in favor of placing it on the Consent Calendar.

(c) A short explanation of the committee's recommendation, approved by the chairperson *member* of the committee *who is reporting the bill,* appears with the bill or resolution in the Consent Calendar.

2. Amend Table I, Main Motions – Special Order and Withdraw from Committee with the following:

Motion	Debatable	Amendable	Notes
Special Order	No	No	Moves consideration of a future scheduled <u><i>or currently scheduled</i></u> item to another time by a simple majority vote.
Withdraw from Committee <u><i>Vacate</i></u>	Yes	No	Brings an item back from committee and puts it before the entire Senate.

Adopted.

FN REPORT FOR FEBRUARY 21, 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

SB 272-FN, relative to mental health parity under the insurance laws.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

SB 232-FN, adopting the model psychology interjurisdictional compact.

SB 288-FN, relative to privatization contracts by state agencies.

JUDICIARY

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.

REGULAR CALENDAR:

TRANSPORTATION

SB 241-FN-A, relative to funding for the project development phase of the capitol corridor rail project.

WAYS AND MEANS

SB 242-FN, requiring notice and approval of certain actions to commence audits of collection liabilities arising under certain sales and use tax statutes and prohibiting New Hampshire remote sellers from disclosing private customer information to foreign taxing authorities in connection with the collection of certain sales and use taxes.

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

CONSENT CALENDAR:

TRANSPORTATION

SB 240-FN, relative to reciprocal toll collection.

REGULAR CALENDAR:

EDUCATION AND WORKFORCE DEVELOPMENT

SB 303-FN, relative to state aid to school districts.

HEALTH AND HUMAN SERVICES

SB 14-FN, relative to child welfare.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

TRANSPORTATION

SB 240-FN, by Senator Watters

SENATE CLERK'S NOTE: TECHNICAL AND ADMINISTRATIVE CORRECTIONS

The Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate on the blurb for Senate Bill 209 on the Consent Calendar.

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

SB 272-FN, relative to mental health parity under the insurance laws.

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

This bill authorizes the insurance commissioner to enforce the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 and requires the commissioner to examine and evaluate health insurers, health service corporations, and health maintenance organizations for compliance. This bill will allow the insurance commissioner to gauge where the state is in terms of reaching mental health parity and will show what areas need the most improvement as well as which areas are prospering. The adopted amendment allows the department of insurance to properly assess provider practices and how those factor into achieving mental health parity.

Commerce
 February 8, 2019
 2019-0391s
 01/04

Amendment to SB 272-FN

Amend RSA 417-E:1, V-a as inserted by section 2 of the bill by replacing it with the following:

V-a. Under examination authority in RSA 400-A:37, the commissioner shall periodically examine and evaluate health insurers, health service corporations, and health maintenance organizations for compliance with this chapter and with the act. Such examination and evaluation shall include provider reimbursement practices. The result of such examinations and evaluations shall be made public to the fullest extent allowed under RSA 400-A:37.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

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

This bill authorizes the State Fire Marshal to detail personnel for public or private events for the purpose of law enforcement, code enforcement, hazardous materials safety, and public education services. Passage of this legislation will enact a consistent pay rate for when State Fire Marshal employees engage in special duty outside of their normal work product and will ensure proper billing and reimbursement for the Office occurs.

SB 209, establishing a commission to create a New Hampshire recovery memorial.

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

This bill will establish a commission to oversee the location, design, construction and maintenance of a New Hampshire recovery memorial. It authorizes the commission to raise from private sources and to expend all such funds necessary for its construction and maintenance. Creating this memorial will help to raise awareness, facilitate conversation and diminish stigma, all of which are vital to resolving New Hampshire's substance misuse crisis.

SB 210, relative to emergency medical and trauma services.

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

This bill makes certain reference changes and adds a definition of "telecommunicators" to the law governing emergency medical and trauma services. This will allow for all 9-11 dispatchers to be included in emergency services teams in order to discuss their experiences and obtain the support they need to deal with trauma they may experience in their work. The Committee amended the bill to change the effective date and correct a technical error.

Senate Executive Departments and Administration

February 14, 2019

2019-0511s

01/08

Amendment to SB 210

Amend the bill by replacing sections 2 and 3 with the following:

2 Emergency Medical and Trauma Services; Critical Incident Intervention and Management. Amend RSA 153-A:17-a, II(b) to read as follows:

(b) All critical incident stress management team members, sworn or civilian, shall be designated by the police chief, sheriff, ~~commander~~ **director** of the **division of** state police, fire chief, or director of **the division of** emergency services and **communications**.

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

SB 232-FN, adopting the model psychology interjurisdictional compact.

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

This bill enacts the adoption of the psychology interjurisdictional compact, which allows for psychologists to practice for 30 days in New Hampshire if they are licensed in a different compact state and for interstate telemedicine amongst all compact states. New Hampshire has a workforce shortage in the healthcare industry, especially in the mental health field, and this bill will assist in addressing some of those shortages, while still maintaining standards on requisite education, training, and experience.

SB 288-FN, relative to privatization contracts by state agencies.
Re-refer to Committee, Vote 5-0. Senator Carson for the committee.

This bill would regulate privatization contracts entered into by state agencies. Due to a need for further work the Committee recommends re-referring this legislation for the purpose of giving the Committee more time to examine all sides of this issue and to facilitate further review of the current procedures and bodies already in place.

HEALTH AND HUMAN SERVICES

SB 118, establishing a child fatality review committee.

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

The child fatality review commission has spent years researching preventable deaths among children. The commission was formed in 1995 by an executive order from Governor Merrill. The commission's research has helped lead to the passage and implementation of several important laws which have helped keep children safe, including updating New Hampshire's child restraint law to cover children until they are 7 years old, or 57 inches tall. SB 118 will allow the commission to continue its critical work and inform further policy to protect children in New Hampshire.

Health and Human Services
February 13, 2019
2019-0500s
05/04

Amendment to SB 118

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

1 New Subdivision; Child Fatality Review Committee. Amend RSA 132 by inserting after section 40 the following new subdivision:

Child Fatality Review Committee

132:41 Child Fatality Review Committee Established.

I. The department of health and human services, in conjunction with the office of the chief medical examiner and in accordance with RSA 611-B, shall establish a child fatality review committee to conduct comprehensive, multidisciplinary reviews of preventable infant, child, and youth deaths in New Hampshire for the purpose of identifying factors associated with the deaths and to make recommendations for system changes to improve services for infants, children, and youth.

II. The objectives of the child fatality review committee shall be to:

(a) Describe trends and patterns of child deaths in New Hampshire, including sudden unexpected infant deaths (SUID) and sudden death in the young (SDY).

(b) Identify and investigate the prevalence of risks and risk factors among the populations of deceased children.

(c) Evaluate the service and system responses for children and families and to offer recommendations for improvement of those services.

(d) Improve the sources of data collection by developing protocols for autopsies, death scene investigations, and complete recording of cause of death on all death certificates.

(e) Enable state agencies, law enforcement, health care providers, and community-based organizations to more effectively prevent and investigate child fatalities.

III. The child fatality review committee shall consist of the following members:

(a) The attorney general, or designee.

(b) The chief medical examiner, or designee.

(c) The director of maternal and child health, division of public health services, department of health and human services, or designee.

(d) The director of the injury prevention program, division of public health services, department of health and human services, or designee.

(e) The director of the division for children, youth and families, department of health and human services, or designee.

(f) The director of the division for behavioral health, department of health and human services, or designee.

(g) The director of the division of family assistance, department of health and human services, or designee.

(h) The commissioner of the department of safety, or designee.

(i) The commissioner of the department of education, or designee.

(j) One representative of the administrative office of the courts, appointed by the chief justice of the supreme court.

(k) The director of the office of the child advocate, or designee.

(l) The director of the woman, infant and children program, division of public health services, department of health and human services, or designee.

(m) The director of the division of emergency medical services, department of safety, or designee.

(n) A member of the New Hampshire Pediatric Society, appointed by the society.

(o) An early childhood education specialist, appointed by the commissioner of the department of health and human services.

(p) A maternal and child health specialist, appointed by the commissioner of the department of health and human services.

(q) A representative of a child advocacy center, appointed by the commissioner of the department of health and human services.

(r) A representative of Court Appointed Special Advocates (CASA), appointed by the director of CASA.

(s) A psychiatrist or psychologist licensed in this state, appointed by the commissioner of the department of health and human services.

(t) A representative of a parent advocacy organization, appointed by the commissioner of the department of health and human services.

(u) An epidemiologist from a New Hampshire college or university, appointed by the commissioner of the department of health and human services.

(v) A domestic violence specialist, appointed by the commissioner of the department of health and human services.

(w) A representative of a statewide law enforcement officers' advisory council, appointed by the commissioner of the department of health and human services.

(x) A representative of a family resource center or home visiting program, appointed by the commissioner of the department of health and human services.

(y) A member of the public, appointed by the commissioner or the department of health and human services.

(z) A representative of the New Hampshire Hospital Association, appointed by the association.

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

IV. Members of the child fatality review committee appointed under subparagraphs III(a)-(m) shall serve a term coterminous with their term in office. Members appointed under subparagraphs III(n)-(aa) shall serve a 6-year term, provided that initial appointments shall be for staggered terms of one to 6 years.

(a) The committee shall elect 2 chairpersons from among its members. The first meeting of the committee shall be called by the commissioner of the department of health and human services, or designee, and shall be held within 45 days of the effective date of this section.

(b) The committee may create additional subcommittees focused on specific populations such as for SUID and SDY. These subcommittees shall be subject to the same protections and responsibilities as the child fatality review committee. Membership of these subcommittees shall be determined by the co-chairpersons.

(c) Members of the committee shall sign confidentiality statements that prohibit any unauthorized dissemination of information except when disclosures may be necessary to enable the committee to carry out its duties under this chapter. No material shall be used for reasons other than for which it was intended.

(d) The department of health and human services shall provide administrative support to the committee.

V. The child fatality review committee shall:

(a) Meet no fewer than 6 times per year to conduct reviews of child fatalities, including sudden unexpected infant deaths (SUID) and sudden death in the young (SDY). Subcommittees shall meet as determined by the co-chairpersons.

(b) Utilize case identification with the sole purpose of notification and data collection among state agencies. Each of the state agencies represented on the committee shall share relevant case information regarding decedents known to or enrolled in state agency programs or services. The review committee shall have access to all records of the division for children, youth and families, including case records, third party records, which include the healthcare and education records of any child receiving services from a state agency, and court records. The committee may review existing records and other information regarding the child from relevant agencies, professionals, and providers of medical, dental, prenatal, and mental health care. The information shared shall include, but not limited to, reports from health care providers, social service providers, law enforcement, and the medical examiner's office.

(c) Study the adequacy of statutes, rules, training, and services to determine what changes are needed to decrease the incidence of preventable child fatalities and, as appropriate, take steps to implement these changes.

(d) Educate the public regarding the incidence and causes of child fatalities and the public's role in preventing these deaths.

(e) Complete an annual statistical report on the incidence and causes of child fatalities in this state during the past fiscal year and submit a copy of this report, including its recommendations for action, to the governor, the senate president, the speaker of the house of representatives, and the health and human services oversight committee established in RSA 126-A:13. The committee shall submit the report on or before December 15 of each year.

VI. The committee may subpoena witnesses, records, documents, reports, reviews, recommendations, correspondence, data, and other evidence that the committee reasonably believes is relevant to the committee's objectives.

VII.(a) The committee shall maintain the confidentiality of all records pursuant to RSA 169-C:25, RSA 170-G:8-a, and all other related confidentiality laws.

(b) The information and records obtained and created in execution of the child fatality review committee's official functions shall be exempt from disclosure pursuant to RSA 91-A and shall be privileged and exempt from use or disclosure in any criminal or civil matter or administrative proceeding. No person who participates in the official functions of the committee shall be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving exercise of his or her official duties.

(c) Meetings of the committee shall be exempt from RSA 91-A:3.

(d) Any person who knowingly discloses case records or other information obtained from committee proceedings shall be guilty of a misdemeanor.

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

JUDICIARY

SB 127, relative to the Hampton Circuit Court.

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

This bill amends the statute governing the Hampton judicial district to indicate that the district division for the district shall be in Hampton, as that is where the new court house is located. The new court house has already opened and will soon be formally dedicated.

SB 131, reestablishing a commission to study grandfamilies in New Hampshire.
Ought to Pass with Amendment, Vote 5-0. Senator Hennessey for the committee.

This bill reestablishes the Commission to Study Grandfamilies in New Hampshire. Enacting this legislation will allow the Commission to continue their vital work to support the growing number of grandfamilies in our State and continue to examine the existing systems that are in place.

Senate Judiciary
February 13, 2019
2019-0485s
05/10

Amendment to SB 131

Amend RSA 170-G:17-a, III as inserted by section 1 of the bill by replacing it with the following:

III. Members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 30 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

SB 298-FN, relative to summoning out-of-state witnesses in criminal cases.
Ought to Pass, Vote 5-0. Senator Levesque for the committee.

This bill authorizes a procedure to secure the attendance of a witness from the commonwealth of Massachusetts to testify in a criminal matter in this state. Establishing this procedure will make the process easier for prosecutors, public defenders, and private attorneys to get cases resolved, while still protecting the due process rights of witnesses.

SB 299-FN, requiring good behavior as a condition for release without arrest or bail.
Ought to Pass, Vote 5-0. Senator Chandley for the committee.

This bill adds a good behavior requirement to the form of the summons issued in lieu of arrest and as a condition for release without arrest or bail. The implementation of this change will offer more efficiency for our officers and allow for the use of discretion to determine the appropriateness of a summons versus bail.

TRANSPORTATION

SB 56, establishing a committee to study motor vehicle registrations of active duty military personnel.
Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill establishes a committee to study motor vehicle registrations of active duty military members with the objective of recommending legislation that would allow active members of the armed forces to be exempt from the state portion of motor vehicle registrations.

SB 92, relative to transfer of vehicle ownership.
Ought to Pass, Vote 5-0. Senator Watters for the committee.

This bill will simplify the vehicle registration transfer process for a lease transfer by making the date of birth of the primary lessee the date that shall determine the expiration of the registration. The committee heard testimony that under current law, cities and towns were unable to provide refunds or credits for any discrepancies during a registration transfer. This bill would correct that going forward.

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

REGULAR CALENDAR

COMMERCE

SB 147, relative to adoption of the Uniform Fiduciary Access to Digital Assets Act.
Ought to Pass, Vote 4-0. Senator Morgan for the committee.

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

SB 149, relative to voluntary application of the uniform prudent management of institutional funds act to certain charitable trusts.
Ought to Pass, Vote 4-0. Senator French for the committee.

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

SB 197, relative to noncompete agreements for low-wage employees.
Ought to Pass, Vote 4-0. Senator Cavanaugh for the committee.

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

EDUCATION AND WORKFORCE DEVELOPMENT

SB 303-FN, relative to state aid to school districts.
Ought to Pass with Amendment, Vote 5-0. Senator Morgan for the committee.

Education and Workforce Development
February 12, 2019
2019-0469s
08/04

Amendment to SB 303-FN

Amend RSA 186-C:18, III(d) as inserted by section 2 of the bill by replacing it with the following:

(d) The department of education shall distribute to the school district not less than 80 percent of the district's entitlement for special education aid in fiscal year 2020, and 90 percent of the district's entitlement for special education aid beginning in fiscal year 2021.

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

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

ENERGY AND NATURAL RESOURCES

SB 76, relative to the prohibition of offshore oil and natural gas exploration.
Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

Recess. Out of recess.

SPECIAL ORDER

Without objection, Senator Feltes moved to special order SB 76 to the next session. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 174, proclaiming an annual observance of Juneteenth.
Ought to Pass, Vote 5-0. Senator Carson for the committee.

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

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

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

The following Senators voted No: (None)

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

PRESIDENT SOUCY: We will now take up the one Addendum Calendar item, which is Finance.

ADDENDUM REGULAR CALENDAR

FINANCE

SB 11-FN-A, relative to mental health services and making appropriations therefor.
Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance
February 19, 2019
2019-0572s
04/05

Amendment to SB 11-FN-A

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

1 Department of Health and Human Services; Designated Receiving Facilities; Residential Beds. The sum of \$607,509 is hereby appropriated to the department of health and human services for the fiscal year ending

June 30, 2019 for the purpose of increasing diagnosis-related group (DRG) rates for designated receiving facilities (DRF) beds. Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. The commissioner shall submit a report on proposed DRG rates for the purpose of establishing additional community-based DRF beds to the president of the senate, the speaker of the house of representatives, and the governor no later than November 1, 2019. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Notwithstanding RSA 14:30-a, VI, the department may accept and expend any matching federal funds without prior approval of the fiscal committee of the general court.

2 Department of Health and Human Services; Voluntary Inpatient Psychiatric Admissions; Rates. The sum of \$500,000 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019 for the purpose of establishing an atypical rate for voluntary inpatient psychiatric admissions. Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. The commissioner shall submit a report on proposed atypical voluntary inpatient psychiatric admission rates for the purpose of establishing additional community-based voluntary inpatient psychiatric bed capacity to the president of the senate, the speaker of the house of representatives, and the governor no later than November 1, 2019. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Notwithstanding RSA 14:30-a, VI, the department may accept and expend any matching federal funds without prior approval of the fiscal committee of the general court.

3 Department of Health and Human Services; Designated Receiving Facilities; Residential Beds; Hospital Renovations.

I. The sum of \$4,400,000 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019 for the purpose of renovating existing hospital facilities for up to 3 new or expanded designated receiving facilities (DRF), as set forth in RSA 135-C:26, of no fewer than 8 beds per new DRF. In no event shall the total number of beds funded under this section exceed 30. Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The commissioner of the department of health and human services shall allocate and disburse such funds through a request for applications (RFA) and shall prioritize the use of the funds to areas within the state of New Hampshire that are underserved for inpatient psychiatric treatment. Any hospital receiving such funding shall operate the new or expanded DRF beds for no less than 5 years. The RFA shall be issued no later than December 1, 2019 and the new or expanded DRF beds shall be operational by January 1, 2020.

4 New Section; Residential Care and Health Facility Licensure; Compliance With Involuntary Admission Hearing Requirement. Amend RSA 151 by inserting after section 2-g the following new section:

151:2-h Compliance With Involuntary Admission Hearing Requirement. No later than 30 days following the first decision on the merits in *Doe v. NH Department of Health and Human Services*, et al. #1:18-CV-01039, or a court-approved agreement of all parties in the case, the commissioner of the department of health and human services shall initiate emergency rulemaking consistent with either the first decision on the merits or the court-approved agreement. The commissioner shall adopt such rules within 90 days of initiating rulemaking.

5 Appropriation; Department of Health and Human Services. The sum of \$2,100,000 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019 for the purpose of contracting with programs that enable individuals with serious mental illness to attain and maintain integrated, affordable, supported housing. Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 New Section; Coverage for Emergency Services. Amend RSA 417-F by inserting after section 3 the following new section:

417-F:4 Reimbursement for Emergency Room Boarding. Following the completion of an involuntary admission certificate for a patient, the insurer shall pay the acute care hospital a per diem day rate required to board and care for the patient, to be contracted between the insurer and acute care hospital, for each day the insured is waiting in an acute care medical hospital located in the state for admission for psychiatric treatment at New Hampshire Hospital, a community-based designated receiving facility, or a voluntary admission. The day rate required to board and care for the patient may be billed for up to 21 consecutive days

or discharge, whichever is sooner, and shall be renewed as needed for patient protection. The rate is deemed to cover all costs incurred by a hospital for the boarding and non-medical care of the insured and shall not be billed to the insured. This does not preclude a hospital from billing for other medically necessary services. Any qualified mental health worker employed by or contracted with the hospital, community mental health care center, or affiliate providing mental health services and supports to an insured in an emergency department in the hospital service areas while they are waiting for an inpatient or other psychiatric admission shall be reimbursed for those mental health services including diagnostic services by the insurer at the negotiated rate. No prior authorization shall be required by any insurer for mental health services deemed medically necessary provided in this setting under this section. This section shall apply to the Medicaid managed care organizations subject to contract and rate agreements between the state of New Hampshire and the managed care organizations. The reimbursement for emergency room board and care shall be incorporated into the capitated rate for managed care services.

7 Fourth Mobile Crisis Team or Second Behavioral Health Crisis Treatment Center; Appropriation.

I. The commissioner of the department of health and human services shall solicit requests for proposals within 60 days of the effective date of this section for either a fourth mobile crisis team and apartments from qualified vendors or a second behavioral health crisis treatment center. The RFP shall prioritize services for underserved areas of New Hampshire and services for minors.

II. The sum of \$3,000,000 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019 for the purposes of paragraph I. Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date.

I. Section 6 of this act shall take effect July 1, 2019.

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

2019-0572s

AMENDED ANALYSIS

This bill:

I. Authorizes the department of health and human services to use general surplus funds for designated receiving facilities and for voluntary inpatient psychiatric admissions.

II. Makes an appropriation to the department of health and human services for the purpose of renovating certain existing facilities.

III. Provides for rulemaking for involuntary admission hearing requirements.

IV. Requires insurers to reimburse certain facilities for emergency room boarding.

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 Feltes, seconded by Senator Rosenwald.

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

The following Senators voted No: (None)

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

HEALTH AND HUMAN SERVICES

SB 14-FN, relative to child welfare.

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

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

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

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

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 274, relative to the newborn home visiting program.

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

Health and Human Services

February 13, 2019

2019-0499s

01/04

Amendment to SB 274

Amend RSA 167:68-a as inserted by section 1 of the bill by replacing it with the following:

167:68-a Home Visiting Programs. Home visiting programs for children and their families established pursuant to this subdivision shall be made available to all Medicaid eligible children and pregnant women without restriction. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to administering this section.

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

2 New Paragraph; Rulemaking Added. Amend RSA 167:3-c by inserting after paragraph XIV the following new paragraph:

XV. Procedures for making the home visiting program available to all Medicaid eligible children and pregnant women pursuant to RSA 167:68-a.

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

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

A roll call was requested by Senator Birdsell, seconded by Senator Fuller Clark.

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

The following Senators voted No: (None)

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

TRANSPORTATION

SB 241-FN-A, relative to funding for the project development phase of the capitol corridor rail project.

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

Senator Levesque offered a Floor Amendment.

Sen. Levesque, Dist 12

February 15, 2019

2019-0541s

06/01

Floor Amendment to SB 241-FN-A

Amend the bill by replacing section 1 with the following:

1 Department of Transportation. The department of transportation is hereby authorized to access the Boston Urbanized Area Formula Funding program of the Federal Transit Administration, 49 U.S.C. section 5307, identified in the 2019-2028 Ten Year Transportation Improvement Plan, to complete the project development phase of the project named Nashua-Manchester-Concord, project number 40818. The department may use toll credits pursuant to RSA 228:12-a for this project.

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

2 Use of Toll Credits. Amend RSA 228:12-a to read as follows:

228:12-a Use of Toll Credits. The department may use toll credits as a match for federal highway funds solely for the funding of highway and road projects, [or] projects concerning the travel of motor vehicles on such highways and roads, ***and the completion of the project development phase of the project named Nashua-Manchester-Concord, project number 40818, in the 2019-2028 Ten Year Transportation Improvement Plan.*** Any other use of toll credits shall require approval of the joint legislative capital budget overview committee, established in RSA 17-J:1, prior to moving the project forward for approval in the state 10-year transportation improvement program.

2019-0541s

AMENDED ANALYSIS

This bill permits the department of transportation to access certain federal funding for the purpose of completing the project development phase of the capitol corridor rail project in the 2019-2028 Ten Year Transportation Improvement Plan.

The bill also permits the department of transportation to use toll credits for this project.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

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

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

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

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

A roll call was requested by Senator Birdsell, seconded by Senator Fuller Clark.

Senators Birdsell and Fuller Clark withdrew their request for a roll call.

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 Giuda.

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

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

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

WAYS AND MEANS

SB 242-FN, requiring notice and approval of certain actions to commence audits of collection liabilities arising under certain sales and use tax statutes and prohibiting New Hampshire remote sellers from disclosing private customer information to foreign taxing authorities in connection with the collection of certain sales and use taxes.

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

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

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

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

The following Senators voted No: (None)

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

CONSENT CALENDAR REPORTS REMOVED

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

TRANSPORTATION

SB 240-FN, relative to reciprocal toll collection.

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

Senator Watters offered a Floor Amendment.

Sen. Watters, Dist 4

February 12, 2019

2019-0481s

10/05

Floor Amendment to SB 240-FN

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

1 Evasion of Tolls and Charges; Definitions. Amend RSA 236:31, I(c) to read as follows:

(c) "Electronic toll collection" means the collection of tolls or charges by electronically transmitting information from a device ~~[on a motor vehicle]~~ to receiving equipment located in a toll ~~[collection facility]~~ **lane**, in order to charge ~~[a valid electronic toll account holder]~~ the appropriate toll or charge for use of the highway or bridge.

(d) "Toll collection monitoring system" means a system that produces at least one photograph, micro-photograph, videotape, recorded image, or written record of a portion of the vehicle when the vehicle is used or operated contrary to the toll collection system rules or when there is no cash option~~[-in the toll lanes]~~.

2 Evasion of Tolls and Charges; Definitions. Amend RSA 236:31, I(i) to read as follows:

(i) "Toll collection system" means a system for collecting tolls or charges, including but not limited to cash ~~[and]~~ **or** electronic or image-based tolls or charges **in a toll lane**, for the use of the highway or bridge.

(j) "Toll lane" means an electronic and/or cash lane, or an electronic lane with no cash option.

3 Failure to Pay a Highway Toll. Amend RSA 236:31-a to read as follows:

236:31-a Failure to Pay a Highway Toll. Any person ~~[passing through a toll facility or]~~ **using** any **toll** lane ~~[of a toll facility]~~ that is not equipped with a toll collection monitoring system who fails, neglects, or refuses to pay the toll or charge for the use of any bridge, highway, or part thereof shall have an image taken of the vehicle registration plate and be subject to the provisions of RSA 236:31.

4 Failure to Pay a Highway Toll. Amend RSA 236:31-b to read as follows:

236:31-b Failure to Pay a Highway Toll. Any person who fails, neglects, or refuses to pay the toll or charge for the use of any bridge, highway, or part thereof, or utilizes a toll ~~[facility]~~ **lane** that is equipped with a toll collection monitoring system without having an E-Z Pass transponder mounted on the vehicle, shall have an image taken of the vehicle registration plate and be subject to the provisions of RSA 236:31. When a full cash payment is made at the tollbooth, and the vehicle exits the toll booth, the image (i) shall not be retained for more than 3 seconds, after which it shall be irretrievably destroyed, and no record of the image or its destruction shall be kept; (ii) shall not be made available or disclosed to any individual, person, entity, or government or any component thereof; and (iii) shall not be subject to a subpoena or any administrative or court order.

5 Electronic Toll Collection; Definitions. Amend RSA 237:16-a to read as follows:

237:16-a Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of transportation.

II. "Department" means the department of transportation.

III. ~~["Electronic"]~~ **Interagency** toll collection system" means a system for electronically transmitting information from a device ~~[on a vehicle]~~ to receiving equipment in a toll ~~[collection facility]~~ **lane**, which information is used to charge a valid account holder the appropriate toll or charge for use of the turnpike system.

IV. "E-Z Pass" means a regional system of electronic toll collection operated by the members of the E-Z Pass Interagency Group, or when the context requires, means the registered service mark "E-Z Pass."

V. “Interagency group” means the agencies of this or any other state that have mutually agreed to operate the E-Z Pass regional [electronic] **interagency** toll collection system by use of similar practices, procedures, and toll collection equipment.

VI. [~~“Vehicle” means every device in, upon or by which a person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks~~] **“Toll lane” means electronic and/or cash lanes, or electronic lanes with no cash option.**

6 Regional Interagency Toll Collection Authorized. Amend RSA 237:16-b to read as follows:

237:16-b Regional [Electronic] **Interagency** Toll Collection Authorized. The commissioner is hereby authorized to execute all documents and perform all other acts necessary to enter into and carry out the provisions of a regional [electronic] **interagency** toll collection system agreement with the Interagency Group in order to increase the efficiency of turnpike operation and to improve traffic management in the state and region.

7 E-Z Pass Operations Interagency Agreement. Amend RSA 237:16-c, IV to read as follows:

IV. The commissioner may enter into discussions with other state jurisdictions to create reciprocal agreements for the enforcement and collection of tolls and administrative fees due [~~under the E-Z Pass system~~]. The departments of transportation and safety may release driver’s and owner’s information to other jurisdictions for the purpose of enforcement or collection of tolls and may take such other action as is necessary to effectuate the reciprocal enforcement agreements.

V. For effective toll collection enforcement, the department of transportation and the department of safety may accept a request from another state to deny registration renewal privileges for a vehicle registration plate in accordance with RSA 263:56-f for unpaid tolls incurred in the other state, provided that the other state represents that the request is in keeping with criteria for denial of registration renewal privileges as set forth in the states’ respective reciprocal toll collection enforcement agreement.

8 Suspension for Evasion of Electronic Toll Collection System. Amend RSA 263:56-f, I and II to read as follows:

I. Upon receiving a report from the commissioner of the department of transportation or designee, **or another state having a reciprocal toll collection agreement**, that the owner of a vehicle, as defined in RSA 236:31, has violated the terms of RSA 236:31, **or a reciprocal toll collection agreement in accordance with RSA 237:16-c**, the director shall notify the owner in writing by first class mail that the owner’s motor vehicle registration renewal privileges may be suspended on the date which is 30 days from the date of notification unless the toll and any administrative fees assessed by the department of transportation are paid. The director shall also notify the owner that he or she may request an administrative hearing before the suspension takes effect. **The hearing shall be limited in scope and shall not constitute an appeal of the fees or fines related to the unpaid tolls, which can only be determined by the department of transportation.** A request for a hearing shall be in writing. A request for a hearing received by the division more than 30 days from the date the notice is issued shall be denied as untimely.

II.(a) The director shall, pursuant to RSA 541-A, adopt by rule, a uniform administrative fine schedule for [violations] **suspension of registration renewal privileges and reinstatement of those privileges.** The fine for each suspension of registration renewal privileges requested by the commissioner of transportation shall not exceed:

(1) \$250 for a first requested suspension.

(2) \$500 for a second offense within a 12-month period from the time of the first requested suspension.

(3) \$1,000 for a third or subsequent offense within a 12-month period from the time of the first requested suspension.

(b) The commissioner of safety, in proven cases of hardship or for other good cause, may suspend all or part of any administrative fine **for reinstatement of registration renewal** privileges so imposed. Notwithstanding any other law to the contrary, all administrative fines collected under this section shall be deposited into the [~~turnpike~~] **highway** fund.

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

2019-0481s

AMENDED ANALYSIS

This bill clarifies certain language in the law concerning the collection of electronic tolls on highways. The bill also provides the enforcement procedures for reciprocal collection agreements with other states.

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

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

MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

LATE SESSION
ANNOUNCEMENTS

(The Chair recognized Senator Levesque.)

SENATOR LEVESQUE: Thank you, Madam President. I rise to our, what we call in this State House as a Representative, unanimous consent. I'm not sure if we call it that here, but I wanted to share a moment with you about Black History Month, and February is Black History Month. And it is a time for us to reflect on the history of African Americans, and the history of Americans; and that history is sometimes tragic and sometimes triumphant.

There have been people that we've learned about who were writers and entrepreneurs, engineers, you know, many different backgrounds. And I will say that as a young girl growing up in New Hampshire I didn't know very much about Black History. I grew up in an all-white neighborhood; there were very few people of color when I grew up in New Hampshire. And even the day that Martin Luther King died I was not even aware of that because he was not on our radar, and I didn't realize how much he had done for me and for my parents.

So growing up, as I got older, I made it a point to learn more about African American history. And each year I would find a new little tidbit about our history, and I have this great thirst for it. So, I just wanted to share with you that we did make history November 6th, 2018 when we welcomed our first Senator of color into the New Hampshire State House. And for some of you that may not be a big deal, but for young kids who are in school, for our parents who are people of color that want their children to have the same opportunities it certainly is a big deal; and for me it is truly an honor to be able to serve with every one of you.

I'm not done yet! Thank you! Thank you very much.

Today every Senator made history by voting for the Juneteenth observance. And you are now part of African American history in New Hampshire; you are, of course, part of our American history. I want to thank you all for your unanimous support of the Juneteenth holiday, or observance, and it has gone down in history by our roll call vote. I thank you, again, and thank you. Thank you very much.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Madam Chair. This probably has particular relevance to the Dean as well as myself. If you recall that last week I decided not to proceed with an announcement because of the length of the day.

On February 19th, 1945 the United State Marines assaulted the beaches of a tiny Pacific island 4 miles long and 2 miles wide, 650 miles south of Tokyo. I can tell you that my favorite segment in the entirety of my fifty year career of flying was Tokyo to Quam because on that flight, it was a late night flight over the dark Pacific ocean with the southern cross, most times, illuminating through the windscreen.

The island of Iwo Jima is about an hour south of Japan; and this is what today is about. February 19th the Marines faced an entrenched enemy 22,000 strong, committed to fight to the death because they knew that losing that island was the end of the war for them that would enable our bombers to attack the Japanese mainland with fighter support. In the battle for what's considered to have been the single most heavily fortified defense objective in the history of warfare, the Japanese suffered 21,844 killed and 216 captured. They did

not want to be captured; they fought to the death. The Marines suffered 6,812 killed or missing, and 19,217 wounded. Iwo Jima accounted for one-third of the total Marine Corps casualties in World War II. It was the only major battle in the Pacific in which U.S. casualties exceeded the total number of enemy killed. Progress averaged 400 yards a day in the most grueling and terrible combat conditions; using flamethrowers, grenades, demolition charges, and opposed at every step, literally, by an enemy who chose to die rather than surrender.

During the two-month long battle, 27 Marines were awarded the Medal of Honor. Of the 27, I'm sorry, 27 were awarded, 22 to Marines, and 5 were presented to Navy sailors, 4 of whom were hospital corpsmen, who we as Marines considered to be Marines because they faced death on the battle field with us. Iwo Jima accounted for 25 percent of the 82 Medals of Honor awarded during the entirety of World War II.

Inscribed on the monument at Arlington National Cemetery are the following words, "Uncommon valor was a common virtue."

Madam President, today, as we are assembled as a body, just after the February 19th anniversary, I ask our honorable members to join me in rising to offer one minute of silence as a very small tribute to the incredible heroism and sacrifices of Marines and sailors who fought on Iwo Jima. Thank you, Madam President.

PRESIDENT SOUCY: Will members please rise. Thank you, Senator.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Madam President. I rise and ask for personal privilege. I think Senator Giuda's iteration was really magnificent, and I applaud him for that.

One of the men who landed on Iwo Jima was a young boy from Manchester, New Hampshire; he was eighteen years of age, his name was René Gagnon. René was a tough kid. I happened to have his son in class when I was teaching at Bishop Bradley High School. And those of you that have seen the movie produced by Clint Eastwood talk about the life of René Gagnon. He died as an alcoholic in Manchester; died on the streets of Manchester; pillaged, really, by what they did with him after the war. Our government took terrible advantage, terrible advantage of him. But he was one of the men who raised the flag on Mount Suribachi; one of the Marines who will go down in infamy. He was one of the great, great heroes of the last good war that we fought; the last good war.

René Gagnon served his country; served his country as a kid. I've had many of my students join the Corps; fight in Vietnam; fight in Korea in continuous battles. But we can never, ever, ever forget. Alf Jacobson used to give this brilliant iteration when he was in the House, and he was former President of the Senate, about the Marine Corps and about the battles, and about the water that was so red with blood that you had to wade through it to get back on the surface. And in Iwo Jima the Japanese were committed to death; there was not one who would be taken alive. I mean that was their commitment to the Empire. But this 18 year old kid from Manchester landed, was part of this moment in history, that picture that resonates in my mind, and served his country well, and really didn't get any benefit out of it. That's the tragedy of that particular situation.

But we can never forget the kind of sacrifices these men and women made. And as Senator Giuda points out, corpsman, whenever you went down you called for a corpsman. He was a Navy guy who had very little medical treatment, you know. Take an aspirin, wrap it up and keep running. So those men and women did us a great service and we can certainly never forget it, but when it strikes home you really have a feeling for it. And René Gagnon, there's a little plaque in Manchester Veterans Park that remembers his treatment. And one of my former students became a one-star in the Corps, Richard Vercauteren went to Providence, became a one-star and actually, historically, he was the last man who left Somalia when the Corps backed away. He was, and he used to say, the black boots stayed until the last day; and he led the evacuation in a terrible, terrible situation. So let's not forget a lot of people who did a lot of great things for us. Thank you, Madam President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Madam President. And on this day when we celebrate the passage of June-teenth, I, too, was reflecting on Black History Month. I hope you got a chance to see, if not this year maybe in the last couple of years, the story of "The Granite Saint." It aired on New Hampshire Chronicle and WMUR, but that's the story of a Keene, New Hampshire civil rights martyr, Jonathan Daniels. Jonathan was a young Episcopalian clergyman who was killed in Hayneville, Alabama on August 20th, 1965 as he fought for the right to vote and equal rights amendment. While he was on his mission working with people in Alabama, he stood between a Deputy Sheriff's rifle and a black teenager; took the bullet that was intended to assassinate Ruby Sales. It's a story that people of Keene and New Hampshire really need to connect with because this

was one of our own; a good person who tried to do good things and paid the ultimate price for doing it. Someday we will have the opportunity to vote on a Jonathan Daniels memorial here someplace on state grounds, and I look forward to the day when I bring that forward with the full support of our Keene community to do just that. But in honor of Black History Month, those who were martyred in the cause, I wanted to honor Jonathan Daniels. Thank you.

PRESIDENT SOUCY: I would just remind the members that at 1 o'clock three committees are meeting this afternoon to exec on bills: Education and Workforce Development, Energy and Natural Resources, and Judiciary.

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

LATE SESSION

Third Reading and Final Passage

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

SB 56, establishing a committee to study motor vehicle registrations of active duty military personnel.

SB 92, relative to transfer of vehicle ownership.

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

SB 118, establishing a child fatality review committee.

SB 127, relative to the Hampton Circuit Court.

SB 131, reestablishing a commission to study grandfamilies in New Hampshire.

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

SB 149, relative to voluntary application of the uniform prudent management of institutional funds act to certain charitable trusts.

SB 174, proclaiming an annual observance of Juneteenth.

SB 197, relative to noncompete agreements for low-wage employees.

SB 209, establishing a commission to create a New Hampshire recovery memorial.

SB 210, relative to emergency medical and trauma services.

SB 232-FN, adopting the model psychology interjurisdictional compact.

SB 241-FN-A, relative to funding for the project development phase of the capitol corridor rail project.

SB 242-FN, requiring notice and approval of certain actions to commence audits of collection liabilities arising under certain sales and use tax statutes and prohibiting New Hampshire remote sellers from disclosing private customer information to foreign taxing authorities in connection with the collection of certain sales and use taxes.

SB 272-FN, relative to mental health parity under the insurance laws.

SB 274, relative to the newborn home visiting program.

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.

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.