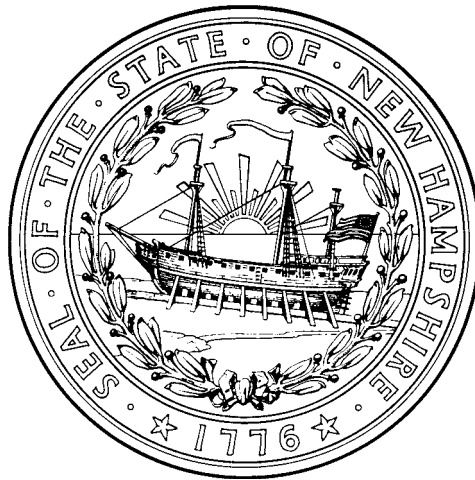


April 22, 2009
Nos. 11 - 12

STATE OF NEW HAMPSHIRE

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161st Session of the New Hampshire General Court

Legislative Proceedings

SENATE JOURNAL

ADJOURNMENT – APRIL 8, 2009 SESSION

COMMENCEMENT – APRIL 22, 2009 SESSION

SENATE JOURNAL 11 *(continued)*

April 8, 2009

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 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

HB 25-FN-A, making appropriations for capital improvements.

HB 40, requiring sanctions against hospitals for failing to report infection rates.

HB 70, relative to taking stones from stone walls.

HB 97, relative to the lottery commission's ability to make rules concerning the Multi-State Lottery Association.

HB 174-FN, establishing a performance measurement system for state agencies.

HB 211-FN, relative to drivers' licenses and relative to the definition of "drivers' school."

HB 215, making technical corrections to certain OHRV and snowmobile laws.

HB 225, relative to room and board scholarships for children of firefighters and police officers.

HB 251, relative to the state registry of founded reports of abuse, neglect, or exploitation of adults.

HB 276-FN, relative to challenges of voters.

HB 281-FN, increasing the maximum amount of debt or damages for small claims actions and requiring mediation for small claims actions exceeding \$5,000 and establishing a fee for the cost of such mediation.

HB 295, relative to mental health treatment for members of the armed forces and veterans convicted of crimes.

HB 310-FN, relative to reimbursement of mileage for judges and marital masters.

HB 330, relative to life, accident, and health insurance.

HB 345-FN, allowing physical therapists to practice on animals.

HB 383, relative to passenger restraints.

HB 391, authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, providing for the maintenance and funding of a portion of the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling.

HB 392-FN, establishing an on-premises cigar, beverage, and liquor license.

HB 407-FN, establishing a lobster and crab landing license, and increasing the fee for the nonresident commercial salt water license.

HB 415, adding certain terms regarding non-discrimination to the laws.

HB 420-FN, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system.

HB 432-FN, relative to penalties for telephone harassment involving a number used to facilitate transportation of voters or otherwise to support voting or registering to vote.

HB 441-FN, relative to CART providers and sign language interpreters.

HB 468-FN-L, relative to caps on total billings by the state to the counties for nursing home care.

HB 473-FN, relative to water treatment plants and penalties for safe drinking water violations.

HB 476-FN, (New Title) relative to modifying the quorum requirement and relative to filing fees for eminent domain proceedings before the board of tax and land appeals.

HB 481-FN-A, establishing a recreational saltwater license for taking finfish in coastal and estuarine waters.

HB 537-FN, relative to penalties for oil spills.

HB 538-FN, relative to penalties for water pollution.

HB 590-FN, relative to the retirement age for group II members.

HB 598-FN, relative to the regulation of auctioneers by the state board of auctioneers.

HB 601-FN, relative to claims for compensation from the victims' assistance fund.

HB 608-FN, establishing a committee to oversee the design and construction of a public works employee memorial for public works employees who died in the course of performing public duties.

HB 610-FN, relative to consumer protection from certain practices of mortgage bankers, mortgage brokers, and mortgage loan originators and implementing the S.A.F.E. mortgage licensing act.

HB 651-FN, relative to regulation of private investigative agencies and security services.

HB 654-FN, (New Title) relative to the dam maintenance revolving fund.

INTRODUCTION OF HOUSE BILLS

Sen. Hassan offered the following Resolution:

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

Resolution adopted.

First and Second Reading and Referral

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011. (Finance)

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

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

HB 34, prohibiting writing a text message while driving. (Transportation and Interstate Cooperation)

HB 40, requiring sanctions against hospitals for failing to report infection rates. (Health & Human Services)

HB 43, relative to subdivision and site plan regulation waivers. (Public and Municipal Affairs)

HB 48, establishing a committee on agriculture in the classroom. (Wildlife, Fish and Game and Agriculture)

HB 63, relative to the use of the term "farmers' markets" in corporation names. (Wildlife, Fish and Game and Agriculture)

HB 70, relative to taking stones from stone walls. (Judiciary)

HB 73, relative to the solemnization of marriage. (Judiciary)

HB 78, relative to the interbranch criminal and juvenile justice council and appointing an additional member to the interagency coordinating council for women offenders. (Executive Departments and Administration)

HB 84-FN, relative to the regulation of reflexologists, structural integrators, and Asian bodywork therapists. (Executive Departments and Administration)

HB 90-FN, relative to the employment of veterans on Veterans' Day. (Commerce, Labor and Consumer Protection)

HB 97, relative to the lottery commission's ability to make rules concerning the Multi-State Lottery Association. (Ways and Means)

HB 107, making technical corrections to the law on taxation of farm structures and land under farm structures. (Public and Municipal Affairs)

HB 113, extending the moratorium on nursing home beds and rehabilitation beds. (Health & Human Services)

HB 120-FN-L, relative to the installation of carbon monoxide detectors in single and multi-family dwellings. (Commerce, Labor and Consumer Protection)

HB 131, relative to the juvenile justice advisory board. (Executive Departments and Administration)

HB 143, relative to procedures for requesting a change of school for a child. (Education)

HB 149, relative to benefit eligibility of certain members of the city of Manchester employees' contributory retirement system. (Executive Departments and Administration)

HB 154, relative to truancy. (Education)

HB 156-L, authorizing planning boards to require third party review and inspection. (Public and Municipal Affairs)

HB 158, relative to the membership on the healthy kids board. (Health & Human Services)

HB 161, repealing protection of uncopyrighted compositions in state law. (Commerce, Labor and Consumer Protection)

HB 167, relative to the guidelines for revaluations used by the assessing standards board, and the adoption of rules for disciplinary standards for assessing officials. (Executive Departments and Administration)

HB 170, relative to reporting requirements for certain dedicated funds in the department of safety. (Ways and Means)

HB 174-FN, establishing a performance measurement system for state agencies. (Executive Departments and Administration)

HB 178, naming a bridge on U.S. route 4 in Lebanon the Terri Dudley Bridge. (Transportation and Interstate Cooperation)

HB 186, relative to rulemaking concerning rafts on public waters and prohibiting the rental of a motorized watercraft to a person who does not have a certificate of boating safety education. (Transportation and Interstate Cooperation)

HB 187-FN, relative to the state building code and establishing a committee to study the sale and installation of manufactured and modular homes and related consumer protections. (Commerce, Labor and Consumer Protection)

HB 193-FN, establishing a fee for certification of reduced ignition propensity cigarettes. (Ways and Means)

HB 199, relative to the warning accompanying a document tendered to settle bodily injury claims subject to certain automobile insurance coverage. (Commerce, Labor and Consumer Protection)

HB 204, relative to discovery in driving while intoxicated cases. (Judiciary)

HB 211-FN, relative to drivers' licenses and relative to the definition of "drivers' school." (Transportation and Interstate Cooperation)

HB 214, establishing a committee to study health care services in correctional facilities and the issue of access to inmates by medical care, mental health care, and substance abuse treatment providers. (Judiciary)

HB 215, making technical corrections to certain OHRV and snowmobile laws. (Transportation and Interstate Cooperation)

HB 225, relative to room and board scholarships for children of firefighters and police officers. (Education)

HB 237, relative to accident and health insurance short-term policies. (Commerce, Labor and Consumer Protection)

HB 238, relative to market conduct and enforcement. (Commerce, Labor and Consumer Protection)

HB 247, relative to the assistance of the state veterinarian with the investigation and enforcement of animal abuse laws. (Public and Municipal Affairs)

HB 250, relative to access to information in the abuse and neglect of adults registry and relative to persons providing child care or child placing services who are charged with a crime. (Health and Human Services)

HB 251, relative to the state registry of founded reports of abuse, neglect, or exploitation of adults. (Health & Human Services)

HB 255, relative to the filing of statements of financial interest. (Executive Departments and Administration)

HB 260, relative to quieting title in certain trust circumstances. (Judiciary)

HB 273, relative to submission of electronic data by municipal and county inspection stations. (Transportation and Interstate Cooperation)

HB 276-FN, relative to challenges of voters. (Election Law and Veterans' Affairs)

HB 279-FN, relative to certain missing persons. (Judiciary)

HB 281-FN, increasing the maximum amount of debt or damages for small claims actions and requiring mediation for small claims actions exceeding \$5,000 and establishing a fee for the cost of such mediation. (Judiciary)

HB 282-FN-A, relative to meetings of the medical/vision advisory board. (Executive Departments and Administration)

HB 290, authorizing fluvial erosion hazard ordinances. (Public and Municipal Affairs)

HB 291-FN, relative to a one day/one trial jury duty pilot program. (Judiciary)

HB 293, amending the Hampton Beach area commission. (Energy, Environment and Economic Development)

HB 295, relative to mental health treatment for members of the armed forces and veterans convicted of crimes. (Judiciary)

HB 296-FN-A, transferring funds related to oil discharge prevention and cleanup, and an oil fund performance audit. (Finance)

HB 301, establishing a task force to study access to dental care. (Health and Human Services)

HB 302, relative to the New Hampshire real estate practice act. (Executive Departments and Administration)

HB 310-FN, relative to reimbursement of mileage for judges and marital masters. (Judiciary)

HB 312, permitting a person to record a law enforcement officer in the course of such officer's official duties. (Judiciary)

HB 313-FN, relative to the assignment of right of child support enforcement. (Judiciary)

HB 314-L, relative to the assessment of certain costs associated with proposed large groundwater withdrawals from wells. (Energy, Environment and Economic Development)

HB 315, clarifying a law relative to junkyards within industrial areas. (Public and Municipal Affairs)

HB 317, relative to conditional approval of nonpublic schools, residency requirements for grants under the New Hampshire incentive program, and scholarships for orphans of veterans. (Education)

HB 319, authorizing the Concord school district to amend its charter without prior legislative approval. (Public and Municipal Affairs)

HB 320-L, relative to agreements between central business service districts and municipalities for infrastructure improvements. (Public and Municipal Affairs)

HB 322, relative to the minimum age required to purchase fireworks. (Judiciary)

HB 330, relative to life, accident, and health insurance. (Commerce, Labor and Consumer Protection)

HB 332, establishing a commission to study school discipline. (Education)

HB 334-FN, relative to consumer credit. (Commerce, Labor and Consumer Protection)

HB 338, relative to definitions of electronic waste. (Energy, Environment and Economic Development)

HB 342, establishing a commission to study the juvenile court diversion law. (Judiciary)

HB 345, allowing physical therapists to practice on animals. (Executive Departments and Administration)

HB 349, relative to legislator email records. (Election Law and Veterans' Affairs)

HB 350, prohibiting the sale and distribution of household cleaning products containing phosphorus. (Energy, Environment and Economic Development)

HB 351, relative to the interest rate on late and delinquent property tax payments and subsequent payments. (Public and Municipal Affairs)

HB 360, relative to members of the general court participating in the state group health insurance plan. (Executive Departments and Administration)

HB 363, eliminating requirements for additional breath tests for blood alcohol content. (Judiciary)

HB 370, relative to equality of treatment of victims of crime. (Judiciary)

HB 376, relative to condominium association meetings. (Commerce, Labor and Consumer Protection)

HB 378-FN-A, relative to fees for methadone detoxification and maintenance programs. (Health & Human Services)

HB 383, relative to passenger restraints. (Transportation and Interstate Cooperation)

HB 384, relative to forest management permitting in and near prime wetlands, waivers for work near prime wetlands, and utility maintenance work in any wetland. (Energy, Environment and Economic Development)

HB 391, authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, providing for the maintenance and funding of a portion of the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling. (Capital Budget)

HB 392-FN, establishing an on-premises cigar, beverage, and liquor license. (Commerce, Labor and Consumer Protection)

HB 395, requiring electric utilities to offer renewable energy source options. (Energy, Environment and Economic Development)

HB 403, clarifying the intent of a transfer of general funds to the highway fund. (Finance)

HB 407-FN, establishing a lobster and crab landing license, and increasing the fee for the nonresident commercial salt water license. (Wildlife, Fish and Game and Agriculture)

HB 408-FN, relative to the regulation of physicians and physician assistants by the board of medicine. (Executive Departments and Administration)

HB 414, establishing a commission to study preventing dental disease among New Hampshire's children. (Health and Human Services)

HB 415, adding certain terms regarding non-discrimination to the laws. (Judiciary)

HB 416, relative to insurance examinations. (Commerce, Labor and Consumer Protection)

HB 420-FN, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system. (Executive Departments and Administration)

HB 424-FN-A, relative to the land use change tax. (Energy, Environment and Economic Development)

HB 429-FN, relative to cider. (Ways and Means)

HB 430-FN, removing the statute of limitations on certain crimes committed in furtherance of murder. (Judiciary)

HB 432-FN, relative to penalties for telephone harassment involving a number used to facilitate transportation of voters or otherwise to support voting or registering to vote. (Election Law and Veterans' Affairs)

HB 433-FN-A, relative to funding the law requiring reporting of hospital infections. (Health & Human Services)

HB 436-FN-L, relative to civil marriage and civil unions. (Judiciary)

HB 437, relative to the operation of the Chesterfield welcome and information center. (Ways and Means)

HB 438, relative to admission into evidence of certain medical bills, reports, and records. (Judiciary)

HB 441-FN, relative to CART providers and sign language interpreters. (Education)

HB 443, relative to underground storage facility operator training. (Energy, Environment and Economic Development)

HB 449-FN, increasing the penalty for unlawful possession or release of criminal records. (Judiciary)

- HB 459**, relative to access to restorative justice programs by victims of crime. (Judiciary)
- HB 464-FN**, relative to certain duties of the department of administrative services and relative to credit card contracts for state agencies. (Executive Departments and Administration)
- HB 467-FN**, relative to the review and adjustment of child support orders. (Health and Human Services)
- HB 468-FN-L**, relative to caps on total billings by the state to the counties for nursing home care. (Finance)
- HB 471-FN**, relative to willful concealment and fraudulent retail transactions. (Judiciary)
- HB 473-FN**, relative to water treatment plants and penalties for safe drinking water violations. (Judiciary)
- HB 474-FN**, prohibiting the trafficking in persons for the purposes of sexual or labor exploitation. (Judiciary)
- HB 476-FN**, relative to modifying the quorum requirement and relative to filing fees for eminent domain proceedings before the board of tax and land appeals. (Executive Departments and Administration)
- HB 481-FN-A**, establishing a recreational saltwater license for taking finfish in coastal and estuarine waters. (Wildlife, Fish and Game and Agriculture)
- HB 485**, establishing a committee to study enforcement of walking disability placard violations. (Transportation and Interstate Cooperation)
- HB 501**, relative to recovery of assistance by the department of health and human services. (Health and Human Services)
- HB 502**, modifying the definition of “dam.” (Energy, Environment and Economic Development)
- HB 504**, relative to the termination of guardianship of a minor. (Judiciary)
- HB 509**, requiring parental consent for psychological evaluations by school districts. (Education)
- HB 515**, establishing a commission to study alternate fuel vehicles. (Transportation and Interstate Cooperation)
- HB 518**, relative to driver’s license application forms. (Transportation and Interstate Cooperation)
- HB 527**, repealing the coordinated school health committee and relative to health education in kindergarten through grade 12. (Education)
- HB 529-FN**, relative to the healthy kids program. (Health & Human Services)
- HB 530-FN**, relative to inspection of public buildings for compliance with access standards. (Commerce, Labor and Consumer Protection)
- HB 532-FN**, excluding extra or special duty pay from earnable compensation in the retirement system. (Executive Departments and Administration)
- HB 537-FN**, relative to penalties for oil spills. (Judiciary)
- HB 538-FN**, relative to penalties for water pollution. (Judiciary)
- HB 542**, relative to a health information exchange. (Health & Human Services)
- HB 552**, renaming a bridge across the Connecticut River the Judge Harlan Fisk Stone Bridge. (Transportation and Interstate Cooperation)
- HB 556-FN**, repealing the death penalty. (Judiciary)
- HB 570-FN-A**, requiring the department of transportation to convey ownership of Skyhaven airport to the Pease development authority. (Executive Departments and Administration)
- HB 572-FN**, relative to proceedings of medical injury claims screening panels. (Judiciary)
- HB 574-FN-L**, authorizing liens for unpaid building code violations and requiring landlord agents for restricted rental property. (Judiciary)
- HB 578-FN-L**, relative to testimony by video teleconference. (Judiciary)
- HB 580-FN**, relative to health information and patient rights. (Health & Human Services)
- HB 585-FN**, relative to outdoor lighting efficiency. (Energy, Environment and Economic Development)
- HB 586-FN**, relative to the presence of a law enforcement officer at an administrative license suspension hearing. (Judiciary)

HB 587-FN, establishing an information and analysis center within the department of safety. (Executive Departments and Administration)

HB 590-FN, relative to the retirement age for group II members. (Executive Departments and Administration)

HB 592-FN, relative to “adverse events” in hospitals and ambulatory surgical centers. (Health and Human Services)

HB 598-FN, relative to the regulation of auctioneers by the state board of auctioneers. (Executive Departments and Administration)

HB 599-FN, relative to reclassification of the position of forensic toxicologist in the department of safety. (Executive Departments and Administration)

HB 601-FN, relative to claims for compensation from the victims’ assistance fund. (Judiciary)

HB 608-FN, establishing a committee to oversee the design and construction of a public works employee memorial for public works employees who died in the course of performing public duties. (Transportation and Interstate Cooperation)

HB 610-FN, relative to consumer protection from certain practices of mortgage bankers, mortgage brokers, and mortgage loan originators and implementing the S.A.F.E. mortgage licensing act. (Commerce, Labor and Consumer Protection)

HB 613, establishing a committee to study the advantages and disadvantages of state acquisition of the remaining rail corridors. (Transportation and Interstate Cooperation)

HB 614, relative to domicile of students for voting purposes. (Election Law and Veterans’ Affairs)

HB 619, relative to medical records and patient information. (Health & Human Services)

HB 621, relative to establishing procedures for identifying criminal defendants who may have a mental illness. (Judiciary)

HB 635, relative to raw milk yogurt. (Wildlife, Fish and Game and Agriculture)

HB 641-FN-L, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system. (Executive Departments and Administration)

HB 648-FN, relative to the use of marijuana for medicinal purposes. (Health and Human Services)

HB 651-FN, relative to regulation of private investigative agencies and security services. (Executive Departments and Administration)

HB 654-FN, relative to the dam maintenance revolving fund. (Ways and Means)

HB 655-FN, extending senior active status to judges over 70 years of age. (Judiciary)

HB 658-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF). (Health & Human Services)

HB 680, making technical changes in the insurance laws. (Commerce, Labor and Consumer Protection)

HB 686, relative to complaint procedures in cases before the commission for human rights. (Judiciary)

HB 688, relative to the chartered public school approval process and relative to open enrollment schools. (Education)

HB 690-FN, establishing a cold case homicide unit. (Judiciary)

HB 694, adopting the uniform child abduction prevention act. (Judiciary)

HB 695, adopting the uniform child custody jurisdiction and enforcement act. (Judiciary)

HB 696-FN-L, relative to fees for registration of criminal offenders. (Ways and Means)

HCR 2, a resolution endorsing the National Health Care Act. (Health & Human Services)

HCR 7, a resolution in support of teen dating violence education. (Education)

HCR 10, a resolution urging modification of the North American Free Trade Agreement. (Commerce, Labor and Consumer Protection)

HJR 2, a resolution urging Congress to modify Medicare payments to enhance the compensation of primary care providers. (Health & Human Services)

HJR 3, a resolution recognizing the historic milestone represented by the New Hampshire senate being the first legislative body in the United States with women as the majority of its members. (Election Law and Veterans' Affairs)

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 39, relative to municipal and state deposits, authorizing special meetings for considering an appropriate response to the American Recovery and Reinvestment Act of 2009, and relative to certain administrative rules.

SB 77, renaming the Christa McAuliffe planetarium the McAuliffe-Shepard discovery center.

HB 74, relative to student membership on a school board.

HB 99, relative to supervised driving time by persons completing driver education.

HB 162, relative to recycled and rebuilt vehicles.

HB 182, relative to fish and game department authorization to administer programs involving federal aid, and relative to biennial reports of the department.

HB 284, increasing the contract amount that triggers the bond requirement on public projects.

HB 451, authorizing a transaction fee for license agents electronically issuing fish and game licenses.

HB 526, changing certain references in fish and game laws to river herring.

HB 594, relative to the medicaid pharmacy benefits management program.

HB 612, relative to the suspension or revocation of fish and game licenses.

HB 633, relative to eligibility for medical benefits payment by the retirement system for certain group I teacher and political subdivision employee members.

Sen. D'Allesandro moved adoption of the Report of Committee on Enrolled Bills.

Report of Committee on Enrolled Bills adopted.

Out of Recess.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Hassan moved that the Senate adjourn from the Late Session.

Motion adopted.

Adjournment from the Late Session.

SENATE JOURNAL 12

April 22, 2009

The Senate reconvened at 1 p.m., a quorum being present.

Rev. Dr. Robert Williams (State Rep., Merr/11), guest chaplain to the Senate, offered the following remarks and prayer:

Thank you. I'm delighted to be here. I did this once before when Alf Jacobson was President of the Senate, and that was a few years ago. So I'm glad, I'm glad to have been invited back. Let us pray:

"For the beauty of the earth, for the glory of the skies, for the love which from our birth over and around us lies; for the wonder of each hour, of the day and of the night; hill and vale, tree and flower, sun and moon, and stars of light." Lord, may we love all Your creation, all the earth, and every grain of sand in it. May we love every leaf and every ray of Your light. May we love and care for all You have created, and help us, we pray, not ever to work against your wishes. On this Earth Day, 2009, may we be sensitive and aware of the problems and challenges facing our Planet Earth, and may our actions and response be pleasing in Your sight. Amen

Sen. Lasky led the Pledge of Allegiance.

Sen. Odell is excused from today's session.

Moment of silence was observed as a well-wishing gesture to Sen. Odell and his wife Sandy.

INTRODUCTION OF GUESTS AND PRESENTATIONS

President Larsen recognized Senator-Elect Jeb Bradley and congratulated him on his recent election as Senator for District 3, whereupon he was welcomed by the Senate body.

RESOLUTION presented by Sen. Downing to the Salem High School Varsity Spirit Team members and coaches for winning the 2008-2009 Class L Winter Spirit state championship.

RESOLUTION presented by Sen. Downing to the Salem High School Girls Gymnastics Team members and coaches for winning the 2008-2009 Class L Girls Gymnastics state championship.

RESOLUTION presented by Sen. Bragdon to the Franklin Pierce University Women's Basketball Team members and coaches, NCAA Division II Northeast Regional Champions, runner-up in National Championship, finishing the 2008-2009 season 29-6, ranking second in the country.

Senate Pages: Caitlin and Liana Tetreau, Prospect Mountain High School, Alton.

COMMITTEE REPORTS

HB 144, relative to title insurance. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 4-0. Senator DeVries for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 144.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

Sen. Reynolds asserts Rule 42 on HB 144.

HB 35, eliminating the office of vice-president from the presidential primary ballot. Election Law and Veterans' Affairs Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 35.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 105, relative to voting machines for the counting of ballots. Election Law and Veterans' Affairs Committee. Ought to Pass, Vote 5-0. Senator Merrill for the committee.

The question is on the adoption of committee recommendation of Ought to Pass.

Sen. Merrill offered a floor amendment.

Sen. Merrill, Dist. 21

April 22, 2009

2009-1381s

03/10

Floor Amendment to HB 105

Amend the bill by replacing section 6 with the following:

6 Electronic Ballot Counting Devices. Amend RSA 659:42 to read as follows:

659:42 Tampering With ~~Voting Machines~~ **Electronic Ballot Counting Devices**. Whoever shall tamper with or injure or attempt to injure any ~~voting machine or~~ **electronic ballot counting** device for the ~~computerized casting and~~ counting of ballots to be used or being used in an election or whoever shall prevent or attempt to prevent the correct operation of such ~~machine or~~ device or whoever shall tamper with software used in the ~~casting or~~ counting of ballots or design such software so as to cause incorrect tabulation of the ballots or any unauthorized person who shall make or have in his or her possession a key to ~~a voting machine~~ **an electronic ballot counting device** to be used or being used in an election shall be guilty of a class B felony if a natural person or guilty of a felony if any other person.

The question is on the adoption of Floor Amendment 1381s.

Floor Amendment 1381s adopted.

The question is on the Motion of Ought to Pass as Amended on HB 105.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 267, relative to the definition of “election.” Election Law and Veterans’ Affairs Committee. Ought to Pass, Vote 5-0. Senator Houde for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 267.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 622, amending the hearing dates of the ballot law commission. Election Law and Veterans’ Affairs Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 622.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

(Concord Mayor Jim Bouley was recognized by the Chair and welcomed by the Senate body as a visitor in the gallery.)

HB 52-FN, relative to the regulation of massage therapists. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator Cilley for the committee.

Senate Executive Departments and Administration

April 15, 2009

2009-1335s

10/05

Amendment to HB 52-FN

Amend RSA 328-B:4, VII(c) as inserted by section 7 of the bill by replacing it with the following:

- (c) The qualifications required for a massage therapist which shall include demonstration of passage of the National Certification Examination for Therapeutic Massage Bodywork ***or any other nationally recognized certifying examination.***

The question is on the adoption of Committee Amendment 1335s.

Committee Amendment 1335s adopted.

The question is on the motion of Ought to Pass as Amended on HB 52-FN.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 77, relative to continuing education requirements for licensed architects. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 77.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 80, (New Title) requiring at least one member of the pharmacy board to be a hospital pharmacist, and relative to the consecutive years of service of pharmacy board members. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 4-1. Senator Fuller Clark for the committee.

Senate Executive Departments and Administration

April 15, 2009

2009-1336s

10/01

Amendment to HB 80

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

AN ACT adding a pharmacy board member and requiring at least one member of the pharmacy board to be a hospital pharmacist, and relative to the consecutive years of service of pharmacy board members.

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

1 Pharmacy Board; Membership; Hospital Pharmacist. Amend RSA 318:2 to read as follows:

318:2 Board. There shall be a pharmacy board consisting of [6] **7** members; including [5] **6** practicing pharmacists, ***at least one of whom shall be a full-time hospital pharmacist***, and one public member, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member shall be appointed to more than 2 consecutive terms ***and no member shall serve for more than 10 consecutive years.*** Only board members provided for in this section shall have the authority to vote in board determinations.

2 Application. The requirement for pharmacy board membership to include at least one full-time hospital pharmacist shall not affect the appointments of any member of the board serving on the effective date of this act.

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

2009-1336s

AMENDED ANALYSIS

This bill adds a pharmacy board member and requires that at least one practicing pharmacist member of the pharmacy board shall be a full-time hospital pharmacist. The bill also limits the service of pharmacy board members to 10 consecutive years.

The question is on the adoption of Committee Amendment 1336s.

Committee Amendment 1336s adopted.

The question is on the motion of Ought to Pass with Amendment on HB 80.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 93, relative to the minimum age for fighting sports competitions. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Carson for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 93.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

(Sen. Houde introduced former Rep. Merle Schotanus from Grantham, a visitor to the Senate floor.)

HB 116, relative to the membership of the legislative youth advisory council. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Carson for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 116.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 129, establishing a committee to study the incorporation of electronic filing procedures under the administrative procedures act. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator DeVries for the committee.

Senate Executive Departments and Administration

April 15, 2009

2009-1334s

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Amendment to HB 129

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

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

(a) Three members of the house of representatives, each of whom shall currently be or have been a member of the joint legislative committee on administrative rules, appointed by the speaker of the house of representatives.

(b) One member of the senate, who shall currently be or have been a member of the joint legislative committee on administrative rules, appointed by the president of the senate.

Amend the bill by replacing section 4 with the following:

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

The question is on the adoption of Committee Amendment 1334s.

Committee Amendment 1334s adopted

The question is on the motion of Ought to Pass as Amended on HB 129.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 316, relative to expenditures by boards and commissions for costs of examinations of applicants. Executive Departments and Administration Committee. Ought to Pass, Vote 2-0. Senator Carson for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 316.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 339, ratifying changes to the state building code adopted by the state building code review board and revising the definition of the state building code. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Carson for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 339.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 64-FN, (New Title) relative to eligibility for Aid to the Needy Blind. Health & Human Services Committee. Inexpedient to Legislate, Vote 3-0. Senator Sgambati for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 64-FN.

Motion of Inexpedient to Legislate adopted.

HB 497, relative to the automated external defibrillator advisory commission. Health & Human Services Committee. Ought to Pass, Vote 3-0. Senator Kelly for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 497.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 544, relative to data collected by health care facilities. Health & Human Services Committee. Ought to Pass, Vote 3-0. Senator Gilmour for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 544.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 243, authorizing the designation of special assistant attorneys general. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Letourneau for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 243.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 141, authorizing towns and cities to accept any form of electronic payment. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 141.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HOUSE MESSAGE

The Clerk read the following House Message:

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

HB 56-FN, renaming a bridge to honor U. S. Navy Seal Daniel Healy.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Hassan 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.

Motion adopted.

Adjournment from the Early Session.

LATE SESSION**Third Reading and Final Passage**

HB 35, eliminating the office of vice-president from the presidential primary ballot.

HB 52-FN, relative to the regulation of massage therapists.

HB 77, relative to continuing education requirements for licensed architects.

HB 80, adding a pharmacy board member and requiring at least one member of the pharmacy board to be a hospital pharmacist, and relative to the consecutive years of service of pharmacy board members.

HB 93, relative to the minimum age for fighting sports competitions.

HB 105, relative to voting machines for the counting of ballots.

HB 116, relative to the membership of the legislative youth advisory council.

HB 129, establishing a committee to study the incorporation of electronic filing procedures under the administrative procedures act.

HB 141, authorizing towns and cities to accept any form of electronic payment.

HB 144, relative to title insurance.

HB 243, authorizing the designation of special assistant attorneys general.

HB 267, relative to the definition of "election."

HB 316, relative to expenditures by boards and commissions for costs of examinations of applicants.

HB 339, ratifying changes to the state building code adopted by the state building code review board and revising the definition of the state building code.

HB 497, relative to the automated external defibrillator advisory commission.

HB 544, relative to data collected by health care facilities.

HB 622, amending the hearing dates of the ballot law commission.

ANNOUNCEMENTS**MOTION TO RECESS TO CALL OF THE CHAIR**

Sen. Hassan 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.

Motion adopted.

The Senate is in recess to the Call of the Chair.