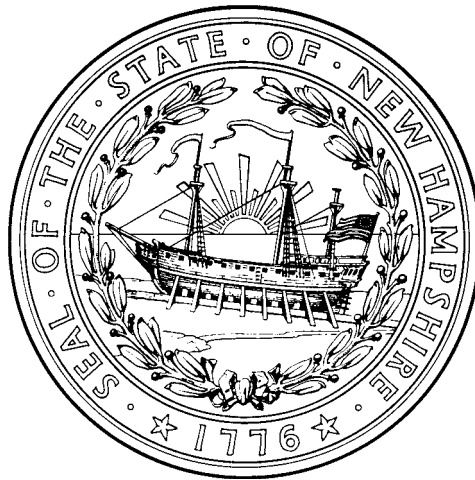


May 20, 2009  
Nos. 15-16

# STATE OF NEW HAMPSHIRE

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**161<sup>st</sup> Session of the New Hampshire General Court**

**Legislative Proceedings**

## SENATE JOURNAL

**ADJOURNMENT – MAY 13, 2009 SESSION  
COMMENCEMENT – MAY 20, 2009 SESSION**

# SENATE JOURNAL 15 *(continued)*

*May 13, 2009*

## 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 13**, declaring the chinook the state dog of New Hampshire.

**SB 15**, relative to the membership of the state veterans' advisory committee.

**SB 57**, relative to the commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan.

**SB 103**, relative to prohibited sales of alcoholic beverages.

**SB 116**, repealing the prohibition on political contributions by insurance companies.

**SB 117**, establishing a committee to study the feasibility of establishing a program to provide low-cost firewood from state lands to low-income individuals.

**SB 137**, relative to animal population control.

**SB 148**, establishing that the state of New Hampshire recognizes the designations of Prisoner of War (POW) and Missing in Action (MIA) as valid descriptions of casualty status and category classification for military personnel.

**SB 202**, relative to employee candidate background checks by municipalities.

**HB 52**, relative to the regulation of massage therapists.

**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 84**, relative to the regulation of reflexologists, structural integrators, and Asian bodywork therapists.

**HB 85**, establishing the women, infants and children program fund.

**HB 88**, prohibiting filing with the registry of deeds a document that includes an individual's armed forces service number.

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

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

**HB 156**, authorizing planning boards to require third party review and inspection.

**HB 170**, relative to reporting requirements for certain dedicated funds in the department of safety.

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

**HB 234**, establishing a committee to study the certificate of need process.

**HB 310**, relative to reimbursement of mileage for judges and marital masters and relative to civil marriage and civil unions.

**HB 320**, relative to agreements between central business service districts and municipalities for infrastructure improvements.

**HB 424**, relative to the land use change tax.

**HB 527**, repealing the coordinated school health committee and relative to health education in kindergarten through grade 12.

**HB 552**, renaming a bridge across the Connecticut River the Judge Harlan Fiske Stone Bridge.

**HB 671**, amending the motorist service signing program to allow the department of transportation to charge a fee for attraction signs.

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

**Report of Committee on Enrolled Bills adopted.**

**May 8, 2009**  
**2009-1578-EBA**  
**06/01**

**Enrolled Bill Amendment to SB 117**

The Committee on Enrolled Bills to which was referred SB 117

AN ACT establishing a committee to study the feasibility of establishing a program to provide low-cost firewood from state lands to low-income individuals.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 117

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 117

end section 5 of the bill by replacing lines 4 and 5 with the following:

representatives, the senate clerk, the house clerk, the governor, and the state library.

**Adopted.**

**May 4, 2009**  
**2009-1482-EBA**  
**03/09**

**Enrolled Bill Amendment to HB 84-FN**

The Committee on Enrolled Bills to which was referred HB 84-FN

AN ACT relative to the regulation of reflexologists, structural integrators, and Asian bodywork therapists.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 84-FN

This enrolled bill amendment corrects a reference in the bill and makes a technical correction.

Enrolled Bill Amendment to HB 84-FN

end RSA 328-H:6, V as inserted by section 1 of the bill by replacing line 1 with the following:

V. All members of the board shall have been residents of this state for at least one year

Amend RSA 328-H:9, I as inserted by section 1 of the bill by replacing line 2 with the following:

renewed or reinstated in accordance with rules adopted by the commissioner under RSA 328-H:5.

**Adopted.**

**May 4, 2009**  
**2009-1481-EBA**  
**05/09**

**Enrolled Bill Amendment to HB 105**

The Committee on Enrolled Bills to which was referred HB 105

AN ACT relative to voting machines for the counting of ballots.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 105

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 105

end section 1 of the bill by replacing line 1 with the following:

1 Electronic Ballot Counting Devices. Amend the subdivision heading preceding RSA 656:40 to read  
Amend RSA 656:43 as inserting by section 4 of the bill by replacing line 1 with the following:

656:43 Lease or Purchase. Any town or city authorizing the use of [a voting machine or a] **an**

**Adopted.**

**May 4, 2009**  
**2009-1479-EBA**  
**03/10**

**Enrolled Bill Amendment to HB 552**

The Committee on Enrolled Bills to which was referred HB 552

AN ACT renaming a bridge across the Connecticut River the Judge Harlan Fisk Stone Bridge.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 552

This enrolled bill amendment corrects typographical errors.

Enrolled Bill Amendment to HB 552

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

AN ACT renaming a bridge across the Connecticut River the Judge Harlan Fiske Stone Bridge.

Amend the bill by replacing section 1 with the following:

1 Town of Chesterfield; Judge Harlan Fiske Stone Bridge. Pursuant to RSA 4:43, the old 1937 arch bridge over the Connecticut River, in the town of Chesterfield, New Hampshire, is hereby named the Judge Harlan Fiske Stone Bridge.

**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 16

*May 20, 2009*

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

The Reverend Jason Wells, Grace Episcopal Church, Concord, guest chaplain to the Senate, offered the following meditative thoughts and prayer:

Every world religion makes the boat a metaphor for our life with God. Noah and Moses and Jonah in the Hebrew Scriptures, the first Christian apostles, were all fishermen. And even the Islamic poet, Hafiz, wrote that "God and I have become like two fat men in a boat; we keep bumping into each other and laughing." Understanding the kind of boat we has [sic] tells us the way we relate to God and the way we relate to the

work we have to do. We would be awfully bad at planning fishing if we didn't know the difference about, between an industrial trawler with nets and a crew, and a rowboat, a pole, a cooler of soft drinks, and an old friend. What tools is God giving you for your work today? Let us pray:

*Almighty God, help us to understand and appreciate and be grateful for the tools Your hand has provided for the work you have called us to do.* Amen

Sen. DeVries led the Pledge of Allegiance.

### INTRODUCTION OF GUESTS AND PRESENTATIONS

**Sen. Gatsas introduced Nathalie Lavoie and Carolyn Keyes from Bow High School who are serving as today's Senate Pages.**

### COMMITTEE REPORTS

#### SPECIAL ORDER

**Without objection, President Larsen moved to Special-Order HB 73 to the beginning of today's Calendar.**

**HB 73**, relative to the solemnization of marriage. Judiciary. Ought to Pass with Amendment, Vote 3-2. Senator Reynolds for the committee.

#### Senate Judiciary

**May 19, 2009**

**2009-1714s**

**09/03**

#### Amendment to HB 73

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

AN ACT affirming religious freedom protections with regard to marriage and prohibiting the establishment of civil unions on or after January 1, 2010.

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

1 New Paragraphs; Affirmation of Freedom of Religion in Marriage. Amend RSA 457:37 by inserting after paragraph II the following new paragraphs:

III. Notwithstanding any other provision of law, a religious organization, association, or society, or any individual who is managed, directed, or supervised by or in conjunction with a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, shall not be required to provide services, accommodations, advantages, facilities, goods, or privileges to an individual if such request for such services, accommodations, advantages, facilities, goods, or privileges is related to the solemnization of a marriage, the celebration of a marriage, or the promotion of marriage through religious counseling, programs, courses, retreats, or housing designated for married individuals, and such solemnization, celebration, or promotion of marriage is in violation of his or her religious beliefs and faith. Any refusal to provide services, accommodations, advantages, facilities, goods, or privileges in accordance with this section shall not create any civil claim or cause of action or result in any state action to penalize or withhold benefits from such religious organization, association, or society, or any individual who is managed, directed, or supervised by or in conjunction with a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society.

IV. The marriage laws of this state shall not be construed to affect the ability of a fraternal benefit society to determine the admission of members pursuant to RSA 418:5, and shall not require a fraternal benefit society that has been established and is operating for charitable and educational purposes and which is operated, supervised, or controlled by or in connection with a religious organization to provide insurance benefits to any person if to do so would violate the fraternal benefit society's free exercise of religion as guaranteed by the First Amendment of the United States Constitution and part I, article 5 of the New Hampshire constitution.

V. Nothing in this chapter shall be deemed or construed to limit the protections and exemptions provided to religious organizations under RSA 354-A:18.

2 Obtaining Legal Status of Marriage. Amend RSA 457:46, I to read as follows:

***I. Notwithstanding the provisions of RSA 457-A, no new civil unions shall be established on or after January 1, 2010.*** Two consenting persons who are parties to a valid civil union entered into prior to January 1, 2010 pursuant to this chapter may apply and receive a marriage license and have such marriage solemnized pursuant to RSA 457, provided that the parties are otherwise eligible to marry under RSA 457 and the parties to the marriage are the same as the parties to the civil union. Such parties may also apply by January 1, 2011 to the clerk of the town or city in which their civil union is recorded to have their civil union legally designated and recorded as a marriage, without any additional requirements of payment of marriage licensing fees or solemnization contained in RSA 457, provided that such parties' civil union was not previously dissolved or annulled. Upon application, the parties shall be issued a marriage certificate, and such marriage certificate shall be recorded with the division of vital records administration. Any civil union shall be dissolved by operation of law by any marriage of the same parties to each other, as of the date of the marriage stated in the certificate.

3 Contingency. If HB 436-FN-LOCAL and HB 310-FN of the 2009 regular legislative session become law, sections 1 and 2 of this act shall take effect January 1, 2010 at 12:02 a.m. If HB 436-FN-LOCAL and HB 310-FN of the 2009 regular legislative session do not become law, sections 1 and 2 of this act shall not take effect.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

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

#### **2009-1714s**

##### **AMENDED ANALYSIS**

This bill affirms religious freedom protections with regard to marriage. The bill also prohibits establishment of civil unions on or after January 1, 2010. This bill is contingent upon the enactment of HB 436-FN-LOCAL and HB 310-FN of the 2009 legislative session.

**The question is on the adoption of Committee Amendment 1714s.**

**A roll call was requested by Sen. Barnes, seconded by Sen. Bragdon.**

**The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.**

**The following Senators voted No: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.**

**Yeas: 14 - Nays: 10**

**Committee Amendment 1714s adopted.**

**The question is on the motion of Ought to Pass with Amendment on HB 73.**

**A roll call was requested by Sen. Bragdon, seconded by Sen. Barnes.**

**The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.**

**The following Senators voted No: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.**

**Yeas: 14 - Nays: 10**

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

**Sen. Hassan, having voted on the prevailing side, moved to reconsider the vote by which HB 73 was adopted.**

**A roll call was requested by Sen. Carson, seconded by Sen. Barnes.**

**Recess/Out of Recess.**

**The roll call motion was withdrawn.**

**The question is on the motion of reconsideration of the vote by which a motion of Ought to Pass as Amended was adopted on HB 73.**

**Motion of Reconsideration failed.**

**HB 376**, (New Title) relative to condominium association meetings. Commerce, Labor and Consumer Protection. Ought to Pass with Amendment, Vote 4-0. Senator Bragdon for the committee.

**Commerce, Labor and Consumer Protection**

**May 12, 2009**

**2009-1609s**

**05/04**

**Amendment to HB 376**

Amend RSA 356-B:37, II as inserted by section 1 of the bill by replacing it with the following:

*II. The board of directors shall make copies of the minutes of board meetings available to the unit owners within 60 days of the board meeting or 15 days of the date such minutes are approved by the board, whichever occurs first. The unit owner shall be responsible for any copying costs, except that, if the association chooses to make the minutes available electronically, there shall be no charge to the unit owner.*

**The question is on the adoption of Committee Amendment 1609s.**

**Committee Amendment 1609s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 376.**

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

(Sen. Gallus welcomed the Leadership Mount Washington Valley class, visitors in the gallery.)

**HB 98**, relative to reinstatement of lapsed licenses of speech-language pathologists. Executive Departments and Administration. Ought to Pass, Vote 3-0. Senator Carson for the committee.

**The question is on the committee recommendation of Ought to Pass on HB 98.**

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

**HB 172**, (New Title) allowing naturopathic doctors to dispense prescription drugs which are within their scope of practice. Executive Departments and Administration. Ought to Pass with Amendment, Vote 3-0. Senator Downing for the committee.

**Senate Executive Departments and Administration**

**May 6, 2009**

**2009-1524s**

**01/04**

**Amendment to HB 172**

Amend the bill by replacing section 2 with the following:

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

**The question is on the adoption of Committee Amendment 1524s.**

**Committee Amendment 1524s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 172.**

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

**HB 233**, relative to the membership of the board of medicine. Executive Departments and Administration. 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 233.**

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

**HB 245**, extending study committees and commissions. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 3-0. Senator Cilley for the committee.

**Senate Executive Departments and Administration**

**May 6, 2009**

**2009-1522s**

**09/04**

**Amendment to HB 245**

Amend the bill by replacing section 4 with the following:

4 Commission to Study Automobile Recycling Issues. Amend 2007, 273:5 and 273:6 to read as follows:

273:5 Report. The commission shall make an interim report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the chairperson of the house executive departments and administration committee, the chairperson of the environment and agriculture committee, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007. The commission shall make a final report of its findings, if any, and recommendations for proposed legislation, if any, to the speaker of the house of representatives, the president of the senate, the chairperson of the house executive departments and administration committee, the chair person of the environment and agriculture committee, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [2008] **2010**.

273:6 Repeal. The study commission established in this act relative to automobile recycling issues, is repealed effective November 1, [2008] **2010**.

**The question is on the adoption of Committee Amendment 1522s.**

**Committee Amendment 1522s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 245.**

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

**HB 256**, relative to the New Hampshire accountancy act. Executive Departments and Administration. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

**Senate Executive Departments and Administration**  
**May 7, 2009**  
**2009-1573s**  
**10/04**

#### **Amendment to HB 256**

Amend the bill by replacing section 13 with the following:

13 New Paragraphs; Renewal; Rulemaking; Inactive Status. Amend RSA 309-B:7 by inserting after paragraph XII the following new paragraphs:

XIII. The board shall by rule require as a condition for renewal of a certificate under this section, by any certificate holder who issues compilation reports for the public other than through a CPA firm, that such individual undergo, no more frequently than once every 3 years, a peer review conducted in such manner as the board shall by rule specify, and such review shall include verification that such individual has met the competency requirements set out in professional standards for such services.

XIV. Upon the request of a licensee or certificate holder who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty, the board shall place the person's license or certificate on inactive status. The license or certificate may be reactivated within one year of the person's release from active status by payment of the renewal fee and with proof of completion of the most current continuing education requirement unless still within the renewal period.

**The question is on the adoption of Committee Amendment 1573s.**

**Committee Amendment 1573s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 256.**

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

**HB 302**, (New Title) relative to the New Hampshire real estate practice act. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Downing for the committee.

**The question is on the committee recommendation of Ought to Pass on HB 302.**

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

**HB 460**, relative to the system of visitor centers. Executive Departments and Administration Committee. Ought to Pass, Vote 3-1. Senator Cilley for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 460.**

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

**HB 468-FN-L**, relative to caps on total billings by the state to the counties for nursing home care. Finance. Ought to Pass with Amendment, Vote 7-0. Senator Sgambati for the committee.



**Senate Finance**  
**May 14, 2009**  
**2009-1661s**  
**10/04**

**Amendment to HB 468-FN-LOCAL**

Amend RSA 167:18-a, II as inserted by section 1 of the bill by replacing it with the following:

II.(a) The total billings to all counties made pursuant to this section shall not exceed the amounts set forth below for state fiscal years 2009-[2010] **2012**:

- (1) State fiscal year 2009, \$103,000,000.
- (2) State fiscal year 2010, \$105,000,000.
- (3) *State fiscal year 2011, \$107,000,000.*
- (4) *State fiscal year 2012, \$109,000,000.*

(b) The caps on total billings for fiscal years after fiscal year [2010] **2012** shall be established by the legislature on a biennial basis.

**MOTION TO TABLE**

**Sen. Sgambati moved HB 468-FN-L be laid on the table.**

**The question is on the motion to table HB 468-FN-L.**

**Motion adopted.**

**LAID ON THE TABLE**

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

**HB 508**, relative to the county-state finance commission. Finance. Ought to Pass with Amendment, Vote 7-0. Senator Odell for the committee.

**Senate Finance**  
**May 14, 2009**  
**2009-1652s**  
**06/09**

**Amendment to HB 508**

Amend RSA 28-B:3, VI(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Funds expended by the state for long-term care, including county reimbursement of said funds under RSA 167:18-a.

**The question is on the adoption of Committee Amendment 1652s.**

**Committee Amendment 1652s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 508.**

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

**HB 685-FN**, relative to medical benefits payment by the retirement system for certain vested deferred group I members. Finance. Ought to Pass, Vote 7-0. Senator Janeway for the committee.

**The question is on the committee recommendation of Ought to Pass on HB 685-FN.**

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

**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 & Human Services Committee. Inexpedient to Legislate, Vote 5-0. Senator Sgambati for the committee.

**MOTION TO TABLE**

**Sen. Sgambati moved HB 250 be laid on the table.**

**The question is on the motion to table HB 250.**

**Motion adopted.**

**Sen. Carson is in opposition to the motion to table HB 250.**

**LAID ON THE TABLE**

**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.

**HB 107**, making technical corrections to the law on taxation of farm structures and land under farm structures. Public and Municipal Affairs. Ought to Pass, Vote 4-0. Senator DeVries for the committee.

**The question is on the committee recommendation of Ought to Pass on HB 107.**

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

**HB 115**, relative to licenses for the operation of motor vehicle recycling yards and junk yards. Public and Municipal Affairs. Ought to Pass, Vote 4-0. Senator Roberge for the committee.

**The question is on the committee recommendation of Ought to Pass on HB 115.**

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

**HB 142**, relative to extending municipal leases. Public and Municipal Affairs. Ought to Pass, Vote 4-0. Senator Houde for the committee.

**The question is on the committee recommendation of Ought to Pass on HB 142.**

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

**HB 183**, (New Title) relative to removal of town officers. Public and Municipal Affairs. Inexpedient to Legislate, Vote 3-2. Senator Houde for the committee.

**The question is on the committee recommendation of Inexpedient to Legislate on HB 183.**

**Division vote requested.**

**Division: Yes: 14 - No: 10**

**Motion of Inexpedient to Legislate adopted.**

**HB 189**, enabling municipalities to establish energy commissions. Public and Municipal Affairs. Ought to Pass with Amendment, Vote 3-1. Senator Houde for the committee.

**Public and Municipal Affairs**

**May 7, 2009**

**2009-1553s**

**06/09**

**Amendment to HB 189**

Amend RSA 38-D:3 as inserted by section 1 of the bill by replacing it with the following:

38-D:3 Membership. The commission shall consist of no fewer than 3 nor more than 10 members. In cities, the members of the commission shall be appointed by the city council subject to the provisions of the city charter, and in towns the members of the commission shall be appointed by the board of selectmen. Alternate members may be appointed in a like manner and when the alternate serves in the absence or disqualification of a regular member, the alternate shall have full voting powers. When a commission is first established, terms of the members shall be for one, 2, or 3 years, and so arranged that the terms of approximately 1/3 of the members will expire each year, and their successors shall be appointed for terms of 3 years each. Any member of a commission so appointed may, after a public hearing with notice under RSA 675:7, if requested, be removed for cause by the appointing authority. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. Members of an energy commission shall be residents of the city or town which they represent. Members of an energy commission also may serve on other municipal boards and commissions, including but not limited to, a conservation commission under RSA 36-A, local planning boards under RSA 672, historic district commission established under RSA 673:4, and a heritage commission established under RSA 673:4-a.

Amend RSA 38-D:5, I as inserted by section 1 of the bill by replacing it with the following:

I. A town or city, having established an energy commission, may appropriate money as necessary for the purpose of this chapter. All or any part of money so appropriated in any year and any gifts of money received under this chapter may be placed in an energy commission fund and allowed to accumulate from year to year. Money may be expended from such fund by the energy commission for the purposes of this chapter without further approval of the town meeting; however, acceptance of gifts over \$500 and disbursements over \$500 shall require a public hearing with notice under RSA 675:7 and approval of the governing body.

**The question is on the adoption of Committee Amendment 1553s.**

**Committee Amendment 1553s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 189.**

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

**HB 247**, relative to the assistance of the state veterinarian with the investigation and enforcement of animal abuse laws. Public and Municipal Affairs. Ought to Pass, Vote 3-0.

Senator Roberge for the committee.

**The question is on the committee recommendation of Ought to Pass on HB 247.**

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

**HB 290**, (New Title) authorizing fluvial erosion hazard ordinances. Public and Municipal Affairs. Ought to Pass with Amendment, Vote 4-0. Senator Barnes for the committee.

**Public and Municipal Affairs**

**May 7, 2009**

**2009-1555s**

**03/10**

**Amendment to HB 290**

Amend RSA 674:56, II(b) as inserted by section 2 of the bill by replacing it with the following:

*(b) Any fluvial erosion hazard zoning shall be based on delineation of zones consistent with any fluvial erosion hazard protocols established by the department of environmental services in effect on the date of its adoption. If the planning board of a municipality proposes to adopt, by ordinance or amendment, a fluvial erosion hazard ordinance or an amendment to a fluvial erosion hazard ordinance, the board shall, prior to determining the final form of the ordinance or amendment under RSA 675:2 or RSA 675:3, submit to the department of environmental services a map of all fluvial erosion hazard zones. The department shall review the map and advise the board within 30 days whether the map and zones are consistent with department protocols. The department's comments, if any, shall be advisory only.*

**The question is on the adoption of Committee Amendment 1555s.**

**Committee Amendment 1555s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 290.**

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

**HB 315**, clarifying a law relative to junkyards within industrial areas. Public and Municipal Affairs. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

**The question is on the committee recommendation of Ought to Pass on HB 315.**

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

**HB 34**, (New Title) prohibiting writing a text message while driving. Transportation and Interstate Cooperation. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

**The question is on the committee recommendation of Ought to Pass on HB 34.**

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

**HB 112**, relative to addresses on motor vehicle registrations. Transportation and Interstate Cooperation. Ought to Pass with Amendment, Vote 4-0. Senator Gilmour for the committee.

**Transportation and Interstate Cooperation**

**May 7, 2009**

**2009-1561s**

**03/04**

**Amendment to HB 112**

Amend RSA 261:52-c as inserted by section 1 of the bill by replacing it with the following:

261:52-c Re-Registration by Residents Without a Permanent Street Address. Residents who are homeless without a permanent street address at the time of re-registration may register a vehicle by certifying that they are currently resident in the town and providing a letter from an agency described in section 501(c)(3) of the Internal Revenue Code stating that they have permission to use the agency as a mailing address for purposes of contact by the department. Residency for the purposes of this section shall be defined as the expressed intention to continue to reside in the municipality after a period of time not to exceed 2 years.

**The question is on the adoption of Committee Amendment 1561s.**

**Committee Amendment 1561s failed.**

**Sen. Gilmour offered a floor amendment.**

**May 12, 2009**

**2009-1596s**

**03/04**

**Floor Amendment to HB 112**

Amend RSA 261:52-c as inserted by section 1 of the bill by replacing it with the following:

261:52-c Re-Registration by Residents Without a Permanent Street Address.

I A resident who is homeless without a permanent street address at the time of re-registration may register a vehicle by certifying to the department in writing that he or she is currently resident in the town and by providing a letter signed by an authorized representative of a social service organization or agency qualified under section 501(c)(3) of the Internal Revenue Code stating that the person is authorized to use the mailing address of the organization or agency for purposes of contact by the department.

II. A certification of current residency and a current letter authorizing the use of the mailing address of a qualified social service agency or organization shall be submitted to the department in connection with every registration made under this section. The director shall provide the form on which the certification is made.

III. Residency for the purposes of this section shall be defined as the expressed intention to continue to reside in the municipality.

**Sen. Barnes moved the question.**

**Without objection, President Larsen closed debate.**

**The question is on the adoption of Floor Amendment 1596s.**

**Floor Amendment 1596s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 112.**

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

(Sen. Hassan welcomed Newfields Elementary School students visiting in the gallery.)

**Recess/Out of Recess.**

**HB 186**, (New Title) 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 Committee. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

**MOTION TO TABLE**

**Sen. Letourneau moved HB 186 be laid on the table.**

**The question is on the motion to table HB 186.**

**Motion adopted.**

**LAID ON THE TABLE**

**HB 186**, (New Title) 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.

**HB 273**, relative to submission of electronic data by municipal and county inspection stations. Transportation and Interstate Cooperation. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

**The question is on the committee recommendation of Ought to Pass on HB 273.**

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

**HB 372**, (New Title) relative to drivers' licenses for persons with certain seizure disorders. Transportation and Interstate Cooperation. Inexpedient to Legislate, Vote 4-0. Senator Gilmour for the committee.

**The question is on the committee recommendation of Inexpedient to Legislate on HB 372.**

**Motion of Inexpedient to Legislate adopted.**

**HB 485**, establishing a committee to study enforcement of walking disability placard violations. Transportation and Interstate Cooperation. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

**The question is on the committee recommendation of Ought to Pass on HB 485.**

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

**HB 518**, relative to driver's license application forms. Transportation and Interstate Cooperation. Ought to Pass with Amendment, Vote 5-0. Senator Letourneau for the committee.

### **Transportation and Interstate Cooperation**

**May 14, 2009**

**2009-1662s**

**03/04**

#### **Amendment to HB 518**

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

AN ACT relative to driver's license application forms and relative to transporting manufactured housing and modular buildings.

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

2 Words and Phrases Defined; Utility Dealer. Amend RSA 259:121, I to read as follows:

I. Any person engaged in the manufacture, purchase, sale, or exchange at wholesale or retail of travel or camp trailers, utility trailers, boat trailers, semi-trailers, tractors, farm equipment, construction equipment, chassis with special equipment, **modular buildings, manufactured housing**, or any combination thereof.

3 Use of Utility Plates; Modular Buildings. Amend RSA 261:121, I to read as follows:

I. Utility registration shall be used only for moving non-motorized vehicles, **modular buildings**, or chassis with specialized equipment which are either owned or not owned by the utility dealer for business purposes, including but not limited to delivery, demonstration, sale, or repair.

4 New Paragraph; Use of Utility Plates; Manufactured Housing. Amend RSA 261:121 by inserting after paragraph IV the following new paragraph:

V. A utility plate may be used by a manufacturer, dealer, or installer of manufactured housing, or his or her employees or agents contracted by the manufacturer, dealer, or installer, on a manufactured housing chassis owned or not owned by the manufacturer, dealer, or installer if used solely for the purpose of transporting manufactured housing to and from his or her place of business for sale or installation. Such chassis shall be exempt from inspection under RSA 266:1, but shall be subject to inspection by a law enforcement officer at any time when being transported on a way and shall be placed out of service by the law enforcement officer if it is found to be in an unsafe condition to be transported upon a way.

5 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

**2009-1662s**

#### **AMENDED ANALYSIS**

This bill authorizes the department of safety to omit certain options that are currently required to be on the driver's license application form. This bill also authorizes the use of a utility registration to transport manufactured housing and modular buildings.

**The question is on the adoption of Committee Amendment 1662s.**

**Committee Amendment 1662s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 518.**

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

**HB 613**, establishing a committee to study the advantages and disadvantages of state acquisition of the remaining rail corridors. Transportation and Interstate Cooperation. Inexpedient to Legislate, Vote 3-1. Senator Letourneau for the committee.

#### **MOTION TO TABLE**

**Sen. Lasky moved HB 613 be laid on the table.**

**The question is on the motion to table HB 613.**

**Motion adopted.**

#### **LAIID ON THE TABLE**

**HB 613**, establishing a committee to study the advantages and disadvantages of state acquisition of the remaining rail corridors.

**HB 97**, relative to the lottery commission's ability to make rules concerning the Multi-State Lottery Association. Ways and Means. Ought to Pass, Vote 7-0. Senator Gilmour for the committee.

**The question is on the committee recommendation of Ought to Pass on HB 97.**

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

**HB 437**, relative to the operation of the Chesterfield welcome and information center. Ways and Means. Ought to Pass, Vote 7-0. Senator D'Allesandro for the committee.

**The question is on the committee recommendation of Ought to Pass on HB 437.**

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

**HB 48**, establishing a committee on agriculture in the classroom. Wildlife, Fish and Game and Agriculture. Ought to Pass, Vote 5-0. Senator Merrill for the committee.

**The question is on the committee recommendation of Ought to Pass on HB 48.**

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

**HB 63**, relative to the use of the term "farmers' markets" in corporation names. Wildlife, Fish and Game and Agriculture. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

**The question is on the committee recommendation of Ought to Pass on HB 63.**

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

**HB 148**, relative to the sale and vaccination of animals. Wildlife, Fish and Game and Agriculture. Ought to Pass, Vote 5-0. Senator Janeway for the committee.

**The question is on the committee recommendation of Ought to Pass on HB 148.**

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

**HB 635**, relative to raw milk yogurt. Wildlife, Fish and Game and Agriculture. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

**The question is on the committee recommendation of Ought to Pass on HB 635.**

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

#### **HOUSE MESSAGE**

The Clerk read the following Message from the House:

*The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:*

**SB 26**, relative to degree granting authority for St. John International University.

**SENATE CONCURS WITH HOUSE AMENDMENT ON SB 26**

**SB 26**, relative to degree granting authority for St. John International University.

**Sen. Kelly recommends Senate concurrence with House Amendment 1375h.**

**The question is on Senate concurrence with House Amendment 1375h on SB 26.**

**Motion to concur adopted, SB 26 adopted.**

**HOUSE MESSAGE**

The Clerk read the following Message from the House:

*The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:*

**SB 118**, relative to assistance in voting.

**SENATE CONCURS WITH HOUSE AMENDMENT ON SB 118**

**SB 118**, relative to assistance in voting.

**Sen. Lasky recommends Senate concurrence with House Amendment 1436h.**

**The question is on Senate concurrence with House Amendment 1436h on SB 118.**

**Motion to concur adopted, SB 118 adopted.**

**HOUSE MESSAGE**

The Clerk read the following Message from the House:

*The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:*

**SB 155**, relative to financial disclosure by legislators.

**SENATE CONCURS WITH HOUSE AMENDMENT ON SB 155**

**SB 155**, relative to financial disclosure by legislators.

**Sen. Lasky recommends Senate concurrence with House Amendment 1330h.**

**The question is on Senate concurrence with House Amendment 1330h on SB 155.**

**Motion to concur adopted, SB 155 adopted.**

**HOUSE MESSAGE**

The Clerk read the following Message from the House:

*The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:*

**SB 159-FN**, relative to broadband technology planning and development.

**SENATE CONCURS WITH HOUSE AMENDMENT ON SB 159-FN**

**SB 159-FN**, relative to broadband technology planning and development.

**Sen. Fuller Clark recommends Senate concurrence with House Amendment 1370h.**

**The question is on Senate concurrence with House Amendment 1370h on SB 159-FN.**

**Motion to concur adopted, SB 159-FN adopted.**

**HOUSE MESSAGE**

The Clerk read the following Message from the House:

*The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled Bill sent down from the Senate:*

**HB 648-FN**, relative to the use of marijuana for medicinal purposes.

*and requests a Committee of Conference.*

*The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:*

*REPRESENTATIVES: Rosenwald, Bridgham, Evalyn Merrick and Welch.*

#### **SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE**

**HB 648-FN**, relative to the use of marijuana for medicinal purposes.

**Sen. Sgambati recommends the Senate accede to the House request for Committee of Conference.**

**The question is on the Senate acceding to the House request for Committee of Conference on HB 648-FN.**

**Motion Adopted.**

**The President, on the part of the Senate, has appointed as members of said Committee of Conference:**

**SENATORS: Gilmour, Gallus, Fuller Clark.**

#### **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 34**, prohibiting writing a text message while driving.

**HB 48**, establishing a committee on agriculture in the classroom.

**HB 63**, relative to the use of the term "farmers' markets" in corporation names.

**HB 73**, affirming religious freedom protections with regard to marriage and prohibiting the establishment of civil unions on or after January 1, 2010.

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

**HB 98**, relative to reinstatement of lapsed licenses of speech-language pathologists.

**HB 107**, making technical corrections to the law on taxation of farm structures and land under farm structures.

**HB 112**, relative to addresses on motor vehicle registrations.

**HB 115**, relative to licenses for the operation of motor vehicle recycling yards and junk yards.

**HB 142**, relative to extending municipal leases.

**HB 148**, relative to the sale and vaccination of animals.

**HB 172**, allowing naturopathic doctors to dispense prescription drugs which are within their scope of practice.

**HB 189**, enabling municipalities to establish energy commissions.

**HB 233**, relative to the membership of the board of medicine.

**HB 245**, extending study committees and commissions.

**HB 247**, relative to the assistance of the state veterinarian with the investigation and enforcement of animal abuse laws.



**HB 256**, relative to the New Hampshire accountancy act.

**HB 273**, relative to submission of electronic data by municipal and county inspection stations.

**HB 290**, authorizing fluvial erosion hazard ordinances.

**HB 302**, relative to the New Hampshire real estate practice act.

**HB 315**, clarifying a law relative to junkyards within industrial areas.

**HB 376**, relative to condominium association meetings.

**HB 437**, relative to the operation of the Chesterfield welcome and information center.

**HB 460**, relative to the system of visitor centers.

**HB 485**, establishing a committee to study enforcement of walking disability placard violations.

**HB 508**, relative to the county-state finance commission.

**HB 518**, relative to driver's license application forms and relative to transporting manufactured housing and modular buildings.

**HB 635**, relative to raw milk yogurt.

**HB 685-FN**, relative to medical benefits payment by the retirement system for certain vested deferred group I members.

#### **ANNOUNCEMENTS**

SENATOR REYNOLDS (Rule 44): Thank you, Madam President. In the midst of our joy about Rachel Alexandra and all the other things we celebrate in life, I wanted to rise to present a somber moment. On Sunday one of the leading citizens in my – one of my former hometowns of Woodstock, Ed Fournier, passed away suddenly. Ed was an amazing member of our community. He was three times the president of the Lincoln-Woodstock Rotary Club of which I'm a member. He devoted countless hours to community projects, including the Lincoln-Woodstock Rotary Club Scholarship Fund. Community service, he exemplified what "Service above Self" is, which is part of the Rotary *Four Way Test*. And I just want to note and have my remembrance of him noted for the permanent *Journal* because I think it's important when we have someone of Ed's gifts and the dedication he had to our community really do need to be noted, and we will mourn his passing. Thank you very much, Madam President.

**Without objection, President Larsen moved that all Rule 44's shall be entered into the permanent *Journal of the Senate*.**

#### **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.**