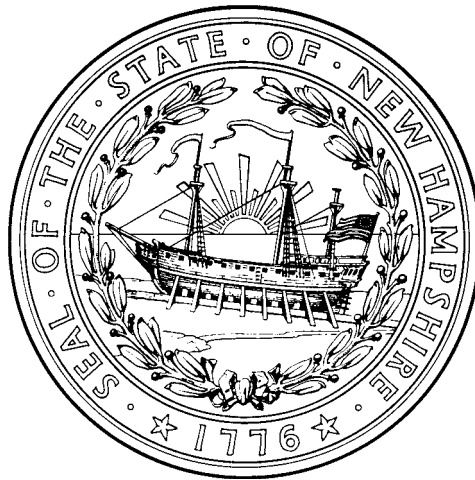


**March 25, 2009
Nos. 8-9**

STATE OF NEW HAMPSHIRE

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



161st Session of the New Hampshire General Court

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MARCH 18, 2009 SESSION
COMMENCEMENT – MARCH 25, 2009 SESSION**

SENATE JOURNAL 8 *(continued)*

March 18, 2009

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 title and referred to the therein designated committee.

Resolution adopted.

First and Second Reading and Referral

HB 35, eliminating the office of vice-president from the presidential primary ballot. (Election Law and Veterans' Affairs)

HB 36, relative to the purchase of information technology by state agencies. (Executive Departments and Administration)

HB 39-FN, relative to the authority of the state board for the licensing and regulation of plumbers. (Executive Departments and Administration)

HB 41, allowing the executive director of fish and game to donate certain hunting and fishing permits to the wildlife heritage foundation of New Hampshire. (Wildlife, Fish and Game and Agriculture)

HB 44, relative to the use of alternates by local land use boards. (Public and Municipal Affairs)

HB 45, relative to the water supply land conservation program. (Energy, Environment and Economic Development)

HB 52-FN, relative to the regulation of massage therapists. (Executive Departments and Administration)

HB 55, relative to energy facility siting construction and operation. (Energy, Environment and Economic Development)

HB 56-FN, renaming a bridge to honor U.S. Navy Seal Daniel Healy. (Transportation and Interstate Cooperation)

HB 58, designating segments of the Cochecho River as protected under the rivers management and protection program. (Energy, Environment and Economic Development)

HB 61, relative to a definition of "sustainable energy." (Energy, Environment and Economic Development)

HB 64-FN, relative to eligibility for Aid to the Needy Blind. (Health and Human Services)

HB 66, relative to the legal age for blood donations. (Health and Human Services)

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

HB 76, establishing a permanent commission to study recommendations of the National Transportation Safety Board. (Transportation and Interstate Cooperation)

HB 77, relative to continuing education requirements for licensed architects. (Executive Departments and Administration)

HB 79, relative to use of the child support guideline worksheet. (Judiciary)

HB 80, 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)

HB 85-FN-A, establishing the women, infants, and children program fund. (Health and Human Services)

HB 86, allowing towns to issue citations and accept pleas by mail for local ordinance violations. (Public and Municipal Affairs)

HB 88, prohibiting filing with the registry of deeds a document that includes an individual's armed forces service number. (Public and Municipal Affairs)

HB 93, relative to the minimum age for fighting sports competitions. (Executive Departments and Administration)

HB 96, correcting certain references relating to municipal growth management. (Public and Municipal Affairs)

HB 98, relative to reinstatement of lapsed licenses of speech-language pathologists. (Executive Departments and Administration)

HB 99, relative to supervised driving time by persons completing driver education. (Transportation and Interstate Cooperation)

HB 102, relative to the rivers management and protection program. (Energy, Environment and Economic Development)

HB 103, relative to paying discharged and laid off employees. (Commerce, Labor and Consumer Protection)

HB 105, relative to voting machines for the counting of ballots. (Election Law and Veterans' Affairs)

HB 106, relative to penalties for land use violations. (Judiciary)

HB 112, relative to addresses on motor vehicle registrations. (Transportation and Interstate Cooperation)

HB 115, relative to licenses for the operation of motor vehicle recycling yards and junk yards. (Public and Municipal Affairs)

HB 116, relative to the membership of the legislative youth advisory council. (Executive Departments and Administration)

HB 117, repealing the gas utility restructuring oversight committee. (Energy, Environment and Economic Development)

HB 118, relative to periodic payments of judgments. (Judiciary)

HB 127, relative to treatment of pregnant inmates. (Judiciary)

HB 129, establishing a committee to study the incorporation of electronic filing procedures under the administrative procedures act. (Executive Departments and Administration)

HB 130, relative to enforceability of publicly-owned land restrictions. (Energy, Environment and Economic Development)

HB 132, relative to access to case records of the department of health and human services. (Health and Human Services)

HB 141, authorizing towns and cities to accept any form of electronic payment. (Public and Municipal Affairs)

HB 142, relative to extending municipal leases. (Public and Municipal Affairs Committee)

HB 144, relative to title insurance. (Commerce, Labor and Consumer Protection)

HB 148, relative to the sale and vaccination of animals. (Wildlife, Fish and Game and Agriculture)

HB 157, relative to library patron records. (Judiciary)

HB 162, relative to recycled and rebuilt vehicles. (Transportation and Interstate Cooperation)

HB 169, relative to the counting of charter school pupils in the definition of average daily membership in residence. (Education)

HB 171, establishing a commission to evaluate mental health courts and establish standards for the operation of mental health courts. (Judiciary)

HB 172, allowing naturopathic doctors to dispense prescription drugs which are within their scope of practice. (Executive Departments and Administration)

HB 173, relative to the basis for awarding custody to a stepparent or grandparent. (Judiciary)

HB 182, relative to fish and game department authorization to administer programs involving federal aid, and relative to biennial reports of the department. (Wildlife, Fish and Game and Agriculture)

- HB 183**, relative to removal of town officers. (Public and Municipal Affairs)
- HB 189**, enabling municipalities to establish energy commissions. (Public and Municipal Affairs)
- HB 206**, relative to retention of governmental records under the right-to-know law. (Judiciary)
- HB 210**, relative to public access to minutes of local land use boards. (Public and Municipal Affairs)
- HB 216-FN**, relative to fees for legal services rendered to workers' compensation claimants. (Commerce, Labor and Consumer Protection)
- HB 226-FN**, relative to the lead paint poisoning law. (Health and Human Services)
- HB 229**, clarifying the eligibility requirements for class IV renewable energy generating facilities. (Energy, Environment and Economic Development)
- HB 230**, relative to the burden of proof for a finding of abuse in domestic violence cases. (Judiciary)
- HB 233**, relative to the membership of the board of medicine. (Executive Departments and Administration)
- HB 234**, establishing a committee to study the certificate of need process. (Health and Human Services)
- HB 239-L**, relative to establishing a municipal bond rescission process. (Public and Municipal Affairs)
- HB 240-FN**, relative to workers' compensation for death. (Commerce, Labor and Consumer Protection)
- HB 243**, authorizing the designation of special assistant attorneys general. (Judiciary)
- HB 245**, extending study committees and commissions. (Executive Departments and Administration)
- HB 252**, relative to state agency rulemaking concerning expiring administrative rules. (Executive Departments and Administration)
- HB 253**, relative to the Gunstock area commission. (Public and Municipal Affairs)
- HB 256**, relative to the New Hampshire accountancy act. (Executive Departments and Administration)
- HB 265**, relative to proving qualifications to vote. (Election Law and Veterans' Affairs)
- HB 267**, relative to the definition of "election." (Election Law and Veterans' Affairs)
- HB 270**, relative to sale of human remains. (Judiciary)
- HB 284-FN**, increasing the contract amount that triggers the bond requirement on public projects. (Transportation and Interstate Cooperation)
- HB 292**, relative to financial disclosures, lobbyist registrations and statements, prohibited gifts, and executive branch volunteers. (Election Law and Veterans' Affairs)
- HB 297**, relative to the adoption of agency forms under the administrative procedures act and relative to the notice of the expedited repeal of rules. (Executive Departments and Administration)
- HB 316**, relative to expenditures by boards and commissions for costs of examinations of applicants. (Executive Departments and Administration)
- HB 321**, delaying the effective date of 2008 SB 342-FN-LOCAL, relative to workforce housing. (Public and Municipal Affairs)
- HB 335**, relative to the state retiree health plan commission. (Executive Departments and Administration)
- 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)
- HB 343**, relative to payroll deductions. (Commerce, Labor and Consumer Protection)
- HB 372**, relative to drivers' licenses for persons with certain seizure disorders. (Transportation and Interstate Cooperation)
- HB 387**, relative to observation of voter registration. (Election Law and Veterans' Affairs)
- HB 411**, relative to the safety of retirement accounts. (Commerce, Labor and Consumer Protection)

HB 423-FN-A-L, requiring the department of environmental services to develop an outreach campaign to disseminate information on recycling materials, including electronic waste. (Energy, Environment and Economic Development)

HB 446, defining “unnecessary hardship” for purposes of zoning variances. (Public and Municipal Affairs)

HB 450, relative to the state 10-year transportation improvement program. (Transportation and Interstate Cooperation)

HB 452, designating segments of the Ammonoosuc River into the rivers management and protection program. (Energy, Environment and Economic Development)

HB 460, relative to the system of visitor centers. (Executive Departments and Administration)

HB 483, establishing the developmental services quality council. (Health and Human Services)

HB 497, relative to the automated external defibrillator advisory commission. (Health and Human Services)

HB 508, relative to the county-state finance commission. (Finance)

HB 513, relative to the prohibition on voting in more than one state. (Election Law and Veterans’ Affairs)

HB 514, establishing a New Hampshire other post-employment benefits (OPEB) trust and enabling political subdivisions to create or participate in OPEB trusts. (Executive Departments and Administration)

HB 519, relative to supervision of state employees who are related by birth or marriage. (Executive Departments and Administration)

HB 526, changing certain references in fish and game laws to river herring. (Wildlife, Fish and Game and Agriculture)

HB 534, relative to the selection of members of zoning boards of adjustment. (Public and Municipal Affairs)

HB 544, relative to data collected by health care facilities. (Health and Human Services)

HB 545-FN, relative to the wildlife damage control program in the fish and game department. (Wildlife, Fish and Game and Agriculture)

HB 594-FN, relative to the medicaid pharmacy benefits management program. (Health and Human Services)

HB 600-FN, relative to dedicated funds maintained by the state treasurer. (Ways and Means)

HB 602-FN-A, relative to costs associated with cashing payroll checks. (Commerce, Labor and Consumer Protection)

HB 612, relative to the suspension or revocation of fish and game licenses. (Wildlife, Fish and Game and Agriculture)

HB 622, amending the hearing dates of the ballot law commission. (Election Law and Veterans’ Affairs)

HB 623, making various changes to the election laws. (Election Law and Veterans’ Affairs)

HB 667-FN, relative to misrepresenting the origin of a campaign call. (Election Law and Veterans’ Affairs)

HB 671-FN, amending the motorist service signing program to allow the department of transportation to charge a fee for attraction signs. (Transportation and Interstate Cooperation)

HB 674-FN-A, relative to eliminating the water resources council, relative to dams, and authorizing the Connecticut lakes headwaters citizens committee to advise the department of environmental services on the management of Lake Francis and associated property. (Energy, Environment and Economic Development)

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 9

March 25, 2009

The Senate reconvened at 9:30 a.m., a quorum being present.

The Reverend Canon Charles Lafond, chaplain to the Senate, offered the following meditative thoughts and prayer:

I recently spent the day earlier this week with a very close friend in New Hampshire collecting sap from some sugar maples; it's really hard work, I had no idea. And then we poured it into these massive vats and set the fires going, and sat around the fire while the sap boiled down, and sipped just a little bit of scotch and solved about three thousand of the world's problems. I think that clergy are named as caretakers of the holy only because we've been trained to do so, or we've trained you to think we do so. But I think that you care for the holy as well. The word "holy" means to keep whole or intact, and that's what your job is in New Hampshire, to keep whole and intact. This beautiful land and its beautiful people are holy, and perhaps more than any pulpit or preacher's notes. Let us pray:

Holy One, you order the stars in the cosmos and keep this blue planet so full of life, spinning on its axis in an interstellar sea of seeming lifeless planets. Lead us to an awareness of the mystery in the beauty which surrounds us and nourishes us in New Hampshire, and help us to lead all people into that fullness. Amen

Sen. Kelly led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Senate Page: Katelyn Brown, Raymond High School.

Senate Page: Kaitlyn Edwards, Raymond High School.

Recess/Out of Recess.

HOUSE MESSAGE

The Clerk read the following Message from the House of Representatives:

The House of Representatives is ready to meet with the Honorable Senate in Joint Convention for the purpose of attending to an address by Chief Justice John T. Broderick, Jr., on the State of the Judiciary.

RESOLUTION

Sen. Hassan offered the following Resolution:

RESOLVED, That the Senate meet in Joint Convention with the House of Representatives to hear an address by Chief Justice John T. Broderick, Jr., on the State of the Judiciary.

Resolution adopted.

The Senate is in recess to meet with the House of Representatives in Joint Convention for the State of the Judiciary Address.

Out of Recess.

COMMITTEE REPORTS

SB 193, relative to the interest rate on small loans and relative to the definition of lender for purposes of regulating such loans. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 4-0. Senator Reynolds for the committee.

MOTION TO TABLE

Sen. Bragdon moved to table SB 193.

The question is on the motion to table SB 193.

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

The following Senators voted Yes: Gallus, Cilley, Odell, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

The following Senators voted No: Reynolds, Sgambati, Houde, Janeway, Roberge, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

Yeas: 9 - Nays: 14

Motion to table failed.

The question is on the motion of Ought to Pass on SB 193.

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

Senators Carson and Gatsas oppose the Motion of Ought to Pass on SB 193.

SPECIAL ORDER

CACR 9, relating to term of office. Providing that beginning with the 2012 general election, there shall be a 4-year term of office for governor. Election Law and Veterans' Affairs Committee. Ought to Pass with Amendment, Vote 4-1. Senator Barnes for the committee.

Election Law and Veterans' Affairs

March 9, 2009

2009-0702s

06/09

Amendment to CACR 9

Amend the resolution by replacing paragraph I with the following:

I. That article 42 of the second part of the constitution be amended to read as follows:

[Art.] 42. [Election of Governor, Return of Votes; Electors; If No Choice, Legislature to Elect One of ~~Two~~ 2 Highest Candidates; Qualifications for Governor.] *Beginning with the term of the governor who succeeds the 80th governor of the state of New Hampshire, the* governor shall be ~~chosen biennially~~ *elected every 4 years* in the month of November; and the votes for governor shall be received, sorted, counted, certified and returned, in the same manner as the votes for senators~~;~~ and]. The secretary shall ~~lay the same before~~ *present the results to* the senate and house of representatives~~;~~ on the first Wednesday following the first Tuesday of January to be *examined* by them ~~examined, and~~. In case of an election by a plurality of votes ~~through~~ *throughout* the state, the ~~choice shall be by them declared and published~~ *general court shall declare and publish the name of the winner*. ~~And~~ The qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a plurality of votes, the senate and house of representatives shall, by joint ballot, elect one of the ~~two~~ 2 persons, having the highest number of votes, who shall be declared governor. ~~And~~ No person shall be eligible ~~to~~ *for* this office, unless at the time of ~~his~~ *the* election, ~~he~~ *such person* shall have been an inhabitant of this state for 7 years next preceding, and unless ~~he~~ *such person* shall be of the age of 30 years.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending article 42 of the second part of the constitution to read as follows:

[Art.] 42. [Election of Governor, Return of Votes; Electors; If No Choice, Legislature to Elect One of 2 Highest Candidates; Qualifications for Governor.] Beginning with the term of the governor who succeeds the 80th governor of the state of New Hampshire, the governor shall be elected every 4 years in the month of November; and the votes for governor shall be received, sorted, counted, certified and returned, in the same manner as the votes for senators. The secretary shall present the results to the senate and house of representatives on the first Wednesday following the first Tuesday of January to be examined by them. In case of an election by a plurality of votes throughout the state, the general court shall declare and publish the name of the winner. The qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a plurality of votes, the senate and house of representatives shall, by joint ballot, elect one of the 2 persons, having the highest number of votes, who shall be declared governor. No person shall be eligible for this office, unless at the time of the election, such person shall have been an inhabitant of this state for 7 years next preceding, and unless such person shall be of the age of 30 years."

The question is on the adoption of Committee Amendment 0702s.

Committee Amendment 0702s adopted.

Sen. Fuller Clark offered Floor Amendment 1025s.

Sen. Fuller Clark, Dist. 24

March 24, 2009

2009-1025s

06/09

Floor Amendment to CACR 9

Amend the resolution by replacing paragraph I with the following:

I. That article 42 of the second part of the constitution be repealed and reenacted to read as follows:

[Art.] 42. [Election of Governor, Return of Votes; Electors; If No Choice, Legislature to Elect One of 2 Highest Candidates; Qualifications for Governor.] Beginning with the general election in which the 80th governor of the state of New Hampshire is not a candidate, and in which there is no election for president of the United States, the governor shall be elected every 4 years in the month of November; and the votes for governor shall be received, sorted, counted, certified and returned, in the same manner as the votes for senators. The secretary shall present the results to the senate and house of representatives on the first Wednesday following the first Tuesday of January to be examined by them. In case of an election by a plurality of votes throughout the state, the general court shall declare and publish the name of the winner. The qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a plurality of votes, the senate and house of representatives shall, by joint ballot, elect one of the 2 persons, having the highest number of votes, who shall be declared governor. No person shall be eligible for this office, unless at the time of the election, such person shall have been an inhabitant of this state for 7 years next preceding, and unless such person shall be of the age of 30 years.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of repealing and reenacting article 42 of the second part of the constitution to read as follows:

[Art.] 42. [Election of Governor, Return of Votes; Electors; If No Choice, Legislature to Elect One of 2 Highest Candidates; Qualifications for Governor.] Beginning with the general election in which the 80th governor of the state of New Hampshire is not a candidate, and in which there is no election for president of the United States, the governor shall be elected every 4 years in the month of November; and the votes for governor shall be received, sorted, counted, certified and returned, in the same manner as the votes for senators. The secretary shall present the results to the senate and house of representatives on the first Wednesday following the first Tuesday of January to be examined by them. In case of an election by a plurality of votes throughout the state, the general court shall declare and publish the name of the winner. The qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a plurality of votes, the senate and house of representatives shall, by joint ballot, elect one of the 2 persons, having the highest number of votes, who shall be declared governor. No person shall be eligible for this office, unless at the time of the election, such person shall have been an inhabitant of this state for 7 years next preceding, and unless such person shall be of the age of 30 years.”

The question is on the adoption of Floor Amendment 1025s

Floor Amendment 1025s adopted.

The question is on the motion of Ought to Pass with Amendment on CACR 9.

A roll call was requested by Sen. Hassan, seconded by Sen. Barnes.

The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Larsen, Barnes, DeVries, D’Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Carson, Gatsas, Letourneau.

Yeas: 19 - Nays: 4

Motion of Ought to Pass as Amended adopted by the necessary 3/5 vote, Resolution ordered to Third Reading.

(President Larsen recognized and the Senate body welcomed “Granny D,” long-time advocate for campaign finance reform, present in the Senate gallery.)

SB 21, enabling certain persons to vote in primaries prior to turning 18 years of age. Election Law and Veterans' Affairs Committee. Ought to Pass, Vote 3-2. Senator Lasky for the committee.

MOTION TO TABLE

Sen. Lasky moved SB 21 be laid on the table.

The question is on the motion to table SB 21.

Motion adopted.

LAID ON THE TABLE

SB 21, enabling certain persons to vote in primaries prior to turning 18 years of age.

SB 157, relative to the procedure for listing candidates on election ballots. Election Law and Veterans' Affairs Committee. Ought to Pass with Amendment, Vote 3-2. Senator Houde for the committee.

Election Law and Veterans' Affairs Committee

March 24, 2009

2009-1002s

03/05

Amendment to SB 157

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

AN ACT relative to the procedure for listing candidates on election ballots and establishing a citizen-funded election task force.

Amend the bill by replacing section 1 with the following:

1 Municipal Elections; City Charters; Preparation of Ballots. Amend RSA 49-C:6 to read as follows:

49-C:6 Preparation of Ballots. The city clerk shall prepare the ballots to be used at the municipal elections. Under charters providing for election by the Australian ballot system, the ballots shall be prepared in accordance with the procedure provided for in general election laws governing such system. Under charters providing for non-partisan elections, the ballot shall contain the names in alphabetical order by surname ***according to the alphabetization and rotation procedure established in RSA 656:5-a, with the city clerk acting in lieu of the secretary of state***, without party designation, of all who file with the city clerk as candidates for elective office. In the alternative, the charter may provide for a random selection of the order of names on the ballot ***or the city clerk may follow an alphabetization and rotation procedure specified by the secretary of state pursuant to RSA 656:5-a***. The charter shall specify a filing period, the filing fee to be paid for each office, and, as an alternative method of becoming a candidate on the ballot, the number of qualified voters which may be subscribed to a nominating petition in such form as the charter may set out.

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

3 Preparation of State General Election Voting Materials; Party Columns. Amend RSA 656:5 to read as follows:

656:5 Party Columns. The names of all candidates nominated in accordance with the election laws shall be arranged upon the state general election ballot in successive party columns. Each separate column shall contain the names of the candidates of one party; except that, if only a part of a full list of candidates is nominated by a political party, 2 or more such lists may be arranged whenever practicable in the same column. The party columns that list the names of candidates for offices that elect more than one person shall stagger the names of the candidates so that they do not line up evenly in a horizontal direction. The left-most column shall begin one line below the column to its right. The secretary of state shall determine the ***vertical*** location of any additional columns that may appear on the ballot. ***The position of party columns shall be rotated on the ballots used so that each party column shall appear thereon, to the extent practicable, an approximately equal number of times in the first, last, and each intermediate column position across the state, without requiring more than one unique column order or ballot format for each town and city ward. The secretary of state shall develop a column rotation order plan for each general election starting with a reasonably balanced rotation across each state representative district consisting of more than one town or ward. Only after establishing a party column rotation order for all towns and wards shall the secretary of state publicly select by lot the actual party column***

to be positioned in the first column and each subsequent column in the first rotation order. Such public selection shall be held after the close of the filing period for the state primary as specified in RSA 655:14 and after giving at least 3 days written notice of the date, time, and location of such selection to the governor, the state chairmen of the parties, the speaker of the house of representatives, the president of the senate, and the minority leaders of both houses of the general court.

4 New Section; Preparation of State General Election Voting Materials; Order of Candidate Names on Ballots. Amend RSA 656 by inserting after section 5 the following new section:

656:5-a Order of Candidate Names on Ballots. Whenever there are 2 or more candidates for the same office whose names will appear within the same column or list on a ballot, the names of such candidates shall be rotated on the ballots used so that each name shall appear thereon, to the extent practicable, an equal number of times at or near the top, at or near the bottom, and in each intermediate position, if any, of the list in which it belongs, without requiring more than one unique name order or ballot format for each town and city ward. The secretary of state shall randomly select one candidate's name to appear at the top of each such list for the first name order rotation. Other candidates' names shall be arranged to follow in alphabetical order of their surnames with the letter "a" following "z." The random selection of a candidate's name to go first in the first name order rotation, which may be the only name order if there is only one unique ballot format for the office, shall be made by lot or by another procedure in which each candidate has an equal probability of being chosen first. Such random selection of names, and establishment of a random selection procedure for the ordering of lists of names on ballots to be in effect until the next selection, shall be done publicly and after the close of the filing period for the state primary as specified in RSA 655:14 and after giving at least 3 days written notice of the date, time, and location of such selection to the governor, the state chairmen of the parties, the speaker of the house of representatives, the president of the senate, and the minority leaders of both houses of the general court.

Amend the bill by replacing sections 8 and 9 with the following:

8 Town Elections; Official Ballot; Voting Materials. Amend RSA 669:23 to read as follows:

669:23 Preparation of Voting Materials. The town clerk shall prepare the official ballots for the town and shall arrange the names of candidates upon said ballots in parallel columns. Immediately above the names of each block of candidates shall be printed the title of the office for which they are candidates, such as "For Selectman." Below the title of each office shall be printed in small but easily legible type the words "Vote for not more than (here insert a number designating how many persons are to be voted for)." Directly to the right of the name of each candidate there shall be a square. Whenever there are 2 or more candidates for the same office the names shall be printed upon the ballot in the alphabetical order of their surnames ***according to the alphabetization procedure established in RSA 656:5-a, with the town clerk acting in lieu of the secretary of state. In the alternative, the town clerk may follow an alphabetization procedure specified by the secretary of state pursuant to RSA 656:5-a, or the governing body may provide for a random selection of the order of names on the ballot.*** Following the names printed on the ballot under the title of each office, there shall be as many blank lines as there are persons to be elected to that office.

9 Form of Candidate's Name on Ballot; Nicknames. Amend RSA 655:14-b, I-II to read as follows:

I. Every candidate for state or federal office who intends to have his or her name printed upon the ballot of any party for a primary shall designate in the declaration of candidacy, or on the primary petitions and assents to candidacy, the form in which the candidate's name shall be printed on the ballot. [~~The candidate may designate his or her given, first, and middle name, the initials of his or her given, first, and middle name, a nickname, or any combination thereof as the form in which the candidate's name shall be printed on the ballot, but the candidate shall not designate a deceptive name. If the candidate designates a nickname in place of or in combination with the candidate's given name or the initials thereof, the nickname shall be set off with quotation marks and shall be placed immediately before his or her surname. If the candidate designates a nickname, the nickname shall be customarily related to the candidate's given name, or, if the nickname is not customarily related to the candidate's given name, the candidate shall submit clear and convincing evidence that the candidate has been known by the nickname for at least the 5 years immediately preceding the time of filing. If deemed sufficient by the appropriate official, 3 affidavits from voters in the district who are not related to the candidate stating that the candidate has been known by the nickname for at least 5 years may constitute clear and convincing evidence. Nicknames shall be limited to one word, except for 2-word nicknames customarily related to the candidate's given name.~~] ***The designated name may include the candidate's given name or a shortened form of the candidate's given name or a one-word nickname customarily related to the candidate, and by which the candidate is commonly recognized. The designated***

name may also include an initial for the first or middle name, or both. No candidate may designate a nickname that implies that the candidate is some other person, that constitutes a slogan or otherwise associates the candidate with a cause or issue, [or] that has an offensive or profane meaning[-], ***or that creates a perception of a professional or vocational affiliation, such as “Doc” or “Coach.”*** A candidate shall include his or her surname in the designation of the form in which the candidate’s name shall be printed on the ballot.

II. Every candidate for state or federal office who intends to have his or her name placed on the ballot for the state general election by means other than nomination by party primary shall designate in the declaration of intent the form in which the candidate’s name shall be printed on the ballot. ~~[The candidate may designate his or her given, first, and middle name, the initials of his or her given, first, and middle name, a nickname, or any combination thereof as the form in which the candidate’s name shall be printed on the ballot, but the candidate shall not designate a deceptive name. If the candidate designates a nickname in place of or in combination with the candidate’s given name or the initials thereof, the nickname shall be set off with quotation marks and shall be placed immediately before his or her surname. If the candidate designates a nickname, the nickname shall be customarily related to the candidate’s given name, or, if the nickname is not customarily related to the candidate’s given name, the candidate shall submit clear and convincing evidence that the candidate has been known by the nickname for at least the 5 years immediately preceding the time of filing. If deemed sufficient by the appropriate official, 3 affidavits from voters in the district who are not related to the candidate stating that the candidate has been known by the nickname for at least 5 years may constitute clear and convincing evidence. Nicknames shall be limited to one word, except for 2-word nicknames customarily related to the candidate’s given name.]~~ ***The designated name may include the candidate’s given name or a shortened form of the candidate’s given name or a one-word nickname customarily related to the candidate, and by which the candidate is commonly recognized. The designated name may also include an initial for the first or middle name, or both.*** No candidate may designate a nickname that implies that the candidate is some other person, that constitutes a slogan or otherwise associates the candidate with a cause or issue, [or] that has an offensive or profane meaning[-], ***or that creates a perception of a professional or vocational affiliation, such as “Doc” or “Coach.”*** A candidate shall include his or her surname in the designation of the form in which the candidate’s name shall be printed on the ballot.

Amend the bill by inserting after section 9 the following and renumbering the original section 10 to read as 11:

10 Citizen-Funded Election Task Force.

I. There is established a citizen-funded election task force. The members of the task force shall be as follows:

- (a) One member of the senate, appointed by the president of the senate.
- (b) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) Two members representing organizations supporting public financing of campaigns, appointed jointly by the president of the senate and the speaker of the house of representatives.
- (d) One member who served on the commission to study the feasibility of public funding of state election campaigns established by 2008, 55, appointed jointly by the president of the senate and the speaker of the house of representatives.

II. Legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

III. The task force shall:

- (a) Review the report of the commission to study the feasibility of public funding of state election campaigns established by 2008, 55, and develop a detailed plan, including proposals for specific legislation, to implement the recommendations of the report.
- (b) Solicit input from senators, representatives, the governor, executive councilors, the attorney general, the secretary of state, and any other persons deemed appropriate by the task force.
- (c) Hold public hearings at times and at locations around the state that are likely to elicit substantive input from the general public.
- (d) Make the schedule and minutes of meetings of the task force, and all testimony and materials presented to the task force, available to the public on a website.

IV. The members of the task force shall elect a chairperson from among the members. The first meeting of the task force shall be called by the first-named senate member. The first meeting of the task force shall be held within 60 days of the effective date of this section. Four members of the task force shall constitute a quorum.

V. The task force shall submit an initial report on or before November 16, 2009 and a final report on or before November 15, 2010 of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the chairmen of the senate election law and veterans' affairs committee, the chairmen of the house election law committee, the governor, and the state library.

2009-1002s

AMENDED ANALYSIS

This bill:

I. Establishes a procedure for the random drawing of a candidate's name for the ordering of names on election ballots and requires the rotation of candidate names and party columns on the ballots.

II. Changes the limitations on a candidate designating a name to be placed on the ballot.

III. Establishes a citizen-funded election task force.

Recess/Out of Recess.

(Sen. Fuller Clark recognized visiting Marston Elementary School students from Hampton.)

The question is on the adoption of Committee Amendment 1002s on SB 157.

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

The following Senators voted Yes: Gallus, Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: Roberge, Barnes.

Yeas: 21 - Nays: 2

Committee Amendment 1002s adopted.

The question is on the motion of Ought to Pass as Amended on SB 157.

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, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 9

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

SB 196, relative to non-judicial punishment for offenses by military officers and personnel. 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 SB 196.

A roll call was requested by Sen. Barnes, seconded by Sen. Letourneau.

The following Senators voted Yes: Gallus, Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: None

Yeas: 23 - Nays: 0

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

SB 204, relative to postsecondary educational assistance for New Hampshire national guard members. Election Law and Veterans' Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator Lasky for the committee.

Election Law and Veteran's Affairs
March 24, 2009
2009-0922s
09/04

Amendment to SB 204

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

AN ACT relative to postsecondary educational assistance for New Hampshire national guard members and excluding certain entities that license software from the definition of private postsecondary career school.

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

2 New Subparagraph; Exclusions from Definition; Private Postsecondary Career School. Amend RSA 188-D:19, II by inserting after subparagraph (m) the following new subparagraph:

(n) Entities that license software, the content of which is focused on training or education, if the entity:

- (1) Is primarily engaged in the business of licensing software;
- (2) Does not offer or provide any other form of training or education beyond the software that it licenses;
- (3) Licenses its software primarily to other legal entities, and not directly to an end user or individual student;
- (4) Does not confer degrees, diplomas, continuing education units, or any other form of credit in connection with the software that it licenses;
- (5) Is not accredited and does not seek accreditation in connection with the software that it licenses or the content it offers; and
- (6) Does not offer an admissions process, financial aid, career advice, or job placement in connection with the software that it licenses.

2009-0922s

AMENDED ANALYSIS

This bill requires national guard members seeking New Hampshire postsecondary educational assistance to first utilize certain federal educational benefits and entitlements.

This bill also excludes certain entities that license software from the definition of private postsecondary career school.

The question is on the adoption of Committee Amendment 0922s.

Committee Amendment 0922s adopted.

Sen. Lasky offered Floor Amendment 1043s.

Sen. Lasky, Dist. 13
March 25, 2009
2009-1043s
09/01

Floor Amendment to SB 204

Amend the bill by replacing section 3 with the following:

3 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.

The question is on the adoption of Floor Amendment 1043s.

Floor Amendment 1043s adopted.

The question is on the motion of Ought to Pass as Amended on SB 204.

Roll call was requested by Sen. Barnes, seconded by Sen. Letourneau.

The following Senators voted Yes: Gallus, Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 23 - Nays: 0

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

SB 98, establishing a commission to study state regulations governing installation of boilers, pressure vessels, and related high performance HVAC equipment. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator DeVries for the committee.

Sen. DeVries offered Floor Amendment 1024s.

Sen. Merrill, Dist. 21

Sen. DeVries, Dist. 18

March 24, 2009

2009-1024s

04/05

Floor Amendment to SB 98

Amend subparagraph I(a) of section 2 of the bill by replacing it with the following:

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

Amend paragraph I of section 2 of the bill by inserting after subparagraph (f) the following new subparagraph:

- (g) The state fire marshal, or designee.

The question is on the adoption of Floor Amendment 1024s.

Floor Amendment 1024s adopted.

The question is on the motion of Ought to Pass as Amended on SB 98.

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

SB 108, establishing a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees. 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 SB 108.

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

SB 200-FN, relative to retirement system death benefits for members who die while performing military service. 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 SB 200-FN.

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

HB 223-FN-L, (New Title) changing the effective date for the implementation of the retirement system employer assessments for excess benefits. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Cilley for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 223-FN-L.

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

Recess/Out of Recess.

AFTERNOON SESSION

(Sen. Fuller Clark is excused from the afternoon session.)

("Happy Birthday" sung by the Senate body in observance of the birthday of Sen. Houde.)

(Sen. Houde introduced his mother, Rep. Charlotte Houde-Quimby, a visitor in the gallery.)

COMMITTEE REPORTS, RESUMED

SB 82-FN, eliminating fees for plates and registration for certain veterans. Finance Committee. Ought to Pass with Amendment, Vote 6-0. Senator Sgambati for the committee.

Senate Finance

March 19, 2009

2009-0922s

03/09

Amendment to SB 82-FN

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

AN ACT eliminating fees for plates and registration for certain veterans and authorizing purple heart special number plates for veterans on active duty.

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

1 Special Number Plates for Certain Veterans; Purple Heart; Active Duty Veterans. Amend RSA 261:86, I(d) to read as follows:

(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged ***or is still on active duty***, provided that such person has furnished the director with satisfactory proof of these circumstances. ***A veteran furnished a Purple Heart plate while on active duty shall furnish proof of honorable discharge to the director prior to the first renewal of registration following discharge.***

2 Special Number Plated for Certain Veterans; Fees. Amend RSA 261:86, II to read as follows:

II. Plates furnished pursuant to ~~[subparagraphs I(a)-(e)]~~ **paragraph I** shall be issued without charge. ~~[Plates furnished pursuant to subparagraphs I(d) and (e) shall be issued upon payment of the regular registration fee and the \$4 per plate fees under RSA 261:75.]~~ Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges provided for disabled veterans, except that a person who qualifies for special plates pursuant to subparagraph I(d) may be issued an additional special plate for a motorcycle.

3 New Subparagraphs; Registration Fee Exemptions. Amend RSA 261:141, VIII by inserting after subparagraph (c) the following new subparagraphs:

(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged or is still on active duty, provided that such person has furnished the director with satisfactory proof of these circumstances. A veteran furnished a Purple Heart plate while on active duty shall furnish proof of honorable discharge to the director prior to the first renewal of registration following discharge.

(e) Survived Pearl Harbor and was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances.

4 New Sections; Municipal Fee Exemptions. Amend RSA 261 by inserting after section 157-a the following new sections:

261:157-b Exemption for Veterans Awarded the Purple Heart Medal. The legislative body of a city or town may adopt an ordinance waiving the fee to be charged for a permit to register one motor vehicle owned by any person who was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged or is still on active duty, provided the person has provided the city or town clerk with satisfactory proof of these circumstances. A veteran furnished a Purple Heart plate while on active duty shall furnish proof of honorable discharge to the city or town clerk prior to the first renewal of registration following discharge.

261:157-c Exemption for Veterans Who Survived Pearl Harbor. The legislative body of a city or town may adopt an ordinance waiving the fee to be charged for a permit to register one motor vehicle owned by any person who survived Pearl Harbor and was honorably discharged, provided the person has provided the city or town clerk with satisfactory proof of these circumstances.

5 Effective Date. This act shall take effect July 1, 2009.

2009-0922s

AMENDED ANALYSIS

This bill eliminates fees for plates and registration for certain veterans who were awarded the Purple Heart medal or survived Pearl Harbor. This bill authorizes municipalities to waive municipal vehicle permit fees for certain veterans who were awarded the Purple Heart medal or survived Pearl Harbor. This bill also authorizes purple heart special number plates for veterans on active duty.

The question is on the adoption of Committee Amendment 0922s.

Committee Amendment 0922s adopted.

The question is on the motion of Ought to Pass as Amended on SB 82-FN.

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

SB 146-FN-A, relative to liquor profits deposited into the alcohol abuse prevention and treatment fund. Finance Committee. Ought to Pass, Vote 6-0. Senator Odell for the committee.

MOTION TO TABLE

Sen. Odell moved SB 146-FN-A be laid on the table.

The question is on the motion to table SB 146-FN-A.

Motion adopted.

LAI D ON THE TABLE

SB 146-FN-A, relative to liquor profits deposited into the alcohol abuse prevention and treatment fund.

SB 180-FN, (New Title) establishing an accountability system to ensure the opportunity for an adequate education and repealing the legislative committee on costing an adequate education. Finance Committee. Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

The question is on the committee recommendation of Ought to Pass on SB 180-FN.

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

SB 184-FN, relative to establishing the position of administrative director of the division of medical and forensic services in the department of corrections. Finance Committee. Inexpedient to Legislate, Vote 6-0. Senator D'Allesandro for the committee.

The question is on the committee recommendation of Inexpedient to Legislate on SB 184-FN.

Motion of Inexpedient to Legislate adopted.

SB 191-FN-A, increasing the differential pay for certain employees of the Glencliff home. Finance Committee. Inexpedient to Legislate, Vote 6-0. Senator Sgambati for the committee.

The question is on the committee recommendation of Inexpedient to Legislate on SB 191-FN-A.

Motion of Inexpedient to Legislate adopted.

Sen. Reynolds opposes the motion of Inexpedient to Legislate on SB 191-FN-A.

Recess/Out of Recess.

SB 112, establishing a commission to study facility-based treatment programs for certain adults with developmental disabilities. Health & Human Services Committee. Ought to Pass with Amendment, Vote 5-0. Senator Gilmour for the committee.

Health and Human Services

March 17, 2009

2009-0842s

01/05

Amendment to SB 112

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

AN ACT establishing a commission to study community- and residential-based treatment programs for certain adults with developmental disabilities.

Amend the bill by replacing sections 1-4 with the following:

1 Commission Established. There is established a commission to study establishing community- and residential-based treatment programs for adults with developmental disabilities or acquired brain disorders who present a moderate to high degree of risk to community safety.

2 Membership and Compensation.

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, one of whom shall serve on the house health, human services and elderly affairs committee and one of whom shall serve on the house finance committee, appointed by the speaker of the house of representatives.
- (c) The bureau administrator of the bureau of behavioral health, department of health and human services, or designee.
- (d) The bureau chief of the bureau of developmental services, department of health and human services, or designee.
- (e) The commissioner of the department of corrections, or designee.
- (f) The attorney general, or designee.
- (g) One member of the Community Support Network, Inc., appointed by the network.
- (h) One member of the Private Provider Network, appointed by the network.
- (i) One member of the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by the coalition.
- (j) One member of the Brain Injury Association of New Hampshire, appointed by the association.
- (k) One member of the Disabilities Rights Center, appointed by the center.
- (l) One member of the Institute on Disability, appointed by the Institute.

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

3 Duties.

I. The commission shall:

- (a) Study how best to address the most critical needs of adults with developmental disabilities or acquired brain disorders who may present a public safety concern.
- (b) Evaluate establishing community- and residential-based treatment programs that may be located throughout New Hampshire primarily on state or county-owned land.

II. The commission may consult with any individual or organization with information or expertise relevant to the commission's objectives.

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

2009-0842s

AMENDED ANALYSIS

This bill establishes a commission to study community- and residential-based treatment programs for certain adults with developmental disabilities.

The question is on the adoption of Committee Amendment 0842s.

Committee Amendment 0842s adopted.

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

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

SB 114, relative to the threshold for notification for lead levels and a window replacement program. Health & Human Services Committee. Ought to Pass with Amendment, Vote 4-1. Senator Kelly for the committee.

Health and Human Services
March 17, 2009
2009-0863s
01/04

Amendment to SB 114

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

1 Lead Paint; Window Replacement Program. Amend RSA 130-A:2, II to read as follows:

II. The commissioner may establish, in accordance with rules adopted under RSA 541-A, a notification program relative to lead base substance inspection and abatement activities ***and a window replacement program which would be available to owners of dwellings and dwelling units and funded by the lead poisoning prevention fund, established in RSA 130-A:15, and other available funds.***

2 Lead Levels; Property Owner Notification. Amend RSA 130-A:6-a, I and II to read as follows:

I. The department shall make reasonable efforts to notify in writing the owner of a dwelling or dwelling unit where the child resides if lead levels of [7-5] **6** to 9.9 micrograms per deciliter are found in the child's blood. Such notice to the property owner shall specify that it is neither a finding that a lead exposure hazard exists in the property nor is it an order for lead hazard reduction.

II. Eviction of a tenant based on the presence in the dwelling or dwelling unit of a child with a blood level of [7-5] **6** to 9.9 micrograms per deciliter shall be unlawful. There shall be a rebuttable presumption that any eviction action, instituted by the owner within 6 months of receipt of the notice sent by the department pursuant to paragraph I, is based on the child's elevated blood lead level; ***provided that this shall not be construed to alter any cause for eviction under RSA 540:2.*** If a court finds that an eviction is based on the child's elevated blood lead level, it shall deny the eviction and award damages to the tenant pursuant to RSA 540:14, II. However, if an owner in response to the notice from the department discovers a lead exposure hazard in the dwelling or dwelling unit, the owner may proceed with relocation of the tenants, provided that the owner meets the requirements of RSA 130-A:8-a, I or II.

2009-0863s

AMENDED ANALYSIS

This bill lowers the threshold for notifying the owner of property where a child resides for the presence of lead levels in the child's blood. This bill also allows the commissioner of the department of health and human services to establish a window replacement program which would be available to owners of dwellings and dwelling units.

The question is on the adoption of Committee Amendment 0863s.

Committee Amendment 0863s adopted.

The question is on the motion of Ought to Pass as Amended on SB 114.

Sen. Sgambati moved the question.

Without objection, President Larsen moved to close debate.

A roll call was requested by Sen. Gatsas, seconded by Sen. Barnes.

The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Kelly, Bragdon, Gilmour, Lasky, Larsen, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan.

The following Senators voted No: Gallus, Roberge, Carson, Gatsas.

Yeas: 18 - Nays: 4

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

SB 158, establishing a commission to study the creation of an uncompensated care fund to provide payments to certain health care providers. Health & Human Services Committee. -

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

Health and Human Services
March 17, 2009
2009-0852s
01/04

Amendment to SB 158

Amend subparagraphs I(l) and (m) of section 2 of the bill by replacing them with the following:

- (l) A public member who is uninsured or underinsured, appointed by the governor.
- (m) A representative of the New Hampshire Citizen's Health Initiative, appointed by the governor.
- (n) A representative of the Bi-State Primary Care Association, appointed by the association.
- (o) The attorney general, or designee.

The question is on the adoption of Committee Amendment 0852s.

Committee Amendment 0852s adopted.

The question is on the motion of Ought to Pass as Amended on SB 158.

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

SB 199, establishing a committee to study the training of public safety officials to respond to persons with mental illness recently discharged from treatment facilities. Health & Human Services Committee. Ought to Pass with Amendment, Vote 4-1. Senator Downing for the committee.

Health and Human Services
March 24, 2009
2009-1013s
05/01

Amendment to SB 199

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

AN ACT establishing a committee to study the training of public safety officials to respond to persons with mental illness.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the training of public safety officials to respond to persons with mental illness.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall assess the need for, and adequacy of, training for public safety officials to respond to persons with mental illness. The committee shall solicit information and testimony from those individuals, agencies, and organizations that may be of assistance to the committee in the performance of its study.

2009-1013s

AMENDED ANALYSIS

This bill establishes a committee to study the training of public safety officials to respond to persons with mental illness.

The question is on the adoption of Committee Amendment 1013s.

Committee Amendment 1013s adopted.

Sen. Barnes is opposed to the adoption of Committee Amendment 1013s.

The question is on the motion of Ought to Pass as Amended on SB 199.

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

Sen. Barnes is opposed to the motion of Ought to Pass as Amended on SB 199.

HB 66, relative to the legal age for blood donations. Health & Human Services Committee. Ought to Pass, Vote 4-0. Senator Gilmour for the committee.

Sen. Bragdon offered Floor Amendment 1041s.

Sen. Barnes, Dist. 17

Sen. Roberge, Dist. 9

Sen. Downing, Dist. 22

Sen. Bragdon, Dist. 11

Sen. Letourneau, Dist. 19

March 25, 2009

2009-1041s

05/04

Floor Amendment to HB 66

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

AN ACT relative to the legal age for blood donations and relative to parental notification.

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

2 New Subdivision; Parental Notification Prior to Abortion. Amend RSA 132 by inserting after section 28 the following new subdivision:

Parental Notification Prior to Abortion

132:29 Definitions. In this subdivision:

I. "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove an ectopic pregnancy or the products from a spontaneous miscarriage.

II. "Commissioner" means the commissioner of the department of health and human services.

III. "Department" means the department of health and human services.

IV. "Emancipated minor" means any minor female who is or has been married or has by court order otherwise been freed from the care, custody, and control of her parents.

V. "Guardian" means the guardian or conservator appointed under RSA 464-A, for pregnant females.

VI. "Medical emergency" means that condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function.

VII. "Minor" means any person under the age of 18 years.

VIII. "Parent" means one parent of the pregnant girl if one is living or the guardian or conservator if the pregnant girl has one.

132:30 Notification Required.

I. No abortion shall be performed upon an unemancipated minor or upon a female for whom a guardian or conservator has been appointed pursuant to RSA 464-A because of a finding of incompetency, until at least 48 hours after written notice of the pending abortion has been delivered in the manner specified in paragraphs II and III.

II. The written notice shall be addressed to the parent at the usual place of abode of the parent and delivered personally to the parent by the physician or an agent.

III. In lieu of the delivery required by paragraph II, notice shall be made by certified mail addressed to the parent at the usual place of abode of the parent with return receipt requested and with restricted delivery to the addressee, which means the postal employee shall only deliver the mail to the authorized addressee. Time of delivery shall be deemed to occur at 12 o'clock noon on the next day on which regular mail delivery takes place, subsequent to mailing.

132:31 Waiver of Notice.

I. No notice shall be required under RSA 132:30 if:

(a) The attending abortion provider certifies in the pregnant minor's medical record that there exists a medical emergency, as defined in RSA 132:29, VI; or

(b) The person or persons who are entitled to notice certify in writing that they have been notified.

II. If such a pregnant minor elects not to allow the notification of her parent or guardian or conservator, any judge of a court of competent jurisdiction shall, upon petition, or motion, and after an appropriate hearing, authorize an abortion provider to perform the abortion if said judge determines that the pregnant minor is mature and capable of giving informed consent to the proposed abortion. If said judge determines that the pregnant minor is not mature, or if the pregnant minor does not claim to be mature, the judge shall determine whether the performance of an abortion upon her without notification of her parent, guardian, or conservator would be in her best interests and shall authorize an abortion provider to perform the abortion without such notification if said judge concludes that the pregnant minor's best interests would be served thereby. Access to a judge for the purposes of this paragraph shall be afforded such a pregnant minor 24 hours a day, 7 days a week. All proceedings conducted pursuant to this section shall be confidential.

(a) Such a pregnant minor may participate in proceedings in the court on her own behalf, and the court may appoint a guardian ad litem for her. The court shall, however, advise her that she has a right to court-appointed counsel, and shall, upon her request, provide her with such counsel.

(b) Proceedings in the court under this section shall be confidential and shall be given such precedence over other pending matters so that the court may reach a decision promptly and without delay so as to serve the best interest of the pregnant minor. In no case shall the court fail to rule within 7 calendar days from the time the petition is filed. A judge of the court who conducts proceedings under this section shall make in writing specific factual findings and legal conclusions supporting the decision and shall order a record of the evidence to be maintained including the judge's own findings and conclusions.

(c) An expedited confidential appeal shall be available to any such pregnant minor for whom the court denies an order authorizing an abortion without notification. The court shall make a ruling within 7 calendar days from the time of the docketing of the appeal. An order authorizing an abortion without notification shall not be subject to appeal. No filing fees shall be required of any such pregnant minor at either the trial or the appellate level. Access to the trial court for the purposes of such a petition or motion, and access to the appellate courts for purposes of making an appeal from denial of the same, shall be afforded such a pregnant minor 24 hours a day, 7 days a week.

132:32 Penalty. Performance of an abortion in violation of this subdivision shall be a misdemeanor and shall be grounds for a civil action by a person wrongfully denied notification. A person shall not be held liable under this section if the person establishes by written evidence that the person relied upon evidence sufficient to convince a careful and prudent person that the representations of the pregnant minor regarding information necessary to comply with this section are bone fide and true, or if the person has attempted with reasonable diligence to deliver notice, but has been unable to do so.

132:33 Severability. If any provision of this subdivision or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or applications of this subdivision which can be given effect without the invalid provisions or applications, and to this end, the provisions of this subdivision are severable.

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

The question is on the adoption of Floor Amendment 1041s.

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

The following Senators voted Yes: Gallus, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

The following Senators voted No: Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan.

Yeas: 8 - Nays: 14

Floor Amendment 1041s failed.

The question is on the adoption of committee recommendation of Ought to Pass on HB 66.

A roll call was requested by Sen. Barnes, seconded by Sen. Gatsas.

The following Senators voted Yes: Gallus, Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan.

The following Senators voted No: None

Yeas: 22 - Nays: 0

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

HB 85-FN-A, establishing the women, infants and children program fund. Health & Human Services Committee. Ought to Pass, Vote 5-0. Senator Gallus for the committee

The question is on the adoption of committee recommendation of Ought to Pass on HB 85-FN-A.

Motion of Ought to Pass adopted, bill ordered to Committee on Finance (Rule 26).

MOTION TO REMOVE FROM THE TABLE

Sen. Sgambati moved SB 63-FN be removed from the table.

The question is on the motion to remove SB 63-FN from the table.

Motion adopted.

SB 63-FN, relative to ensuring consumer access to care upon the termination of a participating provider.

Recess/Out of Recess.

The question is on the adoption of committee recommendation of Ought to Pass on SB 63-FN.

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.

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

Yeas: 13 - Nays: 9

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

SB 130, prohibiting the advertising and conducting of certain live musical performances or productions. 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 SB 130.

Sen. Kelly moved the question.

Without objection, President Larsen moved to close debate.

The question is on the adoption of committee recommendation of Ought to Pass on SB 130.

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

SB 192-FN-L, relative to fines for housing code violations. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 5-0. Senator Houde for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 192-FN-L.

Motion of Inexpedient to Legislate adopted.

SB 197, decreasing the quorum for the right-to-know oversight commission. Public and Municipal 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 SB 197.

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

MOTION TO REMOVE FROM THE TABLE

Sen. Roberge moved SB 137-FN-A be removed from the table.

The question is on the motion to remove SB 137-FN-A from the table.

Motion adopted.

SB 137-FN-A, establishing a special motor vehicle license plate and associated fees to support the New Hampshire companion animal neutering fund.

Sen. Roberge offered Floor Amendment 0982s.**Sen. Roberge, Dist. 9****March 23, 2009****2009-0982s****01/09****Floor Amendment to SB 137-FN-A**

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

AN ACT relative to animal population control.

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

1 Animal Population Control; Owner Eligibility. Amend RSA 437-A:3 to read as follows:

437-A:3 Eligibility of Owner of Dog or Cat to Participate.

~~I. [A resident of the state who has adopted an eligible dog or cat from an animal shelter facility, as defined in RSA 437:2, I, shall be eligible to participate in the program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the operation, and such person pays a fee of \$40. The sterilization shall be performed by a participating veterinarian. Dogs and cats imported from out of state into New Hampshire animal shelters or adoption agencies shall not be eligible for this program.]~~

H.] A resident of the state who owns a dog or cat and who is eligible for one of the following programs shall also be eligible to participate in a reduced fee companion animal population control program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the procedure and such person pays a fee of \$25:

(a) The Food Stamp Program authorized by Title XIII of the Food and Agriculture Act of 1977 (7 U.S.C. section 2011 et seq.) and RSA 161:2, XIII.

(b) The Supplemental Security Income Program established pursuant to Title XVI of the Social Security Act (42 U.S.C. section 1381 et seq.).

(c) The Temporary Assistance for Needy Families Act established pursuant to 42 U.S.C. section 601 et seq. and RSA 161-B.

(d) The aid to the needy blind program established under RSA 161:2, V.

(e) The medicaid program established under RSA 167.

(f) The old age assistance program established under RSA 167.

(g) The aid to the permanently and totally disabled program established under RSA 167.

II. Dogs and cats imported from out of state into New Hampshire animal shelters or adoption agencies shall not be eligible for this program.

2 Animal Population Control; Veterinarian Participation. Amend RSA 437-A:4, II(b) to read as follows:

(b) For all animals sterilized under RSA 437-A:3[;H], the commissioner shall also reimburse, to the extent funds are available, any licensed veterinarian of this state participating in such program for an examination fee and the presurgical immunization of dogs and cats against rabies. Reimbursement for the full cost of the presurgical immunization shall be made by the commissioner to the participating veterinarian upon the written certification, signed by the veterinarian and the owner of the animal, that the immunization has been administered. There shall be no additional charges to the owners of animals sterilized under RSA 437-A:3[;H] for examination fees or the presurgical immunization.

3 Animal Population Control; Rulemaking. Amend RSA 437-A:5, II to read as follows:

II. Proof of eligibility under RSA 437-A:3[;H] **I.**

4 Effective Date. This act shall take effect January 1, 2010.

2009-0982s**AMENDED ANALYSIS**

This bill deletes the eligibility of a resident of this state who has adopted a dog or cat from an animal shelter to participate in the animal population control program.

The question is on the adoption of Floor Amendment 0982s.

Floor Amendment 0982s adopted.

Sen. Gatsas asserts Rule 42 on SB 137-FN.

The question is on the motion of Ought to Pass as Amended on SB 137-FN.

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

Sen. Gatsas asserts Rule 42 on SB 137-FN.

SB 83, establishing a committee to study net loss carry forward provisions under the business taxes. Ways and Means Committee. Ought to Pass, Vote 6-0. Senator Janeway for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 83.

MOTION TO TABLE

Sen. Gatsas moved SB 83 be laid on the table.

The question is on the motion to table SB 83.

Motion adopted.

LAI D ON THE TABLE

SB 83, establishing a committee to study net loss carry forward provisions under the business taxes.

MOTION OF RECONSIDERATION

Sen. Sgambati, having voted on the prevailing side, moved reconsideration of SB 82, eliminating fees for plates and registration for certain veterans, previously having been voted Ought to Pass as Amended.

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

Motion to reconsider adopted.

Sen. Sgambati moved reconsideration of Committee Amendment 0922s.

Motion to reconsider Committee Amendment 0922s adopted.

Senate Finance

March 19, 2009

2009-0922s

03/09

Amendment to SB 82-FN

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

AN ACT eliminating fees for plates and registration for certain veterans and authorizing purple heart special number plates for veterans on active duty.

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

1 Special Number Plates for Certain Veterans; Purple Heart; Active Duty Veterans. Amend RSA 261:86, I(d) to read as follows:

(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged ***or is still on active duty***, provided that such person has furnished the director with satisfactory proof of these circumstances. ***A veteran furnished a Purple Heart plate while on active duty shall furnish proof of honorable discharge to the director prior to the first renewal of registration following discharge.***

2 Special Number Plated for Certain Veterans; Fees. Amend RSA 261:86, II to read as follows:

II. Plates furnished pursuant to [subparagraphs I(a)-(c)] ***paragraph I*** shall be issued without charge. [Plates furnished pursuant to subparagraphs I(d) and (e) shall be issued upon payment of the regular registration fee and the \$4 per plate fees under RSA 261:75.] Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges provided for disabled veterans, except that a person who qualifies for special plates pursuant to subparagraph I(d) may be issued an additional special plate for a motorcycle.

3 New Subparagraphs; Registration Fee Exemptions. Amend RSA 261:141, VIII by inserting after subparagraph (c) the following new subparagraphs:

(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged or is still on active duty, provided that such person has furnished the director with satisfactory proof of these circumstances. A veteran furnished a Purple Heart plate while on active duty shall furnish proof of honorable discharge to the director prior to the first renewal of registration following discharge.

(e) Survived Pearl Harbor and was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances.

4 New Sections; Municipal Fee Exemptions. Amend RSA 261 by inserting after section 157-a the following new sections:

261:157-b Exemption for Veterans Awarded the Purple Heart Medal. The legislative body of a city or town may adopt an ordinance waiving the fee to be charged for a permit to register one motor vehicle owned by any person who was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged or is still on active duty, provided the person has provided the city or town clerk with satisfactory proof of these circumstances. A veteran furnished a Purple Heart plate while on active duty shall furnish proof of honorable discharge to the city or town clerk prior to the first renewal of registration following discharge.

261:157-c Exemption for Veterans Who Survived Pearl Harbor. The legislative body of a city or town may adopt an ordinance waiving the fee to be charged for a permit to register one motor vehicle owned by any person who survived Pearl Harbor and was honorably discharged, provided the person has provided the city or town clerk with satisfactory proof of these circumstances.

5 Effective Date. This act shall take effect July 1, 2009.

2009-0922s

AMENDED ANALYSIS

This bill eliminates fees for plates and registration for certain veterans who were awarded the Purple Heart medal or survived Pearl Harbor. This bill authorizes municipalities to waive municipal vehicle permit fees for certain veterans who were awarded the Purple Heart medal or survived Pearl Harbor. This bill also authorizes purple heart special number plates for veterans on active duty.

The question is on the adoption of Committee Amendment 0922s.

Committee Amendment 0922s failed.

Sen. Sgambati offered Floor Amendment 1049s.

Sen. Sgambati, Dist. 4

March 25, 2009

2009-1049s

03/09

Floor Amendment to SB 82-FN

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

AN ACT eliminating fees for plates and registration for certain veterans and authorizing purple heart special number plates for veterans on active duty.

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

1 Special Number Plates for Certain Veterans; Purple Heart; Active Duty Veterans. Amend RSA 261:86, I(d) to read as follows:

(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged *or is still on active duty*, provided that such person has furnished the director with satisfactory proof of these circumstances. *A veteran furnished a Purple Heart plate while on active duty shall furnish proof of honorable discharge to the director prior to the first renewal of registration following discharge.*

2 Special Number Plated for Certain Veterans; Fees. Amend RSA 261:86, II to read as follows:

II. Plates furnished pursuant to ~~[subparagraphs I(a)-(c)]~~ **paragraph I** shall be issued without charge. ~~[Plates furnished pursuant to subparagraphs I(d) and (e) shall be issued upon payment of the regular registration fee and the \$4 per plate fees under RSA 261:75.]~~ Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges provided for disabled veterans, except that a person who qualifies for special plates pursuant to subparagraph I(d) may be issued an additional special plate for a motorcycle.

3 New Subparagraphs; Registration Fee Exemptions. Amend RSA 261:141, VIII by inserting after subparagraph (c) the following new subparagraphs:

(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged or is still on active duty, provided that such person has furnished the director with satisfactory proof of these circumstances. A veteran furnished a Purple Heart plate while on active duty shall furnish proof of honorable discharge to the director prior to the first renewal of registration following discharge.

(e) Survived Pearl Harbor and was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances.

4 New Sections; Municipal Fee Exemptions. Amend RSA 261 by inserting after section 157-a the following new sections:

261:157-b Exemption for Veterans Awarded the Purple Heart Medal. The legislative body of a city or town may adopt an ordinance waiving the fee to be charged for a permit to register one motor vehicle owned by any person who was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged or is still on active duty, provided the person has provided the city or town clerk with satisfactory proof of these circumstances. A veteran furnished a Purple Heart plate while on active duty shall furnish proof of honorable discharge to the city or town clerk prior to the first renewal of registration following discharge.

261:157-c Exemption for Veterans Who Survived Pearl Harbor. The legislative body of a city or town may adopt an ordinance waiving the fee to be charged for a permit to register one motor vehicle owned by any person who survived Pearl Harbor and was honorably discharged, provided the person has provided the city or town clerk with satisfactory proof of these circumstances.

5 Effective Date. This act shall take effect July 1, 2009.

2009-1049s

AMENDED ANALYSIS

This bill eliminates fees for plates and registration for certain veterans who were awarded the Purple Heart medal or survived Pearl Harbor. This bill authorizes municipalities to waive municipal vehicle permit fees for certain veterans who were awarded the Purple Heart medal or survived Pearl Harbor. This bill also authorizes purple heart special number plates for veterans on active duty.

The question is on the adoption of Floor Amendment 1049s.

Floor Amendment 1049s adopted.

The question is on the motion of Ought to Pass as Amended on SB 82.

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

FINANCE REPORT

Sen. D'Allesandro reported that SB 167 would be waived from Finance Committee review.

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

SB 63-FN, relative to ensuring consumer access to care upon the termination of a participating provider.

SB 82-FN, eliminating fees for plates and registration for certain veterans and authorizing purple heart special number plates for veterans on active duty.

SB 98, establishing a commission to study state regulations governing installation of boilers, pressure vessels, and related high performance HVAC equipment.

SB 108, establishing a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees.

SB 112, establishing a commission to study community- and residential-based treatment programs for certain adults with developmental disabilities.

SB 114, relative to the threshold for notification for lead levels and a window replacement program.

SB 130, prohibiting the advertising and conducting of certain live musical performances or productions.

SB 137-FN-A, relative to animal population control.

SB 157, relative to the procedure for listing candidates on election ballots and establishing a citizen-funded election task force.

SB 158, establishing a commission to study the creation of an uncompensated care fund to provide payments to certain health care providers.

SB 180-FN, establishing an accountability system to ensure the opportunity for an adequate education and repealing the legislative committee on costing an adequate education.

SB 193, relative to the interest rate on small loans and relative to the definition of lender for purposes of regulating such loans.

SB 196, relative to non-judicial punishment for offenses by military officers and personnel.

SB 197, decreasing the quorum for the right-to-know oversight commission.

SB 199, establishing a committee to study the training of public safety officials to respond to persons with mental illness.

SB 200-FN, relative to retirement system death benefits for members who die while performing military service.

SB 204, relative to postsecondary educational assistance for New Hampshire national guard members and excluding certain entities that license software from the definition of private postsecondary career school.

CACR 9, relating to term of office. Providing that beginning with the 2012 general election, there shall be a 4-year term of office for governor.

HB 66, relative to the legal age for blood donations.

HB 223-FN-L, changing the effective date for the implementation of the retirement system employer assessments for excess benefits.

ANNOUNCEMENTS

SENATOR DeVRIES (Rule 44): I'd like to take just a moment to honor a young man from Manchester who sadly was killed in combat last Sunday in Afghanistan. United States Marine Corporal Mike Ouellette was killed early Sunday by an improvised explosive device. He and a fellow Marine from Pennsylvania, who was also killed, were involved in a supportive combative operation at the time. Ouellette was 27 years old and a 1999 graduate of Memorial High School, which is in my district. He had been a member of the Marine Corps for four years and had just been deployed to Afghanistan last Fall. He's been described by his friends and his family as somebody who is outgoing, always lent a hand when it was needed. As one of his former classmates wrote: "He has given the ultimate sacrifice and will always be remembered as a hero in my eyes."

I extend my sympathy to his family and to his friends for this heavy loss and difficult time, and I offer my gratitude for his service to his country and for his sacrifice. He will not be forgotten. I know that the members of the Senate share my feeling in this regard, and I thank you for the opportunity to honor Mike Ouellette. Thank you.

President Larsen moved, without objection, that all Rule 44 remarks 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.