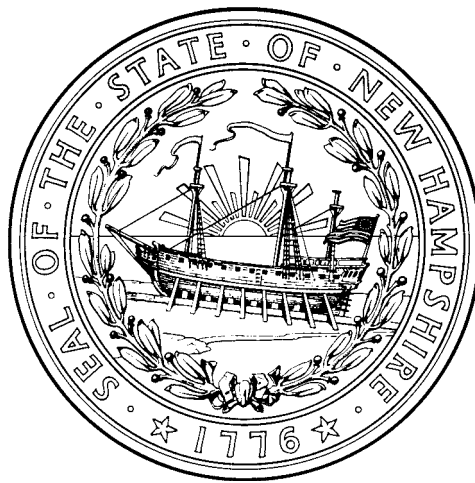


April 21, 2010
Nos. 14-15

STATE OF NEW HAMPSHIRE

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



**Second Year of the 161st Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – APRIL 14, 2010 SESSION
COMMENCEMENT – APRIL 21, 2010 SESSION**

SENATE JOURNAL 14 *(continued)*

April 14, 2010

HOUSE MESSAGE

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

SB 303, relative to motor vehicle dealers, transporters, and repairers.

SB 306, extending the commission to develop a legislative plan to meet the needs of certain adults with developmental disabilities.

SB 318, relative to the authority to dispense therapeutic contact lenses.

SB 321, relative to the state coordinating council for community transportation in New Hampshire.

SB 362, relative to giving swimmers and kayakers the right of way.

SB 363, requiring the suspension of boating privileges for refusing a blood alcohol test.

SB 364, recognizing Canadian boating safety education certificates.

SB 376, naming a bridge in honor of Joseph Sawtelle.

SB 410, establishing a committee to study New Hampshire's rate of infant mortality and develop proposals for remediation.

SB 445, relative to funds chargeable for unemployment compensation.

HOUSE MESSAGE

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

HB 154, relative to truancy.

HB 216-FN, relative to fees for legal services rendered to workers' compensation claimants.

HB 587-FN, establishing an information and analysis center within the department of safety.

HB 615, relative to organization, reorganization, or withdrawal from a school administrative unit and amending the charter of the Brewster Academy.

HB 1152, naming a bridge in Wolfeboro in honor of Corporal Matthew J. Stanley.

HB 1155, relative to water district contracts.

HB 1280-FN, relative to life and health guaranty limits.

HB 1418, naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont the Charles Dana Bridge and correcting the naming of a bridge across the Connecticut River in the town of Chesterfield, New Hampshire from the Judge Harlan Fiske Stone Bridge to the Justice Harlan Fiske Stone Bridge.

HB 1563, naming a bridge in Salem in honor of Corporal Nicholas Arvanitis, Staff Sergeant Edmond L. Lo, and Marine Lance Corporal Robert L. Moscillo.

HB 1651-FN, requiring that current information and reports relative to the state budget be made available on the state website.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 310, relative to studies of case management and sign language interpreters for the deaf and hard of hearing.

SB 331, establishing a governor's commission task force on substance use disorder treatment for Medicaid eligible individuals.

SB 343-FN, relative to Medicaid managed care.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill sent down from the Senate:

SB 154, naming a certain portion of route 18 in the town of Franconia in honor of Corporal Bruce McKay.

April 14, 2010
2010-1391-EBA
03/10

Enrolled Bill Amendment to HB 615

The Committee on Enrolled Bills to which was referred HB 615

AN ACT relative to organization, reorganization, or withdrawal from a school administrative unit and amending the charter of the Brewster Academy.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 615

This enrolled bill amendment makes technical and grammatical changes.

Enrolled Bill Amendment to HB 615

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

AN ACT relative to organization of, reorganization of, or withdrawal from a school administrative unit and amending the charter of the Brewster Academy.

Amend RSA 194-C:2, I(b) as inserted by section 1 of the bill by replacing line 2 with the following:

(b) If the planning committee chooses to recommend organization of, reorganization of, or

Amend RSA 194-C:2, I(b)(2) as inserted by section 1 of the bill by replacing line 2 with the following:

(2) The plan for organization of, reorganization of, or withdrawal from a school

Amend RSA 194-C:2, III(a)(1) as inserted by section 1 of the bill by replacing line 2 with the following:

with this chapter, their organization, operation, and control, and the advisability of constructing,

Amend RSA 194-C:2, III(i) as inserted by section 1 of the bill by replacing line 5 with the following:

of the reorganization of the school administrative unit, it shall issue its certificate to that effect; and

Amend RSA 194-C:2, IV(b) as inserted by section 1 of the bill by replacing line 1 with the following:

(b) If the planning committee recommends the withdrawal from a school administrative

Amend RSA 194-C:2, IV(g) as inserted by section 1 of the bill by replacing line 3 with the following:

provided in subparagraph (h). Upon such submission, the state board shall cause the approved plan

Adopted.

April 15, 2010
2010-1414-EBA
08/03

Enrolled Bill Amendment to HB 1139

The Committee on Enrolled Bills to which was referred HB 1139

AN ACT relative to the regulation of podiatrists by the board of podiatry.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1139

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1139

Amend RSA 315:13-a as inserted by section 7 of the bill by replacing line 4 with the following:

of continuing podiatric education requirements established by RSA 315:4, V, and such other evidence

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

10 Rulemaking; Board of Podiatry. Amend RSA 315:4, IX-X to read as follows:

IX. The imposition of administrative fines authorized under RSA 315:9, III(f); and

X. Information required by the board in its application procedures relative to the applicant's podiatric competence and professional conduct[; and].

Adopted.

April 8, 2010
2010-1280-EBA
06/01

Enrolled Bill Amendment to HB 1193

The Committee on Enrolled Bills to which was referred HB 1193

AN ACT relative to the definition of allowable child care expenses for purposes of determining child support and establishing a legislative oversight committee relative to implementation of the 2009 New Hampshire Support Guidelines Review and Recommendations.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1193

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to HB 1193

Amend subparagraph III(a) of section 2 of the bill by replacing line 1 with the following:

(a) Monitor initial implementation of legislation related to the 2009 New Hampshire Child

Amend subparagraph III(c) of section 2 of the bill by replacing line 1 with the following:

(c) Investigate debt leveraging, a system that permits parents experiencing high accrual

Amend subparagraph III(d) of section 2 of the bill by replacing line 2 with the following:

obligors, obligees, and court and legal personnel to review and comment on implementation of changes to

Adopted.

April 6, 2010
2010-1243-EBA
06/10

Enrolled Bill Amendment to HB 1548-FN

The Committee on Enrolled Bills to which was referred HB 1548-FN

AN ACT relative to ambulatory surgical facilities under the law requiring reporting of hospital infections.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1548-FN

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1548-FN

Amend RSA 151:35 as inserted by section 5 of the bill by replacing line 1 with the following:

151:35 Limitation. No hospitals *or ambulatory surgical facilities* shall provide, and the

Adopted.

2010-1301-EBA

April 9, 2010

10/03

Enrolled Bill Amendment to HB 1634-FN

The Committee on Enrolled Bills to which was referred HB 1634-FN

AN ACT relative to assault by strangulation.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1634-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1634-FN

Amend RSA 631:2, II(a) as inserted by section 1 of the bill by replacing line 3 with the following:

a fetus[; and].

Adopted.

April 2, 2010

2010-1227-EBA

06/10

Enrolled Bill Amendment to HB 1649-FN

The Committee on Enrolled Bills to which was referred HB 1649-FN

AN ACT relative to health information and patient rights.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1649-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1649-FN

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

1 New Subparagraphs; Definitions Added. Amend RSA 332-I:1, II by inserting after subparagraph

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 268, relative to transfers from the judicial branch to the executive or legislative branches of state government.

HB 546, relative to authorizing temporary registrations of off-highway recreational vehicles for nonresidents.

HB 615, relative to organization of, reorganization of, or withdrawal from a school administrative unit and amending the charter of the Brewster Academy.

HB 681, relative to assessments for aquatic resource compensatory mitigation.

HB 1211, relative to special meetings in towns with official ballot town meetings.

HB 1220, relative to meals and rentals licenses.

HB 1276, relative to investment of capital reserve funds.

HB 1445, eliminating the meals and rooms tax on campsites.

HB 1452, relative to commercial motor vehicle operation.

HB 1606, relative to state aid for wastewater and public water supply projects.

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

Report of Committee on Enrolled Bills adopted.

Out of Recess.

MOTION TO ADJOURN FROM LATE SESSION

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

Motion adopted.

Adjournment from the Late Session.

SENATE JOURNAL 15

April 21, 2010

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

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

Having grown up in Dallas, I just watched last week's demolition of Texas Stadium with a personal and special interest. It's the stadium where the Cowboys played, where high schools had their playoff games; it's where Billy Graham held crusades, and the Boy Scouts held rallies. The demolition was scheduled for an early Sunday morning, and fans made their pilgrimage across the state, they kept vigil all night long, and had a tailgate party with all the solemnity of the Last Supper. One person was interviewed on TV and he said, "Today we are losing a family member." The things that are sacred to us often go beyond traditional religious symbols. When people speak about a football stadium, a hiking trail, a mountain, pet dogs or a favorite song, they may well be talking about something much, much deeper. Sacred things are often hard to recognize, but they represent a whole way of life and vision for the world that ought to be. Let us pray:

Heavenly Father, grant us the patience to listen to one another. In listening, let us hear that which is truly sacred to each other, and in those sacred things be led to You, the source of all holiness. Amen

Sen. Carson led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

RESOLUTION presented by Sen. Barnes to Gilman Chamberlain, student at Raymond High School, in recognition for becoming the first-ever high school student in the State of New Hampshire to win the NHIAA State Bowling Championship.

RESOLUTION presented by President Larsen to the Concord High Schools Boys Hockey Team in recognition of winning the 2010 Division I state championship, recognizing team members, athletic director, coaches and parents.

RESOLUTION presented by President Larsen to the Concord High School Boys Alpine Ski Team in recognition of winning the 2010 Division I state championship, recognizing team members, athletic director, coaches and parents.

RESOLUTION presented by President Larsen to the Concord High School Girls Cross-Country Ski Team in recognition of winning the 2010 Division I state championship, recognizing team members, athletic director, coaches and parents.

RESOLUTION presented by President Larsen to the Concord High School Boys Cross-Country Ski Team in recognition of winning 2010 Division I state championship, recognizing team members, athletic director, coaches and parents.

President Larsen introduced today's Senate Pages, Dorothy England and John Wescott, students from Hopkinton High School.

Sen. Merrill welcomed members of the New Hampshire Youth Network, including representatives of Dover's Youth to Youth organization, participants in a Breathe New Hampshire project, visitors to the Senate in support of HB 1541-FN.

Sen. Larsen recognized and welcomed American sign-language guests in attendance to sign for hearing-impaired visitors observing the floor proceedings of HB 561-FN.

SPECIAL ORDER

Without objection, President Larsen moved the following bills to be Special-Ordered to April 28 Session: HB 569-FN (Commerce), HB 1495 (Education), HB 626-FN, HB 1367-FN and HB 1671-FN (Election Law); HB 232, HB 1251 and HB 1609-FN (Energy, Environment); HB 510, HB 1158, HB 1166, HB 1271, HB 1304 and HB 1610-FN (Executive and Administration); HB 1572-FN (Health and Human); HB 1138, HB 1335 and HB 1337 (Public and Municipal); HB 1230 and HB 1374 (Transportation).

Commerce, Labor and Consumer Protection

HB 569-FN, (New Title) clarifying insurance coverage for diagnosis and treatment of pervasive developmental disorder or autism.

Education

HB 1495, (New Title) relative to approval of chartered public schools from July 1, 2009 through June 30, 2011.

Election Law and Veterans' Affairs

HB 626-FN, (New Title) relative to voter identification.

HB 1367-FN, (New Title) relative to political advertising and campaign expenditures and contributions by business organizations and labor unions.

HB 1671-FN, relative to election day registrants.

Energy, Environment and Economic Development

HB 232, (New Title) increasing manufacturers' pesticide registration fees.

HB 1251, relative to the sale and transfer procedures for shutdown emissions credits.

HB 1609-FN, relative to current use and the land use change tax.

Executive Departments and Administration

HB 510, relative to the position of director of vital records administration.

HB 1158, changing the name of the institutional review board to the vital records privacy board for health-related research.

HB 1166, relative to procurement procedures of the director of plant and property management, and relative to approval of design build projects.

HB 1271, (New Title) establishing a task force on work and family.

HB 1304, (New Title) extending the task force on homeless teenagers, the commission to study alternate fuel vehicles, the task force to study access to dental care, and the committee to study the certificate of need process.

HB 1610-FN, (New Title) establishing a New Hampshire commission on Native American affairs and recognizing Native American residents of the state as a minority population in New Hampshire.

Health and Human Services

HB 1572-FN, relative to the certification of integrated residential communities.

Public and Municipal Affairs

HB 1138, relative to the authority to expend municipal transportation improvement funds.

HB 1335, (New Title) establishing a local option to authorize the governing body to set the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes.

HB 1337, (New Title) relative to requirement for public forums for the assessing standards board and the equalization standards board.

Transportation and Interstate Cooperation

HB 1230, relative to commercial motor vehicles and heating oil deliveries.

HB 1374, relative to the prohibition against participation in a national identification card system.

FINANCE REPORT

Sen. D'Allesandro reported that HB 523 from today's Calendar will come to Finance; the remaining FN bills from today's Calendar, including those Special-Ordered, as well as HB 1607, still in committee, are waived from Finance.

COMMITTEE REPORTS

HB 1314, relative to approval of changes to a capital budget project. Capital Budget Committee. Ought to Pass with Amendment, Vote 4-0. Senator D'Allesandro for the committee.

Capital Budget
April 15, 2010
2010-1422s
10/04

Amendment to HB 1314

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

AN ACT relative to approval of changes to a capital budget project, and relative to making capital appropriations for kindergarten construction in Milford and the dredging of Dorrs Pond in Manchester, and lapsing a portion of certain capital appropriations.

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

2 Capital Appropriation; Department of Education; Milford Kindergarten Construction.

I. The sum of \$1,279,529 is hereby appropriated to the department of education, for the payment of grants to the Milford school district for the purpose of constructing kindergarten classrooms, in accordance with the kindergarten construction program in RSA 198:15-r.

II. To provide funds for the appropriations made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,279,529 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

III. The appropriation in paragraph I of this section shall not lapse until July 1, 2011.

3 Lapse of Portion of Capital Project Balance. The sum of \$1,279,529 from the unencumbered balance of the appropriation to the department of administrative services in 2009, 145:1, II, A, 1 Hillsborough County North - Asbestos Abatement, shall lapse on the effective date of this section.

4 Capital Appropriation; Department of Environmental Services; Dredging Dorrs Pond in Manchester.

I. The sum of \$50,000 is hereby appropriated to the department of environmental services, for the purpose of dredging of an area in front of the Dorrs Pond dam in the city of Manchester.

II. To provide funds for the appropriations made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$50,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

III. The appropriation in paragraph I of this section shall not lapse until July 1, 2011.

5 Lapse of Portion of Capital Project Balance. The sum of \$50,000 from the unencumbered balance of the appropriation to the department of environmental services in 2009, 145:1, VI, C, Dredging Goldfish Pond, Manchester, shall lapse on the effective date of this section.

6 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.

2010-1422s

AMENDED ANALYSIS

This bill provides that change to the plan, location, or design of a capital budget project must be ratified by the capital budget overview committee. This bill also makes a capital appropriation to the department of education for grants to the Milford school district for construction of kindergarten classrooms, and a capital appropriation to the department of environmental services for dredging Dorrs pond in Manchester.

The question is on the adoption of Committee Amendment 1422s.

Committee Amendment 1422s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1314.

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

(Sen. Carson introduced visiting students from Nottingham West Elementary School in Hudson.)

HB 478-FN, relative to remotely readable devices and relative to the illegal use of a payment card scanning device or reencoder. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 6-0. Senator Hassan for the committee.

Commerce, Labor and Consumer Protection

April 15, 2010

2010-1426s

04/09

Amendment to HB 478-FN

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

AN ACT relative to the regulation of radio frequency identification devices and the illegal use of payment card scanning devices or reencoders.

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

1 New Chapter; Regulation of Radio Frequency Identification Devices. Amend RSA by inserting after chapter 358-S the following new chapter:

CHAPTER 358-T

REGULATION OF THE USE OF RADIO FREQUENCY IDENTIFICATION DEVICES FOR THE PURPOSE OF TRACKING

358-T:1 Definitions. In this chapter:

I. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, foundation, joint venture, government, government subdivision, agency or instrumentality, public corporation, or any other legal or commercial entity.

II. "Radio frequency identification device" means any item or application that is capable of transmitting unique identification or location information through the use of radio waves. Such devices shall not include bar codes, magnetic stripes, or similar markings that do not transmit information using radio waves or commercial mobile radio service as described in 47 U.S.C. section 332.

358-T:2 Human Implantation of Radio Frequency Identification Device Prohibited.

I. No person shall implant or attempt to implant or physically incorporate a radio frequency identification device into or on the body, skin, teeth, hair, or nails of another individual without the prior, informed, written consent of the individual. No person shall implant or attempt to implant or physically incorporate a radio frequency identification device into or on the body, skin, teeth, hair, or nails of a minor child. Use of a bracelet or other readily removable device is not considered implantation or physical incorporation under this section.

II. No individual shall be offered an incentive, denied an opportunity, or in any way treated by a person differently from any other individual as a consequence of providing or withholding such consent.

III. No person shall use the presence or absence of an implanted radio frequency identification device as a basis for discriminating against an individual for any purpose whatsoever, including, but not limited to, employment, housing, insurance, medical care, voting, education, travel, and commerce.

358-T:3 Penalties.

I. Any person convicted of violating this chapter shall be guilty of a class B felony.

II. An aggrieved individual or the state may bring suit for civil penalties for up to \$10,000, plus court costs and reasonable attorney's fees, for each violation of this chapter.

2 Illegal Use of Payment Card Scanning Device or Reencoder. Amend RSA 638:28, I-III to read as follows:

I. "Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on ~~[the magnetic strip or stripe of]~~ **or in** a payment card.

II. "Reencoder" means an electronic device that places encoded information from ~~[the magnetic strip or stripe of]~~ a payment card onto ~~[the magnetic strip or stripe of]~~ **or into** a different payment card.

III. "Payment card" means a credit card, charge card, debit card, or any other card **or device** that is issued to an authorized [card] user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.

3 Illegal Use of Payment Card Scanning Device or Reencoder. Amend RSA 638:29, I to read as follows:

I. A person is guilty of the crime of using a scanning device or reencoder to defraud when the person knowingly:

(a) Uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on ~~[the magnetic strip or stripe of a]~~ **or in a** payment card without the permission of the authorized user of the payment card and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant; or

(b) Uses a reencoder to place information encoded on ~~[the magnetic strip or stripe of a]~~ **or into a different** payment card onto ~~[the magnetic strip or stripe of]~~ **or into** a different card without the permission of the authorized user of the card from which the information is being reencoded and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant.

4 Effective Date. This act shall take effect January 1, 2011.

2010-1426s

AMENDED ANALYSIS

This bill prohibits the human implantation of a radio frequency identification device without the individual's informed, written consent. The bill prohibits the human implantation of such a device onto or into a minor child. The bill also amends the definition of payment card and reencoding for purposes of the crime of using a scanning device or reencoder for fraudulent purposes.

The question is on the adoption of Committee Amendment 1426s.

Committee Amendment 1426s adopted.

The question is on the motion of Ought to Pass as Amended on HB 478-FN.

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

HB 561-FN, relative to insurance coverage for persons having deafness and hearing loss. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 5-1. Senator Cilley for the committee.

Commerce, Labor and Consumer Protection

April 15, 2010

2010-1427s

05/01

Amendment to HB 561-FN

Amend the introductory paragraph of RSA 415:6-p as inserted by section 1 of the bill by replacing it with the following:

415:6-p Coverage for Hearing Aids. Each insurer that issues or renews any individual policy or certificate for delivery in this state, or contract of accident or health insurance providing benefits for medical or hospital expenses, shall provide coverage for the professional services associated with the practice of fitting, dispensing, servicing, or sale of hearing instruments or hearing aids. The benefits included in this section shall not be subject to any greater deductible or coinsurance or copay than any other benefits provided by the insurer. Insurers are required to cover the cost of a hearing aid for each ear, as needed, as well as related services necessary to assess, select, and fit the hearing aid with a maximum for the hearing aid and related services of no less than \$1,500 per hearing aid every 60 months. The insured may choose a higher price hearing aid and pay the difference in cost. The hearing aid shall be prescribed and dispensed by a licensed audiologist or hearing instrument specialist. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167. In this section:

Amend the introductory paragraph of RSA 415:18-u as inserted by section 2 of the bill by replacing it with the following:

415:18-u Coverage for Hearing Aids. Each insurer that issues or renews any policy or certificate for delivery in this state of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide coverage for the professional services associated with the practice of fitting, dispensing, servicing, or sale of hearing instruments or hearing aids by a hearing instrument dispenser or other hearing care professional. The benefits included in this section shall not be subject to any greater deductible or coinsurance or copay than any other benefits provided by the insurer. Insurers are required to cover the cost of a hearing aid for each ear, as needed, as well as related services necessary to assess, select, and fit the hearing aid with a maximum for the hearing aid and related services of no less than \$1,500 per hearing aid every 60 months. The insured may choose a higher price hearing aid and pay the difference in cost. The hearing aid shall be prescribed and dispensed by a licensed audiologist or hearing instrument specialist. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167. In this section:

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect January 1, 2011.

The question is on the adoption of Committee Amendment 1427s.

Committee Amendment 1427s adopted.

Sen. Hassan offered a floor amendment.

Sen. Hassan, Dist. 23

April 20, 2010

2010-1480s

01/04

Floor Amendment to HB 561-FN

Amend the introductory paragraph of RSA 415:6-p as inserted by section 1 of the bill by replacing it with the following:

415:6-p Coverage for Hearing Aids. Each insurer that issues or renews any individual policy or certificate for delivery in this state, or contract of accident or health insurance providing benefits for medical or hospital expenses, shall provide coverage for the professional services associated with the practice of fitting, dispensing, servicing, or sale of hearing instruments or hearing aids. The benefits included in this section shall not be subject to any greater deductible or coinsurance or copay than any other benefits provided by the insurer.

Insurers are required to cover the cost of a hearing aid for each ear, as needed, as well as related services necessary to assess, select, and fit the hearing aid with a maximum for the hearing aid and related services of no less than \$1,500 per hearing aid every 60 months. The insured may choose a higher price hearing aid and pay the difference in cost. The hearing aid shall be prescribed and dispensed by a licensed audiologist or hearing instrument specialist. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall not apply to the medical assistance program, pursuant to RSA 161 and RSA 167. In this section:

Amend the introductory paragraph of RSA 415:18-u as inserted by section 2 of the bill by replacing it with the following:

415:18-u Coverage for Hearing Aids. Each insurer that issues or renews any policy or certificate for delivery in this state of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide coverage for the professional services associated with the practice of fitting, dispensing, servicing, or sale of hearing instruments or hearing aids by a hearing instrument dispenser or other hearing care professional. The benefits included in this section shall not be subject to any greater deductible or coinsurance or copay than any other benefits provided by the insurer. Insurers are required to cover the cost of a hearing aid for each ear, as needed, as well as related services necessary to assess, select, and fit the hearing aid with a maximum for the hearing aid and related services of no less than \$1,500 per hearing aid every 60 months. The insured may choose a higher price hearing aid and pay the difference in cost. The hearing aid shall be prescribed and dispensed by a licensed audiologist or hearing instrument specialist. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall not apply to the medical assistance program, pursuant to RSA 161 and RSA 167. In this section:

The question is on the adoption of Floor Amendment 1480s.

Floor Amendment 1480s adopted.

The question is on the motion of Ought to Pass as Amended on HB 561-FN.

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

Senators Bradley and Letourneau are in opposition to the motion of Ought to Pass as Amended on HB 561-FN.

HB 660-FN, relative to the life settlements act. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 4-1. Senator Cilley for the committee.

Commerce, Labor and Consumer Protection

April 15, 2010

2010-1430s

09/03

Amendment to HB 660-FN

Amend RSA 408-D:2, XVI as inserted by section 1 of the bill by replacing it with the following:

XVI. "Stranger-originated life insurance" or "STOLI" means an act or agreement to initiate a life insurance policy for the benefit of a third party investor who, at the time of policy origination, has no insurable interest in the insured. STOLI practices include but are not limited to cases in which life insurance is purchased with resources or guarantees from or through a person, or entity, who, at the time of policy inception, could not lawfully initiate the policy himself, herself, or itself, and where, at the time of inception, there is an arrangement or agreement, whether verbal or written, to directly or indirectly transfer the ownership of the policy and/or the policy benefits to a third party. Trusts, that are created to give the appearance of insurable interest, and are used to initiate policies for investors, violate insurable interest laws and the prohibition against wagering on life. STOLI arrangements do not include those practices set forth in RSA 408-D:2, XI(b)(2).

Amend RSA 408-D:3, I(b)(4) as inserted by section 1 of the bill by replacing it with the following:

(4) While such life settlement producer's appointment remains in force, the life settlement provider shall be bound by the acts of the person named therein within his or her apparent authority as its acknowledged producer.

Amend RSA 408-D:3, VI(b) as inserted by section 1 of the bill by replacing it with the following:

(b) If a life settlement producer:

(1) Is competent and trustworthy and intends to act in good faith;

(2) Has a good business reputation and has had 15 hours of training or education related to life settlements and life settlement transactions so as to be qualified in the business for which the license is applied;

(3) The commissioner may ask for evidence of financial responsibility at any time the commissioner deems necessary;

(4) Any surety bond issued pursuant to subparagraph (a)(4) shall be in the favor of this state and shall specifically authorize recovery by the commissioner on behalf of any person in this state who sustained damages as the result of erroneous acts, failure to act, conviction of fraud, or conviction of unfair practices by the life settlement provider or life settlement producer; and

(5) Notwithstanding any provision of this paragraph to the contrary, the commissioner shall accept, as evidence of financial responsibility, proof that financial instruments in accordance with the requirements in this paragraph have been filed with one state where the applicant is licensed as a life settlement provider or life settlement producer.

Amend RSA 408-D:4, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) The life settlement provider has entered into any life settlement contract using a form that has not been approved pursuant to this chapter;

Amend RSA 408-D:9, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) The viator has the right to rescind a life settlement contract before the earlier of 30 calendar days after the date upon which the life settlement contract is executed by all parties or 15 calendar days after the life settlement proceeds have been paid to the viators, as provided in RSA 408-D:11, VI. Rescission, if exercised by the viator, is effective only if both notice of the rescission is given, and the viator repays all proceeds and any premiums, loans, and loan interest paid on account of the life settlement provider within the rescission period. If the insured dies during the rescission period, the life settlement contract shall be deemed to have been rescinded, subject to repayment by the viator or the viator's estate of all life settlement proceeds and any premiums, loans, and loan interest the life settlement within 60 days of the insured's death.

Amend RSA 408-D:11, VI as inserted by section 1 of the bill by replacing it with the following:

VI. All life settlement contracts entered into in this state shall provide the viator with an absolute right to rescind the life settlement contract before the earlier of 30 calendar days after the date upon which the life settlement contract is executed by all parties or 15 calendar days after the life settlement proceeds have been sent to the viator as provided in RSA 408-D:9, I(f). Rescission by the viator may be conditioned upon the viator both giving notice and repaying to the life settlement provider within the rescission period all proceeds of the settlement and any premiums, loans, and loan interest paid by or on behalf of the life settlement provider in connection with or as a consequence of the life settlement contract. If the insured dies during the rescission period, the life settlement contract shall be deemed to have been rescinded, subject to repayment to the life settlement provider or life settlement purchaser of all life settlement proceeds, and any premiums, loans, and loan interest that have been paid by the life settlement provider or life settlement purchaser, which shall be paid within 60 calendar days of the death of the insured. In the event of any rescission, if the life settlement provider has paid commissions or other compensation to a life settlement producer in connection with the rescinded transaction, the life settlement producer shall refund all such commissions and compensation to the life settlement provider within 5 business days following receipt of written demand from the life settlement provider, which demand shall be accompanied by either the viator's notice of rescission if rescinded at the election of the viator, or notice of the death of the insured if rescinded by reason of the death of the insured within the applicable rescission period.

The question is on the adoption of Committee Amendment 1430s.

Committee Amendment 1430s adopted.

Sen. Hassan offered a floor amendment.

Sen. Hassan, Dist. 23

Sen. Cilley, Dist. 6.

April 20, 2010

2010-1479s

01/04

Floor Amendment to HB 660-FN

Amend RSA 408-D:2, XVI as inserted by section 1 of the bill by replacing it with the following:

XVI. "Stranger-originated life insurance" or "STOLI" means a practice or plan to initiate a life insurance policy for the benefit of a third party investor who, at the time of policy origination, has no insurable interest in the insured. STOLI practices include but are not limited to cases in which life insurance is purchased with resources or guarantees from or through a person, or entity, who, at the time of policy inception, could not lawfully initiate the policy himself, herself, or itself, and where, at the time of inception, there is an arrangement or agreement, whether verbal or written, to directly or indirectly transfer the ownership of the policy and/or the policy benefits to a third party. Trusts, that are created to give the appearance of insurable interest, and are used to initiate policies for investors, violate insurable interest laws and the prohibition against wagering on life. STOLI arrangements do not include those practices set forth in RSA 408-D:2, XI(b)(2).

Amend RSA 408-D:8 as inserted by section 1 of the bill by replacing it with the following:

408-D:8 Life Insurer Disclosure to Viator.

I. Life insurers shall provide individual life insurance policyholders with a written notice that any of the acts described in paragraph III can have significant future financial, tax, or other implications and the consumer should consult with a licensed financial advisor, attorney, or other professional who can explain to the consumer all available options and consequences before acting.

II. The timing of the issuance of the notice, and the form of the notice shall be as set forth in rules adopted by the commissioner.

III. Actions that may have a significant future financial, tax, or other implication to the consumer are:

- (a) Sale of the policy.
- (b) Surrender of the policy.
- (c) Lapse of the policy.
- (d) Assignment of the policy or any right under the policy.
- (e) Failure to pay premium.
- (f) Application of the equity of the policy toward payment of premium.
- (g) Application of accumulated dividends toward payment of premium.
- (h) Financing of premium payments.

IV. Life insurers shall comply with regulations that require annual reporting to the consumer of policy information including annual reporting of the cash value of the policy.

The question is on the adoption of Floor Amendment 1479s.

Floor Amendment 1479s adopted.

The question is on the motion of Ought to Pass as Amended on HB 660-FN.

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

HB 1168-FN, clarifying the definition of gross misconduct for purposes of unemployment compensation. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 2-1. Senator DeVries for the committee.

Commerce, Labor and Consumer Protection

April 15, 2010

2010-1417s

08/09

Amendment to HB 1168

Amend RSA 282:35 as inserted by section 1 of the bill by replacing it with the following:

282-A:35 Gross Misconduct. An unemployed individual who has been discharged for arson, sabotage, felony, assault which causes bodily injury, criminal threatening, ***repeated thefts of an amount less than \$500***, or ~~[dishonesty connected with his or her work]~~ ***a theft of an amount greater than \$500, where such conduct is connected with his or her work***, shall suffer the loss of all wage credits earned prior to the date of such dismissal.

The question is on the adoption of Committee Amendment 1417s.

Committee Amendment 1417s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1168-FN.

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

HB 1279-FN-A, relative to the licenses of mortgage bankers and mortgage brokers. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 3-0. Senator DeVries for the committee.

Commerce, Labor and Consumer Protection

April 15, 2010

2010-1416s

08/04

Amendment to HB 1279-FN-A

Amend RSA 397-A:12-a, I as inserted by section 15 of the bill by replacing it with the following:

I. In order to promote more effective regulation and reduce regulatory burden through supervisory information sharing and except as otherwise provided in the S.A.F.E. Mortgage Licensing Act of 2008, Public Law 110-289, Title V, section 1512, the requirements under any federal law or RSA 383:10-b, ~~[RSA 383:10-e]~~ **RSA 383:10-e**, RSA 397-A:12, X, and RSA 91-A regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the Nationwide Mortgage Licensing System and Registry. Such information and material may be shared with all state and federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal law or RSA 383:10-b, ~~[RSA 383:10-e]~~ **RSA 383:10-e**, RSA 397-A:12, X, and RSA 91-A.

Amend RSA 399-A:10, II as inserted by section 18 of the bill by replacing it with the following:

II. Every person being examined, and all of the officers, directors, employees, agents, and representatives of such person shall make freely available to the commissioner or the commissioner's examiners the accounts, records, documents, files, information, assets, and matters in their possession or control relating to the subject of the examination and shall facilitate the examination. The expense of such examination shall be chargeable to and paid by the licensee or person being examined. The ~~[procedure for such]~~ payment shall be **calculated by** the same **method** as for payments by institutions for cost of examinations under RSA 383:11, except when the principal office of the licensee or person is located outside of this state and the department has determined that the examination must be conducted at that out-of-state location, the actual cost of travel, lodging, meals, and other expenses of examination personnel making the examination, shall be chargeable to and paid by such licensee or person in addition to the per diem charge for examination personnel set forth in RSA 383:11.

Amend RSA 399-A:17, I as inserted by section 19 of the bill by replacing it with the following:

I. A document is filed when it is received by the commissioner. ***Examination expenses, fines, penalties, and other moneys obliged to be paid to the department shall be paid within 14 days of receipt of notice by the licensee or other person or such later time as determined by the commissioner.*** If any filing deadline date falls on a weekend or on a New Hampshire state or federal legal holiday, the due date shall be automatically extended to the next business day following such weekend or holiday.

Amend the bill by inserting after section 19 the following and renumbering the original section 20 to read as 24:

20 New Paragraphs; License Required; Governmental and Certain Nonprofit Entities Licensing. Amend RSA 397-A:3 by inserting after paragraph IV the following new paragraphs:

V.(a) In this paragraph, "governmental entities" means federal, New Hampshire state, and New Hampshire municipal governments, and the agencies, instrumentalities and corporations thereof.

(b)(1) In this paragraph, "exempt nonprofit entities" means nonprofit agencies or persons which have a tax exempt status granted under the provisions of section 501(c)(3) or 501(c)(4) of the Internal Revenue Code; and

(A) Exclusively make or issue commitments for mortgage loans on residential property to be financed by a governmental entity with public funds, or negotiate, place, assist in placement of, find, or offer to negotiate, place, assist in placement of, or find mortgage loans on residential property to be financed with public funds exclusively under a contract with a governmental entity; or

(B) Make or issue commitments for mortgage loans on residential property and are determined by the commission to be organized exclusively for benevolent or charitable purposes for the benefit of New Hampshire consumers.

(2) For purposes of this definition, the making of a mortgage loan includes being named as the lender or mortgagee on the note, mortgage, or other loan documents.

(c) Governmental entities and exempt nonprofit entities may not be required to obtain a mortgage banker or mortgage broker license when such entity:

(1) Is authorized to conduct mortgage banker or mortgage broker business in this state by an order of the commissioner or is authorized by New Hampshire statute to do mortgage lending;

(2) Files as an exempt entity on the Nationwide Mortgage Licensing System and Registry;

(3) Conforms to the requirements of the Nationwide Mortgage Licensing System and Registry including but not limited to the reporting requirements;

(4) Files and maintains a bond in accordance with RSA 397-A:5, III(c) to cover the business conducted by its originators; and

(5) Licenses its originators in this state through the Nationwide Mortgage Licensing System and Registry.

VI. Governmental entities, as defined in subparagraph V(a), may not be required to obtain a mortgage banker or mortgage broker license when such entity only provides the funds and the residential mortgage loan is originated and effected exclusively by a New Hampshire licensed mortgage broker and its duly licensed originators.

21 Fees of Licensee. Amend RSA 399-D:14, I to read as follows:

I. The fees of the licensee shall be agreed upon in advance and stated in the contract, and provision for settlement in case of cancellation or prepayment shall be clearly stated in the contract. Fees shall be amortized equally each month over the length of the contract and no licensee shall be entitled to any fee until the contract has been in full force for 30 days and thereafter the monthly amortized amount may be applied to charges at 30-day intervals, while the contract is in full force and effect, except in the event of prepayment or cancellation. No licensee shall be entitled to any fee against the debtor, upon any contract, until the debt adjustment program is arranged and approved by the debtor. A contract shall not be effective until a debtor has made a payment to the licensee for distribution to his creditors ***or the debtor has otherwise made a payment to a creditor in accordance with the contract.*** The licensee may request a deposit not to exceed \$25 upon the signing of the contract. Said deposit shall be held in escrow by the licensee. In the event that the debtor fulfills the conditions of the contract, the deposit shall be returned. In the event that the debtor fails to make payment in accordance with the contract for a period in excess of 60 days, the deposit shall be forfeited.

22 License or Registration Term; Renewal. Amend RSA 399-G:8, III to read as follows:

III. A renewal fee of \$500 for the principal office license and \$25 for each authorized delegate registration, up to a maximum annual fee of [~~\$4,000~~] **\$5,000**, shall be submitted with the application for license renewal.

23 New Paragraph; Examinations. Amend RSA 399-G:13 by inserting after paragraph XI the following new paragraph:

XII. The commissioner may require books and records to be translated into English and may require an interpreter to facilitate an examination at the expense of the licensee or registrant.

The question is on the adoption of Committee Amendment 1416s.

Committee Amendment 1416s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1279-FN-A.

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

HB 1315-FN, relative to the employer's lien on damages and benefits recovered from third persons by employees who have received workers' compensation. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 4-2. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 1315-FN.

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

The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Lasky, Larsen, Merrill, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Bradley, Odell, Roberge, Bragdon, Gilmour, Carson, Boutin, Barnes, DeVries, Letourneau, D'Allesandro, Downing.

Yeas: 11 - Nays: 13

Motion of Ought to Pass failed.

Sen. Bragdon moved Refer to Interim Study.

The question is on the motion of Refer to Interim Study on HB 1315-FN.

Motion of Refer to Interim Study adopted.

HB 1488-FN, relative to New Hampshire HealthFirst. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 4-1. Senator DeVries for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 1488-FN.

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

Sen. Bradley is in opposition to the motion of Ought to Pass on HB 1488-FN.

HB 1541-FN, prohibiting the sale of e-cigarettes to minors. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator DeVries for the committee.

(Sen. DeVries recognized New Hampshire Youth Network, Dover Youth to Youth, New Hampshire Breathe representatives in the gallery, proponents of HB 1541-FN.)

The question is on the adoption of committee recommendation of Ought to Pass on HB 1541-FN.

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

HB 1586-FN, relative to mandated benefits review. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 1586-FN.

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

HB 1224, relative to school employee and volunteer background investigations and relative to applicants for driver education certificates and school licenses. Education Committee. Ought to Pass with Amendment, Vote 4-0. Senator Merrill for the committee.

Senate Education

April 14, 2010

2010-1360s

03/09

Amendment to HB 1224

Amend RSA 189:13-a, II as inserted by section 1 of the bill by replacing it with the following:

II. The selected applicant for employment or designated volunteer with a school administrative unit, school district, or chartered public school shall submit to the employer a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of information regarding the presence or absence of any record of convictions of the applicant of felonies or *of charges pending disposition for or convictions of the applicant* of the crimes listed in paragraph V. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized

employee of the school administrative unit, school district, or chartered public school. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school district, or chartered public school may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.

The question is on the adoption of Committee Amendment 1360s.

Committee Amendment 1360s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1224.

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

HB 1574-FN, relative to retention of election records. Election Law and Veterans' Affairs Committee. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Election Law and Veteran's Affairs

April 13, 2010

2010-1341s

03/01

Amendment to HB 1574-FN

Amend the bill by replacing section 2 with the following:

2 Disposition and Retention Schedule. Amend RSA 33-A:3-a, CXL-CXLI to read as follows:

CXL. Voter checklist-marked copy kept by town pursuant to RSA 659:102: [5] 7 years.

CXLI. Voter registration:

(a) ~~[Purged record cards]~~ ***Forms, including absentee voter registration forms: until voter is removed from checklist plus [5] 7 years.***

(b) Same day, returned to undeclared status, ***form and report from statewide centralized voter registration database: [5] 7 years.***

(c) ***Party change form: until voter is removed from checklist plus 7 years.***

(d) ***Forms, rejected, including absentee voter registration forms, and denial notifications: 7 years.***

(e) ***Qualified voter affidavit: until voter is removed from checklist plus 7 years.***

(f) ***Domicile affidavit: until voter is removed from checklist plus 7 years.***

(g) ***Overseas absentee registration affidavit: until voter is removed from checklist plus 7 years.***

(h) ***Absentee ballot voter application form in the federal post card application format, for voters not previously on the checklist: until voter is removed from checklist plus 7 years.***

(i) ***Absentee ballot affidavit envelope for federal post card applicants not previously on the checklist: until voter is removed from checklist plus 7 years.***

(j) ***Notice of removal, 30-day notice: until voter is removed from checklist plus 7 years.***

(k) ***Report of death: until voter is removed from checklist plus 7 years.***

(l) ***Report of transfer: until voter is removed from checklist plus 7 years.***

(m) ***Undeliverable mail or change of address notice from the United States Postal Service: until voter is removed from checklist plus 7 years.***

The question is on the adoption of Committee Amendment 1341s.

Committee Amendment 1341s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1574-FN.

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

HB 1625, relative to eligibility for the New Hampshire veterans' home. Election Law and Veterans' Affairs Committee. Ought to Pass with Amendment, Vote 5-0. Senator Barnes for the committee.

Election Law and Veterans' Affairs

April 13, 2010

2010-1334s

09/01

Amendment to HB 1625

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

AN ACT relative to eligibility for the New Hampshire veterans' home and relative to the calculation of partial pay for state employees who are members of a reserve unit or the national guard and are called to full-time active duty.

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

2 Pay and Allowances. Amend RSA 110-B:37, IV(a)(1) to read as follows:

(1) Partial pay shall be the difference between the employee's regular state compensation and the employee's full-time military basic pay ***and allowances***, if the full-time military basic pay [is] ***and allowances total*** less than the regular state pay.

2010-1334s

AMENDED ANALYSIS

This bill changes the eligibility requirements for admission to the New Hampshire veterans' home. The bill also changes the calculation of partial pay for state employees who are members of a reserve unit or the national guard and are called to full-time active duty.

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

Committee Amendment 1334s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1625.

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

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

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

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

HB 431-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Merrill for the committee.

Energy, Environment and Economic Development

April 15, 2010

2010-1413s

08/10

Amendment to HB 431-FN

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

1 Purpose. This bill provides that:

I. Certain engine coolant and antifreeze must contain an aversive agent (denatonium benzoate) to render it unpalatable.

II. Antifreeze manufacturers are liable for ethylene glycol antifreeze.

III. Denatonium benzoate manufacturers are liable for denatonium benzoate when included in antifreeze in the range prescribed by this bill.

IV. Antifreeze manufactures are liable for denatonium benzoate when used in any manner that is incongruous with the requirements of this bill.

V. A penalty for noncompliance with the requirements of this bill.

2 New Section; Sale of Engine Coolants and Antifreeze. Amend RSA 644 by inserting after section 8-f the following new section:

644:8-g Sale of Engine Coolants and Antifreeze.

I. No person may sell or offer to sell in this state any engine coolant or antifreeze that is manufactured after October 11, 2011 and contains more than 10 percent ethylene glycol unless it includes denatonium benzoate at a minimum of 30 parts per million and a maximum of 50 parts per million as a bittering agent within the product so as to render it unpalatable.

II.(a) Subject to subparagraph (b), a manufacturer, processor, distributor, recycler, or seller of an engine coolant or antifreeze that is required to contain an aversive agent under paragraph I shall not be liable to any person for any personal injury, death, property damage, damage to the environment (including natural resources), or economic loss that results from the inclusion of denatonium benzoate in any engine coolant or antifreeze, provided that the inclusion of denatonium benzoate is present in concentrations mandated by paragraph I.

(b) The limitation on liability provided in subparagraph (a) does not apply to a particular liability to the extent that the cause of such liability is unrelated to the inclusion of denatonium benzoate in any engine coolant or antifreeze.

(c) The limitation on liability in subparagraph (a) shall not be interpreted to provide any limitation on liability in the case of gross negligence or wanton or willful misconduct.

III. This section shall not apply to:

(a) The sale of a motor vehicle that contains engine coolant or antifreeze.

(b) Wholesale containers containing 55 gallons or more of engine coolant or antifreeze.

IV. Any person who knowingly violates this section shall be guilty of a class B misdemeanor.

3 Effective Date. This act shall take effect January 1, 2011.

MOTION TO TABLE

Sen. Merrill moved to table HB 431-FN.

The question is on the motion to table HB 431-FN.

Motion adopted.

Sen. Bradley is in opposition to the Motion to Table on HB 431-FN.

LAID ON THE TABLE

HB 431-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.

HB 1378-FN, (New Title) establishing an adopt-a-state park program in the state park system and establishing an adopt-a-forest fire tower program in the division of forests and lands. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Energy, Environment and Economic Development

April 15, 2010

2010-1407s

04/05

Amendment to HB 1378-FN

Amend RSA 216-A:3-I, I and II as inserted by section 1 of the bill by replacing them with the following:

I. Shall establish an adopt-a-state park program by directly involving citizens, groups, associations, municipalities, and the business community in the beautification of New Hampshire's state parks.

II. May permit any interested citizen or group to provide ongoing maintenance on a voluntary basis to the state park system.

Amend RSA 216-A:3-l, III as inserted by section 1 of the bill by replacing it with the following:

III. Shall adopt rules, pursuant to RSA 541-A, necessary to implement the adopt-a-state park program consistent with the provisions of this section. Such rules shall include an application and evaluation procedure to allow interested citizens or groups to adopt a state park, and a procedure for terminating an adopt-a-state park agreement. Such procedure shall require the citizens or group to provide information on how they plan to maintain the park and what specific projects they intend to undertake, how frequently the park will be visited for cleaning and maintenance, and any other responsibilities of the parties involved. The director of parks and recreation shall develop any forms necessary for the adopt-a-state park program.

Amend RSA 227-L:2, I(c) as inserted by section 3 of the bill by replacing it with the following:

(c) Establish an adopt-a-forest fire tower program by directly involving interested citizens, groups, associations, municipalities and businesses in the maintenance of New Hampshire's state fire forest towers. The director shall develop and recommend rules to be adopted by the commissioner, pursuant to RSA 541-A, relative to implementing the adopt-a-forest fire tower program, including an application and evaluation procedure to allow interested parties to adopt a forest fire tower, and a procedure for terminating an adopt-a-forest fire tower agreement.

The question is on the adoption of Committee Amendment 1407s.

Committee Amendment 1407s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1378-FN.

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

HB 1542-FN, repealing nitrogen oxide emitting generation source requirements. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 4-0. Senator Merrill for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 1542-FN.

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

HB 1688-FN, relative to the regulation of the installation and operation of boiler and pressure vessels. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 4-0. Senator Cilley for the committee.

Senate Executive Departments and Administration

April 14, 2010

2010-1385s

10/04

Amendment to HB 1688

Amend RSA 155-A:3-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The code and amendments thereto adopted under paragraph I shall be ratified by appropriate legislation within 2 years of their adoption. If such code and amendments are not ratified, then the code and amendments shall expire at the end of the 2-year period.

The question is on the adoption of Committee Amendment 1385s.

Committee Amendment 1385s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1688-FN.

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

HB 1136, requiring a report to be sent to the treatment facility on behalf of a person receiving treatment in the state mental health or developmental services system. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Bragdon for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 1136.

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

HB 1169, (New Title) relative to the New Hampshire health care quality assurance commission. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 1169.

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

HB 1184, relative to the administration of the unused prescription drug program. Health and Human Services Committee. Ought to Pass with Amendment, Vote 5-0. Senator Gilmour for the committee.

Health and Human Services

April 13, 2010

2010-1335s

10/01

Amendment to HB 1184

Amend RSA 318:60, II as inserted by section 4 of the bill by replacing it with the following:

II. Pharmacies, pharmacists, and other persons or entities acting in good faith, participating in the unused prescription drug program, and students and faculty of medical and pharmacy education institutions, with respect to the duties they perform as part of the program, shall not be subject to criminal or civil liability for injury, death, or loss to person or property for damages related to improper storage of the donated prescription drug or use after the expiration date, provided they comply with rules adopted by the board.

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

Committee Amendment 1335s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1184.

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

HB 1216, relative to the amount of the self-support reserve in child support cases. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Sgambati for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 1216.

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

HB 1537, (New Title) allowing primary care providers to provide preventive oral health services to children between 0 and 3 years of age under the state Medicaid program. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 1537.

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

HB 1566-FN, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system. Health and Human Services Committee. Ought to Pass with Amendment, Vote 5-0. Senator Downing for the committee.

Health and Human Services

April 13, 2010

2010-1343s

05/10

Amendment to HB 1566-FN

Amend RSA 167:4-a, VI as inserted by section 2 of the bill by replacing it with the following:

VI. The department, in coordination with financial institutions doing business in the state, may develop and operate a data match system, using automated data exchanges to the maximum extent feasible, in which each financial institution is required to provide, when requested by the department and subject to reasonable reimbursement as set forth in Public Law 110-252, up to 5 years of information regarding the name, record address, social security number or other taxpayer identification number, monthly account balance, and other identifying information for each applicant or recipient who maintains an account at the financial institution, as identified by the department by name and social security number or other taxpayer identification number. The system shall be based on a cost-effective search algorithm and shall include means to assure compliance

with the provisions of this section. The department shall provide a status report regarding the implementation of the data match system to the oversight committee on health and human services, established in RSA 126-A:13, on or before November 1, 2010, and annually thereafter, until implementation has been fully completed. The report shall summarize the department's findings and recommendations to date, including savings generated, any barriers to implementation, anticipated future actions, and the department's assessment of the relative success of the project.

VII. In this section, "financial institution" means any federally chartered or state-chartered depository or nondepository bank, association, credit union, or company, or any other company that engages in activities that are financial in nature as defined in Section 4(k) of the Federal Bank Holding Company Act of 1956, as amended. A financial institution, whether located in or out of the state, shall be deemed to be doing business in the state if it does business with a New Hampshire resident.

The question is on the adoption of Committee Amendment 1343s.

Committee Amendment 1343s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1566-FN.

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

HB 425-FN-A-L, (New Title) relative to remedies under the right-to-know law. Judiciary 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 HB 425-FN-A-L.

Motion of Inexpedient to Legislate adopted.

HB 523-FN, requiring DNA testing of all persons convicted of a felony. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 523-FN.

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

Sen. Barnes is in favor of the motion of Ought to Pass on HB 523-FN.

HB 1435-FN, relative to the practitioner-patient relationship in the dispensing of prescriptions. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Roberge for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 1435-FN.

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

HB 1472-FN-L, relative to testimony by video teleconference. Judiciary Committee. Interim Study, Vote 5-0. Senator Letourneau for the committee.

The question is on the adoption of committee recommendation of Refer to Interim Study on HB 1472-FN-L.

Motion of Refer to Interim Study adopted.

HB 1508-FN, (New Title) relative to communications between offenders convicted of certain sexual assaults and the victims of the crime. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 1508-FN.

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

HB 1515-FN, relative to the crime of official oppression. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Letourneau for the committee.

The question is on the committee recommendation of Inexpedient to Legislate on HB 1515-FN.

Motion of Inexpedient to Legislate adopted.

HB 1544-FN, relative to penalties for forestry violations. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 1544-FN.

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

HB 1642-FN, relative to the registration of criminal offenders. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Letourneau for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 1642-FN.

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

HB 1653-FN, decriminalizing possession of one quarter of an ounce or less of marijuana. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 1653-FN.

Motion of Inexpedient to Legislate adopted.

Sen. Fuller Clark is in opposition to the motion of Inexpedient to Legislate on HB 1653-FN.

HB 1655-FN, relative to persons with mental illness and the corrections system. Judiciary Committee. Interim Study, Vote 5-0. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Refer to Interim Study on HB 1655-FN.

Motion of Refer to Interim Study adopted.

HB 1667-FN, relative to possession of controlled substances obtained by valid prescription. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

Senate Judiciary

April 14, 2010

2010-1362s

10/05

Amendment to HB 1667-FN

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

1 Controlled Drug Act; Prescription Drugs; Persons and Corporations Exempted. Amend RSA 318-B:15 to read as follows:

318-B:15 Persons and Corporations Exempted. The provisions of this chapter restricting the possession and having control of controlled drugs shall not apply to:

I. Common carriers or to warehousemen while engaged in lawfully transporting or storing such drugs, or to an employee of the same acting within the scope of his employment; or to public officers or their employees in the performance of their official duties requiring possession or control of controlled drugs; or to temporary incidental possession by employees or agents or persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

II. Persons possessing prescription drugs dispensed to them pursuant to a lawful prescription or who are acting as an authorized agent for a person holding a lawful prescription. For purposes of this section, an authorized agent shall mean any person, including but not limited to a family member or caregiver, who has the intent to deliver the prescription drug to the person to whom the prescription drugs are lawfully prescribed. This exemption does not extend to persons possessing drugs with an intent to sell.

2 Repeal. RSA 318-B:14, relative to authorized possession of controlled drugs by individuals, is repealed.

3 Effective Date. This act shall take effect January 1, 2011.

2010-1362s

AMENDED ANALYSIS

This bill exempts persons acting as an authorized agent for a person holding a lawful prescription from the restriction on persons possessing and having control of controlled substances.

The question is on the adoption of Committee Amendment 1362s.

Committee Amendment 1362s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1667-FN.

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

HB 1680-FN, establishing the crime of aggravated harassment by an inmate. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Reynolds for the committee.

Senate Judiciary

April 14, 2010

2010-1367s

04/10

Amendment to HB 1680-FN

Amend the bill by replacing section 2 with the following:

2 Assaults by Prisoners. Amend RSA 642:9, III-IV to read as follows:

III. For the purposes of this section:

(a) "Official custody" means custody in a penal institution or other confinement by an order of a court.

(b) "Inmate" means ~~[an offender, as defined in RSA 21-H:2, VII]~~ ***a person committed by law to the custody of the commissioner of the department of corrections***, a person in pretrial confinement, ~~[or]~~ any person incarcerated in a local detention facility ***operated by a county department of corrections, or a person in detention at a police department***.

(c) "Facility" means a correctional facility or local correctional facility hospital, operated by the ***state or a county*** department of corrections, ***or a police department***.

IV. The offense is a class B felony if it is an aggravated assault ***or harassment*** as defined in paragraph II ***or II-a***, or if the offense committed is simple assault as defined under RSA 631:2-a unless committed in a fight entered into by mutual consent, in which case it is a misdemeanor. The offense is a class A felony if the offense committed is first degree or second degree assault as defined under RSA 631:1 or RSA 631:2.

The question is on the adoption of Committee Amendment 1367s.

Committee Amendment 1367s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1680-FN.

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

HB 1198-L, relative to public hearings on municipal budget preparation. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

April 20, 2010

2010-1481s

06/09

Floor Amendment to HB 1198-LOCAL

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

AN ACT relative to public hearings on municipal budget preparation, and ratifying a warrant article of the Ossipee Corner Light and Power Precinct Annual Meeting of 2010.

Amend the bill by replacing all after section 4 with the following:

5 Ossipee Corner Light and Power Precinct Annual Meeting. The warrant article, number 6 on the warrant, regarding the purchase of a new fire engine of the Ossipee Corner Light and Power Precinct Annual Meeting of 2010 is hereby legalized, ratified, and confirmed. Alternatively, the precinct may enter into a lease/purchase agreement for such fire engine, provided the terms are more favorable than a bond to the precinct.

6 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

2010-1481s

AMENDED ANALYSIS

This bill clarifies the notice requirement for supplemental public hearings on budgets.

This bill also ratifies a warrant article of the Ossipee Center Light and Power Precinct Annual Meeting of 2010 and permits such precinct to enter into a certain lease/purchase agreement.

The question is on the adoption of Floor Amendment 1481s.

Floor Amendment 1481s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1198-L.

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

HB 1620-FN-A, establishing state park number plates. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Transportation and Interstate Cooperation

April 15, 2010

2010-1425s

03/09

Amendment to HB 1620-FN-A

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

AN ACT establishing a special registration plate symbol for the purpose of benefitting the state park system.

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

1 New Paragraph; Fees for Park System; Special Registration Plate Symbol. Amend RSA 216-A:3-g by inserting after paragraph V the following new paragraph:

VI. No admission fee shall be charged for day use of the state park system to the occupants of a vehicle with a number plate bearing a special registration plate symbol authorized by RSA 261:75-c. Any fees for the use of metered parking or enterprise activities as defined in paragraph II shall be charged to such persons.

2 State Park Fund. RSA 216-A:3-i is repealed and reenacted to read as follows:

216-A:3-i State Park Fund Established.

I. The state treasurer shall establish a separate and distinct account to be known as the state park fund. The treasurer shall establish within the state park fund separate and distinct accounts, known as the state park account and the state-owned ski area account. The accounts shall be continuing and nonlapsing. The treasurer shall deposit in the state park account actual revenues from fees, services, accommodations, rentals, retail sales, net profit from concession operations, and special registration plate symbol fees collected under RSA 261:75-c in excess of budget expenses and excluding revenues associated with state-owned ski areas. The treasurer shall deposit in the state-owned ski area account actual revenues associated with the state-owned ski areas, derived by the department of resources and economic development from fees, services, accommodations, rentals, revenue from lift and tramway operations, retail sales, and net profit from concession operations in excess of budget expenses. Any federal moneys which become available and all donations and gifts shall be deposited into their appropriately designated accounts.

II. Any funds deposited into the state park account and state-owned ski account are hereby continually appropriated to and may be expended by the commissioner of the department of resources and economic development only with the prior approval of the governor and council and the fiscal committee of the general court, provided that additional funds above those authorized in the budget are necessary for the division of parks and recreation to provide an adequate level of service and maintenance in the state park system, to restore park facilities, and for proper operation of the state-owned ski areas. The commissioner may use funds in the park account to promote the special registration plate symbol program authorized by RSA 261:75-c.

3 Reference Changed. Amend RSA 216-A:3-j to read as follows:

216-A:3-j Debt Service for Cannon Tramway. Effective July 1, 1996, debt service for the Cannon Tramway shall be a charge against the state park fund, *state-owned* ski area account.

4 New Section; Special Registration Plate Symbol. Amend RSA 261 by inserting after section 75-b the following new section:

261:75-c Special Registration Plate Symbol. The director is hereby authorized to assign registration numbers that include a special registration plate symbol for the purpose of benefitting the state park system. The special registration plate symbol shall serve as a character in the registration number. A special registration plate symbol may be used on any type of number plate issued by the division for private passenger vehicles, recreational vehicles, and motorcycles. The design and size of an appropriate symbol shall be determined by the commissioner in consultation with the commissioner of resources and economic development. The department shall determine the means of identifying the special registration plate symbol in the computerized records of the department. A special registration plate symbol shall be available to any applicant upon payment of a special registration plate symbol fee of \$85, which shall be in addition to any other registration and number plate fees. An applicant may include the symbol on any vanity number plate upon payment of the special registration plate symbol fee and the vanity plate service fee in RSA 261:89. Vanity plate service fees shall be distributed as provided in RSA 261:89 and RSA 263:52. The fees described in this section shall apply to original registrations and annual registration renewals. The department shall retain from the special registration plate symbol fees an amount as is necessary to recover any additional production and administrative costs associated with use of the symbol. The remaining funds shall be paid to the state treasurer and deposited in the state park fund established in RSA 216-A:3-i to fund maintenance and use of the park system and promotion of the special registration number program. All other registration fees, permit fees, number plate fees, and special number plate fees shall be distributed as required by law. The cost of replacement number plates shall be identical to the cost of initial number plates and the revenue from replacement number plates shall be distributed in the same manner as revenue derived from initial number plates.

5 Application. The department of safety shall implement the use of a special registration plate symbol authorized by RSA 261:75-c as soon as practicable after the effective date of this act.

6 Effective Date. This act shall take effect July 1, 2010.

2010-1425s

AMENDED ANALYSIS

This bill authorizes a special registration plate symbol for the purpose of benefitting the state park system.

The question is on the adoption of Committee Amendment 1425s.

Committee Amendment 1425s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1620-FN-A.

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

(Sen. Carson welcomed a second group of visiting students from Nottingham West Elementary School in Hudson.)

HB 1291-FN, relative to the fuel oil importation fee. Ways and Means Committee. Ought to Pass, Vote 5-0. Senator Janeway for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 1291-FN.

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

HB 1293-FN, relative to the oil discharge cleanup fund. Ways and Means Committee. Ought to Pass with Amendment, Vote 4-0. Senator Janeway for the committee.

Senate Ways and Means

April 14, 2010

2010-1383s

08/10

Amendment to HB 1293-FN

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

AN ACT relative to the oil discharge cleanup fund and relative to tax exemptions for water and air pollution control installations.

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

6 Water and Air Pollution Control Installations. Amend RSA 72:12-a, I to read as follows:

I. Any person, firm, or corporation which builds, constructs, installs, or places in use in this state any treatment facility, device, appliance, or installation wholly or partly for the purpose of reducing, controlling, or eliminating any source of air or water pollution shall be entitled to have the value of said facility and any real estate necessary therefor, or a percentage thereof determined in accordance with this section, exempted from the taxes levied under this chapter for the period of years in which the facility, device, appliance, or installation is used in accordance with the provisions of this section. This paragraph shall not apply to privately-owned landfills or ancillary facilities located at such landfills *or to sewage disposal systems installed pursuant to RSA 485-A:29 through RSA 485-A:44 and rules adopted pursuant thereto, except that any exemption for a sewage disposal system granted prior to January 1, 2010 shall remain in effect.*

2010-1383s

AMENDED ANALYSIS

This bill repeals several sections of law enacted in 1995 relative to the oil discharge cleanup fund.

This bill also inserts cross references to the motor oil discharge clean up fund.

This bill also makes the property tax exemption for water and air pollution control facilities inapplicable to certain sewage disposal systems.

The question is on the adoption of Committee Amendment 1383s.

Committee Amendment 1383s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1293-FN.

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

HB 1519-FN, (New Title) repealing the surety bond requirement for meals and rentals operators. Ways and Means Committee. Ought to Pass, Vote 6-0. Senator Downing for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 1519-FN.

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

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

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

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

HB 1581, relative to the taxation of railroads. Ways and Means Committee. Ought to Pass, Vote 4-0. Senator Gilmour for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 1581.

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

MOTION TO ADJOURN FROM EARLY SESSION

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

Motion adopted.

Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

HB 478-FN, relative to the regulation of radio frequency identification devices and the illegal use of payment card scanning devices or reencoders.

HB 561-FN, relative to insurance coverage for persons having deafness and hearing loss.

HB 660-FN, relative to the life settlements act.

HB 1136, requiring a report to be sent to the treatment facility on behalf of a person receiving treatment in the state mental health or developmental services system.

HB 1168-FN, clarifying the definition of gross misconduct for purposes of unemployment compensation.

HB 1169, (New Title) relative to the New Hampshire health care quality assurance commission.

HB 1184, relative to the administration of the unused prescription drug program.

HB 1198-L, relative to public hearings on municipal budget preparation, and ratifying a warrant article of the Ossipee Corner Light and Power Precinct Annual Meeting of 2010.

HB 1216, relative to the amount of the self-support reserve in child support cases.

HB 1224, relative to school employee and volunteer background investigations and relative to applicants for driver education certificates and school licenses.

HB 1279-FN-A, relative to the licenses of mortgage bankers and mortgage brokers.

HB 1291-FN, relative to the fuel oil importation fee.

HB 1293-FN, relative to the oil discharge cleanup fund and relative to tax exemptions for water and air pollution control installations.

HB 1314, relative to approval of changes to a capital budget project, and relative to making capital appropriations for kindergarten construction in Milford and the dredging of Dorrs Pond in Manchester, and lapsing a portion of certain capital appropriations.

HB 1378-FN, (New Title) establishing an adopt-a-state park program in the state park system and establishing an adopt-a-forest fire tower program in the division of forests and lands.

HB 1435-FN, relative to the practitioner-patient relationship in the dispensing of prescriptions.

HB 1488-FN, relative to New Hampshire HealthFirst.

HB 1508-FN, (New Title) relative to communications between offenders convicted of certain sexual assaults and the victims of the crime.

HB 1519-FN, (New Title) repealing the surety bond requirement for meals and rentals operators.

HB 1537, (New Title) allowing primary care providers to provide preventive oral health services to children between 0 and 3 years of age under the state Medicaid program.

HB 1541-FN, prohibiting the sale of e-cigarettes to minors.

HB 1542-FN, repealing nitrogen oxide emitting generation source requirements.

HB 1544-FN, relative to penalties for forestry violations.

HB 1566-FN, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system.

HB 1574-FN, relative to retention of election records.

HB 1581, relative to the taxation of railroads.

HB 1586-FN, relative to mandated benefits review.

HB 1620-FN-A, establishing a special registration plate symbol for the purpose of benefitting the state park system.

HB 1625, relative to eligibility for the New Hampshire veterans' home and relative to the calculation of partial pay for state employees who are members of a reserve unit or the national guard and are called to full-time active duty.

HB 1642-FN, relative to the registration of criminal offenders.

HB 1667-FN, relative to possession of controlled substances obtained by valid prescription.

HB 1680-FN, establishing the crime of aggravated harassment by an inmate.

HB 1688-FN, relative to the regulation of the installation and operation of boiler and pressure vessels.

Rule 44 Tribute to the Passing of Alf Jacobson, former Senate President

SENATOR D'ALLESANDRO (Rule 44): Thank you, Madam President. Madam President, those of you who picked up the morning paper saw an obituary of a former Senate president and a former member of the House of Representatives, Alf Jacobson. Alf was really a terrific legislator, was the "parliamentarian," really, of the legislative process; you never got anything by Alf. But I think one thing that most people didn't know was that Alf Jacobson served in the United States Marine Corps and was part of the Pacific Assault on the Empire of Japan. Alf was involved in the invasion of Iwo Jima and served his country marvelously, and every year Alf would come back to the House Chamber and would talk about Iwo Jima Day. And I might say that from Manchester, Rene Gagnon, Sr., whose son I had in class at Bishop Bradley High School, was one of the Marines who raised the flag on Mount Suribachi. Alf talked about the fact that what he really learned about life, what he *really* learned about life, he learned as a member of the Corps and in that time when he was putting his life on the line every day he was involved in combat, and he said the real heroes were obviously the men who didn't come back, who didn't return. And those of you who knew Alf and who worked with him know how committed he was to doing the right thing and how committed he was to the Corps and to his experience during World War II.

His passing really marks the end of a generation of legislators. We don't have too many of them left who served in the Legislature in the 60's, in the 70's, the 80's, and so forth, and they brought a genuine spirit to the legislative process, a real collegiality to the legislative process. You were proud to serve with that kind of individual because it made you a better legislator. So to the family of Alf Jacobson, our deepest sympathy, from the Senate, I believe from the House of Representatives, and from the people of New Hampshire for a job well done. Thank you, Madam President.

SENATOR BARNES (Rule 44): Thank you very much, Madam President. Senator, I want to thank you for that, you beat me to the punch and you said it more eloquently than I can say it. But I got a couple of stories on Alf. I was elected in 1986 to the House and the Session started in January of 1987, and I was a rookie and I made a big mistake; because the first three months of my term I got to tune myself off when Mr. Jacobson, Rep. Jacobson got up on the floor, because he and I didn't agree too much politically, and that was a huge mistake. He taught me the lesson, way back then, to listen to everyone, because everyone has a right to their opinion, and by golly by listening you might learn something. So it wasn't till a day in April, right about this same time, that the good Senator referred to, I believe the invasion of Iwo Jima was around the 26th-27th of April, so it was right about this time in 1987 that Alf got up and talked about his experiences and his concern for the families of the fellas that didn't come back. He was in the "first wave" of the Marine Corps on Iwo Jima, the "first wave," which most of those fellas came home in pine boxes. He was a very brilliant man, he spoke four different languages; in Japanese, he was very fluent in Japanese, and he was an interpreter over there on Iwo Jima. And after he gave his talk on Iwo Jima, I went up to him and I apologized to him for tuning myself out when he got up and talked, and I promised him I would never tune him or any other legislator out because I thought they were full of hot air. I always have, since that time, listened to everyone. I might disagree, but I listen, because you have a right to it, and I might, and probably have at times, learned something.

The second thing I'd like to talk about Alf, and Sen. Roberge was on the commission, and probably the only people in here – yourself, Senator, and Sen. Roberge and Sen. Larsen, and our Clerk, and maybe I've missed somebody that really worked with Alf and knew about him. But Sen. Roberge and I were appointed to a commission that had subpoena powers, and that commission was Judge Fairbanks, II. Some of you might remember the Judge Fairbanks situation in the State of New Hampshire. Well, Alf was on that and he was the chairman. Well, there were members of that commission who wanted to hang every person in a black robe and they wanted to subpoena, because they refused to open the records of some of the attorneys over there in their office, and folks on the commission wanted to see them. Well, Alf said to me: Jack, why don't you and I go over and sit down and talk to the chief justice and see if some of those files can get opened, we don't really need to subpoena those people. So, we went over. Well, gosh, guess what happened the next day. Front page of the *Concord Monitor*, a picture of Alf and Jack, walking out of the Supreme Court building, and the caption was, "What are these two up to?" And I said, "Alf, what the hell is this?" And he said, "Jack, they spelled our names right, don't worry about it." But that was Alf, and I learned to really appreciate him. And, Lou, thank you for your comments on him. I think he – I don't think, I know he was a great guy, and the State has lost another person from the greatest generation.

SENATOR ODELL (Rule 44): Thank you, Madam President. I, too, want to remember Alf Jacobson. Alf, like so many other exceptional and special people that I've known, I met him through Sandy. Now, Sandy and Alf and Sonja were friends for over 40 years. And he did serve admirably here, and I know I served one term

with him in the House. But in the community of New London he was an icon of what we might think of as local leadership, citizen-active, selectman, moderator of the town, moderator of the school district, planning board, involved with the historical society, the Baptist Church; all of the entities, all of the institutions of his community. He also lived an interesting life for those who collect or are curious about collecting. His house was like a museum with little bits and pieces of paper, and the slightest comment and he would go to a drawer and pull something up, "I was there that day," and he'd always have the person that was there autograph it. And so he was this huge collector and dealer in ephemera, or some would call it "old paper." So we will remember the legacy of Alf Jacobson for his service to the State, we'll also remember it as his service to his community and to his friends, and his legacy of service is richly – will always be richly remembered. Thank you.

SENATOR LETOURNEAU (Rule 44): Thank you. And I rise also to speak about Alf. I spent eight years in the House with Alf, and while I didn't serve on any particular committees with Alf, I always looked forward to his "Two Jima speech" each and every year, and I can tell you that you could hear a pin drop in that chamber; with 400 people in there, you could hear a pin drop. Because Alf would give that speech and it would raise the hair on the back of your neck; that man went through quite a bit on that island.

Like Sen. Barnes, I didn't always agree with him politically, but I always listened to him because he was a highly intelligent man. And there were no flies on Alf, and if there were they were collecting rent – he was collecting rent, because I could tell you that in his little bits and collections that Sen. Odell spoke about – Rep. Hess may tell you about a particular book that he bought from Alf, it was a first edition, 1700's, *Laws of New Hampshire* that he has in his collection; Alf was also a big book collector. And I just wanted to say, Godspeed, Alf, we'll miss you. Thank you.

SENATOR LASKY (Rule 44): Thank you, Madam President, I'd like a Rule 44. I was fortunate my first Session in the House to have served on Judiciary and on the impeachment committee with Rep. Jacobson, and continued to serve with him in Judiciary. And I would just like to say I can always hear him, and will continue to hear him say, whenever he started to speak: "I'm just a poor little country boy." So, you know, and that "poor little country boy," everyone listened to, and, as I said, I will always hear him and remember him very fondly. Thank you.

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

ANNOUNCEMENTS

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Hassan moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments.

Motion adopted.

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