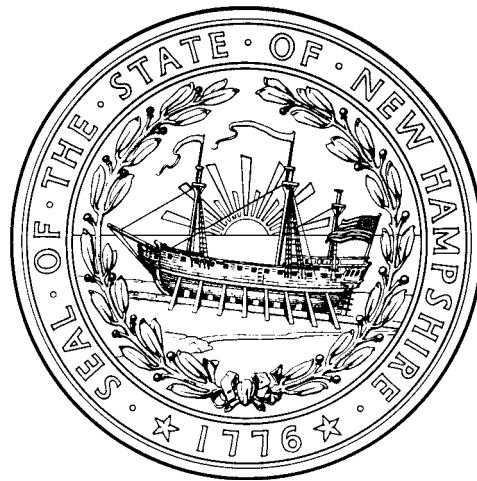


**June 9, 2010
Special Session**

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

SPECIAL SESSION – JUNE 9, 2010 SESSION

SENATE JOURNAL

June 9, 2010

SPECIAL SESSION

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

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

You've worked very hard this Session under very challenging circumstances, and I know that there have been frayed relationships and sleepless nights and painful effects on families and friends as a result of the stress of the very important work you're doing. But, you're doing good work, and you're doing the best you can do. And, doing our best, with honesty and integrity, and living into the pain that we feel and realizing that the pain we feel is connected to a world's pain, and is connected, in fact, to healing, is simply the way to live life. And, that's what you're doing here, it's what the toll keepers are doing, it's what the Shakers were doing, it's what the restaurant clerks are doing; we're all doing the best we can.

So, I hope you can resolve your work today, and I hope you can come out to Blackwater Bluff, even if briefly, for a party. Sinatra is playing across the lawns, the dog is beside himself with joy; the menu is on the side-board here, just in case you want to know what's going on. And, I hope I'll see you there for some Sabbath rest, because in all three monotheistic religions, Sabbath is not a suggestion, it's a commandment. Let us pray:

God of Sabbath rest, You made Sabbath a commandment. Give us the generosity to accept what we cannot change, to change what we can still change, and wisdom to discern a good life over an impressive one. Amen

Sen. Merrill led the Pledge of Allegiance.

Sen. Letourneau is excused from the morning's session.

INTRODUCTION OF GUESTS AND PRESENTATIONS

President Larsen thanked Reverend Canon Charles LaFond, on behalf of the Senate, for starting session each week with his meditative thoughts and prayers.

Sen. Downing introduced the 4th grade class from Pelham Elementary School, visitors in the gallery.

Sen. Janeway welcomed his wife, Betsy Janeway, a visitor in the gallery.

Sen. Lasky welcomed Sean Stemplar, Nashua High School South student, a participant in "Blueprints for America" program.

Sen. Bragdon introduced Samantha Berthelette and Shema Rubdi from Milford High School, serving as Pages today.

A roll call was taken by the Clerk of the Senate with 23 Senators in attendance.

A PROCLAMATION

BY HIS EXCELLENCY JOHN H. LYNCH, GOVERNOR

WITH THE ADVICE OF THE HONORABLE EXECUTIVE COUNCIL

JUNE 2, 2010

WHEREAS, the welfare of the people of the State of New Hampshire requires the convening of the General Court for the purpose of enacting legislation to ensure that the state's budget remains balanced for the fiscal year 2010-2011 biennium; and

WHEREAS, the Executive Department in calling such a session intends an agenda limited to such measures as are necessary to ensure a balanced state budget;

NOW, THEREFORE, the Governor, with the advice of the Council, on a motion made and duly seconded, hereby exercise their executive legislative authority under Part 2, Article 50 of the New Hampshire Constitution and summon the General Court to convene in Special Session on Wednesday, June 9, 2010 at 10:00 a.m.

John H. Lynch, Governor
June 2, 2010 9:30 a.m.

RESOLUTION

Sen. Hassan RESOLVED that the House of Representatives be informed that under the authority of the call of the Special Session by the Governor and Council the Senate has assembled and is now ready to proceed with the business of the 2010 Special Session.

Resolution adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

HOUSE MESSAGE

The House of Representatives, pursuant to a call from the Governor and Council, has assembled and is now ready to proceed with the business of the 2010 Special Session.

ADOPTION OF SENATE RULES**RESOLUTION**

Sen. Reynolds moved that the Senate adopt the 2010 Special Session Senate Rules as proposed by the Rules and Enrolled Bills Committee, which are provided here today.

SENATE RULES**NEW HAMPSHIRE SENATE****Rules of the Special Session**

June 9, 2010

- | | |
|---|---|
| 1. Determination of quorum. | 21. Bills amended only on second reading; filing of Amendments. |
| 2. Members, decorum of. | 22. President to sign bills, etc. |
| 3. Members, conduct when speaking. | 23. Messages sent to House. |
| 4. Members not to speak more than twice. | 24. Messages, when received. |
| 5. President shall recognize whom. | 25. Voting; division of Senate. |
| 6. Questions of order, appeal. | 26. Visitors to Senate. |
| 7. Member, absenting himself. | 27. Hours of meeting. |
| 8. Motions, order of preference. | 28. Rules of Senate, how suspended. |
| 9. Questions postponed indefinitely not acted upon in same Special Session. | 29. Rules of Senate, how rescinded or amended. |
| 10. Questions, when divided. | 30. Committee of the whole. |
| 11. Objections to reading paper, how determined. | 31. President may name member to chair. |
| 12. Roll Call, everyone must vote. | 32. Senate staff; composition and duties. |
| 13. Galleries, clearing of. | 33. Senate staff, days of employment. |
| 14. Reconsideration. | 34. Conflict of Interest. |
| 15. Petitions, introduction of. | 35. Personal privilege. |
| 16. Bills, introduction of. | 36. Appeal, presiding officer ruling. |
| 17. Bills, drafting of. | 37. Motions, no substitution under color of amendment. |
| 18. Resolutions to be treated as bills. | 38. Requisition Approval Required. |
| 19. Bills shall have three readings; Progress of; time for second and third readings. | 39. Requests to the Legislative Budget Assistant. |
| 20. Bills, printing and distribution. | |

1. The President, having taken the chair, shall determine a quorum to be present in the Call for the Special Session and shall immediately call the members to order.

2. No member shall hold conversation with another while a member is speaking in debate, or use electronic devices, including but not limited to personal computers, and telephonic devices, without leave of the Senate.

3. Every member, wishing to speak, shall notify the President. When the member is recognized to speak he shall rise and address the President, and when he has finished shall then sit down.

4. No member shall speak more than twice on the same question on the same day without leave of the Senate President.

5. More than one member wishing to speak at the same time, the President shall decide who shall speak first.

6. The President shall preserve decorum and order. If any member transgresses the rules of the Senate, the President shall, or any member may, call him to order in which case the member so called to order shall immediately cease and desist, and the Senate, if appealed to, shall decide the case. But if there is no appeal, the decision of the President shall be conclusive.

7. No member shall absent himself without permission from the Senate.

8. When any question is under debate, no motion shall be received but first, to adjourn; second, to lay upon the table; third, for the previous question; fourth, to postpone to a certain day; fifth, to commit; sixth, to amend; and seventh, to postpone indefinitely; which several motions shall have precedence in the order in which they are so arranged. Motions to adjourn, to lay upon the table, for the previous question, and to take from the table shall be decided without debate. Motions to postpone to a certain day shall be debatable both as to time and subject matter.

9. A question which is postponed indefinitely shall not be acted upon during the special session except whenever two-thirds of the whole number of elected Senators shall on division taken, vote in favor thereof. Any bill which is indefinitely postponed shall not be reintroduced under cover of an amendment any bill, resolution or order. No motion to suspend this rule shall be permitted.

10. Any member may call for a division of the question when the sense will admit it. The question of whether two or more propositions are capable of division is to be determined by the Chair. Unless otherwise specifically provided for, each part of a divided question shall pass only upon majority vote of those members present and voting.

11. When the reading of a paper or document is objected to by a member, the question shall be determined by a vote of the Senate; and without debate.

12. When the nays and yeas have been moved by a member and duly seconded by another member each member present shall declare his assent or dissent to the question, unless for special reason he be excused by the Senate. The names of the persons so making the motion and the second shall be recorded in the Journal. The President shall determine the order of the roll call. No member shall be required to vote in any case where he was not present when the question was put.

13. In case of any disturbance or disorderly conduct in the gallery, the President shall have the power to order the same to be cleared. The Chairman of the Committee of the Whole may restrict attendance to the duly elected Senators.

14. No vote shall be reconsidered, unless the motion for reconsideration is made by a member who voted with the prevailing side. The notice of such motion for reconsideration shall be given to the Senate or to the Clerk in open special session prior to adjournment or recess to the call of the chair on the same day on which the vote was passed in special session. Reconsideration of any bills must be acted upon prior to the adjournment or recess to the call of the chair of the special session.

15. Before any petition shall be received and read, a brief statement of the contents thereof shall be made by the member introducing the same.

16. All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced into the Senate shall be delivered or caused to be delivered to the Office of Legislative Services, which in turn will submit it to the sponsor for his signature, and then to the Clerk by Legislative Services. If requested by the sponsor, a proposed bill, resolution or petition shall not be made public, except by the sponsor, until signed by the sponsor.

17. Drafting of Bills

(a) Enactment of laws, as provided in the Proclamation which resulted in the special session, shall be by bill. No bill, bill amendment, order or resolution shall be introduced into the Senate the subject matter of which is not included in the Proclamation issued by the Governor and Executive Council for the special session, excepting those matters that were under consideration during the 2010 Committees of Conference on Senate Bill 450 and House Bill 1128, and provisions relating to matters of municipal finance, bonds or notes, and posting of warrants or warrant articles.

(b) The Office of Legislative Services shall not accept a request to draft any bill, bill amendment, order or resolution the subject matter of which is not included in the Governor's Proclamation which resulted in the special session, excepting those matters that were under consideration during the 2010 Committees of Conference on Senate Bill 450 and House Bill 1128, and provisions relating to matters of municipal finance, bonds or notes, and posting of warrants or warrant articles.

18. All resolutions which may require the signature of the Governor shall be treated in the same manner as bills.

19. Every bill shall have three readings in the Senate previous to its passage. The first and second readings shall be by title only which may be accomplished by a conglomerate resolution. No bill after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills and resolutions shall be in the late session unless otherwise ordered by the Senate. The orders of the day for the reading of bills shall hold for every succeeding day until disposed of.

20. After every bill shall have been read a second time, the Clerk shall procure a sufficient number of copies, printed on paper of uniform size, for the use of the senate, and cause the same to be distributed to the members. Bills received from the House shall be printed at the same stage of their procedure unless they have been printed in the House and copies distributed in the Senate, in which case any amendment made by the House shall be duplicated and distributed in the Senate.

21. No amendment shall be made but upon the second reading of a bill; and all amendments to bills and resolutions shall be in writing, with the name of the Senator and the district he represents. No amendment to any bill shall be proposed or allowed at any time or by any source except it be germane. Amendments shall have been reviewed by the Office of Legislative Services for form, construction, statutory and chapter reference.

22. All warrants, subpoenas and other processes issued by order of the Senate shall be under the hand and seal of the President attested by the Clerk.

23. Messages shall be sent to the House of Representatives by the Clerk of the Senate.

24. Messages from the Governor or House of Representatives may be received at all times, except when the Senate is engaged in putting the question, in calling the yeas and nays, or in counting the ballots.

25. All questions shall be put by the President, and each member of the Senate present shall signify his assent or dissent by voting yea or nay, or shall abstain from voting by reason of a conflict pursuant to rule 34. If the President doubts, or a division is called for, the Senate shall divide. Those in the affirmative on the question shall first rise from their seats and stand until they be counted. The President shall rise and state the decision of the Senate.

26. No person except members of the Senate and its officers, the Governor, Council members, the Secretary of State, the Treasurer, the Speaker of the House of Representatives and its officers and clerks, shall be admitted to the floor of the Senate while the Senate is in session, except by the invitation of the President, or some member with the President's consent.

27. The late session shall immediately follow the early session unless the Senate shall otherwise order.

28. No standing rule of the special session of the Senate shall be suspended unless a majority of the members present and voting vote in favor thereof. This rule shall not apply to Senate Rule 9.

29. No rule of the special session of the Senate shall be rescinded unless the motion has been made and a majority of those present and voting vote therefore. The rules of the special session shall not be amended unless the motion has been made and a majority of those present and voting vote therefore.

30. The Senate may resolve itself into a Committee of the Whole at any time on motion made for that purpose; and in forming a Committee of the Whole, the President shall leave the chair, and appoint a chairperson to preside in committee.

31. The President when performing the duties of the Chair may, at any time, name any member to perform the duties of the Chair.

32. The staff of the Senate shall be comprised of a clerk, an assistant clerk, a sergeant-at-arms, and a doorkeeper who are currently elected by the Senate, and such other personnel as the President shall appoint. The President shall define the duties of all members of the Senate staff which are not fixed by statute or otherwise ordered by the Senate.

33. Each member of the staff of the Senate shall be available on call to carry out the work of the Senate.

34. In all instances every member shall act in conformance with the duly adopted Ethical Guidelines and Opinions of the New Hampshire General Court.

35. Personal Privilege: A Senator may, as a matter of personal privilege, defend his/her position on a bill, his/her integrity, his/her record, or his/her conduct, against unfair or unwarranted criticism, or may speak of an issue which relates to his/her rights, privileges or conveniences as a Senator; provided, however, the matters raised under personal privilege shall not be subject to questioning, answer, or debate, by another Senator. Personal Privilege remarks may be included in the Daily Journal if requested by the Senator, and in the Permanent Journal by vote of the Senate. A Senator may speak on other matters of his/her choosing and in such cases may be subject to questioning and/or answer according to the Rules of the Senate.

36. Any appeal from the ruling of the presiding officer shall be decided by majority vote of the members present and voting.

37. No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

38. No officer or employee of the Senate during the session or any adjournment thereof shall purchase or contract for the purchase, pay or promise to pay any sum of money on behalf of the Senate or issue any requisition or manifest without the approval of the Senate President.

39. Any Senate member may make a request of the office of the Legislative Budget Assistant budget division, for technical staff assistance in the areas of finance, accounting and budgeting. The budget division may respond to that request when doing so will not interfere with the budget division's principal responsibilities as outlined in RSA 14:31-b, as determined by the Legislative Budget Assistant.

Resolution adopted.

INTRODUCTION OF SPECIAL SESSION SENATE BILL 1-FN-L RESOLUTION

Sen. D'Allesandro moved to introduce Special Session Senate Bill 1-FN-L, and RESOLVED that, in accordance with the list in the possession of the Clerk, Senate legislation numbered Special Session Senate Bill 1-FN-L shall be by this motion read a first and second time by the therein listed title.

Resolution adopted.

First and Second Reading

SS SB 1-FN-L, relative to video lottery and table gaming at certain locations throughout the state and establishing the gaming regulatory oversight authority to oversee and assess the regulation of gaming activities in New Hampshire.

Sen. D'Allesandro moved Ought to Pass on SS SB 1-FN-L.

The question is on the motion of Ought to Pass on SS SB 1-FN-L.

A roll call was requested by Sen. Barnes, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Gallus, Reynolds, Sgambati, Cilley, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, DeVries, D'Allesandro, Downing, Hassan.

The following Senators voted No: Bradley, Houde, Janeway, Odell, Roberge, Boutin, Barnes, Merrill, Fuller Clark.

Yeas: 14 - Nays: 9

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

INTRODUCTION OF SPECIAL SESSION SENATE BILL 2-FN RESOLUTION

Sen. Barnes moved to introduce Special Session Senate Bill 2-FN, and RESOLVED that, in accordance with the list in the possession of the Clerk, Senate legislation numbered Special Session Senate Bill 2-FN shall be by this motion read a first and second time by the therein listed title.

SS SB 2-FN, making distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares.

MOTION TO TABLE

Sen. Janeway moved to table SS SB 2-FN Draft, LSR 2977.

Recess. Out of recess.

The question is on motion to table SS SB 2-FN Draft, LSR 2977.

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

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

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

Yeas: 14 - Nays: 9

Motion adopted.

LAI D ON THE TABLE

SS SB 2-FN, making distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares.

(Draft, LSR 2977)

Recess. Out of recess.

AFTERNOON SESSION

Sen. Letourneau is now present.

President Larsen ordered SS SB 1-FN-L to Third Reading and Final Passage in the Early Session.

Third Reading and Final Passage

SS SB 1-FN-L, relative to video lottery and table gaming at certain locations throughout the state and establishing the gaming regulatory oversight authority to oversee and assess the regulation of gaming activities in New Hampshire.

Sen. Barnes welcomed former staff member Donna Morin, a visitor in the gallery.

ANNOUNCEMENTS

Recess. Out of recess.

HOUSE MESSAGE

The Clerk read the following Message from the House:

HOUSE MESSAGE

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

SS HB 1-FN-A, relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, relative to the due date for the Medicaid enhancement tax, and making certain general fund reductions and tax and revenue changes.

INTRODUCTION OF SPECIAL SESSION HOUSE BILL 1-FN-A RESOLUTION

Sen. D'Allesandro moved to introduce Special Session House Bill 1-FN-A, and RESOLVE that, in accordance with the list in the possession of the Clerk, House legislation numbered Special Session House Bill 1-FN-A shall be by this motion read a first and second time by the therein listed title.

Resolution adopted.

First and Second Reading

SS HB 1-FN-A, relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, relative to the due date for the Medicaid enhancement tax, and making certain general fund reductions and tax and revenue changes.

Sen. D'Allesandro moved Ought to Pass on Special Session HB 1-FN-A.

Sen. Bragdon moved to divide the question.

Recess. Out of recess.

The Chair ruled the question divisible.

The question is on the motion of Ought to Pass on sections 50-54 and 121 of SS HB 1-FN-A.

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

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 on sections 50-54 and 121 adopted.

The question is on the motion of Ought to Pass on sections 119 and 121 of SS HB 1-FN-A.

Motion of Ought to Pass on sections 119 and 121 of SS HB 1-FN-A adopted.

The question is on the motion of Ought to Pass on sections 120 and 121 of SS HB 1-FN-A.

A roll call was requested by Sen. Carson, 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, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Motion of Ought to Pass on sections 120 and 121 adopted.

The question is on the motion of Ought to Pass on sections 1-49, 55-118 and 121 on SS HB 1-FN-A.

Sen. Letourneau offered a floor amendment.

Sen. Letourneau, Dist. 19

June 9, 2010

2010-2410s

10/01

Floor Amendment to Special Session HB 1-FN-A

Amend section 46 of the bill by deleting from the list of dedicated funds transferred the transfer from the Motorcycle Rider Safety Fund, RSA 263:34-e, of \$100,000.

The question is on the adoption of Floor Amendment 2410s.

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

The following Senators voted Yes: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Boutin, Barnes, Letourneau, Downing.

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

Yeas: 10 - Nays: 14

Floor Amendment 2410s failed.

Sen. Letourneau offered a floor amendment.

Sen. Letourneau, Dist. 19
June 9, 2010
2010-2411s
10/01

Floor Amendment to Special Session HB 1-FN-A

Amend section 46 of the bill by deleting from the list of dedicated funds transferred the transfer from the Reflectorized Plates Inventory Fund, RSA 228:25, of \$250,000.

The question is on the adoption of Floor Amendment 2411s.

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

The following Senators voted Yes: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Boutin, Barnes, Letourneau, Downing.

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

Yeas: 10 - Nays: 14

Floor Amendment 2411s failed.

Sen. Letourneau offered a floor amendment.

Sen. Letourneau, Dist. 19
June 9, 2010
2010-2409s
10/01

Floor Amendment to Special Session HB 1-FN-A

Amend section 46 of the bill by deleting from the list of dedicated funds transferred the transfer from the Statewide Public Boat Access Fund, RSA 233-A:13, of \$500,000.

Sen. Sgambati called the question. Without objection President Larsen closed debate.

The question is on the adoption of Floor Amendment 2409s.

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

The following Senators voted Yes: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Boutin, Barnes, Letourneau.

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

Yeas: 9 - Nays: 15

Floor Amendment 2409s failed.

Sen. Bragdon offered a floor amendment.

Sen. Bragdon, Dist. 11
Sen. Gallus, Dist. 1
Sen. Bradley, Dist. 3
Sen. Odell, Dist. 8
Sen. Roberge, Dist. 9
Sen. Carson, Dist. 14
Sen. Boutin, Dist. 16
Sen. Barnes, Jr., Dist. 17
Sen. Letourneau, Dist. 19
Sen. Downing, Dist. 22
June 9, 2010
2010-2412s
06/04

Floor Amendment to Special Session HB 1-FN-A

Amend RSA 21-I:88, I(a) as inserted by section 95 of the bill by replacing it with the following:

(a) Two members of the senate, one of whom shall be a member of the minority party, appointed by the minority leader, and the other of whom shall be appointed by the president of the senate.

Without objection Floor Amendment 2010-2412s is withdrawn.

The question is on the motion of Ought to Pass on the remaining sections 1-49, 55-118 and 121 of SS HB 1-FN-A.

Sen. D'Allesandro called the question. Without objection President Larsen closed debate.

Without objection President Larsen closed debate with remaining speakers.

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

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

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

Yeas: 14 - Nays: 10

Motion of Ought to Pass on remaining sections 1-49, 55-118 and 121 adopted, bill ordered to Third Reading.

ADJOURNMENT FROM EARLY SPECIAL 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 Special Session bills 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 Special Session.

LATE SPECIAL SESSION

Third Reading and Final Passage

SS HB 1-FN-A, relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, relative to the due date for the Medicaid enhancement tax, and making certain general fund reductions and tax and revenue changes.

ANNOUNCEMENTS

Without objection President Larsen moved that all Rule 35's shall be entered into the permanent *Journal of the Senate*.

MOTION FOR ADJOURNMENT

Sen. Hassan, stating "with great affection and respect for this entire body, and a special Godspeed to our five retiring members," moved that the Senate stand in recess for the purposes of sending and receiving messages, processing enrolled bill reports and amendments for Special Session bills, and at the completion of which this Special Session of the Senate will stand adjourned.

Motion adopted.

The Senate is in recess.

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:

SS SB 1-FN-L, relative to video lottery and table gaming at certain locations throughout the state and establishing the gaming regulatory oversight authority to oversee and assess the regulation of gaming activities in New Hampshire.

June 9, 2010

2010-2417-EBA

01/10

Enrolled Bill Amendment to Special Session HB 1-FN-A

The Committee on Enrolled Bills to which was referred Special Session HB 1-FN-A

AN ACT relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, relative to the due date for the Medicaid enhancement tax, and making certain general fund reductions and tax and revenue changes.

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 Special Session HB 1-FN-A

This enrolled bill amendment makes a grammatical correction and inserts a new section to incorporate changes made in 2010, 13 (HB 507-FN) which would otherwise conflict with section 110 of this bill.

Enrolled Bill Amendment to Special Session HB 1-FN-A

Amend RSA 21-I:94 as inserted by section 100 of the bill by replacing line 3 with the following:

legislation, to the governor, the speaker of the house of representatives, the president of the senate, and

Amend the bill by replacing all after section 120 with the following:

121 Insurance; Premium Tax; References; HB 507-FN. Amend RSA 400-A:32, I(a) to read as follows:

I.(a) Every insurer shall pay to the insurance commissioner a tax upon such net premiums, for lines of business written, as set forth in the report filed pursuant to RSA 400-A:31, I, less estimated payments made in accordance with RSA 400-A:32, II, as follows:

(1) Effective July 1, 2007, a tax of 1.75 percent for all lines of business written pursuant to RSA 401:1, I-III and V-VIII, ***RSA 416-A:2***, and RSA 401:1-a, I and II;

(2) Effective January 1, 2009, a tax of 1.50 percent for all lines of business written pursuant to RSA 401:1, I-III and V-VIII, ***RSA 416-A:2***, and RSA 401:1-a, I and II;

(3) Effective January 1, 2010, a tax of 1.25 percent for all lines of business written pursuant to RSA 401:1, I-III and V-VIII, ***RSA 416-A:2***, and RSA 401:1-a, I and II; and

(4) A tax of 2 percent for all lines of business written pursuant to RSA 401:1, IV, including, but not limited to, insurers licensed pursuant to RSA 420-A, RSA 420-B, and RSA 420-F.

122 Nullification. 2010, 13:3 (section 3 of HB 507-FN of the 2010 regular legislative session) shall not take effect.

123 Effective Date.

I. Sections 10-12, 37-39, 50-55, 57, and 121 of this act shall take effect July 1, 2010.

II. Section 40 of this act shall take effect June 15, 2010.

III. Section 56 of this act shall take effect November 1, 2012.

IV. Section 62 of this act shall take effect December 31, 2010.

V. Section 97 of this act shall take effect July 1, 2011.

VI. Section 114 of this act shall take effect July 1, 2013.

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

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 Bill:

SS HB 1-FN-A, relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, relative to the due date for the Medicaid enhancement tax, and making certain general fund reductions and tax and revenue changes.

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

Report of Committee on Enrolled Bills adopted.

The Special Session of the Senate is adjourned.