

May 4, 2011
Nos. 14-15

STATE OF NEW HAMPSHIRE

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162nd Session of the New Hampshire General Court
Legislative Proceedings

SENATE JOURNAL

ADJOURNMENT – APRIL 27, 2011 SESSION
COMMENCEMENT – MAY 4, 2011 SESSION

SENATE JOURNAL 14 *(continued)*

April 27, 2011

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 130-FN-A, repealing the tax on gambling winnings.

HOUSE MESSAGE

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

SB 57, relative to regulation of title loan lenders.

SB 62, relative to persons participating in the return to work program.

SB 104, relative to certain agricultural operations and certain bonds for excavation and driveways.

SB 173, proclaiming January 24, 2012 as Granny D. Day.

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 71, authorizing establishment of pharmaceutical drug take-back programs.

HB 444-FN, relative to the commemoration of General John Stark Day.

HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund.

INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

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

Adopted.

First and Second Reading and Referral

CACR 6, relating to: taxation. Providing that: a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds. (Internal Affairs Committee.)

HB 114, reinstating and expanding the duties of the joint legislative historical committee. (Internal Affairs Committee.)

HB 190, relative to legislative study committees. (Internal Affairs Committee.)

HB 390, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces. (Internal Affairs Committee.)

HB 590, expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs. (Internal Affairs Committee.)

HB 648, relative to eminent domain petitions by public utilities. (Judiciary Committee.)

HCR 22, a resolution declaring that although a trademarked name may include a New Hampshire geographic location such as “Mount Washington,” no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location. (Commerce Committee.)

April 18, 2011
2011-1469-EBA
04/09

Enrolled Bill Amendment to HB 142-FN

The Committee on Enrolled Bills to which was referred HB 142-FN

AN ACT relative to sales of artificial flowers and miniature flags.

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 142-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 142-FN

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

1 Repeal. The subdivision heading preceding RSA 320:17 and RSA 320:17 through 320:19, relative

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

April 19, 2011
2011-1480-EBA
06/03

Enrolled Bill Amendment to HB 571-FN

The Committee on Enrolled Bills to which was referred HB 571-FN

AN ACT relative to lobster and crab licenses issued by the fish and game department.

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 571-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 571-FN

Amend RSA 211:18, III(c) as inserted by section 1 of the bill by replacing line 1 with the following:

(c) Any individual who possessed a valid limited commercial lobster and crab license prior to

Sen. Prescott moved adoption of the Enrolled Bill Amendment. 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

HB 27, relative to the classification of rivers, de minimis impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions.

HB 46, relative to the membership of the current use advisory board.

HB 63, extending the instream pilot program for one year.

HB 69, relative to the community college system of New Hampshire academic centers.

HB 79, relative to certification of dogs for law enforcement work.

HB 80, relative to ranks in the division of state police.

HB 88, relative to liquor enforcement and liquor licensing.

HB 95, permitting an insurer to operate a health maintenance organization as a line of business.

HB 106, relative to filing for town offices.

HB 111, relative to redispensing unused drugs.

HB 112, relative to the required number of instructional days and instructional hours in a school district's calendar.

HB 170, conferring degree-granting authority to the Upper Valley Educators Institute.

HB 172, relative to transporting school children to school and school-supported activities.

HB 185, relative to determining bargaining units for purposes of public employee collective bargaining.

HB 206, establishing an apprentice hunting license.

HB 229, repealing the tax on gambling winnings.

HB 289, relative to procedures followed by funeral directors.

HB 333, repealing certain provisions relating to the sale of oleomargarine.

HB 336, designating segments of the Mascoma River as a protected river.

HB 364, relative to the membership of the state committee on aging.

HB 404, relative to toilet facilities at recreational campgrounds or camping parks.

HB 491, relative to divestiture of retirement system assets relating to Sudan.

HB 535, relative to the committee to study parole boards and parole board procedures.

HB 570, relative to licensure of guides by the fish and game department.

HJR 3, prohibiting the implementation of certain rules of the board of mental health practice regarding misconduct investigation.

SB 16, relative to the placement of numerical tallies on a ballot.

SB 26, establishing a committee to study the classification of motor vehicles.

SB 35, relative to exemption from the definition of utility property for the purposes of the utility property tax.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 15

May 4, 2011

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

The Reverend Jason Wells, guest chaplain to the Senate, offered the following meditation and prayer.

We know that good leadership requires vision and values. But, we also all know that not just any vision and any old values will do. Sometimes our values get corrupted, sometimes our vision is off target; sometimes our visions are too small and not ambitious enough. If we would be faithful leaders, our vision and our values must come from God. And, we hear from God in prayer, in meditation, in Scripture reading, and any variety of spiritual practice. We should never assume that our values and our vision are the same as God's values, or

that our hopes line up with God's vision. If our prayers simply confirm the things that we already think we know, we're certainly off target. So, I ask you, in your prayers, where is God challenging and changing your vision for what you do? How does God want your leadership to change so that God's Heavenly vision might win over our earthly and small and limited vision? Let us pray.

Our Father, who art in Heaven, hallowed by Thy name. Thy kingdom come, Thy will be done, on earth as it is in Heaven. Amen.

Sen. Larsen led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. De Blois introduced Kirsten Huot and Dakota Maitland, students from Manchester Memorial High School in Manchester, serving as Senate Pages today.

FINANCE REPORT

Sen. Morse announces the following bills will not come to Finance: HB 26-FN, HB 284-FN, HB 411, HB 418-FN, HB 466-FN, HB 488-FN, HB 489-FN, HB 504-FN, HB 629-FN, HB 650-FN-L. HB 131, which is still in Judiciary Committee, will not come to Finance.

Without objection, President Bragdon authorized Senator Luther to use electronic devices on the floor of the Senate.

COMMITTEE REPORTS

COMMERCE

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation. Ought to Pass with Amendment, Vote 4-1. Senator De Blois for the committee.

Commerce

April 26, 2011

2011-1581s

09/04

Amendment to HB 26-FN

Amend RSA 282-A: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, or ~~[theft of]~~ ***a single theft or multiple thefts in the aggregate of*** an amount greater than ~~[\$500]~~ ***\$100***, 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 the Committee Amendment. Adopted.

Sen. Houde offered a floor amendment.

Sen. Houde, Dist. 5

May 3, 2011

2011-1713s

01/10

Floor Amendment to HB 26

Amend RSA 282-A: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, ~~[or theft of]~~ ***a single theft or multiple thefts of cash or goods in the aggregate of*** an amount greater than ~~[\$500]~~ ***\$100, or a theft or multiple thefts of time in an amount greater than \$250***, 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 the Floor Amendment. Failed.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 31, relative to insurance payments for ambulance services. Ought to Pass with Amendment, Vote 5-0. Senator White for the committee.

Commerce
 April 26, 2011
 2011-1584s
 01/09

Amendment to HB 31

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

AN ACT relative to insurance payments for ambulance services and relative to coverage for the cost of testing for bone marrow donation.

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

1 New Section; Ambulance Service Providers; Reimbursement. Amend RSA 415 by inserting after section 6-p the following new section:

415:6-q Reimbursement for Ambulance Service Providers. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance that constitutes health coverage under RSA 420-G:2, IX, and that provides benefits for medically necessary ambulance services shall reimburse the ambulance service provider directly or by a check payable to the insured and the ambulance service provider subject to the terms and conditions of the policy, plan, or contract. Nothing in this section shall preclude an insurer from negotiating with and subsequently entering into a contract with a non-participating ambulance provider that establishes rates of reimbursement for emergency medical services.

2 New Section; Ambulance Service Providers; Reimbursement. Amend RSA 415 by inserting after section 18-u the following new section:

415:18-v Reimbursement for Ambulance Service Providers. Each insurer that issues or renews any policy of group or blanket accident or health insurance that constitutes health coverage under RSA 420-G:2, IX, and that provides benefits for medically necessary ambulance services shall reimburse the ambulance service provider directly or by a check payable to the insured and the ambulance service provider subject to the terms and conditions of the policy, plan, or contract. Nothing in this section shall preclude an insurer from negotiating with and subsequently entering into a contract with a non-participating ambulance provider that establishes rates of reimbursement for emergency medical services.

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

5 Coverage for the Cost of Testing for Bone Marrow Donation. Amend RSA 415:6-m to read as follows:

415:6-m Coverage for the Cost of Testing for Bone Marrow Donation.

I. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state ***and who meet the criteria for testing as established by the Match Registry (the National Marrow Donor Program)***, coverage for ***laboratory fee*** expenses ***up to \$150*** arising from human leukocyte antigen testing, also referred to as histocompatibility locus antigen testing, [~~for A, B, and DR antigens~~] for utilization in bone marrow transplantation. The testing shall be performed in a facility that is accredited by the American Association of Blood Banks or its successors, or the College of American Pathologists, or its successors, or any other national accrediting body with requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists, and is licensed under the Clinical Laboratory Improvement Act of 1967, 42 U.S.C. section 263a, as amended. At the time of the new testing, the person tested shall complete and sign an informed consent form that also authorizes the results of the test to be used for participation in the National Marrow Donor Program ***and shall acknowledge a willingness to be a bone marrow donor if a suitable match is found.***

II. ***In addition to paragraph I, the testing facility shall not bill, charge, collect a deposit from, seek payment or reimbursement from, or have recourse against a covered person or a person acting on behalf of the covered person for any portion of the laboratory fee expenses.***

6 Coverage for the Cost of Testing for Bone Marrow Donation. Amend RSA 415:18-r to read as follows:

415:18-r Coverage for the Cost of Testing for Bone Marrow Donation.

I. Each insurer that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of cer-

tificate holders of such insurance who are residents of this state ***and who meet the criteria for testing as established by the Match Registry (the National Marrow Donor Program)***, coverage for ***laboratory fee*** expenses ***up to \$150*** arising from human leukocyte antigen testing, also referred to as histocompatibility locus antigen testing, ~~[for A, B, and DR antigens]~~ for utilization in bone marrow transplantation. The testing shall be performed in a facility that is accredited by the American Association of Blood Banks or its successors, or the College of American Pathologists, or its successors, or any other national accrediting body with requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists, and is licensed under the Clinical Laboratory Improvement Act of 1967, 42 U.S.C. section 263a, as amended. At the time of the new testing, the person tested shall complete and sign an informed consent form that also authorizes the results of the test to be used for participation in the National Marrow Donor Program ***and shall acknowledge a willingness to be a bone marrow donor if a suitable match is found.***

II. In addition to paragraph I, the testing facility shall not bill, charge, collect a deposit from, seek payment or reimbursement from, or have recourse against a covered person or a person acting on behalf of the covered person for any portion of the laboratory fee expenses.

7 Effective Date. This act shall take effect January 1, 2012.

2011-1584s

AMENDED ANALYSIS

This bill requires that the providers of ambulance services be reimbursed directly or by a check payable to the insured and the ambulance service provider subject to the terms and conditions of the policy, plan, or contract.

This bill also clarifies the law regarding the cost of testing for bone marrow donation.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 89, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act. Ought to Pass with Amendment, Vote 4-1. Senator White for the committee.

Commerce

April 26, 2011

2011-1585s

01/09

Amendment to HB 89

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

AN ACT relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

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

1 New Section; Insurance Department; Health Insurance Coverage. Amend RSA 400-A by inserting after section 14 the following new section:

400-A:14-a Health Insurance Coverage. No resident of this state, regardless of whether he or she has or is eligible for health insurance coverage under any policy or program provided by or through his or her employer, or a plan sponsored by the state or the federal government, shall be required to obtain or maintain a policy of individual insurance coverage except as required by a court or the department of health and human services where an individual is named a party in a judicial or administrative proceeding. No provision of this title shall render a resident of this state liable for any penalty, assessment, fee, or fine as a result of his or her failure to procure or obtain health insurance coverage. This section shall not apply to individuals voluntarily applying for coverage under a state-administered program pursuant to Title XIX or Title XXI of the Social Security Act. This section shall not apply to students being required by an institution of higher education to obtain and maintain health insurance as a condition of enrollment. Nothing in this section shall impair the rights of persons to privately contract for health insurance for family members or former family members.

2 Lawsuit Challenging the Federal Patient Protection and Affordable Care Act. The attorney general should, as soon as practicable, join the lawsuit (State of Florida et al. v. United States Department of Health and Human Services et al.) challenging the constitutionality of the Patient Protection and Affordable Care Act.

3 Effective Date.

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

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

2011-1585s

AMENDED ANALYSIS

This bill provides that a resident of New Hampshire shall not be required to obtain, or be assessed a fee or fine for failure to obtain, health insurance coverage.

This bill also declares that the attorney general should join the lawsuit challenging the constitutionality of the Patient Protection and Affordable Care Act.

Sen. White moved to Lay on the Table HB 89. Adopted.

RESOLUTION

Sen. Bradley moved to Introduce SR 9, requesting an opinion of the justices concerning the constitutionality of HB 89.

The question is on the motion to Introduce SR 9. Adopted.

INTRODUCTION OF SENATE RESOLUTION 9

11-1096

SR 9, requesting an opinion of the justices concerning the constitutionality of HB 89. (Bradley, Dist 3; De Blois, Dist 18; Boutin, Dist 16)

Sen. Bradley moved Ought to Pass on SR 9. Adopted.

HB 246, relative to prearranged funeral contracts or burial plans. Ought to Pass, Vote 4-1. Senator Houde for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Sanborn is in opposition to the motion of Ought to Pass on HB 246.

HB 298, requiring condominium management companies to make certain disclosures to the condominium board of directors. Ought to Pass, Vote 5-0. Senator De Blois for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 424, relative to surplus lines tax collection. Ought to Pass with Amendment, Vote 5-0. Senator White for the committee.

Commerce

April 26, 2011

2011-1586s

01/09

Amendment to HB 424

Amend RSA 405:24, III as inserted by section 6 of the bill by replacing it with the following:

III. The commissioner, pursuant to RSA 402-J, may issue a producer license to a resident of the state permitting the producer named therein to procure insurance policies and contracts of insurance or suretyship to be effective in this state in foreign insurance companies not authorized to transact business in this state, but which are duly authorized to do business in some state having an insurance commissioner, ***or in a domestic insurer authorized to do business in accordance with paragraph IV.*** Such insurance or suretyship placed with an unadmitted surplus lines company shall be for such amount as the producer cannot place with an admitted company, and shall not be placed until the producer has first satisfied the insurance commissioner that the producer cannot procure such an insurance in an admitted company. ***For purposes of this paragraph, an insurer authorized to do business in accordance with paragraph IV shall not be deemed to be authorized or admitted.*** Before delivering to the insured a policy or binder of insurance written under the provisions of this section, every producer shall have stamped in a form approved by

the commissioner on the face of the binder or policy the following: “The company issuing this policy [~~has not been licensed by~~] **is an eligible surplus lines insurer in** the state of New Hampshire and the rates charged **and policy forms used** have not been approved by the commissioner of insurance. If the company issuing this policy becomes insolvent, the New Hampshire insurance guaranty fund shall not be liable for any claims made against the policy.”

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 489-FN, establishing a health information organization corporation. Ought to Pass with Amendment, Vote 3-2. Senator Prescott for the committee.

Commerce
April 26, 2011
2011-1587s
01/09

Amendment to HB 489-FN

Amend the introductory paragraph of RSA 332-I:8, I and subparagraphs (a)-(c) as inserted by section 5 of the bill by replacing them with the following:

I. The powers of the corporation shall be vested in 16 members and up to 3 at-large members. Except for the members appointed under subparagraphs I(b)-(d), members shall serve 3-year terms. No member shall serve more than 2 full consecutive terms. Members shall be appointed as follows:

- (a) A consumer not affiliated with the health care industry, appointed by the governor.
- (b) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) Three members of the senate, appointed by the president of the senate.

Amend RSA 332-I:8, III as inserted by section 5 of the bill by replacing it with the following:

III. There shall be no liability on the part of, and no cause of action shall arise against, any member of the board, or its employees or agents, for any action they take in the performance of their powers and duties under this chapter.

Amend RSA 332-I:9 as inserted by section 5 of the bill by replacing it with the following:

332-I:9 Meetings of Board. Meetings shall be held at the call of the chairperson or when 4 members so request. Members shall be notified 6 business days prior to the meeting date. Nine members of the board shall constitute a quorum and the affirmative vote of 7 members shall be necessary for any action taken by the authority. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the corporation.

Amend the bill by replacing section 6 with the following:

6 Initial Terms for Members of Health Information Organization Board; First Meeting. The initial terms of office for the members appointed to the health information organization board established in RSA 332-I:8 as inserted by section 5 of this act shall be as follows: the members in subparagraphs I(e), (f), (h), and (l) shall serve for 3 years; the members in subparagraphs I(a), (g), (i), (j), and (k) shall serve for 2 years. The members in subparagraphs I(b), (c) and (d) shall serve coterminous with their term or terms in office. The at-large members in subparagraph I(m), if any, shall serve for terms not exceeding 3 years as determined by the board. Initial appointments shall be made within 30 days of the effective date of this section. The first meeting shall be held within 60 days of the effective date of this section and shall be called by the first-named member of the house of representatives.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

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

The following Senators voted Yes: Gallus, Bradley, Houde, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, Rausch, D’Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Forrester, Forsythe, Groen, Sanborn, De Blois.

Yeas: 19 - Nays: 5

Adopted, bill ordered to Committee on Finance (Rule 4-3).

HB 629-FN, relative to the uninsured health care database. Ought to Pass, Vote 3-2.

Senator De Blois for the committee.

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

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

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Odell, White, Luther, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Sanborn, Kelly, Lambert, Larsen, D'Allesandro, Merrill.

Yeas: 17 - Nays: 7

Adopted, bill ordered to Third Reading.

EDUCATION

HB 216, relative to the instructional authority of school boards. Ought to Pass, Vote 3-1. Senator Carson for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Forsythe is in favor of the motion of Ought to Pass on HB 216.

HB 370, making changes to the pupil safety and violence prevention act. Inexpedient to Legislate, Vote 5-0. Senator Forsythe for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

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

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 23 - Nays: 0

Adopted.

HB 401, relative to postsecondary training for workers with disabilities. Ought to Pass, Vote 5-0. Senator Forsythe for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 528-FN-L, requiring school districts to develop a facility maintenance and capital improvement program. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 650-FN-L, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

Senate Education

April 27, 2011

2011-1607s

04/10

Amendment to HB 650-FN-LOCAL

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

1 New Chapter; Reduction, Rescission, or Increase in Appropriations for State Education Funding. Amend RSA by inserting after chapter 197 the following new chapter:

CHAPTER 197-A
SPECIAL MEETINGS
REGARDING APPROPRIATIONS FOR STATE EDUCATION FUNDING

197-A:1 Special Meetings; Reduction, Rescission, or Increase in Appropriations for State Education Funding. Notwithstanding any other provision of law, in response to statutory changes resulting in reductions or increases in distribution of state revenues for education pursuant to RSA 198:41 to school districts, the governing body of any school district including those that have adopted RSA 40:13, may call a special meeting of the legislative body to consider a reduction, rescission, or increase of appropriations made at an annual meeting, subject to the following:

I. The governing body of any school district that has adopted the provisions of RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of this section and without regard to the provisions of RSA 40:13. A special meeting under this section shall not be petitioned under RSA 39:3 and no petitioned warrant articles shall be inserted in the warrant.

II. The governing body's warrant shall specify, in one or more articles, the amounts of appropriations proposed for reduction, rescission, or increase from the operating budget or separate warrant articles, or both, adopted at the annual meeting.

III. The governing body shall hold a public hearing on the proposed reductions, rescissions, or increase at least 14 days prior to the meeting. Notice of the time, place, and subject of such hearing shall be posted in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the hearing.

IV. The governing body of such school district shall post a notice of the meeting, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of local or regional circulation in the political subdivision, provided that if there is no newspaper of local or regional circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision.

V. The meeting shall be conducted in accordance with RSA 40:1 through RSA 40:11. The most recently updated checklist shall be used.

VI. The legislative body may approve or disapprove any proposed reduction, rescission, or increase of appropriations, or may approve lesser reductions, but the legislative body shall not approve greater reductions, or reduce or rescind an appropriation not specified in the warrant, or act on any other business at the meeting.

VII. Except as provided in this section, provisions of the following chapters of the RSAs, as they apply to special meetings of the legislative body of a school district shall not be required for special meetings held pursuant to this section: RSA 32, RSA 39, RSA 49-D, RSA 197, RSA 654, RSA 669, RSA 670, and RSA 671.

2 Effective Date. This act shall take effect July 1, 2011.

Sen. Kelly moved to Lay on the Table HB 650-FN-L. Adopted.

ENERGY AND NATURAL RESOURCES

HB 44, designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act. Ought to Pass, Vote 4-0. Senator Merrill for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Bradley asserts Rule 2-15 on HB 44.

HB 149, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Energy and Natural Resources**April 7, 2011****2011-1367s****06/03****Amendment to HB 149**

Amend the bill by replacing section 2 with the following:

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

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Bradley asserts Rule 2-15 on HB 149.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Bradley asserts Rule 2-15 on HB 149.

HB 381, authorizing net metering for micro-combined heat and power systems. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Energy and Natural Resources**April 28, 2011****2011-1660s****06/01****Amendment to HB 381**

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

2 Definitions. Amend RSA 362-A:1-a, II-b to read as follows:

II-b. "Eligible customer-generator" or "customer-generator" means an electric utility customer who owns or operates *an* electrical generating [facilities] *facility either* powered by renewable energy *or which employs a heat led combined heat and power system*, with a total peak generating capacity of not more than 100 kilowatts, or that first begins operation after July 1, 2010 and has a total peak generating capacity of 100 kilowatts or more up to one megawatt, that is located behind a retail meter on the customer's premises, is interconnected and operates in parallel with the electric grid, and is used in the first instance to offset the customer's own electricity requirements.

II-c. "Eligible fuel" means natural gas, propane, wood pellets, hydrogen, or heating oil when combusted with a burner, including air emission standards for the device using the approved fuel.

II-d. "Heat led" means that the combined heat and power system is operated in a manner to satisfy the heat usage needs of the customer-generator.

3 Net Energy Metering. Amend RSA 362-A:9, I to read as follows:

I. Standard tariffs providing for net energy metering shall be made available to eligible customer-generators by each electric distribution utility in conformance with net metering rules adopted and orders issued by the commission. Each net energy metering tariff shall be identical, with respect to rates, rate structure, and charges, to the tariff under which a customer-generator would otherwise take default generation supply service from the distribution utility. Such tariffs shall be available on a first-come, first-served basis within each electric utility service area under the jurisdiction of the commission until such time as the total rated generating capacity owned or operated by eligible customer-generators totals a number equal to 50 megawatts multiplied by each such utility's percentage share of the total 2010 annual coincident peak energy demand distributed by all such utilities as determined by the commission. *No more than 2 megawatts of such total rated generating capacity shall be from a combined heat and power system as defined in RSA 362-A:1-d.*

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

2011-1660s**AMENDED ANALYSIS**

This bill redefines "eligible customer-generator" in order to authorize net metering for micro-combined heat and power systems.

This bill limits the total rated generated capacity from combined heat and power systems for purposes of net energy metering.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 387, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system. Re-refer to committee, Vote 4-0. Senator Merrill for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 555, relative to the designation of the Lower Exeter/Squamscott River as a protected river. Ought to Pass, Vote 4-0. Senator Bradley for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

MOTION OF RECONSIDERATION

Sen. Barnes, having voted on the prevailing side, moved to reconsider **HB 370**, the bill having been previously adopted. **Adopted.**

EDUCATION

HB 370, making changes to the pupil safety and violence prevention act. Inexpedient to Legislate, Vote 5-0. Senator Forsythe for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

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

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 30, relative to reciprocity for licensure by the board of veterinary medicine.

Ought to Pass with Amendment, Vote 4-0. Senator Groen for the committee.

Senate Executive Departments and Administration

April 28, 2011

2011-1635s

10/05

Amendment to HB 30

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

AN ACT relative to qualifications for licensure by the board of veterinary medicine.

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

1 Definition; Veterinarian; Veterinary Practice Act. Amend RSA 332-B:1, IV to read as follows:

IV. "Veterinarian" means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or other veterinary school approved by the board, or a person from a foreign veterinary school holding an ECFVG certificate **or a PAVE certificate**.

2 New Paragraph; Veterinary Practice Act; Definitions; PAVE. Amend RSA 332-B:1 by inserting after paragraph XI the following new paragraph:

XII. "PAVE" means the Program for the Assessment of Veterinary Education Equivalence operated by the American Association of Veterinary State Boards.

3 Qualifications For Licensure; PAVE. Amend RSA 332-B:9 to read as follows:

332-B:9 Application for License; Qualifications. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board. The application shall show that the applicant is 18 years of age or more, a graduate of an **AVMA** accredited school of veterinary medicine or other veterinary school acceptable to the board, or the holder of an ECFVG certificate **or a PAVE certificate**, a person of good professional character, and such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board.

4 Veterinary Practice Act; Reciprocity. Amend RSA 332-B:11, II to read as follows:

II. Applicants who are not graduates of schools of veterinary medicine accredited by the AVMA, other than those described in paragraph I, shall possess a certificate issued by the ECFVG, **PAVE**, or a Certificate of Qualification issued by the Canadian Veterinary Medical Association, unless at the time such applicant became licensed in the state, province, or U.S. territory from which they are applying, an ECFVG certificate **or a PAVE certificate** was not required by this state.

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

2011-1635s

AMENDED ANALYSIS

This bill allows persons who received a certificate from PAVE, the Program for the Assessment of Veterinary Education Equivalence, to apply for licensure with the board of veterinary medicine.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 43, relative to the adoption of forms under the administrative procedures act.

Ought to Pass, Vote 4-0. Senator Carson for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state. Re-refer to committee, Vote 4-0. Senator Carson for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

Sen. White asserts Rule 2-15 on HB 102.

HB 150, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch. Ought to Pass, Vote 4-0. Senator Larsen for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc. Ought to Pass with Amendment, Vote 4-0. Senator Larsen for the committee.

Senate Executive Departments and Administration

April 28, 2011

2011-1634s

01/10

Amendment to HB 178

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2011.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. Ought to Pass with Amendment, Vote 4-0. Senator Groen for the committee.

Senate Executive Departments and Administration

April 28, 2011

2011-1656s

05/04

Amendment to HB 380

Amend the bill by replacing section 1 with the following:

1 Commission on the Status of Men; Reinstatement. Pursuant to 2009, 144:87, I(a), the commission on the status of men, established in RSA 19-I, is hereby reinstated until June 30, 2012.

Amend the bill by replacing all after section 2 with the following:

3 Repeal, RSA 19-I, relative to the commission on the status of men, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect June 30, 2012.

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

2011-1656s

AMENDED ANALYSIS

This bill extends the commission on the status of men to June 30, 2012 and directs the commission to examine the social and economic consequences of the absence of fathers from the home.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Barnes is in opposition to the Committee Amendment on HB 380.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Barnes is in opposition to the motion of Ought to Pass as Amended on HB 380.

HB 418-FN, relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards. Re-refer to committee, Vote 4-0. Senator Groen for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 461-FN, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service. Ought to Pass, Vote 4-0. Senator White for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

HB 508-FN, establishing a performance measurement system for state agencies. Ought to Pass, Vote 4-0. Senator Larsen for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

FINANCE

HB 72-FN-A, establishing a state aeronautical fund. Re-refer to committee, Vote 7-0.

Senator Barnes for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 339-FN-A, allowing the state veterinarian to employ a meat inspection services administrator and making an appropriation therefor. Ought to Pass, Vote 7-0. Senator Morse for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, Keene, and Plaistow District Courts. Ought to Pass, Vote 7-0. Senator Odell for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 635-FN-A, requiring the governor to consolidate certain agency functions and making an appropriation therefor. Ought to Pass with Amendment, Vote 6-1. Senator Morse for the committee.

Senate Finance

April 28, 2011

2011-1668s

05/04

Amendment to HB 635-FN-A

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

AN ACT requiring the governor to consolidate certain agency functions and making an appropriation therefor, and requiring the transfer of inmates from the state correctional facility in Concord to a private correctional facility.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Department of Corrections; Transfer of Inmates from the State Correctional Facility in Concord.

I. Pursuant to the authority granted in RSA 21-H:8, VI-VII, the commissioner of the department of corrections shall enter into one or more contracts, as may be necessary, with appropriate private correctional agencies or facilities and shall make proper and necessary arrangements with such agencies or facilities for the transfer and reception of not more than 600 inmates currently incarcerated at the state correctional facility in Concord.

II. The department shall not close the North Country facility located in Berlin as a result of meeting the reductions required by this section.

III. As a result of the transfer of inmates, the commissioner of the department of corrections shall reduce the department's general fund appropriation by \$5,000,000 for the fiscal year ending June 30, 2012 and \$5,500,000 for the fiscal year ending June 30, 2013.

IV. If as a result of the transfer of inmates, the commissioner is able to reduce the department's general fund appropriation by more than the amount required in paragraph III, the commissioner shall expend any excess funds on the development and implementation of programs and services for the probation, parole, and sentencing of certain offenders required under 2010, 247 (SB 500-FN of the 2010 legislative session), as amended, with the approval of the fiscal committee of the general court.

2011-1668s

AMENDED ANALYSIS

This bill:

I. Requires the governor to develop a plan for consolidating certain agency functions, and includes an appropriation for the purpose of hiring consultants.

II. Requires the commissioner of the department of corrections to transfer not more than 600 inmates currently incarcerated at the state correctional facility in Concord to private correctional agencies or facilities and to reduce the department's general fund appropriation for the biennium ending June 30, 2013.

Sen. Morse moved to Recommit to Committee HB 635-FN-A. Adopted.

HEALTH AND HUMAN SERVICES

HB 168, establishing a committee to study the juvenile delinquency and child in need of services statutes. Ought to Pass, Vote 4-0. Senator De Blois for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 284-FN, relative to contact lens prescriptions. Ought to Pass, Vote 3-2. Senator Bradley for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Sanborn is in opposition to the motion of Ought to Pass on HB 284-FN.

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease. Ought to Pass with Amendment, Vote 5-0. Senator De Blois for the committee.

Health and Human Services

April 22, 2011

2011-1539s

10/05

Amendment to HB 295

Amend the bill by replacing section 1 with the following:

1 Board of Medicine; Lyme Disease Treatment. The board of medicine established in RSA 329:2 shall post and maintain on its website the following statement: No licensee may be subject to disciplinary action solely for prescribing, administering, or dispensing long-term antibiotic therapy for a patient clinically diagnosed with Lyme disease, if diagnosis and treatment has been documented and monitored in the physician's medical record for that patient.

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

II. "Lyme disease" means the clinical diagnosis by a licensed physician of the presence in a patient of signs or symptoms compatible with acute infection with *Borrelia burgdorferi*; or with late stage or persistent or chronic infection with *Borrelia burgdorferi*; or with complications related to such an infection; or such other strains of *borrelia* that are recognized by the National Centers for Disease Control and Prevention as a cause of Lyme disease. Lyme disease includes an infection that meets the surveillance criteria set forth by the National Centers for Disease Control and Prevention, and other acute and chronic manifestations of such an infection as determined by a licensed physician, pursuant to a clinical diagnosis that is based on knowledge obtained through medical history and physical examination alone, or in conjunction with testing that provides supportive data for such clinical diagnosis.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Groen is in favor of the Committee Amendment to HB 295.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 4, 2011

2011-1743s

10/04

Floor Amendment to HB 295

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

II. "Lyme disease" means the clinical diagnosis by a licensed physician of the presence in a patient of signs or symptoms compatible with acute infection with *Borrelia burgdorferi*; or with late stage or persistent or chronic infection with *Borrelia burgdorferi*; or with complications related to such an infection; or such other strains of *borrelia* that are recognized by the National Centers for Disease Control and Prevention as a cause of Lyme disease. Lyme disease includes an infection that meets the surveillance criteria set forth by the National Centers for Disease Control and Prevention, and other acute and chronic manifestations of such an infection as determined by a licensed physician, pursuant to a clinical diagnosis that is based on knowledge obtained through medical history and physical examination alone, or in conjunction with testing that provides supportive data for such clinical diagnosis. This definition is based on Connecticut Public Act No. 09-128 (HB 6200, approved June 18, 2009).

The question is on the adoption of the Floor Amendment. Adopted.

Sen. Groen is in favor of the Floor Amendment to HB 295.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sens. Forsythe and Groen are in favor of the motion of Ought to Pass as Amended on HB 295.

HB 488-FN, relative to criminal records checks for employment with child day care agencies. Ought to Pass, Vote 4-0. Senator Sanborn for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 504-FN, licensing reverse distributors of drugs and requiring manufacturers, wholesalers, distributors, service distributors, and brokers to report changes in ownership.

Ought to Pass, Vote 4-0. Senator Sanborn for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 632, relative to labeling requirements for dispensing of drugs by automated pharmacy systems. Re-refer to committee, Vote 5-0. Senator Lambert for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 642-FN, requiring the departments of health and human services and administrative services to jointly issue a certain request for information. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

JUDICIARY

HB 431, relative to psychiatric evaluations. Ought to Pass, Vote 4-0. Senator Luther for the committee.

Recess. Out of recess.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS

HB 181, permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters. Inexpedient to Legislate, Vote 4-0. Senator Merrill for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 358, relative to the maintenance, repair, and preservation of burial grounds. Ought to Pass, Vote 5-0. Senator Forrester for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 411, relative to distributing campaign materials at the polling place. Inexpedient to Legislate, Vote 5-0. Senator Boutin for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 466-FN, eliminating the ballot law commission. Re-refer to committee, Vote 5-0. Senator Barnes for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

TRANSPORTATION

HB 134, relative to eligibility for walking disability plates. Inexpedient to Legislate, Vote 3-0. Senator Kelly for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 335-FN-A, establishing multi-use number plates. Ought to Pass with Amendment, Vote 4-0. Senator Forsythe for the committee.

Senate Transportation

April 28, 2011

2011-1658s

03/05

Amendment to HB 335-FN-A

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

1 Statement of Intent.

I. The general court wishes to avoid the proliferation of specialty number plates that has become prevalent in some states and to reaffirm that the primary purposes of number plates on vehicles are to provide a ready means of identification of vehicles and their owners and to provide revenues for the state's highway fund. The general court recognizes the value of number plates for law enforcement and crime prevention purposes and that they are used by police officers, victims of crimes, and witnesses to crimes to establish the identity of perpetrators and to clear innocent persons of accusations. It is therefore important that number plates be legible and easily recognizable from a distance and that the number of plate types be limited sufficiently to avoid duplication of numbering schemes and to make the plates easily recognizable as to the state or province that issues them and as to the unique plate type.

II. The general court further recognizes the issuance of license plates and the fees collected from number plate issuance as a valuable source of user-based revenue for the highway fund and the importance of number plates as a ready indication that a vehicle is properly licensed and has paid the appropriate fee.

III. The general court declares that, although not the primary purpose of number plates, they can be a source of pride, such as indicating prior military service or affiliation with a nonprofit or charitable organization, but in consideration of New Hampshire's rich and diverse social fabric they should not be used as tools to promote specific religious or political beliefs or to advertise businesses, and should not contain designs that reasonable persons would find offensive to good taste.

IV. The general court declares its intent to limit the future issuance of specialty number plates by establishing multi-use plates with a consistent and unique numbering scheme and appearance and that future proposals to establish specialty number plates shall conform to the provisions of this act.

2 New Chapter; Multi-Use Plates. Amend RSA by inserting after chapter 261-A the following new chapter:

**CHAPTER 261-B
MULTI-USE PLATES**

261-B:1 Multi-Use Plates Authorized.

I. The department shall issue multi-use plates upon receipt of an application meeting the requirements of RSA 261-B:3. Except as otherwise provided in this chapter, multi-use plates shall have the same effect and be issued in the same manner as other number plates. Multi-use number plates shall include a design submitted by the applicant and approved by the director and shall bear a registration number beginning with a letter of the alphabet designated by the director for the applicant. Multi-use number plates shall retain the "live free or die" logo. The department shall not issue vanity multi-use plates.

II. The director shall review all designs submitted to ensure that the design meets the requirements of this chapter and is not capable of an obscene interpretation nor a design which a reasonable person would find offensive to contemporary community standards of good taste. The director shall deny the use of any design that does not meet these criteria.

261-B:2 Eligibility.

I. The department shall only accept an application for multi-use plates from an agency of the state of New Hampshire or an entity that is determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code and registered with the attorney general.

II. The department shall not approve applications for multi-use plates from religious organizations, political parties, or political advocacy groups, or as advertisements for businesses.

III. The department shall approve the following multi-use plate types:

(a) Number plates supporting New Hampshire public higher education which incorporate the mascots or logos of the university of New Hampshire, Plymouth state university, Keene state college, and the community college system of New Hampshire.

(b) Number plates bearing the insignia of the branch of military service in which the registered owner of the vehicle has honorably served or is serving, upon presentation of satisfactory proof of such affiliation.

(c) Number plates bearing appropriate insignia for vehicles owned by certified firefighters or licensed emergency medical technicians upon presentation of satisfactory proof of such affiliation in good standing. In such cases the portion of the fees payable to the applicant under RSA 261-B:4, I(b) shall be paid to the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.

(d) Number plates bearing the insignia of the Boston Red Sox, with the portion of the fees payable to the applicant under RSA 261-B:4, I(b) paid to the Children's Hospital at Dartmouth.

(e) Number plates bearing the insignia of other New Hampshire or New England professional sports teams with the fees payable to the applicant under RSA 261-B:4, I(b) paid an appropriate registered charitable organization supported by the team, approved by the director.

(f) Such other plates as the director from time to time may approve for issuance provided they meet the criteria in this chapter.

261-B:3 Application.

I. An application for multi-use plates shall provide:

(a) Verification of the applicant's eligibility under RSA 261-B:2.

(b) A proposed design to be placed on the applicant's plate series, which shall occupy an area no more than 3 inches wide by 4 inches high on the plate surface.

(c) The owner's name, date of birth, and vehicle registration information for at least 1,000 vehicles which will be issued the initial multi-use plates in the applicant's plate series.

(d) Forty dollars for each vehicle listed pursuant to subparagraph (c).

II. After successful submission of the application information under paragraph I and review of the design under RSA 261-B:1, the applicant shall verify annually the applicant's continuing eligibility. Failure to verify eligibility shall result in the termination of the applicant's multi-use plate series.

261-B:4 Issuance and Renewal; Fees.

I.(a) The fee for multi-use number plates shall be \$40 per year per set, which shall be in addition to any other registration and number plate fees. Plates issued for vehicles listed by the applicant under RSA 261-B:3, I(c) shall be exempt from this fee for the first year.

(b) The department shall retain from fees collected under this chapter an amount as is necessary to recover production and administrative costs as approved by the fiscal committee of the general court. The remaining funds shall be paid to the state treasurer, who shall pay 60 percent of such funds to the applicant entity and 40 percent to the highway fund.

II. Multi-use plates may be issued at any time during the registration period; however, there shall be no proration of the multi-use plate fees.

III. Multi-use plates shall only be issued by the division and shall not be available from municipal agents or other agents of the division.

IV. Multi-use plates may be used on passenger motor vehicles and self-propelled recreation vehicles.

V. If the annual subscription to any multi-use plate series falls below 750 vehicles, the director may terminate the issuance of new plates for that series. If the annual subscription to any multi-use plate series falls below 500 vehicles, the director shall terminate that series.

3 Prospective Repeal. RSA 261-B, relative to multi-use plates, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect January 1, 2015.

II. The remainder of this act shall take effect January 1, 2012.

Sen. Forsythe moved to Lay on the Table HB 335-FN-A. Adopted.

HB 347, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials. Ought to Pass with Amendment, Vote 3-0. Senator Kelly for the committee.

Senate Transportation

April 28, 2011

2011-1650s

03/09

Amendment to HB 347

Amend the bill by replacing section 1 with the following:

1 Motor Vehicle Records; Disclosure Required. Amend RSA 260:14, II-a to read as follows:

II-a. The accident report, the technical accident reconstruction report, any repair estimate, or any similar document that constitutes a motor vehicle record that is created or received as a result of any accident or collision involving a ~~[state-owned or state-leased]~~ vehicle ***owned or leased by the state, a county, a city, a town, or a local public entity*** shall be a governmental record subject to inspection and disclosure in accordance with RSA 91-A ***except when inspection or disclosure would risk exposure of undercover law enforcement activity. Any report of a violation of this title by an employee or official of a county, a city, a town, or a local public entity while engaged in official business in a vehicle owned or leased by the state, a county, a city, a town, or a local public entity shall be a governmental record subject to inspection and disclosure in accordance with RSA 91-A.***

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 374, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.

Inexpedient to Legislate, Vote 4-0. Senator Boutin for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

Sen. Sanborn is in opposition to the motion of Inexpedient to Legislate on HB 374.

WAYS AND MEANS

HB 209, establishing a study committee to recommend a continuing revenue estimating process to produce revenue forecasts. Inexpedient to Legislate, Vote 4-0. Senator Morse for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 579, exempting department of revenue administration guidelines from the right-to-know law. Ought to Pass with Amendment, Vote 4-0. Senator D'Allesandro for the committee.

Senate Ways and Means

April 26, 2011

2011-1583s

01/09

Amendment to HB 579

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

AN ACT exempting department of revenue administration guidelines from the right-to-know law and relative to the position of revenue counsel.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Revenue Counsel. Amend RSA 21-J:6-b, II to read as follows:

II. The commissioner shall appoint the position of revenue counsel *who shall serve at the pleasure of the commissioner*.

2011-1583s

AMENDED ANALYSIS

This bill clarifies the confidentiality of department of revenue administration records for the purposes of performance audits conducted by the legislative budget assistant and RSA 91-A.

This bill also clarifies that the position of revenue counsel shall serve at the pleasure of the commissioner of the department of revenue administration.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

The Clerk read the following Message from the House:

HOUSE MESSAGE

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

SB 3-FN-A-L, making comprehensive changes to the state retirement system.

Sen. Carson moves nonconcurrence and requests Committee of Conference. Adopted.

President appoints Senators Bradley, Carson, and Larsen.

The Clerk read the following Message from the House:

HOUSE MESSAGE

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

SB 147-FN, relative to Medicaid managed care.

Sen. Bradley moves concurrence. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley 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.

Adopted. Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation.

HB 30, relative to qualifications for licensure by the board of veterinary medicine.

HB 31, relative to insurance payments for ambulance services and relative to coverage for the cost of testing for bone marrow donation.

HB 43, relative to the adoption of forms under the administrative procedures act.

HB 44, designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act.

HB 149, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act.

HB 150, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch.

HB 168, establishing a committee to study the juvenile delinquency and child in need of services statutes.

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc.

HB 216, relative to the instructional authority of school boards.

HB 246, relative to prearranged funeral contracts or burial plans.

HB 284-FN, relative to contact lens prescriptions.

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease.

HB 298, requiring condominium management companies to make certain disclosures to the condominium board of directors.

HB 339-FN-A, allowing the state veterinarian to employ a meat inspection services administrator and making an appropriation therefor.

HB 347, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials.

HB 358, relative to the maintenance, repair, and preservation of burial grounds.

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission.

HB 381, authorizing net metering for micro-combined heat and power systems.

HB 401, relative to postsecondary training for workers with disabilities.

HB 424, relative to surplus lines tax collection.

HB 431, relative to psychiatric evaluations.

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, Keene, and Plaistow District Courts.

HB 488-FN, relative to criminal records checks for employment with child day care agencies.

HB 504-FN, licensing reverse distributors of drugs and requiring manufacturers, wholesalers, distributors, service distributors, and brokers to report changes in ownership.

HB 555, relative to the designation of the Lower Exeter/Squamscott River as a protected river.

HB 579, exempting department of revenue administration guidelines from the right-to-know law and relative to the position of revenue counsel.

HB 629-FN, relative to the uninsured health care database.

LIST OF RULE 2-15'S FOR THE DAY

Sen. Bradley: HB 44, HB 149.

Sen. White: HB 102.

ANNOUNCEMENTS

(The Chair recognized Sen. D'Allesandro to speak.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mr. President, I'd like to take a point of personal privilege if I might, please.

Some of you may have seen today's Manchester Union Leader, on the obituary page: Colonel Paul Doyon has passed away.

Colonel Doyon was the leader of our State Police for a number of years, and really a tremendous story in that he was a Manchester police officer, then became a Trooper, rose from Trooper to Colonel of State Police. Those of you that knew Paul Doyon know that he was really the epitome of a Trooper: standing tall and representing us in, I think, great fashion. Paul was an avid fisherman, an avid hunter. He and Representative Bill Boucher, many, many times, went hunting and fishing together.

Paul was 83 years of age, as I said, had a distinguished career as a public servant, as a Trooper in law enforcement. And, I befriended Paul early on, actually, when he became Colonel. And, just a really, really good human being. And, as I said, kind of the epitome of a State Trooper. If you knew Paul, he was tall, he was strong. He really, he filled that uniform well, Colonel; he filled it well, as only an 0300 ground pounder could do it. And, quality, quality guy, and I know the Senate expresses its deep sympathy to the family. And, I must say, I think he's the second Colonel that's passed away in my lifetime; Colonel Reardon was the first, and Colonel Doyon is the second. Thank you, Mister President.

Without objection President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal of the Senate*.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley 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 and when we recess, we recess to the Call of the Chair.

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