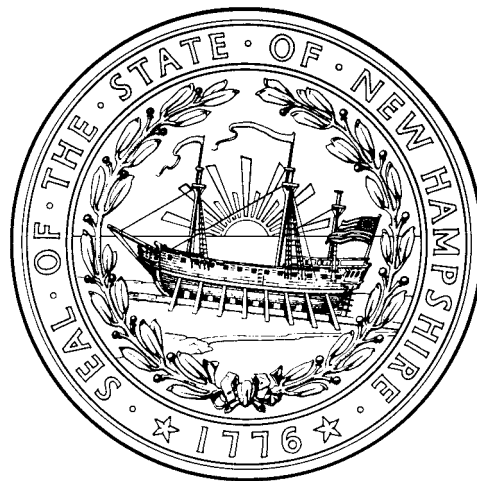


**March 9, 2011  
Nos. 7-8**

# **STATE OF NEW HAMPSHIRE**

**Web Site Address: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)**



**162<sup>nd</sup> Session of the New Hampshire General Court  
Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – FEBRUARY 23, 2011 SESSION  
COMMENCEMENT – MARCH 9, 2011 SESSION**

# SENATE JOURNAL 7 *(continued)*

*February 23, 2011*

## 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:

**HB 36-FN-L**, reducing the fee for copies of birth certificates.

**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 72-FN-A**, establishing a state aeronautical fund.

**HB 132**, adopting and implementing the United States flag code.

**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 164**, requiring legislative approval for the adoption of the common core state standards in New Hampshire.

**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 187-FN-A**, relative to the carry forward periods for the business enterprise tax credit against the business profits tax.

**HB 209**, establishing a study committee to recommend a continuing revenue estimating process to produce revenue forecasts.

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

**HB 278**, setting the natural high water mark of Ossipee Lake.

**HB 288-FN-L**, relative to payment for election services to unincorporated places.

**HB 299-FN**, relative to the method of financing for the judicial retirement plan.

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

**HB 392**, clarifying responsibilities of the division of homeland security and emergency management, and expanding responsibilities of the advisory committee on emergency preparedness and security.

**HB 399**, relative to nonresident registration of motor vehicles.

**HB 413**, directing the joint legislative oversight committee on the emergency management system to review the duties of certain other committees.

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

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

**HB 614**, requiring a performance audit of the guardian ad litem board and guardian ad litem services.

## 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**

**HB 67**, expanding the duties of the school administrative unit oversight committee. (Education Committee.)

**HB 69**, relative to the community college system of New Hampshire academic centers. (Education Committee.)

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

**HB 116**, relative to the rulemaking requirement for establishing operating restrictions on certain bodies of water. (Transportation Committee.)

**HB 117**, allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions. (Transportation Committee.)

**HB 130**, establishing an additional method for a school to demonstrate that it provides the opportunity for an adequate education. (Education Committee.)

**HB 164**, requiring legislative approval for the adoption of the common core state standards in New Hampshire. (Education Committee.)

**HB 170**, conferring degree-granting authority to the Upper Valley Educators Institute. (Education Committee.)

**HB 172**, relative to transporting school children to school and school-supported activities. (Education Committee.)

**HB 188**, relative to division responsibility for road toll administration, hazardous waste transport, truck weight enforcement, and the international registration plan by the department of safety and relative to clerical support for the advisory board of fire control. (Transportation Committee.)

**HB 192**, relative to commercial motor vehicle registration. (Transportation Committee.)

**HB 216**, relative to the instructional authority of school boards. (Education Committee.)

**HB 363-L**, relative to Depot Street in the town of Andover. (Transportation Committee.)

**HB 399**, relative to nonresident registration of motor vehicles. (Transportation Committee.)

**INTRODUCTION OF SENATE BILLS**

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following Senate 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**

11-0524

**SB 4**, requiring legislative approval of cost items for state employee contract negotiations. (Bradley, Dist 3; Bragdon, Dist 11; O'Brien, Hills 4; Bettencourt, Rock 4; Chandler, Carr 1: Executive Departments and Administration)

11-1075

**SB 189**, relative to the definition of mortgage loan originator. (D'Allesandro, Dist 20; Odell, Dist 8; Bradley, Dist 3; Chandler, Carr 1: Commerce)

11-1076

**SB 190**, relative to the duties and membership of the executive branch ethics committee. (D'Allesandro, Dist 20: Executive Departments and Administration)

11-1077

**SB 191**, relative to the registration of independent contractors for the purposes of workers' compensation. (De Blois, Dist 18: Commerce)

11-1078

**SB 192**, establishing a commission to identify strategies needed for delivering a 21<sup>st</sup> century education. (Stiles, Dist 24; Kelly, Dist 10; Carson, Dist 14; Forsythe, Dist 4; Lovejoy, Rock 13; Schlachman, Rock 13; Sapareto, Rock 5; St. Cyr, Belk 5: Education)

11-1079

**SB 193**, relative to nomination of political organizations. (Stiles, Dist 24; Barnes, Jr., Dist 17; W. Smith, Rock 18; B. Murphy, Rock 18; Comerford, Rock 9: Public and Municipal Affairs)

11-1080

**SB 194**, transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire. (Bragdon, Dist 11; Stiles, Dist 24; Merrill, Dist 21; Kelly, Dist 10; E. Smith, Ches 4; Kotowski, Merr 9; Gile, Merr 10; Major, Rock 8; Schroadter, Rock 12: Education)

11-1081

**SB 195**, naming the Manchester Airport Access Road for Raymond Wiecezorek. (Boutin, Dist 16; Barnes, Jr., Dist 17; Bradley, Dist 3; Carson, Dist 14; D'Allesandro, Dist 20; De Blois, Dist 18; Forrester, Dist 2; Forsythe, Dist 4; Kelly, Dist 10; Larsen, Dist 15; Luther, Dist 12; Morse, Dist 22; Odell, Dist 8; Rausch, Dist 19; Sanborn, Dist 7; Stiles, Dist 24; Goley, Hills 8; Gagne, Hills 13; Infantine, Hills 13; Cusson-Cail, Hills 14: Transportation)

11-1084

**SB 196**, relative to the enrollment of laws. (Bragdon, Dist 11; Bradley, Dist 3; Bettencourt, Rock 4; O'Brien, Hills 4: Internal Affairs)

**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 8**

***March 9, 2011***

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

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditation and prayer.

Recently, the Schroadter Family of Newmarket suffered a terrible loss. Adam Schroadter is a member of the House of Representatives across the hall, and we keep them in our prayers and we are reminded that life is so fleeting and fragile. We are little more than water and a bit of calcium and some clothing. And, our times between the liquids of conception and the ashes of death can be brief.

Augustine said, "Be kind to the people you meet, for each of them is fighting a great battle." And, I find that to be true. We tend, in our deep and molten insecurities, to be brash, harsh, and judgmental in our dealings with each other, unaware of what hardships and losses we all have in our lives.

All over Christendom today, people are giving things up. It is my hope that we give up nothing, but that we take on kindness, instead. It's not a Christian issue; it's a human issue. Let us pray.

*God of all human frailty, grant us so to be aware of our own human failings and our own human fragility that we do not assault each other with our smoldering fears wrapped in our thinly-veiled insecurities, but rather we approach everyone we meet with the kind of humility which honors the truth that we are all doing our best. May we face judgment and manipulation not with indignation, but with deep, deep compassion. Amen.*

Sen. White led the Pledge of Allegiance.

Sen. Prescott is excused from today's session.

#### **INTRODUCTION OF GUESTS AND PRESENTATIONS**

Sen. Larsen introduced Amber Cronan and Eric Lang, students from Merrimack Valley High School in Penacook, serving as Senate Pages today.

Sen. Boutin introduced Representatives of Pakistan's Military and National Disaster Management Authority, guests in the Senate gallery today.

**FINANCE REPORT**

Sen. Morse reported that the following bills will not come to Finance: SB 23-FN, SB 30, SB 35-FN-A, SB 46, SB 47, SB 57, SB 71-FN, SB 74-FN, SB 82-FN, SB 87, SB 89, SB 94, SB 104, SB 108, SB 131-FN, SB 133-FN, SB 135-FN-A, SB 138-FN-A, SB 139-FN, SB 143-FN, SB 145-FN, SB 148-FN, SB 149-FN-A-L, SB 150-FN, SB 163-FN, SB 164, SB 168-FN, SB 169-FN, SB 172, SB 178, SB 184, SB 185-FN, SB 186-FN, SB 188-FN.

**MOTION TO AMEND SENATE RULE 7-1****PROPOSED AMENDMENT TO SENATE RULE 7-1**

**Sen. Bradley moved to amend Senate Rule 7-1.**

Amend Senate Rule 7-1 by replacing with the following:

**7-1 Senate staff, composition and duties.**

The staff of the Senate shall be comprised of:

- (1) a Clerk, who shall be elected by the Senate;
- (2) Clerk's office staff, who shall be nominated by the Clerk and appointed by the President; and
- (3) 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.

**The question is on the motion to amend Senate Rule 7-1.**

**A roll call was requested by Sen. Houde, seconded by Sen. Larsen.**

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

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

**Yeas: 18 - Nays: 5**

**Adopted by the necessary 2/3 vote.**

**COMMITTEE REPORTS****COMMERCE**

**SB 57**, relative to regulation of title loan lenders. Ought to Pass with Amendment, Vote 4-1. Senator Sanborn for the committee.

**Commerce**

**February 22, 2011**

**2011-0451s**

**08/10**

**Amendment to SB 57**

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

2 Title Loan Renewals. Amend RSA 399-A:15 to read as follows:

399-A:15 Title Loan Renewals. A title loan shall be for an original term of no more than one month. A title loan lender may allow such loan to be renewed no more than ~~[11]~~ **10** additional periods each equal the original term, provided however, that at each such renewal the borrower must pay at least ~~[5]~~ **10** percent of the loan's original principal balance, in addition to any finance charge owed, to reduce the principal balance outstanding. If the borrower cannot pay this principal reduction at any renewal, the title loan lender may either: (i) declare the borrower in default, or (ii) allow the loan to be renewed, provided that the lender shall reduce the current principal amount of the loan by ~~[5]~~ **10** percent of the original principal amount for the purposes of calculating interest thereafter. This reduction in principal shall continue to be owed by the borrower, but such amount shall not be entitled to accrue interest thereafter. For the purpose of this section, a renewal is any extension of a title loan for an additional period without any change in the terms of the title loan other than a reduction in principal. No accrued interest shall be capitalized or added to the principal of the loan at the time of any renewal.

**2011-0451s****AMENDED ANALYSIS**

This bill:

- I. Increases the maximum percentage of interest allowed to be charged by title loan lenders annually.
- II. Reduces the number of additional pay periods for which a lender may allow a title loan to be renewed.
- III. Requires a borrower whose title loan has been renewed to pay at least 10 percent of the loan's original principal balance at the time of renewal.

**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. D'Allesandro.****The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, De Blois, Rausch, Morse, Stiles, Bragdon.****The following Senators voted No: Houde, Kelly, Larsen, Barnes, D'Allesandro, Merrill.****Yeas: 17- Nays: 6****Adopted, bill ordered to Third Reading.****SB 71-FN**, relative to health care fees in workers' compensation. Re-refer to committee, Vote 5-0. Senator White for the committee.**The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.****SB 74-FN**, relative to the life settlements act. Re-refer to committee, Vote 5-0. Senator White for the committee.**The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.****SB 89**, relative to employee leasing companies. 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.****Sen. White offered a floor amendment.****Sen. White, Dist. 9****March 9, 2011****2011-0720s****09/01****Floor Amendment to SB 89**

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

**AN ACT** establishing a study committee on the procurement of health insurance by employee leasing companies.

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

1 Committee Established. There is established a committee to study the procurement of health insurance by employee leasing companies.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the procurement of health insurance by employee leasing companies licensed under RSA 277-B, including whether policies sponsored by employee leasing companies should be exempt from the rating requirements and other standards for small employer coverage set forth in RSA 420-G.

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

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 November 1, 2011.

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

**2011-0720s**

#### AMENDED ANALYSIS

This bill reestablishes the committee to study the procurement of health insurance by employee leasing companies.

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

**Sen. White asserts Rule 2-15 on SB 89.**

**The question is on the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**Sen. White asserts Rule 2-15 on SB 89.**

**SB 148-FN**, relative to health insurance coverage and directing the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act. Ought to Pass with Amendment, Vote 4-1. Senator De Blois for the committee.

**Commerce**

**February 22, 2011**

**2011-0456s**

**01/10**

#### Amendment to SB 148-FN

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 section 2 with the following:

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.

**2011-0456s**

#### 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.

**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. Houde, seconded by Sen. Barnes.**

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

**The following Senators voted No: Houde, Odell, Kelly, Larsen, D'Allesandro, Merrill.**

**Yeas: 17- Nays: 6**

**Adopted, bill ordered to Third Reading.**

**SB 150-FN**, authorizing individuals and certain businesses to purchase health insurance from out-of-state insurance companies. Re-refer to committee, Vote 5-0. Senator White for the committee.

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

**SB 163-FN**, relative to the New Hampshire health benefit exchange. Re-refer to committee, Vote 5-0. Senator White 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 SB 163-FN.**

## **EDUCATION**

**SB 82-FN**, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district. Ought to Pass, Vote 4-0. 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.**

**SB 172**, relative to performance-based school accountability criteria. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

## **Senate Education**

**February 25, 2011**

**2011-0529s**

**04/05**

### **Amendment to SB 172**

Amend RSA 193-E:3-cc, V-VI as inserted by section 1 of the bill by replacing them with the following:

V. The commissioner of the department of education shall evaluate each school based on each of the criteria established in this section and shall assign a score to each school using a numerical scale for each of the required criteria ranging from one (the lowest possible score) to 4 (the highest possible score). The commissioner shall develop a list of all elementary and middle schools and a list of all high schools including each school's score.

VI. Locally defined criteria and data may be used by schools to demonstrate that the school provides the opportunity for an adequate education using multiple measures of performance that are locally selected and assessed. Criteria, specifications, and guidance for locally defined indicators, goals, and measures shall be prepared by the commissioner's task force. School submissions shall be reviewed by a team made up of educators from the department of education and the field. The commissioner's task force shall continue to review the criteria that would be appropriate for kindergarten, kindergarten and grade 1, and kindergarten through grade 2 schools in order to make a recommendation at a later date about how to appropriately measure that such schools are providing the opportunity for an adequate education.

VII. The task force established in RSA 193-E:3-c may suggest new criteria or propose changes to the performance-based evaluation system to the legislative oversight committee established in RSA 193-C:7.

**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.**

**SB 178**, establishing a commission to study long-term sustainable funding for school building aid and the establishment of eligibility criteria for school building aid in order to ensure that all school age children in every part of the state have access to a safe, healthy, and academic environment for learning. Inexpedient to Legislate, Vote 3-1. Senator Stiles for the committee.

**Sen. Stiles moved to Table SB 178.**

**The question is on the motion to Table.**

**A roll call was requested by Sen. Kelly, seconded by Sen. Larsen.**

**Recess. Out of recess.**



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

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

Yeas: 18- Nays: 5

Adopted.

#### ENERGY AND NATURAL RESOURCES

**SB 35-FN-A**, relative to exemption from the definition of utility property for purposes of the utility property tax. Ought to Pass, Vote 5-0. 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.**

**SB 46**, extending and revising the commission to develop a plan for the expansion of transmission capacity in the north country. Ought to Pass with Amendment, Vote 5-0. Senator Gallus for the committee.

#### Energy and Natural Resources

February 24, 2011

2011-0517s

06/03

#### Amendment to SB 46

Amend the bill by replacing section 1 with the following:

1 Membership of the Commission. Amend 2008, 348:3, I and II, as amended by 2009, 248:2, and 248:3 to read as follows:

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

- (a) ~~[Two members]~~ **One member** of the senate, appointed by the president of the senate.
- (b) ~~[Two members]~~ **One member** of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The director of the office of energy and planning, or designee.
- (d) The commissioner of the department of resources and economic development, or designee.
- (e) A commissioner of the public utilities commission, or designee.
- (f) ~~[The governor, or designee.]~~
- (g) Three representatives of the north country, appointed by the governor **and council**.
- ~~[(h)]~~ (g) The chairperson or designee of the energy efficiency and sustainable energy board established pursuant to RSA 125-O:5-a.

II. The commission ~~[shall]~~ **may** include as nonvoting participants the following:

- (a) Representatives of proposed New Hampshire renewable generation projects which either have active applications in the ISO-NE Generator Interconnection Study Queue or are subject to New Hampshire jurisdictional interconnection administration, one member appointed by **each** U.S. Senator ~~[Judd Gregg, one member appointed by U.S. Senator John Sununu]~~ **representing New Hampshire, and** one member appointed by **each** U.S. Congressman ~~[Paul Hodes, and one member appointed by U.S. Congresswoman Carol Shea-Porter]~~ **representing New Hampshire**.
- (b) A representative of the unregulated energy supply industry, appointed by that industry.
- (c) ~~[A representative of the (FERC) Federal Energy Regulatory Commission or an individual with expertise in the area of federal electricity transmission regulation, appointed by that commission.]~~
- ~~[(d)]~~ A representative of Public Service of New Hampshire, appointed by that organization.
- ~~[(e)]~~ (d) A representative of National Grid Group, appointed by that organization.
- ~~[(f)]~~ (e) A representative from New England Power Generators Association, appointed by the association.
- ~~[(g)]~~ (f) A representative of the Business and Industry Association of New Hampshire, appointed by the association.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3 and 4 to read as 4 and 5, respectively:

3 Amend RSA 2008, 348:5 to read as follows:

348:5 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this act. [~~Six~~] **Five** members of the commission shall constitute a quorum. The commission shall meet monthly to receive updates from the public utilities commission on the progress that is being made and to provide input to the public utilities commission with regard to achieving the necessary transmission capacity expansion in a timely fashion.

**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.**

**SB 47**, extending the commission to study water infrastructure sustainability funding. Ought to Pass, Vote 5-0. Senator Gallus for the committee.

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

**SB 87**, relative to the closure of certain underground storage tank systems. Inexpedient to Legislate, Vote 5-0. Senator Bradley for the committee.

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

**SB 184**, extending the commission to study water infrastructure sustainability funding. Inexpedient to Legislate, Vote 5-0. Senator Lambert for the committee.

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

#### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**SB 76-FN**, relative to the authority of the department of revenue administration to adopt rules and to administer state tax laws. Ought to Pass with Amendment, Vote 3-0. Senator Groen for the committee.

#### **Senate Executive Departments and Administration**

**February 24, 2011**

**2011-0499s**

**10/05**

#### **Amendment to SB 76-FN**

Amend the bill by replacing section 3 with the following:

3 Repeal. The following are repealed:

I. RSA 21-J:13-a, relative to the exemption of department of revenue administration forms from rule-making.

II. RSA 21-J:33, III, relative to the additional penalty for failure to make payments by electronic fund transfer.

III. RSA 541-A:21, V, relative to the exception for the department of revenue administration under RSA 21-J:13-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 Committee on Finance (Rule 4-3).**

**SB 143-FN**, requiring the commissioner of administrative services to develop a proposal for state employees to make monetary contributions to a health savings account or other tax-advantaged account. Re-refer to committee, Vote 5-0. Senator White for the committee.

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

**SB 145-FN**, relative to state employees who volunteer as election workers. Inexpedient to Legislate, Vote 4-1. Senator Groen for the committee.

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

**SB 157-FN**, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician. Ought to Pass, Vote 4-1. Senator Carson 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).**

**Sen. White asserts Rule 2-15 on SB 157-FN.**

**SB 185-FN**, establishing a restitution fund for victims of financial fraud and continually appropriating a special fund. 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.**

**SB 186-FN**, repealing the exemption from the consumer protection act for certain regulated trade and commerce. 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.**

**Sen. White asserts Rule 2-15 on SB 186-FN.**

**SB 188-FN**, relative to the authority and roles of the banking department, the attorney general, and the bureau of securities regulation in state regulation of securities. 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.**

**Sen. White asserts Rule 2-15 on SB 188-FN**

#### **FINANCE**

**SB 24-FN-L**, exempting the Unity school district from the moratorium on school building aid. Ought to Pass, Vote 6-0. Senator Odell for the committee.

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

**Sen. Bradley moved to Table SB 24-FN-L.**

**The question is on the motion to Table.**

**A roll call was requested by Sen. Kelly, seconded by Sen. Larsen.**

**Recess. Out of recess.**

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

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

**Yeas: 18- Nays: 5**

**Adopted.**

**SB 33-FN**, relative to retired state employee contributions for medical benefits costs. Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

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

**SB 34-FN**, (New Title) relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases. Ought to Pass, Vote 6-0. 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.**

**SB 39**, relative to enforcement of the excavation tax by the department of revenue administration. Inexpedient to Legislate, Vote 4-2. Senator Morse for the committee.

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

**SB 130-FN-A**, repealing the tax on gambling winnings. Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

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

**SB 146-FN**, relative to requiring submission of a reduced spending alternative as part of the biennial budget process. Ought to Pass, Vote 6-0. Senator Morse for the committee.

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

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

**Recess. Out of recess.**

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

**The following Senators voted No: Kelly.**

**Yeas: 22- Nays: 1**

**Adopted, bill ordered to Third Reading.**

**SB 181-FN-L**, relative to distribution of funds for education. 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.**

**SB 183-FN-L**, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities. Ought to Pass, Vote 5-0. 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.**

**Recess. Out of recess.**

#### **HEALTH AND HUMAN SERVICES**

**SB 164**, relative to the personal needs allowance of residents of nursing homes. 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.**

**A roll call was requested by Sen. Larsen, seconded by Sen. Houde.**

**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, Stiles, Bragdon.**

**The following Senators voted No: (None).**

**Yeas: 23- Nays: 0**

**Adopted.**

**Sen. Larsen moved to Table SB 164.**

**The question is on the motion to Table. Adopted.**

#### **JUDICIARY**

**SB 30**, relative to including a parent's residence in the parenting plan. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

**Senate Judiciary**  
**February 18, 2011**  
**2011-0409s**  
**05/04**

**Amendment to SB 30**

Amend RSA 461-A:4, III as inserted by section 1 of the bill by replacing it with the following:

III. If the parents have joint decision-making responsibility under RSA 461-A:5, the parenting plan shall include the legal residence of each parent unless the court finds that there is a history of domestic abuse or stalking or that including such information would not be in the best interest of the child. If the parenting plan includes a parent's residence, the parent shall be responsible for promptly notifying the court and the other parent of any change in residence. The failure to provide such information may result in a finding of contempt of court.

**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.**

**SB 108**, relative to emergency obstetrical care. Ought to Pass with Amendment, Vote 3-1. Senator Houde for the committee.

**Senate Judiciary**  
**February 18, 2011**  
**2011-0417s**  
**05/04**

**Amendment to SB 108**

Amend the bill by replacing section 1 with the following:

1 New Section; Emergency Obstetrical Care; Immunity From Civil Liability. Amend RSA 508 by inserting after section 17-a the following new section:

508:17-b Emergency Obstetrical Care; Immunity From Civil Liability. A physician, advanced practice registered nurse, midwife, or physician assistant credentialed to provide obstetrical care who renders emergency obstetrical care in a licensed health care facility to a female where the female has not previously been cared for in connection with the pregnancy by such physician, midwife, physician assistant, or advanced practice registered nurse shall not be liable for any damages or injuries caused by conduct prior to the rendering of the emergency obstetrical care.

**2011-0417s**

**AMENDED ANALYSIS**

This bill grants immunity to physicians, advanced practice registered nurses, midwives, or physician assistants who render emergency care to pregnant women under certain circumstances.

**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.**

**SB 139-FN**, relative to state recoveries of public assistance caused by fraud. 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.**

**Sen. D'Allesandro offered a floor amendment.**

**Sen. D'Allesandro, Dist. 20**  
**March 7, 2011**  
**2011-0680s**  
**05/04**

**Floor Amendment to SB 139-FN**

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 Floor Amendment. Adopted.**

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

#### **PUBLIC AND MUNICIPAL AFFAIRS**

**SB 94**, relative to state certification of community residences in municipalities with zoning ordinances which accommodate certified community residences. Re-refer to committee, Vote 5-0. Senator Stiles for the committee.

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

**SB 104**, relative to certain agricultural operations. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

#### **Public and Municipal Affairs**

**February 23, 2011**

**2011-0461s**

**08/04**

#### **Amendment to SB 104**

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

AN ACT relative to certain agricultural operations and certain bonds for excavation and driveways.

Amend the bill by replacing section 1 with the following:

1 Bond; Application to Vehicles Carrying Commodities. Amend RSA 236:10 to read as follows:

236:10 Regulations; Bond. The person or entity giving such written permission may make rules and regulations to govern the excavation and restoration of such highway and may require that a bond satisfactory to such person or entity be furnished to the state, city, or town providing for the satisfactory restoration of the highway. ***The bond requirements shall be equitably and reasonably applied to other bonded vehicles using the highway. The type of commodity being transported shall not be the determining factor for requiring a bond or the dollar amount of the bond.*** The person or entity providing the bond shall determine the type of bond furnished and it may be in the form of cash, letter of credit from a bank or lending institution licensed in New Hampshire and acceptable to the person giving written permission, or a bond furnished by an insurance company. The person or entity granting permission shall not arbitrarily withhold funds from any cash bond or letter of credit, but shall first make a good faith effort to resolve any differences with the contractor doing the excavation or restoration.

**2011-0461s**

#### **AMENDED ANALYSIS**

This bill:

I. Requires bonds for restoration of municipal highways after excavations be equitably and reasonably applied to all bonded vehicles using the municipal highway and prohibits the type of commodity carried by a vehicle from being the determining factor in either the requirement of such bond or fixing the dollar amount of such bond.

II. Allows zoning ordinances to be designed to protect agricultural operations.

III. Prohibits planning boards from regulating timber harvesting operations that are not part of a subdivision application or a development project subject to a site plan review.

**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.**

**SB 135-FN-A**, relative to election returns and election records. Ought to Pass with Amendment, Vote 5-0. Senator Merrill for the committee.

**Public and Municipal Affairs**  
**February 22, 2011**  
**2011-0463s**  
**05/10**

**Amendment to SB 135-FN-A**

Amend the bill by replacing section 2 with the following:

2 General Content of Return. Amend RSA 659:73 to read as follows:

659:73 General Content of Return.

I. The election return forms shall be submitted on paper and electronically immediately after the completion of the vote count in the manner prescribed by the secretary of state. The return of votes shall include, but not be limited to:

(a) The name of each candidate printed on the ballot and the number of votes that candidate received for the listed office including any write-in votes for the same office on the same ballot where the voter did not mark the printed candidate name.

~~(b) [For each office, the number by which the total number of votes that could have been cast for that office exceeds the total number of votes actually cast for that office.~~

~~(c) For each office, the number of potential votes not counted because the voter marked more candidates than permitted. The totals for subparagraphs (b) and (c) may be reported together as a single number.~~

~~(d)~~ For each office the total number of votes cast for each write-in candidate *who received 5 or more votes* and the candidate's name, *along with the aggregate number of all other write-in votes cast for each candidate receiving less than 5 votes*, excluding write-in votes for candidates whose names were printed on the ballot where the voter did not mark the printed candidate name and the vote is reported under subparagraph (a).

~~[(e)]~~ (c) For any question submitted to the voters:

(1) The number of affirmative votes.

(2) The number of negative votes.

~~[(3)]~~ The number of ballots where the voter did not cast a vote.

~~(4)~~ The number of ballots where the ballot was not counted because the voter marked both yes and no.

~~(f)~~ The number of voters who voted in person on election day checked off on the checklist as having voted.

~~(g)~~ The number of absentee voters checked off on the checklist as having voted.

~~(h)~~ The number of official ballots received from the secretary of state brought to the polling place on election day, excluding ballots marked as test ballots and used prior to election day to test a ballot counting machine.

~~(i)~~ The number of official ballots cast on election day.

~~(j)~~ If the polling place runs out of official ballots, the number of absentee ballots used as official ballots and cast.

~~(k)~~ If the polling place runs out of official ballots, the number of photocopy ballots used as official ballots and cast.

~~(l)~~ The number of Accessible Voting System ballots cast.

~~(m)~~ The number of state absentee ballots cast.

~~(n)~~ The number of federal offices only absentee ballots cast.

~~(o)~~ The number of state write-in absentee ballots cast.

~~(p)~~ The number of federal write-in absentee ballots cast.

~~(q)] (d) In a primary, the number of ballots cast for each party.~~

***(e) In a general election, the number of ballots cast.***

~~[(r) The number of people who registered to vote on election day.~~

~~(s) The number of undeclared voters that cast ballots for each party at a state primary election.~~

~~(t) The number of undeclared voters that returned to undeclared after voting in a state primary election.]~~

**II. *Within 24 hours of the closing of the polls, the moderator shall forward to the secretary of state a list of all write-in candidates receiving between one and 4 votes in the election.***

**III.** The secretary of state shall provide guidance for completing the return of votes in the election procedure manual issued pursuant to RSA 652:22. The secretary of state may provide an electronic version of the return of votes capable of being used on a computer at the polling place to assist moderators and clerks in completing and submitting the paper and electronic forms.

**IV. *The moderator shall fill out a worksheet prepared by the secretary of state, which shall be recorded and signed by the moderator within 24 hours of the closing of the polls and submitted to the clerk. The worksheet shall include, but not be limited to:***

***(a) The number of official ballots received from the secretary of state brought to the polling place by the city or town clerk on election day, excluding ballots marked as test ballots and used prior to election day to test a ballot counting machine.***

***(b) The number of official ballots cast on election day.***

***(c) If the polling place runs out of official ballots, the number of absentee ballots used as official ballots and cast.***

***(d) If the polling place runs out of official ballots, the number of photocopy ballots used as official ballots and cast.***

***(e) The number of Accessible Voting System ballots cast.***

***(f) The number of state absentee ballots cast.***

***(g) The number of federal offices only absentee ballots cast.***

***(h) The number of state write-in absentee ballots cast.***

***(i) The number of federal write-in absentee ballots cast.***

***(j) A comparison of the different methods of tallying ballots cast.***

**V. *The moderator shall record and sign a names on checklist form within 24 hours of the closing of the polls, unless the secretary of state directs otherwise, and shall submit the form to the secretary of state, with a copy to the clerk. The names on checklist form shall include, but not be limited to:***

***(a) The number of people who registered to vote on election day.***

***(b) For each party, the total number of voters registered as members of the party.***

***(c) The number of undeclared voters that cast ballots for each party at a state or presidential primary election.***

***(d) The number of undeclared voters that returned to undeclared after voting in a state or presidential primary election.***

**VI. *The moderator shall record and sign a ballots cast form within 24 hours of the closing of the polls and shall submit the form to the secretary of state, with a copy to the clerk. The ballots cast form shall include, but not be limited to:***

***(a) The number of voters who voted in person on election day checked off on the checklist as having voted.***

***(b) The number of absentee voters checked off on the checklist as having voted.***

**VII. *The town or city clerk may require that forms be completed under this section earlier than the time required by the secretary of state.***



Amend the bill by replacing section 5 with the following:

5 Preservation of Checklists. Amend RSA 659:102 to read as follows:

659:102 Preservation of Checklists. No later than the [second] **fourth** Friday after each regular state general election, and for each presidential primary election, the supervisors of the checklist in the towns, and the corresponding officers in the cities, shall send one of the marked checklists which were used in that election, certified by the officers, to the state archives. In addition, **if directed by the secretary of state**, they shall send one of the unmarked checklists which were used in the state general election at which a president was elected to the clerk of the federal district court for the district of New Hampshire. One marked copy of every checklist used in any election shall be turned over to the town or city clerk by the supervisors. The clerk shall preserve such checklists in his or her custody for a public record for a period set forth in RSA 33-A:3-a.

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

**Sen. Stiles offered a floor amendment.**

**Sen. Stiles, Dist. 24**

**February 28, 2011**

**2011-0557s**

**03/05**

**Floor Amendment to SB 135-FN-A**

Amend the bill by replacing section 2 with the following:

2 General Content of Return. Amend RSA 659:73 to read as follows:

659:73 General Content of Return.

I. The election return forms shall be submitted on paper and electronically immediately after the completion of the vote count in the manner prescribed by the secretary of state. The return of votes shall include, but not be limited to:

(a) The name of each candidate printed on the ballot and the number of votes that candidate received for the listed office including any write-in votes for the same office on the same ballot where the voter did not mark the printed candidate name.

(b) ~~[For each office, the number by which the total number of votes that could have been cast for that office exceeds the total number of votes actually cast for that office.]~~

(c) ~~For each office, the number of potential votes not counted because the voter marked more candidates than permitted. The totals for subparagraphs (b) and (c) may be reported together as a single number.~~

(d) For each office the total number of votes cast for each write-in candidate **who received 5 or more votes** and the candidate's name, **along with the aggregate number of all other write-in votes cast for each candidate receiving less than 5 votes**, excluding write-in votes for candidates whose names were printed on the ballot where the voter did not mark the printed candidate name and the vote is reported under subparagraph (a).

~~[(e)]~~ (c) For any question submitted to the voters:

(1) The number of affirmative votes.

(2) The number of negative votes.

~~[(3) The number of ballots where the voter did not cast a vote.]~~

~~(4) The number of ballots where the ballot was not counted because the voter marked both yes and no.~~

~~(f) The number of voters who voted in person on election day checked off on the checklist as having voted.~~

~~(g) The number of absentee voters checked off on the checklist as having voted.~~

~~(h) The number of official ballots received from the secretary of state brought to the polling place on election day, excluding ballots marked as test ballots and used prior to election day to test a ballot counting machine.~~

~~(i) The number of official ballots cast on election day.~~

~~(j) If the polling place runs out of official ballots, the number of absentee ballots used as official ballots and cast.~~

~~(k) If the polling place runs out of official ballots, the number of photocopy ballots used as official ballots and cast.~~

~~(l) The number of Accessible Voting System ballots cast.~~

~~(m) The number of state absentee ballots cast.~~

~~(n) The number of federal offices only absentee ballots cast.~~

~~(o) The number of state write-in absentee ballots cast.~~

~~(p) The number of federal write-in absentee ballots cast.~~

~~(q)] (d) In a primary, the number of ballots cast for each party.~~

***(e) In a general election, the number of ballots cast.***

~~(r) The number of people who registered to vote on election day.~~

~~(s) The number of undeclared voters that cast ballots for each party at a state primary election.~~

~~(t) The number of undeclared voters that returned to undeclared after voting in a state primary election.]~~

**II. *Within 48 hours of the closing of the polls or other time ordered by the secretary of state, the moderator shall forward to the secretary of state a list of all write-in candidates receiving between one and 4 votes in the election.***

**III.** The secretary of state shall provide guidance for completing the return of votes in the election procedure manual issued pursuant to RSA 652:22. The secretary of state may provide an electronic version of the return of votes capable of being used on a computer at the polling place to assist moderators and clerks in completing and submitting the paper and electronic forms.

**IV. *The moderator shall fill out a moderator's certificate prepared by the secretary of state, which shall be recorded and signed by the moderator within 48 hours of the closing of the polls or other time ordered by the secretary of state and submitted to the clerk. The worksheet shall include, but not be limited to:***

***(a) The number of official ballots received from the secretary of state brought to the polling place by the city or town clerk on election day, excluding ballots marked as test ballots and used prior to election day to test an electronic ballot counting device.***

***(b) The number of official ballots cast on election day.***

***(c) If the polling place runs out of official ballots, the number of absentee ballots used as official ballots and cast.***

***(d) If the polling place runs out of official ballots, the number of photocopy ballots used as official ballots and cast.***

***(e) The number of Accessible Voting System ballots cast.***

***(f) The number of state absentee ballots cast.***

***(g) The number of federal offices only absentee ballots cast.***

***(h) The number of state write-in absentee ballots cast.***

***(i) The number of federal write-in absentee ballots cast.***

***(j) A comparison of the different methods of tallying ballots cast.***

**V. *The moderator shall record and sign a names on checklist form within 48 hours of the closing of the polls, unless the secretary of state directs otherwise, and shall submit the form to the secretary of state, with a copy to the clerk. The names on checklist form shall include, but not be limited to:***

*(a) The number of people who registered to vote on election day.*

*(b) For each party, the total number of voters registered as members of the party.*

*(c) The number of undeclared voters that cast ballots for each party at a state or presidential primary election.*

*(d) The number of undeclared voters that returned to undeclared after voting in a state or presidential primary election.*

**VI. The moderator shall record and sign a ballots cast form prepared by the secretary of state within 48 hours of the closing of the polls, or other time ordered by the secretary of state, and shall submit the form to the secretary of state, with a copy to the clerk. The ballots cast form shall include, but not be limited to:**

*(a) The number of voters who voted in person on election day checked off on the checklist as having voted.*

*(b) The number of absentee voters checked off on the checklist as having voted.*

**VII. The town or city clerk may require that forms be completed under this section earlier than the time required by the secretary of state.**

Amend the bill by replacing section 5 with the following:

5 Preservation of Checklists. Amend RSA 659:102 to read as follows:

659:102 Preservation of Checklists. No later than the ~~[second]~~ **fourth** Friday after each regular state general election, and for each presidential primary election, the supervisors of the checklist in the towns, and the corresponding officers in the cities, shall send one of the marked checklists which were used in that election, certified by the officers, to the state archives. In addition, **if directed by the secretary of state**, they shall send one of the unmarked checklists which were used in the state general election at which a president was elected to the clerk of the federal district court for the district of New Hampshire. One marked copy of every checklist used in any election shall be turned over to the town or city clerk by the supervisors. The clerk shall preserve such checklists in his or her custody for a public record for a period set forth in RSA 33-A:3-a.

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

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

**SB 169-FN**, relative to campaign expenditures and contributions by business organizations and labor unions. Inexpedient to Legislate, Vote 4-1. Senator Boutin 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, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Stiles, Bragdon.**

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

**Yeas: 18- Nays: 5**

**Adopted.**

#### **WAYS AND MEANS**

**SB 23-FN**, establishing a revenue assistant position within the department of justice. Inexpedient to Legislate, Vote 6-0. Senator Morse for the committee.

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

**SB 78-FN-A-L**, relative to motor vehicle registration fees. Ought to Pass, Vote 5-1. Senator Morse 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).**

**SB 126-FN**, relative to net operating loss carryovers under the business profits tax. Ought to Pass, Vote 6-0. Senator Luther for the committee.

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

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

**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, Stiles, Bragdon.**

**The following Senators voted No: (None).**

**Yeas: 23- Nays: 0**

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

**SB 131-FN**, repealing the exemption for water and air pollution control facilities from local property taxation. Inexpedient to Legislate, Vote 6-0. Senator Boutin for the committee.

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

**SB 133-FN**, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits. Ought to Pass, Vote 4-2. Senator D'Allesandro for the committee.

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

**Sens. Barnes, Forrester, and Stiles are in opposition to the motion of Ought to Pass on SB 133-FN.**

**SB 138-FN-A**, eliminating the lottery commission and establishing the education lottery authority. Inexpedient to Legislate, Vote 5-1. Senator Rausch for the committee.

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

**SB 149-FN-A-L**, relative to the rate of the meals and rooms tax and the distribution formula for meals and rooms tax revenue. Inexpedient to Legislate, Vote 6-0. Senator Luther for the committee.

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

**SB 168-FN**, conforming the interest and dividends tax to federal tax definitions. Ought to Pass with Amendment, Vote 6-0. Senator Luther for the committee.

**Senate Ways and Means**

**February 23, 2011**

**2011-0492s**

**09/03**

**Amendment to SB 168-FN**

Amend section 11 of the bill by replacing all after paragraph XII with the following:

XIII. RSA 77:14-a, relative to partnerships and limited liability companies.

XIV. RSA 77:14-b, relative to partners and members.

XV. RSA 77:14-c, relative to members of partnership or limited liability company outside the state.

XVI. RSA 77:14-d, relative to application of sections.

XVII. RSA 77:17-a, relative to small business corporation reports.

**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. Bradley, 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, Stiles, Bragdon.**

**The following Senators voted No: (None).**

**Yeas: 23- Nays: 0**

**Adopted, bill ordered to Third Reading.**

### **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**

**SB 30**, relative to including a parent's residence in the parenting plan.

**SB 33-FN**, relative to retired state employee contributions for medical benefits costs.

**SB 34-FN**, relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases.

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

**SB 46**, extending and revising the commission to develop a plan for the expansion of transmission capacity in the north country.

**SB 47**, extending the commission to study water infrastructure sustainability funding.

**SB 57**, relative to regulation of title loan lenders.

**SB 82-FN**, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district.

**SB 89**, establishing a study committee on the procurement of health insurance by employee leasing companies.

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

**SB 108**, relative to emergency obstetrical care.

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

**SB 133-FN**, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits.

**SB 135-FN-A**, relative to election returns and election records.

**SB 139-FN**, relative to state recoveries of public assistance caused by fraud.

**SB 146-FN**, relative to requiring submission of a reduced spending alternative as part of the biennial budget process.

**SB 148-FN**, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

**SB 168-FN**, conforming the interest and dividends tax to federal tax definitions.

**SB 172**, relative to performance-based school accountability criteria.

**SB 183-FN-L**, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.

**LIST OF RULE 2-15'S FOR THE DAY**

Sen. White: SB 89, SB 157-FN, SB 163-FN, SB 186-FN, SB 188-FN.

**ANNOUNCEMENTS**

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mr. President, really some sad news. I'm sure some of you saw in the newspaper that our former Governor, former Speaker of the House, and just great public servant, Walter Peterson, is quite ill. Walter has stage IV cancer. He's being treated at the Dartmouth-Hitchcock Medical Center in Hanover.

Most of you know Walter because he's been on the scene in New Hampshire for most of our lives, having served as Speaker of the House of Representatives, President of the Constitutional Convention, Governor of the State of New Hampshire, President of Franklin Pierce, President of UNH. Walter's 88 years of age, and is probably the finest example of a public servant that any of us have ever seen, and the State of New Hampshire has been blessed with his presence for 88 years.

His condition is being treated at Hitchcock, and I would hope that those of you who know Walter would maybe give a call or drop a card to him at his home, and probably be in contact with his son, Andy, who's really handling the communications at this point in time. 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.**