

February 8, 2012  
Nos. 3-4

# **STATE OF NEW HAMPSHIRE**

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**Second Year of the 162<sup>nd</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – JANUARY 25, 2012 SESSION  
COMMENCEMENT – FEBRUARY 8, 2012 SESSION**

# SENATE JOURNAL 3 *(continued)*

*January 25, 2012*

## 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

12-2827

**SB 390-FN**, establishing a special number plate to benefit the New England Patriots Charitable Foundation. (Lambert, Dist 13; Barnes, Jr., Dist 17; Carson, Dist 14; Luther, Dist 12; Cebrowski, Hills 18: Transportation)

12-3050

**SB 391**, naming a portion of New Hampshire route 107/43 in the town of Deerfield the Honorable Joseph E. Stone Highway. (Barnes, Jr., Dist 17: Transportation)

12-3052

**SB 393**, relative to the definition of "meeting" under the right-to-know law. (Sanborn, Dist 7; Forsythe, Dist 4; Sanborn, Merr 5; Ohm, Hills 26: Public and Municipal Affairs)

12-3053

**SB 394-LOCAL**, relative to the reclassification of Province Road in Strafford from the intersection of Route 202A to Rickey Nelson Road from class II to class V. (Forsythe, Dist 4: Transportation)

12-3054

**SB 395**, relative to construction of an access road on land in current use. (Bradley, Dist 3; Babson, Carr 3: Ways and Means)

12-3056

**SB 396**, declaring the Temple Mountain ski area a historic site. (Lambert, Dist 13; Luther, Dist 12: Energy and Natural Resources)

12-3057

**SB 397**, relative to vehicle operation when a traffic control signal is inoperative. (Lambert, Dist 13: Transportation)

12-3058

**SB 398**, proclaiming March 30 as Welcome Home Vietnam Veterans Day. (Lambert, Dist 13; Rausch, Dist 19; Odell, Dist 8; Winter, Merr 3: Public and Municipal Affairs)

12-3060

**SB 400**, including owls within the definition of raptor for the purposes of falconry. (Bragdon, Dist 11; Daler, Hills 4: Energy and Natural Resources)

12-3062

**SB 402**, relative to the adoption of policies for the management of concussion and head injury in youth sports. (Houde, Dist 5; Lambert, Dist 13; Boutin, Dist 16; D'Allesandro, Dist 20; Kelly, Dist 10; Merrill, Dist 21; Larsen, Dist 15; White, Graf 11; Harding, Graf 11; Gile, Merr 10; Millham, Belk 5; Reagan, Rock 1: Health and Human Services)

## 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 121**, relative to eligibility for the property tax exemption for the disabled.

**HB 138-FN**, relative to the cold case homicide unit.

**HB 574**, relative to the taking of private property during a state of emergency.

**HB 1134**, establishing a committee to study the construction of a permanent memorial to Governor John Gilbert Winant on state property other than the state house grounds.

**HB 1165**, naming a bridge in the town of Meredith the POW/MIA Vigil and Freedom Ride bridge.

**HB 1168**, requiring the removal of electronic records and information upon entry of an order of annulment.

**HB 1170**, allowing municipalities to authorize the inclusion of a statement of the estimated tax impact of the budget and special warrant articles to be voted at annual meeting.

**HB 1181**, relative to offers of judgments.

**HB 1195**, relative to membership of the joint legislative historical committee.

**HB 1196**, repealing the task force on state procurement policies and procedures.

**HB 1205**, relative to the duty of the long range capital planning and utilization committee.

**HB 1221**, relative to the credit for the business enterprise tax against the business profits tax.

**HB 1266**, requiring the assessing standards board to recommend standards rather than guidelines.

**HB 1311**, changing a statutory reference to reflect the current homestead exemption amounts.

**HB 1330**, establishing a committee to study blood testing of drivers after motor vehicle fatalities.

**HB 1383**, relative to residency status for purpose of receiving in-state tuition status within the university system of New Hampshire.

**HB 1384**, relative to the statute of limitations for complaints against judges.

**HB 1420**, relative to the disposition of the remains of service members.

**HB 1433**, relative to instruction for pupils on the issues of HIV, AIDS, and sexually transmitted diseases.

**HB 1488**, relative to the alternative budget procedure in a school administrative unit.

**HCR 2**, in support of the Arizona immigration law.

**HCR 32**, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces.

**HCR 34**, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement.

**HCR 35**, designating Miss New Hampshire, of the Miss America Scholarship Program, the official honorary hostess of the state of New Hampshire during her term as Miss New Hampshire.

**HCR 38**, urging the United States Congress to extend equal benefits for the treatment of Agent Orange exposure to Vietnam veterans who served outside of Vietnam.

**HCR 43**, urging the joint legislative historical committee to move the granite gates Lafayette passed through to the state house grounds.

### **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 127-FN**, relative to the definition of oral communication. (Judiciary)

**HB 151**, repealing the laws relative to marital masters. (Judiciary)

**HB 171**, relative to restrictions on liquor licenses. (Commerce)

**HB 217-FN**, amending the first and second degree murder statutes and the negligent homicide statute to include causing the death of a fetus. (Judiciary)

**HB 219**, restricting the rulemaking authority of the state board of education and establishing a legislative oversight committee to review the rulemaking authority of the state board of education. (Education)

**HB 236**, establishing a committee to study workers' compensation benefits for illegal aliens. (Commerce)

**HB 242-FN-A**, relative to the net operating loss carryover under the business profits tax. (Ways and Means)

**HB 247**, relative to seller financing of mortgages and making changes to the laws regulating mortgage bankers and brokers and debt adjustment services. (Commerce)

**HB 283-FN**, relative to impaired drivers. (Judiciary)

**HB 342**, relative to boat operation rules. (Transportation)

**HB 344-FN**, relative to judicial performance evaluations. (Judiciary)

**HB 420-FN**, relative to the definition of employee and clarifying the criteria for exempting workers from employee status. (Commerce)

**HB 486-FN**, relative to penalties for alcohol ignition interlock circumvention. (Judiciary)

**HB 514**, relative to entry on private land. (Judiciary)

**HB 518-FN-A**, changing the prospective repeal date for the research and development tax credit.

**HB 545**, relative to the administrative rulemaking process governing home educated pupils. (Education)

**HB 564**, relative to the adoption of forms by the department of revenue administration for the filing of taxes and removing the requirement for electronic tax payments. (Ways and Means)

**HB 574**, relative to the taking of private property during a state of emergency. (Judiciary)

**HB 592**, apportioning state representative districts and relative to the boundaries of wards. (Internal Affairs)

**HB 628-FN**, relative to searches conducted for purposes of transportation-related security. (Transportation)

**HB 1138**, naming a bridge in Pelham in honor of Sergeant Daniel R. Gionet. (Transportation)

**HB 1144**, establishing a commission to study the taxation of alternative fuel and electric-powered motor vehicles for the purpose of funding improvements to the state's highways and bridges. (Transportation)

**HB 1165**, naming a bridge in the town of Meredith the POW/MIA Vigil and Freedom Ride bridge. (Transportation)

**HB 1168**, requiring the removal of electronic records and information upon entry of an order of annulment. (Judiciary)

**HB 1181**, relative to offers of judgments. (Judiciary)

**HB 1203**, relative to the membership of the capital budget overview committee. (Capital Budget)

**HB 1209**, establishing a committee to study administration of the business profits tax and the business enterprise tax. (Ways and Means)

**HB 1221**, relative to the credit for the business enterprise tax against the business profits tax. (Ways and Means)

**HB 1302-FN**, relative to underpayment of estimated taxes and equalization of valuations administered by the department of revenue administration. (Ways and Means)

**HB 1383**, relative to residency status for purpose of receiving in-state tuition status within the university system of New Hampshire. (Education)

**HB 1384**, relative to the statute of limitations for complaints against judges. (Judiciary)

**HB 1433**, relative to instruction for pupils on the issues of HIV, AIDS, and sexually transmitted diseases. (Education)

**HB 1488**, relative to the alternative budget procedure in a school administrative unit. (Education)

**HB 1566**, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school. (Education)

**HB 1592**, establishing a committee to study the reporting of business tax revenues collected by the state. (Ways and Means)

### 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 110**, establishing a committee to study the reporting of crimes by professional safety and security services personnel.

**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.

### HOUSE MESSAGE

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

**HB 186-FN**, relative to the definition of political communication.

### Report of Committee on Enrolled Bills

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

**HB 382**, relative to the maintenance of municipal public cemeteries.

**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 4

*February 8, 2012*

The Senate reconvened at 1 p.m., a quorum being present.

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

I know the work you do is sometimes dangerous and the shrapnel amongst which you move is usually words. And so, I just noticed today that the etymological root of “grievance” is “grief”—the sadness of not being able to connect.

The other day, a friend of mine was using my computer, and he mentioned it was running rather slowly; he said it needed to be defragged. That sounded unchristian and immoral. I didn’t know what defragging meant, but he insisted that my computer being defragged would speed it up because it had sub-training programs running underneath that were slowing it down. So, he defragged my computer, and it’s running smoothly and fast. Letting go of our grievances will do that to our hearts and souls.

The ego craves grievances; it longs for them, and then it holds onto them tight and long. My spiritual director reminds me sometimes: “Charles, you warm yourself by the fires of your own resentment. Be fit that we can let go of our grievances, large and small, senatorial and familial, will be the fit to which we find peace. Let us pray.

*God of all forgiveness, free our hearts and minds from the weight and drag of grievances. Help us to be mindful of our resentments and to let go of them so that we might live and soar in peacefulness and joy. Amen.*

Sen. Bradley led the Pledge of Allegiance.

Sen. Kelly is excused for the day.

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

President Bragdon introduced Hannah Ladeau and Katie Lannin, students from Milford High School, serving as Senate Pages today.

Sen. Barnes recognized the Bolton Family, guests in the Senate gallery today, here for the passage of SB 308.

Sen. Carson recognized the Sora and Currier Families, guests on the Senate floor today, whose sons are being honored by SB 367.

### **FINANCE REPORT**

Sen. Morse announces that the following bills will not come to Finance: SB 330-FN, CACR 12, HB 210-FN, HB 330-FN, HB 378-FN.

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

### **CONSENT CALENDAR REPORTS**

**Sen. Bradley moved that the Consent Calendar with the relevant amendments as printed in the day's Calendar be adopted and that all bills adopted be ordered to Third Reading.**

#### **COMMERCE**

**SB 235**, relative to registration of business organizations with the secretary of state.

Ought to Pass, Vote 5-0.

Senator Houde for the committee.

Senate Bill 235 was a request of the Secretary of State to assist their effort to streamline the process to register a business in New Hampshire. This will allow foreign corporations to register on-line with the Secretary of State as the bill deletes filing as requirements only those documents that a foreign corporation could not file on-line. All states, including NH, have the capacity to check on a corporation's status on-line.

#### **ENERGY AND NATURAL RESOURCES**

**SB 252**, increasing the maximum term for energy performance contracts.

Ought to Pass with Amendment, Vote 5-0.

Senator Merrill for the committee.

This bill amends RSA 21-I which governs New Hampshire's energy performance contracting program. This program allows the State or a municipality to enter into a contract for energy efficiency improvements and to pay for them over a term that reflects the cost recovery period for the proposed improvements. SB 252 extends the maximum allowed term of contracts from 10 to 20 years, thus offering the State and municipalities greater flexibility in contracting for projects that save money as well as energy.

#### **Energy and Natural Resources**

**January 26, 2012**

**2012-0410s**

**05/03**

#### **Amendment to SB 252**

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

3 Definition of Energy Cost Saving Measure. Amend RSA 21-I:19-b, I to read as follows:

I. "Energy cost saving measure" means any construction, improvement, repair, alteration, or betterment of any building or facility or any equipment, fixture, or furnishing to be added to or used in any building or facility that will be a cost effective energy-related project. This shall include any project that will lower energy or utility costs in connection with the operation or maintenance of such building or facility and will achieve energy cost savings sufficient to recover any project costs or incurred debt service within [10] **20** years from the date of project implementation.

**SB 312-FN**, prohibiting the cruel confinement of certain farm animals.  
Inexpedient to Legislate, Vote 5-0.  
Senator Lambert for the committee.

This bill sought to prohibit the cruel confinement of certain farm animals. Upon discussion with state officials, the committee came to the understanding that the State Veterinarian already has the authority to prohibit cruel confinement of farm animals.

### **HEALTH AND HUMAN SERVICES**

**SB 319**, extending the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.  
Ought to Pass with Amendment, Vote 5-0.  
Senator Lambert for the committee.

This bill extends the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans. The amendment adds four additional members to the commission and extends the reporting deadline by six months to allow them adequate time to complete their work.

**Health and Human Services**  
**January 30, 2012**  
**2012-0464s**  
**09/04**

#### **Amendment to SB 319**

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

AN ACT changing the membership of and extending the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

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

1 New Subparagraphs; Commission Membership. Amend RSA 115-D:2, I by inserting after subparagraph (p) the following new subparagraphs:

(q) A representative of the New Hampshire Medical Society, appointed by the society.

(r) A representative of the New Hampshire air national guard, appointed by the adjutant general.

(s) A representative of Disabled American Veterans, appointed by the Manchester office of Disabled American Veterans.

(t) The commissioner of the department of employment security, or designee.

2 Quorum. Amend RSA 115-D:4 to read as follows:

115-D:4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. [Nine] **Eleven** members of the commission shall constitute a quorum.

3 Report. Amend RSA 115-D:5 to read as follows:

115-D:5 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before [~~December 1, 2011~~] **May 1, 2012**.

4 Effective Date of Repeal of Commission. Amend 2011, 84:3, I to read as follows:

I. Section 2 of this act shall take effect [~~May 1, 2012~~] **November 1, 2013**.

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

**2012-0464s**

#### **AMENDED ANALYSIS**

This bill changes the membership of and extends the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

**SB 346**, extending the committee to study the laws relating to electronic prescriptions.

Ought to Pass, Vote 5-0.

Senator De Blois for the committee.

This bill extends for one year the committee to study the laws relating to electronic prescriptions and modifies its duties and reporting.

**PUBLIC AND MUNICIPAL AFFAIRS**

**SB 214**, relative to the applicability of the right-to-know law to public libraries.

Ought to Pass, Vote 5-0.

Senator Forrester for the committee.

This bill amends RSA 202-A by identifying a public library as a public agency, requiring the applicability of the right-to-know law.

**SB 233-L**, relative to special elections of the charter commission.

Ought to Pass with Amendment, Vote 5-0.

Senator Boutin for the committee.

This bill permits the charter commission election to coincide with the general election.

**Public and Municipal Affairs**

**February 1, 2012**

**2012-0520s**

**06/09**

**Amendment to SB 233-LOCAL**

Amend the bill by replacing section 2 with the following:

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

**SB 236**, relative to nomination of candidates.

Ought to Pass with Amendment, Vote 5-0.

Senator Stiles for the committee.

This bill makes the job of conducting elections easier on local officials when complying with the federal Military and Overseas Voter Empowerment (M.O.V.E.) Act, and relaxes various dates relating to the nomination of candidates, recounts and hearings by the Ballot Law Commission.

**Public and Municipal Affairs**

**February 1, 2012**

**2012-0507s**

**03/04**

**Amendment to SB 236**

Amend the bill by replacing section 7 with the following:

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

**TRANSPORTATION**

**SB 285**, authorizing suspension or revocation of a driver's license for serious boating offenses.

Ought to Pass with Amendment, Vote 5-0.

Senator Forsythe for the committee.

This bill adds the reckless or unlawful operation of a boat to the current law, RSA 263:56, I(g) that allows for the suspension of a person's driver license when death, injury to any other person, or serious property damage occurs due to the reckless operation of a motor vehicle.

**Senate Transportation**

**January 27, 2012**

**2012-0431s**

**03/05**

**Amendment to SB 285**

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

AN ACT authorizing suspension or revocation of a driver's license for serious boating offenses and relative to loss of motorboat privileges for aggravated driving while intoxicated.



Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Authority to Suspend or Revoke License; Boat Operator. Amend the introductory paragraph of RSA 263:56, I to read as follows:

I. In addition to any other authority provided by law, the director is hereby authorized to revoke or suspend any license, permit or certificate issued under this title after a hearing upon a showing by its records or other sufficient evidence that the driver ***or boat operator***:

3 Loss of Motorboat Privileges; Aggravated Driving While Intoxicated. Amend RSA 265-A:20 to read as follows:

265-A:20 Loss of Motorboat Privileges. Any person who is convicted of a violation of RSA 265-A:2, I involving a motor vehicle shall lose the privilege to operate a motorboat on the waters of this state for a period of one year from the date of conviction. ***Any person who is convicted of a violation of RSA 265-A:3 shall lose the privilege to operate a motorboat on the waters of this state for the same period of time as the loss of driving privileges.***

**2012-0431s**

#### AMENDED ANALYSIS

This bill authorizes suspension or revocation of a driver's license for serious boating offenses. This bill also requires loss of the privilege to operate a motorboat for the same period of time as the loss of driving privileges for aggravated driving while intoxicated.

**SB 296**, relative to including next-of-kin contact information on a driver's license.

Ought to Pass, Vote 5-0.

Senator Stiles for the committee.

This bill gives a person the option to place their next-of-kin contact phone number on their driver's license or nondriver's identification card. The holder of the identification will be solely responsible for any cost to change the information.

**The question is on the adoption of the Consent Calendar. Adopted, bills ordered to Third Reading.**

#### REGULAR CALENDAR REPORTS

##### SPECIAL ORDER

Without objection President Bragdon moved SB 367 and SB 348 be Special-Ordered to the front of today's Regular Calendar.

Without objection President Bragdon moved SB 308 be Special-Ordered to the next session day.

Without objection President Bragdon moved CACR 6 and CACR 12 be Special-Ordered to the next session day by the necessary 2/3 vote.

#### TRANSPORTATION

**SB 367**, naming a bridge in the town of Londonderry in honor of Lance Corporal Peter J. Sora, Jr., U.S.M.C. and Private First Class Eric D. Currier, U.S.M.C. Ought to Pass with Amendment, Vote 3-0. Senator Rausch for the committee.

**Senate Transportation**

**February 2, 2012**

**2012-0564s**

**04/05**

#### **Amendment to SB 367**

Amend the bill by replacing section 3 with the following:

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

**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. Rausch, seconded by Sen. Barnes.**

**Senator Kelly is excused.**

**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, Prescott, Stiles, Bragdon.**

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

**Yeas: 23 - Nays: 0**

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

**HEALTH AND HUMAN SERVICES**

**SB 348-FN**, relative to the pulse oximetry test for newborns. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

**Health and Human Services**

**January 26, 2012**

**2012-0420s**

**01/04**

**Amendment to SB 348-FN**

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

3 New Section; Newborn Screening Tests; Pulse Oximetry Test Required. Amend RSA 132 by inserting after section 10-a the following new section:

132:10-aa Newborn Screening; Pulse Oximetry Test Required. The physician, hospital, nurse midwife, midwife, or other health care provider attending a newborn child shall perform a pulse oximetry screening, according to the recommendations of the American Academy of Pediatrics, on every newborn child.

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

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

**Sen. Houde asserts Rule 2-15 on SB 348-FN.**

**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.**

**Senator Kelly is excused.**

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

**The following Senators voted No: Forsythe, Groen, White.**

**Yeas: 20 - Nays: 3**

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

**Sen. Houde asserts Rule 2-15 on SB 348-FN.**

**COMMERCE**

**SB 150-FN**, authorizing individuals and certain businesses to purchase health insurance from out-of-state insurance companies. Ought to Pass, Vote 3-2. Senator Prescott 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.**

**Senator Kelly is excused.**

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

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

**Yeas: 19 - Nays: 4**

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

**SB 191**, relative to the registration of independent contractors for the purposes of workers' compensation. Interim Study, Vote 4-0. Senator De Blois for the committee.

**The question is on the adoption of the Committee recommendation of Refer to Interim Study. Adopted.**

### **ENERGY AND NATURAL RESOURCES**

**SB 263**, relative to certified compliant products certified as such by the department of environmental services. Inexpedient to Legislate, Vote 4-1. Senator Lambert for the committee.

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

**SB 330-FN**, requiring an independent financial opinion prior to the leasing of any state park property to a private entity. Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

### **Energy and Natural Resources**

**January 31, 2012**

**2012-0481s**

**04/09**

#### **Amendment to SB 330-FN**

Amend the bill by replacing section 1 with the following:

1 New Section; Expansion of State Park System; Financial Analysis. Amend RSA 216-A by inserting after section 3-m the following new section:

216-A:3-n Financial Analysis Required.

I. The director of the division of parks and recreation shall retain an independent financial consulting firm to conduct a written analysis of a lease proposal for the lease of state park property, operations, or management and render an opinion as to the financial viability of the lease proposal if:

- (a) The lease term is for a minimum of 10 years; and
- (b) The lease is for the entirety or majority of the state park or its facilities and improvements, or is for the entirety or majority of the state park operation or management; or
- (c) The lease is to enable significant capital investment in the state park.

II. A proposed or existing lessee shall be liable for the cost of the financial analysis under paragraph I if so required by the director of the division of parks and recreation.

**2012-0481s**

#### **AMENDED ANALYSIS**

This bill requires the director of the division of parks and recreation to retain an independent financial consulting firm to conduct a written analysis of a lease proposal involving the leasing of state park property or operations 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 360**, naming a pond in the town of Sandown. Ought to Pass, Vote 5-0. Senator Lambert for the committee.

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

**SCR 2**, regarding the White Mountain National Forest. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

### **Energy and Natural Resources**

**February 2, 2012**

**2012-0561s**

**08/04**

#### **Amendment to SCR 2**

Amend the resolution by replacing the second paragraph after the resolving clause with the following:

That the general court finds that, in order to encourage safety and public access to the White Mountain National Forest, the United States Forest Service should, whenever possible, repair all existing bridges, including the Thoreau Falls Bridge on the Appalachian Trail, and not remove bridges when removal costs more than repair; and

Amend the resolution by replacing the sixth paragraph after the resolving clause with the following:

That copies of this resolution shall be delivered within 30 days of its passage to every member of the New Hampshire congressional delegation, the administration of the White Mountain National Forest, and all district rangers of the White Mountain National Forest.

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

**Sen. Bradley offered a floor amendment.**

**Sen. Bradley, Dist. 3**

**February 6, 2012**

**2012-0615s**

**08/09**

#### **Floor Amendment to SCR 2**

Amend the resolution by replacing the second paragraph after the resolving clause with the following:

That the general court finds that, in order to encourage safety and public access to the White Mountain National Forest, the United States Forest Service should, whenever possible, repair all existing bridges, including the foot bridge over the East Branch of the Pemigewasset River on the Thoreau Falls Trail and not remove bridges when removal costs more than repair; and

**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.**

#### **FINANCE**

**SB 239**, relative to the membership and duties of the installation standards board. Ought to Pass with Amendment, Vote 6-1. Senator Barnes for the committee.

**Senate Finance**

**January 27, 2012**

**2012-0424s**

**05/04**

#### **Amendment to SB 239**

Amend section 4 of the bill by replacing it with the following:

4 Membership of the Installation Standards Board. Amend RSA 205-D:2, I to read as follows:

I. There is hereby created an installation standards board consisting of ~~[the commissioner of the department of safety or the commissioner's designee and 12 additional]~~ **12** members appointed by the ~~[commissioner of safety]~~ **governor and council** as follows:

(a) Two public members who are not tenants or owners of a manufactured house, owners or operators of a manufactured housing park, or in any way associated with the manufactured housing industry.

(b) One installer of manufactured housing, nominated by the New Hampshire Manufactured Housing Association.

(c) One structural engineer or architect licensed in this state for a minimum of 5 years, nominated by the board of professional engineers established under RSA 310-A:3.

(d) One dealer or retailer, nominated by the New Hampshire Manufactured Housing Association.

(e) ~~[One owner or operator]~~ **Two owners or operators** of a manufactured housing park with 100 or fewer lots, nominated by the New Hampshire Manufactured Housing Association.

(f) One owner or operator of a manufactured housing park with more than 100 lots, nominated by the New Hampshire Manufactured Housing Association.

(g) One member of a cooperative manufactured housing park, nominated by the Mobile/Manufactured Homeowner and Tenants Association of New Hampshire.

(h) One municipal building code official, nominated by the New Hampshire Building Officials Association.

(i) One municipal fire chief, nominated by the New Hampshire Association of Fire Chiefs.

(j) ~~[One civil engineer licensed in this state for a minimum of 5 years, nominated by the board of professional engineers established under RSA 310-A:3.]~~

~~(k)~~ One homeowner of a manufactured house, nominated by the Mobile/Manufactured Homeowner and Tenants Association of New Hampshire.

Amend section 5 of the bill by deleting paragraph IV.

**2012-0424s**

#### AMENDED ANALYSIS

This bill transfers responsibility for manufactured housing inspections from the state fire marshal to the manufactured housing installation standards board. The bill also revises the membership of the installation standards board.

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

**Sen. White asserts Rule 2-15 on SB 239.**

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

**Sen. White asserts Rule 2-15 on SB 239.**

**SB 324-FN**, relative to the use of funds generated by the Hampton Beach parking facilities. Ought to Pass, Vote 7-0. 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.**

**Sen. Sanborn is in opposition to the motion of Ought to Pass on SB 324-FN.**

**SB 327-FN-A**, making an appropriation to the department of health and human services for child care services. Inexpedient to Legislate, Vote 7-0. Senator Morse for the committee.

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

**SB 358-FN**, expanding eligibility for free admission to the state park system to certain members and their families and retired members of the armed forces. Ought to Pass with Amendment, Vote 7-0. Senator Barnes for the committee.

**Senate Finance**  
**January 27, 2012**  
**2012-0427s**  
**09/10**

#### Amendment to SB 358-FN

Amend RSA 216-A:3-g, V(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Any *retired member of the armed forces who was honorably discharged and who is a* New Hampshire ~~[national guard member]~~ *resident* ~~[who retired in pay grade E6 or below]~~ shall not be charged a fee for day-use admission to the state park system.

**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.**

#### HEALTH AND HUMAN SERVICES

**SB 329-FN-L**, requiring nursing facilities to have at least one automated external defibrillator. Ought to Pass, Vote 4-0. Senator Lambert 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.**

**Senator Kelly is excused.**

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

**The following Senators voted No: Forsythe, Groen, Sanborn, White.**

**Yeas: 19 - Nays: 4**

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

**Sen. Sanborn is in opposition to the motion of Ought to Pass on SB 329-FN-L.**

#### **INTERNAL AFFAIRS**

**SB 356**, limiting the authority of delegates to Article V amendment conventions. Ought to Pass, Vote 4-1. Senator Prescott for the committee.

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

**SCR 1**, urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States. Ought to Pass, Vote 4-1. Senator Prescott 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.**

#### **JUDICIARY**

**HB 145**, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties. Ought to Pass with Amendment, Vote 2-1. Senator Groen for the committee.

**Senate Judiciary**

**February 2, 2012**

**2012-0575s**

**01/09**

#### **Amendment to HB 145**

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

AN ACT permitting the audio and video recording of a public official while in the course of his or her official duties.

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

1 New Subparagraph; Audio and Video Recording of Public Official in the Course of Official Duties Permitted. Amend RSA 570-A:2, II by inserting after subparagraph (l) the following new subparagraph:

(m)(1) Any person to make an audio or video recording of a public official acting in the course of his or her official duties; provided that:

(A) The person making the recording must have the recording device in plain view in a manner that would alert a reasonable public official observing such person that a recording is being made;

(B) The person making the recording is doing so from a location that is either such person's own private property, from the private property of a person who has authorized or assented to the making of the recording, or from a public or private space generally accessible to the public; and

(C) The act of recording does not physically interfere with the public official's ability to perform his or her official duties.

(2) Any audio or video recording of a public official shall remain the property of its owner. In the event that such property is seized by law enforcement authorities, a copy of the audio or video recording shall be provided to the owner of the property within 10 days of the day the property is seized.

(3) This subparagraph shall not be construed to permit a person to audio or videotape either in a courtroom or any other place within a court facility without prior approval of the presiding justice.

(4) This subparagraph shall not be construed to expand or contract public access to government buildings, facilities, meetings, records, or other places or information.

(5) For the purposes of this subparagraph “public official” means any officer or employee of the state or a political subdivision of the state, or of the general court, or any person otherwise performing a government function.

2 Effective Date. This act shall take effect July 1, 2012.

**2012-0575s**

#### AMENDED ANALYSIS

This bill permits the audio and video recording of a public official while in the course of his or her official duties.

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

**Sen. Groen offered a floor amendment.**

**Sen. Groen, Dist. 6**

**February 8, 2012**

**2012-0673s**

**01/04**

#### Floor Amendment to HB 145

Amend the introductory paragraph of RSA 570-A:2, II(m)(1) as inserted by section 1 of the bill by replacing it with the following:

(m)(1) Any person to make an audio or video recording of a public official made while the public official is in the course of his or her official duties; provided that:

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

**Sen. Houde offered a floor amendment.**

**Sen. Houde, Dist. 5**

**February 8, 2012**

**2012-0670s**

**01/04**

#### Floor Amendment to HB 145

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

AN ACT permitting the audio and video recording of a government official while in the course of his or her official duties.

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

1 New Subparagraph; Audio and Video Recording of Government Official in the Course of Official Duties Permitted. Amend RSA 570-A:2, II by inserting after subparagraph (l) the following new subparagraph:

(m)(1) Any person to make an audio or video recording of an elected official, a public employee, or a public official, as defined in RSA 15-B:2, III, IX, and X, respectively (hereinafter “government official”), acting in the course of his or her official duties; provided that:

(A) The person making the recording must have the recording device in plain view in a manner that would alert a reasonable government official observing such person making a recording of him or her that a recording is being made or, when the recording is of a conversation over a telephone or similar device, the person must announce to the government official at the beginning of the call that the conversation is being recorded; and

(B) The person making the recording is doing so from a location that is either such person’s own private property, from the private property of a person who has authorized or assented to the making of the recording, or from a public or private space generally accessible to the public.

(2) Any recording made from a public or private space generally accessible to the public, under this subparagraph, shall be subject to reasonable time, place, and manner restrictions, including those determined by the government official's employer. Manner restrictions may include, but not be limited to, a prohibition on such recording activities if they are not undertaken in a peaceful manner, or if they would interfere with or impair a government official's performance of his or her official duties.

(3) No person shall make an audio or video recording under this subparagraph if:

(A) The government official is communicating with a third-party member of the public who has not given knowing, written, or oral consent to the recording being made; or

(B) The information being recorded is confidential under state or federal law; or

(C) The making of such recording would otherwise be impermissible under RSA 91-A, would constitute a recording of a non-public session under RSA 91-A, or would include making a recording of a non-meeting as defined in RSA 91-A.

(4) The provisions of this subparagraph shall not apply to any judicial branch officer or employee acting in the course of his or her official duties.

(5) Any audio or video recording of a government official shall remain the property of its owner. In the event that such property is seized by law enforcement authorities, a copy of the audio or video recording shall be provided to the owner of the property within 10 days of the day the property is seized.

2 Effective Date. This act shall take effect January 1, 2013.

**2012-0670s**

#### AMENDED ANALYSIS

This bill permits the audio and video recording of a government official while in the course of his or her official duties.

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

**Sen. Houde offered a floor amendment.**

**Sen. Houde, Dist. 5**

**February 8, 2012**

**2012-0678s**

**01/04**

#### Floor Amendment to HB 145

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

AN ACT permitting the audio recording of a public official's oral communications made while in the course of his or her official duties.

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Audio Recording of Public Official in the Course of Official Duties Permitted. Amend RSA 570-A:2, II by inserting after subparagraph (l) the following new subparagraph:

(m)(1) Any person to make an audio recording of a public official's oral communications, made while the official is in the course of his or her official duties; provided that:

(A) The person making the recording must have the recording device in plain view in a manner that would alert a reasonable public official observing such person that a recording is being made;

(B) The person making the recording is doing so from a location that is either such person's own private property, from the private property of a person who has authorized or assented to the making of the recording, or from a public or private space generally accessible to the public; and

(C) The act of recording does not physically interfere with the public official's ability to perform his or her official duties.

(2) Any audio recording of a public official shall remain the property of its owner. In the event that such property is seized by law enforcement authorities, a copy of the audio recording shall be provided to the owner of the property within 10 days of the day the property is seized.



(3) This subparagraph shall not be construed to permit a person to make an audio recording either in a courtroom or any other place within a court facility without prior approval of the presiding justice.

(4) This subparagraph shall not be construed to expand or contract public access to government buildings, facilities, meetings, records, or other places or information.

(5) For the purposes of this subparagraph “public official” means any officer or employee of the state or a political subdivision of the state, or of the general court, or any person otherwise performing a government function.

**2012-0678s**

#### AMENDED ANALYSIS

This bill permits the audio recording of a public official’s communications made while the official is in the course of his or her official duties.

**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.**

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

**Senator Kelly is excused.**

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

**The following Senators voted No: Forrester, Houde, Larsen, D’Allesandro, Merrill.**

**Yeas: 18 - Nays: 5**

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

**HB 194**, relative to the prohibition on having or carrying a loaded crossbow, rifle, or shotgun in or on a vehicle. Interim Study, Vote 4-0. Senator Carson for the committee.

**The question is on the adoption of the Committee recommendation of Refer to Interim Study. Adopted.**

**Sens. Forsythe and Sanborn are in opposition to the motion of Refer to Interim Study on HB 194.**

**HB 210-FN**, relative to the use of deadly force to protect oneself. Interim Study, Vote 4-0. Senator Groen for the committee.

**The question is on the adoption of the Committee recommendation of Refer to Interim Study. Adopted.**

**HB 225-FN**, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime. Ought to Pass with Amendment, Vote 2-1. Senator Groen for the committee.

**Senate Judiciary**

**February 2, 2012**

**2012-0576s**

**09/04**

#### Amendment to HB 225-FN

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

1 Return of Personal Property Seized by Law Enforcement Agencies. Amend RSA 595-A:6 to read as follows:

595-A:6 Seizure, Custody and Disposition of Articles; Exceptions.

***I. Except as provided in paragraph II***, if an officer in the execution of a search warrant, or by some other authorized method, finds property or articles he is empowered to take, he shall seize and safely keep them under the direction of the court or justice so long as necessary to permit them to be produced or used as evidence in any trial. Upon application by a prosecutor, defendant, or civil claimants, the court, prior to trial or upon an appeal after trial, shall, upon notice to a defendant and hearing, and except for good cause

shown, order returned to the rightful owners any stolen, embezzled or fraudulently obtained property, or any other property of evidential value, not constituting contraband. This section shall apply regardless of how possession of the property was obtained by the state. Photographs or other identification or analysis made of the returned property shall be admissible at trial as secondary evidence, in lieu of the originals, for all relevant purposes, including ownership. In the case of unknown, unapprehended defendants, or defendants wilfully absent from the jurisdiction, the court shall have discretion to appoint a guardian ad litem to represent the interest of such unknown or absent defendants. The judicial findings on such matters as ownership, identification, chain of possession or value made at such an evidentiary hearing for the restoration of property to the rightful owners shall thereafter be admissible at trial, to be considered with other evidence on the same issues, if any, as may be admitted before the finder of fact. All other property seized in execution of a search warrant or otherwise coming into the hands of the police shall be returned to the owner of the property, or shall be disposed of as the court or justice orders, which may include forfeiture and either sale or destruction as the public interest requires, in the discretion of the court or justice, and in accordance with due process of law. Any property, the forfeiture and disposition of which is specified in any general or special law, shall be disposed of in accordance therewith.

***II. Upon the acquittal of or dismissal of criminal proceedings against a person charged with a crime or upon the disposal of criminal proceedings against a person by nol prosequi or upon a finding that no abuse has occurred in a proceeding against a person under RSA 173-B, any personal property owned by such person, including weapons, confiscated by a law enforcement agency or entity under this section shall be returned to the person or made available to the person by the law enforcement agency or entity that confiscated the personal property within 10 days of receipt of written notice that the acquittal or dismissal or nol prosequi or determination of no finding has become a final judgment, not subject to appeal. For purposes of this section, any court rule, statute, or common law allowing for an appeal to be taken after expiration of any appeal period shall not count toward such appeal period. This section shall not apply to illegal contraband or to personal property that a person, is prohibited from possessing under state or federal law. Property held for use as evidence in a case involving a co-defendant may be retained by the law enforcement agency or entity pursuant to law authorizing property owned by a third person to be held for use as evidence in a case involving a person other than the property owner. If after diligent efforts the agency or entity is unable to comply with this section, it may file a request with the court for an extension or exemption. Any agency or entity not complying with this paragraph may be subject to a civil penalty of \$100 per day to the person for each day the agency or entity is in noncompliance, not to exceed a total civil penalty of \$10,000.***

2 Effective Date. This act shall take effect January 1, 2013.

**2012-0576s**

#### AMENDED ANALYSIS

This bill requires that personal property confiscated by law enforcement agencies be returned or made available to the owner within 10 days of receipt of written notice of the acquittal or dismissal of proceedings against a person charged with a crime.

**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).**

**HB 330-FN**, relative to carrying firearms. Interim Study, Vote 4-0. Senator Luther for the committee.

**The question is on the adoption of the Committee recommendation of Refer to Interim Study. Adopted.**

**HB 334**, relative to the state's authority to prohibit or regulate firearms, firearms components, ammunition, firearms supplies, and knives. Interim Study, Vote 4-0. Senator Houde for the committee.

**The question is on the adoption of the Committee recommendation of Refer to Interim Study. Adopted.**

**Sen. Forsythe is in opposition to the motion of Refer to Interim Study on HB 334.**

**HB 378-FN**, inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, and relative to the definition of “non-deadly” force. Interim Study, Vote 4-0. Senator Houde for the committee.

**The question is on the adoption of the Committee recommendation of Refer to Interim Study. Adopted.**

### **PUBLIC AND MUNICIPAL AFFAIRS**

**SB 338-FN**, relative to residency requirements for national guard positions, establishing the office of state judge advocate, and establishing a military advisory commission. Ought to Pass with Amendment, Vote 5-0. Senator Barnes for the committee.

### **Public and Municipal Affairs**

**February 2, 2012**

**2012-0542s**

**05/04**

### **Amendment to SB 338-FN**

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

AN ACT relative to residency requirements for national guard positions, establishing the office of state judge advocate, establishing a military advisory commission, and relative to military discipline.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Military Discipline. Amend RSA 110-B:39 to read as follows:

110-B:39 Military Discipline. The system of discipline of the national guard shall conform generally to that of the armed forces of the United States, and all personnel on duty or in active state service shall be subject to the punitive and disciplinary provisions of this chapter. Trial and punishment by civil authorities shall not bar trial and punishment or dismissal from the service by court-martial for any military offense involved. Reductions in rank and pay grade for judicial [~~or non-judicial~~] punishment shall be in accordance with the provisions of the Uniform Code of Military Justice.

**2012-0542s**

### **AMENDED ANALYSIS**

This bill:

I. Establishes a residency requirement for the position of adjutant general, deputy adjutant general, national guard staff, and commissioned warrant officers.

II. Establishes the office of state judge advocate and the position of state judge advocate.

III. Establishes a military advisory commission.

IV. Removes a statutory reference to reduction in rank and pay grade for non-judicial punishment.

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

**Sen. Barnes offered a floor amendment.**

**Sen. Barnes, Dist. 17**

**February 2, 2012**

**2012-0546s**

**05/04**

### **Floor Amendment to SB 338-FN**

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

AN ACT relative to military discipline by the national guard.

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

1 Military Discipline. Amend RSA 110-B:39 to read as follows:

110-B:39 Military Discipline. The system of discipline of the national guard shall conform generally to that of the armed forces of the United States, and all personnel on duty or in active state service shall be subject to the punitive and disciplinary provisions of this chapter. Trial and punishment by civil authorities shall

not bar trial and punishment or dismissal from the service by court-martial for any military offense involved. Reductions in rank and pay grade for judicial [~~or non-judicial~~] punishment shall be in accordance with the provisions of the Uniform Code of Military Justice.

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

**2012-0546s**

#### AMENDED ANALYSIS

This bill removes a statutory reference to non-judicial punishment.

**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.**

#### **TRANSPORTATION**

**SB 282**, authorizing the commissioner of safety to require the installation of an ignition interlock device as a condition of restoring driving privileges in certain instances.

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

#### **Senate Transportation**

**February 2, 2012**

**2012-0571s**

**03/09**

#### **Amendment to SB 282**

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

AN ACT authorizing the commissioner of safety to require the installation of an ignition interlock device or enhanced technology ignition interlock device as a condition of restoring driving privileges in certain instances.

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

1 New Section; Department of Safety Authority to Order Ignition Interlock Device or Enhanced Technology Ignition Interlock Device Installation. Amend RSA 265-A by inserting after section 36 the following new section:

265-A:36-a Department of Safety Authority to Order Ignition Interlock Device Installation or Enhanced Technology Ignition Interlock Device. The commissioner of safety may require an administrative hearing prior to the restoration of the license or driving privilege of a person whose license or driving privilege was revoked or suspended as the result of a conviction of any offense under RSA 265-A:2, RSA 265-A:3, RSA 265:79-a where alcohol was involved, RSA 262:19, or RSA 630:3, II, and, upon a finding that the safety of the person and of other users of the highways would be enhanced thereby, may order the person, as a condition of restoration of his or her license or driving privilege, to install an ignition interlock device or enhanced technology ignition interlock device in any vehicle registered to that person or used by that person, for not less than 12 months nor more than 2 years, subject to the same conditions and prohibitions as if the interlock was ordered by a court under the provisions of this subdivision.

2 New Section; Definition Added; Enhanced Technology Ignition Interlock Device. Amend RSA 259 by inserting after section 28-a the following new section:

259:28-b Enhanced Technology Ignition Interlock Device. "Enhanced technology ignition interlock device" shall mean an ignition interlock device equipped with a camera and which is capable of transmitting data as events occur.

3 Effective Date. This act shall take effect January 1, 2013.

**2012-0571s**

#### AMENDED ANALYSIS

This bill authorizes the commissioner of safety to require the installation of an ignition interlock device or enhanced technology ignition interlock device as a condition of restoring driving privileges in certain instances.

This bill was requested by the department of safety.

**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 290**, naming a bridge in Woodstock, New Hampshire the Hilliard Family Bridge. Ought to Pass, Vote 5-0. Senator Rausch for the committee.

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

**SB 313-FN**, relative to state photographic identification indicating veteran's status. Ought to Pass with Amendment, Vote 3-0. Senator Stiles for the committee.

**Senate Transportation**

**February 2, 2012**

**2012-0567s**

**09/01**

**Amendment to SB 313-FN**

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

3 Implementation. The director of the division of motor vehicles shall implement the provisions of RSA 260:21, III and RSA 263:40, as inserted by sections 1 and 2 of this act, upon his or her determination that veteran's status designation information may be accepted and maintained by the department of safety's information technology system, but in no event later than July 1, 2014. The director shall provide the date of implementation to the secretary of state and the director of the office of legislative services within 30 days of implementation.

**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 315**, requiring motorists to give wide berth to highway maintenance vehicles. Ought to Pass with Amendment, Vote 4-0. Senator Rausch for the committee.

**Senate Transportation**

**January 31, 2012**

**2012-0497s**

**03/05**

**Amendment to SB 315**

Amend the bill by replacing section 1 with the following:

1 Highway Maintenance Vehicles. Amend RSA 265:6-a, II to read as follows:

II. The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays emergency lights *or amber warning lights* as authorized under RSA 266:78-a through RSA 266:78-q *and shall give wide berth, without endangering oncoming traffic, to highway workers and stationary or moving vehicles owned by or contracted to state or local highway maintenance departments displaying amber warning lights.*

**2012-0497s**

**AMENDED ANALYSIS**

This bill requires motorists to give wide berth to highway workers and stationary or moving highway maintenance vehicles displaying amber warning lights.

**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 332**, repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire. Ought to Pass with Amendment, Vote 3-0. Senator Boutin for the committee.

**Senate Transportation**  
**February 2, 2012**  
**2012-0568s**  
**09/01**

**Amendment to SB 332**

Amend RSA 106-B:19 as inserted by section 1 of the bill by replacing it with the following:

106-B:19 Auxiliary State Police. The director is authorized to recruit, train, and organize an auxiliary state police force for the purpose of providing emergency services throughout the state for peacetime or wartime emergencies or threatened emergencies and for augmenting the state police force in such manner as the director may deem appropriate. Notwithstanding other provisions the director may recruit such auxiliary force from retired state or local police. Such auxiliary force shall at all times be under the direction and control of the said director and shall be subject to rules adopted by the director under RSA 541-A ~~[and shall serve for a period of not more than 90 days in any one year]~~ **and shall be limited to specific hours in any given calendar year for part-time police officers adopted in rules under RSA 541-A by the police standards and training council, pursuant to RSA 188-F:27, III.**

**2012-0568s**

**AMENDED ANALYSIS**

This bill repeals a prohibition relative to auxiliary state troopers and repeals the law governing motor vehicles carrying property for hire.

**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 366-FN**, relative to use of certain OHRVs on snowmobile trails. Ought to Pass, Vote 3-0. Senator Boutin 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 374**, naming marine patrol headquarters in honor of David Barrett. 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.**

**WAYS AND MEANS**

**SB 299-FN-A**, relative to the exclusion of certain interest under the business enterprise tax. Inexpedient to Legislate, Vote 5-0. Senator D'Allesandro for the committee.

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

**SB 214**, relative to the applicability of the right-to-know law to public libraries.

**SB 233-L**, relative to special elections of the charter commission.

**SB 235**, relative to registration of business organizations with the secretary of state.

**SB 236**, relative to nomination of candidates.

**SB 239**, relative to the membership and duties of the installation standards board.

**SB 252**, increasing the maximum term for energy performance contracts.

**SB 282**, authorizing the commissioner of safety to require the installation of an ignition interlock device or enhanced technology ignition interlock device as a condition of restoring driving privileges in certain instances.

**SB 285**, authorizing suspension or revocation of a driver's license for serious boating offenses and relative to loss of motorboat privileges for aggravated driving while intoxicated.

**SB 290**, naming a bridge in Woodstock, New Hampshire the Hilliard Family Bridge.

**SB 296**, relative to including next-of-kin contact information on a driver's license.

**SB 315**, requiring motorists to give wide berth to highway maintenance vehicles.

**SB 319**, changing the membership of and extending the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

**SB 324-FN**, relative to the use of funds generated by the Hampton Beach parking facilities.

**SB 330-FN**, requiring an independent financial opinion prior to the leasing of any state park property to a private entity.

**SB 332**, repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire.

**SB 338-FN**, relative to military discipline by the national guard.

**SB 346**, extending the committee to study the laws relating to electronic prescriptions.

**SB 356**, limiting the authority of delegates to Article V amendment conventions.

**SB 358-FN**, expanding eligibility for free admission to the state park system to certain members and their families and retired members of the armed forces.

**SB 360**, naming a pond in the town of Sandown.

**SB 367**, naming a bridge in the town of Londonderry in honor of Lance Corporal Peter J. Sora, Jr., U.S.M.C. and Private First Class Eric D. Currier, U.S.M.C.

**SB 374**, naming marine patrol headquarters in honor of David Barrett.

**SCR 1**, urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States.

**SCR 2**, regarding the White Mountain National Forest.

**HB 145**, permitting the audio and video recording of a public official while in the course of his or her official duties.

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

Sen. Houde: SB 348-FN.

Sen. White: SB 239.

#### **ANNOUNCEMENTS**

**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.**