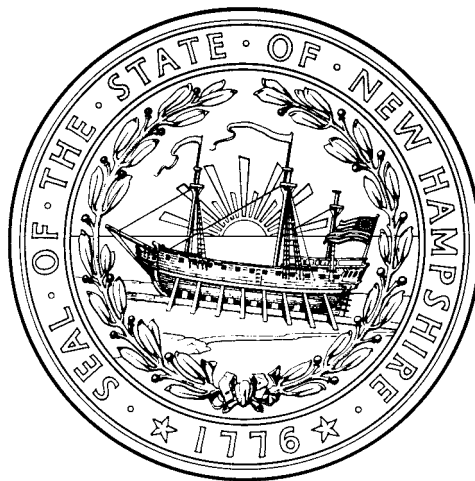


February 15, 2012
Nos. 4-5

STATE OF NEW HAMPSHIRE

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



**Second Year of the 162nd Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – FEBRUARY 8, 2012 SESSION
COMMENCEMENT – FEBRUARY 15, 2012 SESSION**

SENATE JOURNAL 4 *(continued)*

February 8, 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

12-3051

SB 392-FN, relative to road salt applicators. (Morse, Dist 22; Carson, Dist 14; Rausch, Dist 19; Bettencourt, Rock 4; Chandler, Carr 1; Azarian, Rock 4; Elliott, Rock 4: Energy and Natural Resources)

12-3059

SB 399-FN, relative to the maximum permit application fee for certain municipal dredging projects. (Bragdon, Dist 11; Belvin, Hills 6; Willette, Hills 6; Hansen, Hills 6: Energy and Natural Resources)

12-3061

SB 401, relative to reporting the average daily membership of pupils in the public schools. (Forsythe, Dist 4; Stiles, Dist 24; Bragdon, Dist 11; Bradley, Dist 3; Hill, Merr 6; Fleck, Carr 5; Boehm, Hills 27: Education)

12-3063

SB 403-FN-A, relative to the report on tobacco tax revenues. (Larsen, Dist 15; D'Allesandro, Dist 20; Kelly, Dist 10; Houde, Dist 5; Merrill, Dist 21; Norelli, Rock 16; Rosenwald, Hills 22; Almy, Graf 11; Wallner, Merr 12: Ways and Means)

12-3065

SB 404-FN, relative to funding for pupils enrolled in vocational education programs. (Prescott, Dist 23; Lovejoy, Rock 13: Education)

12-3068

SB 405-FN, establishing the workforce investment tax credit. (Stiles, Dist 24; Forsythe, Dist 4; Luther, Dist 12: Ways and Means)

12-3067

SB 406, establishing an early offer alternative in medical injury claims. (Bradley, Dist 3; Luther, Dist 12; Forsythe, Dist 4; Bragdon, Dist 11; Gallus, Dist 1; Barnes, Jr., Dist 17; De Blois, Dist 18; Lambert, Dist 13; Sanborn, Dist 7; Bettencourt, Rock 4; Silva, Hills 26; Kurk, Hills 7; Reagan, Rock 1; Tamburello, Rock 3; O'Brien, Hills 4: Judiciary)

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 1138, naming a bridge in Pelham in honor of Sergeant Daniel R. Gionet.

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.

HB 1203, relative to the membership of the capital budget overview committee.

HB 1209, establishing a committee to study administration of the business profits tax and the business enterprise tax.

HB 1229, declaring March 30 as Welcome Home Veterans Day to honor veterans of Vietnam.

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

HB 1354, relative to a person's residence for voting and all other legal purposes.

HB 1378, relative to transfer by pharmacy technicians of prescription drugs between pharmacies.

HB 1505-FN, relative to public employee suggestions for cost-saving measures.

HB 1563, relative to Greenland's water rights.

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

HB 1592, establishing a committee to study the reporting of business tax revenues collected by the state.

HB 1622, relative to the adoption of forms under the administrative procedures act by the department of insurance.

HB 1633, relative to a tally requirement on school district warrant articles.

HB 1710, establishing a commission to identify issues for legislation related to strengthening the role of fathers in families with divorced or unmarried parents.

HCR 31, commending the work of pregnancy care centers in New Hampshire and across the United States.

HCR 37, urging the New Hampshire delegation to support any legislation requiring a comprehensive audit of the Federal Reserve.

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 648, relative to eminent domain by public utilities and establishing a commission to investigate the procedural rights of the landowner when a petition is presented to the public utilities commission by a utility seeking eminent domain, develop a framework for the state to provide use rights to transmission developers on state owned rights-of-way, develop policies to encourage burying such lines where practicable, and establish a structure for payment.

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. (Ways and Means)

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 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 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. (Public and Municipal Affairs)

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)

February 10, 2012

2012-0723-EBA

08/10

Enrolled Bill Amendment to HB 648

The Committee on Enrolled Bills to which was referred HB 648

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 648

This bill renumbers an RSA section to avoid duplication.

Enrolled Bill Amendment to HB 648

Amend section 5 of the bill by replacing lines 1-3 with the following:

5 New Section; Project Delay; Option to Purchase. Amend RSA 371 by inserting after section 16-a the following new section:

371:16-b Project Delay; Option to Purchase. If, after a period of 5 years, the project for which

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

REPORT OF COMMITTEE ON ENROLLED BILLS

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

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

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

REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 418, 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.

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 5

February 15, 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.

As I begin to decay, my secretary, who's younger than I am, is helping me with stretching. She's showing me how to stretch so that I don't walk like the Tin Man during a rain storm. And, good leadership is also about flexibility. "See, I am doing a new thing!" says Isaiah. This statement from the Hebrew Scriptures...It says: "See, I am doing a new thing! Now it springs up; you do not perceive it? I am making a way in the desert and streams in the wasteland." God's speaking to God's people here about change and flexibility. Other spiritual leaders, including Jesus, Mohamed, and Buddha would repeat this call to new things happening. Misogynists of the Victorian era did not like hearing it from the Edwardians calling for women's votes. Southern aristocracy did not like hearing it from integration activists, and CEO's and despotic rulers do not like hearing it from Generation X. But, the quiet gentleman's agreement of the Silent Generation have given way to the Baby Boomers' black and white insistence on justice and to the Gen X's demand for inclusion. That leads me to remember that the opposite of faith is not doubt; the opposite of faith is certainty. Let us pray.

God of this wild, changing creation, give us softened hearts so that we might be hard on issues and soft on people instead of hard on people and soft on issues as we lead with the humility and vulnerability of allowing God to do new things among us. Amen.

Sen. Forsythe led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Rausch introduced Melanie Konstant and Eva Palmer, students from Pinkerton Academy, serving as Senate Pages today.

Sen. Rausch introduced Bethany Bernasconi, New Hampshire's 2012 Teacher of the Year.

FINANCE REPORT

Sen. Morse announces that the following bills will not come to Finance: SB 350-FN, SB 377-FN, SB 227-FN, SB 249-FN, SB 365-FN, SB 370-FN, SB 337-FN-L.

Without objection, President Bragdon authorized the Senate to use the official Senate 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.

ENERGY AND NATURAL RESOURCES

SB 265, relative to the definition of stormwater. Ought to Pass with Amendment, Vote 5-0. Senator Merrill for the committee.

Stormwater management has received growing attention over the past few years. The legislatively established Stormwater Commission recommended that our New Hampshire definition of stormwater be aligned with the federal definition. SB 265 fulfills that goal.

Energy and Natural Resources

February 9, 2012

2012-0709s

06/01

Amendment to SB 265

Amend the bill by replacing section 1 with the following:

1 Stormwater Utilities; Definitions. Amend RSA 149-I:6-a, II to read as follows:

II. "Stormwater" means [~~stormwater runoff from precipitation, snow melt runoff, and street wash waters related to street cleaning or maintenance, infiltration, and drainage~~] ***water from precipitation that results in runoff, snowmelt runoff, and surface runoff and drainage, together with debris, chemicals, sediment, or other substances that may be carried along with the water.***

2012-0709s

AMENDED ANALYSIS

This bill amends the definition of "stormwater" in the statute governing stormwater utilities and amends the definition of "waste" for purposes of water pollution and waste disposal.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 213-FN, relative to the authority of state agencies to assess fines and penalties. Interim Study, Vote 5-0. Senator Carson for the committee.

This bill would require state agencies to waive first time paperwork violations and issue warnings imposing certain fines. At the request of the prime sponsor, the committee recommends this bill interim study.

SB 240-FN, relative to the regulation of the practice of genetic counseling. Interim Study, Vote 5-0. Senator Carson for the committee.

This bill was introduced at the request of the Genetic Counselors to establish a governing board in the office of licensed allied health professionals to regulate the practice of genetic counseling in this state. The committee believes this bill be sent to interim study for further review.

JUDICIARY

SB 325, relative to periodic payments of judgments. Inexpedient to Legislate, Vote 5-0. Senator Luther for the committee.

The prime sponsor of the bill determined that there are some unresolved issues. He asked that the bill not go forward at this time.

PUBLIC AND MUNICIPAL AFFAIRS

SB 238, establishing a committee to assess the form of government in towns that have elected the official ballot referendum form of meeting. Ought to Pass with Amendment, Vote 5-0. Senator Merrill for the committee.

As amended, this bill establishes a committee to assess the effectiveness of procedures currently in effect in municipalities that have adopted the official ballot (SB 2) form of town meetings, to review statutory changes that have been enacted relative to procedures, and to address potential further changes, including but not limited to adoption of quorum requirements.

Public and Municipal Affairs**February 8, 2012****2012-0672s****06/03****Amendment to SB 238**

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall:

(a) Study the changes that have been made in the law relative to towns that have elected the official ballot form of town meeting.

(b) Take testimony from any interested party including the Local Government Center and residents.

(c) Assess how procedures currently in effect are working and whether a quorum requirement should be instituted.

SB 247-L, relative to certifying municipal culvert installers. Ought to Pass with Amendment, Vote 5-0. Senator Forrester for the committee.

This bill authorizes the Department of Environmental Services to develop a certification program in conjunction with the University of New Hampshire Technology Transfer Center for municipal culvert installers.

Public and Municipal Affairs**February 8, 2012****2012-0675s****06/10****Amendment to SB 247-LOCAL**

Amend the bill by replacing section 2 with the following:

2 New Paragraphs; Excavating and Dredging Permit; Certified Individuals. Amend RSA 482-A:3 by inserting after paragraph XVI the following new paragraphs:

XVII. State and municipal public works employees who have fulfilled the requirements of a certification program developed by the department may maintain, repair, replace, or modify culverts up to a maximum diameter of 48 inches, or the hydraulic equivalent, as long as the structure can pass flows from the contributing watershed without causing damage to upstream or downstream properties, and in accordance with best management practices to protect water quality, without prior notification to the department.

XVIII. The department shall develop an installer's certification program, in accordance with paragraph XVII, and shall determine the requirements for certification, including continuing education requirements, in accordance with a program jointly developed with the University of New Hampshire Technology Transfer Program. Professional engineers who are duly licensed by the New Hampshire board of professional engineers are exempt from the program requirements of this section. All certified individuals who perform such work shall submit a quarterly report to the department fully identifying work that they performed during each quarter and documentation of continuing education requirements.

XIX. The department shall issue an installer's permit to any individual who submits an application provided by the department, and has satisfactorily completed the program in accordance with paragraphs XVII and XVIII. Permits shall be issued from January 1 and shall expire December 31 of every other year. Permits shall be renewable upon proper application, and documentation of compliance with the continuing education requirement of paragraph XVIII. The installer's permit may be suspended, revoked, or not renewed for just cause, including, but not limited to, the installation of culverts in violation of this chapter or the refusal by a permit holder to correct defective work. The department shall not suspend, revoke, or refuse to renew a permit except for just cause until the permit holder has had an opportunity to be heard by the department. An appeal from such decision to revoke, suspend, or not renew a permit may be taken pursuant to RSA 21-0:14.

Amend the bill by replacing section 4 with the following:

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

2012-0675s

AMENDED ANALYSIS

This bill authorizes the department of environmental services to develop a certification program in conjunction with the University of New Hampshire Technology Transfer Center for municipal culvert installers.

SB 248, relative to the installation of municipal culverts. Inexpedient to Legislate, Vote 5-0. Senator Forrester for the committee.

This bill would have exempted certain municipalities from the permitting requirements for excavating and dredging.

WAYS AND MEANS

SB 306, relative to the commercial and industrial construction property tax exemption. Ought to Pass, Vote 6-0. Senator Boutin for the committee.

This bill permanently extends the authority for the commercial and industrial construction property tax exemption. It also requires owners to apply for the exemption prior to construction, thus allowing the municipality to plan accordingly for the exemption.

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 CACR 12 be Special-Ordered to the front of today's Regular Calendar.

INTERNAL AFFAIRS

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Internal Affairs

February 1, 2012

2012-0528s

09/01

Amendment to CACR 12

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

RELATING TO: public education.

PROVIDING THAT: the legislature shall have the full power and authority and the responsibility to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full power and authority to determine the amount of state funding for public education.

Amend the resolution by replacing paragraph I with the following:

I. That the second part of the constitution be amended by inserting after article 5-b the following new article:

[Art.] 5-c [Public Education.] In fulfillment of the provisions with respect to education set forth in Part II, Article 83, the legislature shall have full power and authority and the responsibility to define reasonable standards for elementary and secondary public education, to establish reasonable standards of accountability, and to mitigate local disparities in educational opportunity and fiscal capacity. Further, the legislature shall have full power and authority to determine the amount of, and the method of raising and distributing, state funding for public education.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the second part of the constitution by inserting after article 5-b a new article to read as follows:

[Art.] 5-c [Public Education.] In fulfillment of the provisions with respect to education set forth in Part II, Article 83, the legislature shall have full power and authority and the responsibility to define reasonable standards for elementary and secondary public education, to establish reasonable standards of accountability, and to mitigate local disparities in educational opportunity and fiscal capacity. Further, the legislature shall have full power and authority to determine the amount of, and the method of raising and distributing, state funding for public education.”

2012-0528s

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the legislature has the full power and authority and the responsibility to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full power and authority to determine the amount of state funding for public education.

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. Boutin.

The following Senators voted Yes: Gallus, Forrester, Bradley, Groen, Sanborn, Odell, White, Luther, Lambert, Boutin, Barnes, De Blois, D’Allesandro, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Forsythe, Houde, Kelly, Carson, Larsen, Rausch, Merrill.

Yeas: 17 - Nays: 7

Adopted by necessary 3/5 vote.

Recess. Out of recess.

Resolution ordered to Third Reading.

COMMERCE

SB 222, relative to property and casualty insurance. Ought to Pass with Amendment, Vote 4-0. Senator Prescott for the committee.

Commerce

February 7, 2012

2012-0653s

01/04

Amendment to SB 222

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 6:

4 Investigations; Enforcement. Amend RSA 400-A:16, III(b) to read as follows:

(b) The commissioner may share documents, materials, or other information, including the confidential and privileged documents, materials, or other information under paragraph III, with other state, federal, and international regulatory agencies *including the Bank for International Settlements*, with the *International Association of Insurance Supervisors or the* National Association of Insurance Commissioners, [its] *their* affiliates or subsidiaries, and with state, federal, and international law enforcement authorities; provided, that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information.

5 Examinations. Amend RSA 400-A:37, IV-a(e)(1) to read as follows:

(1) May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subparagraphs (a) and (b), with other state, federal, and international regulatory agencies *including the Bank for International Settlements*, with the *International Association of Insurance Supervisors or the* National Association of Insurance Commissioners and [its] *their* affiliates and subsidiaries, and with state, federal, and international law enforcement authorities; provided, that the recipient agrees to maintain the confidentiality and privileged status of the document, material, communication, or other information.

2012-0653s

AMENDED ANALYSIS

This bill makes technical corrections in the laws relating to property and casualty insurance. This bill also clarifies the insurance commissioner's ability to share information during investigations and examinations.

This bill is a request of the insurance department.

The question is on the adoption of the Committee Amendment.

Recess. Out of recess.

Sen. White moved to Lay on the Table SB 222. Adopted.

Sen. White asserts Rule 2-15 on SB 222.

SB 257, relative to unemployment compensation. Inexpedient to Legislate, Vote 4-0. Senator Sanborn for the committee.

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

SB 334, relative to Medicare unfair trade practices. Ought to Pass with Amendment, Vote 4-0. Senator Houde for the committee.

Commerce

February 7, 2012

2012-0654s

01/04

Amendment to SB 334

Amend the bill by replacing section 1 with the following:

1 Unfair Insurance Practices. Amend RSA 417:4, XXIII(a) and (b)(1) to read as follows:

(a)(1) Selling, soliciting or negotiating the purchase of Medicare products (Part C and Part D) or Medicare supplemental (Medigap) health insurance in this state through the use of cold lead advertising.

~~(2) [Using an appointment that was made to discuss Medicare products or to solicit the sale of Medicare products in order to solicit sales of life insurance or annuity products.]~~

~~(3)] Soliciting the sale of Medicare products door-to-door prior to receiving an invitation from a consumer.~~

(b) In this paragraph:

(1) "Cold lead advertising" means ~~[making use directly or indirectly of]~~ a method of marketing that fails to disclose in a conspicuous manner that a purpose of the marketing is insurance sales solicitation and that a contact will be made by an insurance producer or insurance company.

2012-0654s

AMENDED ANALYSIS

This bill clarifies the law making certain practices regarding selling, soliciting, or negotiating the purchase of Medicare products and Medicare supplemental health insurance an unfair trade practice under RSA 417:4.

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

Sen. White asserts Rule 2-15 on SB 334.

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 334.

SB 335, establishing a procedure for certain condominiums to waive portions of the state fire code. Inexpedient to Legislate, Vote 2-2. Senator Houde for the committee.

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

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

The following Senators voted Yes: Houde, Odell, Kelly, Carson, Larsen, D'Allesandro, Merrill, Prescott.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Lambert, Boutin, Barnes, De Blois, Rausch, Morse, Stiles, Bragdon.

Yeas: 8 - Nays: 16

Failed.

Sen. White asserts Rule 2-15 on SB 335.

Sen. Sanborn moved Ought to Pass.

Sen. Bradley moved to Lay on the Table SB 335.

A division vote was requested.

Yeas: 18 - Nays: 6

Adopted.

Sen. White asserts Rule 2-15 on SB 335.

SB 350-FN, relative to the sale of portable electronics insurance. Inexpedient to Legislate, Vote 3-1. Senator Sanborn for the committee.

Sen. Sanborn moved to Lay on the Table 350-FN. Adopted.

SB 355, clarifying the exemption for attorneys from licensing requirements for mortgage brokers or bankers. Ought to Pass, Vote 4-0. Senator Houde for the committee.

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

Sen. Forsythe moved to Lay on the Table SB 355. Adopted.

SB 368, relative to nondepository trust companies. Ought to Pass, Vote 4-0. Senator Sanborn for the committee.

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

SB 377-FN, relative to unemployment compensation eligibility for participants in the return to work program. Ought to Pass with Amendment, Vote 4-0. Senator Sanborn for the committee.

**Commerce
February 7, 2012
2012-0655s
01/04**

Amendment to SB 377-FN

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

AN ACT establishing a commission to study workforce training.

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

1 New Section; Workforce Training Study Commission. Amend RSA 282-A by inserting after section 26-a the following new section:

282-A:26-b Workforce Training Study Commission

I. There is established a commission to review job training programs in New Hampshire, including New Hampshire working programs, as well as other comparable programs in other states, to identify effective ways to reduce unemployment while fostering and training a skilled New Hampshire workforce and linking New Hampshire companies to qualified applicants.

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

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of employment security, or designee.
- (d) The commissioner of the department of resources and economic development, or designee.
- (e) The chancellor of the New Hampshire community college system, or designee.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall:

- (a) Identify effective ways to reduce unemployment while fostering and training a skilled New Hampshire workforce and linking New Hampshire companies to qualified applicants.
- (b) Review and recommend programs that offer regionally accessible training or retraining to potential employees in key skill areas, identified by New Hampshire employers as needed for business growth and essential to workplace success.
- (c) Review and recommend ways to effectively promote recognized successful job training and employment programs operating in New Hampshire.
- (d) Review state and federal resources for workforce training, and make recommendations as to adequacy and availability.

V. The members of the study 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. Four members of the commission shall constitute a quorum.

VI. 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 November 1, 2012.

2 Repeal. RSA 282-A:26-b, relative to the workforce training study commission, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 2, 2012.

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

2012-0655s

AMENDED ANALYSIS

This bill establishes a commission to study workforce training.

Sen. Sanborn moved to Lay on the Table SB 377-FN.

Recess. Out of recess.

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

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, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted.

EDUCATION

SB 328, relative to the procedure for filling a vacancy on a cooperative school board. Ought to Pass, Vote 3-0. Senator Carson for the committee.

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

ENERGY AND NATURAL RESOURCES

SB 339, establishing Loon Appreciation Day. Ought to Pass, Vote 4-0. Senator Lambert for the committee.

Sen. Forrester offered a floor amendment.

Sen. Forrester, Dist. 2

February 7, 2012

2012-0639s

04/05

Amendment to SB 339

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

1 Loon Appreciation Day. The governor shall issue a proclamation calling for the proper observance of July 21, 2012 as Loon Appreciation Day and shall urge all cities and towns in New Hampshire to observe the day with appropriate ceremonies and activities related to loon appreciation and preservation.

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

2012-0639s

AMENDED ANALYSIS

This bill requires the governor to issue a proclamation on July 21, 2012 to observe Loon Appreciation Day.

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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 211, relative to the board of registration of funeral directors and embalmers. Inexpedient to Legislate, Vote 4-1. Senator White for the committee.

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

Sen. White asserts Rule 2-15 on SB 211.

Sen. Kelly is in opposition to the motion of Inexpedient to Legislate on SB 211.

SB 227-FN, relative to the status of members of the board of tax and land appeals. Inexpedient to Legislate, Vote 4-0. Senator Groen for the committee.

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

Sen. Sanborn is in opposition to the motion of Inexpedient to Legislate on SB 227-FN.

SB 234-FN, relative to salary grades for certain positions. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration

February 9, 2012

2012-0702s

05/10

Amendment to SB 234-FN

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

AN ACT relative to salary grades for certain executive branch positions and relative to the retirement classification of the director of the division of forests and lands.

Amend the bill by inserting after paragraph II of section 1 of the bill the following:

III. Liquor commission, chief operating officer

IV. Department of information technology, chief information security officer

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

3 State Forester; Initial Appointment, Tenure, and Retirement. Amend RSA 12-A:9-a to read as follows:

12-A:9-a Director of *the Division of* Forests and Lands, State Forester; Initial Appointment and Tenure; *Retirement*.

I. The director of the division of resources development in office on the effective date of this section shall continue in office as director of the division of forests and lands subject to the provisions of this chapter. His *or her* tenure and salary shall be as has been established for the director of the division of resources development. All of the powers, duties and functions heretofore performed by the director of the division of resources development pursuant to any provisions of the statutes shall henceforth be performed by the director of the division of forests and lands subject to the provisions of this chapter. Wherever reference is made to the director of the division of resources development, it shall henceforth be construed to mean the director, division of forests and lands, department of resources and economic development.

II. In addition to the title of director, division of forests and lands, said director shall also be entitled the state forester.

III. For purposes of classification under the provisions of RSA 100-A, the director shall be considered a permanent fireman if the director was a permanent fireman of group II for at least 10 years prior to appointment as director and continues to meet the physical, mental, educational, and other qualifications to fight forest fires pursuant to RSA 100-A:1, VIII(b).

2012-0702s

AMENDED ANALYSIS

This bill:

I. Establishes the salary grades for the positions of director of marketing, merchandising and warehousing, the director of enforcement and licensing, and the chief operating officer in the liquor commission.

II. Establishes the salary grade for the position of director of safety and security in the public utilities commission.

III. Establishes the salary grade for the chief information security officer in the department of information technology.

IV. Provides for continued group II membership of the director of the division of forests and lands if he or she was a member of group II for at least 10 years prior to appointment and continues to meet the applicable qualifications of a permanent fireman under the retirement 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 Committee on Finance (Rule 4-3).

SB 249-FN, requiring a request for proposals for the administration and management of the New Hampshire retirement system. Inexpedient to Legislate, Vote 3-0. Senator Carson for the committee.

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

SB 331, clarifying the definition of surviving spouse for eligibility for line-of-duty death benefits for police officers or firefighters killed in the line of duty. Ought to Pass, Vote 4-0. Senator Larsen for the committee.

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

SB 365-FN, authorizing state residents to join the state health care program. Inexpedient to Legislate, Vote 3-0. Senator White for the committee.

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

Sen. White asserts Rule 2-15 on SB 365-FN.

SB 370-FN, relative to the breeding of dogs for sale or transfer. Ought to Pass with Amendment, Vote 4-0. Senator Groen for the committee.

Senate Executive Departments and Administration

February 9, 2012

2012-0703s

08/10

Amendment to SB 370-FN

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

AN ACT relative to the powers of law enforcement and animal control officers.

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

1 Powers of Law Enforcement and Animal Control Officers. Amend RSA 436:8 to read as follows:

436:8 Powers. The state veterinarian, under the direction of the commissioner, shall have all of the powers of the commissioner and shall have general charge of the enforcement of this chapter, and shall devote his or her entire time and attention to the duties of his or her office. Complaints under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of domestic animals, as defined under RSA 436:1, shall initially be filed with the local law enforcement agency, animal control officer, state police, or sheriff which has jurisdiction over where the animal is located or kept ***and who shall have the authority to investigate complaints and prosecute suspected violations.*** At the request of the local law enforcement agency, animal control officer, state police, or sheriff, the state veterinarian shall assist in a secondary capacity in enforcing the provisions of and investigating said complaints. In the event the commissioner becomes incapacitated or a vacancy occurs in the office, the state veterinarian shall perform all the duties of that office during any such incapacity or until any such vacancy is filled. The commissioner may direct the state veterinarian to act for him or her in an official capacity whenever he or she may be absent from his or her duties.

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

2012-0703s

AMENDED ANALYSIS

This bill provides for powers of law enforcement and animal control officers.

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.

FINANCE

SB 142-FN, relative to reorganizing the permitting process within the department of environmental services. Ought to Pass, Vote 7-0. Senator Odell for the committee.

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

SB 237-FN, relative to field purchases and transfers of funds for the state park system and the bureau of trails, and the use of gifts and donations to the division of parks and recreation. Ought to Pass, Vote 7-0. Senator Morse for the committee.

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

SB 303-FN, relative to the penalty assessment on fines for criminal offenses. Inexpedient to Legislate, Vote 6-1. Senator Morse for the committee.

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

SB 313-FN, relative to state photographic identification indicating veteran's status. Ought to Pass, Vote 6-1. Senator Barnes for the committee.

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

SB 348-FN, relative to the pulse oximetry test for newborns. Ought to Pass, Vote 5-2. Senator Barnes for the committee.

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

Recess. Out of recess.

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

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

The following Senators voted No: Forrester, Forsythe, Groen, Sanborn, White, Luther, Rausch, Morse.

Yeas: 16 - Nays: 8

Adopted, bill ordered to Third Reading.

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

SB 366-FN, relative to use of certain OHRVs on snowmobile trails. Ought to Pass with Amendment, Vote 7-0. Senator Gallus for the committee.

**Senate Finance
February 9, 2012
2012-0712s
10/03**

Amendment to SB 366-FN

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

AN ACT relative to use of certain OHRVs on snowmobile trails, and relative to authorization for snowmobiles and OHRVs registered in Vermont and Maine to operate in this state.

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

3 Snowmobiles; Vermont and Maine. Amend RSA 215-C:47 to read as follows:

215-C:47 [Reciprocity] ***Registrations in Vermont and Maine; Authorization.***

I. A snowmobile which is registered in Vermont[; ***or*** Maine[; ~~or Quebec~~] ***by a legal resident of that state*** shall be deemed to be properly registered for the purposes of this chapter if it is registered in accordance with the laws of the state [or province] in which it is registered[; ~~but only to the extent that a reciprocal exemption or privilege is granted under the laws of that state or province for snowmobiles registered in this state. For the purpose of this section, the executive director shall determine the extent of the privilege of operation granted by Vermont, Maine, and Quebec and, when necessary, adopt rules and charge fees to achieve a true reciprocity. The executive director's determination shall be final.~~].

II. In order to operate any snowmobile granted [reciprocity] ***authorization*** under paragraph I, such vehicle shall meet all equipment requirements and sound level decibel limitations which are mandated by RSA 215-C for snowmobiles registered in New Hampshire.

4 OHRVs; Registrations in Vermont and Maine. Amend RSA 215-A:27 to read as follows:

215-A:27 [Reciprocity] ***Registrations in Vermont and Maine; Authorization.***

I. An OHRV not registered for highway use which is registered in Vermont[; ***or*** Maine[; ~~or Quebec~~] ***by a legal resident of that state*** shall be deemed to be properly registered for the purposes of this chapter if it is registered in accordance with the laws of the state [or province] in which it is registered[; ~~but only to the extent that a reciprocal exemption or privilege is granted under the laws of that state or province for OHRVs registered in this state. For the purpose of this section, the executive director shall determine the extent of the privilege of operation granted by Vermont, Maine, and Quebec and, when necessary, adopt rules and charge fees to achieve a true reciprocity. The executive director's determination shall be final.~~].

II. Any motorcycle which is registered for highway use in any state other than New Hampshire owned by a nonresident shall be deemed to be properly registered for the purposes of this chapter if it is registered in accordance with the laws of the state or province in which its owner resides, but only to the extent that a reciprocal exemption or privilege is granted under the laws of that state for motorcycles registered in New Hampshire.

III. In order to operate any OHRV granted [reciprocity] **authorization** under paragraph I, such vehicle shall meet all equipment requirements and sound level decibel limitations which are mandated by RSA 215-A for OHRVs registered in New Hampshire.

2012-0712s

AMENDED ANALYSIS

This bill provides for a snowmobile endorsement for OHRVs which use tracks, cleats, or skis. The bill also allows snowmobiles and OHRVs properly registered in Vermont and Maine by legal residents of those states to operate in this state.

President Bragdon ruled Committee Amendment 0712s non-germane.

Without objection, President Bragdon moved to suspend Rule 3-7 to allow for the introduction of non-germane Committee Amendment 0712s to SB 366-FN by the necessary 2/3.

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 375-FN, relative to a prepaid health plan for Medicaid services. Ought to Pass with Amendment, Vote 7-0. Senator Morse for the committee.

Senate Finance
February 9, 2012
2012-0711s
01/09

Amendment to SB 375-FN

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

AN ACT relative to a prepaid health plan for Medicaid services and relative to the Medicaid management information system.

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

2 Repeal. RSA 2011, 224:365, I, relative to the requirement that the commissioner of information technology shall engage the services of an information systems consultant for the purposes of the Medicaid management information system, is repealed.

2012-0711s

AMENDED ANALYSIS

This bill:

I. Repeals the requirement that the department of health and human services apply for a waiver to deliver and pay for Medicaid services to Medicaid-eligible persons with severe mental disabilities through a prepaid health plan.

II. Repeals the requirement that the commissioner of information technology shall engage the services of an information systems consultant for the purposes of the Medicaid management information system.

President Bragdon ruled Committee Amendment 0711s non-germane.

Without objection, President Bragdon moved to suspend Rule 3-7 to allow for the introduction of non-germane Committee Amendment 0711s to SB 375-FN by the necessary 2/3.

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 380, relative to the study committee on juvenile delinquency and children in need of services. Ought to Pass, Vote 3-0. Senator De Blois for the committee.

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

Recess. Out of recess.

Sen. Barnes presiding.

INTERNAL AFFAIRS

CACR 6, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds. Ought to Pass, Vote 3-2. Senator Bradley for the committee.

Sen. Bragdon offered a floor amendment.

Sen. Bragdon, Dist. 11

February 15, 2012

2012-0846s

06/09

Floor Amendment to CACR 6

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

RELATING TO: taxation.

PROVIDING THAT: no budget bill containing an increase over the budget of the previous biennium greater than the rate of inflation shall become law without 3/5 approval of each house of the legislature.

Amend the resolution by replacing paragraph I with the following:

I. That the second part of the constitution be amended by inserting after article 18-a the following new article:

[Art.] 18-b. [Increase in Spending.] No budget bill containing an increase over the budget of the previous biennium greater than the rate of inflation shall become law without 3/5 approval of each house of the legislature.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the second part of the constitution by inserting after article 18-a a new article to read as follows:

[Art.] 18-b. [Increase in Spending.] No budget bill containing an increase over the budget of the previous biennium greater than the rate of inflation shall become law without 3/5 approval of each house of the legislature.”

2012-0846s

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that no budget bill containing an increase over the budget of the previous biennium greater than the rate of inflation shall become law without 3/5 approval of each house of the legislature.

The question is on the adoption of the Floor Amendment.

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

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

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

Yeas: 18 - Nays: 6

Adopted.

Sen. Forsythe offered a floor amendment.

Sen. Bragdon, Dist. 11

Sen. Forsythe, Dist. 4

February 15, 2012

2012-0847s

06/09

Floor Amendment to CACR 6

Amend the resolution by replacing paragraph I with the following:

I. That the second part of the constitution be amended by inserting after article 18-a the following new article:

[Art.] 18-b. [Increase in Spending.] No budget bill containing an increase over the budget of the previous biennium greater than the rate of inflation shall become law without 3/5 approval of each house of the legislature. The legislature shall by majority vote establish the measure used to determine the rate of inflation under this article at its next session after the approval of this article by the voters of the state. Any subsequent change in the measure of the rate of inflation shall require 3/5 approval of each house of the legislature.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the second part of the constitution by inserting after article 18-a a new article to read as follows:

[Art.] 18-b. [Increase in Spending.] No budget bill containing an increase over the budget of the previous biennium greater than the rate of inflation shall become law without 3/5 approval of each house of the legislature. The legislature shall by majority vote establish the measure used to determine the rate of inflation under this article at its next session after the approval of this article by the voters of the state. Any subsequent change in the measure of the rate of inflation shall require 3/5 approval of each house of the legislature.”

2012-0847s

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that no budget bill containing an increase over the budget of the previous biennium greater than the rate of inflation shall become law without 3/5 approval of each house of the legislature and that the legislature shall establish the measure used to determine the rate of inflation.

The question is on the adoption of the Floor Amendment.

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

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

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

Yeas: 18 - Nays: 6

Adopted.

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

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

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

The following Senators voted No: Houde, Odell, Kelly, Larsen, D’Allesandro, Merrill, Prescott.

Yeas: 17 - Nays: 7

Adopted, bill ordered to Third Reading.

Recess. Out of recess.

PUBLIC AND MUNICIPAL AFFAIRS

SB 225-FN-L, relative to fees for vital records. Ought to Pass, Vote 5-0. 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 308, proclaiming January 24 of each year as Granny D. Day. Inexpedient to Legislate, Vote 4-1. Senator Barnes for the committee.

Recess. Out of recess.

Recess. Out of recess.

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

Sen. Kelly moved Ought To Pass.

Sen. Kelly offered a floor amendment.

Sen. Kelly, Dist. 10

February 15, 2012

2012-0827s

04/05

Floor Amendment to SB 308

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

AN ACT proclaiming January 24, 2013 as Granny D. Day.

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

1 Doris "Granny D." Haddock Day. The governor shall issue a proclamation calling for the proper observance of January 24, 2013 as Granny D. Day in honor of Doris "Granny D." Haddock as a New Hampshire citizen of national significance for her stalwart leadership and passionate dedication in fighting for campaign finance reform and her walk across America at the age of 90.

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

2012-0827s

AMENDED ANALYSIS

This bill requires the governor to issue a proclamation calling for the proper observance of January 24, 2013 as Granny D. Day.

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

Sens. Barnes, Boutin, Lambert, Luther, and Morse are in opposition to the adoption of the Floor Amendment 0827s.

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

Sens. Lambert, Luther, and Morse are in opposition to the motion of Ought to Pass as Amended on SB 308.

WAYS AND MEANS

SB 307-FN, relative to the refund of tax overpayment related to a fraudulent investment scheme. Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Ways and Means

February 8, 2012

2012-0667s

10/03

Amendment to SB 307-FN

Amend RSA 21-J:28-e, I and II as inserted by section 1 of the bill by replacing them with the following:

I. Notwithstanding any other provision of law, any taxpayer aggrieved by a fraudulent investment scheme may petition for a refund of overpayment of taxes resulting from a fraudulent investment scheme for which an amended federal tax return has been filed claiming a theft loss for the fraudulent investment scheme under Internal Revenue Code section 165. Such petition for refund of overpayment of taxes shall be made within 180 days of the taxpayer filing the amended federal tax return.

II. For purposes of this section, "fraudulent investment scheme" means a transaction in which the party perpetrating the fraud receives cash or property from investors, purports to earn income for the investors, and reports to the investors income amounts that are wholly or partially fictitious. In a fraudulent investment scheme the party perpetrating the fraud criminally appropriates some or all of the investors' cash or property.

Amend section 3 of the bill by replacing it with the following:

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

2012-0667s

AMENDED ANALYSIS

This bill allows a taxpayer to petition for refund of tax overpayments resulting from a fraudulent investment scheme.

This bill is a request of the department of revenue administration.

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

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

SB 337-FN-L, relative to property held for water supply or flood control. Interim Study, Vote 6-0. Senator Luther for the committee.

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

MOTION TO VACATE

Without objection, President Bragdon moved to vacate SB 364 from Public and Municipal Affairs Committee to Judiciary Committee.

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 142-FN, relative to reorganizing the permitting process within the department of environmental services.

SB 237-FN, relative to field purchases and transfers of funds for the state park system and the bureau of trails, and the use of gifts and donations to the division of parks and recreation.

SB 238, establishing a committee to assess the form of government in towns that have elected the official ballot referendum form of meeting.

SB 247-L, relative to certifying municipal culvert installers.

SB 265, relative to the definition of stormwater.

SB 306, relative to the commercial and industrial construction property tax exemption.

SB 308, proclaiming January 24, 2013 as Granny D. Day.

SB 313-FN, relative to state photographic identification indicating veteran's status.

SB 328, relative to the procedure for filling a vacancy on a cooperative school board.

SB 331, clarifying the definition of surviving spouse for eligibility for line-of-duty death benefits for police officers or firefighters killed in the line of duty.

SB 334, relative to Medicare unfair trade practices.

SB 339, establishing Loon Appreciation Day.

SB 348-FN, relative to the pulse oximetry test for newborns.

SB 366-FN, relative to use of certain OHRVs on snowmobile trails, and relative to authorization for snowmobiles and OHRVs registered in Vermont and Maine to operate in this state.

SB 368, relative to nondepository trust companies.

SB 370-FN, relative to the powers of law enforcement and animal control officers.

SB 375-FN, relative to a prepaid health plan for Medicaid services and relative to the Medicaid management information system.

SB 380, relative to the study committee on juvenile delinquency and children in need of services.

CACR 6, relating to taxation. Providing that no budget bill containing an increase over the budget of the previous biennium greater than the rate of inflation shall become law without 3/5 approval of each house of the legislature.

CACR 12, relating to public education. Providing that the legislature shall have the full power and authority and the responsibility to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full power and authority to determine the amount of state funding for public education.

LIST OF RULE 2-15'S FOR THE DAY

Sen. Houde: SB 348-FN.

Sen. White: SB 211, SB 222, SB 334, SB 335, SB 365-FN.

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.