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STATE OF NEW HAMPSHIRE

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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MARCH 28, 2012 SESSION
COMMENCEMENT – APRIL 11, 2012 SESSION**

SENATE JOURNAL 8 *(continued)*

March 28, 2012

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 234-FN-A, relative to food service licensure and establishing a committee to study the regulation of food service establishments.

HB 533-FN-L, establishing a cap on the amount of school building aid grants distributed in each fiscal year.

HB 1241, relative to table wines.

HB 1274-FN, transferring the McAuliffe-Shepard discovery center to a private nonprofit corporation and making supplemental appropriations.

HB 1325, relative to legal residency requirements for purposes of school attendance for children of divorced parents and children whose parents share decision making responsibility pursuant to a parenting plan.

HB 1350, relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions.

HB 1360, relative to the rulemaking authority of the state board of education.

HB 1361, relative to fiscal notes on bills.

HB 1395, revoking amendments to supreme court rules 50 and 50-A.

HB 1402, relative to the sale of homemade food and licensing of certain milk producer-distributors.

HB 1403, relative to providing pupils with curriculum and instruction regarding state and national sovereignty and establishing a committee to study the implementation of the International Baccalaureate program in New Hampshire.

HB 1436, establishing a liaison committee to monitor the management of natural resources by the department of resources and economic development.

HB 1490-FN, relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

HB 1508, relative to procedures of the board of mental health practice.

HB 1521-FN, relative to retired state employees group insurance participation.

HB 1552-FN, relative to the reporting of funds.

HB 1560, relative to the interstate Health Care Compact.

HB 1597, relative to taking by eminent domain for certain purposes.

HB 1658-FN, establishing an income and identity verification system for public assistance recipients; relative to the department of health and human services payment of residential care services; and relative to implementation of the Sean William Corey pilot program.

HB 1659-FN, relative to the women's right to know act regarding abortion information.

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 1260-FN, relative to certain contributions to pari-mutuel pools by race simulcasters in Cheshire county, compensation of charitable organizations by gaming operators, and unauthorized gambling machines and sweepstakes.

HB 1435, establishing a liaison committee to monitor the department of environmental services.

HB 1438, relative to confidentiality of police personnel files.

HB 1460, establishing a defined contribution retirement plan for public employees.

HB 1607-FN-L, establishing an education tax credit.

HB 1623, relative to records of the legislative ethics committee.

HB 1652-FN-A, requiring the transfer of insurance premium tax revenue to the department of health and human services and the revenue stabilization reserve account.

HB 1660-FN, relative to abortions after 20 weeks.

HB 1680-FN, relative to the duties of the oversight committee on health and human services.

HB 1692-FN, making changes to the administration of the university system of New Hampshire.

HB 1701-FN, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state.

HB 1725-FN, prohibiting health care practitioner self-referrals for medical devices.

HB 1727-FN, to return certain insurance exchange moneys to the federal government.

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 138-FN, relative to the cold case homicide unit. (Finance)

HB 234-FN-A, relative to food service licensure and establishing a committee to study the regulation of food service establishments. (Health and Human Services)

HB 415, relative to access to abuse and neglect investigation records pending a child custody dispute. (Judiciary)

HB 533-FN-L, establishing a cap on the amount of school building aid grants distributed in each fiscal year. (Education)

HB 1128, relative to ignition interlock device recalibration and data reports. (Transportation)

HB 1140, relative to the care of war memorials in Franconia Notch state park. (Energy and Natural Resources)

HB 1182, prohibiting the sale of baby food products containing bisphenol A in New Hampshire. (Commerce)

HB 1195, relative to membership of the joint legislative historical committee. (Internal Affairs)

HB 1205, relative to the duty of the long range capital planning and utilization committee. (Capital Budget)

HB 1206, relative to continuing obligations under expired public employee labor agreements. (Executive Departments and Administration)

HB 1216, relative to the authority for withholding or withdrawal of life-sustaining treatment. (Judiciary)

HB 1217, relative to the form for executing advance directives for health care decisions. (Health and Human Services)

HB 1225, a charter school to incur long-term debt. (Education)

HB 1230-FN, requiring a listing of state real property. (Finance)

HB 1237, establishing the joint committee on employee relations. (Internal Affairs)

HB 1241, relative to table wines. (Commerce)

HB 1246, permitting resident application for pistol or revolver licenses to be submitted to the state police or the sheriff's department. (Judiciary)

HB 1251-FN, establishing a committee to study requiring that all sales of alcoholic beverages for off-premises consumption be made at state liquor stores. (Ways and Means)

HB 1254, establishing a committee to study the effect of illegal immigration on the state and its political subdivisions. (Public and Municipal Affairs)

HB 1255, relative to the membership of the commission on primary care workforce issues. (Executive Departments and Administration)

HB 1256, establishing a New Hampshire state register of historic places. (Internal Affairs)

HB 1260-FN, relative to certain contributions to pari-mutuel pools by race simulcasters in Cheshire county, compensation of charitable organizations by gaming operators, and unauthorized gambling machines and sweepstakes. (Ways and Means)

HB 1263, relative to the termination of tenancy and repealing the requirement that landlords of restricted residential property provide service of process information. (Judiciary)

HB 1270, requiring an employer to disclose non-compete and non-piracy agreements prior to making an offer of employment or an offer of change in job classification. (Commerce)

HB 1274-FN, transferring the McAuliffe-Shepard discovery center to a private nonprofit corporation and making supplemental appropriations. (Finance)

HB 1276, establishing a committee to study general court policies and procedures related to persons with disabilities. (Internal Affairs)

HB 1297, relative to federal health care reform and health care exchanges. (Commerce)

HB 1306-FN-L, requiring a report on part-time employment of retired members of the retirement system. (Executive Departments and Administration)

HB 1308, relative to the definition of "public body" under the right-to-know law. (Public and Municipal Affairs)

HB 1325, relative to legal residency requirements for purposes of school attendance for children of divorced parents and children whose parents share decision making responsibility pursuant to a parenting plan. (Education)

HB 1329, relative to the default budget in certain towns. (Public and Municipal Affairs)

HB 1332, relative to the law enforcement authority of fish and game conservation officers. (Judiciary)

HB 1346, relative to the construction of power line extensions. (Energy and Natural Resources)

HB 1350, relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions. (Internal Affairs)

HB 1353, relative to establishing an individual's status as a veteran. (Public and Municipal Affairs)

HB 1360, relative to the rulemaking authority of the state board of education. (Education)

HB 1361, relative to fiscal notes on bills. (Finance)

HB 1362, exempting service animals from dog registration and licensing and establishing an option for permanent registration and licensing of service animals. (Executive Departments and Administration)

HB 1366, relative to employer charges for unemployment compensation benefits and relative to suitable work and eligibility requirements for claimants for unemployment compensation benefits. (Commerce)

HB 1387, requiring flags purchased with state funds or displayed in state facilities to be manufactured in the United States. (Executive Departments and Administration)

HB 1389, relative to the pre-engineering technology curriculum and pre-engineering technology advisory council. (Education)

HB 1395, revoking amendments to supreme court rules 50 and 50-A. (Judiciary)

HB 1402, relative to the sale of homemade food and licensing of certain milk producer-distributors. (Health and Human Services)

HB 1403, relative to providing pupils with curriculum and instruction regarding state and national sovereignty and establishing a committee to study the implementation of the International Baccalaureate program in New Hampshire. (Education)

HB 1405, relative to refugee resettlement. (Public and Municipal Affairs)

HB 1416-L, relative to a required fluoride statement. (Public and Municipal Affairs)

HB 1418-FN-A, increasing the threshold amounts for taxation under the business enterprise tax. (Ways and Means)

HB 1435, establishing a liaison committee to monitor the department of environmental services. (Internal Affairs)

HB 1436, establishing a liaison committee to monitor the management of natural resources by the department of resources and economic development. (Internal Affairs)

HB 1438, relative to confidentiality of police personnel files. (Judiciary)

HB 1460, establishing a defined contribution retirement plan for public employees. (Executive Departments and Administration)

HB 1478, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements. (Public and Municipal Affairs)

HB 1483-FN, repealing the retirement system special account. (Executive Departments and Administration)

HB 1487, relative to low carbon fuel standards programs. (Energy and Natural Resources)

HB 1490-FN, relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. (Energy and Natural Resources)

HB 1508, relative to procedures of the board of mental health practice. (Executive Departments and Administration)

HB 1521-FN, relative to retired state employees group insurance participation. (Executive Departments and Administration)

HB 1537-FN, relative to violations of privacy occurring outside a private place. (Judiciary)

HB 1546, recodifying the laws relative to religious societies and adding a religious exemption to the insurance mandates relative to coverage for contraception. (Public and Municipal Affairs)

HB 1549, prohibiting the use of motor vehicle records for any federal identification database. (Transportation)

HB 1551, clarifying the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood, and relative to the losing party's payment of the prevailing party's costs in actions against such landowners, lessees, and occupants. (Judiciary)

HB 1552-FN, relative to the reporting of funds. (Finance)

HB 1553, repealing obsolete and outdated provisions of the Revised Statutes Annotated. (Executive Departments and Administration)

HB 1555, relative to the penalty for firearm use in a state area for propagation of game controlled by the fish and game department. (Energy and Natural Resources)

HB 1560, relative to the interstate Health Care Compact. (Health and Human Services)

HB 1574, relative to an employee's lunch or eating period. (Commerce)

HB 1582, relative to medical and surgical benefits for state employees. (Executive Departments and Administration)

HB 1597, relative to taking by eminent domain for certain purposes. (Judiciary)

HB 1607-FN-L, establishing an education tax credit. (Education)

HB 1615, relative to industrial hemp. (Judiciary)

HB 1617-FN, repealing the certificate of need law. (Health and Human Services)

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

HB 1623, relative to records of the legislative ethics committee. (Internal Affairs)

HB 1629-FN, relative to state photographic identification indicating honorable veteran's status. (Transportation)

HB 1631, allowing persons licensed to provide emergency medical services to work at social or sporting events. (Executive Departments and Administration)

HB 1632, establishing a committee to assess the cost savings of digitizing the general court. (Internal Affairs)

HB 1635, relative to motor vehicle inspections. (Transportation)

HB 1636, relative to the extension of fill and dredge in wetlands permits. (Energy and Natural Resources)

HB 1642-FN, relative to destination specialty hospitals. (Health and Human Services)

HB 1652-FN-A, requiring the transfer of insurance premium tax revenue to the department of health and human services and the revenue stabilization reserve account. (Finance)

HB 1658-FN, establishing an income and identity verification system for public assistance recipients; relative to the department of health and human services payment of residential care services; and relative to implementation of the Sean William Corey pilot program. (Finance)

HB 1659-FN, relative to the women's right to know act regarding abortion information. (Health and Human Services)

HB 1660-FN, relative to abortions after 20 weeks. (Health and Human Services)

HB 1671, apportioning congressional districts. (Internal Affairs)

HB 1679-FN, relative to partial-birth abortion. (Health and Human Services)

HB 1680-FN, requiring the department of health and human services to compile and maintain induced termination of pregnancy statistics. (Health and Human Services)

HB 1692-FN, making changes to the administration of the university system of New Hampshire. (Finance)

HB 1698-FN-A, establishing a committee to study implementing keno in the state of New Hampshire. (Ways and Means)

HB 1701-FN, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state. (Transportation)

HB 1704-FN, relative to limits on political contributions and relative to reporting by political committees. (Public and Municipal Affairs)

HB 1707-FN, relative to penalties for operation after revocation or suspension. (Judiciary)

HB 1716, relative to the state 10-year transportation improvement program. (Transportation)

HB 1718, relative to judicial review of electoral districts. (Judiciary)

HB 1723, making technical corrections regarding parental notification prior to abortion. (Judiciary)

HB 1725-FN, prohibiting health care practitioner self-referrals for medical devices. (Health and Human Services)

HB 1727-FN, to return certain insurance exchange moneys to the federal government. (Commerce)

CACR 26, relating to administration of the supreme court. Providing that the article authorizing the chief justice of the supreme court to make rules governing the administration of all the courts of the state shall be repealed. (Judiciary)

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 9

April 11, 2012

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

Senator Groen offered the following meditative thoughts and prayer.

Dear God, we do come before You today; we thank You for the beautiful weather that we have. We thank You for an opportunity to serve our citizens in this state, who have sent us here. And, we thank You, Lord, that we can serve You in this body. We ask for wisdom and for the grace to do our work in a wise and proper way. In Jesus' name, Amen.

Sen. Odell led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Forrester introduced Sarah Chalmers and Sophie Mae Sanborn, students from Ashland Elementary School, serving as Senate Pages today.

FINANCE REPORT

Sen. Morse announces that the following bills will not come to Finance: HB 247, HB 1677-FN, HB 1703-FN, HB 1455-FN, HB 1155, HB 1185-FN-A, HB 1644, HB 1532-FN, HB 1664-FN, HB 1585-FN.

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

CONSENT CALENDAR REPORTS

The following bill was removed from the Consent Calendar:

HB 581, regulating guaranteed price plans and prepaid contracts for petroleum. Removed by Sen. Kelly.

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

HB 236, establishing a committee to study workers' compensation benefits for illegal aliens. Inexpedient to Legislate, Vote 5-0. Senator Prescott for the committee.

This bill would establish a committee to study workers' compensation benefits for illegal aliens. The Prime Sponsor testified that this study could be accomplished with or without legislation so the Committee unanimously recommends inexpedient to legislate.

HB 408, clarifying the exemption for attorneys from licensing requirements for mortgage brokers or bankers. Ought to Pass with Amendment, Vote 5-0. Senator Houde for the committee.

This bill is identical to SB 355 which we tabled in anticipation of acting on this legislation instead. HB 408 clarifies an exemption from the licensing requirement for mortgage brokers or bankers for attorneys who provide legal services in connection with residential mortgage loans. HUD has come out with clarifying guidance that attorneys were never meant to be subject to regulation along with mortgage brokers or bankers. This legislation makes our statute consistent with that intent.

Commerce
March 27, 2012
2012-1465s
09/01

Amendment to HB 408

Amend RSA 397-A:4, V(b) as inserted by section 1 of the bill by replacing it with the following:

(b) If subparagraph (a) is construed by a governing federal agency to conflict with any federal law, rule, or governing federal agency interpretation promulgated under the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, the provisions of subparagraph (a) shall be superseded and no other provision of this chapter shall be affected until subparagraph (a) is amended by the general court.

HB 1370, making technical changes to the New Hampshire real estate practice act. Ought to Pass, Vote 5-0. Senator De Blois for the committee.

This bill is a request of the New Hampshire real estate commission to require a licensee to disclose his or her ownership interest in the property to a potential buyer or lessee. This bill also clarifies that the performance of administrative tasks by a facilitator does not form an agency relationship with the buyer or tenant in a real estate transaction.

ENERGY AND NATURAL RESOURCES

HB 1133, relative to membership of the enhanced 911 commission. Ought to Pass, Vote 5-0. Senator Bradley for the committee.

This bill updates the membership of the enhanced 911 commission, to include major communication vendors, public safety officials, and emergency dispatch experts and Comcast. This bill was requested by the department of safety.

HB 1211, establishing a committee to study the promotion of lease of state-owned land for use for beginning farmers. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

This bill establishes a committee to study the promotion of lease of state-owned land for use for beginning farmers. The amendment was introduced to define "beginning farmer" and also replace the Senate member of the study committee with a member of the Small and Beginner Farmers of New Hampshire.

Energy and Natural Resources

March 26, 2012

2012-1432s

08/04

Amendment to HB 1211

Amend the introductory paragraph of RSA 425:26, I as inserted by section 1 of the bill by replacing it with the following:

I. There is established a committee to study the promotion of lease of state-owned land for use for beginning farmers. For purposes of this subdivision, "beginning farmer" means a person who either has not operated a farm or who has operated a farm for not more than 10 consecutive years, who will materially and substantially participate in the operation of the farm. The members of the committee shall be as follows:

Amend RSA 425:26, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) One member from Small and Beginner Farmers of New Hampshire appointed by such organization.

HB 1356, classifying certain land in Litchfield as land to be retained by the state. Ought to Pass, Vote 5-0. Senator Bradley for the committee.

This bill assures that the Grassy Pond natural area in Litchfield will be placed, by statute, on the list of "retained lands" as the area offers rare, ecological value.

HB 1455-FN, relative to special licenses for taking lobster while engaged in recreational scuba diving. Inexpedient to Legislate, Vote 5-0. Senator Lambert for the committee.

This bill would have allowed special scuba diver lobster licenses for non-commercial taking of lobsters. The committee felt this may affect New Hampshire's conservative approach to the management of lobsters which has ensured that we have one of the few fisheries that is increasing its lobster resource.

HEALTH AND HUMAN SERVICES

HB 1281, establishing a committee to study alternative medical insurance coverage for elected state officials. Ought to Pass with Amendment, Vote 5-0. Senator De Blois for the committee.

This bill establishes a committee to study alternative medical insurance coverage for elected state officials. The committee amendment removes the Senate member from the committee.

Health and Human Services

April 3, 2012

2012-1516s

01/09

Amendment to HB 1281

Amend paragraph I as inserted by section 2 of the bill by replacing it with the following:

I. The members of the committee shall be 3 members of the house of representatives, appointed by the speaker of the house of representatives.

Amend the bill by replacing section 4 with the following:

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

PUBLIC AND MUNICIPAL AFFAIRS

HB 1224, allowing municipalities to send tax, water, and sewer bills electronically. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

This is an enabling piece of legislation which allows a municipality to electronically mail tax, sewer or water bills. The governing body of the municipality must first approve such action. The committee is assured sufficient consumer protections have been provided should a resident choose to opt into the electronic service.

HB 1266, requiring the assessing standards board to recommend standards rather than guidelines. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

This bill is the completion of an eleven year project by the Assessing Standards Board to develop standards to be followed by assessors, selectmen and boards of assessors throughout the state relating to the administration of the property tax and assessment of real property used in any state property tax system. These standards do not differ from guidelines municipalities have followed through the last two assessing cycles.

HB 1301, relative to challenges to voters. Inexpedient to Legislate, Vote 5-0. Senator Barnes for the committee.

This bill attempts to remove the requirement that a person asserting a voter challenge submit an affidavit stating the basis of the challenge. The current law as written is fair to the voter and the voter challenger. This bill would also permit voter challenges to be submitted at the voter registration table on election day, which may disrupt voters trying to register with private or confidential information.

HB 1357, relative to the membership of mosquito control districts. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

This bill clarifies that a mosquito control district shall be governed by a board or committee consisting of up to five voters domiciled in the district.

Public and Municipal Affairs

April 3, 2012

2012-1518s

01/09

Amendment to HB 1357

Amend RSA 430:14, I as inserted by section 1 of the bill by replacing it with the following:

I. Each mosquito control district shall be governed by a board or committee, consisting of [3] **up to 5** voters domiciled in the district, appointed by the local governing body, [~~one each for terms of one, 2, and 3 years~~] **initially appointed to staggered terms**. At the expiration of the terms of the members of the first board or committee, all appointments shall be for terms of 3 years and until their successors are appointed and qualified, but the individuals holding the appointment shall do so at the pleasure of the local governing body. At least one board or committee member should be a local governing body member; however, this one membership may be assigned. Vacancies shall be filled by the local governing body. Vacancies resulting for cause other than expiration of term shall be filled for the unexpired term.

HB 1563, relative to Greenland's water rights. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

This bill as amended has the support of both Greenland and Portsmouth. It allows Greenland options to provide its citizens with water service while having no impact on its participation in the Portsmouth Water District.

Public and Municipal Affairs
April 3, 2012
2012-1519s
03/09

Amendment to HB 1563

Amend the bill by replacing section 1 with the following:

1 City May Extend Waterworks. Amend 1899, 205:1 to read as follows:

SECTION 1. The city of Portsmouth, in the county of Rockingham, in addition to the powers conferred by chapter 209 of the Laws of 1891, authorizing said city to manage and control its water supply, is hereby authorized and empowered and given the exclusive right to extend its system of water-works into the towns of Newington[, Greenland,] and Newcastle, and that part of Rye northeast of the Wallis Sands life-saving station, and the road leading therefrom to Lang's Corner in the town of Rye, ***and the nonexclusive right to extend its system of water-works into the town of Greenland,*** all in the county of Rockingham, for the purpose of introducing into and distributing through said towns an adequate supply of water in subterranean or other pipes for extinguishing fires, and for the use of their citizens, and for other purposes[; and for that purpose]. ***The city of Portsmouth exclusively*** may take, purchase, and hold, in fee simple or otherwise, free from taxation, any real or personal estate in said towns, and any rights therein and water rights necessary for carrying into effect the purposes of this act, ***subject only to Greenland's right to exercise the same described rights within the town of Greenland for the purpose of supplying water within its boundaries.***

HB 1719, relative to the filing period for elections. Ought to Pass, Vote 5-0. Senator Merrill for the committee.

This bill authorizes the Secretary of State to change or extend the filing period for elections as necessary, if the redistricting process is not complete.

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

SPECIAL ORDER

Without objection President Bragdon moved HB 1431 and HB 1670 be Special-Ordered to the end of the day's Regular Calendar.

REGULAR CALENDAR REPORTS

CAPITAL BUDGET

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

COMMERCE

HB 247, relative to seller financing of mortgages and making changes to the laws regulating mortgage bankers and brokers and debt adjustment services. Ought to Pass, Vote 4-1. Senator Houde for the committee.

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

HB 1677-FN, relative to choice as to whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization. Ought to Pass with Amendment, Vote 3-1. Senator Prescott for the committee.

Commerce
April 4, 2012
2012-1525s
06/01

Amendment to HB 1677-FN

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

AN ACT relative to freedom of choice on whether to join a labor union.

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

1 Name of Act. It is the intent of the general court that this act be known as “The Franklin A. Partin Jr. Right to Work Act.”

2 New Chapter; Right to Work Act. Amend RSA by inserting after chapter 273-C the following new chapter:

CHAPTER 273-D
RIGHT TO WORK ACT

273-D:1 Short Title. This act may be cited as the “Right to Work Act.”

273-D:2 Declaration of Public Policy. It is hereby declared to be the public policy of this state in order to maximize individual freedom of choice in the pursuit of employment and to encourage an employment climate conducive to economic growth, that all persons shall have, and shall be protected in the exercise of, the right freely, and without fear of penalty or reprisal, to form, join, or assist labor organizations, or to refrain from any such activity.

273-D:3 Definitions. In this chapter:

I. “Employer” means any individual, corporation, association, organization, or entity that employs one or more persons. The term includes, but is not limited to, the state of New Hampshire and its agencies, every district, board, commission, instrumentality, or other unit whose governing body exercises similar governmental powers. The term “employer” includes, but is not limited to, employers of agricultural labor.

II. “Labor organization” means any organization of any kind, or agency or employee representation committee or plan, which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of work, or other conditions of employment.

273-D:4 Freedom of Choice Guaranteed, Discrimination Prohibited. No person shall be required, as a condition of employment or continuation of employment:

I. To resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;

II. To become or remain a member of a labor organization;

III. To pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization;

IV. To pay any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments, or other charges of a labor organization; or

V. To be recommended, approved, referred, or cleared by or through a labor organization.

273-D:5 Voluntary Deductions Protected. It shall be unlawful for any employer to deduct from the wages, earnings, or compensation of any employee any dues, fees, assessments, or other charges, to be held for, transferred to, or paid over to a labor organization, unless the employee has first presented, and the employer has received, a signed written authorization of such deductions, which authorization may be revoked by the employee at any time by giving written notice of such revocation 30 days in advance of its effective date. Every employer who receives such an authorization from an employee shall have a duty to promptly notify that employee in writing that the employee may revoke an authorization at any time by giving the employer 30 days written notice.

273-D:6 Agreements in Violation, and Actions to Induce Such Agreements, Declared Illegal. Any agreement, understanding or practice, written or oral, implied or expressed, between any labor organization and employer which violates the rights of employees as guaranteed by the provisions of this chapter is hereby declared to be unlawful, null and void, and of no legal effect. Any strike, picketing, boycott, or other action, by a labor organization for the sole purpose of inducing or attempting to induce an employer to enter into any agreement prohibited under this chapter is hereby declared to be for an illegal purpose and is a violation of the provisions of this chapter.

273-D:7 Notice to be Posted. It shall be the duty of every employer to post and keep continuously displayed the following notice at such a place or places in the business, establishment, or premises where it may be readily seen by all employees, and it shall be the further duty of every employer to furnish a copy of such notice to each employee at the time the employee is hired:

EMPLOYEES FREEDOM OF CHOICE

Under the law of the state of New Hampshire, employees are protected in the exercise of their free choice to join or refrain from joining labor unions, and it is unlawful for an employer and a labor union to enter into

a contract or agreement requiring them to pay dues, fees, or charges of any kind to a labor union as a condition of obtaining or keeping a job. Under this law, an employer may not discharge or otherwise discriminate against an employee because of joining or refusing to join a labor union, or to pay dues, or other charges to a labor union.

273-D:8 Coercion and Intimidation Prohibited. It shall be unlawful for any person, labor organization, or officer, agent or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or the employee's parents, spouse, children, grandchildren, or any other persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to property, to compel or attempt to compel such employee to join, affiliate with, or financially support a labor organization or to refrain from doing so, or otherwise forfeit any rights as guaranteed by provisions of this chapter. It shall also be unlawful to cause or attempt to cause an employee to be denied employment or discharged from employment because of support or nonsupport of a labor organization by inducing or attempting to induce any other person to refuse to work with such employees.

273-D:9 Penalties. Any person, employer, labor organization, agent, or representative of an employer or labor organization, who directly or indirectly imposes upon any person any requirement prohibited by this chapter shall be guilty of a misdemeanor, and, notwithstanding RSA 651:2, shall be subject for each offense to a fine not exceeding \$1,000, or to imprisonment not exceeding 90 days, or both.

273-D:10 Civil Remedies. Any person harmed as a result of any violation or threatened violation of the provisions of this chapter shall be entitled to injunctive relief against any and all violators or persons threatening violation, and may also recover any or all damages of any character, including costs and reasonable attorney fees, resulting from such violation or threatened violation, cognizable at common law. Such remedies shall be independent of, and in addition to, the penalties and remedies prescribed in other provisions of this chapter.

273-D:11 Duty to Investigate. It shall be the duty of the attorney general and of each county attorney, to investigate any complaints of violation of this chapter, and to prosecute all persons violating any of its provisions, and to use all means at their command to insure effective enforcement of the provisions of this chapter.

273-D:12 Existing Contracts. The provisions of this chapter shall apply to all contracts entered into on or after the effective date of this chapter and shall not apply to existing contracts, but shall apply to any renewal or extensions of such existing contracts.

273-D:13 Exceptions. The provisions of this chapter shall not apply:

- I. To employers and employees covered by the federal Railway Labor Act.
- II. To federal employers and employees.
- III. To employers and employees on exclusive federal enclaves.
- IV. Where they would otherwise conflict with, or be preempted by, federal law.

273-D:14 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

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

2012-1525s

AMENDED ANALYSIS

This bill prohibits collective bargaining agreements that require employees to join a labor union.

Sen. Forsythe moved to Lay on the Table HB 1677-FN. Adopted.

Sens. Groen, Sanborn, Barnes, and Prescott are in opposition of the motion to Lay on the Table HB 1677-FN.

EDUCATION

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. Inexpedient to Legislate, Vote 3-0. Senator Kelly for the committee.

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

HB 1703-FN, requiring the school board to develop and implement a policy that incorporates the foundations of financial literacy into the school curriculum and instruction. Inexpedient to Legislate, Vote 3-0. Senator Forsythe for the committee.

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

Recess. Out of recess.

ENERGY AND NATURAL RESOURCES

HB 1231, removing the prohibition on the sale, gift, or display of certain young birds. Ought to Pass, Vote 3-0. 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.

HB 1244, relative to firearms possession while trapping. Inexpedient to Legislate, Vote 2-1. Senator Lambert for the committee.

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

HB 1333, establishing a committee to study the establishment of a point system for violations of hunting and fishing laws and regulations enforced by the fish and game department. Inexpedient to Legislate, Vote 2-1. Senator Lambert for the committee.

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

HB 1336, relative to reciprocity for nonresident trainers of hunting dogs. Ought to Pass, Vote 3-0. Senator Gallus for the committee.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1127, relative to barbering apprentices. 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.

HB 1155, relative to the regulation of dentists by the board of dental examiners. Ought to Pass, Vote 4-0. Senator Larsen for the committee.

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

HB 1185-FN-A, relative to the police standards and training council. Inexpedient to Legislate, Vote 4-0. Senator Luther for the committee.

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

HB 1351, relative to disclosure of information by the board of funeral directors and embalmers and governing boards of allied health professionals. Ought to Pass, Vote 2-0. Senator White for the committee.

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

HB 1448, requiring public access to any document and Internet content which is incorporated by reference in administrative rules. 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.

HEALTH AND HUMAN SERVICES

HB 1378, relative to transfer by pharmacy technicians of prescription drugs between pharmacies. Ought to Pass, Vote 4-0. Senator Kelly for the committee.

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

HB 1596, relative to the membership of the advisory council on child care. 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. Adopted, bill ordered to Third Reading.

HB 1618, relative to types of community living facilities. Ought to Pass, Vote 4-0. Senator Bradley for the committee.

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

HB 1644, relative to the regulation of individual home health care service providers by the department of health and human services. Ought to Pass, Vote 4-0. Senator Kelly for the committee.

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

JUDICIARY

HB 344-FN, relative to judicial performance evaluations. Ought to Pass, Vote 4-0. Senator Carson for the committee.

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

HB 1298, relative to the definition of "public use" under the eminent domain procedure act. Interim Study, Vote 4-0. Senator Forsythe for the committee.

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

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

HB 1384, relative to the statute of limitations for complaints against judges. Inexpedient to Legislate, Vote 4-0. Senator Houde for the committee.

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

HB 1394, relative to appeals of eminent domain decisions. Inexpedient to Legislate, Vote 4-0. Senator Carson for the committee.

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

HB 1532-FN, relative to trespass on land which is not posted. Inexpedient to Legislate, Vote 4-0. Senator Carson for the committee.

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

PUBLIC AND MUNICIPAL AFFAIRS

HB 108, relative to trees and roadside growth. Ought to Pass, Vote 4-0. Senator Stiles for the committee.

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

HB 1136, relative to special state elections. Ought to Pass, Vote 4-0. Senator Forrester for the committee.

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

HB 1664-FN, establishing a committee to study transferring election law enforcement to the secretary of state. Ought to Pass with Amendment, Vote 4-0. Senator Forrester for the committee.

Public and Municipal Affairs

March 27, 2012

2012-1462s

05/09

Amendment to HB 1664-FN

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

I. The members of the committee shall be 3 members of the house of representatives, appointed by the speaker of the house of representatives.

Amend the bill by replacing section 4 with the following:

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

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.

TRANSPORTATION

HB 1307, relative to agricultural plates. Ought to Pass with Amendment, Vote 3-0. Senator Boutin for the committee.

Senate Transportation

March 29, 2012

2012-1501s

03/05

Amendment to HB 1307

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. Adopted, bill ordered to Third Reading.

HB 1310, increasing the number of days a motorcycle learner's permit is valid. Ought to Pass with Amendment, Vote 3-0. Senator Boutin for the committee.

Senate Transportation

March 22, 2012

2012-1404s

03/09

Amendment to HB 1310

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

AN ACT increasing the number of days a motorcycle learner's permit is valid and requiring a driver's license for persons under 18 years of age to receive a motorcycle learner's permit.

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

2 Motorcycle Learner's Permit; Eligibility. Amend RSA 263:32, I to read as follows:

I. Upon application, the department shall issue a motorcycle learner's permit to a person 18 years of age or older or a person who is 16 years of age or older and under 18 years of age who has successfully completed an approved driver education course *and has a valid New Hampshire driver's license*. Applicants for such permit shall furnish proof of their fitness to drive a motorcycle as the director in his or her discretion shall determine. Such proof of fitness shall include either passage of a written basic motorcycle knowledge

test approved by the commissioner and the motorcycle rider education program advisory committee or successful completion of the motorcycle rider education program under RSA 263:34-b, but shall not include a driver examination.

2012-1404s**AMENDED ANALYSIS**

This bill increases from 30 to 45 the number of days a motorcycle learner's permit is valid and requires a driver's license for persons under 18 years of age to receive a motorcycle learner's permit.

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

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

HB 1330, establishing a committee to study blood testing of drivers after motor vehicle fatalities. Ought to Pass with Amendment, Vote 4-0. Senator Boutin for the committee.

Senate Transportation**March 22, 2012****2012-1403s****03/09****Amendment to HB 1330**

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

I. The members of the committee shall be 3 members of the house of representatives, appointed by the speaker of the house of representatives.

Amend the bill by replacing section 4 with the following:

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

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

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

HB 1504, reinstating the Maine-New Hampshire Interstate Bridge Authority. Ought to Pass, Vote 4-0. Senator Stiles for the committee.

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

HB 1585-FN, relative to inspections of trucks and buses. 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 Third Reading.

HJR 22, supporting the use of an aversive agent in certain engine coolants and antifreeze to render them impalatable. Inexpedient to Legislate, Vote 3-0. Senator Forsythe for the committee.

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

Recess. Out of recess.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1431, relative to requirements for a barber to obtain a license and for a licensed barber, cosmetologist, manicurist, or esthetician to obtain a shop license. Inexpedient to Legislate, Vote 2-0. Senator Carson for the committee.

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

Sens. Forsythe, Groen, and Sanborn are in opposition to the motion of Inexpedient to Legislate on HB 1431.

INTERNAL AFFAIRS

HB 1670, apportioning executive council districts. Ought to Pass with Amendment, Vote 4-1. Senator Prescott for the committee.

Internal Affairs

April 5, 2012

2012-1528s

03/10

Amendment to HB 1670

Amend the bill by replacing section 1 with the following:

1 Councilor Districts. RSA 662:2 is repealed and reenacted to read as follows:

662:2 Councilor Districts. The state is divided into 5 districts for the choosing of councilors, each of which may elect one councilor. The districts shall be constituted as follows:

I. Councilor district number 1 is constituted of the counties of Carroll and Coos, the unincorporated place of Livermore, the towns of Alton, Ashland, Bath, Belmont, Benton, Bethlehem, Bridgewater, Bristol, Center Harbor, Easton, Ellsworth, Farmington, Franconia, Gilford, Haverhill, Hebron, Landaff, Lincoln, Lisbon, Littleton, Lyman, Madbury, Meredith, Middleton, Milton, Monroe, New Durham, New Hampton, Northfield, Piermont, Rollinsford, Sanbornton, Sugar Hill, Thornton, Tilton, Warren, Waterville Valley, and Woodstock, and the cities of Dover, Laconia, Rochester, and Somersworth.

II. Councilor district number 2 is constituted of the county of Sullivan, the towns of Alexandria, Alstead, Andover, Boscawen, Bradford, Campton, Canaan, Canterbury, Chesterfield, Danbury, Dorchester, Dublin, Enfield, Fitzwilliam, Gilsum, Grafton, Groton, Hancock, Hanover, Harrisville, Henniker, Hill, Hinsdale, Holderness, Hopkinton, Lyme, Marlborough, Marlow, Nelson, New London, Newbury, Orange, Orford, Peterborough, Plymouth, Richmond, Roxbury, Rumney, Salisbury, Stoddard, Sullivan, Surry, Sutton, Swanzey, Troy, Walpole, Warner, Webster, Wentworth, Westmoreland, Wilmot, and Winchester, and the cities of Concord, Franklin, Keene, and Lebanon.

III. Councilor district number 3 is constituted of the towns of Atkinson, Brentwood, Chester, Danville, Derry, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Pelham, Plaistow, Raymond, Rye, Salem, Sandown, Seabrook, South Hampton, Stratham, and Windham, and the city of Portsmouth.

IV. Councilor district number 4 is constituted of the towns of Allenstown, Auburn, Barnstead, Barrington, Bedford, Bow, Candia, Chichester, Deerfield, Durham, Epsom, Gilmanston, Hooksett, Lee, Londonderry, Loudon, Northwood, Nottingham, Pembroke, Pittsfield, and Strafford, and the city of Manchester.

V. Councilor district number 5 is constituted of the towns of Amherst, Antrim, Bennington, Brookline, Deering, Dunbarton, Frankestown, Goffstown, Greenfield, Greenville, Hillsborough, Hollis, Hudson, Jaffrey, Litchfield, Lyndeborough, Mason, Merrimack, Milford, Mont Vernon, New Boston, New Ipswich, Rindge, Sharon, Temple, Weare, Wilton, and Windsor, and the city of Nashua.

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

Sen. Prescott offered a floor amendment.

Sen. Prescott, Dist. 23

April 10, 2012

2012-1576s

03/10

Floor Amendment to HB 1670

Amend the bill by replacing section 1 with the following:

1 Councilor Districts. RSA 662:2 is repealed and reenacted to read as follows:

662:2 Councilor Districts. The state is divided into 5 districts for the choosing of councilors, each of which may elect one councilor. The districts shall be constituted as follows:

I. Councilor district number 1 is constituted of the counties of Carroll and Coos, the unincorporated place of Livermore, the towns of Alexandria, Alton, Ashland, Bath, Benton, Bethlehem, Bridgewater, Bristol, Campton, Center Harbor, Dorchester, Easton, Ellsworth, Farmington, Franconia, Gilford, Groton, Haverhill, Hebron, Holderness, Landaff, Lincoln, Lisbon, Littleton, Lyman, Madbury, Meredith, Middleton, Milton, Monroe, New Durham, New Hampton, Orford, Piermont, Plymouth, Rollinsford, Rumney, Sugar Hill, Thornton, Warren, Waterville Valley, Wentworth, and Woodstock, and the cities of Dover, Laconia, Rochester, and Somersworth.

II. Councilor district number 2 is constituted of the county of Sullivan, the towns of Alstead, Andover, Belmont, Boscawen, Bradford, Canaan, Canterbury, Chesterfield, Danbury, Dublin, Enfield, Fitzwilliam, Gilsum, Grafton, Hancock, Hanover, Harrisville, Henniker, Hill, Hinsdale, Hopkinton, Lyme, Marlborough, Marlow, Nelson, New London, Newbury, Northfield, Orange, Peterborough, Richmond, Roxbury, Salisbury, Sanbornton, Stoddard, Sullivan, Surry, Sutton, Swanzey, Tilton, Troy, Walpole, Warner, Webster, Westmoreland, Wilmot, and Winchester, and the cities of Concord, Franklin, Keene, and Lebanon.

III. Councilor district number 3 is constituted of the towns of Atkinson, Brentwood, Chester, Danville, Derry, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Pelham, Plaistow, Raymond, Rye, Salem, Sandown, Seabrook, South Hampton, Stratham, and Windham, and the city of Portsmouth.

IV. Councilor district number 4 is constituted of the towns of Allenstown, Auburn, Barnstead, Barrington, Bedford, Bow, Candia, Chichester, Deerfield, Durham, Epsom, Gilmanton, Hooksett, Lee, Londonderry, Loudon, Northwood, Nottingham, Pembroke, Pittsfield, and Strafford, and the city of Manchester.

V. Councilor district number 5 is constituted of the towns of Amherst, Antrim, Bennington, Brookline, Deering, Dunbarton, Frankestown, Goffstown, Greenfield, Greenville, Hillsborough, Hollis, Hudson, Jaffrey, Litchfield, Lyndeborough, Mason, Merrimack, Milford, Mont Vernon, New Boston, New Ipswich, Rindge, Sharon, Temple, Weare, Wilton, and Windsor, and the city of Nashua.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Bradley, Groen, White, Luther, Lambert, Carson, Boutin, Barnes, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Gallus, Forrester, Forsythe, Houde, Sanborn, Odell, Kelly, Larsen, De Blois, D'Allesandro, Merrill.

Yeas: 13 - Nays: 11

Adopted.

Sen. Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

April 10, 2012

2012-1577s

03/10

Floor Amendment to HB 1670

Amend the bill by replacing section 1 with the following:

1 Councilor Districts. RSA 662:2 is repealed and reenacted to read as follows:

662:2 Councilor Districts. The state is divided into 5 districts for the choosing of councilors, each of which may elect one councilor. The districts shall be constituted as follows:

I. Councilor district number 1 is constituted of the counties of Coos and Grafton, the unincorporated place of Hale's Location, the towns of Albany, Alton, Bartlett, Belmont, Center Harbor, Charlestown, Chatham, Conway, Cornish, Croydon, Eaton, Effingham, Freedom, Gilford, Grantham, Hart's Location, Jackson, Madison, Meredith, Moultonborough, New Hampton, Newport, Ossipee, Plainfield, Sanbornton, Sandwich, Springfield, Sunapee, Tamworth, Tilton, Tuftonboro, Wakefield, and Wolfeboro and the cities of Claremont and Laconia.

II. Councilor district number 2 is constituted of the towns of Acworth, Allenstown, Alstead, Andover, Antrim, Barnstead, Bennington, Boscawen, Bow, Bradford, Brookfield, Canterbury, Chesterfield, Chichester,

Danbury, Deerfield, Deering, Dublin, Epsom, Farmington, Francestown, Gilmanton, Gilsum, Goshen, Greenfield, Hancock, Harrisville, Henniker, Hill, Hillsborough, Hopkinton, Langdon, Lempster, Loudon, Marlborough, Marlow, Middleton, Milton, Nelson, New Durham, Newbury, New London, Northfield, Northwood, Pembroke, Pittsfield, Rollinsford, Roxbury, Salisbury, Stoddard, Strafford, Sullivan, Surry, Sutton, Unity, Walpole, Warner, Washington, Weare, Webster, Westmoreland, Wilmot, and Windsor and the cities of Concord, Franklin, Rochester, and Somersworth.

III. Councilor district number 3 is constituted of the towns of Atkinson, Barrington, Brentwood, Chester, Danville, Durham, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, Lee, Madbury, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Nottingham, Plaistow, Rye, Salem, Sandown, Seabrook, South Hampton, Stratham, and Windham and the cities of Dover and Portsmouth.

IV. Councilor district number 4 is constituted of the towns of Auburn, Bedford, Candia, Derry, Hooksett, Hudson, Litchfield, Londonderry, Pelham, and Raymond and the city of Manchester.

V. Councilor district number 5 is constituted of the towns of Amherst, Brookline, Dunbarton, Fitzwilliam, Goffstown, Greenville, Hinsdale, Hollis, Jaffrey, Lyndeborough, Mason, Merrimack, Milford, Mont Vernon, New Boston, New Ipswich, Peterborough, Richmond, Rindge, Sharon, Swanzey, Temple, Troy, Wilton, and Winchester and the cities of Keene and Nashua.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Gallus, Forrester, Bradley, Houde, Odell, Kelly, Larsen, De Blois, D'Allesandro, Merrill.

The following Senators voted No: Forsythe, Groen, Sanborn, White, Luther, Lambert, Carson, Boutin, Barnes, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 10 - Nays: 14

Failed.

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

COMMERCE

HB 581, regulating guaranteed price plans and prepaid contracts for petroleum. Inexpedient to Legislate, Vote 5-0. Senator Prescott for the committee.

This bill would require certain disclosures to be included in the prepaid contracts for heating oil, kerosene, or liquefied petroleum gas. This bill would also repeal certain solvency requirements for home heating oil dealers who offer prepaid contracts for home heating oil, kerosene, or liquefied petroleum gas. Many stakeholders believe, as does the committee, that this bill will not solve the problem it attempts to address.

Recess. Out of recess.

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: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Bragdon.

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

Yeas: 16 - Nays: 8

Adopted.

MOTION TO VACATE

Without objection, President Bragdon vacated the following House Bills from Policy Committee:

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

HB 1214, banning corn-based ethanol as an additive to gasoline sold in New Hampshire. (Energy and Natural Resources)

HB 1232-FN, relative to prerecorded political messages. (Public and Municipal Affairs)

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

AMENDMENT TO SENATE RULES

Sen. Bradley moved to amend Senate Rule 8-1 (g).

Amendment to Senate Rule 8-1

Amend Senate Rule 8-1 by replacing (g) with the following:

8-1 Deadlines.

(g) Thursday, April 26, 2012 – Deadline for Policy Committees to ACT on all House bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-3 (b) or exempted by the Senate President.

The question is on the motion to amend Senate Rule 8-1 (g). Adopted by necessary 2/3 vote.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

HB 108, relative to trees and roadside growth.

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

HB 408, clarifying the exemption for attorneys from licensing requirements for mortgage brokers or bankers.

HB 1127, relative to barbering apprentices.

HB 1133, relative to membership of the enhanced 911 commission.

HB 1136, relative to special state elections.

HB 1155, relative to the regulation of dentists by the board of dental examiners.

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

HB 1211, establishing a committee to study the promotion of lease of state-owned land for use for beginning farmers.

HB 1224, allowing municipalities to send tax, water, and sewer bills electronically.

HB 1231, removing the prohibition on the sale, gift, or display of certain young birds.

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

HB 1281, establishing a committee to study alternative medical insurance coverage for elected state officials.

HB 1307, relative to agricultural plates.

HB 1310, increasing the number of days a motorcycle learner's permit is valid and requiring a driver's license for persons under 18 years of age to receive a motorcycle learner's permit.

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 1336, relative to reciprocity for nonresident trainers of hunting dogs.

HB 1351, relative to disclosure of information by the board of funeral directors and embalmers and governing boards of allied health professionals.

HB 1356, classifying certain land in Litchfield as land to be retained by the state.

HB 1357, relative to the membership of mosquito control districts.

HB 1370, making technical changes to the New Hampshire real estate practice act.

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

HB 1448, requiring public access to any document and Internet content which is incorporated by reference in administrative rules.

HB 1504, reinstating the Maine-New Hampshire Interstate Bridge Authority.

HB 1563, relative to Greenland's water rights.

HB 1585-FN, relative to inspections of trucks and buses.

HB 1596, relative to the membership of the advisory council on child care.

HB 1618, relative to types of community living facilities.

HB 1644, relative to the regulation of individual home health care service providers by the department of health and human services.

HB 1664-FN, establishing a committee to study transferring election law enforcement to the secretary of state.

HB 1670, apportioning executive council districts.

HB 1719, relative to the filing period for elections.

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

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, a Rule 2-17. Mister President, on Sunday, former Senate President Stewart Lamprey reached his 91st birthday. Stewart Lamprey was Speaker of the House of Representatives, President of the New Hampshire State Senate, Under Secretary of Commerce in the Nixon administration, and Chief of Staff for Walter Peterson when he was Governor of the State of New Hampshire. I don't think there are many in the history of the State of New Hampshire who have a record of public service that equals that of Stewart Lamprey. Reaching the age of 91 and still being an active person in the Town of Moultonborough; Stewart's very active with his work on milfoil; he's been very, very active for a number of years with that situation. He founded a business here in New Hampshire; it was the New Hampshire Business entity, which helped create small businesses and sell small businesses in the state—very, very active in the real estate business. Lamprey & Lamprey was and is still a very famous name in the North Country. But, for all of us, I think we can take great pride in the fact that Stewart Lamprey was an exemplary public servant, gave much of his life to public service as a member of the Legislature, as a member of the Executive Branch, and at the national level. And, as the former President of this body, I would hope that we would recognize the 91st year of Stewart's existence and hope he has at least another few before he leaves us. Thank you, Mister President.

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

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the call of the Chair.

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