

April 18, 2013
Nos. 9-10

STATE OF NEW HAMPSHIRE

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163rd Session of the New Hampshire General Court
Legislative Proceedings

SENATE JOURNAL

ADJOURNMENT – MARCH 28, 2013 SESSION
COMMENCEMENT – APRIL 18, 2013 SESSION

SENATE JOURNAL 9 *(continued)*

March 28, 2013

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 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2014 and June 30, 2015.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

HB 25-FN-A, making appropriations for capital improvements.

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 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2014 and June 30, 2015. (Finance)

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. (Finance)

HB 25-FN-A, making appropriations for capital improvements. (Capital Budget)

HB 135, relative to physical force in defense of a person and relative to the definition of non-deadly force. (Judiciary)

HB 140, relative to the committee on legislator orientation. (Rules, Enrolled Bills, and Internal Affairs)

HB 184-FN, relative to the oil discharge cleanup fund. (Energy and Natural Resources)

HB 185-FN, relative to the fuel oil discharge cleanup fund. (Ways and Means)

HB 189, extending the commission to study water infrastructure sustainability funding. (Energy and Natural Resources)

HB 246, relative to falsity by employer. (Commerce)

HB 259-FN, relative to special licenses for taking lobster while engaged in recreational scuba diving. (Energy and Natural Resources)

HB 260-FN, relative to the children in need of services (CHINS) program. (Health, Education and Human Services)

HB 262, establishing a committee to study the construction of a permanent memorial to Governor John Gilbert Winant on state property other than the state house grounds. (Rules, Enrolled Bills, and Internal Affairs)

HB 269-L, authorizing a city or town to conduct a special meeting necessitated by changes in adequate education funding. (Public and Municipal Affairs)

HB 283, establishing a study committee to review the hearings officer's report with regard to the New Hampshire Local Government Center and to study potential changes to RSA 5-B. (Executive Departments and Administration)

HB 295, requiring criminal background checks for volunteers and employees at youth skill camps. (Health, Education and Human Services)

HB 304-FN, relative to OHRV registration transfer fees, removing the penalty of completion of a training program for certain OHRV and snowmobile violations, and deleting OHRV and snowmobile vanity plates or decals. (Transportation)

HB 316-FN, relative to regulating alkaline hydrolysis for the disposal of human remains. (Executive Departments and Administration)

HB 363, establishing a committee to study the form of the oath taken by members of the general court. (Rules, Enrolled Bills, and Internal Affairs)

HB 399-FN, establishing the New Hampshire liberty act. (Judiciary)

HB 410, establishing a commission to study and update the rules and procedures of the legislative ethics committee under RSA 14-B and the laws governing legislative ethics under RSA 15-B. (Rules, Enrolled Bills, and Internal Affairs)

HB 411-FN-A, repealing a future reduction in vessel registration fees. (Ways and Means)

HB 432-FN, relative to health care costs for county and state inmates. (Finance)

HB 453, repealing the prospective repeal of the information and analysis center. (Executive Departments and Administration)

HB 507-FN, relative to the maximum permit application fee for certain municipal dredging projects. (Ways and Means)

HB 518, relative to establishing an individual's status as a veteran and specifying that training for active duty is service for purposes of the veterans' tax credit. (Public and Municipal Affairs)

HB 524, relative to national guard facilities, the national guard scholarship fund, and the state active duty death benefit. (Public and Municipal Affairs)

HB 602, establishing a commission to study general court policies and procedures relative to persons with disabilities. (Rules, Enrolled Bills, and Internal Affairs)

HB 617-FN-A-L, increasing the rate of the road toll, establishing the New Hampshire state and municipal road and bridge account, and establishing the commission to study revenue alternatives to the road toll. (Ways and Means)

HB 647-FN, relative to appeals from the compensation appeals board. (Commerce)

HB 652-FN, relative to the judicial branch information technology fund. (Judiciary)

HB 686, relative to approval of liquor commission contracts. (Executive Departments and Administration)

REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 126, relative to use of revolving funds by towns for maintaining recycling programs.

HB 236, relative to membership of the council on autism spectrum disorders.

HB 543, relative to ascertaining damages to abutting landowners.

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 Bill:

HB 194, relative to collection of permit fees paid with insufficient fund checks.

HB 208, relative to annual reports of county officers.

HB 309, relative to filing for office.

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 10

April 18, 2013

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

The Reverend Lyn Winter, guest chaplain to the Senate, offered the following meditative thoughts and prayer.

The events of this week—certainly, in Boston—I think have gotten in our way in some ways. I know that I was compelled by the photos of streets where I had actually walked and been and lived and breathed, and it's really that kind of place that you find yourselves in, I think: that you have all walked down the streets of your constituency, hopefully, with one another. It's not an easy thing to do, and I brought you a verse that I hope will speak to your work together, and that verse is this:

Make every effort to keep the unity of the spirit through the bond of peace. The unity of the spirit not coming from thinking alike or talking alike or even voting alike, but indeed the unity of the spirit coming from being willing to walk with the people of New Hampshire down their streets, to peer into their buildings, to look into their faces, and do the best that you can for them. And so, recognizing different traditions may be gathered in this room, I ask us all in an attitude of prayer:

May our efforts together be built out of genuine respect and love for others and not ourselves. We pray that we would be mindful of the needs of our people, that we would be compassionate and kind. We pray that we would be shown how to use our considerable gifts of knowledge and leadership and cooperation for the sake of our God and the people we serve. Amen.

Sen. Kelly led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Forrester introduced Joselynn Lyford and Rachel D'Ambruoso, students from Ashland Elementary School, serving as Senate Pages for the day.

Sen. Odell introduced Peter Ohstrom, a guest in the Senate gallery.

FN REPORT FOR APRIL 18, 2013

Senator Morse recommends the waiver, under Senate Rule 4-5, of Finance Committee referral for the following bills which have fiscal notes or otherwise appropriate money:

COMMERCE

HB 202-FN, relative to beverage and liquor licenses for bed and breakfasts.

HB 339-FN, establishing a committee to study existing debt collection laws and practices.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 376, relative to the shop licensure requirements for barbers, cosmetologists, manicurists, and estheticians.

HEALTH, EDUCATION AND HUMAN SERVICES

HB 370-FN, repealing the education tax credit program.

HB 482-FN, regarding infestation of bed bugs in rental housing.

HB 629-FN, relative to the criteria for approving and calculating school building aid grants.

JUDICIARY

HB 247-FN, increasing compensation for wrongful incarceration.

PUBLIC AND MUNICIPAL AFFAIRS

HB 147-FN, repealing a duty of the assessing standards board concerning municipal reimbursement for the cost of assessments.

SB 196-FN, relative to the definition of push-polling.

TRANSPORTATION

HB 112-FN, relative to reclamation trust funds.

HB 146-FN, increasing the speed limit on a portion of I-93 to 70 miles per hour.

HB 391-FN, establishing a committee to study options for mitigation of damages associated with highway noise.

WAYS AND MEANS

HB 488-FN, changing the definition of "cigarette" under the tobacco tax to match the definition of "cigarette" under the Master Settlement Agreement

HB 676-FN-A-L, extending the Coos county job creation tax credit.

Senator Morse recommends the following non-FN bills be ordered to the Finance Committee upon being found Ought-to-Pass: (None.)

Without objection, the FN Report is adopted.

Recess. Out of recess.

CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

HB 113, relative to lot access for erection of buildings. Removed by Sen. Bragdon.

HB 187, relative to cost items in negotiated agreements. Removed by Sen. Bragdon.

HB 301, relative to notice of sale in foreclosure proceedings. Removed by Sen. Sanborn.

Sen. Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought-to-Pass be ordered as follows:

FN bills not waived under Senate Rule 4-5, to the Committee on Finance; non-FN bills approved for referral to Finance by the day's FN report, to the Committee on Finance; and all other bills, to Third Reading.

COMMERCE

HB 202-FN, relative to beverage and liquor licenses for bed and breakfasts. Ought to Pass, Vote 5-0. Senator Cataldo for the committee.

This bill establishes a liquor license for bed and breakfasts with four or more rentable rooms and a dining area capable of seating the total number of registered guests.

HB 237, relative to home production of wine for personal or family use. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

This bill amends the statute that currently allows for the home production of beer for personal or family use to now include wine. This will allow for the personal home production and consumption of wine not to exceed 100 gallons per calendar year for a household with one producer or 200 gallons for a household with two producers.

HB 339-FN, establishing a committee to study existing debt collection laws and practices. Ought to Pass, Vote 5-0. Senator Cataldo for the committee.

This bill establishes a committee to study existing debt collection laws and practices and will determine and recommend any statutory changes needed to balance industry needs and consumer needs.

HB 560, repealing the board of trust company incorporation. Ought to Pass, Vote 5-0. Senator Bradley for the committee.

This bill will repeal the Board of Trust Company Incorporation and gives the duties to the Banking Commissioner. This bill is a request of the Banking Department and all of the board members. The board no longer retains authority over the areas it was created to address and the monthly meetings are unnecessary and a waste of state personnel resources.

ENERGY AND NATURAL RESOURCES

HB 111, relative to the acquisition of property rights at Akers Pond dam in the town of Errol by the fish and game department and the acquisition of property rights at Northwood Lake dam in the town of Epsom and Hermit Lake dam in the town of Sanbornton by the department of environmental services. Ought to Pass, Vote 5-0. Senator Woodburn for the committee.

The bill allows the fish and game department to acquire an easement at the Akers Pond dam in Errol for the purpose of improving and controlling the water rights for the benefit of the state. The bill also allows

the department of environmental services to acquire easements at the Northwood Lake dam in the town of Epsom and the Hermit Lake dam in the town of Sanbornton for the purpose of improving and controlling the water rights for the benefit of the state. The landowners have granted the easements in question, and by law, the department needed legislative approval to progress with their plan to improve these water rights.

HB 157, renaming Blood Pond in the town of Lancaster as Evans Pond. Ought to Pass, Vote 5-0. Senator Woodburn for the committee.

This bill renames Blood Pond in the town of Lancaster to Evans Pond. The Evans family has strong ties to the area and was the original name of the pond for several decades before it was renamed Blood Pond. Landowners in the area believe that renaming the pond to Evans Pond will improve the image of the area, and the visitation to the pond.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 156, relative to the appointment and duties of the state fire marshal. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill was requested by the Department of Safety as a housekeeping measure to resolve a conflict between two statutes pertaining to the process for appointment of the State Fire Marshal. This legislation corrects the conflicting statutes.

HB 216, relative to the use of the title “fire marshal.” Ought to Pass, Vote 5-0. Senator Soucy for the committee.

This bill repeals a law set to take effect on July 1, 2013, which would limit the title of “Fire Marshal” to the State Fire Marshal. Without repeal, local communities currently using this title would have to incur costs for the removal of this title from their badges, uniforms and other identifying materials.

HB 267, relative to the board of accountancy. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This legislation clarifies the board of accountancy rulemaking authority and replaces the public accountant on the board with a CPA. Since public accountants are grandfathered pre-CPA professionals, there are only eighteen left within the state. The board requested that this seat be filled with a CPA. The Joint Board of Licensure and Certification, which the Board of Accountancy is one component of, is in full support of this legislation.

HB 372, relative to state agency telecommunications services. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This legislation comes out of the changeover from the Centrex System of telephone service to a voice over internet protocol (VoIP) system. The Department of Safety will oversee this VoIP system and this legislation gives them the authority to develop a new internal manual containing comprehensive procedures for all state agencies.

HB 376, relative to the shop licensure requirements for barbers, cosmetologists, manicurists, and estheticians. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This legislation removes the requirement that barbers, cosmetologists, manicurists, and estheticians have one year of experience prior to the granting of a shop license. This change will make it easier for newly licensed professionals to begin work in their respective professions immediately following their schooling and licensing requirements.

HEALTH, EDUCATION AND HUMAN SERVICES

HB 556, establishing a committee to study the resolution of barriers to the use of telehealth technology in New Hampshire. Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

This bill will establish a committee to study resolving the barriers to the use of telehealth technology. Telehealth technology could provide a valuable resource in improving multiple facets of our healthcare industry. The amendment changes the composition of the committee to 5 members of the House of Representatives and 1 member from the Senate.

Health, Education and Human Services

April 2, 2013

2013-1212s

01/09

Amendment to HB 556

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 as follows:

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

(b) One member of the senate, appointed by the president of the senate.

HB 629-FN, relative to the criteria for approving and calculating school building aid grants. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

This bill makes a technical correction to the calculation of school building aid to ensure monies received from charitable trusts, bequests, gifts, insurance policies, federal grants, or grants from other state programs are not considered as part of the grant. Ultimately, saving taxpayer dollars. This language was inadvertently left out when the program was revived last year. HB 629-FN also inserts "school security and design" to the criteria list of consideration in reviewing proposals for school building aid.

PUBLIC AND MUNICIPAL AFFAIRS

HB 147-FN, repealing a duty of the assessing standards board concerning municipal reimbursement for the cost of assessments. Ought to Pass, Vote 5-0. Senator Pierce for the committee.

This bill repeals a requirement that the assessing standards board recommend a formula for municipal reimbursement of assessing costs. No analysis was ever undertaken that points to a significant increase in costs to implement new assessing standards when the statewide property tax was adopted. Repealing this duty would not, however, relieve the board from making a recommendation in the future.

HB 181, repealing the equalization standards board. Ought to Pass, Vote 5-0. Senator Pierce for the committee.

This bill repeals the equalization standards board and transfers certain duties to the assessing standards board. The equalization standards board has completed its work and has disbanded. The bill will facilitate making the technical correction to the law.

HB 182, relative to appointments to the assessing standards board. Ought to Pass, Vote 5-0. Senator Lasky for the committee.

This bill lowers the population requirement for the appointment of a member of the assessing standards board from a town with a population of less than 5,000 down to 3,000, which is closer to the median. The change insures all towns are represented in a similar manner.

HB 522, relative to duties of town treasurers. Ought to Pass with Amendment, Vote 5-0. Senator Forrester for the committee.

This bill allows town treasurers to pay out town moneys by receiving a manifest signed by a majority of the board of selectmen, or upon orders of the selectmen in a public meeting.

Public and Municipal Affairs

April 10, 2013

2013-1259s

08/03

Amendment to HB 522

Amend the introductory paragraph of RSA 41:29, I as inserted by section 1 of the bill by replacing it with the following:

I. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only ***as follows:***

TRANSPORTATION

HB 174, prohibiting the department of safety from providing motor vehicle records for the purpose of creating or enhancing a federal identification database. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

This bill would prohibit the Department of Safety from providing motor vehicle records for the purpose of creating or enhancing a federal identification database. The Committee determined that this would not impede the Department from working with the Federal Government on a case by case basis for criminal incidents or missing persons. The Committee amended the bill to become effective upon passage.

Senate Transportation
March 26, 2013
2013-1126s
03/04

Amendment to HB 174

Amend the bill by replacing section 2 with the following:

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

HB 282, relative to mixed use school buses, relative to licensing and criminal records of driver education instructors, and relative to background checks for department of safety employees. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

This bill was at the request of the Department of Safety and will modify the definition of mixed use school bus so that drivers of small passenger vans used by the school to transport students to and from school events must be school district employees. It will also require criminal records checks of driver education instructors, update references relating to suspending or revoking a school license or driver education certificate, and authorize background checks on candidates for employment or promotion at the Department of Safety.

HB 391-FN, establishing a committee to study options for mitigation of damages associated with highway noise. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

This bill establishes a committee to study how increased noise levels that arise from state highway projects may be mitigated. The committee will also consider the issue of compensatory damages that may be awarded by the state to affected property owners. The Committee amended the bill to increase the number of Representatives from three to five and removed Senators from the study committee.

Senate Transportation
March 26, 2013
2013-1125s
06/05

Amendment to HB 391-FN

Amend paragraph II as inserted by section 1 of the bill by replacing it with the following:

II. The members of the committee shall be 5 members of the house of representatives, one of whom shall be a member of the public works and highways committee, appointed by the speaker of the house of representatives.

The question is on the adoption of the Consent Calendar. Adopted.

SPECIAL ORDER

Without objection HB 113 and HB 187 are Special-Ordered to the next Session day. Adopted by the necessary 2/3 vote.

Without objection HB 301 is Special-Ordered to the end of the Regular Calendar. Adopted by the necessary 2/3 vote.

HOUSE MESSAGE

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

SB 74, relative to an exemption for entities that furnish hot water through a district energy system.

Sen. Prescott moves concurrence. Adopted.

REGULAR CALENDAR REPORTS

COMMERCE

HB 171, relative to the civil penalty for failure to make payment of workers' compensation. Inexpedient to Legislate, Vote 5-0. Senator Bradley for the committee.

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

HB 172, requiring the labor commissioner to maintain certain statistical information regarding payment of workers' compensation. Inexpedient to Legislate, Vote 5-0. Senator Pierce for the committee.

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

HB 229-FN, relative to a financial examination supervisor. Ought to Pass, Vote 4-0. Senator Hosmer 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 4-5).

HB 230, relative to administrative supervision of insurers. Re-refer to committee, Vote 4-1. Senator Sanborn for the committee.

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

HB 639, relative to beverage container and packaging approval. 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.

ENERGY AND NATURAL RESOURCES

HB 349, relative to OHRV operation of certain 4-wheel drive vehicles on trails within Jericho Mountain state park. Ought to Pass, Vote 4-0. Senator Woodburn for the committee.

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

HB 368, relative to the telecommunications planning and development initiative. Ought to Pass, Vote 4-0. Senator Fuller Clark for the committee.

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

HB 416, shortening the appeals process for a permitting decision under RSA 482-A, relative to fill and dredge in wetlands. Ought to Pass, Vote 4-0. Senator Fuller Clark for the committee.

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

HB 428, relative to funds for dam maintenance, removal and improvement. Ought to Pass, Vote 4-0. Senator Prescott for the committee.

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

HB 516, establishing a committee to study the overlap of federal, state, and local regulation relative to environmental issues. 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.

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Sanborn, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Fuller Clark, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

HB 517, relative to the incidental combustion of untreated wood at certain municipal transfer stations. Ought to Pass, Vote 4-0. Senator Woodburn for the committee.

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

HB 574, increasing the size limitations for OHRVs operating on state-owned trails in Coos and Grafton counties. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Energy and Natural Resources

April 10, 2013

2013-1253s

10/04

Amendment to HB 574

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

1 ATV and Trail Bike Operation on State Lands; Size Limitations Increased. Amend RSA 215-A:43, IV to read as follows:

IV. No person shall operate an OHRV wider than 50 inches or over 1000 pounds on any state-owned trails, ***except that no person shall operate an OHRV wider than 62 inches or over 1,700 pounds on:***

(a) Any state-owned trails in Coos county; and

(b) The Ammonoosuc recreational trail from Haverhill to Bethlehem and the Warren recreational trail in Warren, in Grafton county.

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

2013-1253s

AMENDED ANALYSIS

This bill increases the width and weight limitations for OHRVs that operate on state-owned trails in Coos county and certain trails in Grafton county.

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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 155, relative to the use of open source software by state agencies; including the department of information technology in the uniform electronic transactions act; and repealing the information practices act. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration

March 27, 2013

2013-1146s

05/04

Amendment to HB 155

Amend the bill by replacing section 4 with the following:

4 Creation and Retention of Electronic Records and Conversion of Written Records by Governmental Agencies. Amend RSA 294-E:17 to read as follows:

294-E:17 Creation and Retention of Electronic Records and Conversion of Written Records by Governmental Agencies. The ***secretary of state in cooperation with the*** department of [administrative services, in cooperation with the secretary of state] ***information technology and the department of administrative services***, shall determine whether, and the extent to which, a governmental agency will create and retain electronic records and convert written records to electronic records.

Amend the bill by inserting after section 6 the following and renumbering the original sections 7-8 to read as 9-10, respectively:

7 Definition of State Agency. Amend RSA 21-R:10, IV to read as follows:

IV. "State agency" means any department, commission, board, institution, bureau, office, or other entity, by whatever name called[, ~~including the legislative branch of state government~~], established in the state constitution, statutes, or executive orders. The judicial branch, ***the secretary of state in performance of his or her constitutional duties, and the legislative branch*** of state government [is] ***are*** explicitly exempted from this definition.

8 Use of Open Source Software. Amend RSA 21-R:11, I(c) to read as follows:

(c) Provide a brief analysis of the purchase decision, including consideration of the cost factors in subparagraph (a), to the chief information officer~~[-or the legislative equivalent for purchases by the legislative branch];~~

2013-1146s

AMENDED ANALYSIS

This bill:

I. Revises certain standards encouraging the use of open source software and open data formats by state agencies.

II. Includes the department of information technology in the uniform electronic transactions act.

III. Repeals the information practices act.

IV. Exempts the legislature and the secretary of state in performance of his or her constitutional duties from the requirements of RSA 21-R.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

April 17, 2013

2013-1308s

05/04

Floor Amendment to HB 155

Amend the bill by replacing section 7 with the following:

7 Definition of State Agency. Amend RSA 21-R:10, IV to read as follows:

IV. "State agency" means any department, commission, board, institution, bureau, office, or other entity, by whatever name called~~[-including the legislative branch of state government]~~, established in the state constitution, statutes, or executive orders. The judicial branch *and the legislative branch* of state government [is] *are* explicitly exempted from this definition.

2013-1308s

AMENDED ANALYSIS

This bill:

I. Revises certain standards encouraging the use of open source software and open data formats by state agencies.

II. Includes the department of information technology in the uniform electronic transactions act.

III. Repeals the information practices act.

IV. Exempts the legislature from the requirements of RSA 21-R.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted.

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

HB 190, relative to professional misconduct of dental hygienists. Ought to Pass, Vote 4-0. Senator Watters for the committee.

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

HB 509, requiring the department of administrative services to provide the New Hampshire Department of American Legion with office space. Ought to Pass, Vote 4-1. Senator Carson for the committee.

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

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Sanborn, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Fuller Clark, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

FINANCE

HB 486-FN-A, making an appropriation for the purpose of paying residential care providers at the Chase Home for Children. Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

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

HEALTH, EDUCATION AND HUMAN SERVICES

HB 159, requiring patriotic exercises in public schools on federal Constitution Day. Inexpedient to Legislate, Vote 3-1. Senator Stiles for the committee.

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

HB 161, relative to school district policies on health and sex education. Ought to Pass with Amendment, Vote 4-1. Senator Gilmour for the committee.

Health, Education and Human Services

April 9, 2013

2013-1237s

04/05

Amendment to HB 161

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

1 State Board of Education; Duties. Amend RSA 186:11, IX-c to read as follows:

IX-c. Require school districts to adopt a policy allowing an exception to specific course material, ***including a particular unit of health or sex education instruction***, based on a parent's or legal guardian's determination that the material is objectionable. Such policy shall include a provision requiring the parent or legal guardian to notify the school principal or designee in writing of the specific material to which they object and a provision requiring an alternative agreed upon by the school district and the parent, at the parent's expense, sufficient to enable the child to meet state requirements for education in the particular subject area. The name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the material shall not be public information and shall be excluded from access under RSA 91-A.

2 Repeal. RSA 186:11, IX-b, requiring a school district to adopt a policy allowing an exception to health or sex education instruction based on religious objections, is repealed.

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

2013-1237s

AMENDED ANALYSIS

This bill requires a school district to adopt a policy allowing an exception to a particular unit of health or sex education instruction based on a parent's or legal guardian's determination that the material is objectionable.

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 177, relative to licensing requirements for homestead food. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

Health, Education and Human Services

April 9, 2013

2013-1239s

08/04

Amendment to HB 177

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

AN ACT relative to licensing requirements for homestead food and organic processor or handler certification.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 6:

3 Certification of Organic Products. Amend RSA 426:6-b to read as follows:

426:6-b Certification.

I. Any producer, processor, ***on-farm processor*** or handler of agricultural plant, animal, food, or fiber commodities that are sold, labeled, or represented as “100 percent organic,” “organic,” “made with organic,” or similar terms, shall be enrolled in a certification program which includes an inspection made no less than annually, by a certifying agency accredited by the United States Department of Agriculture in accordance with the Organic Foods Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture’s National Organic Program, Final Rule, 7 CFR part 205, unless such producer, processor, or handler is exempted therein.

II. The commissioner may enter into a cooperative agreement with the United States Department of Agriculture to become an accredited certifying agency as provided for by the Organic Foods Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture’s National Organic Program, Final Rule, 7 CFR part 205, and to implement the provisions thereof.

III. The commissioner may employ inspectors to certify agricultural producers, processors, ***on-farm processors*** and handlers in this state, and to determine whether or not agricultural plant, animal, food, or fiber commodities are marked, branded, or labeled in accordance with the labeling requirements set forth in this chapter and in the Organic Foods Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture’s National Organic Program, Final Rule, 7 CFR part 205.

IV, V. [Repealed.]

VI. For purposes of this chapter “on-farm processor” means a processor who uses products grown or raised on his or her own farm.

4 Rulemaking; Fees. Amend RSA 426:8 to read as follows:

426:8 Rulemaking; Fees. The commissioner may adopt rules, pursuant to RSA 541-A, for carrying out the provisions of this chapter~~[- including the fixing of fees for inspections and certifications authorized by RSA 426:6-b and RSA 426:7. Such fees shall be credited to the general fund of the state].~~

5 New Section; Fees; Organic Farmers and Farm Processors. Amend RSA 426 by inserting after section 8 the following new section:

426:8-a Organic Processors and Handlers; Fees.

I. Each applicant under RSA 426:6-b shall pay a certification fee as follows:

(a) Processors and handlers which are not on-farm processors shall pay:

(1) A \$250 fee for the primary facility; and

(2) A \$100 fee for each additional processing or handling facility.

(b) On-farm processors shall pay a \$50 fee.

II. Each applicant for organic processor, handler, or on-farm processor certification shall pay an inspection fee calculated by the department as follows:

(a) A rate of \$35 per hour of inspection time, including travel time, by the department's inspectors; and

(b) Travel expenses to and from the applicant's facility at a rate of \$0.55 per mile.

(c) The inspection fee shall be calculated after the inspection visit is completed and a subsequent inspection report has been filed with the department.

(d) The inspection fee shall be payable within 30 days of the billing date.

III. Such fees shall be credited to the general fund of the state.

2013-1239s

AMENDED ANALYSIS

This bill requires homestead food operations exempt from licensure to label their food.

This bill also sets fees for organic on-farm processor or handler certification in statute.

The Chair ruled Committee Amendment 1239s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 1239s to HB 177. Adopted by the necessary 2/3 vote.

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 180, relative to the definitions of "student athlete" and "student sports" for the management of concussion and head injury. Ought to Pass, Vote 4-0. Senator Reagan for the committee.

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

HB 232, relative to the membership of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment. Ought to Pass, Vote 4-0. Senator Gilmour for the committee.

Sen. Gilmour offered a floor amendment.

Sen. Gilmour, Dist. 12

April 17, 2013

2013-1305s

01/09

Floor Amendment to HB 232

Amend the bill by replacing section 1 with the following:

1 Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention, and Treatment; Membership. Amend RSA 12-J:1, III(a) to read as follows:

(a)(1) The attorney general, *or designee*.

(2) The adjutant general, *or designee*.

(3) The administrative judge of the district courts, *or designee*.

(4) The chairperson of the liquor commission, *or designee*.

(5) The commissioner of the department of health and human services, *or designee*.

(6) The director of juvenile justice services, department of health and human services, *or designee*.

(7) The commissioner of the department of education, *or designee*.

(8) The commissioner of the department of corrections, *or designee*.

(9) The commissioner of the department of safety, *or designee*.

(10) The director of the office of alcohol and drug policy, department of health and human services, *or designee*.

(11) *The commissioner of the department of insurance, or designee.*

Amend RSA 12-J:1, IV(a)(3) as inserted by section 2 of the bill by replacing it with the following:

(3) The chancellor of the community college system of New Hampshire, or designee.

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.

HB 261-FN, relative to the assistance program for 2-parent families with dependent children. Ought to Pass, Vote 3-1. Senator Reagan for the committee.

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

A roll call was requested by Sen. Soucy, seconded by Sen. Boutin.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Sanborn, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Fuller Clark, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Committee on Finance (Rule 4-5).

HB 293, relative to the adverse events reporting system. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

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

HB 370-FN, repealing the education tax credit program. Inexpedient to Legislate, Vote 3-2. Senator Stiles for the committee.

Sen. Forrester moved to Lay on the Table HB 370-FN.

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 14 - Nays: 10

Adopted.

MOTION OF RECONSIDERATION

Sen. Bradley, having voted on the prevailing side, moved to reconsider HB 370-FN, the bill having been previously Laid on the Table. Adopted.

The question is on the motion to Lay on the Table HB 370-FN.

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

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted.

HB 418, establishing a committee to study a program to address children in need. 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 482-FN, regarding infestation of bed bugs in rental housing. Ought to Pass, Vote 5-0. Senator Reagan for the committee.

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

HB 519, requiring the division of higher education to develop a policy on academic credit for a student's military occupation, military training, coursework, and experience. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

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

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Sanborn, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Fuller Clark, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

JUDICIARY

HB 247-FN, increasing compensation for wrongful incarceration. 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 327-FN, relative to payment of attorneys' fees for indigent parents in termination of parental rights cases. Ought to Pass with Amendment, Vote 4-0. Senator Soucy for the committee.

Senate Judiciary

April 2, 2013

2013-1214s

09/01

Amendment to HB 327-FN

Amend the amending language of section 2 of the bill by replacing it with the following:

2 Fees and Court Costs. Amend RSA 170-C:13, III to read as follows:

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 4-5).

Without objection, Senate Rule 7-1 (f) is suspended in order to allow SB 196-FN to be reported out of the Public and Municipal Affairs Committee, as the Committee acted after the Senate deadline. Adopted by necessary 2/3 vote.

PUBLIC AND MUNICIPAL AFFAIRS

SB 196-FN, relative to the definition of push-polling. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

Public and Municipal Affairs

April 10, 2013

2013-1258s

03/10

Amendment to SB 196-FN

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

1 Definitions; Push-Polling. Amend RSA 664:2, XVII(c) to read as follows:

(c) Conducting such calling ~~[in a manner which is likely to be construed by the voter to be a survey or poll to gather statistical data for entities or organizations which are acting independent of any particular political party, candidate, or interest group]~~ **as part of a series of like telephone calls that consist of 2,000 connected calls that last less than 2 minutes in presidential, gubernatorial, United States senatorial, or United States congressional elections; or conducting such calling as part of a series of like telephone calls that consist of 500 connected calls that last less than 2 minutes in executive council, state senate, state representative, city, town school district, or village district elections; and**

(d) Conducting such calling for purposes other than bona fide survey and opinion research.

2 New Paragraph; Definitions; Bona Fide Survey and Opinion Research. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraph:

XVIII. "Bona fide survey and opinion research" means the collection and analysis of data regarding opinions, needs, awareness, knowledge, views, experiences, and behaviors of a population, through the development and administration of surveys, interviews, focus groups, polls, observation, or other research methodologies, in which no sales, promotional, or marketing efforts are involved, and through which there is no attempt to influence a participant's attitudes or behavior. Bona fide survey and opinion research includes message testing, which is the study for research purposes of how individuals react to positive or negative information on a candidate, elected public official, or ballot question.

3 Push-Polling; Identification. Amend RSA 664:16-a, I to read as follows:

I. Any person who engages in push-polling, as defined in RSA 664:2, XVII, shall ~~[inform]~~, **prior to asking** any person contacted **a question relating to a candidate:**

(a) Inform the person that the telephone call is a "paid political advertisement;" and

(b) Identify the organization making the call and the organization paying for the call; and

(c) Provide a valid, current, publicly-listed telephone number for the organization making the call; and

(d) Identify that the telephone call is being made on behalf of, in support of, or in opposition to a particular candidate **or candidates** for public office[;] **and** identify that candidate **or candidates** by name[; and provide a telephone number from where the push-polling is conducted].

4 Effective Date. This act shall take effect January 1, 2014.

2013-1258s

AMENDED ANALYSIS

This bill modifies the definition of push-polling and the identification requirements for a person engaging in push-polling.

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 138, permitting a town that has adopted official ballot voting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot. Ought to Pass with Amendment, Vote 4-0. Senator Stiles for the committee.

Public and Municipal Affairs

April 3, 2013

2013-1222s

06/01

Amendment to HB 138

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

AN ACT permitting a political subdivision that has adopted the official ballot referendum form of meeting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.

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

1 Use of Official Ballot; form of Warrant. Amend RSA 40:13, VI to read as follows:

VI. All warrant articles shall be placed on the official ballot for a final vote, including warrant articles as amended by the first session. All special warrant articles shall be accompanied on the ballot by recommendations as required by RSA 32:5, V, concerning any appropriation or appropriation as amended. ***For any article that proposes the adoption or amendment of an ordinance, a topical description of the substance of the ordinance or amendment, which shall be neutral in its language, may be placed on the official ballot instead of the full text of the ordinance or amendment, subject to the provisions of paragraphs VII-a and VIII-a. With respect to the adoption or amendment of a zoning ordinance, historic district ordinance, or building code, the provisions of RSA 675:3 shall govern to the extent they are inconsistent with anything contained in this paragraph or in paragraph VII-a or VIII-a.***

2 New Paragraph; Use of Official Ballot; Official Copies Placed on File. Amend RSA 40:13 by inserting after paragraph VII the following new paragraph:

VII-a. When a topical description of the substance of a proposed ordinance or amendment to an ordinance is to be placed on the official ballot, an official copy of the proposed ordinance or amendment, including any amendment to the proposal adopted the first session, shall be placed on file and made available to the public at the office of the clerk of the political subdivision not later than one week prior to the date of the second session of the annual meeting. An official copy of the proposed ordinance or amendment shall be on display for the voters at the meeting place on the date of the meeting.

3 New Paragraph; Use of Official Ballot; Ordinance Question Submitted. Amend RSA 40:13 by inserting after paragraph VIII the following new paragraph:

VIII-a. A question as to the adoption or amendment of an ordinance shall be in substantially the following form:

“Are you in favor of the adoption of (amendment to) the ordinance as proposed by the selectmen as follows: (here insert text or topical description of proposed ordinance or amendment)?” In the event that there shall be more than a single proposed amendment to an ordinance to be submitted to the voters at any given meeting, the issue as to the several amendments shall be put in the following manner: “Are you in favor of the adoption of Amendment No. __ to the ordinance as proposed by the selectmen as follows: (here insert text or topical description of proposed amendment)?”

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

2013-1222s

AMENDED ANALYSIS

This bill permits any political subdivision that has adopted the official ballot referendum form of meeting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.

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 139, relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

Public and Municipal Affairs

April 10, 2013

2013-1257s

06/01

Amendment to HB 139

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

AN ACT relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts and ratifying the Greenland school district meeting held on March 11 and 12, 2013.

Amend the bill by replacing all after section 5 with the following:

6 Ratification of Greenland School District Meeting. All acts, notices, hearings, proceedings, and votes of the annual Greenland school district meeting and election held on March 11, 2013 and March 12, 2013, concerning warrant article 9 to adopt the provisions of RSA 40:13 to allow official ballot voting, which passed by the required 3/5 vote, are hereby legalized, ratified, and confirmed.

7 Effective Date.

I. Section 6 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

2013-1257s

AMENDED ANALYSIS

This bill extends the time towns that have adopted official ballot voting procedures have to:

I. Approve bonding in solid waste management districts; and

II. Withdraw from solid waste management districts.

This bill also ratifies the Greenland school district meeting and election held March 11 and 12, 2013.

The Chair ruled Committee Amendment 1257s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 1257s to HB 139. Adopted by the necessary 2/3 vote.

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.

Without objection, the Senate is in recess. Out of recess.

HB 183, relative to processing absentee ballots. Ought to Pass with Amendment, Vote 4-0. Senator Forrester for the committee.

Public and Municipal Affairs

April 3, 2013

2013-1224s

03/10

Amendment to HB 183

Amend the bill by replacing section 1 with the following:

1 Processing Absentee Ballots. Amend RSA 659:49 to read as follows:

659:49 Processing Absentee Ballots.

[E.] Processing of previously received absentee ballots ~~[shall]~~ **may** begin ~~[at 1:00 p.m.]~~ **when the polls open**. The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed ~~[at any time during the]~~ **for the purpose of** processing of such ballots. Absentee ballots which are received after ~~[1:00 p.m.]~~ **the polls open** and prior to 5:00 p.m. ~~[shall]~~ **may** be processed as soon after receipt as possible. ~~[Under no circumstances shall absentee ballots be counted prior to the closing of the polls.]~~

H. ~~Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election.]~~

Sen. Forrester moved to Lay on the Table HB 183. Adopted.

HB 206, relative to political advertising. Ought to Pass, Vote 4-0. Senator Pierce for the committee.

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

HB 265, relative to procedures by absentee voters. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

Without objection, the Senate is in recess. Out of recess.

Sen. Pierce offered a floor amendment.

Sen. Pierce, Dist. 5
April 17, 2013
2013-1312s
03/09

Floor Amendment to HB 265

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

3 Announcement by Moderator; Absentee Voter Signature Comparison. Amend RSA 659:50, III to read as follows:

III. The ***signature on the back of the return envelope, if the back of the return envelope has been completed, the*** signature on the affidavit, [appears] ***and the application all appear*** to be executed by the same person [~~who signed the application~~]; and

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

Sen. Larsen moved to Lay on the Table HB 265.

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

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Sanborn, Kelly, Gilmour, Lasky, Carson, Larsen, Soucy, D'Allesandro, Fuller Clark, Prescott.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Boutin, Reagan, Rausch, Morse, Stiles, Bragdon.

Yeas: 14 - Nays: 10

Adopted.

Without objection, the Senate is in recess. Out of recess.

HB 308, relative to technical changes to election laws. Ought to Pass with Amendment, Vote 4-0. Senator Pierce for the committee.

Public and Municipal Affairs
April 3, 2013
2013-1223s
03/10

Amendment to HB 308

Amend the bill by replacing section 4 with the following:

4 Reporting by Political Committee. Amend RSA 664:6, IV to read as follows:

IV. Any political committee whose receipts or expenditures do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts or expenditures for an election exceed \$500 the committee shall file a statement at the next reporting deadline, ***and shall continue to file at each reporting deadline.***

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 521, establishing a committee to study New Hampshire election laws and procedures. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

Public and Municipal Affairs
April 10, 2013
2013-1260s
03/05

Amendment to HB 521

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

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

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

(b) One member of the senate, appointed by the president of the senate.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study all current New Hampshire election laws and procedures and review all options to increase participation including but not limited to solutions to limit lines and wait times in casting ballots and voter registration, public education related to election law, election procedures, early voting, and absentee voting. The committee shall consult with and solicit testimony from the public in the course of its duties.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014. 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 112-FN, relative to reclamation trust funds. Ought to Pass, Vote 5-0. Senator Watters for the committee.

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

HB 146-FN, increasing the speed limit on a portion of I-93 to 70 miles per hour. Ought to Pass, Vote 3-2. 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.

Sen. Forrester is in opposition to the motion of Ought to Pass on HB 146-FN.

HB 242, relative to child passenger restraint requirements. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

Senate Transportation

February 19, 2013

2013-1215s

03/04

Amendment to HB 242

Amend the bill by replacing section 1 with the following:

1 Rules of the Road; Child Restraint System. Amend RSA 265:107-a, I-b to read as follows:

I-b. No person shall drive a motor vehicle on any way while carrying as a passenger a person less than [6] 8 years of age unless such passenger is properly fastened and secured by a child restraint system which is in accordance with the safety standards approved by the United States Department of Transportation in 49 C.F.R. section 571.213. If the passenger is [55] 57 inches or more in height, the provisions of this paragraph shall not apply.

2013-1215s

AMENDED ANALYSIS

This bill increases the height exception to the child restraint system requirement for motor vehicle operation and adds 6- and 7-year-old children to the requirement.

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.

WAYS AND MEANS

HB 488-FN, changing the definition of "cigarette" under the tobacco tax to match the definition of "cigarette" under the Master Settlement Agreement. Ought to Pass with Amendment, Vote 5-0. Senator D'Allesandro for the committee.

Senate Ways and Means

April 2, 2013

2013-1213s

09/01

Amendment to HB 488-FN

Amend the introductory paragraph of RSA 78:1, XVII(a) as inserted by section 1 of the bill by replacing it with the following:

XVII.(a) In conformity with RSA 541-C:2, IV, "cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains:

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 598, relative to the reasonable compensation deduction under the business profits tax. Ought to Pass, Vote 5-0. Senator Hosmer for the committee.

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

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Sanborn, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Fuller Clark, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

HB 676-FN-A-L, extending the Coos county job creation tax credit. Ought to Pass, Vote 5-0. Senator Morse for the committee.

Without objection, the Senate is in recess. Out of recess.

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

A roll call was requested by Sen. Soucy, seconded by Sen. Fuller Clark.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Sanborn, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Fuller Clark, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

COMMERCE

HB 301, relative to notice of sale in foreclosure proceedings. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

This bill, as amended by the committee, requires that notice be provided to the mortgagees facing foreclosure. This bill includes the notice in plain and easy to understand language.

Commerce

April 5, 2013

2013-1231s

08/03

Amendment to HB 301

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

1 Notice of Sale. Amend RSA 479:25, II and II-a to read as follows:

II.(a) A copy of said notice shall be served upon the mortgagor or sent by registered or certified mail to [his] ***the mortgagor's*** last known address or to such person as may be agreed upon in the mortgage at least 25 days before the sale. The term "mortgagor" shall include the mortgagor and any grantee, assignee, devisee, or heir of the mortgagor holding a recorded interest in the mortgaged premises subordinate to the lien of the mortgage, provided that such interest is recorded, at least 30 days before the date of the sale, in the registry of deeds for the county in which the mortgaged premises are situated. Like notice shall be sent to any person having a lien of record on the mortgaged premises, provided that the lien is recorded at least 30 days before the date of the sale in the registry of deeds. The notice shall be sent not less than 21 days before the sale. Such notice of sale shall be sufficient if it fully sets forth the date, time, and place of sale; the town, county, street or highway, and street number, if any, of the mortgaged premises; the date of the mortgage; the volume and page of the recording of the mortgage; and the terms of the sale. ***Such notice shall also state that the mortgagor has a right to petition the superior court for the county in which the mortgaged premises is situated, with service upon the mortgagee, and upon such bond as the court may require, to enjoin the scheduled foreclosure sale. Failure to institute such petition and complete service upon the foreclosing party, or the foreclosing party's agent conducting the sale, prior to sale shall thereafter bar any action or right of action of the mortgagor based on the validity of the foreclosure.***

(b) Notice of the sale as served on or mailed to the mortgagor shall include the following language:

"YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO FILE A LAWSUIT TO STOP THIS SCHEDULED FORECLOSURE SALE. To stop the sale, however, you must file the lawsuit in the _____ County Superior Court [to be completed by mortgagee as the County in which the mortgaged premises is situated], and notify _____ (the foreclosing party) of the lawsuit in the manner directed by the Court, before the scheduled date of the foreclosure sale. If you fail to take either step before the foreclosure sale occurs, you will not be able to contest the foreclosure."

II-a. Any mortgagor or record lienholder who refuses to accept or claim mailed or served notice or who frustrates attempts by the mortgagee to give notice of the sale by failing to give or leave a forwarding address or by other act or omission shall be deemed to be notified of the sale, provided that such mortgagee shall have made a good faith effort to provide such notice. [Notice of the sale as served on or mailed to the mortgagor shall include the following language: "You are hereby notified that you have a right to petition the superior court for the county in which the mortgaged premises are situated, with service upon the mortgagee, and upon such bond as the court may require, to enjoin the scheduled foreclosure sale." Failure to institute such petition and complete service upon the foreclosing party, or his agent, conducting the sale prior to sale shall thereafter bar any action or right of action of the mortgagor based on the validity of the foreclosure. ———— II-a.]

II-b. No claim challenging the form of notice, manner of giving notice, or the conduct of the foreclosure sale shall be brought by the mortgagor or any record lienholder after one year and one day from the date of the recording of the foreclosure deed for such sale.

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

Sen. Sanborn moved to Lay on the Table HB 301. Adopted.

Sen. Soucy moved to suspend Senate Rule 3-26 to allow for the introduction of HJR 1.

A roll call was requested by Sen. Larsen, seconded by Sen. Fuller Clark.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 11 - Nays: 13

Failed, lacking necessary 2/3 vote.

Sen. Pierce moved to suspend Senate Rule 3-26 to allow for the introduction of HCR 1.

A roll call was requested by Sen. Kelly, seconded by Sen. Fuller Clark.

The following Senators voted Yes: Woodburn, Bradley, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 12 - Nays: 12

Failed, lacking necessary 2/3 vote.

Sen. Larsen moved to suspend Senate Rule 3-26 to allow for the introduction of HCR 2.

A roll call was requested by Sen. Kelly, seconded by Sen. Fuller Clark.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 11 - Nays: 13

Failed, lacking 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 111, relative to the acquisition of property rights at Akers Pond dam in the town of Errol by the fish and game department and the acquisition of property rights at Northwood Lake dam in the town of Epsom and Hermit Lake dam in the town of Sanbornton by the department of environmental services.

HB 112-FN, relative to reclamation trust funds.

HB 138, permitting a political subdivision that has adopted the official ballot referendum form of meeting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.

HB 139, relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts and ratifying the Greenland school district meeting held on March 11 and 12, 2013.

HB 146-FN, increasing the speed limit on a portion of I-93 to 70 miles per hour.

HB 147-FN, repealing a duty of the assessing standards board concerning municipal reimbursement for the cost of assessments.

HB 155, relative to the use of open source software by state agencies; including the department of information technology in the uniform electronic transactions act; and repealing the information practices act.

HB 156, relative to the appointment and duties of the state fire marshal.

HB 157, renaming Blood Pond in the town of Lancaster as Evans Pond.

HB 161, relative to school district policies on health and sex education.

HB 174, prohibiting the department of safety from providing motor vehicle records for the purpose of creating or enhancing a federal identification database.

HB 177, relative to licensing requirements for homestead food and organic processor or handler certification.

HB 180, relative to the definitions of "student athlete" and "student sports" for the management of concussion and head injury.

HB 181, repealing the equalization standards board.

HB 182, relative to appointments to the assessing standards board.

HB 190, relative to professional misconduct of dental hygienists.

HB 202-FN, relative to beverage and liquor licenses for bed and breakfasts.

HB 206, relative to political advertising.

HB 216, relative to the use of the title “fire marshal.”

HB 232, relative to the membership of the governor’s commission on alcohol and drug abuse prevention, intervention, and treatment.

HB 237, relative to home production of wine for personal or family use.

HB 242, relative to child passenger restraint requirements.

HB 267, relative to the board of accountancy.

HB 282, relative to mixed use school buses, relative to licensing and criminal records of driver education instructors, and relative to background checks for department of safety employees.

HB 293, relative to the adverse events reporting system.

HB 308, relative to technical changes to election laws.

HB 339-FN, establishing a committee to study existing debt collection laws and practices.

HB 349, relative to OHRV operation of certain 4-wheel drive vehicles on trails within Jericho Mountain state park.

HB 368, relative to the telecommunications planning and development initiative.

HB 372, relative to state agency telecommunications services.

HB 376, relative to the shop licensure requirements for barbers, cosmetologists, manicurists, and estheticians.

HB 391-FN, establishing a committee to study options for mitigation of damages associated with highway noise.

HB 416, shortening the appeals process for a permitting decision under RSA 482-A, relative to fill and dredge in wetlands.

HB 418, establishing a committee to study a program to address children in need.

HB 428, relative to funds for dam maintenance, removal and improvement.

HB 482-FN, regarding infestation of bed bugs in rental housing.

HB 486-FN-A, making an appropriation for the purpose of paying residential care providers at the Chase Home for Children.

HB 488-FN, changing the definition of “cigarette” under the tobacco tax to match the definition of “cigarette” under the Master Settlement Agreement.

HB 509, requiring the department of administrative services to provide the New Hampshire Department of American Legion with office space.

HB 516, establishing a committee to study the overlap of federal, state, and local regulation relative to environmental issues.

HB 517, relative to the incidental combustion of untreated wood at certain municipal transfer stations.

HB 519, requiring the division of higher education to develop a policy on academic credit for a student’s military occupation, military training, coursework, and experience.

HB 521, establishing a committee to study New Hampshire election laws and procedures.

HB 522, relative to duties of town treasurers.

HB 556, establishing a committee to study the resolution of barriers to the use of telehealth technology in New Hampshire.

HB 560, repealing the board of trust company incorporation.

HB 574, increasing the size limitations for OHRVs operating on state-owned trails in Coos and Grafton counties.

HB 598, relative to the reasonable compensation deduction under the business profits tax.

HB 629-FN, relative to the criteria for approving and calculating school building aid grants.

HB 639, relative to beverage container and packaging approval.

HB 676-FN-A-L, extending the Coos county job creation tax credit.

SB 196-FN, relative to the definition of push-polling.

LIST OF RULE 6-25'S FOR THE DAY
ANNOUNCEMENTS

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. You know, it's very difficult when we talk about these unanimous consents; we're always talking about something that's hurtful to New Hampshire and hurtful to our population, and it's difficult to do this.

This week, the Town of Goffstown, and actually, the Town of Bedford, lose a fireman; his name was James B. Clark. Jim Clark was 56 years old; he was the picture of health. Actually, just before his passing—and this is, to me, amazing—he had run from his home in Goffstown to the station in Bedford where he was employed as a lieutenant, and had run back home. When he arrived at his home, exhausted, he fell down, went into cardiac arrest, and his young daughter tried to revive him, tried to bring him back to life. She was unsuccessful, and he passed away.

Some of us know that firefighters, police officers, people who work for us in the line of duty, and certainly what happened in Boston the day before yesterday, is indication of how those police and fire react in times of stress. Jim Clark gave his life as a firefighter—gave his life as a firefighter for his community and for the people that he served. For us who have been involved in politics for a long time, and my friends from the North Country, remember Johnny Clark: Johnny was the Athletic Director at Plymouth State University; that's his brother. And I saw John Clark at the wake, I saw John Clark, his brother, and I saw Mrs. Clark, the mother of Jim Clark. And, it was a family that really hung together and hung together right up until the last moment.

Jim Clark had spent his life as a firefighter. He wanted to be a firefighter; he lived and died as a firefighter. And I think New Hampshire's really blessed by the fact that we have so many people—so many people—who give their lives to public service and who do such a tremendous job for us, and in some instances pay the ultimate sacrifice, which is giving their life for their community. And here's a man who was the picture of health, had everything going for him, two young daughters. And, we think at 56 you've got your life ahead of you, and all of a sudden his life is taken away from him. And we ought to remember that and never forget that there are people who do this for us on a daily basis. And we are so indebted to them for the kind of work they do.

So, with the people of Goffstown and the people of Bedford, we remember brother Clark for all of the good work that he has done, and we ask that may his soul, and all the souls of the faithful departed, through the mercy of God, rest in peace. Amen. Thank you, Mister President.

Without objection all Rule 2-16's shall be entered into the permanent *Journal of the Senate*. Adopted.

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.