

May 30, 2013
Nos. 12-13

STATE OF NEW HAMPSHIRE

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163rd Session of the New Hampshire General Court
Legislative Proceedings

SENATE JOURNAL

ADJOURNMENT – MAY 23, 2013 SESSION
COMMENCEMENT – MAY 30, 2013 SESSION

SENATE JOURNAL 12 *(continued)*

May 23, 2013

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 31, relative to a ban on the incidental combustion of untreated wood at municipal transfer stations.

SB 67, establishing a committee to examine the issue of statutory authority for all terrain vehicles, off highway recreational vehicles, and low speed utility vehicles to access public highways for food, fuel, and lodging.

SB 143-FN, relative to benefits for unemployed persons who are attempting to establish a business.

SB 165, repealing a prohibition relative to auxiliary state troopers.

HOUSE MESSAGE

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

SB 100, authorizing electronic payment of payroll.

SB 102, relative to the selection of members of the conservation commission.

SB 153-FN, relative to legislative approval of collective bargaining agreements entered into by the state.

HOUSE MESSAGE

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

HB 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 506, relative to certain time periods for adoption and amendment of town codes and ordinances, permitting the town of Derry to combine the positions of tax collector and treasurer, and dissolving the police commission for the town of Hooksett.

May 16, 2013
2013-1771-EBA
06/09

Enrolled Bill Amendment to SB 147-FN

The Committee on Enrolled Bills to which was referred SB 147-FN

AN ACT relative to prescription drugs in workers' compensation cases.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 147-FN

This enrolled bill amendment inserts a contingency provision to resolve a numbering conflict with SB 95.

Enrolled Bill Amendment to SB 147-FN

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

2 Contingent Renumbering. If SB 95 of the 2013 regular legislative session becomes law, RSA 281-A:23, VII as inserted by section 1 of this act shall be renumbered as RSA 281-A:23, VIII.

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

May 20, 2013
2013-1835-EBA
08/10

Enrolled Bill Amendment to SB 171

The Committee on Enrolled Bills to which was referred SB 171

AN ACT relative to the council for children and adolescents with chronic health conditions.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 171

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 171

Amend the bill by replacing line 1 of section 1 with the following:

1 Council for Youths with Chronic Conditions. Amend the chapter heading of RSA 126-J to read as follows:

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

May 9, 2013
2013-1629-EBA
06/01

Enrolled Bill Amendment to HB 334-FN

The Committee on Enrolled Bills to which was referred HB 334-FN

AN ACT requiring pharmacy interns to register with the pharmacy board.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 334-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 334-FN

Amend RSA 318:5-a, XI-a as inserted by section 2 of the bill by replacing line 9 with the following:

XI-b. The establishment of fees for registration of pharmacy interns, including fees for

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

May 15, 2013
2013-1729-EBA
09/04

Enrolled Bill Amendment to HB 367

The Committee on Enrolled Bills to which was referred HB 367

AN ACT relative to the municipal bond bank reserve process.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 367

This enrolled bill amendment corrects paragraph numbering.

Enrolled Bill Amendment to HB 367

Amend RSA 35-A:29 as inserted by section 2 of the bill by replacing lines 29-36 with the following:

I. Applied to the payment of the costs of preparing, issuing, and marketing any such issue of bonds or notes;

II. Applied to the cost of the project or projects for which such bonds or notes were issued, resulting in a like reduction of the amount of bonds or notes issued to finance such project or projects;

III. Deposited in the general fund of the governmental unit and available to be appropriated for any lawful purpose of such governmental unit; or

IV. Applied in any combination of the foregoing.

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

May 14, 2013
2013-1681-EBA
06/05

Enrolled Bill Amendment to HB 556

The Committee on Enrolled Bills to which was referred HB 556

AN ACT establishing a committee to study the resolution of barriers to the use of telehealth technology in New Hampshire.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 556

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 556

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

3 Duties. The committee shall study the resolution of barriers, including identifying and attempting to resolve such barriers, to the use of telehealth technology in New Hampshire. The committee's study shall include, but not be limited to:

I. Patients' lack of high speed Internet service necessary for videoconferencing.

II. Cumbersome licensing regulations for health care professionals.

III. Inconsistent reimbursement policies.

IV. Any other matter the committee deems relevant to its study.

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

REPORT OF COMMITTEE ON ENROLLED BILLS

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

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

SB 18, conferring degree-granting authority to the American University of Madaba.

SB 175, relative to crossing public waters of the state for public utility purposes.

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 13

May 30, 2013

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

The Reverend Kate Atkinson, guest chaplain to the Senate, offered the following meditative thoughts and prayer.

Hello. Well, many of you know that in the Christian tradition we recently celebrated the Feast of the Pentecost, which is the day, oh, about 2,000 years ago, that the Holy Spirit descended on the early disciples and inspired thousands of people to hear the word of God and to repent and be baptized on that same day. And, it wasn't just a one off; the Holy Spirit continues to encourage and to inspire people throughout the world. And, in the Christian faith, we believe that the Holy Spirit is inspiring us to follow the model that Jesus set all those years ago when he ministered on Earth. And the model includes recognizing the divinity of one another, recognizing that everyone is God's child and needs to be treated with respect and care and compassion. And one of the most powerful ways that the Holy Spirit works is through using our imagination. So, we're called to imagine what it is like to be someone else; to imagine what it feels like to be unable to support one's family, imagine what it feels like to have nowhere to sleep that night, to imagine what it might feel like to be struggling with mental illness and have no recourse for medical care. We are inspired to use our imaginations to walk in other people's shoes, and when we do that, that's when we respond most dramatically; that's when we respond most effectively, and truly change lives. So, let us pray.

Spirit of God, Lord and Giver of life, moving between and around, like wind or water or fire, breathe into us your freshness that we may awake; cleanse our vision that we may see more clearly; kindle our senses that we may feel more sharply; and give us the courage to live as You would have us live. Amen.

Sen. Carson led the Pledge of Allegiance.

Sens. D'Allesandro and Stiles are excused for the day.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Soucy introduced Meaghan Six, a student from Manchester Memorial High School, serving as a Senate Page for the day.

Sen. Forrester introduced Caleb Brown, a home schooled student from Wentworth, serving as a Senate Page for the day.

Sen. Rausch introduced Rep. David Milz, Meaghan's uncle, a guest in the Senate gallery today.

Sen. Forrester introduced Emily and Jennifer Brown, Caleb's family members, and guests in the Senate gallery today.

CONSENT CALENDAR REPORTS

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

JUDICIARY

HB 388, relative to the storage of firearms. Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

This bill sought to establish immunity if a firearm were stolen from a person's premises and subsequently used in a felony or misdemeanor. However, it is more restrictive than current case law and would actually create confusion and statutory limitations rather than protection for the firearm's owner and therefore should not be enacted.

TRANSPORTATION

HB 137, relative to special number plates for members of the national guard. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

This bill clarifies that special number plates may be issued to members of the National Guard of any state, as long as they are residents of the state of New Hampshire. The Transportation Committee amended the bill in order to include retired members of the National Guard as well.

Senate Transportation
 March 15, 2013
 2013-0937s
 03/10

Amendment to HB 137

Amend the bill by replacing section 1 with the following:

1 Special Number Plates; Members of the National Guard. Amend RSA 261:91 to read as follows:

261:91 Special Number Plates. Upon payment of the motor vehicle registration fee, if any, the director shall issue and shall designate a special plate, to be affixed to the vehicle of the county sheriffs, deputy sheriffs, members *or retired members* of the national guard *of any state*, active duty members of the armed forces, justices of the supreme and superior courts, and vehicles of state police and motor vehicle divisions and municipal police departments. The special plates shall have the state motto, "Live Free or Die," written on them and shall be issued with no number plate fee being charged to the state other than for those plates furnished to the state police and motor vehicle divisions. Special number plates issued to members *or retired members* of the national guard *of any state*, active duty members of the armed forces, and justices of the supreme and superior courts may be attached only to vehicles registered in the name of the person issued the plates. Special plates for active duty members of the armed forces shall be distinct from special number plates for veterans.

2013-0937s

AMENDED ANALYSIS

This bill specifies that special number plates may be issued to members or retired members of the national guard of any state.

HB 163, relative to special number plates for disabled veterans. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

This bill was requested by the Department of Safety and it permits disabled veterans to receive veteran plates without charge in lieu of disabled veteran plates. Under this bill, disabled veterans will be given the opportunity to decide whether they would prefer to have a standard veteran plate or a disabled veteran plate.

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

SPECIAL ORDER

Without objection HB 357, HB 414, HB 664-FN, HB 233, HB 542, and HB 477-FN are Special-Ordered to the next Session day. Adopted by the necessary 2/3 vote.

REGULAR CALENDAR REPORTS

COMMERCE

HB 246, relative to falsity by employer. Ought to Pass with Amendment, Vote 4-0. Senator Pierce for the committee.

Commerce
 May 8, 2013
 2013-1601s
 08/04

Amendment to HB 246

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

AN ACT relative to falsity of reports by employers and unemployment benefits recipients.

Amend the bill by replacing all after section 1 with the following:

2 Disqualification from Receiving Benefits. Amend RSA 282-A:163-164 to read as follows:

282-A:163 Disqualification, *Restitution, and Penalty*.

I. Any individual who is convicted under RSA 282-A:161 shall be deemed disqualified from receiving benefits for one year from the date of such conviction.

II. All benefits received for any week or weeks directly affected by such false statement or representation or failure to disclose a material fact shall be deemed overpaid, and ***the court in all such cases shall order*** restitution [~~shall be ordered by the court in all such cases~~] in an amount equal to such overpayment, ***plus a penalty equal to 15 percent of such amount.***

III. ***Payments of the 15 percent penalty on convictions made under this section on or before October 20, 2013 shall be deposited into the fund established in RSA 282-A:140.***

IV. ***Payments of the 15 percent penalty on convictions made under this section on or after October 21, 2013 shall be divided with 1/4 of such payments being deposited into the fund established in RSA 282-A:140 and 3/4 of such payments being deposited into the unemployment compensation fund established in RSA 282-A:103.***

282-A:164 Restitution. Any individual who willfully makes a false statement or representation or knowingly fails to disclose a material fact, whether before a representative of the department of employment security of the state of New Hampshire or in another state before a representative of the unemployment compensation agency of that state which is acting in the capacity of agent for the state of New Hampshire, to obtain or increase any benefit or other payment under this chapter, or under the laws of any other state or the federal government, either for such individual, or for any other person, may, in the discretion of the commissioner or his or her authorized representative, be determined to be disqualified for benefits for each week directly affected by the false statement or representation or failure to disclose a material fact. All benefits received for each week of such disqualification shall be deemed overpaid, and restitution in an amount equal to such overpayment plus a penalty equal to ~~[20]~~ **15** percent of the overpaid benefits shall be ordered by the commissioner or his or her authorized representative. In addition to such disqualification, such individual shall be deemed ineligible to receive benefits for not less than 4 nor more than 52 consecutive weeks, beginning with the week in which the decision is made, as determined by the commissioner or his or her authorized representative. For each week of determined ineligibility, an amount equal to the individual's maximum weekly benefit rate during such week shall be deducted from the maximum benefits available to the individual during the benefit year in which such week falls; but no change shall be made in his or her weekly benefit amount because of this deduction. Payments of the 20 percent penalty on determinations made under this section on or before October 20, 2013 shall be deposited into the fund established by RSA 282-A:140. Payments of the 20 percent penalty on determinations made under this section on or after October 21, 2013 shall be divided with 1/4 of such payments being deposited into the fund established by RSA 282-A:140 and 3/4 of such payments being deposited into the unemployment compensation fund established in RSA 282-A:103. Any proceeding or action taken under this section shall be in lieu of and not in addition to any proceeding or action taken under RSA 282-A:161.

3 Garnishment; Court Change. Amend RSA 282-A:152-a, XII-XIX to read as follows:

XII. An individual debtor may file for suspension of the notice of garnishment at any time. If the individual debtor files for suspension of the notice of garnishment, the department may file a motion for periodic payments in the Merrimack county ~~[sixth Circuit]~~ **superior** court seeking establishment of an order for payments.

XIII. If an individual debtor files for suspension of the notice of garnishment, the department shall suspend the notice of garnishment and advise any employer upon which the notice of garnishment was served to suspend garnishment of earnings paid not later than 8 days following receipt of notice to suspend.

XIV. If an individual debtor who filed for suspension of the notice of garnishment and the department reach an agreement as to the amount which may be garnished for any week, the department may issue a new notice of garnishment consistent with such agreement.

XV. Following the expiration of 90 days after the date a determination which finds an individual debtor overpaid under RSA 282-A:164 becomes final, such determination with interest under RSA 282-A:141, shall be for purposes of RSA 524:6-a the judgment of ~~[any circuit court-district division]~~ **the Merrimack county superior court** in which the department files a motion for periodic payments.

XVI. Following the issuance of an order for payments by ~~[any circuit court-district division]~~ **the Merrimack county superior court** on any overpayment due to the state under RSA 282-A:164 for more than 90 days, the department may serve a notice of court-ordered garnishment upon any employer that owes, or may owe in the future, earnings to such individual debtor. Any notice of court-ordered garnishment served upon any employer shall be simultaneously served upon the individual debtor by certified mail to his or her last known address. The amount which may be garnished for any week shall not exceed that amount, applied weekly, deemed appropriate by the ~~[circuit court-district division]~~ **Merrimack county superior court** in its order for payments.

XVII. The notice of court-ordered garnishment shall advise the individual debtor and individual debtor's employer:

(a) Of the information required by III(a)-(d) and (f)-(l) of this section; and

(b) Of the individual debtor's right to file a motion with the Merrimack county ~~[sixth circuit]~~ **superior** court seeking a change in the amount of the payments based on a change in financial circumstances;

XVIII. With respect to the individual debtor's right to file a motion with the Merrimack county ~~[sixth circuit]~~ **superior** court, the notice of court-ordered garnishment shall state as follows, in at least 12-point type: This notice of court-ordered garnishment requires your employer to garnish (take) some of your earnings for work and send them to the department of employment security to repay overpaid unemployment insurance benefits. The amount of the garnishment is based on an order of the Merrimack county ~~[sixth circuit]~~ **superior** court. Once earnings for a week have been garnished, you will not be able to get them back.

You have the right, at any time, to file a motion with the Merrimack county ~~[sixth circuit]~~ **superior** court asking for the amount of the garnishment to be changed based on a change in your financial circumstances. If you want to file a motion, you should contact the Merrimack county ~~[sixth circuit]~~ **superior** court. Nothing in this paragraph prevents you and the department of employment security from agreeing to a greater or lesser amount of garnishment and filing the agreement with the Merrimack county ~~[sixth circuit]~~ **superior** court. If the department of employment security does not agree, you still have the right to file a motion.

XIX. The department may agree to a greater or lesser periodic amount than that amount deemed appropriate by the Merrimack county ~~[sixth circuit]~~ **superior** court in its order for payments, whether or not the individual debtor has requested a hearing before the court to obtain a change in the court's order, and any such agreement shall be filed with the Merrimack county ~~[sixth circuit]~~ **superior** court.

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

2013-1601s

AMENDED ANALYSIS

This bill:

I. Makes refusing to submit certain reports a criminal offense.

II. Requires court-ordered restitution in criminal prosecutions of false reports by a recipient of unemployment benefits.

III. Changes the reference to the court in which such proceedings may occur.

IV. Lowers the percentage of the penalty on overpayments.

This bill is a request of the department of employment security.

The Chair ruled Committee Amendment 1601s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 1601s to HB 246. Adopted by the necessary 2/3 vote.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 17, 2013

2013-1798s

08/04

Floor Amendment to HB 246

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

3 Representation in Court. Amend RSA 282-A:137, III to read as follows:

III. Subject to the approval and supervision of the attorney general as to matters of law, the general counsel and counsel of the department may appear in any court in civil proceedings for the collection of taxes and recovery of overpaid benefits. ***However, upon the filing of any claim against the department in any circuit court district division as a result of such proceedings, the department shall move for immediate removal of the entire proceeding to the superior court. The superior court shall have***

exclusive jurisdiction to hear such claims. Upon request of the commissioner and approval of the attorney general, the general counsel and counsel may appear in any proceeding where such appearance is deemed by the attorney general to be in the best interest of the state.

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

2013-1798s

AMENDED ANALYSIS

This bill:

I. Makes refusing to submit certain reports a criminal offense.

II. Requires court-ordered restitution in criminal prosecutions of false reports by a recipient of unemployment benefits.

III. Lowers the percentage of the penalty on overpayments.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 15, 2013

2013-1727s

08/04

Floor Amendment to HB 246

Amend the bill by replacing all after section 1 with the following:

2 Disqualification from Receiving Benefits. Amend RSA 282-A:163-164 to read as follows:

282-A:163 Disqualification, ***Restitution, and Penalty.***

I. Any individual who is convicted under RSA 282-A:161 shall be deemed disqualified from receiving benefits for one year from the date of such conviction.

II. All benefits received for any week or weeks directly affected by such false statement or representation or failure to disclose a material fact shall be deemed overpaid, and ***the court in all such cases shall order*** restitution [~~shall be ordered by the court in all such cases~~] in an amount equal to such overpayment, ***plus a penalty equal to 20 percent of such amount.***

III. Payments of the 20 percent penalty on convictions made under this section on or before October 20, 2013 shall be deposited into the fund established in RSA 282-A:140.

IV. Payments of the 20 percent penalty on convictions made under this section on or after October 21, 2013 shall be divided with 1/4 of such payments being deposited into the fund established in RSA 282-A:140 and 3/4 of such payments being deposited into the unemployment compensation fund established in RSA 282-A:103.

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

2013-1727s

AMENDED ANALYSIS

This bill:

I. Makes refusing to submit certain reports a criminal offense.

II. Requires court-ordered restitution in criminal prosecutions of false reports by a recipient of unemployment benefits.

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

Sen. Bradley withdrew Floor Amendment 1727s.

MOTION OF RECONSIDERATION

Sen. Bradley, having voted on the prevailing side, moved to reconsider Floor Amendment 1798s, the floor amendment having been previously adopted. Adopted.

Sen. Bradley withdrew Floor Amendment 1798s.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 15, 2013

2013-1727s

08/04

Floor Amendment to HB 246

Amend the bill by replacing all after section 1 with the following:

2 Disqualification from Receiving Benefits. Amend RSA 282-A:163-164 to read as follows:

282-A:163 Disqualification, ***Restitution, and Penalty.***

I. Any individual who is convicted under RSA 282-A:161 shall be deemed disqualified from receiving benefits for one year from the date of such conviction.

II. All benefits received for any week or weeks directly affected by such false statement or representation or failure to disclose a material fact shall be deemed overpaid, and ***the court in all such cases shall order*** restitution [~~shall be ordered by the court in all such cases~~] in an amount equal to such overpayment, ***plus a penalty equal to 20 percent of such amount.***

III. Payments of the 20 percent penalty on convictions made under this section on or before October 20, 2013 shall be deposited into the fund established in RSA 282-A:140.

IV. Payments of the 20 percent penalty on convictions made under this section on or after October 21, 2013 shall be divided with 1/4 of such payments being deposited into the fund established in RSA 282-A:140 and 3/4 of such payments being deposited into the unemployment compensation fund established in RSA 282-A:103.

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

2013-1727s

AMENDED ANALYSIS

This bill:

I. Makes refusing to submit certain reports a criminal offense.

II. Requires court-ordered restitution in criminal prosecutions of false reports by a recipient of unemployment benefits.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 17, 2013

2013-1798s

08/04

Floor Amendment to HB 246

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

3 Representation in Court. Amend RSA 282-A:137, III to read as follows:

III. Subject to the approval and supervision of the attorney general as to matters of law, the general counsel and counsel of the department may appear in any court in civil proceedings for the collection of taxes and recovery of overpaid benefits. ***However, upon the filing of any claim against the department in any circuit court district division as a result of such proceedings, the department shall move for immediate removal of the entire proceeding to the superior court. The superior court shall have exclusive jurisdiction to hear such claims.*** Upon request of the commissioner and approval of the attorney general, the general counsel and counsel may appear in any proceeding where such appearance is deemed by the attorney general to be in the best interest of the state.

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

2013-1798s

AMENDED ANALYSIS

This bill:

- I. Makes refusing to submit certain reports a criminal offense.
- II. Requires court-ordered restitution in criminal prosecutions of false reports by a recipient of unemployment benefits.
- III. Lowers the percentage of the penalty on overpayments.

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.

Sen. Sanborn moved to remove HB 559 from the table. Adopted.

COMMERCE

HB 559, relative to the general banking laws of the state.

Commerce

May 7, 2013

2013-1591s

08/04

Amendment to HB 559

Amend RSA 384:43-a as inserted by section 3 of the bill by replacing it with the following:

384:43-a Exemption to Annual Audit Requirement.

I. The commissioner may exempt a credit union from the annual audit requirement of RSA 384:43 if the credit union demonstrates that:

- (a) It can maintain its safety and soundness without the audit;
- (b) The cost of an audit would be an undue financial burden on the credit union; and
- (c) It has an alternate audit arrangement in place that will assure the commissioner that its financial statements are true and accurate.

II. The commissioner may revoke any exemption granted if, in his or her judgment, the safety and soundness of the exempt credit union requires it.

Amend RSA 394-B:41 as inserted by section 4 of the bill by replacing it with the following:

394-B:41 Preliminary Audit. ***If the commissioner grants a credit union an exemption to the external audit requirement under RSA 384:43-a, the credit union's*** supervisory committee shall at least semi-annually conduct or cause to be conducted an audit of the books and records and an examination of the business and affairs of the credit union[, or, with the approval of the bank commissioner, the credit union may engage an independent professional auditor to conduct such an audit and examination at least annually]. The supervisory committee [or such independent professional auditor] shall conduct a thorough audit of receipts, disbursements, assets, and liabilities. The supervisory committee [or such independent professional auditor] shall conduct verification not less than every 2 years.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 24, 2013

2013-1921s

08/04

Floor Amendment to HB 559

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

AN ACT relative to the general banking laws of the state and relative to electronic funds transfers.

Amend the bill by replacing all after section 17 with the following:

18 Funds Transfers. Amend RSA 382-A:4A-108(c) to read as follows:

(c) In a funds transfer to which this Article applies, in the event of an *inconsistency between an* applicable provision of this Article and an applicable provision of the Electronic Fund Transfer Act, the provision of the Electronic Fund Transfer Act governs to the extent of the inconsistency.

19 Contingency. If SB 161 of the 2013 regular legislative session becomes law, then section 18 of this act shall take effect at 12:01 a.m. on the effective date of SB 161. If SB 161 does not become law, then section 18 of this act shall not take effect.

20 Effective Date.

I. Section 18 of this act shall take effect as provided in section 19 of this act.

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

2013-1921s

AMENDED ANALYSIS

This bill:

I. Requires financial institutions to file notice of security breaches with the banking commissioner.

II. Defines “qualified institutions” and details how such institutions are to be audited and inspected.

III. Requires criminal background checks for persons seeking to form a financial institution.

IV. Details the relationship between the funds transfer provisions of the Uniform Commercial Code and the Electronic Fund Transfer Act.

This bill is a request of the banking department.

The Chair ruled Floor Amendment 1921s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Floor Amendment 1921s to HB 559. Adopted by the necessary 2/3 vote.

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.

FINANCE

HB 261-FN, relative to the assistance program for 2-parent families with dependent children. Ought to Pass, Vote 6-0. Senator Morse for the committee.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 29, 2013

2013-1959s

01/09

Floor Amendment to HB 261-FN

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

AN ACT relative to the assistance program for 2-parent families with dependent children and making a technical correction.

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

3 New Paragraph; Economic Development Advisory Council. Amend RSA 12-A:22-a by inserting after paragraph IV the following new paragraph:

V. The director of economic development may request changes in council membership, and the original appointing authority may replace a member for lack of participation.

4 Contingency. If HB 505 of the 2013 regular legislative session becomes law, section 3 of this act shall take effect at 12:01 am on the effective date of HB 505. If HB 505 does not become law, then section 3 of this act shall not take effect.

5 Effective Date.

I. Section 3 of this act shall take effect as provided in section 4 of this act.

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

2013-1959s

AMENDED ANALYSIS

This bill permits the department of health and human services to establish an assistance program for 2-parent families with dependent children, subject to available funding.

This bill also makes a technical correction to HB 505 of the 2013 regular legislative session.

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 394-FN, relative to transfer of funds by the liquor commission. Inexpedient to Legislate, Vote 6-0. Senator Odell for the committee.

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

HB 481-FN, limiting the state's authority to seek reimbursement for public assistance. Ought to Pass, Vote 6-0. Senator Morse for the committee.

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

RULES, ENROLLED BILLS AND INTERNAL AFFAIRS

HB 140, relative to the committee on legislator orientation. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

Rules, Enrolled Bills and Internal Affairs

April 29, 2013

2013-1424s

09/04

Amendment to HB 140

Amend the bill by replacing section 1 with the following:

1 Committee on Legislator Orientation. RSA 17-C:2 is repealed and reenacted to read as follows:

17-C:2 Membership.

I. The committee shall be composed of:

(a) The speaker of the house of representatives.

(b) Three members of the house of representatives appointed by the speaker of the house, at least one of whom shall be a member of the minority party appointed in consultation with the minority leader of the house.

(c) The senate president.

(d) Three members of the senate appointed by the senate president, at least one of whom shall be a member of the minority party appointed in consultation with the minority leader of the senate.

II. The first meeting of the committee shall be called by the speaker of the house of representatives. The members of the committee shall elect a chairman.

III. In performance of its duties, the committee shall solicit input from the clerks of the house of representatives and senate, the director of legislative services, the director of house committee services, and any other legislative employees who may be involved in the orientation process.

2013-1424s

AMENDED ANALYSIS

This bill changes the membership of the committee on legislator orientation.

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

Sen. Kelly offered a floor amendment.

Sen. Bragdon, Dist. 11

Sen. Kelly, Dist. 10

May 29, 2013

2013-1958s

09/04

Floor Amendment to HB 140

Amend the bill by replacing section 1 with the following:

1 Committee on Legislator Orientation. Amend RSA 17-C:2 to read as follows:

17-C:2 Membership. The committee is composed of 3 members of the house of representatives, ***including a member of the minority party appointed in consultation with the minority leader***, appointed by the speaker of the house, 2 members of the senate, ***including a member of the minority party appointed in consultation with the minority leader***, appointed by the president of the senate, the clerks of both houses, the president of the senate, the speaker of the house and the director of legislative services or his ***or her*** designee. A chairman shall be elected by the members of the committee.

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.

WAYS AND MEANS

HB 314, raising limits on single wagers in games of chance and relative to gross revenues received by charitable organizations participating in games of chance. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

Senate Ways and Means

May 21, 2013

2013-1861s

08/09

Amendment to HB 314

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

1 Game Operators; Deposit of Funds. Amend RSA 287-D:3, X to read as follows:

X. In games where chips have monetary value, 10 percent of the rake or house winnings and other moneys collected by the game operator that are not paid out as prizes to players, less moneys used by the racing and charitable gaming commission to fund authorized personnel expenses and related costs, shall be paid to the state treasurer for deposit into the ~~[general fund]~~ ***racing and charitable gaming fund established in RSA 284:21-j***. Such payments shall be made ~~[within 5 business days of the game date on which the funds were collected]~~ ***once per month not later than the 5th day of the month for the funds collected in the previous month***.

2 New Paragraph; Gross Revenues for Charities. Amend RSA 287-D:3 by inserting after paragraph X the following new paragraph:

XI. Notwithstanding any provision of law to the contrary, the charitable organization shall retain no less than 35 percent of the gross revenues from any game of chance on any game date in which game operators licensed under RSA 287-D:2-c are involved in any capacity after deducting the pay out of prizes. A charitable organization which hires a game operator employer or primary game operator, to conduct games of chance on its behalf, shall not be charged or assessed any fees, for the providing of any services or the collection of any reimbursements including but not limited to any rents, accounting fees, administrative fees, advertising fees, financial paperwork fees, marketing fees, or law enforcement or security fees.

3 Effective Date. This act shall take effect 90 days after its passage.

2013-1861s

AMENDED ANALYSIS

This bill requires charitable organizations to retain no less than 35 percent of the gross revenues from any game of chance less any prizes paid on any game date in which game operators are involved.

This bill also regulates electronic equipment used for gaming. 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 520, establishing a committee to study implementing Keno in New Hampshire. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

Senate Ways and Means

May 21, 2013

2013-1862s

08/09

Amendment to HB 520

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

AN ACT establishing a committee to study implementing keno in New Hampshire and relative to the definition of compensation for the purposes of the business enterprise tax.

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

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

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

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

6 Compensation; Definition; Business Enterprise Tax. Amend RSA 77-E:1, V to read as follows:

V. "Compensation" means:

(a) All wages, salaries, fees, bonuses, commissions, or other payments paid **directly** or accrued **by the business enterprise** in the taxable period on behalf of or for the benefit of employees, officers, or directors of the business enterprise and subject to or specifically exempt from withholding under section 3401 of the United States Internal Revenue Code except such payments as are made expressly exempt from withholding under sections 3401(a)(1), (9), (10), (13), (14), (15), (16), (18), (19), and (20); **and except any tips required to be reported by the employee to the employer under section 6053(a) of the United States Internal Revenue Code;**

(b) The amount of any deduction taken under RSA 77-A:4, III in the taxable period; and

(c) Any net earnings from self-employment subject to tax under section 1401 of the United States Internal Revenue Code to the extent not included in the amount of any deduction taken under RSA 77-A:4, III in the taxable period.

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

2013-1862s

AMENDED ANALYSIS

This bill establishes a committee to study implementing keno in the state of New Hampshire.

This bill redefines the term compensation for the purposes of the business enterprise tax.

Sen. Odell moved to Lay on the Table HB 520. Adopted.

Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 142, relative to teacher evaluation systems.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Grassie, Myler, Gorman, Ladd

Sen. Stiles moves to accede to House Request. Adopted.

The President appointed Senators Stiles, Reagan, Kelly.

HB 242, relative to child passenger restraint requirements.

Sen. Rausch moves to accede to House Request. Adopted.

The President appointed Senators Rausch, Boutin, Gilmour.

Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.

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 71, establishing a committee to study the use and misuse of prescription drugs in workers' compensation cases.

Sen. Sanborn moves concurrence. Adopted.

SB 117-FN, establishing a commission to study the regulation of pharmacy benefits managers.

Sen. Sanborn moves concurrence. Adopted.

SB 126-FN, relative to business practices between motor vehicle manufacturers, distributors, and dealers.

Sen. Sanborn moves concurrence. Adopted.

Sen. Hosmer asserts Rule 6-25 on SB 126-FN.

SB 170, relative to advance directives pertaining to life-sustaining treatment.

Sen. Gilmour moves concurrence. Adopted.

SB 68, relative to the escrow fund for court facility improvements.

Sen. Carson moves concurrence. Adopted.

SB 108, relative to the liability of landowners who permit use of their land for recreational activities.

Sen. Carson moves concurrence. Adopted.

SB 43, relative to the property taxation of qualifying historic buildings.

Sen. Odell moves concurrence. Adopted.

Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.

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 51, relative to the definition of "professional service."

Sen. Sanborn moves nonconcurrence. Adopted.

SB 128-FN-L, relative to fees for vital records.

Sen. Odell moves nonconcurrence. Adopted.

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 35, relative to the master jury list.

Sen. Carson moves nonconcurrency and requests Committee of Conference. Adopted.

The President appoints Senators Cataldo, Carson, Lasky.

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 137, relative to special number plates for members of the national guard.

HB 140, relative to the committee on legislator orientation.

HB 163, relative to special number plates for disabled veterans.

HB 246, relative to falsity of reports by employers and unemployment benefits recipients.

HB 261-FN, relative to the assistance program for 2-parent families with dependent children and making a technical correction.

HB 314, raising limits on single wagers in games of chance and relative to gross revenues received by charitable organizations participating in games of chance.

HB 481-FN, limiting the state's authority to seek reimbursement for public assistance.

HB 559, relative to the general banking laws of the state and relative to electronic funds transfers.

LIST OF RULE 6-25'S FOR THE DAY

Sen. Hosmer: SB 126-FN.

ANNOUNCEMENTS

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.