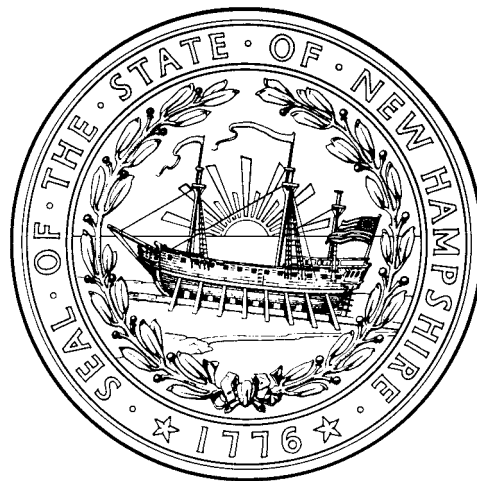


June 12, 2013
Nos. 14-15

STATE OF NEW HAMPSHIRE

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



163rd Session of the New Hampshire General Court
Legislative Proceedings

SENATE JOURNAL

ADJOURNMENT – JUNE 6, 2013 SESSION
COMMENCEMENT – JUNE 12, 2013 SESSION

SENATE JOURNAL 14 *(continued)*

June 6, 2013

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 157-FN, establishing a New Hampshire disaster relief fund.

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

REPRESENTATIVES: Ford, Buco, D. Eaton, Cebrowski

June 4, 2013
2013-1989-EBA
05/03

Enrolled Bill Amendment to SB 117-FN

The Committee on Enrolled Bills to which was referred SB 117-FN

AN ACT establishing a committee to study the regulation of pharmacy benefits managers.

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 117-FN

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 117-FN

Amend subparagraph II(h) of section 2 of the bill by replacing it with the following:

(h) A pharmacy benefit manager who neither is employed by a pharmacy nor has any ownership interest in a pharmacy.

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

June 6, 2013
2013-2019-EBA
06/04

Enrolled Bill Amendment to SB 187

The Committee on Enrolled Bills to which was referred SB 187

AN ACT posthumously emancipating enslaved Africans 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 SB 187

This enrolled bill amendment makes a spelling correction.

Enrolled Bill Amendment to SB 187

Amend section 2 of the bill by replacing line 7 with the following:

Pharaoh Rogers Quam Sherburne

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

May 30, 2013
2013-1969-EBA
06/03

Enrolled Bill Amendment to HB 361

The Committee on Enrolled Bills to which was referred HB 361

AN ACT relative to worksharing.

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 361

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 361

Amend RSA 282-A:31-b, I(f) as inserted by section 1 of the bill by replacing line 6 with the following:

why it is not feasible.

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

May 30, 2013
2013-1968-EBA
06/03

Enrolled Bill Amendment to HB 433

The Committee on Enrolled Bills to which was referred HB 433

AN ACT relative to procedures for juvenile delinquency petitions filed by a school district or school official.

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 433

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to HB 433

Amend RSA 169-B:6, III as inserted by section 2 of the bill by replacing line 2 with the following:

official, including a school resource officer assigned to a school district pursuant to a contract

Amend RSA 169-B:6, IV as inserted by section 2 of the bill by replacing line 1 with the following:

IV. When a school official, including a school resource officer assigned to a school district

Amend RSA 169-B:6, IV as inserted by section 2 of the bill by replacing line 5 with the following:

child's initial appearance, the legally liable school district shall provide assurance that prior to its

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 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 185, relative to the fuel oil discharge cleanup fund.

HB 187, relative to cost items in negotiated agreements.

HB 196, relative to weight of commercial vehicles with idle reduction devices.

HB 204, relative to the removal of social security and other numbers from registry of deeds documents available on the Internet, and relative to background checks for county employees.

HB 254, abolishing certain positions in the liquor commission.

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.

HB 304, 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.

HB 313, relative to the regulation of the compounding of drugs by pharmacists.

HB 352, relative to sending checklists to the state archives.

HB 400, relative to funding agreements issued by life insurance companies.

HB 401, relative to property and casualty insurers under the risk-based capital law.

HB 411, repealing a future reduction in vessel registration fees.

HB 453, repealing the prospective repeal of the information and analysis center.

HB 505, relative to the economic development advisory council.

HB 507, relative to the maximum permit application fee for certain municipal dredging projects.

HB 513, relative to the shoreland protection act.

HB 554, allowing parents to agree on college contributions.

HB 581, relative to recovering moneys from a neighboring state for mitigation of flooding.

HB 636, relative to the waitlist for community mental health services.

HB 655, relative to the collection of the amount of the property tax deferral for the elderly or disabled upon sale of the property.

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 133, adopting the interstate wildlife violators compact.

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

Sen. Carson 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 15

June 12, 2013

The Senate reconvened at 11 a.m., a quorum being present.

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

Last Saturday my daughter and I attended the Bar Mitzvah of one of her sixth grade classmates. A central part of this coming-of-age ceremony is when the young person chants from the Torah and then delivers his Dvar Torah—his personal commentary on the Hebrew Scripture. And then, the next day—this past Sunday—at St. Paul's Church, we had our Service of Confirmation: The Bishop was there to confirm six young

people. And, again, a central point in that service was when each of those six people was introduced by name with the invitation: "Come and teach." And they came and read a passage from Scripture and spoke about why that passage was important to them. And then, yesterday evening, I attended a planning meeting for Kids For Peace, which is a program that brings together 11 and 12-year-olds from Jerusalem and from the United States—children who are Muslim, Jewish, and Christian, and they get together for a 10-day summer camp and they learn from each other about their faiths and their cultures and their lives. And, at the end of that time together, those children have a deep idea and understanding about how peace can be brought to Israel-Palestine. And the adults who share their lives with them also learn that there is hope for peace. This is the time of year when all over the world wise elders are sharing graduation speeches with young people and giving them wonderful advice and wonderful encouragement. But I think it's so important to remember that our young people—even our young children—have a lot to teach us, as well. Let us pray.

Lord God, help us to learn from our children. Give us the sense to pay attention, to be patient and sensitive to their needs. Inspire us with wisdom to support them in our challenging and confusing world. Instill in us a better understanding of one another so that we can discover what matters most in life and work together to achieve it. Amen.

Sen. Rausch led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Boutin introduced a class of 4th grade students from Dunbarton Elementary School, guests in the Senate gallery today.

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

Without objection, the Clerk shall 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 25-FN-A, making appropriations for capital improvements.

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: Campbell, Cloutier, Irwin, Chandler, Graham

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

The President appoints Senators Boutin, Rausch, Larsen.

HB 253, relative to limitations on sales by nano breweries for consumption on the premises.

REPRESENTATIVES: Schlachman, Scarlotto, John Hunt, K. Williams

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

The President appoints Senators Sanborn, Bradley, Hosmer.

HB 357, prohibiting an employer from using credit history in employment decisions.

REPRESENTATIVES: A. White, Weed, Ley, Cahill

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

The President appoints Senators Bradley, Sanborn, Hosmer.

HB 414, relative to privacy in the workplace.

REPRESENTATIVES: A. White, Kelly, J. Schmidt, Andrews

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

The President appoints Senators Bragdon, Cataldo, Pierce.

HB 472, relative to residential units in rooming houses.

REPRESENTATIVES: Butler, Schlachman, Muns, Hammond

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

The President appoints Senators Bradley, Cataldo, Hosmer.

HB 546, relative to medical examinations under workers' compensation.

REPRESENTATIVES: A. White, Flanagan, Weed, St. James

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

The President appoints Senators Sanborn, Cataldo, Soucy.

HB 594-FN, relative to the general consumer credit laws of the state.

REPRESENTATIVES: Butler, Hunt, Goley, Muns

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

The President appoints Senators Cataldo, Stiles, Pierce.

HB 664-FN, relative to the New Hampshire vaccine association.

REPRESENTATIVES: Butler, K. Williams, Harding, Cote

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

The President appoints Senators Bradley, Forrester, Pierce.

HB 124-FN, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system.

REPRESENTATIVES: Weber, Gagnon, D. Sullivan, Schuett

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

The President appoints Senators Bradley, Carson, Soucy.

HB 252, consolidating the property appraisal division and the municipal services division of the department of revenue administration.

REPRESENTATIVES: Goley, Benn, Hansberry, Hansen

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

The President appoints Senators Reagan, Carson, Watters.

HB 385, relative to licensure of, and the performance of electrical work by, elevator and accessibility lift mechanics.

REPRESENTATIVES: Goley, Schuet, D. Sullivan, Beaudoin

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

The President appoints Senators Cataldo, Reagan, Watters.

HB 599-FN, relative to establishing a single liquor commissioner.

REPRESENTATIVES: Schuett, Weber, Goley, C. McGuire

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

The President appoints Senators Carson, Reagan, Soucy.

HB 233, relative to the care of the war memorial in Franconia Notch state park.

REPRESENTATIVES: Chandley, Theberge, Parkhurst, Shurtleff

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

The President appoints Senators Bradley, Forrester, Woodburn.

HB 542, relative to electric renewable portfolio standards.

REPRESENTATIVES: Kaen, N. Levasseur, Cali-Pitts, Introne

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

The President appoints Senators Odell, Bradley, Fuller Clark.

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.

REPRESENTATIVES: Wallner, Rosenwald, D. Eaton, Almy, Kurk

ALTERNATES: Benn, Buco, Lovejoy, Weyler

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

The President appoints Senators Morse, Odell, Forrester, D'Allesandro.

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

REPRESENTATIVES: Wallner, Rosenwald, D. Eaton, Almy, Kurk

ALTERNATES: Leishman, Ford, Nordgren, Major

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

The President appoints Senators Morse, Odell, Forrester, D'Allesandro.

HB 260-FN, relative to the children in need of services (CHINS) program.

REPRESENTATIVES: Walz, Long, Gargasz, K. Rogers

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

The President appoints Senators Stiles, Odell, Kelly.

HB 295-FN, requiring criminal background checks for volunteers and employees at youth skill camps.

REPRESENTATIVES: S. Smith, Aguiar, Ahlgren, Gottling

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

The President appoints Senators Stiles, Reagan, Kelly.

HB 573-FN, relative to the use of cannabis for therapeutic purposes.

REPRESENTATIVES: J. MacKay, S. Schmidt, Sherman, Andrews-Ahearn

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

The President appoints Senators Stiles, Reagan, Gilmour.

HB 224, relative to the authority of the superintendent of a county correctional facility.

REPRESENTATIVES: Cushing, Charron, Grady, Gagne

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

The President appoints Senators Boutin, Carson, Lasky.

HB 442, prohibiting residency restrictions for registered sex offenders and offenders against children.

REPRESENTATIVES: Ginsburg, Vaillancourt, Grady, Gagne

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

The President appoints Senators Carson, Boutin, Soucy.

HB 183, relative to processing absentee ballots.

REPRESENTATIVES: G. Richardson, Connor, Gage, Jasper

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

The President appoints Senators Boutin, Stiles, Lasky.

HB 220, relative to the New Hampshire medal of honor.

REPRESENTATIVES: Theberge, Massimilla, McCloskey, Notter

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

The President appoints Senators Forrester, Bragdon, Lasky.

HB 265, relative to procedures by absentee voters.

REPRESENTATIVES: Knowles, Till, Connor, Hoelzel

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

The President appoints Senators Stiles, Boutin, Lasky.

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.

REPRESENTATIVES: Theberge, C. Sweeney, Carey, Priestley

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

The President appoints Senators Forrester, Bragdon, Lasky.

HB 524, relative to national guard facilities, the national guard scholarship fund, and the state active duty death benefit.

REPRESENTATIVES: Campbell, Theberge, Massimilla, Graham

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

The President appoints Senators Rausch, Boutin, Pierce.

HB 595-FN, relative to photo identification of voters.

REPRESENTATIVES: G. Richardson, Knowles, Perry, Cote

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

The President appoints Senators Boutin, Forrester, Pierce.

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.

REPRESENTATIVES: Lovejoy, Kelley, Butynski, Sapareto

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

The President appoints Senators Odell, Rausch, Hosmer.

Without objection, the Clerk shall 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 41, revising the New Hampshire business corporations act, RSA 293-A.

Sen. Sanborn moves concurrence. Adopted.

SB 90, establishing a committee to study developing a policy for veteran preference for government hiring.

Sen. Carson moves concurrence. Adopted.

SB 98, authorizing group net metering for limited electrical energy procedures and establishing a committee to study reimbursement rates for excess electricity generated by customer-generator groups.

Sen. Prescott moves concurrence. Adopted.

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

SB 99, requiring the site evaluation committee to direct a study of site evaluation criteria and establishing a committee to study the criteria for siting of wind powered electric generating facilities, other electric generating facilities, and transmission facilities.

Sen. Prescott moves concurrence. Adopted.

Sens. Soucy and D'Allesandro are in opposition to the motion of concurrence on SB 99.

SB 123-FN-L, relative to the use of proceeds from the regional greenhouse gas initiative program.

Sen. Prescott moves concurrence. Adopted.

SB 124-FN, establishing an integrated land development permit.

Sen. Prescott moves concurrence. Adopted.

SB 191-FN-A, establishing a state energy strategy.

Sen. Prescott moves concurrence. Adopted.

SB 17, establishing a commission to study palliative care and associated quality of life initiatives.

Sen. Stiles moves concurrence. Adopted.

SB 27, relative to monitoring by the department of education of programs for children with disabilities.

Sen. Stiles moves concurrence. Adopted.

SB 87, relative to the patients' bill of rights.

Sen. Stiles moves concurrence. Adopted.

SB 134-FN, relative to the division of higher education and the higher education commission.

Sen. Stiles moves concurrence. Adopted.

SB 138-FN, relative to support for certain residents of nursing and assisted living facilities.

Sen. Stiles moves concurrence. Adopted.

SB 162-FN, repealing the student tuition guaranty fund and making provisions for the disbursement of remaining funds, and relative to the membership of the higher education commission.

Sen. Stiles moves concurrence. Adopted.

SB 44, relative to the disposal of controlled drugs by law enforcement officers.

Sen. Carson moves concurrence. Adopted.

SB 76, relative to disqualification of candidates.

Sen. Boutin moves concurrence. Adopted.

SB 198, relative to the authority of county correctional officers.

Sen. Boutin moves concurrence. Adopted.

SB 112, requiring constitutional amendment concurrent resolutions to contain the language for the voter's guide.

Sen. Prescott moves concurrence. Adopted.

SB 179, clarifying the definition of "renewable generation facility" for purposes of payments in lieu of property tax payments.

Sen. Odell moves concurrence. Adopted.

Without objection, the Clerk shall 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 135-FN, relative to the regulation of the practice of genetic counseling.

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

The President appoints Senators Carson, Cataldo, Lasky.

SB 189-FN, relative to the licensure of fuel gas fitters and plumbers by a mechanical licensing board established within the department of safety and transferring regulation of plumbers to the mechanical licensing board.

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

The President appoints Senators Carson, Cataldo, Watters.

SB 148-FN, relative to electric renewable portfolio standards.

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

The President appoints Senators Sanborn, Bradley, Pierce.

SB 188, relative to municipally-owned utilities.

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

The President appoints Senators Rausch, Boutin, Gilmour.

SB 19-FN, repealing provisions relative to the sale of the former Laconia state school property and eliminating a ramp toll on the Everett turnpike in the town of Merrimack.

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

The President appoints Senators Bragdon, Rausch, Larsen.

SB 119-FN-A, directing the joint legislative historical committee to conduct a study of state house flag restoration and preservation.

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

The President appoints Senators Bragdon, Odell, Watters.

SB 48, relative to school performance and accountability.

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

The President appoints Senators Stiles, Reagan, Kelly.

SB 75, relative to games of chance.

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

The President appoints Senators Odell, Rausch, Hosmer.

SB 129-FN, relative to court-ordered placements in shelter care facilities and at the Sununu Youth Services Center, relative to the children in need of services (CHINS) program, and establishing a committee to study programs for children in need.

Sen. Carson moves nonconcurrency.

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.

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.

Adopted. Adjournment from the Early Session.

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

(The Chair recognized Sen. Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I have two announcements. First, a former colleague, Representative Leighton Pratt, passed away recently; he was 90 years old. A man of the land, former Assistant Agriculture Commissioner of Vermont, UNH's Cooperative Extension, and served the North Country in the Legislature, and I just want to offer official condolences to his wife, Sally, and children, Randy and Bruce.

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 sending and receiving messages, processing enrolled bill reports and amendments, and forming Committees of Conference, and when we recess, we recess to the call of the Chair.

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