

February 14, 2013
Nos. 4-5

STATE OF NEW HAMPSHIRE

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163rd Session of the New Hampshire General Court
Legislative Proceedings

SENATE JOURNAL

ADJOURNMENT – JANUARY 31, 2013 SESSION
COMMENCEMENT – FEBRUARY 14, 2013 SESSION

SENATE JOURNAL 4 *(continued)*

January 31, 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 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 113, relative to lot access for erection of buildings.

HB 115, relative to the procedure for filling a vacancy on a cooperative school district budget committee.

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

HB 159, requiring patriotic exercises in public schools on federal Constitution Day.

HB 160, relative to a school district's transportation responsibility for pupils of divorced parents with joint decision making responsibility.

HB 165, establishing a committee to study the use of the sex offender registry.

HB 167, relative to notice and information provided to the victim of a person seeking parole or the victim's next of kin.

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

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

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 123, relative to the limitation of liability for negligence regarding public safety officers.

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

HB 140, relative to the committee on legislator orientation.

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 163, relative to special number plates for disabled veterans.

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.

HB 181, repealing the equalization standards board.

HB 186, relative to the authority of the department of state.

HB 190, relative to professional misconduct of dental hygienists.

HB 193, relative to registration of vehicles by residents without a permanent street address.

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

HB 195, relative to commercial driver learner permits.

HB 196, relative to weight of commercial vehicles with idle reduction devices.
HB 211, relative to service of demand for rent and eviction notice.
HB 216, relative to the use of the title “fire marshal.”
HB 221, relative to the duty of the long range capital planning and utilization committee.
HB 225, relative to the rulemaking authority of the liquor commission.
HB 251, relative to the legislative members of the home education advisory council.
HB 261-FN, relative to the assistance program for 2-parent families with dependent children.

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 134, relative to contingency funds in towns.
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.
HB 171, relative to the civil penalty for failure to make payment of workers’ compensation.
HB 172, requiring the labor commissioner to maintain certain statistical information regarding payment of workers’ compensation.
HB 182, relative to appointments to the assessing standards board.
HB 187, relative to cost items in negotiated agreements.
HB 198, relative to town boundary perambulation.
HB 208, relative to annual reports of county officers.
HB 220, relative to the New Hampshire medal of honor.
HB 229-FN, relative to a financial examination supervisor.
HB 230, relative to administrative supervision of insurers.
HB 231, relative to reinsurance.
HB 235, allowing counties to contract for professional real estate services for the sale or lease of county property.
HB 237, relative to home production of wine for personal or family use.
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 301, relative to notice of sale in foreclosure proceedings.
HB 368, relative to the telecommunications planning and development initiative.
HB 418, establishing a committee to study a program to address children in need.

INTRODUCTION OF SENATE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following Senate legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees. Adopted.

First and Second Reading and Referral

13-0433

SB 4-FN-A, establishing a scholarship program for New Hampshire residents to attend any New Hampshire public postsecondary education institution. (Morse, Dist 22; Boutin, Dist 16; Bradley, Dist 3; Bragdon, Dist 11; Carson, Dist 14; Cataldo, Dist 6; Forrester, Dist 2; Rausch, Dist 19; Reagan, Dist 17; Sanborn, Dist 9; Stiles, Dist 24; L. Ober, Hills 37; Chandler, Carr 1; Weyler, Rock 13; Elliott, Rock 8: Finance)

13-0922

SB 65-FN, relative to energy efficiency plans of gas and electric distribution companies. (Fuller Clark, Dist 21; Pastor, Graf 12; Bixby, Straf 17: Energy and Natural Resources)

13-0999

SB 150-FN-A-LOCAL, making an appropriation to the department of revenue administration for the purpose of reimbursing cities and towns for certain flood control payments. (Sanborn, Dist 9; Larsen, Dist 15; Boutin, Dist 16; Ratzki, Merr 1: Finance)

13-0917

SB 152-FN-A-LOCAL, relative to video lottery and table gaming. (D'Allesandro, Dist 20; Morse, Dist 22; Rausch, Dist 19; Soucy, Dist 18; Lasky, Dist 13; Gilmour, Dist 12; Woodburn, Dist 1; Cataldo, Dist 6; Stiles, Dist 24; Azarian, Rock 8; Weyler, Rock 13; Long, Hills 42; Theberge, Coos 3; Pantelakos, Rock 25: Ways and Means)

13-0976

SB 153-FN, relative to legislative approval of collective bargaining agreements entered into by the state. (Bragdon, Dist 11: Finance)

13-0962

SB 154-FN-A-LOCAL, establishing an energy conservation loan program and an energy conservation project fund. (Odell, Dist 8; Pastor, Graf 12; Gagnon, Sull 5: Energy and Natural Resources)

13-0992

SB 155-FN-A, relative to production of a Civil War commemorative bottle by the state liquor commission. (Watters, Dist 4; Boutin, Dist 16; Hess, Merr 24; Wall, Straf 6; Norelli, Rock 26: Executive Departments and Administration)

13-0943

SB 156-FN, relative to the appointment of a guardian ad litem in certain sexual assault cases. (Lasky, Dist 13; Soucy, Dist 18; Carson, Dist 14; Hackel, Hills 29: Judiciary)

13-0940

SB 157-FN, establishing a New Hampshire disaster relief fund. (Larsen, Dist 15: Finance)

13-0936

SB 158-FN, relative to habitual truancy. (Watters, Dist 4; Stiles, Dist 24; Gile, Merr 27; Verschueren, Straf 13; D. Hooper, Straf 16: Finance)

13-0869

SB 159, exempting drivers of eligible agricultural and farm vehicles from certain federal motor carrier regulations. (Boutin, Dist 16; Rausch, Dist 19; Stiles, Dist 24; Watters, Dist 4; Reagan, Dist 17; T. Walsh, Merr 24; Chandler, Carr 1; Duarte, Rock 2; Kotowski, Merr 24: Transportation)

13-0842

SB 160-FN-A, relative to turnpikes and electronic toll collection. (Rausch, Dist 19; Stiles, Dist 24; Boutin, Dist 16; Gilmour, Dist 12; Graham, Hills 7; Chandler, Carr 1: Transportation)

13-0983

SB 161, relative to electronic funds transfers. (Bradley, Dist 3; Sanborn, Dist 9; Cataldo, Dist 6; Schlachman, Rock 18; Muns, Rock 21; Tucker, Rock 23: Commerce)

13-0299

SB 162-FN, relative to licensing of postsecondary career schools. (Stiles, Dist 24; Bradley, Dist 3; D'Allesandro, Dist 20; Lovejoy, Rock 36; Copeland, Rock 19; Abrami, Rock 19; Shaw, Hills 16; Ladd, Graf 4: Health, Education and Human Services)

13-0327

SB 163, establishing a commission to recommend legislation to prepare for projected sea level rise and other coastal hazards. (Watters, Dist 4; Stiles, Dist 24; Fuller Clark, Dist 21; Borden, Rock 24; Spang, Straf 6; D. Hooper, Straf 16; Watrous, Merr 16: Energy and Natural Resources)

13-0330

SB 164, authorizing coastal management provisions in master plans. (Watters, Dist 4; Stiles, Dist 24; Fuller Clark, Dist 21; Khan, Rock 20; Reilly, Graf 9; Spang, Straf 6: Energy and Natural Resources)

13-0364

SB 165, repealing a prohibition relative to auxiliary state troopers, repealing the law governing motor vehicles carrying property for hire. (Rausch, Dist 19; Boutin, Dist 16; Gilmour, Dist 12; Chandler, Carr 1; Sytek, Rock 8: Transportation)

13-0416

SB 166, relative to critical incident stress management and crisis intervention services. (D'Allesandro, Dist 20: Judiciary)

13-0477

SB 167, relative to groundwater. (Reagan, Dist 17: Energy and Natural Resources)

13-1001

SB 168-FN-A-LOCAL, appropriating funds to the department of environmental services for the purpose of funding eligible and completed drinking water, wastewater, and landfill closure projects under the state aid grant program. (Sanborn, Dist 9; Boutin, Dist 16; Watters, Dist 4; Larsen, Dist 15; Rausch, Dist 19; Fuller Clark, Dist 21; Bradley, Dist 3; Forrester, Dist 2; Carson, Dist 14: Finance)

13-1003

SB 169, relative to non-covered services under dental insurance plans. (Sanborn, Dist 9; Rausch, Dist 19; Soucy, Dist 18; Hammond, Hills 24: Commerce)

13-0865

SB 170, relative to advance directives pertaining to life-sustaining treatment. (Gilmour, Dist 12; Lasky, Dist 13; Harding, Graf 13; Weber, Ches 1; Watrous, Merr 16: Health, Education and Human Services)

13-0867

SB 171, relative to the council for children and adolescents with chronic health conditions. (Hosmer, Dist 7; Kelly, Dist 10; Reagan, Dist 17; Gilmour, Dist 12; Fuller Clark, Dist 21; Nordgren, Graf 12; Harding, Graf 13: Health, Education and Human Services)

13-0870

SB 172-FN-LOCAL, relative to public funds. (Forrester, Dist 2; Boutin, Dist 16; Reagan, Dist 17; Carson, Dist 14; Cataldo, Dist 6; Gilmour, Dist 12; Larsen, Dist 15; Lasky, Dist 13; Morse, Dist 22; Odell, Dist 8; Rausch, Dist 19; Soucy, Dist 18; Watters, Dist 4; Ladd, Graf 4; Suzanne Smith, Graf 8; Vadney, Belk 2: Public and Municipal Affairs)

13-0871

SB 173, relative to criminal background checks for individuals volunteering or applying for employment at licensed child care facilities. (Stiles, Dist 24; Lasky, Dist 13; Fuller Clark, Dist 21; Reagan, Dist 17; Bradley, Dist 3; Lovejoy, Rock 36; Gargasz, Hills 27; Copeland, Rock 19; Gile, Merr 27: Health, Education and Human Services)

13-0890

SB 174-FN-A, making an appropriation for the purpose of reimbursing the spouse of a law enforcement officer who died in the line of duty. (Carson, Dist 14; D'Allesandro, Dist 20; McKinney, Rock 5; Packard, Rock 5; Introne, Rock 5: Finance)

13-0908

SB 175, relative to crossing public waters of the state for public utility purposes. (Bradley, Dist 3; Borden, Rock 24; Bradley, Graf 6; Nickolas Levasseur, Hills 11; Cali-Pitts, Rock 30: Energy and Natural Resources)

13-0909

SB 176-FN, relative to waivers of charitable trust filing fees. (Bradley, Dist 3: Executive Departments and Administration)

13-0913

SB 177-FN, relative to the procurement process for state services and establishing a state contracting standards board. (Soucy, Dist 18; Pierce, Dist 5; Woodburn, Dist 1; Perry, Straf 3; Gale, Hills 28; Goley, Hills 8: Finance)

13-0923

SB 178, establishing a committee to review and make recommendations regarding consolidating all state energy positions throughout state departments. (Fuller Clark, Dist 21; Odell, Dist 8; Kaen, Straf 5: Executive Departments and Administration)

13-0937

SB 179, clarifying the definition of “renewable generation facility” for purposes of payments in lieu of property tax payments. (Larsen, Dist 15: Ways and Means)

13-0916

SB 180-FN-A, establishing a restitution fund for victims of financial fraud and continually appropriating a special fund. (D’Allesandro, Dist 20; Bragdon, Dist 11: Executive Departments and Administration)

13-0968

SB 181-FN-A, relative to restitution payments to financial resources management lenders. (Bragdon, Dist 11; D’Allesandro, Dist 20: Executive Departments and Administration)

13-0912

SB 182-FN, relative to implementation of voter identification requirements. (Prescott, Dist 23; Hoelzel, Rock 3; Weber, Ches 1: Public and Municipal Affairs)

13-0894

SB 183-FN, relative to proof of identity by voters. (Pierce, Dist 5; Larsen, Dist 15; Fuller Clark, Dist 21; Soucy, Dist 18; Lasky, Dist 13; Kelly, Dist 10; Perry, Straf 3; Knowles, Hills 37; Hoelzel, Rock 3: Public and Municipal Affairs)

13-0861

SB 184-FN, excluding conservation officers of the fish and game department from requirements for emergency medical and trauma services. (Woodburn, Dist 1: Executive Departments and Administration)

13-0897

SB 185, establishing a commission on housing policy and regulation. (Odell, Dist 8; Bradley, Dist 3; Gilmour, Dist 12; Carson, Dist 14; Watters, Dist 4; Larsen, Dist 15; Stiles, Dist 24; Fuller Clark, Dist 21; Lasky, Dist 13; Pierce, Dist 5; Soucy, Dist 18; Hosmer, Dist 7; Grenier, Sull 7; Butler, Carr 7; Gale, Hills 28; French, Merr 6: Public and Municipal Affairs)

13-0875

SB 186, relative to training of certain board officers of nonprofit corporations. (Carson, Dist 14; Odell, Dist 8; C. McGuire, Merr 29; Griffin, Rock 7: Public and Municipal Affairs)

13-0926

SB 187, posthumously emancipating 20 African-American New Hampshire slaves. (Fuller Clark, Dist 21; Watters, Dist 4; Boutin, Dist 16; Larsen, Dist 15; Cushing, Rock 21; Cali-Pitts, Rock 30; Wazlaw, Rock 29; Gerald Ward, Rock 28; Pantelakos, Rock 25: Public and Municipal Affairs)

13-0982

SB 188-FN, relative to municipally-owned utilities. (Gilmour, Dist 12; Rausch, Dist 19; Carson, Dist 14; Boutin, Dist 16; Lasky, Dist 13; Soucy, Dist 18; Rhodes, Hills 30; Campbell, Hills 33; M. O’Brien, Hills 36; Chandley, Hills 22; Graham, Hills 7: Energy and Natural Resources)

13-0883

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. (Carson, Dist 14; Lasky, Dist 13; Cataldo, Dist 6; Reagan, Dist 17; Rosenwald, Hills 30; C. McGuire, Merr 29: Executive Departments and Administration)

13-0394

SB 190-FN, relative to admission fees for certain persons at state parks and historical sites. (Stiles, Dist 24; Renzullo, Hills 37; Borden, Rock 24: Finance)

13-0538

SB 191-FN-A, establishing a state energy strategy plan. (Odell, Dist 8; Stiles, Dist 24; Forrester, Dist 2; Fuller Clark, Dist 21; Woodburn, Dist 1; Borden, Rock 24; Suzanne Smith, Graf 8; Rappaport, Coos 1; Kaen, Straf 5: Energy and Natural Resources)

13-0888

SB 192-FN-LOCAL, establishing a state infrastructure bank. (Carson, Dist 14; Rausch, Dist 19; Griffin, Rock 7; Renzullo, Hills 37; Stroud, Hills 21: Finance)

13-0859

SB 193-FN, relative to dental therapists and access to oral health care. (Gilmour, Dist 12; Woodburn, Dist 1; D'Allesandro, Dist 20; Reagan, Dist 17; Rosenwald, Hills 30; M. Nelson, Hills 35; Emerson, Ches 11: Health, Education and Human Services)

13-0920

SCR 1, relative to special use permits in the White Mountain National Forest. (Woodburn, Dist 1; Forrester, Dist 2; Chandler, Carr 1; Suzanne Smith, Graf 8: Energy and Natural Resources)

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Sanborn moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 5

February 14, 2013

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

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditative thoughts and prayer.

The thing about cooking crumpets is that they depend on batter being able to griddle long, low, and slow, so that the bubbles in the batter rise to the top and create those wonderful little holes into which the butter goes. And letting things rise to the top in our awareness is rather un-American: We are a Big Mac society in which fast is best. We do things fast here. Leaders make changes fast. It's impressive to undiscerning voters. But slow means that the truth from the heart bubbles up rather than simply believing our thoughts as if they're actually true.

The spiritual life and the leadership life are not dissimilar in that they both must always guard against cutting a deal with mediocrity by exchanging being adored for being effective. And there are many in New Hampshire who are depending on you being effective. Adoration will always need to be in second place. Let us pray.

God of all power, give us such a deep sense that we are loved that our thoughts and actions are for truth and effectiveness and not merely for impressive expediency. Amen.

Sen. Pierce led the Pledge of Allegiance.

Without objection, the Senate is authorized to use the official Senate electronic devices on the floor of the Senate. Adopted.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Forrester introduced Gage Wheeler from Inter-Lakes High School, serving as a Senate Page for the day.

Recess. Out of recess.

HOUSE MESSAGE

The House of Representatives is ready to meet with the honorable Senate in Joint Convention for the purpose of hearing the Budget Address by her Excellency, Governor Margaret Wood Hassan.

RESOLUTION NO. 9

Sen. Bradley offered the following Resolution:

RESOLVED, that the Senate is ready to meet with the Honorable House of Representatives in Joint Convention for the purpose of hearing the Budget Address by her Excellency, Governor Margaret Wood Hassan. Adopted.

Recess for Joint Convention. Out of recess.

Recess. Out of recess.

FINANCE REPORT

Sen. Morse announces that the following bills will not come to Finance: SB 46-FN, SB 56-FN, SB 63-FN, SB 122-FN.

CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

SB 57, relative to approval of the project proposed by the Town of Alstead for the lower Warren Brook Restoration project and reestablishes the commission established to determine the appropriate use of flood damaged property. Removed by Sen. Bragdon.

SB 58, relative to the taxation of water works or flood control land held in another town or city. Removed by Sen. Soucy.

SB 84, relative to road toll administration and relative to motor vehicles carrying property for hire. Removed by Sen. Bragdon.

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

COMMERCE

SB 51, relative to the definition of "professional service." Ought to Pass, Vote 5-0. Senator Pierce for the committee.

This is a technical correction bill that was requested by the Secretary of State's office to bring into parity the definition of "professional service" under the professional corporations and professional limited liability statutes.

SB 52, relative to names of limited partnerships. Ought to Pass, Vote 5-0. Senator Hosmer for the committee.

This bill is a technical correction to the limited partnership naming statute and was a request from the Secretary of State's office. This bill will allow limited partnerships to use varying forms of abbreviations such as "L.P." as the last words of its name.

SB 60, relative to assisted living facilities and landlord tenant law. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

Currently, assisted living facilities are regulated under both landlord tenant and health and human services statutes. This bill, as amended by the Committee, will remove assisted living facilities from the landlord tenant statutes while leaving the more appropriate health and human services regulations in place.

Commerce
February 5, 2013
2013-0205s
01/04

Amendment to SB 60

Amend the bill by replacing sections 3 and 4 with the following:

3 Assisted Living Facilities; Actions Against Tenants. Amend RSA 540:1-a, IV(c) to read as follows:

(c) Rooms in student dormitories, nursing homes, hospitals ***and any other facilities licensed under RSA 151 or certified under RSA 126-A***, convents, monasteries, asylums, or group homes.

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

SB 71, establishing a committee to study the use and misuse of prescription drugs in workers' compensation cases. Ought to Pass with Amendment, Vote 5-0. Senator Hosmer for the committee.

This bill, as amended by the committee, establishes a committee to study the extent of misuse and abuse of opiates and other commonly abused prescription medications by injured workers and the direct and indirect social and economic costs of such misuse.

Commerce
February 5, 2013
2013-0203s
01/04

Amendment to SB 71

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

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the extent of misuse and abuse of opiates and other commonly abused prescription medications by injured workers and the direct and indirect social and economic costs of such misuse. The committee shall evaluate the effectiveness of laws in other states and consider possible enhancement of the controlled drug prescription health and safety program, possible establishment of a closed formulary, promulgating establishment of interagency opioid dosing guidelines and pain treatment guidelines governing utilization, and such other areas of inquiry the committee deems relevant to its purpose.

ENERGY AND NATURAL RESOURCES

SB 46-FN, relative to air quality violations for outdoor fires. Inexpedient to Legislate, Vote 5-0. Senator Bradley for the committee.

The prime sponsor asked for a recommendation of inexpedient to legislate for this legislation. The committee has decided to honor that request at this time.

SB 64, relative to public informational meetings on dams. Ought to Pass with Amendment, Vote 5-0. Senator Woodburn for the committee.

This bill, as amended, improves the public meeting process regarding dams and received unanimous support from the committee of jurisdiction as well as complete support from the agency who oversees and enforces the statute.

Energy and Natural Resources

February 7, 2013

2013-0253s

06/01

Amendment to SB 64

Amend the bill by replacing section 1 with the following:

1 Erection and Inspection of Dams. Amend RSA 482:13 to read as follows:

482:13 Public Informational Meeting Required.

I. No owner shall breach any dam, lower any water body for the repair of any dam, or cause any significant lowering of the water level in a pond or lake without first notifying the local governing body in the cities or towns where said dam or water body is located **and the department** at least 30 days prior to any action specified above. The provisions of this section shall not apply to dams impounding bodies of water less than 10 acres or to the normal scheduled lowering of water levels each fall, the normal lowering of a water body by the exercise of water rights, the lowering of water levels by the department of environmental services to protect instream flows under RSA 483:9-c, or the lowering of water levels in any emergency situation.

II. The ~~[local governing body of each of the cities or towns]~~ **dam owner, in cooperation with the local governing body of each of the cities or towns**, shall hold a public informational meeting ~~[within]~~ **at least** 15 days ~~[of receipt of the notice from the dam owner]~~ **prior to any action under paragraph I**. The ~~[local governing body]~~ **dam owner** shall publish a notice of the public informational meeting in a newspaper of general circulation in the county in which the action shall occur at least 7 days before the time set for said meeting. The public notice and informational meeting required by this section shall be in addition to and not in place of other provisions of law pertaining to dams.

SB 72, including owls within the definition of raptor for the purposes of falconry. Inexpedient to Legislate, Vote 5-0. Senator Bradley for the committee.

After divided public testimony, the committee unanimously believes more consideration needs to be given to this issue.

SB 74, relative to an exemption for entities that furnish hot water through a district energy system. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

This bill, as amended, exempts from PUC jurisdiction entities that produce hot water as a by-product and transfer said water to other parties within a district energy system.

Energy and Natural Resources
February 7, 2013
2013-0254s
06/01

Amendment to SB 74

Amend the bill by replacing section 1 with the following:

1 New Section; Hot Water Companies; When Public Utilities. Amend RSA 362 by inserting after section 4-c the following new section:

362:4-d Hot Water Companies; When Public Utilities. The term “public utility” shall not include any corporation, company, association, joint stock association, partnership, and person, their lessee, trustee, or receiver appointed by any court, or assignee, engaged in the manufacture, furnishing, or sale of hot water through a district energy system that makes use in whole or in part of the waste heat from one or more of the persons or entities being served by such system. However, any such entity that uses steam as a cogenerator shall be deemed to be a public utility.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 33, making technical changes to the judicial retirement plan. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill makes technical changes to the judicial retirement plan due to the establishment of the circuit courts and was requested by the supreme court. The amendment changes the effective date to upon passage.

Senate Executive Departments and Administration
January 30, 2013
2013-0115s
10/04

Amendment to SB 33

Amend the bill by replacing section 3 with the following:

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

SB 37, relative to management rights under collective bargaining. Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

This bill expands the definition of “terms and conditions of employment” as it relates to public employee labor relations. The ED & A Committee believes that this legislation is not necessary at this time.

SB 42, relative to applications for licensure by the real estate appraisers board. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill requires applicants for licensure by the real estate appraiser board to have a criminal history records check. The bill also provides for licensure by reciprocity for applicants who are in good standing in another state. This bill was requested by the Joint Board of Licensure and Certification in order to be in compliance with Federal standards.

JUDICIARY

SB 68, relative to the escrow fund for court facility improvements. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

This bill merely makes a change in the Court Facilities Escrow Fund account to reflect the existing practice of using these moneys for any judicial branch facility improvement.

PUBLIC AND MUNICIPAL AFFAIRS

SB 11-L, relative to water resources utility districts. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

This bill as amended permits municipalities to enter into intermunicipal agreements for the establishment of water and/or sewer utility districts. It allows communities to cooperate to provide services to its residents and/or commercial districts at potentially reduced costs, being respective of available resources.

Public and Municipal Affairs
January 30, 2013
2013-0124s
06/01

Amendment to SB 11-LOCAL

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

AN ACT relative to water and sewer utility districts and water or sewer utility districts.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Water and/or Sewer Utility Districts. Amend RSA 31 by inserting after section 133 the following new subdivision:

Water and/or Sewer Utility Districts

31:134 Statement of Purpose. An adequate supply of water is indispensable to the health, welfare, and safety of the people of the state and essential to the natural environment of the state. Therefore, the general court declares and determines that the waters of New Hampshire constitute a limited and precious public resource to be protected, conserved, and managed in the interest of present and future generations. This requires careful stewardship and management of water and wastewater within the state. To maximize health and safety, ecological and aesthetic values, and the overall well-being of the people, the state of New Hampshire must enable municipalities to protect water supplies and provide sewer utility services in compliance with federal, state, and local requirements. In order to foster regional approaches to providing utility services to multiple municipalities, the state must enable municipalities to enter into agreements that provide for efficient means of collectively financing and operating such services. The establishment of water and/or sewer utility districts will enable municipalities to provide property services at a more intensive level than is provided in the balance of the municipality; provide funds for capital expenditures towards constructing and maintaining those utilities; provide funds for the operation and maintenance of those utilities; and authorize the establishment of charges to owners and users of property within such water and/or sewer utility districts in an amount not to exceed the costs to the municipality of providing such utility services at levels over and above those provided in the balance of the municipality.

31:135 Definition. In this subdivision, "water and/or sewer utility" means an entity established for the acquisition, operation, and management of water and sewer infrastructure.

31:136 Water and/or Sewer Utility Authorized; Intermunicipal Agreement.

I. For the purposes of this subdivision, the legislative body of any city or town shall have the authority by a majority vote to establish one or more water and/or sewer utility districts and designate a water and/or sewer utility commission to be the governing body to manage the activities of the district.

II. In the case where a utility district encompasses land within more than one municipality, the district may be authorized by majority vote of the legislative bodies within each affected jurisdiction in accordance with the terms of an intermunicipal agreement under RSA 53-A:3. Such agreement shall be contingent upon approval of the legislative bodies of each of the parties to the agreement, and shall, in addition to the requirements of RSA 53-A:3, II, specify the following:

- (a) The source of the water.
- (b) The disposition of sewage.

III. For a water and/or sewer utility that encompasses more than one municipality, the intermunicipal agreement shall create the water and/or sewer utility commission and representation on such commission shall be proportional to the number of the owners or users, or both, of properties in the water and/or sewer utility district as defined by the intermunicipal agreement.

31:137 Commissioners. For the convenient management of any water and/or sewer utility district, a municipality shall vest the construction, management, control, and direction of such district in a board of commissioners to consist of 3, 5, or 7 citizens of each municipality, the commissioners to have such powers and duties as the municipality may prescribe. Their term of office shall be for 3 years and until their successors are elected and qualified. The first board of commissioners may be chosen for terms of one, 2, and 3 years, respectively.

31:138 Election or Appointment.

I. The board of commissioners may be elected by the legal voters of the municipality at any meeting or election at which the provisions of this subdivision are accepted, or at any special meeting or election thereafter called for that purpose, and their successors shall be elected at each annual meeting or election thereafter in the manner or form as the municipality may determine.

II. The board of commissioners may be appointed by the mayor and board of aldermen or city council or by the selectmen of the town in the manner or form as the municipality may determine.

31:139 Services Provided; Cost.

I. The services provided by a water and/or sewer utility district under this subdivision may include property-related services, including but not limited to providing public drinking water and water for domestic uses; water for fire suppression; and wastewater management; related construction, operation, and maintenance of capital facilities needed in the performance of these services; and other business development services and activities related to the maintenance of an attractive, useful, and economically viable business environment within the district. These services and activities may be either those of a routine nature provided for all properties, or may be particular to those in the water and/or sewer utility district.

II. The legislative body of each municipality shall define the water and/or sewer utility district, select specific services and levels of services to be provided, and, subject to RSA 31:137, authorize the department, agency, or other party that is to undertake the work.

III. The costs of providing services in the water and/or sewer utility district shall be those accruing to the municipality, which result exclusively from the provision of services in the district, and which exceed those being provided in the balance of the municipality.

31:140 Method of Appropriation. Each municipality shall adopt a budgetary appropriation for capital and operating expenditures including replacement and upgrades, or services to be performed in a water and/or sewer utility district as part of its budget process. The expense of constructing and maintaining the facilities needed to perform the authorized services to the district, or paying off any capital debt or interest incurred in constructing or maintaining the district on an annual basis shall be included in the budgetary appropriation. At the end of each fiscal year, a full accounting of expenditures shall be made.

31:141 Assessments and Fees. Upon adoption of the budgetary appropriation, the municipality may levy assessments or fees, or both, in an amount not greater than the net appropriation to a water and/or sewer utility district fund. The assessments and fees shall be made against the owners or users, or both, of properties in the water and/or sewer utility district and shall be based upon a formula determined by the municipality to be in relative proportion to benefits received by each property owner or user, or both, in the water and/or sewer utility district. Assessments and fees shall be billed and collected as specified by ordinance adopted by majority vote of the governing body of the municipality after a public hearing or in accordance with the terms of the intermunicipal agreement. Government property and non-profit organizations within the district shall be subject to the assessment and fees. Interest and other collection procedures shall be made by the tax collector or other official responsible for property tax collection. Enforcement powers for nonpayment shall be the same as those provided under RSA 80 relative to property tax collection.

31:142 Limit on Liability. The provisions of RSA 507-B relative to bodily injury actions against governmental units shall apply to all municipal activities performed in connection with a water and/or sewer utility district.

31:143 Authority to Incur Capital Debt. The commission shall have the authority to issue bonds under RSA 33 or RSA 33-B, as approved by the governing body of the municipality or, if intermunicipal, in accordance with the terms of the intermunicipal agreement.

31:144 Assessment Funds.

I. The funds received from the collection of water and/or sewer assessments and fees shall be kept as separate and distinct funds to be known as the water assessment fund and the sewer assessment fund respectively. Such funds shall be allowed to accumulate from year to year, shall not be commingled with municipal tax revenues, and shall not be deemed part of the municipality's general fund accumulated surplus. Such funds shall be expended only for the purposes of this subdivision as it relates to public drinking water and domestic supplies or the previous expansion or replacement of water lines or water treatment facilities; or for wastewater or the previous expansion or replacement of sewage lines or sewage treatment facilities.

II. Except when a capital reserve fund is established pursuant to paragraph III, all assessment funds shall be held in the custody of the municipal treasurer. Estimates of anticipated assessments or fees and anticipated expenditures from the assessment funds shall be submitted to the governing body under RSA 32:6 if applicable, and shall be included as part of the municipal budget submitted to the legislative body for approval. Notwithstanding RSA 41:29 or RSA 48:16, the treasurer shall pay out amounts from the assessment funds only upon order of the governing body of the district. Expenditures shall be within amounts appropriated by the legislative body.

III. At the option of the governing body of the district, all or part of any surplus in the assessment funds may be placed in one or more capital reserve funds under RSA 35:7 and placed in the custody of the trustees of trust funds. If such a reserve fund is created, then the governing body of the district may expend such funds pursuant to RSA 35:15 without prior approval or appropriation by the local legislative body, but all such expenditures shall be reported to the municipality pursuant to RSA 31:148. This section shall not be construed to prohibit the establishment of other capital reserve funds for any lawful purpose relating to municipal water.

31:145 District Utility Fund. Notwithstanding RSA 31:144, the local legislative body upon establishing a utility district may vote to establish a separate and distinct fund to be known as the district utility fund to serve as a collective operating fund for the district, or to administer funds common to the district that are not directly attributable to water or wastewater services. Such fund shall be allowed to accumulate from year to year, shall not be commingled with town or city tax revenues, and shall not be deemed part of the municipality's general fund accumulated surplus. Such fund shall function as a collective water and sewer fund and shall be authorized to be managed in the same ways as water or sewer funds are used under RSA 31:144.

31:146 Abatement and Appeal of Assessments and Fees.

I. Any person aggrieved by an assessment or fee made under this subdivision may, within 2 months of the notice of assessment, apply in writing to the governing body of the district for an abatement of such assessment or fee.

II. Upon receipt of an application under paragraph I, the governing body of the district shall review the application and shall, in writing, grant or deny the application in whole or in part to correct any error in the assessment or fee within 6 months after the notice of assessment or imposition of the fee.

III. If the governing body of the district neglects or refuses to abate the assessment or fee, any person aggrieved may petition the superior court in the county where the property is located within 8 months of the notice of assessment or imposition of the fee.

IV. For purposes of this section, "notice of assessment" means the date shown on the assessment bill.

V. Each assessment bill or fee shall require a separate request and appeal.

VI. For good cause shown, the governing body of the district may abate any such assessment or fee made by them or by their predecessors.

31:147 Liens and Collection of Assessments. In the collection of assessments and fees under RSA 31:141, municipalities shall have the same liens and use the same collection procedures as authorized by RSA 38:22. Interest on overdue charges shall be assessed in accordance with RSA 76:13.

31:148 Reports. In municipalities adopting this chapter, the governing body of the district shall annually, at the time other municipal officers report, make a report to the municipality of the condition of the plant financially and otherwise, showing the funds of the district, the expenses and income thereof, and all other material facts. This report shall be published in the annual report of the municipality.

31:149 Local Option. Any city or town may adopt this subdivision and shall thereafter have all the authority, powers, duties, and responsibilities set forth in this subdivision.

I. A city may adopt this subdivision by majority vote of the legislative body of the city after notice and hearing.

II. A town may adopt this subdivision by majority vote of the voters present and voting at any legal town meeting under a proper article after notice and hearing.

2013-0124s

AMENDED ANALYSIS

This bill permits municipalities to establish water and/or sewer utility districts and to enter into intermunicipal agreements for the establishment of such districts.

SB 12, relative to protection and preservation of significant archeological deposits. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

This enabling legislation, as amended, authorizes the adoption of provisions for the protection or preservation and documentation of archeological resources in the master plan, subdivision regulations and site plan review process. Final language was the result of many various stakeholders coming together in support.

Public and Municipal Affairs

February 7, 2013

2013-0235s

03/04

Amendment to SB 12

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

1 Master Plan; Archeological Resources. Amend RSA 674:2, III(h) to read as follows:

(h) A section which identifies cultural, **archeological**, and historic resources and protects them for rehabilitation or preservation from the impact of other land use tools such as land use regulations, housing, or transportation. Such section may encourage the preservation or restoration of stone walls, provided agricultural practices, as defined in RSA 21:34-a, are not impeded.

2 New Subparagraph; Subdivision Regulations; Archeological Resources. Amend RSA 674:36, II by inserting after subparagraph (n) the following new subparagraph:

(o) As a condition of subdivision approval, where the subdivision requires an alteration of terrain permit under RSA 485-A:17, require that the applicant protect or document archeological resources in areas of archeological sensitivity that have been identified in the master plan in accordance with RSA 674:2, III(h).

3 New Subparagraph; Site Plan Review Regulations; Archeological Resources. Amend RSA 674:44, II by inserting after subparagraph (j) the following new subparagraph:

(k) As a condition of site plan approval, require that the applicant protect or document archeological resources in areas of archeological sensitivity that have been identified in the master plan in accordance with RSA 674:2, III(h).

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

2013-0235s

AMENDED ANALYSIS

This bill authorizes the adoption of optional provisions for the protection or preservation of archeological resources in master plans, subdivision regulations, and site plan review regulations.

SB 49, relative to appeals of planning board decisions. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

The amended bill clarifies the process for appeals of planning board decisions concerning a subdivision or site plan to the board of adjustment prior to an appeal to the superior court, without jeopardizing the right to appeal to the superior court.

Public and Municipal Affairs

February 7, 2013

2013-0240s

03/10

Amendment to SB 49

Amend RSA 677:15, I-a(a) as inserted by section 1 of the bill by replacing it with the following:

I-a.(a) If an aggrieved party desires to appeal a decision of the planning board, and if any of the matters to be appealed are appealable to the board of adjustment under RSA 676:5, III, such matters shall be appealed to the board of adjustment before any appeal is taken to the superior court under this section. If any party appeals any part of the planning board's decision to the superior court before all matters appealed to the board of adjustment have been resolved, the court shall stay the appeal until resolution of such matters. After the final resolution of all such matters appealed to the board of adjustment, any aggrieved party may appeal to the superior court, by petition, any or all matters concerning the subdivision or site plan decided by

the planning board or the board of adjustment. The petition shall be presented to the superior court within 30 days after the board of adjustment's denial of a motion for rehearing under RSA 677:3, subject to the provisions of paragraph I.

SB 50, relative to expiration of variances and special exceptions. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

The amended bill allows authorized variances and special exceptions to be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the Board of Adjustment for good cause.

Public and Municipal Affairs
February 7, 2013
2013-0238s
03/05

Amendment to SB 50

Amend the bill by replacing sections 1 and 2 with the following:

1 New Paragraph; Zoning Variance; Expiration. Amend RSA 674:33 by inserting after paragraph I the following new paragraph:

I-a. Variances authorized under paragraph I shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.

2 Powers of Zoning Board of Adjustment; Special Exceptions. Amend RSA 674:33, IV to read as follows:

IV. A local zoning ordinance may provide that the zoning board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance. All special exceptions shall be made in harmony with the general purpose and intent of the zoning ordinance and shall be in accordance with the general or specific rules contained in the ordinance. ***Special exceptions authorized under this paragraph shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception.***

SB 62, authorizing the placement of a certain sign in the town of Danbury. Ought to Pass with Amendment, Vote 5-0. Senator Forrester for the committee.

This bill permits Ragged Mountain to erect one commercial sign outside a commercially zoned area in the town of Danbury.

Public and Municipal Affairs
January 30, 2013
2013-0126s
06/01

Amendment to SB 62

Amend the bill by replacing section 1 with the following:

1 Town of Danbury; Placement of Commercial Sign Outside Commercially Zoned Area Permitted. Notwithstanding RSA 236:73, Ragged Mountain Pacific, LLC may erect and maintain one sign on its property on the north side of the junction of Route 104 and Ragged Mountain Road provided that Ragged Mountain Pacific, LLC receives a special exception from the town of Danbury.

SB 73, prohibiting an immediate family member of a school board member from being employed by the school district. Inexpedient to Legislate, Vote 5-0. Senator Lasky for the committee.

Committee members agreed the bill was unnecessary as most individuals would disclose a potential conflict of interest. They also questioned whether the proposal should prohibit parents and extended family members as well. SB 73 could restrict the pool of qualified candidates for school boards.

SB 76, relative to disqualification of candidates. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

This bill as amended requires a letter from a licensed physician to corroborate a candidate's request to have his or her name removed from the ballot due to an incapacitating physical disability.

Public and Municipal Affairs
January 30, 2013
2013-0122s
03/10

Amendment to SB 76

Amend the bill by replacing section 1 with the following:

1 Disqualification of Candidate; Disability. Amend RSA 655:38 to read as follows:

655:38 Disqualification of Candidate. If a candidate to be voted for at the general election shall make oath between the date of the candidate's nomination and the day of the election that he or she does not qualify for the public office which he or she seeks because of age, domicile, or incapacitating physical disability acquired subsequent to the primary, the secretary of state may remove said person's name from the ballot. ***Any such oath citing an incapacitating physical disability shall be accompanied by a letter from a licensed physician confirming such a condition.*** A new candidate may be substituted by the appropriate party committee by submitting the name of the new candidate to the secretary of state within 3 days of the notice of disqualification. The name of the substitute candidate shall be placed on the ballots as provided in RSA 656:21.

TRANSPORTATION

SB 20, making modifications to the DWI ignition interlock program. Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

This bill was requested by the department of safety to make various modifications to the DWI ignition interlock program. The Committee believes that the bill will clarify current statutes and give the Department the ability to properly implement statutes currently in place.

Senate Transportation
January 31, 2013
2013-0128s
03/10

Amendment to SB 20

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

1 Words and Phrases Defined; Ignition Interlock Device. Amend RSA 259:43-a to read as follows:

259:43-a Ignition Interlock Device. "Ignition interlock device" shall mean breath alcohol ignition interlock device ***or enhanced technology ignition interlock device***, which is a system or device that connects a breath analyzer to a motor vehicle's ignition system. The analyzer measures the concentration of alcohol in the breath of any person who attempts to start the motor vehicle by using the ignition system. The device prevents the vehicle from starting unless the person provides a breath sample with a concentration of alcohol that is below a preset level. The device contains a data-logger which retains records of failures to take or pass the test during the period between recalibrations.

2 Interlock Requirements. Amend RSA 265-A:36, IV to read as follows:

IV. ***It shall be a violation for*** an ignition interlock device ~~[may not]~~ ***to*** be sold or distributed in this state without the device being approved by the commissioner or the department of safety.

3 Interlock Program Rules. Amend RSA 265-A:36, VI(b)-(f) to read as follows:

(b) Maintain at least that number of locations across the state for the installation, service, calibration, ~~[and]~~ monitoring, ***and removal*** of an ignition interlock device as might be required from time to time by the program operating protocol developed by the commissioner;

(c) Provide periodic reports as determined by the court or in department rules, to the ~~[probation office and treatment provider, if applicable; if the offender is not placed on probation, to the arresting agency]~~ ***director of the division of motor vehicles, the department's interlock coordinator***, and the court of jurisdiction;

(d) Retain all data-logger records for ~~[12]~~ ***36*** months after the end of the period to which the offender is sentenced;

(e) **Maintain a reserve account with a balance at least equal to 2 percent of the provider's revenue from interlock device service and installation in this state, excluding the purchase or rental costs of devices, during the previous calendar year. Funds in the account shall be used to [provide] assist with the cost of the** installation and service to those offenders determined by the court **or the department** to be unable to pay the full cost of an interlock program ~~[by reserving for this purpose a hardship credit equal to 2 percent of the service provider's gross receipts, excluding the purchase or rental cost of the interlock device, which credit and free service]~~. **Offenders determined by the court or the department to be unable to pay the full cost of an interlock program shall, at a minimum, pay 25 percent of the cost for the installation and service. Reserve account balances and costs to the provider for assisting with the cost of installation and service shall be reported annually to the department;**

(f) Provide a certificate of installation to the vehicle's owner **and to the department's interlock coordinator** upon installation of the device in a form to be determined by the department's interlock rules; and

4 Ignition Interlock Violations. Amend RSA 265-A:37 to read as follows:

265-A:37 Alcohol Ignition Interlock Circumvention.

I. Any person required by the court **or by the commissioner of safety after a hearing pursuant to RSA 265-A:36-a** to install an ignition interlock device shall not drive any motor vehicle not equipped with this device.

II. [A] **No person who is subject to an interlock order of the court or of the commissioner and no person who is conspiring with or attempting to permit a person subject such an interlock order to circumvent the order** shall ~~not~~ tamper with, or in any way attempt to circumvent the operation of an ignition interlock device that has been installed in a motor vehicle, **and no person who is subject to an interlock order shall knowingly drive a vehicle in which the interlock device has been circumvented or otherwise illegally tampered with.**

III. A person shall not start or attempt to start a motor vehicle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle to a person who **he or she knows** is restricted by law to drive only a motor vehicle so equipped. The provisions of this section do not apply if the starting of a motor vehicle, or the request to start a motor vehicle equipped with an ignition interlock device, is done for the purpose of safety or mechanical repair of the device or the vehicle, and the person subject to the court order **or order of the commissioner** does not drive the vehicle.

IV. A person shall not knowingly provide a motor vehicle not equipped with a functioning ignition interlock device to another person whom the provider of the vehicle knows was sentenced **or subject to a valid order** to drive only a motor vehicle equipped with an ignition interlock device.

V. Any person who violates the provisions of this section shall be guilty of a class A misdemeanor, be fined not less than \$500, **and if he or she is the person subject to the interlock order**, be ordered to install an enhanced technology ignition interlock device, and have the period of required ignition interlock device installation extended for 2 years.

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

SB 21, making technical corrections to the International Registration Plan. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

At the request of the Department of Safety, this bill makes technical corrections to the definitions of 2 terms in the International Registration Plan. The word "Repository" is changed to "Reciprocity" in order to reflect the correct intention of the statute.

SB 22, exempting small trailers from inspection requirements; allowing marine dealers to inspect boat trailers; and deleting a reference to highway enforcement officers. Ought to Pass with Amendment, Vote 5-0. Senator Gilmour for the committee.

This bill and amendment are at the request of the Department of Safety to exempt trailers under 10,000lbs from inspection requirements, allow qualified dealers to inspect trailers and delete a reference to highway enforcement officers. It will permit for the department's statutes and procedures to be updated and appropriate.

Senate Transportation
January 29, 2013
2013-0110s
08/10

Amendment to SB 22

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

AN ACT exempting small trailers from inspection requirements; allowing qualified dealers to inspect trailers; and deleting a reference to highway enforcement officers.

Amend the bill by replacing section 2 with the following:

2 New Section; Inspection of Trailers; Exemptions. Amend RSA 266 by inserting after section 1-a the following new section:

266:1-b Inspection of Trailers, Exemptions.

I. Notwithstanding any law or rule to the contrary, trailers of 10,000 pounds or less gross vehicle weight rating not used in interstate commerce shall be exempt from periodic vehicle inspection requirements, but shall be subject as other vehicles are to periodic roadside inspection by law enforcement officers to determine that they have the proper required and fully functional safety equipment.

II. The director may authorize properly qualified dealers holding utility dealer registrations to inspect trailers of more than 10,000 pounds gross vehicle weight, to determine whether they are fit to be driven, and to issue inspection stickers, under rules adopted for this purpose pursuant to RSA 541-A. This section shall not apply to full trailers as defined in RSA 259:37-a or semi-trailers as defined in RSA 259:98, and shall not prohibit other official inspection stations from inspecting trailers.

2013-0110s

AMENDED ANALYSIS

This bill:

- I. Deletes a reference to highway enforcement officers.
- II. Exempts small trailers from inspection requirements.
- III. Allows qualified dealers to inspect trailers.

SB 29, relative to the motorist service signing program. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

This bill was at the request of the Department of Transportation, exempting the motorist service signing program from rulemaking since the program is controlled by federal regulations. The Committee added an amendment to clarify the language and believes that the bill will allow the Department a greater ability to prioritize their efforts.

Senate Transportation
February 6, 2013
2013-0218s
06/03

Amendment to SB 29

Amend the bill by replacing section 1 with the following:

1 Motorist Service Signing Program. RSA 230:49, II is repealed and reenacted to read as follows:

II. The sign program permitted under paragraph I is controlled by federal regulations and is therefore exempt from rulemaking. The signs may be rented for a fee established by the commissioner of transportation or rented through third party contractors. If the commissioner sets the fee, rulemaking is required for the fee setting process.

2013-0218s

AMENDED ANALYSIS

This bill:

I. Exempts the motorist service signing program from rulemaking since the program is controlled by federal regulations.

II. Requires rulemaking for the rental fee setting process if the commissioner of transportation sets the fee.

SB 32, relative to Selective Service registration upon driver's license application or renewal. Inexpedient to Legislate, Vote 5-0. Senator Watters for the committee.

This bill would have updated the law relative to Selective Service registration upon driver's license application or renewal and allowed persons to opt out of automatic registration upon driver's license application or renewal. The committee feels that the current policies in place, including an opt in provision, are sufficient and therefore requests that the bill not go forward.

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. Ought to Pass, Vote 5-0. Senator Watters for the committee.

This bill establishes a committee at the request of the Department of Fish and Game, Division of Motor Vehicles and the Trails Bureau 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. The committee supports this endeavor and requests that the bill move forward.

SB 85, relative to commercial motor vehicle operation. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

This bill is at the request of the Department of Safety, modifying various statutes relating to commercial motor vehicle operation, including clarification of penalties and requirements for registration and licensure. It has the full support of the motor transit industry and the Committee requests that it move forward.

WAYS AND MEANS

SB 30, making technical corrections to tax laws. Ought to Pass with Amendment, Vote 5-0. Senator Rausch for the committee.

This bill was requested by the Department of Revenue Administration to make various updates and technical corrections to tax laws. The Committee amendment removes sections one and four of the original bill and fixes two small typographical errors.

Senate Ways and Means

January 30, 2013

2013-0120s

09/01

Amendment to SB 30

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

1 Confidentiality of Department Records; Information Sharing With Federal Agencies. Amend RSA 21-J:14, V(b) to read as follows:

(b) Disclosure of department records, files, or returns to the United States [~~Internal Revenue Service~~] **Department of Treasury and United States Food and Drug Administration** in accordance with compacts for the exchange of information between the department and the [~~Internal Revenue Service~~] **bureaus within the Department of Treasury and the Food and Drug Administration**, but only for the purpose of, and to the extent necessary in, the administration of federal tax laws, and related statutes.

2 Confidentiality of Department Records; Disclosure Violations. RSA 21-J:14, VIII is repealed and reenacted to read as follows:

VIII. It shall be unlawful for any officer or employee of the state or an officer or employee of a vendor which has entered into a contractual agreement with the department under RSA 21-J:3, XX, or has entered into a contractual agreement with the state and is authorized by law to receive information made confidential and privileged by this section, willfully to disclose to any person, except as authorized in this section, any records or files of the department. The term "willfully," as used in this paragraph, shall have the same meaning as provided in RSA 626:2, IV. Any violation of this section shall be a class A misdemeanor punishable upon conviction by a fine or imprisonment or both under RSA 651:2 and shall in addition to any other punishment be dismissed from office or discharged from employment upon conviction for such offense.

3 Business Profits Tax; Corrections; Notice. Amend RSA 77-A:10 to read as follows:

77-A:10 Corrections. Each taxpayer shall report to the commissioner of revenue administration any change in the amount of its gross business profits as finally determined by the United States Internal Revenue Service with respect to any previous year for which the taxpayer has made a return under this chapter. Such a report shall be made not later than 6 months after the taxpayer has received notice *from the United States Internal Revenue Service* that such change has finally been determined. Notwithstanding any other provision of law, a taxpayer reporting a correction pursuant to this section shall be given notice by the department ~~[of any adjustment to the tax due with respect to such correction]~~ within 6 months of the filing of the report *that the return is being reviewed*.

4 Checks Tendered in Payment of Taxes. Amend RSA 80:52-b to read as follows:

80:52-b Checks Tendered in Payment of Taxes.

I. If any person tenders a check for the payment of any taxes levied by the tax collector and the check is returned to the tax collector as uncollectible for any reason, such taxes shall be deemed not paid and the person tendering such check shall be subject to applicable tax delinquency penalties, protest and collection charges.

II. If any person tenders a check for the payment of any taxes levied by the tax collector and the check is drawn on a foreign bank, the person tendering such check shall be subject to all applicable foreign check bank fees.

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

2013-0120s

AMENDED ANALYSIS

This bill makes technical corrections to tax laws.

SB 43, relative to the property taxation of qualifying historic buildings. Ought to Pass, Vote 5-0. Senator Rausch for the committee.

This is enabling legislation that will provide a local option to cities and towns to appraise certain qualifying historic buildings at not more than 10% of market value in order to encourage the preservation of said buildings. The qualifying criteria are very narrow in scope; therefore this will apply to very few buildings.

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

REGULAR CALENDAR REPORTS

COMMERCE

SB 70, relative to the appointment of insurance agents and repealing a fee for insurance producers. Re-refer to committee, Vote 5-0. Senator Sanborn for the committee.

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

ENERGY AND NATURAL RESOURCES

SB 14, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development. Ought to Pass with Amendment, Vote 4-0. Senator Odell for the committee.

Energy and Natural Resources

February 6, 2013

2013-0226s

06/01

Amendment to SB 14

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

2 Department of Resources and Economic Development; Police Powers. Amend RSA 12-A:1-d, II to read as follows:

II. By written agreement executed by the commissioner of the department of resources and economic development, any authorized municipal official may utilize the summons procedures under RSA 31:39-d to cite individuals for violations of state park administrative rules or forests and lands administrative rules, or both. Authorized municipalities acting under this paragraph shall retain [50] **100** percent of any fine collected in accordance with the schedule of administrative fines of the department of resources and economic development.

3 Effective Date. This act shall take effect June 27, 2013.

2013-0226s

AMENDED ANALYSIS

This bill:

I. Repeals the prospective repeal of the authority of the department of resources and economic development to adopt rules on assessing administrative fines.

II. Increases the percentage of administrative fines collected in accordance with the schedule of administrative fines of the department of resources and economic development that municipalities may retain.

The Chair ruled Committee Amendment 0226s non-germane.

Without objection, the Senate suspends Rule 3-7 to allow for the introduction of non-germane Committee Amendment 0226s to SB 14. 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 Committee on Finance (Rule 4-3).

SPECIAL ORDER

Without objection SB 15 was Special-Ordered to the present time. Adopted.

TRANSPORTATION

SB 15, naming a portion of route 101 after the 101st Airborne Division Screaming Eagles. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

Senate Transportation

January 17, 2013

2013-0013s

05/04

Amendment to SB 15

Amend the bill by replacing section 1 with the following:

1 101st Airborne Division Screaming Eagles Highway. Pursuant to RSA 4:43, the portion of New Hampshire route 101 from Interstate 93 in Manchester to the Auburn/Candia town line shall be named the 101st Airborne Division Screaming Eagles Highway in honor of all New Hampshire veterans who have served with the 101st Airborne Division. Appropriate signage may be placed along the designated portion of the highway.

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.

ENERGY AND NATURAL RESOURCES

SB 56-FN, prohibiting the taking of bear from baited areas. Inexpedient to Legislate, Vote 4-0. Senator Prescott for the committee.

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

SB 101, relative to collocation and modification of personal wireless services facilities. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Energy and Natural Resources

February 7, 2013

2013-0251s

06/01

Amendment to SB 101

Amend RSA 12-K:2, X as inserted by section 3 of the bill by replacing it with the following:

X. "Collocation" means the placement or installation of new PWSFs on existing towers or mounts, including electrical transmission towers and water towers, as well as existing buildings and other structures capable of structurally supporting the attachment of PWSFs in compliance with applicable codes. "Collocation" does not include a "substantial modification."

Amend RSA 12-K:11, I(j) as inserted by section 8 of the bill by replacing it with the following:

(j) Charge an application fee, consulting fee or other fee associated with the submission, review, processing, and approval of a collocation application or modification application that is not required for similar types of commercial development within the authority's jurisdiction. Fees imposed by an authority or by a third-party entity providing review or technical consultation to the authority must be based on actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of a collocation application or modification application. Notwithstanding the foregoing, in no event shall an authority or any third-party entity include within its charges any travel expenses incurred in a third-party's review of a collocation application or modification application, and in no event shall an applicant be required to pay or reimburse an authority for consultant or other third party fees based on a contingency or result-based arrangement.

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

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

SB 122-FN, establishing a commercial shrimp license. 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.

SB 133-FN, adopting the interstate wildlife violators compact. 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 Committee on Finance (Rule 4-3).

FINANCE

SB 28, relative to the department of transportation inventory fund. Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance
February 6, 2013
2013-0220s
06/01

Amendment to SB 28

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

AN ACT relative to the department of transportation inventory fund and relative to the effective date of the transfer of the electricians' board to the joint board for licensure and certification.

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

1 Administration of Transportation Laws; Inventory Fund. Amend RSA 228:24 to read as follows:

228:24 Inventory Fund. There is hereby established a ~~[public works and highway]~~ **department of transportation** inventory fund not to exceed ~~[\$1,000,000]~~ **\$2,000,000**, which sum is hereby not otherwise appropriated. The commissioner of transportation may purchase, through the division of property and plant management, such operating materials and supplies as may be necessary for the operation of the department which shall be a charge against said fund. Materials or supplies requisitioned therefrom by a division of the department or by other state departments shall upon delivery be a charge against the funds of such division or other state department. All sales of materials and supplies from the inventory shall be credited to the inventory fund and are hereby appropriated to and made available for expenditures from the inventory fund. The commissioner shall transfer from the inventory fund to the highway fund the total amount paid by divisions of his department or other state departments into said fund in excess of the cost of any materials or supplies purchased therefrom.

2 Application of Receipts. Amend RSA 6:12, I(b)(194) to read as follows:

(194) Moneys deposited in the ~~[public works and highway]~~ **department of transportation** inventory fund under RSA 228:24.

3 Transfer of Electricians' Board; Provisions of SB 226 of 2012 Amended. 2012, 237:2 is repealed and reenacted to read as follows:

237:2 Electricians' Board; Administration. RSA 319-C:4, IV is repealed and reenacted to read as follows:

IV. All administrative, clerical, and business processing functions, and personnel and equipment of the board shall be transferred to the joint board of licensure and certification, established in RSA 310-A:1. For the remainder of fiscal year 2013, the fees collected by the joint board shall be deposited in the fire standards and training and emergency medical services fund, established in RSA 21-P:12-d, and used for the purposes of operating expenses of the electricians' board.

4 Change to Effective Date of SB 226 Of 2012; Electricians' Board Transfer. Amend 2012, 237:10 to read as follows:

237:10 Effective Date.

I. Section 6 of this act shall take effect January 1, 2014.

II. Sections 8 and 9 of this act shall take effect July 1, 2012.

III. **Section 4 of this act shall take effect July 1, 2013.**

IV. The remainder of this act shall take effect [~~July 1, 2013~~] **upon its passage.**

5 Purpose; Change to Transfer of Electricians' Board Provisions. The purpose of sections 3 and 4 of this act is to allow the joint board for licensure and certification to administer RSA 319-C and the revenues and disbursements related to the electricians' board for the remainder of fiscal year 2013 utilizing the current accounting practices until funding is provided to the joint board in the 2014-2015 state operating budget.

6 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

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

2013-0220s

AMENDED ANALYSIS

This bill:

I. Changes the public works and highway department inventory fund to the department of transportation inventory fund.

II. This bill also changes the effective date of the transfer of the electricians' board to the joint board for licensure and certification under 2012, 237 (SB 226).

The Chair ruled Committee Amendment 0220s non-germane.

Without objection, the Senate suspends Rule 3-7 to allow for the introduction of non-germane Committee Amendment 0220s to SB 28. 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.

SB 139-FN-L, relative to mileage fees for sheriffs and deputy sheriffs. 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.

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

PUBLIC AND MUNICIPAL AFFAIRS

SB 78, relative to the New Hampshire Municipal Association. Inexpedient to Legislate, Vote 3-2. Senator Forrester for the committee.

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

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

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.

RULES, ENROLLED BILLS AND INTERNAL AFFAIRS

SB 112, requiring constitutional amendment concurrent resolutions to contain the language for the voter's guide. Ought to Pass, Vote 5-0. Senator Bradley for the committee.

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

TRANSPORTATION

SB 115, naming a bridge in the town of Whitefield. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

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

A roll call was requested by Sen. Boutin, 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.

WAYS AND MEANS

SB 63-FN, allowing historical racing. Inexpedient to Legislate, Vote 4-1. Senator Morse for the committee.

Sen. Woodburn moved to Lay on the Table SB 63-FN.

A division vote was requested.

Yeas: 12 - Nays: 12

Failed.

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

A division vote was requested.

Yeas: 16 - Nays: 8

Adopted.

PUBLIC AND MUNICIPAL AFFAIRS

SB 57, relative to approval of the project proposed by the Town of Alstead for the lower Warren Brook Restoration project and reestablishes the commission established to determine the appropriate use of flood damaged property. Ought to Pass with Amendment, Vote 5-0. Senator Forrester for the committee.

The committee voted to approve the Alstead project and reestablish the commission. The single change made to this senate bill designates the senate member to call the first meeting, rather than the first-named house member.

Public and Municipal Affairs

February 7, 2013

2013-0239s

03/10

Amendment to SB 57

Amend RSA 205:4-d, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3
February 14, 2013
2013-0385s
08/10

Floor Amendment to SB 57

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

AN ACT relative to approval of the project proposed by the Town of Alstead for the lower Warren Brook Restoration project, establishing a commission to determine the appropriate use of flood damaged property, and repealing a commission established in 2006 to determine the appropriate use of property damaged in the October 2005 floods.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Repeal. 2006, 256:4, relative to the commission established to determine the appropriate use of property damaged in the October 2005 floods, is repealed.

2013-0385s

AMENDED ANALYSIS

This bill approves the project proposed by the Town of Alstead for the lower Warren Brook Restoration project and reestablishes the commission established to determine the appropriate use of flood damaged property.

This bill also repeals a commission established to determine the appropriate use of property damaged in the October 2005 floods.

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.

PUBLIC AND MUNICIPAL AFFAIRS

SB 58, relative to the taxation of water works or flood control land held in another town or city. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

This bill allows a municipality holding water works or flood control land in another town or city to enter into a voluntary agreement for the amount of a payment in lieu of taxes. The legislation allows municipalities to have the conversation, which they are not now allowed to do, before the expense of the court. If they can't come to an agreement, the legal process remains available to them.

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

TRANSPORTATION

SB 84, relative to road toll administration and relative to motor vehicles carrying property for hire. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

At the request of the Department of Safety, this is a housekeeping bill clarifying certain provisions relating to licensing under the road toll laws and repeals the chapter regulating motor vehicles carrying property for hire. The Committee feels that this bill is necessary in the proper function of the Department and requests that it be moved forward.

Senate Transportation
February 5, 2013
2013-0201s
03/05

Amendment to SB 84

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

AN ACT relative to road toll administration, relative to motor vehicles carrying property for hire, and relative to administration of the international registration plan.

Amend the bill by inserting after section 10 the following and renumbering the original section 11 to read as 13:

11 Division of Administration. Amend RSA 21-P:6, VIII to read as follows:

VIII. Collection of fuel taxes and administration of road tolls, the international fuel tax agreement, and the ***audit functions of the*** international registration plan under RSA 260.

12 Division of Motor Vehicles. Amend RSA 21-P:8, III to read as follows:

III. Administration of the motor vehicle laws under RSA 260, except for road toll administration under RSA 260:30 through RSA 260:65-a[,] ***and*** the fuel tax agreement under RSA 260:65-b through RSA 260:65-e, [~~and the international registration plan under RSA 260:73 through RSA 260:75;~~] which shall be administered by the division of administration.

2013-0201s

AMENDED ANALYSIS

This bill clarifies certain provisions relating to licensing under the road toll laws and transfers primary responsibility for administering the international registration plan to the division of motor vehicles. This bill also repeals the chapter regulating motor vehicles carrying property for hire.

This bill was requested by the department of safety.

The Chair ruled Committee Amendment 0201s non-germane.

Without objection, the Senate suspends Rule 3-7 to allow for the introduction of non-germane Committee Amendment 0201s to SB 84. 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.

Recess. Out of recess.

AMENDMENT TO SENATE RULES

Sen. Bradley moved to amend Senate Rules with the amendment provided here today.

RULES OF THE SENATE

2013 - 2014

12/05/2012

01/02/2013

02/14/2013

PART ONE

DUTIES OF THE SENATE PRESIDENT

1-1 Determination of Quorum; Correction of Journal

1-2 Members, Conduct When Speaking

1-3 Members not to Speak More Than Twice

1-4 President Shall Recognize Whom

1-5 Questions of Order, Appeal

1-6 Galleries, Clearing of

1-7 President to Sign Bills, etc

1-8 President May Name Member to Chair

PART TWO

THE SENATE SESSION

DECORUM

2-1 Absence of Members from Session

2-2 Decorum While Another is Speaking

2-3 Use of Electronic Devices

2-4 Recording and Broadcast Devices During Recess

DEBATE

2-10 Motions

2-11 Limitations on Renewal of Motions

2-12 No Substitution under Color of Amendment

2-13 Reconsideration Restrictions

2-14 Reconsideration Process

2-15 Division of the Question

2-16 Personal Privilege

2-17 Other Remarks (Unanimous Consent)

VOTING

2-20 General Rules on Voting

2-21 Abstaining from a Vote

2-22 Voice Vote

2-23 Division Vote

2-24 Recorded Voice or Division Vote

2-25 Roll Call Vote

MISCELLANEOUS

2-30 Visitors to the Senate

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PART THREE
BILLS AND RESOLUTIONS

DRAFTING

3-1 Office of Legislative Services to Prepare Items

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3-3 Confidential Filing Requests

3-4 Draft Provided to Legislative Budget Assistant

3-5 Drafting Requests After Deadline

POST-DRAFTING PROCESS

3-10 Reading of Bills and Resolutions

3-11 Printing and Distribution.

3-12 Administrative Tasks During Adjournment

AMENDMENTS

3-15 Amendments Only on Second Reading

3-16 Review of Amendments by Office of Legislative Services

3-17 Non-Germane Amendments Prohibited

GENERAL RULES ON BILLS

3-20 Resolutions Treated Like Bills

3-21 Prohibition in Second-Year Session

3-22 Bills Amended by the House

3-23 First-Year Bills or Resolutions Laid on the Table

3-24 Reports on Budget Bills

3-25 Chapter Study Committees

3-26 Types of Resolutions Allowed

PART FOUR
COMMITTEES AND THEIR DUTIES

4-1 Public Hearings

4-2 Committee Reports

4-3 Tie Vote in Committee

4-4 Amendments by Committee

4-5 Referral to Finance Committee

4-6 Committee Appointments

4-7 Standing Committees

4-8 Committee Reports and Meetings

PART FIVE
COMMITTEES OF CONFERENCE

GENERAL RULES ON COMMITTEES OF CONFERENCE

5-1 Formation of Committees of Conference

5-2 Exceptions to Number of Members

5-3 Replacement of Members

5-4 Operation of Committees of Conference

5-5 Chairperson of Committees of Conference

5-6 Bill Sponsor Granted a Hearing

PROHIBITIONS

5-10 Title Change Prohibited

5-11 Non-Germane Amendments Prohibited

5-12 Indefinitely Postponed Items Prohibited

ACTIONS

5-15 Action on Committee of Conference Reports

5-16 Committees of Conference on Budget Bills

PART SIX
OTHER RULES

SENATE STAFF

6-1 Composition and Duties

6-2 Days of Employment

6-3 Requisition Approval Required

SENATE RULES

6-5 Amending Rules

6-6 Suspending Rules

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MESSAGES

6-10 Messages Sent to House

6-11 Messages, When Received

CONSENT CALENDAR

6-20 Consent Calendar

6-21 Conditions for Inclusion

6-22 Prohibitions

6-23 Removal

MISCELLANEOUS

6-25 Conflict of Interest

6-26 Requests to the Legislative Budget Assistant

6-27 Committee of the Whole.

PART SEVEN**DEADLINES**

7-1 Deadlines.

PART ONE**DUTIES OF THE SENATE PRESIDENT**

1-1 Determination of Quorum; Correction of Journal - The President, having taken the chair, shall determine a quorum to be present. Any erroneous entry in the daily journal shall be corrected no later than the third succeeding legislative day, and the permanent journal corrected within one week after the permanent journal copy is placed in the hands of the Senate.

1-2 Members, Conduct When Speaking - Any member, wishing to speak, shall notify the President. When recognized to speak, the member shall rise and address the President, and when finished shall then sit down.

1-3 Members Not to Speak More Than Twice - No member shall speak more than twice on the same question on the same day without leave of the Senate President.

1-4 President Shall Recognize Whom - When more than one member wishes to speak at the same time, the President shall decide who shall speak first.

1-5 Questions of Order, Appeal - The President shall preserve decorum and order. If any member transgresses the rules of the Senate, the President shall, or any member may, call said member to order in which case the member so called to order shall immediately cease and desist, and the Senate, if appealed to, shall decide the case. But if there is no appeal, the decision of the President shall be conclusive.

1-6 Galleries, Clearing of - In case of any disturbance or disorderly conduct in the gallery, the President shall have the power to order the same to be cleared. The Chairman of the Committee of the Whole may restrict attendance to the duly elected Senators.

1-7 President to Sign Bills, etc - All warrants, subpoenas and other processes issued by order of the Senate shall be under the hand and seal of the President attested by the Clerk.

1-8 President May Name Member to Chair - The President when performing the duties of the Chair may, at any time, name any member to perform the duties of the Chair.

PART TWO**THE SENATE SESSION****DECORUM**

2-1 Absence of Members from Session - No member shall absent himself or herself without permission from the Senate.

2-2 Decorum While Another is Speaking - No member shall hold conversation with another while a member is speaking in debate.

2-3 Use of Electronic Devices - The use of electronic devices, with the exception of Senate-issued devices and devices used by members of the media, is prohibited on the Senate floor during session, unless the Senate is in recess or unless otherwise approved by the Senate.

2-4 Recording and Broadcast Devices During Recess - All recording and broadcast devices used on the Senate floor shall be paused or otherwise prevented from recording or broadcasting audio or video of members or staff while the Senate is in recess.

DEBATE

2-10 Motions - Motions during debate shall be considered according to the provisions of Table I, with said motions listed in order of decreasing precedence.

2-11 Limitations on Renewal of Motions - No motion to postpone indefinitely, to postpone to a certain day or time, or to refer (or rerefer, if applicable), being decided, shall be in order at the same stage of the bill or resolution, until after adjournment.

2-12 No Substitution under Color of Amendment. - No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

2-13 Reconsideration Restrictions - No vote shall be reconsidered unless the motion for reconsideration is made by a member who voted with the prevailing side and, if the vote applied to a bill or resolution, the bill or resolution to which the vote applied is in the possession of the Senate. Any request for reconsideration of a bill or resolution subject to a deadline established by Senate rules not acted on by said deadline shall be null and void.

2-14 Reconsideration Process - Reconsideration shall only be made in one of the following manners:

- (a) A motion to reconsider shall be made in open session prior to adjournment from the early session on the same day on which the vote to be reconsidered was taken, in which case, unless otherwise ordered by the Senate, the reconsideration vote shall be taken up immediately, or
- (b) A signed notice of reconsideration, by a member who voted with the prevailing side, shall be provided to the Clerk, on a form prescribed by the Clerk, within two business days of the taking of the vote to be reconsidered, in which case, unless otherwise ordered by the Senate, any reconsiderations shall be the first order of business on the next legislative day.

2-15 Division of the Question - Any member may call for the division of the question and when the sense will admit it, as determined by the President, the question shall be divided.

Table I - Motions

Privileged Motions

Motion	Debatable	Amendable	Notes
Adjourn	No	Yes	Amendments limited to the time to which to adjourn.
Recess	No	Yes	Amendments limited to length of the recess.

Incidental Motions (all become main motions if made when no question is pending or when not related to the business at hand)

Motion	Debatable	Amendable	Notes
Appeal	Yes	No	Debate limited to the specific decision of presiding officer from which appeal is made. Presiding officer is allowed to speak. The question to be put is, "Shall the decision of the president stand?" A tie vote also sustains the chair's ruling.

Incidental Motions (cont.)

Motion	Debatable	Amendable	Notes
Point of Order	No	No	Calls attention to a violation of rules or order. May be raised when another member is speaking. Not technically a motion, but the presiding officer could submit the question to the Senate, at which point it becomes a motion open for debate, but not amendment.
Parliamentary Inquiry	No	No	Requests information from the presiding officer about parliamentary procedure or Senate rules. May be raised when another member is speaking only if it requires immediate attention. Not technically a motion.
Object to Reading of Papers	No	No	Reading from documents as part of a speech is generally allowed as a courtesy, provided the papers are relevant, short and not used as a delaying tactic. Any member may object during the reading, however, and the body decides whether permission to read is granted.
Suspend the Rules	No	No	Requires a 2/3 vote. See Rule 6-6

Subsidiary Motions

Motion	Debatable	Amendable	Notes
Lay Upon the Table	No	No	May be applied to a main motion with other pending motions, in which case the main motion, along with all pending motions, is laid on the table. May be applied to individual amendments, in which case only the amendment is laid on the table.
Previous Question	No	No	If not otherwise specified, ends debate and calls for a vote on the immediately pending question. May be used to end debate and call for votes on all pending questions.
Postpone to a Certain Day or Time	Yes	Yes	Merits of the main question must not be referred to any more than is necessary to enable the Senate to determine the propriety of postponement.
Refer (or Rerefer)	Yes	Yes	Debatable only as to the propriety of a referral. Amendments limited to the committee to which the matter will be referred and any instructions thereto.
Amend	Yes	Yes	
Postpone Indefinitely	Yes	No	Opens the main question for debate, since it involves the final disposition of the question. No part of a bill or resolution postponed indefinitely shall be acted on in any way (bill, amendment, resolution, conference report, etc.) for the rest of the biennium.

Main Motions (can only have one main motion before the Senate at a time)

Motion	Debatable	Amendable	Notes
Committee Reports	Yes	Yes	See Rule 4-2
Bills Amended by the House	Yes	No	See Rule 3-22
Take From Table	No	No	
Special Order	No	No	Moves consideration of a future scheduled item to another time. This is technically a suspension of Senate Rules and requires a 2/3 vote.
Reconsider	Yes	No	Debatable to the extent the question being reconsidered is debatable. If so, it opens up the original question for debate.
Withdraw From Committee	Yes	No	Brings an item back from committee and puts it before the entire Senate.

2-16 Personal privilege - A Senator may, as a matter of personal privilege, defend his/her position on a bill or resolution, his/her integrity, his/her record, or his/her conduct, against unfair or unwarranted criticism, or may speak of an issue which relates to his/her rights, privileges or conveniences as a Senator; provided, however, the matters raised under personal privilege shall not be subject to questioning, answer, or debate, by another Senator. Personal Privilege remarks may be included in the Daily Journal if requested by the Senator, and in the Permanent Journal by vote of the Senate.

2-17 Other Remarks (Unanimous Consent) - A Senator may, when granted leave by the Senate, speak on other matters of his/her choosing and in such cases may be subject to questioning and/or answer according to the Rules of the Senate. These remarks may be included in the Daily Journal if requested by the Senator, and in the Permanent Journal by vote of the Senate.

VOTING

2-20 General Rules on Voting - All questions shall be put by the President, and no member who was absent when the question was put shall be required to vote.

2-21 Abstaining from a Vote - No member who was present when the question was put shall abstain from voting unless by reason of a conflict pursuant to Rule 6-15 or unless excused by the Senate for a special reason.

2-22 Voice Vote - When the question has been put, each member present shall signify assent or dissent by voting yea or nay.

2-23 Division Vote - If the President doubts or a division is called for, the Senate shall divide. Those in the affirmative on the question shall first rise from their seats and stand until they be counted. They shall then be seated and those in the negative on the question shall rise from their seats and stand until they be counted. The President shall rise and state the decision of the Senate.

2-24 Recorded Voice or Division Vote - Any member may, following a voice or division vote, have his or her vote recorded in the Journal by providing a signed notice of said vote to the Clerk, on a form prescribed by the Clerk, within two business days of the taking of said vote.

2-25 Roll Call Vote - When the yeas and nays have been moved by a member and duly seconded by another member, each member present shall declare assent or dissent to the question. The names of the persons so making the motion and the second shall be recorded in the Journal. The President shall determine the order of the roll call.

MISCELLANEOUS

2-30 Visitors to the Senate - No person except members of the Senate and its officers, the Governor, Council members, the Secretary of State, the Treasurer, the Speaker of the House of Representatives and its officers and clerks, shall be admitted to the floor of the Senate while the Senate is in session, except by the invitation of the President, or some member with the President's consent.

2-31 Hours of meeting - The Senate shall adjourn to meet on the subsequent legislative day for the early session at the time mentioned in the adjournment motion. The late session shall immediately follow the early session unless the Senate shall otherwise order.

2-32 Introduction of Petitions - Before any petition shall be received and read, a brief statement of the contents thereof shall be made by the member introducing the same.

PART THREE
BILLS AND RESOLUTIONS

DRAFTING

3-1 Office of Legislative Services to Prepare Items - All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced in the Senate except those procedural and rules resolutions prepared by the Clerk, shall be delivered or caused to be delivered to the Office of Legislative Services, who shall prepare the items in proper form and present them to the sponsor(s) for signature and then to the clerk.

3-2 Marking and Numbering Bills and Resolutions - Every bill and resolution, except those procedural and rules resolutions prepared by the Clerk, shall be numbered serially according to the type of bill or resolution. Each bill shall be marked on the first page "Senate Bill"; each joint resolution shall be marked "Senate Joint Resolution"; each concurrent resolution proposing a constitutional amendment shall be marked "Concurrent Resolution Proposing a Constitutional Amendment"; each concurrent resolution shall be marked "Senate Concurrent Resolution"; and each senate resolution shall be marked "Senate Resolution".

3-3 Confidential Filing Requests - If requested by the sponsor, a proposed bill, resolution or petition shall not be made public, except by the sponsor, until introduced into the Senate.

3-4 Draft Provided to Legislative Budget Assistant - If a drafting request for a bill or resolution has been filed with the Office of Legislative Services requiring a fiscal note as provided in RSA 14:44-47, the substance or a draft of the proposal may be provided to the Legislative Budget Assistant for preparation of the required fiscal note without the specific consent of the sponsor of the proposal, provided that the identity of the sponsor shall not be disclosed.

3-5 Drafting Requests After Deadline - Notwithstanding the drafting deadline established in Rule 7-1, a Senate bill, Senate joint resolution, or Senate concurrent resolution may be accepted by the Office of Legislative Services for drafting and introduced into the Senate at any time prior to the crossover deadline established by Senate rules if the drafting request is approved by a majority of the Rules, Enrolled Bills and Internal Affairs Committee.

POST-DRAFTING PROCESS

3-10 Reading of Bills and Resolutions - Every bill or resolution, except senate resolutions and those procedural and rules resolutions prepared by the Clerk, shall have three readings in the Senate previous to its passage. The first and second readings shall be by title only which may be accomplished by a conglomerate resolution, after which the bill or resolution shall be referred by the President to the appropriate committee and shall be printed as provided in Rule 3-11, unless otherwise ordered by the Senate. No bill or resolution after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills and resolutions shall be in the late session unless otherwise ordered by the Senate. The orders of the day for the reading of bills or resolutions shall hold for every succeeding day until disposed of.

3-11 Printing and Distribution - After every bill or resolution shall have been read a second time, and referred by the President to the appropriate committee, the Clerk shall procure a sufficient number of copies, printed on paper of uniform size, for the use of the legislature, and cause the same to be distributed to the members, and when printed the bill or resolution shall be immediately delivered to the committee to which it shall have been referred. Bills and resolutions received from the House shall be printed at the same stage of their procedure unless they have been printed in the House and copies distributed in the Senate, in which case any amendment made by the House shall be duplicated and distributed in the Senate.

3-12 Administrative Tasks During Adjournment - During any recess or adjournment the President may receive bills and resolutions for printing and for reference to committee, provided that no bill or resolution shall have a public hearing until it is formally introduced into the Senate, printed and available for distribution.

AMENDMENTS

3-15 Amendments Only on Second Reading - No amendment shall be made but upon the second reading of a bill or resolution; and all such amendments shall be in writing, with the name of the Senator and the district he or she represents, or in the case of a committee amendment the name of the committee that recommended it, thereon.

3-16 Review of Amendments by Office of Legislative Services - Amendments shall have been reviewed by the Office of Legislative Services for form, construction, statutory and chapter reference.

3-17 Non-Germane Amendments Prohibited - No amendment to any bill or resolution shall be allowed except it be germane. For the purposes of this rule, an amendment to a bill or resolution is germane if the subject matter of the amendment is the same as that of some portion of the bill or resolution. The prohibition on non-germane amendments shall not apply in the case of a bill or resolution previously found ought-to-pass by the Senate being added to a subsequent bill or resolution.

GENERAL RULES ON BILLS

3-20 Resolutions Treated as Bills - All resolutions which may require the signature of the Governor shall be treated in the same manner as bills.

3-21 Prohibition in Second-Year Session - No bill or resolution the subject matter of which has been indefinitely postponed or made inexpedient to legislate in the Senate in the first-year session shall be admitted into the second-year session whether as a bill, an amendment, a committee of conference report or in any other manner.

3-22 Bills Amended by the House - Any bill or resolution returned from the House with an amendment shall not be referred to committee but shall have one of the following recommendations considered by the full Senate: Concur, Nonconcur, Nonconcur and Request a Committee of Conference. Adoption of a motion to Nonconcur kills the bill or resolution.

3-23 First-Year Bills or Resolutions Laid on the Table - All bills or resolutions remaining on the table upon adjournment of the first-year session shall be made Inexpedient to Legislate at that time.

3-24 Reports on Budget Bills - Senate action on a report of the Committee on Finance on either the general appropriations (budget) bill or the capital budget bill shall not be taken by the Senate until said report has been available from the Senate Clerk twenty-four hours in advance, in written form. Footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) shall not be allowed.

3-25 Chapter Study Committees - Any bill or resolution creating a chapter study committee shall have membership limited to members of the General Court.

3-26 Types of Resolutions Allowed - The only resolutions that may be introduced into the Senate are: resolutions seeking an advisory opinion of the supreme court under the New Hampshire Constitution; joint resolutions sponsored by the Joint Legislative Committee on Administrative Rules; resolutions ratifying amendments to the U.S. Constitution; resolutions proposing amendment of the New Hampshire Constitution; and procedural and rules resolutions prepared by the Clerk.

PART FOUR

COMMITTEES AND THEIR DUTIES

4-1 Public Hearings - A hearing shall be held upon each bill or resolution referred to a committee, and notice of such hearing shall be advertised at least 4 days before such hearing in the Senate Calendar. The Senate Calendar shall be available on the Internet for viewing as soon as it has been released for printing.

4-2 Committee Reports - All bills and resolutions in the possession of committees shall be reported out with one of the following recommendations: ought to pass, ought to pass with amendment, rerefer to committee, inexpedient to legislate, or refer for interim study. Rerefer to committee shall be a committee report only in the first year session and all such rereferred bills or resolutions shall be acted on by the fourth legislative day of the second year session. Refer for interim study shall be a committee report only in the second year session.

4-3 Tie Vote in Committee - In the event a committee is unable to reach a majority vote in favor of any recommendation, the bill or resolution shall be reported out of committee with a recommendation of inexpedient to legislate.

4-4 Amendments by Committee - When a bill or resolution is reported favorably with an amendment, the report of the committee shall state the amendment, and then recite the section of the bill or resolution in full as amended. The amendment shall be printed in the senate calendar on the date that the report is listed for action. If no action is taken on that day, then the amendment shall be printed on the day to which the bill or resolution has been referred. All bills and resolutions reported shall be retained by the Clerk and shall not be finally acted upon until the following legislative day, and a list of such bills and resolutions with the report of the committee thereon shall be published in the senate calendar for the day on which action shall be taken.

4-5 Referral to Finance Committee - Every bill and joint resolution appropriating money, and every other bill which is accompanied by a fiscal note pursuant to RSA 14:44, which has been referred to another committee and found ought-to-pass by the Senate, shall be referred to the Finance Committee for review, unless otherwise ordered by the Senate upon recommendation of the chair of the Finance Committee. Notwithstanding Senate Rule 4-1, a public hearing for any such bill or resolution shall not be required if a public hearing for the bill or resolution was previously held by another committee.

4-6 Committee Appointments - On all committees of the Senate, including Senate conference committees, both parties shall be represented. The number of members of the majority party on each committee shall not exceed the minimum number needed for the percentage representation of the majority party on that committee to equal or exceed the percentage representation of the majority party in the Senate as a whole. The President shall appoint the members of all committees after consultation with the minority leader.

4-7 Standing Committees - The standing committees of the Senate shall be as follows: the Committee on Capital Budget, the Committee on Commerce, the Committee on Energy and Natural Resources, the Committee on Executive Departments and Administration, the Committee on Finance, the Committee on Health, Education and Human Services, the Committee on Judiciary, the Committee on Public and Municipal Affairs, the Committee on Rules, Enrolled Bills and Internal Affairs, the Committee on Transportation, and the Committee on Ways and Means.

4-8 Committee Reports and Meetings - The committees shall promptly consider and report on all matters referred to them. The President may authorize such committees having a heavy load of investigation, re-drafting, research or amendments to meet as needed on non legislative days during the legislative session.

PART FIVE COMMITTEES OF CONFERENCE

General Rules on Committees of Conference

5-1 Formation of Committees of Conference - Whenever there is any disagreement between the Senate and the House on the content of any bill or resolution, and whenever both bodies, voting separately, have agreed to establish a committee of conference, the President of the Senate shall appoint three members to the Senate committee of conference on the bill or resolution and the Speaker of the House shall appoint four members to the House committee of conference.

5-2 Exceptions to Number of Members - Notwithstanding Rule 5-1, the House committee of conference on the operating budget shall consist of five members and the number of members of any committee of conference may increase or decrease if the President and the Speaker both agree.

5-3 Replacement of Members - Notwithstanding Rule 4-6, the President may replace any member of a Senate committee of conference who asks to be replaced or who is unwilling or unable to support a proposed conference committee report.

5-4 Operation of Committees of Conference - The two committees of conference on a bill or resolution shall meet jointly but vote separately while in conference. A unanimous vote by both committees of conference shall be necessary for an agreed report to the Senate and the House by the committees of conference.

5-5 Chairperson of Committees of Conference - The first-named person on a Senate committee of conference shall chair the committee. The chair of the committee of conference of the body where the bill or resolution originated shall chair the joint meeting of the committees of conference and shall have the authority to call the time and place for their first meeting.

5-6 Bill Sponsor Granted a Hearing - The prime sponsor of any bill or resolution referred to committees of conference shall, upon his or her request, be granted a hearing before said committees prior to action thereon.

PROHIBITIONS

5-10 Title Change Prohibited - A committee of conference shall not change the title of the bill or resolution submitted to it.

5-11 Non-Germane Amendments Prohibited - A committee of conference shall not add to the bill or resolution submitted to it any amendment that is non-germane to either the House- or Senate-passed version of the bill or resolution. For the purposes of this rule, the criteria for determining germaneness, as described in Rule 3-17 shall apply.

5-12 Indefinitely Postponed Items Prohibited - A committee of conference shall not add to the bill or resolution submitted to it any measure that was indefinitely postponed in either body.

ACTIONS

5-15 Action on Committee of Conference Reports - No action shall be taken by the Senate on any committee of conference report earlier than some subsequent day to the filing of the report, and after the report has been placed on a member's desk.

5-16 Committees of Conference on Budget Bills - The report of the committee of conference on either the general appropriation bill or the capital improvements bill shall be printed in the journal or a supplement thereto, and shall be available for at least 24 hours in written form, before action on said report is taken on the floor. Footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) shall not be allowed.

PART SIX
OTHER RULES

SENATE STAFF

6-1 Composition and Duties - The staff of the Senate shall be comprised of:

- (1) A Clerk, who shall be elected by the Senate;
- (2) Clerk's office staff, who shall be nominated by the Clerk and appointed by the President; and
- (3) Such other personnel as the President shall appoint.

The President shall define the duties of all members of the Senate staff which are not fixed by statute or otherwise ordered by the Senate.

6-2 Days of Employment - Each member of the staff of the Senate shall be available on call to carry out the work of the Senate.

6-3 Requisition Approval Required - No officer or employee of the Senate during the session or any adjournment thereof shall purchase or contract for the purchase, pay, or promise to pay any sum of money on behalf of the Senate or issue any requisition or manifest without the approval of the Senate President.

SENATE RULES

6-5 Amending Rules - Any rule of the Senate may be amended by majority vote during the first five legislative days of the first-year session, after which a two-thirds majority shall be required.

6-6 Suspending Rules - No standing rule of the Senate shall be suspended unless two-thirds of the members present and voting vote in favor thereof.

6-7 Rescinding Rules - No rule shall be rescinded unless two days notice of the motion has been given and two-thirds of those present and voting vote therefore.

MESSAGES

6-10 Messages Sent to House - Messages shall be sent to the House of Representatives by the Clerk of the Senate.

6-11 Messages, When Received - Messages from the Governor or House of Representatives may be received at all times, except when the Senate is engaged in putting the question, in calling the yeas and nays, or in counting the ballots.

CONSENT CALENDAR

6-20 Consent Calendar - The Senate Calendar may have a Consent Calendar section containing reports on bills and resolutions believed to be non-controversial.

6-21 Conditions for Inclusion - No bill or resolution shall appear on the Consent Calendar unless all of the following conditions are met:

- (a) All members of the committee to which the bill or resolution was referred vote in favor of the final committee recommendation in executive session.
- (b) All members of the committee to which the bill or resolution was referred vote in favor of placing it on the Consent Calendar.
- (c) A short explanation of the committee's recommendation, approved by the chairperson of the committee appears with the bill or resolution in the Consent Calendar.

6-22 Prohibitions - The following items shall not appear on the Consent Calendar:

- a) Bills or resolutions recommended for passage by the Committee on Finance
- b) Constitutional amendment concurrent resolutions
- c) Committee of conference reports

6-23 Removal - Any member may request removal of any bill or resolution listed on the Consent Calendar. Any item removed from the Consent Calendar shall be taken up at the conclusion of the Regular Calendar. All items remaining on the Consent Calendar shall be acted upon without debate.

MISCELLANEOUS

6-25 Conflict of Interest - In all instances every member shall act in conformance with the duly adopted Ethical Guidelines and Opinions of the New Hampshire General Court.

6-26- Requests to the Legislative Budget Assistant - Any Senate member may make a request of the Office of the Legislative Budget Assistant Budget Division, for technical staff assistance in the areas of finance, accounting and budgeting. The Budget Division may respond to that request when doing so will not interfere with the Budget Division's principal responsibilities as outlined in RSA 14:31-b, as determined by the Legislative Budget Assistant.

6-27 Committee of the Whole - The Senate may resolve itself into a Committee of the Whole at any time on motion made for that purpose; and in forming a Committee of the Whole; the President shall leave the chair, and appoint a chairperson to preside in committee.

PART SEVEN

DEADLINES**7-1 Deadlines.**

- a) Thursday, December 20, 2012, 12:00 PM - Deadline for the Office of Legislative Services to accept drafting of a Senate Bill, Senate Concurrent Resolution, or Senate Joint Resolution with complete information for the 2013 Session.
- b) Thursday, January 10, 2013, 4:00 PM - Deadline for prime sponsors to sign off on legislation.
- c) Thursday, January 17, 2013, 4:00 PM - Deadline for co-sponsors to sign off on legislation.
- d) Monday, February 25, 2013 – Friday, March 01, 2013: SENATE BREAK.
- e) Wednesday, March 06, 2013 – Deadline for Policy Committees to ACT on all Senate bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-5.
- f) Thursday, March 28, 2013 – CROSSOVER – Deadline to ACT on all Senate bills.
- g) Wednesday, May 15, 2013 – Deadline for Policy Committees to ACT on all House bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-5.
- h) Thursday, June 06, 2013 – Deadline to ACT on all House bills.
- i) Thursday, June 13, 2013 – Deadline to FORM Committees of Conference.

j) Thursday, June 20, 2013 at 12:00 p.m. – Deadline to SIGN Committee of Conference Reports.

k) Thursday, June 27, 2013 – Deadline to ACT on Committee of Conference Reports.

Sen. Larsen moved to divide the question.

The Chair ruled the question divisible.

The question is on the motion to amend all Senate Rules except Rule 3-26 and Rule 5-3. Adopted.

The question is on the motion to amend Senate Rule 5-3.

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

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 motion to amend Senate Rule 3-26.

Sen. Prescott called the question. Without objection, the Chair closed debate with remaining speakers.

Recess. Out of recess.

Recess. Out of recess.

Sen. Bradley offered a floor amendment.

Floor Amendment to Senate Rules

Amend the Senate Rule 3-26 by replacing with the following:

3-26 Types of Resolutions Allowed – The only resolutions that may be introduced into the Senate are: resolutions seeking an advisory opinion of the supreme court under the New Hampshire Constitution; joint resolutions sponsored by the Joint Legislative Committee on Administrative Rules; resolutions ratifying amendments to the U.S. Constitution; resolutions proposing amendment of the New Hampshire Constitution; and procedural and rules resolutions prepared by the Clerk.

Sen. Boutin called the question. Without objection, the Chair closed debate with remaining speakers.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

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.

Sen. Boutin called the question. Without objection, the Chair closed debate.

The question is on the motion to adopt Senate Rule 3-26 as amended. Adopted.

Sen. Larsen moved to suspend the Senate Rules to allow for the introduction of SR 10.

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

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

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

Yeas: 14 - Nays: 10

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

SB 11-L, relative to water and sewer utility districts and water or sewer utility districts.

SB 12, relative to protection and preservation of significant archeological deposits.

SB 15, naming a portion of route 101 after the 101st Airborne Division Screaming Eagles.

SB 20, making modifications to the DWI ignition interlock program.

SB 21, making technical corrections to the International Registration Plan.

SB 22, exempting small trailers from inspection requirements; allowing qualified dealers to inspect trailers; and deleting a reference to highway enforcement officers.

SB 28, relative to the department of transportation inventory fund and relative to the effective date of the transfer of the electricians' board to the joint board for licensure and certification.

SB 29, relative to the motorist service signing program.

SB 30, making technical corrections to tax laws.

SB 33, making technical changes to the judicial retirement plan.

SB 42, relative to applications for licensure by the real estate appraisers board.

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

SB 49, relative to appeals of planning board decisions.

SB 50, relative to expiration of variances and special exceptions.

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

SB 52, relative to names of limited partnerships.

SB 57, relative to approval of the project proposed by the Town of Alstead for the lower Warren Brook Restoration project, establishing a commission to determine the appropriate use of flood damaged property, and repealing a commission established in 2006 to determine the appropriate use of property damaged in the October 2005 floods.

SB 58, relative to the taxation of water works or flood control land held in another town or city.

SB 60, relative to assisted living facilities and landlord tenant law.

SB 62, authorizing the placement of a certain sign in the town of Danbury.

SB 64, relative to public informational meetings on dams.

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

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

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

SB 76, relative to disqualification of candidates.

SB 84, relative to road toll administration, relative to motor vehicles carrying property for hire, and relative to administration of the international registration plan.

SB 85, relative to commercial motor vehicle operation.

SB 101, relative to collocation and modification of personal wireless services facilities.

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

SB 115, naming a bridge in the town of Whitefield.

SB 122-FN, establishing a commercial shrimp license.

SB 139-FN-L, relative to mileage fees for sheriffs and deputy sheriffs.

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

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to inform my colleagues of the death of John Michels of Londonderry. Although Mr. Michels was born in Scarsdale, New York, he chose to make Londonderry, New Hampshire, his home.

He was a graduate of Holy Cross University, Harvard Business School, and Suffolk University Law School. He was also a First Lieutenant in the 29th Civil Affairs Company and served a tour of duty in Vietnam. He was a State Representative for two terms, a Constitutional Convention delegate for two terms, and a sponsor of the successful Equal Rights Amendment and the Right-to-Know amendment. He was the Campaign Director for the New Hampshire Primary for President Gerald Ford, as well as the New England Regional Campaign Director of the Presidential Race. He served as a delegate to the Republican National Convention for President Gerald R. Ford. He was the founder and served as the president of Michels Development Company, which is located in Londonderry, as well as a partner in the law office of Michels & Michels with his wife, Nancy. He had served Londonderry as the Town Moderator for many years, and was currently serving as School District Moderator and the Assistant Town Moderator. He also served as a member of the Londonderry Sewer Commission, and was currently serving on the Londonderry International Exchange Committee. He was a member and Director of the Manchester Chamber of Commerce, as well as the Director of the Derry/Londonderry Chamber of Commerce.

In spite of all his volunteer activities, he still found time to do things he really enjoyed, which was skiing, sailing, hiking, collecting flags and license plates. He's survived by his wife, Nancy, his daughter, Christine, his son, Robert and Anne of Colorado, a sister from Gainesville, Florida, and two brothers.

I had known John for a number of years, and when you talk about a dedicated public servant, John Michels immediately came to mind. He was always available to volunteer for any board or anything that was going on around town, and he really exemplified what was really the best amongst all of us. So, I hope you join me in sending condolences to his family. Thank you.

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.