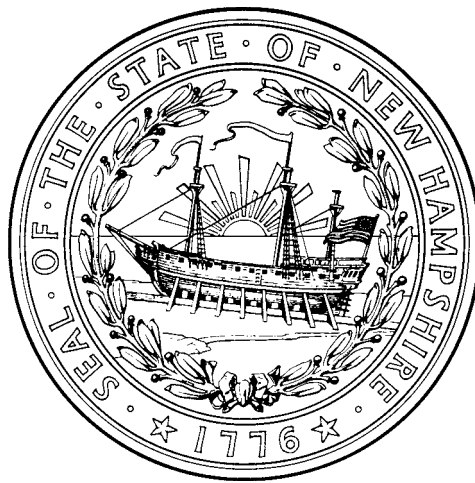


May 1, 2014
Nos. 10-11

STATE OF NEW HAMPSHIRE

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



**Second Year of the 163rd Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – APRIL 24, 2014 SESSION
COMMENCEMENT – MAY 1, 2014 SESSION**

SENATE JOURNAL 10 *(continued)*

April 24, 2014

HOUSE MESSAGE

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

SB 211, relative to reporting requirements in fatal motor vehicle accident reports.

SB 273, relative to information in the statewide centralized voter registration database.

SB 293, establishing a committee to study open adoption agreements.

SB 303-FN, relative to bad faith assertions of patent infringement.

SB 310-FN, authorizing tenant brewing.

SB 318-FN, establishing the crime of domestic violence.

SB 335-FN, establishing a commission to study career and technical education centers.

SB 348, establishing a commission to study sexual abuse prevention education in elementary and secondary schools.

SB 359, relative to coverage under motor vehicle liability policies.

SB 361, relative to the licensing requirements for mortgage bankers and brokers.

SB 381, relative to the membership of the joint legislative oversight committee on the emergency management system.

SB 387, relative to exemptions from the land sales full disclosure act and relative to local land use citations.

SB 394, relative to the recognition of out of state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references.

SB 422, relative to the definition of pharmacy benefit manager.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

CACR 17, relating to natural rights. Providing that discrimination based on sexual orientation is prohibited.

HOUSE MESSAGE

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

SB 237, relative to the definition of “abutter” for notice of land use board hearings.

SB 244, establishing a procedure for the annulment of a mental health record and establishing a commission to study mental health and firearms.

SB 279, relative to challenges of voters.

SB 399, relative to ethics in public contracting and establishing a committee to study state procurement.

REPORT OF COMMITTEE ON ENROLLED BILLS

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

SB 226, relative to reporting of health care associated infections.

SB 263, allowing state court judges to solemnize marriages.

SB 282, relative to disciplinary proceedings by the board of architects.

SB 285, relative to the board of dental examiners.

SB 357, naming a scenic overlook and the visitor center on the northbound side of I-93 in Hooksett in honor of Raymond S. Burton.

SB 358, adding the community college system to the definition of public employer for purposes of the public employee labor relations board.

SB 376, requiring pooled risk management governing board members to comply with financial disclosure requirements.

SB 418, relative to the proclamation of firefighters memorial day.

Senator Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 297, relative to the management of trust funds and capital reserve funds and pertaining to library trustees.

HB 461, relative to long-term care services.

HB 587, relative to medical examination requirements for commercial drivers' licenses.

HB 597, relative to a drug-free workplace for licensed health care facilities and providers.

HB 684, relative to bridge replacement and rehabilitation and bridge aid funds.

HB 1102, relative to membership of the police standards and training council.

HB 1104, relative to railroad motorcars.

HB 1108, requiring voir dire examination of prospective jurors in all criminal cases.

HB 1109, relative to providing notice to abutters of a petitioned warrant article to discontinue a class VI road.

HB 1111, clarifying the term "valid claim" for property insurance.

HB 1113, requiring school districts to distribute a concussion and head injury information sheet to student-athletes and establishing a definition for head injury.

HB 1121, repealing the duty of assessors to compile a list of dogs in the town.

HB 1125, repealing the crime of adultery.

HB 1130, relative to the Northeastern Interstate Forest Fire Protection Compact.

HB 1139, repealing authority for granting of property tax abatements for watering troughs and shade trees.

HB 1152, terminating the benefit program for call, substitute or volunteer firemen administered by the New Hampshire retirement system.

HB 1169, relative to enforcement of labor laws by the department of labor.

HB 1174, establishing a committee to study the payment of subminimum wages to persons with disabilities.

HB 1190, relative to approval of budget transfers in Hillsborough county.

HB 1197, permitting the construction of a dam at the natural outlet of Jenness Pond in the town of Northwood.

HB 1222, prohibiting commercial use of the law enforcement and fallen firefighters memorials.

HB 1243, relative to the confidentiality of criminal background checks of school employees and volunteers.

HB 1245, relative to municipal lease agreements for certain equipment.

HB 1246, relative to the composition of public agency boards concerning housing standards.

HB 1260, relative to communication of the cost of services provided under the children in need of services (CHINS) program to parents.

HB 1274, relative to the payment of rent and security deposits.

HB 1289, relative to interference with custody.

HB 1300, creating an exemption from licensure for low volume seed sellers.

HB 1309, making a technical change in the workers' compensation law.

HB 1327, relative to the duties of the information technology council.

HB 1334, relative to contributions to charities by employees.

HB 1367, relative to the sale of birds.

HB 1384, relative to rehearings by the public utilities commission.

HB 1386, relative to the minutes of county proceedings.

HB 1389, naming a bridge in Derry the Lance Corporal Michael E. Geary bridge.

HB 1392, removing the restriction on the number of pupils eligible to transfer to a chartered public school.

HB 1398, allowing the retirement system to make payments in lieu of payments to estates in certain instances.

HB 1406, relative to red listed bridges.

HB 1439, relative to the attorney general's authority in investigating combinations and monopolies.

HB 1460, relative to the date of appointment of inspectors of election.

HB 1484, relative to newborn DNA sequencing.

HB 1531, relative to establishing a joint committee on tax expenditure review and requiring tax expenditure and potential liability reports by the department of revenue administration.

HB 1542, relative to nomination of a political organization.

HB 1544, relative to special election ballots.

HB 1568, relative to service animals.

HB 1587, relative to the collection and disclosure of student data.

HB 1617, permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A.

SB 201, relative to marriage registration forms.

SB 254, relative to the governor's commission on alcohol and drug abuse prevention, intervention, and treatment.

Senator Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 11

May 1, 2014

The Senate reconvened at 10:00 a.m., a quorum being present.

Sen. Prescott is excused for the day.

Reverend Kate Atkinson, chaplain to the Senate, offered the following meditative thoughts and prayer:

Good morning. Emily Dickinson wrote this, "We turn not older with years, but newer every day."

At St. Paul's, our active seniors group that's known as Forever Young, they started up again last month after their winter break, and this is not a group that sits still! They're putting together plans for their new program year, and they're arranging visits to museums and railroad tours; they're reading books together, and they're inviting guest speakers to come and teach them something new. And as well as pursuing education and entertainment, they're also looking for ways to serve the community. They're seeking out volunteering opportunities with the local Friends Program, and they're putting together a series of skits that they will present in local nursing homes and retirement communities, which address the challenges of aging with creativity and humor, of course.

Well, you all know, through your own work with the people of New Hampshire, that our seniors are important and valuable contributors to the life and the personality of our state, and I invite you to celebrate them with me today. Let us pray.

Ageless God, we thank you for the privilege of knowing people older than ourselves. We give thanks for their experience and their wisdom, for all they have to teach us and tell us, and all they do to make a difference in the world. Help us to be a support and a comfort to them when they face the challenges of aging, and inspire us all to see each day as an opportunity to become not older but newer. Amen.

Sen. Gilmour led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Senator Bragdon introduced Gabe Chevalier and Amanda Alcox, both from Milford High School, serving as Senate Pages for the day.

Senator Odell introduced Goshen Lempster School, visiting in the balcony today.

FN REPORT FOR MAY 1, 2014

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

COMMERCE

Bills Waived

HB 1281-FN, relative to copayments for certain specialists.

HB 1381-FN, relative to the auctioning of wine and liquor for charitable purposes.

Bills to Finance

HB 456-FN, (New Title) relative to liquor manufacturers and relative to samples of alcoholic beverages.

HB 1232-FN, relative to insurance filing fees. (If Overturned)

HB 1282-FN, (New Title) relative to prepaid contracts for home heating fuel.

ENERGY AND NATURAL RESOURCES:

Bills to Finance

HB 256-FN, (New Title) relative to establishing a voluntary hike safe card for fish and game search and rescue operations, relative to deputy fish and game conservation officers, extending a commission on sustainability of the fish and game department, and establishing a committee to study funding of the fish and game search and rescue fund.

HB 1570-FN, establishing a paint stewardship program.

HEALTH, EDUCATION AND HUMAN SERVICES:

Bills Waived

HB 1132-FN, (New Title) relative to school building security.

HB 1622-FN, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use.

JUDICIARY:

Bills Waived

HB 1176, relative to grounds for termination of parental rights. (Added FN)

Bills to Finance

HB 496-FN, relative to driving privileges for certain first-time DWI offenders.

RULES, ENROLLED BILLS AND INTERNAL AFFAIRS:

Bills Waived

HB 1559-FN, establishing a New Hampshire state house bicentennial commission and fund.

TRANSPORTATION:

Bills Waived

HB 263-FN, (New Title) relative to reporting a person as medically unfit to drive.

HB 1145-FN, (New Title) relative to the proposed Sewalls Falls Bridge in the city of Concord and the Riverdale Road Bridge in the town of New Boston.

HB 1359-FN, (New Title) establishing a committee to study the feasibility of placing medal decals on special number plates for veterans.

Bills to Finance

HB 292-FN-A, (New Title) relative to registration fees for commercial, private, and pleasure vessels.

HB 1465-FN, authorizing one-day permits for transportation of trailers for disposal or destruction.

WAYS AND MEANS:

Bills Waived

HB 485-FN-A, establishing keno.

Bills to Finance

HB 1142-FN-A, relative to the road toll for alternative fuels.

HB 1630-FN-A, relative to gaming in New Hampshire.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS

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

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1604, establishing a commission to study financial fraud laws and the rights of victims of financial fraud. Inexpedient to Legislate, Vote 5-0. Senator Reagan for the committee.

The legislation establishes a commission to study financial fraud laws and the rights of victims of financial fraud. This legislation is not the correct vehicle for what was an extremely unfortunate incident. The Committee felt there would be a gigantic burden to the state to figure out and formulate all revisions to statutes and rules for all agencies under this particular piece of legislation.

Sen. Bragdon asserts Rule 6-25 on HB 1604.

HEALTH, EDUCATION AND HUMAN SERVICES

HB 1132-FN, relative to school building security. Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

This bill requires the department of education, during the school approval process, to confirm that public and nonpublic schools have an emergency response plan in place according to RSA 189:64. If the school has a building schematic floor plan diagram, the school may submit this to the division of homeland security and emergency management, department of safety in digital format, with the approval of the local school board. This bill will enable the state to better prepare and respond to potentially dangerous situations.

Health, Education and Human Services

April 22, 2014

2014-1503s

04/06

Amendment to HB 1132-FN

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

AN ACT relative to school emergency response plans.

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

1 School Boards; School Emergency Response Plans. Amend RSA 189:64, I to read as follows:

189:64 Emergency Response Plans.

I. Within 2 years of the effective date of this section, every public and nonpublic school shall develop a site-specific school emergency response plan which is based on and conforms to the Incident Command System and the National Incident Management System. ***The plan should be documented at the time of school approval review.*** The plan shall provide that at least 2 of the currently required number of fire evacuation drills shall be emergency response drills. The plan shall address hazards including but not limited to acts of violence, threats, earthquakes, floods, tornadoes, structural fire, wildfire, internal and external hazardous materials releases, medical emergencies, and any other hazard deemed necessary by school officials and local emergency authorities. The first emergency response drill shall be conducted within one year of the completion of the plan. ***If the school has a building schematic floor plan diagram, the school may, with the approval of the local school board, submit the diagram to the division of homeland security and emergency management, department of safety, in a commonly used digital format. Submission of the diagram will enable the state to better prepare, respond, and mitigate potentially dangerous conditions should the need arise.***

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

2014-1503s

AMENDED ANALYSIS

This bill provides that if a school has a building schematic floor plan diagram, they may submit it to the division of homeland security and emergency management.

JUDICIARY

HB 1159, providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event. Interim Study, Vote 5-0. Senator Carson for the committee.

This bill is identical to legislation the Senate passed just this past January to create a study to look at these issues. Because the study has not yet organized and completed their work, this should not go forward at this time.

HB 1176, relative to grounds for termination of parental rights. Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

This legislation deals with the same subject matter as a previously-passed Senate Bill. The Committee feels that the Senate Bill is better policy and that only one bill dealing with this topic should move forward.

HB 1272, excluding certain leases by fraternal or social organizations from the definition of tenancy. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill deals with a narrow section of landlord – tenant law affecting primarily fraternities and sororities. As these groups have special circumstances because of the populations they are dealing with, the Committee supports excluding them from tenancy definitions as outlined in the bill.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1459, relative to domicile for voting purposes during a temporary absence. Ought to Pass, Vote 5-0. Senator Pierce for the committee.

This bill provides that a person shall not be deemed to have lost a domicile by reason of absence or presence due to his or her employment in the service of the United States, or due to such employment by his or her spouse.

HB 1543, relative to filing for state representative special elections and relative to processing absentee ballots. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

This bill clarifies the filing period for state representative special elections. The committee amended the bill by eliminating Section 2, processing absentee ballots, citing the lack of a challenge provision and an advance notice posting requirement, which would maintain the transparency of the election process. Without these items the bill suggests an almost certain veto by the Governor.

Public and Municipal Affairs
April 23, 2014
2014-1535s
03/09

Amendment to HB 1543

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

AN ACT relative to filing for state representative special elections.

Amend the bill by deleting section 2 and renumbering the original sections 3-4 to read as 2-3, respectively.

2014-1535s

AMENDED ANALYSIS

This bill clarifies the filing period for state representative special elections.

TRANSPORTATION

HB 1145-FN, relative to the proposed Sewalls Falls Bridge in the city of Concord and the Riverdale Road Bridge in the town of New Boston. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

This bill authorizes the transfer of interest in certain state-owned lands to allow for reconstruction of the Sewalls Falls Bridge in Concord, New Hampshire and the Riverdale Road Bridge in the town of New Boston. This legislative step is currently required by statute due to conservation regulations and the overall process may need to be examined by legislation in the future to address this growing situation.

HB 1183, relative to display of antique motor vehicle plates. Ought to Pass with Amendment, Vote 5-0. Senator Gilmour for the committee.

This bill changes the date in the statute governing the display of plates issued in the year an antique motor vehicle was manufactured. The Committee amended the bill to clarify that an antique plate cannot display the same numbers, as a plate currently in use.

Senate Transportation
April 24, 2014
2014-1548s
03/10

Amendment to HB 1183

Amend the bill by replacing section 1 with the following:

1 Number Plates; Antique Motor Vehicle. Amend RSA 261:89-a, I to read as follows:

I. The director may permit the owner of an antique motor vehicle or motorcycle, as defined in RSA 259:4, or trailer, as defined in paragraph II of this section, to use a registration plate which was issued in the same year that the antique motor vehicle, motorcycle, or trailer was manufactured, provided the motor vehicle, motorcycle, or trailer is registered as an antique motor vehicle, motorcycle, or trailer under this chapter, and the number of the antique plate is recorded with the director. Registration plates issued in the same year that the antique motor vehicle was manufactured may be affixed to both the front and rear of the antique motor vehicle, to either the front or rear of the antique motorcycle, and to the rear of the antique trailer for any such vehicle with a year of manufacture of [1960] **1975** or earlier if the registration plate matching the registration certificate is carried within the antique motor vehicle, ***so long as the number on the antique plate is not in use on another motor vehicle, motorcycle, or trailer.*** Any antique motor vehicle, motorcycle, or trailer bearing a registration plate with the year of manufacture shall also carry, within it, a valid antique motor vehicle, motorcycle, or trailer registration certificate and a permit issued under this section.

2014-1548s

AMENDED ANALYSIS

This bill changes a year of manufacture date in the statute governing display of plates issued in the year of manufacture of an antique motor vehicle and requires that the antique plate number not be in use on another motor vehicle, motorcycle, or trailer.

HB 1359-FN, establishing a committee to study the feasibility of placing medal decals on special number plates for veterans. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

This bill establishes a committee to study the feasibility of placing medal decals on special number plates for veterans. The Committee amended the bill to include adopting the Honor and Remember Flag as the state's emblem of the service and sacrifice of the brave men and women of the United States Armed Forces who have given their lives in service.

Senate Transportation
April 23, 2014
2014-1520s
03/01

Amendment to HB 1359-FN

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

AN ACT establishing a committee to study the feasibility of placing medal decals on special number plates for veterans and relative to the Honor and Remember Flag as an official symbol to recognize and honor fallen members of the armed forces.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 8:

6 Statement of Purpose. The general court finds that:

I. Since the Revolutionary War, more than 1,000,000 members of the United States Armed Forces have paid the ultimate price by sacrificing their lives in the line of duty.

II. The contributions of those fallen members of the Armed Forces are deserving of national recognition.

III. Currently, there is no officially recognized symbol that solely acknowledges members of the Armed Forces who died in the line of duty.

7 New Sections; Honor and Remember Flag. Amend RSA 3 by inserting after section 3-b the following new sections:

3:3-c Official Adoption of Honor and Remember Flag. The Honor and Remember Flag created by Honor and Remember, Inc., is hereby adopted as this state's emblem of the service and sacrifice of the brave men and women of the United States Armed Forces who have given their lives while serving or as a result of service to our country.

3:3-d Display of Honor and Remember Flag. The Honor and Remember Flag shall be displayed by the state daily at the New Hampshire state veterans cemetery in Boscawen, above the state house in Concord immediately below the state flag on a day designated by the governor when there is a New Hampshire member of the Armed Forces who died in the line of duty, and on the following days:

I. Armed Forces Day, May 18.

II. Memorial Day, the last Monday in May.

III. Independence Day, July 4.

IV. National POW/MIA Recognition Day, the third Friday of September.

V. National Gold Star Mother's Day, the last Sunday in September.

VI. Veterans Day, November 11.

2014-1520s

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of placing medal decals on special number plates for veterans. This bill also adopts the national Honor and Remember Flag as the official symbol of the state of New Hampshire to recognize and honor fallen members of the armed forces.

HB 1546, relative to insurance coverage for tractors. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

This bill exempts tractors with farm tractor registrations from the motor vehicle liability requirements. This will allow insurers to insure these vehicles under farm liability insurance policies, rather than requiring that they register under a separate automobile insurance policy. The Committee amended the bill to clarify that individuals can still purchase insurance under a separate automobile policy if they so choose.

Senate Transportation
April 22, 2014
2014-1514s
03/05

Amendment to HB 1546

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Motor Vehicle Liability Policy; Farm Tractor. Amend RSA 259:61 by inserting after paragraph III the following new paragraph:

IV. The minimum coverage requirements described in paragraphs I and II and in RSA 264:15 and RSA 264:16 shall not apply to any tractor with a farm tractor registration if an insured, at the insured's election, purchases a liability policy other than a motor vehicle policy to cover the tractor.

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

REGULAR CALENDAR REPORTS

COMMERCE

HB 456-FN, relative to liquor manufacturers and relative to samples of alcoholic beverages. Ought to Pass with Amendment, Vote 3-1. Senator Sanborn for the committee.

Commerce
April 22, 2014
2014-1513s
03/10

Amendment to HB 456-FN

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

AN ACT relative to rectifiers.

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

1 New Paragraphs; Rectifier; Samples. Amend RSA 178:7 by inserting after paragraph III the following new paragraphs:

IV. A rectifier producing less than 3,000 9-liter cases of liquor per year may provide to visitors at its licensed rectifier facility samples of liquor for tasting. Samples shall not exceed 1/2 ounce, and shall not be provided to any person under 21 years of age. No more than one sample per customer per day shall be provided.

V. Each rectifier shall maintain records and prepare reports for the commission which shall indicate the samples provided to visitors under paragraph IV and shall pay to the commission monthly a fee equal to 8 percent of the retail value of the samples provided on or before the tenth day of the month.

VI. The commission shall adopt rules, pursuant to RSA 541-A, relative to reports of rectifiers under paragraph V.

2 Rulemaking. Amend RSA 176:14, VIII(g) to read as follows:

(g) Collection of additional fees required under RSA 178:6, VI, **RSA 178:7, V**, RSA 178:8, IV, and RSA 178:26.

3 Effective Date. This act shall take effect January 1, 2015.

2014-1513s

AMENDED ANALYSIS

This bill allows a licensed rectifier to provide samples of liquor to visitors at its facility.

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

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 9
 May 1, 2014
 2014-1648s
 03/10

Floor Amendment to HB 456-FN

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

AN ACT relative to liquor manufacturers and rectifiers and relative to samples of alcoholic beverages.

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

1 New Paragraphs; Rectifier; Samples. Amend RSA 178:7 by inserting after paragraph III the following new paragraphs:

IV. A rectifier producing less than 3,000 9-liter cases of liquor per year may provide to visitors at its licensed rectifier facility samples of liquor for tasting. Samples shall not exceed 1/2 ounce, and shall not be provided to any person under 21 years of age. No more than one sample per customer per day shall be provided.

V. Each rectifier shall maintain records and prepare reports for the commission which shall indicate the samples provided to visitors under paragraph IV.

VI. The commission shall adopt rules, pursuant to RSA 541-A, relative to reports of rectifiers under paragraph V.

2 New Paragraph; Liquor Manufacturer; Distribution of Samples. Amend RSA 178:6 by inserting after paragraph VIII the following new paragraph:

IX. Each liquor manufacturer selling no more than the equivalent of 3,000 9-liter cases of liquor per year at its licensed manufacturing facility shall have the right to distribute samples directly to on-premises and agency store licensees for tasting on the licensed premises in accordance with RSA 179:44.

3 Samples Provided for Tasting. Amend RSA 179:31, II to read as follows:

II.(a) Manufacturers, wholesale distributors, *rectifiers*, or wine and liquor vendors or their salespersons may distribute samples of their products to licensees for purposes of tasting. The following restrictions shall apply:

~~[(a) Beer samples shall not exceed one 6-pack.~~

~~[(b) Wine samples shall not exceed 2 750 ml. bottles.~~

~~[(c) Liquor samples shall not exceed one 750 ml. bottle.~~

~~[(d) Wine coolers samples shall not exceed one 4-pack, or the product's normal marketing unit.]~~

~~[(e)]~~ (1) All liquor or wine for this purpose shall be purchased from the commission, ***except as provided in RSA 178:6, IX, RSA 178:7, V, and RSA 178:7, VI. The cost shall be no more than the commission's original cost paid by the commission plus 8 percent.***

~~[(f)]~~ (2) All beverage, wine, or liquor samples may be added to the retailer's inventory for sale.

~~[(g)]~~ (3) All beverage furnished as samples shall be considered sales for the requirements of RSA 178:26.

(b) Total samples distributed under this paragraph by any manufacturer, wholesale distributor, rectifier, or wine or liquor vendor or their salespersons shall not exceed the following in any calendar year per licensee:

(1) One 6-pack of beer.

(2) Two 750 ml. bottles of wine.

(3) One 750 ml. bottle of liquor.

(4) One 4-pack, or the product's normal marketing unit, of wine coolers.

4 Free Drinks. Amend RSA 179:44 to read as follows:

179:44 Free Drinks.

I. No licensee shall give away free drinks to customers, patrons, members, or guests, in any manner.

II. Notwithstanding [the above] **paragraph I**, beverage manufacturers, **liquor manufacturers, rectifiers**, beverage vendors, brew pubs, wholesale distributors and their liquor or wine vendors, their liquor and wine representatives, domestic wine manufacturers, and on-premises and off-premises licensees may conduct beverage, liquor, or wine tasting, as applicable, on licensed premises. Liquor, beverage, or wine tasting shall be conducted only during such hours as are authorized by the commission for the sale of the product on the premises.

III. Liquor, beverage, or wine samples shall be consumed on the premises, and, except for wine samples provided by wine manufacturers **and liquor samples provided by rectifiers or by liquor manufacturers in accordance with RSA 178:6, IX**, liquor or wine for this purpose shall be purchased from the commission under conditions prescribed by this title. Beverage samples for a tasting shall only be obtained as prescribed by this title.

IV. The commission may adopt rules, pursuant to RSA 541-A, establishing the criteria and procedures for liquor, beverage, and wine tasting within the state.

V. All samples furnished for tasting shall be considered sales for the requirements of RSA 178:26.

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

2014-1648s

AMENDED ANALYSIS

This bill:

I. Allows a licensed rectifier to provide samples of liquor to visitors at its facility or to other licensees.

II. Allows liquor manufacturer licensees to distribute samples to off-premises and agency store licensees for tasting on licensed premises.

III. Establishes annual restrictions on alcoholic beverage samples.

The question is on the adoption of Floor Amendment 1648s. Adopted.

Sen. Bradley moved to Lay on the Table HB 456-FN. Adopted.

HB 1112, making technical corrections to the standard valuation law. Ought to Pass, Vote 4-0. Senator Cataldo for the committee.

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

HB 1194, relative to student coverage. Ought to Pass, Vote 4-0. Senator Pierce for the committee.

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

HB 1232-FN, relative to insurance filing fees. Interim Study, Vote 4-0. Senator Pierce for the committee.

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

HB 1281-FN, relative to copayments for certain specialists. Ought to Pass with Amendment, Vote 4-0. Senator Pierce for the committee.

Commerce

April 22, 2014

2014-1508s

01/05

Amendment to HB 1281-FN

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

AN ACT relative to copayments for certain providers.

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

1 New Section; Insurance; Individual; Copayments for Certain Providers. Amend RSA 415 by inserting after section 6-r the following new section:

415:6-s Copayments, Coinsurance, or Office Visit Deductibles for Certain Providers. Each insurer that issues or renews any Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended-compliant individual policy, plan, or contract of accident or health insurance that constitutes health coverage for the services of chiropractors licensed under RSA 316-A, or physical therapists licensed under RSA 328-A, shall not charge a copayment, coinsurance, or office visit deductible that is greater than the copayment, coinsurance, or office visit deductible amount charged to the insured for the services of a primary care physician or osteopath licensed under RSA 329.

2 New Section; Insurance; Group; Copayments for Certain Providers. Amend RSA 415 by inserting after section 18-w the following new section:

415:18-x Copayments, Coinsurance, or Office Visit Deductibles for Certain Providers. Each insurer that issues or renews any Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended-compliant small group policy of group or blanket accident or health insurance that constitutes health coverage for the services of chiropractors licensed under RSA 316-A, or physical therapists licensed under RSA 328-A, shall not charge a copayment, coinsurance, or office visit deductible that is greater than the copayment, coinsurance, or office visit deductible amount charged to the insured for the services of a primary care physician or osteopath licensed under RSA 329.

2014-1508s

AMENDED ANALYSIS

This bill declares that insurer's issuing or renewing individual or group policies pursuant to the Patient Protection and Affordable Care Act of 2009 shall not charge copayments, coinsurance, or office deductibles for chiropractors and physical therapists that are greater than such amounts charged for the services of primary care physicians or osteopaths licensed under RSA 329.

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

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 9

April 29, 2014

2014-1595s

01/04

Floor Amendment to HB 1281-FN

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

1 New Section; Insurance; Individual; Copayments for Certain Providers. Amend RSA 415 by inserting after section 6-r the following new section:

415:6-s Copayments, Coinsurance, or Office Visit Deductibles for Certain Providers. Each insurer that issues or renews any Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended-compliant individual policy, plan, or contract of accident or health insurance that constitutes health coverage for the services of chiropractors licensed under RSA 316-A, or physical therapists licensed under RSA 328-A, shall not charge a copayment, coinsurance, or office visit deductible that is greater than the copayment, coinsurance, or office visit deductible amount charged to the insured for the services of a primary care physician licensed under RSA 329.

2 New Section; Insurance; Group; Copayments for Certain Providers. Amend RSA 415 by inserting after section 18-w the following new section:

415:18-x Copayments, Coinsurance, or Office Visit Deductibles for Certain Providers. Each insurer that issues or renews any Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended-compliant small group policy of group or blanket accident or health insurance that constitutes health coverage for the services of chiropractors licensed under RSA 316-A, or physical therapists licensed under RSA 328-A, shall not charge a copayment, coinsurance, or office visit deductible that is greater than the copayment, coinsurance, or office visit deductible amount charged to the insured for the services of a primary care physician licensed under RSA 329.

2014-1595s

AMENDED ANALYSIS

This bill declares that insurer's issuing or renewing individual or group policies pursuant to the Patient Protection and Affordable Care Act of 2009 shall not charge copayments, coinsurance, or office deductibles for chiropractors and physical therapists that are greater than such amounts charged for the services of primary care physicians licensed under RSA 329.

The question is on the adoption of Floor Amendment 1595s. Adopted.

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

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

Recess. Out of recess.

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

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

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

The following Senators voted No: (None)

Yeas: 23 - Nays: 0

Adopted, bill ordered to Third Reading.

HB 1282-FN, relative to prepaid contracts for home heating fuel. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Commerce
April 22, 2014
2014-1506s
05/04

Amendment to HB 1282-FN

Amend RSA 339:79, III(a) as inserted by section 2 of the bill by replacing it with the following:

(a) ~~Shall [not require consumers to commit for a term of more than one heating oil season. Such contracts shall be offered no earlier than January 1]~~ ***not be advertised or solicited earlier than May 1 or later than October 31*** of the year in which the heating [oil] ***fuel*** season begins. ***Such contracts may be signed prior to May 1 only at the request of the residential consumer.***

Amend RSA 339:79, V-a as inserted by section 4 of the bill by replacing it with the following:

V-a. A home heating oil, kerosene, or liquefied petroleum gas dealer who offers prepaid contracts under this section shall register the dealer's intent to offer such contracts with the secretary of state by May 1 of each year. Registration shall be on a form provided by the secretary of state and shall indicate which securitization method or combination of methods listed in paragraph IV are used to secure the contracts.

Amend the bill by replacing all after section 4 with the following:

5 New Paragraph; Acts Prohibited Under the Consumer Protection Act; Failure to Provide Timely Delivery of Home Heating Fuel. Amend RSA 358-A:2 by inserting after paragraph XIV the following new paragraph:

XV. Failing to deliver home heating fuel in accordance with a prepaid contract.

6 Effective Date. This act shall take effect January 1, 2015.

2014-1506s

AMENDED ANALYSIS

This bill:

I. Establishes minimum inventory, registration, and reporting requirements for home heating oil, kerosene, or liquefied petroleum gas dealers who offer prepaid contracts.

II. Makes the failure to deliver home heating fuel in accordance with a prepaid contract a violation of the consumer protection act.

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 the Committee on Finance (Rule 4-5).

HB 1381-FN, relative to the auctioning of wine and liquor for charitable purposes. Ought to Pass, Vote 4-0. Senator Bradley for the committee.

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

ENERGY AND NATURAL RESOURCES

HB 256-FN, relative to establishing a voluntary hike safe card for fish and game search and rescue operations, relative to deputy fish and game conservation officers, extending a commission on sustainability of the fish and game department, and establishing a committee to study funding of the fish and game search and rescue fund. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy and Natural Resources

April 23, 2014

2014-1542s

10/04

Amendment to HB 256-FN

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

AN ACT relative to establishing a voluntary hike safe card for fish and game search and rescue operations, relative to deputy fish and game conservation officers, and relative to the commission on sustainability of the fish and game department.

Amend RSA 206:26-bb, I as inserted by section 1 of the bill by replacing it with the following:

I. Notwithstanding RSA 153-A:24, any person determined by the department to have acted negligently in requiring a search and rescue response by the department shall be liable to the department for the reasonable cost of the department's expenses for such search and rescue response, ***unless the person shows proof of possessing a current version of any of the following:***

(a) A hunting or fishing license issued by this state under title XVIII.

(b) An OHRV registration under RSA 215-A, a snowmobile registration under RSA 215-C, or a vessel registration under RSA 270-E.

(c) A voluntary hike safe card. The executive director shall adopt rules under RSA 541-A for the issuance to purchasers on the department's Internet site, and subsequent annual renewals, of a hike safe card prior to a person's need for a search and rescue response. The annual fee for a hike safe card shall be \$25 for an individual or \$35 for a family. A "family" shall consist of the purchaser, the purchaser's spouse, and the purchaser's minor children or stepchildren. A transaction fee determined by the department shall be for the Internet license agent as provided in RSA 214-A:2. The executive director shall forward to the state treasurer the sum collected from each individual hike safe card purchased and each family hike safe card purchased, less the amount of such transaction fee, for deposit in the fish and game search and rescue fund under RSA 206:42

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

3 New Section; Commission to Study Opportunities and Options to Improve the Sustainability of the Fish and Game Department. Amend RSA 206 by inserting after section 1-a the following new section:

206:1-b Commission to Study Opportunities and Options to Improve the Sustainability of the Fish and Game Department.

I. There is established a commission to study opportunities and options to improve the sustainability of the fish and game department.

II.(a) The members of the commission shall be as follows:

(1) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(2) Two members of the senate, appointed by the president of the senate.

(3) The director of the fish and game department, or designee.

(4) The chairman of the fish and game commission, or designee.

(5) Three public members appointed by the governor.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall study options and opportunities for ensuring the financial stability and sustainability of the fish and game department. The commission may solicit information and testimony from those with experience or expertise relevant to the study.

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 first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Three members of the commission shall constitute a quorum.

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

4 Repeal. RSA 206:1-b, relative to the commission to study opportunities to improve the sustainability of the fish and game department, is repealed.

5 Effective Date.

I. Section 1 of this act shall take effect January 1, 2015.

II. Section 4 of this act shall take effect November 1, 2014.

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

2014-1542s

AMENDED ANALYSIS

This bill:

I. Establishes a voluntary hike safe card issued by the fish and game department for the purpose of funding search and rescue response operations.

II. Removes the requirement that deputy conservation officers of the fish and game department serve 8 hours per month without compensation.

III. Reestablishes the commission to study opportunities and options to improve the sustainability of the fish and game department.

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 the Committee on Finance (Rule 4-5).

HB 1540, relative to least cost integrated resource plans filed by an electric utility. Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Energy and Natural Resources

April 22, 2014

2014-1499s

06/04

Amendment to HB 1540

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 3 and 4, respectively:

2 Definitions of Terms; Public Utility. Amend RSA 362:2, II to read as follows:

II. For the purposes of this title only, rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission pursuant to RSA 301:57 shall not be considered public utilities; provided, however, that the provisions of RSA 362-A, 363-B, 371, 374:2-a, 374:26, 374-A, 374-C, 374-F, and 378:37[-39] shall, unless otherwise provided herein, be applicable to rural electric cooperatives, without regard to whether a certificate of regulation or deregulation is on file with the public utilities commission. The provisions of RSA 374-A and the provisions of RSA 374-F:3, V(b) and (f) and RSA 374-F:7 shall be applicable to rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission to the same extent as municipal utilities.

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

Sen. Woodburn offered a floor amendment.

Sen. Woodburn, Dist. 1

April 30, 2014

2014-1642s

06/04

Floor Amendment to HB 1540

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 3 and 4, respectively:

2 Definitions of Terms; Public Utility. Amend RSA 362:2, II to read as follows:

II. For the purposes of this title only, rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission pursuant to RSA 301:57 shall not be considered public utilities; provided, however, that the provisions of RSA 362-A, 363-B, 371, 374:2-a, 374:26, **374:48-56**, 374-A, 374-C, 374-F, and 378:37[-39] shall, unless otherwise provided herein, be applicable to rural electric cooperatives, without regard to whether a certificate of regulation or deregulation is on file with the public utilities commission. The provisions of RSA 374-A and the provisions of RSA 374-F:3, V(b) and (f) and RSA 374-F:7 shall be applicable to rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission to the same extent as municipal utilities.

The question is on the adoption of Floor Amendment 1642s. Adopted.

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

Recess. Out of recess.

HB 1570-FN, establishing a paint stewardship program. Ought to Pass with Amendment, Vote 3-2. Senator Fuller Clark for the committee.

Energy and Natural Resources

April 23, 2014

2014-1538s

08/04

Amendment to HB 1570-FN

Amend the introductory paragraph of RSA 149-M:65, I as inserted by section 1 of the bill by replacing it with the following:

I. The stewardship organization shall administer the paint stewardship assessment for all architectural paint sold by participating producers in the state. The amount of the assessment shall be set so as to recover the costs of the paint stewardship program without exceeding such costs, based on a good faith estimate of those costs. If the funds generated by the assessment exceed the amount necessary to recover the costs of the program, the excess funds shall be used by the stewardship organization as stated in the approved plan to reduce future paint stewardship assessments and to improve services under the program.

Amend RSA 149-M:65, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The original assessment shall not be more than: \$0.35 for a can over a half pint and under 1 gallon, \$0.75 for a one-gallon can, and \$1.60 for cans above one gallon. However, nothing in this section shall

be construed to require the product stewardship organization to implement the paint stewardship program if the amount of the assessment does not recover the costs of the paint stewardship program based on a good faith estimate of those costs.

Amend RSA 149-M:65, II as inserted by section 1 of the bill by replacing it with the following:

II. All producers shall add the paint stewardship assessment to the cost of all architectural paint sold for sale or other distribution in the state. Each producer shall remit the assessments collected to the stewardship organization. Collection of the paint stewardship assessment shall commence no later than July 1, 2015 or 3 months after plan approval, whichever is later.

Amend RSA 149-M:66, I as inserted by section 1 of the bill by replacing it with the following:

I. The stewardship organization shall implement the approved plan on July 1, 2015 or 3 months after receiving approval under RSA 149-M:64, II whichever is later.

Amend RSA 149-M:66, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Pursuant to RSA 356:8-a, a stewardship organization that organizes the collection, transportation, and processing of post-consumer paint, in accordance with the paint stewardship program approved by the department under this subdivision, shall be exempt from RSA 356 with respect to any claims of a violation of antitrust arising from conduct undertaken in accordance with the paint stewardship program. The provisions of RSA 358-A:2, XIV shall not apply to acts or transactions authorized by this subdivision.

Amend RSA 149-M:67, II as inserted by section 1 of the bill by replacing it with the following:

II. Financial assurance shall be in an amount sufficient to remove all collected post-consumer paint if the stewardship organization terminates the program unexpectedly or fails to provide collection services that are consistent with the approval plan.

Amend RSA 149-M:68, I(g)-(i) inserted by section 1 of the bill by replacing it with the following:

(g) Based on the paint stewardship assessment collected by the paint stewardship program, an estimate of the total volume of architectural paint sold in the state during the preceding year; and

(h) An evaluation of the effectiveness of the paint stewardship program compared to prior years and anticipated steps the stewardship organization plans to take to improve performance throughout the state, if needed.

Amend RSA 149-M:69, I as inserted by section 1 of the bill by replacing it with the following:

I. Beginning July 1, 2015 or 3 months after a plan is approved by the commissioner under RSA 149-M:64, whichever occurs later, no retailer shall sell architectural paint unless the producer or the paint brand is listed by the department as provided under RSA 149-M:70 as implementing or participating in an approved paint stewardship program.

Amend RSA 149-M:71 as inserted by section 1 of the bill by replacing it with the following:

149-M:71 Liability for Discharges.

I. Any person who causes or suffers a spill, leak, or other discharge of materials collected under this program shall be liable for all costs of containment and removal of the discharged materials and, if the spill, leak, or discharge was onto or into any land surface, sewer or storm water collection network, surface water, or wetland, or in any area where the paint could reach surface water or groundwater, also shall be liable for the costs of cleanup and restoration of the site and surrounding environment.

II. Any person who operates a collection point pursuant to an approved program and who implements environmentally-sound management practices shall not be subject to penalties for the acceptance or storage of, or for any spill, leak, or discharge of paint accepted pursuant to the approved program, or other materials that are inadvertently accepted pursuant to the approved program, and which occurs despite the implementation of such practices.

Amend RSA 149-M:72, I as inserted by section 1 of the bill by replacing it with the following:

I. The content and structure of applications under RSA 149-M:63, I including information and other materials to be submitted by an applicant.

Amend RSA 149-M as inserted by section 1 of the bill by deleting RSA 149-M:72, IV and renumbering the original RSA 149-M:72, V-VIII to read as RSA 149-M:72, IV-VII, respectively.

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.

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

The following Senators voted Yes: Watters, Pierce, Odell, Kelly, Gilmour, Larsen, Fuller Clark.

The following Senators voted No: Woodburn, Forrester, Bradley, Cataldo, Hosmer, Sanborn, Bragdon, Lasky, Carson, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Stiles, Morse.

Yeas: 7 - Nays: 16

Failed.

Sen. Bradley moved Inexpedient to Legislate.

The question is on the motion of Inexpedient to Legislate. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1136, establishing a committee to study the laws relating to the New Hampshire veterans' home. Ought to Pass, Vote 4-0. Senator Carson for the committee.

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

HB 1173, relative to the report submission date of the state retiree health plan commission. Ought to Pass, Vote 3-0. Senator Reagan for the committee.

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

HB 1236, relative to the use of metal detection devices at supervised visitation centers and establishing a commission to study supervised visitation centers. Interim Study, Vote 5-0. Senator Carson for the committee.

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

HB 1416, establishing an economic development plan and process for the division of economic development. Ought to Pass, Vote 4-0. Senator Carson for the committee.

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

FINANCE

HB 319-FN, relative to benefits for state employees serving in the armed forces. Ought to Pass, Vote 6-0. Senator Larsen for the committee.

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

HB 657-FN, requiring state agencies to submit efficiency expenditure requests as part of the biennial budget process. Ought to Pass with Amendment, Vote 5-1. Senator Bragdon for the committee.

Senate Finance

April 15, 2014

2014-1396s

09/04

Amendment to HB 657-FN

Amend RSA 9:4, IV(g) as inserted by section 1 of the bill by replacing it with the following:

(g) Outcome and output performance measures, displaying trends over time, and the data used by the department to create those measures, to evaluate the quality and consequence of services it delivers; and the identification of performance measures it may develop and implement in the following biennium.

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

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

HB 1251-FN-A, repealing a limitation on appropriations for New Hampshire Public Television. Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

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

HEALTH, EDUCATION AND HUMAN SERVICES

HB 533, relative to the mathematics requirement for high school graduation. Ought to Pass, Vote 4-1. Senator Kelly for the committee.

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

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

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

The following Senators voted No: Sanborn, Bragdon, Carson, Morse.

Yeas: 19 - Nays: 4

Adopted, bill ordered to Third Reading.

Recess. Out of recess.

HB 1622-FN, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use. Interim Study, Vote 3-1. Senator Stiles for the committee.

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

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

The following Senators voted Yes: Forrester, Watters, Hosmer, Odell, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Soucy, Rausch, D'Allesandro, Stiles.

The following Senators voted No: Woodburn, Bradley, Pierce, Cataldo, Sanborn, Bragdon, Reagan, Fuller Clark, Morse.

Yeas: 14 - Nays: 9

Adopted.

JUDICIARY

HB 496-FN, relative to driving privileges for certain first-time DWI offenders. Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

Senate Judiciary
April 22, 2014
2014-1491s
03/10

Amendment to HB 496-FN

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

1 New Subparagraph; Application of Receipts; General Revenue Exceptions. Amend RSA 6:12, I(b) by inserting after subparagraph (316) the following new subparagraph:

(317) Moneys deposited in the limited privilege license fund established in RSA 263:42, V(b).

2 Driver's License Fees; Restoration. Amend RSA 263:42, V to read as follows:

V.(a) Whenever a driver's license has been suspended or revoked, or notwithstanding RSA 263:56-a, III, whenever the holder of a commercial driver license has been disqualified for a period of greater than 15 days, a fee of \$100 shall be paid by the licensee for the restoration of such license or commercial driver license; provided, however, that in the event of a license suspension under RSA 263:14, a fee of \$50 shall be paid by the licensee for the restoration of the original or youth operators' license. Under certain conditions the commissioner may waive the restoration fee for a default or suspension. The commissioner shall adopt rules, under RSA 541-A, relative to such waiver procedures.

(b) Whenever a driver's license has been suspended or revoked and a limited privilege license is issued under RSA 263:57-b, a fee of \$50 shall be paid by the licensee for the issuance of the limited privilege license. There is hereby established a limited privilege license fund, and fees collected under this subparagraph shall be deposited in the fund. Moneys in the fund shall be continually appropriated to the department to cover the expenses of implementation, oversight, and supervision of the limited privilege license program and supervision of the ignition interlock program, and shall not lapse.

3 New Section; Limited Driving Privilege After Revocation or Suspension. Amend RSA 263 by inserting after section 57-a the following new section:

263:57-b Limited Driving Privilege After Revocation or Suspension.

I. Notwithstanding any provision of law to the contrary, if a person is convicted of a first offense under RSA 265-A:2, I, not including any conviction involving driving a commercial motor vehicle, he or she may petition the court for a restoration of his or her operator's license with limited driving privileges. To qualify for consideration, the person shall submit proof of financial responsibility in accordance with RSA 265-A:28 and an application that demonstrates the need for the license. Satisfactory evidence of at least one of the following must be presented, including satisfactory proof from the employer, program, medical treatment facility, state-approved educational institution, or other destination:

- (a) That the person must operate a motor vehicle as a requisite of the person's occupation or employment.
- (b) That the person must operate a motor vehicle to seek employment or to get to and from a place of employment.
- (c) That the person must operate a motor vehicle to get to or from an alcohol or drug treatment or rehabilitation program.
- (d) That the person or a member of the person's immediate family requires medical treatment on a regular basis and the person must operate a motor vehicle in order that the treatment may be obtained.
- (e) That the person must operate a motor vehicle to continue his or her education.
- (f) That the person must operate a motor vehicle to attend job training.

II. A license restored under this section shall limit the person's driving privileges:

- (a) To the times, places, and days determined to be necessary for the person to seek or retain employment, to attend any alcohol or drug treatment or rehabilitation program, to continue his or her education, to attend job training, or to obtain required medical treatment for the person or a member of the person's immediate family.
- (b) To times, places, and days that are specifically stated.
- (c) To vehicles equipped with enhanced technology ignition interlock devices.

III. A license restored under this section shall not be effective until the person's license has been suspended or revoked, either pursuant to criminal penalty or administrative suspension, for at least 60 days and shall expire on the date specified by the court.

IV. A violation of this section or the terms of the license restored under this section shall be considered a violation of RSA 263:64 and the license shall be revoked.

V. A person granted a limited privilege license under this section shall deliver a copy of the court order granting the limited privilege license to the law enforcement agency in the city or town in which he or she resides. When operating a motor vehicle, a person granted a limited privilege license under this section shall have a copy of the court order granting the limited privilege license upon his or her person or in some easily accessible place within the vehicle.

4 Effective Date. This act shall take effect January 1, 2015.

2014-1491s

AMENDED ANALYSIS

This bill authorizes limited driving privileges for eligible first-time DWI offenders to facilitate employment, rehabilitation, education, job training, and medical treatment.

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

Sen. Boutin offered a floor amendment.

Sen. Boutin, Dist. 16

May 1, 2014

2014-1646s

03/04

Floor Amendment to HB 496-FN

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect January 1, 2016.

The question is on the adoption of Floor Amendment 1646s. Adopted.

The question is on the adoption of the recommendation of Ought to Pass as Amended. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

Sen. Hosmer is in opposition to the motion of Ought to Pass with Amendment on HB 496-FN.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1350, relative to prior public hearings for acceptance of unanticipated funds. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

Public and Municipal Affairs

April 23, 2014

2014-1537s

10/09

Amendment to HB 1350

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

AN ACT relative to prior public hearings for acceptance of unanticipated funds, and relative to the Career and Technical Education Center in Dover.

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

2 Capital Budget; Department of Education; CTE Center-Dover. Amend 2013, 195:1, V to read as follows:

V. Department of Education

| | |
|--|---|
| A. Renovation of CTE Center - [Whitefield] Dover -State Share* | [13,500,000] 10,475,000 |
|--|---|

| | |
|---|---|
| B. Renovation of CTE Center-Salem- State Share* | [10,775,000] 13,800,000 |
|---|---|

| | |
|---------------------------------------|--------------|
| Total state appropriation paragraph V | \$24,275,000 |
|---------------------------------------|--------------|

*The funds appropriated to the department of education in subparagraphs A and B for CTE centers in ~~[Whitefield]~~ **Dover** and Salem shall not be spent, obligated, or encumbered until such time as an action plan has received approval from the capital budget overview committee. ***The department of education shall include the remaining funding for the CTE center in Dover as the first priority on the biennial 2016-2017 priority list of facilities and programs eligible for renovation and expansion pursuant to RSA 188-E:10.***

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

2014-1537s

AMENDED ANALYSIS

This bill raises the threshold requiring a public meeting prior to selectmen taking any action on unanticipated funds. This bill also appropriates capital funds for the renovation of the CTE center in Dover.

The Chair ruled Committee Amendment 1537s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 1537s to HB 1350. 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.

RULES, ENROLLED BILLS AND INTERNAL AFFAIRS

HB 1279, relative to compliance with 2012 National Defense Authorization Act. Inexpedient to Legislate, Vote 4-0. Senator Bradley for the committee.

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

HB 1400, establishing the New Hampshire "First-in-the-Nation" presidential primary centennial anniversary commission. Ought to Pass, Vote 4-0. Senator Fuller Clark for the committee.

Sen. Bradley moved to Refer HB 1400 to the Committee on Executive Departments and Administration.

The question is on the motion to Refer HB 1400 to the Committee on Executive Departments and Administration. Adopted.

HB 1444, recognizing the month of April as Genocide Awareness Month. Ought to Pass, Vote 4-0. Senator Kelly for the committee.

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

HB 1451, establishing a canine veterans day. Ought to Pass, Vote 4-0. Senator Prescott for the committee.

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

HB 1559-FN, establishing a New Hampshire state house bicentennial commission and fund. Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Rules, Enrolled Bills and Internal Affairs

April 24, 2014

2014-1557s

05/10

Amendment to HB 1559-FN

Amend RSA 17-R:1, II as inserted by section 3 of the bill by deleting RSA 17-R:1, II(p) and renumbering the original RSA 17-R:1, II(q)-(t) to read as RSA 17-R:1, II(p)-(s), respectively.

Amend RSA 17-R:3 as inserted by section 3 of the bill by replacing it with the following:

17-R:3 New Hampshire State House Bicentennial Education and Commemoration Fund Established. There is hereby established in the office of the state treasurer a fund established by gifts, grants, and donations, to be known as the New Hampshire state house bicentennial education and commemoration fund, which shall be kept distinct and separate from all other funds. The treasurer shall deposit all gifts, grants, and donations received by the commission in the New Hampshire state house bicentennial education and commemoration fund. All moneys in the fund shall be nonlapsing and continually appropriated to the commission established in RSA 17-R:1 for the purposes of this chapter.

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

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

TRANSPORTATION

HB 263-FN, relative to reporting a person as medically unfit to drive. Ought to Pass, Vote 4-1. Senator Gilmour for the committee.

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

Sen. Morse is in opposition to the motion of Ought to Pass on HB 263-FN.

HB 292-FN-A, relative to registration fees for commercial, private, and pleasure vessels. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

The question is on the adoption of the committee recommendation of Ought to Pass. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

Sen. Sanborn is in opposition to the motion of Ought to Pass on HB 292-FN-A.

HB 1209, relative to On-Board Diagnostics (OBD II) testing and the OBD II testing advisory committee. Ought to Pass, Vote 4-0. Senator Boutin for the committee.

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

HB 1250, relative to security at state-owned park-and-ride facilities. Ought to Pass, Vote 4-0. Senator Stiles for the committee.

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

HB 1448, relative to vessel registration. Ought to Pass, Vote 4-0. Senator Watters for the committee.

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

Sen. Sanborn is in opposition to the motion of Ought to Pass on HB 1448.

HB 1465-FN, authorizing one-day permits for transportation of trailers for disposal or destruction. Ought to Pass with Amendment, Vote 4-0. Senator Stiles for the committee.

Senate Transportation

April 22, 2014

2014-1511s

03/04

Amendment to HB 1465-FN

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

AN ACT authorizing special permits for movement of uninspected semi-trailers.

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

1 Driving of Uninspected Vehicles. Amend RSA 266:6 to read as follows:

266:6 Driving of Uninspected Vehicles.

*I. The director is hereby authorized to design and issue, under such rules and procedures as he **or she** shall deem appropriate, a permit to allow the driving of an uninspected vehicle from its location to an inspection station where for good cause shown the person requesting such permit has been unable to comply with the director's rules relating to inspection.*

II. The director may provide a telephonic or electronic process whereby a transporter may be issued a special permit to allow the movement of an unladen and uninspected semi-trailer to a disposal facility, a salvage inspection station, or another temporary or permanent location during daylight hours only. The permittee shall certify that the vehicle is of sufficient structural soundness to support the move, and the braking ability of the combination conforms with the provisions of RSA 266:28. The combination shall be equipped with working directional signals, stop lamps, and tail lamps visible from the rear through the use of a light bar or other means.

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

2014-1511s

AMENDED ANALYSIS

This bill authorizes special permits for movement of uninspected semi-trailers.

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 the Committee on Finance (Rule 4-5).

WAYS AND MEANS

HB 427, relative to tobacco tax laws. Inexpedient to Legislate, Vote 4-0. Senator Odell for the committee.

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

HB 485-FN-A, establishing keno. Inexpedient to Legislate, Vote 4-0. Senator D'Allesandro for the committee.

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

HB 1142-FN-A, relative to the road toll for alternative fuels. Ought to Pass, Vote 3-1. Senator Rausch for the committee.

The question is on the adoption of the committee recommendation of Ought to Pass. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

Sen. Sanborn is in opposition to the motion of Ought to Pass on HB 1142-FN-A.

HB 1630-FN-A, relative to gaming in New Hampshire. Ought to Pass, Vote 4-0. Senator D'Allesandro for the committee.

The question is on the adoption of the committee recommendation of Ought to Pass. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

Without objection, the clerk read the first complete house message and thereafter only the title of each bill.

HOUSE MESSAGE

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

SB 345, repealing the prospective repeal of the annual public hearing and report on health insurance costs and trends.

Senator Sanborn moved nonconcurrence and requested a Committee of Conference. Adopted.

President Morse noted that Committee of Conference conferees will be appointed during recess.

SB 266, relative to membership on the exotic aquatic weeds and species committee.

Senator Prescott moved concurrence. Adopted.

SB 324, relative to the assessment of public utilities and other entities to fund the expenses of the public utilities commission.

Senator Prescott moved concurrence. Adopted.

SB 116-FN, relative to the licensure of liquefied propane installation and service technicians.

Senator Carson moved concurrence. Adopted.

SB 261, allowing the commissioner of administrative services to administer the health benefits of certain retirees of the State Employees' Association of New Hampshire.

Senator Forrester moved nonconcurrence and requested a Committee of Conference. Adopted.

President Morse noted that Committee of Conference conferees will be appointed during recess.

SB 151-FN, relative to the payment of witness fees and other fees for services in criminal cases.

Senator Carson moved concurrence. Adopted.

SB 260-FN, permitting electronic signatures on criminal complaints for certain offenses.

Senator Carson moved concurrence. Adopted.

SB 353, recodifying RSA 168-B, relative to surrogacy.

Senator Carson moved concurrence. Adopted.

SB 225, relative to the city of Manchester employees' contributory retirement system.

Senator Boutin moved concurrence. Adopted.

SB 274, relative to the form of a candidate's name on a ballot.

Senator Boutin moved concurrence. Adopted.

SB 349, relative to the election of delegates to state party conventions.

Senator Boutin moved concurrence. Adopted.

SB 375, establishing a committee to study the creation of a flood mitigation fund for private property owners.

Senator Boutin moved concurrence. Adopted.

SB 378, relative to identification information contained in political advertising.

Senator Boutin moved concurrence. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

HB 263-FN, relative to reporting a person as medically unfit to drive.

HB 319-FN, relative to benefits for state employees serving in the armed forces.

HB 533, relative to the mathematics requirement for high school graduation.

HB 657-FN, requiring state agencies to submit efficiency expenditure requests as part of the biennial budget process.

HB 1112, making technical corrections to the standard valuation law.

HB 1132-FN, relative to school emergency response plans.

HB 1136, establishing a committee to study the laws relating to the New Hampshire veterans' home.

HB 1145, relative to the proposed Sewalls Falls Bridge in the city of Concord and the Riverdale Road Bridge in the town of New Boston.

HB 1173, relative to the report submission date of the state retiree health plan commission.

HB 1183, relative to display of antique motor vehicle plates.

HB 1194, relative to student coverage.

HB 1209, relative to On-Board Diagnostics (OBD II) testing and the OBD II testing advisory committee.

HB 1250, relative to security at state-owned park-and-ride facilities.

HB 1251-FN-A, repealing a limitation on appropriations for New Hampshire Public Television.

HB 1272, excluding certain leases by fraternal or social organizations from the definition of tenancy.

HB 1281-FN, relative to copayments for certain providers.

HB 1350, relative to prior public hearings for acceptance of unanticipated funds, and relative to the Career and Technical Education Center in Dover.

HB 1359-FN, establishing a committee to study the feasibility of placing medal decals on special number plates for veterans and relative to the Honor and Remember Flag as an official symbol to recognize and honor fallen members of the armed forces.

HB 1381-FN, relative to the auctioning of wine and liquor for charitable purposes.

HB 1416, establishing an economic development plan and process for the division of economic development.

HB 1444, recognizing the month of April as Genocide Awareness Month.

HB1448, relative to vessel registration.

HB 1451, establishing a canine veterans day.

HB 1459, relative to domicile for voting purposes during a temporary absence.

HB 1540, relative to least cost integrated resource plans filed by an electric utility.

HB 1543, relative to filing for state representative special elections.

HB 1546, relative to insurance coverage for tractors.

HB 1559-FN, establishing a New Hampshire state house bicentennial commission and fund.

LIST OF RULE 6-25'S FOR THE DAY

Sen. Bragdon: HB 1604.

ANNOUNCEMENTS

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.