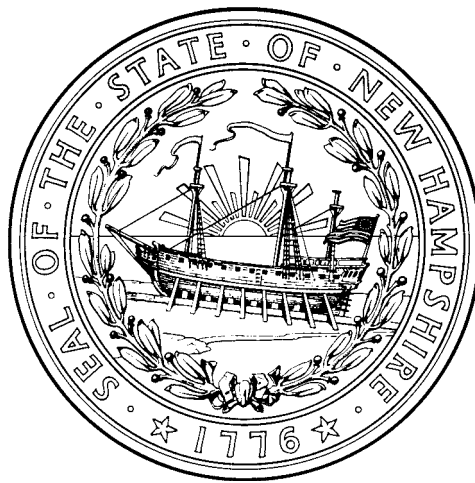


February 6, 2014
Nos. 2-3

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 – JANUARY 30, 2014 SESSION
COMMENCEMENT – FEBRUARY 6, 2014 SESSION**

SENATE JOURNAL 2 *(continued)*

January 30, 2014

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 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

14-2795

SB 331-FN, relative to waivers for out-of-state businesses and employees in a state of emergency. (Bradley, Dist 3; G. Chandler, Carr 1: Commerce)

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 114, relative to abutter access over subdivided land.

HB 286, relative to broadband infrastructure.

HB 343-FN, establishing a commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire.

HB 421, relative to regulation of real estate brokerage and sales by the real estate commission.

HB 427, relative to tobacco tax laws.

HB 430, requiring insurance companies sending out solicitations for insurance to include a disclosure on such solicitations.

HB 485-FN-A, establishing keno.

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

HB 532, relative to energy efficiency and clean energy districts.

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

HB 654-FN, relative to licensure and renewal fees.

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

HB 685, relative to state agency communications.

HOUSE MESSAGE

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

SB 29, relative to the motorist service signing program.

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 169, relative to non-covered services under dental insurance plans.

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

SB 92, prohibiting multiple prescription drug failures

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 3

February 6, 2014

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

Pastor David Butler, chaplain to the Senate, offered the following meditative thoughts and prayer:

I invite you to join with me in a moment of reflection and prayer.

Oh great God, awesome in power and deed, unfailing in your love and compassion. The very acknowledgement of prayer is also our honest and hard confession that in and of ourselves we are never adequate to take on all that comes our way, especially in this deliberative chamber. And so we ask that you would guide us with your providential hand and beyond that we would ask that in every decision and every deliberation that every Senator would be marked by humility and integrity and be filled with wisdom and uncommon sense. And that in all of deliberations and conversations, that vision would prevail over short-sightedness, that principles and conviction would trump preferences and expediencies. We thank you that you have entrusted into these servant-leaders the lives of every citizen of New Hampshire. May they guard a trust that they have not simply won but have earned by their own reputation and by their character. May every decision that they make be one that will value every single life. We thank you, that in these moments we can rest in the fact that you are at work in ways that we cannot even see. That through these meetings, through these decisions you will not only shape the present, but the future of this great state of ours. We thank you for every Senator, and we would pray that you would show great favor upon every member in their family, and that they would be used by you to prosper this state in all the ways that ultimately matter. And we pray this today in the name of the one who lived his life, laying down his life for the sake of others. Oh God, may we do the same. Amen.

Sen. Watters led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Sen. D'Allesandro introduced Saint Benedict Academy from Manchester, visiting in the balcony today.

Sen. Bragdon introduced Emily Curtis and Kelsea Goodrow, from Merrimack High School, serving as Senate Pages for the day, and William Sousa, Merrimack High School Youth and Government teacher.

FN REPORT FOR FEBRUARY 6, 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

SB 288-FN, relative to auditing insurance policies under workers' compensation.

SB 310-FN, authorizing tenant brewing.

JUDICIARY

SB 317-FN, relative to trafficking in persons.

PUBLIC AND MUNICIPAL AFFAIRS

SB 120-FN, relative to political contributions and expenditures and relative to reporting by political committees.

SB 284-FN, relative to eligibility to vote.

SB 332-FN, relative to the ballot law commission.

Senator Forrester recommends the following non-FN bills be ordered to the Finance Committee upon being found Ought-to-Pass:

TRANSPORTATION

SB 321, relative to motorist service signs.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

SB 306, establishing a commission to study New Hampshire mortgage foreclosure law, new federal regulations, and fair foreclosure practices. Removed by Sen. Sanborn.

SB 271, relative to retention of challenge affidavits. Removed by Sen. Bragdon.

SB 321, relative to motorist service signs. Removed by Sen. Bradley.

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

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

COMMERCE

SB 342, relative to medical examinations for workers' compensation. Inexpedient to Legislate, Vote 5-0. Senator Cataldo for the committee.

This bill would clarify the language relating to medical examinations under the workers' compensation law. The current system of Independent Medical Examinations is well understood and no change is needed.

Sen. Bragdon asserts Rule 6-25 on SB 342.

ENERGY AND NATURAL RESOURCES

SB 291, relative to distribution of seedling trees for educational purposes. Ought to Pass, Vote 5-0. Senator Odell for the committee.

This bill permits the director of the division of forests and lands to distribute limited quantities of seedlings to non-profit organizations for educational purposes. The state forest nursery is self funded, but under current law DRED can only give seedlings away if they are certain they will be planted on public lands. This bill would ensure the agency can give away seedlings that may be planted on private lands as long as this is done at events approved by the director.

PUBLIC AND MUNICIPAL AFFAIRS

SB 274, relative to the form of a candidate's name on a ballot. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

This bill requires that a name or a nickname on a ballot not include characters other than the 26-letter English alphabet, a dash or an apostrophe. SB 274 was requested by the Department of State, who testified that the bill was necessary to conform to federal law requirements requiring uniformity of data input.

Public and Municipal Affairs

January 29, 2014

2014-0312s

03/01

Amendment to SB 274

Amend the bill by replacing section 1 with the following:

1 Form of Candidate's Name on Ballot. Amend RSA 655:14-b to read as follows:

655:14-b Form of Candidate's Name on Ballot.

I. Every candidate for state or federal office who intends to have his or her name printed upon the ballot of any party for a primary shall designate in the declaration of candidacy, or on the primary petitions and assents to candidacy, the form in which the candidate's name shall be printed on the ballot. The designated

name may include the candidate's given name or a shortened form of the candidate's given name or a one-word nickname customarily related to the candidate, and by which the candidate is commonly recognized. The designated name may also include an initial for the first or middle name, or both. No candidate may designate a nickname that implies that the candidate is some other person, that constitutes a slogan or otherwise associates the candidate with a cause or issue, that has an offensive or profane meaning, or that creates a perception of a professional or vocational affiliation, such as "Doc" or "Coach." ***No candidate may designate a name or nickname that includes characters other than the 26-letter English alphabet, a dash, or an apostrophe.*** A candidate shall include his or her surname in the designation of the form in which the candidate's name shall be printed on the ballot.

II. Every candidate for state or federal office who intends to have his or her name placed on the ballot for the state general election by means other than nomination by party primary shall designate in the declaration of intent the form in which the candidate's name shall be printed on the ballot. The designated name may include the candidate's given name or a shortened form of the candidate's given name or a one-word nickname customarily related to the candidate, and by which the candidate is commonly recognized. The designated name may also include an initial for the first or middle name, or both. No candidate may designate a nickname that implies that the candidate is some other person, that constitutes a slogan or otherwise associates the candidate with a cause or issue, that has an offensive or profane meaning, or that creates a perception of a professional or vocational affiliation, such as "Doc" or "Coach." ***No candidate may designate a name or nickname that includes characters other than the 26-letter English alphabet, a dash, or an apostrophe.*** A candidate shall include his or her surname in the designation of the form in which the candidate's name shall be printed on the ballot.

III. A candidate who files more than one declaration of candidacy or declaration of intent shall designate the same form of his ***or her*** name to appear on each such declaration. The same form of a candidate's name shall also appear on every primary petition and assent to candidacy.

IV. If the appropriate official with whom the declaration of candidacy, declaration of intent, primary petitions, or assents to candidacy are filed does not accept them and returns them to the candidate because in the opinion of the official they do not conform to the provisions of this section, the candidate may appeal to the ballot law commission as provided in RSA 665:9.

2014-0312s

AMENDED ANALYSIS

This bill requires that a name or nickname on a ballot not include characters other than the 26-letter English alphabet, a dash, or an apostrophe.

This bill was requested by the department of state.

SB 284-FN, relative to eligibility to vote. Interim Study, Vote 5-0. Senator Pierce for the committee.

SB 284-FN provides that students paying out-of-state tuition at a college or university operated by the University System of New Hampshire or the Community College System of New Hampshire shall be considered to be claiming domicile in a state other than New Hampshire for voting purposes. The sponsor of the bill requested the committee refer the bill to interim study.

SB 301, relative to petitions to adopt or rescind the official ballot form of voting. Inexpedient to Legislate, Vote 5-0. Senator Forrester for the committee.

SB 301 would have permitted a town to prohibit for two years a petitioned warrant article for the purpose of adopting or rescinding an official ballot referendum form of government after such warrant had failed to receive a 3/5 majority vote in two successive town meetings. Although committee members could sympathize with town residents' dissatisfaction and annoyance, the committee was unanimous in preserving a voter's constitutional right to petition.

SB 332-FN, relative to the ballot law commission. Inexpedient to Legislate, Vote 5-0. Senator Lasky for the committee.

SB 332-FN would have granted the Ballot Law Commission jurisdiction over complaints that political advertising has been paid for by an organization that has failed to register or to report its receipts and expenditures as required by law. Testimony by the Attorney General's Office confirmed the Ballot Law Commission currently has a number of vacancies, and frequently lacks a quorum. Although the intent was commendable, committee members ultimately agreed the bill was impractical.

TRANSPORTATION

SB 211, relative to reporting requirements in fatal motor vehicle accident reports. Ought to Pass, Vote 5-0. Senator Rausch for the committee.

This bill was at the request of the department of safety and requires the investigating officer to provide certain information regarding a fatal accident to the department within 7 days. This will allow the department to be notified of a fatal crash when a report cannot be completed right away and this vital information can be utilized for department staffing, road safety, and timely statistical information.

SB 338-FN-A, relative to the installation of cameras in state police vehicles. Inexpedient to Legislate, Vote 5-0. Senator Watters for the committee.

This bill would have required the director of the division of state police to equip each state police vehicle with a video camera over a specific period of time. Due to funding concerns, as well as possible unintended consequences, the Committee determined that this is not the appropriate time to implement this directive.

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

REGULAR CALENDAR REPORTS**COMMERCE**

SB 288-FN, relative to auditing insurance policies under workers' compensation. Inexpedient to Legislate, Vote 4-1. Senator Sanborn for the committee.

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

Sen. Bragdon asserts Rule 6-25 on SB 288-FN.

SB 302, relative to public or private criticism of employers by employees. Inexpedient to Legislate, Vote 4-1. Senator Sanborn for the committee.

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

Sen. Bragdon is in favor of the motion of Inexpedient to Legislate on SB 302.

Sen. Bragdon asserts Rule 6-25 on SB 302.

SB 310-FN, authorizing tenant brewing. Ought to Pass, Vote 5-0. Senator Hosmer for the committee.

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

SB 329-FN, relative to advertising alcoholic beverages on billboards. Ought to Pass, Vote 4-1. Senator Pierce for the committee.

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

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

The following Senators voted Yes: Woodburn, Pierce, Cataldo, Hosmer, Sanborn, Bragdon, Gilmour, Lasky, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro.

The following Senators voted No: Forrester, Bradley, Watters, Odell, Kelly, Carson, Fuller Clark, Prescott, Stiles, Morse.

Yeas: 14 - Nays: 10

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

SB 346, relative to rectifiers. Ought to Pass with Amendment, Vote 4-1. Senator Sanborn for the committee.

Commerce

January 28, 2014

2014-0283s

03/09

Amendment to SB 346

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

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

IV. Each rectifier producing less than 10,000 9-liter cases of liquor per year may sell at retail at its facility for off-premises consumption any of its liquor. Each retail sale shall be limited to one 9-liter case or less per sale. No rectifier shall sell more than 2 9-liter cases of liquor to any one customer in any calendar year.

V. A rectifier producing less than 10,000 9-liter cases of liquor per year may provide to visitors at its facility samples of liquor for tasting. Samples shall not exceed 2 ounces, and shall not be provided to any person under 21 years of age.

VI. Each rectifier shall maintain records and prepare reports for the commission which shall indicate the sales made under paragraph IV and shall pay to the commission monthly a fee equal to 8 percent of such sales on or before the tenth day of the month following the sale.

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

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, VI**, RSA 178:8, IV, and RSA 178:26.

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

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

Recess. Out of recess.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

Sen. Hosmer, Dist. 7

Sen. Pierce, Dist. 5

February 3, 2014

2014-0381s

03/09

Floor Amendment to SB 346

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.

2014-0381s

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 Floor Amendment. Adopted.

Sen. Sanborn is in opposition to Floor Amendment 0381s on SB 346.

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

Sen. Sanborn is in opposition to the motion of Ought to Pass with Amendment on SB 346.

ENERGY AND NATURAL RESOURCES

SB 110, directing the department of environmental services to adopt rules relative to its 2009 numeric nutrient criteria for the Great Bay Estuary. Interim Study, Vote 5-0. Senator Bradley for the committee.

Sen. Bradley moved to Lay on the Table SB 110. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 220-FN, relative to the regulation of electricians by the electricians' board. Ought to Pass, Vote 4-1. Senator Cataldo for the committee.

Recess. Out of recess.

Sen. Carson offered a floor amendment.

Sen. Carson, Dist. 14

February 4, 2014

2014-0414s

10/03

Floor Amendment to SB 220-FN

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

1 Fees; Inspections. Amend RSA 319-C:6-b to read as follows:

319-C:6-b Fees. The board shall establish application fees for examination of applicants, ***fees for inspections done pursuant to RSA 319-C:5***, fees for licensure, for renewal, and for late renewal of licenses to practice under this chapter, and for transcribing and transferring records and other services. The fee for examination shall not include fees charged by and paid to an examination entity approved by the board. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year. Fees collected shall be deposited in the general fund as unrestricted revenue.

2 Licensing Requirements; Apprentice Service. Amend RSA 319-C:7, II(a) to read as follows:

(a) [~~Between 2 and 4 years~~] ***Completion of 8,000 hours of*** service as an apprentice electrician. The board may give credit toward such service for the satisfactory completion of a course of instruction in the field at a school recognized by the board; and

3 Violations; Homeowner's Exception. Amend RSA 319-C:15 to read as follows:

319-C:15 Violations; Penalty; ***Homeowner's Exception***.

I. A person shall be guilty of a misdemeanor, if a natural person, or a felony if any another person, who:

(a) Makes electrical installations without being licensed under this chapter, ***except as provided in paragraph II***;

(b) Being in the electrical business, employs an unlicensed person, other than an apprentice, to make electrical installations, unless the person or installation is exempted under this chapter;

(c) Wrongfully or fraudulently procures a license under this chapter;

(d) Violates any provision of this chapter or rule adopted by the board; or

(e) Wrongfully or fraudulently represents himself ***or herself*** as a person licensed under this chapter.

II. Nothing in this chapter shall prevent a homeowner from making electrical installations in or about a single family residence owned and occupied by him or her or to be occupied by him or her as his or her bona fide personal abode.

4 Definition; New Hampshire Building Code; NEC. Amend RSA 155-A:1, IV to read as follows:

IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code 2009, the International Existing Building Code 2009, the International Plumbing

Code 2009, the International Mechanical Code 2009, the International Energy Conservation Code 2009, and the International Residential Code 2009, as published by the International Code Council, and the National [Electric] **Electrical** Code [2011] **2014**, as amended by the state building code review board and ratified by the legislature in accordance with RSA 155-A:10. The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition.

5 Effective Date.

I. Section 4 of this act shall take effect January 1, 2015.

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

2014-0414s

AMENDED ANALYSIS

This bill clarifies apprenticeship requirements for licensure, requires a fee for inspections, and updates the reference to the National Electrical Code.

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

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

FINANCE

SB 238-FN-A, relative to restoring moneys to the department of health and human services and depositing the balance of the surplus into the revenue stabilization reserve account. Inexpedient to Legislate, Vote 4-2. Senator Odell for the committee.

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

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

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

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

Yeas: 13 - Nays: 11

Adopted.

SB 269, relative to the reporting requirements for dedicated funds. Ought to Pass with Amendment, Vote 6-0. Senator Larsen for the committee.

Senate Finance
January 28, 2014
2014-0276s
04/09

Amendment to SB 269

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

1 New Paragraph; State Treasurer; Reporting Requirements for Dedicated Funds. Amend RSA 6:12-e by inserting after paragraph III the following new paragraph:

IV. The amount of funds for each fund, account, or trust which has been expended for or diverted to a purpose other than the original purpose of the fund, account, or trust.

2 Effective Date. This act shall take effect July 1, 2015.

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 377, relative to transfers from the judicial branch to the executive or legislative branches of state government. Inexpedient to Legislate, Vote 5-0. Senator Larsen for the committee.

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

HEALTH, EDUCATION AND HUMAN SERVICES

SB 221, relative to private postsecondary career schools. Ought to Pass with Amendment, Vote 4-0. Senator Stiles for the committee.

SPECIAL ORDER

Without objection, SB 221 is Special-Ordered to next week. Adopted by the necessary 2/3 vote.

JUDICIARY

SB 317-FN, relative to trafficking in persons. Ought to Pass with Amendment, Vote 4-0. Senator Soucy for the committee.

Senate Judiciary
January 27, 2014
2014-0238s
04/03

Amendment to SB 317-FN

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

1 New Paragraph; Trafficking in Persons; Definition Added. Amend RSA 633:6 by inserting after paragraph V the following new paragraph:

VI. "Abusing or threatening abuse of law or legal process" means using or threatening to use a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, to exert pressure on another person to cause that person to take some action or refrain from taking some action.

2 Interference With Freedom; Trafficking in Persons. Amend RSA 633:7 to read as follows:

633:7 Trafficking in Persons.

I.(a) It is a class A felony to knowingly ~~[subject a person to involuntary servitude]~~ **compel a person against his or her will to perform a service or labor, including a commercial sex act or a sexually-explicit performance, for the benefit of another**, where the compulsion is accomplished by any of the following means:

- (1) Causing or threatening to cause serious harm to any person.
- (2) Confining the person unlawfully as defined in RSA 633:2, II, or threatening to so confine the person.
- (3) Abusing ~~[legal process or threatening to bring legal action against the person relating to the person's legal status or potential criminal liability]~~ **or threatening abuse of law or legal process.**
- (4) Destroying, concealing, removing, confiscating, or otherwise making unavailable to that person any actual or purported passport or other immigration document, or any other actual or purported government identification document.
- (5) Threatening to commit a crime against the person.
- (6) False promise relating to the terms and conditions of employment, education, marriage, or financial support.
- (7) Threatening to reveal any information sought to be kept concealed by the person which relates to the person's legal status or which would expose the person to criminal liability.
- (8) Facilitating or controlling the person's access to an addictive controlled substance.
- (9) Engaging in any scheme, plan, or pattern, whether overt or subtle, intended to cause the person to believe that, if he or she did not perform such labor, services, commercial sex acts, or sexually explicit performances, that such person or any person would suffer serious harm or physical restraint.
- (10) Withholding or threatening to withhold food or medication that the actor has an obligation or has promised to provide to the person.

(11) Coercing a person to engage in any of the foregoing acts by requiring such in satisfaction of a debt owed to the actor.

(b) The means listed in subparagraphs (a)(4), (a)(10), and (a)(11) are not intended to criminalize the actions of a parent or guardian who requires his or her child to perform common household chores under threat of typical parental discipline.

(c) ~~[Notwithstanding RSA 651:2, a person convicted of an offense under subparagraph I(a) involving a commercial sex act or sexually explicit performance by a victim under the age of 18 shall be subject to a minimum term of not more than 10 years and a maximum term of not more than 30 years.]~~ ***A person performs a service or labor against his or her will if the person is coerced into performing the service or labor, or if the person willingly begins to perform the service or labor but later attempts to withdraw from performance and is compelled to continue performing. The payment of a wage or salary shall not be determinative on the question of whether or not a person was compelled to perform a service or labor against his or her will.***

II. A person shall be guilty of a class A felony if such person maintains or makes available an individual under 18 years of age for the purpose of engaging the individual in a commercial sex act or sexually-explicit performance for the benefit of another. A person convicted under this paragraph shall be sentenced to a minimum term of imprisonment of not less than 10 years and a maximum term to be fixed by the court. Knowledge of the individual's actual age shall not be required as an element of this offense. Consent of the individual shall not constitute a defense to a charge under this paragraph.

III. It is a class A felony to recruit, ***entice***, harbor, transport, provide, obtain, or otherwise make available a person, knowing or believing it likely that the person will be subjected to trafficking as defined in paragraph I ***or II***. Notwithstanding RSA 651:2, a person convicted of an offense under this paragraph involving a victim under the age of 18 shall be subject to a minimum term of not ~~[more]~~ ***less*** than 10 years and a maximum to be fixed by the court, if the offender knew or believed it likely that the victim would be ~~[coerced into engaging]~~ ***involved*** in a commercial sex act or sexually-explicit performance.

~~[HH:]~~ ***IV.*** Evidence of a trafficking victim's personal sexual history ~~[or]~~, history of commercial sexual activity, ***or reputation or opinion evidence regarding the victim's past sexual behavior*** shall not be admissible at trial ***unless the evidence is:***

(a) Admitted pursuant to rule 412 of the New Hampshire rules of evidence; or

(b) Offered by the prosecution to prove a pattern of trafficking by the defendant.

V. In any investigation or prosecution for an offense under this section, the identity of the victim and the victim's family, and images of the victim and the victim's family, shall be confidential except to the extent disclosure is necessary for the purpose of investigation, prosecution, or provision of services and benefits to the victim and the victim's family, or if disclosure is required by a court order.

VI.(a) A victim under this section who was under 18 years of age at the time of the offense shall not be subject to juvenile delinquency proceeding under RSA 169-B, or prosecuted for conduct chargeable as indecent exposure and lewdness under RSA 645:1 or prostitution under RSA 645:2, where the conduct was committed as a direct result of being trafficked.

(b) An individual convicted of an offense under RSA 645:1 or RSA 645:2 for conduct committed as a direct result of being a victim of human trafficking may file a motion with the circuit court, district division, to vacate the conviction. A copy of the motion shall be provided to the agency that prosecuted the offense. After a hearing, the court may grant the request upon a finding, by clear and convincing evidence, that the defendant's participation in the offense was a direct result of being trafficked.

(c) The defendant shall not be required to provide any official documentation indicating that he or she was a victim of trafficking, but such documentation, if provided, shall create the presumption that the defendant's participation in the offense was a direct result of being a victim of trafficking.

3 New Section; Trafficking in Persons; Civil Remedy. Amend RSA 633 by inserting after section 10 the following new section:

633:11 Civil Remedy.

I. A victim may bring a civil action against a person that commits an offense under this subdivision for damages, injunctive relief, or other appropriate relief.

II. In an action under this section, the court shall award a prevailing plaintiff reasonable attorney's fees and costs.

III. An action under this section shall be commenced not later than 10 years after the date on which the victim was released from the human trafficking situation or 10 years after the date on which the victim attains 18 years of age, whichever is later.

IV. Any damages awarded to the victim under this section shall be offset by any restitution paid to the victim pursuant RSA 633:10.

V. This section shall not preclude the victim from pursuing any other remedy available to the victim under federal or state law.

4 New Subparagraph; Criminal Code; Limitations. Amend RSA 625:8, III by inserting after subparagraph (h) the following new subparagraph:

(i) For any offense under RSA 633:7, within 20 years, except where the victim was under 18 years of age when the alleged offense occurred, in which case within 20 years of the victim's eighteenth birthday.

5 New Paragraph; Prostitution and Related Offenses. Amend RSA 645:2 by inserting after paragraph IV the following new paragraph:

V. A person under 18 years of age shall not be subject to a juvenile delinquency proceeding under RSA 169-B or criminal prosecution for the commission of an offense under subparagraph I(a).

6 Victim Compensation; Eligibility. Amend RSA 21-M:8-h, I(a)(3) to read as follows:

(3) Any person who is a victim of sexual abuse and is under the age of 18 at the time the claim is filed;

(4) Any person who is a victim of human trafficking and has been tattooed with an identifying mark of human trafficking by a person who has forced him or her into trafficking.

7 Victim Compensation; Eligible Expenses. Amend RSA 21-M:8-h, V to read as follows:

V. The claimant may be reimbursed for reasonable out-of-pocket expenses, medical expenses, funeral expenses, counseling expenses, rehabilitative expenses, expenses associated with the victim's participation in post-conviction proceedings and victim-offender dialogue programs or other restorative justice programs, and lost wages directly resulting from the crime. **Claimants eligible under subparagraph I(a)(4) may be reimbursed for the costs of removing the tattoo with an identifying mark.** No reimbursement shall be paid unless the claimant has incurred reimbursable expenses of at least \$100. There shall be a \$25,000 maximum recovery per claimant per incident. If expenses paid through the victims' assistance program fund are later covered by insurance settlements, civil suit settlements, or restitution, or through any other source, the claimant shall reimburse the fund for the amount of expenses recovered.

8 Repeal. RSA 633:6, V, relative to the definition of involuntary servitude, is repealed.

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

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. Soucy.

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, Prescott, Stiles, Morse.

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

HB 426, relative to payment of costs and fees in guardianship cases. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Judiciary
January 22, 2014
2014-0165s
03/06

Amendment to HB 426

Amend the bill by replacing section 2 with the following:

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

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.

PUBLIC AND MUNICIPAL AFFAIRS

SB 120-FN, relative to political contributions and expenditures and relative to reporting by political committees. Inexpedient to Legislate, Vote 3-2. Senator Forrester for the committee.

Recess. Out of recess.

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

Sen. Pierce moved Ought to Pass.

Sen. Pierce offered a floor amendment.

Sen. Pierce, Dist. 5

Sen. Odell, Dist. 8

February 5, 2014

2014-0425s

03/05

Floor Amendment to SB 120-FN

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

1 Definitions; Political Committee. RSA 664:2, III is repealed and reenacted to read as follows:

III. "Political committee" means:

(a) Any organization of 2 or more persons that promotes the success or defeat of a candidate or candidates or measure or measures, including the political committee of a political party;

(b) Any segregated fund established by any organization the purpose of which is to promote the success or defeat of a candidate or candidates or measure or measures;

(c) Any organization that has as its major purpose to promote the success or defeat of a candidate or candidates or measure or measures and whose receipts or expenditures total \$2,500 or more in a calendar year for that purpose;

(d) Any organization that does not have as its major purpose to promote the success or defeat of a candidate or candidates or measure or measures but that makes expenditures that total \$5,000 or more in a calendar year; or

(e) Any segregated fund that is voluntarily registered with the secretary of state for the purpose of reporting its receipts and expenditures under this chapter or any organization that voluntarily registers with the secretary of state, without regard to whether such segregated fund or organization meets the receipt or expenditure thresholds described in this paragraph.

As used in this paragraph, "organization" includes, but is not limited to, one or more natural persons; entities formed under state law, except those entities qualified under section 501(c)(3) of the United States Internal Revenue Code of 1986; committees formed by a candidate, exploratory campaign, or political party; and any other association of natural persons or entities formed under state law that is not registered as a business entity.

2 Definitions; Expenditure. Amend RSA 664:2, IX to read as follows:

IX. "Expenditure" shall mean the disbursement of money or thing of value or the making of a legally binding commitment to make such a disbursement in the future *or the transfer of funds by a political*

committee to another political committee or to a candidate for the purpose of [influencing the nomination for election or election of any candidate] ***promoting the success or defeat of a candidate or candidates and measure or measures. “Expenditures” includes disbursements constituting independent expenditures, as defined in paragraph XI.*** It does not include:

(a) The candidate’s filing fee or his *or her* expenses for personal travel and subsistence;

(b) *Activity designed to encourage individuals to register to vote or to vote, if that activity or communication does not mention a clearly identified candidate;*

(c) *Any communication by any membership organization or corporation to its members or stockholders, if the primary purpose of that membership organization or corporation is not for the purpose of promoting the success or defeat of a candidate or candidates and measure or measures; or*

(d) *Any communication by any political committee member that is not made for the purpose of promoting the success or defeat of a candidate or candidates and measure or measures.*

3 Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. “Independent expenditures” means expenditures ~~[by a person, political committee, or other entity]~~ ***that pay for the development and distribution of a communication that*** expressly [advocating] ***advocates*** the election or defeat of a clearly identified candidate ***or candidates or the success or defeat of a measure or measures or pay for a communication that is functionally equivalent to express advocacy because, when taken as a whole, such communication is likely to be interpreted by a reasonable person only as advocating the election or defeat of a clearly identified candidate or candidates or the success or defeat of a measure or measures, taking into account whether the communication involved mentions a candidacy or a political party, or takes a position on a candidate’s character, qualifications, or fitness for office,*** which are made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which are not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. ~~[As used in this paragraph, “clearly identified” means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.]~~

4 New Paragraphs; Definitions. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraphs:

XVIII. “Receipts” shall mean the receipt of money or thing of value or the receipt of a legally binding commitment to receive money or thing of value in the future for the purpose of promoting the success or defeat of a candidate or candidates or a measure or measures. Receipts shall not include amounts received by a political committee in commercial transactions in the ordinary course of any trade or business conducted by the political committee or in the form of investments in the political committee or amounts received by the political committee from payors who, at the time of payment, prohibited, in writing, the use of the payment as an expenditure.

XIX. “Segregated fund” shall mean a segregated account of money that consists of funds that were paid directly to such account by persons other than the covered political committee that controls the account from which only expenditures defined in paragraph IX are made.

XX. “Clearly identified candidate” shall mean that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

5 Registration of Political Committees. Amend RSA 664:3, I to read as follows:

I. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. ***A political committee may register for an election cycle at any time after the final report is due following the then-most-recent general election.*** The ~~[committee shall register with]~~ ***committee’s registration shall be received*** by the secretary of state not later than ~~[24]~~ ***48*** hours after ~~[receiving any contribution in excess of \$500 or before making any expenditure in excess of \$500; but in no event later than 14 days after the formation of the committee]~~ ***the committee meets at least one of the criteria under RSA 664:2, III. The registration shall be accompanied by an itemized statement of the receipts and expenditures, if any, made by the political committee in the election cycle prior to registration. Such itemization shall be made pursuant to the manner set forth in RSA 664:6.*** The

registration shall **also** be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the general fund; provided, however, that the political committee of a candidate ~~[which]~~ **that** registers under this section shall not be required to pay the \$50 fee. Each political committee shall designate a treasurer or agent who is a citizen of this state and who is authorized to receive all process and other legal documents on behalf of the political committee, and through whom may be obtained access to all books and records of the political committee. The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures ~~[in support of or in opposition to any candidate including]~~. **The registration shall also include** a statement of the name, address, occupation, and principal place of business of its chairperson and treasurer or agent, and the names and addresses of other officers. The committee shall file an amendment to its registration within 14 days of any change in the officers or purpose of the committee.

6 New Paragraph; Registration of Political Committees. Amend RSA 664:3 by inserting after paragraph IV the following new paragraph:

V. Any political committee that is exempt from taxation under sections 501(c)(4), 501(c)(5), or 501(c)(6) of the United States Internal Revenue Code of 1986 may disclose, but shall not be required to disclose in its itemized statement of receipts, the identity of its donors.

7 Reporting by Political Committee. Amend RSA 664:6, I to read as follows:

I. Any political committee whose receipts or expenditures ~~[in support of a candidate, measure, or political party]~~ exceed \$500 except, for the purposes of this paragraph only, the political committee of a political party or the political committee of a candidate, shall file with the secretary of state an itemized statement **in the form prescribed by the secretary of state**, signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name and ~~[home post office]~~ **postal** address of the contributor in alphabetical order and the amount of the contribution, the date it was received, and the aggregate total for each election for each contributor of over \$100. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. All receipts of \$25 or under shall appear on the statements as unitemized receipts. Any listing ~~[which]~~ **that** exceeds an individual's aggregate total of \$100 for each election shall be accompanied by the contributor's occupation including official job title, the name of the contributor's employer, and the city or town of the contributor's principal place of business, if any. The statement shall also show each committee expenditure **exceeding \$25** with the full name and ~~[city or town of persons, corporations, committees, or to whomever paid or to be paid]~~ **postal address of the payee or promise of payment**, the date paid **or obligated**, and the election for which the expenditure was made, with the specific nature and amount of each expenditure since the date of the registration.

8 Reporting by Political Committee. Amend RSA 664:6, II-a to read as follows:

II-a. A political committee shall file a statement in the same form as in paragraph I with the secretary of state not later than the Wednesday immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the statements under paragraphs I and II if such statements are filed and itemize all receipts and expenditures since the cutoff of the statement under paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within ~~[24]~~ **48** hours of any contribution exceeding \$500 ~~[which]~~ **that** is received after the statement under this paragraph is filed and prior to the day of election.

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

IV-a. Any political committee whose independent expenditures, in aggregate, exceed \$500 shall file an itemized statement with the secretary of state **which shall be received by the secretary of state** not later than ~~[24]~~ **48** hours after such expenditures are made, and thereafter each time a further \$500 is expended. Such itemized statements shall cover the period during which independent expenditures totaling \$500 were made. Each statement shall include a certification by **the chairman of** the political committee that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each **independent** expenditure was made; the amount of each expenditure; the purpose of each expenditure, and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or ~~[to oppose]~~ **in opposition to** more

than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement ~~[which]~~ *that* reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

10 New Paragraph; Reporting by Political Committee. Amend RSA 664:6 by inserting after paragraph VIII the following new paragraph:

IX. Any political committee that is exempt from taxation under sections 501(c)(4), 501(c)(5), or 501(c)(6) of the United States Internal Revenue Code of 1986 may disclose, but shall not be required to disclose in its itemized statement of receipts, the identity of its donors.

11 New Paragraphs; Penalties. Amend RSA 664:21 by inserting after paragraph VI the following new paragraphs:

VII.(a) A political committee other than a political committee of a candidate that fails to register in accordance with RSA 664:3 shall be subject to a fine up to 25 percent of the total amount of independent expenditures made during the period from the date the political committee was required to register to the date the political committee registered.

(b) A political committee that fails to report independent expenditures in accordance with RSA 664:6, IV-a shall be subject to a fine up to 25 percent of the total amount of independent expenditures not reported or reported late.

VIII. Any person who willfully makes and subscribes to any statement filed under this chapter that he or she does not believe to be true and correct as to every material matter shall be guilty of false swearing under RSA 641:2.

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

2014-0425s

AMENDED ANALYSIS

This bill:

I. Modifies the definitions of "political committee," "expenditure," and "independent expenditure" and establishes a definition of "receipts."

II. Modifies registration and reporting requirements for political committees.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

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

The following Senators voted No: Sanborn, Boutin, Rausch, Morse.

Yeas: 19 - Nays: 4

Adopted.

Sen. Boutin is in opposition to Floor Amendment 0425s on SB 120-FN.

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

Sens. Boutin and Sanborn are in opposition to the motion of Ought to Pass with Amendment on SB 120-FN.

WAYS AND MEANS

SB 366-FN-A-L, relative to video lottery and table gaming. Ought to Pass with Amendment, Vote 4-1. Senator D'Allesandro for the committee.

Sen. D'Allesandro moved to Lay on the Table SB 366-FN-A-L. Adopted.

COMMERCE

SB 306, establishing a commission to study New Hampshire mortgage foreclosure law, new federal regulations, and fair foreclosure practices. Ought to Pass with Amendment, Vote 5-0. Senator Hosmer for the committee.

Commerce

January 28, 2014

2014-0284s

05/04

Amendment to SB 306

Amend RSA 479:21-a, I as inserted by section 1 of the bill by replacing it with the following:

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

- (a) One member of the senate, appointed by the senate president.
- (b) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (c) One representative from New Hampshire Legal Assistance, appointed by that organization, who shall be entitled to 2 votes on all matters before the commission.
- (d) One representative of the Mortgage Bankers and Brokers Association of New Hampshire, appointed by the association.
- (e) Two representatives of the New Hampshire Bankers Association, appointed by the association.
- (f) One representative of the New Hampshire Credit Union League, appointed by that organization.
- (g) One professional mortgage and/or housing counselor who works in the field of mortgage remediation, appointed by the governor.
- (h) The commissioner of the New Hampshire banking department, or designee.

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

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 9

Sen. Bradley, Dist. 3

February 6, 2014

2014-0434s

05/04

Floor Amendment to SB 306

Amend RSA 479:21-a, I as inserted by section 1 of the bill by replacing it with the following:

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

- (a) One member of the senate, appointed by the senate president.
- (b) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (c) One representative from New Hampshire Legal Assistance, appointed by that organization.
- (d) One representative of the Mortgage Bankers and Brokers Association of New Hampshire, appointed by the association.
- (e) Two representatives of the New Hampshire Bankers Association, appointed by the association.
- (f) One representative of the New Hampshire Credit Union League, appointed by that organization.
- (g) One professional mortgage and/or housing counselor who works in the field of mortgage remediation, appointed by the governor.
- (h) The commissioner of the New Hampshire banking department, or designee.

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

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

PUBLIC AND MUNICIPAL AFFAIRS

SB 271, relative to retention of challenge affidavits. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

Public and Municipal Affairs

January 30, 2014

2014-0318s

03/01

Amendment to SB 271

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

AN ACT relative to retention of voter affidavits and identity verification.

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

2 Qualified Voter Affidavit. Amend RSA 654:12, I(a) to read as follows:

(a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a qualified voter affidavit, or any other reasonable documentation which indicates the applicant is a United States citizen. The qualified voter affidavit shall be in the following form, and shall be retained in accordance with RSA 33-A:3-a:

Date: _____

QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

Name: _____

Name at birth if different: _____

Place of birth: _____

Date of birth: _____

Date and Place of Naturalization: _____

Domicile Address: _____

Mailing Address (if different): _____

Telephone number (requested but optional) _____

Email address (requested but optional) _____

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not in possession of some or all of the documents necessary to prove my identity, citizenship, and age and that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward), that I am a United States citizen, that I am at least 18 years of age as of this date or will be at the next election, and that to the best of my knowledge and belief the information above is true and correct.

(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

This affidavit was executed for purposes of proving (check all that apply):

☐ Identity

☐ Citizenship

☐ Age

Notary Public/Justice of the Peace/
Official Authorized by RSA 659:30

3 Domicile Affidavit. Amend RSA 654:12, I(c) to read as follows:

(c) DOMICILE. Any reasonable documentation which indicates that the applicant has a domicile and intends to maintain a domicile, as defined in this chapter, in the town, city, or ward in which he or she desires to vote, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, an affidavit in the following form, which shall be retained in accordance with RSA 33-A:3-a:

DOMICILE AFFIDAVIT

Date: _____

Name: _____

Current Domicile Address: _____

Street Ward Number

Town or City Zip Code

Current Mailing Address (if different): _____

Street Ward Number

Town or City Zip Code

Telephone number (requested but optional) _____

Email address (requested but optional) _____

Date when current domicile was established: Month: ____ Year: ____

Place and date of birth: _____

Address of last previous domicile: _____

Street Ward Number

Town or City Zip Code

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not currently in possession of necessary documents to prove my domicile and that my established domicile is at the current domicile address I have entered above. I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other city/town, and that to the best of my knowledge and belief the information above is true and correct.

(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized),

(known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

4 Identity Verification. Amend RSA 654:12, V(b) to read as follows:

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at any ***presidential primary or regularly scheduled state primary or general*** election as a first-time election day registrant in New Hampshire who also did not verify his or her identity with an approved photo identification. The letter shall be mailed ~~[within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election]~~ ***by January 10 in every odd-numbered year***. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present photo identification registered or registered and voted using his or her name and address and instruct the person to return the letter within 45 days with a written confirmation that the person registered and voted or to contact the attorney general immediately if he or she did not register and vote. Any voter under a protective order pursuant to RSA 173-B, and whose name does not appear on the checklist as provided under RSA 654:25, shall not be subject to the provisions of paragraph V.

5 Identity Verification. Amend RSA 659:13, IV(a) to read as follows:

IV.(a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter ***in a presidential primary or regularly scheduled state primary or general election*** who executed a challenged voter affidavit in accordance with paragraph I. The letter shall be mailed ~~[within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election]~~ ***by January 10 in every odd-numbered year***. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the letter within 90 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. The letter shall also inform the person of the procedure for obtaining a free nondriver's picture identification card for voting purposes.

6 Identity Verification; Prospective Version. Amend RSA 659:13, IV(a) to read as follows:

IV.(a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter ***in a presidential primary or regularly scheduled state primary or general election*** who executed a challenged voter affidavit or affidavit of religious exemption in accordance with paragraph I, unless the same person is sent letter of identity verification pursuant to RSA 654:12, V(b). The letter shall be mailed ~~[within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election]~~ ***by January 10 in every odd-numbered year***. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the letter within 30 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. The letter shall also inform the person of the procedure for obtaining a free nondriver's picture identification card for voting purposes.

7 Challenged Voter Affidavit. Amend RSA 659:27, II to read as follows:

II. Upon receipt of a written challenge, the moderator shall determine if the challenge to the ballot is well grounded. If the moderator determines that the challenge is well grounded, the moderator shall not receive the vote of the person so challenged until the person signs and gives to the moderator an affidavit in the following form: I, _____, do solemnly swear (or affirm) under penalties of voter fraud, that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward),

and have a legal domicile therein. ***My telephone number (requested but optional) is _____, and my email address (requested but optional) is _____.*** If the moderator determines that the challenge is not well grounded, the moderator shall permit the voter to proceed to vote.

8 Effective Date.

I. Section 6 of this act shall take effect September 1, 2015, at 12:02 a.m.

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

2014-0318s

AMENDED ANALYSIS

This bill:

I. Requires that all voter challenge affidavits be retained for at least 22 months after the election.

II. Allows voters the option of providing a telephone number and email address on a qualified voter affidavit, domicile affidavit, or challenged voter affidavit.

III. Limits the identity verification letter requirement to persons registering at a presidential primary or regularly scheduled state primary or general election, and requires that identity verification letters be mailed by January 10 in odd-numbered years.

IV. Was requested by the department of state.

The Chair ruled Committee Amendment 0318s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 0318s to SB 271. 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.

TRANSPORTATION

SB 321, relative to motorist service signs. Ought to Pass with Amendment, Vote 5-0. Senator Gilmour for the committee.

Recess. Out of recess.

Senate Transportation

January 28, 2014

2014-0278s

03/05

Amendment to SB 321

Amend the bill by replacing section 1 with the following:

1 Motorist Service Signing Program; Fees. Amend RSA 230:49 to read as follows:

230:49 Motorist Service Signing Program Established; Signs.

I. The location of essential motorist services, including food, fuel, lodging, camping, and attractions, on connecting service roads within 3 miles of the intersection with the limited access highway, within 5 miles for a campground, within 20 miles for an attraction, or within 1 mile of the intersection in urban compact areas, may be indicated to users of the limited access facility by appropriate signs, the specifications of which shall be determined by the commissioner of transportation. The distance specified shall be measured by computing the travel length from the terminal of an exit ramp to the nearest point along the public highway where the nearest existing driveway entrance to the service is reached. ***Motorist service signs may be placed in advance of intersections on limited access highways in the region from the Massachusetts border to the northern city limits of Concord and Rochester.***

II. Signs permitted under paragraph I may be rented for a fee established by rules adopted by the commissioner of transportation pursuant to RSA 541-A. ~~[The amount of the fee charged to any participant shall be reasonable and equitable and not exceed a fair portion of the full cost of administering the motorist service signing program, including labor, equipment, maintenance, and material costs for state and contract services.]~~

Alternatively, the commissioner may contract with a private entity to administer the program; fees shall be in accordance with the contract and forwarded to the commissioner by the administering entity. The sum of the fees collected shall be sufficient to ensure the motorist service sign program is self-supporting. ***Any excess revenues shall be placed in the highway fund.***

2014-0278s

AMENDED ANALYSIS

This bill authorizes motorist service signs in advance of intersections on limited access highways between the Massachusetts border and Concord and Rochester. This bill also authorizes the commissioner of transportation to contract with a private entity to administer the motorist service signing program and eliminates restrictions on fees charged to participants.

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).

Recess. Out of recess.

HOUSE MESSAGE

The Clerk read the following House Message:

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

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

Recess to meet in Joint Convention. Out of recess.

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 120-FN, relative to political contributions and expenditures and relative to reporting by political committees.

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

SB 269, relative to the reporting requirements for dedicated funds.

SB 271, relative to retention of challenge affidavits.

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

SB 291, relative to distribution of seedling trees for educational purposes.

SB 306, establishing a commission to study New Hampshire mortgage foreclosure law, new federal regulations, and fair foreclosure practices.

SB 310, authorizing tenant brewing.

SB 317-FN, relative to trafficking in persons.

SB 346, relative to rectifiers.

HB 426, relative to payment of costs and fees in guardianship cases.

LIST OF RULE 6-25'S FOR THE DAY

Sen. Bragdon: SB 288, SB 302, SB 342.

ANNOUNCEMENTS

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise to talk about the fact that losing a child, or losing a grandchild, is a terrible, terrible devastating situation. We lost a young woman 13 years of age in Manchester last week. Maggie Philbrick passed away at the age of 13. One year ago Maggie was in good health - came home one day, had a strain of cancer that is very rare and very, very difficult to treat. Maggie's grandmother, Ruthie Byrne, was a colleague of my wife's at Verizon. They were good friends for a long, long period of time - Ruthie Byrne, the grandmother, again, a close friend of ours. Maggie Philbrick was a young woman, just like any young kid - all of a sudden gets sick and, as her mother says, she's amazing in that she was very happy and she left a legend, she left a legacy. And that legacy was appearing on a video and syncing the song, *Roar*, by singer Katie Perry. She made people roar, and hundreds of thousands of people watched the video. Hundreds of thousands of people.

There's a fund being developed now to raise money in her memory. You can go to it on-line and we have made a contribution to it. But I think the amazing thing is, is this: have to recognize how fragile life is, how fragile it is. And those of us - our children, our grandchildren - we're blessed with them and when we lose one it's a devastating thing because it shouldn't happen that way. It just shouldn't happen that way. So our love and affection to the family, our deepest sympathy to the family, but more important let's learn a lesson from this little 13 year old child that life's worth living, every moment of it is worth living, and let's give our best to make sure that we are our best in preserving the legacy of this child.

Thank you, Mister President.

Without objection all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17)

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.