

February 13, 2014
Nos. 3-4

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 – FEBRUARY 6, 2014 SESSION
COMMENCEMENT – FEBRUARY 13, 2014 SESSION**

SENATE JOURNAL 3 *(continued)*

February 6, 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

14-2625

SB 218-FN-LOCAL, relative to group I retirement system membership for all members hired on or after July 1, 2014. (Reagan, Dist 17; D. McGuire, Merr 21; (Executive Departments and Administration)

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 227, relative to property and casualty insurance.

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.

HB 1108-FN, 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 1124, relative to the adoption of zoning ordinances in towns that use official ballot voting.

HB 1168, relative to employer documentation of worker eligibility to work in the United States.

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 1203, repealing provisions relative to the sale of the former Laconia state school property.

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

HB 1279, relative to compliance with 2012 National Defense Authorization Act.

HB 1280, permitting physician assistants to authorize walking disability plates and placards.

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

HB 1334, relative to contributions to charities by employees.

HB 1335-FN, establishing a committee to study the university system of New Hampshire's purchasing process and practices and their effect on the New Hampshire economy.

HB 1371, relative to grading and improving subdivision streets.

HB 1613, relative to payment of the Medicaid enhancement tax.

HOUSE MESSAGE

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

SB 3-FN, eliminating certain ramp tolls on the Everett turnpike in the town of Merrimack.

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 4

February 13, 2014

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

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

Sen. Pierce led the Pledge of Allegiance.

FN REPORT FOR FEBRUARY 13, 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 330-FN, relative to apportionment under the business profits tax of taxable income from mutual fund sales.

SB 402-FN, relative to insurance coverage for pediatric vision screenings.

EXECUTIVE DEPARTMENT AND ADMINISTRATION

SB 205-FN, requiring the department of health and human services to license supervised visitation centers.

JUDICIARY

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

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

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

SB 240-FN, relative to a reduced fee on OHRV registrations for persons who are members of an OHRV club. Removed by Sen. Bragdon.

Sen. Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all 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 290, authorizing credit unions to provide group accidental death and dismemberment insurance. Ought to Pass, Vote 5-0. Senator Hosmer for the committee.

This bill authorizes credit unions to provide group accidental death and dismemberment insurance. This is a technical correction bill. Rules have been updated more recently than statute and this will bring the two in line in order to allow a practice that has been happening for years.

SB 330-FN, relative to apportionment under the business profits tax of taxable income from mutual fund sales. Inexpedient to Legislate, Vote 5-0. Senator Hosmer for the committee.

The Committee believes that this is an important issue worthy of future debate but this specific bill is not ready to address this very complicated tax policy change.

SB 402-FN, relative to insurance coverage for pediatric vision screenings. Inexpedient to Legislate, Vote 5-0. Senator Pierce for the committee.

Pediatric vision screenings have been recognized to be an important aspect of a well-rounded health care plan. This bill would have required insurance carriers to cover the cost of a very specific set of sub-services in this area. The carriers have agreed to cover this sub-service, so there is no longer any call for this legislation.

JUDICIARY

SB 260-FN, permitting electronic signatures on criminal complaints for certain offenses. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

This bill enables both the Department of Safety and the Judicial Branch to continue with greater efficiency the filing of electronic documents to further the expansion of the e-court project.

SB 262-FN, revising the form for “summons instead of arrest” and prohibiting attachments in small claims actions. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Section 1 of the bill deals with the right of a defendant to legal counsel; sections 2 through 6 removes attachments in the litigation of small claims cases.

Senate Judiciary
February 5, 2014
2014-0417s
04/09

Amendment to SB 262-FN

Amend the bill by replacing section 7 with the following:

7 Effective Date.

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

II. The remainder of this act shall take effect July 1, 2015.

WAYS AND MEANS

SB 304-L, relative to the valuation of property for purposes of agreements for payments in lieu of taxes. Inexpedient to Legislate, Vote 5-0. Senator Hosmer for the committee.

The prime sponsor asked that this bill be voted inexpedient to legislate as he will instead be working to address the issues outlined in this bill through HB1549, which he believes offers a better solution.

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

REGULAR CALENDAR REPORTS

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 205-FN, requiring the department of health and human services to license supervised visitation centers. Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

Senate Executive Departments and Administration
January 29, 2014
2014-0293s
05/01

Amendment to SB 205-FN

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

AN ACT relative to the use of metal detection devices at supervised visitation centers and establishing a commission to study supervised visitation centers.

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

1 Protection of Persons from Domestic Violence; Temporary Relief; Visitation. Amend RSA 173-B:4, I(a)(5) to read as follows:

(5) Denying the defendant visitation, **ordering that visitation shall take place only at a supervised visitation center that uses a metal detection device and has trained security personnel on-site**, ordering that visitation shall be supervised, or ordering a specific visitation schedule. Visitation shall only be ordered on an ex parte basis where such order can be entered consistent with the following requirements. In determining whether visitation can be safely ordered, the court shall consider the following factors:

(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.

(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation **or by ordering supervised visitation at a center that uses a metal detection device and has trained security personnel on-site**.

(C) Whether visitation can be ordered without requiring the plaintiff and defendant to have contact regarding the exchange of children.

2 Protection of Persons from Domestic Violence; Relief; Visitation. Amend RSA 173-B:5, I(b)(6) to read as follows:

(6) Establishing visitation rights with regard to the parties' minor children. The court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children. This may include orders denying visitation, [or] requiring supervised visitation **that shall take place only at a visitation center that uses a metal detection device and has trained security personnel on-site, or requiring supervised visitation**, where such order can be entered consistent with the following requirements. In determining whether visitation shall be granted, the court shall consider whether visitation can be exercised by the non-custodial parent without risk to the plaintiff's or children's safety. In making such determination, the court shall consider, in addition to any other relevant factors, the following:

(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.

(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation **or by ordering supervised visitation at a center that uses a metal detection device and has trained security personnel on-site**.

(C) Whether visitation can be ordered without requiring the plaintiff and defendant to have contact regarding the exchange of children.

3 New Paragraph; Parental Rights and Responsibilities; Supervised Visitation. Amend RSA 461-A:4 by inserting after paragraph IV the following new paragraph:

V. If the court orders supervised visitation, it may order that such visitation shall take place only at a visitation center that uses a metal detection device and has trained security personnel on-site.

4 New Section; Protection of Persons from Domestic Violence; Commission to Study Supervised Visitation Centers. Amend RSA 173-B by inserting after section 25 the following new section:

173-B:26 Commission to Study Supervised Visitation Centers. There is established a commission to study supervised visitation centers.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the criminal justice and public safety committee, one of whom shall be a member of the children and family law committee, and one of whom shall be a member of the executive departments and administration committee.

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

(c) The commissioner of the department of health and human services, or designee.

(d) A representative from the department of justice, appointed by the attorney general.

(e) A representative from the circuit court, appointed by the circuit court administrative judge.

(f) A representative from the New Hampshire Association of Chiefs of Police, appointed by the president.

(g) A representative from the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by the executive director;

(h) A representative from the New Hampshire Court Appointed Special Advocates, appointed by the executive director.

(i) A member of the guardian ad litem board, appointed by the chairperson.

II. 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:

(a) The availability of supervised visitation centers throughout the state, the range of services offered, and extent to which there is an unmet need for services in the state.

(b) The criteria used by the courts and the division of children, youth and families (DCYF) to determine whether supervised visitation should be required in any particular case and, if required, when supervised visitation is no longer necessary.

(c) The policies and procedures currently in place at visitation centers to ensure the safety of staff and clients, to include those addressing intake and screening, security, and training and qualification of staff, and whether those policies and procedures are consistent with best practices in the field.

(d) Whether supervised visitation centers should be licensed.

IV. The commission shall solicit information from current providers of visitation services, including county-based programs, private centers, and non-profit programs, and may solicit advice and input from any individual, agency, or organization with information or expertise relevant to the commission's duties.

V. Commission members shall be appointed within 30 days after the effective date of this section.

VI. 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 15 days after all members have been appointed. A majority of the members of the commission shall constitute a quorum.

VII. 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.

5 Repeal. RSA 173-B:26, relative to the commission to study supervised visitation centers, is repealed.

6 Effective Date.

I. Section 5 of this act shall take effect November 1, 2014.

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

2014-0293s

AMENDED ANALYSIS

This bill provides that the court may limit visitation to supervised visitation centers that use metal detection devices and have trained security personnel on-site. The bill also establishes a commission to study supervised visitation centers.

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.

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.

Health, Education and Human Services
 January 28, 2014
 2014-0274s
 04/01

Amendment to SB 221

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

AN ACT relative to private postsecondary career schools and relative to the authority of the board of barbering, cosmetology, and esthetics.

Amend RSA 188-G:1, II as inserted by section 3 of the bill by inserting after subparagraph (i) the following new subparagraph:

(j) Entities that license software, the content of which is focused on training or education, if the entity:

(1) Is primarily engaged in the business of licensing software;

(2) Licenses its software primarily to other legal entities, and not directly to an end user or individual student;

(3) Does not confer degrees, diplomas, continuing education units, or any other form of credit in connection with the software it licenses;

(4) Is not accredited and does not seek accreditation in connection with the software it licenses or the content it offers; and

(5) Does not offer an admissions process, financial aid, career advice, or job placement in connection with the software it licenses.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Board of Barbering, Cosmetology, and Esthetics; Duties. Amend RSA 313-A:7 to read as follows:

313-A:7 Duties.

I. The board shall:

[I-] **(a)** Prescribe the duties of its officers and employees, which shall be at all times subject to the direction and supervision of the department of health and human services;

[II-] **(b)** Establish a principal office, at which all records and files of the board shall be kept;

[II-a-] **(c)** Maintain a telephone line or an electronic mail address for the purpose of accepting consumer complaints;

[III-] **(d)** Keep a record of its proceedings;

[IV-] **(e)** Report to proper prosecuting officers all violations of this chapter coming within its knowledge;

[V-] **(f)** Make a written report biennially to the governor and council containing a full and complete account of all its official acts during the biennium, together with a statement of receipts and disbursements and such comments as it deems necessary; and

[VI-] **(g)** Establish fees for examination of applicants, for licenses, and for renewal of licenses to practice under this chapter and for transcribing and transferring records and other services.

II. The board may license a school to operate postsecondary programs, including postsecondary programs leading to a certificate in barbering, cosmetology, or esthetics.

Amend the bill by replacing section 6 with the following:

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

2014-0274s

AMENDED ANALYSIS

This bill authorizes the higher education commission to regulate and adopt rules for private postsecondary career schools, amends the definition of a private postsecondary career school and the exceptions from that definition, and authorizes the higher education commission to adopt rules to establish fees for consultants,

investigations of complaints, and other enforcement actions relating to the administration of private postsecondary career schools. The bill also authorizes the board of barbering, cosmetology, and esthetics to license a school to operate postsecondary programs, including postsecondary programs leading to a certificate in barbering, cosmetology, or esthetics.

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

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist. 24

February 11, 2014

2014-0509s

04/01

Floor Amendment to SB 221

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

AN ACT relative to private postsecondary career schools and relative to the authority of the board of barbering, cosmetology, and esthetics.

Amend RSA 188-G:1, I as inserted by section 3 of the bill by replacing it with the following:

I. In this chapter:

(a) "Alternative delivery" means a mode of instruction which does not involve face-to-face instruction between instructor and student in the same geographic location. This mode of instruction shall include Internet, televised, video, telephonic, and correspondence media.

(b) "Conference" or "seminar" means a scheduled meeting of 2 or more persons for discussing matters of common concern and where, if training or education is offered, it shall be incidental to the purpose of the conference.

(c) "Commission" means the higher education commission established in RSA 21-N:8-a, II.

(d) "Commissioner" means the commissioner of the department of education.

(e) "Director" means the director of the division of higher education in the department of education.

(f) "Division" means the department of education, division of higher education.

(g) "Entity" means any individual, firm, partnership, association, company, corporation, organization, trust, school, or other legal entity or combination of these entities.

(h) "Physical presence" means a physical location for instructional purposes, maintaining an administrative office, including a mailing address or phone number, or face-to-face advising, mentoring, supervision, testing, or instruction taking place in New Hampshire.

(i) "Private postsecondary career school" means any for-profit or nonprofit postsecondary career entity maintaining a physical presence in this state providing education or training for tuition or a fee that enhances a person's occupational skills, or provides continuing education or certification, or fulfills a training or education requirement in one's employment, career, trade, profession, or occupation. Schools that offer resident or nonresident programs, including programs using modes of alternative delivery, beyond the secondary school level to an entity shall be included in this definition regardless of the fact that the school's tuition and fees from education and training programs constitute only a part of the school's revenue.

(j) "Workshop" means a brief, intensive education or training program that focuses on developing techniques and skills in a particular area.

Amend RSA 188-G:1, II(h)-(i) as inserted by section 3 of the bill by replacing them with the following:

(h) Entities that offer training at seminars, workshops, or conferences, if:

(1) Any training or education offered is incidental to the purpose of the seminar, workshop, or conference; and

(2) The attendee receiving the training is not awarded any form of a certificate, diploma, or credit including continuing education units for having received the training.

(i) An entity training students under 14 C.F.R. part 91 or 14 C.F.R. part 141, or receiving flight or ground instruction required by the Federal Aviation Administration.

(j) Entities that license software, the content of which is focused on training or education, if the entity:

(1) Is primarily engaged in the business of licensing software;

(2) Licenses its software primarily to other legal entities, and not directly to an end user or individual student;

(3) Does not confer degrees, diplomas, continuing education units, or any other form of credit in connection with the software it licenses;

(4) Is not accredited and does not seek accreditation in connection with the software it licenses or the content it offers; and

(5) Does not offer an admissions process, financial aid, career advice, or job placement in connection with the software it licenses.

(k) Entities offering only training courses at a total cost, including tuition and all other fees and charges, of not more than \$800 per course for which no payment, including a deposit, is required or collected prior to the first day of the course. This subparagraph shall not apply to entities that use alternative delivery methods.

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

5 Board of Barbering, Cosmetology, and Esthetics; Duties. Amend RSA 313-A:7 to read as follows:

313-A:7 Duties.

I. The board shall:

[F:] **(a)** Prescribe the duties of its officers and employees, which shall be at all times subject to the direction and supervision of the department of health and human services;

[H:] **(b)** Establish a principal office, at which all records and files of the board shall be kept;

[H-a:] **(c)** Maintain a telephone line or an electronic mail address for the purpose of accepting consumer complaints;

[H:] **(d)** Keep a record of its proceedings;

[FV:] **(e)** Report to proper prosecuting officers all violations of this chapter coming within its knowledge;

[V:] **(f)** Make a written report biennially to the governor and council containing a full and complete account of all its official acts during the biennium, together with a statement of receipts and disbursements and such comments as it deems necessary; and

[VI:] **(g)** Establish fees for examination of applicants, for licenses, and for renewal of licenses to practice under this chapter and for transcribing and transferring records and other services.

II. The board may license a school to operate postsecondary programs, including postsecondary programs leading to a certificate in barbering, cosmetology, or esthetics.

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

2014-0509s

AMENDED ANALYSIS

This bill authorizes the higher education commission to regulate and adopt rules for private postsecondary career schools, amends the definition of a private postsecondary career school and the exceptions from that definition, and authorizes the higher education commission to adopt rules to establish fees for consultants, investigations of complaints, and other enforcement actions relating to the administration of private postsecondary career schools. The bill also authorizes the board of barbering, cosmetology, and esthetics to license a school to operate postsecondary programs, including postsecondary programs leading to a certificate in barbering, cosmetology, or esthetics.

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.

SB 229, relative to the use and disclosure of protected health information. 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.

SB 254, relative to the governor's commission on alcohol and drug abuse prevention, intervention, and treatment. Ought to Pass with Amendment, Vote 3-0. Senator Reagan for the committee.

Health, Education and Human Services
February 4, 2014
2014-0406s
05/03

Amendment to SB 254

Amend RSA 12-J:1, I as inserted by section 2 of the bill by replacing it with the following:

I. ~~[Six]~~ **Seven** public members, appointed by the governor and council, 2 of whom shall be professionals knowledgeable about alcohol and drug abuse prevention; 2 of whom shall be professionals knowledgeable about alcohol and drug abuse treatment~~[-and];~~ 2 of whom shall be public members who are not professionals within the alcohol and drug addiction prevention and treatment system; **and a member in long-term recovery**. The members appointed pursuant to this paragraph shall serve 3-year terms; provided that initially 2 members shall serve for one year, 2 members shall serve for 2 years, and 2 members shall serve for 3 years.

Amend RSA 12-J:2, I as inserted by section 2 of the bill by replacing it with the following:

I. The governor and council shall designate a member of the commission to serve as chairperson. The executive director of the commission shall be the director of the appropriate division responsible for alcohol and drug abuse prevention and recovery, who shall serve without additional compensation. **Twelve members of the commission shall constitute a quorum.**

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 309, relative to the New Hampshire vaccine association. Ought to Pass, Vote 3-0. 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.

SB 348, establishing a commission to study sexual abuse prevention education in elementary and secondary schools. Ought to Pass with Amendment, Vote 3-0. Senator Gilmour for the committee.

Health, Education and Human Services
February 4, 2014
2014-0408s
04/08

Amendment to SB 348

Amend RSA 189:65, I(a) as inserted by section 1 of the bill by replacing it with the following:

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

Amend RSA 189:65, IV as inserted by section 1 of the bill by replacing it with the following:

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

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

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

Recess. Out of recess.

INTRODUCTION OF GUESTS

Sen. Soucy introduced Becky Raines, mother of Joshua Savyon, visiting in the balcony today.

JUDICIARY

SB 318-FN, establishing the crime of domestic violence. Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

Senate Judiciary
February 4, 2014
2014-0411s
05/10

Amendment to SB 318-FN

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-9 to read as 2-10, respectively:

1 Name of Act. This act shall be known as "Joshua's law."

Amend the bill by replacing all after section 9 with the following:

10 New Paragraph; Stalking. Amend RSA 633:3-a by inserting after paragraph VII the following new paragraph:

VIII. Upon proof that the victim and defendant were intimate partners or family or household members, as those terms are defined in RSA 631:2-b, III, a conviction under this section shall be recorded as "Stalking – Domestic Violence."

11 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.

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

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.

Recess. Out of recess.

Sen. D'Allesandro moved to remove HB 186 from the table. Adopted.

Sen. Bragdon asserts Rule 6-25 on HB 186.

FINANCE

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

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

Sen. Bradley moved to Recommit to Committee HB 186. Adopted.

Sen. Bragdon asserts Rule 6-25 on HB 186.

PUBLIC AND MUNICIPAL AFFAIRS

SB 275, relative to refusal to certify an absentee ballot application. Ought to Pass with Amendment, Vote 3-0. Senator Forrester for the committee.

Public and Municipal Affairs
February 6, 2014
2014-0439s
03/05

Amendment to SB 275

Amend the bill by replacing section 1 with the following:

1 Refusal to Certify Absentee Ballot Application. Amend RSA 657:16 to read as follows:

657:16 Refusal to Certify; Procedure. If he or she refuses to certify the application, the town or city clerk shall notify the applicant in writing within 7 days to that effect. The town or city clerk shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted unless the applicant submits the documents necessary to complete an absentee registration. The applicant shall be advised in writing what documents, if any, have been received in proper form and which the applicant must submit in the outer envelope that contains the absentee ballot envelope. The town or city clerk shall mark the absentee ballot application, ~~and~~ the absentee ballot affidavit, **and the outer envelope** with the words "Not Registered." ***Upon receipt of an outer envelope marked "Not Registered," the clerk shall open the outer envelope.*** If the applicant returns the required documents in proper form with the absentee ballot and if the applicant is found to be qualified, the town or city clerk, shall forward the registration forms to the ~~supervisor~~ **super-
visors** of the checklist and the applicant shall be registered and his or her absentee ballot shall be processed in the same manner as the absentee ballot of a previously registered voter. If the ballot is returned without the required documents in proper form, the ballot shall be marked in the manner set forth by law for successfully challenged absentee ballots and preserved in accordance with RSA 33-A:3-a. The clerk shall preserve the application of any applicant who is not registered as a voter until the time set by law for the destruction of the ballots after the election at which time the application shall be destroyed. Any justice of the superior court has jurisdiction in equity upon such notice as he or she may order to require that the name of the person making application for an absentee ballot be placed upon the checklist or registered as a member of any party and be sent an absentee ballot.

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

2 Procedure by Clerk. Amend RSA 657:18 to read as follows:

657:18 Procedure by Clerk. Upon receipt of an outer envelope purporting to contain an official absentee voting ballot, the clerk of the city or town shall, **subject to RSA 657:16**, attach thereto the application for an absentee ballot submitted by said voter and record the information pursuant to RSA 657:15. All such envelopes shall be preserved unopened until election day.

The question is on the adoption of 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 279, relative to challenges of voters. Ought to Pass, Vote 3-0. 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.

SB 294, relative to the deadline for requesting a recount of an election. Ought to Pass with Amendment, Vote 3-0. Senator Stiles for the committee.

Public and Municipal Affairs
February 5, 2014
2014-0430s
03/09

Amendment to SB 294

Amend the bill by deleting section 2 and renumbering the original sections 3-13 to read as 2-12, respectively.

Amend the bill by replacing section 4 with the following:

4 Recount; Deadline. Amend RSA 655:81, XI to read as follows:

XI. The deadline for any candidate to request a recount pursuant to RSA 660:7 shall be 5:00 p.m. on the day after the election. ***A candidate having requested a recount pursuant to this paragraph may, no later than 5:00 p.m. on the Monday after the primary election, withdraw the request and receive a refund of any fees paid.***

Amend the bill by replacing section 6 with the following:

6 Recount; Deadline. Amend RSA 660:7 to read as follows:

660:7 Application.

I. Any person for whom a vote was cast for any nomination of any party at a state primary may apply for a recount, provided that the difference between the votes cast for the applying candidate and a candidate of that party declared nominated is less than 10 votes or less than 1.5 percent of the total ballots cast in the primary for that party in the towns which comprise the office to be recounted. The application shall be made in writing to the secretary of state and shall be submitted no later than 5:00 p.m. on the Friday after the primary election. Each candidate requesting a recount shall pay the secretary of state fees as provided in RSA 660:2. ***A candidate having requested a recount pursuant to this paragraph may, no later than 5:00 p.m. on the Monday after the primary election, withdraw the request and receive a refund of any fees paid.***

II. Any person receiving at least 9 percent of the votes cast in any party's presidential primary may apply for a recount. The application shall be made in writing to the secretary of state and shall be submitted no later than the Friday after the primary for a recount of all ballots cast for such nomination. Each candidate requesting a recount shall pay the secretary of state fees as provided in RSA 660:2. ***A candidate having requested a recount pursuant to this paragraph may, no later than 5:00 p.m. on the Monday after the primary election, withdraw the request and receive a refund of any fees paid.***

2014-0430s

AMENDED ANALYSIS

This bill requires that certain applications for a recount of an election be submitted no later than the Monday following the election.

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 357, naming a scenic overlook in honor of Raymond S. Burton. Ought to Pass with Amendment, Vote 3-0. Senator Forrester for the committee.

Public and Municipal Affairs

February 5, 2014

2014-0433s

08/10

Amendment to SB 357

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

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

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

2 The Raymond S. Burton Visitor Center. The visitor center located on the northbound side of I-93 in the town of Hooksett is hereby named the Raymond S. Burton Visitor Center. All signs identifying the visitor center as the Raymond S. Burton Visitor Center shall be displayed inside the visitor center and shall not be a charge to the state.

2014-0433s

AMENDED ANALYSIS

This bill names a scenic overlook in honor of Raymond S. Burton.

This bill also names the visitor center on the northbound side of I-93 in Hooksett in honor of Raymond S. Burton.

The Chair ruled Committee Amendment 0433s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 0433s to SB 357. Adopted by the necessary 2/3 vote.

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

Sen. Woodburn offered a floor amendment.

Sen. Woodburn, Dist. 1

February 12, 2014

2014-0532s

08/04

Floor Amendment to SB 357

Amend the bill by replacing section 1 with the following:

1 The Raymond S. Burton Scenic Overlook. Pursuant to RSA 4:43, the scenic overlook on Rte. 302 across from the entrance to the Mount Washington Hotel in the town of Carroll, New Hampshire is hereby named the Raymond S. Burton Scenic Overlook.

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

A roll call was requested by Sen. Forrester, seconded by Sen. Woodburn.

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.

SB 375, establishing a committee to study the creation of a flood mitigation fund for private property owners. Ought to Pass with Amendment, Vote 3-0. Senator Stiles for the committee.

Public and Municipal Affairs

February 5, 2014

2014-0432s

08/10

Amendment to SB 375

Amend the bill by replacing sections 4-5 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Two members of the committee shall constitute a quorum.

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

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.

WAYS AND MEANS

SB 233, relative to property tax exemption for district fire mutual aid systems. Ought to Pass, Vote 4-0. 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.

TRANSPORTATION

SB 240-FN, relative to a reduced fee on OHRV registrations for persons who are members of an OHRV club. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

This bill would have provided for a reduced registration fee for an individual resident or nonresident who is a member of a New Hampshire nonprofit OHRV club. The Committee amended the bill to allow nonresidents to be issued temporary registrations for OHRVs in periods of 10 consecutive days. The amendment includes a sunset provision dated January 1, 2018.

Senate Transportation
February 5, 2014
2014-0424s
10/03

Amendment to SB 240-FN

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

AN ACT relative to authorizing temporary registrations of off-highway recreational vehicles for nonresidents.

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

1 Temporary Registrations; Nonresident Registration. Amend RSA 215-A:21, V to read as follows:

V. All OHRVs except conventional motor vehicles registered for highway use shall be registered at the fee provided in RSA 215-A:23, and shall be furnished a registration plate or decals of a design and color as chosen by the executive director. Said registration plate or decals shall be attached securely on the front and rear of the vehicle, in an unobstructed manner, as high as possible or at a location designed by the manufacturer. ***A non-resident registering an OHRV for a temporary 10 consecutive day period shall be issued a temporary registration by the executive director. Such registration shall be valid only for 10 consecutive days from the date of issue. The executive director shall determine the procedure for issuance design, color, and placement of temporary registration decals. Temporary registrations may not be transferred.***

2 New Paragraph; Fees; Temporary Registration. Amend RSA 215-A:23 by inserting after paragraph V-a the following new paragraph:

V-b. Temporary Registration for Nonresidents. \$34 for each non-transferable, 10-day registration upon presentation of a valid out-of-state driver's license issued to a person 18 years of age or older. From each fee collected pursuant to this paragraph:

(a) The first \$14 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$10 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$10 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

3 2018 Version; Temporary Registrations; Nonresident Registration. Amend RSA 215-A:21, V to read as follows:

V. All OHRVs except conventional motor vehicles registered for highway use shall be registered at the fee provided in RSA 215-A:23, and shall be furnished a registration plate or decals of a design and color as chosen by the executive director. Said registration plate or decals shall be attached securely on the front and rear of the vehicle, in an unobstructed manner, as high as possible or at a location designed by the manufacturer. ~~[A nonresident registering an OHRV for a temporary 10 consecutive day period shall be issued a temporary registration by the executive director. Such registration shall be valid only for 10 consecutive days from the date of issue. The executive director shall determine the procedure for issuance design, color, and placement of temporary registration decals. Temporary registrations may not be transferred.]~~

4 Repeal. RSA 215-A:23, V-b, relative to temporary OHRV registrations for nonresidents, is repealed.

5 Effective Date.

I. Sections 3-4 of this act shall take effect January 1, 2018.

II. The remainder of this act shall take effect January 1, 2015.

2014-0424s

AMENDED ANALYSIS

This bill allows nonresidents to be issued temporary registrations for OHRVs for 10 consecutive day periods. The temporary OHRV registration authority is repealed January 1, 2018.

The Chair ruled Committee Amendment 0424s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 0424s to SB 240-FN. 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 the Committee on Finance (Rule 4-5).

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 205-FN, relative to the use of metal detection devices at supervised visitation centers and establishing a commission to study supervised visitation centers.

SB 221, relative to private postsecondary career schools and relative to the authority of the board of barbering, cosmetology, and esthetics.

SB 229, relative to the use and disclosure of protected health information.

SB 233, relative to property tax exemption for district fire mutual aid systems.

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

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

SB 275, relative to refusal to certify an absentee ballot application.

SB 279, relative to challenges of voters.

SB 290, authorizing credit unions to provide group accidental death and dismemberment insurance.

SB 294, relative to the deadline for requesting a recount of an election.

SB 309, relative to the New Hampshire vaccine association.

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

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

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

LIST OF RULE 6-25'S FOR THE DAY

Sen. Bragdon: HB 186.

ANNOUNCEMENTS

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.