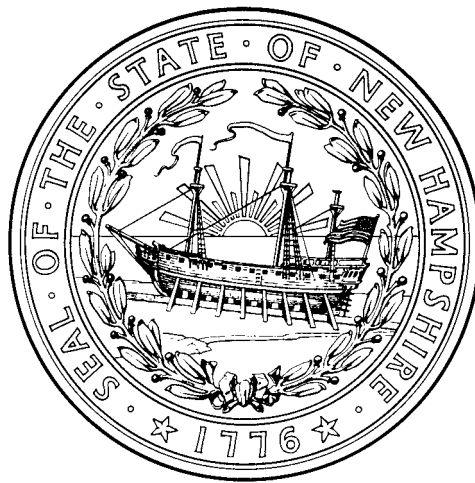


May 7, 2015  
Nos. 12-13

# **STATE OF NEW HAMPSHIRE**

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**First Year of the 164<sup>th</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – APRIL 30, 2015 SESSION  
COMMENCEMENT – MAY 7, 2015 SESSION**

# SENATE JOURNAL 12 *(continued)*

*April 30, 2015*

## HOUSE MESSAGE

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

SB 31, relative to the controlled drug prescription health and safety program.

SB 96, establishing a commission to study the expansion of rights of defense and indemnification under RSA 99-D to proceedings against state employees before professional licensing boards.

SB 114-FN, enabling a driver's license applicant to request that his or her license indicate that he or she has a medically recognized disorder.

SB 209-FN, adopting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

SB 234, establishing a committee to study the use of law enforcement details and flaggers for traffic control on municipally maintained roads.

## HOUSE MESSAGE

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

HB 363, relative to Lyme disease awareness.

## HOUSE MESSAGE

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

HB 122, relative to advertising of liquor or beverages.

HB 126, establishing a commission to study issues related to students receiving special education services while attending a chartered public school.

HB 134, establishing a committee to study the use of motorized scooter chairs on roadways and sidewalks.

HB 140, relative to appointment of inspectors of election.

HB 196, requiring the removal of identifying features from vehicles formerly used as ambulances.

HB 279, establishing a commission to study the economic impact of the arts and culture in New Hampshire.

HB 306, relative to membership of the wetlands council and the water council.

HB 382, establishing a committee to study facilitating private investment in energy efficiency and renewable energy.

HB 510, establishing a commission to study the regulation of pawnbrokers, secondhand dealers, and junk or scrap metal dealers.

## 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 105, relative to child-resistant packaging for tobacco products and establishing a committee to study revising the indoor smoking act.

SB 248, establishing a committee to study health care provider payment rates.

## HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

SB 125-FN, relative to certification and licensure for mold assessment or remediation services.

## REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 408, making a technical correction relative to fees for chiropractors and relative to the licensure of audiologists.

SB 187, allowing a patient to designate a caregiver upon entry to a medical facility.

SB 194, relative to epinephrine administration policies in postsecondary educational institutions.

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

Out of Recess. Call Senate to Order.

## MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

# SENATE JOURNAL 13

*May 7, 2015*

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

Reverend Jon Hopkins, guest chaplain to the Senate, offered the following meditative thoughts and prayer.

Let's begin our work this morning with a moment of silence.

*Dear God, we give you thanks for our government, for the democracy alive in our country and in our state. We pray for all men and women who have heard the call to serve in the Senate in the great state of New Hampshire. Cause them to be men and women of integrity, that we may lead a quiet and peaceable life in all goodness and honesty. Let wisdom enter their hearts. Let knowledge be pleasant to them. Let discretion preserve them, and understanding keep them. Help them to serve with wisdom to know how best to respond, courage to do the right thing, and compassion to make laws for the good of all. Under their leadership make our people flourish. May there be lasting peace, and plenty for all. Let everyone who enjoys the freedom of this country and state pitch in and do their part to make our country and state a better place to live. Amen.*

Sen. Avard led the Pledge of Allegiance.

Sen. Birdsell was excused for the day.

## INTRODUCTION OF GUESTS

Sen. Carson introduced Auburn Village Schools visiting in the gallery today.

## INTRODUCTION OF PAGES

Sen. Feltes introduced Katherine Hughes of Shaker Road School in Concord serving as a Senate Page for the day.

Sen. Reagan introduced Nick Grimbilas of Shaker Road School in Concord serving as a Senate Page for the day, along with his mother, Jodi E. Grimbilas, and his grandmother.

## SPECIAL ORDER

Without objection, the following bills were special ordered to Thursday, May 14, 2015.

## EDUCATION

HB 323, relative to the administration of the statewide assessment program.

HB 346, relative to criminal history records checks for school employees and volunteers.

HB 563-FN, relative to funding for chartered public school pupils.

HB 603, relative to student exemption from the statewide assessment.

**HEALTH AND HUMAN SERVICES**

HB 476-FN, amending the definition of “qualifying medical condition” in the therapeutic cannabis law.

**JUDICIARY**

HB 403-FN, repealing the law relative to providing certain parameters for access to reproductive health care facilities.

**PUBLIC AND MUNICIPAL AFFAIRS**

HB 102, relative to consideration of warrant articles.

HB 486, authorizing towns and cities to establish special assessment districts.

**FN REPORT FOR MAY 7, 2015**

Senator Forrester recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills with fiscal notes or an appropriation of funds:

**CONSENT CALENDAR:****COMMERCE**

HB 666-FN, relative to licensing of money transmitters.

**TRANSPORTATION**

HB 357, relative to notice of change of name or address on a driver’s license and on the registration of a vehicle.

HB 584-FN, making various changes to laws relating to motor vehicles and vessels.

**REGULAR CALENDAR:****HEALTH AND HUMAN SERVICES**

HB 223-FN, relative to external review under the managed care law.

HB 476-FN, amending the definition of “qualifying medical condition” in the therapeutic cannabis law.

**JUDICIARY**

HB 403-FN, repealing the law relative to providing certain parameters for access to reproductive health care facilities.

HB 597-FN, relative to penalties for indecent exposure and lewdness.

HB 616-FN, relative to compensation to claimants under the victims’ assistance fund.

HB 648-FN, requiring detention until arraignment for persons arrested for violation of protective orders.

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

**REGULAR CALENDAR:****EDUCATION**

HB 563-FN, relative to funding for chartered public school pupils.

HB 578-FN, relative to state board of education compliance with unfunded federal education mandates.

Without objection, the FN Report is adopted.

**CONSENT CALENDAR REPORTS**

The following bills were removed from the Consent Calendar:

**EDUCATION**

HB 276, providing that school districts shall not be required to adopt the common core standards. Removed by Sen. Bradley.

**TRANSPORTATION**

HB 584-FN, making various changes to laws relating to motor vehicles and vessels. 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 to Third Reading.

**COMMERCE**

HB 480, relative to policies for property and casualty insurance. Ought to Pass, Vote 5-0. Senator Prescott for the committee.

This bill is a request of the Insurance Department and will declare that a property and casualty policy shall not contain coverage for payment of a fine or penalty for a criminal offense but may provide coverage for defense costs and restitution to injured parties. This bill codifies current department practices and mirrors federal statute.

HB 666-FN, relative to licensing of money transmitters. Ought to Pass with Amendment, Vote 5-0. Senator Prescott for the committee.

This bill is a request of the Banking Department and will make certain changes to the regulation of money transmitters. Under current statute, licensees or applicants for a license may have difficulty finding or understanding what is required of them under the statutory scheme. This bill will organize the sections of statute in a more user friendly way.

Commerce  
April 29, 2015  
2015-1499s  
08/03

#### **Amendment to HB 666-FN**

Amend RSA 339-G:1, VII as inserted by section 1 of the bill by replacing it with the following:

VII. "Convertible virtual currency" means a digital representation of value that:

- (a) Can be a medium of exchange, a unit of account, and/or a store of value;
- (b) Has an equivalent value in real currency or acts as a substitute for real currency;
- (c) May be centralized or decentralized; and
- (d) Can be exchanged for currency or other convertible virtual currency.

#### **EDUCATION**

HB 491, relative to immunity for school personnel using reasonable force to protect a minor. Inexpedient to Legislate, Vote 5-0. Senator Avarad for the committee.

This bill permits a teacher or other person entrusted with the care or supervision of a minor or pupil to use reasonable force to end a disturbance, to maintain safety, or to remove the pupil or minor from the premises under certain circumstances. The committee was not made aware of an instance where the provisions specified in this bill were necessary in order to safeguard the actions of teachers, and consequently found the bill unnecessary at this time.

HB 507, relative to teacher personally identifiable data. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

This bill adds teachers to our current student information and privacy statute. The committee believes that policy should reflect the realities of increased technology in classrooms and take steps to safeguard the privacy of teachers and students in those classrooms.

#### **TRANSPORTATION**

HB 357, relative to notice of change of name or address on a driver's license and on the registration of a vehicle. Inexpedient to Legislate, Vote 5-0. Senator Watters for the committee.

This bill increases the number of days a person has in which to notify the director of the department of motor vehicles of a change of name or address. Seeing as HB 584-FN addresses the same issues, including an amendment that was intended to be added to HB 357 but never was; the committee recommends the bill be Inexpedient to Legislate.

HB 460, establishing a commission to study revenue alternatives to the road toll for electric-powered and hybrid vehicles for the funding of improvements to the state's highways and bridges. Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

This bill addresses concerns that all vehicles are financially contributing their fair to our state's roads and bridges by establishing a commission to study revenue alternatives to the road toll for the funding of the state's roadways. The committee amended the bill to make the membership more feasible, extend the timeline of the commission and further clarify the subjects of study.

Senate Transportation  
April 28, 2015  
2015-1478s  
06/01

#### **Amendment to HB 460**

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

AN ACT establishing a commission to study revenue alternatives to the road toll for electric-powered and hybrid vehicles for the funding of improvements to the state's highways and bridges.

Amend RSA 21-J:48, II(a)(1) and (2) as inserted by section 1 of the bill by replacing them with the following:

(1) Four members of the house of representatives, appointed by the speaker of the house of representatives, all of whom shall be members of the public works and highways committee.

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

Amend RSA 21-J:48, III as inserted by section 1 of the bill by replacing it with the following:

III. The commission shall study alternatives to the road toll for electric-powered, hybrid, and fuel-efficient vehicles, and may study other emerging vehicle fuels and technologies, for funding improvements to the state's highways and bridges, ensuring that all motor vehicles contribute proportionally to their impact on New Hampshire's highway infrastructure. The commission shall consider the interim report of the commission on the taxation of alternative fuel and electric-powered motor vehicles of November 1, 2012, and the final report of the commission to study future sustainable revenue sources for funding improvements to state and municipal highways and bridges, dated November 1, 2010. The commission shall also track current road toll revenues and, as it deems appropriate, analyze related programs developed in other states and recommend legislation.

Amend RSA 21-J:48, V as inserted by section 1 of the bill by replacing it with the following:

V. The commission shall submit an interim report of its findings and any 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, 2015, and a final report on or before November 1, 2016.

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2016.

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

HB 506, clarifying the conditions under which motor vehicle information may be used. Ought to Pass with Amendment, Vote 5-0. Senator Daniels for the committee.

This bill requires motor vehicle information gained from people who evade tolls, from E-Z Pass Interagency Agreements, and motor vehicle certifications to comply with certain privacy laws. The committee amended the bill to specify the ramifications ensued for violating said privacy statutes. This legislation essentially tightens up the Driver Privacy Act and clarifies mechanisms the DOT is responsible for.

Senate Transportation

April 29, 2015

2015-1495s

08/04

### Amendment to HB 506

Amend RSA 260:14, III-a as inserted by section 4 of the bill by replacing it with the following:

III-a. ~~[Except for a person's photograph, computerized image, and social security number, motor vehicle records]~~ ***The name and last known address of the owner of a vehicle used in violation of RSA 236:31-b and the physical characteristics of such vehicle*** may be made available to the department of transportation ***or to a nongovernmental contracted agent of the department of transportation*** for ~~[collection of a toll]~~ ***toll collection purposes only*** as identified by a toll collection system, ~~[pursuant to RSA 236:31]~~ ***as defined by RSA 236:31, I(i)***. Any records received under this paragraph shall not be ***used for purposes other than for toll collection and shall not be*** further transferred or otherwise made available to any other ~~[non-governmental agency]~~ ***person or entity*** that is not a ~~[contracting]~~ ***contracted*** agent of the department of transportation for toll collection. ***The nongovernmental contracted agent of the department of transportation for toll collection is prohibited from releasing the motor vehicle records to a third party or from using the records for the collection of debts outside the toll collection system. Notwithstanding the provisions of RSA 260:14, XIV, the department of transportation shall be responsible for ensuring its own and its contracted agent's compliance with this section, and the commissioner, upon determining that the department of transportation or its contracted agent has violated any provisions of this section may issue a written order prohibiting the department of transportation and its contracted agent from receiving motor vehicle records commencing 10 days following the issuance of the order and lasting for no longer than 5 years, unless the commissioner is satisfied that procedures are in place and will be enforced to ensure compliance with this chapter.***

Amend RSA 260:14, III-c as inserted by section 5 of the bill by replacing it with the following:

III-c. The name and last known address of the owner of a vehicle used in violation of a toll collection system and the physical characteristics of such vehicle may be made available to another state, or to a statutory or nongovernmental contracted agent of such other state for the collection of a toll in such other state as identified by a toll collection system, as defined by RSA 236:31, I(i), whether the vehicle was used in violation of an electronic toll collection system or the vehicle was identified by a toll collection monitoring system when there is no cash option in the toll lanes. Any records received under this paragraph shall not be used for purposes other than for toll collection and shall not be further transferred or otherwise made available to a person or entity that is not a statutory or contracted agent of such other state for toll collection. The other state or statutory or nongovernmental contracted agent of such other state is prohibited from releasing the motor vehicle records to a third party or from using the records for the collection of debts outside the toll collection system. Notwithstanding the provisions of RSA 260:14, XIV, such other state shall be responsible for ensuring its own and its statutory or contracted agent's compliance with this section, and the commissioner, upon determining that such other state or its statutory or contracted agent has violated any provisions of this section may issue a written order prohibiting such other state and its statutory or contracted agent from receiving motor vehicle records commencing 10 business days following the issuance of the order and lasting no longer than 5 years, unless the commissioner is satisfied that procedures are in place and will be enforced to ensure compliance with this chapter.

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

#### REGULAR CALENDAR REPORTS

##### COMMERCE

HB 361, establishing a committee to study the definition of "employee" and the application of that definition to persons who work exclusively at home via the Internet for online business activities. Ought to Pass, Vote 3-2. Senator Cataldo for the committee.

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

HB 479, relative to uninsured or hit-and-run motor vehicle coverage. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Commerce  
April 28, 2015  
2015-1477s  
03/04

#### Amendment to HB 479

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

AN ACT relative to uninsured or hit-and-run motor vehicle coverage and relative to the New Hampshire excellence in higher education endowment trust fund.

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

1 Uninsured or Hit-and-Run Motor Vehicle Coverage. Amend RSA 264:15, I to read as follows:

I. ***Except as provided in paragraph I-a***, no policy shall be issued under the provisions of RSA 264:14, with respect to a vehicle registered or principally garaged in this state, unless coverage is provided therein or supplemental thereto at least in amounts ~~[or]~~ ***and*** limits prescribed for bodily injury or death for a liability policy under this chapter, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or drivers of uninsured motor vehicles, and hit-and-run vehicles because of bodily injury, sickness, or disease, including death resulting therefrom. When an insured elects to purchase liability insurance in an amount greater than the minimum coverage required by RSA 259:61, the insured's uninsured motorist coverage shall automatically be equal ***in amounts and limits*** to the liability coverage elected. For the purposes of this paragraph umbrella or excess policies that provide excess limits to policies described in RSA 259:61 shall also provide uninsured motorist coverage equal to the limits of liability purchased, unless the named insured rejects such coverage in writing. Rejection of such coverage by a named insured shall constitute a rejection of coverage by all insureds, shall apply to all vehicles then or thereafter eligible to be covered under the policy, and shall remain effective upon policy amendment or renewal, unless the named insured requests such coverage in writing.

***I-a. No commercial motor vehicle liability policy issued under the provisions of RSA 264:14 shall be required to provide coverage for motor vehicles that are not owned by the policyholder for the protection of persons insured thereunder who are legally entitled to recover damages from owners or drivers of uninsured motor vehicles, and hit-and-run vehicles because of bodily injury, sickness, or disease, including death resulting therefrom.***

2 New Hampshire Excellence in Higher Education Endowment Trust Fund. Amend RSA 6:38, I to read as follows:

I. There is hereby established in the office of the treasurer the New Hampshire excellence in higher education endowment trust fund which shall be kept distinct and separate from all other funds. Annual ~~administrative fees~~ **assessments** less any annual administrative costs received from the New Hampshire college tuition savings plan established under RSA 195-H shall be credited to the trust fund to provide scholarships for the benefit of residents of the state pursuing programs of study at eligible educational institutions within the state.

3 New Hampshire Excellence in Higher Education Endowment Trust Fund; Rulemaking. Amend RSA 6:40, VI to read as follows:

VI. Requiring disclosure regarding any ~~administrative fees~~ **scholarship funds**, or portion thereof, which are or may be returned to the trust fund.

4 New Hampshire Excellence in Higher Education Endowment Trust Fund; Scholarships. Amend RSA 6:41, II to read as follows:

II. All scholarships awarded by the commission under this subdivision shall be for the period of one academic year **or equivalent** and in specified amounts of not less than \$100 per ~~academic~~ **fiscal** year within the limits established by the commission.

5 New Hampshire Excellence in Higher Education Endowment Trust Fund; Funds. Amend RSA 6:42 to read as follows:

6:42 Certification of Available Funds. By April 1 of each year, the commission shall determine the funding level available for scholarships for the next academic year and shall certify such amount to the state treasurer. ~~[Funds available to provide scholarships shall be from the appreciated gains and earnings on the trust fund.]~~

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

2015-1477s

#### AMENDED ANALYSIS

This bill modifies minimum uninsured or hit-and-run motor vehicle coverage requirements. This bill also modifies various provisions relating to the New Hampshire excellence in higher education endowment trust fund.

The Chair ruled Committee Amendment 1477s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the consideration of non-germane Committee Amendment 1477s to HB 479. 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.

#### EDUCATION

HB 424, relative to the accessibility of assessment materials. Inexpedient to Legislate, Vote 4-1. Senator Kelly for the committee.

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

Sens. Avard and Daniels are in opposition to the motion of Inexpedient to Legislate on HB 424.

HB 578-FN, relative to state board of education compliance with unfunded federal education mandates. Inexpedient to Legislate, Vote 4-1. Senator Watters for the committee.

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

Sens. Avard, Carson, and Daniels are in opposition to the motion of Inexpedient to Legislate on HB 578-FN.



## HEALTH AND HUMAN SERVICES

HB 223-FN, relative to external review under the managed care law. Ought to Pass, Vote 4-0. Senator Fuller Clark for the committee.

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

HB 271, relative to possession and administration of an opioid antagonist for opioid-related overdoses. Ought to Pass, Vote 4-0. Senator Sanborn for the committee.

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

## JUDICIARY

HB 494, relative to industrial hemp as a controlled substance. Inexpedient to Legislate, Vote 4-0. Senator Carson for the committee.

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

Sen. Avarad is in opposition to the motion of Inexpedient to Legislate on HB 494.

HB 597-FN, relative to penalties for indecent exposure and lewdness. Ought to Pass with Amendment, Vote 4-0. Senator Pierce for the committee.

Senate Judiciary  
April 29, 2015  
2015-1491s  
04/01

**Amendment to HB 597-FN**

Amend RSA 645:1, II(a) as inserted by section 1 of the bill by replacing it with the following:

***(a) Such person, under circumstances that may be reasonably construed as being for the purpose of sexual gratification or arousal, purposely fornicates, exposes his or her genitals, or performs any other act of gross lewdness knowing that a child who is less than 16 years of age is present.***

2015-1491s

## AMENDED ANALYSIS

This bill increases the criminal penalty for fornicating, exposing one's genitals, or performing any other act of gross lewdness knowing that a child less than 16 years of age is present.

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

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

HB 616-FN, relative to compensation to claimants under the victims' assistance fund. Ought to Pass with Amendment, Vote 4-0. Senator Pierce for the committee.

Senate Judiciary  
April 29, 2015  
2015-1490s  
04/05

**Amendment to HB 616-FN**

Amend RSA 21-M:8-h, X as inserted by section 2 of the bill by replacing it with the following:

X.(a) No person that has received notice of a claim filed pursuant to this section shall collect a debt or attempt to collect a debt resulting from a crime-related expense against a claimant under this section until an award is made to the claimant or the claim is determined to be noncompensable. The statute of limitations for the collection of such debts shall be tolled during the period of this prohibition.

(b) Any person who violates the provisions of this paragraph shall be liable to the claimant pursuant to the provisions of RSA 358-C:4.

(c) In this paragraph, "person" shall have the same meaning as in RSA 358-C:1, X.

2015-1490s

## AMENDED ANALYSIS

This bill:

I. Increases maximum eligibility for compensation from the victims' assistance fund.

II. Prohibits any person from collecting or attempting to collect a debt from a claimant resulting from a crime-related expense during the pendency of the claim.

III. Authorizes the attorney general to request additional funds as necessary to pay victims' compensation claims.

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.

HB 648-FN, requiring detention until arraignment for persons arrested for violation of protective orders. Inexpedient to Legislate, Vote 2-2. Senator Daniels for the committee.

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

A roll call was requested by Sen. Soucy.

Sen. Soucy withdrew her request for a roll call.

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

Sen. Daniels moved Ought to Pass.

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Little, Sanborn, Kelly, Daniels, Avar, Lasky, Carson, Feltes, Boutin, Reagan, Soucy, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: (None)

Yeas: 23 - Nays: 0

Adopted, bill ordered to Third Reading.

Sen. Birdsell is excused.

## PUBLIC AND MUNICIPAL AFFAIRS

HB 133, relative to recounts on questions. Ought to Pass with Amendment, Vote 4-0. Senator Stiles for the committee.

Public and Municipal Affairs

April 29, 2015

2015-1498s

03/10

**Amendment to HB 133**

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

1 Recount; Deadline. Amend RSA 40:4-c, I to read as follows:

I. If any 10 voters of a town shall, before the expiration of 7 days from the date of an annual meeting or special meeting, apply in writing to the town clerk for a recount of the ballots given in at said meeting on any question, affecting said town only, legally appearing on the official Australian or nonpartisan ballot used at said meeting, said clerk shall appoint a time and place for the recount not earlier than 5 days nor later than 10 days after the receipt of said application. ***The clerk shall give notice by mail of the recount to the first-named voter who applied for a recount on a question and to any other person who requested notice in writing, at least 3 days prior to the day appointed for the recount of ballots. Notice of the time and place of the recount shall be posted in 2 public places at least 24 hours prior to the recount.*** The applicants for such recount shall pay to the town clerk, for the use of the town, a fee of \$10 ***for conducting the recount.***

2 School District Elections; Recount. Amend RSA 671:32, III to read as follows:

III. The fee for the recount shall be paid to the school district clerk for ~~[the use of the school district]~~ **conducting the recount.**

3 Effective Date. This act shall take effect 60 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. Adopted, bill ordered to Third Reading.

HB 286, relative to permits issued by building inspectors. Inexpedient to Legislate, Vote 4-0. Senator Kelly for the committee.

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

HB 304, establishing a committee to study public access to political campaign information. Ought to Pass, Vote 4-0. Senator Kelly for the committee.

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

HB 502, relative to petitions for verification of checklists. Ought to Pass, Vote 3-1. Senator Stiles for the committee.

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

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

The following Senators voted Yes: Forrester, Bradley, Cataldo, Daniels, Avard, Boutin, Reagan, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Little, Sanborn, Kelly, Lasky, Carson, Feltes, Soucy, D'Allesandro, Fuller Clark.

Yeas: 10 - Nays: 13

Failed.

Sen. Birdsell is excused.

Sen. Pierce moved Re-refer to Committee.

Sen. Bradley moved to Lay on the Table HB 502.

Recess. Out of recess.

Sen. Bradley withdrew his motion to Lay on the Table HB 502.

The question is on the motion of Re-refer to Committee. Adopted.

HB 529, relative to party conventions. Re-refer to committee, Vote 4-0. Senator Boutin for the committee.

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

HB 689, relative to adoption of a default budget. Re-refer to committee, Vote 4-0. Senator Stiles for the committee.

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

#### RULES, ENROLLED BILLS AND INTERNAL AFFAIRS

HB 416-L, relative to compensation for members of the Coos county convention. Ought to Pass, Vote 4-1. Senator Soucy for the committee.

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

HB 458, revising the legislative ethics laws and the guidelines of the legislative ethics committee. Re-refer to committee, Vote 5-0. Senator Bradley for the committee.

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

PRESIDENT MORSE: We are at the conclusion of the regular calendar and will take up the bills that were removed from the consent calendar.

#### EDUCATION

HB 276, providing that school districts shall not be required to adopt the common core standards. Inexpedient to Legislate, Vote 5-0. Senator Stiles for the committee.

This bill prohibits the state board of education from adopting a rule requiring a school district or any public school to implement the common core state standards. The bill also requires a school board that elects not to implement or participate in the common core state standards or other minimum educational standards to adopt and implement educational standards that meet or exceed those standards. The committee found this bill to be duplicative of current law and thus inexpedient to legislate.

Sen. Bradley moved to Lay on the Table HB 276. Adopted.

#### TRANSPORTATION

HB 584-FN, making various changes to laws relating to motor vehicles and vessels. Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

This bill makes various changes to laws relating to motor vehicles and vessels as well as drivers licenses. The committee amended the bill to provide further clarification within the varying subject matters in order to make it more comprehensive and ensure that duplicate legislation submitted this session is moot, making this the "Omni bus bill".

Senate Transportation

April 29, 2015

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08/10

#### Amendment to HB 584-FN

Amend RSA 259:4 as inserted by section 3 of the bill by replacing it with the following:

259:4 Antique Motor Vehicle or Motorcycle. "Antique motor vehicle or motorcycle" shall mean any motor vehicle, ***including a truck regardless of its weight***, over 25 years old which is maintained for use in exhibitions, club activities, parades, and other functions of public interest, ***but not for use in commerce. For the purposes of this section, "maintained for use" shall mean a motor vehicle or motorcycle in its original condition or restored to original or better condition and not intended for daily use.***

Amend RSA 263:9 as inserted by section 4 of the bill by replacing it with the following:

263:9 Notice of Change of Licensee's Name or Address. Whenever any person who has been duly licensed to drive a motor vehicle within this state shall change his ***or her*** legal name or his ***or her*** permanent residence ***or his or her mailing address***, he ***or she*** shall notify the director in writing of such change within [10] **30** days.

Amend RSA 261:55, I as inserted by section 5 of the bill by replacing it with the following:

I. Whenever any person after making application for or obtaining the registration of a vehicle shall move from the address ***or change the postal address*** named in the application or shown on a registration certificate or certificate of title, such person shall within [10] **30** days thereafter notify the division in writing of his ***or her*** old and new address.

Amend the bill by replacing section 10 with the following:

10 Commerce; Definition. Amend RSA 259:12-a, I to read as follows:

I. Trade, traffic, [and] ***or*** transportation within the jurisdiction of the United States; between a place in a state and a place outside of the state, including a place outside the United States; and

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#### AMENDED ANALYSIS

This bill:

I. Allows for refunds of vessel registration under certain conditions.

II. Defines "maintained for use" in regard to antique motor vehicles and motorcycles.

III. Requires driver's license holders and vehicle owners to notify the department of safety of a change of mailing address.

- IV. Removes the requirement to list the driver license applicant's blood type.
- V. Makes changes to proof required by the department of safety for walking disability placards.
- VI. Allows for refunds or credits from the processing of vanity number plate applications.
- VII. Deposits vanity plate service fee proceeds into the driver training fund minus authorized refunds.
- VIII. Authorizes the recall of improperly issued vanity number plates.
- IX. Changes the definition of "commerce" as it applies to the motor vehicle title.

This bill is a request of the department of safety.

The Chair ruled Committee Amendment 1494s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the consideration of non-germane Committee Amendment 1494s to HB 584-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 Third Reading.

Recess. Out of recess.

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

#### HOUSE MESSAGE

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

SB 21, relative to the board of mental health practice.

Senator Carson moved concurrence. Adopted.

SB 161, relative to the wellness and primary prevention council.

Senator Carson moved concurrence. Adopted.

SB 250, relative to the jurisdiction and voting procedures of the executive branch ethics committee.

Senator Carson moved concurrence. Adopted.

SB 30-FN-L, relative to the establishment of redevelopment districts in unincorporated places.

Senator Forrester moved concurrence. Adopted.

SB 171, establishing a committee to study issues concerning parking for those with walking disabilities.

Senator Stiles moved concurrence. Adopted.

SB 230-FN-L, relative to speed limits on state roads that are seasonally congested by pedestrian and bicycle traffic.

Senator Stiles moved concurrence. Adopted.

SB 134-FN, relative to the escheat of United States savings bonds.

Senator Boutin moved concurrence. Adopted.

#### MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

#### LATE SESSION ANNOUNCEMENTS

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. I'd like to request personal privilege, please? Thank you. I have sorrow in letting the Senate know that a very good man has passed away. Dan Duprat died on April 26th of this year. Dan was born in North Adams, Mass, and he was the son of the late Warren B. and Jean Duprat. He was an avid outdoorsman who enjoyed hunting and target shooting, and was a lifetime member of the Londonderry Fish and Game Club. Dan was also a hunter, education instructor, and an NRA certified range safety officer. He was also employed by the Bass Pro Shop in Hooksett in the hunting department. And, most of all, Dan enjoyed spending time with his family, especially his grandchildren. He is survived by his wife of 45 years, Anja, and his son, Sean, Scott, Stephen, and his daughter, Sarah. He was also the devoted "Grampy" of Olivia, Emily, Allyson, Sean, Aaron, and John. He was also the dear brother of David, and his sister, Wendy; all of Nashua. He also leaves behind several nieces and nephews, as well as aunts and uncles. And, I would ask the Senate to join me in sending our condolences to his family. Thank you, Mister President.

(The Chair recognized Sen. Woodburn.)

SENATOR WOODBURN: Personal privilege, Mister President? First, Mister President, I want to thank you for your leadership on Senate Bill 30, the unincorporated towns bill, and greatly appreciate pulling people together and getting things done as you always do.

But, I'd also like to honor, this is national Nurses' Week. And, in New Hampshire we're proud to have 21,409 nurses in the state of New Hampshire. And their work is indispensable, they have a front-line base of health care and they're key to wellness and serving people in need. In particular I recognize the State House Nurse, Dianne Bergquist. But, also, a few important nurses who have some milestones in my district: Jackie Gardnier, of Twin Mountain, a school nurse who has served three schools – Dalton, Jefferson, Whitfield – for 28 years. Mary Anne Richards, who is with the North Country Home Health and Hospice, who is doing great work with patients for years while also being trained for the Wounded Care certificate. And, also, Becky Bean of Errol, who is a licensed practical nurse on the Upper Connecticut Valley Hospital in Colebrook for more than 30 years. She's a longtime EMT volunteer, and founding member of the Errol Rescue. And, also, Diane Hobart who is of Colebrook, and is the director of Nursing at the Coos County Nursing Hospital in West Stewartstown, and she has been there for 34 years, retiring this year. And she has worked every nursing position in that hospital, and starting her career she has taught first aid classes, and she became the director of Nursing in 2006, and is retiring in May 22nd of this month. I also, finally, Mister President, I want to recognize my wife who is a nurse, Kelly Manson, who is an obstetric nurse at Littleton Regional Hospital; does lactation consultant and childbirth teacher, and has tremendous patience for putting up with me. So, 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)

## LATE SESSION

### Third Reading and Final Passage

HB 133, relative to recounts on questions.

HB 223-FN, relative to external review under the managed care law.

HB 271, relative to possession and administration of an opioid antagonist for opioid-related overdoses.

HB 304, establishing a committee to study public access to political campaign information.

HB 361, establishing a committee to study the definition of "employee" and the application of that definition to persons who work exclusively at home via the Internet for online business activities.

HB 416-L, relative to compensation for members of the Coos county convention.

HB 460, establishing a commission to study revenue alternatives to the road toll for electric-powered and hybrid vehicles for the funding of improvements to the state's highways and bridges.

HB 479, relative to uninsured or hit-and-run motor vehicle coverage and relative to the New Hampshire excellence in higher education endowment trust fund.

HB 480, relative to policies for property and casualty insurance.

HB 506, clarifying the conditions under which motor vehicle information may be used.

HB 507, relative to teacher personally identifiable data.

HB 584-FN, making various changes to laws relating to motor vehicles and vessels.

HB 597-FN, relative to penalties for indecent exposure and lewdness.

HB 616-FN, relative to compensation to claimants under the victims' assistance fund.

HB 648-FN, requiring detention until arraignment for persons arrested for violation of protective orders.

HB 666-FN, relative to licensing of money transmitters.

#### 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.