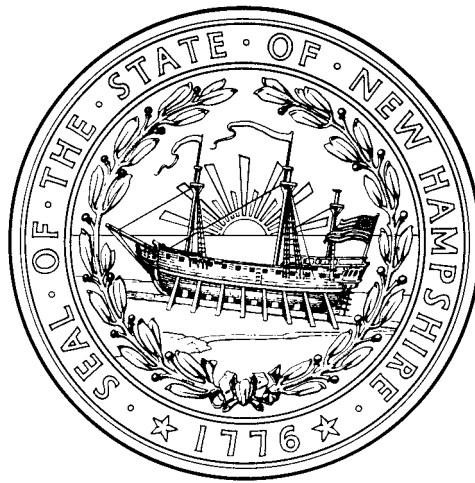


January 21, 2016  
Nos. 2-3

# STATE OF NEW HAMPSHIRE

Web Site Address: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)



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

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – JANUARY 14, 2016 SESSION  
COMMENCEMENT – JANUARY 21, 2016 SESSION**

# SENATE JOURNAL 2 *(continued)*

*January 14, 2016*

## INTRODUCTION OF LEGISLATION

Senator 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 title and referred to the therein designated committee. Adopted.

### First and Second Reading and Referral

16-2773

**SB 500-FN**, relative to student health insurance plans.(Bradley, Dist 3; Pierce, Dist 5; Commerce)

16-2829

**SB 501-FN**, prohibiting the possession of powdered or crystalline alcohol.(Soucy, Dist 18; Forrester, Dist 2; Stiles, Dist 24; Kelly, Dist 10; Butler, Carr. 7; Spanos, Belk. 3; Commerce)

16-2947

**SB 502-FN**, relative to the authority of the insurance commissioner to investigate violations of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act.(Feltes, Dist 15; Bradley, Dist 3; Fuller Clark, Dist 21; Kelly, Dist 10; Reagan, Dist 17; Stiles, Dist 24; Watters, Dist 4; Woodburn, Dist 1; Kidder, Merr. 5; Butler, Carr. 7; Luneau, Merr. 10; Snow, Hills. 42; J. Ward, Rock. 19; LeBrun, Hills. 32; Rosenwald, Hills. 30; Sherman, Rock. 24; Commerce)

16-2735

**SB 503-FN-A**, relative to pre-kindergarten education using “pay for success” financing.(Watters, Dist 4; Bradley, Dist 3; Kelly, Dist 10; Soucy, Dist 18; Woodburn, Dist 1; Lasky, Dist 13; Feltes, Dist 15; Fuller Clark, Dist 21; Ladd, Graf. 4; Gile, Merr. 27; Heath, Hills. 14; Mangipudi, Hills. 35; Grenier, Sull. 7; Education)

16-2791

**SB 504-FN**, relative to hunting and fishing licenses for disabled veterans.(Carson, Dist 14; Forrester, Dist 2; Cataldo, Dist 6; R. Ober, Hills. 37; P. McCarthy, Hills. 29; Theberge, Coos 3; Ladd, Graf. 4; Baldasaro, Rock. 5; Energy and Natural Resources)

16-2941

**SB 505-FN**, relative to the transfer of animals and birds.(Hosmer, Dist 7; Executive Departments and Administration)

16-2919

**SB 506**, clarifying who may adopt.(Pierce, Dist 5; Lasky, Dist 13; Watters, Dist 4; M. Hennessey, Graf. 12; Judiciary)

16-2717

**SB 507-FN**, authorizing online voter registration.(Lasky, Dist 13; Feltes, Dist 15; Cote, Hills. 31; Moody, Rock. 17; Public and Municipal Affairs)

16-2761

**SB 508-FN**, authorizing citizen complaints to the ballot law commission for violations of registration and reporting requirements by political committees.(Pierce, Dist 5; Horrigan, Straf. 6; Public and Municipal Affairs)

16-2912

**SB 509-FN**, relative to voter registration forms and relative to voter identity verification.(Carson, Dist 14; Birdsell, Dist 19; Bradley, Dist 3; Hoelzel, Rock. 3; Schroadter, Rock. 17; P. McCarthy, Hills. 29; Hinch, Hills. 21; Public and Municipal Affairs)

16-2752

**SB 510-FN**, relative to parking at state park parking meters.(Stiles, Dist 24; Little, Dist 8; Watters, Dist 4; F. Rice, Rock. 21; C. Christensen, Hills. 21; Mullen, Straf. 1; Gottling, Sull. 2; Spang, Straf. 6; Transportation)

16-2822

**SB 511-FN-A**, establishing a refund of a portion of state education property taxes for child and dependent care expenses.(Hosmer, Dist 7; Feltes, Dist 15; Kelly, Dist 10; Reagan, Dist 17; Soucy, Dist 18; Woodburn, Dist 1; Ways and Means)

#### 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 369-FN, (New Title) encouraging public schools to include drug and alcohol education as part of their health education curriculum.

#### HOUSE MESSAGE

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

SB 447-FN, (New Title) establishing a commission to study Narcan.

SB 576-FN-A, (New Title) relative to the penalty for possession and use of fentanyl-class drugs, insurance coverage for substance use disorders, the funding of the controlled drug prescription health and safety program, the membership of the board of medicine, and prescribers of controlled drugs.

#### 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 301, (New Title) establishing a committee to study New Hampshire's statewide longitudinal data system and any other department of education maintained database that contains student level data.

HB 359, (New Title) allowing all municipalities to adopt the property tax exemption to foster commercial and industrial construction.

HB 378, (New Title) establishing a committee to study RSA 461-A, relative to parental rights and responsibilities, and the revised child support guidelines as of 2013.

HB 594-FN-A, establishing keno.

January 20, 2016

2016-0116-EBA

06/01

#### Enrolled Bill Amendment to SB 576-FN-A

The Committee on Enrolled Bills to which was referred SB 576-FN-A

AN ACT relative to the penalty for possession and use of fentanyl-class drugs, insurance coverage for substance use disorders, the funding of the controlled drug prescription health and safety program, the membership of the board of medicine, and prescribers of controlled drugs.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

#### Explanation to Enrolled Bill Amendment to SB 576-FN-A

This enrolled bill amendment makes a technical correction.

#### Enrolled Bill Amendment to SB 576-FN-A

Amend section 10 of the bill by replacing line 1 with the following:

10 Board of Medicine: Medical Review Subcommittee. Amend RSA 329:17, V-a to read as follows:

Senator Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

## REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 331 and 555, and Senate Bills numbered 447 and 576.

Senator D'Allesandro moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call Senate to Order.

## MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

# SENATE JOURNAL 3

*January 21, 2016*

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

The Reverend Jason Wells, chaplain to the Senate, offered the prayer.

Disaster, the word literally means “dis-aster” as being without a star or being with a bad star. It meant a lot to the ancient navigators who sailed according to the stars. If the sky was cloudy, you couldn't see the North Star. If you were on a ship with an unskilled astronomer, you could sail a long time with the wrong heading. Either way, your journey was a “dis-aster” from which you would not return. We all must find our star, the fixed and shining lights that lead us safely home. That star may be your faith, which demands your best self on this moment. That star may be a story that continues to inspire you, a principle that you can never forget, a person that your life and your actions always must represent. No one should find themselves into a service like yours without a guiding star. So find it again. Put your eye and your mind on it. Because even as the North Star gets lost in the clouds, so our guides are hard to find amidst the papers and the agreements. It's a sad fact of psychology that our eye is always attracted to the glittering, and the wandering, and the moving lights that promise much but lead us to “dis-aster.” And so stay true by your star, whatever it might be, and you will marvel at how every time it brings you safely home.

In place of a prayer, a short poem by Walt Whitman.

When I heard the learn'd astronomer;  
When the proofs, the figures, were ranged in columns before me;  
When I was shown the charts and the diagrams, to add, divide, and measure them;  
When I, sitting, heard the astronomer, where he lectured with much applause in the lecture-room,  
How soon, unaccountable, I became tired and sick;  
Till rising and gliding out, I wander'd off by myself,  
In the mystical moist night-air, and from time to time,  
Look'd up in perfect silence at the stars.  
Senator Stiles led the Pledge of Allegiance.

Senator Forrester is excused for the day.

## INTRODUCTION OF GUESTS

(The Chair recognized Senator Boutin.)

SENATOR BOUTIN: Thank you, Mister President. I ask you all to join me in warmly welcoming the current participants in the Greater Manchester Leadership program.

## INTRODUCTION OF PAGES

Senator Daniels introduced Anabelle Bergstrom of Wilton-Lyndeborough Cooperative Middle School in Wilton serving as a Senate Page for the day, along with her mother, Tammy Bergstrom, visiting in the gallery.

## SPECIAL ORDER

Without objection, the following bill was special ordered to Thursday, February 4, 2016.

## JUDICIARY

SB 263-FN, relative to placing tracking devices on motor vehicles.

## FN REPORT FOR JANUARY 21, 2016

*Senator Little 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

SB 409-FN, relative to the first responder's critical injury benefit.

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 390-FN, relative to the procedure in retirement system hearings concerning qualification for disability retirement benefits.

## HEALTH AND HUMAN SERVICES

SB 109-FN, relative to receivership of nursing homes and other residential health care facilities.

SB 226-FN, requiring certain notice from pharmacy benefit managers.

HB 380, relative to investigations of child day care agencies.

HB 593-FN, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use.

## JUDICIARY

SB 193-FN-L, relative to the duties of the attorney general and county attorneys.

## REGULAR CALENDAR:

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 335-FN-A, transferring administration of the building code review board to the office of professional licensure and certification, and relative to appeals of decisions of the state fire marshal.

## JUDICIARY

SB 263-FN, relative to placing tracking devices on motor vehicles.

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

## REGULAR CALENDAR:

## WAYS AND MEANS

SB 239-FN, relative to application of the Internal Revenue Code to provisions of the business profits tax.

SB 444-FN, relative to lottery retailer incentive awards.

Without objection, the FN Report is adopted.

## CONSENT CALENDAR

Senator 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

SB 300, revising banking, credit union, and trust laws. Ought to Pass, Vote 5-0. Senator Bradley for the committee.

This bill seeks to revise the banking, credit union and trust laws that were updated in 2015. The changes would fix typographical and grammatical errors. The bill also seeks to make banking laws regarding bank names consistent with the Secretary of State's laws as well as addressing the absence of bank contracts regarding joint accounts. The committee feels these changes are necessary to remove inconsistencies in the statutes.

SB 405, making changes to the limited liability companies statutes. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

This bill seeks to revise the Limited Liability Company Statutes that were reviewed in 2012. These revisions seek to set guidelines for Limited Liability Companies that do not have operating agreements. If a business already has an operating agreement they can continue to operate under it. The committee felt these guidelines were a good revision to the laws and that the bill would continue to allow for a high amount of contractual freedom to all Limited Liability Companies in New Hampshire.

Commerce  
January 13, 2016  
2016-0056s  
03/05

#### **Amendment to SB 405**

Amend the section heading of RSA 304-C:99 as inserted by section 7 of the bill by replacing it with the following:

304-C:99 Certain Effects of Dissociation; ***Fiduciary Rights of Former Members.***

SB 409-FN, relative to the first responder's critical injury benefit. Ought to Pass, Vote 5-0. Senator Soucy for the committee.

The legislation removes the sunset provision to the first responder's critical injury benefit.

SB 411, relative to the merger of lots that are mortgaged. Ought to Pass, Vote 5-0. Senator Pierce for the committee.

This bill requires that mortgage holders approve the voluntary merger of lots and prohibits merger if there are mortgages on multiple lots and the mortgages are held by different parties. This bill would protect the interest of the mortgage holders by creating the best practice of notifying and obtaining approval from parties who have a financial interest in properties seeking merger approval. This Legislation would establish clear regulations for communities to follow when considering voluntary mergers.

#### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

SB 390-FN, relative to the procedure in retirement system hearings concerning qualification for disability retirement benefits. Ought to Pass, Vote 5-0. Senator Soucy for the committee.

This legislation requires that the presiding officer designated by the NH Retirement System Board of Trustees in disability retirement hearings shall not be the same person who made the initial disability determination and recommendation to the Board.

#### **HEALTH AND HUMAN SERVICES**

SB 109-FN, relative to receivership of nursing homes and other residential health care facilities. Interim Study, Vote 5-0. Senator Sanborn for the committee.

This bill would have clarified procedures for receivership of nursing homes and other residential care facilities. The committee recommends that this bill be referred to Interim Study to give the stakeholder groups more time to come to a consensus, with the intention to reengage the Health and Human Services committee at a later point.

SB 226-FN, requiring certain notice from pharmacy benefit managers. Interim Study, Vote 5-0. Senator Fuller Clark for the committee.

This bill would have required pharmacy benefit managers to notify pharmacists when a prior authorization request has been initiated by the prescribing physician and approval is still pending before the prescription can be filled. The committee recommends that this bill be referred to Interim Study because the issue is more complex than anticipated and the stakeholders need more time to work out a solution.

HB 380, relative to investigations of child day care agencies. Inexpedient to Legislate, Vote 5-0. Senator Kelly for the committee.

The committee recommends that this bill is inexpedient to legislate because the issue is currently being addressed through the rule making process. This bill would have permitted the Department of Health and Human Services to interview a child as part of an investigation of a child day care agency only if the child's parent or legal guardian is present and consents to the interview. This bill would have required the department to record the interview and provide a copy of the recording to the child's parent or guardian upon request.

HB 383, relative to the immunization/vaccination registry. Interim Study, Vote 5-0. Senator Carson for the committee.

This bill would have clarified certain options relating to the immunization/vaccination registry and exempt the registry from the right-to-know law. The committee recommends that this bill be referred to Interim Study because this issue is currently being addressed through the rule making process.

HB 593-FN, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use. Interim Study, Vote 5-0. Senator Fuller Clark for the committee.

This bill would have permitted qualifying patients and registered caregivers to cultivate cannabis for therapeutic use. The intent was to mitigate the delay in issuing identification cards for accessing medical marijuana dispensaries. The committee recommends that this bill be referred to Interim Study because identification cards are now being issued.

## JUDICIARY

SB 193-FN-L, relative to the duties of the attorney general and county attorneys. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This legislation was brought forward following a controversy involving a County Attorney. The amendment creates a study committee to delve into the issues involved and suggest possible legislation.

Senate Judiciary  
January 7, 2016  
2015-3071s  
09/01

### **Amendment to SB 193-FN-LOCAL**

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

AN ACT establishing a committee to study the duties of the attorney general and the county attorneys.

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

1 Committee Established. There is established a committee to study the duties of the attorney general and the county attorneys.

2 Membership and Compensation.

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

(a) Two members of the senate judiciary committee, appointed by the president of the senate.

(b) Five members of the house of representatives, 3 of whom shall be members of the judiciary committee, one of whom shall be a member of the criminal justice and public safety committee, and one of whom shall be a member of the children and family law committee, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the duties of the attorney general and the county attorneys.

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 first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four 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 December 1, 2016.

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

2015-3071s

### **AMENDED ANALYSIS**

This bill establishes a committee to study the duties of the attorney general and the county attorneys.

**TRANSPORTATION**

SB 359, relative to funding electric vehicle charging stations with municipal registration permits. Ought to Pass, Vote 5-0. Senator Watters for the committee.

This bill permits municipalities to fund electric vehicle charging stations with funds from the municipal and transportation improvement fund by amending enabling language in state statute to include electric vehicle charging stations in those projects that may be funded by the surcharge. This allows municipalities to use this fee to build infrastructure for electric vehicles. This bill is important in a time when electric vehicles are becoming more popular and municipalities wish to facilitate their use by providing charging stations.

Senator Sanborn is in opposition to the motion of Ought to Pass on SB 359.

SB 364, establishing a committee to study the feasibility of incorporating complete streets into the 10-year transportation improvement plan. Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill establishes a committee to study the feasibility of incorporating complete streets into the 10-year transportation improvement plan. Complete streets is a transportation and policy design approach that offers improved, safety, health, environmental impacts and enjoyment for all users, regardless of means of transportation. Establishing a committee to study this design is a New Hampshire solution that will enable the Department of Transportation, towns, and other stakeholders to work together if the town decides they would like to participate in implementing complete streets.

Senator Sanborn is in opposition to the motion of Ought to Pass on SB 364.

SB 438, relative to the aesthetic maintenance of highway intersections. Ought to Pass, Vote 5-0. Senator Daniels for the committee.

This bill permits the commissioner of the department of transportation to enter into agreements with private entities for the maintenance of highway intersections. The department would have control over the conditions and requirements of the agreement, while allowing businesses to advertise their company in maintaining the intersection.

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

**REGULAR CALENDAR****COMMERCE**

SB 100, relative to home heating fuel deliveries in the winter. Interim Study, Vote 3-2 Senator Prescott for the committee.

The question is on the adoption of the motion of Interim Study.

A roll call was requested by Senator Soucy, seconded by Senator Sanborn.

The following Senators voted Yes: Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

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

Yeas: 13 - Nays: 10

Adopted.

Senator Forrester is excused for the day.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

SB 335-FN-A, transferring administration of the building code review board to the office of professional licensure and certification, and relative to appeals of decisions of the state fire marshal. Inexpedient to Legislate, Vote 4-0. Senator Carson for the committee.

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

**HEALTH AND HUMAN SERVICES**

HB 195, relative to continuing care communities. Interim Study, Vote 4-0. Senator Avard for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.



## JUDICIARY

SB 399, relative to the medical affidavit required for probate court appointment of a guardian of an incapacitated person. Inexpedient to Legislate, Vote 4-0. Senator Daniels for the committee.

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

HB 613, relative to governmental records exempted under the right-to-know law. Interim Study, Vote 4-1. Senator Daniels for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

## PUBLIC AND MUNICIPAL AFFAIRS

SB 4, relative to domicile for voting purposes. Ought to Pass with Amendment, Vote 2-1. Senator Birdsell for the committee.

Public and Municipal Affairs

January 13, 2016

2015-3086s

03/04

**Amendment to SB 4**

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

AN ACT relative to eligibility to vote and relative to availability of voter information.

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

1 Voter; Domicile. Amend RSA 654:1, I to read as follows:

I. **(a)** Every inhabitant ~~[of the state]~~, having ~~[a single]~~ established domicile ~~[for voting purposes]~~ ***in this state for no less than 30 consecutive days before any election where the inhabitant offers to vote,*** being a citizen of the United States, of the age provided for in Article 11 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town, ward, or unincorporated place in which he or she is domiciled.

***(b)(1) An inhabitant's domicile for voting purposes [is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government.] shall be the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his or her habitation is fixed and to which a person, whenever he or she is temporarily absent, has the intention of returning after a departure or absence therefrom, including when the person is absent because of military service or temporarily absent as described in RSA 654:2.***

***(2) In determining what is a principal or primary place of abode of a person, without limitation the following factors or evidence relating to such person may be taken into account: civic and community participation, the place where a person spends most nights of the year, the location from which a person would apply for a passport or other federal identification, residence for income or other tax purposes, eligibility for a resident hunting and fishing license, and a New Hampshire driver's license.***

***(3) A qualified voter who has left his or her home and gone into another state or town of this state for a temporary purpose only shall not be considered to have lost his or her domicile as described in RSA 654:2.***

***(4) A person shall not be considered to have gained a domicile in any town or ward of this state into which he or she comes for temporary purposes only, without the intention of making it his or her home but with the intention of leaving it when he or she has accomplished the purpose that brought him or her there. Evidence that a person who, prior to arriving in New Hampshire, was domiciled in another state and is temporarily present in New Hampshire for any purpose including, but not limited to vacation, short-term temporary work, volunteering for social or civic purposes, or volunteering or working on political campaigns is not sufficient evidence that the person has established a domicile in New Hampshire.***



If a naturalized citizen, give name of court where and date when naturalized \_\_\_\_\_

6. Place last registered to vote \_\_\_\_\_

Street

Ward Number

7. Name under which previously registered, if different from above \_\_\_\_\_

8. Party Affiliation (if any) \_\_\_\_\_

9. Driver's License Number \_\_\_\_\_ State \_\_\_\_\_

If you do not have a valid driver's license, provide the last four digits of your social security number \_\_\_\_\_

My name is \_\_\_\_\_. I am today registering to vote in the city/town of \_\_\_\_\_, New Hampshire.

I understand that to vote in this [city/town] **ward/town**, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this [city/town] **ward/town**. **Furthermore, I understand that I must have been domiciled in New Hampshire for no less than 30 consecutive days before the first election in which I intend to vote.**

***I understand that if I have not been domiciled in New Hampshire for at least 30 consecutive days prior to an election but have completed this form, I have not met the registration requirements for said election but will be registered for the first election that I am eligible to vote in.***

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

~~[In declaring New Hampshire as my domicile, I am subject to the laws of the state of New Hampshire which apply to all residents, including laws requiring a driver to register a motor vehicle and apply for a New Hampshire's driver's license within 60 days of becoming a resident.]~~

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

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

(c) The secretary of state shall prescribe the form of the voter registration form to be used only for voter registrations, **transfers, or updates** at the polling place on the date of a state general election, which shall be in substantially the following form:

\_\_\_ **NEW REGISTRATION I am not registered to vote in New Hampshire**

\_\_\_ **TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire**

\_\_\_ **NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have changed my name/address**



In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date	Signature of Applicant
If this form is used in place of proof of identity, age, citizenship, or domicile, I hereby swear that such information is true and accurate to the best of my knowledge.	
This form was executed for purposes of proving (applicant shall circle yes or no and initial each item):	
Identity	yes/no <div style="border-bottom: 1px solid black; width: 100px; margin-top: 5px;">(initials)</div>
Citizenship	yes/no <div style="border-bottom: 1px solid black; width: 100px; margin-top: 5px;">(initials)</div>
Age	yes/no <div style="border-bottom: 1px solid black; width: 100px; margin-top: 5px;">(initials)</div>
Domicile	yes/no <div style="border-bottom: 1px solid black; width: 100px; margin-top: 5px;">(initials)</div>
Applicant	Election Official

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

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

4 Right to Know Exemption. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, domicile address, mailing address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, qualified voter and domicile affidavits, affidavit of religious exemption, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. ***However, otherwise confidential information on registration forms, absentee registration affidavits, qualified voter affidavits, challenged voter affidavits, domicile affidavits, affidavits of religious exemption, and applications for absentee ballot shall be made available to the legislature in an aggregated or statistical data format that conceals the identities of individual voters. Said aggregated or statistical data may be presented in public legislative hearings.*** Notwithstanding the foregoing, qualified voter and domicile affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any qualified voter or domicile affidavit. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, qualified voter and domicile affidavits, affidavits of religious exemption, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

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

2015-3086s

**AMENDED ANALYSIS**

This bill:

I. Expands the definition of domicile for voting purposes and requires that a voter be a resident of the state for at least 30 days.

II. Modifies the voter registration form.

III. Allows otherwise confidential voter information to be made available to the legislature in an aggregated or statistical data format.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Soucy, seconded by Senator Avard.

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

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

Yeas: 12 - Nays: 11

Adopted.

Senator Forrester is excused for the day.

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

A roll call was requested by Senator Pierce, seconded by Senator Lasky.

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

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

Yeas: 12 - Nays: 11

Adopted, bill ordered to Third Reading.

Senator Forrester is excused for the day.

**RULES, ENROLLED BILLS AND INTERNAL AFFAIRS**

SB 429, changing statutory references from the "Workforce Investment Act" to the "Workforce Innovation and Opportunity Act." Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

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

Senator Sanborn is in opposition to the motion of Ought to Pass on SB 429.

HB 458, revising the legislative ethics laws and the guidelines of the legislative ethics committee. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Rules, Enrolled Bills, and Internal Affairs

January 14, 2016

2015-3090s

04/10

**Amendment to HB 458**

Amend the bill by replacing section 3 with the following:

3 Legislative Ethics Committee; Complaints; Reference Changed; Summary Discharge. Amend the introductory paragraph of RSA 14-B:4, I and RSA 14-B:4, I(a) to read as follows:

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the

complainant. The legislator, officer, or employee of the legislature complained against shall be furnished with a copy of the complaint and a copy shall be sent to each member of the committee for review. The committee shall initiate a complaint on its own motion against any individual the committee determines has not complied with the provisions of RSA [15-A and RSA 15-B] **14-B:8**. The committee shall promptly examine each sworn complaint and:

(a) If by ~~a unanimous~~ **an** affirmative vote **of at least 4 members** it determines that a complaint is frivolous, scurrilous, or retaliatory in nature, ***fails to allege conduct which is contrary to the law, ethics guidelines, rules or regulations, or is otherwise plainly not within the committee's jurisdiction***, the committee may **summarily** discharge the complaint without the benefit of a meeting or further proceeding. The committee shall notify the respondent and complainant in writing of its action.

Amend paragraph IV of procedural rule 4 INITIAL REVIEW OF COMPLAINTS, as inserted by section 19 of the bill, by replacing it with the following:

IV. The committee shall promptly examine each sworn complaint. The committee may summarily discharge the complaint without a meeting or further proceeding, in accordance with paragraph II of section 2 of these rules, if the committee determines by an affirmative vote of at least 4 members that the complaint is frivolous, scurrilous, or retaliatory in nature, fails to allege conduct which is contrary to the law, ethics guidelines, rules or regulations, or is otherwise plainly not within the committee's jurisdiction.

Amend the bill by replacing section 21 with the following:

21 Effective Date. This act shall take effect January 1, 2017.

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

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

#### WAYS AND MEANS

SB 239-FN, relative to application of the Internal Revenue Code to provisions of the business profits tax. Ought to Pass with Amendment, Vote 3-1. Senator D'Allesandro for the committee.

Senate Ways and Means

January 13, 2016

2016-0055s

10/09

#### **Amendment to SB 239-FN**

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

1 New Subparagraph; Business Profits Tax; Definition; United States Internal Revenue Code. Amend RSA 77-A:1, XX by inserting after subparagraph (l) the following new subparagraph:

(m) For all taxable periods beginning on or after January 1, 2016, the United States Internal Revenue Code of 1986, as amended, subject to the RSA 77-A:3-a.

2 Business Profits Tax; Adjustments; Internal Revenue Code. RSA 77-A:3-a is repealed and reenacted to read as follows:

77-A:3-a Adjustments; Internal Revenue Code Provisions. In determining gross business profits for any period, a business organization shall apply the provisions of the United States Internal Revenue Code consistent with the provisions of this chapter, with the following adjustments:

I. The United States Internal Revenue Code shall be applied without section 168(k) of such code.

II. The United States Internal Revenue Code shall be applied without section 199 of such code.

III. The United States Internal Revenue Code shall be applied so that the aggregate cost which may be taken into account under section 179(a) of such code for any taxable year shall not exceed \$25,000.

3 Applicability.

I. Section 1 of this act shall take effect for taxable periods beginning on or after January 1, 2016.

II. Section 2 of this act shall take effect for property placed in service on or after January 1, 2016.

4 Repeal. RSA 77-A:1, X(g), relative to a reference to the Internal Revenue Code, is repealed.

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

2016-0055s

#### AMENDED ANALYSIS

This bill updates the effective version of the United States Internal Revenue Code of 1986 applicable to the business profits tax, subject to certain adjustments.

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

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

Senator Feltes is in favor of the motion of Ought to Pass with Amendment on SB 239-FN.

SB 343, establishing a commission to study apportionment of gross business profits under the business profits tax. Ought to Pass with Amendment, Vote 3-0. Senator Feltes for the committee.

Senate Ways and Means

January 12, 2016

2016-0052s

10/04

#### Amendment to SB 343

Amend RSA 77-A:22, I as inserted by section 1 of the bill by replacing it with the following:

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

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) One member of the business community, appointed by the president of the senate.
- (d) One member of the business community, appointed by the speaker of the house of representatives.
- (e) The president of the New Hampshire Bar Association, or designee.
- (f) The president of the New Hampshire Society of Certified Public Accountants, or designee.
- (g) The commissioner of resources and economic development, or designee.
- (h) The commissioner of revenue administration, or designee.
- (i) The attorney general, or designee.

Amend RSA 77-A:22, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The members of the commission shall elect a chairperson from among the members. The first meeting shall be called by the first-named 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 motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Senator Sanborn is in opposition to the motion of Ought to Pass with Amendment on SB 343.

SB 444-FN, relative to lottery retailer incentive awards. Ought to Pass, Vote 3-0. Senator Feltes for the committee.

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

HB 192, relative to the valuation of utility property. Inexpedient to Legislate, Vote 4-0. Senator D'Allesandro for the committee.

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

Recess. Out of recess.



## 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 369-FN, (New Title) encouraging public schools to include drug and alcohol education as part of their health education curriculum.

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

The President appointed Senators Bradley, Stiles, and Kelly.

## 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 146, relative to accessory dwelling units.

Senator Birdsell moved concurrence. Adopted.

Senator Stiles is in opposition to the motion of concurrence on SB 146.

## 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 265-FN, establishing the achieving a better life experience (ABLE) savings account program.

Senator Boutin moved concurrence. Adopted.

## MOTION TO ADJOURN FROM EARLY SESSION

Senator 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 Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Can I take a moment of personal privilege? Thank you, Mister President. We don't have session next Thursday, but next Thursday, January 28th, marks the 30th anniversary of the space shuttle *Challenger* explosion. On board the *Challenger* was a 37 year old Concord resident who was the first teacher in space, Christa McAuliffe. She was selected by NASA among 11,000 applicants for the Teacher in Space program initiative developed by President Ronald Reagan. In Concord she was a beloved teacher; among other things, she taught social studies at Concord High School, including a course that she designed called "The American Woman," emphasizing the contribution of women to our history, some of which omitted from traditional history textbooks. She was hard working, she was an inspiring teacher, and she was humble. To the latter point, her humility was best exemplified, perhaps, when she was asked about a home coming ceremony that, unfortunately, never came to be, she said, "It's not the Olympics, it's Concord, New Hampshire, and a homecoming should reflect the community I'm part of." Thirty years later, Mister President, Christa McAuliffe's memory lives on in this community and beyond. Her memory lives on with her many admirers, friends, and family, including Judge Stephen McAuliffe, who's an all-around great guy. Her memory lives on in the many dedications in Concord and beyond, including the Christa McAuliffe Middle School, the McAuliffe-Shepard Discovery Center, as well as numerous other schools and scholarships in her name. And her memory lives on throughout state buildings with pictures and portraits sprinkled throughout, including, quite fittingly, in the Legislative Office Building room where the House Science, Technology and Energy Committee routinely meets. And, Mister President, her memory lives on 30 years later in the lives of the many, many students that she taught. For in the words of Christa McAuliffe herself, "I touched the future, I teach." Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise to thank you and the fellow members of the Facilities Committee for having worked with our House colleagues over a long period of time to develop the anti-harassment policy here that should have been distributed to all of the members. And, I hope that you have all taken time to read through it, and sign the document. I know there were some remarks made from some colleagues on the other side of the wall, but I trust that my colleagues here in this body believe that it is important that we comply with the policies we establish, not only amongst our colleagues but our employees and members of the public, and I hope that everyone will get those in and submitted through your office as quickly as possible. Thank you, Mister President.

Without objection all personal privileges or unanimous consent (other remarks) 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 458, revising the legislative ethics laws and the guidelines of the legislative ethics committee.

SB 4, (New Title) relative to eligibility to vote and relative to availability of voter information.

SB 193-FN-L, (New Title) establishing a committee to study the duties of the attorney general and the county attorneys.

SB 300, revising banking, credit union, and trust laws.

SB 343, establishing a commission to study apportionment of gross business profits under the business profits tax.

SB 359, relative to funding electric vehicle charging stations with municipal registration permits.

SB 364, establishing a committee to study the feasibility of incorporating complete streets into the 10-year transportation improvement plan.

SB 390-FN, relative to the procedure in retirement system hearings concerning qualification for disability retirement benefits.

SB 405, making changes to the limited liability companies statutes.

SB 409-FN, relative to the first responder's critical injury benefit.

SB 411, relative to the merger of lots that are mortgaged.

SB 429, changing statutory references from the "Workforce Investment Act" to the "Workforce Innovation and Opportunity Act."

SB 438, relative to the aesthetic maintenance of highway intersections.

#### MOTION TO RECESS TO CALL OF THE CHAIR

Senator 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.