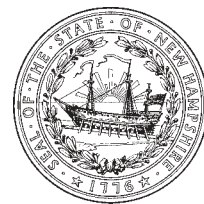


# STATE OF NEW HAMPSHIRE

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## SENATE JOURNAL 2 (*Cont.*)



*January 9, 2003*

**Out of Recess.**

### INTRODUCTION OF SENATE BILLS

Senator Clegg moved that in accordance with the list in the possession of the Senate Clerk, Senate Bills numbered **22-59** inclusive shall be by this resolution read a first and second time by the therein listed titles.

**Adopted.**

### First and Second Reading and Referral

03-0281

**SB 22**, establishing a committee to study the economic effects of student activities on state higher education campuses on the surrounding municipalities. (Johnson, Dist 2: Education)

03-0284

**SB 23-FN**, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. (Clegg, Dist 14; Barnes, Dist 17; D'Allesandro, Dist 20; Kenney, Dist 3; Boyce, Dist 4; Heon, Straf. 67; Coughlin, Hills 45; O'Neil, Rock 85; Hamel, Rock 79: Executive Departments and Administration)

03-0287

**SB 24**, relative to license revocations for DWI offenders under the age of 21. (Clegg, Dist 14; Prescott, Dist 23; D'Allesandro, Dist 20; Boyce, Dist 4; Letourneau, Rock 77; Tholl, Coos 2; Artz, Hills 64: Judiciary)

03-0393

**SB 26**, removing the penalty against teachers who fail to keep registers. (O'Hearn, Dist 12: Education)

03-0395

**SB 27**, extending the kindergarten construction program. (O'Hearn, Dist 12: Finance)

03-0403

**SB 28-FN**, relative to the transcription of hearings before standing committees of the senate. (D'Allesandro, Dist 20: Internal Affairs)

03-0459

**SB 29-FN-A-LOCAL**, refunding certain meals and rooms taxes paid by the city of Manchester. (D'Allesandro, Dist 20; Martel, Dist 18; Gatsas, Dist 16; Buckley, Hills 56: Finance)

03-0502

**SB 30-FN**, relative to dissemination of false statements about candidates. (D'Allesandro, Dist 20: Judiciary)

03-0572

**SB 31**, changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee. (D'Allesandro, Dist 20: Internal Affairs)

03-0592

**SB 32**, relative to municipal budget recommendations. (Clegg, Dist 14; Boyce, Dist 4; Kurk, Hills 48; C. Christensen, Hills 58; Packard, Rock 75; Giuda, Graf 13: Public Affairs)

03-0285

**SB 33-FN**, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child. (Clegg, Dist 14; Prescott, Dist 23; Boyce, Dist 4; Flanders, Dist 7; Woods, Straf 69; Giuda, Graf 13; Balboni, Hills 59: Public Institutions, Health and Human Services)

03-0426

**SB 34**, relative to independent living retirement communities. (Gatsas, Dist 16; Larsen, Dist 15; Barnes, Dist 17; Roberge, Dist 9; Morse, Dist 22; MacKay, Merr 39; French, Merr 34; Vaillancourt, Hills 56; King, Coos 1; S. L'Heureux, Merr 37: Public Affairs)

03-0463

**SB 35**, relative to the transfer and exchange of certain state-owned land for certain land owned by the Manchester water works. (D'Allesandro, Dist 20; Martel, Dist 18: Environment)

03-0583

**SB 36-FN**, relative to driving under the influence of a controlled drug and relative to protective custody of a person impaired by drugs. (Clegg, Dist 14; Eaton, Dist 10; Boyce, Dist 4; Packard, Rock 75; Tholl, Coos 2; Stevens, Carr 7: Judiciary)

03-0703

**SB 37-FN**, increasing the amount paid to the firemen's relief fund from insurance department revenues. (Gallus, Dist 1; Johnson, Dist 2; Kenney, Dist 3; Belanger, Rock 76; Woodward, Coos 3; Gionet, Graf 11; B. Ham, Graf 12: Insurance)

03-0704

**SB 38-FN-A-LOCAL**, authorizing special number plates for firefighters and dedicating the revenues for matching grants to purchase fire-fighting equipment. (Gallus, Dist 1; Odell, Dist 8; Dickinson, Carr 4; Guay, Coos 2; Woodward, Coos 3: Transportation)

03-1066

**SB 39**, relative to the results of a preliminary breath test as evidence in court. (Flanders, Dist 7; D'Allesandro, Dist 20; Below, Dist 5; Tholl, Coos 2; Stevens, Carr 7: Judiciary)

03-1067

**SB 40**, relative to filing of complaints for violation-level offenses. (Flanders, Dist 7; Welch, Rock 79: Judiciary)

03-1123

**SB 41-FN**, relative to the installation of airbags by motor vehicle repair facilities. (Green, Dist 6; Flanders, Dist 7; Weare, Rock 84: Judiciary)

03-1130

**SB 42**, relative to charitable contributions by insurance agents. (Flanders, Dist 7; Odell, Dist 8: Insurance)

03-1140

**SB 43**, relative to archives and records management. (Martel, Dist 18: Public Affairs)

03-1153

**SB 44**, relative to penalties for vehicle dealers. (Clegg, Dist 14; Martel, Dist 18; Letourneau, Rock 77; Packard, Rock 75: Transportation)

03-0433

**SB 45**, relative to property tax exemptions and credits for the elderly, veterans, and the disabled, and allowing municipalities to adopt an optional date for filing exemptions. (Gatsas, Dist 16; Larsen, Dist 15; Barnes, Dist 17; Roberge, Dist 9; Gonzalez, Hills 49: Public Affairs)

03-0562

**SB 46-FN**, relative to dedicated funds. (Prescott, Dist 23; Green, Dist 6; Boyce, Dist 4: Finance)

03-0615

**SB 47-FN**, relative to refunds for tolls paid on account of shrinkage or loss by evaporation of motor fuel. (Clegg, Dist 14; Prescott, Dist 23; Packard, Rock 75; Letourneau, Rock 77; Pepino, Hills 51: Transportation)

03-0818

**SB 48**, exempting housing for older persons from certain age discrimination laws. (Clegg, Dist 14; Gallus, Dist 1; O'Hearn, Dist 12; Hunt, Ches 28; J. Pratt, Ches 24: Executive Departments and Administration)

03-1076

**SB 49**, relative to fluoridation of public water supplies and local decisions regarding fluoridation. (Prescott, Dist 23; O'Hearn, Dist 12; Johnson, Dist 2; Souza, Hills 51; Hagan, Hills 50; B. Richardson, Ches 26: Environment)

03-1109

**SB 51-FN**, relative to membership on the New England Board of Higher Education. (Peterson, Dist 11; D'Allesandro, Dist 20: Education)

03-1198

**SB 52**, relative to a voluntary certification program for police dogs and handlers. (Clegg, Dist 14; Prescott, Dist 23; Chandler, Carr 4; Giuda, Graf 13; Tholl, Coos 2; Welch, Rock 79; Whalley, Belk 31: Public Affairs)

03-0363

**SB 53**, establishing an advisory board to the labor commissioner and relative to the membership of the compensation appeals board. (Flanders, Dist 7; Roberge, Dist 9; Clegg, Dist 14; Fraser, Merr 37; Mercer, Hills 59; Holden, Hills 48; Weyler, Rock 79; Mock, Carr 4: Insurance)

03-0473

**SB 54-FN-LOCAL**, relative to the implementation of town or city property revaluations. (Boyce, Dist 4: Public Affairs)

03-0686

**SB 55-FN**, raising the age at which a child may terminate his or her public education. (O'Hearn, Dist 12; Johnson, Dist 2; Green, Dist 6; Carson, Rock 75; S. L'Heureux, Merr 37; Rep, Crane, Hills 59: Education)

03-0765

**SB 56-FN**, relative to parking for persons with disabilities. (Boyce, Dist 4; Martel, Dist 18; Boyce, Belk 31; Pilliod, Belk 31; D. Cote, Hills 62: Transportation)

03-1063

**SB 57-FN**, relative to certain accounts within the fish and game fund. (Gallus, Dist 1; Odell, Dist 8; Clegg, Dist 14; McKinney, Rock 75; Woodward, Coos 3; Royce, Ches 28; R. L'Heureux, Hills 58: Wildlife and Recreation)

03-1113

**SB 58-FN-A**, relative to the net operating loss under the business profits tax. (Foster, Dist 13; Sapareto, Dist 19; O'Hearn, Dist 12; Clegg, Dist 14; Below, Dist 5; Cohen, Dist 24; Boyce, Dist 4; Lasky, Hills 65; Mercer, Hills 59; Norelli, Rock 86; Weyler, Rock 79: Ways and Means)

03-1133

**SB 59-FN**, relative to administrative license suspension hearings. (Clegg, Dist 14; Prescott, Dist 23; D'Allesandro, Dist 20; Tholl, Coos 2; Stevens, Carr 7: Judiciary)

#### LATE SESSION

Senator Clegg moved that the Senate adjourn until Thursday, January 30, 2003 at 10:00 a.m.

**Adopted.**

**Adjournment.**

# SENATE JOURNAL 3

*January 30, 2003*

The Senate met at 10:00 a.m.

A quorum was present.

The Reverend David P. Jones, Chaplain to the Senate, offered the prayer.

*Mighty Creator, may You be the navigator of our mission, the engineer of our plans and the pilot of our destinies, that when this fragile air strip is little remembered, that difference will still have been huge. Amen.*

Senator Kenney led the Pledge of Allegiance.

### INTRODUCTION OF GUESTS

### INTRODUCTION OF STAFF

#### LEGISLATIVE AIDES

Elizabeth Ignacio

Christopher Williams

#### ASSISTANT TO THE DEPUTY MINORITY LEADER

Sonja Caldwell

#### PLYMOUTH STATE SENATE INTERN

Tyler Hagstrom

### COMMITTEE REPORTS

**SB 26**, removing the penalty against teachers who fail to keep registers. Education Committee. Ought to Pass, Vote 3-0. Senator O'Hearn for the committee.

**Adopted.**

**Ordered to third reading.**

### SUSPENSION OF THE RULES

Senator Below moved that the rules of the Senate be so far suspended as to consider an amendment to Senate Rules regarding Rule #33.

**Question is on the motion to suspend the rules.**

**A 2/3 vote is necessary.**

**A roll call was requested by Senator Cohen.**

**Seconded by Senator Larsen.**

**The following Senators voted Yes: Below, Foster, Larsen, D'Allesandro, Estabrook, Cohen.**

**The following Senators voted No: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Eaton, Peterson, O'Hearn, Clegg, Gatsas, Barnes, Martel, Sapareto, Morse, Prescott.**

**Yeas: 6 - Nays: 18**

**Motion failed.**

**SB 14**, relative to vacancies in county offices. Internal Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Boyce for the committee.

#### Internal Affairs

**January 23, 2003**

**2003-0046s**

**10/09**

#### Amendment to SB 14

Amend the bill by replacing section 2 with the following:

2 Vacancies Among County Officers; Election by Members of County Convention. Amend RSA 661:9, I-II to read as follows:

I. If a vacancy occurs in the office of county sheriff, county attorney, register of deeds, or county treasurer, the ~~[superior court]~~ **members of the county convention** shall fill the vacancy for the unexpired term **by majority vote**.

II.(a) If a vacancy occurs in the office of a county commissioner, the ~~[superior court]~~ **members of the county convention** shall fill the vacancy **by majority vote** until the next biennial election of county offic-

ers. If the term filled is less than the unexpired term, then notwithstanding any provisions of RSA 653:1, VI, the commissioner district filled pursuant to this paragraph shall be added to the next biennial election ballot to be chosen by the inhabitants of the county for a 2-year term.

(b) The provisions of subparagraph (a) shall apply only where the vacancy occurred no later than 30 days preceding the printing of the ballots for the primary election.

(c) The provisions of RSA 655:32 and RSA 655:37 relating to nominations by appropriate party committees for vacancies in an office on a primary or general election ballot, respectively, shall apply to vacancies to be filled under this paragraph.

**Question is on the adoption of the committee amendment.**

**A roll call was requested by Senator Below.**

**Seconded by Senator Barnes.**

**The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Peterson, O'Hearn, Clegg, Gatsas, Barnes, Martel, Sapareto, Morse, Prescott.**

**The following Senators voted No: Below, Foster, Larsen, D'Allesandro, Estabrook, Cohen.**

**Yeas: 17 - Nays: 6**

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**SB 17**, relative to incompatible offices. Internal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Boyce for the committee.

**Internal Affairs  
January 22, 2003  
2003-0041s  
03/04**

#### **Amendment to SB 17**

Amend the bill by replacing section 1 with the following:

1 Nominations; Incompatible Office; Federal Elected Offices Added. Amend RSA 655:10 to read as follows:

655:10 Incompatible Offices. No person shall file declaration of candidacy or primary petitions for nomination at the primary for incompatible offices. For the purposes of this section, incompatible offices shall include the offices of governor, representative to the general court, state senator, and councilor, **and any federal elected office**. If any person shall file for such incompatible offices, the secretary of state shall advise the person of the provisions hereof and said person shall then advise the secretary of state which of said offices he **or she** wishes to retain in order to seek said nomination. If a filing fee has been paid for a declaration of candidacy which [he] **the person** declines, the fee shall be returned to [him] **the person**. No person shall seek or hold the position as a member of the general court and county commissioner at the same time. No person shall hold 2 of the offices mentioned in RSA 655:9 at the same time, and the acceptance of one of them shall be a resignation of the others.

**2003-0041s**

#### **AMENDED ANALYSIS**

This bill adds "any federal elected office" to the definition of incompatible offices.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**SB 11-FN**, establishing new special justice positions in the Manchester, Concord, and Nashua district courts. Judiciary Committee. Ought to pass with amendment, Vote 3-0. Senator Clegg for the committee.

**Senate Judiciary**  
**January 23, 2003**  
**2003-0047s**  
**01/04**

**Amendment to SB 11-FN**

Amend the bill by replacing section 2 with the following:

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

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Referred to the Finance Committee (Rule #26).**

**SB 13**, relative to judicially appointed officials. Judiciary Committee. Inexpedient to Legislate, Vote 3-0. Senator Peterson for the committee.

**Committee report of inexpedient to legislate is adopted.**

**SB 24**, relative to license revocations for DWI offenders under the age of 21. Judiciary Committee. Ought to pass with amendment, Vote 3-0. Senator Foster for the committee.

**Senate Judiciary**  
**January 23, 2003**  
**2003-0050s**  
**03/10**

**Amendment to SB 24**

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

1 Penalties for Intoxication or Under Influence of Drug Offenses; Person Under the Age of 21. Amend RSA 265:82-b, I-b to read as follows:

I-b. Any person [~~under the age of 21~~] who is convicted of an offense under RSA 265:82, RSA 265:82-a, or RSA 630:3, II ***and the offense occurred while the person was under the age of 21*** shall be sentenced according to the provisions of this section, except that in all cases the person's driver's license or privilege to drive shall be revoked for not less than one year.

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

**2003-0050s**

**AMENDED ANALYSIS**

This bill clarifies that a mandatory one-year license revocation applies to certain DWI offenses where the offense occurred while the offender was under the age of 21.

**Amendment adopted.**

**Question is on the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**SB 32**, relative to municipal budget recommendations. Public Affairs Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

**Adopted.**

**Ordered to third reading.**

**RESOLUTION**

Senator Clegg moved that the Senate now adjourn from the early session, that the business of the last session be in order at the present time, that all bills ordered to third reading be by this resolution read a third time and passed and all titles be the same as adopted, and that they be passed at the present time.

**Adopted.**

**ANNOUNCEMENTS**

Senator Cohen (Rule #44).

Senator Barnes (Rule #44).

Senator Boyce (Rule #44).

**LATE SESSION****RESOLUTION**

Senator Clegg moved that the Senate recess to the Call of the Chair for the sole purpose of introducing legislation, referring bills to committee, and scheduling hearings, and that when we adjourn, we adjourn to the Call of the Chair.

**Third Reading and Final Passage**

**SB 14**, relative to vacancies in county offices.

**SB 17**, relative to incompatible offices.

**SB 24**, relative to license revocations for DWI offenders under the age of 21.

**SB 26**, removing the penalty against teachers who fail to keep registers.

**SB 32**, relative to municipal budget recommendations.

**Adopted.**

**In recess to the Call of the Chair.**

**(Revised)**

**SENATE STANDING COMMITTEES****BANKS**

Room 103 SH \* 271-3207

Robert B. Flanders, r, Chairman

Andrew R. Peterson, r, Vice Chairman

John S. Barnes, Jr., r

Joseph A. Foster, d

Bob Odell, r

**CAPITAL BUDGET**

Room 103 SH \* 271-3095

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Lou D'Allesandro, d, Vice Chairman

Robert K. Boyce, r

Carl R. Johnson, r

Charles W. Morse, r

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Joseph A. Foster, d

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Clifton C. Below, d, Vice Chairman

John T. Gallus, r

Theodore L. Gatsas, r

Russell E. Prescott, r

**ENVIRONMENT**

Room 104 LOB \* 271-3093

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Burton J. Cohen, d, Vice Chairman

John S. Barnes, Jr., r

Clifton C. Below, d

Russell E. Prescott, r

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ADMINISTRATION**

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Robert K. Boyce, r, Vice Chairman  
Clifton C. Below, d  
Lou D'Allesandro, d  
Thomas R. Eaton, r  
Theodore L. Gatsas, r  
Bob Odell, r

**INSURANCE**

Room 101 LOB \* 271-2117

Robert B. Flanders, r, Chairman  
Russell E. Prescott, r, Vice Chairman  
Burton J. Cohen, d  
André A. Martel, r  
Sheila Roberge, r

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Robert B. Flanders, r, Vice Chairman  
Joseph D. Kenney, r  
Sylvia B. Larsen, d  
Jane E. O'Hearn, r

**INTERSTATE COOPERATION**

Room 101 LOB \* 271-3091

Theodore L. Gatsas, r, Chairman  
Iris W. Estabrook, d, Vice Chairman  
Robert E. Clegg, Jr., r  
Carl R. Johnson, r  
Frank V. Sapareto, r

**JUDICIARY**

Room 105-A SH \* 271-3091

Andrew R. Peterson, r, Chairman  
Joseph A. Foster, d, Vice Chairman  
Robert E. Clegg, Jr., r  
Sheila Roberge, r  
Frank V. Sapareto, r

**PUBLIC AFFAIRS**

Room 105-A SH \* 271-6933

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Sylvia B. Larsen, d, Vice Chairman  
John S. Barnes, Jr., r  
Richard P. Green, r  
Charles W. Morse, r

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Joseph D. Kenney, r  
Jane E. O'Hearn, r

**RULES & ENROLLED BILLS**

Room 105-A SH \* 271-2111

Thomas R. Eaton, r, Chairman  
Richard P. Green, r, Vice Chairman  
Robert E. Clegg, Jr., r  
Lou D'Allesandro, d  
Sylvia B. Larsen, d

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Clifton C. Below, d  
Robert B. Flanders, r  
André A. Martel, r

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Robert K. Boyce, r  
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**WILDLIFE & RECREATION**

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Sheila Roberge, r, Vice Chairman  
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Theodore L. Gatsas, r  
Frank V. Sapareto, r