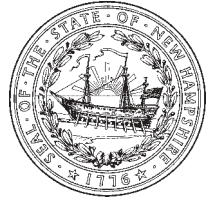


STATE OF NEW HAMPSHIRE

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SENATE JOURNAL 5 (*Cont.*)



February 12, 2004

Out of Recess.

INTRODUCTION OF SENATE BILLS

Senator Clegg offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, Senate Bills numbered from **532 to 533**, shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

SB 532-FN, exempting biodiesel from the road toll. (Flanders, Dist 7; Sen. Eaton, Dist 10; Sen. Johnson, Dist 2; Rep. Leach, Hills 42: Transportation)

SB 533, relative to licensing requirements for certain recreation and child care programs. (Sen. Johnson, Dist 2; Sen. Clegg, Dist 14; Sen. D'Allesandro, Dist 20; Sen. Gatsas, Dist 16; Sen. Martel, Dist 18; Sen. O'Hearn, Dist 12; Sen. Odell, Dist 8; Sen. Morse, Dist 22; Sen. Larsen, Dist 15; Sen. Peterson, Dist 11; Sen. Sapareto, Dist 19; Sen. Foster, Dist 13: Public Affairs)

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 729-FN, relative to the regulation of tanning facilities.

HB 730-FN-L, establishing a committee to study workers' compensation benefits for firefighters, rescue workers, and safety workers who contract certain communicable diseases.

HB 736, relative to duties of the fish and game commission and complaints against fish and game commissioners.

HB 767-FN, relative to political advertising not authorized by the candidate.

HB 803-FN-A-L, relative to the establishment of municipal economic development and revitalization districts by municipalities.

HB 1141, relative to dioxin emissions reduction and medical waste incinerators.

HB 1154, relative to the Hanover-Lebanon district court and the Plymouth-Lincoln district court.

HB 1160, relative to the membership of the board of professional geologists.

HB 1169, relative to child support calculations based on one-time or irregular income.

HB 1170, establishing a committee to study access to medical records of persons with highly communicable diseases.

HB 1212, relative to the circumstances under which a juvenile may be committed to the youth development center until the age of 18.

HB 1248-FN, relative to the state board of nursing.

HB 1254-FN, relative to the postsecondary education vocational school licensing fund and the forgivable loan fund in the workforce incentive program.

HB 1259, relative to the medical certification required for a walking disability plate or placard.

HB 1260, naming the new Route 9 bridge over the Connecticut River between New Hampshire and Vermont the United States Navy Seabees Bridge.

HB 1275-FN-A, relative to the role of the department of health and human services in juvenile proceedings.

HB 1281, permitting the adoption of an alternative cost apportionment method in a cooperative school district.

HB 1290, establishing a study committee to examine time limits on eligibility for Temporary Assistance for Needy Families.

HB 1311-FN, establishing a committee to study decreasing the insurance premium tax.

HB 1325-FN-A, relative to additional uses of the E-Z Pass system.

HB 1334, relative to retention of records of fish and game law violations by the fish and game department.

HB 1336, relative to the procedures for the legislative ethics committee.

HB 1363, establishing a policy for naming state highways, bridges, and buildings.

HB 1370, establishing a committee to study property tax relief.

HB 1378-FN-A, relative to New Hampshire service medals for veterans of World War II, the Korean War, and the Vietnam War and making an appropriation therefor.

HB 1403, extending the reporting dates of certain study committees.

INTRODUCTION OF HOUSE BILLS

Senator Clegg offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from **729 to 1403** shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 729-FN, relative to the regulation of tanning facilities. (Internal Affairs)

HB 730-FN-L, establishing a committee to study workers' compensation benefits for firefighters, rescue workers, and safety workers who contract certain communicable diseases. (Insurance)

HB 736, relative to duties of the fish and game commission and complaints against fish and game commissioners. (Wildlife and Recreation)

HB 767-FN, relative to political advertising not authorized by the candidate. (Internal Affairs)

HB 803-FN-A-L, relative to the establishment of municipal economic development and revitalization districts by municipalities. (Energy and Economic Development)

HB 1141, relative to dioxin emissions reduction and medical waste incinerators. (Environment)

HB 1154, relative to the Hanover-Lebanon district court and the Plymouth-Lincoln district court. (Executive Departments and Administration)

HB 1160, relative to the membership of the board of professional geologists. (Public Affairs)

HB 1169, relative to child support calculations based on one-time or irregular income. (Judiciary)

HB 1170, establishing a committee to study access to medical records of persons with highly communicable diseases. (Public Institutions, Health and Human Services)

HB 1212, relative to the circumstances under which a juvenile may be committed to the youth development center until the age of 18. (Judiciary)

HB 1248-FN, relative to the state board of nursing. (Executive Departments and Administration)

HB 1254-FN, relative to the postsecondary education vocational school licensing fund and the forgivable loan fund in the workforce incentive program. (Ways and Means)

HB 1259, relative to the medical certification required for a walking disability plate or placard. (Public Affairs)

HB 1260, naming the new Route 9 bridge over the Connecticut River between New Hampshire and Vermont the United States Navy Seabees Bridge. (Transportation)

HB 1275-FN-A, relative to the role of the department of health and human services in juvenile proceedings. (Public Institutions, Health and Human Services)

HB 1281, permitting the adoption of an alternative cost apportionment method in a cooperative school district. (Education)

HB 1290, establishing a study committee to examine time limits on eligibility for Temporary Assistance for Needy Families. (Public Institutions, Health and Human Services)

HB 1311-FN, establishing a committee to study decreasing the insurance premium tax. (Ways and Means)

HB 1325-FN-A, relative to additional uses of the E-Z Pass system. (Transportation)

HB 1334, relative to retention of records of fish and game law violations by the fish and game department. (Wildlife and Recreation)

HB 1336, relative to the procedures for the legislative ethics committee. (Internal Affairs)

HB 1363, establishing a policy for naming state highways, bridges, and buildings. (Transportation)

HB 1370, establishing a committee to study property tax relief. (Ways and Means)

HB 1378-FN-A, relative to New Hampshire service medals for veterans of World War II, the Korean War, and the Vietnam War and making an appropriation therefor. (Finance)

HB 1403, extending the reporting dates of certain study committees. (Internal Affairs)

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 403, requiring a person found not guilty of certain sexual offenses by reason of insanity to register as a criminal offender.

HB 422, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases.

HB 444, relative to summoning witnesses from another state in certain actions involving children.

HB 532, relative to notice and filing of divorce petitions.

HB 622-FN, clarifying certain exemptions from the right-to-know law.

HB 643-FN, relative to the family division of the courts.

HB 656-FN, establishing a commission to study the operations of the family division court in Grafton county.

INTRODUCTION OF HOUSE BILLS

Senator Clegg offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from **403 to 656**, shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 403, requiring a person found not guilty of certain sexual offenses by reason of insanity to register as a criminal offender. (Judiciary)

HB 422, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases. (Judiciary)

HB 444, relative to summoning witnesses from another state in certain actions involving children. (Judiciary)

HB 532, relative to notice and filing of divorce petitions. (Judiciary)

HB 622-FN, clarifying certain exemptions from the right-to-know law. (Judiciary)

HB 643-FN, relative to the family division of the courts. (Judiciary)

HB 656-FN, establishing a commission to study the operations of the family division court in Grafton county. (Judiciary)

LATE SESSION

Senator Clegg moved that the Senate adjourn from the late session.

Adopted.

Adjournment.

SENATE JOURNAL 6

February 19, 2004

The Senate met at 10:00 a.m.

A quorum was present.

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

Gracious God, we ask You today to simplify, clarify, de-clutter and de-fragment our busy, hectic and too often scattered thoughts and lives. Give us the ability this day and in these ordinary moments to see You, to follow You, and to adhere to the commandment which is the greatest one of all - the one that has to do with love. Amen

Senator Green led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

SB 381, relative to the transfer of certain capital appropriations within the department of safety. Capital Budget. Ought to Pass, Vote 4-0. Senator Morse for the committee.

Adopted.

Ordered to third reading.

HB 516-L, relative to the standard of review for requests for excavating and dredging permits, and relative to an appropriation for the expansion of the Port of Portsmouth. Capital Budget Committee. Ought to pass with amendment, Vote 4-0. Senator Clegg for the committee.

Capital Budget

February 17, 2004

2004-0483s

08/10

Amendment to HB 516-LOCAL

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

AN ACT relative to the standard of review for requests for excavating and dredging permits, relative to an appropriation for the expansion of the Port of Portsmouth, and relative to additional powers and duties of the Pease development authority.

Amend the bill by replacing all after section 3 with the following:

4 Purpose Amended; 1991 Appropriation; Port Authority. Amend 1991, 351:5, as amended by 1992, 260:20, 1994, 204:1, 2000, 15:1, 2000, 292:10, and 2003, 240:27 to read as follows:

351:5 Appropriation; Port Authority. The expansion of the Port of Portsmouth funded in this section shall include an ~~[11-acre]~~ expansion of ~~[the north yard of]~~ the port, the construction of ~~[a]~~ **an up to** 750-foot pier, dredging projects including associated mitigation to maintain channels and harbor, a hydrodynamic study of Hampton and Seabrook, renovation of any commercial fish piers that may be transferred to the port authority, and the rip-rap project on River Street in Seabrook. The sums hereinafter detailed are hereby appropriated for the project specified:

A. Port of Portsmouth Expansion	\$18,300,000
Total state appropriation section 5	\$18,300,000

(The funds appropriated in subparagraph A for the Port of Portsmouth expansion shall not be expended, encumbered, or obligated in any way unless an action plan, which shall include construction documents, prepared by the New Hampshire Port Authority shall be approved by the capital budget overview committee, the fiscal committee, and the governor and council. \$1,500,000 of the total amount appropriated herein is hereby released for the purpose of final design and bid documents. \$1,800,000 of the total amount appropriated is designated for wetland mitigation. \$400,000 of the total amount appropriated is designated for the Hampton-Seabrook hydrodynamic study. The remaining \$14,600,000 is designated for construction, renovation, and dredging projects including associated mitigation. This appropriation shall be nonlapsing until the project is completed. The New Hampshire Port Authority shall not encumber, obligate, or expend any funds from this appropriation for renovation or dredging projects without the prior approval of the capital budget overview committee. The total amount that may be expended for renovation and dredging projects including associated mitigation shall not exceed a total of \$1,000,000. In addition, for the biennium beginning July 1, 2003, the sum of \$1,000,000 shall be expended for the dredging of Hampton – Seabrook harbor~~[-, provided that the Army Corps of Engineers takes responsibility for completion and funding of future harbor dredging projects].~~)

5 New Section; Pease Development Authority; Additional Powers and Duties. Amend RSA 12-G:42 by inserting after section XIII the following new section:

XIV. Be authorized to enter into a memorandum of agreement with the Department of the Army concerning the construction of the Shoreline Erosion Control Demonstration Project in Seabrook, New Hampshire, as authorized by Section 227(3) of the Water Resources Development Act of 1996, Public Law 104-303, as amended. Incident to the execution of the agreement and the acceptance of federal aid, the authority is authorized to take all actions required of the authority under the agreement, including, but not limited to:

(a) Execute an indemnification agreement in the name of the authority and the state with and for the benefit of the United States for damage arising from construction, operation, maintenance, repair, replacement, rehabilitation, monitoring and adaptive management of the project;

(b) Accept, as between the Corp of Engineers and the authority, the obligations imposed on an operator of the project under the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980, 42 U.S.C. section 9601, et seq., as amended;

(c) Operate, maintain, repair, replace and rehabilitate the project or any functional portion of the project upon notification from the department;

(d) Provide or acquire all lands, easements, rights of way, and suitable borrow and dredged or excavated material disposal areas that the Department determines the authority must provide for the construction, operation, maintenance, repair, replacement, rehabilitation, monitoring and adaptive management of the project; and

(e) Bear half the costs for services provided in connection with non-binding alternative dispute resolution as may be necessary under the agreement.

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

2004-0483s

AMENDED ANALYSIS

This bill changes the standard of review for requests for excavating and dredging permits.

This bill also eliminates a contingency on an appropriation for the dredging of Hampton-Seabrook harbor.

This bill also grants authority for the Pease Development Authority to enter into an agreement with the Department of the Army concerning the Shoreline Erosion Control Demonstration Project.

Amendment adopted.

Senator Clegg offered a floor amendment.

Sen. Clegg, Dist. 14
February 18, 2004
2004-0539s
08/04

Floor Amendment to HB 516-LOCAL

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 8:

6 Pease Development Authority; Powers and Duties. Amend RSA 12-G:42, IX to read as follows:

IX. Have the responsibility for and jurisdiction over the state-owned commercial piers and facilities at Portsmouth, Rye Harbor, and Hampton Harbor [~~except as provided in RSA 12-A:7-a~~], including the establishment of fees and rents associated with the use of such facilities.

7 Repeal. RSA 12-A:7-a, relative to the establishment of the bureau of marine services, is repealed.

2004-0539s

AMENDED ANALYSIS

This bill:

- I. Changes the standard of review for requests for excavating and dredging permits.
- II. Eliminates a contingency on an appropriation for the dredging of Hampton-Seabrook harbor.
- III. Grants authority for the Pease Development Authority to enter into an agreement with the Department of the Army concerning the Shoreline Erosion Control Demonstration Project.
- IV. Eliminates the bureau of marine services.

Floor amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

SUSPENSION OF THE RULES

Senator Clegg moved that the Rules of the Senate be so far suspended as to permit **HB 516-L** to be, by this motion, ordered to third reading in the early session and passed at this time.

Question is on ordering to third reading in the early session and passage of the bill.

A 2/3 vote is required.

A roll call was requested by Senator Eaton.

Seconded by Senator Clegg.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Below, Green, Flanders, Odell, Roberge, Peterson, O'Hearn, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, D'Allesandro, Estabrook, Morse, Prescott, Cohen.

The following Senators voted No: None.

Yeas: 22 - Nays: 0

Adopted.

Ordered to third reading.

Senator Sapareto is in favor of the motion of ordering to third reading and final passage on HB 516-L.

SB 481-FN-L, establishing the Great Bay sewer district. Environment Committee. Ought to pass with amendment, Vote 5-0. Senator Prescott for the committee.

Environment
February 11, 2004
2004-0417s
06/09

Amendment to SB 481-FN-LOCAL

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

AN ACT establishing a sewer and other water-related purposes district for Great Bay.

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

1 New Chapter; Estuary Alliance for Sewage Treatment. Amend RSA by inserting after chapter 485-D the following new chapter:

CHAPTER 485-E ESTUARY ALLIANCE FOR SEWAGE TREATMENT

485-E:1 Statement of policy. The purpose of the chapter is to achieve the restoration of the estuary habitat as part of the National Estuary Restoration Act of 2000, to develop an estuary habitat restoration funding strategy for creating and maintaining effective partnerships with the federal government and with the private sector, to establish a funding partnership between local communities and the state, and to seek federal assistance for and promote efficient financing of the Great Bay estuary habitat restoration project. It is recognized that in certain cases municipalities in New Hampshire may, in order to avoid duplication of cost and effort, and in order to take advantage of economies of scale, find it necessary or advisable to enter into agreements whereby joint public wastewater collection, treatment, and discharge systems are designed, constructed, operated, and maintained. The state of New Hampshire recognizes the value of and need for such agreements, and the Estuary Alliance for Sewage Treatment is established for this purpose or for other water-related purposes.

485-E:2 Definitions. In this chapter:

I. "Construction" shall include all engineering services in addition to the construction of joint public wastewater collection, treatment, and discharge systems, except those intercepting sewers and facilities retained by municipalities; or any other associated work, or both, and including any necessary land acquisition, easements, and rights-of-way.

II. "Directors" means the EAST board of directors.

III. "EAST" means the Estuary Alliance for Sewage Treatment.

IV. "Municipalities" means cities, towns, village districts, or other incorporated units of local government possessing authority to construct, maintain, and operate public wastewater facilities and to raise revenue therefor by bonding and taxation, which may legally impose and collect user charges and impose and enforce regulatory control upon users of public wastewater facilities.

V. "Operation and maintenance" shall include maintenance of all buildings, equipment, supplies, and administrative costs associated with the management of joint public wastewater collection, treatment, and discharge systems, and for such other purposes as may be involved in the operation of an effective regional pollution control program.

VI. "Sewage" means the water-carried waste products from buildings, public or private, together with such groundwater infiltration and surface water as may be present.

485-E:3 Estuary Alliance for Sewage Treatment. There is hereby established a public body corporate and politic having a distinct legal existence separate from the state and not constituting a department or agency of the state government to be known as the Estuary Alliance for Sewage Treatment, also known as EAST. The public purpose of EAST is:

I. To acquire, own, and operate or cause to be operated joint public wastewater collection, treatment, and discharge systems to be used for the collection, treatment, and disposal of treated wastewater from the municipal sewage treatment plants in the Great Bay estuary area.

II. To construct the infrastructure necessary for the delivery of treated wastewater to the outfall pipeline.

III. To construct the outfall delivery system for transporting treated wastewater to the deep water of the Atlantic Ocean.

IV. To act for other water-related purposes.

485-E:4 Method of Joining EAST by Agreement.

I. The agreement to become a member of EAST shall be adopted by the legislative body of a municipality in accordance with statutory procedures for the adoption of interlocal agreements between municipalities.

II. Agreements entered into pursuant to this alliance shall contain at least the following:

(a) A system of charges for users of the joint public wastewater discharge distribution system.

(b) A uniform set of standards for users of the joint public wastewater discharge distribution system.

(c) A provision for the pro rata sharing of operating and maintenance costs based upon actual usage.

(d) A provision establishing a procedure for the arbitration and resolution of disputes.

(e) A provision establishing a procedure for the carrying of liability insurance, if such insurance is necessary under the laws the state of New Hampshire.

(f) A provision establishing a procedure for the modification of the agreement.

(g) A provision establishing a procedure for the adoption of regulations for the use, operation, and maintenance of the joint public wastewater collection, treatment, and discharge systems.

(h) A provision setting forth the means by which a municipality that does not own the joint public wastewater discharge distribution system will pay the other municipalities its share of the maintenance and operating costs of the system.

III. Cooperative agreements entered into by municipalities under EAST shall be consistent with the laws of the state. Actions taken by a municipality pursuant to this alliance, or pursuant to an agreement entered into under this alliance, including the incurring of obligations or the raising and appropriating of revenue, shall be valid only if taken in accordance with the laws of the state of New Hampshire.

485-E:5 Review and Approval of Plans. The department of environmental services shall review and approve or disapprove all reports, designs, plans, and other engineering documents required to apply for federal grants-in-aid or grants-in-aid from the state.

485-E:6 Federal Grants and Financing.

I. Application for federal grants-in-aid for the planning, design, and construction of joint public wastewater collection, treatment, and discharge systems, other distribution facilities, and other alternative water-related solutions shall be made by EAST. Each municipality shall be responsible for applying for federal and state grants for facilities or other water-related solutions not used by EAST.

II. Municipalities may raise and appropriate revenue for the purpose of contributing pro rata to the planning, design, and construction costs of joint public wastewater collection, treatment, and discharge systems or other water-related infrastructure solutions, or both, operated as joint facilities pursuant to this alliance.

485-E:7 Board of Directors.

I. The board of directors of EAST may include but is not limited to the following representatives:

(a) One from every town or city that has joined EAST by agreement, appointed by the governing body.

(b) One member of the county commission from each county in which one or more municipalities participate in EAST, appointed by each respective county chairperson.

II. Each entity in paragraph I of this section may appoint an alternate who will serve if the primary board member is absent. The board of directors shall hold office for 2 years. All initial appointments shall be regarded as having begun on the day of the annual meeting.

III. Annually, the board of directors shall elect one of its members as chairman and another as vice chairman. The directors shall elect a secretary and a treasurer who shall also be board members, and the same person may serve both as secretary and as treasurer. The officers shall be elected by majority vote.

IV. The directors shall serve without compensation, but EAST shall reimburse its directors for actual expenses appropriately and necessarily incurred in the discharge of their duties.

485-E:8 General Powers. EAST shall have the following powers:

I. To sue and be sued.

II. To adopt and have an official seal.

III. To adopt such bylaws and rules as necessary to exercise the powers and perform the duties under this chapter.

IV. To adopt rules governing the use, operation, and maintenance of the joint public wastewater collection, treatment, and discharge systems.

V. To acquire, hold, use, and dispose of its income, revenues, funds, and moneys; and to deposit any moneys of EAST in accordance with the general laws of the state of New Hampshire.

VI. To appoint and employ officers, attorneys, engineers, consultants, agents, and employees as required to carry out the purposes of EAST and to determine their qualifications, terms of office, duties, and compensation. EAST may require bonds of its officers or employees.

VII. To take and hold such materials, lands, easements, and rights-of-way as may be required for the purposes of this act.

VIII. To rent, lease, hold, use, and dispose of the system or any part of the system.

IX. To apply for and accept gifts, loans, or grants of property, funds, money, materials, labor, supplies, or services from the United States of America or the state of New Hampshire or its agencies or departments or any person, municipality, county, or firm, or corporation, and to carry out the terms or provisions or make agreements with respect to any such gifts, loans, or grants, and to do any and all things necessary, useful, desirable, or convenient in connection with procuring, accepting, or disposing of such gifts, loans, or grants.

X. To make, enter into, and enforce all permits, contracts, or agreements with any department or agency of the United States of America or of the state of New Hampshire or any public corporation, or quasi-public corporation or any individual, necessary, convenient, or desirable for the purposes of EAST.

XI. To fix rates or other charges for the use of its system and to alter or change them as it may find necessary.

485-E:9 Contracts Made by EAST.

I. EAST may enter into contracts and agreements which it considers to be in the interests of its public purposes with any person or persons, with any public or quasi-public corporation with any state, and with the United States and any department or agency thereof. It may enter into agreements for the joint use of any property and rights by EAST and by any public utility operating any sewage treatment facility; agreements with any public utility operating any sewage treatment facility either within or without the service area for the joint use of any property of EAST or the public utility, and agreement with any person, or public corporation or quasi-public corporation for the maintenance, servicing, operation, or use of any sewage treatment facility, property, or equipment on such basis as shall seem to EAST consonant with its public purposes.

II. EAST may make contracts, leases, and agreements with any department or agency of the United States of America or of the state of New Hampshire, or with any person, municipality, county, or labor union, and may generally perform all acts necessary for the full exercise of the powers vested in it. EAST may acquire property under conditional sales contracts, leases, equipment trust certificates, or any other form of contracts, leases, equipment trust certificates, or any other form of contract or trust agreement. Contracts may be let by an officer, employee, or agent of EAST in such manner as may be authorized from time to time by EAST.

485-E:10 Exemption from Regulation. With the exception of insurance and safety requirements, EAST shall not be regulated by the New Hampshire public utilities commission.

485-E:11 Exemption from Taxes. All property of EAST is hereby declared to be public property devoted to the public purpose of developing a regional sewage discharge, collection, and distribution system, outfall delivery system, and for other water-related purposes to aid the Great Bay estuary area faced with the solution of sewage treatment needs and shall be exempt from all taxes and special assessments of the state or any of its subdivisions. EAST shall not be required to pay taxes or assessments upon its activities or upon any of its revenues.

485-E:12 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are severable.

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

2004-0417s

AMENDED ANALYSIS

This bill establishes the Estuary Alliance for Sewage Treatment EAST, for the purpose of developing joint public wastewater collection, treatment, and discharge systems for the disposal of treated wastewater, and for other water-related purposes, for municipalities in the Great Bay estuary and related area.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 487, relative to lead sinkers. Environment Committee. Ought to pass with amendment, Vote 5-0. Senator Johnson for the committee.

Environment
February 11, 2004
2004-0418s
05/04

Amendment to SB 487

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

1 Lead Fishing Sinkers and Jigs; Use Prohibited. Amend RSA 211:13-b to read as follows:

211:13-b Lead Fishing Sinkers and Jigs; Use Prohibited.

I. No person shall use any lead sinker or lead jig for the taking of fish in any fresh water [~~lake or pond in the state~~], except as otherwise specifically permitted in this title.

II. A person using any such lead sinker or jig shall be guilty of a violation. Notwithstanding RSA 651:2, the penalty for a violation of this section shall not exceed \$250.

III. The prohibition under this section shall apply to interstate [~~lakes and ponds~~] **waters** pursuant to RSA [~~211:14~~] **211:4 and 211:5**.

IV. For purposes of this section, "lead sinker" means any sinker made from lead, the lead portion of which has a mass of one ounce or less, and "lead jig" means a lead weighted hook that measures less than one inch along its longest axis. Lead sinkers and lead jigs shall not include lead fishing related items including but not limited to fishing line, flies, lures, or spoons.

2 New Subdivision; Sales of Certain Articles; Lead Fishing Sinkers and Jigs. Amend RSA 339 by inserting after section 76 the following new subdivision:

Lead Fishing Sinkers and Jigs

339:77 Lead Fishing Sinkers and Jigs; Sale Prohibited. No person shall sell or offer for sale within the state of New Hampshire a lead sinker or lead jig. The definition of lead sinker and lead jig in RSA 211:13-b, IV shall apply to this section. Any person who violates this section shall be guilty of a violation.

3 Effective Date. This act shall take effect January 1, 2005.

2004-0418s

AMENDED ANALYSIS

This bill prohibits a person from using a lead sinker or jig while fresh water fishing. The law previously prohibited their use only in fresh water ponds and lakes. The bill also prohibits the sale of lead sinkers and jigs.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 494, repealing the prohibition on taking conch and winkles. Environment Committee. Ought to pass with amendment, Vote 5-0. Senator Cohen for the committee.

Environment
February 12, 2004
2004-0434s
05/10

Amendment to SB 494

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

AN ACT relative to the prohibition on taking conch and winkles and relative to licensing requirements for taking lobsters and crabs.

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

2 Lobsters and Crabs; License Fees. Amend RSA 211:18, I-III to read as follows:

211:18 License.

I. No person shall take lobsters and crabs from any water under the jurisdiction of this state without first procuring a valid and proper license to do so as provided in paragraph III. No such taking shall occur during the time from sunset to one hour before sunrise. The executive director shall adopt rules pursuant to RSA ~~[541-A]~~ **211:62** relative to the licenses to be issued under paragraph III including, but not limited to, terms, limits, eligibility, transferability, sale, exemptions, revocation, trap tag fees, and control of entry date.

II. [Repealed.]

II-a. A person who is a resident of a state that provides reciprocal commercial permits or licenses to take lobsters to New Hampshire residents may take lobsters or crabs commercially upon first obtaining a license from the department, if the person's commercial license from the person's state of residence provides at least the equivalent number of traps allowed in the respective license class sought pursuant to this section.

III. The following fees shall apply to the following licenses:

(a) If a person ***is a resident of this state and*** does not take lobsters or crabs for the purpose of selling them and does not use more than 5 traps, the person may receive a noncommercial license for the fee of \$35.

(b)(1) Any individual ~~[meeting the requirements under RSA 211:23 and]~~ who possessed a valid commercial lobster and crab license or resident wholesale dealer's license pursuant to RSA 211:49-c or the provisions of former RSA 211:39-a ***in this state or any state that provides reciprocal permits or licenses as specified in paragraph II-a*** in any year from 1994 to 1998, inclusive, and who had documented landings of more than 12,000 pounds of lobster and crab in at least 2 of those years shall be eligible to receive a commercial lobster and crab license ~~[for the fee of \$300]~~.

(2) Notwithstanding subparagraph (b)(1), the executive director may ~~[no earlier than January 1, 2004,]~~ ***adopt rules to*** increase the number of commercial licenses available under this subparagraph ~~[by 5 percent,]~~ from only those individuals who hold a valid limited commercial license, provided that ~~[the National Marine Fisheries Service does not consider the fishery under the jurisdiction of the department to be over-fished]~~ ***any increase in licenses complies with the Atlantic States Marine Fisheries Commission lobster management plan.***

(3) The fee for a resident commercial lobster and crab license shall be \$300 and the fee for a nonresident commercial lobster and crab license shall be \$600.

(c) Any individual who is not eligible for the commercial license under subparagraph (b) and any other individual engaged in commercial taking of lobster and crab may receive a limited commercial license ~~[for the fee of \$103]~~. ***The fee for a resident limited commercial lobster and crab license shall be \$103 and the fee for a nonresident, limited commercial lobster and crab license shall be \$350.***

3 Salt Water Fish, Clams, Etc.; Alewives. RSA 211:48-a is repealed and reenacted to read as follows:

211:48-a Alewives. A resident of this state or a nonresident who is licensed under RSA 211:49-a may use a seine, net, or weir for the taking of alewives from the waters of New Hampshire.

4 Nonresident Commercial Salt Water License. Amend RSA 211:49-a, I to read as follows:

I. Any person who does not qualify as a resident under RSA 207:1, who takes, possesses, lands, or transports by any method, from or on the waters of this state, regardless of where the catch was taken, any marine species by any method for the purpose of selling the same, shall first procure a valid license from the executive director to do so. ~~[A nonresident shall not take clam worms, lobster, or crabs, excluding green crabs, from the waters and from the area under the jurisdiction of this state.]~~ ***This license shall not include the taking of lobsters and crabs, which requires a license under RSA 211:18.*** A nonresident shall not take sea urchins, ***clam worms, alewives,*** or scallops unless the state in which such person is a resident provides a reciprocal licensing privilege for residents of this state.

5 Resident Commercial Saltwater License. Amend RSA 211:49-b, I to read as follows:

I. Any resident of this state who takes, possesses, lands, or transports on the waters of this state any marine species ~~[-excluding lobsters,]~~ by any method for the purpose of sale, regardless of where the catch was taken, shall first procure a valid license from the executive director to do so. ***This license shall not include the taking of lobsters and crabs, which requires a license under RSA 211:18.***

6 Repeal. RSA 211:23, relative to who may take lobsters and crabs, is repealed.

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

2004-0434s

AMENDED ANALYSIS

This bill repeals the prohibition on taking conch and winkles. The bill also amends the nonresident licensure requirements for taking lobsters and crabs.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 362, changing the name of the college for lifelong learning to Granite state college. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Cohen for the committee.

Adopted.

Ordered to third reading.

SB 409-FN, revising the vocational school licensing statutes. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Peterson for the committee.

Adopted.

Ordered to third reading.

SB 432-FN, establishing a division of emergency services, communications, and management, a division of fire standards and training and emergency medical services and a division of fire safety in the department of safety. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 4-0. Senator Prescott for the committee.

Senate Executive Departments and Administration

February 12, 2004

2004-0441s

05/04

Amendment to SB 432-FN

Amend RSA 21-P:12-a as inserted by section 26 of the bill by replacing it with the following:

21-P:12-a Division of Fire Standards and Training ***and Emergency Medical Services***; Disposition of Funds.

I. There is established within the department a division of fire standards and training **and emergency medical services** under the supervision of an unclassified director of fire standards and training **and emergency medical services** who shall administer and supervise a fire **and emergency medical** service training and research program throughout the state. The director of fire standards and training **and emergency medical services** shall be nominated by the commissioner of safety, after consultation with the fire standards and training commission, for appointment by the governor, with consent of the council, and shall serve a term of 4 years until a successor is appointed. The commission shall take a recorded vote regarding its concurrence or non-concurrence in the commissioner's nomination decision. If the commission votes not to concur in the decision, it shall submit a letter to the commissioner so stating, and the commissioner shall in turn submit that letter to the governor and council. The director of fire standards and training **and emergency medical services** shall be academically and technically qualified to hold the position, and shall receive the salary specified in RSA 94:1-a.

II. The director shall:

(a) Be responsible for **the day-to-day operations of the division of fire standards and training and emergency medical services**, the operations of the fire academy, including establishing training programs and offering instruction in methods of determining and dealing with the causes of fire and the prevention of fire, techniques in firefighting, **emergency medical services**, and rescue, research and techniques in firefighting and fire protection, [and] the administration and management of fire departments **and emergency medical services units, and the provisions of RSA 21-P:12-b.**

(b) Establish fees to be collected for tuition, **licenses**, and services. Such fees shall be subject to the approval of the commissioner of the department of safety. The commissioner may for good cause waive any fees charged under this subparagraph and may authorize tuition reimbursement from the fire standards and training and emergency medical services fund.

(c) Establish, maintain, approve, and certify programs, courses, institutions, and facilities for study for all fire service **and emergency medical services** personnel and recruits according to accepted curricula.

(d) ~~Provide all fire service personnel with~~ **Develop and administer the provision of** professional instruction and training **for all fire, rescue, and emergency medical services.**

(e) Develop and promote new methods and practices of firefighting, **delivery of emergency medical services**, rescue operations, **inquiry prevention**, fire prevention, and fire **and emergency medical services** administration.

(f) Disseminate information relative to fire and rescues, techniques of firefighting and rescuing, fire prevention, fire administration, **emergency medical services**, and other related subjects to all interested agencies and individuals throughout the state.

(g) Be authorized to employ part-time instructors or assistants and compensate them for organizing, developing, and conducting approved fire training, **emergency medical services**, and rescue courses or other work as directed at an hourly rate established by the commissioner and for mileage and expenses incurred in performing their official duties.

(h) With the approval of the commissioner, accept in the name of the state any and all donations, fees for tuition, rents, services and any and all moneys and grants from any governmental unit, public agency, institution, person, firm, or corporation and receive, utilize, expend, and dispose of such funds subject to budgetary provisions, consistent with the rules of the department of safety and the purposes or conditions of the donations or grant.

III. The receipt of a donation or grant under subparagraph II(h) shall be noted in the biennial report of the department of safety, which will also identify the nature of the donation or grant and the conditions of the donation or grant, if any. Any moneys received by the division pursuant to subparagraph II(h) shall be deposited in the state treasury to the account of the department of safety and shall not lapse. In addition, the division may receive, hold, and use gifts, bequests, and devises either outright or in trust for purposes consistent with this chapter.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 319-FN-L, relative to the New Hampshire state flag. Internal Affairs Committee. Inexpedient to Legislate, Vote 5-0. Senator Boyce for the committee.

Committee report of inexpedient to legislate is adopted.

SB 490-FN, relative to the Help America Vote Act. Internal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Boyce for the committee.

Internal Affairs
February 12, 2004
2004-0448s
03/01

Amendment to SB 490-FN

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

5 Absentee Registration Affidavit. Amend RSA 654:17, I to read as follows:

I. The absentee registration affidavit shall be prepared by the secretary of state and shall be in substantially the following form:

Affidavit (Absence from town)

I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth below, the following:

1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age of 18 years or over on election day and am entitled to vote in the election to be held in said town on _____, _____ (date), except for the fact that my name does not appear on the checklist to be used in said town at such election;

2) That I do not intend to be present within said town at such time prior to said election as shall enable me personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I am temporarily residing in _____ (city and state or city, province, and country);

4) That I hereby enclose one of the following as proof of identity and domicile:

(a) A copy of a current and valid New Hampshire driver's license or an armed services identification or other photo identification issued by the United States government that shows ~~the~~ **my** name and address ~~of the voter~~; or

(b) A copy of a current and valid photo identification and a copy of a current utility bill, bank statement, government check, paycheck, ~~or~~ other government document that shows ~~the~~ **my** name and address, ~~of the voter~~ **or a letter from the administrator of a nursing home or similar facility affirming that I am a resident of that facility**;

5) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 4) above, this application may not be approved; and

6) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

Signature of Applicant

Date

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.

Affidavit (Physical Disability)

I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth below, the following:

1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age of 18 years or over on election day, and am entitled to vote in the election to be held in said town on _____, _____ (date), except for the fact that my name does not appear on the checklist to be used in said town at such election;

2) That I am unable by reason of physical disability personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I hereby enclose one of the following as proof of identity and domicile:

(a) A copy of a current and valid New Hampshire driver's license or an armed services identification or other photo identification issued by the United States government that shows ~~[the]~~ **my** name and address ~~[of the voter];~~ or

(b) A copy of a current and valid photo identification and a copy of a current utility bill, bank statement, government check, paycheck, ~~[or]~~ other government document that shows ~~[the]~~ **my** name and address, ~~[of the voter]~~ **or a letter from the administrator of a nursing home or similar facility affirming that I am a resident of that facility;**

4) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 3) above, this application may not be approved; and

5) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

Signature of Applicant

Date

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.

6 Preparing Checklist. Amend RSA 654:25 to read as follows:

654:25 Preparing Checklist.

~~[F.]~~ The secretary of state shall issue and distribute guidelines for the composition and style of checklists and for the maintenance of data related to checklists by which the supervisors of the checklist shall compile and correct the checklist. Such guidelines shall specify the information which will be maintained and updated by the supervisors. The secretary shall establish standard forms and procedures for the use of the supervisors for the maintenance of such information. The information to be maintained and updated shall include the full name, address, and party affiliation, if any, of each voter on the checklist and such other information as the secretary requires. ~~[The supervisors shall use the information so maintained and updated to prepare the checklist for all state elections. Except as provided in paragraph II,]~~ Every checklist used at any ~~[state]~~ election shall contain ~~[as a minimum]~~ the full name, address, ~~[and mailing address if different,]~~ and party affiliation, if any, of each voter on the checklist. The **name and** address ~~[and mailing address, if different,]~~ of a voter shall not appear on the checklist at the request of the voter if the voter presents to the supervisors of the checklist a valid protective order pursuant to RSA 173-B. ~~[A voter who presents a valid protective order may, however, request that a mailing address, if different, be maintained on the checklist. If a voter who presents a valid protective order requests that no address be maintained on the checklist, the supervisors of the checklist may nonetheless maintain a designation on the checklist which indicates that no address is required for that voter.]~~ **The name, address, and mailing address, if different, of such a voter shall be maintained on a separate list of voters, which shall be nonpublic. If it is necessary to establish such a nonpublic list, the public checklist shall be marked at the end with a notation of the number of voters whose names are maintained on the nonpublic list.**

~~[H. If a municipality prepares a separate checklist solely for use at a state election, such checklist may omit a voter's mailing address, if different.]~~

7 Checklists; Correcting Data Files. Amend RSA 654:30 to read as follows:

654:30 Correcting Data Files. After each state election, the supervisors shall use the checklist from such election to correct the standard data files to conform to any changes which are evident from the checklist. ~~[The standard data file so maintained and corrected shall be a public record open to inspection at reasonable times and as otherwise required by law.]~~ **Information from the voter registration data file shall be available as provided in RSA 654:31-a.**

8 Preparation of Voting Materials; Squares. Amend RSA 656:8 to read as follows:

656:8 Squares. Directly at the right of the name of each candidate there shall be a square; ~~[except that, in the case of president and vice-president of the United States, one square shall suffice which shall be placed opposite the designation "President and Vice-President of the United States"]~~ **the square may be a box, oval, or other appropriate symbol for directing voters where to make the appropriate mark.**

9 Presidential Primary Election Ballots; Form. Amend RSA 656:31 to read as follows:

656:31 Form.

I. On the presidential primary election ballot of each political party, there shall be one column for the office of president and one for the office of vice-president. The columns shall be headed "Candidate of the (insert name of party) Party for President (or Vice-President) of the United States". Underneath this heading there shall appear the words: "I hereby declare my preference for candidate for the office of President (or Vice-President) of the United States to be as follows". **Immediately following shall be the words: "Vote for not more than one".** Below these words, there shall be printed the name, town or city, and state of each candidate with ~~[boxes]~~ **a box, oval, or other appropriate symbol for directing voters where to make the appropriate mark** directly to the right. There shall always be one blank space on the ballot below the candidates' names to allow for writing in the name of a candidate.

II. Notwithstanding paragraph I, if, after the filing period for presidential and vice-presidential candidates pursuant to RSA 655:47, II has passed and no candidate has filed a declaration of candidacy for vice-president of a party, there shall not be a primary for the office of vice-president for that party.

10 Assistance in Voting. Amend RSA 659:20 to read as follows:

659:20 Assistance in Voting. Any voter who declares to the moderator under oath that ~~[he]~~ **said voter** cannot read or that, because of ~~[legal blindness or other physical]~~ disability, ~~[he]~~ is unable to mark his **or her** ballot shall, upon ~~[his]~~ **the voter's** choice and request, receive the assistance of one or both of the inspectors of election detailed for that purpose by the moderator **or of a person of the voter's choice provided that the person is not the voter's employer or union official.** ~~[Such inspectors of election shall thereafter give no information regarding the same. Provided that any voter unable to mark his ballot because of his legal blindness may be assisted in such marking by any person who is a qualified voter in the same town or ward whom he may designate.]~~ Such person so assisting shall be sworn, shall mark the ballot as directed by said voter, and shall thereafter give no information regarding the same. ~~[He]~~ **Such person so assisting** shall leave the space within the guardrail with the ~~[disabled]~~ voter.

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

2004-0448s

AMENDED ANALYSIS

This bill:

- I. Authorizes using centralized voter database record data to prepare master jury lists.
- II. Requires that civil penalties for voter fraud be deposited in the election fund.
- III. Permits a person registering as an absentee voter to use a letter from the administrator of a nursing home or similar facility as proof of identity and domicile.
- IV. Clarifies certain requirements for maintaining checklists, preparing voting materials, and assisting disabled voters.

Amendment adopted.

Senator Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

Sen. Below, Dist. 5

Sen. Foster, Dist. 13

Sen. D'Allesandro, Dist. 20

Sen. Estabrook, Dist. 21

Sen. Cohen, Dist. 24

February 19, 2004

2004-0544s

03/01

Floor Amendment to SB 490-FN

Amend the bill by replacing section 10 with the following:

10 Assistance in Voting. Amend RSA 659:20 to read as follows:

659:20 Assistance in Voting. Any voter who declares to the moderator under oath that ~~[he]~~ **said voter** cannot read or that, because of ~~[legal blindness or other physical]~~ disability, ~~[he]~~ is unable to mark his **or her** ballot shall, upon ~~[his]~~ **the voter's** choice and request, receive the assistance of one or both of the inspectors of election detailed for that purpose by the moderator **or of a person of the voter's choice**. ~~[Such inspectors of election shall thereafter give no information regarding the same. Provided that any voter unable to mark his ballot because of his legal blindness may be assisted in such marking by any person who is a qualified voter in the same town or ward whom he may designate.]~~ Such person so assisting shall be sworn, shall mark the ballot as directed by said voter, and shall thereafter give no information regarding the same. ~~[He]~~ **Such person so assisting** shall leave the space within the guardrail with the ~~[disabled]~~ voter.

Question is on the adoption of the floor amendment.

A roll call was requested by Senator Larsen.

Seconded by Senator Foster.

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, Peterson, O'Hearn, Clegg, Gatsas, Barnes, Martel, Sapareto, Morse, Prescott.

Yeas: 6 - Nays: 17

Floor amendment failed.

Question is on the adoption of the bill as amended.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 508-FN, relative to grant-funded programs. Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator Kenney for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 514, changing the staffing requirements of the joint legislative committee on administrative rules. Internal Affairs Committee. Inexpedient to Legislate, Vote 4-1. Senator Boyce for the committee.

Committee report of inexpedient to legislate is adopted.

Senator Barnes is in opposition to the motion of inexpedient to legislate on SB 514.

SCR 6, designating January as stalking awareness month. Internal Affairs Committee. Ought to Pass, Vote 5-0. Senator Kenney for the committee.

Adopted.

Ordered to third reading.

SB 394-FN, relative to children's product safety. Interstate Cooperation Committee. Interim Study, Vote 5-0. Senator Estabrook for the committee.

MOTION TO TABLE

Senator Estabrook moved to have **SB 394-FN** laid on the table.

Adopted.

LAIID ON THE TABLE

SB 394-FN, relative to children's product safety.

SB 318, relative to the applicability of driving while intoxicated prohibitions. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Sapareto for the committee.

Senate Judiciary
February 12, 2004
2004-0447s
03/04

Amendment to SB 318

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

5 New Paragraph; Riding on Bicycles; Influence of Drugs or Alcohol. Amend RSA 265:144 by inserting after paragraph IX the following new paragraph:

X.(a) No person shall ride a bicycle upon any public way:

(1) While such person is under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor and controlled drugs; or

(2) While such person has an alcohol concentration of 0.08 or more or in the case of a person under the age of 21, 0.02 or more.

(b) Any person who violates this paragraph shall be guilty of a violation and shall be fined not less than \$350.

2004-0447s

AMENDED ANALYSIS

This bill clarifies that driving while intoxicated prohibitions apply to motor vehicles, and exempts wheel-chairs from the definition of "motor vehicle." This bill also establishes a violation for riding a bicycle while intoxicated.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 454-FN, relative to carrying a concealed weapon without a license. Judiciary Committee. Ought to Pass, Vote 4-1. Senator Clegg for the committee.

MOTION TO TABLE

Senator Below moved to have **SB 454-FN** laid on the table.

SB 454-FN, relative to carrying a concealed weapon without a license.

Question is on the motion to table.

A roll call was requested by Senator Below.

Seconded by Senator Kenney.

The following Senators voted Yes: Johnson, Below, Flanders, Foster, Larsen, Estabrook, Cohen.

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

Yeas: 7 - Nays: 16

Motion failed.

Question is on the motion of ought to pass.

A roll call was requested by Senator Prescott.

Seconded by Senator Kenney.

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

The following Senators voted No: Johnson, Below, Flanders, Foster, Larsen, Gatsas, D'Allesandro, Estabrook, Morse, Cohen.

Yeas: 13 - Nays: 10

Adopted.

Ordered to third reading.

SB 513, relative to the death penalty. Judiciary Committee. Ought to Pass, Vote 3-2. Senator Sapareto for the committee.

Question is on the motion of ought to pass.

A roll call was requested by Senator Barnes.

Seconded by Senator Prescott.

The following Senators voted Yes: Gallus, Below, Odell, Peterson, O'Hearn, Foster, Larsen, Martel, Sapareto, D'Allesandro, Estabrook, Cohen.

The following Senators voted No: Johnson, Kenney, Boyce, Green, Flanders, Roberge, Clegg, Gatsas, Barnes, Morse, Prescott.

Yeas: 12 - Nays: 11

Adopted.

Ordered to third reading.

SB 312-FN, establishing a state code of ethics. Public Affairs Committee. Inexpedient to Legislate, Vote 3-2. Senator Morse for the committee.

Motion failed.

Senator Roberge moved ought to pass.

Senator Roberge offered a floor amendment.

Sen. Roberge, Dist. 9

February 18, 2004

2004-0519s

05/10

Floor Amendment to SB 312-FN

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

1 New Subdivision; Code of Ethics. Amend RSA 21-G by inserting after section 20 the following new subdivision:

Code of Ethics

21-G:21 Definitions. In this subdivision:

I "Agency" means any executive branch agency, department, division, board, commission, or entity of the executive branch.

II. "Conflict of interest" means a situation, circumstance, or financial interest which has the potential to cause a private interest to interfere with the proper exercise of a public duty.

III. "Public employee" means any person, including but not limited to a classified employee, who is acting on behalf of the governor or an agency while engaged in state business.

IV. "Public official" means a commissioned, unclassified, or nonclassified executive branch employee, but shall not include any commissioned, unclassified, or nonclassified employee elected by the legislature.

21-G:22 Conflict of Interest. Public employees and public officials shall avoid conflicts of interest or the appearance of a conflict of interest. Public employees and public officials shall not participate in any matter in which they, or their spouse or dependents, have a private interest which may directly or indirectly affect or influence the performance of their duties.

21-G:23 Misuse of Position. No public official and no public employee shall disclose or use confidential or privileged information for personal benefit or for financial gain. Public officials and public employees shall not use their positions with the government to secure privileges or advantages for themselves, which are not generally available to governmental employees, or to secure governmental privileges or advantages for others.

21-G:24 Acceptance of Campaign Contributions. A public official or a public employee who is a candidate for an elective office that is not subject to the reporting requirements of RSA 664 and who accepts a financial contribution or other form of political contribution from an entity which is or is likely to become subject to that public official's or public employee's duties shall make a disclosure of such contributions to the secretary of state within 5 days of receipt of such contributions. The disclosure shall be in writing and on such form as the secretary of state shall prescribe.

21-G:25 Acceptance and Giving of Gifts. No public employee, no public official, and no public employee's or public official's spouse or dependents, shall give, solicit, accept or agree to accept a gift from a person who is subject to or likely to become subject to or interested in, any matter or action pending before or contemplated by the public employee or official or by the governmental body with which that employee or official is affiliated. Nothing in this section shall be construed to prohibit gifts made to the state of New Hampshire and accepted in accordance with the law.

21-G:26 Post-Employment Restrictions. For one year after leaving office or employment with the state, no public official shall appear as a lobbyist or as a paid advocate on behalf of any matter over which that official had personal and direct responsibility while in state government.

21-G:27 Supplemental State Agency Ethical Codes. In addition to this code, each agency may promulgate a supplemental ethics code to address issues specific to that agency. In the event of a conflict, the provisions of this code shall supersede the agency code. To the extent that this code or an ethics code adopted by an agency shall apply to classified employees, this code, or an agency code, shall be interpreted to be consistent with the provisions of the classified employees' collective bargaining agreement.

21-G:28 Financial Disclosure.

I.(a) To ensure that the performance of official duties does not give rise to a conflict of interest or the appearance of a conflict of interest, the following public officials shall file with the secretary of state a statement of financial disclosure in such form as the secretary of state may prescribe:

(1) All agency heads; and

(2) Any public official designated, due to the responsibilities of the position, by the agency head.

(b) The agency head shall file with the secretary of state an organizational chart identifying the names, titles, and position numbers of officials required to file a statement of financial disclosure.

II. The initial statements of financial disclosure and organizational charts required under this section shall be filed by July 1, 2005. Thereafter, revised statements of financial disclosure and organizational charts shall be filed immediately upon any change of status. New agency heads shall file a statement of financial disclosure no later than the first day of service.

III. Statements of financial disclosure and organizational charts filed with the secretary of state shall be public documents.

2 Effective Date. This act shall take effect January 1, 2005.

Floor amendment adopted.

MOTION TO TABLE

Senator Below moved to have **SB 312-FN** laid on the table.

Adopted.

LAIID ON THE TABLE

SB 312-FN, establishing a state code of ethics.

SB 336-L, relative to certain costs in the development of a high school in the town of Bedford. Public Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Roberge for the committee.

Public Affairs
February 11, 2004
2004-0411s
04/05

Amendment to SB 336-LOCAL

Amend the bill by replacing section 1 with the following:

1 Town of Bedford; Specific Development Costs.

I. Notwithstanding the provisions of RSA 33, the Bedford school district may recognize \$10,600,000, representing payment of capital costs to the Manchester school district for the renovation and expansion of Manchester's 3 high schools, as costs available for long-term financing by the issuance of bonds or notes.

II. Notwithstanding the provisions of RSA 33, the Bedford school district may issue bonds or notes in the amount of \$10,600,000 upon the approval of such bonds or notes by the Bedford school district on or before the date of the 2006 Bedford annual school district meeting.

2004-0411s

AMENDED ANALYSIS

This bill permits the Bedford school district to issue bonds or notes in the amount of \$10,600,000, which represents the capital costs paid by Bedford to the Manchester school district for the education of Bedford students for the 2003-2006 school years.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 387-FN, relative to the taxation of manufactured housing. Public Affairs Committee. Inexpedient to Legislate, Vote 4-0. Senator Morse for the committee.

Committee report of inexpedient to legislate is adopted.

SB 400, relative to real estate appraisals conducted for mortgage loan applicants. Public Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Larsen for the committee.

Public Affairs
February 11, 2004
2004-0412s
06/01

Amendment to SB 400

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

1 Real Estate Appraisals. RSA 479:30 is repealed and reenacted to read as follows:

479:30 Real Estate Appraisals. Any bank, mortgage company or other lending institution which requires a real estate appraisal as a condition of an application for a loan, shall provide, upon request, one copy of the original appraisal free of charge to the loan applicant.

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

2004-0412s

AMENDED ANALYSIS

This bill requires a lending institution to provide, upon request, a loan applicant with a free copy of any real estate appraisal report required as a condition of the loan.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 459, making certain changes to the real estate practice act. Public Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Green for the committee.

Public Affairs
February 11, 2004
2004-0410s
08/09

Amendment to SB 459

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 - 7 to read as 3 - 8, respectively:

2 Real Estate Licensure; Qualifications. Amend RSA 331-A:10, I (b) to read as follows:

(b) Has successfully completed an examination administered or approved by the commission which demonstrates satisfactory knowledge and understanding of the principles of real estate practice. The executive director shall only accept for ~~[registration to take the examination for a salesperson's license]~~ **licensure**, an applicant who shows proof of completion of 40 hours of approved study ***which shall have been completed prior to the date of the applicant's examination;***

Amend the bill by replacing section 3 with the following:

3 Real Estate Licensure; Qualifications. Amend RSA 331-A:10, II (b) to read as follows:

(b) Has successfully completed an examination administered or approved by the commission which demonstrates satisfactory knowledge and understanding of the principles of real estate practice. The executive director shall only accept for ~~[registration to take the examination for a broker's license]~~ **licensure**, an applicant who shows proof of completion of 60 hours of approved study ***which shall have been completed prior to the date of the applicant's examination;***

Amendment adopted.

MOTION TO TABLE

Senator Green moved to have **SB 459** laid on the table.

Adopted.

LAIID ON THE TABLE

SB 459, making certain changes to the real estate practice act.

SB 483, relative to a landlord's obligation to store personal property of a tenant after the tenant has vacated the premises. Public Affairs Committee. Inexpedient to Legislate, Vote 5-0. Senator Green for the committee.

Committee report of inexpedient to legislate is adopted.

Senator Sapareto is in opposition to the motion of inexpedient to legislate on SB 483.

SB 382-FN-L, relative to medical service rates for state prisoners. Public Institutions, Health and Human Services Committee. Ought to Pass, Vote 4-0. Senator Boyce for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

Senator Estabrook rule #42 on SB 382-FN-L.

SB 384-FN, relative to drugs paid for by the state. Public Institutions, Health and Human Services Committee. Ought to pass with amendment, Vote 4-0. Senator O'Hearn for the committee.

Public Institutions, Health and Human Services
February 11, 2004
2004-0403s
01/05

Amendment to SB 384-FN

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

1 Health and Human Services; Drugs. Amend RSA 126-A:3, V to read as follows:

V. Pharmacists shall substitute generically equivalent drug products ***if the generic drug has been on the market for 3 months and only if the generic is least expensive after taking into account all appropriate rebates and other discounts*** for all legend and non-legend prescriptions paid for by the department of health and human services, including the medicaid program, unless the prescribing practitioner specifies that the brand name drug product is medically necessary. Such notification shall be in the practitioner's own handwriting and shall be retained in the pharmacist's file. The commissioner may waive the application of RSA 126-A:3, III if the commissioner determines such action is necessary to ensure the availability of prescription and other pharmaceutical services to persons served by the department or to avert serious economic hardship in the provision of prescriptions and other pharmaceutical services. The commissioner shall adopt rules under RSA 541-A relative to a waiver of the application. The commissioner, in consultation with pharmacy providers, may develop a new methodology for medical assistance reimbursement for legend and non-legend drugs.

2 Department of Corrections; Drugs. Amend RSA 623:1, IV to read as follows:

IV. (a) Pharmacists shall substitute generically equivalent drug products ***if the generic drug has been on the market for 3 months and only if the generic is least expensive after taking into account all appropriate rebates and other discounts*** for all legend and non-legend prescriptions paid for by the county department of corrections, including the medicaid program, unless the prescribing practitioner specifies that the brand name drug product is medically necessary. Such notification shall be in the practitioner's own handwriting and shall be retained in the pharmacist's file. The superintendent may waive the application of paragraph III if the superintendent determines such action is necessary to ensure the availability of prescription and other pharmaceutical services to persons served by the county or to avert serious economic hardship in the provision of prescriptions and other pharmaceutical services. The county commissioners shall adopt necessary rules and regulations to implement this [paragraph] ***subparagraph***.

(b) Pharmacists shall substitute generically equivalent drug products if the generic drug has been on the market for 3 months and only if the generic is least expensive after taking into account all appropriate rebates and other discounts for all legend and non-legend prescriptions paid for by the department of corrections, including the medicaid program, unless the prescribing practitioner specifies that the brand name drug product is medically necessary. Such notification shall be in the practitioner's own handwriting and shall be retained in the pharmacist's file. The commissioner of the department of corrections may waive the application of paragraph III if the commissioner determines such action is necessary to ensure the availability of prescription and other pharmaceutical services to persons served by the state or to avert serious economic hardship in the provision of prescriptions and other pharmaceutical services.

3 State Employee Health Insurance; Self-Insured Plan. Amend RSA 21-I:30-d to read as follows:

21-I:30-d State Employee Health Insurance; Self-Insured Plan Required. Notwithstanding any provision of law to the contrary, the commissioner of administrative services shall implement a self-insured health plan for all state employees and their families and retired state employees and their spouses. The self-insured health plan shall include the university system of New Hampshire, unless the fiscal committee of the general court determines that it is not financially prudent. ***Under the self-insured plan, pharmacists shall substitute generically equivalent drug products if the generic drug has been on the market for 3 months and only if the generic is least expensive after taking into account all appropriate rebates and other discounts for all legend and non-legend prescriptions, unless the prescribing practitioner specifies that the brand name drug product is medically necessary. Such notification shall be in the practitioner's own handwriting and shall be retained in the pharmacist's file.***

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

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 320-FN, relative to penalties for damaging emergency vehicles. Transportation Committee. Ought to pass with amendment, Vote 4-0. Senator Below for the committee.

Senate Transportation
February 12, 2004
2004-0426s
04/05

Amendment to SB 320-FN

Amend RSA 634:2, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. Criminal mischief is a class B felony if a person purposely or recklessly damages an emergency vehicle, emergency apparatus, or any vehicle containing emergency equipment where such vehicle is externally marked or identifiable as an emergency response vehicle or is known to be used as an emergency response vehicle. In this paragraph, "emergency vehicle" shall be as defined in RSA 259:28. Any person convicted of criminal mischief under this paragraph shall also be liable for full restitution to the injured party.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 379, relative to safety inspection and certification of certain equipment of vehicles. Transportation Committee. Ought to pass with amendment, Vote 4-0. Senator Kenney for the committee.

Senate Transportation
February 12, 2004
2004-0427s
03/04

Amendment to SB 379

Amend the bill by replacing section 1 with the following:

1 Excess Gross Vehicle Weight Certification; Power Unit Inspection. Amend RSA 266:18-d, III to read as follows:

III. Vehicles so certified include the power unit, which shall be inspected ~~[and certified]~~ by the department of safety ~~[annually]~~ as meeting standard safety conditions required for the safe operation of the vehicle. ***The inspection shall be conducted upon the first application for certification and a reinspection shall be required at any time when the configuration of the vehicle relative to power unit, axles, springs, or other safety items that could affect the vehicle's ability to qualify for an excess weight certification is altered.*** Such inspection shall designate the maximum safe gross weight for the vehicles as determined by the components and the summation of the manufacturer's axle design limits for each axle of the vehicle.

2004-0427s

AMENDED ANALYSIS

This bill eliminates the requirement that an inspection of the power unit of a vehicle certified to exceed the gross vehicle weight limits be obtained annually.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

MOTION TO TAKE OFF THE TABLE

Senator Green moved to have **SB 459** taken off the table.

Adopted.

SB 459, making certain changes to the real estate practice act.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 396-FN, relative to farm tractor registrations. Transportation Committee. Inexpedient to Legislate, Vote 4-0. Senator Martel for the committee.

MOTION TO TABLE

Senator Martel moved to have **SB 396-FN** laid on the table.

Adopted.

LAI ON THE TABLE

SB 396-FN, relative to farm tractor registrations.

SB 401-FN, relative to funeral processions using the New Hampshire turnpike system. Transportation Committee. Ought to pass with amendment, Vote 4-0. Senator Kenney for the committee.

Senate Transportation
February 12, 2004
2004-0431s
06/01

Amendment to SB 401-FN

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

AN ACT relative to funeral processions to the state veterans cemetery using the New Hampshire turnpike system.

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

1 New Section; Funeral Processions to the New Hampshire State Veterans Cemetery. Amend RSA 237 by inserting after section 12 the following new section:

237:12-a Use by Funeral Processions to the New Hampshire State Veterans Cemetery. Funeral directors shall notify the department of transportation at least 24 hours in advance of a funeral procession to the New Hampshire state veterans cemetery. The funeral director shall provide the department with an estimate of the number of vehicles in the procession. The first and last vehicle in the procession shall be provided by the funeral director. Vehicles in the funeral procession shall travel with their headlights on. Funeral processions to the New Hampshire state veterans cemetery which comply with the requirements of this section shall be granted toll-free use of any section of the New Hampshire turnpike system.

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

2004-0431s

AMENDED ANALYSIS

This bill provides that funeral processions to the New Hampshire state veterans cemetery which comply with certain requirements shall be exempt from paying tolls.

A division vote was requested.

Yeas: 15 - Nays: 6

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

MOTION TO TAKE OFF THE TABLE

Senator Clegg moved to have **SB 312-FN** taken of the table.

Adopted.

SB 312-FN, establishing a state code of ethics.

Senator Larsen offered a floor amendment.

Sen. Larsen, Dist. 15
February 19, 2004
2004-0565s
05/10

Floor Amendment to SB 312-FN

Amend section 1 of the bill by inserting after RSA 21-G:28 the following new RSA section:

21-G:29 Penalty. Any person who violates this subdivision shall be guilty of a violation and may be subject to termination.

Floor amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 413-FN, relative to financing federally aided highway projects. Transportation Committee. Ought to Pass, Vote 4-0. Senator Morse for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 422-FN, relative to the use of Route 28 in Derry and establishing a penalty for violating weight control designations made by the commissioner of the department of transportation. Transportation Committee. Inexpedient to Legislate, Vote 3-0. Senator Morse for the committee.

MOTION TO TABLE

Senator Morse moved to have **SB 422-FN** laid on the table.

Adopted.

LAIID ON THE TABLE

SB 422-FN, relative to the use of Route 28 in Derry and establishing a penalty for violating weight control designations made by the commissioner of the department of transportation.

SB 424-FN, relative to boating and carnival-amusement regulation by the department of safety. Transportation Committee. Ought to pass with amendment, Vote 4-0. Senator Flanders for the committee.

Senate Transportation
February 12, 2004
2004-0429s
03/04

Amendment to SB 424-FN

Amend the bill by replacing section 1 with the following:

1 Boating Accident Reports. RSA 270:1-a, I is repealed and reenacted to read as follows:

I. The operator of a vessel who knows or reasonably should have known that he or she has just been involved in any accident that involved death, personal injury, or damages to property, shall immediately stop said vessel at the scene of the accident, render any assistance that he or she is capable of giving to the occupants of any other vessel involved in the accident, and give the operator or owner of any other vessel involved in such accident, and to any person injured, and to the owner of any property damaged, the operator's name and the owner's name and address, the vessel registration number, and the name and address of each occupant. If by reason of injury or absence or removal from the place of the accident or other cause, such injured person, or operator of such other vessel, or owner of the property damaged, or any of them, is unable to understand or receive the information required in this section, such information shall be given to any marine patrol officer or other police officer with jurisdiction arriving at the scene of the accident or immediately to a marine patrol officer or other police officer at the nearest police station or at marine patrol headquarters. Any person operating a vessel that is in any manner involved in the accident shall, within 15 days after such accident, report in writing to the division of safety services the facts required hereunder together with a statement of the circumstances if any person is injured or killed or if damage to property is in excess of \$500. If

the operator is physically or mentally incapable of making such report, the owner of the vessel involved in the accident or the owner's representative shall, after learning of the accident, forthwith make such report. The operator or the owner shall furnish to the division such relevant information as the division shall require.

Amend the bill by replacing all after section 10 with the following:

11 Drownings and Boating Accident Reports; Damage to Property. Amend RSA 270:1-a, II-III to read as follows:

II. All law enforcement agencies having knowledge of a drowning or boating accident shall have a duty to report any personal injury resulting from a boating accident, death or drowning including suspected drowning, and all boating accidents wherein there is resulting damage of [~~\$500~~] **\$2,000** or more, immediately, to the commissioner of safety or [~~his~~] **the commissioner's** authorized representative.

III. It shall be the responsibility of the commissioner of safety and [~~his~~] **the commissioner's** authorized representative to investigate any drowning or suspected drowning and all accidents in which there is serious injury, death, or property damage of [~~\$500~~] **\$2,000** or more. Said investigation shall be in addition to, and independent of, any investigation made by other agencies of government, except that said agencies may exchange data and cooperate with each other to avoid unnecessary duplication of efforts.

12 Effective Date. This act shall take effect 30 days after its passage.

Amendment adopted.

Senator Flanders offered a floor amendment.

Sen. Flanders, Dist. 7

February 19, 2004

2004-0547s

03/04

Floor Amendment to SB 424-FN

Amend the bill by replacing section 1 with the following:

1 Boating Accident Reports. RSA 270:1-a, I is repealed and reenacted to read as follows:

I. The operator of a vessel who knows or reasonably should have known that he or she has just been involved in any accident that involved death, personal injury, or damages to property, shall immediately stop said vessel at the scene of the accident, render any assistance that he or she is capable of giving to the occupants of any other vessel involved in the accident, and give the operator or owner of any other vessel involved in such accident, and to any person injured, and to the owner of any property damaged, the operator's name and the owner's name and address, the vessel registration number, and the name and address of each occupant. If by reason of injury or absence or removal from the place of the accident or other cause, such injured person, or operator of such other vessel, or owner of the property damaged, or any of them, is unable to understand or receive the information required in this section, such information shall be given to any marine patrol officer or other police officer with jurisdiction arriving at the scene of the accident or immediately to a marine patrol officer or other police officer at the nearest police station or at marine patrol headquarters. Any person operating a vessel that is in any manner involved in the accident shall, within 15 days after such accident, report in writing to the division of safety services the facts required hereunder together with a statement of the circumstances if any person is injured or killed or if damage to property is in excess of \$2,000. If the operator is physically or mentally incapable of making such report, the owner of the vessel involved in the accident or the owner's representative shall, after learning of the accident, forthwith make such report. The operator or the owner shall furnish to the division such relevant information as the division shall require.

Floor amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 439, relative to probationary drivers' licenses. Transportation Committee. Ought to Pass, Vote 4-0. Senator Martel for the committee.

Adopted.

Ordered to third reading.

SB 530, relative to the duties of public safety responders and the expeditious clearance of a roadway. Transportation Committee. Ought to pass with amendment, Vote 4-0. Senator Kenney for the committee.

Senate Transportation
February 12, 2004
2004-0430s
06/01

Amendment to SB 530

Amend the bill by replacing section 2 with the following:

2 New Sections; Motorist Duties When Approaching Highway Emergencies or Blockages and Avoidance of Lane Blockage. Amend RSA 265 by inserting after section 37 the following new sections:

265:37-a Motorist Duties When Approaching Highway Emergencies. When in or approaching an incident involving a fire, collision, disaster, or other emergency resulting in partial or complete blockage of a highway, or a location where a police officer has made a traffic stop, every driver other than the driver of an emergency response vehicle, shall:

I. Maintain a reduced speed.

II. Obey the directions of any authorized person directing traffic and of all applicable emergency signals and traffic control devices.

III. Vacate as soon as possible any lane wholly or partially blocked.

IV. Give a wide berth without endangering oncoming traffic, to public safety personnel and any persons in the roadway.

265:37-b Avoidance of Lane Blockage.

I. No person shall stop or park a vehicle in such manner as to impede or render dangerous the use of the roadway by others, except to avoid a collision, or at the direction of an authorized official, or in the event of a mechanical breakdown.

II. In the event of a mechanical breakdown, the hazard flashers of such vehicle shall be activated if so equipped and in working order.

III. If a vehicle stopped in the roadway is movable and its driver is capable of moving it, the driver shall immediately move the vehicle to the shoulder or to another safe area off of the traveled portion of the roadway.

IV. A law enforcement officer or the incident commander at an incident involving a fire, collision, or other emergency may order the removal of a vehicle that is impeding emergency operations or impeding expedited restoration of traffic flow at the owner's expense.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

RESOLUTION

Senator Clegg moved that the Senate now 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.

LATE SESSION

Third Reading and Final Passage

SB 312-FN, establishing a state code of ethics.

SB 318, relative to the applicability of driving while intoxicated prohibitions.

SB 320-FN, relative to penalties for damaging emergency vehicles.

SB 336-L, relative to certain costs in the development of a high school in the town of Bedford.

SB 362, changing the name of the college for lifelong learning to Granite state college.

SB 379, relative to safety inspection and certification of certain equipment of vehicles.

SB 381, relative to the transfer of certain capital appropriations within the department of safety.

SB 400, relative to real estate appraisals conducted for mortgage loan applicants.

SB 401-FN, relative to funeral processions to the state veterans cemetery using the New Hampshire turn-pike system.

SB 409-FN, revising the vocational school licensing statutes.

SB 424-FN, relative to boating and carnival-amusement regulation by the department of safety.

SB 432-FN, establishing a division of emergency services, communications, and management, a division of fire standards and training and emergency medical services and a division of fire safety in the department of safety.

SB 439, relative to probationary drivers' licenses.

SB 454-FN, relative to carrying a concealed weapon without a license.

SB 459, making certain changes to the real estate practice act.

SB 487, relative to lead sinkers.

SB 494, relative to the prohibition on taking conch and winkles and relative to licensing requirements for taking lobsters and crabs.

SB 513, relative to the death penalty.

SB 530, relative to the duties of public safety responders and the expeditious clearance of a roadway.

SCR 6, designating January as stalking awareness month.

ANNOUNCEMENTS

RESOLUTION

Senator Clegg moved that the Senate recess to the Call of the Chair for the sole purpose of introducing legislation, receiving Messages, and processing Enrolled Bill Reports and Amendments.

Adopted.

In recess to the Call of the Chair.