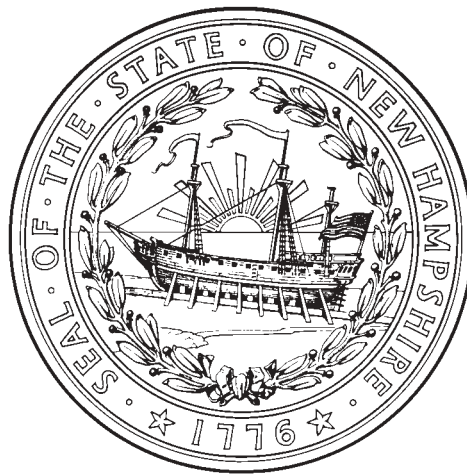


April 14, 2005
Nos. 12 - 13

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – APRIL 7, 2005 SESSION
COMMENCEMENT – APRIL 14, 2005 SESSION

SENATE JOURNAL 12 (*Cont.*)

April 7, 2005

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 66, regulating mandatory overtime for nurses and assistants.

HB 90, relative to private driving instruction and exhibition facilities.

HB 270, relative to procedures of the legislative ethics committee.

HB 350, relative to enforcement of the labor protection statutes, permitting certain wage deductions, and increasing the civil penalty in the department of labor.

HB 371, relative to mercury reduction.

HB 392-FN, increasing the mileage reimbursement rate for members of the legislature.

HB 513, relative to on-board diagnostic system inspections.

HB 665-FN-L, relative to the applicable minimum wage for hourly employees.

HB 710-FN, relative to the 5-year valuation of municipal assessments, and relative to the total property valuation for the town of Roxbury.

HB 720-FN, relative to special number plates.

HCR 6, a resolution urging Congress to enact legislation to make English the official language of the United States.

HCR 10, a resolution recognizing February 8, 2005 as Scouting in New Hampshire Day.

INTRODUCTION OF HOUSE BILL(S)

Senator Flanders offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from HB 66 – HCR 10, shall be by this resolution read a first and second time by the therein listed title(s) and referred to the therein designated committee(s).

First and Second Reading and Referral

HB 66, regulating mandatory overtime for nurses and assistants. Internal Affairs

HB 90, relative to private driving instruction and exhibition facilities. Transportation and Interstate Cooperation

HB 270, relative to procedures of the legislative ethics committee. Internal Affairs

HB 350, relative to enforcement of the labor protection statutes, permitting certain wage deductions, and increasing the civil penalty in the department of labor. Banks and Insurance

HB 371, relative to mercury reduction. Energy and Economic Development

HB 392-FN, increasing the mileage reimbursement rate for members of the legislature. Transportation and Interstate Cooperation

HB 513, relative to on-board diagnostic system inspections. Transportation and Interstate Cooperation

HB 665-FN-L, relative to the applicable minimum wage for hourly employees. Banks and Insurance

HB 710-FN, relative to the 5-year valuation of municipal assessments, and relative to the total property valuation for the town of Roxbury. Ways and Means

HB 720-FN, relative to special number plates. Transportation and Interstate Cooperation

HCR 6, a resolution urging Congress to enact legislation to make English the official language of the United States. Education

HCR 10, a resolution recognizing February 8, 2005 as Scouting in New Hampshire Day. Public and Municipal Affairs

Adopted.

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 13

April 14, 2005

The Senate met at 1:00 p.m.

A quorum was present.

The Reverend Karen Maleri, Director of Pastoral and Spiritual Care at Havenwood-Heritage Heights here in Concord, guest chaplain to the Senate, offered the prayer.

O precious God of many names and faces; as we look at what is laid on the table before us this day; let us be ever mindful of community wellness amidst our own agendas and preordained notion of success; As we warrant and govern the magnificent beauty found in the New Hampshire environment, pray us toward guidance and that righteous sense of WE, not I; And as we thoughtfully and with great care empty what is laid upon our table this day – let choice, effectiveness, and achievement prevail as our Senate commandments to follow – as we live and serve the greater good in our fair state of New Hampshire. Shalom. Amen. And blessed be.

Senator Clegg led the Pledge of Allegiance.

Senators Flanders and Martel are excused for the day.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

HB 181, establishing a committee to study the special account in the New Hampshire retirement system. Banks and Insurance Committee. Ought to Pass, Vote 5-0. Senator Roberge for the committee.

Adopted.

Ordered to third reading.

HB 512, establishing a commission to study property tax relief and reverse mortgages. Banks and Insurance Committee. Ought to pass with amendment, Vote 5-0. Senator Barnes for the committee.

Banks and Insurance

April 5, 2005

2005-1022s

06/05

Amendment to HB 512

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

AN ACT expanding the study committee on property tax relief to include reverse mortgages.

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

1 Study Committee Title Changed. Amend 2004, 88:1 to read as follows:

88:1 Committee Established. There is established a committee to study property tax relief, ~~[without implementing any new broad-based tax]~~ ***including reverse mortgages.***

2 Study Committee Duties. 2004, 88:3 is repealed and reenacted to read as follows:

88:3 Duties. The committee shall study any and all existing and proposed state and local property tax relief proposals including, but not limited to, abatements, credits, exemptions, reimbursements, and reverse mortgages. The committee may seek testimony from people with experience in one or more of the following categories: mortgage banking, credit lending, home equity financing, deferred payment lending, debt resolution consulting, bankruptcy law, bond banking, and the sale and placement of state and local bond issues.

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

2005-1022s

AMENDED ANALYSIS

This bill amends the duties of the property tax study committee established by 2004, 88 to include reverse mortgages.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 150, defining truancy. Education Committee. Ought to Pass, Vote 3-0. Senator Bragdon for the committee.

Adopted.

Ordered to third reading.

HB 308, relative to the special education payment distribution schedule and relative to alternative dispute resolution proceedings in special education. Education Committee. Ought to Pass, Vote 4-0. Senator Johnson for the committee.

Adopted.

Ordered to third reading.

HB 107, relative to the use of artificial light to view moose in Coos County. Environment and Wildlife Committee. Ought to Pass, Vote 4-0. Senator Johnson for the committee.

Adopted.

Ordered to third reading.

HB 229, extending the committee to study the establishment of a farm viability program. Environment and Wildlife Committee. Ought to pass with amendment, Vote 4-0. Senator Barnes for the committee.

Environment and Wildlife

April 6, 2005

2005-1030s

08/09

Amendment to HB 229

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

AN ACT establishing a committee to study the establishment of a farm viability program.

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

1 Committee Established. There is established a committee to study the establishment of a farm viability program.

2 Membership and Compensation.

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

(a) Three members of the senate, appointed by the president of the senate.

(b) Five members of the house of representatives, appointed by the speaker of the house of representatives.

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

3 Duties. The committee shall study ways to maintain the viability of farm businesses within the state through the utilization of term easements and including grants, tax incentives, loans, business planning and other technical assistance, or any other programs that may be useful.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2006.

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

2005-1030s

AMENDED ANALYSIS

This bill establishes a committee to study the establishment of a farm viability program.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 353, relative to consent to haul lobster and crab gear of license holders. Environment and Wildlife Committee. Ought to pass with amendment, Vote 4-0. Senator Barnes for the committee.

Environment and Wildlife

April 6, 2005

2005-1031s

10/04

Amendment to HB 353

Amend RSA 211:18, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. Any person who purchases a license to take lobster and crabs in waters of the state of New Hampshire pursuant to this section shall be deemed to have given consent to law enforcement officers to haul, for any purpose, their lobster and crab gear set for the purpose of taking or keeping lobsters and crabs within the jurisdiction of the state of New Hampshire.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 445, relative to the taking of certain game birds and fur-bearing animals. Environment and Wildlife Committee. Ought to Pass, Vote 2-1. Senator Johnson for the committee.

Adopted.

Ordered to third reading.

HB 303-FN, relative to the fire standards and training commission. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Kenney for the committee.

Sen. Kenney, Dist. 3
April 12, 2005
2005-1107s
05/01

Floor Amendment to HB 303-FN

Amend RSA 21-P:26, I(h) as inserted by section 2 of the bill by replacing it with the following:

[~~(+)~~] **(h) One representative of** the New Hampshire **State** Permanent Firemen's Association[~~;-and~~].

Floor amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 434-FN, requiring state agencies using automated answering systems to provide a method of access to a human being. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 5-0. Senator Fuller Clark for the committee.

Committee report of inexpedient to legislate is adopted.

HB 95, relative to delegates to state party conventions. Internal Affairs Committee. Ought to Pass, Vote 6-0. Senator Boyce for the committee.

Adopted.

Ordered to third reading.

HB 41, relative to the right-to-know oversight commission. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

HB 223, relative to the procedure for assignment of juvenile probation and parole officers. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

HB 74, relative to the sale of permissible fireworks. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Burling for the committee.

Adopted.

Ordered to third reading.

HB 84, relative to compensation of county convention members for county business. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 4-2. Senator Barnes for the committee.

MOTION TO TABLE

Senator Barnes moved to have HB 84 laid on the table.

Adopted.

LAI D ON THE TABLE

HB 84, relative to compensation of county convention members for county business.

HB 263, relative to the use of design build and construction management methods for state capital projects. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 6-0. Senator Morse for the committee.

Transportation and Interstate Cooperation**April 5, 2005****2005-1038s****10/04****Amendment to HB 263**

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

4 Major Capital Projects; Design Build and Construction Management. Amend RSA 228:4, V to read as follows:

V. Notwithstanding any other provision of law, the commissioner is authorized to use the design build ~~[method]~~ **and construction management methods** of contracting for any buildings that are part of capital projects. The capital budget overview committee shall approve ~~[all such]~~ **preliminary** plans prior to construction.

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

2005-1038s**AMENDED ANALYSIS**

This bill allows the design build and construction management methods for state major capital projects with approval of preliminary plans by the capital budget overview committee. The bill also increases the cost amount for transportation improvement projects eligible for design build.

Amendment adopted.**The question is on the adoption of the bill as amended.****Adopted.****Ordered to third reading.**

HB 540-FN, relative to the disposal of real property purchased with highway or turnpike funds. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 6-0. Senator Morse for the committee.

Adopted.**Ordered to third reading.****RESOLUTION**

Senator Clegg moved that the Senate now adjourn from the early session, that the business of the 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**

HB 41, relative to the right-to-know oversight commission.

HB 74, relative to the sale of permissible fireworks.

HB 95, relative to delegates to state party conventions.

HB 107, relative to the use of artificial light to view moose in Coos County.

HB 150, defining truancy.

HB 181, establishing a committee to study the special account in the New Hampshire retirement system.

HB 223, relative to the procedure for assignment of juvenile probation and parole officers.

HB 229, extending the committee to study the establishment of a farm viability program.

HB 263, relative to the use of design build and construction management methods for state capital projects.

HB 303-FN, relative to the fire standards and training commission.

HB 308, relative to the special education payment distribution schedule and relative to alternative dispute resolution proceedings in special education.

HB 353, relative to consent to haul lobster and crab gear of license holders.

HB 445, relative to the taking of certain game birds and fur-bearing animals.

HB 512, establishing a commission to study property tax relief and reverse mortgages.

HB 540-FN, relative to the disposal of real property purchased with highway or turnpike funds.

ANNOUNCEMENTS

RESOLUTION

Senator Clegg moved that the Senate recess to the Call of the Chair for the sole purpose of introducing legislation, sending and receiving messages, and processing enrolled bill reports.

Adopted.

In recess to the Call of the Chair.