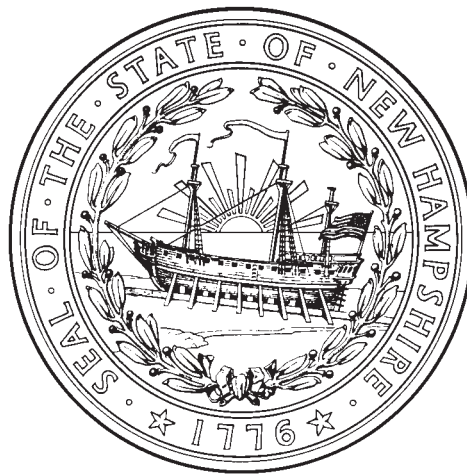


April 21, 2005  
Nos. 13 - 14

# STATE OF NEW HAMPSHIRE

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Legislative

## SENATE JOURNAL

**ADJOURNMENT – APRIL 14, 2005 SESSION**  
**COMMENCEMENT – APRIL 21, 2005 SESSION**

# SENATE JOURNAL 13 (*Cont.*)

*April 14, 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:

**HCR 11**, establishing joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court.

## 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 HCR 11, 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).

**Adopted.**

## First and Second Reading and Referral

**HCR 11**, establishing joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court. Rules and Enrolled Bills Committee

## 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 25-FN-A**, making appropriations for capital improvements.

**HB 59-FN-L**, relative to municipal responsibility for septage disposal.

**HB 78-FN-L**, relative to state funding of regional vocational education centers.

**HB 210-FN**, relative to the determination of absence and return of contributions of members of the retirement system.

**HB 216-FN**, relative to the authority of the New Hampshire retirement system to purchase supplies and services.

**HB 257**, relative to emergency medical and trauma service protocols and quality assurance program.

**HB 302**, relative to the mileage rate for service of documents by county sheriffs.

**HB 304-FN-A**, relative to federal highway grant anticipation bonds.

**HB 313-FN**, relative to registration of business entities.

**HB 430-FN-A**, establishing a one-day resident fishing license.

**HB 477-FN**, increasing registration fees for pesticides and commercial feeds.

**HB 597-FN-A**, relative to the natural heritage inventory program.

**HB 623-FN**, relative to licensing requirements in the insurance and financial services industries.

**HB 643-FN**, establishing an integrated criminal justice information system.

**HB 644-FN**, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.

**HB 651-FN-L**, relative to federal lien registration.

**HB 687-FN**, relative to free tuition at New Hampshire public institutions of higher education for children of veterans who die while on active duty or from a service-connected disability.

**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 25 – HB 687, 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).

**Adopted.**

**First and Second Reading and Referral**

**HB 25-FN-A**, making appropriations for capital improvements. Capital Budget

**HB 59-FN-L**, relative to municipal responsibility for septage disposal. Environment and Wildlife

**HB 78-FN-L**, relative to state funding of regional vocational education centers. Finance

**HB 210-FN**, relative to the determination of absence and return of contributions of members of the retirement system. Banks and Insurance

**HB 216-FN**, relative to the authority of the New Hampshire retirement system to purchase supplies and services. Executive Departments and Administration

**HB 257**, relative to emergency medical and trauma service protocols and quality assurance program. Health and Human Services

**HB 302**, relative to the mileage rate for service of documents by county sheriffs. Transportation and Interstate Cooperation

**HB 304-FN-A**, relative to federal highway grant anticipation bonds. Finance

**HB 313-FN**, relative to registration of business entities. Executive Departments and Administration

**HB 430-FN-A**, establishing a one-day resident fishing license. Environment and Wildlife

**HB 477-FN**, increasing registration fees for pesticides and commercial feeds. Environment and Wildlife

**HB 597-FN-A**, relative to the natural heritage inventory program. Ways and Means

**HB 623-FN**, relative to licensing requirements in the insurance and financial services industries. Banks and Insurance

**HB 643-FN**, establishing an integrated criminal justice information system. Judiciary

**HB 644-FN**, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services. Finance

**HB 651-FN-L**, relative to federal lien registration. Banks and Insurance

**HB 687-FN**, relative to free tuition at New Hampshire public institutions of higher education for children of veterans who die while on active duty or from a service-connected disability. Finance

**Out of Recess.**

**LATE SESSION**

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

**Adopted.**

**Adjournment.**

# SENATE JOURNAL 14

*April 21, 2005*

The Senate met at 1:00 p.m.

A quorum was present.

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

*Give us strength, O God, to run with patience and endurance and focus, the race that is set before us. And remind us, that ours is not the only race going on that matters and that every single runner has a message that needs to be heard.*  
*Amen*

Senator Gatsas led the Pledge of Allegiance.

Senator Foster is excused for the day.

## INTRODUCTION OF GUESTS

### COMMITTEE REPORTS

**HB 99**, changing the name of the college for lifelong learning to Granite state college. Capital Budget. Ought to Pass, Vote 4-0. Senator Clegg for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 53**, repealing a 1901 law relating to the apportionment of library funds in the town of Haverhill. Education Committee. Ought to Pass, Vote 6-0. Senator Bragdon for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 97**, relative to replacing school budget committee members. Education Committee. Ought to pass with amendment, Vote 4-2. Senator Bragdon for the committee.

### Senate Education

**April 12, 2005**

**2005-1105s**

**08/09**

### Amendment to HB 97

Amend RSA 671:33 as inserted by section 1 of the bill by replacing it with the following:

671:33 Vacancies. Vacancies among members of cooperative or area school planning committees shall be filled by the moderator for the unexpired term. The school board shall fill vacancies occurring on the school board and in all other district offices for which no other method of filling a vacancy is provided. Appointees of the school board shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term. In the case of a vacancy of the entire membership of the school board, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall appoint members by majority vote in convention. Vacancies in the office of moderator shall be filled by vote at a school meeting or election, provided that, until a replacement is chosen, the school district clerk shall serve as moderator. Vacancies occurring on the budget committee of a cooperative school district shall be filled by appointment made within 5 days by the ~~[moderator if the vacancy is called to the moderator's attention]~~ **budget committee**, or by the chairperson of the cooperative school board ~~[if the vacancy is called to the chairperson's attention or]~~ if the vacancy is that of a member appointed ~~[by]~~ **from** the school board.

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**HB 148**, transferring the New Hampshire estuaries project from the department of environmental services to the university of New Hampshire. Energy and Economic Development Committee. Ought to Pass, Vote 4-0. Senator Boyce for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 457**, relative to excavating and dredging permit exemptions for water conveyance systems. Energy and Economic Development Committee. Ought to Pass, Vote 3-0. Senator Bragdon for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 560**, relative to timber harvesting. Energy and Economic Development Committee. Ought to Pass, Vote 3-0. Senator Bragdon for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 58**, relative to the effective date for the elimination of certain substances from gasoline supplies and removing a certain requirement relative to opting out of the reformulated gasoline program. Environment and Wildlife Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 199**, relative to fish and game department expenditures for marine fisheries. Environment and Wildlife Committee. Ought to pass with amendment, Vote 5-0. Senator Hassan for the committee.

### **Environment and Wildlife**

**April 13, 2005**

**2005-1112s**

**10/03**

#### **Amendment to HB 199**

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

AN ACT relative to fish and game department expenditures for marine fisheries, and relative to the membership and reporting date of the commission to study recommendations of the New Hampshire estuaries project management plan.

Amend the bill by replacing all after section 2 with the following:

3 New Subparagraphs; Commission to Study Implementing a Recommendation of the New Hampshire Estuaries Project Management Plan; Members Added. Amend 2003, 236:2, I by inserting after subparagraph (k) the following new subparagraphs:

(l) The president of the New Hampshire Commercial Fishermen's Association, or designee.

(m) The president of the Coastal Conservation Association of New Hampshire, or designee.

4 Reporting Date Extended. Amend 2003, 236:5 as amended by 2004, 20:11 to read as follows:

236:5 Report. The commission shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, [2005] **2006**.

5 Repeal. The following are repealed:

I. RSA 211:67, relative to acceptance of gifts and grants for marine fisheries.

II. RSA 211:70, relative to marine fisheries revenue.

6 Effective Date.

I. Sections 3 and 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

**2005-1112s**

#### **AMENDED ANALYSIS**

This bill repeals provisions directing marine fisheries funds.

This bill also adds 2 new members to the commission to study implementing a recommendation of the New Hampshire estuaries project management plan and extends the reporting date of the commission.

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**HB 340**, renaming Jones Brook Wildlife Management Area in Strafford County for former chairman of the fish and game commission, Ellis Hatch, Jr., and naming a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg. Environment and Wildlife Committee. Ought to Pass, Vote 5-0. Senator Gallus for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 444**, relative to the surrender and condemnation of game animals to the fish and game department. Environment and Wildlife Committee. Ought to Pass, Vote 5-0. Senator Gallus for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 446**, relative to applications for resident hunting or fishing licenses. Environment and Wildlife Committee. Ought to Pass, Vote 5-0. Senator Gallus for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 625-FN-L**, authorizing borrowing from the state revolving loan fund for the Winnepesaukee River Basin project. Environment and Wildlife Committee. Ought to Pass, Vote 5-0. Senator Gallus for the committee.

**Adopted.**

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

**HB 421**, relative to effective dates. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Hassan for the committee.

**Senator Hassan moved to recommit.**

**Adopted.**

**HB 421 is recommitted to the Executive Departments and Administration Committee.**

**HB 637-FN**, relative to licensure of alcohol and drug abuse professionals. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Kenney for the committee.

**Adopted.**

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

**HB 672-FN**, relative to notaries public, justices of the peace, and adopting the Uniform Law on Notarial Acts. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Kenney for the committee.

**Senate Executive Departments and Administration**

**April 14, 2005**

**2005-1155s**

**06/10**

#### **Amendment to HB 672-FN**

Amend RSA 455:16, II as inserted by section 6 of the bill by replacing it with the following:

II. A person shall be guilty of a class A misdemeanor:

(a) If such person purposefully or knowingly commits any of the acts listed in paragraph I.

(b) If such person makes a notarial act, as defined by RSA 456-B:1, I, knowing he or she is not a person authorized by RSA 456-B:3 to perform a notarial act.

**2005-1155s**

#### **AMENDED ANALYSIS**

This bill:

I. Adds commissioners of deeds to the law on notaries public and commissioners.

II. Adds penalties for misconduct by notaries and justices of the peace, and unauthorized persons who perform notarial acts.



III. Adopts the Uniform Law on Notarial Acts.

IV. Repeals the Uniform Acknowledgment Act and the Uniform Recognition of Acknowledgments Acts.

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**HB 272-FN-A**, making an appropriation to the barn preservation fund. Finance Committee. Inexpedient to Legislate, Vote 4-1. Senator Morse for the committee.

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

**HB 401-FN-A**, making an appropriation to the Seacoast Shipyard Association. Finance Committee. Ought to pass with amendment, Vote 6-0. Senator Morse for the committee.

**Senate Finance**

**April 13, 2005**

**2005-1110s**

**08/01**

#### **Amendment to HB 401-FN-A**

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

1 Purpose; Reports. The moneys appropriated in section 2 and section 3 if appropriate, of this act shall be used to preserve jobs at the Portsmouth Naval Shipyard and for long-term strategic planning in an effort to keep the shipyard open. The money shall also be used for long-term advocacy in Washington, D.C., potential legal fees, costs of publicity and promotion of efforts to save the shipyard, including, but not limited to, compilation of data and documentation, and production of informational print and video material. The person in charge of the Seacoast Shipyard Association shall make 3 reports detailing the manner in which the moneys are being expended on June 1, 2005, on June 30, 2006, and on June 30, 2007. The report shall be given to the senate president, the speaker of the house of representatives, and the governor. The cities and towns within the range of economic influence of the Portsmouth Naval Shipyard are encouraged to appropriate funds from within their budgets to build a fund if the closure of the base is again threatened.

2 Appropriation. The sum of \$40,000 for the fiscal year ending June 30, 2005, is appropriated to the state treasurer for the purpose of funding the Seacoast Shipyard Association for the purposes of section 1 of this act. The funds appropriated in this section shall not lapse until June 30, 2007. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Contingent Appropriation. The sum of \$60,000 for the fiscal year ending June 30, 2005, is appropriated to the state treasurer for the purpose of funding the Seacoast Shipyard Association for the purposes of section 1 of this act. The funds appropriated in this section shall not lapse until June 30, 2007. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Contingency. If the Portsmouth Naval Shipyard is listed on the Base Realignment and Closure (BRAC) list, due to be published by the Department of Defense on or about May 16, 2005, as a facility recommended or scheduled to be closed, then section 3 of this act shall take effect. If the Portsmouth Naval Shipyard is not listed on the BRAC list, then section 3 of this act shall not take effect.

5 Effective Date.

I. Section 3 of this act shall take effect as provided in section 4 of this act.

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

**2005-1110s**

#### **AMENDED ANALYSIS**

This bill:

I. Appropriates an initial \$40,000 to the state treasurer for the purpose of funding the Seacoast Shipyard Association.

II. Appropriates an additional \$60,000 if the Portsmouth Naval Shipyard is recommended to be closed.

III. Requires the Seacoast Shipyard Association to file 3 reports relative to how such appropriations are spent.

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**Senator Fuller Clark requested that this vote be recorded as unanimous.**

**Without objection the Clerk was directed to record the vote as unanimous in the Journal.**

**HB 111**, establishing a commission to study the elimination of cervical cancer in the state of New Hampshire. Health and Human Services Committee. Ought to Pass, Vote 4-0. Senator Fuller Clark for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 82**, relative to political committees of political parties. Internal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Larsen for the committee.

**Internal Affairs**

**April 14, 2005**

**2005-1148s**

**03/01**

#### **Amendment to HB 82**

Amend the bill by replacing section 1 with the following:

1 Political Expenditures and Contributions; Definitions; Political Committee of a Political Party. Amend RSA 664:2, V to read as follows:

V. "Political committee of a political party" means *a [the] state, county, **regional**, city, ward, or town committee of a political party. **A regional committee shall be composed only of members who are residents of towns or cities that form a contiguous land area, and shall have been created and approved by the political committee of the same state political party. To create regional committees, a political party shall amend its by-laws to authorize them in principle; a copy of such by-law authorization and evidence of the approval for each regional committee by the state committee shall be filed by the political party with the secretary of state before the first Wednesday in June of that year.***

**2005-1148s**

#### **AMENDED ANALYSIS**

This bill changes the definition of "political committee of a political party" to include certain regional committees. This bill also clarifies certain reporting requirements for political committees.

**Amendment failed.**

**Senator Hassan moved to recommit.**

**Motion failed.**

**The question is on the bill without amendment.**

**Motion failed.**

**Senator Boyce moved inexpedient to legislate.**

#### **MOTION TO TABLE**

**Senator Hassan moved to have HB 82 laid on the table.**

**A division vote was requested.**

**Yeas: 9 - Nays: 13**

**Motion failed.**



**The question is on the motion of inexpedient to legislate.**

**A division vote was requested.**

**Yeas: 13 - Nays: 9**

**The motion of inexpedient to legislate is adopted.**

**HB 154**, relative to changes of party registration on primary day. Internal Affairs Committee. Inexpedient to Legislate, Vote 5-0. Senator Bragdon for the committee.

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

**HB 171**, relative to nicknames on ballots. Internal Affairs Committee. Ought to Pass, Vote 5-0. Senator Bragdon for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 277**, relative to special elections for executive councilor, state senator, and state representative. Internal Affairs Committee. Ought to Pass, Vote 5-0. Senator Boyce for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 339**, relative to electioneering at polling places. Internal Affairs Committee. Ought to pass with amendment, Vote 4-1. Senator Hassan for the committee.

**Internal Affairs**

**April 14, 2005**

**2005-1150s**

**03/05**

#### **Amendment to HB 339**

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Preparation of Polling Place; Arrangement; Electioneering. Amend RSA 658:9 by inserting after paragraph III the following new paragraph:

IV. By 5:00 p.m. on the day before any election, the moderator shall post outside each polling place a description of areas where electioneering activities are permitted and prohibited, pursuant to RSA 659:43, at that polling place. The moderator may during election day, for good cause, alter the areas where electioneering activities are prohibited. Failure to post this notice shall not affect the moderator's authority to restrict electioneering. Upon submission of proof to the attorney general that no notice was posted, the attorney general may issue an order to the moderator requiring future compliance with this statute. Any moderator who knowingly fails to comply with such an order shall be guilty of a violation.

#### **MOTION TO TABLE**

**Senator Hassan moved to have HB 339 laid on the table.**

**Adopted.**

#### **LAIID ON THE TABLE**

**HB 339**, relative to electioneering at polling places.

**HB 266**, relative to the procedure for dismissal or suspension of a police chief. Judiciary Committee. Ought to Pass, Vote 6-0. Senator Green for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 702-FN**, relative to the screening and mediation of medical malpractice claims. Judiciary Committee. Inexpedient to Legislate, Vote 6-0. Senator Foster for the committee.

#### **MOTION TO TABLE**

**Senator Gottesman moved to have HB 702-FN laid on the table.**

**Adopted.**

**LAID ON THE TABLE**

**HB 702-FN**, relative to the screening and mediation of medical malpractice claims.

**HB 83**, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Burling for the committee.

**Public and Municipal Affairs**

**April 15, 2005**

**2005-1166s**

**05/10**

**Amendment to HB 83**

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

AN ACT relative to the distribution of brochures on family planning services, fetal alcohol syndrome, and human immunodeficiency virus.

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

1 Protection for Maternity and Infancy; Brochure on Fetal Alcohol Syndrome. Amend RSA 132:2, XI to read as follows:

XI. Prepare, in conjunction with the office of alcohol and drug abuse prevention, a brochure which provides information relative to fetal alcohol syndrome ~~[to persons applying for a marriage license and make such brochure available to town and city clerks for distribution under RSA 457:23, II]~~ **and which shall be available to the public in the office of the town clerk and at the check-out counter of the state liquor store.**

2 Duties of the Department of Health and Human Services; Informational Brochure Relative to Human Immunodeficiency Virus. Amend RSA 141-F:3, XIII to read as follows:

XIII. Provide an informational brochure relative to the human immunodeficiency virus ~~[to persons applying for a marriage license and make such brochure available]~~ to town and city clerks for distribution under RSA ~~[457:23, II]~~ **457:28-a.**

3 Brochures Relative To Family Planning Services, Fetal Alcohol Syndrome, and Human Immunodeficiency Virus. RSA 457:28-a is repealed and reenacted to read as follows:

457:28-a Brochures Relative To Family Planning Services, Fetal Alcohol Syndrome, and Human Immunodeficiency Virus. The town clerk shall make available to the public, in the office of the town clerk, a list of family planning agencies and services available in the state, the informational brochure relative to fetal alcohol syndrome prepared pursuant to RSA 132:2, XI, and the informational brochure relative to human immunodeficiency virus prepared pursuant to RSA 141-F:3, XIII. The department of health and human services shall supply each town clerk with a sufficient quantity of the brochures initially, to be resupplied upon the request of the town clerk.

4 Marriage License Forms. Nothing in this act shall prevent the use of a marriage license form that includes an affidavit relative to the receipt of certain brochures from the town clerk, provided that the affidavit shall not be executed or completed by the parties.

5 New Section; State Liquor Stores; Brochures Relative to Fetal Alcohol Syndrome. Amend RSA 177 by inserting after section 8-a the following new section:

177:8-b Brochures Relative to Fetal Alcohol Syndrome. The commission shall make informational brochures relative to fetal alcohol syndrome, prepared by the department of health and human services under RSA 132:2, XI, available to the public at the check-out counter of each state liquor store or through distribution programs run by the commission and calculated to provide the general public with information about fetal alcohol syndrome. The department of health and human services shall provide the commission with a sufficient quantity of the brochures initially, and additional brochures shall be available upon the request of the commission.

6 Repeal. RSA 457:23, II and III, relative to the requirement that persons applying for a marriage license receive a brochure concerning fetal alcohol syndrome and the human immunodeficiency virus, are repealed.

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

**2005-1166s****AMENDED ANALYSIS**

This bill requires that brochures relative to family planning services, fetal alcohol syndrome, and human immunodeficiency virus be available to the public in the office of the town clerk. The bill also requires that the brochure relative to fetal alcohol syndrome be available to the public in state liquor stores. The bill removes the requirement in current law that the clerk discuss the brochures with marriage license applicants and that they sign an affidavit confirming receipt of the brochures.

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

**HB 86**, relative to property held in police department property rooms. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Burling for the committee.

**Public and Municipal Affairs****April 13, 2005****2005-1131s****06/03****Amendment to HB 86**

Amend RSA 471-C:13 as inserted by section 1 of the bill by replacing it with the following:

471-C:13 Property Held in Police Department Property Rooms. Notwithstanding any other provisions of law to the contrary, all noncontraband abandoned or lost personal property which has ***a value of \$250 or more and which has*** been held in a police department property room for a period of at least 180 days, ***or which has a value of less than \$250 and has been held for a period of at least 90 days***, may be disposed of by the police department by returning it to the finder, if known, if the finder was other than a police officer who discovered the property during the course of the police officer's usual police duties. If the property cannot be returned to the finder, the property shall be sold at public auction with the proceeds to be turned over to the town or city treasurer. Except that any bicycle which has been held in a police department property room for a period of ~~[180]~~ **90** days or more shall be sold at public auction with the proceeds to be used for the support of local bicycle safety programs, or, if no local bicycle safety programs are available, then with the consent of the local governing body, to be used for any other purpose. The police department shall be relieved of all liability for any claim thereafter arising or made with respect to property disposed of under this section. ***A good faith judgment of the value of the property by the police department shall be determinative for purposes of this section.***

**2005-1131s****AMENDED ANALYSIS**

This bill changes the period of time a police department is required to hold certain unclaimed and abandoned property before disposing of it from 180 days to 90 days.

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

**HB 87**, relative to the authority of the Carroll county public water system. Public and Municipal Affairs Committee. Ought to Pass, Vote 3-0. Senator Kenney for the committee.

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

**HB 236**, relative to the time for filing a motion to rehear a zoning decision. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Burling for the committee.

**Public and Municipal Affairs**  
**April 14, 2005**  
**2005-1147s**  
**06/01**

**Amendment to HB 236**

Amend RSA 677:2 as inserted by section 1 of the bill by replacing it with the following:

677:2 Motion for Rehearing of Board of Adjustment, Board of Appeals, and Local Legislative Body Decisions. Within 30 days after any order or decision of the zoning board of adjustment, or any decision of the local legislative body or a board of appeals in regard to its zoning, the selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment, a board of appeals, or the local legislative body, may grant such rehearing if in its opinion good reason therefor is stated in the motion. This 30-day time period shall be counted in calendar days beginning with the *day after the* date upon which the board voted to approve or disapprove the application; ~~[provided however, that]~~ **in accordance with RSA 21:35. However,** if the moving party shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 144 hours of the vote pursuant to RSA 676:3, II, the person applying for the rehearing shall have the right to amend the motion for rehearing, including the grounds therefor, within 30 days after the date on which the written decision was actually filed. If the decision complained against is that made by a town meeting, the application for rehearing shall be made to the board of selectmen, and, upon receipt of such application, the board of selectmen shall hold a rehearing within 30 days after receipt of the petition. Following the rehearing, if in the judgment of the selectmen the protest warrants action, the selectmen shall call a special town meeting.

**Senator Burling moved to recommit.**

**Adopted.**

**HB 236 is recommitted to the Public and Municipal Affairs Committee.**

**HB 469**, regulating disputes between homeowners and contractors relative to residential construction defects. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Barnes for the committee.

**Public and Municipal Affairs**  
**April 15, 2005**  
**2005-1165s**  
**05/10**

**Amendment to HB 469**

Amend RSA 359-G:6 as inserted by section 1 of the bill by replacing it with the following:

359-G:6 Release. If a homeowner accepts an offer made in compliance with this act and the contractor fulfills the offer in compliance with this act, the homeowner shall thereafter be barred from bringing an action for the claim.

Amend RSA 359-G:8 as inserted by section 1 of the bill by replacing it with the following:

359-G:8 Miscellaneous; Applicability of Chapter.

I. Nothing in this chapter shall create any cause of action on behalf of any homeowner or contractor.

II. This chapter shall not apply to a contractor's right to seek contribution, indemnity, or recovery against a subcontractor, supplier, or design professional for any claim made against a contractor by a homeowner.

III. This chapter shall not apply to a claim brought by a person or entity subrogated to the rights of a homeowner on account of a payment made under an insurance policy.

IV. Nothing in this chapter shall prohibit a homeowner from taking such actions as necessary to prevent unsafe conditions or further deterioration of a residence.

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**HB 570**, relative to preliminary site plan review and the definition of inclusionary zoning. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Larsen for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 40**, relative to inspection dates for certain vehicles. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 124**, naming a certain portion of New Hampshire Route 125 the Officer Mel Keddy Memorial highway. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 3-0. Senator Morse for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 160**, naming a certain bridge on New Hampshire Route 3 between Pembroke and Allenstown. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-0. Senator Estabrook for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 242**, relative to falsification of motor vehicle applications filed with the department of safety. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-0. Senator Burling for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 394**, relative to real estate tax lien procedures for tax collectors. Ways and Means Committee. Ought to Pass, Vote 2-0. Senator Boyce for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 462**, prohibiting road toll refunds for idling time. Ways and Means Committee. Ought to Pass, Vote 4-0. Senator Gallus for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 504**, relative to the assessment or refund of real estate transfer taxes, and the recording of plans with the register of deeds. Ways and Means Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

**Adopted.**

**Ordered to third reading.**

#### **MOTION TO REMOVE FROM THE TABLE**

**Senator Letourneau moved to have HB 84 taken off the table.**

**Adopted.**

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

**The question is on the committee report of inexpedient to legislate.**

**Motion failed.**

**Senator Letourneau moved ought to pass.**

**Senator Letourneau offered a floor amendment.**

**Sen. Letourneau, Dist. 19**

**April 13, 2005**

**2005-1123s**

**10/03**

#### **Floor Amendment to HB 84**

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

AN ACT relative to compensation of Rockingham county convention members for county business.

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

1 New Section; Rockingham County Convention; Compensation for County Business. Amend RSA 24 by inserting after section 9-f the following new section:

24:9-ff Compensation for Rockingham County Convention. Notwithstanding the provisions of RSA 24:9-e and RSA 24:9-ee, members of the Rockingham county convention may receive from the Rockingham county treasury a sum not to exceed \$25 per day for actual attendance at meetings of the convention at the Rockingham county complex and an allowance for travel expenses to and from the place of meeting at a rate per mile not in excess of the rate allowed by the United States Internal Revenue Service to be set by a vote of the Rockingham county convention. In addition, the Rockingham county convention chairperson may approve compensation for members attending to, discharging, or participating in other official county business at the Rockingham county complex, as authorized by vote of the Rockingham county convention.

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

**2005-1123s**

#### AMENDED ANALYSIS

This bill allows Rockingham county convention members to receive compensation for attending to, discharging, or participating in county business at the Rockingham county complex, as approved by the county convention chairperson.

**A division vote was requested.**

**Yeas: 10 – Nays: 12**

**Floor amendment failed.**

**The question is on the motion of ought to pass.**

**Motion failed.**

#### MOTION TO TABLE

**Senator Morse moved to have HB 84 laid on the table.**

**Adopted.**

#### LAIID ON THE TABLE

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

#### 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 40**, relative to inspection dates for certain vehicles.

**HB 53**, repealing a 1901 law relating to the apportionment of library funds in the town of Haverhill.

**HB 58**, relative to the effective date for the elimination of certain substances from gasoline supplies and removing a certain requirement relative to opting out of the reformulated gasoline program.

**HB 83**, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus.

**HB 86**, relative to property held in police department property rooms.

**HB 87**, relative to the authority of the Carroll county public water system.

**HB 97**, relative to replacing school budget committee members.

**HB 99**, changing the name of the college for lifelong learning to Granite state college.



- HB 111**, establishing a commission to study the elimination of cervical cancer in the state of New Hampshire.
- HB 124**, naming a certain portion of New Hampshire Route 125 the Officer Mel Keddy Memorial highway.
- HB 148**, transferring the New Hampshire estuaries project from the department of environmental services to the university of New Hampshire.
- HB 160**, naming a certain bridge on New Hampshire Route 3 between Pembroke and Allenstown.
- HB 171**, relative to nicknames on ballots.
- HB 199**, relative to fish and game department expenditures for marine fisheries.
- HB 242**, relative to falsification of motor vehicle applications filed with the department of safety.
- HB 266**, relative to the procedure for dismissal or suspension of a police chief.
- HB 277**, relative to special elections for executive councilor, state senator, and state representative.
- HB 340**, renaming Jones Brook Wildlife Management Area in Strafford County for former chairman of the fish and game commission, Ellis Hatch, Jr., and naming a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg.
- HB 394**, relative to real estate tax lien procedures for tax collectors.
- HB 401-FN-A**, making an appropriation to the Seacoast Shipyard Association.
- HB 444**, relative to the surrender and condemnation of game animals to the fish and game department.
- HB 446**, relative to applications for resident hunting or fishing licenses.
- HB 457**, relative to excavating and dredging permit exemptions for water conveyance systems.
- HB 462**, prohibiting road toll refunds for idling time.
- HB 469**, regulating disputes between homeowners and contractors relative to residential construction defects.
- HB 504**, relative to the assessment or refund of real estate transfer taxes, and the recording of plans with the register of deeds.
- HB 560**, relative to timber harvesting.
- HB 570**, relative to preliminary site plan review and the definition of inclusionary zoning.
- HB 672-FN**, relative to notaries public, justices of the peace, and adopting the Uniform Law on Notarial Acts.

## **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.**