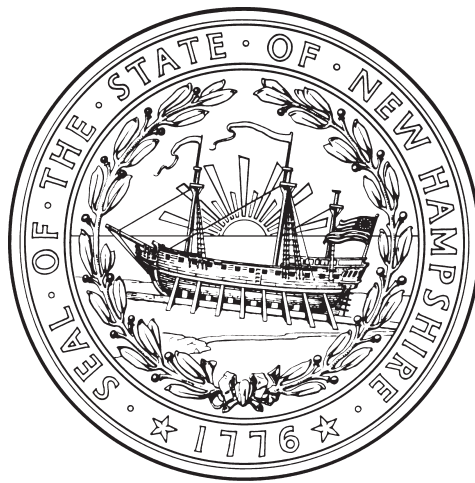


April 26, 2007
Nos. 13 - 14

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



Legislative

SENATE JOURNAL

ADJOURNMENT – APRIL 18, 2007 SESSION
COMMENCEMENT – APRIL 26, 2007 SESSION

SENATE JOURNAL 13 (*Cont.*)

April 18, 2007

HOUSE MESSAGE

HB 51, permitting adoption by 2 unmarried adults in a familial relationship.

HB 62, relative to balloons being released into the air.

HB 64-FN, relative to driving a commercial motor vehicle while violating an out-of-service order.

HB 83, relative to the deliberations of the board of tax and land appeals under the right-to-know law.

HB 134, relative to electronic prescribing for prescription drugs.

HB 142, relative to the sale of out-of-state animals.

HB 184, repealing the parental notification law.

HB 206, relative to the disclosure of certain livestock health information and relative to voluntary registration of livestock and agricultural premises.

HB 221, removing the requirement that the department of transportation report certain information relative to highway activity to the department of administrative services.

HB 232, relative to retaliatory rent increases and mediation of manufactured housing park disputes.

HB 239-FN-A, appropriating funds to the barn preservation fund matching grants program.

HB 243, relative to a rabies immunization exemption.

HB 298, relative to the healthy kids corporation.

HB 309, relative to the uniform fine schedule for the fish and game department.

HB 323, establishing a committee to study liquor commission revenues, enforcement, and training.

HB 345, relative to certification of death certificates.

HB 377-FN-L, relative to the right-to-know law.

HB 407-FN-A, relative to assistance for milk producers.

HB 439, relative to certain rulemaking authority of the commissioner of environmental services.

HB 451-FN, relative to the application of non-state sources of funding to catastrophic special education costs.

HB 488-FN-A-L, relative to the state chief medical examiner and medico-legal death investigations and making an appropriation to the department of justice for autopsy costs.

HB 495-FN, relative to criminal record and central registry checks of prospective foster and adoptive parents and relative to the custody of a child placed by the court in a delinquency proceeding or a proceeding for a child in need of services (CHINS).

HB 498-FN-A, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department.

HB 519, requiring children 12 years of age or under to wear personal flotation devices.

HB 553-FN-A, requiring the state to pay legal fees for certain supreme court justices and making an appropriation therefor.

HB 558, repealing the education trust fund.

HB 597-FN, relative to expenditure caps for institutional health facilities under the certificate of need law.

HB 652-FN, relative to the collection of debts owed to the state.

HB 673, allowing advanced registered nurse practitioners to certify walking disabilities.

HB 685, prohibiting New Hampshire from participating in a national identification card system.

HB 721, relative to the appropriation to the department of health and human services for rates paid for nursing services.

HB 802, relative to passenger restraints.

HB 812, relative to making permanent certain exceptions to limits on land application of septage and sludge.

HB 813-FN, expanding the definition of income of the land conservation investment program monitoring endowment.

HB 815-FN-A, requiring the display of boater education decals on vessels registered in other states.

HB 859, relative to the definitions of agriculture and farming in the motor vehicle laws.

HB 867-FN-L, relative to parent liability for court-ordered services in juvenile proceedings.

HB 876-FN-L, establishing a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system.

HB 898, relative to the use of sled dogs and the training of sled dogs on state trails.

INTRODUCTION OF HOUSE BILL(S)

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from **HB 51 to 898**, 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 51, permitting adoption by 2 unmarried adults in a familial relationship. (Judiciary)

HB 62, relative to balloons being released into the air. (Energy, Environment and Economic Development)

HB 64-FN, relative to driving a commercial motor vehicle while violating an out-of-service order. (Transportation and Interstate Cooperation)

HB 83, relative to the deliberations of the board of tax and land appeals under the right-to-know law. (Public and Municipal Affairs)

HB 134, relative to electronic prescribing for prescription drugs. (Health and Human Services)

HB 142, relative to the sale of out-of-state animals. (Energy, Environment and Economic Development)

HB 184, repealing the parental notification law. (Judiciary)

HB 206, relative to the disclosure of certain livestock health information and relative to voluntary registration of livestock and agricultural premises. (Executive Departments and Administration)

HB 221, removing the requirement that the department of transportation report certain information relative to highway activity to the department of administrative services. (Finance)

HB 232, relative to retaliatory rent increases and mediation of manufactured housing park disputes. (Commerce, Labor and Consumer Protection)

HB 239-FN-A, appropriating funds to the barn preservation fund matching grants program. (Energy, Environment and Economic Development)

HB 243, relative to a rabies immunization exemption. (Energy, Environment and Economic Development)

HB 298, relative to the healthy kids corporation. (Health and Human Services)

HB 309, relative to the uniform fine schedule for the fish and game department. (Wildlife, Fish and Game)

HB 323, establishing a committee to study liquor commission revenues, enforcement, and training. (Ways and Means)

HB 345, relative to certification of death certificates. (Health and Human Services)

HB 377-FN-L, relative to the right-to-know law. (Public and Municipal Affairs)

HB 407-FN-A, relative to assistance for milk producers. (Executive Departments and Administration)

HB 439, relative to certain rulemaking authority of the commissioner of environmental services. (Executive Departments and Administration)

HB 451-FN, relative to the application of non-state sources of funding to catastrophic special education costs. (Education)

HB 488-FN-A-L, relative to the state chief medical examiner and medico-legal death investigations and making an appropriation to the department of justice for autopsy costs. (Executive Departments and Administration)

HB 495-FN, relative to criminal record and central registry checks of prospective foster and adoptive parents and relative to the custody of a child placed by the court in a delinquency proceeding or a proceeding for a child in need of services (CHINS). (Health and Human Services)

HB 498-FN-A, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department. (Wildlife, Fish and Game)

HB 519, requiring children 12 years of age or under to wear personal flotation devices. (Executive Departments and Administration)

HB 553-FN-A, requiring the state to pay legal fees for certain supreme court justices and making an appropriation therefor. (Finance)

HB 558, repealing the education trust fund. (Education)

HB 597-FN, relative to expenditure caps for institutional health facilities under the certificate of need law. (Health and Human Services)

HB 652-FN, relative to the collection of debts owed to the state. (Executive Departments and Administration)

HB 673, allowing advanced registered nurse practitioners to certify walking disabilities. (Health and Human Services)

HB 685, prohibiting New Hampshire from participating in a national identification card system. (Executive Departments and Administration)

HB 721, relative to the appropriation to the department of health and human services for rates paid for nursing services. (Finance)

HB 802, relative to passenger restraints. (Transportation and Interstate Cooperation)

HB 812, relative to making permanent certain exceptions to limits on land application of septage and sludge. (Energy, Environment and Economic Development)

HB 813-FN, expanding the definition of income of the land conservation investment program monitoring endowment. (Energy, Environment and Economic Development)

HB 815-FN-A, requiring the display of boater education decals on vessels registered in other states. (Energy, Environment and Economic Development)

HB 859, relative to the definitions of agriculture and farming in the motor vehicle laws. (Transportation and Interstate Cooperation)

HB 867-FN-L, relative to parent liability for court-ordered services in juvenile proceedings. (Health and Human Services)

HB 876-FN-L, establishing a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system. (Executive Departments and Administration)

HB 898, relative to the use of sled dogs and the training of sled dogs on state trails. (Wildlife, Fish and Game)

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 14

April 26, 2007

The Senate met at 10:00 a.m.

A quorum was present.

The Rabbi Richard Kline, from the Temple Beth Jacob in Concord, guest rabbi to the Senate, offered the prayer.

This week, we read in our synagogues the section of the Torah (Five Books of Moses) called "Kedoshim". This Hebrew term is almost always translated as "holy". Most of the time, "holy", conjures up images of saintliness, piety, one with unique religious powers and responsibilities. A holy person is one who is dedicated to elevating his or her own or others' spiritual well being. What does our weekly Torah reading say about holiness? When you harvest your fields, leave a portion for the poor, the widow, the orphan, the stranger. Do not place a stumbling block before the blind. Stop and help when another is in difficulty. Avoid being consumed by a desire for vengeance. Be honest in all your business dealings. Saintliness? Unique religious powers? "No," says the Torah. Holiness means treating our fellow human beings with respect. May we all be holy today and each tomorrow. Amen

Senator Gatsas led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

MOTION TO VACATE

Senator Fuller Clark moved to vacate the following bills from the Energy, Environment and Economic Development Committee, to the following committees.

HB 54, establishing a commission to study automobile recycling issues. (Transportation and Interstate Cooperation Committee)

HB 142, relative to the sale of out-of-state animals. (Wildlife, Fish and Game Committee)

HB 243, relative to a rabies immunization exemption. (Wildlife, Fish and Game Committee)

HB 393, relative to information filed by utilities paying the utility property tax. (Ways and Means Committee)

HB 440-FN, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting. (Executive Departments and Administration Committee)

Adopted.

COMMITTEE REPORTS

HB 88, establishing a committee to study single payer health care. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 4-1. Senator Cilley for the committee.

MOTION TO TABLE

Senator Cilley moved to have HB 88, laid on the table.

Adopted.

LAIID ON THE TABLE

HB 88, establishing a committee to study single payer health care.

HB 89, establishing a committee to study dispute resolution between local political subdivisions and public employees in New Hampshire. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 4-1. Senator Reynolds for the committee.

Adopted.

Ordered to third reading.

Senator Barnes is in opposition to HB 89.

HB 169, relative to penalties for insurers or adjusters knowingly underestimating the value of an insurance claim. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator DeVries for the committee.

Adopted.

Ordered to third reading.

SPECIAL ORDER

Senator Larsen moved to Special Order without objection HB 361 & HB 249 to the end of the Calendar.

HB 361, relative to certain laws governing public utilities and the proposed acquisition of certain assets and franchises of Verizon by FairPoint.

HB 249, relative to preliminary objections to rules made by the joint legislative committee on administrative rules, and relative to extending the study committee on the rules process.

HB 228, relative to the definition of "medical necessity" under the managed care law. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

HB 334, relative to the hours for on-premises sale of alcoholic beverages. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 6-0. Senator Barnes for the committee.

Committee report of inexpedient to legislate is adopted.

HB 409, relative to liquor licenses for sports recreation facilities. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 5-0. Senator Reynolds for the committee.

Adopted.

Ordered to third reading.

HB 514-FN-L, relative to the applicable minimum wage for hourly employees. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator Gottesman for the committee.

Sen. Kenney, Dist. 3

April 25, 2007

2007-1348s

06/09

Floor Amendment to HB 514-FN-LOCAL

Amend RSA 279:21 as inserted by section 1 of the bill by replacing it with the following:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended, or as follows, whichever is higher:

| Date | Hourly Rate |
|---|----------------------|
| [April 1, 1991 to September 30, 1996 | \$4.25 |
| October 1, 1996 to August 31, 1997 | \$4.75] |
| On and after September 1, 1997 | \$5.15 |
| <i>On and after September 1, 2007</i> | <i>\$6.50</i> |
| <i>On and after September 1, 2008</i> | <i>\$7.25</i> |

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than ~~[\$20]~~ **\$30** a month in tips directly from the customers will receive a base rate from the employer of not less than \$2.38 per hour. ~~[With any change to the minimum wage after the effective date of this section, the employer is responsible to pay employees \$2.38 per hour or 45 percent of the applicable minimum wage whichever is higher.]~~ If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Kenney.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Kenney, Roberge, Bragdon, Gatsas, Letourneau.

The following Senators voted No: Reynolds, Sgambati, Burling, Cilley, Janeway, Odell, Kelly, Gottesman, Foster, Clegg, Larsen, Barnes, DeVries, D'Allesandro, Estabrook, Downing, Hassan, Fuller Clark.

Yeas: 6 - Nays: 18

Floor amendment failed.

The question is on the adoption of the committee report of ought to pass.

A roll call was requested by Senator Foster.

Seconded by Senator Barnes.

The following Senators voted Yes: Reynolds, Kenney, Sgambati, Burling, Cilley, Janeway, Odell, Roberge, Kelly, Gottesman, Foster, Larsen, Barnes, DeVries, D'Allesandro, Estabrook, Downing, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Bragdon, Clegg, Gatsas, Letourneau.

Yeas: 19 - Nays: 5

Adopted.

Ordered to third reading.

HB 532, relative to insurance fraud. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 4-0. Senator DeVries for the committee.

Adopted.

Ordered to third reading.

HB 873-FN-L, establishing minimum renewable standards for energy portfolios. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 6-0. Senator Fuller Clark for the committee.

The question is on the adoption of the committee report of ought to pass.

A roll call was requested by Senator Fuller Clark.

Seconded by Senator Hassan.

The following Senators voted Yes: Gallus, Reynolds, Kenney, Sgambati, Burling, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Estabrook, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Ordered to third reading.

HB 928, relative to the Christa McAuliffe planetarium commission. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Kelly for the committee.

Adopted.

Ordered to third reading.

HB 240, relative to the amount of child support arrearage triggering the denial of a passport. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

HB 437-FN-L, permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples. Judiciary Committee. Ought to Pass, Vote 3-2. Senator Foster for the committee.

The question is on the adoption of the committee report of ought to pass.

A roll call was requested by Senator Barnes.

Seconded by Senator Gatsas.

The following Senators voted Yes: Reynolds, Sgambati, Burling, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Kenney, Odell, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 10

Adopted.

Ordered to third reading.

HB 39, repealing the penalty provision in discretionary preservation easements. Public and Municipal Affairs Committee. Ought to Pass, Vote 3-1. Senator DeVries for the committee.

Adopted.

Ordered to third reading.

HB 98, relative to the situation of landfills on land owned by municipalities. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

HB 257, allowing towns to appoint or elect a town treasurer. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator DeVries for the committee.

The question is on the adoption of the committee report of ought to pass.

A roll call was requested by Senator Barnes.

Seconded by Senator Gatsas.

The following Senators voted Yes: Reynolds, Sgambati, Burling, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Kenney, Odell, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 10

Adopted.

Ordered to third reading.

SPECIAL ORDER

HB 361, relative to certain laws governing public utilities and the proposed acquisition of certain assets and franchises of Verizon by FairPoint. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 2-0. Senator Cilley for the committee.

Energy, Environment and Economic Development

April 19, 2007

2007-1295s

06/01

Amendment to HB 361

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-13 to read as 3-14, respectively:

2 Site Evaluation Committee. Amend RSA 162-H:3 to read as follows:

162-H:3 Site Evaluation Committee. The site evaluation committee shall consist of the commissioner of the department of environmental services or assistant commissioner as designee, the director of the division of water, the commissioner of the department of resources and economic development or the director of the division of economic development as designee, the commissioner of the department of health and human services or one of the 2 most senior administrators within the department responsible for management of public health services as designee, the executive director of the fish and game department, the director of the office of energy and planning **or deputy director as designee**, the director of the division of parks and recreation, the director of the division of forests and lands, the director of the division of air resources, ~~[the director of the governor's office of energy and community services or deputy director as designee,]~~ the commissioner of the department of transportation or assistant commissioner as designee, the commissioners of the public utilities commission, and a staff engineer designated by the commissioners of the public utilities commission. The commissioner of the department of environmental services shall be chairperson of the committee, and the chairperson of the public utilities commission shall be vice-chairperson.

Amendment failed.

The question is on the motion of ought to pass.

Adopted.

Ordered to third reading.

HB 249, relative to preliminary objections to rules made by the joint legislative committee on administrative rules, and relative to extending the study committee on the rules process. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Cilley for the committee.

Senator Burling offered a floor amendment.

Sen. Burling, Dist. 5

April 25, 2007

2007-1350s

04/05

Floor Amendment to HB 249

Amend RSA 541-A:13, V(b) as inserted by section 1 of the bill by replacing it with the following:

(b) If the committee objects to the final proposal as filed or as amended pursuant to paragraph II, the committee shall send the agency a preliminary written objection stating the basis for the objection. A preliminary objection or conditional approval shall require the assent of a majority of the votes cast, a quorum being present. If a preliminary objection is made ~~[to a rule proposed to implement a new or newly amended state statute]~~, the committee may send a copy of the preliminary objection to the appropriate **house and senate** standing policy committees and, if so, shall give notice to the agency. Within 30 days of the date the preliminary objection was entered, the standing policy ~~[committee may]~~ **committees at properly convened executive sessions shall** review the proposed rules and the preliminary objection and ~~[may advise the committee relative to the basis for the preliminary objection]~~ **shall adopt recommendations or comments relative to the basis for the preliminary objection and shall communicate the same to the committee.**

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Sgambati moved to have HB 638 removed from the table.

Adopted.

HB 638, relative to lease agreements entered into by the department of transportation.

The question is on the adoption of the committee amendment (#1240).

Amendment adopted.

MOTION TO TABLE

Senator Foster moved to have HB 638 laid on the table.

Adopted.

LAI D ON THE TABLE

HB 638, relative to lease agreements entered into by the department of transportation.

RESOLUTION

Senator Foster moved that the Senate adjourn from the early session, that the business of the late session be in order at the present time, that all bills and resolutions ordered to a 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 39, repealing the penalty provision in discretionary preservation easements.

HB 89, establishing a committee to study dispute resolution between local political subdivisions and public employees in New Hampshire.

HB 98, relative to the situation of landfills on land owned by municipalities.

HB 169, relative to penalties for insurers or adjusters knowingly underestimating the value of an insurance claim.

HB 228, relative to the definition of “medical necessity” under the managed care law.

HB 240, relative to the amount of child support arrearage triggering the denial of a passport.

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HB 257, allowing towns to appoint or elect a town treasurer.

HB 361, relative to certain laws governing public utilities and the proposed acquisition of certain assets and franchises of Verizon by FairPoint.

HB 409, relative to liquor licenses for sports recreation facilities.

HB 437-FN-L, permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

HB 514-FN-L, relative to the applicable minimum wage for hourly employees.

HB 532, relative to insurance fraud.

HB 873-FN-L, establishing minimum renewable standards for energy portfolios.

HB 928, relative to the Christa McAuliffe planetarium commission.

ANNOUNCEMENTS**RESOLUTION**

Senator Foster moved that the Senate recess to the Call of the Chair for the sole purpose of introducing legislation, referring bills to committees, scheduling hearings, sending and receiving messages, and processing enrolled bill reports.

Adopted.

In recess to the Call of the Chair.