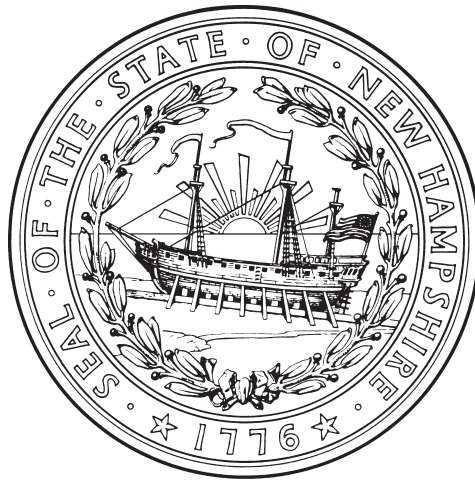


May 3, 2007
Nos. 14 - 15

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – APRIL 26, 2007 SESSION
COMMENCEMENT – MAY 3, 2007 SESSION

SENATE JOURNAL 14 (*Cont.*)

April 26, 2007

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 72, relative to the payment of municipal sewage assessments.

HB 107-L, authorizing towns to charge property owners for solid waste removal.

HB 118, reducing a prior appropriation to the department of transportation to purchase flood damaged property and extending the commission to determine the appropriate public use of the property.

HB 120, relative to extending polling hours.

HB 132, relative to domicile for voting purposes.

HB 133, relative to voter registration forms.

HB 155, relative to membership of the state building code review board.

HB 166, relative to the definition of a bridge.

HB 209, relative to eligibility for farm plates.

HB 215, relative to fees for hearing care providers.

HB 242, relative to the declaration of candidacy form.

HB 307, relative to examinations of electricians by the electricians' board.

HB 372-FN-A, exempting motor vehicles equipped and used for transporting disabled persons from the tax on rental of motor vehicles.

HB 417-FN-A, allowing the department of safety to transfer funds within the budget of the division of state police.

HB 438, renaming a certain island in Blackey's Cove in Lake Winnepesaukee.

HB 469, relative to on-premises cocktail lounge licenses for caterers and relative to beverage manufacturer hospitality rooms.

HB 473-FN, relative to reimbursement for members of the council for teacher education.

HB 483-FN, relative to mosquito control districts.

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

HB 658, prohibiting the taking of game by use of a tranquilizer.

Senator D'Allesandro moved adoption.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 37, relative to accidental death benefit payments in the city of Manchester employees' contributory retirement system.

SB 39, allowing a newly-retired supreme court justice to continue to participate as a temporary justice in a case held before retirement but decided after.

SB 43, relative to the training for barbers and establishing the master barber license under the board of barbering, cosmetology, and esthetics.

SB 51, transferring authority over court forms from the supreme court to the judicial branch administrative council.

SB 83, naming the Epsom traffic circle in honor of Officer Jeremy Charron and Officer Michael Briggs and naming a portion of Route 4 in honor of Officer Michael Briggs.

SB 86, naming a bridge in Plymouth.

SB 164, relative to renewals and reinstatements of licenses issued by the board of dental examiners and procedures of the board.

SB 200-FN, relative to the state directory of new hires.

SB 252, relative to publication of supreme court reports.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 238, relative to funding for the Groveton Branch Corridor repairs.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 42, relative to resource protection sections of local master plans.

HB 53, relative to school health personnel.

HB 122, naming a bridge in the town of Henniker after Sergeant Russell M. Durgin.

HB 153, relative to standards for bridge and highway construction.

HB 198-FN, relative to collection of taxes on land with a discretionary easement or subject to community revitalization tax relief penalty assessments and relative to the calculation of penalties applied to tax-deeded properties.

HB 468, relative to establishing the freedom's way heritage area and commission.

HB 609-FN, relative to disclosure of campaign contributions in local elections.

HB 657, authorizing the executive director of fish and game to issue moose hunting adventure permits.

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 49, relative to eligibility for admittance to the New Hampshire veterans' home.

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 49**, 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 49, relative to eligibility for admittance to the New Hampshire veterans' home. (Election Law and Internal Affairs)

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 15

May 3, 2007

The Senate met at 1:00 p.m.

A quorum was present.

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

You have created and animated us, O God, each one unique, not with lightening bolts but with the very energy of your essence. Make us good stewards, managers and governors of this great gift, that we may become in turn creators and connectors in this laboratory of Your world. *Amen*

Senator Barnes led the Pledge of Allegiance.

Senator Clegg is excused for the day.

INTRODUCTION OF GUESTS MOTION TO VACATE

Senator Burling moved to vacate from the Committee on Executive Departments and Administration the following bill:

HB 866, relative to the right-to-know law application to public utilities commission matters. (Public and Municipal Affairs Committee)

Adopted.

COMMITTEE REPORTS

HB 911-FN-L, establishing an automated external defibrillator advisory commission. Education Committee. Ought to Pass, Vote 6-0. Senator Estabrook for the committee.

Adopted.

Ordered to third reading.

HB 458, relative to the exemption of replacement or redundant wells from the large groundwater withdrawal permitting process. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

HB 543, establishing a commission to study the licensing process for licensed alcohol and drug counselors. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 6-0. Senator Kelly for the committee.

Senate Executive Departments and Administration

April 26, 2007

2007-1353s

09/01

Amendment to HB 543

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

AN ACT establishing a committee to study the licensing process for licensed alcohol and drug counselors.

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

1 Committee Established; Purpose. The New Hampshire legislature recognizes that substance abuse is a growing problem made worse by insufficient access to treatment. The general court therefore establishes a committee to study the licensing process for licensed alcohol and drug counselors.

2 Membership and Compensation.

I. The members of the committee shall be at least 4 and not more than 6 members of the house of representatives, 2 of whom shall be from the executive departments and administration committee, 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.

III. The committee shall seek testimony, input, advice, and recommendations from the state senate, state agencies, boards, and commissions, and from any interested party or organization as it deems proper.

3 Duties. The committee shall study the licensing process for licensed alcohol and drug counselors. Subjects of the study shall include:

I. The supervision offered to those in training.

II. The course content required for licensure.

III. The number of hours required for licensure.

IV. The credentialing necessary to generate third party reimbursement.

V. The licensing process used in other states.

VI. The scope of practice.

VII. Any other areas deemed necessary by the committee.

4 Chairperson; Meetings. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named 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 house and senate executive departments and administration committees, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

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

2007-1353s

AMENDED ANALYSIS

This bill establishes a committee to study the licensing process for licensed alcohol and drug counselors.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 286-FN, relative to a Medicaid waiver for family planning services. Health and Human Services Committee. Ought to pass with amendment, Vote 3-0. Senator Sgambati for the committee.

Health and Human Services

April 25, 2007

2007-1349s

01/04

Amendment to HB 286-FN

Amend RSA 126-A:4-c as inserted by section 1 of the bill by replacing it with the following:

126-A:4-c Family Planning Waiver. The department shall develop a Medicaid waiver to support the extension of Medicaid-allowable family planning services, as defined in the state's Medicaid plan, to Medicaid-eligible clients. The department shall present the proposed waiver design, including proposed coverage groups and budget neutrality calculation, to the legislative fiscal committee prior to submission of a final concept paper to the Centers for Medicare and Medicaid Services (CMS) for federal approval. The department shall provide periodic reports to the legislative fiscal committee throughout the waiver development, approval, and implementation processes. The department shall seek input from health care providers and the public in the course of developing the waiver. The department shall ensure that the state realizes the enhanced 90 percent federal Medicaid match available for these services and ensure that budget neutrality is maintained or exceeded through the 5-year life of the waiver. The department may contract with an in-

dependent third party on an annual basis for the life of the waiver to evaluate the clinical and financial outcomes of the waiver. A report shall be made to the legislative fiscal committee within 6 months of the end of the first full year of waiver implementation and subsequently on an annual basis.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

HB 187, establishing that sheriffs' departments have sole jurisdiction to enforce civil orders. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Reynolds for the committee.

Senate Judiciary

April 25, 2007

2007-1340s

09/04

Amendment to HB 187

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

AN ACT establishing that sheriffs' departments have authority to enforce civil orders.

Amend RSA 104:6, II as inserted by section 1 of the bill by replacing it with the following:

II. Notwithstanding any law to the contrary, sheriffs and their deputies shall have authority to enforce civil orders issued by any court.

2007-1340s

AMENDED ANALYSIS

This bill establishes that sheriffs' departments have authority to enforce civil orders.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 292, relative to consideration of the preference of a mature minor in the modification of parental rights and responsibilities. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Gottesman for the committee.

Senate Judiciary

April 25, 2007

2007-1341s

05/01

Amendment to HB 292

Amend RSA 461-A:11, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) If the court finds by clear and convincing evidence that a minor child is of sufficient maturity to make a sound judgment ~~[about his or her proper custody]~~, the court may give substantial weight to the preference of the mature minor child as to the parent with whom he or she wants to live. Under these circumstances, the court shall also give due consideration to other factors which may have affected the minor child's preference, including whether the minor child's preference was based on undesirable or improper influences.

2007-1341s

AMENDED ANALYSIS

This bill provides that, in the modification of parental rights and responsibilities, if the court finds that a minor child is of sufficient maturity to make a sound judgment, the court may give substantial weight to the child's preference as to the parent with whom the child wants to live.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 71, prohibiting the sale, rent, lease, transfer, or distribution of records, information, or lists of licensed dog owners in New Hampshire to another person by the town clerk's office. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Roberge for the committee.

MOTION TO TABLE

Senator Roberge moved to have HB 71 laid on the table.

Adopted.

LAIID ON THE TABLE

HB 71, prohibiting the sale, rent, lease, transfer, or distribution of records, information, or lists of licensed dog owners in New Hampshire to another person by the town clerk's office

HB 152, relative to public access to meeting minutes. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator DeVries for the committee.

Adopted.

Ordered to third reading.

HB 513, establishing a housing commission. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 4-1. Senator Sgambati for the committee.

Public and Municipal Affairs

April 24, 2007

2007-1324s

05/10

Amendment to HB 513

Amend paragraph I of section 2 of the bill by inserting after subparagraph (f) the following new subparagraph:

(g) One executive director from the New Hampshire Association of Regional Planning Commissions, appointed by the association.

MOTION TO TABLE

Senator Sgambati moved to have HB 513 laid on the table.

Adopted.

LAIID ON THE TABLE

HB 513, establishing a housing commission.

HB 551, allowing cities to use capital reserve funds for debt replacement. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 6-0. Senator Burling for the committee.

Public and Municipal Affairs

April 24, 2007

2007-1328s

05/01

Amendment to HB 551

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

AN ACT allowing cities and towns to use capital reserve funds for debt repayment.

Amend the bill by replacing sections 2 and 3 with the following:

2 Municipalities; Expenditures of Reserve. Amend RSA 34:10 to read as follows:

34:10 Expenditures.

I. The trustees of trust funds holding said capital reserve funds in trust, as hereinbefore provided, shall hold the same until such time as the city councils shall name agents of the city to carry out the objects designated by the city councils as prescribed by RSA 34:2. Expenditures from said capital reserve funds shall be made only for or in connection with the purposes for which said fund was established, or as amended as provided by RSA 34:11.

II. *Notwithstanding the prohibition of debt retirement fund establishment in RSA 33:2, capital reserve funds may be used for multiple payments under a financing agreement for the purpose for which the capital reserve was established. If the financing agreement is a lease purchase agreement, the lease purchase agreement may not contain an "escape clause" or a "non-appropriation clause."*

3 Municipalities; Expenditure of Reserve. Amend RSA 35:15, III to read as follows:

III.(a) Notwithstanding the prohibition of debt retirement fund establishment in RSA 33:2, capital reserve funds may be used for multiple payments ~~[of lease/purchase agreements for the purpose stated for the capital reserve provided:]~~ ***under a financing agreement for the purpose for which the capital reserve was established. If the financing agreement is a lease purchase agreement the following shall apply:***

(1) The lease/purchase agreement does not contain an “escape clause” or “non-appropriation clause”; and

(2) The lease/purchase agreement has been ratified by the legislative body by a vote by ballot of 2/3 of all the voters present and voting at an annual or special meeting.

(b) If agents have been named according to RSA 35:15, then no further vote is required to disburse funds following the initial vote which ratified the ~~[lease/purchase]~~ ***financing*** agreement.

2007-1328s

AMENDED ANALYSIS

This bill allows cities and towns to use capital reserve funds for debt repayment.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 566-FN-L, relative to the housing of inmates in county correctional facilities. Public and Municipal Affairs Committee. Ought to Pass, Vote 6-0. Senator Barnes for the committee.

MOTION TO TABLE

Senator Barnes moved to have HB 566-FN-L laid on the table.

Adopted.

LAIID ON THE TABLE

HB 566-FN-L, relative to the housing of inmates in county correctional facilities.

HB 301, relative to nonresident registration of motor vehicles. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-0. Senator Burling for the committee.

Adopted.

Ordered to third reading.

HB 59, relative to crossbow hunting by a person with a disability. Wildlife, Fish and Game Committee. Ought to Pass, Vote 2-0. Senator Janeway for the committee.

Adopted.

Ordered to third reading.

HB 309, relative to the uniform fine schedule for the fish and game department. Wildlife, Fish and Game Committee. Ought to Pass, Vote 2-0. Senator Gallus for the committee.

Adopted.

Ordered to third reading.

HB 604-FN, prohibiting the taking of deer from baited areas. Wildlife, Fish and Game Committee. Inexpedient to Legislate, Vote 3-1. Senator D'Allesandro for the committee.

SPECIAL ORDER

Senator D'Allesandro moved that **HB 604-FN**, prohibiting the taking of deer from baited areas, be made a special order for May 10, 2007.

Senator Larsen moved that without objection HB 604-FN be Special Ordered to the Session on May 10.

Senator Gottesman moved that the Committee on Rules and Enrolled Bills has reviewed the following Enrolled Bill amendments received by the Clerk and approved the amendments and asks for your support.

April 26, 2007
2007-1333-EBA
03/09

Enrolled Bill Amendment to HB 216

The Committee on Enrolled Bills to which was referred HB 216

AN ACT establishing a commission to study the causes, effects, and remediation of siltation in the Great Bay Estuary.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 216

This enrolled bill amendment corrects a reference in the bill and makes a grammatical correction.

Enrolled Bill Amendment to HB 216

Amend subparagraph I(k) of section 2 of the bill by replacing it with the following:

(k) The executive director of the fish and game department, or designee.

Amend section 3 of the bill by replacing lines 2-5 with the following:

I. Seek the assistance of the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the United States Army Corps of Engineers, and the United States Geological Survey, as appropriate.

Adopted.

April 24, 2007
2007-1319-EBA
06/01

Enrolled Bill Amendment to HB 220

The Committee on Enrolled Bills to which was referred HB 220

AN ACT establishing a reporting requirement for departments that receive highway funds.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 220

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 220

Amend section 1 of the bill by replacing line 10 with the following:

(b) Actual expenditures incurred by programs supported in whole or in part by the highway

Adopted.

May 1, 2007
2007-1389-EBA
04/01

Enrolled Bill Amendment to HB 361

The Committee on Enrolled Bills to which was referred HB 361

AN ACT relative to certain laws governing public utilities and the proposed acquisition of certain assets and franchises of Verizon by FairPoint.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 361

This enrolled bill amendment makes 2 technical corrections.

Enrolled Bill Amendment to HB 361

Amend the bill by replacing line 5 of section 9 with the following:

section 111 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. section 46) as amended by the

Amend the bill by replacing line 1 of section 10 with the following:

10 Expense of Investigations. Notwithstanding any provision of law or rule or any

Adopted.

April 25, 2007
2007-1335-EBA
03/09

Enrolled Bill Amendment to HB 846

The Committee on Enrolled Bills to which was referred HB 846

AN ACT transferring certain land in the town of Stoddard from the Trust for Public Land to the fish and game department.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 846

This bill modifies a term to make it consistent with other provisions of the bill and makes punctuation corrections.

Enrolled Bill Amendment to HB 846

Amend RSA 482:49, III(d) as inserted by section 1 of the bill by replacing line 1 with the following:

(d) The outlet dam, water rights, and 2.5 acre car-top boat launch access area at Robb

Amend section 2 of the bill by replacing line 1 with the following:

2 Contingency of Acceptance. Acceptance of the dam, water rights, and boat launch access area,

Adopted.

April 30, 2007
2007-1371-EBA
03/09

Enrolled Bill Amendment to HB 873-FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 873-FN-LOCAL

AN ACT establishing minimum renewable standards for energy portfolios.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 873-FN-LOCAL

This enrolled bill amendment makes grammatical and technical corrections.

Enrolled Bill Amendment to HB 873-FN-LOCAL

Amend RSA 362-F:1 as inserted by section 2 of the bill by replacing line 9 with the following:

quality and public health, and mitigating against the risks of climate change. It is therefore in the

Amend RSA 362-F:3 as inserted by section 2 of the bill by replacing line 4 with the following:

the provider to its end-use customers that year, except to the extent that the provider makes

Amend RSA 362-F:4, IV as inserted by section 2 of the bill by replacing line 3 with the following:
nameplate capacity of 5 MWs or less, has installed upstream and downstream diadromous fish

Amend RSA 362-F:4, VI as inserted by section 2 of the bill by replacing line 5 with the following:
demand from similar programs in other states.

Amend RSA 362-F:6, IV(a)(1) as inserted by section 2 of the bill by replacing line 2 with the following:
electrical energy to the New England control area that is in place for the time period during which

Amend RSA 362-F:7, II as inserted by section 2 of the bill by replacing line 2 with the following:
owner of the customer-sited source or its designee, regardless of whether the source has received

Amend RSA 362-F:9, IV as inserted by section 2 of the bill by replacing line 3 with the following:
agreements or certificate purchase agreements under this section.

Amend section 7 of the bill by replacing paragraph I with the following:

I. Sections 1-5 of this act shall take effect 60 days after its passage.

Adopted.

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 59, relative to crossbow hunting by a person with a disability.

HB 152, relative to public access to meeting minutes.

HB 187, establishing that sheriffs' departments have sole jurisdiction to enforce civil orders.

HB 292, relative to consideration of the preference of a mature minor in the modification of parental rights and responsibilities.

HB 301, relative to nonresident registration of motor vehicles.

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

HB 458, relative to the exemption of replacement or redundant wells from the large groundwater withdrawal permitting process.

HB 543, establishing a commission to study the licensing process for licensed alcohol and drug counselors.

HB 551, allowing cities to use capital reserve funds for debt replacement.

HB 911-FN-L, establishing an automated external defibrillator advisory commission.

ANNOUNCEMENTS

Senator Barnes Rule #44.

Senator D'Allesandro Rule #44.

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 and enrolled bill amendments.

Adopted.

In recess to the Call of the Chair.