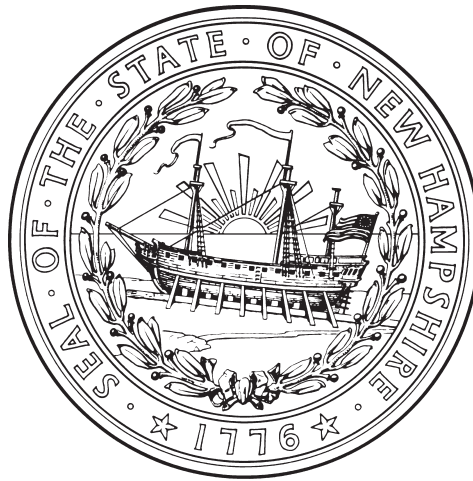


February 22, 2007
Nos. 5 - 6

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – FEBRUARY 21, 2007 SESSION
COMMENCEMENT – FEBRUARY 22, 2007 SESSION

SENATE JOURNAL 5 (*Cont.*)

February 21, 2007

INTRODUCTION OF SENATE BILL(S)

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, Senate legislation numbered from **SB 235**, 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

07-0434

SB 235-FN-A, relative to milk support for dairy farmers. (Gallus, Dist 1; Burling, Dist 5; King, Coos 1; Phinizy, Sull 5; Remick, Coos 2; O'Connell, Hills 6: Executive Departments and Administration Committee)

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 6

February 22, 2007

The Senate met at 10:30 a.m.

A quorum was present.

Senate Guest Chaplain, Representative Frances D. Potter, from St. Paul's Church in Concord, New Hampshire led the Senate in prayer.

Holy and Gracious God, creator of all that is, seen and unseen, we give thanks this morning for the beauties of our state, north and south, east and west. May we work to preserve what You have provided us. And we give thanks for all the people of this state, for their hard work, their spirit of adventure and their love of their communities. May Your spirit ruach remain among us and within us throughout the course of this day, strengthen and guide us in all our work together. We remember those who pray for snow and for those who shiver in the cold. We pray that we may always labor in Your name. Amen

Senator Cilley led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

SB 42-FN, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed public places. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 4-2. Senator Gottesman for the committee.

Senator Foster moved the question.

Senator Foster withdrew his motion to move the question.

Senator Downing offered a floor amendment.

Sen. Downing, Dist. 22
February 22, 2007
2007-0366s
01/03

Floor Amendment to SB 42-FN

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

AN ACT prohibiting smoking in restaurants, cocktail lounges, certain enclosed public places, dormitories in certain educational institutions, and resident rooms in certain facilities.

Amend RSA 155:66, I as inserted by section 3 of the bill by inserting after subparagraph (h) the following new subparagraphs:

- (i) Resident rooms in dormitories operated by postsecondary educational institutions.
- (j) Resident rooms in public housing facilities.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-5 to read as 6-7, respectively:

4 Reference Deletion. Amend RSA 155:71, I to read as follows:

I. Criteria for smoking-permitted areas in a manner that effectively segregates areas, in accordance with RSA 155:65, V, where smoking may be permitted in the facilities under RSA 155:67, [~~V, VI,~~] VII[,] and X.

5 Contingency. If subparagraph (i) as inserted by section 3 of this amendment is adopted, then each subsequent amendment adopted which inserts an (i) or (j) shall be renumbered as an additional subparagraph.

Amend the bill by replacing section 6 with the following:

6 Repeals. The following are repealed:

I. RSA 155:67, V, relative to an exemption for resident rooms in dormitories operated by postsecondary educational institutions.

II. RSA 155:67, VI, relative to an exemption for resident rooms in public housing facilities.

III. RSA 155:67, VIII, relative to an exemption for certain restaurants.

IV. RSA 155:67, IX, relative to an exemption for cocktail lounges.

2007-0366s

AMENDED ANALYSIS

This bill:

- I. Prohibits smoking in restaurants, cocktail lounges, and certain enclosed public places in New Hampshire.
- II. Prohibits smoking in dormitories operated by secondary educational institutions and in resident rooms in public housing facilities.
- III. Clarifies the smoking prohibited section of the indoor smoking act.
- IV. Clarifies certain definitions under the indoor smoking act.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Kenney.

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

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

Yeas: 9 - Nays: 15

Floor amendment failed.

Senator Clegg offered a floor amendment.

Sen. Clegg, Dist. 14
February 22, 2007
2007-0367s
01/03

Floor Amendment to SB 42-FN

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

AN ACT prohibiting smoking in restaurants, cocktail lounges, certain enclosed public places, and at certain outdoor events.

Amend RSA 155:66, I as inserted by section 3 of the bill by replacing it with the following:

I. Except as provided in RSA 155:67 and notwithstanding any law to the contrary, smoking is prohibited:

(a) In public educational facilities at any time, and in child care agencies licensed under RSA 170-E during the hours of operation, except foster family homes and foster family group homes.

(b) In hospitals and other acute care facilities.

(c) In grocery stores by customers.

(d) In elevators, tramways, gondolas, and other such public conveyances.

(e) In public conveyances.

(f) In restaurants.

(g) In cocktail lounges.

(h) In enclosed places owned and operated by social, fraternal, or religious organizations when open to the general public. Purposes for which such places may be open to the general public may include, but not be limited to, public meetings, voting, suppers, bingo games, theatrical events, fairs, and bazaars.

(i) At outdoor events of 50 people or more.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-5 to read as 5-6, respectively:

4 Contingency. If subparagraph (i) as inserted by section 3 of this amendment is adopted, then each subsequent amendment adopted which inserts an (i) or (j) shall be renumbered as an additional subparagraph.

2007-0367s

AMENDED ANALYSIS

This bill:

I. Prohibits smoking in restaurants, cocktail lounges, and certain enclosed public places in New Hampshire.

II. Prohibits smoking at outdoor events of 50 people or more.

III. Clarifies the smoking prohibited section of the indoor smoking act.

IV. Clarifies certain definitions under the indoor smoking act.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Clegg.

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

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

Yeas: 9 - Nays: 15

Floor amendment failed.

Senator Bragdon offered a floor amendment.

Sen. Bragdon, Dist. 11
February 22, 2007
2007-0368s
01/03

Floor Amendment to SB 42-FN

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

AN ACT prohibiting smoking in restaurants, cocktail lounges, foster family homes, foster family group homes, and certain enclosed public places.

Amend RSA 155:66, I(a) as inserted by section 3 of the bill by replacing it with the following:

(a) Public educational facilities at any time, and in child care agencies licensed under RSA 170-E during the hours of operation.

Amend RSA 155:66, I as inserted by section 3 of the bill by inserting after subparagraph (h) the following new subparagraph:

(i) Foster family homes and foster family group homes.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-5 to read as 5-6, respectively:

4 Contingency. If subparagraph (i) as inserted by section 3 of this amendment is adopted, then each subsequent amendment adopted which inserts an (i) or (j) shall be renumbered as an additional subparagraph.

2007-0368s

AMENDED ANALYSIS

This bill:

I. Prohibits smoking in restaurants, cocktail lounges, foster family homes, foster family group homes, and certain enclosed public places in New Hampshire.

II. Clarifies the smoking prohibited section of the indoor smoking act.

III. Clarifies certain definitions under the indoor smoking act.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Bragdon.

Seconded by Senator Clegg.

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

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

Yeas: 9 - Nays: 15

Floor amendment failed.

Senator Gatsas offered a floor amendment.

Sen. Gatsas, Dist. 16
February 22, 2007
2007-0364s
01/03

Floor Amendment to SB 42-FN

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

AN ACT prohibiting smoking in restaurants, cocktail lounges, certain enclosed public places, and resident rooms in certain facilities.

Amend RSA 155:66, I as inserted by section 3 of the bill by inserting after subparagraph (h) the following new subparagraph:

(i) Resident rooms in facilities such as nursing homes, sheltered care facilities, and residential treatment and rehabilitation facilities, and prisons and detention facilities.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-5 to read as 6-7, respectively:

4 Reference Deletion. Amend RSA 155:71, I to read as follows:

I. Criteria for smoking-permitted areas in a manner that effectively segregates areas, in accordance with RSA 155:65, V, where smoking may be permitted in the facilities under RSA 155:67, V, VI, ~~[VII]~~ and X.

5 Contingency. If subparagraph (i) as inserted by section 3 of this amendment is adopted, then each subsequent amendment adopted which inserts an (i) or (j) shall be renumbered as an additional subparagraph.

Amend the bill by replacing section 6 with the following:

6 Repeals. The following are repealed:

I. RSA 155:67, VII, relative to an exemption for resident rooms in certain facilities and prisons.

II. RSA 155:67, VIII, relative to an exemption for certain restaurants.

III. RSA 155:67, IX, relative to an exemption for cocktail lounges.

2007-0364s

AMENDED ANALYSIS

This bill:

I. Prohibits smoking in restaurants, cocktail lounges, and certain enclosed public places in New Hampshire.

II. Prohibits smoking in resident rooms in certain health care facilities and prisons and detention facilities.

III. Clarifies the smoking prohibited section of the indoor smoking act.

IV. Clarifies certain definitions under the indoor smoking act.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Clegg.

Seconded by Senator Bragdon.

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

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

Yeas: 9 - Nays: 15

Floor amendment failed.

Senator Barnes offered a floor amendment.

Sen. Barnes, Dist. 17

February 21, 2007

2007-0338s

01/03

Floor Amendment to SB 42-FN

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

AN ACT prohibiting smoking in restaurants, cocktail lounges, certain enclosed public places, and certain enclosed places when used for private purposes.

Amend RSA 155:66, I(h) as inserted by section 3 of the bill by replacing it with the following:

(h) Enclosed places owned and operated by social, fraternal, or religious organizations.

Amend the bill by replacing section 4 with the following:

4 Repeals. The following are repealed:

I. RSA 155:67, II, relative to an exemption for certain enclosed places when used for private purposes.

II. RSA 155:67, VIII, relative to an exemption for certain restaurants.

III. RSA 155:67, IX, relative to an exemption for cocktail lounges.

2007-0338s**AMENDED ANALYSIS**

This bill:

- I. Prohibits smoking in restaurants, cocktail lounges, and certain enclosed public places in New Hampshire.
- II. Prohibits smoking in enclosed places owned and operated by social, fraternal, or religious organizations in New Hampshire.
- III. Clarifies the smoking prohibited section of the indoor smoking act.
- IV. Clarifies certain definitions under the indoor smoking act.

Senator Estabrook moved the question.**The question is on the adoption of the floor amendment.****A roll call was requested by Senator Gatsas.****Seconded by Senator Clegg.****The following Senators voted Yes: Gallus, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.****The following Senators voted No: Reynolds, Kenney, Sgambati, Burling, Cilley, Janeway, Odell, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.****Yeas: 8 - Nays: 16****Floor amendment failed.****Senator Gatsas offered a floor amendment.****Sen. Gatsas, Dist. 16****February 22, 2007****2007-0369s****01/03****Floor Amendment to SB 42-FN**

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

AN ACT prohibiting smoking in restaurants, cocktail lounges, guest rooms of hotels, motels, and resorts, certain enclosed public places, and certain enclosed places when used for private purposes.

Amend RSA 155:66, I as inserted by section 3 of the bill by inserting after subparagraph (h) the following new subparagraph:

- (i) Guest rooms, halls, ballrooms, dining rooms, and conference rooms of hotels, motels, and resorts.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-5 to read as 5-6, respectively:

4 Contingency. If subparagraph (i) as inserted by section 3 of this amendment is adopted, then each subsequent amendment adopted which inserts an (i) or (j) shall be renumbered as an additional subparagraph.

Amend the bill by replacing section 5 with the following:

5 Repeals. The following are repealed:

- I. RSA 155:67, I relative to an exemption for public conveyances rented for private purposes.
- II. RSA 155:67, III, relative to an exemption for guest rooms of hotels, motels, and resorts.
- III. RSA 155:67, IV, relative to certain enclosed places when used for private purposes.
- IV. RSA 155:67, VIII, relative to an exemption for certain restaurants.
- V. RSA 155:67, IX, relative to an exemption for cocktail lounges.

2007-0369s**AMENDED ANALYSIS**

This bill:

- I. Prohibits smoking in restaurants, cocktail lounges, and certain enclosed public places in New Hampshire.

II. Prohibits smoking in guest rooms, halls, ballrooms, dining rooms, and conference rooms of hotels, motels, and resorts.

III. Prohibits smoking in public conveyances rented for private purposes.

IV. Clarifies the smoking prohibited section of the indoor smoking act.

V. Clarifies certain definitions under the indoor smoking act.

Senator Gottesman moved the question.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Clegg.

Seconded by Senator Bragdon.

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

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

Yeas: 9 - Nays: 15

Floor amendment failed.

Senator Gallus offered a floor amendment.

Sen. Gallus, Dist. 1

February 22, 2007

2007-0371s

01/03

Floor Amendment to SB 42-FN

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

AN ACT prohibiting smoking in restaurants, cocktail lounges, certain enclosed public places, publicly-owned buildings and offices, and within 50 feet of any state building.

Amend RSA 155:66, I as inserted by section 3 of the bill by inserting after subparagraph (h) the following new subparagraph:

(i) Publicly-owned buildings and offices and within 50 feet of an entrance to any state building.

Amend RSA 155:66, II as inserted by section 3 of the bill by replacing it with the following:

II. Smoking may be permitted in enclosed places of public access and workplaces, other than those listed in paragraph I, in effectively segregated smoking-permitted areas designated by the person in charge. Smoking shall be totally prohibited in any such enclosed place, if smoking cannot be effectively segregated. The person in charge may declare any facility non-smoking in its entirety.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-5 to read as 5-6, respectively:

4 Contingency. If subparagraph (i) as inserted by section 3 of this bill is adopted, then each subsequent amendment adopted which inserts an (i) or (j) shall be renumbered as an additional subparagraph.

2007-0371s

AMENDED ANALYSIS

This bill:

I. Prohibits smoking in restaurants, cocktail lounges, and certain enclosed public places in New Hampshire.

II. Prohibits smoking in publicly-owned buildings and offices.

III. Prohibits smoking within 50 feet of any state building.

IV. Clarifies the smoking prohibited section of the indoor smoking act.

V. Clarifies certain definitions under the indoor smoking act.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Bragdon.

Seconded by Senator Clegg.

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

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

Yeas: 9 - Nays: 14

Floor amendment failed.

MOTION OF RECONSIDERATION

Senator Foster, having voted with the prevailing side, moved reconsideration of floor amendment #0371, whereby the floor amendment failed.

Adopted.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Clegg.

Seconded by Senator Barnes.

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

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

Yeas: 9 - Nays: 15

Floor amendment failed.

Senator Clegg offered a floor amendment.

Sen. Clegg, Dist. 14

February 22, 2007

2007-0365s

01/03

Floor Amendment to SB 42-FN

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

AN ACT prohibiting smoking in restaurants, cocktail lounges, certain enclosed public places, and outdoor venues with persons under 18 years of age attending or expected to attend.

Amend RSA 155:66, I as inserted by section 3 of the bill by replacing it with the following:

I. Except as provided in RSA 155:67 and notwithstanding any law to the contrary, smoking is prohibited:

(a) In public educational facilities at any time, and in child care agencies licensed under RSA 170-E during the hours of operation, except foster family homes and foster family group homes.

(b) In hospitals and other acute care facilities.

(c) In grocery stores by customers.

(d) In elevators, tramways, gondolas, and other such public conveyances.

(e) In public conveyances.

(f) In restaurants.

(g) In cocktail lounges.

(h) In enclosed places owned and operated by social, fraternal, or religious organizations when open to the general public. Purposes for which such places may be open to the general public may include, but not be limited to, public meetings, voting, suppers, bingo games, theatrical events, fairs, and bazaars.

(i) Outdoor venues with persons under 18 years of age attending or expected to attend.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-5 to read as 5-6, respectively:

4 Contingency. If subparagraph (i) as inserted by section 3 of this amendment is adopted, then each subsequent amendment adopted which inserts an (i) or (j) shall be renumbered as an additional subparagraph.

2007-0365s

AMENDED ANALYSIS

This bill:

- I. Prohibits smoking in restaurants, cocktail lounges, and certain enclosed public places in New Hampshire.
- II. Prohibits smoking at outdoor venues with persons under 18 years of age attending or expected to attend.
- III. Clarifies the smoking prohibited section of the indoor smoking act.
- IV. Clarifies certain definitions under the indoor smoking act.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Bragdon.

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

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

Yeas: 9 - Nays: 15

Floor amendment failed.

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

A roll call was requested by Senator Clegg.

Seconded by Senator Bragdon.

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

The following Senators voted No: Gallus, Kenney, Cilley, Clegg, Gatsas, Barnes, Letourneau.

Yeas: 17 - Nays: 7

Adopted.

Ordered to third reading.

SB 72-L, relative to standards for public school approval. Education Committee. Ought to Pass, Vote 6-0. Senator Estabrook for the committee.

Adopted.

Ordered to third reading.

SB 78, relative to the placement of twins or other multiples in the same classroom. Education Committee. Ought to pass with amendment, Vote 6-0. Senator Kelly for the committee.

Sen. Estabrook, Dist. 21

February 6, 2007

2007-0088s

04/10

Amendment to SB 78

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

AN ACT relative to the classroom placement of twins or other multiples.

Amend RSA 193:3-a as inserted by section 1 of the bill by replacing it with the following:

193:3-a Classroom Placement of Twins or Other Multiples.

I. A parent or guardian of twins or other multiples may, no later than 15 days before the first day of each school year or upon registration in the case of children transferring to a new school, request a meeting with the school principal to discuss the classroom placement of the twins or other multiples. The principal shall grant such meeting in a timely manner. The principal shall consider the parent's or guardian's recommendation in making a classroom placement decision and shall make the decision based on the best interest of all the children in the school. In this section, "multiples" means triplets or more.

II. No school district shall have a policy prohibiting the placement of twins or other multiples in the same classroom.

2007-0088s

AMENDED ANALYSIS

This bill sets forth the procedure for making classroom placement decisions for children who are twins or other multiples.

MOTION TO TABLE

Senator Burling moved to have SB 78 laid on the table.

Adopted.

LAIID ON THE TABLE

SB 78, relative to the placement of twins or other multiples in the same classroom.

SB 89, authorizing the Holden School of Nursing to confer degrees. Education Committee. Inexpedient to Legislate, Vote 6-0. Senator Foster for the committee.

MOTION TO TABLE

Senator Foster moved to have SB 89 laid on the table.

Adopted.

LAIID ON THE TABLE

SB 89, authorizing the Holden School of Nursing to confer degrees.

SB 137-FN, removing the prospective repeal of community reinvestment and opportunity zones (CROP zones). Energy, Environment and Economic Development Committee. Ought to Pass, Vote 6-0. Senator Odell for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 139-FN, relative to the asset transfer penalty in Medicaid. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Estabrook for the committee.

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

A roll call was requested by Senator Clegg.

Seconded by Senator Barnes.

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

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

Yeas: 18 - Nays: 6

Adopted.

Referred to the Finance Committee (Rule #26).

SB 167-FN, relative to the licensure of medical assistants by the board of nursing. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

Adopted.

Ordered to third reading.

SB 184-FN, relative to residential home care services providers. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Sgambati for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 41, relative to the authority of law enforcement officers to obtain registration checks on motor vehicles for official purposes. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Letourneau for the committee.

Sen. Letourneau, Dist. 19

January 23, 2007

2007-0009s

09/04

Amendment to SB 41

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

AN ACT relative to the authority of law enforcement officers to obtain registration checks on motor vehicles for official purposes and prohibiting the use of automated number plate scanning devices.

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

1 New Sections; Number Plate Checks by Law Enforcement Officers; Use of Automated Number Plate Scanning Devices Prohibited. Amend RSA 261 by inserting after section 75 the following new sections:

261:75-a Number Plate Checks by Law Enforcement. A duly sworn state, county, or local law enforcement officer in the performance of his or her duties may obtain, through electronic query from the department of safety, the registration information on a particular number plate and plate type or number plate validation decal for any official purpose, whether the inquiry relates to a particular offense or is for general crime detection and prevention purposes, provided a record is kept regarding such inquiry. The information so obtained shall only be used for valid law enforcement purposes and shall not be disclosed to any unauthorized person for any purpose. The commissioner of safety may further limit the release of such information at his or her discretion.

261:75-b Use of Automated Number Plate Scanning Devices Prohibited. The use of automated number plate scanning devices is prohibited.

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

2007-0009s

AMENDED ANALYSIS

This bill clarifies the authority of law enforcement officers to obtain through electronic query from the department of safety the registration information on number plates for official purposes.

This bill also prohibits the use of automated number plate scanning devices.

This bill was requested by the department of safety.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 107, authorizing the judicial branch family division and the superior court to use bail commissioners in civil cases. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Clegg for the committee.

Senate Judiciary

February 15, 2007

2007-0225s

09/04

Amendment to SB 107

Amend RSA 597:15-b as inserted by section 2 of the bill by replacing it with the following:

597:15-b Judicial Branch Family Division. The judicial branch family division may appoint 3 or more justices of the peace and quorum as commissioners authorized to fix and receive bail and other fines and fees as authorized by law in criminal or civil cases to be brought before said courts as hereafter provided.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 112, relative to recommendations of marital masters. Judiciary Committee. Ought to Pass, Vote 4-1. Senator Foster for the committee.

MOTION TO TABLE

Senator Foster moved to have SB 112 laid on the table.

Adopted.

LAI D ON THE TABLE

SB 112, relative to recommendations of marital masters.

SB 128-FN, establishing an enhanced penalty for injuring another as a result of resisting arrest. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

SB 132-FN, allowing marital masters to be reimbursed for certain expenses and repealing a provision permitting court stenographers to be reimbursed for expenses. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Reynolds for the committee.

Adopted.

Ordered to third reading.

SB 145-FN, allowing marital masters and registers and deputy registers of probate to perform notarial acts. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Gottesman for the committee.

Senate Judiciary
February 15, 2007
2007-0224s
09/01

Amendment to SB 145-FN

Amend RSA 456-B:3, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) A judge, *marital master*, clerk, [or] deputy clerk, *register of probate, or deputy register of probate* of any court of this state; or

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 193, relative to adjustments to the child support guidelines under special circumstances. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Gottesman for the committee.

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

A roll call was requested by Senator Hassan.

Seconded by Senator Fuller Clark.

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.

SB 40, relative to the modular building code. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

SB 54, allowing municipalities to increase dog licensing fees. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Roberge for the committee.

Public and Municipal Affairs

February 13, 2007

2007-0211s

06/09

Amendment to SB 54

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

AN ACT relative to dog license fees.

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

1 City or Town Bylaws; Dog License Fee. Amend RSA 466:39 to read as follows:

466:39 City or Town Bylaws. The local governing body may make such additional bylaws and regulations concerning the licensing and restraining of dogs as it deems reasonable, and may affix penalties not exceeding \$25 for a breach thereof. Such bylaws and regulations shall relate only to dogs owned or kept in such city or town, and the annual fee required for a license shall in no case be more than [~~\$1~~] **\$5** in addition to the sum hereby required.

2 Effective Date. This act shall take effect July 1, 2007.

2007-0211s

AMENDED ANALYSIS

This bill limits the annual fee required for dog licenses.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 58, relative to the recommendation for the town budget. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 6-0. Senator Sgambati for the committee.

Sen. Burling, Dist. 5

February 13, 2007

2007-0216s

06/09

Amendment to SB 58

Amend the bill by replacing section 1 with the following:

1 Budget; Vote of Budget Committee or Selectmen. Amend RSA 31:95 to read as follows:

31:95 Budget.

I. Immediately upon the close of the fiscal year the budget committee in towns where such committees exist, otherwise the selectmen, shall prepare a budget on blanks prescribed by the commissioner of revenue administration; provided, however, that any full-time employee of the town, village district, school district or other associated agencies shall be ineligible to serve on the budget committee. Such budget shall be posted with the town warrant and shall be printed in the town report at least one week before the date of the town meeting.

II. Any town may vote to require that all votes by a town budget committee or, in towns without a budget committee, all votes of the selectmen relative to budget items shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article.

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

2007-0216s

AMENDED ANALYSIS

This bill permits towns to require that votes by a budget committee or by selectmen relative to budget items be recorded and that the tally be printed in the town warrant.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 96, extending the veterans' property tax credit to all honorably discharged veterans. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 6-0. Senator Barnes for the committee.

Senator Barnes moved to recommit.

Adopted.

SB 96 is recommitted to the Public and Municipal Affairs Committee.

SB 99, relative to the terms for payment in lieu of taxes for renewable generation facilities. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-1. Senator Burling for the committee.

Sen. Burling, Dist. 5

February 8, 2007

2007-0163s

10/05

Amendment to SB 99

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

1 New Paragraph; Renewable Generation Facilities; Exception Added. Amend RSA 72:74, VI to read as follows:

VI. *Except as provided in paragraph VII*, no voluntary agreement entered into under this section shall be valid for more than 5 years; however, any such agreement may be renewed or amended and restated for any number of consecutive periods of 5 years or less.

VII. *The owner of a renewable generation facility and the governing body of the municipality in which the facility is located may agree to a term exceeding 5 years if such term is necessary for the financing of the project or is otherwise advantageous to both parties and both parties agree to such term.*

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

Amendment adopted.

Senator Barnes offered a floor amendment.

Sen. Barnes, Dist. 17

February 21, 2007

2007-0352s

10/04

Floor Amendment to SB 99

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

AN ACT relative to approval of the terms for payments in lieu of taxes for renewable generation facilities.

Amend the bill by replacing section 1 with the following:

1 Renewable Generation Facilities; Agreements. Amend RSA 72:74 to read as follows:

72:74 Payment in Lieu of Taxes.

I. The owner of a renewable generation facility and ~~[the governing body of]~~ the municipality in which the facility is located may, after ~~[a duly noticed public hearing]~~ **approval by majority vote of those present and voting at any annual or duly called special meeting of its legislative body**, enter into a voluntary agreement to make a payment in lieu of taxes. **An initial agreement may be entered into by the governing body of the town or city for a period which is less than a tax year, provided the agreement shall not be extended beyond the tax year or renewed unless approval is made by the legislative body.** A lessee of a renewable generation facility which is responsible for the payment of taxes on the facility may also enter into a voluntary agreement with the municipality in which the facility is located to make a payment in lieu of taxes, provided the lessee shall send by certified mail to the lessor written notice which shall state that the property of the lessor may be subject to RSA 80 should the lessee fail to make the payments required by the agreement. A copy of such notice shall be provided to the municipality in which the facility is located.

II. A renewable generation facility subject to a voluntary agreement to make a payment in lieu of taxes under this section shall be subject to the laws governing the utility property tax under RSA 83-F. Payments made pursuant to such agreement shall satisfy any tax liability relative to the renewable generation facility that otherwise exists under RSA 72. In the absence of a payment in lieu of taxes agreement, the renewable generation facility shall be subject to taxation under RSA 72.

III. If a municipality that contains more than one school district receives a payment in lieu of taxes under this section, the proceeds shall be prorated to the districts in the same manner as local taxes are prorated to the districts, or in the case of a cooperative school district between the city or town and pre-existing school district.

IV. The collection procedures in RSA 80 shall be used to enforce a voluntary agreement to make a payment in lieu of taxes authorized by this section.

V. If a municipality enters into a voluntary payment in lieu of taxes agreement with an owner, or a lessee responsible for payment of taxes, of a renewable generation facility, the municipality, upon the request of the owner, or a lessee responsible for payment of taxes, of any other renewable generation facility located within the municipality, shall offer a comparable agreement to the owner or lessee of such facility. **The approval of any such agreement shall be as provided in paragraph I.**

VI. No voluntary agreement entered into under this section shall be valid for more than 5 years; however, any such agreement may be renewed or amended~~[-and restated]~~ for ~~[any number of consecutive]~~ periods of 5 years or less, **provided approval is made by majority vote of those present and voting at any annual or duly called special meeting of the legislative body.**

2007-0352s

AMENDED ANALYSIS

This bill requires approval by the legislative body of a town or city of voluntary agreements for payment in lieu of taxes for renewable generation facilities.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Clegg.

Seconded by Senator Bragdon.

The following Senators voted Yes: Kenney, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing, Fuller Clark.

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

Yeas: 9 - Nays: 15

Floor amendment failed.

MOTION OF RECONSIDERATION

Senator Hassan, having voted with the prevailing side, moved reconsideration of floor amendment #0352, whereby the floor amendment failed.

Adopted.

SB 99, relative to the terms for payment in lieu of taxes for renewable generation facilities.

The question is on the adoption of the floor amendment (#0352).

A roll call was requested by Senator Hassan.

Seconded by Senator Fuller Clark.

The following Senators voted Yes: Kenney, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.

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

Yeas: 8 - Nays: 16

Floor amendment failed.

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

A roll call was requested by Senator Burling.

Seconded by Senator Sgambati.

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

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

Yeas: 17 - Nays: 7

Adopted.

Ordered to third reading.

SB 34, relative to eligibility for certain veteran disability plates. Transportation and Interstate Cooperation Committee. Inexpedient to Legislate, Vote 4-1. Senator Clegg for the committee.

Committee report of inexpedient to legislate is adopted.

SB 73-FN-A, relative to lottery prizes and administration by the lottery commission. Ways and Means Committee. Ought to Pass, Vote 3-1. Senator Downing for the committee.

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

A roll call was requested by Senator Barnes.

Seconded by Senator Foster.

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

The following Senators voted No: Reynolds, Roberge, Bragdon, Clegg, Gatsas, Barnes, Estabrook.

Yeas: 17 - Nays: 7

Adopted.

Ordered to third reading.

SB 87, making technical corrections to certain lottery commission provisions. Ways and Means Committee. Ought to Pass, Vote 4-0. Senator Downing for the committee.

Senator Clegg moved to divide the question.

Senator Odell moved to recommit.

Adopted.

SB 87 is recommitted to the Ways and Means Committee.

SB 144-FN, relative to the permissible sales commission on the sale of lottery tickets. Ways and Means Committee. Ought to Pass, Vote 3-1. Senator Downing for the committee.

Adopted.

Ordered to third reading.

Senators Fuller Clark, Kelly and Reynolds are in opposition to the motion of ought to pass on SB 144-FN.

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 they be passed at the present time.

Adopted.

LATE SESSION**Third Reading and Final Passage**

SB 40, relative to the modular building code.

SB 41, relative to the authority of law enforcement officers to obtain registration checks on motor vehicles for official purposes and prohibiting the use of automated number plate scanning devices.

SB 42-FN, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed public places.

SB 54, relative to dog license fees.

SB 58, relative to the recommendation for the town budget.

SB 72-L, relative to standards for public school approval.

SB 73-FN-A, relative to lottery prizes and administration by the lottery commission.

SB 99, relative to the terms for payment in lieu of taxes for renewable generation facilities.

SB 107, authorizing the judicial branch family division and the superior court to use bail commissioners in civil cases.

SB 128-FN, establishing an enhanced penalty for injuring another as a result of resisting arrest.

SB 132-FN, allowing marital masters to be reimbursed for certain expenses and repealing a provision permitting court stenographers to be reimbursed for expenses.

SB 144-FN, relative to the permissible sales commission on the sale of lottery tickets.

SB 145-FN, allowing marital masters and registers and deputy registers of probate to perform notarial acts.

SB 167-FN, relative to the licensure of medical assistants by the board of nursing.

SB 193, relative to adjustments to the child support guidelines under special circumstances.

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 committee, scheduling hearings and sending and receiving messages.

Adopted.

In recess to the Call of the Chair.