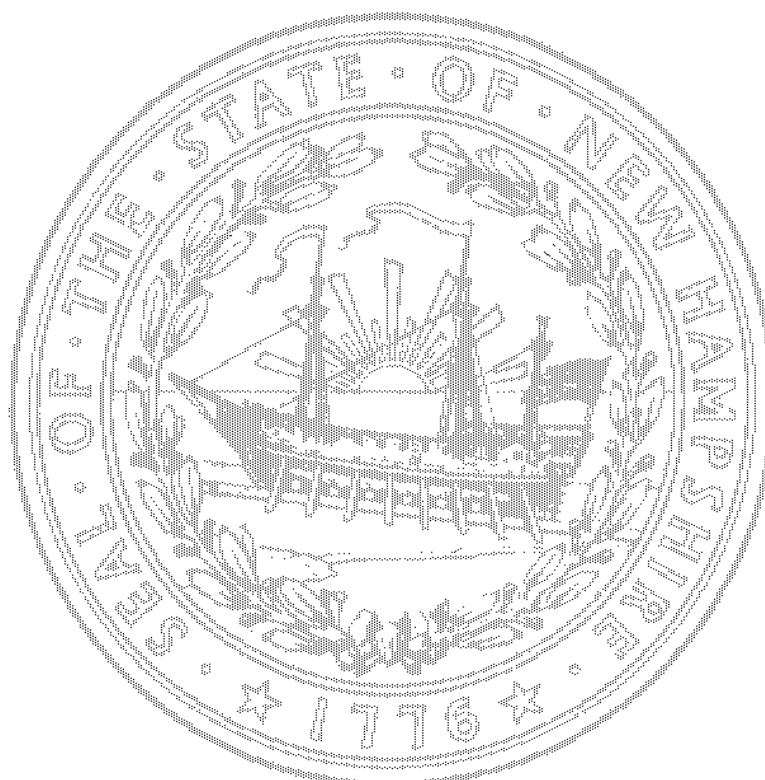


May 14, 2008
Nos. 16-17

STATE OF NEW HAMPSHIRE

WEB SITE ADDRESS:
www.gencourt.state.nh.us



Legislative

SENATE JOURNAL

ADJOURNMENT – MAY 8, 2008 SESSION
COMMENCEMENT – MAY 14, 2008 SESSION

SENATE

JOURNAL 16 (continued)

May 8, 2008

HOUSE MESSAGE

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

HB 1151, relative to reporting dates for the instream flow pilot program.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 369, relative to the towing and storage of motor vehicles.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill sent down from the Senate:

SB 355-FN, relative to room and board scholarships for children of firefighters and police officers killed in the line of duty.

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 408, establishing a committee to study reverse mortgages.

SB 509-FN, requiring tobacco cessation therapy under the state Medicaid program.

HOUSE MESSAGE

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

SB 312-FN, relative to insurance coverage for obesity and morbid obesity.

SB 346-FN, relative to the regulation of fuel gas fitters by the state fire marshal.

SB 350-FN, extending the surcharge on probate court entry fees to judicial branch family division cases which would previously have been brought in probate court.

SB 378, authorizing the supreme court to establish a business and commercial dispute docket in the superior court.

SB 415, relative to the effective date of the compulsory school attendance law.

SB 418, replacing references to "charter school" with "chartered public school".

SB 426, establishing a committee to study the current definition of the term "community benefit" applicable to nonprofit health care providers.

SB 445, changing the procedure for recommending persons for initial appointment as marital masters.

SB 450, requiring the New Hampshire Citizens Health Initiative to provide an annual summary to the general court.

SB 459, establishing an advanced manufacturing education advisory council.

SB 475, relative to the definition of advance fees in the real estate practice act.

SB 480, repealing a requirement that the fish and game department publish certain hunting season information in newspapers in each county.

SB 499-FN, relative to penalties for unauthorized disclosure of confidential matters in legislative ethics proceedings.

SB 538, relative to the community college system of New Hampshire board of trustees and repealing a motor vehicle regulation statute applicable to the community college system.

SCR 7, urging the United States Department of Defense and Congress to restore full services to the Manchester Veterans Administration Hospital.

SJR 1, prohibiting the department of health and human services from adopting proposed administrative rule He-P 1906.02.

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 267, relative to certain small loans.

HB 589-FN, relative to the calculation of concurrent and consecutive terms of imprisonment.

HB 1276, establishing a committee to study revisions to the auctioneers' practice act and the regulation of third-party Internet sales.

HB 1313, relative to voting by the chairman of the retirement system board of trustees.

HB 1371, extending certain studies.

HB 1394-FN, relative to procedures for approvals of nursing education programs.

HB 1396-FN, relative to requiring prescriptions to be ordered pursuant to a practitioner-patient relationship.

HB 1414-FN, increasing the fee for bail commissioners.

HB 1505-FN, establishing the New Hampshire birth conditions program.

HB 1513-FN, relative to an evidence-based prescription drug education program.

May 1, 2008
2008-1648-EBA
03/01

Enrolled Bill Amendment to HB 173-FN-A

The Committee on Enrolled Bills to which was referred HB 173-FN-A

AN ACT relative to the promotion, acquisition, and retention of a large animal veterinarian in those areas of the state where there is a need, and making an appropriation therefor.

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 173-FN-A

This enrolled bill amendment amends the title of the bill to reflect the contents of the bill and clarifies the applicability of a definition.

Enrolled Bill Amendment to HB 173-FN-A

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

AN ACT relative to the promotion, acquisition, and retention of large animal veterinarians in those areas of the state where there is a need, and making an appropriation therefor.

Amend RSA 200-J:5 as inserted by section 1 of the bill by replacing line 6 with the following:

veterinary medicine in each year in which a net tuition repayment is made. In this subdivision, "net tuition" means

Adopted.

May 5, 2008
2008-1699-EBA
04/09

Enrolled Bill Amendment to HB 295

The Committee on Enrolled Bills to which was referred HB 295

AN ACT relative to fuel quality standards and testing requirements for combustion of biomass and biomass fuel and clarifying a definition of provider of electricity.

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 295

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 295

Amend RSA 362-F:2, XIV as inserted by section 5 of the bill by replacing line 2 with the following:

electricity supplier as defined in RSA 374-F:2, II, ***but does not include municipal suppliers.***

Adopted.

May 1, 2008
2008-1646-EBA
03/01

Enrolled Bill Amendment to SB 315

The Committee on Enrolled Bills to which was referred SB 315

AN ACT preventing the fraudulent use of the names of financial institutions.

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 SB 315

This enrolled bill amendment inserts an omitted RSA section heading and clarifies a term in the bill.

Enrolled Bill Amendment to SB 315

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

repealed and reenacted to read as follows:

384:67 Unauthorized and Deceptive Use.

I. No individual or business entity shall, without the prior written authorization of a

Amend RSA 384:67, I(b) as inserted by section 3 of the bill by replacing line 2 with the following:

an envelope, visible through an envelope window, on a postcard, or in electronic communication in

Adopted.

**April 29, 2008
2008-1556-EBA
08/01**

Enrolled Bill Amendment to SB 336-FN

The Committee on Enrolled Bills to which was referred SB 336-FN

AN ACT relative to special number plates for veterans who are former prisoners of war.

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 SB 366-FN

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 366-FN

Amend RSA 261:86, I(c) as inserted by section 1 of the bill by replacing line 9 with the following:

he or she was formerly designated as a “prisoner of war” by the United States Department of

Adopted.

April 23, 2008
2008-1477-EBA
03/10

Enrolled Bill Amendment to SB 409

The Committee on Enrolled Bills to which was referred SB 409

AN ACT relative to conservation and preservation restrictions.

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 SB 409

This enrolled bill amendment corrects a statutory reference.

Enrolled Bill Amendment to SB 409

Amend RSA 477:47 as inserted by section 1 of the bill by replacing line 3 with the following:

conveyance of real estate for purposes of RSA 477:3 and [~~3-A~~] ***RSA 477:3-a*** relating to execution and recording.

Adopted.

April 28, 2008
2008-1545-EBA
06/09

Enrolled Bill Amendment to HB 1533

The Committee on Enrolled Bills to which was referred HB 1533

AN ACT relative to the office of the state treasurer.

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 1533

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1533

Amend section 1 by replacing line 1 with the following:

1 State Treasurer. Amend RSA 6:3 to read as follows:

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-34 to read as 3-35, respectively:

2 State Treasurer and State Accounts. Amend RSA 6:4 - 6:7 to read as follows:

Amend RSA 6:6 as inserted by section 2 of the bill by replacing lines 1 and 2 with the following:

6:6 Destruction of Documents. The state treasurer may destroy documents, cancelled checks, ~~and~~ papers, **and electronic records** filed in ~~his~~ **the** office ~~at the end of 7 years from~~

Amend RSA 260:60 as inserted by section 23 of the bill by replacing line 8 with the following:

administrator shall report the same to the ~~[state treasurer]~~ **comptroller** who shall, on July 1, next

Amend RSA 260:61, I as inserted by section 24 of the bill by replacing line 1 with the following:

I. Annually, on or before June 30, the ~~[state treasurer]~~ **comptroller** shall transfer, from

Adopted.

May 2, 2008
2008-1669-EBA
05/10

Enrolled Bill Amendment to SCR 10

The Committee on Enrolled Bills to which was referred SCR 10

AN ACT urging the New Hampshire delegation to actively seek an increase in federal funding for wastewater treatment facility improvements.

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 SCR 10

This enrolled bill amendment corrects the title of the resolution.

Enrolled Bill Amendment to SCR 10

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

A RESOLUTION urging the New Hampshire congressional delegation to actively seek
an increase in federal funding for wastewater treatment facility
improvements.

Adopted.

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 678-FN, establishing a committee to study issues related to cochlear implants.

HB 1127, relative to determining a bargaining unit in public employee labor relations.

HB 1129, relative to special number plates for municipal police department vehicles.

HB 1132, creating an exception to the wiretapping statute for a recording device used in conjunction with a TASER or other similar electroshock device.

HB 1141, establishing a committee to study parking for wheelchair-lift vans.

HB 1165, relative to department of transportation traffic control regulations.

HB 1204, relative to the number of write-in votes required to receive a party's nomination.

HB 1234, establishing an affirmative defense to prosecution for a possession offense if a person has a lawful prescription for a controlled drug.

HB 1235, relative to motorist duties when approaching highway emergencies.

HB 1305-FN-L, relative to filing for election to town offices.

HB 1349, relative to membership on the council on resources and development.

HB 1351, relative to fish and game license and registration agents.

HB 1378, relative to insurance taxes and fees.

HB 1402-FN, relative to community health centers.

HB 1410, relative to youth training and employment in firefighting.

HB 1456, naming route 202 in Strafford county the Charles E. Smith Memorial Highway.

HB 1508-FN, relative to prohibited influence of voters and persons intending to vote and relative to the applicability of political advertising and push polling restrictions.

HB 1568-FN, relative to endangering the public water supply.

HB 1607-FN, relative to firefighter services leave for state employees.

HB 1619-FN, requiring a report of the number of female inmates incarcerated in a state correctional facility receiving sex offender treatment.

HB 1641-FN, relative to collections and refunds of road tolls.

SB 303-FN, relative to special number plates.

SB 323-FN, repealing a provision relative to the calculation of multiple concurrent or consecutive sentences of imprisonment.

SB 398, establishing a committee to study municipal boundaries and the laws pertaining to these boundaries.

SB 399, permitting annulment of certain criminal records in the supreme court.

SB 400, relative to the authority of bail commissioners.

SB 407, establishing a committee to study the right of entry upon lands for the purpose of conducting a land survey.

SB 453, relative to the terms of members of the electricians' board.

SB 478, relative to processing absentee ballots.

SB 488, relative to jurisdiction of the probate courts and superior courts.

SB 523, relative to requirements for the estuary alliance for sewage treatment to take and hold land.

SB 540-FN, relative to New Hampshire HealthFirst, an affordable, wellness-based health insurance plan for small employers.

SJR 1, prohibiting the department of health and human services from adopting proposed administrative rule He-P 1906.02.

Senator D'Allesandro moved adoption.

Adopted.

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 17

May 14, 2008

The Senate met at 1:00 p.m.

A quorum was present.

The Reverend Celeste Hemingson, from St. Paul's Church, offered the prayer:

Eternal God, why is it, we wonder, that when You created time, You created it in such short supply. We all know that our ground time is short, and we overfill it with all of the cares and concerns that we see immediately in front of us. Help us to see and lift our eyes to see Your eternal horizon so that we may see those cares and concerns against the broad view and the long view and in our actions today. And as our Senate deliberates today, help us all to remember that time was never created to be saved, time was only created to be spent. Amen

Senator DeVries led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Concord Boys and Girls Club Youths of the Year 2008: Joe Aberle, Jessica Hatch, Kaitlyn Beal, Joe Calderon, James LaBrie, Rocio Camacho.

Antonella and Jonathan Bliss

National Council of State Legislators: Heather Morton

General Court Retiring Employee: Sandra Anderson

Senate Page: Andrew Bray

COMMITTEE REPORTS

HB 690, establishing a pilot program for job skills training in volunteer work by unemployed individuals. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 5-1. Senator DeVries for the committee.

MOTION TO TABLE

Senator DeVries moved to have HB 690 laid on the table.

Adopted.

LAI D ON THE TABLE

HB 690, establishing a pilot program for job skills training in volunteer work by unemployed individuals.

HB 1532, relative to snow and obstruction removal from parking spaces designated for disabled persons. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 6-0. Senator Gottesman for the committee.

Commerce, Labor and Consumer Protection

May 7, 2008

2008-1730s

08/03

Amendment to HB 1532

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

AN ACT relative to obstruction of parking places for persons with walking disability.

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

1 New Section; Obstruction of Parking Place for Persons with Walking Disability.

Amend RSA 265 by inserting after section 74 the following new section:

265:74-a Obstruction of Parking Place for Persons with Walking Disability.

I. No property owner shall:

(a) Allow any unreasonable obstruction of any parking place, or access aisle reserved for a person with a walking disability after 24 hours following the conclusion of an adverse weather event.

(b) Allow the accumulation of debris or large objects, such as trash containers, to unreasonably obstruct any parking place or access aisles reserved for a person with a walking disability without providing suitable on-site, equivalent, alternative parking spaces.

II. Paragraph I shall apply to both public and private property where a parking place or access aisle is specifically designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol.

III. Any property owner who violates this section shall be guilty of a violation and fined up to \$250.

2 Effective Date. This act shall take effect January 1, 2009.

2008-1730s

AMENDED ANALYSIS

This bill makes it a violation for a property owner to allow the obstruction of parking places and access aisles designated for disabled persons.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 352-L, relative to trust funds for public school educational enhancement. Education Committee. Interim Study, Vote 4-0. Senator Bragdon for the committee.

Committee report of Interim Study is adopted.

HB 1304, authorizing Plymouth state university to award doctoral degrees. Education Committee. Ought to Pass, Vote 4-0. Senator Fuller Clark for the committee.

Adopted.

Ordered to Third Reading.

HB 1446, relative to changes to the school building aid statutes and to the schoolhouses statutes. Education Committee. Ought to Pass, Vote 4-0. Senator Bragdon for the committee.

MOTION TO TABLE

Senator Estabrook moved to have HB 1446 laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1446, relative to changes to the school building aid statutes and to the schoolhouses statutes.

HB 1202, relative to monitoring privately owned water distribution programs. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Barnes for the committee.

Sen. Gallus, Dist. 1

April 29, 2008

2008-1586s

01/04

Amendment to HB 1202

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

AN ACT relative to monitoring privately owned water distribution programs and defining “eligible regional water system costs” for public water systems.

Amend the bill by replacing all after section 9 with the following:

10 Definitions. Amend RSA 486-A:2, III-b to read as follows:

III-b. "Eligible regional water system costs" means that portion of the costs of construction and related services attributable, as determined by the department, ***or the entire cost of permanent construction and related services attributable, as approved by the department in accordance with the provisions of RSA 485:8, for communities that qualify for United States Department of Agriculture rural utilities water and wastewater program direct loans, guarantees and grants, and public water systems that are eligible for any other needs based federal assistance*** to the provision of water for domestic, commercial, or fire protection purposes, whether as routine supply or emergency reserve supply, through one or more of the interconnections that form a regional water system, but shall not include any of the following:

(a) Land acquisition, except for land which shall be an integral part of a well system or filtration system.

(b) Easements and rights-of-way necessary to the project.

(c) Distribution systems and any improvement thereto not necessary for the municipality to achieve compliance with the surface water treatment rules.

(d) Administrative, legal, and fiscal costs related to the project.

11 Applicability. The provisions of section 10 of this act shall be applicable to loans made under RSA 486-A on or after July 1, 2003.

12 Effective Date.

I. Sections 10 and 11 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2009.

2008-1586s

AMENDED ANALYSIS

This bill:

I. Subjects privately owned redistribution systems to certain provisions of the Safe Drinking Water Act.

II. Defines "eligible regional water system costs" for aid to public water systems.

Amendment adopted.

Senator Foster, Rule 42 on HB 1202.

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

Adopted.

Senator Foster, Rule 42 on HB 1202.

Ordered to Third Reading.

HB 1332-L, defining "hauler" of solid waste and requiring haulers to register with the department of environmental service, and relative to the weight and measurement of solid waste. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 6-0. Senator Barnes for the committee.

Adopted.

Ordered to Third Reading.

HB 1538, relative to mineral extraction, mining, and reclamation in New Hampshire. Energy, Environment and Economic Development Committee. Interim Study, Vote 5-1. Senator Fuller Clark for the committee.

Committee report of Interim Study is adopted.

HB 1478, relative to the quorum for meetings of the equalization standards board. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

Senate Executive Departments and Administration

May 7, 2008

2008-1752s

10/05

Amendment to HB 1478

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

AN ACT relative to the quorum for meetings of the equalization standards board, and relative to removal of a member of the assessing standards board or equalization standards board for absences.

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

1 New Paragraphs; Equalization Standards Board; Quorum; Removal. Amend RSA 21-J:14-c by inserting after paragraph IV the following new paragraphs:

V. Five members of the board shall constitute a quorum necessary for the conduct of board business, except as provided in RSA 21-J:14-d, III.

VI. A member with 4 or more unexcused absences from meetings of the board occurring within any one year period may be removed from the board pursuant to RSA 4:1, except for legislative members who may only be removed by their appointing authority. The vacancy shall be filled by the removed member's respective appointing authority.

2 New Paragraph; Assessing Standards Board; Removal of Member for Absences. Amend RSA 21-J:14-a by inserting after paragraph IV the following new paragraph:

V. A member with 4 or more unexcused absences from meetings of the board occurring within any one year period may be removed from the board pursuant to RSA 4:1, except for legislative members who may only be removed by their appointing authority. The vacancy shall be filled by the removed member's respective appointing authority.

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

2008-1752s

AMENDED ANALYSIS

This bill establishes a quorum requirement for meetings of the equalization standards board. The bill also provides for the removal of a member of the assessing standards board or equalization standards board for unexcused absences from meetings.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 359-FN, relative to recovery of medical assistance from an estate. Finance Committee. Inexpedient to Legislate, Vote 7-0. Senator Sgambati for the committee.

MOTION TO TABLE

Senator Foster moved to have HB 359-FN laid on the table.

Adopted.

LAI D ON THE TABLE

HB 359-FN, relative to recovery of medical assistance from an estate.

HB 1298-FN, making changes to the veterinary/medical/optometric education program. Finance Committee. Inexpedient to Legislate, Vote 7-0. Senator D'Allesandro for the committee.

Committee report of Inexpedient to Legislate is adopted.

HB 1520-FN, allowing service in the Peace Corps and AmeriCorps to be purchased as creditable service in the retirement system. Finance Committee. Ought to Pass, Vote 7-0. Senator Janeway for the committee.

Adopted.

Ordered to Third Reading.

HB 1581-FN-L, relative to the formation of stormwater utility districts. Finance Committee. Ought to Pass, Vote 7-0. Senator D'Allesandro for the committee.

Adopted.

Ordered to Third Reading.

HB 1487, establishing a committee to study practice by advanced dental hygiene practitioners and ways to increase access to oral health care. Health and Human Services Committee. Ought to Pass, Vote 4-0. Senator Estabrook for the committee.

Adopted.

Ordered to Third Reading.

HB 1492, relative to prescriptions under the controlled drug act. Health and Human Services Committee. Ought to Pass, Vote 4-0. Senator Janeway for the committee.

Adopted.

Ordered to Third Reading.

HB 841, relative to the appointment of parenting coordinators and establishing the family mediator and parenting coordinator certification board. Judiciary Committee. Inexpedient to Legislate, Vote 4-0. Senator Letourneau for the committee.

Committee report of Inexpedient to Legislate is adopted.

HB 1192, relative to the solemnization of marriage. Judiciary Committee. Inexpedient to Legislate, Vote 4-0. Senator Letourneau for the committee.

Committee report of Inexpedient to Legislate is adopted.

HB 1311, relative to impaired driver intervention programs. Judiciary Committee. Ought to Pass with Amendment, Vote 3-0. Senator Reynolds for the committee.

Senate Judiciary

May 7, 2008

2008-1734s

03/10

Amendment to HB 1311

Amend subparagraph I(b) of section 10 of the bill by deleting it and renumbering the original subparagraphs I(c)-(k) to read as I(b)-(j), respectively.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1453, relative to civil liability for damage to protective barriers. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Reynolds for the committee.

Adopted.

Ordered to Third Reading.

HB 1470, relative to vehicular pursuits by police officers. Judiciary Committee. Inexpedient to Legislate, Vote 4-0. Senator Reynolds for the committee.

Committee report of Inexpedient to Legislate is adopted.

HB 1145, designating the Senator Otto Oleson Scenic Overlook in Jefferson. Public and Municipal Affairs Committee. Ought to Pass, Vote 2-0. Senator DeVries for the committee.

Adopted.

Ordered to Third Reading.

HB 1179, including certain nonprofit organizations under the right-to-know law. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 5-0. Senator Burling for the committee.

Public and Municipal Affairs

May 6, 2008

2008-1718s

01/09

Amendment to HB 1179

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

AN ACT including certain nonprofit organizations under the right-to-know law and including a reference in a section of the right-to-know law.

Amend the bill by replacing all after section 1 with the following:

2 Right-to-Know law; Definition of "Meeting." Amend the introductory paragraph of RSA 91-A:2, I to read as follows:

I. For the purpose of this chapter, a "meeting" means the convening of a quorum of the membership of a public body, as defined in RSA 91-A:1-a, VI, or the majority of the members of such public body if the rules of that body define "quorum" as more than a majority of its members, whether in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously, ***subject to the provisions set forth in RSA 91-A:2, III***, for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power. A chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters shall not constitute a meeting if no decisions are made regarding such matters. "Meeting" shall also not include:

3 Contingency. If HB 1408-LOCAL of the 2008 legislative session becomes law then section 2 of this act shall take effect July 1, 2008 at 12:01 a.m. If HB 1408-LOCAL does not become law, then section 2 of this act shall not take effect.

4 Effective Date.

I. Section 2 of this act shall take effect as provided in section 3 of this act.

II. Section 3 of this act shall take effect upon its passage.

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

2008-1718h

AMENDED ANALYSIS

This bill includes certain nonprofit organizations under the right-to-know law.

This bill also includes a reference in an RSA section of the right-to-know law if HB 1408-LOCAL becomes law.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1196, relative to the procedure for amending municipal charters. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 5-0. Senator Barnes for the committee.

Public and Municipal Affairs

May 8, 2008

2008-1789s

08/04

Amendment to HB 1196

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

AN ACT relative to the procedure for amending municipal charters and relative to referendum procedures for public water supplies.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 9:

5 Referendum Procedure; Public Water Supplies. Amend RSA 485:14-a, I to read as follows:

I. Upon the written application of the aggregate of 10 percent of the registered voters in all of the towns served by a water system, presented to the clerk of the town owning the water system at least 90 days before the day prescribed for an annual town meeting or city election, the clerk shall forward a copy of the petition to each town served by the water system. Upon receipt of the petition, the selectmen of the town shall insert on the warrant or the official ballot the following question: "Shall fluoride be used in the public water system?" Beside this question shall be printed the word "yes" and the word "no" with the proper boxes for the voter to indicate his or her choice. If a majority of ~~[the registered voters]~~ **those voting** in a water system that serves multiple towns does not approve the use of fluoride in the public water system, no fluoride shall be introduced into the public water system for said towns. After such popular referendum, the selectmen shall not insert an article relative to the use of fluoride in the public water system in the warrant nor shall such question be inserted on the official ballot for a minimum period of 3 years from the date of the last popular referendum and only upon written application at that time of not less than the aggregate of 10 percent of the registered voters of all of the towns.

6 Referendum Procedure; Public Water Supplies. Amend RSA 31:17-a to read as follows:

31:17-a Referendum. Upon the written application of 10 percent of the registered voters in a town, presented to the selectmen or one of them at least 15 days before the day prescribed for an annual town meeting, the selectmen shall insert in their warrant for such meeting an article relative to the use of fluoride in the public water system for said town. If

the town has an official ballot, the town clerk shall insert on such ballot the following question: "Shall fluoride be used in the public water system?" Beside this question shall be printed the word "yes" and the word "no" with the proper boxes for the voter to indicate his or her choice. If a majority of the registered voters in a water system that serves one municipality does not approve the use of fluoride in the public water system, no fluoride shall be introduced into the public water system for said town; or if fluoride has prior to said vote, been introduced, such use shall be discontinued until such time as the ~~[registered voters of the town shall, by majority vote,]~~ **majority of those voting in the town** approve the use of fluoride. After such popular referendum, the selectmen shall not insert an article relative to the use of fluoride in the public water system in the warrant nor shall such question be inserted on the official ballot for a minimum period of 3 years from the date of the last popular referendum and only upon written application at that time of not less than 10 percent of the registered voters of said town. The procedure for a referendum on the use of fluoride in a town that is part of public water system serving more than one municipality shall be the procedure in RSA 485:14-a.

7 Public Water Supplies. Amend RSA 44:16 to read as follows:

44:16 Public Water Supplies. Upon the written application of 10 percent of the registered voters in any city, presented to the city clerk prior to the municipal election, the city clerk shall insert on the ballot to be used at said election the following question: "Shall fluoride be used in the public water system?" Beside this question shall be printed the word "yes" and the word "no" with the proper boxes for the voter to indicate his or her choice. If a majority of ~~[the registered voters]~~ **those voting** in a water system that serves one municipality at said election does not approve the use of fluoride in the public water system for said city, no fluoride shall be introduced into the public water system. If fluoride has, prior to said vote, been so introduced, such use shall be discontinued until such time as the ~~[registered voters of the city shall, by majority vote,]~~ **majority of those voting in the town** approve the use of such fluoride. After such popular referendum, the city clerk shall not insert the aforementioned question relative to the use of fluoride in the public water system on the ballot to be used at the municipal election for a minimum period of 3 years from the date of the last popular referendum, and only upon written application at that time of not less than 10 percent of the registered voters of said city. The procedure for a referendum on the use of fluoride in a city that is part of a water system serving more than one municipality shall be the procedure in RSA 485:14-a.

8 Public Water. Amend RSA 52:23 to read as follows:

52:23 Public Water. Upon the written application of 10 percent of the registered voters in any village water district, presented to the commissioners or one of them at least 15 days before the day prescribed for an annual meeting of the district, the commissioners shall insert in their warrant for such meeting an article relative to the use of fluoride in the water system for said district, and the district clerk shall prepare a ballot for said meeting with the following question: "Shall fluoride be used in the district water system?" Beside the question shall be printed the word "yes" and the word "no" with the proper boxes for the voter to indicate his or her choice. If a majority of ~~[the registered voters]~~ **those voting** in a water system that serves only one municipality does not approve the use of fluoride in the district water system, no fluoride shall be introduced into the district water system; or if fluoride has, prior to said vote, been so introduced, such use shall be discontinued until such time as the ~~[registered voters of the district shall, by majority vote,]~~ **majority of those voting in the town** approve of the use of fluoride. After such popular referendum, the commissioners shall not insert an article relative to the use of fluoride in the district water system in the warrant nor shall the district clerk prepare such a ballot for a minimum period of 3 years from the date of the last popular referendum of the district and only upon written application at that time of not less than 10 percent of the registered voters of said district. The procedure for a referendum on the use of fluoride in a village district that is part of a water system serving more than one municipality shall be the procedure in RSA 485:14-a.

2008-1789s

AMENDED ANALYSIS

This bill:

- I. Adds a procedure for revising or amending municipal charters.
- II. Moves review of charter amendments that are initiated by a petitioners' committee to before petitions are issued by the clerk, instead of after signatures are collected.
- III. Changes referendum procedures for voting on public water supplies.

MOTION TO TABLE

Senator Barnes moved to have HB 1196 laid on the table.

Adopted.

LAI D ON THE TABLE

HB 1196, relative to the procedure for amending municipal charters.

HB 1260-L, relative to growth management ordinances. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator Sgambati for the committee.

Public and Municipal Affairs

May 7, 2008

2008-1760s

06/10

Amendment to HB 1260-LOCAL

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

3 Time Period for Modification of Existing Growth Management Ordinances. Each municipality that adopted a growth management ordinance under RSA 674:22 prior to the effective date of this act shall have until June 1, 2010 to amend its ordinance to conform to this act. If a municipality adopted an interim growth management ordinance under RSA 674:23 prior to the effective date of this act, that ordinance shall remain in effect until one year after its passage or until the municipality's next annual meeting, unless the ordinance prescribes an earlier expiration date, and unless a court of competent jurisdiction determines that the ordinance is illegal or is otherwise unenforceable.

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

Amendment adopted.

Senator Gatsas offered a floor amendment.

Sen. Gatsas, Dist. 16

May 14, 2008

2008-1885s

06/09

Floor Amendment to HB 1260-LOCAL

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

AN ACT relative to growth management ordinances, and relative to the assessment of property subject to a housing subsidy restriction.

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

4 Appraisal of Property; Reference Added. Amend RSA 75:1 to read as follows:

75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, ***and residential rental property subject to housing subsidy restriction pursuant to RSA 75:1-a***, and all other taxable property at its market value. Market value means the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination.

5 New Section; Residential Property Subject to Housing Subsidy Restriction. Amend RSA 75 by inserting after section 1 the following new section:

75:1-a Residential Property Subject to Housing Subsidy Restriction. The appraisal for property tax purposes on multifamily residential rental property which is entitled to federal low income housing tax credits under Section 42 of the Internal Revenue Code and which is subject to a recorded housing subsidy covenant that restricts tenant eligibility and rents shall, upon the affirmative request of the taxpayer, be determined by an income approach. A copy of the recorded land use restriction required by Section 42 of the Internal Revenue Code or other low income rental use restriction covenant required by the New Hampshire housing finance authority, is sufficient proof of entitlement. To make an annual election for an appraisal of property subject to a recorded housing subsidy restriction, the taxpayer shall, by March 31, provide relevant information described in this section and request that the municipal assessor use the income approach. The income approach factors shall be:

I. Potential gross income, determined as follows:

(a) For units receiving assistance under a project-based rental subsidy contract, using the rents specified in the contract.

(b) For all other units subject to a legal restriction, using the maximum

restricted rents allowed by the legal restrictions governing the rents of the units for the geographic area in which the property is located. Where multiple legal restrictions apply, the most restrictive shall be used. Maximum restricted rents shall be adjusted as appropriate using utility allowances for the geographic area in which the property is located, and as provided by the New Hampshire housing finance authority pursuant to RSA 204-C:8-a.

(c) For all non-restricted units in properties where only a portion of the units are subject to a legal restriction, using non-restricted rents as determined by the local market.

II. Actual operating expenses, including deposits to reserve accounts required by the housing subsidy covenant or other legal restriction, but excluding mortgage debt service and depreciation, incurred with respect to the property, as provided by the taxpayer and certified by a third-party certified public accountant.

III. A vacancy loss rate that is equal to the rental market vacancy rate for the geographic area in which the property is located, as provided by the New Hampshire housing finance authority pursuant to RSA 204-C:8-a.

IV. A capitalization rate that is typical for the geographic area in which the property is located, as determined annually by March 31 by the commissioner of revenue administration, and as published by the New Hampshire housing finance authority pursuant to RSA 204-C:8-a.

V. The assessed valuation of residential rental property with restricted rents shall not take into consideration the value of intangible assets including, but not limited to, government subsidies or grants, below market rate mortgage financing, rental subsidy contracts, and tax credits where such subsidies are used to offset project development expenses in order to allow for restricted rents. The assessed valuation shall not take into consideration the actual cost of acquisition or construction of the project.

6 New Section; Housing Finance Authority; Publication Required. Amend RSA 204-C by inserting after section 8 the following new section:

204-C:8-a Publication Required. The authority shall publish annually such information on maximum restricted rents, utility allowances, vacancy rates, and capitalization rates as necessary to appraise property pursuant to RSA 75:1-a.

7 Effective Date.

I. Sections 4-6 of this act shall take effect July 1, 2008.

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

2008-1885s

AMENDED ANALYSIS

This bill:

I. Permits municipalities to adopt growth management ordinances when time is needed to provide services.

II. Permits municipalities to place temporary moratoria on building permits and site plans when time is needed to provide services.

III. Provides a procedure for the assessment of property subject to a housing subsidy covenant or other legal restriction.

Floor amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1346, relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 5-0. Senator DeVries for the committee.

Public and Municipal Affairs

May 8, 2008

2008-1797s

10/04

Amendment to HB 1346

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

3 New Section; Junk and Scrap Metal Dealers; Records. Amend RSA 322 by inserting after section 6 the following new section:

322:6-a Records. Each person required to be licensed under this chapter shall keep records sufficient to the licensing authority of the accumulation, storage, and handling of commodities as a junk or scrap metal dealer. Such record shall be legibly written in the English language and provide account and description of the goods purchased, the date and time of their purchase, and the name and residence, verified by photo identification issued by a governmental agency, of the seller.

4 Junk and Scrap Metal Dealers; Inspections. Amend RSA 322:7 to read as follows:

322:7 Inspection. ~~[The chief of police of a city and selectmen of a town, or]~~ Any officer ~~[authorized by either of them]~~, **having jurisdiction** may, **with cause**, ~~[at any time]~~ enter upon any premises used by a licensee for the purpose of his **or her** business, ascertain how ~~[he]~~ **the licensee** conducts ~~[his]~~ business and examine all commodities purchased, obtained, kept or stored in or upon said premises, and all books and inventories relating thereto. Every such licensee, his **or her** clerk, agent, ~~[servant]~~ or other person in charge of the premises shall exhibit to such officer on demand any or all of such commodities, books, and inventories.

5 Junk and Scrap Metal Dealers; Identification. Amend RSA 322:9 and RSA 322:10 to read as follows:

322:9 Number. Every license shall be numbered, and each licensee ~~[collecting]~~ **transporting** any of the ~~[aforesaid]~~ commodities **specified in RSA 322:1** in any wagon or

vehicle shall have placed upon the outside of such wagon or vehicle, and upon each side of the same, the number of the license in plain, legible figures not less than 3 inches high so that the same may be distinctly seen and read.

322:10 ~~[Badge]~~ **Identification.** Every ~~[person]~~ **licensee** going about from place to place ~~[collecting]~~ **purchasing** said commodities named in RSA 322:1 shall also ~~[wear a badge]~~ **carry a photocopy of his or her license** on ~~[his hat or cap,]~~ or about his **or her** person, with the number of his **or her** license ~~[thereon in brass or plated figures not less than one inch high,]~~ so placed that the number may be distinctly seen and read. The ~~[badge shall]~~ **identification may be required to** be furnished by the ~~[board of police commissioners or by the city clerk of cities, or by the selectmen of towns,]~~ **licensing authority** upon payment of a suitable fee therefor.

6 Junk and Scrap Metal; Unlicensed Persons. Amend RSA 322:12 to read as follows:

322:12 Unlicensed Person. No person not licensed shall ~~[collect or]~~ purchase any of the commodities above specified unless he **or she** acts as a helper to, and is accompanied by, some licensee.

7 Pawnbrokers; Licenses. Amend RSA 398:5 to read as follows:

398:5 Licenses. The ~~[board of police commissioners of any city or town or the mayor and aldermen of any city or the selectmen of any town in which a police commission has not been established,]~~ **governing body of any town, city, or unincorporated place** may license suitable persons to carry on the business of pawnbrokers in said city ~~[or,]~~ town, **or place** for one year, and may revoke such licenses, in their discretion, after a hearing on charges preferred.

8 Pawnbrokers; Records. Amend RSA 398:12 to read as follows:

398:12 Records. Every such pawnbroker shall keep a book in which, at the time of making a loan, shall be legibly written in the English language an account and description of the goods, articles or things pawned or pledged, the amount of money loaned thereon, the time of pledging them, the rate of interest to be paid on such loan and the name and residence of the pledgor, **verified by photo identification issued by a governmental agency.**

9 New Section; Junk and Scrap Metal Dealers; Metal Kegs. Amend RSA 322 by inserting after section 12 the following new section:

322:12-a Metal Kegs for Malt Beverages. No junk or scrap metal dealer licensed by a governing body under the authority of this chapter shall purchase any metal keg for malt beverages, as defined in RSA 179:5-a, V, or pieces of such metal keg, unless the seller is the brewer whose name or marking appears on the keg. If the brewer's name or marking has been removed or obliterated, the licensee shall not purchase the keg.

10 Effective Date. This act shall take effect upon its passage.
2008-1797s

AMENDED ANALYSIS

This bill clarifies the authority for cities, towns, and unincorporated places to regulate junk dealers, scrap metal dealers, and pawnbrokers. The bill also limits the purchase of metal kegs for malt beverages by junk or scrap metal dealers.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1420, relative to the applicability of zoning ordinances to auto salvage yards. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 6-0. Senator Burling for the committee.

Committee report of Inexpedient to Legislate is adopted.

Senator Gatsas is in opposition to the motion of Inexpedient to Legislate on HB 1420.

HB 1424, relative to notice of meetings of county conventions. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

Adopted.

Ordered to Third Reading.

HB 1441-L, relative to use of the terms "selectwoman" and "selectperson." Public and Municipal Affairs Committee. Ought to Pass, Vote 6-0. Senator Burling for the committee.

Adopted.

Ordered to Third Reading.

HB 1468, relative to mosquito control policy for lands managed by the fish and game department. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 6-0. Senator Hassan for the committee.

Public and Municipal Affairs

May 6, 2008

2008-1719s

10/01

Amendment to HB 1468

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

AN ACT establishing a mosquito control policy for state-owned lands.

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

1 Purpose. The purpose of this act is to establish a mosquito control policy for all state agencies with responsibility for land management. This policy is intended to guide agencies managing land in determining whether or not to allow the control of larval and adult mosquitoes for the purpose of reducing the risk of contracting arboviral illnesses such as Eastern Equine Encephalitis and West Nile virus. In addition, this act establishes criteria for when the commissioner of health and human services may authorize the use of biological or chemical mosquito control agents on state-owned lands. This policy is intended to place the health of the public first, in full recognition of the need to protect the state's natural resources from unnecessarily destructive mosquito control measures.

2 New Chapter; Mosquito Control Policy for State Agencies. Amend RSA by inserting after chapter 142 the following new chapter:

CHAPTER 142-A

MOSQUITO CONTROL POLICY FOR STATE AGENCIES

142-A:1 Definitions. In this chapter:

I. "Best available science" means findings of fact carefully and impartially derived from the application of the scientific method and based upon all of the available information, published and unpublished alike. Best available science does not require that state agencies have all of the data or perfect data before reaching a decision.

II. "Best medical and public health practice" means programs, interventions, treatments, or policies that through experience and experiment have been evaluated and shown to be generally applicable to reducing the risk of human-acquired arboviral illness.

III. "Best management practices" mean techniques, methods, processes, or activities that through experience and best available science have proven to be the most effective and practical means of managing mosquito populations, while minimizing adverse impacts.

IV. "Commissioner" means the commissioner of the department of health and human services.

V. "Department" means the department of health and human services.

142-A:2 Mosquito Control Policy; Principles.

I. Mosquitoes can harbor organisms and infect people with diseases that pose a serious risk to the public health. When an increased threat of disease is discovered through surveillance, a state agency may select targeted control of mosquitoes as a measure to reduce human health risk.

II. The mosquito control policy is based on the public health principle of primary prevention, meaning that disease prevention through public awareness, continuing education, and personal responsibility shall take precedence over the use of pesticide-based mosquito control measures.

III. Because authority for monitoring and treatment of mosquito populations exists at the local level, maximum benefit to the public is achieved when local, state, and federal mosquito control policies are applied in a clear, consistent, and coordinated manner.

IV. The control of mosquitoes on state lands requires a careful balance between the state's obligation to protect the health and wellbeing of the public and the state's interest in protecting those lands as expressed by the missions of the various state agencies that have been assigned responsibilities for land management.

V. Mosquito control should always be based on the best available science.

Recognizing that there are uncertainties in scientific information, mosquito control shall be based on best medical and public health practice.

VI. The mosquito control policy for state agencies established in this chapter is also intended to serve as a voluntary guideline for mosquito control on lands held by other property owners.

VII. State agencies managing land shall allow mosquito control and abatement activities to occur in accordance with local mosquito control plans developed pursuant to RSA 141-C when the department has notified the appropriate agency managing state land that a public health threat declaration under RSA 141-C:25 is in effect for the affected municipality or mosquito control district in accordance with RSA 142-A:3.

VIII. Notwithstanding RSA 142-A:3, VI, nothing in this chapter shall prohibit state agencies managing land from considering, in accordance with applicable law and rules, pesticides or other control measures not specifically identified in RSA 142-A:3.

142-A:3 Mosquito Control Policy for State Agencies.

I. Where feasible, state agencies managing land shall promote primary prevention by providing on-site public outreach and education that focuses on the health risks associated with mosquitoes and the importance of personal protection, complementing that provided by the department. Additionally, efforts may be taken by state agencies to promote

awareness and outreach to the public prior to on-site use of state-owned lands to increase the likelihood that personal protection methods will be used. Outreach and education efforts may include awareness posters, disease and prevention fact sheets, on-site posting highlighting the nature of the threat, and disease and prevention reminders in seasonal correspondence and on agency websites.

II. State agencies managing land shall encourage and allow mosquito surveillance and monitoring on their lands by state and local public health authorities or vector control agencies or their agents using surveillance and monitoring methods approved by the department.

III. When surveillance or monitoring occurs on state lands, the state agency managing land may require that the municipality or its contracted agent contact a designated representative of the agency no less than 72 hours prior to deploying mosquito traps and within 24 hours of a positive result attained from such traps.

IV. State agencies managing land are encouraged to participate in the development and implementation of local mosquito control plans whenever a public health threat declared by the commissioner pursuant to RSA 141-C includes lands held by that agency.

V. State agencies managing land shall, when reasonable, mitigate or otherwise manage man-made and other artificial mosquito breeding sites as part of an overall integrated pest management approach.

VI. State agencies managing land shall allow the use of biological control agents, specifically *Bacillus thuringiensis israelensis* or *Bacillus sphaericus*, to control mosquito larvae in natural wetlands and water bodies on land they administer in accordance with applicable law and rules as long as those wetlands and water bodies are located in municipalities or mosquito control districts where a public health threat is declared by the commissioner pursuant to RSA 141-C and when the application is to be made under a special permit issued by the department of agriculture, markets and food, division of pesticide control.

VII. State agencies managing land shall allow the use of pesticides to control adult mosquitoes, in accordance with applicable law and rules, in areas where a public health threat has been declared by the commissioner pursuant to RSA 141-C and the land:

- (a) Is adjacent to areas of high public use.
- (b) Has areas where topographical and other conditions result in high adult mosquito populations.
- (c) Is located within a focal area determined by the department to have a risk of a human outbreak of arboviral disease which warrants the use of pesticides to control adult mosquitoes as set forth in the arboviral illness response plan adopted by the department.
- (d) Is managed in accordance with general integrated pest management practices.

VIII. If an agency disagrees with the need to control mosquitoes as set forth in paragraph VII, the commissioner, after consultation with the commissioner of agriculture, markets, and food and the commissioner or executive head of the agency managing the land, shall decide whether or not the recommended mosquito control measures shall apply to the land in question.

IX. For state lands located in areas where a public health threat declaration under RSA 141-C is not in effect, but public health threat indicators, including topographical and other key environmental conditions, exist for mosquito breeding, and proximity to positive mosquito pools or human or mammal positive cases of arboviral illness support the use of larvicides as a proactive means of preventing arboviral illness, the commissioner, after consultation with the commissioner of agriculture, markets, and food and the commissioner or executive head of any relevant agency with land management responsibilities, shall decide whether or not the recommended mosquito control measures shall apply to the land in question.

X. As a condition to allowing mosquito control to take place, state agencies managing land may require advanced notice of treatment to allow enough time to visit the site and to coordinate the appropriate signage and possible access closures to prevent unintended human exposures to pesticides and their residues.

XI. State agencies managing land shall have discretion to allow chemical or biological control of adult or larval mosquitoes on state lands solely for the purpose of nuisance control.

XII. State agencies managing land shall require proof of current pesticide application licensure with the state and of indemnity insurance before allowing chemical or biological control of adult or larval mosquitoes by a third party on state lands.

XIII. Notwithstanding paragraphs VI through IX, if deed restrictions on a parcel of state-owned land prohibit the use of chemical or biological measures to control adult or larval mosquitoes, agencies with land management responsibility shall not allow the use of such control methods.

XIV. State agencies managing land shall encourage the investigation of the feasibility and appropriateness of best management practices to manage mosquito populations in both fresh and saltwater wetlands in the long term.

3 Application; Current Municipal Authority. Notwithstanding any provision of RSA 142-A, as inserted by section 1 of this act, to the contrary, a municipality which is, as of July 1, 2008, located in an area of the state in which a public health threat has ever been declared pursuant to RSA 141-C and which has been allowed to engage in larvicide treatment on state-owned or managed land by the state owner or manager of said land, through use of a biological control agent, specifically *Bacillus thuringiensis israelensis* or *Bacillus sphaericus*, and pursuant to a special permit issued by the department of agriculture, markets, and food, division of pesticide control, shall be authorized by the state owner or manager of the land to continue the program of larvicide treatment on the state-owned or managed land. Nothing in this paragraph shall exempt said municipality from the special permitting requirements established by the department of agriculture, markets, and food, division of pesticide control.

4 Effective Date. This act shall take effect upon its passage.
2008-1719s

AMENDED ANALYSIS

This bill establishes a state mosquito control policy for lands managed by state agencies.

Amendment adopted.

Senator Hassan offered a floor amendment.

Sen. Hassan, Dist. 23

May 13, 2008

2008-1872s

10/05

Floor Amendment to HB 1468

Amend RSA 142-A:3, VII as inserted by section 2 of the bill by replacing it with the following:

VII. State agencies managing land shall allow the use of pesticides to control adult mosquitoes, in accordance with applicable law and rules, in areas where a public health threat has been declared by the commissioner pursuant to RSA 141-C and the land:

- (a) Is adjacent to areas of high public use;
- (b) Has areas where topographical and other conditions result in high adult mosquito populations;
- (c) Is located within a focal area determined by the department to have a risk of a human outbreak of arboviral disease which warrants the use of pesticides to control adult mosquitoes as set forth in the arboviral illness response plan adopted by the department; and
- (d) Is managed in accordance with general integrated pest management practices.

Amend the bill by replacing section 3 with the following:

3 Application; Current Municipal Authority. Notwithstanding any provision of RSA 142-A, as inserted by section 2 of this act, to the contrary, a municipality which is, as of July 1, 2008, located in an area of the state in which a public health threat has been declared pursuant to RSA 141-C and which has been allowed to engage in larvicide treatment on state-owned or managed land by the state owner or manager of said land, through use of a biological control agent, specifically *Bacillus thuringiensis israelensis* or *Bacillus sphaericus*, and pursuant to a special permit issued by the department of agriculture, markets, and food, division of pesticide control, shall be authorized by the state owner or manager of the land to continue the program of larvicide treatment on the state-owned or managed land up to 36 months after the public health threat has been rescinded. Nothing in this paragraph shall exempt said municipality from the special permitting requirements established by the department of agriculture, markets, and food, division of pesticide control.

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 Burling moved to have HB 683 removed from the table.

Adopted.

HB 683, relative to nominations by party committees.

The question is on the adoption of the committee report of Interim Study.

3. Mailing Address if _____

different than in 2

Street

Ward Number

Town or City

Zip Code

4. Place and Date of Birth _____

Town or City

State

Date _____

5. If a naturalized citizen, give name of court where and date when naturalized

6. Place last registered to vote _____

Town or City

Street

Ward Number

7. Name under which previously registered, if different from above

8. Party Affiliation (if any) _____

9. Driver's License Number _____ State _____

If you do not have a valid driver's license, provide the last four digits of your social security number ____ _

My name is _____. I am today registering to vote in the city/town of _____, New Hampshire.

I understand that to vote in this city/town, I must be at least 18 years of age, **or 17 years of age to vote in a state primary election preceding the general election at which I will be 18 years of age, and that** I must be a United States citizen, and I must be domiciled in this city/town.

I understand that I can claim only one city/town as my domicile at a time. A domicile is that place, more than any other, where I sleep most nights of the year, or to which I intend to return after a temporary absence. By registering or voting today, I acknowledge that I am not registering to vote or voting in any other city/town.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date

Signature

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum

sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

8 New Section; Registration by 17-Year-Old Voting at State Primary Election. Amend RSA 654 by inserting after section 7-b the following new section:

654:7-c Registration by 17-Year-Old Voting at State Primary Election.

I. A person who is 17 years of age, who otherwise meets the eligibility requirements of RSA 654:1, I, may apply to register to vote at a state primary election preceding the general election at which the person will be 18 years of age, provided that the party with which such person seeks affiliation has filed a statement with the secretary of state that it permits voting by a person meeting the qualifications imposed by this section. Such person may only apply to register at the polling place on the date of such state primary election. The form on which the person applies to register to vote shall be of a different color paper than that used for the forms processed under RSA 654:7-a so as to be easily segregable from such other forms.

II. If the supervisors of the checklist determine that the person registering under this section is qualified to vote in the state primary election, then they shall add such person's name to the checklist together with a mark or sign clearly indicating that the application has been entered on the checklist for the purpose of voting only in the state elections referenced in this section. The supervisors shall remove the mark or sign associated with the person's name in the checklist at their meeting next following the person's eighteenth birthday so as to remove any reference to the limitations imposed by this section.

III. A person voting in a state primary election under this section shall not be permitted to vote for any candidate who is not a candidate for federal, state, or county office or for delegate to a state party convention or on any question or issue.

9 Determining Qualifications of Applicant; Age. Amend RSA 654:12, I(b) to read as follows:

(b) AGE. Any reasonable documentation indicating the applicant is 18 years of age or older, ***or that the applicant is 17 years of age and will be 18 years of age on the date of the state general election if the person is registering under RSA 654:7-c.***

10 Preparation of State Primary Election Ballots; Form. Amend RSA 656:23 to read as follows:

656:23 General Form. The state primary election ballot shall be as nearly as practicable in the same form as the state general election ballot. ***The official state primary election ballot shall not include the name of any candidate who is not a candidate for federal, state, or county office or for delegate to a state party convention or any***

question or issue.

11 Effective Date.

I. Sections 6-10 of this act shall take effect January 1, 2009.

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

2008-1871s

AMENDED ANALYSIS

This bill repeals the law authorizing party committees to fill vacancies on a party ticket after the holding of the state primary election. This bill also enables 17-year-olds to vote in primaries if they will be 18 years of age on the date of the general election.

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: Reynolds, Sgambati, Burling, Cilley, Janeway, Odell, Roberge, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.

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

Yeas: 16 - Nays: 8

Floor amendment adopted.

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

Senator Gatsas moved to divide the question.

A roll call was requested by Senator Foster.

Seconded by Senator Barnes.

Senator Gatsas withdrew the request to divide the question.

Senator Foster withdrew the motion for a roll call.

Senator Barnes withdrew the motion to second the roll call.

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

Adopted.

Ordered to Third Reading.

MOTION TO REMOVE FROM THE TABLE

Senator Kenney moved to have HB 1457 removed from the table.

The question is on the motion to remove from the table.

A roll call was requested by Senator Foster.

Seconded by Senator Barnes.

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

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

Yeas: 11 - Nays: 13

Motion failed.

MOTION TO REMOVE FROM THE TABLE

Senator Estabrook moved to have HB 1446 removed from the table.

Adopted.

HB 1446, relative to changes to the school building aid statutes and to the schoolhouses statutes.

The question is on the adoption of the committee report of Ought to Pass.

Senator Estabrook offered a floor amendment.

**Sen. Estabrook, Dist. 21
May 13, 2008
2008-1860s
04/09**

Floor Amendment to HB 1446

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

AN ACT relative to changes to the school building aid statutes and to the schoolhouses statutes and relative to the vote required for passage of school bonds.

Amend the bill by inserting after section 8 the following and renumbering the original sections 9-10 to read as 10-11, respectively:

9 Municipal Finance Act; Town or District Bonds or Notes. Amend RSA 33:8 to read as

follows:

33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city or a town which has adopted a charter pursuant to RSA 49-B, without a budgetary town meeting, ~~[and except a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13]~~ shall be authorized by a vote by ballot of 2/3, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose. The issue of notes or bonds by a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote of 3/5. ***The issue of notes or bonds by a school district which has not adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote of 3/5.*** The issue of notes or bonds by a municipality that has adopted an optional form of legislative body under RSA 49-D:3, I-a or RSA 49-D:3, II-a shall be authorized by either a 2/3 or 3/5 vote as adopted and provided for in the charter. If such charter does not specify which majority vote is required, then the required majority vote shall be 2/3, ***except that in such cases, the issue of notes or bonds by a school district shall be authorized by a 3/5 majority vote.*** Only votes in the affirmative or negative shall be included in the calculation of any majority. No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority of the governing board, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

Amend the bill by replacing section 11 with the following:

11 Effective Date.

I. Sections 1-8 and section 10 of this act shall take effect 60 days after its passage.

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

2008-1860s

AMENDED ANALYSIS

This bill:

I. Makes changes to the process for proration of funds for school building aid grants.

II. Transfers authority over questions on the location of school buildings from the county commissioners to the state board of education.

III. Requires the school building authority to work with the state board of education on matters concerning school facilities.

IV. Changes the required majority vote for passage of notes or bonds issued by a school district from 2/3 to 3/5.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

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

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 Fuller Clark moved to have HB 1579-FN removed from the table.

A division vote was requested.

Yeas: 15 – Nays: 9

Adopted.

HB 1579-FN, establishing a commission to study issues relating to land development and land development regulation in New Hampshire.

Energy, Environment, and Economic Development

April 29, 2008

2008-1569s

06/04

Amendment to HB 1579-FN

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

AN ACT establishing a commission to study issues relating to land development and land development regulation in New Hampshire and establishing a surcharge on certain documents related to real property.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as section 10:

6 Land and Community Heritage Investment Program; Real Estate Recording Surcharge; Purpose.

I. The purpose of RSA 478:17-g is to ensure that the registers of deeds serve as the initial point in a comprehensive service system that protects the interests in real property for persons recording documents with the registers. The recording of documents with the register of deeds, together with the other related state services, allows for the protection of real estate and other property interests, stability in the conveyance and mortgaging of realty, access to capital for the purchase of real estate, and protection of the value of real property in New Hampshire.

II. The registers of deeds function as the initial and central point in the state's comprehensive service framework to protect interests in real property. These comprehensive services include enforcement of property interests by the judicial system, regulation of mortgage lenders by the banking department, and investment by the state to preserve the state's most important natural, cultural, and historical resources, which protect the long-term property values for landowners across the state. The recording stamp fee is intended to defray the state's costs in administering its comprehensive system of services to protect the interests landowners have in real property, as evidenced by the recording of documents with

the registers of deeds.

7 Land and Community Heritage Investment Program. Funding and Surcharge Stamps. RSA 478:17-g, I-a and II are repealed and reenacted to read as follows:

I-a.(a) For recording each deed, mortgage, attachment of real estate, lease, agreement, assignment, release, partial discharge, or any like document, \$10 for the first recorded page, plus \$4 for each additional recorded page, except that assignments of mortgages shall be \$10 for the first assignment per recorded document, plus \$5 for each subsequent mortgage being assigned, plus \$4 for each additional recorded page. The complete discharge of a mortgage, filings pursuant to RSA 21-J, RSA 260, RSA 282-A, RSA 382-A, RSA 439, RSA 450, RSA 454-B, RSA 498, RSA 511, or RSA 511-A, or discharge of a lien shall be \$15, plus \$4 for each additional page; provided that the fees for all filings under RSA 382-A in the office of the secretary of state only shall be as prescribed in RSA 382-A:9-525. These charges shall include all charges for information furnished in compliance with RSA 478:14.

(b) For recording each mortgage, mortgage discharge, deed, and plan, a surcharge of \$25 per document shall also be assessed, to be paid over as set forth in subparagraphs (e) and (f), except as provided in subparagraphs (c), (d), and (g) below.

(c) No such surcharge shall be assessed on the United States or any instrumentality thereof, the state, a state agency, a county, a municipality, a village district, or a school district. The total amount of surcharges collected under subparagraph (b) shall not exceed \$100 for each principal party or parties to a transaction involving the sale, grant, or transfer of real estate taxable under RSA 78-B:1. "Principal party or parties" shall include:

(1) the sellers, grantors, assignors, or transferors of any real estate or any interest in real estate;

(2) the purchasers, grantees, assignees, or transferees of any real estate or any interest in real estate;

(3) third parties involved in the transaction such as mortgagees. "Transaction" shall mean an event that results in the transfer of any real estate or any interest in real estate. Any party to a transaction that has met the \$100 cap per transaction shall file an affidavit stating that the cap has been met and the basis for such claim, which shall be presumed by the register of deeds as true absent clear evidence to the contrary. The form for such affidavit shall be prescribed by administrative rule adopted by the commissioner of the department of revenue administration.

(d) This surcharge shall be administered by the commissioner of the department of revenue administration, and all powers and duties available to the commissioner to

enforce and administer laws under RSA 21-J and RSA 78-B shall apply to the administration and enforcement of this paragraph. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the administration of this paragraph. Each register of deeds shall retain 4 percent of the total surcharges collected as payment for the service of collecting the surcharge, which shall be deducted prior to remitting the revenue collected.

(e) Each register of deeds shall remit the surcharges collected under subparagraph (b) to the department of revenue administration monthly or more often. All funds received shall be paid over to the state treasurer for deposit in the trust fund for the land and community heritage investment program established under RSA 227-M:7.

(f) The payment of the surcharge imposed by subparagraph (b) shall be evidenced by stamps, or other indicia as approved by the commissioner of the department of revenue administration, attached to the recorded instrument.

(g) The surcharge of \$25 imposed by subparagraph (b) shall not apply to:

- (1) Attachments;
- (2) Leases;
- (3) Agreements;
- (4) Assignments;
- (5) Releases;
- (6) All government documents, as set forth in subparagraph (c) above;
- (7) Death certificates;
- (8) Trustees' certificates and affidavits;
- (9) UCC documents; and
- (10) Foreclosure documents.

II.(a) For recording plans, \$9 for the first 200 square inches or part thereof and \$2.50 for each additional 100 square inches or part thereof.

(b) For recording each plan described in subparagraph (a), a surcharge of \$25 per plan shall also be assessed, to be paid over as set forth in subparagraphs I (e) and (f), except as provided in subparagraphs I (c) and (d).

8 Land Development Regulations Commission; Membership. Amend subparagraph I(b) as inserted by section 2 of the bill to read as follows:

(b) One member of the senate, appointed by the president of the senate.

-9 New Subparagraph; Land Development Regulations Commission; Membership. Amend paragraph I as inserted by section 2 of the bill by inserting after subparagraph (n) the following new subparagraph:

(o) A landowner appointed by the New Hampshire Timberland Owners Association.

2008-1569s

AMENDED ANALYSIS

This bill:

I. Establishes a commission to study issues relating to land development and land development regulation in New Hampshire.

II. Establishes a surcharge on certain registered documents relating to real property.

III. Distributes a portion of such surcharges collected to the land and community heritage investment program trust fund.

IV. Authorizes the commissioner of the department of revenue administration to administer the surcharge.

The question is on the adoption of the Committee Amendment.

Amendment failed.

Senator Fuller Clark offered a floor amendment.

Sen. Fuller Clark, Dist. 24

May 13, 2008

2008-1858s

06/10

Floor Amendment to HB 1579-FN

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

AN ACT establishing a commission to study issues relating to land development and land development regulation in New Hampshire and establishing a surcharge on certain documents related to real property.

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

(b) One member of the senate, appointed by the president of the senate.

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

(o) A landowner appointed by the New Hampshire Timberland Owners Association.

(p) A representative of the Business and Industry Association, appointed by that organization.

(q) A representative of the American Council of Engineering Companies of New Hampshire (ACEC-NH), appointed by that organization.

(r) A representative of the New Hampshire Association of Realtors appointed by that organization.

(s) A representative of the New Hampshire Bankers Association appointed by that organization.

Amend the bill by replacing all after section 5 the following:

6 Land and Community Heritage Investment Program; Real Estate Recording Surcharge; Purpose.

I. The purpose of RSA 478:17-g is to ensure that the registers of deeds serve as the initial point in a comprehensive service system that protects the interests in real property for persons recording documents with the registers. The recording of documents with the register of deeds, together with the other related state services, allows for the protection of real estate and other property interests, stability in the conveyance and mortgaging of realty, access to capital for the purchase of real estate, and protection of the value of real property in New Hampshire.

II. The registers of deeds function as the initial and central point in the state's comprehensive service framework to protect interests in real property. These comprehensive services include enforcement of property interests by the judicial system, regulation of mortgage lenders by the banking department, and investment by the state to preserve the state's most important natural, cultural, and historical resources, which protect the long-term property values for landowners across the state. The recording stamp fee is intended to defray the state's costs in administering its comprehensive system of services to protect the interests landowners have in real property, as evidenced by the recording of documents with the registers of deeds.

7 Register of Deeds; Land and Community Heritage Investment Program; Funding and Stamps. RSA 478:17-g is repealed and reenacted to read as follows:

478:17-g Recording Fees and Surcharge. Unless otherwise specified, the register of deeds in each county shall be entitled to the following fees and shall collect the land and community heritage investment program surcharge as follows:

I. The charge for recording each document shall be \$10 for the first recorded page plus \$4 for each additional recorded page. The charge for assignments of mortgages shall be \$10 for the first recorded page, including the first mortgage assigned, plus \$5 for each additional mortgage assigned plus \$4 for each additional recorded page. The charge for

recording a discharge of a mortgage, a release of a lien, or filings pursuant to RSA 21-J, RSA 260, RSA 282-A, RSA 382-A, RSA 439, RSA 450, RSA 454-B, RSA 498, RSA 511 or RSA 511-A shall be \$15 for the first recorded page plus \$4 for each additional recorded page. The charge for recording each plan shall be \$9 for the first 200 square inches or portion thereof and \$2.50 for each additional 100 square inches or portion thereof. The charges provided for herein shall include the register's responsibility to provide information in compliance with RSA 478:14.

II.(a) An additional charge of \$25 shall also be assessed for recording each deed, mortgage, mortgage discharge or plan, but shall not be assessed for the recording of any other document. The charge provided for herein shall be paid by the grantee in a deed, the grantor in a mortgage, the person or entity discharging a mortgage in the case of a discharge and the primary owner of property shown on a plan. The charge provided for in this section shall not be assessed for the recording of any documents in which the United States or any instrumentality thereof, the state, a state agency, a county, a municipality, a village district, or a school district is a party.

(b) The collection of the assessment provided for by this section shall be administered by the commissioner of the department of revenue administration, and all powers and duties available to the commissioner to enforce and administer laws under RSA 21-J and RSA 78-B shall apply to the administration and enforcement of this paragraph. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the administration of this paragraph. Each register of deeds shall retain 4 percent of the total additional charges collected as payment for the service of collecting the additional charges, which shall be deducted prior to remitting the revenue collected.

(c) Each register of deeds shall remit the additional charges collected under subparagraph (a) to the department of revenue administration monthly or more often. All funds received shall be paid over to the state treasurer for deposit in the trust fund for the land and community heritage investment program established under RSA 227-M:7.

(d) The payment of the additional charge imposed by subparagraph (a) shall be evidenced by stamps, or other indicia as approved by the commissioner of the department of revenue administration, attached to the recorded instrument.

III. For copying any document or providing any other service, the charge shall be established and posted by the register of deeds.

8 Appropriation and Distribution of Funds. Amend 2007, 263:47 to read as follows:

263:47 Appropriation; Department of Revenue Administration. The sum of \$50,000 is hereby appropriated to the department of revenue administration for the ~~[fiscal year]~~ **biennium** ending June 30, 2009, to assist county registers of deeds with computer

programming changes and administrative costs necessary to implement the land and community heritage investment program surcharge under RSA 478:17-g, I-a, as inserted by section 45 of this act. ***The commissioner of the department of revenue administration may either distribute such funds to a register of deeds or directly pay for such costs on behalf of a register of deeds.*** The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

9 Effective Date.

I. Section 7 of this act shall take effect July 1, 2008 at 12:01 a.m.

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

2008-1858s

AMENDED ANALYSIS

This bill:

I. Establishes a commission to study issues relating to land development and land development regulation in New Hampshire.

II. Clarifies the additional charge on filing certain documents with the register of deeds for the land and community heritage investment program trust fund.

III. Authorizes the commissioner of the department of revenue administration to administer the additional charge.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

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

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

Yeas: 15 - Nays: 9

Floor amendment adopted.

MOTION TO TABLE

Senator Barnes moved to have HB 1579-FN laid on the table.

Motion failed.

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

Adopted.

Ordered to Third Reading.

MOTION TO REMOVE FROM THE TABLE

Senator Cilley moved to have HB 1340 removed from the table.

Adopted.

Senator Burling, Rule 42 on HB 1340.

HB 1340, relative to the special account of the judicial retirement system.

The question is on the adoption of the committee report of Ought to Pass.

Senator Hassan offered a floor amendment.

Sen. Hassan, Dist. 23

May 14, 2008

2008-1888s

10/03

Floor Amendment to HB 1340

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

AN ACT relative to the special account of the judicial retirement system, and
 requiring the board of trustees of the judicial retirement plan to study and
 report on the inclusion of service of certain district court judges.

Amend the bill by inserting after section 1 the following and renumbering the original
section 2 to read as 3:

2 Judicial Retirement Plan; Study Required; Report.

I. The board of trustees of the judicial retirement plan under RSA 100-C shall study the inclusion of service of part-time district court judges who worked for the district court system prior to and after unification of the state and district court systems and whether such judges shall have their years of service prior to unification counted as years served for purposes of calculations of their benefit.

II. The board of trustees shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2008.

2008-1888s

AMENDED ANALYSIS

This bill transfers any remaining balance in the judicial retirement system special account upon termination of the special account by 2007, 313.

This bill also requires the board of trustees of the judicial retirement plan to study and report on the inclusion of service of part-time district court judges who worked for the district court system prior to and after unification of the state and district court systems.

MOTION TO TABLE

Senator Cilley moved to have HB 1340 laid on the table.

Senator Cilley withdrew the motion to table.

MOTION TO TABLE

Senator Gatsas moved to have HB 1340 laid on the table.

A division vote was requested.

Yeas: 12 – Nays: 11

Adopted.

Senator Burling, Rule 42 on HB 1340.

LAID ON THE TABLE

HB 1340, relative to the special account of the judicial retirement system.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 173, relative to regulation of private postsecondary career schools.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 173, relative to regulation of private postsecondary career schools.

Senator Estabrook moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 117-FN, relative to fireworks display permits and the position of permissible fireworks inspector.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 117-FN, relative to fireworks display permits and the position of permissible fireworks inspector.

Senator Burling moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 309-FN, relative to the regulation of amateur and professional fighting sports by the boxing and wrestling commission.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 309-FN, relative to the regulation of amateur and professional fighting sports by the boxing and wrestling commission.

Senator Burling moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 318-FN, establishing a commission to study the creation of a large animal care worker classification.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 318-FN, establishing a commission to study the creation of a large animal care worker classification.

Senator Burling moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 372, relative to membership of the heating system certification advisory committee.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 372, relative to membership of the heating system certification advisory committee.

Senator Burling moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 420, relative to criminal background checks of health care facilities and certain nurse applicants.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 420, relative to criminal background checks of health care facilities and certain nurse applicants.

Senator Burling moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 440, relative to requiring occupational boards and commissions to include relevant military experience or training in satisfying requirements for engaging in a regulated profession.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 440, relative to requiring occupational boards and commissions to include relevant military experience or training in satisfying requirements for engaging in a regulated profession.

Senator Burling moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 390, establishing a suicide prevention council.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 390, establishing a suicide prevention council.

Senator Estabrook moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 395, establishing a commission to review New Hampshire's statutes on human immunodeficiency virus education, prevention, and control.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 395, establishing a commission to review New Hampshire's statutes on human immunodeficiency virus education, prevention, and control.

Senator Estabrook moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SCR 6, urging the federal government to create a simplified process for short-term admissions to nursing homes for the purpose of respite care.

SENATE CONCURS WITH HOUSE AMENDMENT

SCR 6, urging the federal government to create a simplified process for short-term admissions to nursing homes for the purpose of respite care.

Senator Estabrook moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SCR 11, supporting the application of Taiwan for observer status at the World Health Organization.

SENATE CONCURS WITH HOUSE AMENDMENT

SCR 11, supporting the application of Taiwan for observer status at the World Health Organization.

Senator Estabrook moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 454, relative to certain changes to the controlled drug act.

SENATE NONCONCURS WITH HOUSE AMENDMENT

SB 454, relative to certain changes to the controlled drug act.

Senator Estabrook moved to nonconcur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 90-FN, relative to the penalty for impersonating a law enforcement officer.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 90-FN, relative to the penalty for impersonating a law enforcement officer.

Senator Foster moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 487, clarifying the law regarding bail pending appeal.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 487, clarifying the law regarding bail pending appeal.

Senator Foster moved to concur.

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 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 683, relative to nominations by party committees.

HB 1145, designating the Senator Otto Oleson Scenic Overlook in Jefferson.

HB 1179, including certain nonprofit organizations under the right-to-know law.

HB 1202, relative to monitoring privately owned water distribution programs.

HB 1260-L, relative to growth management ordinances.

HB 1304, authorizing Plymouth state university to award doctoral degrees.

HB 1311, relative to impaired driver intervention programs.

HB 1332-L, defining "hauler" of solid waste and requiring haulers to register with the department of environmental service, and relative to the weight and measurement of solid waste.

HB 1346, relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers.

HB 1424, relative to notice of meetings of county conventions.

HB 1441-L, relative to use of the terms "selectwoman" and "selectperson."

HB 1446, relative to changes to the school building aid statutes and to the schoolhouses statutes.

HB 1453, relative to civil liability for damage to protective barriers.

HB 1468, relative to mosquito control policy for lands managed by the fish and game department.

HB 1478, relative to the quorum for meetings of the equalization standards board.

HB 1487, establishing a committee to study practice by advanced dental hygiene practitioners and ways to increase access to oral health care.

HB 1492, relative to prescriptions under the controlled drug act.

HB 1520-FN, allowing service in the Peace Corps and AmeriCorps to be purchased as creditable service in the retirement system.

HB 1532, relative to snow and obstruction removal from parking spaces designated for disabled persons.

HB 1579-FN, establishing a commission to study issues relating to land development and land development regulation in New Hampshire.

HB 1581-FN-L, relative to the formation of stormwater utility districts.

ANNOUNCEMENTS

Senator D'Allesandro (Rule 44).

Senator DeVries (Rule 44).

Senator Reynolds (Rule 44).

Senator Larsen moved that, without objection, all Rule 44's are entered into the permanent record.

RESOLUTION

Senator Foster moved that the Senate recess to the Call of the Chair for the sole purpose of sending and receiving messages, processing enrolled bill reports and amendments and forming Committees of Conference.

Adopted.

In recess to the Call of the Chair.