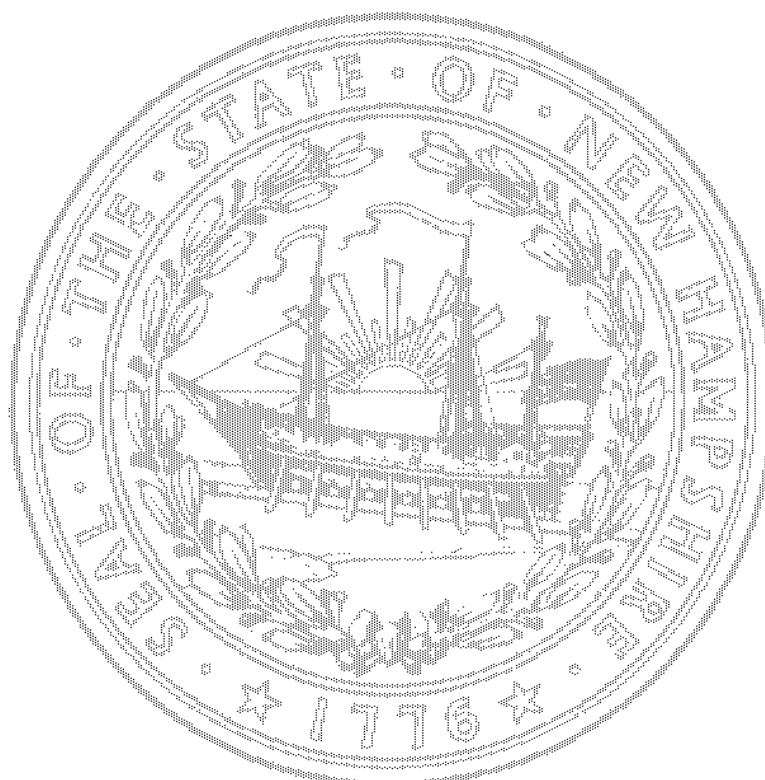


April 17, 2008
Nos. 12-13

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – APRIL 10, 2008 SESSION
COMMENCEMENT – APRIL 17, 2008 SESSION

SENATE

JOURNAL 12 (continued)

April 10, 2008

April 2, 2008
2008-1219-EBA
05/10

Enrolled Bill Amendment to HJR 10

The Committee on Enrolled Bills to which was referred HJR 10

A RESOLUTION urging congress to allow for the interstate sale of state-inspected meat and poultry.

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 HJR 10

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HJR 10

Amend the third paragraph after the enacting clause by replacing line 3 with the following:

rural policy leaders in the northeast, and supports the goals of the NSAAS agreed to in its last annual

Amend the first paragraph after the resolving clause by replacing lines 1-3 with the following:

That the general court wishes to thank the members of the United States House of Representatives from New Hampshire who supported the inclusion of interstate meat

inspection in the House version of the Farm Bill and urge members of the United States Senate from New Hampshire to join in co-sponsoring S.1150 and S. 1149 and the

Adopted.

**April 2, 2008
2008-1208-EBA
04/09**

Enrolled Bill Amendment to HJR 11

The Committee on Enrolled Bills to which was referred HJR 11

A RESOLUTION requesting the United States Department of Agriculture to provide redress for price reporting errors in milk prices.

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 HJR 11

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HJR 11

Amend the ninth paragraph after the enacting clause of the resolution by replacing line 5 with the following:

New Hampshire producers' ability to meet their obligations including rising feed, fuel, and fertilizer

Amend the first paragraph after the resolving clause of the resolution by replacing line 1 with the following:

That in order to make redress, the USDA provide back-payments together with interest as

Amend the fourth paragraph after the resolving clause of the resolution by replacing line 1 with the following:

That there be mandatory daily and weekly reporting of all dairy commodity transactions,

Adopted.

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 13

April 17, 2008

The Senate met at 10:00 a.m.

A quorum was present.

The Reverend Charles Clark, guest chaplain to the Senate, offered the prayer:

On this beautiful April morning, with its signs of new life and its gift of new opportunities to be of use and service, we turn to you, O God, in thanks and praise for all Your providential care made manifest in the works of an unceasing creation. Ruler of all nations, the God in whom we trust, and the author of liberty in this our native and our cherished land: guide, encourage, and bless, we pray, those gathered in this chamber now for the sacred task of governance to which the citizens of New Hampshire have summoned them as their Senators. Keep them throughout this day, and in all the days ahead, mindful of their high calling to be both the givers and the keepers of such laws as reflect Your good purposes for each and every person, both old and young, so that our longed-for peace, justice, and prosperity may flourish throughout the Granite State, and show forth Your glory as the source of all wisdom and goodness. And this we pray for the honor of Your great name and for the well-being of all Your people. Amen

Senator Foster led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

SPECIAL ORDER

HB 399, relative to the minimum hourly rate of compensation. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 4-2. Senator Cilley for the committee.

Adopted.

Ordered to Third Reading.

MOTION OF RECONSIDERATION

Senator Roberge having voted with the prevailing side, moved reconsideration of **HB 399**, whereby it was ordered to Third Reading.

Senator Roberge withdrew the motion for reconsideration.

Senator Barnes is in opposition to HB 399.

HCR 17, encouraging the use of reusable shopping bags. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

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

A roll call was requested by Senator Barnes.

Seconded by Senator Foster.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Ordered to Third Reading.

COMMITTEE REPORTS

HB 759-FN, relative to administration and enforcement of banking laws. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 6-0. Senator Barnes for the committee.

Commerce, Labor and Consumer Protection
April 9, 2008
2008-1319s
08/09

Amendment to HB 759-FN

Amend the bill by inserting after section 10 the following and renumbering the original sections 11-68 to read as 12-69, respectively:

11 Qualifications; Banking Commissioner and Deputy Bank Commissioner. Amend RSA 383:6 to read as follows:

383:6 Qualifications. No person who is not a resident of the state at the time of his or her appointment or who fails to become a resident of the state within one year after his ***or her*** appointment, and no person who is indebted to any corporation or association under the supervision of the commissioner, or who holds any stock or office in any such corporation or association, or who is engaged as principal or agent in the business of selling or negotiating in this state loans, stocks, or securities of any kind, or who is an officer or stockholder in any corporation engaged in such business, shall be eligible to hold or continue to hold the office of commissioner or deputy commissioner. The provisions of this section relative to indebtedness to a corporation or association under the supervision of the commissioner shall not disqualify a person who, at the time of his ***or her*** appointment, is indebted to such corporation or association for a home mortgage loan, ***or if at a time subsequent to his or her appointment a legal transfer of the loan or conversion of a corporation or association results in the loan being held by a corporation or association under the supervision of the commissioner or deputy commissioner, provided that the indebtedness shall be limited to such pre-existing contracts.***

Amendment adopted.

Senator Gottesman offered a floor amendment.

**Sen. Gottesman, Dist. 12
April 16, 2008
2008-1392s
08/09**

Floor Amendment to HB 759-FN

Amend the bill by replacing section 11 with the following:

11 Qualifications; Banking Commissioner and Deputy Banking Commissioner. Amend RSA 383:6 to read as follows:

383:6 Qualifications. No person who is not a resident of the state at the time of his or her appointment or who fails to become a resident of the state within one year after his ***or her*** appointment, and no person who is indebted to any corporation or association under the supervision of the commissioner, or who holds any stock or office in any such corporation or association, or who is engaged as principal or agent in the business of selling or negotiating in this state loans, stocks, or securities of any kind, or who is an officer or stockholder in any corporation engaged in such business, shall be eligible to hold or continue to hold the office of commissioner or deputy commissioner. The provisions of this section relative to indebtedness to a corporation or association under the supervision of the commissioner shall not disqualify a person who, at the time of his ***or her*** appointment, is indebted to such corporation or association for a home mortgage loan, ***or if at a time subsequent to his or her appointment a legal transfer of the loan or conversion of a corporation or association results in the loan being held by a corporation or association under the supervision of the commissioner or deputy commissioner, provided that the***

indebtedness shall be limited to such pre-existing contracts.

Floor amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1286-FN, relative to the licensing of mortgage bankers, mortgage brokers, and mortgage originators. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator Roberge for the committee.

MOTION TO TABLE

Senator Hassan moved to have HB 1286-FN laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1286-FN, relative to the licensing of mortgage bankers, mortgage brokers, and mortgage originators.

HB 1382, adopting the uniform prudent management of institutional funds act. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 5-0. Senator Reynolds for the committee.

Adopted.

Ordered to Third Reading.

HB 1591-FN, relative to vehicles traded to automobile dealers. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator Cilley for the committee.

Adopted.

Ordered to Third Reading.

HB 1240, relative to disqualification of certain election officers and relative to arrangement of polling places. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

Adopted.

Ordered to Third Reading.

HB 1335, establishing a commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan. Election Law and Internal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator DeVries for the committee.

Election Law and Internal Affairs

April 9, 2008

2008-1314s

09/03

Amendment to HB 1335

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Five members of the commission shall constitute a quorum.

The question is on the adoption of the committee amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Letourneau.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

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 233-FN-A removed from the table.

Adopted.

HB 233-FN-A, specifying compensation for ballot law commissioners.

Senator Burling offered a floor amendment.

Sen. Burling, Dist. 5

April 17, 2008
2008-1411s
05/04

Floor Amendment to HB 233-FN-A

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

AN ACT authorizing mileage for ballot law commissioners and members of the
 installation standards board.

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

1 Ballot Law Commission; Compensation. Amend RSA 665:4 to read as follows:

665:4 Compensation. The commissioners shall receive ~~[such compensation for their services as shall be approved by the governor and council]~~ **reimbursement for mileage at the same rate provided for state employees.** All bills for supplies required by the commission, necessary expenses of the commissioners, and fees of witnesses summoned by the commission shall be paid by the state upon the approval of the governor and council.

2 New Section; Manufactured Housing Installation Standards; Compensation and Expenses. Amend RSA 205-D by inserting after section 2 the following new section:

205-D:2-a Compensation and Expenses. The members of the board shall each be allowed their mileage and necessary traveling expenses incurred in carrying out their official duties.

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

2008-1411s

AMENDED ANALYSIS

This bill authorizes mileage compensation for ballot law commissioners and members of the installation standards board.

MOTION TO TABLE

Senator Foster moved to have HB 233-FN-A laid on the table.

Adopted.

LAI D ON THE TABLE

HB 233-FN-A, specifying compensation for ballot law commissioners.

HB 1635-FN, relative to permits for motor vehicle salvage facilities and motor vehicle crushers. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 6-0. Senator Odell for the committee.

Adopted.

Ordered to Third Reading.

HB 1276, establishing a committee to study revisions to the auctioneers' practice act. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator Cilley for the committee.

Senate Executive Departments and Administration

April 8, 2008

2008-1278s

10/04

Amendment to HB 1276

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

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

Amend the bill by replacing sections 1-3 with the following:

1 Committee Established. There is established a committee to study revisions to the auctioneers' practice act, RSA 311-B, and the regulation of persons engaged in the business of facilitating sales of third-party goods over the Internet.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, 2 of whom shall be from the executive departments and administration committee and one of whom shall be from the commerce committee, appointed by the speaker of the house of representatives.

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

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study recent proposals to revise RSA 311-B, including HB 544 as introduced in 2007 and HB 1276 as introduced in 2008 and any proposed amendments thereto. The committee shall also study the regulation of persons engaged in the business of facilitating sales of third-party goods over the Internet. In making its study, the committee shall hold at least 2 public hearings, and shall solicit input from auctioneers and persons engaged in the business of facilitating sales of third-party goods over the Internet.

2008-1278s

AMENDED ANALYSIS

This bill creates a committee to study revisions to the auctioneers' practice act and the regulation of third-party Internet sales.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1278, relative to the purchase of computer services and supplies for state agencies. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Kelly for the committee.

Adopted.

Ordered to Third Reading.

HB 1313, relative to voting by the chairman of the retirement system board of trustees. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Downing for the committee.

MOTION TO TABLE

Senator Foster moved to have HB 1313 laid on the table.

Adopted.

LAI D ON THE TABLE

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

HB 1643-FN, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system. Executive Departments and Administration Committee. Ought to Pass, Vote 4-1. Senator Downing for the committee.

Adopted.

Ordered to Third Reading.

HB 185-FN, relative to economic revitalization zone credits. Finance Committee. Ought to Pass, Vote 6-0. Senator Sgambati for the committee.

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

A roll call was requested by Senator Foster.

Seconded by Senator Barnes.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Ordered to Third Reading.

HB 1367, relative to the conversion to a new state financial accounting and statewide budget system. Finance Committee. Ought to Pass with Amendment, Vote 7-0. Senator D'Allesandro for the committee.

Sen. D'Allesandro, Dist. 20

April 2, 2008

2008-1202s

05/10

Amendment to HB 1367

Amend the bill by replacing all after section 10 with the following:

11 Extension of Dates for Submissions of Expenditure Requirements and Tentative Budget During 2008.

I. Notwithstanding the date established in RSA 9:4, during the year 2008 all departments of the state shall transmit to the commissioner of administrative services the materials set forth in RSA 9:4 on or before October 15, 2008. In case of the failure of any department to submit such estimates within the time above specified, the commissioner of administrative services shall cause to be prepared such estimates for such department as in the commissioner's opinion are reasonable and proper.

II. Notwithstanding the date established in RSA 9:6, during the year 2008, upon the receipt of the estimates of expenditure requirements called for by RSA 9:4, adjusted as to date by paragraph I, and the preparation of the estimates of income called for by RSA 9:5, and not later than November 15, 2008, the commissioner of administrative services shall cause to be prepared a tentative budget conforming as to scope, contents, and character to the requirements of RSA 9:3 and containing the estimates of expenditure and revenue as called for by RSA 9:4, adjusted as to date by paragraph I, and RSA 9:5, which tentative budget shall be transmitted to the director of the budget for submittal to the governor. The budget shall be made available in printed format and in at least one electronic computer file format in common use at the time.

12 Transfer of Appropriations with Fiscal Committee Approval. Amend RSA 9:17 to read as follows:

9:17 Transfer Within Division or Functional Unit. The governor and council, ***with the prior approval of the fiscal committee of the general court***, may authorize the commissioner of administrative services to make such transfers of appropriation items and changes in allocation of funds available for operational purposes within any division or functional unit of a department or institution as may be necessary or desirable to best carry out the purpose of such division or functional unit of such department or institution.

13 Reference Change. Amend RSA 9:17-a through 9:17-c to read as follows:

9:17-a Limitations. Notwithstanding the provisions of RSA ~~[9:16 and]~~ 9:17, no transfer shall be made:

I. From appropriation items for equipment to any other use or purpose.

II. To or from any out of state travel appropriation and the state treasurer and state commissioner of administrative services shall maintain separate appropriation accounts for all out of state travel appropriations.

II-a. From any appropriation items for permanent personal services to any other use or purpose, provided however that this provision shall not supersede the provisions of RSA 99:4.

III. [Repealed.]

IV. The provisions of this section shall apply to transfers in general appropriations, capital budget appropriations and in any other special appropriations.

9:17-b Fish and Game Limitation. Notwithstanding the provisions of RSA ~~[9:16 and]~~ 9:17, no transfers shall be made into the appropriation for the fish and game department for land acquisition.

9:17-c Employee Benefit Adjustment Account. Whereas the appropriations for employee benefits in state departments and institutions may upon occasion not be totally needed for each position due to vacancies and personnel turnover, the department of administrative services shall transfer said amount quarterly from the departmental or institutional appropriation to a special account to be known as the employee benefit adjustment account. This fund shall lapse at the end of each fiscal year and revert to the appropriate fund. Upon the certification of the commissioner of administrative services, subject to the approval of governor and council, the employee benefit account shall be available for transfer to departments and institutions in amounts that are deemed necessary to pay the state's required proportionate share of any legally authorized employee benefit. Notwithstanding the provisions of RSA ~~[9:16 and]~~ 9:17, no transfer shall be made from any appropriation for employee benefits to any other appropriation for any other use or purpose except as provided in this section.

14 Reclassification of Positions; Reference Change. Amend RSA 21-I:56, III to read as follows:

III. Notwithstanding the provisions of RSA ~~[9:16,]~~ 9:17 and ~~[17-a]~~ **9:17-a**, whenever the director of personnel in consultation with the affected department shall determine that the personal services-permanent line item in any PAU and the salary adjustment fund cannot cover the cost of funding a reclassification and a transfer of funds from other line items is required, the director of personnel shall notify the governor and council and the fiscal committee as soon as possible. No such transfer shall be permitted without approval first of the fiscal committee and then of governor and council.

15 Funds Set Aside. Amend RSA 124:16 to read as follows:

124:16 Funds Set Aside. Every state department, board, institution, commission or agency which receives federal funds shall set aside an amount equal to ~~[-2 percent]~~ **the rate approved in the statewide indirect cost plan** of the funds received. **The amount set aside shall be used** to pay for financial and compliance audits as required by the federal government or by state statute.

16 Repeal. The following are repealed:

I. RSA 9:4-c, relative to monitoring the Old Man of the Mountain by the department of resources and economic development.

II. RSA 9:16, relative to transfers of appropriations.

III. RSA 21-I:6, III, relative to recommendation of quarterly allotments for operation of the budget.

IV. RSA 124:6, relative to authority for certain capital improvement agreements.

V. RSA 124:7-9, relative to requirements for state participation in federal aid.

17 Effective Date. This act shall take effect upon its passage.
2008-1202s

AMENDED ANALYSIS

This bill provides the authority and oversight for the conversion to a new statewide budgeting, accounting, and financial and human resources management system. The bill also repeals certain budget and federal aid requirements.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

Senator Gatsas is in opposition to HB 1367.

HB 1412, establishing a commission to study appointing or contracting with a fleet manager for state-owned motor vehicles. Finance Committee. Ought to Pass with Amendment, Vote 7-0. Senator Janeway for the committee.

Senate Finance

April 3, 2008

2008-1226s

06/09

Amendment to HB 1412

Amend RSA subparagraph I(b) as inserted by 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 the bill by replacing section 3 with the following:

3 Duties. The commission shall:

I. Study the feasibility of appointing or contracting with a fleet manager for state-owned motor vehicles.

II. Review the results of the fleet management performance audit and, where appropriate, incorporate the findings and recommendations of the audit in the final report of the commission.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1485, relative to state reimbursement under the housing security guarantee program. Finance Committee. Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

Adopted.

Ordered to Third Reading.

HB 1533, relative to the office of the state treasurer. Finance Committee. Ought to Pass, Vote 6-0. Senator Janeway for the committee.

Adopted.

Ordered to Third Reading.

HB 1652-FN-A, relative to the state obligation for payment of the non-federal share of FEMA public assistance and making an appropriation therefor. Finance Committee. Ought to Pass, Vote 7-0. Senator Hassan for the committee.

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

A roll call was requested by Senator Hassan.

Seconded by Senator Letourneau.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Ordered to Third Reading.

MOTION TO REMOVE FROM THE TABLE

Senator Burling moved to have HB 233-FN-A removed from the table.

Adopted.

HB 233-FN-A, specifying compensation for ballot law commissioners.

The question is on the adoption of the floor amendment.

Sen. Burling, Dist. 5

April 17, 2008

2008-1411s

05/04

Floor Amendment to HB 233-FN-A

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

AN ACT authorizing mileage for ballot law commissioners and members of the
 installation standards board.

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

1 Ballot Law Commission; Compensation. Amend RSA 665:4 to read as follows:

665:4 Compensation. The commissioners shall receive ~~[such compensation for their services as shall be approved by the governor and council]~~ ***reimbursement for mileage at the same rate provided for state employees.*** All bills for supplies required by the commission, necessary expenses of the commissioners, and fees of witnesses summoned by the commission shall be paid by the state upon the approval of the governor and council.

2 New Section; Manufactured Housing Installation Standards; Compensation and Expenses. Amend RSA 205-D by inserting after section 2 the following new section:

205-D:2-a Compensation and Expenses. The members of the board shall each be allowed their mileage and necessary traveling expenses incurred in carrying out their official duties.

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

2008-1411s

AMENDED ANALYSIS

This bill authorizes mileage compensation for ballot law commissioners and members of the installation standards board.

Senator Burling withdrew the floor amendment.

Senator Burling offered a floor amendment.

Sen. Burling, Dist. 5
April 17, 2008
2008-1414s
05/04

Floor Amendment to HB 233-FN-A

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

AN ACT authorizing mileage for ballot law commissioners and members of the installation standards board.

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

1 Ballot Law Commission; Compensation. Amend RSA 665:4 to read as follows:

665:4 Compensation. The commissioners shall receive ~~[such compensation for their services as shall be approved by the governor and council]~~ ***reimbursement for mileage at the same rate provided for state employees.*** All bills for supplies required by the commission, necessary expenses of the commissioners, and fees of witnesses summoned by the commission shall be paid by the state upon the approval of the governor and council.

2 New Section; Manufactured Housing Installation Standards; Compensation and

Expenses. Amend RSA 205-D by inserting after section 2 the following new section:

205-D:2-a Mileage Reimbursement. The members of the board shall receive reimbursement for mileage at the same rate provided for state employees in carrying out their official duties.

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

2008-1414s

AMENDED ANALYSIS

This bill authorizes mileage reimbursement for ballot law commissioners and members of the installation standards board.

Floor amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1447-FN, relative to Medicaid for employed adults with disabilities. Health and Human Services Committee. Ought to Pass, Vote 2-0. Senator Sgambati for the committee.

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

A roll call was requested by Senator Burling.

Seconded by Senator Hassan.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Ordered to Third Reading.

HB 159, establishing an interbranch criminal and juvenile justice council. Judiciary Committee. Ought to Pass with Amendment, Vote 4-0. Senator Reynolds for the committee.

Senate Judiciary

April 8, 2008

2008-1305s

04/09

Amendment to HB 159

Amend RSA 651-E:2, I(m) as inserted by section 1 of the bill by replacing it with the following:

(m) The administrative judge of the district court, or designee.

Amend RSA 651-E:2, I as inserted by section 1 of the bill by inserting after subparagraph (m) the following new subparagraph and renumbering the original subparagraphs (n)-(u) to read as subparagraphs (o)-(v), respectively:

(n) The administrative judge of the judicial branch family division, or designee.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 589-FN, relative to the calculation of concurrent and consecutive terms of imprisonment. Judiciary Committee. Ought to Pass with Amendment, Vote 3-0. Senator Gottesman for the committee.

Sen. Foster, Dist. 13

March 28, 2008

2008-1146s

04/09

Amendment to HB 589-FN

Amend RSA 651:20, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Any person sentenced to state prison *for a minimum term of 6 years or more* shall not bring a petition to suspend sentence until such person has served at least 4 years or 2/3 of his minimum sentence, whichever is greater, and not more frequently than every 3 years thereafter. *Any person sentenced to state prison for a minimum term of less than 6 years shall not bring a petition to suspend sentence until such person has served at least 2/3 of the minimum sentence, or the petition has been authorized by the sentencing court. For the purposes of this subparagraph:*

(1) For concurrent terms of imprisonment, the minimum term shall be satisfied by serving the longest minimum term imposed, and the maximum term shall be satisfied by serving the longest maximum term.

(2) For consecutive terms of imprisonment, the minimum terms of each sentence shall be added to arrive at an aggregate minimum term, and the maximum terms of each sentence shall be added to arrive at an aggregate maximum term.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1130, relative to repealed DWI laws. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Clegg for the committee.

Adopted.

Ordered to Third Reading.

HB 1132, creating an exception to the wiretapping statute for a recording device used in conjunction with a TASER or other similar electroshock device. Judiciary Committee. Ought to Pass with Amendment, Vote 4-0. Senator Letourneau for the committee.

Sen. Foster, Dist. 13
March 28, 2008
2008-1145s
04/01

Amendment to HB 1132

Amend RSA 570-A:2, II (l) as inserted by section 1 of the bill by replacing it with the following:

(l) A law enforcement officer in the ordinary course of the officer's duties using any device capable of making an audio or video recording, or both, and which is attached to and used in conjunction with a TASER or other similar electroshock device. Any person who is the subject of such recording shall be informed of the existence of the audio or video recording, or both, and shall be provided with a copy of such recording at his or her request.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1622-FN-A, allowing counties to implement a first-time offender alcohol and substance treatment program, requiring the department of justice to administer grants to counties for such program, and making an appropriation therefor. Judiciary Committee. Interim Study, Vote 4-0. Senator Foster for the committee.

MOTION TO TABLE

Senator Hassan moved to have HB 1622-FN-A laid on the table.

Adopted.

LAID ON THE TABLE

HB 1622-FN-A, allowing counties to implement a first-time offender alcohol and substance treatment program, requiring the department of justice to administer grants to counties for such program, and making an appropriation therefor.

HB 1168, relative to acceptance of property donated to towns and village districts. Public and Municipal Affairs Committee. Ought to Pass, Vote 3-2. Senator Hassan for the committee.

Senator Cilley offered a floor amendment.

Sen. Cilley, Dist. 6

April 17, 2008

2008-1405s

04/10

Floor Amendment to HB 1168

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

AN ACT relative to acceptance of property donated to towns and village districts
and extending the time for the city of Rochester to commit to acquiring
Skyhaven airport.

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

2 Operation of Skyhaven Airport by the Pease Development Authority; Contingency.

Amend 2007, 342:2 to read as follows:

342:2 Contingency; Operation of Skyhaven Airport by the Pease Development Authority. Notwithstanding the provisions of 1998, 317:1, if the city of Rochester has not legally committed on or before~~[March 1]~~ **May 30**, 2008 to acquire Skyhaven airport no later than July 1, 2008, the department of transportation shall negotiate a lease with the Pease development authority for operation of the Skyhaven airport, with the approval of the long range capital planning and utilization committee and the governor and council. The lease shall be completed by July 1, 2008.

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

2008-1405s

AMENDED ANALYSIS

This bill:

I. Requires selectmen or board of commissioners to hold public hearings on the acceptance of gifts to the municipality valued at \$5,000 or more.

II. Requires notice of gifts valued at less than \$5,000 if no public meeting is held.

III. Extends the time for the city of Rochester to commit to acquiring Skyhaven airport.

Floor amendment adopted.

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

Adopted.

Ordered to Third Reading.

Senator Barnes is in opposition to HB 1168.

HB 1181, naming the Manchester district courthouse the Armand Capistran district courthouse. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Roberge for the committee.

Adopted.

Ordered to Third Reading.

HB 1191, relative to environmental investigations in tax lien and tax sale proceedings. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

Adopted.

Ordered to Third Reading.

HB 1247, relative to revolving accounts for public, educational, and governmental access to cable. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Roberge for the committee.

Adopted.

Ordered to Third Reading.

HB 1259, authorizing communities to establish municipal housing commissions and affordable housing revolving funds. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Sgambati for the committee.

Adopted.

Ordered to Third Reading.

HB 1307, making technical corrections to town audit and reporting requirements. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator Barnes for the committee.

Public and Municipal Affairs

April 3, 2008

2008-1230s

08/10

Amendment to HB 1307

Amend RSA 76:10, II as inserted by section 3 of the bill by replacing it with the following:

II. If the municipal tax collector finds a discrepancy of ½ of one percent or more between the amount of the warrant as committed to the tax collector of the municipality and the total property tax commitment calculated by the commissioner of revenue administration, based on the pertinent information provided by the municipality under RSA 21-J:34, the collector shall return the warrant to the municipality's assessing officials for correction. If a correction cannot be made to generate a warrant with less than ½ percent discrepancy, the assessing officials shall submit a revised property summary inventory of valuation form as required under RSA 21-J:34, I, for recalculation of the tax rate by the commissioner of revenue administration. The municipality shall not issue property tax bills until such discrepancy is resolved.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HCR 11, urging municipalities to establish an annual free tire collection day. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Hassan for the committee.

Adopted.

Ordered to Third Reading.

HB 1595-FN, relative to driver's license renewals by persons engaged in overseas government service. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

Adopted.

Referred to the Finance Committee (Rule 26).

HB 1631-FN, relative to the state purchase of biodiesel fuels. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator DeVries for the committee.

Adopted.

Ordered to Third Reading.

HB 1479-FN, relative to sale of tobacco products and the appeals process concerning the seizure of illegal tobacco products. Ways and Means Committee. Ought to Pass, Vote 4-0. Senator Reynolds for the committee.

MOTION TO TABLE

Senator Reynolds moved to have HB 1479-FN laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1479-FN, relative to sale of tobacco products and the appeals process concerning the seizure of illegal tobacco products.

HB 1480, authorizing the commissioner of revenue administration to deny certain tobacco licenses. Ways and Means Committee. Ought to Pass, Vote 4-0. Senator Downing for the committee.

Adopted.

Ordered to Third Reading.

HB 173-FN-A, 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. Wildlife, Fish and Game, and Agriculture Committee. Ought to Pass, Vote 5-0. Senator Janeway for the committee.

Adopted.

Ordered to Third Reading.

HB 1232, relative to the regulation by the fish and game department of baiting of game birds. Wildlife, Fish and Game, and Agriculture Committee. Ought to Pass, Vote 5-0. Senator Estabrook for the committee.

Adopted.

Ordered to Third Reading.

HB 1348, relative to the milk producers emergency relief fund. Wildlife, Fish and Game, and Agriculture Committee. Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

Adopted.

Ordered to Third Reading.

HB 1451, relative to the transportation of deer by certain persons not issued a deer tag. Wildlife, Fish and Game, and Agriculture Committee. Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

Adopted.

Ordered to Third Reading.

HB 1458, relative to milk producers and hauling and stop charges. Wildlife, Fish and Game, and Agriculture Committee. Inexpedient to Legislate, Vote 3-2. Senator D'Allesandro for the committee.

MOTION TO TABLE

Senator Foster moved to have HB 1458 laid on the table.

Adopted.

LAI D ON THE TABLE

HB 1458, relative to milk producers and hauling and stop charges.

HB 1569-FN, relative to the use of drugs on wildlife. Wildlife, Fish and Game, and Agriculture Committee. Ought to Pass, Vote 5-0. Senator Janeway for the committee.

Adopted.

Ordered to Third Reading.

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 437, relative to access to voter database information.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 437, relative to access to voter database information.

Senator Burling moved to concur.

MOTION TO TABLE

Senator Burling moved to have SB 437 laid on the table.

Adopted.

LAID ON THE TABLE

SB 437, relative to access to voter database information.

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 159, establishing an interbranch criminal and juvenile justice council.

HB 173-FN-A, 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.

HB 185-FN, relative to economic revitalization zone credits.

HB 233-FN-A, specifying compensation for ballot law commissioners.

HB 399, relative to the minimum hourly rate of compensation.

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

HB 759-FN, relative to administration and enforcement of banking laws.

HB 1130, relative to repealed DWI laws.

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 1168, relative to acceptance of property donated to towns and village districts.

HB 1181, naming the Manchester district courthouse the Armand Capistran district courthouse.

HB 1191, relative to environmental investigations in tax lien and tax sale proceedings.

HB 1232, relative to the regulation by the fish and game department of baiting of game birds.

HB 1240, relative to disqualification of certain election officers and relative to arrangement of polling places.

HB 1247, relative to revolving accounts for public, educational, and governmental access to cable.

HB 1259, authorizing communities to establish municipal housing commissions and affordable housing revolving funds.

HB 1276, establishing a committee to study revisions to the auctioneers' practice act.

HB 1278, relative to the purchase of computer services and supplies for state agencies.

HB 1307, making technical corrections to town audit and reporting requirements.

HB 1335, establishing a commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan.

HB 1348, relative to the milk producers emergency relief fund.

HB 1367, relative to the conversion to a new state financial accounting and statewide budget system.

HB 1382, adopting the uniform prudent management of institutional funds act.

HB 1412, establishing a commission to study appointing or contracting with a fleet manager for state-owned motor vehicles.

HB 1447-FN, relative to Medicaid for employed adults with disabilities.

HB 1451, relative to the transportation of deer by certain persons not issued a deer tag.

HB 1480, authorizing the commissioner of revenue administration to deny certain tobacco licenses.

HB 1485, relative to state reimbursement under the housing security guarantee program.

HB 1533, relative to the office of the state treasurer.

HB 1569-FN, relative to the use of drugs on wildlife.

HB 1591-FN, relative to vehicles traded to automobile dealers.

HB 1631-FN, relative to the state purchase of biodiesel fuels.

HB 1635-FN, relative to permits for motor vehicle salvage facilities and motor vehicle crushers.

HB 1643-FN, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system.

HB 1652-FN-A, relative to the state obligation for payment of the non-federal share of FEMA public assistance and making an appropriation therefor.

HCR 11, urging municipalities to establish an annual free tire collection day.

HCR 17, encouraging the use of reusable shopping bags.

ANNOUNCEMENTS

Senator Barnes (Rule 44).

Senator Burling (Rule 44).

Senator Roberge (Rule 44).

Senator Larsen moved 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 introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, processing enrolled bill reports and amendments and forming Committees of Conference.

Adopted.

In recess to the Call of the Chair.