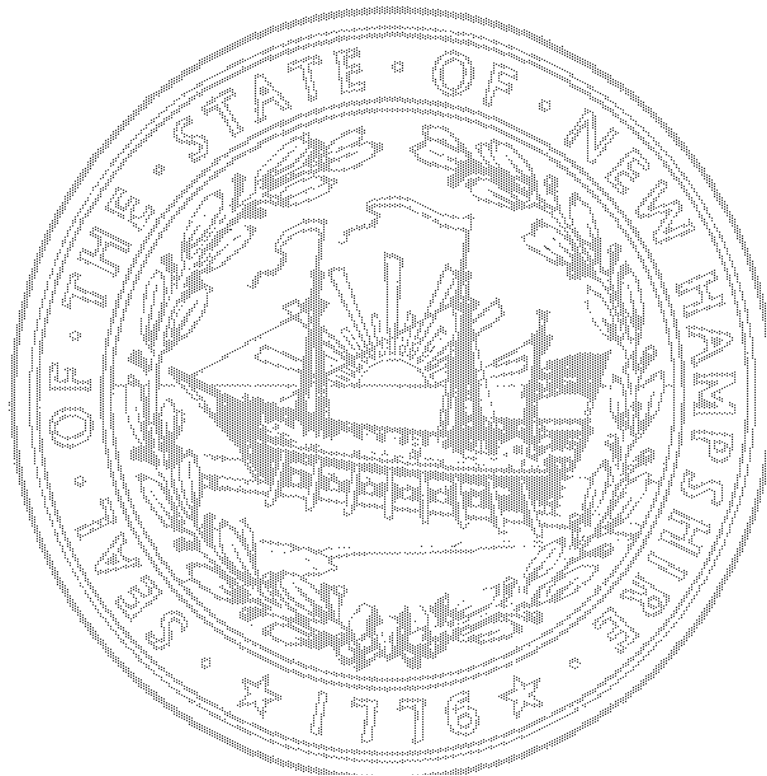


January 2, 2008
No. 1

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

COMMENCEMENT – JANUARY 2, 2008 SESSION

SENATE JOURNAL 1

January 2, 2008

The Senate met at 10:00 a.m.

A quorum was present.

The Reverend Father Demetrios Tonnias, from the Holy Trinity Greek Orthodox Church in Concord, guest chaplain to the Senate, offered the prayer.

Let us bow our heads in prayer: We give thanks to You, Heavenly King, Eternal God and Father, whose brought us together on this most auspicious day. Hear us Lord our God, as we enter the new year of Your goodness and mark a new beginning here in the great state of New Hampshire, keeping our minds and souls permanently attached to the ideals of brotherhood and mutual cooperation. We offer our heartfelt prayers today for these Your public servants who represent for all of us models worthy of emulation in the service they offer their fellow citizens. We ask You to inspire each and every one of them to take the high road of excellence in all their duties to advance the sacred principal of one nation under God and with God, and to establish a political approach that attends to the needs of all Your people as they embark on a new year of public service. We fervently pray to You, Heavenly Father, let truth be their armor; Your favor their crown; speak good to their hearts for the sake of all Your people. Permit the Senators of this esteemed, deliberative body to serve and govern in deep and enduring peace so that through the faithful conduct of their duties, we may in turn, live peaceful and serene lives. We are reminded that "every soul should be subject to the governing authorities. For there is no authority except from God, and the authorities that exist are appointed by God." We beseech You almighty God to keep alive in these Your servants the lofty principal that the public servant is the most free lord of all and subject to none. And, at the same time that the public servant is the most dutiful servant of all and subject to everyone. Amen.

Senator Gallus led the Pledge of Allegiance.

Senator Burling is excused for the day.

INTRODUCTION OF GUESTS

NEW STAFF FOR THE 2008 LEGISLATIVE SESSION

Claire Emery
Amanda Jurta
Cathy Mullen
Marty Feller
Nese Farrell

SENATE RULES

Senator Foster moved to amend Senate Rule 18 (b).

Amendment to Senate Rule 18 (b)

Amend Senate Rule 18 (b) by replacing with the following:

18. Drafting of Bills

(b) Notwithstanding the provisions of 17, a Senate bill, Senate joint resolution, or Senate concurrent resolution may be accepted by Legislative Services for drafting and introduced into the Senate at any time prior to the deadline established by Senate Rules for the transfer of bills out of the first body if approved by either a majority of the Senate Rules Committee or a two-thirds vote on the floor.

OLD LANGUAGE

LANGUAGE TO BE DELETED IS STRUCK OUT

18. Drafting of Bills

(b) Notwithstanding the provisions of 17 ~~(a), (b), and (c)~~, a Senate bill, Senate joint resolutions, or Senate concurrent resolution may be accepted by Legislative Services for drafting and introduced into the Senate at any time prior to the deadline established by Senate Rules for the transfer of bills out of the first body if approved by either a majority of the Senate Rules Committee or a two-thirds vote on the floor.

Adopted by the necessary 2/3 vote.

SENATE RULES

Senator Foster moved to amend Senate Rule 29, Senate Standing Committees.

Amendment to Senate Rule 29

The new language is bold, italicized, and underlined

Amend Senate Rule 29 by replacing with the following:

29. The standing committees of the Senate shall be as follows: the Committee on Capital Budget, the Committee on Commerce, Labor and Consumer Protection, the Committee on Education, the Committee on Election Law and Internal Affairs, the Committee on Energy, Environment and Economic Development, the Committee on Executive Departments and Administration, the Committee on Finance, the Committee on Health and Human Services, the Committee on Judiciary, the Committee on Public and Municipal Affairs, the Committee on Rules and Enrolled Bills, the Committee on Transportation and Interstate Cooperation, the Committee on Ways and Means and the Committee on Wildlife, Fish and Game and **Agriculture**.

Adopted by the necessary 2/3 vote.

SENATE RULES

Senator Foster moved to amend Senate Rule 48, Senate Deadlines.

Amendment to Senate Rule 48

Amend Senate Rule 48 by replacing with the following:

48. Deadlines:

- (a) Monday, September 10, 2007 – First day to file legislation for 2008 Session
- (b) The Office of Legislative Services shall not draft a Senate Bill or Resolution, unless a request by a member for drafting with complete information has been received not later than 5:00 p.m., Wednesday, October 24, 2007, for the 2008 Session
- (c) The last day to sign-off legislation for the above filing period shall be Wednesday, November 21, 2007, at 12:00 p.m.
- (d) The last day to sign-off legislation for a Senate Bill recommended by a Study Committee or Commission created by a Senate Bill shall be no later than 3:00 p.m. on Tuesday, January 15, 2008
- (e) Thursday, March 06, 2008 - Deadline for Policy Committees to ACT on all Senate money bills, except bills exempted pursuant to Senate Rule 26(b)
- (f) Thursday, March 20, 2008 - CROSSOVER – Last Day to ACT on all remaining Senate Bills
- (g) Thursday, May 1, 2008 - Deadline for Policy Committees to ACT on all House money bills, except bills exempted pursuant to Senate Rule 26(b)
- (h) Thursday, May 15, 2008 – Last Day to ACT on all remaining House bills
- (i) Wednesday, May 21, 2008 - Last day to FORM Committees of Conference
- (j) Friday, May 30, 2008 at 12:00 p.m. - Last day to SIGN Committee of Conference Reports
- (k) Thursday, June 5, 2008 - Last day to ACT on Committee of Conference Reports

Adopted by the necessary 2/3 vote.

INTRODUCTION OF SENATE BILL(S)

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, Senate legislation numbered from **SB 300 to SB 459 and CACR 31, CACR 32, SCR 5**, shall be by

this resolution read a first and second time by the therein listed title(s) and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

08-2039

SB 300-FN-A, relative to death benefits for corrections officers killed in the line of duty. (Clegg, Dist 14; Gatsas, Dist 16; Barnes, Dist 17; Bettencourt, Rock 4; Baldasaro, Rock 3; Carson, Rock 3; Marshall Quandt, Rock 13; Welch, Rock 8: Executive Departments and Administration)

08-2041

SB 301-FN, requiring insurers to cover prescriptions filled near the patient's residence. (Clegg, Dist 14; Fuller Clark, Dist 24; Hassan, Dist 23; Downing, Dist 22: Commerce, Labor and Consumer Protection)

08-2072

SB 302-FN, relative to parental notification. (Barnes, Dist 17; Gallus, Dist 1; Kenney, Dist 3; Roberge, Dist 9; Bragdon, Dist 11; Clegg, Dist 14; Gatsas, Dist 16; Letourneau, Dist 19; Downing, Dist 22; Mooney, Hills 19; Kappler, Rock 2: Judiciary)

08-2096

SB 303-FN, relative to special number plates. (Clegg, Dist 14; Gatsas, Dist 16; Barnes, Dist 17; Kenney, Dist 3; Letourneau, Dist 19; Gallus, Dist 1; Odell, Dist 8; Downing, Dist 22; Burling, Dist 5; Reynolds, Dist 2; DeVries, Dist 18; Cilley, Dist 6; Hassan, Dist 23; Sgambati, Dist 4; Kelly, Dist 10; Renzullo, Hills 27; Bettencourt, Rock 4; Baldasaro, Rock 3; Carson, Rock 3; Marshall Quandt, Rock 13: Transportation and Interstate Cooperation)

08-2282

SB 304-FN-LOCAL, repealing a fee charged by the registry of deeds. (Gallus, Dist 1; Clegg, Dist 14; D'Allesandro, Dist 20; Letourneau, Dist 19; Stohl, Coos 1: Finance)

08-2352

SB 305-FN, relative to the regulation of private investigators. (Clegg, Dist 14: Executive Departments and Administration)

08-2629

SB 307-FN-LOCAL, exempting Purple Heart plate recipients from number plate and registration fees. (Odell, Dist 8; Barnes, Dist 17; P. McMahon, Merr 3: Transportation and Interstate Cooperation)

08-2634

SB 308-FN-A, restoring certain foreign dividend deductions under the business profits tax and an exemption to the real estate transfer tax. (Foster, Dist 13; Odell, Dist 8: Ways and Means)

08-2641

SB 309-FN, relative to the regulation of amateur and professional fighting sports by the boxing and wrestling commission. (D'Allesandro, Dist 20; John Thomas, Belk 5: Executive Departments and Administration)

08-2643

SB 310-FN, relative to changes to games of chance. (D'Allesandro, Dist 20; F. Sullivan, Hills 12: Ways and Means)

08-2644

SB 311-FN, extending the statute of limitations for civil actions based upon a sexual assault case. (D'Allesandro, Dist 20; Roberge, Dist 9; Gottesman, Dist 12; Wall, Straf 7; G. Richardson, Merr 4; Drisko, Hills 5; Mooney, Hills 19: Judiciary)

08-2653

SB 313, relative to transfers to the revenue stabilization reserve account. (Gatsas, Dist 16; Barnes, Dist 17; Clegg, Dist 14; Gallus, Dist 1; Kenney, Dist 3; Letourneau, Dist 19; Roberge, Dist 9; Whalley, Belk 5; Weyler, Rock 8: Finance)

08-2656

SB 315, preventing the fraudulent use of the names of financial institutions. (DeVries, Dist 18; Clegg, Dist 14; Hunt, Ches 7; DeStefano, Merr 13: Commerce, Labor and Consumer Protection)

08-2658

SB 316-FN, expanding a death benefit for police officers and firefighters to emergency medical technicians. (Burling, Dist 5; D'Allesandro, Dist 20; Welch, Rock 8: Executive Departments and Administration)

08-2665

SB 317-FN, relative to the retail sale of tobacco products. (Gottesman, Dist 12; Harding, Graf 11: Executive Departments and Administration)

08-2672

SB 318-FN, relative to licensed veterinary assistant practitioners. (Cilley, Dist 6; Phinizy, Sull 5; Essex, Hills 1; Snow, Rock 1: Executive Departments and Administration)

08-2679

SB 319-FN, relative to third party liability and state recovery of public assistance. (D'Allesandro, Dist 20; Sgambati, Dist 4; Fuller Clark, Dist 24; Gallus, Dist 1; Kenney, Dist 3: Commerce, Labor and Consumer Protection)

08-2680

SB 320-FN, relative to unauthorized payment of public assistance. (D'Allesandro, Dist 20: Health and Human Services)

08-2681

SB 321, relative to transfers to the revenue stabilization reserve account. (D'Allesandro, Dist 20; Janeway, Dist 7; Sgambati, Dist 4; Odell, Dist 8; Gallus, Dist 1; Major, Rock 8: Finance)

08-2683

SB 322, relative to lists of professional bondsmen. (Barnes, Dist 17; Itse, Rock 9: Executive Departments and Administration)

08-2713

SB 328, relative to civil forfeitures for certain waste disposal violations. (Cilley, Dist 6; Reynolds, Dist 2; Clegg, Dist 14; Wall, Straf 7; DiFruscia, Rock 4; Bettencourt, Rock 4: Energy, Environment and Economic Development)

08-2721

SB 329, relative to the payment of retired judges serving on screening panels for medical injury claims. (Foster, Dist 13: Judiciary)

08-2748

SB 333-FN-A-LOCAL, establishing an exemption from the real estate transfer tax. (Reynolds, Dist 2; Friedrich, Graf 6: Ways and Means)

08-2750

SB 334-FN, relative to undue influence on real estate appraisals and relative to the quorum of the real estate appraiser's board. (Gallus, Dist 1; Roberge, Dist 9; Emerton, Hills 7; Ingram, Rock 4: Executive Departments and Administration)

08-2754

SB 335, allowing certain judges to terminate membership in the judicial retirement plan and elect senior active status. (Gottesman, Dist 12; D. Cote, Hills 23: Executive Departments and Administration)

08-2758

SB 336-FN, relative to special number plates for veterans who are former prisoners of war. (Barnes, Dist 17; Burling, Dist 5; Cilley, Dist 6; Clegg, Dist 14; D'Allesandro, Dist 20; DeVries, Dist 18; Downing, Dist 22; Estabrook, Dist 21; Foster, Dist 13; Fuller Clark, Dist 24; Gallus, Dist 1; Gatsas, Dist 16; Gottesman, Dist 12; Hassan, Dist 23; Kelly, Dist 10; Kenney, Dist 3; Letourneau, Dist 19; Odell, Dist 8; Reynolds, Dist 2; Roberge, Dist 9; Sgambati, Dist 4: Transportation and Interstate Cooperation)

08-2763

SB 337-FN, relative to home education of children. (Estabrook, Dist 21; Foster, Dist 13; Fuller Clark, Dist 24; Rous, Straf 7; Dunn, Ches 3: Education)

08-2772

SB 338, relative to the Hampton Beach capital improvement fund. (Fuller Clark, Dist 24; Hassan, Dist 23: Capital Budget)

08-2776

SB 339-FN-A, relative to per pupil funding for charter school pupils. (Fuller Clark, Dist 24; Casey, Rock 11: Education)

08-2777

SB 340-FN-A-LOCAL, requiring a transportation stipend for charter school pupils. (Fuller Clark, Dist 24; Casey, Rock 11; Stiles, Rock 15: Education)

08-2780

SB 341, prohibiting digital advertising devices on certain highways. (Fuller Clark, Dist 24; Janeway, Dist 7; Cilley, Dist 6; Clegg, Dist 14; Borden, Rock 18; Powers, Rock 16; Grote, Rock 18; Kurk, Hills 7: Transportation and Interstate Cooperation)

08-2797

SB 343-FN, authorizing charter schools to apply for and receive school building aid. (Hassan, Dist 23; Fuller Clark, Dist 24; Cilley, Dist 6; Barnes, Dist 17; Stiles, Rock 15; Weyler, Rock 8: Education)

08-2800

SB 345, prohibiting hospitals from requiring insurance coverage for organ donations and organ transplants. (Kenney, Dist 3; Crane, Hills 21: Commerce, Labor and Consumer Protection)

08-2817

SB 347, establishing a commission to study making changes to the New Hampshire accountancy act. (D'Allesandro, Dist 20; Kenney, Dist 3: Executive Departments and Administration)

08-2828

SB 349, allowing continuation of judicial retirement plan benefits for judges called to full-time active military duty. (Foster, Dist 13: Executive Departments and Administration)

08-2835

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. (Foster, Dist 13; Dokmo, Hills 6: Judiciary)

08-2842

SB 351-FN, requiring that funds in the civil legal services fund be distributed to New Hampshire Legal Assistance to establish an office at a location in Carroll county. (Kenney, Dist 3; Knox, Carr 4; Carolyn Brown, Carr 1: Judiciary)

08-2848

SB 352-FN, relative to shoreland protection. (Fuller Clark, Dist 24; Hassan, Dist 23; Cilley, Dist 6; Borden, Rock 18; Grote, Rock 18; Spang, Straf 7: Energy, Environment and Economic Development)

08-2855

SB 353-FN-LOCAL, relative to illegal aliens. (Kenney, Dist 3; Letourneau, Dist 19; Carolyn Brown, Carr 1; Baldasaro, Rock 3; Renzullo, Hills 27; Crane, Hills 21: Judiciary)

08-2862

SB 356-FN, prohibiting offenders against children from attending certain activities or events. (Kenney, Dist 3; Crane, Hills 21: Judiciary)

08-2040

SB 357, relative to the examination of acts and resolves before printing. (Clegg, Dist 14; Gatsas, Dist 16; Barnes, Dist 17; Kenney, Dist 3; Gallus, Dist 1; Marshall Quandt, Rock 13; Carson, Rock 3; Renzullo, Hills 27: Rules and Enrolled Bills)

08-2098

SB 358, relative to mooring permits. (Letourneau, Dist 19; Cilley, Dist 6; Burling, Dist 5; Wickson, Rock 5; Bishop, Rock 2; Snow, Rock 1: Transportation and Interstate Cooperation)

08-2118

SB 359, updating the health curriculum requirements for public school students. (Foster, Dist 13; Sgambati, Dist 4; Rosenwald, Hills 22: Education)

08-2173

SB 360, relative to local enforcement of the state building code. (Clegg, Dist 14; D'Allesandro, Dist 20; Cilley, Dist 6; Gatsas, Dist 16; Downing, Dist 22; Hawkins, Hills 18; Headd, Rock 3; Irwin, Hills 3; Reagan, Rock 1: Public and Municipal Affairs)

08-2228

SB 361, relative to the widening of Interstate 93. (Letourneau, Dist 19: Transportation and Interstate Cooperation)

08-2239

SB 362, relative to the responsibility for providing a free appropriate public education to students with disabilities. (Letourneau, Dist 19; P. Katsakiores, Rock 5; G. Katsakiores, Rock 5; Casey, Rock 11: Education)

08-2388

SB 363, requiring youth operators and passengers of OHRVs and snowmobiles to wear approved protective headgear. (Barnes, Dist 17; Letourneau, Dist 19: Transportation and Interstate Cooperation)

08-2598

SB 364, relative to vehicle weight tolerance. (Letourneau, Dist 19; Clegg, Dist 14; Packard, Rock 3; Rausch, Rock 5; Wickson, Rock 5; Ryan, Merr 2; Ferland, Sull 5: Transportation and Interstate Cooperation)

08-2624

SB 365, relative to testing for lead toxicity in children 4 years of age or younger. (Gallus, Dist 1; Gatsas, Dist 16; Clegg, Dist 14; Roberge, Dist 9; Barnes, Dist 17; Downing, Dist 22; Kenney, Dist 3; Letourneau, Dist 19; Odell, Dist 8; Stephanie Eaton, Graf 1; Carolyn Brown, Carr 1; Theberge, Coos 4; Weyler, Rock 8: Health, Human Services and Elderly Affairs)

08-2625

SB 366, relative to the operation of the state suggestion and extraordinary service award program. (Downing, Dist 22; Bettencourt, Rock 4: Executive Departments and Administration)

08-2626

SB 367, relative to the date of the final property tax bill in municipalities that bill quarterly. (DeVries, Dist 18; Pilotte, Hills 16; Patten, Carr 4: Public and Municipal Affairs)

08-2627

SB 368, relative to exemptions for toxics reduction in packaging. (DeVries, Dist 18; Messier, Hills 17; Beaulieu, Hills 17: Energy, Environment and Economic Development)

08-2628

SB 369, relative to the towing and storage of motor vehicles. (DeVries, Dist 18; Patten, Carr 4; Pilotte, Hills 16: Commerce, Labor and Consumer Protection)

08-2631

SB 370, relative to emergency powers of the supreme court. (Foster, Dist 13: Judiciary)

08-2639

SB 371, making various changes to the city of Manchester employees' contributory retirement system. (D'Allesandro, Dist 20; F. Sullivan, Hills 12: Public and Municipal Affairs)

08-2640

SB 372, relative to the state building code and the membership of the heating system certification advisory committee. (D'Allesandro, Dist 20; Clegg, Dist 14: Executive Departments and Administration)

08-2645

SB 373, relative to dental insurance coverage for members of the Manchester employees' contributory retirement system. (D'Allesandro, Dist 20; F. Sullivan, Hills 12: Public and Municipal Affairs)

08-2648

SB 374, relative to the process for nonrenewal of teacher contracts. (Cilley, Dist 6; Dunn, Ches 3: Education)

08-2649

SB 375-LOCAL, allowing veterinarians to inform town and city clerks about dogs that have been euthanized. (Roberge, Dist 9; Kelly, Dist 10; Barnes, Dist 17; D'Allesandro, Dist 20; Gatsas, Dist 16; Burrridge, Ches 3; Mooney, Hills 19; B. Richardson, Ches 5; Skinder, Sull 1: Public and Municipal Affairs)

08-2651

SB 376, requiring local fire chiefs to report annually to the state fire marshal on the safety of school buildings. (Kelly, Dist 10; Estabrook, Dist 21; Hassan, Dist 23; Burling, Dist 5: Education)

08-2652

SB 377, relative to the application of the prudent investor rule to town trust funds. (Burling, Dist 5; Hassan, Dist 23; Sgambati, Dist 4; Barnes, Dist 17: Public and Municipal Affairs)

08-2654

SB 378, establishing a committee to study the creation of a business court at the superior court level. (Burling, Dist 5; Foster, Dist 13; Hassan, Dist 23; Reynolds, Dist 2; Cilley, Dist 6; Fuller Clark, Dist 24: Judiciary)

08-2657

SB 379, relative to boating while intoxicated and transporting alcoholic beverages by a minor. (Letourneau, Dist 19; Clegg, Dist 14; Barnes, Dist 17; Packard, Rock 3; Waterhouse, Rock 4: Judiciary)

08-2661

SB 380, relative to petitions for boating rules. (Clegg, Dist 14; Chandler, Carr 1; Baldasaro, Rock 3; Marshall Quandt, Rock 13; Emerton, Hills 7; Daniels, Hills 6: Transportation and Interstate Cooperation)

08-2662

SB 381, relative to conservation commissions. (Burling, Dist 5; Barnes, Dist 17; Cilley, Dist 6; Clegg, Dist 14; Janeway, Dist 7; Kenney, Dist 3; Odell, Dist 8; Reynolds, Dist 2; Roberge, Dist 9; Sgambati, Dist 4; Jillette, Sull 2; Franklin, Sull 2: Public and Municipal Affairs)

08-2664

SB 382, relative to gasoline and diesel fuel prices. (Burling, Dist 5; Reynolds, Dist 2: Energy, Environment and Economic Development)

08-2670

SB 383, establishing a commission to develop a plan for the expansion of transmission capacity in the north country. (Fuller Clark, Dist 24; Hassan, Dist 23; Cilley, Dist 6: Energy, Environment and Economic Development)

08-2674

SB 384, relative to the repair of septic systems prior to the sale of waterfront property. (Sgambati, Dist 4; Janeway, Dist 7; Cilley, Dist 6; Fuller Clark, Dist 24; Odell, Dist 8; Wheeler, Merr 6; Millham, Belk 5; Wood, Belk 4; Pilliod, Belk 5; Spang, Straf 7: Energy, Environment and Economic Development)

08-2676

SB 385, requiring pharmacies to report an inability to fill prescriptions. (Cilley, Dist 6; Sgambati, Dist 4; Fuller Clark, Dist 24; DeVries, Dist 18; Miller, Straf 7; J. Tilton, Merr 6; Pilliod, Belk 5: Executive Departments and Administration)

08-2677

SB 386, relative to service territories served by several telephone utilities. (Gottesman, Dist 12; Levesque, Hills 5; Spratt, Hills 3: Energy, Environment and Economic Development)

08-2682

SB 387, relative to forfeiture of recognizances. (Barnes, Dist 17: Judiciary)

08-2684

SB 388, relative to commercial driver license qualifications. (Barnes, Dist 17: Transportation and Interstate Cooperation)

08-2688

SB 389, relative to the protection of children's medical records in abuse and neglect and child custody cases. (Sgambati, Dist 4; Odell, Dist 8; Estabrook, Dist 21; Burling, Dist 5; Julie Brown, Straf 1; Arsenault, Belk 4; B. Richardson, Ches 5; Hager, Merr 12; Dokmo, Hills 6: Judiciary)

08-2689

SB 390, establishing a suicide prevention council. (Sgambati, Dist 4; Estabrook, Dist 21; Hassan, Dist 23; Janeway, Dist 7; Letourneau, Dist 19; MacKay, Merr 11; Arsenault, Belk 4; Hager, Merr 12; Donovan, Sull 4: Health, Human Services)

08-2692

SB 391, relative to affordable health insurance for small employers. (Sgambati, Dist 4; Fuller Clark, Dist 24; Hassan, Dist 23; Janeway, Dist 7; Reynolds, Dist 2; Burling, Dist 5; McLeod, Graf 2; Nord, Rock 1; Butler, Carr 1; Foster, Hills 4; Nordgren, Graf 9: Commerce, Labor and Consumer Protection)

08-2693

SB 392, relative to recovery of child support payments. (Sgambati, Dist 4; Estabrook, Dist 21; Moran, Hills 18; Donovan, Sull 4; McLeod, Graf 2; Pilliod, Belk 5: Judiciary)

08-2696

SB 393, allowing dental hygienists to engage in independent practice. (Sgambati, Dist 4; Cilley, Dist 6; Fuller Clark, Dist 24; Gallus, Dist 1; McLeod, Graf 2; Reagan, Rock 1; Donovan, Sull 4: Executive Departments and Administration)

08-2700

SB 394, establishing an economic development advisory council. (Hassan, Dist 23; Spang, Straf 7; Reardon, Merr 11; Bucu, Carr 1: Energy, Environment and Economic Development)

08-2703

SB 395, establishing a commission to review New Hampshire's statutes on human immunodeficiency virus education, prevention, and control. (Estabrook, Dist 21; Fuller Clark, Dist 24; Gallus, Dist 1; MacKay, Merr 11; Rosenwald, Hills 22; Schulze, Hills 26; Pilliod, Belk 5; French, Merr 5: Health and Human Services)

08-2712

SB 396, relative to the establishment of a statewide transportation policy. (Kelly, Dist 10; Fuller Clark, Dist 24; Janeway, Dist 7: Transportation and Interstate Cooperation)

08-2714

SB 397, relative to mail-in rebates for merchandise purchased within the state. (Foster, Dist 13; Clegg, Dist 14; Reynolds, Dist 2: Commerce, Labor and Consumer Protection)

08-2715

SB 398, establishing a committee to study municipal boundaries and the laws pertaining to these boundaries. (Gallus, Dist 1; Odell, Dist 8; Bouchard, Merr 11; King, Coos 1; Theberge, Coos 4: Public and Municipal Affairs)

08-2718

SB 399, permitting annulment of certain criminal records in the supreme court. (Foster, Dist 13; W. Knowles, Straf 6: Judiciary)

08-2719

SB 400, relative to the authority of bail commissioners. (Foster, Dist 13; W. Knowles, Straf 6: Judiciary)

08-2722

SB 401, relative to recommendations of marital masters. (Foster, Dist 13; Dokmo, Hills 6; D. Cote, Hills 23: Judiciary)

08-2725

SB 402, relative to large groundwater permitting requirements for wells installed prior to 1998. (Cilley, Dist 6; Fuller Clark, Dist 24; Spang, Straf 7; Moody, Rock 12; Beaulieu, Hills 17; Bucu, Carr 1: Energy, Environment and Economic Development)

08-2726

SB 403, relative to large withdrawals of water from aquifers within municipal boundaries. (Cilley, Dist 6; Fuller Clark, Dist 24; Bucu, Carr 1; Case, Rock 1: Energy, Environment and Economic Development)

08-2727

SB 404, allowing dental school graduates to practice in an approved dental residency program. (Cilley, Dist 6; Sgambati, Dist 4; Gatsas, Dist 16; Clegg, Dist 14; Burling, Dist 5; Emerton, Hills 7; MacKay, Merr 11; Pilotte, Hills 16; Rosenwald, Hills 22; Harding, Graf 11: Executive Departments and Administration)

08-2728

SB 405, establishing a committee to study driver's license revocation and continuous alcohol monitoring. (Kenney, Dist 3: Judiciary)

08-2729

SB 406, relative to exempting the town of Wakefield from the setback requirements of the shoreland protection act. (Kenney, Dist 3: Energy, Environment and Economic Development)

08-2730

SB 407, establishing a committee to study the right of entry upon lands for purposes of conducting a land survey. (Burling, Dist 5; Cilley, Dist 6; DeVries, Dist 18; Kenney, Dist 3; Odell, Dist 8; Reynolds, Dist 2; Roberge, Dist 9; Sgambati, Dist 4; Clegg, Dist 14: Public and Municipal Affairs)

08-2731

SB 408, establishing a committee to study reverse mortgages. (Roberge, Dist 9; Gatsas, Dist 16; Barnes, Dist 17; Odell, Dist 8; Sgambati, Dist 4; Wendelboe, Belk 1; Batula, Hills 19: Commerce, Labor and Consumer Protection)

08-2734

SB 409, relative to conservation and preservation restrictions. (Janeway, Dist 7; Fuller Clark, Dist 24: Energy, Environment and Economic Development)

08-2739

SB 410, relative to the conditions for issuance of a death certificate. (D'Allesandro, Dist 20; Sgambati, Dist 4; Fuller Clark, Dist 24; Gallus, Dist 1: Executive Departments and Administration)

08-2746

SB 412, establishing the office of technology development and telecommunications planning and the position of director of telecommunications in the department of resources and economic development. (Reynolds, Dist 2; Burling, Dist 5: Energy, Environment and Economic Development)

08-2753

SB 413, authorizing the department of resources and economic development to retain the administrative fee for certain disposals of state lands. (Gallus, Dist 1; Chandler, Carr 1; Cloutier, Sull 4; Rausch, Rock 5: Executive Departments and Administration)

08-2760

SB 414, authorizing special elections to fill vacancies on local boards. (Barnes, Dist 17: Public and Municipal Affairs)

08-2761

SB 415, relative to the effective date of the compulsory school attendance law. (Estabrook, Dist 21; Foster, Dist 13; Fuller Clark, Dist 24; Burling, Dist 5; D'Allesandro, Dist 20; Cilley,

Dist 6; Kelly, Dist 10; Sgambati, Dist 4; Hassan, Dist 23; DeVries, Dist 18; Gottesman, Dist 12; Larsen, Dist 15; Janeway, Dist 7; Reynolds, Dist 2: Education)

08-2770

SB 416, relative to subdivision and site plan regulation waivers. (Fuller Clark, Dist 24; Sgambati, Dist 4; Cilley, Dist 6; Burling, Dist 5: Public and Municipal Affairs)

08-2771

SB 417, relative to changes to the shoreland protection act. (Fuller Clark, Dist 24; Borden, Rock 18; J. Day, Rock 13; Grote, Rock 18: Energy, Environment and Economic Development)

08-2774

SB 418, changing the name of charter schools to “innovative public schools.” (Fuller Clark, Dist 24; Casey, Rock 11: Education)

08-2782

SB 419, relative to the duties of the energy planning and advisory board and restructuring policy principles. (Downing, Dist 22; Clegg, Dist 14; Odell, Dist 8; Bettencourt, Rock 4: Energy, Environment and Economic Development)

08-2784

SB 420, relative to criminal background checks of health care facilities. (Fuller Clark, Dist 24; Hassan, Dist 23; Burling, Dist 5; Donovan, Sull 4; Pilotte, Hills 16; Shurtleff, Merr 10; MacKay, Merr 11: Executive Departments and Administration)

08-2785

SB 421-LOCAL, requiring municipal land use regulation to provide reasonable opportunities for the creation of workforce housing. (Fuller Clark, Dist 24; Larsen, Dist 15; Reynolds, Dist 2; Burling, Dist 5; DeVries, Dist 18; Foster, Dist 13; Hassan, Dist 23; Cilley, Dist 6: Public and Municipal Affairs)

08-2789

SB 423, relative to cashing of bingo winnings checks. (Kenney, Dist 3: Ways and Means)

08-2790

SB 424, relative to prohibiting ATV and trail bike use on state-owned rail trails acquired using federal funds. (Cilley, Dist 6; Fuller Clark, Dist 24; Barnes, Dist 17; Spang, Straf 7; P. McMahon, Merr 3; Snow, Rock 1; Brueggemann, Merr 12: Transportation and Interstate Cooperation)

08-2791

SB 425, relative to the data collection practices of health care providers. (Hassan, Dist 23; Fuller Clark, Dist 24; Cilley, Dist 6; Sgambati, Dist 4; Bergin, Hills 6; McLeod, Graf 2; Nord, Rock 1: Health and Human Services)

08-2793

SB 426, establishing a committee to study the current definition of the term “community benefit” applicable to nonprofit health care providers. (Hassan, Dist 23; Sgambati, Dist 4; Fuller Clark, Dist 24; Kelly, Dist 10; Odell, Dist 8; Nord, Rock 1; Bergin, Hills 6; Butler, Carr 1; J. Hammond, Hills 3: Commerce, Labor and Consumer Protection)

08-2801

SB 427, requiring hospitals to report on their standards and criteria for organ donations and transplants. (Kenney, Dist 3; Crane, Hills 21: Health and Human Services)

08-2802

SB 428, establishing a commission to study the funding of vaccines for children who are not covered by private health insurance and repealing an assessment for the cost of vaccines. (Kenney, Dist 3: Health and Human Services)

08-2803

SB 429, relative to driver education courses in other states. (Kenney, Dist 3; Buco, Carr 1: Transportation and Interstate Cooperation)

08-2805

SB 430, relative to cemeteries and mausoleums. (Downing, Dist 22; Belanger, Rock 4; Dalrymple, Rock 4; DiFruscia, Rock 4; Ingram, Rock 4: Executive Departments and Administration)

08-2808

SB 431, naming a small impoundment in Goffstown as Namaske Lake. (D'Allesandro, Dist 20; Emerton, Hills 7; Kurk, Hills 7; R. Day, Hills 7: Public and Municipal Affairs)

08-2810

SB 432, relative to workers' compensation for employee leasing companies. (Clegg, Dist 14: Commerce, Labor and Consumer Protection)

08-2811

SB 433, relative to confidential communications between a physician and a patient. (Foster, Dist 13; W. Knowles, Straf 6: Judiciary)

08-2812

SB 434, relative to providers of electronic communication services. (Janeway, Dist 7; W. Knowles, Straf 6: Energy, Environment and Economic Development)

08-2813

SB 435, relative to fill and dredge permits in wetlands. (Janeway, Dist 7: Energy, Environment and Economic Development)

08-2820

SB 438, relative to contractor accountability and disclosure in the public works construction procurement process. (Clegg, Dist 14; Larsen, Dist 15; Abbott, Rock 12; Baldasaro, Rock 3; Marshall Quandt, Rock 13; Emerton, Hills 7; Daniels, Hills 6: Executive Departments and Administration)

08-2821

SB 439, relative to money transmitters and mortgage servicing companies. (Gottesman, Dist 12: Commerce, Labor and Consumer Protection)

08-2822

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. (Cilley, Dist 6; Clegg, Dist 14; Kenney, Dist 3; Downing, Dist 22; Burling, Dist 5; Hawkins, Hills 18: Executive Departments and Administration)

08-2826

SB 441, relative to collective bargaining by judicial employees. (Foster, Dist 13: Executive Departments and Administration)

08-2827.0

SB 442-FN, requiring that the proceeds of fees for motions to appear in court pro hac vice be paid into the law library revolving fund. (Foster, Dist 13; Dokmo, Hills 6: Finance)

08-2830

SB 443, requiring notice to the probate court prior to the sale of real estate by an administrator or executor. (Foster, Dist 13: Judiciary)

08-2831

SB 444, relative to settlements on behalf of minors and judgments and decrees in favor of minors. (Foster, Dist 13: Judiciary)

08-2833

SB 445, updating the procedure for recommending persons for initial appointment as marital masters. (Foster, Dist 13; Dokmo, Hills 6: Judiciary)

08-2834

SB 446, allowing probate court judges and district court justices to sit on either court in certain circumstances. (Foster, Dist 13: Judiciary)

08-2837

SB 447, eliminating obsolete provisions regarding pleas by mail and noncomputerized courts. (Foster, Dist 13: Judiciary)

08-2838

SB 448-FN-A, relative to increasing the staff of the charitable trust unit of the department of justice and making an appropriation therefor. (Janeway, Dist 7: Finance)

08-2844

SB 449, relative to immunity for emergency services volunteers. (Bragdon, Dist 11; W. Chase, Ches 1: Executive Departments and Administration)

08-2845

SB 450, requiring the New Hampshire Citizens Health Initiative to make an annual report to the general court and to explore the possibility of creating a public insurance commission. (Fuller Clark, Dist 24: Health and Human Services)

08-2847

SB 451, authorizing rate recovery for electric public utilities investments in distributed energy resources. (Fuller Clark, Dist 24; Hassan, Dist 23; Sgambati, Dist 4; Cilley, Dist 6; Odell, Dist 8; Borden, Rock 18; J. Garrity, Rock 6; Harvey, Hills 21; Grote, Rock 18; G. Andersen, Graf 11: Energy, Environment and Economic Development)

08-2849

SB 452, relative to transportation planning. (Fuller Clark, Dist 24; Hassan, Dist 23; Janeway, Dist 7; Cilley, Dist 6; Burling, Dist 5; Kelly, Dist 10; Borden, Rock 18; Grote, Rock 18; Spang, Straf 7; Foster, Hills 4: Transportation and Interstate Cooperation)

08-2851

SB 453, relative to the terms of members of the electricians' board. (Kenney, Dist 3: Executive Departments and Administration)

08-2853

SB 454, relative to certain changes to the controlled drug act. (Kenney, Dist 3: Health and Human Services)

08-2854

SB 455, relative to the removal of designations from certain real property by the department of environmental services. (Kenney, Dist 3: Energy, Environment and Economic Development)

08-2856

SB 456, establishing a committee to study the impact of the research and development tax credit and the current cap on the credit on high technology industries and New Hampshire businesses in general. (Kenney, Dist 3; Hinkle, Hills 19; Carson, Rock 3; Crane, Hills 21; Matthew Quandt, Rock 13: Ways and Means)

08-2857

SB 457, extending the veterans' property tax credit to all honorably discharged veterans. (Kenney, Dist 3; Clegg, Dist 14; Letourneau, Dist 19; Baldasaro, Rock 3: Public and Municipal Affairs)

08-2864

SB 458, establishing a committee to study the impact on New Hampshire revenues resulting from evasion of taxes by Massachusetts businesses. (Kenney, Dist 3: Ways and Means)

08-2868

SB 459, establishing an advanced manufacturing education advisory council. (Gottesman, Dist 12; Clegg, Dist 14; Foster, Dist 13; Janeway, Dist 7; Kelly, Dist 10; Goley, Hills 8; Infantine, Hills 13; S. Kelly, Merr 7: Education)

08-2788

CACR 31, Relating to: the funding of public education. Providing that: the legislature shall make a reasonable determination of the content, extent, funding, which shall include targeting, and delivery of public education. (Gatsas, Dist 16: Judiciary)

08-2815

CACR 32, Relating to: local public education. Providing that: the local political subdivision responsible for public education shall have the power to determine curriculum, set standards, and determine funding, and that the legislature may provide supplemental funding. (Kenney, Dist 3; Ingbreton, Graf 5; Crane, Hills 21: Judiciary)

08-2816

SCR 5, Urging that federal, state, and local governments work with broadcasters and consumer groups to inform New Hampshire residents of the 2009 digital broadcast conversion. (Burling, Dist 5; Reynolds, Dist 2; Cilley, Dist 6; Kelly, Dist 10; Foster, Dist 13; Larsen, Dist 15; DeVries, Dist 18; D'Allesandro, Dist 20; Hassan, Dist 23; Fuller Clark, Dist 24: Energy, Environment and Economic Development)

COMMITTEE REPORTS

SPECIAL ORDER

Senator Larsen moved without objection HB 692 out of Public and Municipal Affairs Committee to the front of the Senate Calendar.

HB 692, allowing certain municipalities in economically depressed counties to adopt a property tax exemption for industrial construction. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 6-0. Senator Hassan for the committee.

Sen. Hassan, Dist. 23
December 12, 2007
2008-0009s
01/10

Amendment to HB 692

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

AN ACT relative to workers' compensation.

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

1 Workers' Compensation; Exclusion. Amend RSA 281-A:18-a, I to read as follows:

I. Any corporation or limited liability company may elect to exclude up to 3 executive officers or members from the compulsive coverage requirements under this chapter[; ~~provided, that such exclusion shall not apply to any individual, regardless of status or title within a corporation or limited liability company, who is actively engaged in on-site work on any construction site within the state of New Hampshire~~].

2 Certification of Current Workers' Compensation Coverage Required. Amend the introductory paragraph of RSA 228:4-b, I to read as follows:

I. Prior to any work being done by an individual contractor on any state transportation project carried out under this subdivision, such contractor, including all subcontractors and independent contractors, working on a highway, bridge, or other construction, reconstruction, alteration, or maintenance project, ***excluding routine maintenance operations conducted utilizing the contract rental agreement process***, funded by the department shall provide to the commissioner of transportation:

3 Workers' Compensation; Policy Cancellation and Return of Premium.

I. Insurance coverage on up to 3 executive officers or members of a corporation or limited liability company purchased solely to meet the requirements of RSA 281-A:18-a, I, as amended by 2007, 323:1 and which became effective September 14, 2007, may be cancelled or removed at the request of the insured.

II. Insurers returning premium pursuant to the cancellation or removal of coverage under paragraph I shall calculate the return premium amount using, at a minimum, a pro-rata methodology. Such a methodology shall result in a return premium no less than an amount which fully reflects that unexpired portion of the full term policy premium for which no insurance coverage will be provided. Insurers shall not calculate the return premium amount using any methodology which "short-rates" or otherwise penalizes the insured.

III. As a condition of cancellation or removal of coverage, the insurer may require the insured to provide a "loss-free" letter, which indicates:

(a) The names of any person or persons being excluded from coverage.

(b) The date coverage is to cease.

(c) An attestation that any person or persons to be excluded are not aware of any injuries or other claims that have occurred during the term of coverage and which have not yet been reported to the insurer.

4 Effective Date. This act shall take effect upon its passage.
2008-0009s

AMENDED ANALYSIS

This bill:

I. Clarifies the law regarding an exclusion from workers' compensation for certain officers or members of corporations and limited liability companies.

II. Excludes persons performing routine maintenance operations on certain state projects from the requirement of providing certification of current workers' compensation coverage.

III. Authorizes certain insureds who purchased workers' compensation insurance coverage to comply with the requirements of 2007, 323:1 to request that insurers return a portion of the policy premium.

The question is on the adoption of the committee amendment.

A roll call was requested by Senator Kenney.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Reynolds, Kenney, Sgambati, 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: 23 - Nays: 0

Amendment adopted.

Senator Gatsas offered a floor amendment.

**Sen. Gallus, Dist. 1
Sen. Kenney, Dist. 3
Sen. Odell, Dist. 8
Sen. Roberge, Dist. 9
Sen. Bragdon, Dist. 11
Sen. Clegg, Dist. 14
Sen. Gatsas, Dist. 16
Sen. Barnes, Dist. 17
Sen. Letourneau, Dist. 19
Sen. Downing, Dist. 22
January 2, 2008
2008-0038s
01/04**

Floor Amendment to HB 692

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

1 Workers' Compensation; Exclusion. Amend RSA 281-A:18-a, I to read as follows:

I. Any corporation or limited liability company may elect to exclude up to 3 executive officers or members from the compulsive coverage requirements under this chapter[; ~~provided, that such exclusion shall not apply to any individual, regardless of status or title within a corporation or limited liability company, who is actively engaged in on site work on any construction site within the state of New Hampshire~~].

2 Workers' Compensation; Policy Cancellation and Return of Premium.

I. Insurance coverage on up to 3 executive officers or members of a corporation or limited liability company purchased solely to meet the requirements of RSA 281-A:18-a, I, as amended by 2007, 323:1 and which became effective September 14, 2007, may be cancelled or removed at the request of the insured.

II. Insurers returning premium pursuant to the cancellation or removal of coverage under paragraph I shall calculate the return premium amount using, at a minimum, a pro-rata methodology. Such a methodology shall result in a return premium no less than an amount which fully reflects that unexpired portion of the full term policy premium for which no insurance coverage will be provided. Insurers shall not calculate the return premium amount using any methodology which "short-rates" or otherwise penalizes the insured.

III. As a condition of cancellation or removal of coverage, the insurer may require the insured to provide a "loss-free" letter, which indicates:

- (a) The names of any person or persons being excluded from coverage.
- (b) The date coverage is to cease.

(c) An attestation that any person or persons to be excluded are not aware of any injuries or other claims that have occurred during the term of coverage and which have not yet been reported to the insurer.

3 Repeal. The following are repealed:

I. RSA 228:4-b, relative to certification of current workers' compensation coverage required.

II. RSA 21-I:80, VI, relative to major projects.

III. RSA 281-A:4-b, relative to work certificate for contractors before beginning their work on public projects.

IV. RSA 6:12, I(b)(262), relative to the workers' compensation fraud fund established in RSA 281-A:4-b, IV.

V. 2007, 323:6 through 323:9 and 2007, 323:10, I, relative to a report and relative to

prospective amendments to the workers' compensation fraud fund effective July 1, 2011.

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

2008-0038s

AMENDED ANALYSIS

This bill repeals the provisions of HB 471-FN-A of the 2007 legislative session, an act relative to workers compensation compliance in the construction sector and continually appropriating a special fund (2007, 323).

The bill also authorizes certain insureds who purchased workers' compensation insurance coverage to comply with the requirements of 2007, 323:1 to request that insurers return a portion of the policy premium.

Senator Estabrook moved the question.

Without objection Senator Larsen moved to close debate.

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: Gallus, Kenney, Odell, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.

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

Yeas: 10 - Nays: 13

Floor amendment failed.

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

A roll call was requested by Senator Kenney.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Reynolds, Kenney, Sgambati, 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: 23 - Nays: 0

Adopted.

Ordered to third reading.

SUSPENSION OF THE RULES

Senator Foster moved that the Rules of the Senate be so far suspended as to allow **HB 692** to be on Third Reading and Final Passage at the present time.

Adopted by the necessary 2/3 vote.

Third Reading and Final Passage

HB 692, allowing certain municipalities in economically depressed counties to adopt a property tax exemption for industrial construction.

HB 232, relative to retaliatory rent increases and mediation of manufactured housing park disputes. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 3-0. Senator Reynolds for the committee.

Committee report of inexpedient to legislate is adopted.

HB 254, relative to mandatory employer meetings about political and religious beliefs, including beliefs about joining a union. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 3-0. Senator DeVries for the committee.

Committee report of inexpedient to legislate is adopted.

HB 281, relative to the cancellation of buying club memberships. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 3-0. Senator Gottesman for the committee.

Committee report of inexpedient to legislate is adopted.

SB 248, relative to ethical standards for volunteers in the executive branch. Election Law and Internal Affairs Committee. Inexpedient to Legislate, Vote 3-0. Senator Cilley for the committee.

MOTION TO TABLE

Senator Cilley moved to have SB 248 laid on the table.

Adopted.

LAIID ON THE TABLE

SB 248, relative to ethical standards for volunteers in the executive branch.

HB 367, relative to incompatible offices. Election Law and Internal Affairs Committee. Inexpedient to Legislate, Vote 3-0. Senator Cilley for the committee.

Committee report of inexpedient to legislate is adopted.

HB 715, establishing a committee to study the state heritage collections committee and the joint legislative historical committee. Election Law and Internal Affairs Committee. Inexpedient to Legislate, Vote 3-0. Senator Cilley for the committee.

Committee report of inexpedient to legislate is adopted.

HCR 6, urging Congress to prevent the implementation of the North American Free Trade Agreement superhighway system. Election Law and Internal Affairs Committee. Inexpedient to Legislate, Vote 4-0. Senator Letourneau for the committee.

Committee report of inexpedient to legislate is adopted.

Senators Clegg and Kenney are in opposition to the motion of inexpedient to legislate on HCR 6.

HCR 8, urging Congress to rename the Veterans Administration Hospital the Styles Bridges Veterans Administration Hospital. Election Law and Internal Affairs Committee. Interim Study, Vote 4-0. Senator Cilley for the committee.

Committee report of interim study is adopted.

SB 174-FN-A-L, establishing the northern counties development authority and making an appropriation therefor. Energy, Environment and Economic Development Committee. Interim Study, Vote 6-0. Senator Hassan for the committee.

Committee report of interim study is adopted.

SB 177, relative to orders of reparation by the public utilities commission. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 6-0. Senator Cilley for the committee.

Sen. Reynolds, Dist. 2

Sen. Cilley, Dist. 6

October 12, 2007

2007-2499s

06/09

Amendment to SB 177

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

AN ACT relative to orders of reparation by the public utilities commission and penalties against public utilities.

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

1 Reparations. Amend RSA 365:29 to read as follows:

365:29 Orders for Reparation. ~~[Whenever]~~ ***On its own initiative or whenever a petition or*** complaint has been ~~[made to]~~ ***filed with*** the commission covering any rate, fare, charge, or price demanded and collected by any public utility, and the commission has found, after hearing and investigation, that an illegal or unjustly discriminatory rate, fare, charge, or price has been collected for any service, the commission may order the public utility which has collected the same to make due reparation to the person who has paid the same, with interest from the date of the payment. Such order for reparation shall cover only payments made within 2 years before the date of ***the commission's notice of hearing or the*** filing of the petition for reparation.

2 Penalty Against Utility. Amend RSA 365:41 to read as follows:

365:41 Penalty Against Utility. Any public utility which shall violate any provisions of this title, or fails, omits or neglects to obey, observe or comply with any order, direction or requirement of the commission, shall be subject to a civil penalty, as determined by the commission, not to exceed ~~[\$25,000]~~ ***\$250,000 or 2.5 percent of the annual gross revenue that the utility received from sales in the state, which ever is lower. Such penalties shall be applied to the benefit of the utility's ratepayers, or otherwise in the public interest, as determined by the commission.*** No portion of any fine, nor any costs associated with an administrative or court proceeding which results in a fine pursuant to this section, shall be considered by the commission in fixing any temporary, permanent, or emergency rates or charges of such utility.

3 Penalty Against Agent. Amend RSA 365:42 to read as follows:

365:42 Penalty Against Agent. Every officer and agent of any such public utility who shall wilfully violate, or who procures, aids, or abets any violation of this title, or who wilfully fails to obey, observe, and comply with any order of the commission, or procures, aids or abets any such public utility in its failure to obey, observe, and comply with any such order or provision, shall be subject to a civil penalty, as determined by the commission, not to exceed ~~[\$10,000]~~ ***\$100,000*** for each violation, ~~[or for each day of a continuing violation]~~. ***Such penalties shall be distributed to the benefit of the utility's ratepayers, or otherwise in the public interest, as determined by the commission.***

4 Effective Date. This act shall take effect 60 days after its passage.
2007-2499s

AMENDED ANALYSIS

This bill requires penalties against public utilities or their agents to be distributed in the public interest.

MOTION TO TABLE

Senator Cilley moved to have SB 177 laid on the table.

Adopted.

Senator Foster Rule #42 on SB 177.

LAIID ON THE TABLE

SB 177, relative to orders of reparation by the public utilities commission.

SB 196, establishing the position of director of climate change in the office of energy and planning. Energy, Environment and Economic Development Committee. Inexpedient to Legislate, Vote 6-0. Senator Fuller Clark for the committee.

Committee report of inexpedient to legislate is adopted.

HB 392, relative to the use of property held by the state of New Hampshire under an easement specifying low impact recreational use only. Energy, Environment and Economic Development Committee. Interim Study, Vote 6-0. Senator Cilley for the committee.

Committee report of interim study is adopted.

SB 142, relative to the regulation of real estate brokers and salespersons by the real estate commission. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Cilley for the committee.

Senate Executive Departments and Administration
October 29, 2007
2007-2579s
10/04

Amendment to SB 142

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

1 Real Estate Practice Act; Criminal Records Check. Amend RSA 331-A:10-a, I to read as follows:

I. All applicants for a new salesperson or broker license shall submit to the New Hampshire department of safety, division of state police, a notarized criminal record release authorization form, along with the appropriate fee, prior to submitting an application for a real estate license. ***In addition, the applicant shall submit to the commission a criminal record report from any other jurisdiction in which the applicant has been convicted of a misdemeanor or felony offense.***

2 Qualifications for Licensure. Amend RSA 331-A:10, II(c)(1) to read as follows:

(c)(1) Has been employed full time by an active principal broker for at least one year ~~[in this state]~~ within 5 years of the date of application; or

3 Supervision; Branch Offices. Amend RSA 331-A:16, I to read as follows:

I. Every real estate office or real estate branch office, whether operated as a corporation, partnership or sole proprietorship, shall be directed, supervised and managed by a licensed real estate broker. The principal broker shall submit to the commission a branch office ~~[registration]~~ ***application*** form prior to the opening of any branch office. The principal broker shall designate a managing broker for each branch office the principal broker opens. The principal broker shall notify the commission when any licensee associated with the principal broker transfers from one branch office to another branch office within the same association.

4 Supervision of Real Estate Offices; Branch Offices. Amend RSA 331-A:16, IV to read as follows:

IV.(a) All advertisements by ~~[an associate]~~ ***a*** broker or salesperson shall include the ~~[associate]~~ broker's or salesperson's legal name or reasonable derivative thereof and the regular business name of the firm or the principal broker's name when licensed under an individual principal broker license. The firm or principal broker's name, within the advertisement, shall be clearly identifiable. This requirement shall apply to all categories of

advertising including all publications, radio or television broadcasts, all electronic media including electronic mail and the Internet, business stationery, business and legal forms and documents, and signs and billboards.

(b) Any advertising which contains a home telephone number, cell-phone number, beeper or pager number, home fax number, or electronic mail address of an individual salesperson or ~~[associate]~~ broker, or a team of such licensees, shall also include the name and telephone number of the ~~[employing]~~ **individual principal** broker or brokerage firm through which the advertising licensees operate. All such advertising shall contain language **clearly** identifying each number included in the advertising.

5 License Amendments; Trade Name. Amend RSA 331-A:17, II to read as follows:

II. A real estate principal broker who proposes to use a registered trade name in connection with a ~~[business principal]~~ **firm** broker license or ~~[the]~~ individual principal broker license shall state that fact on an amendment form, and submit the form along with the appropriate fee, the ~~[business]~~ **firm broker license** or individual principal broker license to be amended, and a trade name registration form. The ~~[business]~~ **firm broker license** or individual principal broker license shall be amended to include the trade name.

6 License Amendments; Terminations. Amend RSA 331-A:17, IV to read as follows:

IV. The license of a real estate salesperson or associate broker shall be retained at all times by the principal broker and whenever a licensed salesperson or associate broker changes his or her affiliation from one licensed principal broker to another or ceases to represent the principal broker, the principal broker shall notify the commission in writing of the termination. Such notice shall be accompanied by the salesperson's or associate broker's license. Failure of any principal broker to notify the commission of such salesperson's or associate broker's termination within ~~[49]~~ **5** days after the termination of the salesperson or associate broker shall be grounds to discipline the principal broker.

7 Denial of Reciprocity. Amend RSA 331-A:23 to read as follows:

331-A:23 Denial of Reciprocity. No ~~[nonresident]~~ **broker or salesperson applicant** whose license as a broker or salesperson is under revocation or suspension in another state shall be granted a license as a broker or salesperson in this state; and, if already granted a ~~[nonresident]~~ license **through reciprocity**, it may be revoked or suspended as provided under this chapter upon proof of the other state's action.

8 Rulemaking; Continuing Education. Amend RSA 331-A:25, IX to read as follows:

IX. A minimum of a 3-hour core course of continuing education for active and inactive license renewal, and an additional ~~[6]~~ **9** elective hours of continuing education for active license renewals.

9 Prohibited Conduct. Amend RSA 331-A:26, I to read as follows:

I. Obtaining **or attempting to obtain** a license by means of fraud, misrepresentation, or concealment.

10 Prohibited Conduct. Amend RSA 331-A:26, X to read as follows:

X. ~~[Advertising in any manner without stating the broker's legal name as licensed or reasonable derivative thereof, and]~~ In the case of a salesperson or ~~[associate]~~ broker, **advertising in any manner** without stating the name of the **individual** principal broker **when licensed under an individual principal broker license** or business name as licensed for whom or under whom the salesperson or ~~[associate]~~ broker operates.

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

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 156, relative to public health regions and regional public health councils. Health and Human Services Committee. Inexpedient to Legislate, Vote 4-1. Senator Fuller Clark for the committee.

Committee report of inexpedient to legislate is adopted.

Senator Kenney is in opposition to the motion of inexpedient to legislate on SB 156.

HB 867-FN-L, relative to parent liability for court-ordered services in juvenile proceedings. Health and Human Services Committee. Inexpedient to Legislate, Vote 5-0. Senator Kenney for the committee.

Committee report of inexpedient to legislate is adopted.

Senator Letourneau is in opposition to the motion of inexpedient to legislate on HB 867-FN-L.

SB 48, relative to removal of appointed highway agents from office. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

SB 49, relative to the authority of highway agents. Public and Municipal Affairs Committee. Interim Study, Vote 5-1. Senator Barnes for the committee.

Committee report of interim study is adopted.

SB 190, establishing a committee to study municipal regulation of private motor sports clubs. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 6-0. Senator Barnes for the committee.

Committee report of inexpedient to legislate is adopted.

Senator Kenney is in opposition to the motion of inexpedient to legislate on SB 190.

Senator Foster Rule #42 on SB 190.

HB 63, relative to conflicts of interest involving county officers and employees. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 5-0. Senator Hassan for the committee.

Committee report of inexpedient to legislate is adopted.

HB 115, relative to the procedure for counties to apply for, accept, and expend federal, state, or other grants. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 6-0. Senator Hassan for the committee.

Committee report of inexpedient to legislate is adopted.

HB 456, limiting liability for town health officers and overseers of public welfare when acting in the course of their official duties. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 6-0. Senator DeVries for the committee.

Public and Municipal Affairs

October 15, 2007

2007-2495s

08/09

Amendment to HB 456

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

AN ACT limiting liability for municipal health officers when acting in the course of their official duties.

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

1 Health Officers and Overseers of Public Welfare; Liability. Amend RSA 31:104 to read as follows:

31:104 Liability of Municipal Executives. Notwithstanding any provisions of law to the contrary, no member of the governing board of any municipal corporation or political subdivision[;], no member of any other board, commission, or bureau of any municipal corporation or political subdivision created or existing pursuant to a statute or charter, and no chief executive officer of such municipal corporation or political subdivision, including but not limited to city councilors and aldermen, selectmen, county convention members, members of boards of adjustment, members of planning boards, school board members, mayors, city managers, town managers, county commissioners, regional planning commissioners, ***municipal health officers***, and school superintendents shall be held liable for civil damages for any vote, resolution, or decision made by said person acting in his ***or her*** official capacity in good faith and within the scope of his ***or her*** authority.

2 Effective Date. This act shall take effect July 1, 2008.
2007-2495s

AMENDED ANALYSIS

This bill limits liability for municipal health officers when acting in the course of their official duties.

MOTION TO TABLE

Senator DeVries moved to have HB 456 laid on the table.

Adopted.

LAID ON THE TABLE

HB 456, limiting liability for town health officers and overseers of public welfare when acting in the course of their official duties.

SB 103-FN-L, relative to the limited betterment assessments on Class VI and private roads. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 4-0. Senator DeVries for the committee.

Sen. Cilley, Dist. 6
November 19, 2007
2007-2666s
06/09

Amendment to SB 103-FN-LOCAL

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

AN ACT establishing a committee to generate and evaluate solutions for maintaining emergency access on class VI and private roads.

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

1 Committee Established. There is established a committee to generate and evaluate solutions for maintaining emergency access on class VI and private roads.

2 Membership and Compensation.

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

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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

3 Duties. The committee shall generate and evaluate solutions for maintaining emergency access on class VI and private roads to ensure the safety of citizens without incurring additional costs.

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

5 Report. The committee 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.

6 Effective Date. This act shall take effect upon its passage.
2007-2666s

AMENDED ANALYSIS

This bill establishes a committee to generate and evaluate solutions for maintaining access on class VI and private roads.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 211-FN-A, establishing a veterans' programs number plate trust fund and a special veterans' programs license plate, to support state veterans' programs. Transportation and Interstate Cooperation Committee. Interim Study, Vote 5-0. Senator DeVries for the committee.

Committee report of interim study is adopted.

Senators Barnes and Kenney are in opposition to the motion of interim study on SB 211-FN-A.

RESOLUTION

Senator Foster moved that the Senate now 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

SB 48, relative to removal of appointed highway agents from office.

SB 103-FN-L, establishing a committee to generate and evaluate solutions for maintaining emergency access on class VI and private roads.

SB 142, relative to the regulation of real estate brokers and salespersons by the real estate commission.

ANNOUNCEMENTS

RESOLUTION

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

Adopted.

In recess to the Call of the Chair.

2007 SENATE SESSION LAID ON THE TABLE

HOUSE AND SENATE BILLS

The following legislation, which remained on the table at the time of adjournment of the 2007 session, had no further action taken.

CACR 19, relating to funding of public education. Providing that the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided that every school district receives a reasonable share of the state funds on a per pupil basis.

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

SB 96, extending the veterans' property tax credit to all honorably discharged veterans.

SB 110, relative to the ban on the sale and use of lead fishing jigs.

SB 112, relative to recommendations of marital masters.

SB 120, establishing a commission to study the removal of thimerosal from vaccines.

SB 151, relative to drug nuisance abatement.

SB 181-FN-A-L, adding a fee to motor vehicle fines for use by municipalities.

SB 203, relative to the use of the English language in writs and other court documents.

SB 218, relative to notice of sale requirements for manufactured housing parks.

SB 225-FN-A-L, relative to allowing video gaming in Coos county, building casinos in Berlin and Portsmouth, and establishing a fund to assist with the payment of property taxes.

SB 227-FN, authorizing land and community heritage investment program donations accompanying motor vehicle registrations.

SB 249-FN, establishing a new position and relative to the realignment of functions in the department of corrections.

SCR 1, declaring a state of emergency in the town of Dorchester during the March 2006 floods.

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

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

HB 146, relative to nicknames on ballots.

HB 203, relative to protections for temporary workers.

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

HB 244, repealing a certain provision of law regarding advance directives and mentally incompetent or developmentally disabled persons.

HB 263-FN, relative to health insurance riders.

HB 504-FN, relative to registration requirements for certain criminal offenders under age 21.

HB 513, establishing a housing commission.

HB 523, relative to lobbyist registration and statements, and regulation of volunteer public service.

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

HB 749, changing the position of forensic toxicologist within the department of safety from an unclassified to a classified position.

RULES OF THE SENATE

2007 – 2008

Amended Senate Rule 48-12/06/06

Amended Senate Rule 10, 26, 48 (i-c) -02/08/07

Amended Senate Rule 48 (h) – 06/07/07

Amended Senate Rule 48 (h) – 06/14/07

Amended Senate Rule 48 (i-l) – 06/27/07

Amended Senate Rule 18 (b) – 01/02/08

Amended Senate Rule 29 – 01/02/08

Amended Senate Rule 48 – 01/02/08

1. Determination of quorum; correction of Journal.
2. Members, decorum of.
3. Members, conduct when speaking.
4. Members not to speak more than twice.
5. President shall recognize whom.
6. Questions of order, appeal.
7. Member, absenting himself.
8. Motions, order of preference.
9. Questions postponed indefinitely not acted upon in same biennium.
10. Questions, when divided.
11. Objections to reading paper, how determined.
12. Roll Call, everyone must vote.
13. Galleries, clearing of.
14. Reconsideration.
15. Petitions, introduction of.

16. Bills; shall be numbered and expressed clearly.
17. Bills, introduction of.
18. Bills, drafting of.
19. Committees of Conference.
20. Resolutions to be treated as bills.
21. Bills shall have three readings; Progress of; time for second and third readings.
22. Bills, printing and distribution.
23. Bills amended only on second reading; filing of amendments.
24. Public hearings to be held and advertised.
25. Amended bills, printed distributed and disposed of.
26. Referral of Bills to Finance Committee.
27. President to sign bills, etc.
28. Committees, appointment of.
29. Standing Committees.
30. Messages sent to House.
31. Messages, when received.
32. Voting; division of Senate.
33. Visitors to Senate.
34. Hours of meeting.
35. Rules of Senate, how suspended.
36. Rules of Senate, how rescinded.
37. Committee of the whole.
38. President may name member to chair.
39. Senate staff; composition and duties.
40. Senate staff, days of employment.
41. Committees, reports and meetings.
42. Conflict of Interest.
43. Committee of Conference reports.
44. Personal privilege.
45. Appeal, presiding officer ruling.
46. Motions, no substitution under color of amendment.
47. Requisition Approval Required.
48. Deadlines
49. Requests to the Legislative Budget Assistant

RULES OF THE SENATE

2007 – 2008

1. The President, having taken the chair, shall determine a quorum to be present. Any erroneous entry in the daily journal shall be corrected no later than the third succeeding legislative day, and the permanent journal corrected within one week after the permanent journal copy is placed in the hands of the Senate.

2. No member shall hold conversation with another while a member is speaking in debate, or use electronic devices, including but not limited to personal computers, and telephonic devices, without leave of the Senate.
3. Every member, wishing to speak, shall notify the President. When the member is recognized to speak he shall rise and address the President, and when he has finished shall then sit down.
4. No member shall speak more than twice on the same question on the same day without leave of the Senate President.
5. More than one member wishing to speak at the same time, the President shall decide who shall speak first.
6. The President shall preserve decorum and order. If any member transgresses the rules of the Senate, the President shall, or any member may, call him to order in which case the member so called to order shall immediately cease and desist, and the Senate, if appealed to, shall decide the case. But if there is no appeal, the decision of the President shall be conclusive.
7. No member shall absent himself without permission from the Senate.
8. When any question is under debate, no motion shall be received but first, to adjourn; second, to lay upon the table; third, for the previous question; fourth, to postpone to a certain day; fifth, to commit; sixth, to amend; and seventh, to postpone indefinitely; which several motions shall have precedence in the order in which they are so arranged. Motions to adjourn, to lay upon the table, for the previous question, and to take from the table shall be decided without debate. Motions to postpone to a certain day shall be debatable both as to time and subject matter. No motion to postpone indefinitely, to postpone to a certain day, or to commit, being decided, shall be in order at the same stage of the bill or resolution, until after adjournment.
9. A question which is postponed indefinitely shall not be acted upon during the biennium except whenever two-thirds of the whole number of elected Senators shall on division taken, vote in favor thereof. Any bill which is indefinitely postponed shall not be reintroduced under cover of an amendment any bill, resolution, order, or committee of conference report. No motion to suspend this rule shall be permitted.
10. Any member may call for the division of the question when the sense will admit it. The question of whether two or more propositions are capable of division is to be determined by the Chair. Unless otherwise specifically provided for, each part of a divided question shall pass only upon majority vote of those members present and voting.
11. When the reading of a paper or document is objected to by a member, the question shall be determined by a vote of the Senate; and without debate.
12. When the nays and yeas have been moved by a member and duly seconded by another member each member present shall declare his assent or dissent to the question, unless for special reason he be excused by the Senate. The names of the persons so making the motion and the second shall be

recorded in the Journal. The President shall determine the order of the roll call. No member shall be required to vote in any case where he was not present when the question was put.

13. In case of any disturbance or disorderly conduct in the gallery, the President shall have the power to order the same to be cleared. The Chairman of the Committee of the Whole may restrict attendance to the duly elected Senators.

14. No vote shall be reconsidered, unless the motion for reconsideration is made by a member who voted with the prevailing side. The notice of such motion for reconsideration shall be given to the Senate in open session prior to adjournment on the same day on which the vote was passed, or to the clerk within 2 working business days of the vote. Any such notice of reconsideration shall be effective for three legislative days only and thereafter shall be null and void. Reconsideration of any bills subject to a deadline established by Senate rules must be acted upon on or before the Senate rule deadline, and thereafter shall be null and void.

15. Before any petition shall be received and read, a brief statement of the contents thereof shall be made by the member introducing the same.

16. All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced in the Senate, shall be endorsed with the name of the Senator presenting them, and with the subject matter of the same. Every bill shall be marked on the first page "Senate Bill" and numbered serially; every joint resolution shall be marked "Senate Joint Resolution" and numbered serially; every concurrent resolution proposing a constitutional amendment shall be marked "Concurrent Resolution Proposing a Constitutional Amendment" and numbered serially; and every other concurrent resolution shall be marked "Senate Concurrent Resolution" and numbered serially, as each bill or resolution is introduced into the Senate.

17. All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced into the Senate shall be delivered or caused to be delivered to the Office of Legislative Services, which in turn will submit it to the sponsor for his signature, and then to the Clerk by Legislative Services. If requested by the sponsor, a proposed bill, resolution or petition shall not be made public, except by the sponsor, until signed by the sponsor. During any adjournment the President may receive bills and resolutions for printing and for reference to committee, provided that no bill shall have a public hearing until it is formally introduced into the Senate, printed and available for distribution.

18. Drafting of Bills

(a) If a drafting request for a bill or resolution has been filed with the office of Legislative Services requiring a fiscal note as provided in RSA 14:44-47, the substance or a draft of the proposal may be provided to the legislative budget assistant for preparation of the required fiscal note without the specific

consent of the sponsor of the proposal, provided that the identity of the sponsor shall not be disclosed.

(b) Notwithstanding the provisions of 17, a Senate bill, Senate joint resolution, or Senate concurrent resolution may be accepted by Legislative Services for drafting and introduced into the Senate at any time prior to the deadline established by Senate Rules for the transfer of bills out of the first body if approved by either a majority of the Senate Rules Committee or a two-thirds vote on the floor.

(c) No bill the subject matter of which has been indefinitely postponed or made inexpedient to legislate in the Senate in the first-year session shall be admitted into the second-year session whether as a bill, an amendment, a committee of conference report or in any other manner.

(d) Legislation returned from the non-originating body, with an amendment, shall not be re-referred to Committee but shall have one of the following recommendations: Concur, Nonconcur, Nonconcur and Request a Committee of Conference. Adoption of a motion to Nonconcur kills the legislation.

19. Committees of Conference.

(a) Whenever there be any disagreement between the Senate and the House on the content of any bill or resolution, and whenever both bodies, voting separately, have agreed to establish a committee of conference, the President of the Senate shall appoint three members to the Senate conference committee on the bill and the Speaker of the House shall appoint four members to the House conference committee. Exceptions: (1) the House committee of conference on the operating budget shall consist of five members; (2) the number of the members of the committees of conference on any bill may increase or decrease if the President and the Speaker both agree. The two committees of conference on a bill shall meet jointly but vote separately while in conference. A unanimous vote by both committees of conference shall be necessary for an agreed report to the Senate and the House by the committees of conference.

(b) The first-named person from the body where the bill or resolution in disagreement originated shall have the authority to call the time and place for the first meeting of the committees of conference on said bill.

(c) The first-named person on a committee of conference shall be the chairman of that conference. The chairman of the committee of conference of the body where the bill or resolution in disagreement originated shall chair the joint meeting of the committees of conference.

(d) No action shall be taken in either body on any committee of conference report earlier than some subsequent day, after the report has been delivered to the seats or placed on a member's desk. A committee of conference may neither change the title of any bill submitted to it nor add amendments which are not germane to the subject matter of the bill as originally submitted to it.

(e) Conference Committees on Budget Bills. The report of each committee of conference on either the general appropriation bill, or the capital

improvements bill shall be printed in the journal or a supplement thereto of the appropriate body before action on said report is taken on the floor. Non-germane amendments, sections and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances. Notwithstanding the general provisions of paragraph (h) of this section, the Conference Committee on general appropriations bill may propose new items for inclusion in said bill but no such item may be so included unless and until it shall have been returned to both the Senate and the House and adopted in identical form by a majority vote in each body.

(f) When both committees of conference on a concurrent resolution proposing an amendment to the constitution have agreed, the committee of conference from the body which acceded to a request for committees of conference shall file its report with the clerk of that body who shall print it in full in the journal or supplement of that body. The report shall be made a special order of business at the late session of a subsequent day. After said report has been adopted by the first body, a message shall be transmitted to the second body which shall then act upon the report of its committee of conference.

(g) The sponsor of any bill or joint resolution referred to committees of conference shall, upon his request, be granted a hearing before said committees prior to action thereon.

(h) No member of a committee of conference shall sign any report that contains non-germane amendments or subject matter that has been indefinitely postponed in either body. For the purposes of this rule, a non-germane amendment would be any subject matter not contained in either the House or the Senate version of the bill.

20. All resolutions which may require the signature of the Governor shall be treated in the same manner as bills.

21. Every bill shall have three readings in the Senate previous to its passage. The first and second readings shall be by title only which may be accomplished by a conglomerate resolution, after which the bill shall be referred by the President to the appropriate committee and shall be printed as provided in Rule 22, unless otherwise ordered by the Senate. No bill after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills and resolutions shall be in the late session unless otherwise ordered by the Senate. The orders of the day for the reading of bills shall hold for every succeeding day until disposed of.

22. After every bill shall have been read a second time, and referred by the President to the appropriate committee, the Clerk shall procure a sufficient number of copies, printed on paper of uniform size, for the use of the legislature, and cause the same to be distributed to the members, and when printed the bill shall be immediately delivered to the committee to which it

shall have been referred. Bills received from the House shall be printed at the same stage of their procedure unless they have been printed in the House and copies distributed in the Senate, in which case any amendment made by the House shall be duplicated and distributed in the Senate.

23. No amendment shall be made but upon the second reading of a bill; and all amendments to bills and resolutions shall be in writing, with the name of the Senator and the district he represents, or in the case of a committee amendment the name of the committee that recommended it, thereon. No amendment to any bill shall be proposed or allowed at any time or by any source, including a committee of conference, except it be germane.

Amendments shall have been reviewed by the Office of Legislative Services for form, construction, statutory and chapter reference.

24. A hearing shall be held upon each bill referred to a committee, and notice of such hearing shall be advertised at least 4 days before hearing in the Senate Calendar. The Senate Calendar shall be available on the Internet for viewing as soon as it has been released for printing.

(a) All bills in the possession of committees shall be reported out with one of the following recommendations: ought to pass, ought to pass with amendment, rerefer to committee, inexpedient to legislate, or refer for interim study. Re-refer to committee shall be a committee report only in the first-year session. All rereferred bills shall be acted on by the third legislative day of the second year session. Refer for interim study shall be a committee report only in the second year session.

(b) Any legislation creating a chapter study committee shall have membership limited to members of the General Court.

25. When a bill is reported favorably with an amendment, the report of the committee shall state the amendment, and then recite the section of the bill in full as amended. The amendment shall be printed in the senate calendar on the date that the report is listed for action. If no action is taken on that day, then the amendment shall be printed on the day to which the bill has been referred. All bills reported shall be retained by the clerk and shall not be finally acted upon until the following legislative day, and a list of such bills with the report of the committee thereon shall be published in the senate calendar for the day on which action shall be taken.

26. Referral of Bills to Finance Committee

(a). Every bill and joint resolution appropriating money, and every other bill which is accompanied by a fiscal note pursuant to RSA 14:44, which has been referred to another committee and favorably accepted by the Senate, shall be committed to the Finance Committee for review. All bills which are referred directly to the Finance Committee shall have a hearing.

(b). The Chair of a standing committee may request the Chair of the Finance Committee to exempt from review a bill that is subject to a fiscal note pursuant to RSA 14:44, but which the Chair of the Finance Committee

believes has an undetermined or insignificant fiscal impact. The Chair of the Finance Committee shall announce on the floor all such bills exempted from review as soon as practicable after receipt of the request.

27. All warrants, subpoenas and other processes issued by order of the Senate shall be under the hand and seal of the President attested by the Clerk.

28. All committees of the Senate, including Senate members on committees of conference, shall consist of members of both parties as nearly equal as possible, provided that on all committees, both parties shall be represented. The President shall appoint the members of all committees, after consulting with the minority leader.

29. The standing committees of the Senate shall be as follows: the Committee on Capital Budget, the Committee on Commerce, Labor and Consumer Protection, the Committee on Education, the Committee on Election Law and Internal Affairs, the Committee on Energy, Environment and Economic Development, the Committee on Executive Departments and Administration, the Committee on Finance, the Committee on Health and Human Services, the Committee on Judiciary, the Committee on Public and Municipal Affairs, the Committee on Rules and Enrolled Bills, the Committee on Transportation and Interstate Cooperation, the Committee on Ways and Means and the Committee on Wildlife, Fish and Game and Agriculture.

30. Messages shall be sent to the House of Representatives by the Clerk of the Senate.

31. Messages from the Governor or House of Representatives may be received at all times, except when the Senate is engaged in putting the question, in calling the yeas and nays, or in counting the ballots.

32. All questions shall be put by the President, and each member of the Senate present shall signify his assent or dissent by voting yea or nay, or shall abstain from voting by reason of a conflict pursuant to rule 42. If the President doubts, or a division is called for, the Senate shall divide. Those in the affirmative on the question shall first rise from their seats and stand until they be counted. The President shall rise and state the decision of the Senate.

33. No person except members of the Senate and its officers, the Governor, Council members, the Secretary of State, the Treasurer, the Speaker of the House of Representatives and its officers and clerks, shall be admitted to the floor of the Senate while the Senate is in session, except by the invitation of the President, or some member with the President's consent.

34. The Senate shall adjourn to meet on the subsequent legislative day for the early session at the time mentioned in the adjournment motion. The late session shall immediately follow the early session unless the Senate shall otherwise order.

35. No standing rule of the Senate shall be suspended unless two-thirds of the members present and voting vote in favor thereof. This rule shall not apply to Senate Rule 9.

36. No rule shall be rescinded unless two days notice of the motion has been given and two-thirds of those present and voting vote therefore.
37. The Senate may resolve itself into a Committee of the Whole at any time on motion made for that purpose; and in forming a Committee of the Whole, the President shall leave the chair, and appoint a chairperson to preside in committee.
38. The President when performing the duties of the Chair may, at any time, name any member to perform the duties of the Chair.
39. The staff of the Senate shall be comprised of a clerk, an assistant clerk, a sergeant-at-arms, and a doorkeeper who are to be elected by the Senate, and such other personnel as the President shall appoint. The President shall define the duties of all members of the Senate staff which are not fixed by statute or otherwise ordered by the Senate.
40. Each member of the staff of the Senate shall be available on call to carry out the work of the Senate.
41. The committees shall promptly consider and report on all matters referred to them. The President may authorize such committees having a heavy load of investigation, re-drafting, research or amendments to meet as needed on non legislative days during the legislative session. The Clerk of the Senate shall prepare a list by number, title and sponsor of all Senate bills and resolutions in committee which have not been acted upon within one week before the deadline established for the transfer of bills and resolutions from the Senate to the House of Representatives, and he/she shall distribute this list to every member of the Senate as soon as it is prepared.
42. In all instances every member shall act in conformance with the duly adopted Ethical Guidelines and Opinions of the New Hampshire General Court.
43. Action on the floor of a report of the Committee on Finance or a Committee of Conference on either the general appropriations (budget) bill or the capital budget bill, shall not be taken by the Senate, until said report has been available from the Senate Clerk twenty-four hours in advance, in written form. Non-germane amendments and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances.
44. Personal Privilege: A Senator may, as a matter of personal privilege, defend his/her position on a bill, his/her integrity, his/her record, or his/her conduct, against unfair or unwarranted criticism, or may speak of an issue which relates to his/her rights, privileges or conveniences as a Senator; provided, however, the matters raised under personal privilege shall not be subject to questioning, answer, or debate, by another Senator. Personal Privilege remarks may be included in the Daily Journal if requested by the Senator, and in the Permanent Journal by vote of the Senate. A Senator may

speak on other matters of his/her choosing and in such cases may be subject to questioning and/or answer according to the Rules of the Senate.

45. Any appeal from the ruling of the presiding officer shall be decided by majority vote of the members present and voting.

46. No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

47. No officer or employee of the Senate during the session or any adjournment thereof shall purchase or contract for the purchase, pay or promise to pay any sum of money on behalf of the Senate or issue any requisition or manifest without the approval of the Senate President.

48. Deadlines:

(a) Monday, September 10, 2007 – First day to file legislation for 2008 Session

(b) The Office of Legislative Services shall not draft a Senate Bill or Resolution, unless a request by a member for drafting with complete information has been received not later than 5:00 p.m., Wednesday, October 24, 2007, for the 2008 Session

(c) The last day to sign-off legislation for the above filing period shall be Wednesday, November 21, 2007, at 12:00 p.m.

(d) The last day to sign-off legislation for a Senate Bill recommended by a Study Committee or Commission created by a Senate Bill shall be no later than 3:00 p.m. on Tuesday, January 15, 2008

(e) Thursday, March 06, 2008 - Deadline for Policy Committees to ACT on all Senate money bills, except bills exempted pursuant to Senate Rule 26(b)

(f) Thursday, March 20, 2008 - CROSSOVER – Last Day to ACT on all remaining Senate Bills

(g) Thursday, May 1, 2008 - Deadline for Policy Committees to ACT on all House money bills, except bills exempted pursuant to Senate Rule 26(b)

(h) Thursday, May 15, 2008 – Last Day to ACT on all remaining House bills

(i) Wednesday, May 21, 2008 - Last day to FORM Committees of Conference

(j) Friday, May 30, 2008 at 12:00 p.m. - Last day to SIGN Committee of Conference Reports

(k) Thursday, June 5, 2008 - Last day to ACT on Committee of Conference Reports

49. Any Senate member may make a request of the office of the Legislative Budget Assistant budget division, for technical staff assistance in the areas of finance, accounting and budgeting. The budget division may respond to that request when doing so will not interfere with the budget division's principle responsibilities as outlined in RSA 14:31-b, as determined by the Legislative Budget Assistant.