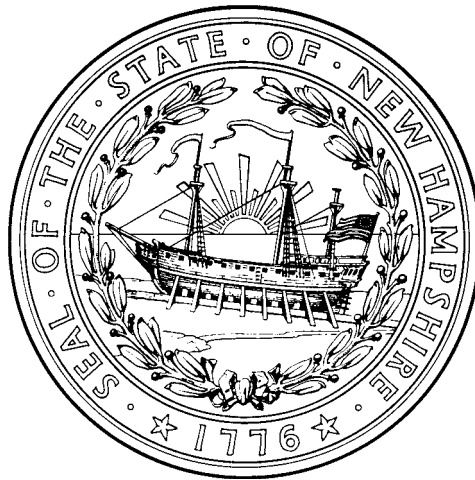


February 18, 2009
Nos. 4-5

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



161st Session of the New Hampshire General Court

Legislative Proceedings

SENATE JOURNAL

ADJOURNMENT – FEBRUARY 12, 2009 SESSION
COMMENCEMENT – FEBRUARY 18, 2009 SESSION

SENATE JOURNAL 4 *(continued)*

February 12, 2009

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 35, eliminating the office of vice-president from the presidential primary ballot.

HB 45, relative to the water supply land conservation program.

HB 58, designating segments of the Cocheco River as protected under the rivers management and protection program.

HB 76, establishing a permanent commission to study recommendations of the National Transportation Safety Board.

HB 99, relative to supervised driving time by persons completing driver education.

HB 102, relative to the rivers management and protection program.

HB 105, relative to voting machines for the counting of ballots.

HB 129, establishing a committee to study the incorporation of electronic filing procedures under the administrative procedures act.

HB 130, relative to enforceability of publicly-owned land restrictions.

HB 142, relative to extending municipal leases.

HB 144, relative to title insurance.

HB 172, allowing naturopathic doctors to dispense prescription drugs which are within their scope of practice.

HB 210, relative to public access to minutes of local land use boards.

HB 234, establishing a committee to study the certificate of need process.

HB 239-L, relative to establishing a municipal bond rescission process.

HB 267, relative to the definition of "election."

HB 270, relative to sale of human remains.

HB 284-FN, increasing the contract amount that triggers the bond requirement on public projects.

HB 292, relative to financial disclosures, lobbyist registrations and statements, prohibited gifts, and executive branch volunteers.

HB 387, relative to observation of voter registration.

HB 460, relative to the system of visitor centers.

HB 508, relative to the county-state finance commission.

INTRODUCTION OF SENATE BILLS

Sen. Hassan offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following Senate legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Resolution adopted.

First and Second Reading and Referral**09-0714**

SB 180-FN, establishing an accountability system to ensure the opportunity for an adequate education. (Kelly, Dist 10; Rous, Straf 7: Education)

Out of recess.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Hassan moved that the Senate adjourn from the Late Session.

Motion adopted.

Adjournment from the Late Session.

SENATE JOURNAL 5

February 18, 2009

The Senate reconvened at 1 p.m., a quorum being present.

The Reverend David E. Yasenka, Triumphant Cross Lutheran Church, Salem, guest chaplain to the Senate, offered the following remarks and prayer:

It's my privilege and honor to be with you today. I want to thank Sen. Barnes for what I think was a warm welcome when I was here last week before the Governor's address. It is true that I am a Cleveland Indian's fan. I was born in Cleveland, lived there until eighth grade when moving to the East. As a toddler I could name the starting lineup for the 1948 World Series winning team. After moving East my interest in the team lagged, but while in seminary I heard a sermon by a minister I revered in which he talked about a friend being a diehard Pittsburg fan as part of his Christian faith. You see, that's the time when Pittsburg was a very struggling team, and his faith encouraged him to root for the underdog because they needed the support and help more than a successful team did. I took that to heart and returned to being a Cleveland fan. This was when they were one of the worst teams in baseball. You remember the movie, "Major League"? I've been a diehard fan ever since. My job as a pastor, and yours as public servants, is to advocate for the underdogs in our communities and state. They need our support and help more than the successful ones.

Let us pray: *Ground of our being, we pause at this time to reflect on your concern for the widows, the children, the poor and all who have none to care for them. May our discussions and deliberations truly reflect our understanding of Your compassion for us and all of Your creation. May we find joy and fulfillment in learning Your will and way for us, and especially in doing what You challenge us to do.* Amen

Sen. Cilley led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Recognition of the Rochester Police Department Crisis Intervention Team: Chief David DuBois, Sgt. Stephen Burke, and member officers of the team.

Ross A. Lurgio Middle School of Bedford Seventh Grade Class students Thao Tran, Dan Soucy, Kevin Johnson, Kristina Capana, Emma Benson, and teachers Jen Wells, Jon Herod; proponents of SB 13, relative to declaring the Chinook the state dog of New Hampshire.

Senate Page: Kristi Lee Hayes, Spaulding High School, Rochester.

Senate Page: Jessica Lavoie, Spaulding High School, Rochester.

FINANCE REPORT

Sen. D'Allesandro reported that the following bills would come to Finance: SB 18, SB 70, SB 106, SB 137; the following bills will not come to Finance: SB 25, SB 39 and SB 135.

COMMITTEE REPORTS

SB 129, establishing a committee to study negative balance employers. Commerce, Labor and Consumer Protection Committee, Ought to Pass, Vote 4-0. Senator Hassan for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 129.

Motion of Ought to Pass adopted, ordered to Third Reading.

SB 91, relative to the duties of a moderator and a municipality before, during, and after an election. Election Law and Veterans' Affairs. Inexpedient to Legislate, Vote 4-1. Senator Barnes for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 91.

Motion of Inexpedient to Legislate adopted.

SB 111, authorizing the governor to appoint an additional public member to the rail transit authority and modifying the membership requirement of the state veterans' advisory committee. Election Law and Veterans' Affairs. Ought to Pass with Amendment, Vote 5-0.

Senator Barnes for the committee.

Election Law and Internal Affairs

February 10, 2009

2009-0274s

06/09

Amendment to SB 111

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

AN ACT authorizing the governor to appoint a public member to the rail transit authority.

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

1 New Hampshire Rail Transit Authority; Membership. Amend RSA 238-A:4, I(h) to read as follows:

(h) ~~Three~~ **Four** members appointed by the governor, one of whom resides in the service area of the authority as established in RSA 238-A:5, I, ~~and~~ 2 of whom are recognized as experts in railroad matters, **and one public member**.

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

The question is on the adoption of Committee Amendment 0274s.

Committee Amendment 0274s adopted.

The question is on the motion of Ought to Pass as Amended on SB 111.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SPECIAL ORDER

Sen. Hassan moved that SB 13 be Special-Ordered from Executive Departments and Administration Committee and heard at the present time.

President Larsen moved, without objection, that SB 13 would be Special-Ordered from Executive Departments and Administration Committee reports and heard at the present time.

SB 13, declaring the chinook the state dog of New Hampshire. Executive Departments and Administration Committee, Ought to Pass, Vote 4-0. Sen. DeVries for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 13.

Motion of Ought to Pass adopted, ordered to Third Reading.

SB 116, repealing the prohibition on political contributions by insurance companies. Election Law and Veterans' Affairs. Ought to Pass, Vote 5-0. Senator Carson for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 116.

Motion of Ought to Pass adopted, ordered to Third Reading.

SB 118, relative to assistance in voting. Election Law and Veterans' Affairs. Ought to Pass, Vote 5-0. Senator Houde for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 118.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

SB 60, establishing a committee to study water sustainability. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 3-1. Senator Cilley for the committee.

Energy, Environment and Economic Development

February 11, 2009

2009-0295s

06/01

Amendment to SB 60

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

AN ACT establishing a commission to study water infrastructure sustainability funding.

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

1 Commission Established. There is established a commission to study water infrastructure sustainability funding.

2 Membership and Compensation.

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) Three members of the house of representatives, including at least one member of the resources, recreation and development committee, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of environmental services, or designee.
- (d) A representative of the New Hampshire Public Works Association who is employed by a municipality, appointed by the president of the board of directors of that association.
- (e) A representative of the New Hampshire Water Works Association, appointed by the president of the board of directors of that association.
- (f) A representative of the New Hampshire Water Pollution Control Association, appointed by the president of the board of directors of that association.
- (g) A representative of the New Hampshire Local Government Center, appointed by that organization.
- (h) A representative of the New Hampshire Association of Regional Planning Commissions, appointed by that organization.
- (i) A representative of the American Council of Engineering Companies of New Hampshire, appointed by that organization.
- (i) A representative of the Business and Industry Association of New Hampshire, appointed by that organization.
- (k) Three representatives of New Hampshire environmental organizations, appointed by the executive council
- (l) A member of the U.S. Geological Survey, appointed by the regional director of the Northeast Area.

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

3 Duties. The commission's review shall include, but not be limited to, an assessment of the state's need to construct and maintain infrastructure to protect its water resources, taking into consideration public health issues, ecosystem and habitat protection, and economic factors including tourism. The committee shall evaluate the need for and methods of funding:

- I. Infrastructure for providing safe drinking water;
- II. Infrastructure for collecting and treating wastewater and stormwater; and
- III. Dams for water storage, flood control, and power generation.

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

5 Report. The commission shall make an interim report on or before November 1, 2009, with a final report of 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, 2010.

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

The question is on the adoption of Committee Amendment 0295s.

Committee Amendment 0295s adopted.

Sen. Denley is in opposition to Committee Amendment 0295s.

The question is on the motion of Ought to Pass as Amended on SB 60.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

Sen. Denley is in opposition to motion of Ought to Pass as Amended on SB 60.

SB 162-FN-A, relative to lake and pond preservation and making an appropriation therefor. Energy, Environment and Economic Development Committee. Inexpedient to Legislate, Vote 3-1. Senator Merrill for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 162-FN-A.

Motion of Inexpedient to Legislate adopted.

Sen. Denley is in opposition to Motion of Inexpedient to Legislate on SB 162-FN-A.

SB 25-FN, relative to the operation of the Hillsborough county domestic violence unit in the Manchester district court. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 3-0. Senator DeVries for the committee.

Senate Executive Departments and Administration

February 11, 2009

2009-0309s

05/04

Amendment to SB 25-FN

Amend the bill by replacing section 2 with the following:

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

The question is on the adoption of Committee Amendment 0309s.

Committee Amendment 0309s adopted.

The question is on the motion of Ought to Pass as Amended on SB 25-FN.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

Recess/Out of Recess.

HB 30-FN-A-L, requiring operating budget reductions for fiscal year 2009. Finance. Ought to Pass, Vote 7-0. Senator D'Allesandro for the committee.

The question is on the committee recommendation of Ought to Pass on HB 30-FN-A-L.

Sen. Gatsas moved to divide the question: Sections 1-8 individually, 9 and 10 together.

The Chair ruled the question to be divisible.

Roll Call was requested on Section 1 by Sen. Gatsas, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Reynolds, Denley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Section 1 of HB 30-FN-A-L adopted.

Roll Call was requested on Section 2 by Sen. Gatsas, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Reynolds, Denley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Section 2 of HB 30-FN-A-L adopted.

Roll Call was requested on Section 3 by Sen. Gatsas, seconded by Sen. Bragdon.

The following Senators voted Yes: Gallus, Reynolds, Denley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Section 3 of HB 30-FN-A-L adopted.

Roll Call was requested by Section 4 by Sen. Gatsas, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

The following Senators voted No: Denley, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

Yeas: 17 - Nays: 7

Section 4 of HB 30-FN-A-L adopted.

Roll call was requested on Section 5 by Sen. Bragdon, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Reynolds, Denley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Section 5 of HB 30-FN-A-L adopted.

The question is on the adoption of Section 6 of HB 30-FN-A-L.

A roll call was requested on Section 6 by Sen. Bragdon, seconded by Sen. Denley.

The following Senators voted Yes: Gallus, Reynolds, Sgambati, Houde, Cilley, Janeway, Roberge, Kelly, Gilmour, Lasky, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: Denley, Odell, Bragdon, Carson.

Yeas: 20 - Nays: 4

Section 6 of HB 30-FN-A-L adopted.

A roll call was requested on Section 7 by Sen. Bragdon, seconded by Sen. Gatsas.

The following Senators voted Yes: Gallus, Reynolds, Denley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Section 7 of HB 30-FN-A-L adopted.

A roll call was requested on Section 8 by Sen. Bragdon, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Reynolds, Denley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Section 8 of HB 30-FN-A-L adopted.

A roll call was requested on Sections 9 and 10 by Sen. Bragdon, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Reynolds, Denley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Sections 9 and 10 of HB 30-FN-A-L adopted.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

Sen. D'Allesandro (Rule 44): Madam President, we just had a very positive discussion about the concerns on HB 30. And I appreciate the concerns manifested by Sen. Odell and Sen. Gatsas, and want to make it quite clear that we did meet with the hospitals, we did discuss this situation, had a very candid discussion with them, and I'm sure that people are meeting with their hospitals as we speak to go over this situation. So I appreciate the fact that we had some discussion and that in this discussion we come to a conclusion that's good for the state. We all want to do good things for our state, and it's with interactions like this that we provide that impetus, and I think it's very important that we maintain the air of civility that existed during this discussion and the respect that we have for one another, and for the job that we're doing here in the Senate. Thank you, Madam President.

President Larsen, without objection, moved that the Rule 44 would be entered into the permanent record.

SB 45, extending the commission to review New Hampshire's statutes on human immunodeficiency virus education, prevention, and control. Health & Human Services. Ought to Pass, Vote 4-0. Senator Sgambati for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 45.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

SB 62, establishing a commission to study creating a statewide plan for addressing Alzheimer's disease in New Hampshire. Health & Human Services. Ought to Pass with Amendment, Vote 4-0. Senator Gilmour for the committee.

**Health and Human Services
February 10, 2009
2009-0260s
01/10**

Amendment to SB 62

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

AN ACT establishing a commission to study creating a statewide plan for addressing Alzheimer's disease and related dementias in New Hampshire.

Amend the bill by replacing section 1 with the following:

1 Commission Established. There is established a commission to study creating a statewide plan for addressing Alzheimer's disease and related dementias in New Hampshire.

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

(i) A representative of the New Hampshire Nurse Practitioner Association, appointed by the association.

Amend the bill by replacing section 3 with the following:

3 Duties.

I. The commission shall assess the current and future impact of Alzheimer's disease and related dementias on the residents of New Hampshire, examine the existing industries, services, and resources addressing the needs of persons with Alzheimer's disease and related dementias, their families, and caregivers, and develop a statewide plan to address Alzheimer's disease and related dementias in New Hampshire. The commission's study shall include an examination of the trends in the state's Alzheimer's population and needs, including the changing population with dementia, including, but not limited to, the state's role in long-term care, family caregiver support and assistance to persons with early-stage and early onset of Alzheimer's disease and related dementias, and the state's policy regarding persons with Alzheimer's disease and related dementias and developmental disabilities.

II. The commission's study shall also include:

(a) Survey of persons with Alzheimer's disease and related dementias for purposes of having proper estimates of the number of persons in the state with such disease.

(b) Existing services, resources, and capacity, including but not limited to the:

(1) Type, cost, and availability of dementia services.

(2) Dementia-specific training requirements for long-term care staff.

(3) Quality care measures for residential care facilities.

(4) Capacity of public safety and law enforcement to respond to persons with Alzheimer's disease.

(5) Availability of home and community-based resources for persons with Alzheimer's disease and respite care to assist families.

(6) Inventory of long-term care dementia care units.

(7) Adequacy and appropriateness of geriatric-psychiatric units for persons with behavior disorders associated with Alzheimer's disease and related dementia.

(8) Assisted living residential options for persons with dementia.

(9) State support of Alzheimer's disease research through New Hampshire universities and other resources.

(c) State policies or responses that are necessary, including, but not limited to, directions to provide clear and coordinated services and supports to persons and families living with Alzheimer's disease and related dementias and strategies to address any identified gaps in services.

2009-0260s

AMENDED ANALYSIS

This bill establishes a commission to study creating a statewide plan for addressing Alzheimer's disease and related dementias in New Hampshire.

The question is on the adoption of Committee Amendment 0260s.

Committee Amendment 0260s adopted.

The question is on the motion of Ought to Pass as Amended on SB 62.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

Recess/Out of Recess.

CACR 6, relating to clerks of the probate court. Providing that clerks of the probate court shall be appointed instead of elected. Judiciary. Inexpedient to Legislate, Vote 3-2.

Senator Letourneau for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on CACR 6.

Motion of Inexpedient to Legislate adopted.

Sen. Denley is in opposition to Motion of Inexpedient to Legislate on CACR 6.

SB 18-FN-A, increasing the staff and information technology responsibilities of the department of justice, charitable trust unit and establishing the charitable trust protection fund. Judiciary. Ought to Pass, Vote 3-2. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 18-FN-A.

Motion of Ought to Pass adopted, bill ordered to Committee on Finance (Rule 26).

SB 19, relative to government immunity from lawsuits for municipal dog parks. Judiciary. Inexpedient to Legislate, Vote 4-1. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 19.

Motion of Inexpedient to Legislate failed.

Sen. DeVries moved Ought to Pass.

The question is on the motion of Ought to Pass on SB 19.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

Sen. Letourneau is in opposition to Motion of Ought to Pass on SB 19.

SB 34, providing that registers of probate be present at the probate office in accordance with personnel rules established by the supreme court. Judiciary. Ought to Pass, Vote 3-2. Senator Houde for the committee.

Sen. Houde moved to table SB 34.

Motion to table adopted.

LAI D ON THE TABLE

SB 34, providing that registers of probate be present at the probate office in accordance with personnel rules established by the supreme court.

SB 70-FN, authorizing the office of mediation and arbitration within the judicial branch to provide pre-suit alternative dispute resolution services. Judiciary. Ought to Pass, Vote 5-0. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 70-FN.

Motion of Ought to Pass adopted, bill ordered to Committee on Finance (Rule 26).

SB 74-FN, requiring mediation for small claims actions. Judiciary. Inexpedient to Legislate, Vote 5-0. Senator Letourneau for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 74-FN.

Motion of Inexpedient to Legislate adopted.

SB 87-L, changing the timing of payment of fine revenue from district court clerks to municipalities. Judiciary. Ought to Pass, Vote 5-0. Senator Roberge for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 87-L.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

SB 106-FN, establishing a program for mediation of civil writs in the district court and funding the program with a surcharge on the filing fee for civil writs. Judiciary. Ought to Pass, Vote 5-0. Senator Lasky for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 106-FN.

Motion of Ought to Pass adopted, bill ordered to Committee on Finance (Rule 26).

Recess/Out of Recess.

SPECIAL ORDER

President Larsen moved that, without objection, SB 39-FN-L shall be moved to the end of today's Calendar.

SB 39-FN-L, relative to municipal deposits. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator Roberge for the committee.

SB 121, establishing a commission to study potential revenue enhancements for municipalities. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator Houde for the committee.

Public and Municipal Affairs

February 11, 2009

2009-0294s

06/01

Amendment to SB 121

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) Three members of the house of representatives, one from the ways and means committee, one from the local and regulated revenues committee, and one from the municipal and county government committee, appointed by the speaker of the house of representatives.
- (c) Five city councilors, aldermen, or administrative officials who are geographically representative of the state as a whole, nominated by the New Hampshire Municipal Association and appointed by the governor.
- (d) Five selectpersons or administrative officials who are geographically representative of the state as a whole, nominated by the New Hampshire Municipal Association and appointed by the governor.
- (e) One representative of the New Hampshire Municipal Association, appointed by that organization.
- (f) The commissioner of employment security, or designee.
- (g) One representative of the NH Tax Collectors' Association, appointed by the president of that association.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

Amend the bill by replacing section 4 with the following:

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

The question is on the adoption of Committee Amendment 0294s.

Committee Amendment 0294s adopted.

The question is on the motion of Ought to Pass as Amended on SB 121.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

Sen. Letourneau is in opposition to Motion of Ought to Pass as Amended on SB 121.

SB 109, relative to certification of excess weight vehicles. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 4-0. Senator Letourneau for the committee.

Transportation and Interstate Cooperation

February 5, 2009

2009-0207s

03/04

Amendment to SB 109

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

1 Weight; Additional Certification. Amend RSA 266:18-d, II-III to read as follows:

II. The commissioner shall issue said certificate upon receiving proper application. The application shall be accompanied by an additional fee of \$105 and the certification shall be in effect for a period of one year. ***The certification shall expire upon the sale or transfer of the vehicle. The certification shall cover a power unit and not more than one trailer.***

III. Vehicles so certified include the power unit~~[- which shall be inspected by the department of safety as meeting standard safety conditions required for the safe operation of the vehicle. The inspection shall be conducted]~~ ***and trailer. The vehicle shall be certified upon submission to the department of documentation satisfactory to the department from the manufacturer attesting that the vehicle is capable of safely carrying the additional weight. Such attestation shall be required*** upon the first application for certification and a ~~[reinspection]~~ ***new attestation*** shall be required at any time when the configuration of the vehicle relative to power unit, axles, springs, or other safety items that could affect the vehicle's ability to qualify for an excess weight certification is altered. Such ~~[inspection]~~ ***attestation*** shall designate the maximum safe gross weight for the vehicles as determined by the components and the summation of the manufacturer's axle design limits for each axle of the vehicle. ***The power unit and trailer shall be required at all times to have a current inspection sticker or decal from an official inspection station.***

2 New Paragraphs; Weight; Additional Certification. Amend RSA 266:18-d by inserting after paragraph V the following new paragraphs:

V-a. Out-of-state carriers operating under apportioned registration and requesting to carry additional weight shall comply with the requirements of this section and shall be registered for the additional weight they are certified to carry in order to be eligible for certification.

V-b. If a vehicle is declared out of service for a safety violation or is issued a citation for an axle distance violation, the certification shall be inoperative until the condition has been rectified.

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

2009-0207s

AMENDED ANALYSIS

This bill replaces the requirement that excess weight vehicles be inspected by the department of safety with a requirement that the manufacturer attest to the suitability of the vehicle to carry the excess weight. This bill also makes various changes to the terms and validity of excess weight certifications.

The question is on the adoption of Committee Amendment 0207s.

Committee Amendment 0207s adopted.

The question is on the motion of Ought to Pass as Amended on SB 109.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SB 137-FN-A, establishing a special motor vehicle license plate and associated fees to support the New Hampshire companion animal neutering fund. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 2-1. Senator Gilmour for the committee.

Transportation and Interstate Cooperation

February 11, 2009

2009-0325s

09/01

Amendment to SB 137-FN

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

1 Findings. The general court finds that allowing private citizens to donate to the fund on a voluntary basis by registering for a pet friendly license plate will raise money to help cover the costs of the companion animal spay and neuter program.

2 New Subdivision; Pet Friendly Number Plates. Amend RSA 261 by inserting after section 97-f the following new subdivision:

Pet Friendly Number Plates

261:97-g Pet Friendly Number Plates.

I. The director is hereby authorized to issue special pet friendly number plates, in lieu of other number plates. The design of these special plates shall be determined as provided in RSA 261:97-i. The plates shall

retain the “live free or die” logo. Such plates shall be issued only upon application and upon payment of a \$30 fee that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required.

II. The commissioner is also authorized to issue vanity pet friendly number plates. The fee for any such vanity pet friendly number plate shall be the fee as provided in RSA 261:97-g, in addition to the fees for vanity plates which are otherwise established by law. The vanity plate portion of the fee shall be distributed as provided in RSA 261:89 and RSA 263:52.

III. Plates shall be renewable on an annual basis for \$30 per set. Of this sum, the department shall retain an amount as is necessary to recover production and administrative costs as approved by the fiscal committee of the general court. The remaining funds shall be paid to the state treasurer and distributed as provided in RSA 261:97-h. The cost of replacement number plates and the revenue from replacement number plates shall be distributed in the same manner as revenue derived from initial number plates.

261:97-h Use of Funds. Moneys collected from the fee imposed by RSA 261:97-g shall be deposited annually in the companion animal neutering fund established in RSA 437-A:4-a.

261:97-i New Hampshire Pet Friendly Number Plate Advisory Committee; Duties; Meetings.

I. A New Hampshire pet friendly number plate advisory committee is hereby established. The pet friendly number plate advisory committee shall be composed of the following:

- (a) The commissioner of agriculture, markets, and food, or designee.
- (b) The state veterinarian, or designee.
- (c) The commissioner of resources and economic development, or designee.
- (d) The commissioner of safety, or designee.
- (e) Three house members appointed by the speaker of the house of representatives.
- (f) One senator appointed by the president of the senate.

II. The first appointed house member shall act as chairperson of the committee.

III. The committee shall:

(a) Jointly determine the plate design with final approval by the commissioner of safety. The commissioner of safety shall establish a numbering system and method of distribution.

(b) Register the design with the secretary of state. The commissioner of safety, with the approval of the governor and council, shall have the authority to enter into contractual arrangements for the commercial use of the pet friendly number plate design. Any royalties derived from such contracts shall be deposited into the companion animal neutering fund created under RSA 437-A:4-a.

(c) Monitor the implementation of the program through an annual evaluation of the contribution to the companion animal neutering fund through purchase of pet friendly number plates each year.

IV. The committee shall meet at least annually, but more often if necessary. The members shall serve without compensation, except that legislative members of the committee shall receive mileage at the legislative rate. The committee chairperson shall appoint a secretary from within the committee to keep a detailed record of all proceedings.

V. Any vacant position shall be filled by the appropriate authority.

VI. All proceeds from the sale of products using the pet friendly number plate design by an agency authorized to receive proceeds from the companion animal neutering fund may be retained by such agency.

VII. It shall be the duty of legislative members of the committee to initiate appropriate legislation to ensure that the purposes and goals of the pet friendly number plate program are being achieved.

261:97-j Plate Use. Plates may be used on passenger motor vehicles and recreation vehicles.

261:97-k Report.

I. The members representing the department of agriculture, markets, and food, the department of resources and economic development, and the department of safety shall each submit a report to the New Hampshire pet friendly number plate advisory committee chairperson no later than October 1 of each year. The committee chairperson shall compile the 3 reports as a unified report and submit the unified report to the governor, senate president, and the speaker of the house of representatives no later than December 31 of each year.

II. The unified report shall contain:

(a) A report from the department of safety indicating:

(1) The total number of pet friendly number plates sold during the preceding year, including the number of initial plates and the number of renewals.

(2) The gross revenue derived from the sale of pet friendly number plates.

(3) The amount retained by the department of safety to cover administrative costs of the program.

(4) The amount paid to the state treasurer for deposit into the companion animal neutering fund during the preceding fiscal year.

(b) A report from the department of agriculture, markets, and food indicating:

(1) The amount of proceeds received under RSA 261:97-h.

(2) Total funds expended from the companion animal neutering fund.

3 New Paragraph; Acceptance of Funds. Amend RSA 437-A:4-a by inserting after paragraph II the following new paragraph:

III. The commissioner may accept moneys from the sale of pet friendly number license plates under RSA 261:97-g to be deposited in the fund.

4 Application of Receipts. Amend RSA 6:12, I(b)(59) to read as follows:

(59) Moneys received under **RSA 261:97-g**, RSA 466:4, I(c), RSA 466:6, III, and RSA 437-A which shall be credited to the companion animal neutering fund, established in RSA 437-A:4-a.

5 Date for Implementation; Issuance of Pet Friendly Number Plates. The director of motor vehicles shall begin issuing special pet friendly number plates under RSA 261:97-g if, on or before January 1, 2011, supporters have provided the director with a list of 1,500 names, dated signatures, and current plate numbers of New Hampshire residents who have signed a statement declaring they intend to purchase pet friendly number plates and have paid a subscription fee of \$30 for each set of plates and the supporters have provided the director with the sum of these subscription fees totaling \$45,000. The director shall deposit these subscription fees in a dedicated nonlapsing account for the manufacture, production, and distribution of pet friendly number plates. Upon receipt of these subscription fees, the director shall provide the supporters who have posted the subscription fees with 1,500 credit receipts for them to distribute to the subscribers. Each credit receipt may be used toward the purchase of one set of pet friendly number plates.

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

The question is on the adoption of Committee Amendment 0325s.

Committee Amendment 0325s adopted.

Sen. Gatsas asserts Rule 42 on SB 137-FN-A.

Sen. Sgambati moved SB 137-FN-A be laid on the table.

A roll call was requested by Sen. Roberge, seconded by Sen. Barnes.

The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Roberge, Kelly, Bragdon, Gilmour, Lasky, Larsen, DeVries, Letourneau, D'Allesandro, Merrill, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Denley, Odell, Carson, Gatsas, Barnes, Downing.

Yeas: 17 - Nays: 7

Motion to table adopted.

Sen. Roberge is in opposition to Motion to have SB 137-FN-A laid on the table.

Sen. Gatsas asserts Rule 42 on SB 137-FN-A.

LAI D ON THE TABLE

SB 137-FN-A, establishing a special motor vehicle license plate and associated fees to support the New Hampshire companion animal neutering fund.

SB 150, relative to the definition of "neighborhood electric vehicle." Transportation and Interstate Cooperation Committee. Re-refer to committee, Vote 3-0. Senator Letourneau for the committee.

The question is on adoption of committee recommendation of Re-refer to Committee on SB 150.

Motion of Re-refer to Committee adopted.

SB 79, relative to the compensation of game operators. Ways and Means. Ought to Pass with Amendment, Vote 4-0. Senator Odell for the committee.

Senate Ways and Means

February 11, 2009

2009-0285s

08/04

Amendment to SB 79

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

2 Repeal. The following are repealed:

- I. 2007, 280:2, relative to reducing the maximum value of prizes for certain games.
- II. 2007, 280:5, I, relative to the effective date of 2007, 280:2.
- III. RSA 287-A:9, relative to the capacity requirement for raffles held at bingo games.

3 Effective Date.

- I. Section 2 of this act shall take effect June 30, 2009.
- II. The remainder of this act shall take effect upon its passage.

2009-0285s

AMENDED ANALYSIS

This bill raises the limit for which game operators may be reimbursed for out-of-pocket expenses.

This bill also repeals the prospective reduction of the maximum value of prizes for certain games and the capacity requirement for raffles held at bingo games.

The question is on the adoption of Committee Amendment 0285s.

Sen. Odell moved to table SB 79.

Motion to table adopted.

LAI D ON THE TABLE

SB 79, relative to the compensation of game operators.

SB 135-FN, increasing the registration fees for snowmobiles and the agent's fee for OHRVs and snowmobiles. Ways and Means. Ought to Pass with Amendment, Vote 3-0. Senator Odell for the committee.

Ways and Means

February 10, 2009

2009-0267s

10/09

Amendment to SB 135-FN

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

AN ACT increasing snowmobile registration fees, OHRV dealer and rental agency registration fees, agent's fee for OHRVs and snowmobiles, and the penalty for an unregistered snowmobile.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:

3 OHRVs; Dealer Registration; Rental Agency registration; Fees. Amend RSA 215-A:23, IV and IV-a to read as follows:

IV. Dealer registration- [~~\$35~~] **\$45.50** for each plate.

(a) The first [~~\$16~~] **\$20.80** shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, [~~\$9.30~~] **\$12.09** shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and [~~\$9.70~~] **\$12.61** shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

IV-a. Rental agency registration- [~~\$58~~] **\$75.40** for each set of decals.

(a) The first [~~\$35~~] **\$45.50** shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, [~~\$11.10~~] **\$14.43** shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and [~~\$11.90~~] **\$15.47** shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

4 Uniform Fine Schedule; Fish and Game; OHRV and Snowmobile Violations; Operate Unregistered Snowmobile. Amend the title XVIII uniform fine schedule for operation of unregistered snowmobile established in 2007, 54:2, line 26 to read as follows:

26. 215-C:36, II Operate Unregistered Snowmobile [~~\$120.00~~] **\$180.00**

2009-0267s

AMENDED ANALYSIS

This bill increases:

- I. The registration fees for snowmobiles.
- II. The OHRV dealer registration fee and the OHRV rental agency registration fee.
- III. The agent's fee for OHRVs and snowmobiles.
- IV. The fine for operation of an unregistered snowmobile.

The question is on the adoption of Committee Amendment 0267s.

Committee Amendment 0267s adopted.

The question is on the motion of Ought to Pass as Amended on SB 135-FN.

Motion of Ought to Pass as Amended adopted, ordered to Third Reading.

HOUSE MESSAGE

The Clerk read the following House Message:

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

SB 38, relative to placing vote tallies on town and school district ballots.

Sen. DeVries recommends concurrence.

The question is on concurrence with House Amendment 0326h on SB 38.

Motion of concurrence adopted, SB 38 is adopted.

Recess/Out of Recess.

Sen. Hassan moved to remove SB 79 off the table.

Motion to remove from table adopted.

MOTION TO REMOVE FROM THE TABLE

SB 79, relative to the compensation of game operators. .

Senate Ways and Means

February 11, 2009

2009-0285s

08/04

Amendment to SB 79

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

2 Repeal. The following are repealed:

- I. 2007, 280:2, relative to reducing the maximum value of prizes for certain games.
- II. 2007, 280:5, I, relative to the effective date of 2007, 280:2.

III. RSA 287-A:9, relative to the capacity requirement for raffles held at bingo games.

3 Effective Date.

I. Section 2 of this act shall take effect June 30, 2009.

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

The question is the adoption of Committee Amendment 0285s.

Committee Amendment 0285s adopted.

The question is on the Motion of Ought to Pass as Amended on SB 79.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

Recess/Out of Recess.

SPECIAL ORDER

SB 39-FN-L, relative to municipal deposits. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator Roberge for the committee.

Public and Municipal Affairs

February 11, 2009

2009-0292s

08/09

Amendment to SB 39-FN-LOCAL

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

1 Municipal Deposits. Amend RSA 41:29, VII to read as follows:

VII. The treasurer shall ensure that all moneys remitted shall be deposited at least on a weekly basis, or daily whenever funds remitted from all departments collectively totals [~~\$500~~] **\$1,500** or more. Such deposit function may be delegated pursuant to paragraph VI. However, failure to ensure that funds are being deposited on a timely basis as required by this paragraph shall be cause for immediate removal from office pursuant to RSA 41:26-d. ***In any municipality where there is either no bank or other depository institution within the municipality the treasurer shall make deposits consisting of funds remitted from all departments and collectively totaling \$1,500 or more on a weekly basis or more frequently as directed by the board of selectpersons in the investment policy adopted pursuant to RSA 41:9, VII.***

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

The question is on the adoption of Committee Amendment 0292s.

Committee Amendment 0292s adopted.

Sen. Hassan offered Floor Amendment 0417s.

Sen. Bragdon, Dist. 11

Sen. Gallus, Dist. 1

Sen. Reynolds, Dist. 2

Sen. Denley, Dist. 3

Sen. Sgambati, Dist. 4

Sen. Houde, Dist. 5

Sen. Cilley, Dist. 6

Sen. Janeway, Dist. 7

Sen. Odell, Dist. 8

Sen. Roberge, Dist. 9

Sen. Kelly, Dist. 10

Sen. Gilmour, Dist. 12

Sen. Lasky, Dist. 13

Sen. Carson, Dist. 14

Sen. Larsen, Dist. 15

Sen. Gatsas, Dist. 16

Sen. Barnes Jr., Dist. 17

Sen. DeVries, Dist. 18

Sen. Letourneau, Dist. 19

Sen. D'Allesandro, Dist. 20

Sen. Merrill, Dist. 21
Sen. Downing, Dist. 22
Sen. Hassan, Dist. 23
Sen. Fuller Clark, Dist. 24
February 18, 2009
2009-0417s
06/09

Floor Amendment to SB 39-FN-LOCAL

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

AN ACT relative to municipal deposits and special meetings for considering an appropriate response to the American Recovery and Reinvestment Act of 2009.

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

2 American Recovery and Reinvestment Act of 2009; Special Meeting; Appropriation and Expenditure of Funds. Notwithstanding any other provision of law to the contrary, any town, village district, or school district, including those towns that have adopted RSA 40:13, may call a special meeting, without court approval, to consider an appropriate response to the American Recovery and Reinvestment Act of 2009 or any similar act adopted by Congress in 2009. The legislative body at such a meeting may authorize the appropriation and expenditure of any funds allocated to the political subdivision by the federal act, the appropriation and expenditure of any local matching share, the issuance of bonds for any local share, and the adoption of a warrant article under the provisions of RSA 31:95-b. Such meetings shall be subject to the following:

I. Such town, village district, or school district shall post a notice, which shall include the warrant, at least 7 days prior to the meeting. Additional notice shall be posted on the political subdivision's website and published in a newspaper of general circulation in the political subdivision, provided that if there is no website or no newspaper of general circulation which publishes between the date of notice and the date of the meeting, public notice shall be posted in at least 3 places within the political subdivision.

II. The governing body shall hold a public hearing on the proposed warrant articles at the town meeting.

III. The governing body of any town, village district, or school district that has adopted the provisions of RSA 40:13 may elect to follow the procedures of this section, or provide at least a 15 day period between the deliberative session and the vote for the purposes of proceedings under this section.

3 Repeal. Section 2 of this act, relative to the American Recovery and Reinvestment Act of 2009, is repealed.

4 Effective Date.

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

II. Section 3 of this act shall take effect January 1, 2010.

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

2009-0417s

AMENDED ANALYSIS

This bill allows town treasurers to make certain deposits weekly and establishes special procedures to enable towns to respond appropriately to the American Recovery and Reinvestment Act of 2009.

The question is on the adoption of Floor Amendment 0417s.

Floor Amendment 0417s adopted.

The question is on the motion of Ought to Pass as Amended on SB 39-FN-L.

A roll call was requested by Sen. Gatsas, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Reynolds, Denley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Hassan moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Motion adopted.

Adjournment from the Early Session.

**LATE SESSION
ANNOUNCEMENTS****Third Reading and Final Passage**

SB 13, declaring the chinook the state dog of New Hampshire.

SB 19, relative to government immunity from lawsuits for municipal dog parks.

SB 25, relative to the operation of the Hillsborough county domestic violence unit in the Manchester district court.

SB 39-FN-L, relative to municipal deposits and special meetings for considering an appropriate response to the American Recovery and Reinvestment Act of 2009.

SB 45, extending the commission to review New Hampshire's statutes on human immunodeficiency virus education, prevention, and control.

SB 60, establishing a commission to study water infrastructure sustainability funding.

SB 62, establishing a commission to study creating a statewide plan for addressing Alzheimer's disease and related dementias in New Hampshire.

SB 79, relative to the compensation of game operators.

SB 87-L, changing the timing of payment of fine revenue from district court clerks to municipalities.

SB 109, relative to certification of excess weight vehicles.

SB 111, authorizing the governor to appoint a public member to the rail transit authority

SB 116, repealing the prohibition on political contributions by insurance companies.

SB 118, relative to assistance in voting.

SB 121, establishing a commission to study potential revenue enhancements for municipalities.

SB 129, establishing a committee to study negative balance employers.

SB 135-FN, increasing snowmobile registration fees, OHRV dealer and rental agency registration fees, agent's fee for OHRVs and snowmobiles, and the penalty for an unregistered snowmobile.

SB 135-FN, increasing the registration fees for snowmobiles and the agent's fee for OHRVs and snowmobiles.

HB 30-FN-A-L, requiring operating budget reductions for fiscal year 2009.

ANNOUNCEMENTS**MOTION TO RECESS TO CALL OF THE CHAIR**

Sen. Hassan moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments.

Motion adopted.

The Senate is in recess to the Call of the Chair.

NOTICE:

In the Senate Journal dated January 8, 2009, LSR 09-0955 was mistakenly listed as introduced. The LSR had inadvertently been sent to the Senate Clerk's Office after it was withdrawn by its sponsor.