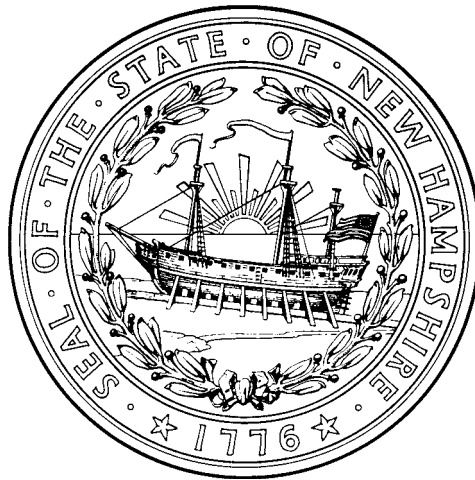


January 6, 2010
No. 1

STATE OF NEW HAMPSHIRE

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



**Second Year of the 161st Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

COMMENCEMENT – JANUARY 6, 2010 SESSION

SENATE JOURNAL 1

January 6, 2010

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

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditative thoughts and prayer:

I love the way on TV vampires are struck down by a ray of sunlight. And vampires are all the rage right now on TV, and it's exciting to see that beam of light hit them and to burst into dust. In most religious traditions there's considerable discussion about light and dark and the respective powers they hold. In the Christian tradition we celebrate the Feast of the Epiphany 12 days after Christmas; that's today. It's a feast of light conquering darkness. And in our own consideration of light, in light and darkness, I find the best way to live out light is to consider how I speak and what I say. Everything we say is either a window or a door. It's posed that way and it's received that way. And the question of Epiphany, the question of light, the question of living, is simply the extent to which we can more often choose to be windows than doors. Let there be light. And there was light. Let us pray:

God of light and darkness, shine through us like candles in the windows of a house on a stormy night so that what we say and how we live is a welcome port in the storm of life to those around us. Amen

Sen. Gallus led the Pledge of Allegiance.

The National Anthem was sung by Jordan Smith, an eighth-grade student from Mountain View Middle School in Goffstown. Ms. Smith was introduced by Sen. Roberge.

INTRODUCTION OF GUESTS AND PRESENTATIONS NEW STAFF FOR THE 2010 LEGISLATIVE SESSION

President Larsen introduced the following new Senate Staff members: Christopher Kennedy, Majority Director; Donna Nelson, secretary to Sen. Merrill.

RESOLUTION presented by Sen. Houde to Helen Schotanus in recognition of her retirement from 38 years as an educator, 24 of which were with the New Hampshire Department of Education. Sen. Barnes and Sen. D'Allesandro contributed further recognition of the appreciated efforts of Helen being instrumental in supporting and encouraging public kindergartens throughout the state.

RESOLUTION presented by Sen. Larsen and Sen. Janeway to Merrimack Valley School District Superintendent Mike Martin, named by the New Hampshire School Administrators Association as "Superintendent of the Year" for 2010.

Sen. Sgambati welcomed her son Eric Sgambati and friend Marcey Tofte, from Colorado, visitors to the Senate today.

Sen. Reynolds introduced and welcomed Haley Coutu and Faustina Lalmond, students from Woodsville High School who are serving as Senate Pages for today's session.

LETTER OF RESIGNATION OF SENATOR GATSAS

Without objection President Larsen asked Sen. Barnes to read the following letter of resignation from Senator Gatsas, requesting the letter to be entered into the Senate Journal:

November 12, 2009

Dear Senate President Larsen,

I write today to officially inform you that I am resigning my position as State Senator. My recent election as the next Mayor of Manchester will require my full attention and therefore I will be unable to perform my duties as the State Senator representing District 16.

For the last nine years it has been my top priority to provide my constituents with the type of first-class representation and constituent service that they so rightfully deserve. To that end, I want to ensure a smooth transition with minimal disruption. As a result, I am taking this step so that a special election can be held to fill this seat in a timely manner, allowing my successor to fulfill the duties of the office.

It has been an honor and a privilege to serve the constituents of District 16. I appreciate the trust and confidence they have instilled in me and I worked hard to deliver on their behalf.

In closing I would like to say thank you. Thank you to my colleagues ... past and present; it has been an honor and a privilege to serve with you. Thank you also to the staff and support network that made my service possible.

Best wishes for a successful session in 2010. If I can ever be of any assistance in my new capacity as Mayor of Manchester, please do not hesitate to contact me. I look forward to hearing from you.

*Warm Regards,
Theodore L. Gatsas
Mayor-Elect*

RESIGNATION OF DOORKEEPER

President Larsen announced and read the resignation of David Bonner as Senate Doorkeeper.

ELECTION OF THE SERGEANT-AT-ARMS

President Larsen asked for nominations for Sergeant-at-Arms.

Sen. Hassan nominated Lt. Douglas Wyman, Sr., for Sergeant-at-Arms of the New Hampshire Senate.

Sen. Bragdon seconded the nomination.

There were no further nominations.

Nomination adopted.

The Honorable Douglas Wyman, Sr., was elected Sergeant-at-Arms of the New Hampshire Senate.

ELECTION OF THE DOORKEEPER

President Larsen asked for nominations for Doorkeeper.

Sen. Hassan nominated Dr. Roger Brooks for Doorkeeper of the New Hampshire Senate.

Sen. Bragdon seconded the nomination.

There were no further nominations.

Nomination adopted.

The Honorable Dr. Roger Brooks was elected Doorkeeper of the New Hampshire Senate.

OATH OF THE SENATE'S ELECTED STAFF OFFICERS

President Larsen administered the Oath of Office to the newly elected Sergeant-at-Arms and Doorkeeper of the New Hampshire Senate:

PRESIDENT LARSEN: Raise your right hand and where appropriate state your name and repeat after me:

I, (state your name), do solemnly swear that I will bear faith and true allegiance to the United States of America and the State of New Hampshire, and will support the Constitution thereof. So help me God.

I, (state your name), do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as (state your position) according to the best of my abilities, agreeably to the rules and regulations of this Constitution and the laws of the State of New Hampshire. So help me God.

INTRODUCTION OF SENATE BILLS

Sen. Hassan offered the following motion:

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.

Motion adopted.

First and Second Reading and Referral

10-2922

SB 300, relative to the system benefits charge. (Hassan, Dist 23; Fuller Clark, Dist 24; Bragdon, Dist 11; Bradley, Dist 3; Wallner, Merr 12; Packard, Rock 3; Kaen, Straf 7; Introne, Rock 3: Energy, Environment and Economic Development)

10-2687

SB 301, relative to combustion of untreated wood at municipal transfer stations. (Odell, Dist 8; Sad, Ches 2; B. Williams, Graf 8; Webb, Merr 2: Energy, Environment and Economic Development)

10-2693

SB 302, relative to notice of driver's license expiration. (Letourneau, Dist 19; Gilmour, Dist 12; Odell, Dist 8; R. Williams, Merr 11; Packard, Rock 3; Nedeau, Belk 3: Transportation and Interstate Cooperation)

10-2694

SB 303, authorizing revocation and suspension of vehicle dealer licenses. (Letourneau, Dist 19; Gilmour, Dist 12; R. Williams, Merr 11; Packard, Rock 3: Transportation and Interstate Cooperation)

10-2712

SB 304, relative to the return of outdated drugs. (Lasky, Dist 13; Keans, Straf 1; Case, Rock 1; D. Sullivan, Hills 8: Health and Human Services)

10-2721

SB 305, naming a bridge in Lisbon in honor of Specialist Alan J. Burgess. (Gallus, Dist 1; Reynolds, Dist 2; Barnes, Jr., Dist 17; Gionet, Graf 3; Bulis, Graf 1; B. Ward, Graf 1; Leishman, Hills 3: Public and Municipal Affairs)

10-2725

SB 306, extending the commission to develop a legislative plan to meet the needs of certain adults with developmental disabilities. (Gilmour, Dist 12; Schulze, Hills 26; Harris, Sull 4: Health and Human Services)

10-2729

SB 307, relative to voting by members of voluntary corporations and associations. (Janeway, Dist 7; Kurk, Hills 7: Executive Departments and Administration)

10-2732

SB 308, relative to the price for filling prescriptions. (Gilmour, Dist 12: Commerce, Labor and Consumer Protection)

10-2740

SB 309, relative to exempting the division of fire standards and training and emergency medical services from the definition of private postsecondary career school. (Bradley, Dist 3; Boutin, Merr 9: Education)

10-2744

SB 310, establishing a commission to study case management and sign language interpreters for the deaf and hard of hearing. (Carson, Dist 14; Gilmour, Dist 12; Clarke, Merr 6; Emerson, Ches 7: Health and Human Services)

10-2746

SB 311, relative to special education services for persons incarcerated and persons attending Granite State high school. (Carson, Dist 14; Stiles, Rock 15; Charron, Rock 7; Clarke, Merr 6: Education)

10-2748

SB 312, conferring degree-granting authority to The American College of History and Legal Studies. (Carson, Dist 14; Downing, Dist 22; D'Allesandro, Dist 20; Bragdon, Dist 11; Kelly, Dist 10; Griffin, Rock 4; Stiles, Rock 15; Clarke, Merr 6; Laurent, Ches 1; Rous, Straf 7: Education)

10-2751

SB 313, extending the repeal date of the state park system advisory council. (Odell, Dist 8; Hassan, Dist 23; Fuller Clark, Dist 24; Webb, Merr 2; Kepner, Rock 15; Ahlgren, Carr 4; Campbell, Hills 24: Executive Departments and Administration)

10-2756

SB 314, relative to the investment of public funds. (Houde, Dist 5; Cooney, Graf 7: Commerce, Labor and Consumer Protection)

10-2759

SB 315, relative to the selection of members of the conservation commission. (Houde, Dist 5; Butterworth, Ches 4: Public and Municipal Affairs)

10-2769

SB 316, establishing a statewide transportation policy. (Kelly, Dist 10; Janeway, Dist 7; Fuller Clark, Dist 24; Gilmour, Dist 12; Reynolds, Dist 2; Cilley, Dist 6: Transportation and Interstate Cooperation)

10-2770

SB 317, relative to the standard for zoning variances. (Kelly, Dist 10: Public and Municipal Affairs)

10-2775

SB 318, relative to the authority to dispense therapeutic contact lenses. (Gilmour, Dist 12; Gallus, Dist 1: Health and Human Services)

10-2786

SB 319, relative to purchases by on-premises alcoholic beverages licensees. (Odell, Dist 8; Gallus, Dist 1; Bragdon, Dist 11; Fuller Clark, Dist 24; Butler, Carr 1; Kidder, Merr 1; Hunt, Ches 7: Executive Departments and Administration)

10-2787

SB 320, relative to occupational exposure to the human immunodeficiency virus. (Fuller Clark, Dist 24; Sgambati, Dist 4; E. Merrick, Coos 2; Rosenwald, Hills 22: Health and Human Services)

10-2789

SB 321, relative to the state coordinating council for community transportation in New Hampshire. (D'Allesandro, Dist 20; Odell, Dist 8; Fuller Clark, Dist 24; Skinder, Sull 1; Schlachman, Rock 13: Transportation and Interstate Cooperation)

10-2792

SB 322, allowing the director of the division of state police to place an employee on administrative leave in extraordinary circumstances. (D'Allesandro, Dist 20; Downing, Dist 22; Gallus, Dist 1: Executive Departments and Administration)

10-2797

SB 323, relative to the energy efficiency and sustainable energy board, the greenhouse gas emissions reduction fund, and the renewable energy fund. (Fuller Clark, Dist 24; Merrill, Dist 21: Energy, Environment and Economic Development)

10-2815

SB 324, relative to financial disclosures. (Lasky, Dist 13: Election Law and Veterans' Affairs)

10-2819

SB 325, relative to loitering by intoxicated persons. (Fuller Clark, Dist 24; Hunt, Ches 7: Judiciary)

10-2820

SB 326, relative to certain extensions for temporary plates. (Fuller Clark, Dist 24: Transportation and Interstate Cooperation)

10-2840

SB 327, relative to disclosure of electric service energy sources and environmental characteristics. (Merrill, Dist 21; Fuller Clark, Dist 24; S. Harvey, Hills 21; Borden, Rock 18: Energy, Environment and Economic Development)

10-2850

SB 328, relative to approval procedures on plats. (DeVries, Dist 18; Cooney, Graf 7: Public and Municipal Affairs)

10-2855

SB 329, relative to the bonds of county officers. (Reynolds, Dist 2: Judiciary)

10-2867

SB 330, relative to the court accreditation commission and the interbranch criminal and juvenile justice council. (Reynolds, Dist 2: Judiciary)

10-2870

SB 331, establishing a governor's commission task force on substance use disorder treatment for Medicaid eligible individuals. (Janeway, Dist 7; Carson, Dist 14; Odell, Dist 8; Gilmour, Dist 12; P. McMahon, Merr 3; Butynski, Ches 4; S. Harvey, Hills 21; Taylor, Graf 2; W. D. Scamman, Rock 13: Health and Human Services)

10-2875

SB 332, relative to recording requirements for mortgage and foreclosure notices. (Bragdon, Dist 11: Commerce, Labor and Consumer Protection)

10-2877

SB 333, relative to foreclosure conveyances and foreclosure consultants. (Downing, Dist 22: Commerce, Labor and Consumer Protection)

10-2882

SB 334, establishing a committee to study methods of encouraging the installation and use of small scale renewable energy resources by homeowners and businesses. (Janeway, Dist 7; Fuller Clark, Dist 24: Energy, Environment and Economic Development)

10-2883

SB 335, relative to wetland impact assessments in construction permit applications. (Janeway, Dist 7; Merrill, Dist 21; Fuller Clark, Dist 24: Energy, Environment and Economic Development)

10-2902

SB 336, relative to payroll deductions. (Bragdon, Dist 11; Daniels, Hills 6: Commerce, Labor and Consumer Protection)

10-2904

SB 337, relative to walking disability number plates. (Bragdon, Dist 11: Transportation and Interstate Cooperation)

10-2913

SB 338, relative to modification of PSNH generation assets. (Fuller Clark, Dist 24; Janeway, Dist 7; R. Read, Rock 16; Pastor, Graf 9: Energy, Environment and Economic Development)

10-2917

SB 339, excluding certain governmental and nonprofit entities from certain licensing requirements as mortgage loan originators. (DeVries, Dist 18; Cilley, Dist 6: Commerce, Labor and Consumer Protection)

10-2919

SB 340, relative to using credit rating for purposes of automobile and homeowner insurance. (Cilley, Dist 6: Commerce, Labor and Consumer Protection)

10-2929

SB 341, relative to remedies available in landlord-tenant actions. (Reynolds, Dist 2: Commerce, Labor and Consumer Protection)

10-2722

SB 342-FN, repealing the \$5,000 surety bond requirement for meals and rentals operators. (Gallus, Dist 1; Downing, Dist 22; Carson, Dist 14; Ingersoll, Coos 4; R. Holden, Hills 7: Ways and Means)

10-2755

SB 345-FN, relative to automatic renewal of contracts. (Houde, Dist 5; Pierce, Graf 9: Commerce, Labor and Consumer Protection)

10-2763

SB 346-FN-LOCAL, relative to sheriffs' fees for service of civil process. (Odell, Dist 8; Rodeschin, Sull 2: Judiciary)

10-2804

SB 347-FN, relative to ballot language for local adoption of a chartered public school. (Bradley, Dist 3; Carson, Dist 14: Education)

10-2848

SB 350-FN-A, exempting interest on indebtedness paid by dairy farmers from the business enterprise tax. (Reynolds, Dist 2; Gallus, Dist 1; Houde, Dist 5; Sad, Ches 2; S. Smith, Graf 7; Ladd, Graf 5; Ford, Graf 3: Ways and Means)

10-2849

SB 351-FN-A, exempting income derived from the sale of cattle from the business profits tax. (Reynolds, Dist 2; Gallus, Dist 1; Houde, Dist 5; Sad, Ches 2; S. Smith, Graf 7: Ways and Means)

10-2857

SB 353-FN, relative to the procedure for administration of insolvent estates. (Reynolds, Dist 2: Judiciary)

10-2861

SB 355-FN-A, relative to driver's license reexamination and relative to compensation for the medical/vision advisory board and making an appropriation therefor. (Reynolds, Dist 2: Transportation and Interstate Cooperation)

10-2862

SB 356-FN, relative to civil actions in the trial courts. (Reynolds, Dist 2: Judiciary)

10-2864

SB 357-FN, authorizing the judicial retirement plan to deduct a health insurance premium contribution from allowances. (Reynolds, Dist 2: Executive Departments and Administration)

10-2878

SB 360, relative to public availability of business taxpayer information by the department of revenue administration. (Bragdon, Dist 11: Ways and Means)

10-2924

SB 361-FN, relative to benefits related to service of certain part-time district court justices. (Hassan, Dist 23: Executive Departments and Administration)

10-2689

SB 362, relative to giving swimmers and kayakers the right of way. (Odell, Dist 8; Bradley, Dist 3; Sgambati, Dist 4; Sad, Ches 2: Energy, Environment and Economic Development)

10-2691

SB 363, requiring the suspension of boating privileges for refusing a blood alcohol test. (Letourneau, Dist 19; Gilmour, Dist 12; Carson, Dist 14; Bradley, Dist 3; R. Williams, Merr 11; Nedeau, Belk 3; Packard, Rock 3: Judiciary)

10-2696

SB 364, recognizing Canadian boating safety education certificates. (Letourneau, Dist 19; Gilmour, Dist 12; Bradley, Dist 3; Carson, Dist 14; Packard, Rock 3; R. Williams, Merr 11; Nedeau, Belk 3; Coffey, Merr 6: Transportation and Interstate Cooperation)

10-2714

SB 365, requiring the sterilization of animals adopted from shelters. (Roberge, Dist 9; Gilmour, Dist 12; Mulholland, Graf 10; Spaulding, Hills 18; Emerson, Ches 7: Wildlife, Fish and Game and Agriculture)

10-2749

SB 366, relative to size limitations on OHRVs operating on state-owned trails. (Carson, Dist 14; Gallus, Dist 1; Theberge, Coos 4; Ingersoll, Coos 4: Energy, Environment and Economic Development)

10-2750

SB 367, relative to games of chance. (Odell, Dist 8; D'Allesandro, Dist 20; Downing, Dist 22; Kidder, Merr 1; Weare, Rock 14; Butynski, Ches 4: Ways and Means)

10-2753

SB 368, relative to notice required under the retail selling statute. (Cilley, Dist 6; Reynolds, Dist 2; Lasky, Dist 13; Letourneau, Dist 19; Nixon, Hills 17; DiFruscia, Rock 4: Commerce, Labor and Consumer Protection)

10-2761

SB 369, relative to the expiration of large groundwater withdrawal permits. (Barnes, Jr., Dist 17; Fuller Clark, Dist 24; Case, Rock 1; Kappler, Rock 2: Energy, Environment and Economic Development)

10-2765

SB 370, relative to sewage disposal systems. (Odell, Dist 8; D'Allesandro, Dist 20; Houde, Dist 5; Fuller Clark, Dist 24; Foose, Merr 1; Hawkins, Hills 18; Sad, Ches 2; P. McMahon, Merr 3: Energy, Environment and Economic Development)

10-2771

SB 371, relative to warning statements concerning drinking alcoholic beverages during pregnancy. (Kelly, Dist 10; Barnes, Jr., Dist 17; Fuller Clark, Dist 24; Odell, Dist 8; Reynolds, Dist 2; Roberge, Dist 9; B. Richardson, Ches 5; Gile, Merr 10; Emerson, Ches 7: Executive Departments and Administration)

10-2772

SB 372, requiring school board members to receive annual training. (Kelly, Dist 10; Fuller Clark, Dist 24; Cilley, Dist 6; Rous, Straf 7: Public and Municipal Affairs)

10-2773

SB 373, relative to approval of alternative schools by the state board of education. (Kelly, Dist 10; Hassan, Dist 23; Merrill, Dist 21; Fuller Clark, Dist 24; Janeway, Dist 7; Rous, Straf 7; Reeve, Belk 4: Education)

10-2774

SB 374, relative to the compensation of physician practices or other entities for providing medical information for workers' compensation purposes. (Cilley, Dist 6; Carson, Dist 14; Weed, Ches 3; J. Knowles, Hills 27; Bishop, Rock 2: Commerce, Labor and Consumer Protection)

10-2781

SB 375, relative to the state park system as a self-supporting entity. (Odell, Dist 8; Merrill, Dist 21; Hassan, Dist 23; Fuller Clark, Dist 24; Gottling, Sull 3; Hubbard, Straf 1; Webb, Merr 2: Finance)

10-2783

SB 376, naming the Sagamore Bridge in Portsmouth in honor of Joseph Sawtelle. (Fuller Clark, Dist 24; Letourneau, Dist 19; R. Read, Rock 16; McEachern, Rock 16: Transportation and Interstate Cooperation)

10-2833

SB 377, relative to landlord remedies when tenants abandon property. (Gallus, Dist 1: Judiciary)

10-2784

SB 378, relative to the New Hampshire public works mutual aid program. (Fuller Clark, Dist 24; Odell, Dist 8; Merrill, Dist 21; Patten, Carr 4; Cooney, Graf 7: Public and Municipal Affairs)

10-2778

SB 379, proclaiming September 5 as Portsmouth Peace Treaty Day. (Fuller Clark, Dist 24; Odell, Dist 8; Barnes, Jr., Dist 17; Hassan, Dist 23; R. Read, Rock 16; Cali-Pitts, Rock 16; Watters, Straf 4; Pantelakos, Rock 16; Splaine, Rock 16: Election Law and Veterans' Affairs)

10-2810

SB 380, relative to the definition of permissible fireworks. (Kelly, Dist 10; Letourneau, Dist 19; Welch, Rock 8: Commerce, Labor and Consumer Protection)

10-2891

SB 381, relative to transfers into the revenue stabilization reserve account. (Bragdon, Dist 11; Bradley, Dist 3; Barnes, Jr., Dist 17; Carson, Dist 14; Gallus, Dist 1; Letourneau, Dist 19; Roberge, Dist 9; Downing, Dist 22: Finance)

10-2816

SB 382, relative to the New Hampshire natural plant protection act. (Janeway, Dist 7; Odell, Dist 8; Fuller Clark, Dist 24; Abbott, Rock 12; Spaulding, Hills 18; Hubbard, Straf 1; Borden, Rock 18: Energy, Environment and Economic Development)

10-2711

SB 383-FN, relative to net operating loss carryovers under the business profits tax. (Lasky, Dist 13; Bradley, Dist 3; Gilmour, Dist 12; Merrill, Dist 21; Bragdon, Dist 11; Gallus, Dist 1; Clemons, Hills 24; Sad, Ches 2; Hatch, Coos 3: Ways and Means)

10-2743

SB 385-FN-A, relative to fees for low digit number plates. (Roberge, Dist 9; Bragdon, Dist 11; Barnes, Jr., Dist 17: Transportation and Interstate Cooperation)

10-2760

SB 391-LOCAL, relative to the payment of certain amounts from the water fund to the town general fund by the town of Hanover. (Houde, Dist 5; Nordgren, Graf 9; Benn, Graf 9; Pierce, Graf 9: Public and Municipal Affairs)

10-2807

SB 395-FN, relative to motor vehicle records. (Kelly, Dist 10: Judiciary)

10-2889

SB 401, relative to the safety of retirement accounts. (Bragdon, Dist 11; Daniels, Hills 6: Commerce, Labor and Consumer Protection)

10-2697

SB 403, relative to motor-driven cycles. (Letourneau, Dist 19; Gilmour, Dist 12; Carson, Dist 14; Bradley, Dist 3; Packard, Rock 3; R. Williams, Merr 11; Nedean, Belk 3; Coffey, Merr 6: Transportation and Interstate Cooperation)

10-2698

SB 404, relative to towing and disposal of abandoned vehicles. (Letourneau, Dist 19; Cilley, Dist 6; Downing, Dist 22; Gilmour, Dist 12; Gallus, Dist 1; Roberge, Dist 9; Packard, Rock 3; Nedeau, Belk 3; R. Williams, Merr 11: Transportation and Interstate Cooperation)

10-2699

SB 405, relative to grounds for revocation of school bus driver's certificate. (Letourneau, Dist 19; Kelly, Dist 10; Bradley, Dist 3; Carson, Dist 14; Packard, Rock 3; R. Williams, Merr 11; Nedeau, Belk 3: Transportation and Interstate Cooperation)

10-2707

SB 406, relative to merger of lots or parcels. (Sgambati, Dist 4; Roberge, Dist 9; Houde, Dist 5; Bradley, Dist 3; Fuller Clark, Dist 24; Millham, Belk 5; Stuart, Belk 4; Pilliod, Belk 5; Arsenault, Belk 4; Merry, Belk 2: Public and Municipal Affairs)

10-2728

SB 407, relative to records maintained by the department of health and human services in abuse and neglect cases. (Sgambati, Dist 4; Reynolds, Dist 2; Gilmour, Dist 12; Houde, Dist 5; Julie Brown, Straf 1; B. Richardson, Ches 5: Health and Human Services)

10-2766

SB 408, relative to purchasing alliances. (Sgambati, Dist 4; Gilmour, Dist 12; Reynolds, Dist 2; Odell, Dist 8; Gallus, Dist 1; Downing, Dist 22; Butler, Carr 1; Donovan, Sull 4: Commerce, Labor and Consumer Protection)

10-2800

SB 409, requiring buildings or structures constructed or renovated using state funding to adhere to certain energy efficiency and building standards. (Fuller Clark, Dist 24; Janeway, Dist 7; Merrill, Dist 21; Long, Hills 10; S. Harvey, Hills 21; Owen, Merr 4: Energy, Environment and Economic Development)

10-2892

CACR 31, Relating To: suspension of laws. Providing That: any law that required a greater than simple majority vote to act shall require an equal or greater vote to suspend, amend, or repeal. (Bragdon, Dist 11; Barnes, Jr., Dist 17; Bradley, Dist 3; Carson, Dist 14; Downing, Dist 22; Gallus, Dist 1; Roberge, Dist 9: Election Law and Veterans' Affairs)

10-2805

SCR 1, urging Congress to fund the construction of a full-service veterans' hospital in New Hampshire. (Barnes, Jr., Dist 17; Bradley, Dist 3: (Election Law and Veterans' Affairs)

10-2879

SJR 1, urging the secretary of agriculture to review the Federal Milk Market Order system. (Reynolds, Dist 2; Fuller Clark, Dist 24; Merrill, Dist 21; Carson, Dist 14; Gallus, Dist 1; Houde, Dist 5; Sad, Ches 2; Haefner, Hills 27; S. Smith, Graf 7; Ladd, Graf 5; Ford, Graf 3: Wildlife, Fish and Game and Agriculture)

SUSPENSION OF SENATE RULES

Sen. Hassan moved that the rules of the Senate be suspended as to dispense with a notice of hearing, a committee hearing, a committee report and a notice of report in the Senate Calendar on SB 300.

Sen. Sgambati called the question.

Without objection President Larsen moved to close debate with remaining speakers.

Recess/Out of Recess.

The question is on the motion to suspend rules relative to SB 300.

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

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

The following Senators voted No: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 9

Motion to suspend rules failed, lacking a necessary 2/3 vote.

COMMITTEE REPORTS

HB 314-L, (New Title) relative to the assessment of certain costs associated with proposed large groundwater withdrawals from wells. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 3-2. Senator Cilley for the committee.

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

Motion of Ought to Pass failed.

Sen. Cilley moved to Recommit HB 314-L.

The question is on the motion to Recommit HB 314-L to the Energy, Environment and Economic Development Committee.

Motion to Recommit adopted.

HB 598-FN, relative to the regulation of auctioneers by the state board of auctioneers. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Executive Departments and Administration

October 20, 2009

2009-2429s

10/05

Amendment to HB 598-FN

Amend RSA 311-B:13, V as inserted by section 12 of the bill by replacing it with the following:

V. Any individual may, without being licensed, sell the personal property of another individual utilizing a service that assists such individual in accessing an online Internet marketplace, which does not take physical or legal possession of goods being sold, and which does not collect or transmit payment for transactions except by a secure money transmitter or other online payment transaction method. Such an individual may accept an associated fee, provided that such individual does not:

(a) Represent by any verbal statement, sign, letterhead, card, or any other way that they are auctioneers or able to perform auctioneering services; or

(b) Use or otherwise assume in conjunction with the personal name, or advertise any title or description tending to convey the impression that such person is an auctioneer licensed under this chapter.

The question is on the adoption of Committee Amendment 2429s.

Committee Amendment 2429s adopted.

Sen. Carson offered a floor amendment.

Sen. Carson, Dist. 14

December 21, 2009

2010-0035s

10/05

Floor Amendment to HB 598-FN

Amend RSA 311-B:13, V as inserted by section 12 of the bill by replacing it with the following:

V. Any individual may, without being licensed, sell the personal property of another individual utilizing a service that assists such individual in accessing an online Internet marketplace, who does not take physical or legal possession of goods being sold, and who does not collect or transmit payment for transactions except by a secure money transmitter or other online payment transaction method. Such an individual may accept an associated fee, provided that such individual does not:

(a) Represent by any verbal statement, sign, letterhead, card, or any other way that he or she is an auctioneer or able to perform auctioneering services; or

(b) Use or otherwise assume in conjunction with the personal name, or advertise any title or description tending to convey the impression that such person is an auctioneer licensed under this chapter.

The question is on the adoption of Floor Amendment 0035s.

Floor Amendment 0035s adopted.

The question is on the motion of Ought to Pass as Amended on HB 598-FN.

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

AMENDMENT TO SENATE RULE 48

Sen. Reynolds moved the adoption of the amendment to Senate Rule 48 which is provided in the Senate Calendar.

Proposed Amendment to Senate Rule 48

Amend Senate Rule 48 by inserting after (c) with the following:

48. Deadlines:

(d) Monday, February 22, 2010 - Friday, February 26, 2010: SENATE BREAK.

(e) Thursday, March 04, 2010 - Deadline for Policy Committees to ACT on all Senate money bills, except bills exempted pursuant to Senate Rule 26(b).

(f) Thursday, March 25, 2010 - CROSSOVER - Last day to ACT on all remaining Senate Bills.

(g) Thursday, April 08, 2010 - Deadline for Policy Committees to ACT on all House money bills, except bills exempted pursuant to Senate Rule 26(b).

(h) Wednesday, May 12, 2010 - Last Day to ACT on all remaining House bills.

(i) Wednesday, May 19, 2010 - Last day to FORM Committees of Conference.

(j) Thursday, May 27, 2010 at 12:00 p.m. - Last day to SIGN Committee of Conference Reports.

(k) Wednesday, June 2, 2010 - Last day to ACT on Committee of Conference Reports.

Motion adopted by the necessary 2/3 vote.

MOTION TO ADJOURN FROM THE EARLY SESSION

Sen. Hassan 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.

Motion adopted.

Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

HB 598-FN, relative to the regulation of auctioneers by the state board of auctioneers.

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, processing enrolled bill reports and amendments.

Motion adopted.

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