

March 17, 2010
Nos. 9-10

STATE OF NEW HAMPSHIRE

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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MARCH 10, 2010 SESSION
COMMENCEMENT – MARCH 17, 2010 SESSION**

SENATE JOURNAL 9 *(continued)*

March 10, 2010

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 title and referred to the therein designated committee.

Motion adopted.

First and Second Reading and Referral

10-2964

SB 517-FN-A, establishing a veterans' legal aid advocacy project and making an appropriation therefor. (Barnes, Jr., Dist 17; Bradley, Dist 3; Carson, Dist 14; Downing, Dist 22; Gallus, Dist 1; Hassan, Dist 23; Houde, Dist 5; Lasky, Dist 13; Letourneau, Dist 19; Merrill, Dist 21; Odell, Dist 8; Roberge, Dist 9; Baldasaro, Rock 3; K. Roberts, Ches 3; R. Ober, Hills 27; P. Garrity, Hills 14; Emiro, Rock 3: Finance)

10-2966

SB 518, establishing a committee to study the scope, content, and duration of youth alcohol and drug prevention programs. (Reynolds, Dist 2; Gargasz, Hills 5: Health and Human Services)

10-2968

SB 519-FN-LOCAL, relative to spending reductions for the department of health and human services. (D'Allesandro, Dist 20; Hassan, Dist 23; Janeway, Dist 7; Larsen, Dist 15; Sgambati, Dist 4; Gallus, Dist 1: Finance)

10-2969

SB 520-FN-LOCAL, relative to school district liability for special education costs. (Bragdon, Dist 11: Finance)

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 460-FN-A, relative to the lapse of certain legislative and judicial branch appropriations, budget reductions for the department of health and human services, and voluntary furloughs for judges.

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 1138, relative to the authority to expand municipal transportation improvement funds.

HB 1143, relative to driver restrictions on persons 16 to 18 years of age.

HB 1192, relative to obstructions on motor vehicle windows.

HB 1304, extending the task force on homeless teenagers, the commission to study alternate fuel vehicles, the task force to study access to dental care, and the committee to study the certificate of need process.

HB 1315-FN, relative to the employer's lien on damages and benefits recovered from third persons by employees who have received workers' compensation.

HB 1355-FN, relative to certain Medicaid appropriations.

HB 1370, requiring independent medical examination practitioners to file a report with the insurance department.

HB 1371, allowing recording of an examination by health care providers performing independent medical examinations.

HB 1380-FN, relative to assessing fees by zoning boards of adjustment.

HB 1400, requiring all colleges and universities to report crimes to the local law enforcement agency.

HB 1411, requiring notice to educational support personnel and non-certified school district employees.

HB 1422, establishing a committee to study the establishment of a department of natural resources.

HB 1445-FN-A-L, eliminating the meals and rooms tax on campsites.

HB 1486, prohibiting the mandating of fire sprinkler systems in certain dwellings and establishing a committee to study municipal residential fire sprinkler requirements.

HB 1488-FN, relative to New Hampshire HealthFirst.

HB 1523, revising the pupil safety and violence prevention act.

HB 1528, relative to observing voter check-in.

HB 1569-FN, relative to the salaries of certain unclassified positions.

HB 1586-FN, relative to mandated benefits review.

HB 1607-FN-A, relative to the reasonable compensation deduction under the business profits tax.

HB 1610-FN, establishing a New Hampshire commission on Native American affairs and recognizing Native American residents of the state as a minority population in New Hampshire.

HB 1623, requiring certain patient identification for a pharmacist to dispense a schedule II or III controlled drug.

HB 1628, establishing guidelines for neighborhood notification upon release of a sexual offender.

HB 1653-FN, decriminalizing possession of one quarter of an ounce or less of marijuana.

HB 1655-FN, relative to persons with mental illness and the corrections system.

HB 1692, establishing a commission on primary care workforce issues.

INTRODUCTION OF HOUSE BILLS

Sen. Hassan offered the following Resolution:

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

Motion adopted.

First and Second Reading and Referral

HB 425-FN-A-L, relative to remedies under the right-to-know law. (Judiciary)

HB 478-FN, relative to remotely readable devices and relative to the illegal use of a payment card scanning device or reencoder. (Commerce, Labor and Consumer Protection)

HB 564-FN, relative to ramp/lift equipped van parking spaces. (Public and Municipal Affairs)

HB 629-FN-A, relative to habitual offenders, relative to implements of husbandry, and relative to registration of vehicles under the Unified Carrier Registration Act of 2005. (Transportation and Interstate Cooperation)

HB 1128-FN-L, relative to the distribution of meals and rooms tax revenues to cities and towns. (Finance)

HB 1240-FN, relative to the use of state-owned vehicles. (Executive Departments and Administration)

HB 1278-FN, relative to milk producer-distributors. (Executive Departments and Administration)

HB 1280-FN, relative to life and health guaranty limits. (Commerce, Labor and Consumer Protection)

HB 1281-FN, relative to certain securities laws. (Commerce, Labor and Consumer Protection)

HB 1592-FN, relative to the exemption from the charge for a municipal permit to register a motor vehicle for amputee and other disabled veterans. (Public and Municipal Affairs)

HB 1642-FN, relative to the registration of criminal offenders. (Judiciary)

HB 1651-FN, requiring that current information and reports relative to the state budget be made available on the state website. (Finance)

HB 1660-FN, repealing the authority for the assessment of an administrative penalty for various OHRV and snowmobile violations. (Wildlife, Fish and Game and Agriculture)

HB 1665-FN, relative to the penalty for carrying or selling certain weapons. (Judiciary)

HB 1680-FN, establishing the crime of aggravated harassment by an inmate. (Judiciary)

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill:

HB 1131, relative to requirements for firefighter certification.

Sen. D'Allesandro moved adoption of the Report of Committee on Enrolled Bills.

Report of Committee on Enrolled Bills adopted.

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 10

March 17, 2010

The Senate reconvened at 10 a.m., a quorum being present.

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

What I notice when I drink Scotch with my Irish clergy friends is that they are passionate people. And if there's one thing about St. Patrick that was true, he survived enormous abuse and hardship in order to get something accomplished that he thought needed to be accomplished. And so St. Patrick is sort of the icon of the opposite of indifference. Elie Wiesel wrote this, he said that the opposite of love is not hatred, it is indifference. The opposite of art is not ugliness, it is indifference. The opposite of faith is not heresy, it is indifference. And the opposite of life is not death; the opposite of life is indifference. As leaders, our job is to hold things up to the light and turn and turn and turn, with passion, without indifference. Let us pray:

Creator of the universe, this world could not possibly be made with such beauty and diversity without Your passion involved: the colors, the tastes, the shapes, the feeling. Give us hearts that are not indifferent but that are also not manipulating. Help us to lead, not with indifference and also not with anger, but with open hearts, being hard on issues and soft on people.

Amen

Sen. Kelly led the Pledge of Allegiance.

Sen. Bragdon is excused from today's session.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. D'Allesandro presented a *RESOLUTION* to the Trinity High School Football Team members and coach from Manchester for winning the 2009 Division V state championship.

Sen. Cilley presented a *RESOLUTION* to Lissa Silk, Miss Strafford County 2010, contestant for Miss New Hampshire.

Sen. Janeway introduced Victoria Holt from Loudon, student from Merrimack Valley High School serving as Senate Page. Sen. Barnes introduced Kayli Souther, student from Raymond High School serving as Senate Page.

Sen. D'Allesandro and the Senate body welcomed former Majority Caucus Director William Craig, a visitor to the Senate today.

Sen. Barnes welcomed visiting school children, teachers and chaperones from the Swasey Central School in Brentwood.

COMMITTEE REPORTS

SPECIAL ORDER

Without objection, President Larsen moved that SB 392-FN, SB 505-FN-A and SB 354-FN be Special-Ordered to Session of March 24, 2010.

Commerce, Labor and Consumer Protection Committee

SB 392-FN, requiring public hearings when insurance companies set base rate increases.

SB 505-FN-A, establishing the New Hampshire health services cost review commission and continually appropriating a special fund.

Public and Municipal Affairs Committee

SB 354-FN, authorizing liens for unpaid building code violations and requiring landlord agents for restricted rental property.

SPECIAL ORDER

Without objection, President Larsen moved that CACR 33, CACR 34 and SJR 2 be Special-Ordered to the front of today's Calendar.

CACR 33, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money. Judiciary Committee. Inexpedient to Legislate, Vote 3-2. Senator Houde for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on CACR 33.

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

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, Carson, Boutin, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 9

Motion of Inexpedient to Legislate adopted.

CACR 34, relating to funding of public education. Providing that the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities. Judiciary Committee. Inexpedient to Legislate, Vote 4-1. Senator Lasky for the committee.

MOTION TO TABLE

Sen. Lasky moved to table CACR 34.

The question is on the motion to table CACR 34.

A roll call was requested by Sen. Bradley, 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, Carson, Boutin, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 9

Motion adopted.

LAI D ON THE TABLE

CACR 34, relating to funding of public education. Providing that the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities.

SJR 2, endorsing the establishment of a statewide retiree medical trust for public employee health care reimbursement benefits after retirement. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Downing for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SJR 2.

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

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

The following Senators voted No: (None)

Yeas: 23 - Nays: 0

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

SB 380, relative to the definition of permissible fireworks. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 6-0. Senator Reynolds for the committee.

Commerce, Labor and Consumer Protection
March 8, 2010
2010-0926s
05/04

Amendment to SB 380

Amend RSA 160-C:1, V(e)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) Are tested to American Fireworks Standard Laboratories (AFSL) standards in compliance with the Consumer Product Safety Improvements Act, enacted February 11, 2010, and any subsequent amendments thereto.

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 0926s.

Committee Amendment 0926s adopted.

The question is on the motion of Ought to Pass as Amended on SB 380.

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

SB 416, relative to the state minimum hourly wage applicable to tipped restaurant employees. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 6-0. Senator Cilley for the committee.

Commerce, Labor and Consumer Protection
March 8, 2010
2010-0928s
08/01

Amendment to SB 416

Amend the bill by replacing section 1 with the following:

1 Tipped Employees. Amend the introductory paragraph of RSA 279:21 to read as follows:

Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended, or as follows, whichever is higher:

Date	Hourly Rate
On and after September 1, 1997	\$5.15
On and after September 1, 2007	\$6.50
On and after September 1, 2008	\$7.25

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$30 a month in tips directly from the customers will receive a base rate from the employer of not less than 45 percent of the applicable minimum wage. ***Restaurant shall include an establishment in a temporary or permanent building, kept, used, maintained, advertised and held out to the public to be a place where meals are regularly prepared or served for which a charge is made and where seating and table service is available for customers or where delivery services are available. The term does not include establishments which do not primarily prepare and serve food. Tipped employees shall also include employees who deliver meals prepared in a restaurant to the customer's home, office, or other location.*** If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

The question is on the adoption of Committee Amendment 0928s.

Committee Amendment 0928s adopted.

The question is on the motion of Ought to Pass as Amended on SB 416.

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

SB 435, relative to the provision of caller locations in emergency situations. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 6-0. Senator Hassan for the committee.

Commerce, Labor and Consumer Protection

March 8, 2010

2010-0927s

05/03

Amendment to SB 435

Amend RSA 106-H:16 as inserted by section 2 of the bill by replacing it with the following:

106-H:16 Disclosure of Caller Location in Emergency Situations.

I. Upon the request of a law enforcement agency, a wireless telecommunications carrier shall provide call location information concerning the telecommunications device of the user in order for the requesting law enforcement agency to respond to a call for emergency services.

II. Such call location information shall be provided by a wireless telecommunications carrier if the wireless telecommunications carrier, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires disclosure without delay.

III. Notwithstanding any provision of law to the contrary, nothing in this section prohibits a wireless telecommunications carrier from establishing protocols by which the carrier may voluntarily disclose call location information.

IV. No government official except for the chief of, or a superior officer of, the primary investigating law enforcement agency shall request call location information. Such information shall not be requested or obtained except when the agency has used all reasonable law enforcement investigative strategies and techniques to determine that the individual in question is a missing person and the circumstances surrounding the disappearance indicate that the individual is in danger of serious bodily harm or death at the hands of another or due to a mental or physical disability. The call location information request shall be activated through the public safety answering point as part of the statewide enhanced 911 system.

V. No cause of action shall lie in any court against any wireless telecommunications carrier, its officers, employees, agents, or other specified persons for providing call location information while acting in good faith and in accordance with the provisions of this section, except that paragraph IV shall not apply to wireless telecommunications carriers, nor shall any wireless telecommunications carrier be obligated to make an affirmative determination that the requesting law enforcement agency or public safety answering point has met the threshold requirements of paragraph IV. In addition, wireless telecommunications carriers shall provide the most accurate call location information available, given the technical and other limitations that may impact the accuracy of the call location information in the relevant area.

VI. The department of safety shall obtain contact information for all wireless telecommunications carriers authorized to do business in this state in order to facilitate a request from a law enforcement agency for call location information in accordance with this section.

VII. The commissioner of the department of safety shall adopt rules, under RSA 541-A, relative to the notice and disclosure requirements provided in this section.

VIII. In this section, "wireless telecommunications carrier" shall have the same meaning as commercial mobile radio service provider in RSA 106-H:8.

The question is on the adoption of Committee Amendment 0927s.

Committee Amendment 0927s adopted.

The question is on the motion of Ought to Pass as Amended on SB 435.

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

SB 436, relative to health insurance open enrollment periods and establishing a commission relative to children's health insurance. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 4-0. Senator DeVries for the committee.

Commerce, Labor and Consumer Protection

March 16, 2010

2010-1028s

05/04

Amendment to SB 436

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

(c) One member appointed as the governor's designee.

The question is on the adoption of Committee Amendment 1028s.

Committee Amendment 1028s adopted.

The question is on the motion of Ought to Pass as Amended on SB 436.

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

SB 311, relative to special education services for persons incarcerated and persons attending Granite State high school. Education Committee. Ought to Pass, Vote 3-0. Senator Kelly for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 311.

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

SB 482, relative to bullying and cyberbullying in schools. Education Committee. Interim Study, Vote 4-0. Senator Merrill for the committee.

MOTION TO TABLE

Sen. Merrill moved to table SB 482.

The question is on the motion to table SB 482.

Motion adopted.

LAID ON THE TABLE

SB 482, relative to bullying and cyberbullying in schools.

SB 503, relative to unique pupil identification. Education Committee. Ought to Pass with Amendment, Vote 3-0. Senator Kelly for the committee.

Senate Education

March 16, 2010

2010-1014s

04/01

Amendment to SB 503

Amend RSA 193-E:4, II as inserted by section 2 of the bill by replacing it with the following:

II. "Data warehouse" means the electronic system operated by the department of education that maintains the information about pupils as set forth in RSA 193-E:3, I, VI, and VII. The data warehouse shall not contain the name, address, telephone number, e-mail address, social security number, or any other personally identifiable information about any pupil.

Amend RSA 193-E:5, I(g) as inserted by section 3 of the bill by replacing it with the following:

(g) No person, including an individual, business, government, or governmental entity, shall require an individual to provide a unique pupil identifier as a condition of doing business, providing a service, or receiving a benefit of any kind, *except that an early childhood program, district, or postsecondary institution shall request a unique pupil identifier for any pupil who applies for admission to, or enrolls in, an early childhood program, district, or postsecondary institution.* Any person or entity [violating] *who knowingly violates* the provisions of this [paragraph] *subparagraph* shall be liable for actual damages or \$25,000, whichever is greater, for each violation. Each denial of services or benefits shall constitute a separate offense under this [paragraph] *subparagraph*.

Amend RSA 193-E:5, I(n) as inserted by section 3 of the bill by replacing it with the following:

(n) *Notwithstanding subparagraphs (a)-(m), to enable the department of education to conduct studies, track and report annual and longitudinal outcomes, the commissioner of the department of education may, in writing, grant individuals access to the data warehouse for the purpose of connecting information in the warehouse with the random number generator.*

The question is on the adoption of Committee Amendment 1014s,

Committee Amendment 1014s adopted.

The question is on the motion of Ought to Pass as Amended on SB 503.

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

SCR 3, congratulating the Boy Scouts of America on the occasion of its 100th anniversary. Education Committee. Ought to Pass with Amendment, Vote 3-0. Senator Letourneau for the committee.

Senate Education

March 9, 2010

2010-0933s

06/10

Amendment to SCR 3

Amend the resolution by replacing the second paragraph after the resolving clause with the following:

That copies of this resolution be transmitted by the senate clerk to the National Council of the Boy Scouts of America in Irving, Texas; to the Daniel Webster Council, Boy Scouts of America in Manchester, New Hampshire; and to the Yankee Clipper Council, Boy Scouts of America in Haverhill, Massachusetts.

The question is on the adoption of Committee Amendment 0933s.

Committee Amendment 0933s adopted.

The question is on the motion of Ought to Pass as Amended on SCR 3.

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

Recess. Out of recess.

AFTERNOON SESSION

COMMITTEE REPORTS, RESUMED

SB 412, relative to the display of the POW-MIA flag. Election Law and Veterans' Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Election Law and Veterans' Affairs

March 8, 2010

2010-0919s

04/05

Amendment to SB 412

Amend the bill by replacing section 1 with the following:

1 Display of POW-MIA Flag. Amend RSA 3:3-a to read as follows:

3:3-a Display of POW-MIA Flag.

I. The POW-MIA flag shall be displayed above the state house in Concord, all state facilities, and national guard armories and other state-owned military facilities whenever the flag of the United States is flown until all questions concerning the fate of America's POWs and MIAs are sufficiently resolved.

II. *When the POW-MIA flag is flown on the same flagstaff as the flag of the United States, the POW-MIA flag shall be flown immediately below the flag of the United States. If a state flag or other flag will be flown on the same flagstaff, the order from top to bottom shall be: the flag of the United States, the POW-MIA flag, then the state flag or other flag.*

III. *If the POW-MIA flag is flown from a flagstaff of equal height adjacent to the flag of the United States, the flag of the United States shall be the first in order from the viewer's left, the POW-MIA flag shall be flown on the flagstaff to the immediate left (the viewer's right) of the flag of the United States, and the state or other flag shall be flown farther left (the viewer's right) of the POW-MIA flag.*

2010-0919s

AMENDED ANALYSIS

This bill establishes the procedures for displaying the POW-MIA flag.

The question is on the adoption of Committee Amendment 0919s.

Committee Amendment 0919s adopted.

The question is on the motion of Ought to Pass as Amended on SB 412.

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

SB 508, establishing the state office of veterans services. Election Law and Veterans' Affairs Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

The question is on the committee recommendation of Ought to Pass on SB 508.

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

SB 509, establishing the New Hampshire medal of honor fund and repealing the New Hampshire service award. Election Law and Veterans' Affairs Committee. 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 509.

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

SB 494, relative to legislative study committees. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Carson for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 494.

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

MOTION TO REMOVE FROM THE TABLE

Sen. Cilley moved to remove SB 478 off the table.

The question is on the motion to remove SB 478 from the table.

Motion adopted.

REMOVED FROM THE TABLE

SB 478, relative to the appointments to the board of home inspectors. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator Cilley for the committee.

Senate Executive Departments and Administration

February 18, 2010

2010-0823s

10/04

Amendment to SB 478

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

AN ACT relative to the appointments to the board of home inspectors, and relative to the administrative attachment of the plumbers' board.

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

2 Plumbers' Board; Administrative Attachment. Amend RSA 329-A:3, III to read as follows:

III. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of [~~environmental services~~] **safety**.

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

2010-0823s

AMENDED ANALYSIS

This bill changes the terms for appointments to the board of home inspectors.

The bill also changes the administrative attachment of the state board for the licensing and regulation of plumbers from the department of environmental services to the department of safety.

The question is on the adoption of Committee Amendment 0823s.

Committee Amendment 0823s adopted.

Sen. Reynolds offered a floor amendment.

Sen. Reynolds, Dist. 2

March 1, 2010

2010-0854s

10/01

Floor Amendment to SB 478

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

AN ACT relative to the appointments to the board of home inspectors, the administrative attachment of the plumbers' board, and retired status for licensed architects.

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

2 Plumbers' Board; Administrative Attachment. Amend RSA 329-A:3, III to read as follows:

III. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of [~~environmental services~~] **safety**.

3 Architects; Rulemaking; Retire Status. Amend RSA 310-A:32, I(j) and (k) to read as follows:

(j) The salary of the board secretary; [~~and~~]

(k) Application procedures for and issuance of certificates for architect business organizations[-];
and

(l) The requirements for retired status.

4 Architects; Fees; Retired Status Added. Amend RSA 310-A:33 to read as follows:

310-A:33 Fees. The board shall establish fees for examination of applicants, for licenses, for certificates of authorization, for reissuance of licenses, for renewal and reinstatement of licenses and certificates to practice under this subdivision, for late fees, **for retired status**, and for transcribing and transferring records and other services.

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

2010-0854s

AMENDED ANALYSIS

This bill changes the terms for appointments to the board of home inspectors. The bill changes the administrative attachment of the state board for the licensing and regulation of plumbers from the department of environmental services to the department of safety. The bill also adds rulemaking and fees for retired status for licensed architects.

The question is on the adoption of Floor Amendment 0854s.

Floor Amendment 0854s adopted.

The question is on the motion of Ought to Pass as Amended on SB 478.

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

SB 385-FN-A, relative to fees for low digit number plates. Finance Committee. Ought to Pass with Amendment, Vote 5-0. Senator Gallus for the committee.

Senate Finance
March 11, 2010
2010-0971s
03/09

Amendment to SB 385-FN-A

Amend the bill by deleting section 2 and renumbering the original sections 3-4 to read as 2-3, respectively.

The question is on the adoption of Committee Amendment 0971s.

Committee Amendment 0971s failed.

The question is on the motion of Ought to Pass on SB 385-FN-A.

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

Sen. Letourneau is in opposition to the motion of Ought to Pass on SB 385-FN-A.

SB 457-FN, authorizing identifying decals for custom vehicles. Finance Committee. Ought to Pass, Vote 5-0. Senator Hassan for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 457-FN.

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

SB 501-FN, relative to worksharing benefits under the unemployment compensation law, and relative to training grants. Finance Committee. Ought to Pass, Vote 5-0. Senator Hassan for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 501-FN.

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

SB 512-FN, relative to the community college system of New Hampshire. Finance Committee. Ought to Pass, Vote 5-0. Senator Janeway for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 512-FN.

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

SB 510, establishing a commission to evaluate the parity between oral and intravenous chemotherapy. Health and Human Services Committee. Ought to Pass, Vote 3-0. Senator Gallus for the committee.

The question is on the committee recommendation of Ought to Pass on SB 510.

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

SB 341, relative to remedies available in landlord-tenant actions. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 341.

Motion of Inexpedient to Legislate adopted.

SB 415, relative to remedies against landlords. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Reynolds for the committee.

Senate Judiciary
March 11, 2010
2010-0964s
06/09

Amendment to SB 415

Amend RSA 540-A:4, IX(a) as inserted by section 1 of the bill by replacing it with the following:

IX.(a) Any landlord or tenant who violates RSA 540-A:2 or any provision of RSA 540-A:3 shall be subject to the civil remedies set forth in RSA 358-A:10 *for the initial violation*, including costs and reasonable attorney's fees incurred in the proceedings. Each day that a violation continues *after issuance of a temporary order* shall constitute a separate violation.

2010-0964s**AMENDED ANALYSIS**

This bill prohibits the assessment of a daily fine for certain violations by landlords or tenants prior to the issuance of a temporary order.

The question is on the adoption of Committee Amendment 0964s.

Committee Amendment 0964s adopted.

Sen. Reynolds offered a floor amendment.

Sen. Reynolds, Dist. 2

March 17, 2010

2010-1072s

06/01

Floor Amendment to SB 415

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 Floor Amendment 1072s.

Floor Amendment 1072s adopted.

The question is on the motion of Ought to Pass as Amended on SB 415.

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

SB 431, relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Houde for the committee.

Senate Judiciary

March 11, 2010

2010-0962s

04/01

Amendment to SB 431

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

1 New Paragraph; Termination of Tenancy. Amend RSA 540:2 by inserting after paragraph VI the following new paragraph:

VII.(a) No lessor or owner of restricted property shall terminate or fail to renew a tenancy based on a tenant or a household member of a tenant having been a victim of domestic violence as defined in RSA 173-B, sexual assault as defined in RSA 632-A, or stalking as defined in RSA 633:3-a provided that:

(1) The tenant or household member of a tenant who is the victim has a valid protective order against the perpetrator of the domestic violence, sexual assault, or stalking; or

(2) The tenant or household member of a tenant who is the victim:

(A) Initiates legal action to obtain a protective order and provides written verification thereof to the lessor or owner; or

(B) Reports the domestic violence, sexual assault, or stalking to a law enforcement agency or county attorney, and provides written verification thereof to the lessor or owner.

(b) A tenant who has obtained a protective order from a court of competent jurisdiction granting him or her possession of a dwelling to the exclusion of one or more other tenants or household members may request that a lock be replaced or configured for a new key at the tenant's expense. The lessor or owner shall, if provided a copy of the protective order, comply with the request and shall not give copies of the new keys to the tenant or household member restrained or excluded by the protective order.

(c) A lessor or owner who replaces a lock or configures a lock for a new key in accordance with subparagraph (b) shall not be liable for any damages that result directly from the lock replacement or reconfiguration.

(d) If, after a hearing on the possessory action, the court finds that there are grounds under this section to evict the tenant or household member accused of the domestic violence, sexual assault, or stalking, it may issue judgment in favor of the landlord against the person accused, and allow the tenancy of the remainder of the residents to continue undisturbed.

(e) Nothing in this section shall preclude eviction on any grounds set forth in RSA 540:2, II which are unrelated to domestic violence, sexual assault, or stalking.

2 New Paragraph; Actions Against Tenants; Judgments. Amend RSA 540:14 by inserting after paragraph III the following new paragraph:

IV. If the court renders judgment against any one tenant or member of a multiperson household pursuant to RSA 540:2, VII(d), the court shall specify in its order that the writ of possession shall only be used to remove the tenant or household member against whom the judgment issued, and that the other tenants or household members may remain in residence.

3 Effective Date. This act shall take effect 90 days after its passage.

2010-0962s

AMENDED ANALYSIS

This bill prohibits lessors and owners of restricted property from terminating a tenancy or refusing to renew a tenancy based on the tenant or household member of a tenant having been a victim of domestic violence, sexual assault, or stalking.

The question is on the adoption of Committee Amendment 0962s.

Committee Amendment 0962s adopted.

The question is on the motion of Ought to Pass as Amended on SB 431.

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

SB 438, relative to procedures in small claims actions. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Reynolds for the committee.

Senate Judiciary

March 11, 2010

2010-0965s

09/01

Amendment to SB 438

Amend RSA 503:6, II and III as inserted by section 2 of the bill by replacing it with the following:

II. *If the defendant fails to respond to the notice but the notice is not returned as undelivered, a default judgment will be entered in favor of the plaintiff, who shall be notified by the court. Where a default judgment has been entered pursuant to this paragraph and if the defendant subsequently files a timely motion to strike that default, there shall be a rebuttable presumption that the first class mail notice was not received.*

III. If the notice is returned as undelivered, [~~or the defendant does not respond in writing within 30 days,~~] then the court shall direct the plaintiff to complete service on the defendant, at the expense of the plaintiff, as in all other actions at law.

The question is on the adoption of Committee Amendment 0965s.

Committee Amendment 0965s adopted.

The question is on the motion of Ought to Pass as Amended on SB 438.

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

SB 444, relative to the medical child support obligation. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Roberge for the committee.

Senate Judiciary

March 11, 2010

2010-0963s

04/10

Amendment to SB 444

Amend RSA 458-C:2, VI-a as inserted by section 4 of the bill by replacing it with the following:

VI-a. "Reasonable medical support obligation" means the amount established under RSA 458-C:3, V.

The question is on the adoption of Committee Amendment 0963s.

Committee Amendment 0963s adopted.

The question is on the motion of Ought to Pass as Amended on SB 444.

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

SB 328, relative to approval procedures on plats. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator DeVries for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 328.

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

SB 506, ceding concurrent jurisdiction to the United States government over certain property located at the federal prison in Berlin. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator Roberge for the committee.

Public and Municipal Affairs

March 11, 2010

2010-0969s

04/10

Amendment to SB 506

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

AN ACT ceding concurrent jurisdiction to the United States government over certain property located in Coos county.

Amend the bill by replacing sections 1-2 with the following:

1 Ceding Concurrent Jurisdiction to the United States Government Over Certain Property in Coos County. Notwithstanding any law to the contrary, the state hereby cedes concurrent jurisdiction to the United States over certain lands, waters, and improvements in Coos county that are:

I. Presently owned or hereafter acquired by condemnation or otherwise, leased, occupied, or controlled by the United States for use by the federal Bureau of Prisons; or

II. Comprise any part of the correctional institution presently known and identified as the federal prison.

2 Applicability. Section 1 of this act shall take effect only upon acceptance of the jurisdiction by the United States pursuant to 40 U.S.C. section 3112. Exclusive jurisdiction over any portion of the property described in section 1 of this act shall revert in the state of New Hampshire if the property ceases to be used by the United States for correctional purposes.

2010-0969s

AMENDED ANALYSIS

This bill provides for the ceding of concurrent jurisdiction to the United States government over certain property located in Coos county.

The question is on the adoption of Committee Amendment 0969s.

Committee Amendment 0969s adopted.

The question is on the motion of Ought to Pass as Amended on SB 506.

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

Recess. Out of recess.

The Senate "Birthday Choir" sang "Happy Birthday" in celebration of the birthdays of Senators Fuller Clark, Lasky and Houde.

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**Third Reading and Final Passage**

SB 311, relative to special education services for persons incarcerated and persons attending Granite State high school.

SB 328, relative to approval procedures on plats.

SB 380, relative to the definition of permissible fireworks.

SB 385-FN-A, relative to fees for low digit number plates.

SB 412, relative to the display of the POW-MIA flag.

SB 415, relative to remedies against landlords.

SB 416, relative to the state minimum hourly wage applicable to tipped restaurant employees.

SB 431, relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking.

SB 435, relative to the provision of caller locations in emergency situations.

SB 436, relative to health insurance open enrollment periods and establishing a commission relative to children's health insurance.

SB 438, relative to procedures in small claims actions.

SB 444, relative to the medical child support obligation.

SB 457-FN, authorizing identifying decals for custom vehicles.

SB 478, (Second New Title) relative to the appointments to the board of home inspectors, the administrative attachment of the plumbers' board, and retired status for licensed architects.

SB 494, relative to legislative study committees.

SB 501-FN, relative to worksharing benefits under the unemployment compensation law, and relative to training grants.

SB 503, relative to unique pupil identification.

SB 506, (New Title) ceding concurrent jurisdiction to the United States government over certain property located in Coos county.

SB 508, establishing the state office of veterans services.

SB 509, establishing the New Hampshire medal of honor fund and repealing the New Hampshire service award.

SB 510, establishing a commission to evaluate the parity between oral and intravenous chemotherapy.

SB 512-FN, relative to the community college system of New Hampshire.

SCR3, congratulating the Boy Scouts of America on the occasion of its 100th anniversary.

SJR2, endorsing the establishment of a statewide retiree medical trust for public employee health care reimbursement benefits after retirement.

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.