

April 28, 2010  
Nos. 15-16

# **STATE OF NEW HAMPSHIRE**

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**Second Year of the 161<sup>st</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – APRIL 21, 2010 SESSION  
COMMENCEMENT – APRIL 28, 2010 SESSION**

# SENATE JOURNAL 15 *(continued)*

*April 21, 2010*

## HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

**SB 56**, expanding the duties of the commission to study issues relative to groundwater withdrawals.

**SB 72-FN-L**, consolidating cemetery boards of trustees in Nashua.

**SB 307**, relative to voting by members of voluntary corporations and associations.

**SB 309**, relative to exempting the division of fire standards and training and emergency medical services from the definition of private postsecondary career school.

**SB 312**, conferring degree-granting authority to The American College of History and Legal Studies.

**SB 314**, relative to the investment of public funds and relative to the payment of costs for certain bank services.

**SB 324**, relative to financial disclosures.

**SB 328**, establishing a committee to study the right-to-know law relative to certain nonprofit corporations.

**SB 349-FN-L**, relative to the procedures for appraisal of multifamily residential rental property subject to covenants under the low-income housing tax credit program.

**SB 378**, relative to the New Hampshire public works mutual aid program.

**SB 379**, proclaiming September 5 as Portsmouth Peace Treaty Day.

**SB 380**, relative to the definition of permissible fireworks.

**SB 397-FN**, relative to public utilities commission assessments for the expenses of the consumer advocate.

**SB 403**, relative to motor-driven cycles.

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

**SB 426**, relative to the classification of Pleasant Lake.

**SB 449-FN**, relative to the designation of staff members as staff advocates in public utilities commission adjudicatory proceedings.

**SB 471-FN**, relative to felonious sexual assault and sexual assault.

**SB 499-FN**, relative to administration support of certain professional regulatory boards by the department of health and human services.

**SB 506**, ceding concurrent jurisdiction to the United States government over certain property located in Coos county.

**SB 508**, establishing the state office of veterans services.

**SCR 3**, congratulating the Boy Scouts of America on the occasion of its 100th anniversary.

**SJR 2**, endorsing the establishment of a statewide retiree medical trust for public employee health care reimbursement benefits after retirement.

**SJR 3**, in support of the New England secondary school consortium.

## HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

**SB 315**, relative to the selection of members of the conservation commission.

**SB 361-FN**, relative to benefits related to service of certain part-time district court justices and judges of probate retiring because of permanent disability.

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

**SB 452-FN**, relative to jurisdiction over certain health insurers.

**SB 489-FN-A-L**, relative to table gaming and video lottery at certain locations throughout the state and relative to the recovery of horse racing.

**SB 490-FN**, allowing historical racing.

#### HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bill sent down from the Senate and has indefinitely postponed the Bill:

**SB 492-FN-L**, extending the local property tax exemption for wooden poles and conduits.

#### HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

**SB 366**, relative to size limitations on OHRVs operating in Jericho Mountain state park.

**SB 399-FN**, allowing the fish and game department to charge fees for the release of department records.

#### HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendment to the following entitled House Bill sent down from the Senate:

**HB 1427**, relative to the conversion period for quarterly billing for property taxes.

**April 22, 2010**  
**2010-1548-EBA**  
**04/10**

#### Enrolled Bill Amendment to SB 314

The Committee on Enrolled Bills to which was referred SB 314

AN ACT relative to the investment of public funds and relative to the payment of costs for certain bank services.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

#### Explanation to Enrolled Bill Amendment to SB 314

This enrolled bill amendment makes a grammatical correction and rennumbers subparagraphs to conform to RSA style.

#### Enrolled Bill Amendment to SB 314

Amend the introductory paragraph in RSA 41:29, V(b) as inserted by section 3 of the bill by replacing line 3 with the following:

#### ***deposit which meet all of the following conditions:***

Amend RSA 197:23-a, V as inserted by section 5 of the bill by replacing it with the following:

V. As an alternative to the option of collateralization for excess funds provided in paragraph IV, the treasurer may also invest public funds in certificates of deposit which meet all of the following conditions:

(a) The funds are initially invested through a federally insured bank chartered under the laws of New Hampshire or the federal government with a branch within the state selected by the treasurer.

(b) The selected bank arranges for the deposit of the funds in certificates of deposit in one or more federally insured financial institutions located in the United States, for the account of the treasurer.

(c) The full amount of principal and any accrued interest of each such certificate of deposit is covered by federal deposit insurance.

(d) The selected bank acts as custodian with respect to such certificates of deposit issued for the account of the treasurer.

(e) At the same time that the funds are deposited and the certificates of deposit are issued, the selected bank receives an amount of deposits from customers of other federally insured financial institutions equal to or greater than the amount of the funds initially invested through the selected bank by the treasurer.

#### **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(s):

**SB 303**, relative to motor vehicle dealers, transporters, and repairers.

**SB 306**, extending the commission to develop a legislative plan to meet the needs of certain adults with developmental disabilities.

**SB 312**, conferring degree-granting authority to The American College of History and Legal Studies.

**SB 314**, relative to the investment of public funds and relative to the payment of costs for certain bank services.

**SB 318**, relative to the authority to dispense therapeutic contact lenses.

**SB 321**, relative to the state coordinating council for community transportation in New Hampshire.

**SB 362**, relative to giving swimmers and kayakers the right of way.

**SB 363**, requiring the suspension of boating privileges for refusing a blood alcohol test.

**SB 364**, recognizing Canadian boating safety education certificates.

**SB 376**, naming a bridge in honor of Joseph Sawtelle.

**SB 410**, establishing a committee to study New Hampshire's rate of infant mortality and develop proposals for remediation.

**SB 426**, relative to the classification of Pleasant Lake.

**SB 445**, relative to funds chargeable for unemployment compensation.

**HB 154**, relative to truancy.

**HB 216**, relative to fees for legal services rendered to workers' compensation claimants.

**HB 286**, relative to life insurance form disapproval.

**HB 507**, relative to taxes, fees, and credits under the insurance laws.

**HB 1129**, relative to saltwater fishing licenses for persons holding a lifetime license from the fish and game department.

**HB 1139**, relative to the regulation of podiatrists by the board of podiatry.

**HB 1144**, relative to the definition of a set line used for taking fish.

**HB 1152**, naming a bridge in Wolfeboro in honor of Corporal Matthew J. Stanley.

**HB 1153**, relative to membership of the commission to study water infrastructure sustainability funding.

**HB 1155**, relative to water district contracts.

**HB 1165**, relative to access to records for child support enforcement.

**HB 1175**, relative to duplicate registrations for snowmobiles.

**HB 1193**, relative to the definition of allowable child care expenses for purposes of determining child support and establishing a legislative oversight committee relative to implementation of the 2009 New Hampshire Support Guidelines Review and Recommendations.

**HB 1226**, relative to caregiver support services for the elderly.

**HB 1247**, establishing a speed limit for vehicles traveling through toll collection areas.

**HB 1265**, requiring school boards to develop a policy to address air quality issues in schools.

**HB 1280**, relative to life and health guaranty limits.

**HB 1289**, relative to air quality in public schools.

**HB 1418**, naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont the Charles Dana Bridge and correcting the naming of a bridge across the Connecticut River in the town of Chesterfield, New Hampshire from the Judge Harlan Fiske Stone Bridge to the Justice Harlan Fiske Stone Bridge.

**HB 1425**, relative to the regulation of the processing of lobster tails.

**HB 1446**, naming a bridge in Hopkinton in honor of Officer Sean M. Powers.

**HB 1517**, establishing a DWI victim fatality sign program.

**HB 1548**, relative to ambulatory surgical facilities under the law requiring reporting of hospital infections.

**HB 1563**, naming a bridge in Salem in honor of Corporal Nicholas Arvanitis, Staff Sergeant Edmond L. Lo, and Marine Lance Corporal Robert L. Mosillo.

**HB 1602**, relative to the secure psychiatric unit.

**HB 1634**, relative to assault by strangulation.

**HB 1649**, relative to health information and patient rights.

**HB 1651**, requiring that current information and reports relative to the state budget be made available on the state website.

**HB 1660**, repealing the authority for the assessment of an administrative penalty for various OHRV and snowmobile violations.

**HB 1668**, requiring state creditable service for group II retirees to receive state employee medical benefits.

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

**Report of Committee on Enrolled Bills adopted.**

**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 16**

***April 28, 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:

Part of the work that has to be done is naming things. Your files are named, and your bills are named with titles and numbers, and your districts are named. And we need to identify things in order to place them and work with them. What intrigues me is that in Jewish and Christian and Muslim traditions, God refuses to be named. When asked who God is, the response is, "I am who I am." Imagine how frustrating that must have been to hear. This is because to name something is to have power over it, to control it, to be able to place it and move it, to call it to come and sit obediently by our chair.

Part of the art of both life and leadership is to only name that which must be named in order to distinguish between what we name and what we label. To resist labeling a person or a position or an idea, or to value too quickly or too firmly, is to rest in the kind of humility which separates a leader from a great leader. Let us pray:

*Creator of the universe, we hairless bipeds are easily given over to the pride and arrogance which gives us the impression that we're in control of this island home we call earth. But with 4,000 species of stick bugs, we're aware that your very creation resists being boxed and labeled. Help us not to label your creation too quickly and too strictly, and help us not to label each other at all.* Amen

Sen. Boutin led the Pledge of Allegiance.

Sen. Kelly introduced members of a Monadnock Regional High School quartet, directed by Mark Polifrone, the quartet thereafter sang the national anthem.

### INTRODUCTION OF GUESTS AND PRESENTATIONS

**RESOLUTION** presented by President Larsen to Amber Ferreira, in recognition of winning the 2010 U.S. National Snowshoe Championship.

**RESOLUTION** presented by Sen. Bragdon to members of the "We the People" team and coach from Milford High School in recognition of being the 2010 New Hampshire State Champions of the New Hampshire Bar Association-sponsored "We the People: The Citizen and the Constitution."

Sen. Merrill introduced Kelly Voltz and Katja Luxem, students from Oyster River High School serving as Senate Pages for today's Session.

Sen. Reynolds welcomed visiting students from Canaan Elementary School.

### COMMITTEE REPORTS

#### SPECIAL ORDER

**Without objection President Larsen moved that HB 569-FN and HB 1610-FN be Special-Ordered to Senate Session of May 5, 2010.**

#### Commerce, Labor and Consumer Protection

**HB 569-FN**, (New Title) clarifying insurance coverage for diagnosis and treatment of pervasive developmental disorder or autism.

#### Executive Departments and Administration

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

#### SPECIAL ORDER

**HB 1495**, (New Title) relative to approval of chartered public schools from July 1, 2009 through June 30, 2011. Education Committee. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

#### Senate Education

**April 14, 2010**

**2010-1352s**

**01/09**

#### Amendment to HB 1495

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

AN ACT relative to approval of chartered public schools from July 1, 2009 through June 30, 2011 and relative to the renewal term for a chartered public school.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Chartered Public School; Establishment. RSA 194-B:3, X is repealed and reenacted to read as follows:

X. A school's charter may be renewed in the same manner that a new chartered public school is formed, except that a school's renewal term shall be for a period of 5 years.

**2010-1352s****AMENDED ANALYSIS**

This bill removes the prohibition on approval of new chartered public schools between July 1, 2009 and June 30, 2011 and authorizes the state board of education to issue approval of chartered public schools within that same time period. The bill also changes the renewal term for a chartered public school from 7 years to 5 years.

**The question is on the adoption of Committee Amendment 1352s.**

**Committee Amendment 1352s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1495.**

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

**SPECIAL ORDER**

**HB 626-FN**, (New Title) relative to voter identification. Election Law and Veterans' Affairs Committee. Inexpedient to Legislate, Vote 4-1. Senator Lasky for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 626-FN.**

**Motion of Inexpedient to Legislate failed.**

**Sen. Boutin moved Ought to Pass.**

**Sen. Boutin offered a floor amendment.**

**Sen. Boutin, Dist. 16**

**April 20, 2010**

**2010-1504s**

**10/03**

**Floor Amendment to HB 626-FN**

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

AN ACT relative to the Hooksett police commission.

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

1 Hooksett Police Commission. Amend 1975, 412:1, I to read as follows:

I. There is hereby established a police commission for the town of Hooksett to be appointed by the ~~board of selectmen~~ **town council**. Such commission shall consist of ~~three~~ **5** persons each of whom shall have been a resident of the town for at least ~~five~~ **5** years next preceding his appointment.

2 Referendum. This act shall not take effect unless it is adopted by a majority of those present and voting at any annual or special town meeting held in the town of Hooksett. The town clerk then in office shall print a special ballot to be used at said meeting containing the following question: "Shall the provisions of an act entitled 'An Act relative to the Hooksett police commission,' passed at the 2010 session of the legislature be adopted?" Beneath the question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word in which the voter may indicate his or her choice. If a majority of those voting on this question vote in the affirmative, this act shall be declared to have been adopted. Within 10 days after said election, the town clerk shall certify to the secretary of state the result of said vote.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

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

**2010-1504s****AMENDED ANALYSIS**

This bill increases the number of members of the Hooksett police commission and changes its appointing authority.

**The question is on the adoption of Floor Amendment 1504s.**

**Floor Amendment 1504s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 626-FN.**

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

### **SPECIAL ORDER**

**HB 1367-FN**, (New Title) relative to political advertising and campaign expenditures and contributions by business organizations and labor unions. Election Law and Veterans' Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator Merrill for the committee.

**Election Law and Veterans' Affairs**

**April 13, 2010**

**2010-1340s**

**03/09**

### **Amendment to HB 1367-FN**

Amend the bill by replacing section 2 with the following:

2 Political Expenditures and Contributions; Prohibited Political Contributions; Labor Unions; Segregated Account Exception. Amend RSA 664:4, III to read as follows:

III. By any labor union or group of labor unions, or by any officer, director, executive, agent, or employee acting in behalf of such union or group of unions; or by any organization representing ~~[or affiliated with]~~ any such union or group of unions, or by any officer, director, executive, agent, or employee acting in behalf of such organization. ***This shall not prohibit the establishment by a labor union or group of labor unions of a political committee that operates as a separate entity from the labor union or group of labor unions, provided that the committee's expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals.***

Amend the bill by replacing sections 4-6 with the following:

4 New Paragraph; Reporting by Political Committees; Business Organization Political Committees. Amend RSA 664:6 by inserting after paragraph VIII the following new paragraph:

IX. A political committee established by a business organization shall report to the secretary of state each contribution made by the committee. The report shall be made in writing or by electronic or facsimile transmission and shall be received by the secretary of state by midnight on the business day next following the contribution. The report shall identify the recipient and amount of the contribution. Reports under this paragraph shall be in addition to any other reports required by this section.

5 Reporting by Committees; Independent Expenditures. Amend RSA 664:6, IV-a to read as follows:

IV-a. Any political committee whose independent expenditures, in aggregate, exceed \$500 shall file an itemized statement with the secretary of state ~~[not later than 24 hours]~~ ***by midnight on the business day*** after such expenditures are made, and thereafter each time a further \$500 is expended. Such itemized statements shall cover the period during which independent expenditures totaling \$500 were made. Each statement shall include a certification by the political committee that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure; and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

6 New Section; Reporting by Business Organizations and Labor Unions. Amend RSA 664 by inserting after section 6 the following new section:

664:6-a Reporting by Business Organizations and Labor Unions. Any business organization or labor union whose independent expenditures, in the aggregate, exceed \$500 shall file an itemized statement with the secretary of state by midnight on the business day after such expenditures are made, and thereafter each time a further \$500 is expended. Such itemized statements shall cover the period during which independent expenditures totaling \$500 were made. Each statement shall include a certification by the business organization or labor



union that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure; and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this section shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this section, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements under this section shall be in addition to any other filings required under this chapter, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

#### **MOTION TO TABLE**

**Sen. Merrill moved to table HB 1367-FN.**

**The question is on the motion to table HB 1367-FN.**

**Motion adopted.**

#### **LAI ON THE TABLE**

**HB 1367-FN**, (New Title) relative to political advertising and campaign expenditures and contributions by business organizations and labor unions.

#### **SPECIAL ORDER**

**HB 1671-FN**, relative to election day registrants. Election Law and Veterans' Affairs 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 HB 1671-FN.**

**Motion of Inexpedient to Legislate adopted.**

**Senators Carson, Barnes and Letourneau are in opposition to motion of Inexpedient to Legislate on HB 1671-FN.**

(President Larsen welcomed visiting UNH public administration students and instructor Norman Patenaude.)

#### **SPECIAL ORDER**

**HB 232**, (New Title) increasing manufacturers' pesticide registration fees. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Cilley for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 232.**

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

**Sen. Barnes is in opposition to the motion of Ought to Pass on HB 232.**

#### **SPECIAL ORDER**

**HB 1251**, relative to the sale and transfer procedures for shutdown emissions credits. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 4-0. Senator Merrill for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1251.**

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

#### **SPECIAL ORDER**

**HB 1609-FN**, relative to current use and the land use change tax. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

**Energy, Environment and Economic Development**

**April 15, 2010**

**2010-1402s**

**09/05**

#### **Amendment to HB 1609-FN**

Amend RSA 79-A:7, II(c) as inserted by section 3 of the bill by replacing it with the following:

(c) Upon receipt of the land use change tax warrant and the prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice thereof. Such bill shall be mailed, at the latest, within 12 months of the date upon which the local assessing officials receive written notice of the change of use from the landowner or his *or her* agent[, or within 12 months of the date the local assessing officials actually discover] **on a form prescribed by the board. If no written notice is received, the local assessing officials shall have 18 months to discover** that the land use change tax is due and payable **and to mail the tax bill**. Upon receipt of payment, but except for proceedings under RSA 79-A:7, VI(e), the collector shall forward the original tax bill to the register of deeds of the county in which the land is located for the purpose of releasing recorded contingent liens required under RSA 79-A:5, VI. The tax bill shall state clearly whether all, or only a portion, of the land affected by the notice of contingent lien is subject to release. The recording fee charged by the register of deeds shall be paid by the owner of the land in accordance with the fees to which the register of deeds is entitled under RSA [478:17; 478:17-f or] 478:17-g, I [as applicable].

## 2010-1402s

### AMENDED ANALYSIS

This bill changes the procedure for setting current use value of unproductive land, clarifies that the land use change tax is not a property tax but is a change of use tax, allows local assessing officials 18 months to discover that the land use change tax is due and payable and to mail the tax bill if they receive no written notice, and clarifies current use taxation of condominium development areas.

**The question is on the adoption of Committee Amendment 1402s.**

**Committee Amendment 1402s failed.**

**Sen. Odell offered a floor amendment.**

**Sen. Odell, Dist. 8**

**Sen. Fuller Clark, Dist. 24**

**April 27, 2010**

**2010-1662s**

**09/01**

### Floor Amendment to HB 1609-FN

Amend RSA 79-A:7, II(c) as inserted by section 3 of the bill by replacing it with the following:

(c) Upon receipt of the land use change tax warrant and the prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice thereof. Such bill shall be mailed, at the latest, within [12] **18** months of the date upon which the local assessing officials receive written notice of the change of use from the landowner or his *or her* agent, or within [12] **18** months of the date the local assessing officials actually discover that the land use change tax is due and payable. Upon receipt of payment, but except for proceedings under RSA 79-A:7, VI(e), the collector shall forward the original tax bill to the register of deeds of the county in which the land is located for the purpose of releasing recorded contingent liens required under RSA 79-A:5, VI. The tax bill shall state clearly whether all, or only a portion, of the land affected by the notice of contingent lien is subject to release. The recording fee charged by the register of deeds shall be paid by the owner of the land in accordance with the fees to which the register of deeds is entitled under RSA [478:17; 478:17-f or] 478:17-g, I [as applicable].

## 2010-1662s

### AMENDED ANALYSIS

This bill changes the procedure for setting current use value of unproductive land, clarifies that the land use change tax is not a property tax but is a change of use tax, allows local assessing officials 18 months to discover that the land use change tax is due and payable and to mail the tax bill if they receive no written notice, and clarifies current use taxation of condominium development areas.

**Recess. Out of recess.**

### MOTION TO TABLE

**Sen. Reynolds moved to table HB 1609-FN.**

**The question is on the motion to table HB 1609-FN.**

**Motion adopted.**

**LAID ON THE TABLE**

**HB 1609-FN**, relative to current use and the land use change tax.

**SPECIAL ORDER**

**HB 510**, relative to the position of director of vital records administration. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Cilley for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 510.**

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

**SPECIAL ORDER**

**HB 1158**, changing the name of the institutional review board to the vital records privacy board for health-related research. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator DeVries for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1158.**

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

**SPECIAL ORDER**

**HB 1166**, relative to procurement procedures of the director of plant and property management, and relative to approval of design build projects. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator Downing for the committee.

**Senate Executive Departments and Administration**

**April 14, 2010**

**2010-1374s**

**05/10**

**Amendment to HB 1166**

Amend the bill by replacing sections 2 and 3 with the following:

2 Delegation of Purchasing Authority; Use of Procurement Cards. Amend RSA 21-I:17-a, I to read as follows:

I. The director of plant and property management may, upon written application of the governing board of any agency, authorize such governing board, or one or more individuals designated by such board, to purchase supplies for the agency directly from vendors by the use of field purchase orders, ***or by the use of procurement cards issued for that purpose***; provided, however, that no such field purchase order ***or procurement card*** shall be used where a total expenditure of more than \$500 is involved. The form and use of such field purchase orders ***or procurement cards*** shall be prescribed by rules adopted by the commissioner of administrative services[;] pursuant to RSA 541-A ***in consultation with the state treasurer, or in the department's manual of procedures described in RSA 21-I:14, I. Rules or procedures adopted by the commissioner relative to procurement cards shall include processes for monitoring the use of such cards.*** ~~[The director may also authorize purchases using the integrated financial system for contracted commodities and services, provided that the total expenditure involved does not exceed \$5,000.]~~ ***Procurement cards shall be used only for the state purposes permitted under this paragraph. Unauthorized use of a procurement card may result in disciplinary action up to and including termination of employment. Any person who knowingly uses a procurement card in violation of this section shall be guilty of a misdemeanor.***

3 Public Works Design and Construction; Approval by Capital Budget Overview Committee. Amend RSA 21-I:80, I(d) to read as follows:

(d) Notwithstanding any other provision of law, the commissioner is authorized to use the design build and construction management methods of contracting for any ~~[buildings that are part of capital projects]~~ ***project***. The capital budget overview committee shall approve preliminary plans prior to construction, ***reconstruction, alteration, or maintenance if the project is part of a capital project and:***

***(1) The construction management method of contracting is used; or***

***(2) The design build method of contracting is used and the estimated cost is more than \$500,000. If the design-build method of contracting is used and the estimated cost is \$500,000 or less, preapproval of the capital budget overview committee shall not be required, but the department shall notify the committee of all such projects and shall provide quarterly reports on project status.***

**The question is on the adoption of Committee Amendment 1374s.**

**Committee Amendment 1374s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1166.**

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

#### **SPECIAL ORDER**

**HB 1271**, (New Title) establishing a task force on work and family. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator Cilley for the committee.

**Senate Executive Departments and Administration**

**April 14, 2010**

**2010-1372s**

**05/10**

#### **Amendment to HB 1271**

Amend RSA 276-F:2, I(o) as inserted by section 1 of the bill by replacing it with the following:

(o) A representative of a young professionals network within a local chamber of commerce, appointed by the New Hampshire Association of Chamber of Commerce Executives.

Amend RSA 276-F:2, I as inserted by section 1 of the bill by inserting after subparagraph (z) the following new subparagraph:

(aa) A representative of skilled workers, appointed by the New Hampshire State Building and Construction Trades Council.

**The question is on the adoption of Committee Amendment 1372s.**

**Committee Amendment 1372s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1271.**

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

#### **SPECIAL ORDER**

**HB 1304**, (New Title) 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. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 4-0. Senator Downing for the committee.

**Senate Executive Departments and Administration**

**April 14, 2010**

**2010-1371s**

**05/10**

#### **Amendment to HB 1304**

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

AN ACT extending legislative study committees and commissions.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Committee to Study Issues Related to Cooperative School Districts; Report Date. Amend 2007, 257:5, as amended by 2008, 152:7 and 2009, 202:2, to read as follows:

257:5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [2009] **2010**.

**2010-1371s**

#### **AMENDED ANALYSIS**

This bill extends the task force on homeless teenagers, the commission to study alternate fuel vehicles, the task force to study access to dental care, the committee to study the certificate of need process, and the committee to study issues related to cooperative school districts.

**The question is on the adoption of Committee Amendment 1371s.**

**Committee Amendment 1371s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1304.**

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

#### **SPECIAL ORDER**

**HB 1572-FN**, relative to the certification of integrated residential communities. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

#### **MOTION TO TABLE**

**Sen. Gilmour moved to table HB 1572-FN.**

**The question is on the motion to table HB 1572-FN.**

**Motion adopted.**

#### **LAIID ON THE TABLE**

**HB 1572-FN**, relative to the certification of integrated residential communities.

#### **SPECIAL ORDER**

**HB 1138**, relative to the authority to expend municipal transportation improvement funds. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1138.**

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

#### **SPECIAL ORDER**

**HB 1335**, (New Title) establishing a local option to authorize the governing body to set the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 4-0. Senator Houde for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 1335.**

**Motion of Inexpedient to Legislate adopted.**

**HB 1337**, (New Title) relative to requirement for public forums for the assessing standards board and the equalization standards board. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator DeVries for the committee.

#### **Public and Municipal Affairs**

**April 15, 2010**

**2010-1412s**

**09/10**

#### **Amendment to HB 1337**

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

AN ACT relative to the requirement for public forums for the assessing standards board and the equalization standards board and relative to disciplinary sanctions for assessing officials.

Amend the bill by replacing all after section 2 with the following:

3 Powers and Duties of the Assessing Standards Board. Amend RSA 21-J:14-b, I-a(a)(1)(C) to read as follows:

(C) ~~[Revocation]~~ **Decertification**, suspension, and other disciplinary standards and sanctions.

4 Decertification of Assessors. Amend RSA 21-J:14-g to read as follows:

21-J:14-g Decertification.

I. The commissioner may decertify, **suspend, or take other disciplinary action against** any person ~~[or may refuse to issue or renew any certification]~~ for failure to comply with the rules of the assessing standards board adopted pursuant to RSA 21-J:14-f, II.

II. Any person aggrieved by a decertification [~~or refusal to certify~~], ***suspension, or other disciplinary action*** of the commissioner may appeal from such decision by application to the board of tax and land appeals or by petition to the superior court in the county in which such person resides or maintains his or her business within 30 days after receiving written notice of the commissioner's decision. The board of tax and land appeals or the court, as the case may be, shall hear the appeal forthwith.

5 Effective Date.

I. Section 4 of this act shall take effect July 1, 2011.

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

## **2010-1412s**

### **AMENDED ANALYSIS**

This bill reduces the requirement for holding public forums from 3 to one for the assessing standards board and the equalization standards board. The bill also changes a reference to the disciplinary sanction of "revocation" to "decertification" in a rulemaking provision for the assessing standards board and changes wording regarding disciplinary sanctions for consistency.

**The question is on the adoption of Committee Amendment 1412s.**

**Committee Amendment 1412s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1337.**

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

### **SPECIAL ORDER**

**HB 1230**, relative to commercial motor vehicles and heating oil deliveries. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1230.**

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

### **SPECIAL ORDER**

**HB 1374**, relative to the prohibition against participation in a national identification card system. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1374.**

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

**HB 213-FN**, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 4-0. Senator DeVries for the committee.

**Commerce, Labor and Consumer Protection**

**April 22, 2010**

**2010-1561s**

**09/04**

### **Amendment to HB 213-FN**

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

1 New Subdivision; Emergency Notification System. Amend RSA 106-H by inserting after section 15 the following new subdivision:

#### **Emergency Notification System**

106-H:16 Emergency Notification System.

I. For the purposes of alerting members of the public about emergencies in a particular area and delivering rapid emergency notification and information, the bureau shall develop and maintain a statewide emergency notification system (ENS). The bureau shall work with technical members from the wireline, wireless, voice over Internet Protocol, and cable industries to design the ENS for the delivery of emergency messages for emergency state and local government purposes in a manner conducive with existing communications systems and networks.

II. The ENS shall use the E911 database and a database developed for persons who request inclusion in the ENS. All telephone numbers in the E911 database shall automatically be included in the ENS. This data shall remain confidential and shall be used solely by the ENS for the purposes of emergency notification and message delivery.

III. The bureau shall, to the greatest extent possible, ensure that the ENS is fully geographic information system (GIS) capable and able to define an emergency zone by address or geographic area. Telephone numbers shall be linked to a GIS mapping database and able to perform a query based on address or a general geographic area.

IV. The ENS shall include means by which persons can opt-out of the system and also opt-in to the system for communications devices not otherwise included in the system, such as nomadic voice over Internet Protocol phones, internet protocol enabled services, and commercial mobile radio services.

V. To accommodate the use of the ENS during an emergency, the ENS shall be capable of providing a pre-recorded message and delivering that message to a large number of telephones and communications devices.

VI. The bureau shall ensure that every state, county, and local emergency response agency has access to and training in the use of the ENS.

VII. The bureau shall establish policies, standards, and procedures, with the assistance, review, and approval of the enhanced 911 commission and the commissioner of safety, for the ENS. The bureau shall conduct regular assessments and internal tests of the ENS to ensure that it is functioning properly in compliance with the requirements of this section and that it meets all federal and state requirements for incident management.

VIII. The bureau, with the approval of the enhanced 911 commission and the commissioner of safety, may develop and modify the ENS to be compatible with the Federal Communications Commission (FCC) guidelines or requirements for broadcast messaging once adopted.

## 2 Funding. Amend RSA 106-H:9, I and II to read as follows:

I. The enhanced 911 system **and the statewide emergency notification system** shall be funded through a surcharge to be levied upon each residence and business telephone exchange line, including PBX trunks and Centrex lines, each individual commercial mobile radio service number, and each semi-public and public coin and public access line. No such surcharge shall be imposed upon more than 25 business telephone exchange lines, including PBX trunks and Centrex lines, or more than 25 commercial mobile radio service exchange lines per customer billing account. In the case of local exchange telephone companies, the surcharge shall be contained within tariffs or rate schedules filed with the public utilities commission and shall be billed on a monthly basis by each local exchange telephone company. In the case of an entity which provides commercial mobile radio service the surcharge shall be billed to each customer on a monthly basis and shall not be subject to any state or local tax; the surcharge shall be collected by the commercial mobile radio service provider, and may be identified on the customer's bill. Each local exchange telephone company or entity which provides commercial mobile radio service shall remit the surcharge amounts on a monthly basis to the enhanced 911 services bureau, which shall be forwarded to the state treasurer for deposit in the enhanced 911 system fund. The state treasurer shall pay expenses incurred in the administration of the enhanced 911 system **and the statewide emergency notification system** from such fund. Such fund shall not lapse. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the enhanced 911 system **or the statewide emergency notification system**, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the enhanced 911 system fund to the department of safety for such purposes. The moneys in the account shall not be used for any purpose other than the development and operation of enhanced 911 services **and the statewide emergency notification system**, in accordance with the terms of this chapter. Surcharge amounts shall be reviewed after the budget has been approved or modified, and if appropriate, new tariffs or rate schedules shall be filed with the public utilities commission reflecting the surcharge amount.

II. Imposition of the enhanced 911 services surcharge shall ~~[begin not later than 4 months from the approval of the budget, in order to]~~ provide adequate funding for the development of the enhanced 911 database, **the statewide emergency notification system database**, and other operations ~~[necessary to the development]~~ of the enhanced 911 system **and the statewide emergency notification system**.

## 3 Limitation of Liability. Amend RSA 508:12-a, III to read as follows:

III.(a) No person or corporation shall be liable in any suit for civil damages who, in good faith and without willful or wanton negligence receives, develops, collects, ***provides***, or processes information for the enhanced 911 database ***or the statewide emergency notification system (ENS) database***, relays or transfers enhanced 911 services, ***transmits ENS messages and notifications to the public***, or provides emergency telephone and radio communications for ambulance, police and fire departments.

***(b) No person or corporation shall be liable in any suit for civil damages who, in good faith and without willful or wanton negligence receives, develops, collects, provides, or processes information within any entity storing 911 records used in the provision of enhanced 911 services or for emergency notification system purposes.***

4 Membership; Enhanced 911 Commission. Amend RSA 106-H:3, I(a) to read as follows:

I.(a) There is hereby established an enhanced 911 commission consisting of ~~[16]~~ **17** members, including the director of the division of fire standards and training and emergency medical services or designee, the chairman of the public utilities commission or designee, a representative of the department of safety, a public member, a police officer experienced in responding to emergency calls, a representative of the disabled community, and one active member recommended by each of the following organizations, nominated by the governor with the approval of the council:

(1) ~~[Verizon]~~ ***Fairpoint.***

(2) New Hampshire Association of Fire Chiefs.

(3) New Hampshire Association of Chiefs of Police.

(4) New Hampshire Federation of Fire Mutual Aids.

(5) New Hampshire Municipal Association.

(6) New Hampshire Sheriffs Association.

(7) New Hampshire Telephone Association.

***(8) New England Cable Telecommunications Association.***

~~[(8)]~~ ***(9)*** The commissioner of the department of administrative services.

~~[(9)]~~ ***(10)*** A representative of the mobile telecommunications carriers industry.

~~[(10)]~~ ***(11)*** A representative of the Professional Firefighters of New Hampshire.

5 Funding of Statewide Emergency Notification System Implementation. Funding for implementation of the statewide emergency notification system required by this act, including funds for software and hardware but excluding phones, shall be limited to \$600,000.

6 Effective Date. This act shall take effect 30 days after its passage.

**2010-1561s**

#### AMENDED ANALYSIS

This bill requires the bureau of emergency communications to develop and maintain a statewide emergency notification system. The bill limits funding for implementation of the system to \$600,000. This bill limits liability with regard to receiving, processing, and storing information for the statewide emergency notification system.

#### MOTION TO TABLE

**Sen. DeVries moved to table HB 213-FN.**

**The question is on the motion to table HB 213-FN.**

**Motion adopted.**

#### LAIID ON THE TABLE

**HB 213-FN**, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system.

**HB 271**, relative to relevant information in a workers' compensation claim. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 4-0. Senator Roberge for the committee.



**The question is on the adoption of committee recommendation of Ought to Pass on HB 271.**

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

**HB 299**, (New Title) prohibiting banks from requiring fingerprints in order to complete a banking transaction. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 6-0. Senator Bragdon for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 299.**

**Motion of Inexpedient to Legislate adopted.**

**HB 1171**, repealing the prohibitions on Sunday business activities. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 5-1. Senator Reynolds for the committee.

**Commerce, Labor and Consumer Protection**

**April 22, 2010**

**2010-1544s**

**05/04**

#### **Amendment to HB 1171**

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2011.

**The question is on the adoption of Committee Amendment 1544s.**

**Committee Amendment 1544s adopted.**

**Sen. DeVries offered a floor amendment.**

**Sen. DeVries, Dist. 18**

**Sen. Downing, Dist. 22**

**April 22, 2010**

**2010-1559s**

**05/04**

#### **Floor Amendment to HB 1171**

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

AN ACT repealing the prohibitions on Sunday business activities and permitting municipalities to regulate such activities.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 New Section; Powers and Duties of Towns; Sunday Business Activities. Amend RSA 31 by inserting after section 41-e the following new section:

31:41-f Sunday Business Activities. The legislative body of any town may adopt bylaws and ordinances regulating retail business, plays, games, sports, and exhibitions on Sundays. Bylaws and ordinances adopted by the governing body in accordance with this section shall continue in force until altered or annulled by vote of the legislative body.

3 New Paragraph; Powers of City Councils; Bylaws and Ordinances; Sunday Business Activities. Amend RSA 47:17 by inserting after paragraph XIX the following new paragraph:

XX. Sunday Business Activities. To regulate the operation of retail businesses, plays, games, sports, and exhibitions on Sundays.

**2010-1559s**

#### **AMENDED ANALYSIS**

This bill repeals the chapter prohibiting certain business activities on Sundays. The bill also permits municipalities to adopt bylaws and ordinances regulating retail business, plays, games, sports, and exhibitions on Sundays.

**The question is on the adoption of Floor Amendment 1559s.**

**Floor Amendment 1559s adopted.**

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

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

**HB 1207**, relative to Delta Dental data submission. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 5-0. Senator Cilley for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1207.**

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

**HB 1208**, relative to rebate exemptions. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 4-0. Senator DeVries for the committee.

**Commerce, Labor and Consumer Protection**

**April 22, 2010**

**2010-1560s**

**09/03**

**Amendment to HB 1208**

Amend the introductory paragraph of RSA 402:41, I(f) as inserted by section 1 of the bill by replacing it with the following:

(f) Raffles or drawings, conducted in connection with the marketing or promotion of insurance products, if:

**The question is on the adoption of Committee Amendment 1560s.**

**Committee Amendment 1560s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1208.**

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

**HB 1236**, relative to underwriting on the basis of credit information. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator DeVries for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1236.**

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

**HB 1237**, relative to a certain insurance rulemaking exemption. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 4-0. Senator Cilley for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1237.**

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

**HB 341**, relative to the date selected for the presidential primary election. 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 HB 341.**

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

**HB 1387**, (New Title) establishing a committee to study the need for supportive housing for homeless veterans. Election Law and Veterans' Affairs Committee. Ought to Pass with Amendment, Vote 5-0. Senator Barnes for the committee.

**Election Law and Veterans' Affairs**

**April 20, 2010**

**2010-1490s**

**09/05**

**Amendment to HB 1387**

Amend paragraph II of section 2 of the bill by inserting after subparagraph (f) the following new subparagraphs:

(g) The United States Department of Housing and Urban Development.

(h) Any other individual or organization the committee deems necessary or appropriate.

**The question is on the adoption of Committee Amendment 1490s.**

**Committee Amendment 1490s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1387.**

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

**HB 1476**, relative to periodic verification of the checklist. Election Law and Veterans' Affairs Committee. 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 HB 1476.**

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

**HB 1529**, relative to absentee voting. Election Law and Veterans' Affairs Committee. 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 HB 1529.**

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

**HB 1266**, relative to notification requirements for lowering the water level of a lake or pond. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Merrill for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1266.**

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

(Sen. Reynolds welcomed a second group of visiting students from Canaan Elementary School.)

**HB 1450**, relative to the designation of a portion of the Cocheco River as a protected river. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Cilley for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1450.**

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

**HB 1534**, relative to the issuance of air permits and certain fees relative to air permits. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

**Energy, Environment and Economic Development**

**April 22, 2010**

**2010-1558s**

**08/09**

#### **Amendment to HB 1534**

Amend RSA 125-C:11, III-c as inserted by section 2 of the bill by replacing it with the following:

***III-c. The commissioner may adopt rules providing for a permit-by-notification with respect to a source category, provided that the commissioner finds that there is more than one device or non-Title V source in the source category, and that the devices or non-Title V sources in that category are all subject to the same regulatory requirements.***

Amend the bill by replacing section 13 with the following:

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

**The question is on the adoption of Committee Amendment 1558s.**

**Committee Amendment 1558s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1534.**

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

**HB 1422**, establishing a committee to study the establishment of a department of natural resources. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator DeVries for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1422.**

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

**HB 1429**, establishing a committee to study the inclusion of universal design requirements in the state building code. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 3-0. Senator Cilley for the committee.

**Senate Executive Departments and Administration**

**April 21, 2010**

**2010-1530s**

**10/04**

**Amendment to HB 1429**

Amend paragraph I of section 2 of the bill by replacing it with the following:

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

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

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

Amend the bill by replacing section 4 with the following:

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

**The question is on the adoption of Committee Amendment 1530s.**

**Committee Amendment 1530s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1429.**

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

**HB 1525**, relative to physical therapists practicing on animals. Executive Departments and Administration Committee. Ought to Pass, Vote 2-0. Senator Cilley for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1525.**

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

**HB 1384**, establishing a suicide fatality review committee. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Sgambati for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1384.**

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

**HB 1430**, relative to the uniform anatomical gift act. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1430.**

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

**HB 1526**, requiring the department of health and human services to establish a methodology for determining certain high cost long-term care cases. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Sgambati for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1526.**

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

**Recess. Out of recess.**

**AFTERNOON SESSION**

**COMMITTEE REPORTS, RESUMED**

**HB 1161**, repealing the requirement to obtain a license to sell in order to sell pistols or revolvers at retail. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Letourneau for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1161.**

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

**HB 1177**, establishing a committee to study education and career development programs for youths and young adults in the juvenile and adult criminal justice systems. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Reynolds for the committee.

**Senate Judiciary**

**April 22, 2010**

**2010-1540s**

**05/10**

**Amendment to HB 1177**

Amend paragraph I of section 3 of the bill by replacing it with the following:

I. The members of the committee shall be 5 members of the house of representatives, appointed by the speaker of the house of representatives.

Amend section 5 of the bill by replacing it with the following:

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

**The question is on the adoption of Committee Amendment 1540s.**

**Committee Amendment 1540s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1177.**

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

**HB 1217**, relative to liability issues associated with the juvenile diversion program. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Roberge for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 1217.**

**Motion of Inexpedient to Legislate adopted.**

**HB 1361**, (New Title) relative to procedures for notification of parole hearings. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Roberge for the committee.

**Sen. Barnes offered a floor amendment.**

**Sen. Barnes, Jr., Dist. 17**

**Sen. Gallus, Dist. 1**

**Sen. Bradley, Dist. 3**

**Sen. Odell, Dist. 8**

**Sen. Roberge, Dist. 9**

**Sen. Bragdon, Dist. 11**

**Sen. Carson, Dist. 14**

**Sen. Boutin, Dist. 16**

**Sen. Downing, Dist. 22**

**April 28, 2010**

**2010-1684s**

**04/10**

**Floor Amendment to HB 1361**

Amend RSA 651-A:11, I as inserted by section 1 of the bill by replacing it with the following:

I. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall twice publish, in a newspaper of general circulation within the county where the offense occurred, a notice stating the intention of the person to seek parole **and shall post notice of the same on the adult parole board section of the department of corrections' Internet site.** Said [notice] **notices** shall [contain] **include** the name **and birth date** of the applicant and the date, **time**, and location of the parole hearing. **Adult parole board hearings shall comply with the provisions of RSA 91-A.**

**2010-1684s****AMENDED ANALYSIS**

This bill requires notice of parole board hearings to be posted on the department of corrections Internet site. The bill also requires the department of corrections to provide certain information to the victim of the person seeking parole.

**The question is on the adoption of Floor Amendment 1684s.**

**Floor Amendment 1684s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1361.**

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

**HB 1402**, repealing the crime of adultery. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Lasky for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 1402.**

**Motion of Inexpedient to Legislate adopted.**

**Sen. Kelly is in opposition to the motion of Inexpedient to Legislate on HB 1402.**

**HB 1441**, relative to claimant eligibility for victim's compensation. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Letourneau for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1441.**

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

**HB 1484**, relative to residency restrictions for sex offenders. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Reynolds for the committee.

**MOTION TO TABLE**

**Sen. D'Allesandro moved to table HB 1484.**

**The question is on the motion to table HB 1484.**

**Motion adopted.**

**LAIID ON THE TABLE**

**HB 1484**, relative to residency restrictions for sex offenders.

**HB 1686**, relative to juvenile diversion programs. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Roberge for the committee.

**Senate Judiciary**

**April 22, 2010**

**2010-1539s**

**05/10**

**Amendment to HB 1686**

Amend RSA 169-B:2, IV-b as inserted by section 1 of the bill by replacing it with the following:

**IV-b. *"Court approved diversion program" means a program that has been approved by the administrative judge of the judicial branch family division and has been approved to accept court referrals. An approved diversion program is a community based alternative to the formal court process that integrates restorative justice practices, promotes positive youth development, and reduces juvenile crime and recidivism.***

Amend RSA 169-B:10, II and II-a as inserted by section 3 of the bill by replacing them with the following:

**II.** At any time before or at arraignment pursuant to this chapter, a minor and the minor's family may be referred to a court-approved diversion program or other ***intervention program*** or community resource. Referral may be made by the arresting or prosecuting agency or juvenile probation and parole officer, prior to filing a petition with the court or after the filing of a petition by such agency with the court's approval, or by

the court on its own, or any party's motion. When the arresting or prosecuting agency, or juvenile probation and parole officer suspects that a minor has a disability, an administrator at the responsible school district shall be notified. If appropriate, the school district shall refer the minor for evaluation to determine if the child is in need of special education and related services.

**II-a.** The administrative judge of the [district court] **judicial branch family division** shall have the authority to approve diversion referral procedures for use in all juvenile matters throughout the state.

Amend RSA169-B:10,VI as inserted by section 3 of the bill by replacing it with the following:

**VI. No person who performs public service as part of his or her participation in a court approved diversion program under this chapter shall receive any benefits that such employer gives to its employees, including, but not limited to, workers' compensation and unemployment benefits and no such employer shall be liable for any damages sustained by a person while performing such public service or any damages caused by that person unless the employer is found to be negligent.**

Amend RSA 169-D:9, I as inserted by section 5 of the bill by replacing it with the following:

I. At any time before or during a proceeding brought pursuant to this chapter, a child and the child's family may be referred to a court approved diversion program, **as defined in RSA 169-B:2, IV-b**, or other **intervention program** or community resource. Referral may be made by a law enforcement agency or juvenile probation and parole officer prior to or after filing a petition with the court, upon the court's own motion, or at the request of any party with the approval of the court. When the arresting or prosecuting agency, or juvenile probation and parole officer suspects that a child has a disability, an administrator at the responsible school district shall be notified. If appropriate, the school district shall refer the child for evaluation to determine if the child is in need of special education and related services. The administrative judge of the [district court] **judicial branch family division** shall have authority to approve diversion procedures for use by the courts in all juvenile matters throughout the state.

Amend the bill by replacing section 8 with the following:

8 Effective Date. This act shall take effect January 1, 2011.

**2010-1539s**

#### AMENDED ANALYSIS

This bill:

I. Requires the administrative judge of the judicial branch family division to approve juvenile diversion programs.

II. Clarifies employee benefits and liability issues for persons engaged in public service under RSA 169-B, the juvenile delinquency statute.

**The question is on the adoption of Committee Amendment 1539s.**

**Committee Amendment 1539s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1686.**

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

**HB 1174**, (New Title) relative to terms for appointed town officials and relative to pay for members of park or recreation commissions. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator Houde for the committee.

**Public and Municipal Affairs**

**April 22, 2010**

**2010-1551s**

**06/09**

#### Amendment to HB 1174

Amend RSA 49-C:20 as inserted by section 2 of the bill by replacing it with the following:

49-C:20 Appointive Officers. The charter shall provide for the appointment of a city clerk, a treasurer, one or more assessors, a fire chief, a police chief, a health officer, a city solicitor, a general assistance administrator, and such other officers as may be necessary to administer all departments which the elected body and

the charter shall establish. Assessors shall, prior to appointment, have demonstrated knowledge of property appraisal or assessment and of the laws governing the assessment and collection of property taxes. The powers and duties of appointed officers and heads of departments shall be those prescribed by state law, by the charter or by ordinance. ***Unless otherwise provided in the charter or by law, the term of office of any appointed officer shall begin upon his or her appointment and qualification for office and shall end upon the appointment and qualification of his or her successor.***

**The question is on the adoption of Committee Amendment 1551s.**

**Committee Amendment 1551s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1174.**

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

**HB 1159**, relative to the classification of snowmobile trails maintenance vehicles. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 3-0. Senator Boutin for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1159.**

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

**HB 1181**, naming a portion of route 43 after the Honorable Robert A. Johnson. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 2-0. Senator Boutin for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1181.**

**A roll call was requested by Sen. Barnes, seconded by Sen. Sgambati.**

**The following Senators voted Yes: Gallus, Reynolds, Bradley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Boutin, 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 adopted, bill ordered to Third Reading.**

**HB 1249**, relative to seasonal highway limits for certain vehicles. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 3-0. Senator Letourneau for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1249.**

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

**HB 1269**, relative to the operation of OHRVs and snowmobiles adjacent to public highways. Transportation and Interstate Cooperation 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 HB 1269.**

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

**HB 1390**, relative to the minimum age for the operation of commercial vessels. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 3-0. Senator Letourneau for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1390.**

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

**HB 1419**, (New Title) naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont, informally known as the Hinsdale Bridge, the Anna Hunt Marsh Bridge. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 2-0. Senator Kelly for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1419.**

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

**HB 1201**, (New Title) including loaded muzzleloaders in the prohibition of hunting from a vehicle. Wildlife, Fish and Game and Agriculture Committee. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.



**Wildlife, Fish and Game and Agriculture**  
**April 20, 2010**  
**2010-1502s**  
**10/05**

**Amendment to HB 1201**

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

AN ACT including loaded muzzleloaders in the prohibition of hunting from a vehicle, and establishing a committee to review all firearms laws in the criminal code and fish and game laws.

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

2 Committee Established. There is established a committee to review all firearms laws in the criminal code and the fish and game laws.

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

(a) Four members of the house of representatives, 2 of whom shall be from the criminal justice and public safety committee and 2 of whom shall be from the fish and game and marine resources committee, appointed by the speaker of the house of representatives.

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

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

III. The committee shall review the firearms laws in the criminal code and the fish and game laws and identify conflicting statutes. The committee shall propose legislation it deems necessary to correct any such conflicting statutes.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2010.

3 Effective Date.

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

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

**2010-1502s**

**AMENDED ANALYSIS**

This bill adds loaded muzzleloaders to the provisions prohibiting hunting from a motor vehicle, OHRV, snowmobile, boat, or aircraft. This bill also establishes a committee to review all firearms laws in the criminal code and fish and game laws.

**MOTION TO TABLE**

**Sen. Boutin moved to table HB 1201.**

**The question is on the motion to table HB 1201.**

**Motion adopted.**

**LAI D ON THE TABLE**

**HB 1201, (New Title) including loaded muzzleloaders in the prohibition of hunting from a vehicle.**

**Recess. Out of recess.**

**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**

**HB 232**, (New Title) increasing manufacturers' pesticide registration fees.

**HB 271**, relative to relevant information in a workers' compensation claim.

**HB 341**, relative to the date selected for the presidential primary election.

**HB 510**, relative to the position of director of vital records administration.

**HB 626-FN**, relative to the Hooksett police commission.

**HB 1138**, relative to the authority to expend municipal transportation improvement funds.

**HB 1158**, changing the name of the institutional review board to the vital records privacy board for health-related research.

**HB 1159**, relative to the classification of snowmobile trails maintenance vehicles.

**HB 1161**, repealing the requirement to obtain a license to sell in order to sell pistols or revolvers at retail.

**HB 1166**, relative to procurement procedures of the director of plant and property management, and relative to approval of design build projects.

**HB 1171**, repealing the prohibitions on Sunday business activities and permitting municipalities to regulate such activities.

**HB 1174**, (New Title) relative to terms for appointed town officials and relative to pay for members of park or recreation commissions.

**HB 1177**, establishing a committee to study education and career development programs for youths and young adults in the juvenile and adult criminal justice systems.

**HB 1181**, naming a portion of route 43 after the Honorable Robert A. Johnson.

**HB 1207**, relative to Delta Dental data submission.

**HB 1208**, relative to rebate exemptions.

**HB 1230**, relative to commercial motor vehicles and heating oil deliveries.

**HB 1236**, relative to underwriting on the basis of credit information.

**HB 1237**, relative to a certain insurance rulemaking exemption.

**HB 1249**, relative to seasonal highway limits for certain vehicles.

**HB 1251**, relative to the sale and transfer procedures for shutdown emissions credits.

**HB 1266**, relative to notification requirements for lowering the water level of a lake or pond.

**HB 1269**, relative to the operation of OHRVs and snowmobiles adjacent to public highways.

**HB 1271**, (New Title) establishing a task force on work and family.

**HB 1304**, extending legislative study committees and commissions.

**HB 1337**, relative to the requirement for public forums for the assessing standards board and the equalization standards board and relative to disciplinary sanctions for assessing officials.

**HB 1361**, (New Title) relative to procedures for notification of parole hearings.

**HB 1374**, relative to the prohibition against participation in a national identification card system.

**HB 1384**, establishing a suicide fatality review committee.

**HB 1387**, (New Title) establishing a committee to study the need for supportive housing for homeless veterans.

**HB 1390**, relative to the minimum age for the operation of commercial vessels.

**HB 1419**, (New Title) naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont, informally known as the Hinsdale Bridge, the Anna Hunt Marsh Bridge.

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

**HB 1429**, establishing a committee to study the inclusion of universal design requirements in the state building code.

**HB 1430**, relative to the uniform anatomical gift act.

**HB 1441**, relative to claimant eligibility for victim's compensation.

**HB 1450**, relative to the designation of a portion of the Cocheco River as a protected river.

**HB 1476**, relative to periodic verification of the checklist.

**HB 1495**, relative to approval of chartered public schools from July 1, 2009 through June 30, 2011 and relative to the renewal term for a chartered public school.

**HB 1525**, relative to physical therapists practicing on animals.

**HB 1526**, requiring the department of health and human services to establish a methodology for determining certain high cost long-term care cases.

**HB 1529**, relative to absentee voting.

**HB 1534**, relative to the issuance of air permits and certain fees relative to air permits.

**HB 1686**, relative to juvenile diversion programs.

#### **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, and forming a Committee of Conference on HB 1314.

**Motion adopted.**

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