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Nos. 1-2

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 – JANUARY 6, 2010 SESSION
COMMENCEMENT – JANUARY 13, 2010 SESSION**

SENATE JOURNAL 1 *(continued)*

January 6, 2010

Out of Recess.

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 herein listed titles and referred to the therein designated committees.

Motion adopted.

First and Second Reading and Referral

10-2733

SB 343-FN, relative to Medicaid managed care. (Bradley, Dist 3; Downing, Dist 22; Letourneau, Dist 19; Gallus, Dist 1; Packard, Rock 3; Boutin, Merr 9; Wendelboe, Belk 1: Health and Human Services)

10-2727

SB 384, authorizing the department of health and human services to provide private adoption agencies access to founded reports of abuse and neglect maintained by the department. (Sgambati, Dist 4; Reynolds, Dist 2; Gilmour, Dist 12; Arsenault, Belk 4; Julie Brown, Straf 1; Donovan, Sull 4; B. Richardson, Ches 5: Health and Human Services)

10-2747

SB 386-FN, extending the pilot program for chartered public schools approved by the state board of education. (Carson, Dist 14; Bradley, Dist 3; Gallus, Dist 1; Hunt, Ches 7; Stiles, Rock 15: Education)

10-2752

SB 387-FN, relative to penalties for violations of the consumer protection act. (Cilley, Dist 6; Lasky, Dist 13; DiFruscia, Rock 4: Judiciary)

10-2754

SB 388-FN, relative to remedies for violations of the retail selling statute. (Cilley, Dist 6; Lasky, Dist 13; Nixon, Hills 17: Judiciary)

10-2757

SB 389-FN-A, relative to the interest and dividends tax on certain distributions to investors in investment organizations. (Houde, Dist 5; Janeway, Dist 7: Ways and Means)

10-2762

SB 390-FN, relative to health insurance premium only cafeteria plans. (Houde, Dist 5; Hassan, Dist 23; Nord, Rock 1; Hammond Hills; McEachern, Rock 16; Houde-Quimby, Sull 1: Commerce, Labor and Consumer Protection)

10-2795

SB 394-FN, relative to dealing in counterfeit goods. (Letourneau, Dist 19; Reynolds, Dist 2; Bradley, Dist 3; Packard, Rock 3; Pantelakos, Rock 16; Welch, Rock 8; Rausch, Rock 5; Shurtleff, Merr 10: Judiciary)

10-2824

SB 396-FN, limiting the use of child restraint practices in schools and treatment facilities. (Sgambati, Dist 4; Kelly, Dist 10; Hassan, Dist 23; Rouse, Straf 7; Reeve, Belk 4; Stiles, Rock 15; Merry, Belk 2: Health and Human Services)

10-2821

SB 398-FN, relative to prohibited sales of alcoholic beverages. (Fuller Clark, Dist 24; Hunt, Ches 7: Judiciary)

10-2905

SB 402-FN, requiring reductions in the number of state-owned passenger vehicles. (Bragdon, Dist 11; Barnes, Jr., Dist 17; Carson, Dist 14; Downing, Dist 22; Gallus, Dist 1; Letourneau, Dist 19; Roberge, Dist 9; Bradley, Dist 3: Finance)

10-2706

SB 410, establishing a committee to study New Hampshire's rate of infant mortality and develop proposals for remediation. (Sgambati, Dist 4; Bradley, Dist 3; Carson, Dist 14; D'Allesandro, Dist 20; Fuller Clark, Dist 24; Gallus, Dist 1; Gilmour, Dist 12; Houde, Dist 5; Kelly, Dist 10; Lasky, Dist 13; Odell, Dist 8; Reynolds, Dist 2; Pilliod, Belk 5; Julie Brown, Straf 1; Batula, Hills 19; Arsenault, Belk 4: Health and Human Services)

10-2713

SB 411, relative to permitting of large groundwater withdrawals. (Cilley, Dist 6; Barnes, Jr., Dist 17; Fuller Clark, Dist 24; Merrill, Dist 21; Lasky, Dist 13; Moody, Rock 12; Tupper, Merr 6; Mann, Rock 1; Nord, Rock 1: Energy, Environment and Economic Development)

10-2719

SB 412, relative to the display of the POW-MIA flag. (Barnes, Jr., Dist 17; Emiro, Rock 3; Baldasaro, Rock 3; K. Roberts, Ches 3; Theberge, Coos 4: Election Law and Veterans' Affairs)

10-2720

SB 413, relative to obstructions on motor vehicle windows. (Gallus, Dist 1; D'Allesandro, Dist 20; Letourneau, Dist 19; Ingersoll, Coos 4: Transportation)

10-2723

SB 414, relative to the Mount Washington commission. (Gallus, Dist 1; Houde, Dist 5; Remick, Coos 2; Ingersoll, Coos 4; Theberge, Coos 4; Bouchard, Merr 11: Executive Departments and Administration)

10-2724

SB 415, relative to remedies against landlords. (Gallus, Dist 1; Downing, Dist 22; Carson, Dist 14; Stohl, Coos 1; Chandler, Carr 1: Judiciary)

10-2731

SB 416, relative to the state minimum hourly wage applicable to tipped restaurant employees. (Cilley, Dist 6; Lasky, Dist 13; Bragdon, Dist 11; Craig, Hills 9; McEachern, Rock 16: Commerce, Labor and Consumer Protection)

10-2734

SB 417, relative to national health care reform and Medicaid. (Bradley, Dist 3; Barnes, Jr., Dist 17; Bragdon, Dist 11; Downing, Dist 22; Gallus, Dist 1; Letourneau, Dist 19; Odell, Dist 8; Carson, Dist 14; Boutin, Merr 9; Wendelboe, Belk 1; Chandler, Carr 1; Packard, Rock 3: Finance)

10-2788

SB 418, establishing requirements for electric distribution company solicitation of proposals from renewable energy developers. (Fuller Clark, Dist 24; Odell, Dist 8; Janeway, Dist 7; S. Harvey, Hills 21; Borden, Rock 18: Energy, Environment and Economic Development)

10-2835

SB 419, relative to conversion of convertible lands under the condominium act. (Gallus, Dist 1; Carson, Dist 14; Roberge, Dist 9; Ingersoll, Coos 4; Chandler, Carr 1: Public and Municipal Affairs)

10-2737

SB 420, relative to the use of mail order pharmacies for prescription drug benefits under accident and health insurance policies and plans. (Cilley, Dist 6; Craig, Hills 9; Hatch, Coos 3; S. Price, Straf 3: Commerce, Labor and Consumer Protection)

10-2790

SB 421, relative to the laws regulating trusts and trust companies in New Hampshire. (D'Allesandro, Dist 20; Hunt, Ches 7: Commerce, Labor and Consumer Protection)

10-2799

SB 422, relative to small power producer electric sales in brownfields and economically depressed locations. (Fuller Clark, Dist 24; Janeway, Dist 7; Merrill, Dist 21; Borden, Rock 18; Perry, Straf 3: Energy, Environment and Economic Development)

10-2806

SB 423, relative to health insurance coverage for licensed athletic trainer services. (Kelly, Dist 10; Schlachman, Rock 13: Commerce, Labor and Consumer Protection)

10-2812

SB 424, relative to the consumer advocate's access to confidential information provided to the public utilities commission. (Cilley, Dist 6; Reynolds, Dist 2; Cali-Pitts, Rock 16; Keans, Straf 1: Judiciary)

10-2822

SB 426, relative to the classification of Pleasant Lake. (Barnes, Jr., Dist 17; Fuller Clark, Dist 24; Cilley, Dist 6; Bradley, Dist 3; Odell, Dist 8; Merrill, Dist 21; Case, Rock 1; Reagan, Rock 1; Mann, Rock 1; Nord, Rock 1: Energy, Environment and Economic Development)

10-2826

SB 427, adding duties to the oversight committee on health and human services. (Sgambati, Dist 4; Downing, Dist 22; Rosenwald, Hills 22; Harding, Graf 11: Health and Human Services)

10-2829

SB 428, establishing a committee to study dispatch times within the enhanced 911 system. (DeVries, Dist 18; Levesque, Hills 5: Executive Departments and Administration)

10-2831

SB 429, relative to disclosure of finance charges. (Downing, Dist 22; Kidder, Merr 1; R. Holden, Hills 7: Commerce, Labor and Consumer Protection)

10-2834

SB 430, relative to grading and improving subdivision streets. (Gallus, Dist 1; D'Allesandro, Dist 20; Bragdon, Dist 11; Chandler, Carr 1; Campbell, Hills 24; Patten, Carr 4: Public and Municipal Affairs)

10-2837

SB 431, relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking. (Houde, Dist 5; Odell, Dist 8; Kelly, Dist 10; Merrill, Dist 21; Fuller Clark, Dist 24; Rodd, Merr 5; Shurtleff, Merr 10; Welch, Rock 8: Judiciary)

10-2841

SB 432, relative to technical changes in public utilities law concerning telecommunications. (Merrill, Dist 21; Fuller Clark, Dist 24; Cilley, Dist 6: Energy, Environment and Economic Development)

10-2842

SB 433, relative to underground facility damage prevention and establishing the position of director of safety and security of the public utilities commission. (Merrill, Dist 21; Kaen, Straf 7; Townsend, Graf 10; Harding, Graf 11: Energy, Environment and Economic Development)

10-2846

SB 434, requiring the Pettengill Road project in Londonderry to be added to the state's 10-year transportation improvement program. (Carson, Dist 14; Letourneau, Dist 19; Roberge, Dist 9; Lasky, Dist 13; Baldasaro, Rock 3; Headd, Rock 3; Villeneuve, Hills 18: Capital Budget)

10-2847

SB 435, relative to the provision of caller locations in emergency situations. (Carson, Dist 14; Bradley, Dist 3; Letourneau, Dist 19; Houde, Dist 5; Bragdon, Dist 11; Kurk, Hills 7; Renzullo, Hills 27; Charron, Rock 7; Welch, Rock 8: Commerce, Labor and Consumer Protection)

10-2853

SB 436, relative to health insurance open enrollment periods and establishing a commission relative to children's health insurance. (Gilmour, Dist 12; Odell, Dist 8; Gallus, Dist 1; DeVries, Dist 18; Fuller Clark, Dist 24; Emerton, Hills 7; Rosenwald, Hills 22; Millham, Belk 5; Schlachman, Rock 13: Commerce, Labor and Consumer Protection)

10-2863

SB 437, relative to the authority of district court justices to issue emergency orders in any district court. (Reynolds, Dist 2; Lasky, Dist 13; Houde, Dist 5; Roberge, Dist 9; Cote, Hills 23: Judiciary)

10-2865

SB 438, relative to procedures in small claims actions. (Reynolds, Dist 2; Lasky, Dist 13; Letourneau, Dist 19; Roberge, Dist 9; Cote, Hills 23: Judiciary)

10-2866

SB 439, making technical corrections and changes to court sites and names. (Reynolds, Dist 2; Lasky, Dist 13; Letourneau, Dist 19; Roberge, Dist 9; Cote, Hills 23: Judiciary)

10-2868

SB 440, relative to executive branch ethics. (Merrill, Dist 21; Roberge, Dist 9; Wall, Straf 7: Executive Departments and Administration)

10-2869

SB 441, relative to the lakes management and protection program. (Merrill, Dist 21; Reynolds, Dist 2; Sgambati, Dist 4; Odell, Dist 8; Tupper, Merr 6; Millham, Belk 5: Energy, Environment and Economic Development)

10-2871

SB 442, relative to the grant program to administer exotic aquatic plant prevention. (Merrill, Dist 21; Reynolds, Dist 2; Beaulieu, Hills 17; French, Merr 5; DiFruscia, Rock 4; Millham, Belk 5: Energy, Environment and Economic Development)

10-2884

SB 443, relative to rulemaking authority of the electricians' board. (Carson, Dist 14; Gallus, Dist 1; Letourneau, Dist 19; Almy, Graf 11: Executive Departments and Administration)

10-2885

SB 444, relative to the medical child support obligation. (Reynolds, Dist 2: Judiciary)

10-2897

SB 445, relative to funds chargeable for unemployment compensation. (Hassan, Dist 23; DeVries, Dist 18; Bishop, Rock 2: Commerce, Labor and Consumer Protection)

10-2898

SB 446, relative to the governance of the Concord school district. (Larsen, Dist 15; Shurtleff, Merr 10; Osborne, Merr 12: Public and Municipal Affairs)

10-2915

SB 447, relative to the residence requirement for town moderators and town clerks. (Roberge, Dist 9; D'Allesandro, Dist 20; Cooney, Graf 7; Theberge, Coos 4; L. Brown, Straf 3; Patten, Carr 4: Public and Municipal Affairs)

10-2916

SB 448, relative to alternate members of land use boards. (Roberge, Dist 9; Lasky, Dist 13; Merrill, Dist 21; Barnes, Jr., Dist 17; Bradley, Dist 3; Odell, Dist 8; Grassie, Straf 1; Graham, Hills 18; Hawkins, Hills 18; Theberge, Coos 4: Public and Municipal Affairs)

10-2708

SB 451-FN, including low digit number plates as vanity plates. (Sgambati, Dist 4; Fuller Clark, Dist 24; Gallus, Dist 1; Gilmour, Dist 12; Hassan, Dist 23; Houde, Dist 5; Merrill, Dist 21; Reynolds, Dist 2; Roberge, Dist 9; Shurtleff, Merr 10; Pierce, Graf 9; Stuart, Belk 4: Transportation and Interstate Cooperation)

10-2736

SB 452-FN, authorizing individuals and certain businesses to purchase health insurance from out-of-state insurance companies. (Bradley, Dist 3; Barnes, Jr., Dist 17; Bragdon, Dist 11; Carson, Dist 14; Downing, Dist 22; Gallus, Dist 1; Letourneau, Dist 19; Odell, Dist 8; Roberge, Dist 9; Wendelboe, Belk 1; Renzullo, Hills 27: Commerce, Labor and Consumer Protection)

10-2767

SB 453, relative to air quality in ice rinks. (Sgambati, Dist 4; Cilley, Dist 6; D'Allesandro, Dist 20; Fuller Clark, Dist 24; Gilmour, Dist 12; Merrill, Dist 21; Odell, Dist 8; Roberge, Dist 9; Arsenault, Belk 4; Pilliod, Belk 5; Fields, Belk 2; Knox, Carr 4: Executive Departments and Administration)

10-2802

SB 454-FN, relative to requiring submission of a reduced spending alternative as part of the biennial budget process. (Bradley, Dist 3; Barnes, Jr., Dist 17; Bragdon, Dist 11; Carson, Dist 14; Letourneau, Dist 19; Odell, Dist 8; Roberge, Dist 9; Gallus, Dist 1; Boutin, Merr 9; Wendelboe, Belk 1; Kurk, Hills 7; Packard, Rock 3: Finance)

10-2896

SB 457-FN, authorizing identifying decals for custom vehicles. (Hassan, Dist 23; Letourneau, Dist 19; Bradley, Dist 3: Transportation and Interstate Cooperation)

10-2901

SB 458-FN, relative to enforcement of child support obligations. (Houde, Dist 5; Fuller Clark, Dist 24; Gile, Merr 10; Arsenault, Belk 4: Judiciary)

10-2927

SB 460-FN-A, relative to the lapse of certain legislative and judicial branch appropriations. (Hassan, Dist 23; D'Allesandro, Dist 20; Odell, Dist 8; Larsen, Dist 15; Wallner, Merr 12; M. Smith, Straf 7; Norelli, Rock 16: Finance)

10-2930

SCR 2, encouraging New Hampshire schools to adopt environmentally sound practices in their school cafeterias and school lunch programs. (Reynolds, Dist 2; Fuller Clark, Dist 24; S. Smith, Graf 7: Education)

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 53, relative to the definition of “public body” under the right-to-know law.

HB 138, revising certain provisions of the sexually violent predators statute.

HB 286-FN, relative to life insurance form disapproval.

HB 299, prohibiting banks from requiring fingerprints in order to complete a banking transaction.

HB 325, establishing standards for adequate service of process and establishing a commission to study service of process by laypersons.

HB 366, relative to retail vehicle dealers.

HB 478-FN, relative to remotely readable devices and relative to the illegal use of a payment card scanning device or reencoder.

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

HB 546-FN, relative to authorizing temporary registrations of off-highway recreational vehicles for non-residents.

HB 561-FN, relative to insurance coverage for persons having deafness and hearing loss.

HB 564-FN, relative to ramp/lift equipped van parking spaces.

HB 569-FN, clarifying insurance coverage for diagnosis and treatment of pervasive developmental disorder or autism.

HB 577-FN, relative to recovery of public assistance and third party liability.

HB 615, relative to organization, reorganization, or withdrawal from a school administrative unit.

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.

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 123, relative to agricultural restricted grants.

HOUSE MESSAGE

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

SB 90, establishing a private right of action for pharmacies against health maintenance organizations.

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 10-FN-A-L, making an appropriation to the town of Allenstown for disaster assistance in response to the May 2006 and April 2007 floods.

SB 79, relative to the compensation of game operators.

SB 158, establishing a commission to study the creation of an uncompensated care fund to provide payments to certain health care providers.

SB 186, relative to the establishment of a statewide transportation policy and a transportation advisory commission.

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 2

January 13, 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:

When an earthquake brings a cinderblock city to the ground, we are all aware of how fragile life is, that we are really just water and calcium, the miracle of life. And it was a sleepless night for me and a lot of other people who love those who they know and lived with in Haiti. I lived there for two years and my godchildren are there, and it's a hard time. The Mother Superior of the convent in Boston called this morning to say that their convent of sisters in Port-au-Prince are unreachable, but the convent's next to the cathedral which is down. It is very, very sad. And it reminds us that as Senators and senatorial staff, our job is primarily – your job is primarily choice-making, the making of choices. And the anvil of our souls are not forged on the decisions we make intellectually, but by the pain we feel communally. So perhaps we could just have a moment of silence and remember anyone in despair at this moment, and then we will pray.

(Moment of silence observed.)

God of compassion, You wear the universe as your vestments and yet Your hands are at the ends of our arms. Give us a deep sense of the privilege we have, and the resulting responsibility we have to care for those in pain. Be especially with every mother and father, sister and brother, who are disconnected from, and worried about, a loved one lost or in pain, and connect us to that longing. Amen

Sen. Reynolds led the Pledge of Allegiance.

Sen. Merrill is excused from today's session.

INTRODUCTION OF GUESTS INTRODUCTION OF NEW STAFF MEMBER

Sen. Larsen introduced the newest staff member of the Senate Clerk's Office, Elaine Bonner, working as Senate Status Information Technician.

Sen. Reynolds introduced and welcomed her friend Eva Nagorka from Plymouth who will be working with Sen. Reynolds while participating in an internship program at Franklin Pierce University as she works on a Ph.D. degree.

COMMITTEE REPORTS

SB 141-FN, relative to a life settlements model act. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 4-0. Senator Cilley for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 141-FN.

Motion of Inexpedient to Legislate adopted.

SB 194, relative to the negotiation of payroll checks. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 4-0. Senator Bragdon for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 194.

Motion of Inexpedient to Legislate adopted.

HB 602-FN, relative to costs associated with cashing payroll checks. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 4-0. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 602-FN.

Motion of Inexpedient to Legislate adopted.

HB 143, relative to procedures for requesting a change of school for a child. Education Committee. Inexpedient to Legislate, Vote 5-0. Senator Bragdon for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 143.

Motion of Inexpedient to Legislate adopted.

HB 154, relative to truancy. Education Committee. Ought to Pass with Amendment, Vote 6-0. Senator Kelly for the committee.

Senate Education
January 6, 2010
2010-0083s
04/05

Amendment to HB 154

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

1 School Boards; Appointment of Truant Officers. Amend RSA 189:34 to read as follows:

189:34 Appointment.

I. School boards shall appoint truant officers for their districts.

II. School board policies on truancy shall include but not be limited to:

(a) A definition of “excused absence” and a process for considering exceptions to absences not otherwise excused.

(b) A process for intervention designed to address individual cases of truancy as quickly as possible and to reduce the number of habitual truants in the school district. The board shall provide for the participation of parents in the development of the policy. The policy shall include early parental involvement in the intervention process. The policy shall also designate an employee in each school as the person responsible for truancy issues.

2 School Boards; Truancy Defined. Amend RSA 189:35-a to read as follows:

189:35-a Truancy Defined.

I. For the purposes of this subdivision, “truancy” means an unexcused absence from school or class and “unexcused absence” is an absence ~~[without parental or administrative permission]~~ **which has not been excused in accordance with RSA 189:34, II(a).**

II. ~~[Twenty]~~ **Ten** half days of unexcused absence during a school year shall constitute habitual truancy.

III. A school district shall define the term “half day of absence.”

IV. Nothing in this section shall affect or limit a school district’s power to adopt bylaws concerning truancy pursuant to RSA 193:16.

V. Nothing in this section shall affect or limit the duties of a parent pursuant to RSA 193:1.

VI. School district attendance records shall be presumed to be true and accurate unless evidence to the contrary is presented.

3 School Boards; Duties. Amend RSA 189:36 to read as follows:

189:36 Duties.

I. Truant officers shall, when directed by the school board, enforce the laws and regulations relating to truants and children between the ages of [8] **6** and 18 years not attending school or who are not participating in an alternative learning plan under RSA 193:1, I(h); and the laws relating to the attendance at school of children between the ages of [8] **6** and 18 years; and shall have authority without a warrant to take and place in school any children found employed contrary to the laws relating to the employment of children, or violating the laws relating to the compulsory attendance at school of children under the age of 18 years, and the laws relating to child labor. No home school pupil nor any person between the ages of 6 and 18 who meets any of the requirements of RSA 193:1, I(c)-(h) shall be deemed a truant.

II. A truant officer or school official shall not file a petition alleging that the child is in need of services pursuant to RSA 169-D:2, II(a) until all steps in the school district's intervention process under RSA 189:34, II have been followed.

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

The question is on the adoption of Committee Amendment 0083s.

Committee Amendment 0083s adopted.

The question is on the motion of Ought to Pass as Amended on HB 154.

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

HB 509, requiring parental consent for psychological evaluations by school districts. Education Committee. Inexpedient to Legislate, Vote 5-1. Senator Kelly for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 509.

Motion of Inexpedient to Legislate adopted.

Senators Bradley, Carson, Barnes, Roberge and Letourneau are in opposition to the motion of Inexpedient to Legislate on HB 509.

FINANCE REPORT

Sen. D'Allesandro reported that SB 73 will be taken to Finance Committee and SB 166 is waived from Finance review.

SB 379, proclaiming September 5 as Portsmouth Peace Treaty Day. Election Law and Veterans' Affairs Committee. Ought to Pass, Vote 4-0. Senator Lasky for the committee.

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

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

Recess/Out of Recess.

The question is on the adoption of committee recommendation of Ought to Pass on SB 379.

A roll call had been requested.

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

The following Senators voted No: (None)

Yeas: 22 - Nays: 0

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

SCR 1, urging Congress to fund the construction of a full-service veterans' hospital in New Hampshire. Election Law and Veterans' 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 SCR 1.

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

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

The following Senators voted No: (None)

Yeas: 22 - Nays: 0

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

SB 56, relative to financial responsibility for large groundwater withdrawals. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Cilley for the committee.

Energy, Environment and Economic Development
December 18, 2009
2010-0033s
06/09

Amendment to SB 56

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

AN ACT expanding the duties of the commission to study issues relative to groundwater withdrawals.

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

1 Commission to Study Issues Relative to Groundwater Withdrawals; Duties Expanded. Amend 2003, 305:3 as amended by 2008, 176:1 to read as follows:

305:3 Duties.

I. The commission shall:

(a) Study ways to bring a balanced approach to water use among residential, public water supply, industrial, commercial, agricultural, energy, recreational, and other water users, and to improve the current process by which new water users may reasonably and efficiently use state water resources, including consideration of potential regional impacts and local water management issues, in order to best protect and preserve an adequate supply of water for the state with particular attention to groundwater. This study shall include consideration of issues such as potential impacts on New Hampshire's environment, property rights as they relate to groundwater, possible fees on water withdrawals, and the protection of New Hampshire's aquifers. ~~[The commission shall also]~~

(b) Study criteria, including public benefit, for the granting of large water withdrawals other than those of RSA 485-C and RSA 485-A. Consideration of this issue shall include appropriate roles for municipalities in the permitting and regulation of large groundwater withdrawals and include input from municipalities and other appropriate entities. ~~[The committee shall]~~

(c) *Study the amount of financial responsibility the person seeking approval for a large commercial groundwater withdrawal would be required to demonstrate, including bonding and insurance. In determining such amount, the commission shall consider potential damage to the environment and nearby wells, including but not limited to, unreasonable reductions in well capacity or contaminant migration from off-site contamination sources which impact water quality.*

(d) Design an appropriate statewide monitoring plan to ensure long term sustainability of groundwater resources and participation in the development and distribution of public educational materials on the municipal role in large groundwater permitting, including local and state regulations.

II. The commission may address other issues related to water.

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

2010-0033s

AMENDED ANALYSIS

This bill expands the duties of the commission to study the financial responsibility to be demonstrated by a person seeking approval for a large groundwater withdrawal.

The question is on the adoption of Committee Amendment 0033s.

Committee Amendment 0033s adopted.

The question is on the motion of Ought to Pass as Amended on SB 56.

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

SB 73-FN, requiring state departments to reduce energy consumption and to make an annual report on their energy consumption reduction efforts. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 6-0. Senator Fuller Clark for the committee.

Energy, Environment and Economic Development
January 7, 2010
2010-0095s
09/10

Amendment to SB 73-FN

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

AN ACT requiring the state government to reduce energy consumption in state buildings, to develop an energy conservation plan, and to make an annual report on the state's energy consumption.

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

1 Findings.

I. The New Hampshire Climate Action Plan issued in March 2009 emphasized that future economic growth in New Hampshire as well as mitigation of and adaptation to a changing climate will depend in large part on more efficient use of energy. The New Hampshire Climate Plan also recommended that the state of New Hampshire lead by example in its activities to reduce energy use associated with heating and cooling buildings.

II. Energy costs are and will continue to be a significant portion of the state budget as the state government operations are the largest electricity consumer and energy unit costs are expected to continue to increase.

III. For these reasons, the general court supports establishing goals for reducing energy consumption in state buildings.

2 New Paragraph; Department of Administrative Services; Duties of Commissioner. Amend RSA 21-I:13 by inserting after paragraph XVII the following new paragraph:

XVIII. Compile the energy conservation recommendations and report on energy consumption reduction by state departments required by RSA 21-I:14-c and, with the assistance of the department of environmental services and the office of energy and planning, submit an energy conservation plan to work towards achieving the goal stated therein. The report and energy conservation plan shall be filed with the energy efficiency and sustainable energy board established under RSA 125-0:5-a, the governor, the senate president, the speaker of the house of representatives, the chairman of the senate energy, environment and economic development committee and the chairman of the house science, technology and energy committee.

3 New Section; Energy Consumption Reduction Goal; Data and Reports. Amend RSA 21-I by inserting after section 14-b the following new section:

21-I:14-c Energy Consumption Reduction Goal; Data and Reports.

I. Each state department shall coordinate activities related to the requirements under this section as directed by the department of administrative services and develop recommendations using cost-effective measures to help the state achieve a significant reduction in energy consumption in state buildings on a square foot basis, in particular a 25 percent reduction of fossil fuel energy by 2025, with 2005 as the reference year for buildings.

II. Each state department that manages or operates state-owned buildings shall on a quarterly basis make data available to the commissioner of administrative services which details the energy consumption of all such buildings and provide on an annual basis on or before September 1 a summary report that details the cost-effective measures each state department is utilizing to comply with the energy consumption reduction goals established in paragraph I and its progress and barriers in meeting these goals.

III. The commissioner of administrative services shall submit an annual report on or before December 1 compiling the energy consumption reduction data and energy conservation recommendations of the departments and identifying progress toward meeting the goals established in paragraph I and shall submit an energy conservation plan towards achieving the goals established in paragraph I. The commissioner of administrative services shall prepare these reports with the assistance of the department of environmental services, the office of energy and planning, and other state agencies as deemed necessary by the commissioner. The annual report and energy conservation plan shall be submitted to the energy efficiency and sustainable energy board established under RSA 125-0:5-a, the governor, the senate president, the speaker of the house of representatives, the chairman of the senate energy, environment and economic development committee and the chairman of the house science, technology and energy committee.

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

2010-0095s**AMENDED ANALYSIS**

This bill requires the state government to significantly reduce energy consumption in state buildings on a square foot basis with a goal of reducing fossil fuel energy consumption by 25 percent by 2025. Each department is required to submit data and recommendations with the commissioner of administrative services on its compliance with this reduction goal. The commissioner of administrative services shall annually submit a report on the state's energy consumption reduction efforts and, with the assistance of the department of environmental services and the office of energy and planning, shall develop an energy conservation plan to work towards this energy reduction goal, both of which will be submitted to the energy efficiency and sustainable energy board, the governor and the legislature.

The question is on the adoption of Committee Amendment 0095s.

Committee Amendment 0095s adopted.

The question is on the motion of Ought to Pass as Amended on SB 73-FN.

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

SB 166-FN, relative to mineral extraction, mining, and reclamation in New Hampshire. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy, Environment and Economic Development

January 5, 2010

2010-0078s

08/09

Amendment to SB 166-FN

Amend RSA 12-E:1, VIII(b)-(c) as inserted by section 1 of the bill by replacing it with the following:

(b) Mining activities in existence before August 24, 1979.

(c) Mining or quarrying activities for the production of construction aggregate.

(d) Collectors and hobbyists who hand collect mineral and rock specimens for recreational purposes.

Amend RSA 12-E:1, XIII-XIV as inserted by section 1 of the bill by replacing it with the following:

XIII. "Pre-application meeting" means the meeting requested in writing by a potential permit applicant prior to submission of its permit application and to be scheduled by the commissioner, where the applicant, representatives of the department of resources and economic development, representatives from the department of environmental services, including the state geologist, and the chair of the local planning board for the community in which the mine is to be located, or his or her designee, will meet to review the proposed application, and, if any party so requests, conduct a site visit. The pre-application meeting and any documents submitted or exchanged for the purposes of the pre-application meeting are not public, or subject to public disclosure, pursuant to RSA 91-A.

XIV. "Prospecting" means exploration for ores, rocks, minerals performed by a company or professional agent in the business of mineral deposit exploration and development, using or mechanized equipment such as a core drill, which will result in disturbance of land and which would result in the disturbance of land greater than 100,000 square feet, and greater than 10 feet in depth from the immediate land surface.

Amend RSA 12-E:1 as inserted by section 1 of the bill by inserting after paragraph XX the following new paragraph:

XXI. "Core drilling" means the use of a motorized drill to extract solid, continuous rock samples from the earth for the purpose of exploration and characterization of ores, rocks, and minerals.

Amend RSA 12-E:2, VI as inserted by section 2 of the bill by replacing it with the following:

VI. Prepare an annual report. Such report shall include the number and geographic distribution of permit applications accepted and rejected, the acreage of the affected sites and permit sites, the names of the operators, corporate officers, and corporations making such applications and such other information as will enable the actions of the commissioner to be evaluated. The report shall be prepared in consultation with the state geologist and submitted to the governor and council.

Amend RSA 12-E:3, I as inserted by section 4 of the bill by replacing it with the following:

I. Prior to prospecting for minerals ***on any lands within the state*** a person shall obtain a prospecting permit from the commissioner upon payment of a fee pursuant to RSA 12-E:8. The commissioner may attach conditions upon issuance of the permit to minimize the environmental damage of such activities. Such prospecting permit shall be valid for a term of one year subject to renewal upon request to the commissioner. ***The prospecting permit shall not be effective until all required permits are obtained from the department of environmental services.***

Amend RSA 12-E:4 as inserted by section 5 of the bill by replacing it with the following:

12-E:4 Mining Permit Required. No person shall conduct mining on any lands in the state unless he holds a valid permit issued by the commissioner or is exempted pursuant to RSA 12-E:1, [VI] ***VIII.***

Amend the bill by replacing section 7 with the following:

7 Mining and Reclamation; Mining Permit Required. Amend RSA 12-E:4, II to read as follows:

II. Such mining permit shall include a mining plan, a blasting plan if such activities are anticipated, and a reclamation plan. Such permit shall be valid for a term of 3 years and, upon submission of a renewal permit application by the operator, shall be renewed 60 days prior to its expiration; provided, however, the commissioner determines that the operator has complied with the permit. ***The issuance of a mining permit shall not affect any obligation of the applicant to obtain local approvals required under all applicable lawful ordinance not inconsistent with this chapter.*** ~~[The commissioner shall have the authority to modify a permit or renewal as he deems necessary consistent with regulations promulgated under this chapter. Renewal permits shall not be subject to public hearings under the provisions of RSA 12-E:5. There is no limit to the number of renewals that may be issued for each operation provided the commissioner determines the operator has continued to comply with the original permit.]~~

II-a. Where an amended permit or permit renewal seeks to change the use, size, volume, or intent from the original permit, such amended permit or renewal shall be required to obtain local approvals required under all applicable, lawful local ordinances.

Amend RSA 12-E:4, IV(h) as inserted by section 8 of the bill by replacing it with the following:

(h) A description of the following:

(1) Projected impacts of mining activities on the surface water and groundwater hydrology of the permitted site, and downgradient and downstream properties and receptors;

(2) Best management practices associated with mining activities, including, but not limited to construction and blasting activities that will be implemented to protect the quality of water resources and the surface and groundwater hydrology of the permitted site; and

(3) On-going water quality sampling and reporting programs to verify that water resources are not being impacted by mining activities.

Amend the bill by replacing section 11 with the following:

11 Public Hearing; Mining and Reclamation. RSA 12-E:5 is repealed and reenacted to read as follows:

12-E:5 Public Hearing; Notice.

I. Upon filing of a permit application or an application for an amended permit, the commissioner shall hold a public hearing. Notice of the public hearing shall be given as follows:

(a) Every abutter and holder of conservation, preservation, or agricultural preservation restrictions shall be notified of the hearing by certified mail stating the time and place of the hearing, and such notice shall be given not less than 5 days before the date fixed for the hearing. The commissioner shall hear all abutters and holders of conservation, preservation, or agricultural preservation restrictions desiring to submit testimony and all nonabutters who can demonstrate that they are affected directly by the proposal under consideration. The commissioner may hear such other persons as it deems appropriate.

(b) A public notice of the hearing shall be placed in a newspaper of general circulation in the area not less than 5 days before the date fixed for the hearing of the appeal.

II. The public hearing shall be held within 30 days of the receipt of the permit application or application for an amended permit.

III. Any party may appear in person or by the party's agent or attorney at the hearing of an appeal.

IV. The cost of notice, whether mailed, posted, or published, shall be paid in advance by the applicant operator. Failure to pay such costs shall constitute valid grounds for the commissioner to terminate further consideration and to deny the application without public hearing.

2010-0078s

AMENDED ANALYSIS

This bill:

I. Adds definitions to the chapter on mining and reclamation.

II. Expands the duties of the commissioners of the departments of resources and economic development and environmental services.

III. Sets out what should be a mining permit application.

This bill was requested by the department of environmental services.

The question is on the adoption of Committee Amendment 0078s.

Committee Amendment 0078s adopted.

The question is on the motion of Ought to Pass as Amended on SB 166-FN.

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

SB 300, relative to the system benefits charge. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee

The question is on the adoption of committee recommendation of Ought to Pass on SB 300.

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

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

The following Senators voted No: (None)

Yeas: 22 - Nays: 0

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

SB 150, relative to the definition of "neighborhood electric vehicle." Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 5-0. Senator Gilmour for the committee.

Transportation and Interstate Cooperation

January 7, 2010

2010-0096s

06/09

Amendment to SB 150

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

AN ACT relative to low-speed utility vehicles and relative to registration fees for certain special number plates for veterans.

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

1 Words and Phrases Defined; Tractor. Amend RSA 259:108 to read as follows:

259:108 Tractor. "Tractor" shall mean:

I. Any self-propelled vehicle designed or used as a traveling power plant or for drawing other vehicles, but having no provision for carrying a load, but shall not include off-highway recreational vehicles not designed and equipped for highway use.

II. Any low-speed utility vehicle. "Low-speed utility vehicle" shall mean any vehicle with 4 wheels, an internal combustion or electric motor, or both, a load capacity of 1,500 lbs. or less, and high-pressure tires, that is capable of carrying not more than 2 passengers plus the load, capable of speeds 30 miles per hour or less on level ground, and is used for agricultural or light industrial use.

2 New Subdivision; Low-Speed Utility Vehicles. Amend RSA 266 by inserting after section 114 the following new subdivision:

Low-Speed Utility Vehicles

266:115 Equipment Required for Low-Speed Utility Vehicles. A low-speed utility vehicle as defined in RSA 259:108, II shall be equipped in accordance with 49 C.R.F. section 571.500. This equipment shall include headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, a parking brake, a rearview exterior mirror, a windshield, windshield wiper, brakes, seat belts, a vehicle identification number, and such other equipment as is required by federal regulations. Such vehicle may also use a flashing amber warning light when operating on a way.

3 New Subdivision; Special Rules for Low-Speed Utility Vehicles. Amend RSA 265 by inserting after section 159 the following new subdivision:

Special Rules for Low-Speed Utility Vehicles

265:160 Low-Speed Utility Vehicles. No person shall operate a low-speed utility vehicle, as defined in RSA 259:108, II, except on a way where the posted speed limit is 35 miles per hour or less. No person shall operate such vehicle more than 25 miles from the registrant's residence or place of business.

4 Special Number Plates for Certain Veterans. RSA 261:86, II is repealed and reenacted to read as follows:

II. Plates furnished pursuant to subparagraphs I(a) - (c) shall be issued without charge. Plates furnished pursuant to subparagraphs I(d) and (e) shall be issued without the \$4 per plate fees under RSA 261:75 but shall require payment of the regular registration fee. Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges for disabled veterans, except that a person who qualifies for special plates pursuant to subparagraph I(d) may be issued an additional special plate for a motorcycle. Any veterans excused from registration fees under subparagraphs I(a) - (c) between August 7, 2009 and the effective date of this paragraph shall be entitled to a refund of the fees paid.

5 Effective Date.

I. Sections 1-3 of this act shall take effect 60 days after its passage.

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

2010-0096s

AMENDED ANALYSIS

This bill:

I. Requires certain special equipment for low-speed utility vehicles.

II. Clarifies the fees required for special number plates for certain veterans.

The question is on the adoption of Committee Amendment 0096s.

Committee Amendment 0096s adopted.

The question is on the motion of Ought to Pass as Amended on SB 150.

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

SB 154, naming a certain portion of route 18 in the town of Franconia in honor of Corporal Bruce McKay. Transportation and Interstate Cooperation 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 SB 154.

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

Sen. Carson is in opposition to the motion of Ought to Pass on SB 154.

HB 450, relative to the state 10-year transportation improvement program. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 450.

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

MOTION TO ADJOURN FROM EARLY SESSION

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

Motion adopted.

Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

SB 56, (New Title) expanding the duties of the commission to study issues relative to groundwater withdrawals.

SB 150, (New Title) relative to low-speed utility vehicles and relative to registration fees for certain special number plates for veterans.

SB 154, naming a certain portion of route 18 in the town of Franconia in honor of Corporal Bruce McKay.

SB 166, relative to mineral extraction, mining, and reclamation in New Hampshire.

SB 300, relative to the system benefits charge.

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

SCR 1, urging Congress to fund the construction of a full-service veterans' hospital in New Hampshire.

HB 154, relative to truancy.

HB 450, relative to the state 10-year transportation improvement program.

ANNOUNCEMENTS

SENATOR D'ALLESANDRO (Rule 44): Thank you, Madam President. To all of my colleagues, my sincere thanks and appreciation for the kindness showed to the D'Allesandro Family as a result of the recent passage of my brother. I would like to say to each and every one of you, the kindness showed to our family goes well beyond anything. Some of your notes to me, and just the courtesy and kindness shown by all of you, is greatly appreciated. The one thing that this manifests is the magnificent collegiality of this body when people have a certain situation that develops and everyone works together to try to, in some way, just ameliorate any of the sorrow that's caused. And I know that we've had other situations here, but the fact that the Senate President sent me a note that you raised the dollars for the Food Pantry, that's extraordinary, and we are just so deeply appreciative. This event happened so very, very suddenly; you know, in a moment you have a life, and in a second moment there isn't any life. But, again, the people in this building were just so wonderful, really. The staff of the Legislative Budget Office and the different cards and calls that I have received just, once again, proves to me, you know, what an honor it is to serve and how much people appreciate the service that we give. So, again, I thank each and every one of you individually, and let you know how much my – my family, my brother's wife, just is really appreciative. And many of you came to Boston to our service, and I thank you, Madam President, for that. It was – again, thank you. Thank you.

SENATOR LETOURNEAU (Rule 44): Thank you, Madam President. I just wanted to alert the Senate that a good, close friend of mine, Rep. George Katsakiores, from Derry, who has served in the House for just about 30 years now, is very ill. He's a World War II veteran, he served in the Battle of the Bulge in Italy. He has some kind of an unknown ailment that has him here in the Concord Hospital, and he's been here for about three weeks. Two nights ago he fell out of the bed and broke his hip and they have to do surgery on him today. So the sadness that continues around the Senate as of right now is I think as we all get a little older we know more people that are succumbing. But I think that it's good that we all know what's happening amongst our friends. Rep. Katsakiores was somewhat of a mentor to me when I first came into this legislative body, being a senior member of the Derry Delegation, and I've spent many years with him, and I wish him well. Thank you.

Without objection President Larsen moved that all Rule 44's shall be entered into the permanent *Journal of the Senate*.

MOTION TO RECESS TO CALL OF THE CHAIR

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

Motion adopted.

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