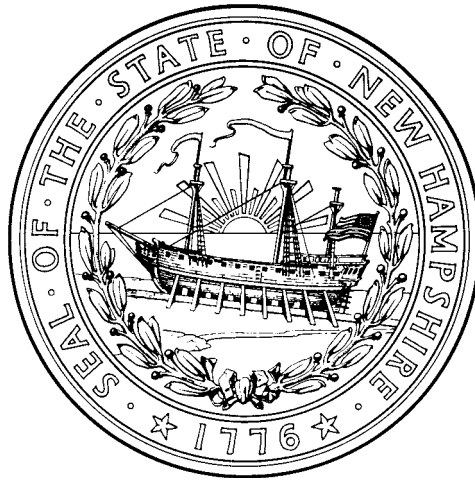


February 17, 2010
Nos. 6-7

STATE OF NEW HAMPSHIRE

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



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

Legislative Proceedings

SENATE JOURNAL

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

SENATE JOURNAL 6 *(continued)*

February 10, 2010

INTRODUCTION OF SENATE BILLS

Sen. Hassan offered the following Resolution:

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

Motion adopted.

First and Second Reading and Referral

10-2961

SB 500-FN, implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism. (Larsen, Dist 15; Letourneau, Dist 19; Hassan, Dist 23; Bragdon, Dist 11; Reynolds, Dist 2; Norelli, Rock 16; Welch, Rock 8; Shurtleff, Merr 10; Kurk, Hills 7: Judiciary)

10-2959

SB 501-FN, relative to worksharing benefits under the unemployment compensation law, and relative to training grants. (Hassan, Dist 23; Houde, Dist 5; Merrill, Dist 21; DeVries, Dist 18; Cilley, Dist 6; Lasky, Dist 13; Kelly, Dist 10; Larsen, Dist 15; Fuller Clark, Dist 24; Sgambati, Dist 4; Reynolds, Dist 2; Janeway, Dist 7; D'Allesandro, Dist 20; Gilmour, Dist 12; Odell, Dist 8; Wallner, Merr 12; S. Kelly, Merr 7; Eaton, Ches 2; Butler, Carr 1; Infantine, Hills 13: Commerce, Labor and Consumer Protection)

10-2954

SB 502-FN-A, requiring use of the federal tax treatment for deduction of costs of section 179 business property under the business profits tax. (Bragdon, Dist 11; Barnes, Jr., Dist 17; Bradley, Dist 3; Carson, Dist 14; Downing, Dist 22; Gallus, Dist 1; Letourneau, Dist 19; Roberge, Dist 9: Ways and Means)

10-2948

SB 503, relative to unique pupil identification. (Kelly, Dist 10; Odell, Dist 8: Education)

10-2958

SJR 3, in support of the New England secondary school consortium. (Kelly, Dist 10; Rous, Straf 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 1281-FN, relative to certain securities laws.

HB 1462, establishing a shoreland advisory committee.

HB 1571, relative to the penalty for failure to file an annual inventory of taxable property.

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 7

February 17, 2010

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

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

In the Christian calendar today is Ash Wednesday. But in most religious traditions – Jewish, Muslim, secular atheism, and even the natural world – there’s an awareness that things need to die in order for other things to live. And the truth is that in my parish, in Nashua where I am priest associate, I host a huge chocolate potluck supper right in the center of Lent, as an act of rebellion – (laughter) – to the ridiculous “hybrid poodle” that the church has made Lent into. And in the words of Anne Lamott: “What we’ve made the church into is probably making Jesus want to drink vodka out of a cat bowl.” (Laughter) So let me today say that Lent might not be so much about giving up chocolate as about letting mean-spirited speech and actions die so that peace can flourish like a palm tree. Let us pray:

Lover of our souls, You know us and You love us and You long for us to become what we are not yet. Let this Senate Chamber be not so much a gymnasium for becoming efficient debaters but a laboratory for becoming loving humans.
Amen

Sen. Cilley led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

President Larsen recognized Sen. Bragdon to introduce Senator-Elect David Boutin, from Hooksett, who will be representing Senate District 16.

Resolution was presented by Sen. Downing to the Salem High School Football Team, coaches, athletic director and principal, in recognition of winning the 2009 Division 1 State Championship. Sen. Downing’s son is a member of this football team.

Sen. Downing recognized Elizabeth Tiner, staff nurse at Salem High School, for her recent quick, efficient and professional response in saving the life of a teacher in distress.

NEW STAFF MEMBER INTRODUCED

President Larsen introduced and welcomed the Senate’s new Legal Counsel, Attorney Karen Levchuk, Sen. Reynolds welcomed Sanbornton Central School students, visitors in the gallery.

Sen. Reynolds recognized the presence of constituent Kim Spaulding, in-school staff member of the JAG program at Woodsville High School.

Sen. Sgambati introduced Ricky Agrusso, student at Laconia High School, serving as Senate Page for today’s session.

Sen. D’Allesandro introduced Luz Fernandez, student at Manchester West High School, serving as Senate Page for today’s session.

FINANCE REPORT

Sen. D’Allesandro reported that no bills will be going to Finance from today’s Calendar; SB 342 and SB 357 are waived from Finance Committee.

MOTION OF RECONSIDERATION

Sen. Sgambati, having voted on the prevailing side, moved to reconsider Third Reading and Final Passage of SB 463-FN.

SB 463-FN, relative to regulation of mental health practitioners by the board of mental health practice.

The question is on the reconsideration of Third Reading and Final Passage on SB 463-FN.

Motion of Reconsideration passes.

Sen. Sgambati, having voted on the prevailing side, moved to reconsider Ought to Pass with Amendment on SB 463-FN.

The question is on the reconsideration of Ought to Pass with Amendment on SB 463-FN.

Motion of Reconsideration passes.

Sen. Sgambati offered a floor amendment.

**Sen. Sgambati, Dist. 4
February 10, 2010
2010-0617s
10/05**

Floor Amendment to SB 463-FN

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-7 to read as 5-10, respectively:

2 Advisory Committees. Amend RSA 330-A:4 to read as follows:

330-A:4 ~~[Advisory]~~ Committees Established; Duties.

I. The board shall create an advisory committee for each mental health discipline it licenses for the purpose of assisting the board in its responsibilities under RSA 330-A:10, II, and RSA 330-A:10, VI-XVI. The board member of each mental health discipline shall serve as the chair of that advisory committee. The balance of the membership of each of the advisory committees shall be composed of at least 2 persons and no more than 4 persons licensed in the mental health discipline of that committee.

I-a. The board shall create a professional conduct investigator committee for the purpose of assisting the board in its responsibilities under RSA 330-A:28 and RSA 330-A:29. The board investigator shall serve as the chair of the professional conduct investigator committee. The balance of the membership of the professional conduct investigator committee shall be composed of at least one person from each profession licensed by the board.

II. ~~[Advisory]~~ Committee members other than the chair shall be appointed by the board and shall serve at the pleasure of the board for no more than ~~[3]~~ 2 consecutive, ~~[2-year]~~ **3-year** terms.

III. The board shall not form any standing committees other than those specified in this chapter.

3 Compensation. Amend RSA 330-A:7 to read as follows:

330-A:7 Compensation; Expenses. Members of the board and members of the ~~[advisory]~~ committees shall receive a per diem compensation of \$100, for a meeting or any other board or committee activity requiring 2 or more hours in a 24-hour period, and shall be reimbursed for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

4 Organization and Meetings; Acting Board members. Amend RSA 330-A:9, II to read as follows:

II. When a quorum is not available for just and timely resolution of a specific matter, former board members or advisory committee members may be appointed by the board to serve as acting board members for purposes of obtaining the minimum quorum in the resolution of that specific matter ***or when a particular profession cannot be represented in an adjudicatory hearing.***

Amend the bill by replacing sections 7 and 8 with the following:

7 Clinical Social Workers; Experience. Amend RSA 330-A:18, III to read as follows:

III. Has ~~[had 2 years or]~~ ***completed a minimum of 2 years of post-masters experience including completion of a minimum of 3,000 hours of [paid,] post-masters, supervised clinical experience.***

8 Mental Health Practice; Clinical Mental Health Counselors. RSA 330-A:19 is repealed and reenacted to read as follows:

330-A:19 Clinical Mental Health Counselors. The board shall issue a clinical mental health counselor license to any person who meets all of the following requirements or their equivalent:

I. Has a 60 credit master's or doctoral degree in clinical mental health counseling from a Council for Accreditation of Counseling and Related Educational Programs (CACREP) accredited institution or its equivalent and which has received regional accreditation from the Association of Secondary Schools and Colleges.

II. Has passed the clinical mental health counselor's examination of the National Board of Certified Counselors, Inc.

III. Has completed a minimum of 2 years of post-masters experience including completion of a minimum of 3,000 hours of post-masters, supervised clinical experience.

2010-0617s

AMENDED ANALYSIS

This bill makes changes to the regulation of mental health practice, including the experience required for clinical mental health counselors and clinical social workers, the reinstatement of expired licenses, placement of licenses on inactive status, and the creation of a professional conduct investigator committee.

The question is on the adoption of Floor Amendment 0617s.

Floor Amendment 0617s adopted.

The question is on the motion of Ought to Pass as Amended on SB 463-FN.

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

COMMITTEE REPORTS

CACR 31, relating to suspension of laws. Providing that any law that required a greater than simple majority vote to act shall require an equal or greater vote to suspend, amend, or repeal. Election Law and Veterans' Affairs Committee. Interim Study, Vote 3-2. Senator Merrill for the committee.

The question is on the adoption of committee recommendation of Refer to Interim Study on CACR 31.

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

Recess/Out of Recess.

The question is on the adoption of committee recommendation of Refer to Interim Study on CACR 31.

A roll call had been requested.

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

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

Yeas: 14 - Nays: 9

Motion to Refer to Interim Study adopted.

SB 327, relative to disclosure of electric service energy sources and environmental characteristics. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 6-0. Senator Merrill for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 327.

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

SB 433, relative to underground facility damage prevention and establishing the position of director of safety and security of the public utilities commission. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 6-0. Senator Merrill for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 433.

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

(Sen. Merrill introduced visiting seniors from Professor Martha Byan's Social Work Policy class at the University of New Hampshire, and also welcomed Southern New Hampshire University students Paulsen Edum and Nate Boesch, serving as interns for Conservation New Hampshire, studying environmental policy and legislative process.)

SB 357-FN, authorizing the judicial retirement plan to deduct a health insurance premium contribution from allowances. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 3-0. Senator DeVries for the committee.

Senate Executive Departments and Administration
February 10, 2010
2010-0606s
10/05

Amendment to SB 357-FN

Amend RSA 100-C:11-a as inserted by section 1 of the bill by replacing it with the following:

100-C:11-a Retiree and Spouse Health Insurance Premium Contribution. The judicial retirement plan shall deduct from the monthly retirement allowance of retired judges and spouses under the age of 65 years receiving medical and surgical benefits, the premium contribution amounts of \$65 per month for each such retiree and \$65 per month for each applicable spouse; provided that the charge to each household shall not exceed \$130 per month. Deducted amounts shall be remitted to the administrative office of the courts within 14 days along with a statement identifying from whom the deduction was made, and shall be used to pay for plan retiree and spouse health care expenses and any administrative costs related thereto.

The question is on the adoption of Committee Amendment 0606s.

Committee Amendment 0606s adopted.

The question is on the motion of Ought to Pass as Amended on SB 357-FN.

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

SB 371, relative to warning statements concerning drinking alcoholic beverages during pregnancy. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 3-0. Senator Fuller Clark for the committee.

Senate Executive Departments and Administration
February 10, 2010
2010-0598s
03/04

Amendment to SB 371

Amend the bill by replacing section 1 with the following:

1 Posted Statement. Amend RSA 175:4, IV to read as follows:

IV. The following statement shall be posted on the premises of all on-premises and off-premises licensees and at state liquor stores: "According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects." Such statement shall be located in a conspicuous and prominent place within the establishment and shall appear on a contrasting background. ***Each letter in the statement shall be in at least 36-point font size.***

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 2010.

The question is on the adoption of Committee Amendment 0598s.

Committee Amendment 0598s adopted.

The question is on the motion of Ought to Pass as Amended on SB 371.

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

SB 410, establishing a committee to study New Hampshire's rate of infant mortality and develop proposals for remediation. Health and Human Services Committee. Ought to Pass, Vote 4-0. Senator Sgambati for the committee.

Sen. Sgambati offered a floor amendment.

Sen. Sgambati, Dist. 4
February 16, 2010
2010-0775s
01/03

Floor Amendment to SB 410

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

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

Amend the bill by replacing section 4 with the following:

4 Chairperson. 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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

The question is on the adoption of Floor Amendment 0775s.

Recess/Out of Recess.

MOTION TO TABLE

Sen. Hassan moved to table SB 410.

The question is on the motion to table SB 410.

Motion adopted.

LAI D ON THE TABLE

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

SB 427, adding duties to the oversight committee on health and human services. Health and Human Services Committee. Ought to Pass with Amendment, Vote 4-0. Senator Downing for the committee.

Health and Human Services

February 9, 2010

2010-0587s

05/10

Amendment to SB 427

Amend RSA 126-A:15 as inserted by section 1 of the bill by inserting after paragraph I-b the following new paragraph:

I-c. The committee may also:

(a) Create relevant councils, which will meet as necessary to study specific issues that are relevant to services offered by the department of health and human services.

(b) Appoint members to each council. Each council shall have at least 2 house members and one senate member.

(c) Appoint other council members, not to exceed a total of 13, according to the expertise necessary to accomplish the work of the council.

(d) Establish specific guidelines or outcomes for the council as to the work that is necessary. Quarterly updates on the work of the council to the oversight committee shall be required.

(e) Appoint a chairperson of the council, who shall be a legislator, who shall have a non-voting seat on the oversight committee, and who shall act as the liaison between the council and the oversight committee.

(f) Sunset the council November 1 of the even year of the biennium.

(g) Require periodic progress reports on the work of the council.

2010-0587s

AMENDED ANALYSIS

This bill repeals the oversight committee to review the allocation of funds to persons with developmental disabilities or acquired brain disorders and adds those duties to the oversight committee on health and human services. The bill also permits the oversight committee on health and human services to establish councils to study specific issues relevant to services offered by the department of health and human services.

The question is on the adoption of Committee Amendment 0587s.

Committee Amendment 0587s adopted.

The question is on the motion of Ought to Pass as Amended on SB 427.

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

SB 377, relative to landlord remedies when tenants abandon property. Judiciary Committee. Inexpedient to Legislate, Vote 3-2. Senator Lasky for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 377.

Motion of Inexpedient to Legislate adopted.

SB 395-FN, relative to motor vehicle records. Judiciary Committee. Inexpedient to Legislate, Vote 4-1. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 395-FN.

Motion of Inexpedient to Legislate adopted.

SB 424, relative to the consumer advocate's access to confidential information provided to the public utilities commission. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Houde for the committee.

**Senate Judiciary
February 10, 2010
2010-0600s
06/09**

Amendment to SB 424

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

1 New Paragraph; Office of the Consumer Advocate. Amend RSA 363:28 by inserting after paragraph V the following new paragraph:

VI. The consumer advocate shall be provided with copies of all confidential information filed with the public utilities commission in adjudicative proceedings.

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

2010-0600s

AMENDED ANALYSIS

This bill requires the office of the consumer advocate to be provided with copies of all confidential information provided to the public utilities commission in adjudicative proceedings.

The question is on the adoption of Committee Amendment 0600s.

Committee Amendment 0600s adopted.

The question is on the motion of Ought to Pass as Amended on SB 424.

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

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

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

SB 337, relative to walking disability number plates. Transportation and Interstate Cooperation Committee. Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 337.

Motion of Inexpedient to Legislate adopted.

SB 404, relative to towing and disposal of abandoned vehicles. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 5-0. Senator Letourneau for the committee.

Transportation and Interstate Cooperation
February 11, 2010
2010-0664s
05/04

Amendment to SB 404

Amend RSA 262:36-a as inserted by section 5 of the bill by replacing it with the following:

262:36-a Disposal by Storage Company.

I. If the owner of a motor vehicle removed or stored pursuant to RSA 262:33 or RSA 262:40-a does not claim the vehicle within 20 days, and the vehicle is more than 5 model years old at the time of removal, the storage company may dispose of such vehicle after giving notice pursuant to RSA 262:38, provided that no notice by publication shall be required.

II. If the vehicle is 5 model years old or less at the time of removal and the vehicle has not been claimed within 30 days, the storage company may dispose of such vehicle after giving notice pursuant to RSA 262:38.

III. If the value of the vehicle is less than \$1,000 or the vehicle is so vandalized, damaged, or in disrepair as to be unusable as a motor vehicle and only fit for salvage as determined in good faith through the application of reasonable automotive industry standards, the storage facility may dispose of the vehicle in 15 days without the notice required by RSA 262:38 and RSA 444 upon written notice to the director and approval of the director subject to such rules as the department shall adopt pursuant to RSA 541-A.

IV. If the towing or storage facility has knowledge or has been notified that the owner of the vehicle is hospitalized or incarcerated as a result of an accident, the time allowed for claiming the vehicle under paragraph I shall be extended for an additional 14 days or until the person has been released from the medical facility or place of incarceration, whichever occurs first.

Amend RSA 262:37 as inserted by section 6 of the bill by replacing it with the following:

262:37 Sale Authorized. If the vehicle shall have been stored pursuant to this subdivision and all the requirements of RSA [262:36] **262:36-a** have been met, the custodian of the vehicle may sell the same, at [his] **the individual's** place of business at public auction, for cash.

Amend RSA 262:37-a as inserted by section 7 of the bill by replacing it with the following:

262:37-a Access to Records. The custodian of the vehicle may obtain the name and last known mailing address of the last registered owner of a vehicle stored pursuant to this subdivision, and a law enforcement officer with jurisdiction, upon request of the operator of a tow truck, may give to the tow truck operator, upon receipt of such information, the name and mailing address of the registered owner of the vehicle if the owner or custodian of the vehicle was not present or able to give that information at the scene.

Amend RSA 262:40-a, IV as inserted by section 9 of the bill by replacing it with the following:

IV. The costs of removing a vehicle under this section, including **reasonable towing and storage** costs, shall, consistent with RSA 262:35-a, be the responsibility of the last registered owner according to department records **unless said last registered owner is able to establish a transfer of ownership to some other person prior to abandonment or that the vehicle was reported stolen to a law enforcement agency at the time of abandonment in which case the last owner shall be liable**. If a vehicle is towed from a parking lot or parking garage, charges for removal and storage shall not be assessed against the vehicle owner unless there is posted in the parking lot or parking garage conspicuous notice that illegally parked vehicles are subject to towing at the owner's expense.

Amend RSA 262:40-c as inserted by section 10 of the bill by replacing it with the following:

262:40-c Abandoning a Vehicle; Penalty. No person shall abandon a motor vehicle, registered or unregistered, on any way or on any property other than his or her own without the permission of the owner or lessee of said property or, in the case of public property, of the police department having jurisdiction over the property **or at a storage facility to which it has been towed and stored pursuant to this subdivision**. For the purposes of this section, a vehicle shall be considered abandoned if it has been left for more than 24 hours without the appropriate permission being given. **A storage facility to which an abandoned vehicle has been towed may dispose of such vehicle after complying with the notice requirements of RSA 262:36-a or 262:38, as applicable. It shall be a rebuttable presumption that the notice was received if it was given pursuant to the provisions of this subdivision.** The last owner of record of a motor vehicle found abandoned, as

shown by the files of the department, shall be deemed prima facie to have been the owner of such motor vehicle at the time it was abandoned and to have been the person who abandoned the motor vehicle or caused or procured its abandonment ***unless said last registered owner is able to establish a transfer of ownership to some other person prior to abandonment or that the vehicle was reported stolen to a law enforcement agency at the time of abandonment in which case the last owner shall be liable.*** Any person who violates the provisions of this section shall be guilty of a violation and shall be subject to a fine of not less than \$100 and not more than \$500 ***plus penalty assessment***, and may be subject to the loss of driver's license ***or driving privilege*** and registration ***or privilege of registering*** as provided in RSA 263:56 and RSA 261:179. The [court] ***commissioner of safety or designee*** may assess costs of abandoning a vehicle, including but not limited to, ***reasonable*** towing, [and] ***processing, disposal, and*** storage costs, against any person convicted of abandoning a vehicle in violation of this section, and the director shall suspend the driver's license ***or driving privilege, and registration or privilege of registering*** of any person who has not paid such costs.

2010-0664s

AMENDED ANALYSIS

This bill makes several technical changes to certain provisions of the law regarding the disposal of abandoned vehicles and adds provisions regarding vehicles at storage facilities.

The question is on the adoption of Committee Amendment 0664s.

Committee Amendment 0664s adopted.

The question is on the motion of Ought to Pass as Amended on SB 404.

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

SB 477, relative to driver education school applicants. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 5-0. Senator Letourneau for the committee.

Transportation and Interstate Cooperation

February 11, 2010

2010-0665s

05/03

Amendment to SB 477

Amend RSA 263:46-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Every ***applicant for or*** holder of a driver education certificate or school license shall notify the director within 5 business days by certified mail, return receipt requested, of being convicted of any offense other than a parking violation under Title XXI or RSA 630, RSA 631, or RSA 632-A or an equivalent offense in another jurisdiction, or if his or her license or privilege to drive a motor vehicle has been suspended or revoked in this or any other jurisdiction. If employed or under contract to a school or school district, the ***applicant***, licensee, or certificate holder shall provide a copy of the notification made to the director to the principal or equivalent chief administrator of the school [~~in like manner and time frame~~] ***within 5 business days by certified mail, return receipt requested.***

Amend the bill by replacing section 3 with the following:

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

The question is on the adoption of Committee Amendment 0665s.

Committee Amendment 0665s adopted.

The question is on the motion of Ought to Pass as Amended on SB 477.

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

Recess/Out of Recess.

SB 342-FN, repealing the \$5,000 surety bond requirement for meals and rentals operators. Ways and Means Committee. Ought to Pass, Vote 6-0. Senator Downing for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 342-FN.

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

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, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: (None)

Yeas: 23 - Nays: 0

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

SB 350-FN-A, exempting interest on indebtedness paid by dairy farmers from the business enterprise tax. Ways and Means Committee. Inexpedient to Legislate, Vote 6-0. Senator Gilmour for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 350-FN-A.

Motion of Inexpedient to Legislate adopted.

MOTION TO REMOVE FROM TABLE

Sen. Sgambati moved to remove SB 410 from the table.

The question is to remove SB 410 from the table.

Motion adopted.

REMOVED FROM TABLE

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

Sen. Sgambati reoffered a floor amendment previously not voted on.

Sen. Sgambati, Dist. 4

February 16, 2010

2010-0775s

01/03

Floor Amendment to SB 410

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

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

Amend the bill by replacing section 4 with the following:

4 Chairperson. 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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

The question is on the adoption of Floor Amendment 0775s.

Floor Amendment 0775s adopted.

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

(The Senate Choir, led by Intern Eva Nagorka, sang "Happy Birthday" to Sen. Hassan.)

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

SB 327, relative to disclosure of electric service energy sources and environmental characteristics.

SB 342-FN, repealing the \$5,000 surety bond requirement for meals and rentals operators.

SB 357-FN, authorizing the judicial retirement plan to deduct a health insurance premium contribution from allowances.

SB 371, relative to warning statements concerning drinking alcoholic beverages during pregnancy.

SB 404, relative to towing and disposal of abandoned vehicles.

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

SB 424, relative to the consumer advocate's access to confidential information provided to the public utilities commission.

SB 427, adding duties to the oversight committee on health and human services.

SB 433, relative to underground facility damage prevention and establishing the position of director of safety and security of the public utilities commission.

SB 463-FN, relative to regulation of mental health practitioners by the board of mental health practice.

SB 477, relative to driver education school applicants.

ANNOUNCEMENTS

MOTION TO RECESS TO CALL OF THE CHAIR

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

Motion adopted.

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