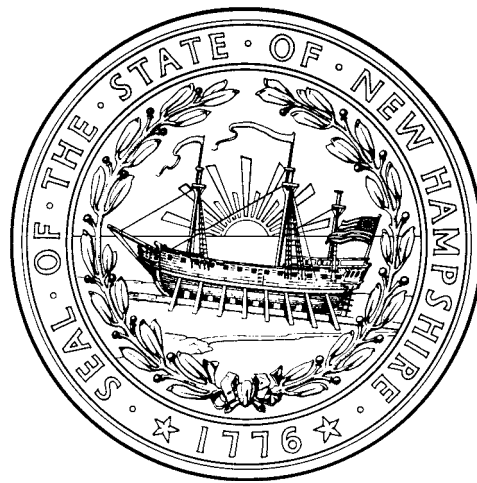


April 13, 2011
Nos. 11-12

STATE OF NEW HAMPSHIRE

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



162nd Session of the New Hampshire General Court
Legislative Proceedings

SENATE JOURNAL

ADJOURNMENT – MARCH 30, 2011 SESSION
COMMENCEMENT – APRIL 13, 2011 SESSION

SENATE JOURNAL 11 *(continued)*

March 30, 2011

HOUSE MESSAGE

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

SB 15, relative to the duties of tax collectors and clerks.

SB 112, relative to the membership on the advanced manufacturing education advisory council.

SB 127-FN, relative to the city of Manchester's contributory retirement system.

SB 174, relative to the Concord regional solid waste/resource recovery cooperative.

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:

CACR 6, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

HB 25-FN-A, making appropriations for capital improvements.

HB 131, relative to indemnification of volunteers performing duties in the state park system.

HB 160, relative to the powers of the joint committee on legislative facilities.

HB 375, relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil.

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, Keene, and Plaistow District Courts.

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation.

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities.

HB 490-FN, adopting the interstate compact for juveniles.

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

HB 580-FN-L, relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement.

HB 590, expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs.

HB 635-FN-A, requiring the governor to consolidate certain agency functions and making an appropriation therefor.

HB 648, relative to eminent domain petitions by public utilities.

HB 651, allowing the sale and possession of monk parakeets.

HCR 6, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.

HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire.

INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

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

Adopted.

First and Second Reading and Referral

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013. (Finance Committee.)

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. (Finance Committee.)

HB 25-FN-A, making appropriations for capital improvements. (Capital Budget Committee.)

HB 30, relative to reciprocity for licensure by the board of veterinary medicine. (Executive Departments and Administration Committee.)

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state. (Executive Departments and Administration Committee.)

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc. (Executive Departments and Administration Committee.)

HB 205-FN, relative to notice to owners of upstream dams. (Energy and Natural Resources Committee.)

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime. (Judiciary Committee.)

HB 274-FN, relative to voting procedures. (Public and Municipal Affairs Committee.)

HB 284-FN, relative to contact lens prescriptions. (Health and Human Services Committee.)

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease. (Health and Human Services Committee.)

HB 330-FN, relative to carrying firearms. (Judiciary Committee.)

HB 331-FN, relative to posting agency expenditures on the state transparency website. (Executive Departments and Administration Committee.)

HB 337-FN-L, relative to the calculation and distribution of adequate education grants. (Finance Committee.)

HB 374, banning corn-based ethanol as an additive to gasoline sold in New Hampshire. (Transportation Committee.)

HB 398, relative to service animals. (Public and Municipal Affairs Committee.)

HB 418-FN, relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards. (Executive Departments and Administration Committee.)

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, Keene, and Plaistow District Courts. (Finance Committee.)

HB 466-FN, eliminating the ballot law commission. (Public and Municipal Affairs Committee.)

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation. (Energy and Natural Resources Committee.)

HB 474-FN, relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization. (Commerce Committee.)

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities. (Health and Human Services Committee.)

HB 487-FN, relative to election day registrants. (Public and Municipal Affairs Committee.)

HB 490-FN, adopting the interstate compact for juveniles. (Judiciary Committee.)

HB 504-FN, licensing reverse distributors of drugs and requiring manufacturers, wholesalers, distributors, service distributors, and brokers to report changes in ownership. (Health and Human Services Committee.)

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. (Energy and Natural Resources Committee.)

HB 541, relative to ownership of property placed in trust qualifying for certain property tax exemptions and credits. (Public and Municipal Affairs Committee.)

HB 580-FN-L, relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement. (Executive Departments and Administration Committee.)

HB 585, proclaiming the third Friday in October as New Hampshire history day. (Public and Municipal Affairs Committee.)

HB 603, prohibiting public works projects and natural formations from being named in honor of any living elected, or formerly elected, official. (Public and Municipal Affairs Committee.)

HB 635-FN-A, requiring the governor to consolidate certain agency functions and making an appropriation therefor. (Finance Committee.)

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 12

April 13, 2011

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

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditation and prayer.

Since I was with you last, the Church and the Legislature have been in the news. You all need to behave yourselves while I'm gone. Seriously.

In Hewbrew Scriptures, the word for guidance is takh-boo-law, and it means "rope"; the word for guidance means "rope". It comes from the nautical language, in that a boat can find its way safely into port or secured to an anchor by a rope.

We all need guidance from time to time, especially those in leadership, and the young, and the tired. We need the wisdom of a guide on the side and not a sage on the stage.

I have found that the guides, those human ropes which form me and expose my thoughts to their wisdom help me not to say or do stupid, mean-spirited things. These guides are the ones that suggest that I not send the email and not speak the poison and not mail the letter, at least until I've thought about it and prayed about it, but to wait for my narcissism to subside slightly so as not to be given to violent communication. If you have a wise guide, you're blessed. If you don't, find one. They're everywhere, and they're in the least likely places, mostly older women who will sit down with you and tell you to calm down and to think and to pray. We all have to do that hard work as leaders of making a choice between being adored and being effective, and it is a very important choice. Let us pray.

God of the wise, grant us wisdom in working, kindness in speaking, compassion in relating, and censure in editing what we do and say. And, if it is your desire, please send us those wise people who guide us as a rope in a blizzard, tied from the barn door to the back door, safely guiding us home as we work, as we live, and as we speak. Amen.

Sen. Carson led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Luther introduced Haley Barbour and Emily Benz, students from Hollis-Brookline High School in Hollis, serving as Senate Pages today.

Without objection, President Bragdon authorized Senator Luther to use electronic devices on the floor of the Senate.

FINANCE REPORT

Sen. Morse announces that the following bills will not come to Finance: HB 36-FN-L, HB 136-FN, HB 142-FN, HB 185-FN, HB 186-FN, HB 206-FN, HB 229-FN-A, HB 231-FN, HB 333-FN, HB 368-FN-L, HB 369-FN-L, HB 439-FN-L, HB 444-FN, HB 457-FN, HB 464-FN, HB 491-FN, HB 542-FN, HB 571-FN, HB 627-FN.

COMMITTEE REPORTS

COMMERCE

HB 95, permitting an insurer to operate a health maintenance organization as a line of business. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. White asserts Rule 2-15 on HB 95.

HB 142-FN, relative to sales of artificial flowers and miniature flags. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 333-FN, repealing certain provisions relating to the sale of oleomargarine. Ought to Pass, Vote 5-0. Senator White for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. White asserts Rule 2-15 on HB 333-FN.

HB 627-FN, relative to "essential benefits" under federal health care reform. Re-refer to committee, Vote 5-0. Senator White for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

EDUCATION

HB 67, expanding the duties of the school administrative unit oversight committee. Ought to Pass with Amendment, Vote 4-0. Senator Stiles for the committee.

Senate Education

March 30, 2011

2011-1312s

04/05

Amendment to HB 67

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

AN ACT expanding the duties of the school administrative unit legislative oversight committee and directing the committee to study the statewide consolidation of school administrative units.

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

3 Legislative Oversight Committee; Consolidation of School Administrative Units. The legislative oversight committee established in RSA 194-C:11 shall, in addition to its duties set forth in RSA 194-C:12, study the advantages, disadvantages, and costs associated with consolidating school administrative units statewide into one school administrative unit in each county, except for Hillsborough and Rockingham counties which would have 2 school administrative units each. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 31, 2011.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

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

2011-1312s

AMENDED ANALYSIS

This bill expands the duties of the school administrative unit legislative oversight committee by requiring the committee to study specific issues relative to cooperative school districts. This bill also requires the committee to study the advantages, disadvantages, and costs associated with consolidating school administrative units statewide into one school administrative unit in each county, except for Hillsborough and Rockingham counties which would have 2 school administrative units each.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 69, (New Title) relative to the community college system of New Hampshire academic centers. Ought to Pass, Vote 4-0. Senator Kelly for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Carson asserts Rule 2-15 on HB 69.

HB 112, relative to the required number of instructional days and instructional hours in a school district's calendar. Ought to Pass, Vote 3-1. Senator Forsythe for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Kelly is in opposition to the motion of Ought to Pass on HB 112.

HB 170, conferring degree-granting authority to the Upper Valley Educators Institute. Ought to Pass, Vote 4-0. Senator Forsythe for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 172, relative to transporting school children to school and school-supported activities. Ought to Pass, Vote 4-0. Senator Kelly for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 369-FN-L, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school. Inexpedient to Legislate, Vote 5-0. Senator Stiles for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

Sen. Stiles moved to Table HB 369-FN-L.

The question is on the motion to Table. Adopted.

HB 505-FN, making charter schools eligible for grants for leased space. Ought to Pass, Vote 3-2. Senator Forsythe for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

HB 542-FN, (New Title) prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed. Inexpedient to Legislate, Vote 4-1. Senator Carson for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

Sen. Carson moved to Table HB 542-FN.

The question is on the motion to Table.

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

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Odell, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Sanborn, White, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 17 - Nays: 7

Adopted.

ENERGY AND NATURAL RESOURCES

HB 27, (New Title) relative to the classification of rivers, de minimis impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions. Ought to Pass, Vote 4-0. Senator Lambert for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 46, relative to the membership of the current use advisory board. Ought to Pass, Vote 4-0. Senator Bradley for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 55, adding a member to the exotic aquatic weeds and species committee. Ought to Pass with Amendment, Vote 4-0. Senator Merrill for the committee.

Energy and Natural Resources

March 24, 2011

2011-1225s

06/01

Amendment to HB 55

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

AN ACT adding members to the exotic aquatic weeds and species committee.

Amend the bill by replacing section 1 with the following:

1 Exotic Aquatic Weeds and Species Committee; Membership. Amend RSA 487:30, II(a)(2) to read as follows:

(2) One member of the senate and ~~[one]~~ **2** public ~~[member]~~ **members**, appointed by the president of the senate.

(3) One member of the New Hampshire Lakes Association, appointed by the chairman of the board of that association with the concurrence of the chairman of the committee.

2011-1225s

AMENDED ANALYSIS

This bill adds members to the exotic aquatic weeds and species committee.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 63, extending the instream pilot program for one year. Ought to Pass, Vote 4-0. Senator Merrill for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 206-FN, establishing an apprentice hunting license. Ought to Pass, Vote 4-0. Senator Odell for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 278, setting the natural high water mark of Ossipee Lake. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy and Natural Resources

March 24, 2011

2011-1224s

06/03

Amendment to HB 278

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

AN ACT setting the natural mean high water mark of Ossipee Lake.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; State Water Jurisdiction; Natural High Water Mark of Ossipee Lake. Amend RSA 271:20 by inserting after paragraph II the following new paragraph:

III. The general court finds, based on all available information, that the natural mean high water mark of Ossipee Lake is 407.25 feet above mean sea level.

2011-1224s

AMENDED ANALYSIS

This bill sets the natural mean high water mark of Ossipee Lake.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 336, designating segments of the Mascoma River as a protected river. Ought to Pass, Vote 4-0. Senator Lambert for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 404, (New Title) relative to toilet facilities at recreational campgrounds or camping parks. Ought to Pass, Vote 4-0. Senator Bradley for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 439-FN-L, relative to claiming an invasive species as a habitat. Re-refer to committee, Vote 4-0. Senator Bradley for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

Sen. Morse asserts Rule 2-15 on HB 439-FN-L.

HB 570, relative to licensure of guides by the fish and game department. Ought to Pass, Vote 4-0. Senator Lambert for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Lambert asserts Rule 2-15 on HB 570.

HB 571-FN, relative to lobster and crab licenses issued by the fish and game department. Ought to Pass, Vote 4-0. Senator Merrill for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 80, (New Title) relative to ranks in the division of state police. Ought to Pass, Vote 5-0. Senator Groen for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 88, relative to liquor enforcement and liquor licensing. Ought to Pass, Vote 4-0. Senator Carson for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 136-FN, repealing the uniform athlete agents act. Ought to Pass, Vote 3-1. Senator Carson for the committee.

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

Sen. Prescott moved to Table HB 136-FN.

The question is on the motion to Table. Adopted.

HB 231-FN, (New Title) relative to payment of medical benefits for state retirees, their spouses, and dependents. Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

A roll call was requested by Sen. Houde, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted.

HB 339-FN-A, allowing the state veterinarian to employ a meat inspection services administrator and making an appropriation therefor. Ought to Pass, Vote 4-0. Senator Luther for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund. Ought to Pass with Amendment, Vote 4-0. Senator Groen for the committee.

Senate Executive Departments and Administration

April 7, 2011

2011-1370s

10/05

Amendment to HB 464-FN

Amend the bill by replacing section 2 with the following:

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

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 491-FN, relative to divestiture of retirement system assets relating to Sudan. Ought to Pass, Vote 4-0. Senator Luther for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HEALTH AND HUMAN SERVICES

HB 111, relative to redispensing unused drugs. Ought to Pass, Vote 5-0. Senator De Blois for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 191, relative to the community mental health system. Ought to Pass, Vote 4-1. Senator Lambert for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

HB 289, relative to procedures followed by funeral directors. Ought to Pass, Vote 3-0. Senator Lambert for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 364, relative to the membership of the state committee on aging. Ought to Pass, Vote 3-0. Senator Kelly for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HJR 3, prohibiting the implementation of certain rules of the board of mental health practice regarding misconduct investigation. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

Recess. Out of recess.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

JUDICIARY

HB 79, relative to certification of dogs for law enforcement work. Ought to Pass, Vote 4-0. Senator Carson for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 535, relative to the committee to study parole boards and parole board procedures. Ought to Pass, Vote 4-0. Senator Groen for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS

HB 70, relative to changes to town charters. Ought to Pass with Amendment, Vote 5-0. Senator Forrester for the committee.

Public and Municipal Affairs

March 29, 2011

2011-1265s

06/01

Amendment to HB 70

Amend the bill by replacing section 1 with the following:

1 Changes to Town Charters; Approval and Review. Amend RSA 49-B:5-a, I(c) to read as follows:

(c) *Within 14 days of receipt of such report the secretary of state, the attorney general, and the commissioner of the department of revenue administration shall notify in writing the municipal clerk and the chairman of the charter commission, if any, of its receipt.* Within 30 days of the receipt of said report [by] the secretary of state, attorney general, and the commissioner of the department of revenue administration[~~-they~~] shall review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the general laws of this state.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 106, relative to filing for town offices. Ought to Pass, Vote 5-0. Senator Merrill for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 155, relative to permits to conduct raffles. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

Public and Municipal Affairs

March 29, 2011

2011-1266s

05/03

Amendment to HB 155

Amend the bill by replacing section 1 with the following:

1 Raffles; Expiration of Permit. Amend RSA 287-A:7 to read as follows:

287-A:7 Permit Required. Any charitable organization desiring to conduct a raffle under the provisions of this chapter shall first obtain a permit therefor from the selectmen *or designee* of the town, or the mayor and aldermen *or designee* of the city where the drawing for prizes is to be held. ***Except as otherwise provided in this section***, the permit shall expire at the time of the drawing[,] and shall not be transferable. ***At the request of the charitable organization to conduct more than one raffle, the governing body may extend the permit to one year from the date of issuance.***

2011-1266s

AMENDED ANALYSIS

This bill permits a municipality to issue a raffle permit that expires one year from the date of issuance rather than on the date of the raffle.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 185-FN, relative to determining bargaining units for purposes of public employee collective bargaining. Ought to Pass with Amendment, Vote 3-2. Senator Merrill for the committee.

Public and Municipal Affairs

April 6, 2011

2011-1360s

06/03

Amendment to HB 185-FN

Amend the bill by replacing section 1 with the following:

1 Determining Bargaining Unit. Amend RSA 273-A:8, I to read as follows:

I. The board or its designee shall determine the appropriate bargaining unit and shall certify the exclusive representative thereof when petitioned to do so under RSA 273-A:10. In making its determination the board should take into consideration the principle of community of interest. The community of interest may be exhibited by one or more of the following criteria, although it is not limited to such:

- (a) Employees with the same conditions of employment;
- (b) Employees with a history of workable and acceptable collective negotiations;
- (c) Employees in the same historic craft or profession;
- (d) Employees functioning within the same organizational unit.

~~[A public employer may recognize a bargaining unit with 3-10 members, but]~~ In no case shall the board certify a bargaining unit of fewer than 10 employees with the same community of interest without the prior approval of the governing body of the public employer. For purposes of this section, probationary employees shall be counted to satisfy the employee minimum number requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.

The question is on the adoption of the Committee Amendment.

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

The following Senators voted Yes: Forrester, Houde, Kelly, Larsen, D'Allesandro, Merrill, Stiles.

The following Senators voted No: Gallus, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Bragdon.

Yeas: 7 - Nays: 17

Failed.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 186-FN, (New Title) relative to the definition of political communication. Re-refer to committee, Vote 5-0. Senator Forrester for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 368-FN-L, relative to workforce housing and the definition of community. Inexpedient to Legislate, Vote 5-0. Senator Stiles for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 444-FN, (New Title) relative to the commemoration of General John Stark Day. Ought to Pass with Amendment, Vote 4-0. Senator Forrester for the committee.

Public and Municipal Affairs

April 6, 2011

2011-1361s

04/01

Amendment to HB 444-FN

Amend the bill by replacing section 1 with the following:

1 Observances Proclaimed by the Governor; General John Stark Day. Amend RSA 4:13-1 to read as follows:

4:13-1 General John Stark Day. The governor shall annually proclaim the fourth Monday in April as General John Stark Day ~~[and shall urge cities and towns throughout the state to observe this day]~~ in commemoration of General Stark's gallant and illustrious service to New Hampshire and his country. ***Schools are encouraged to commemorate the day with appropriate educational activities.***

2011-1361s

AMENDED ANALYSIS

This bill encourages schools to commemorate General John Stark Day with appropriate educational activities.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

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

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

HB 457-FN, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes. Inexpedient to Legislate, Vote 4-0. Senator Barnes for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 622, (New Title) relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

Public and Municipal Affairs

March 29, 2011

2011-1268s

10/01

Amendment to HB 622

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

AN ACT relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities, and relative to the transition of the tax year for the town of Hampton.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Transition; Tax Year; Town of Hampton. Notwithstanding any general provisions of law to the contrary, the collection of taxes in the Town of Hampton shall be governed by the following provisions:

I. Taxes assessed as of April 1, 2012, shall be assessed for a single 18-month accounting period running from January 1, 2012 to June 30, 2013. The town shall budget receipts and expenditures, and raise and appropriate revenues, on the basis of a single, 18-month period. Taxes for the 18-month period shall be paid as follows: On July 1, 2012, a payment on the taxes for said period shall be due and payable, which will equal 1/2 the amount of taxes paid on the 2011 assessment. A second payment shall be due and payable on or before December 1, 2012, which shall be equal to 2/3 of the 18-month assessment made on April 1, 2012, less the amount of the payment due July 1, 2012. The balance of the taxes due on the then current 18-month assessment shall be due and payable on or before July 1, 2013.

II. Taxes assessed as of April 1, 2013 and in all subsequent years shall be due and payable as follows: 1/2 on or before December 1st of each year thereafter, and 1/2 on or before July 1st of each year thereafter and the fiscal year of the town of Hampton shall thereafter be July 1st to the following June 30th.

III. Interest on taxes assessed in the Town of Hampton as provided in paragraph I shall be charged upon all taxes not paid on or before the due date as set forth in RSA 80, which shall be collected from that date with the taxes as incident thereto.

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AMENDED ANALYSIS

This bill allows for the adjustment in the method of calculating the partial payment of taxes related to an increase or decrease in local education taxes resulting from a change to the town's or city's adequate education grant or excess tax amount. The changes applies to both semi-annual and quarterly collection of taxes.

This bill also provides for an 18-month transitional budget period for the town of Hampton to change its tax year.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

WAYS AND MEANS

HB 36-FN-L, reducing the fee for copies of birth certificates. Ought to Pass, Vote 6-0. Senator Luther for the committee.

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

Sen. Sanborn is in favor of the motion of Ought to Pass on HB 36-FN-L.

Sen. Morse moved to Table HB 36-FN-L.

The question is on the motion to Table. Adopted.

Sen. Sanborn is in opposition to the motion to Table HB 36-FN-L.

HB 229-FN-A, repealing the tax on gambling winnings. Ought to Pass, Vote 6-0. Senator Boutin for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HOUSE MESSAGE

The Clerk read the following Message from the House:

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 16, relative to amendments to warrant articles.

Sen. Barnes moves concurrence. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley 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.

Adopted. Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

HB 27, relative to the classification of rivers, de minimis impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions.

HB 46, relative to the membership of the current use advisory board.

HB 55, adding members to the exotic aquatic weeds and species committee.

HB 63, extending the instream pilot program for one year.

HB 67, expanding the duties of the school administrative unit legislative oversight committee and directing the committee to study the statewide consolidation of school administrative units.

HB 69, relative to the community college system of New Hampshire academic centers.

HB 70, relative to changes to town charters.

HB 79, relative to certification of dogs for law enforcement work.

HB 80, relative to ranks in the division of state police.

HB 88, relative to liquor enforcement and liquor licensing.

HB 95, permitting an insurer to operate a health maintenance organization as a line of business.

HB 106, relative to filing for town offices.

HB 111, relative to redispensing unused drugs.

HB 112, relative to the required number of instructional days and instructional hours in a school district's calendar.

HB 142-FN, relative to sales of artificial flowers and miniature flags.

HB 155, relative to permits to conduct raffles.

HB 170, conferring degree-granting authority to the Upper Valley Educators Institute.

HB 172, relative to transporting school children to school and school-supported activities.

HB 185-FN, relative to determining bargaining units for purposes of public employee collective bargaining.

HB 206-FN, establishing an apprentice hunting license.

HB 229-FN-A, repealing the tax on gambling winnings.

HB 278, setting the natural mean high water mark of Ossipee Lake.

HB 289, relative to procedures followed by funeral directors.

HB 333-FN, repealing certain provisions relating to the sale of oleomargarine.

HB 336, designating segments of the Mascoma River as a protected river.

HB 364, relative to the membership of the state committee on aging.

HB 404, relative to toilet facilities at recreational campgrounds or camping parks.

HB 444-FN, relative to the commemoration of General John Stark Day.

HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund.

HB 491-FN, relative to divestiture of retirement system assets relating to Sudan.

HB 535, relative to the committee to study parole boards and parole board procedures.

HB 570, relative to licensure of guides by the fish and game department.

HB 571-FN, relative to lobster and crab licenses issued by the fish and game department.

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities, and relative to the transition of the tax year for the town of Hampton.

HJR 3, prohibiting the implementation of certain rules of the board of mental health practice regarding misconduct investigation.

LIST OF RULE 2-15'S FOR THE DAY

Sen. Carson: HB 69.

Sen. Lambert: HB 570.

Sen. Morse: HB 439-FN-L.

Sen. White: HB 95, HB 333-FN.

ANNOUNCEMENTS

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. It is with a heavy heart that I informed the caucus today of the death of two Londonderry residents in a tragic house fire. Mrs. Fran Gehling and her daughter died this morning. And, for me, it's especially meaningful, because I had a meeting in my District last evening, and she was there. And, we don't always agree, but we've always had spirited conversations, and at the end of the day we've shaken hands and we've agreed to disagree.

This is a tragedy for my community, and we will feel the loss of this wonderful woman and her daughter. Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Really, a point of personal privilege, Mister President.

Mister President, on April 8th, Stewart Lamprey, former President of this Senate, was 90 years of age. And, I might say, Stewart is a Republican, and known to many of us in this body.

Stewart Lamprey was Speaker of the House of Representatives, President of the Senate, Under Secretary of Commerce, Co-Chair of the New England Regional Commission, and Chief of Staff to Governor Walter Peterson. Stewart Lamprey has had just a litany of successes as a legislator and as a concerned citizen of New Hampshire.

To the best of my knowledge, Mister President, Stewart is the oldest living survivor as President of the Senate. So, Stewart got to be 90. I was privileged to attend a gathering in Meredith for Stewart on Sunday, where his children, grandchildren, and friends were with him.

When I talk about Stewart Lamprey—and, as I say, Stewart's a Republican—but Stewart is the kind of human being that I think is a manifestation of what public service is all about. His work continues to this day; he's involved in his community of Moultonborough and very, very concerned about milfoil, obviously, that aquatic vascular plant that is growing extensively in our bodies of water.

But, Stewart placed public service at the highest pinnacle—the highest pinnacle. And, I'd like to read to you Stewart's resignation letter as President of the Senate, given on April 1st, 1969, when he resigned from the Senate to become Under Secretary of Commerce.

To the Clerk, who was Wilmot S. White.: “Dear Mr. White,

Because of my pending appointment as Under Secretary of Commerce and Federal Co-Chairman of the New England Regional Commission, I hereby tender my resignation as President of the New Hampshire State Senate, effective at 5:00 p.m., Tuesday, April 1st, 1969. It is with deep regret that I shall be leaving the Presidency. However, I look forward to the challenge and the hope to be of greater service to the people of New Hampshire and all of New England.

I want to thank the Senate for the courtesy that it has shown me during these past four years and three months. I want to thank the offices, secretaries, attaches, for their loyalty and devotion to duty. I hope to be able to return at some future date and serve in an legislative capacity.

Sincerely,
Stewart Lamprey, President.”

Stewart Lamprey did return to become Chief of Staff for Governor Walter Peterson. And, at 90 years of age, Stewart is still extremely active, and, again, he's a real role model for all of us for the kind of service that he has given to the State of New Hampshire. Thank you, Mister President.

Without objection President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal of the Senate*.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley 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 and when we recess, we recess to the Call of the Chair.

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