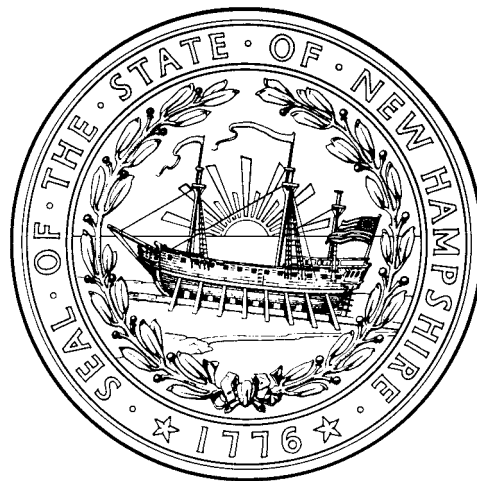


April 20, 2011
Nos. 12-13

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 – APRIL 13, 2011 SESSION
COMMENCEMENT – APRIL 20, 2011 SESSION

SENATE JOURNAL 12 *(continued)*

April 13, 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 18, deleting a function of the central tax services unit.

SB 25, relative to the Connecticut River Valley resource commission.

SB 26, establishing a committee to study the classification of motor vehicles.

SB 29, relative to the definition of “moped” and relative to motorcycle endorsements.

SB 31, relative to revocation or denial of a driver’s license for drug or alcohol involvement by persons under 21 years of age.

SB 35-FN-A, relative to exemption from the definition of utility property for purposes of the utility property tax.

SB 43, making a technical correction to the tobacco tax laws.

SB 60, relative to the definition of commercial motor vehicle.

SB 85, naming a bay in the town of Meredith Johnson Bay.

SB 140-FN, relative to the disposition of military justice fines.

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 110, requiring professional safety and security services personnel to report certain criminal offenses. (Judiciary Committee.)

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

HB 141, relative to protected utility services. (Judiciary Committee.)

HB 147-FN, making the commission of certain offenses punishable under the capital murder statute. (Judiciary Committee.)

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

April 4, 2011
2011-1337-EBA
04/01

Enrolled Bill Amendment to SB 174

The Committee on Enrolled Bills to which was referred SB 174

AN ACT relative to the Concord regional solid waste/resource recovery cooperative.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 174

This enrolled bill amendment makes a typographical correction and inserts an omitted word.

Enrolled Bill Amendment to SB 174

Amend section 1 of the bill by replacing line 13 with the following:

Formation of the Concord Regional Solid Waste/Resource Recovery Cooperative,” dated January 16,

Amend section 1 of the bill by replacing line 15 with the following:

Solid Waste/Resource Recovery Cooperative,” dated January 22, 2009 hereinafter collectively referred

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

April 4, 2011

2011-1332-EBA

04/01

Enrolled Bill Amendment to HB 288-FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 288-FN-LOCL

AN ACT relative to payment for election services to unincorporated places.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 288-FN-LOCAL

This enrolled bill amendment corrects the title of the bill.

Enrolled Bill Amendment to HB 288-FN-LOCAL

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

AN ACT relative to payment for election services by unincorporated places.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

Report of Committee on Enrolled Bills

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

HB 32, relative to statutory references to the choice and duties of town auditors.

HB 45, relative to the Connecticut Lakes headwater citizens committee.

HB 91, relative to the reporting by state agencies with capital budget projects to the capital budget overview committee.

HB 93, relative to medical documentation for a crossbow permit for a person with a disability.

HB 116, relative to the rulemaking requirement for establishing operating restrictions on certain bodies of water.

HB 117, allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions.

HB 167, naming the Enfield wildlife management area after former fish and game biologist Henry Laramie.

HB 188, relative to division responsibility for road toll administration, hazardous waste transport, truck weight enforcement, and the international registration plan by the department of safety and relative to clerical support for the advisory board of fire control.

HB 192, relative to commercial motor vehicle registration.

HB 195, relative to special permits for transportation of deer.

HB 363, relative to Depot Street in the town of Andover.

HB 399, relative to nonresident registration of motor vehicles.

HB 410, extending the reporting date of the committee to study dispatch times within the enhanced 911 system and requiring quarterly meetings of the committee.

HB 441, relative to muffling devices on boats.

HB 525, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C.

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, relative to the city of Manchester's contributory retirement system.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

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 13

April 20, 2011

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

The Reverend Kate Atkinson, guest chaplain to the Senate, offered the following meditation and prayer.

Well, in the past few days, we have celebrated both Judaism's feast of Passover and Christianity's Palm Sunday. And, at the center of both of these holy days is an occasion when God asked somebody to do something, and in spite of human doubt and resistance and plenty of apparently good reasons to say no, in both cases, the answer was yes.

Moses argued that he was not qualified to lead the Israelites out of Egypt into freedom, but he did it. And, centuries later, an unnamed citizen of Bethphage, when told that the Lord needed his donkeys, immediately handed them over, enabling Jesus to make his triumphant entry into Jerusalem just a few days before his arrest and his crucifixion.

Well, it wasn't only 2,000-plus years ago that God made requests of humanity; God is still calling us to take on responsibilities for one another and for the world that we live in. And, we can always think of excuses to say no, but remarkable things happen when we say yes.

This prayer is about 100 years old, but it's timeless. Let us pray.

O, Lord God, Who called Your servants to ventures of which we cannot see the ending, by paths as yet untrodden, through perils unknown, give us faith to go out with a good courage, not knowing where we are going, but only that Your hand is leading us, and Your love supporting us, to the glory of Your name. Amen.

Sen. Boutin led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Forsythe introduced Joshua Rupp of Belmont, the son of GCIS Manager Scott Rupp, serving as a Senate Page today.

Sen. Odell welcomed his niece, Kerin Braudaway, her husband, Wesley, and their sons, Tom and Ben Braudaway, who are visiting from Virginia.

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 262-FN, HB 451-FN, HB 474-FN, HB 483-FN-L, HB 609-FN, HB 621-FN-L.

COMMITTEE REPORTS**COMMERCE**

HB 143, relative to the sale of stove polish. 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 262-FN, relative to beverage manufacturers. 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 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. Ought to Pass with Amendment, Vote 4-1. Senator Prescott for the committee.

Commerce

April 12, 2011

2011-1403s

06/01

Amendment to HB 474-FN

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

AN ACT relative to freedom of choice on whether to join a labor union.

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

1 Name of Act. It is the intent of the general court that this act be known as "The Franklin A. Partin Jr. Right to Work Act."

2 New Chapter; Right to Work Act. Amend RSA by inserting after chapter 273-C the following new chapter:

CHAPTER 273-D
RIGHT TO WORK ACT

273-D:1 Short Title. This act may be cited as the "Right to Work Act."

273-D:2 Declaration of Public Policy. It is hereby declared to be the public policy of this state in order to maximize individual freedom of choice in the pursuit of employment and to encourage an employment climate conducive to economic growth, that all persons shall have, and shall be protected in the exercise of, the right freely, and without fear of penalty or reprisal, to form, join, or assist labor organizations, or to refrain from any such activity.

273-D:3 Definitions. In this chapter:

I. "Employer" means any individual, corporation, association, organization, or entity that employs one or more persons. The term includes, but is not limited to, the state of New Hampshire and its agencies, every district, board, commission, instrumentality, or other unit whose governing body exercises similar governmental powers. The term "employer" includes, but is not limited to, employers of agricultural labor.

II. "Labor organization" means any organization of any kind, or agency or employee representation committee or plan, which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of work, or other conditions of employment.

273-D:4 Freedom of Choice Guaranteed, Discrimination Prohibited. No person shall be required, as a condition of employment or continuation of employment:

I. To resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;

II. To become or remain a member of a labor organization;

III. To pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization;

IV. To pay any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments, or other charges of a labor organization; or

V. To be recommended, approved, referred, or cleared by or through a labor organization.

273-D:5 Voluntary Deductions Protected. It shall be unlawful for any employer to deduct from the wages, earnings, or compensation of any employee any dues, fees, assessments, or other charges, to be held for, transferred to, or paid over to a labor organization, unless the employee has first presented, and the employer has received, a signed written authorization of such deductions, which authorization may be revoked by the employee at any time by giving written notice of such revocation 30 days in advance of its effective date. Every employer who receives such an authorization from an employee shall have a duty to promptly notify that employee in writing that the employee may revoke an authorization at any time by giving the employer 30 days written notice.

273-D:6 Agreements in Violation, and Actions to Induce Such Agreements, Declared Illegal. Any agreement, understanding or practice, written or oral, implied or expressed, between any labor organization and employer which violates the rights of employees as guaranteed by the provisions of this chapter is hereby declared to be unlawful, null and void, and of no legal effect. Any strike, picketing, boycott, or other action, by a labor organization for the sole purpose of inducing or attempting to induce an employer to enter into any agreement prohibited under this chapter is hereby declared to be for an illegal purpose and is a violation of the provisions of this chapter.

273-D:7 Notice to be Posted. It shall be the duty of every employer to post and keep continuously displayed the following notice at such a place or places in the business, establishment, or premises where it may be readily seen by all employees, and it shall be the further duty of every employer to furnish a copy of such notice to each employee at the time the employee is hired:

EMPLOYEES FREEDOM OF CHOICE

Under the law of the state of New Hampshire, employees are protected in the exercise of their free choice to join or refrain from joining labor unions, and it is unlawful for an employer and a labor union to enter into a contract or agreement requiring them to pay dues, fees, or charges of any kind to a labor union as a condition of obtaining or keeping a job. Under this law, an employer may not discharge or otherwise discriminate against an employee because of joining or refusing to join a labor union, or to pay dues, or other charges to a labor union.

273-D:8 Coercion and Intimidation Prohibited. It shall be unlawful for any person, labor organization, or officer, agent or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or the employee's parents, spouse, children, grandchildren, or any other persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to property, to compel or attempt to compel such employee to join, affiliate with, or financially support a labor organization or to refrain from doing so, or otherwise forfeit any rights as guaranteed by provisions of this chapter. It shall also be unlawful to cause or attempt to cause an employee to be denied employment or discharged from employment because of support or nonsupport of a labor organization by inducing or attempting to induce any other person to refuse to work with such employees.

273-D:9 Penalties. Any person, employer, labor organization, agent, or representative of an employer or labor organization, who directly or indirectly imposes upon any person any requirement prohibited by this chapter shall be guilty of a misdemeanor, and, notwithstanding RSA 651:2, shall be subject for each offense to a fine not exceeding \$1,000, or to imprisonment not exceeding 90 days, or both.

273-D:10 Civil Remedies. Any person harmed as a result of any violation or threatened violation of the provisions of this chapter shall be entitled to injunctive relief against any and all violators or persons threatening violation, and may also recover any or all damages of any character, including costs and reasonable attorney fees, resulting from such violation or threatened violation, cognizable at common law. Such remedies shall be independent of, and in addition to, the penalties and remedies prescribed in other provisions of this chapter.

273-D:11 Duty to Investigate. It shall be the duty of the attorney general and of each county attorney, to investigate any complaints of violation of this chapter, and to prosecute all persons violating any of its provisions, and to use all means at their command to insure effective enforcement of the provisions of this chapter.

273-D:12 Existing Contracts. The provisions of this chapter shall apply to all contracts entered into on or after the effective date of this chapter and shall not apply to existing contracts, but shall apply to any renewal or extensions of such existing contracts.

273-D:13 Exceptions. The provisions of this chapter shall not apply:

- I. To employers and employees covered by the federal Railway Labor Act.

II. To federal employers and employees.

III. To employers and employees on exclusive federal enclaves.

IV. Where they would otherwise conflict with, or be preempted by, federal law.

273-D:14 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

3 Effective Date. This act shall take effect January 1, 2012.

2011-1403s

AMENDED ANALYSIS

This bill prohibits collective bargaining agreements that require employees to join a labor union.

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

Sen. Stiles is in opposition to the adoption of the Committee Amendment.

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

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

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

The following Senators voted No: Gallus, Houde, Kelly, Carson, Larsen, Boutin, D'Allesandro, Merrill.

Yeas: 16 - Nays: 8

Adopted, bill ordered to Third Reading.

EDUCATION

HB 386, adding Granite State college to the university system of New Hampshire corporate charter and adding a student trustee from Granite State college to the university system board of trustees. 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.

ENERGY AND NATURAL RESOURCES

HB 33, relative to the care of memorials in Franconia Notch state park. Ought to Pass with Amendment, Vote 5-0. Senator Merrill for the committee.

Energy and Natural Resources

April 14, 2011

2011-1440s

04/01

Amendment to HB 33

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

AN ACT relative to the care and maintenance of war memorials in Franconia Notch state park.

Amend the bill by replacing section 1 with the following:

1 New Section; Expansion of State Park System; War Memorials in Franconia Notch State Park. Amend RSA 216-A by inserting after section 6-a the following new section:

216-A:6-b War Memorials in Franconia Notch State Park.

I. The war memorials on the eastern shore of Profile Lake in Franconia Notch state park shall be undisturbed and maintained in a proper manner for viewing and visiting by the public. Appropriate signage and recognition of the war memorials shall be placed at the entrances to Franconia Notch state park as well as directional signs to the memorial sites. Veterans groups may aid the division of parks and recreation in enhancing and maintaining the park, through programs such as the Adopt-a-Park program and by other means.

II. The director of the division of parks and recreation may solicit, accept, and expend any gifts, grants, and donations for the purpose of maintaining the war memorials in accordance with this section.

2011-1440s

AMENDED ANALYSIS

This bill requires the care and maintenance of war memorials in Franconia Notch state park.

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 74, relative to the ticketing and season passes at Cannon Mountain. Ought to Pass, Vote 5-0. 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 144, relative to energy efficiency and clean energy districts. 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 196, relative to the certificates of completion of a basic hunter education program or bow hunter education program. 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 230, exempting the repair of certain structures from compensatory mitigation requirements. Inexpedient to Legislate, Vote 5-0. Senator Gallus for the committee.

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

Sen. Groen is in opposition to the motion of Inexpedient to Legislate on HB 230.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 47, relative to inactive license status for real estate brokers and salespersons. Ought to Pass with Amendment, Vote 5-0. Senator Luther for the committee.

Senate Executive Departments and Administration

April 14, 2011

2011-1441s

10/04

Amendment to HB 47

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

AN ACT relative to inactive license status for real estate brokers and salespersons and the use of limited electronic media.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 5:

2 New Paragraph; Definition Added. Amend RSA 331-A:2 by inserting after paragraph V-d the following new paragraph:

V-e. "Limited electronic media" means all electronic media that only allow for the presentation of limited amounts of information. Limited electronic media includes, but is not limited to, thumbnails, twitter messages, text messages, and other forms of electronic media existing now or in the future that similarly limit the amount of information that can be presented.

3 New Subparagraph; Advertising; Limited Electronic Media. Amend RSA 331-A:16, IV by inserting after subparagraph (b) the following new subparagraph:

(c) With respect to limited electronic media, the requirements of subparagraphs (a) and (b) shall be satisfied if the limited electronic media includes a link to an Internet display that contains the required information.

4 Prohibited Conduct; Advertising. Amend RSA 331-A:26, X to read as follows:

X. In the case of a salesperson or broker, advertising in any manner without stating the name of the individual principal broker when licensed under an individual principal broker license or business name as licensed for whom or under whom the salesperson or broker operates, *except as provided in RSA 331-A:16, IV(c)*.

2011-1441s

AMENDED ANALYSIS

This bill clarifies the real estate commission's procedure for placing a license on inactive status. The bill also regulates the use of limited electronic media in advertising by real estate brokers and salespersons.

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 92, relative to expiration of licenses issued by the board of foresters. 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.

FINANCE

HB 35-FN, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract. Ought to Pass, Vote 7-0. Senator Gallus 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 58, relative to inter-facility transfers of critical access hospital patients. 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 71, authorizing establishment of pharmaceutical drug take-back programs. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

Health and Human Services

April 7, 2011

2011-1374s

01/09

Amendment to HB 71

Amend the bill by replacing section 10 with the following:

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

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 426, adding certain entities to the unused prescription drug program. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

Sen. Sanborn moved to Table HB 426. Adopted.

HB 483-FN-L, relative to mosquito control. Ought to Pass with Amendment, Vote 5-0. Senator Lambert for the committee.

Health and Human Services

April 7, 2011

2011-1375s

01/09

Amendment to HB 483-FN-LOCAL

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

1 Mosquito Control Policy. Amend RSA 142-A:2, VII to read as follows:

VII. State agencies managing land shall allow mosquito control and abatement activities to occur in accordance with local mosquito control plans developed pursuant to RSA 141-C when the department has notified the appropriate agency managing state land that a public health threat declaration under RSA 141-C:25 is in effect, ***or has previously been in effect within the last year***, for the affected municipality or mosquito control district in accordance with RSA 142-A:3.

2 Mosquito Control Policy. Amend RSA 142-A:3, VI to read as follows:

VI. State agencies managing land shall allow the use of biological control agents, specifically *Bacillus thuringiensis israelensis* or *Bacillus sphaericus*, to control mosquito larvae in natural wetlands and water bodies on land they administer in accordance with applicable law and rules as long as those wetlands and water bodies are located in municipalities or mosquito control districts where a public health threat is declared, ***or has been declared within the last year***, by the commissioner pursuant to RSA 141-C and when the application is to be made under a special permit issued by the department of agriculture, markets and food, division of pesticide control.

3 Mosquito Control Policy. Amend RSA 142-A:2, VII to read as follows:

VII. State agencies managing land shall allow mosquito control and abatement activities to occur in accordance with local mosquito control plans developed pursuant to RSA 141-C when the department has notified the appropriate agency managing state land that a public health threat declaration under RSA 141-C:25 is in effect~~[, or has previously been in effect within the last year,]~~ for the affected municipality or mosquito control district in accordance with RSA 142-A:3.

4 Mosquito Control Policy. Amend RSA 142-A:3, VI to read as follows:

VI. State agencies managing land shall allow the use of biological control agents, specifically *Bacillus thuringiensis israelensis* or *Bacillus sphaericus*, to control mosquito larvae in natural wetlands and water bodies on land they administer in accordance with applicable law and rules as long as those wetlands and water bodies are located in municipalities or mosquito control districts where a public health threat is declared~~[, or has been declared within the last year,]~~ by the commissioner pursuant to RSA 141-C and when the application is to be made under a special permit issued by the department of agriculture, markets and food, division of pesticide control.

5 Effective Date.

I. Sections 3 and 4 of this act shall take effect November 1, 2014.

II. The remainder of this act shall take effect 60 days after its passage.

2011-1375s

AMENDED ANALYSIS

This bill allows a municipality to commence mosquito control abatement activities on state lands where a public health threat is in effect or was in effect within the last year under RSA 141-C:25.

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.

JUDICIARY

HB 609-FN, establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division. Ought to Pass, Vote 4-0. Senator Houde 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 86, relative to filling a vacancy among county officers. Ought to Pass, Vote 4-0. Senator Stiles for the committee.

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

HB 115, relative to the temporary removal or transfer of prisoners from a county correctional facility. Ought to Pass, Vote 4-0. Senator Forrester for the committee.

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

HB 132, adopting and implementing the United States flag code. Ought to Pass with Amendment, Vote 4-0. Senator Barnes for the committee.

Public and Municipal Affairs

April 13, 2011

2011-1416s

05/03

Amendment to HB 132

Amend RSA 3-E:2, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The governor shall order the flag to be flown at half staff in the event of the death of any member of the armed forces who dies in combat and who is a resident of New Hampshire. The flag shall be flown at half staff the day of and the day after the service member's burial.

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 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 451-FN, relative to prerecorded political messages. Ought to Pass, Vote 4-0. Senator Merrill for the committee.

Sen. Merrill moved to Table HB 451-FN. Adopted.

TRANSPORTATION

HB 72-FN-A, establishing a state aeronautical fund. Ought to Pass with Amendment, Vote 3-0. Senator Stiles for the committee.

Senate Transportation

April 14, 2011

2011-1439s

03/10

Amendment to HB 72-FN-A

Amend RSA 422:35, II as inserted by section 2 of the bill by replacing it with the following:

II. There is hereby established the state aeronautical fund. The commissioner is authorized to accept gifts to further the purposes of this chapter and shall deposit them in the fund. The monies in the fund shall be nonlapsing and shall be continually appropriated to the department for the purpose of funding maintenance of airports within the state that are open for public use and planning and implementing capital improvements to such airports. The commissioner may also accept and sell to a third party surplus airport equipment disposed of by the federal government and shall deposit the proceeds of the sale in the fund for the purpose of funding maintenance of and planning and implementing capital improvements to the airport where the equipment was located prior to disposal.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Section; Property Held in Airport Property Rooms. Amend RSA 471-C by inserting after section 13 the following new section:

471-C:13-a Property Held in Airport Property Rooms.

I. Notwithstanding any other provisions of law to the contrary, an airport director or designee may dispose of all noncontraband abandoned or lost property that has been held in an airport property room for a period of 180 days and not claimed by the owner. If the owner is unknown or if the owner fails to claim the property within 60 days of being notified to claim the property, the airport director or designee may:

(a) Destroy abandoned or lost property which may contain personal or business information, or property which has a value of less than \$25.

(b) Return currency to an identified finder. The identified finder shall claim the currency within 60 days of being notified to claim the currency, otherwise said currency shall be retained by the airport for its use in aeronautical activities.

II.(a) An airport director or designee may dispose of all noncontraband abandoned or lost property that has been held in an airport property room for a period of 180 days which the airport director or his or her designee has not been able to dispose of under paragraph I by:

(1) Donating property which may be of value to a charitable organization to charity; or

(2) Selling the property at public auction. The airport director or designee shall fix a day upon which the auction shall take place, and give notice thereof by publication in a daily newspaper. The notice shall state the date, time, and place when such auction shall commence and shall contain a general description of the types of property to be sold. The notice shall be signed by an airport director or designee. The proceeds of such auction shall be retained by the airport for its use in aeronautical activities or donated to the state aeronautical fund; or

(3) Selling the property on an internet auction site with sufficient buyer participation to ensure that the property receives adequate exposure to the market for goods of the type being disposed of. The proceeds of such auction shall be retained by the airport for its use in aeronautical activities or donated to the state aeronautical fund.

(b) Property which fails to sell at public auction or on an internet auction site may be disposed of in any manner which the airport director or designee deems fit.

III. The airport and the state, municipality, authority, or other entity which owns or manages the airport shall have no liability for any claim thereafter arising or made with respect to property disposed of under this section.

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 Committee on Finance (Rule 4-3).

HB 90, relative to enforcement of the requirement of boaters to have a safe boater education certificate. Ought to Pass with Amendment, Vote 3-0. Senator Rausch for the committee.

Senate Transportation

April 14, 2011

2011-1437s

03/04

Amendment to HB 90

Amend the bill by replacing section 1 with the following:

1 Safe Boater Education Certificate; Possession Required. Amend RSA 270-D:11, III to read as follows:

III. Enforcement of this section shall be accomplished only as a secondary action when an operator of a motorized or registered vessel has been cited, [or] charged with, *or issued a written warning for a violation or some other offense, or as a primary action when an operator is involved in an accident.*

2011-1437s

AMENDED ANALYSIS

This bill permits enforcement of the requirement of boaters to have a safe boater education certificate when the operator is issued a written warning for a violation or offense or when the operator is involved in an accident.

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 148, relative to federal funding for motorcycle-only roadside checkpoints. Ought to Pass, Vote 3-0. 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.

HB 397, relative to image display devices in motor vehicles. Ought to Pass with Amendment, Vote 3-0. Senator Stiles for the committee.

Senate Transportation

April 14, 2011

2011-1438s

03/10

Amendment to HB 397

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

AN ACT relative to image display devices in motor vehicles and relative to air pollution rules.

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

2 New Paragraph; Air Pollution Control; Rulemaking Authority. Amend RSA 125-C:4 by inserting after paragraph I-b the following new paragraph:

I-c. This section shall not be interpreted to authorize the adoption of standards for motor vehicle emissions.

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

2011-1438s

AMENDED ANALYSIS

This bill replaces the prohibition on televisions in motor vehicles with a prohibition on image display devices, as defined in the bill. This bill also limits the authority of the commissioner of the department of environmental services to adopt rules establishing motor vehicle emission standards.

The question is on the adoption of the Committee Amendment.

Sen. Boutin moved to Table HB 397. Adopted.

HB 548, relative to boater safety education and relative to the minimum age for operation of motorized vessels. Inexpedient to Legislate, Vote 3-0. Senator Rausch for the committee.

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

HB 549, relative to driver's license reexaminations. Ought to Pass, Vote 3-0. 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.

HB 558, relative to exchanging Haseltine Street in Plaistow for a section of NH 121A from the intersection of Haseltine and Main Streets to the border with Haverhill, Massachusetts. Ought to Pass, Vote 3-0. Senator Stiles for the committee.

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

HB 621-FN-L, relative to the authority of the department of transportation. Ought to Pass, Vote 3-0. Senator Rausch 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 66, relative to nonresident fees for motorcycle rider education.

Sen. Rausch moves concurrence. Adopted.

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 102, establishing a commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

Sen. Bradley 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 33, relative to the care and maintenance of war memorials in Franconia Notch state park.

HB 35-FN, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract.

HB 47, relative to inactive license status for real estate brokers and salespersons and the use of limited electronic media.

HB 58, relative to inter-facility transfers of critical access hospital patients.

HB 71, authorizing establishment of pharmaceutical drug take-back programs.

HB 86, relative to filling a vacancy among county officers.

HB 90, relative to enforcement of the requirement of boaters to have a safe boater education certificate.

HB 92, relative to expiration of licenses issued by the board of foresters.

HB 115, relative to the temporary removal or transfer of prisoners from a county correctional facility.

HB 132, adopting and implementing the United States flag code.

HB 143, relative to the sale of stove polish.

HB 144, relative to energy efficiency and clean energy districts.

HB 148, relative to federal funding for motorcycle-only roadside checkpoints.

HB 196, relative to the certificates of completion of a basic hunter education program or bow hunter education program.

HB 262-FN, relative to beverage manufacturers.

HB 386, adding Granite State college to the university system of New Hampshire corporate charter and adding a student trustee from Granite State college to the university system board of trustees.

HB 474-FN, relative to freedom of choice on whether to join a labor union.

HB 483-FN-L, relative to mosquito control.

HB 549, relative to driver's license reexaminations.

HB 558, relative to exchanging Haseltine Street in Plaistow for a section of NH 121A from the intersection of Haseltine and Main Streets to the border with Haverhill, Massachusetts.

HB 609-FN, establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

HB 621-FN-L, relative to the authority of the department of transportation.

ANNOUNCEMENTS

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.