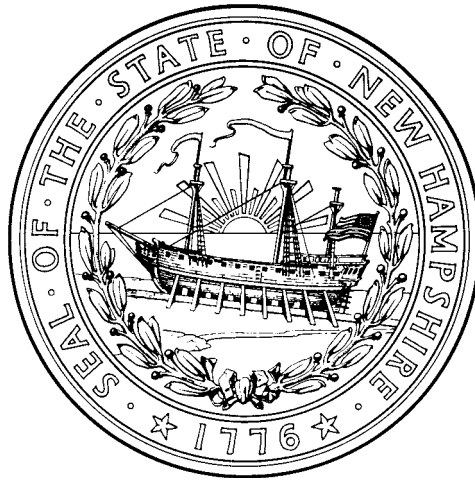


May 18, 2011
Nos. 16-17

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 – MAY 11, 2011 SESSION
COMMENCEMENT – MAY 18, 2011 SESSION

SENATE JOURNAL 16 *(continued)*

May 11, 2011

May 9, 2011
2011-1807-EBA
08/10

Enrolled Bill Amendment to HB 55

The Committee on Enrolled Bills to which was referred HB 55

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

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 55

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 55

Amend RSA 487:30, II(a)(3) as inserted by section 1 of the bill by replacing line 2 with the following:

chairman of the board of that association with the concurrence of the chairperson of the

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

May 4, 2011
2011-1752-EBA
10/05

Enrolled Bill Amendment to HB 426

The Committee on Enrolled Bills to which was referred HB 426

AN ACT adding certain entities to the unused prescription drug program.

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 426

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 426

Amend RSA 318:58, I as inserted by section 1 of the bill by replacing line 3 with the following:

to RSA 318, including manufacturers and wholesalers licensed under RSA 318:51-a or

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 Bill

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

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

HB 168, establishing a committee to study the juvenile delinquency and child in need of services statutes.

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

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

HB 621, relative to the authority of the department of transportation.

SB 122, establishing a committee to study the laws relating to electronic prescriptions.

SB 195, naming the Manchester Airport Access Road for Raymond Wieczorek.

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 17

May 18, 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.

Good morning. Well, in John's Gospel, Jesus is quoted as saying, "I am come that they might have life and that they might have it more abundantly." So, what does it mean to have life more abundantly? Some might say that it means having an abundance of wealth or possessions or even an abundance of power or recognition or status. But, the abundant life that God offers us, whatever our religious background may be, is a life that has nothing to do with our bank account or the contents of our home or the car that we drive or even the position that we hold. Having life more abundantly means experiencing every aspect of our daily journal more fully, more deeply, more gratefully. It means having a sense of calm and an absence of fear and stress—does that sound good? Abundant life means rejoicing in simplicity, and finding beauty and meaning in the ordinary.

And, this is a prayer—some words from a prayer by the Reverend Virginia Going. Let us pray.

Let me live today. Let me be open to the miracle of this day. Let me breathe the best of today. Let me not miss the heart of today. Let me find the gift of today, hidden like a jewel in rubble of care, duty, and detail. Let me pause to hear the steady beat of the heart of God. Let me live this day aware, open, listening, breathing, alive.
Amen.

Sen. De Blois led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. D'Allesandro introduced students from Gossler Park Elementary School, guests in the Senate gallery today.

Sen. Forsythe introduced Beau Patteson from Strafford and Sen. Groen introduced Liam Sigurdsson from Rochester, homeschooled students serving as Senate Pages today.

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

COMMITTEE REPORTS

COMMERCE

HB 133, relative to the minimum wage. Ought to Pass, Vote 4-1. Senator De Blois for the committee.

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

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

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

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

Yeas: 19 - Nays: 5

Adopted, bill ordered to Third Reading.

HB 248, establishing a commission to study business regulations in New Hampshire. Ought to Pass with Amendment, Vote 4-1. Senator Sanborn for the committee.

Commerce
May 10, 2011
2011-1834s
05/04

Amendment to HB 248

Amend RSA 359-K:1, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Identify potential reforms that could be made to regulations cited above, and develop legislation for the 2012 session to accomplish those reforms.

Amend RSA 359-K:1, II(c)(5) as inserted by section 1 of the bill by replacing it with the following:

(5) One representative of the Lebanon-area Chamber of Commerce, appointed by that organization.

Amend RSA 359-K:1, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. The commission shall, following a public hearing, submit an interim report on or before October 31, 2011, containing its findings and any recommendations for proposed legislation, to the governor, the president of the senate, the speaker of the house of representatives, the house and senate clerks, and the state librarian.

IX. The commission shall submit a final report of its findings and any recommendations for proposed legislation to the parties listed in paragraph VIII on or before October 31, 2012.

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

I. Section 2 of this act shall take effect October 31, 2012.

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

Sen. Houde offered a floor amendment.

Sen. Houde, Dist. 5
Sen. Prescott, Dist. 23
May 13, 2011
2011-1914s
06/10

Floor Amendment to HB 248

Amend RSA 359-K:1, II(c) as inserted by section 1 of the bill by inserting after subparagraph (17) the following new subparagraphs:

(18) One representative of the building and construction trades, nominated by the president of the New Hampshire State Building and Construction Trades Council and appointed by the governor.

(19) One representative of labor, nominated by the president of the New Hampshire AFL-CIO and appointed by the governor.

The question is on the adoption of the Floor Amendment.

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

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

The following Senators voted No: Forsythe, Sanborn, White, De Blois.

Yeas: 20 - Nays: 4

Adopted.

Sen. Merrill offered a floor amendment.

Sen. Merrill, Dist. 21
May 18, 2011
2011-2000s
05/10

Floor Amendment to HB 248

Amend RSA 359-K:1, II as inserted by section 1 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) The commissioner of the department of environmental services, or designee.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Bradley, Houde, Odell, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Gallus, Forrester, Forsythe, Groen, Sanborn, White, De Blois.

Yeas: 17 - Nays: 7

Adopted.

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

HB 589, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit. Ought to Pass, Vote 4-1. Senator De Blois for the committee.

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

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

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

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

Yeas: 19 - Nays: 5

Adopted, bill ordered to Third Reading.

HB 647, relative to withholding of wages. 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.

Sen. Forrester is in opposition to the motion of Ought to Pass on HB 647.

FINANCE

HB 187, relative to the carry forward periods for the business enterprise tax credit against the business profits tax. Ought to Pass, Vote 6-0. Senator Barnes for the committee.

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

Sens. Forsythe and White are in favor of the motion of Ought to Pass on HB 187.

President Bragdon rescinded ordering HB 187 to Third Reading.

Sen. Morse moved to Lay on the Table HB 187. Adopted.

Sen. Sanborn is in opposition to the motion to Lay on the Table HB 187.

HB 461-FN, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service. Ought to Pass, Vote 6-0. Senator Morse for the committee.

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

Sens. D'Allesandro and Merrill are in opposition to the motion of Ought to Pass on HB 461-FN

HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships. Ought to Pass, Vote 6-0. Senator Odell for the committee.

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

Sens. Forsythe and White are in favor of the motion of Ought to Pass on HB 557-FN-A.

Sen. Morse moved to Lay on the Table HB 557-FN-A. Adopted.

Sen. Sanborn is in opposition to the motion to Lay on the Table HB 557-FN-A.

INTERNAL AFFAIRS

HB 390, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces. Ought to Pass with Amendment, Vote 5-0. Senator Larsen for the committee.

Internal Affairs

May 12, 2011

2011-1886s

04/10

Amendment to HB 390

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

AN ACT relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces, and relative to the commission on the status of women.

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

1 Reinstated Boards, Commissions, Councils, Advisory Committees, and Task Forces. Pursuant to 2009, 144:87, I(a), the following boards, commissions, councils, advisory committees, and task forces are hereby reinstated:

(1) RSA 5:42	State Historical Records Advisory Board
(2) RSA 12-A:2-f	New Hampshire Economic Development Fund Review Committee
(3) RSA 12-A:9-c	Nash Stream Forest Citizens Committee
(4) RSA 12-A:29-b	Cannon Mountain Advisory Commission
(5) RSA 12-A:54	Job Training Program for Economic Growth Grant Review Committee
(6) RSA 17-I:1	Joint Legislative Historical Committee
(7) RSA 21-P:51	Joint Legislative Oversight Committee on the Emergency Management System
(8) RSA 21-R:6	Information Technology Council
(9) RSA 21-R:9	Joint Legislative Information Technology Oversight Committee
(10) RSA 106-G:1	Advisory Committee on Breath Analyzer Machines
(11) RSA 132:10-a	Newborn Screening Advisory Committee
(12) RSA 151-C:3	Health Services Planning and Review Board
(13) RSA 153:2	State Advisory Board of Fire Control
(14) RSA 153:16-c	Advisory Committee on Heating System Certification
(15) RSA 153-A:8	Trauma Medical Review Committee
(16) RSA 171-A:19-a	Committee for the Protection of Human Subjects
(17) RSA 227-B	Mount Washington Commission
(18) RSA 227-D:4	Monadnock Advisory Commission
(19) RSA 275-C:11	Committee on Architectural Barrier-Free Design
(20) RSA 278:2	State Apprenticeship Advisory Council
(21) RSA 330-A:4	Mental Health Board Advisory Committees

2 Repealed Boards, Commissions, Councils, Advisory Committees, and Task Forces. Notwithstanding 2009, 144:87, I(a), the following boards, commissions, councils, advisory committees, and task forces are hereby repealed effective December 31, 2011:

(1) RSA 126:24-h	Advisory Committee on Quality of Vital Records Information
(2) RSA 126-I:3	Osteoporosis Advisory Council
(3) RSA 169-C:39-d	New Hampshire Children's Trust Fund Board
(4) RSA 170-G:6	Advisory Board to the Department of Health and Human Services
(5) RSA 186-C:21	Executive Planning Commission on Special Education
(6) RSA 227-C:18-23	State Heritage Collections Committee

3 Services for Children, Youth, and Families; Appeals. Amend RSA 170-G:4-a, IV to read as follows:

IV. The appeal shall be heard under RSA 541-A:31-36 by the commissioner or his **or her** designee ~~[and 2 members from the advisory board established by RSA 170-G:6. The chairman of the advisory board shall appoint its 2 members]~~. No person hearing the appeal shall have had any involvement in establishing the rate or deciding on the certification that is the subject of the appeal, or be affiliated in any way with the appellant.

4 Special Education; Duties. Amend RSA 186-C:3-a, II(e)(1) to read as follows:

(1) If children with disabilities are being placed in out-of-district programs solely due to a lack of qualified personnel, the department shall develop and implement strategies~~[-in addition to the requirements of RSA 186-C:21,]~~ to help address the shortage and increase the capacity of local education agencies to serve children in the schools they would attend if not disabled.

5 Repeal of the New Hampshire Children's Trust Fund Board. Notwithstanding the provisions of 2010, 195:3 and 2010, 195:4, the New Hampshire children's trust fund board established in RSA 169-C:39-d is hereby repealed in accordance with section 2 of this act.

6 Mental Health Practice; Organization and Meetings. 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.

7 Mental Health Practice; Board Responsibilities. Amend RSA 330-A:10, XII-XIII to read as follows:

XII. Procedures, standards, and supervision requirements for candidates for licensure as a member of one of the licensed mental health disciplines, **consistent with the standards established by the advisory committee for each of the licensed mental health disciplines**. All candidates for licensure shall be documented with the board.

XIII. Establishment of the scope of practice for each mental health discipline licensed under this chapter, **consistent with the standards established by the advisory committee for each of the licensed mental health disciplines**.

8 Mental Health Practice; Investigation and Complaints. Amend RSA 330-A:28, I-a to read as follows:

I-a. Any board member who has had a personal relationship or has worked in a professional capacity with a complainant or with a licensee against whom a complaint has been filed or whose personal or professional views regarding the licensee or the complainant could prevent the board member from being impartial in considering the complaint shall recuse himself or herself from any investigation or disciplinary action against such licensee. If the chairperson of the board is recused the remaining board members shall elect an acting chairperson from among the board. The chairperson or acting chairperson shall appoint a former board member **or a member from the appropriate advisory committee** to replace the recused board member during the investigation and proceedings against the licensee. The replacement board member shall be from the same mental health discipline as the recused member.

9 Comprehensive Cancer Plan Fund. Amend the introductory paragraph in RSA 126-A:64, I to read as follows:

There is hereby established in the office of the state treasurer the comprehensive cancer plan fund, to be administered by the department of health and human services. The department is authorized to accept public sector and private sector grants, gifts, donations, and appropriations for deposit into the fund. The fund shall be nonlapsing and continually appropriated to the department, and shall be used to implement the provisions

of the New Hampshire comprehensive cancer plan as developed by the New Hampshire comprehensive cancer collaboration. The fund shall be expended annually for the following purposes, with allocations determined by the ~~[comprehensive cancer plan oversight board]~~ **commissioner of the department of health and human services, in consultation with the New Hampshire Comprehensive Cancer Collaboration:**

10 Statement of Intent. The general court intends that the New Hampshire commission on the status of women, established in RSA 19-B:1-9 and administratively attached to the office of the secretary of state, shall be merged with a New Hampshire nonprofit corporation qualified by the Internal Revenue Code as a section 501(c)(3) entity, and that the name, operations, functions, and responsibilities of the commission on the status of women shall be transferred to a New Hampshire nonprofit corporation.

11 Historical Records. The state librarian shall take possession of the historical records of the New Hampshire commission on the status of women and shall archive such records as a single collection for public use as documentation of the history of advancement of women and girls in New Hampshire.

12 Repeal. The following are repealed:

I. RSA 19-B:1-9, relative to the commission on the status of women.

II. RSA 21-H:14-c, II(a)(15), relative to a member from the commission on the status of women serving on the interagency coordinating council for women offenders.

III. RSA 276-B:2, I(e), relative to a member from the commission on the status of women serving on the task force on work and family.

IV. RSA 169-C:39-b, I, relative to the definition of New Hampshire children's trust fund board.

13 Contingency. Section 11 and paragraphs I-III of section 12 of this act shall take effect on the date that the New Hampshire commission on the status of women certifies to the secretary of state and to the director of the office of legislative services that it has merged with a New Hampshire voluntary corporation qualified by the Internal Revenue Service as a section 501(c)(3) entity.

14 Comprehensive Cancer Plan Board and Fund. Amend 2007, 263:98 to read as follows:

263:98 Repeal. ~~[The following are repealed:~~

~~I. RSA 126-A:64, relative to the comprehensive cancer plan fund.~~

~~H.] RSA 126-A:65, relative to the comprehensive cancer plan oversight board, **is repealed.**~~

~~[III. RSA 6:12, I(b)(253), relative to the comprehensive cancer plan fund.]~~

15 Effective Date.

I. Section 11 and paragraphs I-III of section 12 of this act shall take effect as provided in section 13 of this act.

II. The remainder of this act shall take effect June 29, 2011.

2011-1886s

AMENDED ANALYSIS

This bill reinstates and repeals certain boards, commissions, councils, advisory committees, and task forces and is a request of the committee to study the list of non-regulatory boards, commissions, councils, advisory committees, and task forces established in 2009, 144:87, II.

The bill also repeals the New Hampshire commission on the status of women contingent on its merger with a New Hampshire nonprofit corporation qualified by the Internal Revenue Service as a section 501(c)(3) entity.

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

Sen. Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

May 17, 2011

2011-1970s

04/05

Floor Amendment to HB 390

Amend the bill by inserting after section 14 the following and renumbering the original section 15 to read as 16:

15 Mount Washington Commission; Members. Amend RSA 227-B:3, II to read as follows:

II. One member from each of the following groups, *or a successor*, shall be appointed through the concurrence of their boards of directors: the Mount Washington Auto Road; the Mount Washington Observatory; [~~Mount Washington TV, Inc.~~] **Citadel Broadcasting Company**; and the Mount Washington Cog Railway.

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Executive Departments and Administration Committee.

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. Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Internal Affairs

May 12, 2011

2011-1887s

05/10

Amendment to HB 590

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

AN ACT establishing a committee to review state participation in federal grant-in-aid programs.

Amend the bill by deleting section 1 and renumbering the original sections 2-7 to read as 1-6, respectively.

2011-1887s

AMENDED ANALYSIS

This bill establishes a committee to review state participation in federal grant-in-aid programs.

Sen. Bradley moved to Lay on the Table HB 590. Adopted.

Sens. Forsythe and White are in opposition to the motion to Lay on the Table HB 590.

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. Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Internal Affairs

May 11, 2011

2011-1885s

05/04

Amendment to HCR 6

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

A RESOLUTION requiring Congress to reaffirm its adherence to the Constitution of the United States regarding international treaties.

Amend the resolution by replacing all after the title with the following:

Whereas, the Constitution of the United States makes no provision for the creation of new treaties among nations without the concurrence of two-thirds of those present and voting of the United States Senate (Article II, Section 2); and

Whereas, United States Senate approval of any treaty that assumes a power not delegated by the Constitution to the government of the United States of America as enumerated in Article I, Section 8 shall constitute an unlawful seizure of powers not delegated; and

Whereas, New Hampshire cannot be bound by any treaty that fails to meet the wording and intent of the Constitution and lacks the approval of two-thirds of the United States Senate; and

Whereas, the government of the United States of America has not been delegated either the right or the authority to surrender any of the sovereignty or independence of the state of New Hampshire to any foreign or supranational body; and

Whereas, all legislators have taken an oath to uphold and defend the Constitutions of New Hampshire and the United States according to the meaning understood and accepted by the people of the United States, at the time of adoption; and

Whereas, the Constitution of the United States as accepted by the people of New Hampshire requires and demands national federal protection of the sovereignty and independence of the state of New Hampshire; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the President and the Congress of the United States be required to reaffirm their allegiance to the constitution of the United States by severing all treaties that have not been subjected to constitutional authority and congressional oversight; the New Hampshire congressional delegation is urged to use diligence in all of its efforts and energies to prevent any further involvement of the government of the state of New Hampshire with treaties that have not been subjected to constitutional authority and congressional oversight; and

That the clerk of the house of representatives shall cause to be delivered signed copies of this resolution to the President of the United States of America, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation, urging them to give it wide dissemination amongst their bodies, so that they may be apprised of the sense of the citizens of New Hampshire in this matter.

2011-1885s

AMENDED ANALYSIS

This concurrent resolution requires Congress to reaffirm its adherence to the United States Constitution by severing all treaties that have not been subject to constitutional authority and congressional oversight and by ensuring that all future treaties comply with constitutional requirements.

Sen. Bradley moved to Lay on the Table HCR 6. Adopted.

Sens. Forrester, Forsythe, and White are in opposition to the motion to Lay on the Table HCR 6.

HCR 11, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces. Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Internal Affairs

May 12, 2011

2011-1884s

05/04

Amendment to HCR 11

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

A RESOLUTION urging the Congress of the United States to limit appropriations to the United Nations.

Amend the resolution by replacing all after the fourth clause with the following:

Whereas, the United States has been, and remains, the single largest financial contributor to the United Nations system, paying hundreds of millions of dollars each year that could be used to address many of the nation's challenges, including homelessness, education, law enforcement, poverty, a strong military, and the war against terrorism; now therefore be it

Resolved by the House of Representatives, the Senate concurring:

That the New Hampshire general court, acting on behalf of the citizens of New Hampshire, respectfully requests that the United States Congress limit appropriations to United Nations operations and programs to amounts no greater than those of the second largest financial contributor to the United Nations system; and

That the clerk of the house of representatives transmit duly authenticated copies of this resolution to the President of the United States, to the Speaker and the Clerk of the United States House of Representatives, to the President Pro Tempore and the Secretary of the United States Senate, to the members of the New Hampshire congressional delegation, and to the news media of New Hampshire.

2011-1884s**AMENDED ANALYSIS**

This house concurrent resolution urges Congress to limit appropriations to the United Nations system to amounts no greater than those of the second largest financial contributor to the organization.

Sen. Bradley moved to Lay on the Table HCR 11. Adopted.

Sens. Barnes, Forrester, Forsythe, and White are in opposition to the motion to Lay on the Table HCR 11.

HCR 12, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement. Inexpedient to Legislate, Vote 5-0. Senator Prescott for the committee.

Sen. Prescott moved to Lay on the Table HCR 12. Adopted.

JUDICIARY

HB 307, relative to the authority of the superintendent of a county correctional facility. Inexpedient to Legislate, Vote 4-0. Senator Groen for the committee.

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

PUBLIC AND MUNICIPAL AFFAIRS

HB 258, eliminating certain unenforced election laws. Ought to Pass, Vote 5-0. 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 316, relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property. Ought to Pass with Amendment, Vote 3-0. Senator Merrill for the committee.

Public and Municipal Affairs**May 11, 2011****2011-1855s****10/04****Amendment to HB 316**

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

AN ACT relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property, and relative to the restoration of involuntary merger of lots or parcels.

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

4 New Section; Restoration of Involuntarily Merged Lots. Amend RSA 674 by inserting after section 39-a the following new section:

674:39-aa Restoration of Involuntarily Merged Lots.

I. In this section:

(a) "Involuntary merger" and "involuntarily merged" mean lots merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.

(b) "Owner" means the person or entity that holds legal title to the lots in question, even if such person or entity did not hold legal title at the time of the involuntary merger.

(c) "Voluntary merger" and "voluntarily merged" mean a merger under RSA 674:39-a, or any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.

II. Lots or parcels that were involuntarily merged prior to September 18, 2010 by a city, town, county, village district, or any other municipality, shall at the request of the owner, be restored to their pre-merger status and all zoning and tax maps shall be updated to identify the pre-merger boundaries of said lots or parcels as recorded at the appropriate registry of deeds, provided:

(a) The request is submitted to the governing body prior to December 31, 2016.

(b) No owner in the chain of title voluntarily merged his or her lots. If any owner in the chain of title voluntarily merged his or her lots, then all subsequent owners shall be estopped from requesting restoration. The municipality shall have the burden of proof to show that any previous owner voluntarily merged his or her lots.

III. All decisions of the governing body may be appealed in accordance with the provisions of RSA 676.

IV. Any municipality may adopt local ordinances, including ordinances enacted prior to the effective date of this section, to restore previously merged properties that are less restrictive than the provisions in paragraph I and II.

V. The restoration of the lots to their pre-merger status shall not be deemed to cure any non-conformity with existing local land use ordinances.

VI. Municipalities shall post a notice informing residents that any involuntarily merged lots may be restored to premerger status upon the owner's request. Such notice shall be posted in a public place no later than January 1, 2012 and shall remain posted through December 31, 2016. Each municipality shall also publish the same or similar notice in its 2011 through 2015 annual reports.

2011-1855s

AMENDED ANALYSIS

This bill removes the penalty of loss of appeal for property owners who refuse to grant consent to assessing officials to inspect their property or who fail to file an inventory form.

This bill also permits the owner of involuntarily merged lots or parcels to have the lots restored to their premerger status.

Sen. Forsythe moved that Rule 3-7 be suspended to allow for the consideration of a non-germane amendment (1855s) to HB 316. Adopted by necessary 2/3 vote.

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 341, relative to local spending caps. Ought to Pass, Vote 4-1. Senator Barnes for the committee.

Sen. Barnes moved to Lay on the Table HB 341. Adopted.

HB 382, relative to the maintenance of municipal public cemeteries. Re-refer to committee, Vote 5-0. Senator Merrill for the committee.

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

HB 409, relative to planning board members. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

Public and Municipal Affairs

May 11, 2011

2011-1857s

03/04

Amendment to HB 409

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

1 Planning Board Members Serving on Other Local Boards. Amend RSA 673:7, I to read as follows:

I. In the case of towns, **any 2** appointed or elected members of the planning board may also serve **together** on any other municipal board or commission, ~~[provided that such multiple membership does not result in 2]~~ **except that no more than one member of the** planning board ~~[members serving]~~ **shall serve** on the ~~[same]~~ **conservation commission, the local governing body, or a local land use** board ~~[or commission]~~ **as defined in RSA 672:7.**

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

2011-1857s**AMENDED ANALYSIS**

This bill modifies the prohibition on town planning board members serving on other boards or commissions.

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 541, relative to ownership of property placed in trust qualifying for certain property tax exemptions and credits. Ought to Pass, Vote 5-0. 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.

Sen. Morse asserts Rule 2-15 on HB 541.

HB 585, proclaiming the third Friday in October as New Hampshire history day. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

Public and Municipal Affairs**May 11, 2011****2011-1854s****04/05****Amendment to HB 585**

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

AN ACT proclaiming the third week of October as New Hampshire history week.

Amend the bill by replacing sections 1-2 with the following:

1 Findings. The general court finds that the commemoration of New Hampshire history is a public good that unites New Hampshire citizens in recognition of the important events, people, places, documents, and artifacts that form the distinctive character of the state; and that the preservation of New Hampshire's historical documents, artifacts, and buildings, as well as its historic areas and archaeological sites is necessary for such commemoration; and that New Hampshire historical societies, heritage commissions, preservation societies, museums, and libraries serve the public by collecting, preserving, and interpreting New Hampshire history; and that educating students and the general public in the importance of New Hampshire history and its preservation promotes civic life.

2 New Section; Observances Proclaimed by the Governor; New Hampshire History Week. Amend RSA 4 by inserting after section 13-o the following new section:

4:13-p New Hampshire History Week. The governor shall annually issue a proclamation calling for the proper observance of the third week of October as New Hampshire History Week and shall call on the citizens and schools of New Hampshire to observe the week with appropriate ceremonies and activities commemorating New Hampshire history and promoting its preservation.

2011-1854s**AMENDED ANALYSIS**

This bill requires the governor to proclaim the third week of October as New Hampshire history week.

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 588, relative to polling hours and location of polling places. 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 594, relative to the application of procedures for discharge or suspension from county employment. Ought to Pass, Vote 5-0. 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 603, prohibiting public works projects and natural formations from being named in honor of any living elected, or formerly elected, official. Inexpedient to Legislate, Vote 5-0. Senator Barnes for the committee.

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

RESOLUTION 10

Sen. Bradley moved Introduction and Ought to Pass on SR 10, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes.

INTRODUCTION OF SENATE RESOLUTION 10

11-1100

SR 10, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes. (Barnes, Jr., Dist 17; Bradley, Dist 3; Carson, Dist 14; Groen, Dist 6; Rausch, Dist 19; Sanborn, Dist 7; Boutin, Dist 16; Forsythe, Dist 4; White, Dist 9; Prescott, Dist 23; Forrester, Dist 2; Luther, Dist 12; Bragdon, Dist 11; De Blois, Dist 18; Odell, Dist 8; Lambert, Dist 13; Morse, Dist 22; Gallus, Dist 1; Stiles, Dist 24; Larsen, Dist 15; Kelly, Dist 10; D'Allesandro, Dist 20; Merrill, Dist 21; Houde, Dist 5)

Recess. Out of recess.

The question is on the motion of Introduction and Ought to Pass on SR 10.

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

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.

INTRODUCTION OF HCR 27

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.

Adopted.

First and Second Reading and Referral

HCR 27, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes.

Sen. Bradley moved to suspend all Rules necessary to allow the consideration of HCR 27. Adopted by necessary 2/3 vote.

Sen. Bradley moved Ought to Pass.

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

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, resolution ordered to Third Reading.

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 133, relative to the minimum wage.

HB 248, establishing a commission to study business regulations in New Hampshire.

HB 258, eliminating certain unenforced election laws.

HB 316, relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property, and relative to the restoration of involuntary merger of lots or parcels.

HB 409, relative to planning board members.

HB 461-FN, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service.

HB 541, relative to ownership of property placed in trust qualifying for certain property tax exemptions and credits.

HB 585, proclaiming the third week of October as New Hampshire history week.

HB 589, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit.

HB 594, relative to the application of procedures for discharge or suspension from county employment.

HB 647, relative to withholding of wages.

HCR 27, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes.

LIST OF RULE 2-15'S FOR THE DAY

Sen. Morse: HB 541.

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.