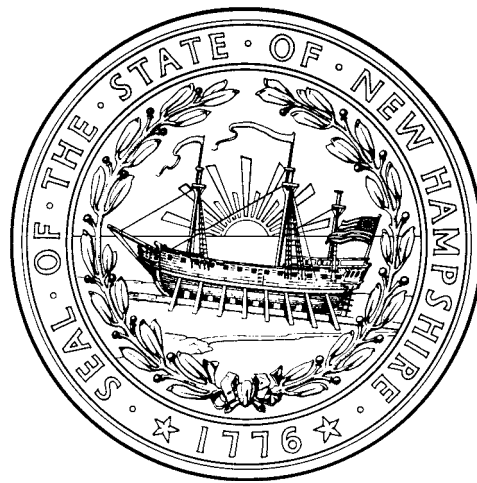


February 15, 2011
Nos. 4-5

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 – FEBRUARY 3, 2011 SESSION
COMMENCEMENT – FEBRUARY 15, 2011 SESSION

SENATE JOURNAL 4 *(continued)*

February 3, 2011

INTRODUCTION OF SENATE BILLS

Sen. Bradley offered the following Resolution:

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

Adopted.

First and Second Reading and Referral

11-0941

SB 35-FN-A, relative to exemption from the definition of utility property for purposes of the utility property tax. (Odell, Dist 8: Energy and Natural Resources)

11-0417

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing. (D'Allesandro, Dist 20; Gallus, Dist 1; Odell, Dist 8; Larsen, Dist 15; Kelly, Dist 10; Houde, Dist 5; Merrill, Dist 21: Executive Departments and Administration)

11-0943

SB 56-FN, authorizing the department of revenue administration to accept credit card payments of taxes. (Odell, Dist 8: Ways and Means)

11-0999

SB 58-FN-A, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax. (Odell, Dist 8: Ways and Means)

11-1000

SB 70-FN, relative to remedies in landlord-tenant actions. (De Blois, Dist 18: Commerce)

11-1002

SB 71-FN, relative to health care fees in workers' compensation. (Boutin, Dist 16: Commerce)

11-1042

SB 74-FN, relative to the life settlements act. (Bragdon, Dist 11: Commerce)

11-0525

SB 75-FN, relative to notification by the retirement system to the department of administrative services of law and rule changes; the availability of public documents of the retirement system; and clarification of part-time service. (D'Allesandro, Dist 20; Gallus, Dist 1; Odell, Dist 8; Larsen, Dist 15; Goley, Hills 8; D. Sullivan, Hills 8: Executive Departments and Administration)

11-0777

SB 76-FN, relative to the authority of the department of revenue administration to adopt rules and to administer state tax laws. (Sanborn, Dist 7; White, Dist 9; Bradley, Dist 3; Rausch, Dist 19; De Blois, Dist 18; Groen, Dist 6; Luther, Dist 12; Forsythe, Dist 4; Forrester, Dist 2; T. Keane, Merr 13; Cohn, Merr 6; D. McGuire, Merr 8; Bettencourt, Rock 4; Jennifer Coffey, Merr 6: Executive Departments and Administration)

11-0940

SB 79-FN, authorizing the department of revenue administration to impose administrative fines for timber tax violations. (Odell, Dist 8: Ways and Means)

11-0953

SB 81-FN, relative to powers and duties of commissioners of executive branch agencies. (Morse, Dist 22: Executive Departments and Administration)

11-0966

SB 82-FN, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district. (Carson, Dist 14; Forsythe, Dist 4; Stiles, Dist 24; Ingbreton, Graf 5; Hunt, Ches 7: Education)

11-0994

SB 83-FN, enabling municipalities to create other post-employment benefits (OPEB) trusts. (Merrill, Dist 21; Watters, Straf 4; P. Schmidt, Straf 4; Pelletier, Straf 5; Andolina, Straf 6; D. Hooper, Straf 5: Public and Municipal Affairs)

11-0933

SB 84-FN, relative to state regulation of the septic system installation process. (Groen, Dist 6; Sanborn, Dist 7; Lambert, Dist 13; Forsythe, Dist 4; Barnes, Jr., Dist 17; Carson, Dist 14: Energy and Natural Resources)

11-0204

SB 124-FN, relative to the comprehensive shoreland protection act. (Gallus, Dist 1; Sapareto, Rock 5; Eaton, Graf 1: Energy and Natural Resources)

11-0420

SB 129-FN, requiring valid photo identification to vote in person. (Carson, Dist 14; Barnes, Jr., Dist 17; Tucker, Rock 17: Public and Municipal Affairs)

11-0761

SB 131-FN, repealing the exemption for water and air pollution control facilities from local property taxation. (Gallus, Dist 1; Kurk, Hills 7; Taylor, Graf 2: Ways and Means)

11-0779

SB 132-FN-A-LOCAL, establishing exemptions from the real estate transfer tax. (Sanborn, Dist 7; Bragdon, Dist 11; Forsythe, Dist 4; White, Dist 9; Bradley, Dist 3; Rausch, Dist 19; Groen, Dist 6; De Blois, Dist 18; Forrester, Dist 2; Major, Rock 8; T. Keane, Merr 13; D. McGuire, Merr 8; Bettencourt, Rock 4; Jennifer Coffey, Merr 6: Ways and Means)

11-0970

SB 133-FN, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits. (Carson, Dist 14; D'Allesandro, Dist 20; Major, Rock 8; Griffin, Rock 4: Ways and Means)

11-1004

SB 134-FN, relative to jury trials under the consumer protection act. (Boutin, Dist 16: Judiciary)

11-1032

SB 136-FN, relative to games of chance. (Odell, Dist 8: Ways and Means)

11-1034

SB 138-FN-A, eliminating the lottery commission and establishing the education lottery authority. (D'Allesandro, Dist 20; Gallus, Dist 1: Ways and Means)

11-1067

SB 142-FN, relative to reorganizing the permitting process within the department of environmental services. (Odell, Dist 8; Luther, Dist 12: Energy and Natural Resources)

11-1068

SB 143-FN, requiring the commissioner of administrative services to develop a proposal for state employees to make monetary contributions to a health savings account or other tax-advantaged account. (White, Dist 9; Bradley, Dist 3; Sanborn, Dist 7; Hawkins, Hills 18; Avard, Hills 20; Hunt, Ches 7: Executive Departments and Administration)

11-1018

SB 145-FN, relative to state employees who volunteer as election workers. (Larsen, Dist 15: Executive Departments and Administration)

11-0214

SB 146-FN, relative to requiring submission of a reduced spending alternative as part of the biennial budget process. (Morse, Dist 22; Bradley, Dist 3; Barnes, Jr., Dist 17; Boutin, Dist 16; Bragdon, Dist 11; De Blois, Dist 18; Forrester, Dist 2; Forsythe, Dist 4; Gallus, Dist 1; Groen, Dist 6; Lambert, Dist 13; Odell, Dist 8; Prescott, Dist 23; Sanborn, Dist 7; Stiles, Dist 24; White, Dist 9; Carson, Dist 14: Finance)

11-0456

SB 149-FN-A-LOCAL, relative to the rate of the meals and rooms tax and the distribution formula for meals and rooms tax revenue. (Stiles, Dist 24; Bradley, Dist 3; Carson, Dist 14; De Blois, Dist 18; Gallus, Dist 1; Lambert, Dist 13; White, Dist 9; K. Sullivan, Rock 15; K. Murphy, Hills 18: Ways and Means)

11-0459

SB 151-FN, relative to contracts of the department of health and human services. (Bradley, Dist 3; Barnes, Jr., Dist 17; Boutin, Dist 16; Carson, Dist 14; De Blois, Dist 18; Forrester, Dist 2; Forsythe, Dist 4; Gallus, Dist 1; Groen, Dist 6; Lambert, Dist 13; Luther, Dist 12; Sanborn, Dist 7; White, Dist 9; Kurk, Hills 7; Weyler, Rock 8; Tucker, Rock 17; Chandler, Carr 1; Bettencourt, Rock 4: Health and Human Services)

11-0528

SB 152-FN, relative to participation in state employees' group insurance by members of the general court. (D'Allesandro, Dist 20; Gallus, Dist 1; Odell, Dist 8; Larsen, Dist 15; Houde, Dist 5; D. Sullivan, Hills 8: Executive Departments and Administration)

11-0810

SB 154-FN, reforming the comprehensive shoreland protection act. (Bradley, Dist 3; Boutin, Dist 16; Carson, Dist 14; De Blois, Dist 18; Forsythe, Dist 4; Gallus, Dist 1; Groen, Dist 6; Stiles, Dist 24; White, Dist 9; B. Patten, Carr 4; Ahlgren, Carr 4; Umberger, Carr 1; Chandler, Carr 1; Bettencourt, Rock 4: Energy and Natural Resources)

11-0929

SB 155-FN-A, relative to section 179 expense deductions under the business profits tax. (Forrester, Dist 2; Gallus, Dist 1; Forsythe, Dist 4; Sanborn, Dist 7; Worsman, Belk 3; Chandler, Carr 1: Ways and Means)

11-0930

SB 156-FN-LOCAL, authorizing retail vehicle dealers to act as agents of the division of motor vehicles in the issuance of vehicle titles and registrations. (Sanborn, Dist 7; Lambert, Dist 13; Bragdon, Dist 11; Luther, Dist 12; Merrill, Dist 21; Gallus, Dist 1; White, Dist 9; Bradley, Dist 3; Rausch, Dist 19; Morse, Dist 22; Groen, Dist 6; Carson, Dist 14; De Blois, Dist 18; Forsythe, Dist 4; T. Keane, Merr 13; Cohn, Merr 6; Kreis, Merr 6; Jennifer Coffey, Merr 6; Bettencourt, Rock 4: Commerce)

11-0971

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician. (Carson, Dist 14; Bradley, Dist 3; Barnes, Jr., Dist 17; B. Patten, Carr 4: Executive Departments and Administration)

11-0991

SB 159-FN-LOCAL, establishing a state infrastructure bank. (Carson, Dist 14; D'Allesandro, Dist 20; Barnes, Jr., Dist 17; Gallus, Dist 1; Kelly, Dist 10; Lambert, Dist 13; Larsen, Dist 15; Merrill, Dist 21; Odell, Dist 8; White, Dist 9; Osgood, Sull 4; Major, Rock 8; Jennifer Coffey, Merr 6: Transportation)

11-0992

SB 160-FN, relative to the definition and regulation of installment loans. (Carson, Dist 14; Boutin, Dist 16; Matt Quandt, Rock 13; Sapareto, Rock 5: Commerce)

11-0995

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act. (Merrill, Dist 21; Stiles, Dist 24; Carson, Dist 14; P. Schmidt, Straf 4; Norelli, Rock 16; Pilote, Hills 16; B. Patten, Carr 4; C. McGuire, Merr 8: Executive Departments and Administration)

11-1006

SB 163-FN, relative to the New Hampshire health benefit exchange. (White, Dist 9; Barnes, Jr., Dist 17; Bradley, Dist 3; Bragdon, Dist 11; Groen, Dist 6; Sanborn, Dist 7; Hunt, Ches 7; Avard, Hills 20; Accornero, Belk 4: Commerce)

11-1045

SB 165-FN, relative to the Medicaid uncompensated care fund and the Medicaid enhancement tax. (Odell, Dist 8; Morse, Dist 22; Larsen, Dist 15; Lambert, Dist 13; Bradley, Dist 3: Finance)

11-1046

SB 166, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty. (Carson, Dist 14; D'Allesandro, Dist 20; Bradley, Dist 3; Lambert, Dist 13; Baldasaro, Rock 3; Tamburello, Rock 3; Introne, Rock 3: Executive Departments and Administration)

11-1050

SB 167-FN-A-LOCAL, establishing a production jobs creation credit under the business enterprise tax and making changes affecting small business to the business profits tax, the business enterprise tax, and the meals and rooms tax. (Bradley, Dist 3; Barnes, Jr., Dist 17; Boutin, Dist 16; Carson, Dist 14; De Blois, Dist 18; Forsythe, Dist 4; Gallus, Dist 1; Lambert, Dist 13; Luther, Dist 12; Rausch, Dist 19; Stiles, Dist 24; White, Dist 9; Chandler, Carr 1; O'Brien, Hills 4; Bettencourt, Rock 4: Ways and Means)

11-1055

SB 169-FN, relative to campaign expenditures and contributions by business organizations and labor unions. (Houde, Dist 5; Merrill, Dist 21; Larsen, Dist 15; D'Allesandro, Dist 20; Kelly, Dist 10: Public and Municipal Affairs)

11-1017

SB 180, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole. (Larsen, Dist 15; Merrill, Dist 21; D'Allesandro, Dist 20; Kelly, Dist 10; Shurtleff, Merr 10: Judiciary)

11-0196

SB 181-FN-LOCAL, relative to distribution of funds for education. (Bradley, Dist 3; Gallus, Dist 1; Odell, Dist 8; Carson, Dist 14; Boutin, Dist 16; Barnes, Jr., Dist 17; Forsythe, Dist 4; Stiles, Dist 24; Forrester, Dist 2; Sanborn, Dist 7; White, Dist 9; Luther, Dist 12; De Blois, Dist 18; Rausch, Dist 19; Chandler, Carr 1; Bettencourt, Rock 4; O'Brien, Hills 4; Tucker, Rock 17; Ahlgren, Carr 4: Finance)

11-0912

SB 182-FN-A-LOCAL, relative to video lottery and table gaming, providing property tax relief for local economies, providing services for problem gamers, and promoting tourism and public safety. (D'Allesandro, Dist 20; Rausch, Dist 19; Gallus, Dist 1: Ways and Means)

11-1029

SB 183-FN-LOCAL, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities. (Rausch, Dist 19; Stiles, Dist 24; Bradley, Dist 3; Carson, Dist 14; Sanborn, Dist 7; Bragdon, Dist 11; Luther, Dist 12; Gallus, Dist 1; Boehm, Hills 27; Bolster, Belk 5; Fleck, Carr 5; Chandler, Carr 1; Weyler, Rock 8: Finance)

11-1052

SB 184, extending the commission to study water infrastructure sustainability funding. (Kelly, Dist 10; Merrill, Dist 21; Houde, Dist 5; Larsen, Dist 15; D'Allesandro, Dist 20; Odell, Dist 8: Energy and Natural Resources)

11-0416

SB 185-FN, establishing a restitution fund for victims of financial fraud and continually appropriating a special fund. (D'Allesandro, Dist 20; Schlachman, Rock 13; Gidge, Hills 24: Executive Departments and Administration)

11-0421

SB 186-FN, repealing the exemption from the consumer protection act for certain regulated trade and commerce. (Carson, Dist 14; Goley, Hills 8; Marshall Quandt, Rock 13; Jennifer Coffey, Merr 6: Executive Departments and Administration)

11-0990

SB 187, relative to fair debt collection. (Carson, Dist 14; Boutin, Dist 16; Bettencourt, Rock 4; Matt Quandt, Rock 13; Jennifer Coffey, Merr 6; Chandler, Carr 1: Commerce)

11-1041

SB 188-FN, relative to the authority and roles of the banking department, the attorney general, and the bureau of securities regulation in state regulation of securities. (Bragdon, Dist 11; White, Dist 9: Executive Departments and Administration)

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 77, relative to amendments to warrant articles.

Sen. Bradley moved adoption of the Report of Committee on Enrolled Bills.

Adopted.

HOUSE MESSAGE

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

SB 11-L, relative to the police commission in the town of Hooksett.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

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

HB 42, relative to the appropriate officials with whom to file for a primary.

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

HB 51, relative to screening panel members for screening panels for medical injury claims.

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

HB 56, relative to proper observance of September 11, 2001.

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

HB 67, expanding the duties of the school administrative unit oversight committee.

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

HB 70, relative to changes to town charters.

HB 74, relative to the ticketing and season passes at Cannon Mountain.

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

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

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

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

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 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 130, establishing an additional method for a school to demonstrate that it provides the opportunity for an adequate education.

HB 136-FN, repealing the uniform athlete agents act.

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

HB 143, relative to the sale of stove polish.

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

HB 155, relative to permits to conduct raffles.

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

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

HB 173, relative to service of process on commercial tenants.

HB 181, permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters.

HB 192, relative to commercial motor vehicle registration.

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

HB 198, relative to the investment options for county funds.

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.

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

Out of Recess.

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 5

February 15, 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.

From the Screwtape letters – a message from the devil to his demon about ruining human lives:

“Music and silence – how I detest them both! How thankful we should be that ever since Our Father entered Hell... no square inch of infernal space and no moment of infernal time has been surrendered to either of those abominable forces. But all has been occupied with noise – noise, the grand dynamism, the audible expression of all that is exultant, ruthless and virile – noise, which alone defends us for silly qualms, despairing scruples, and impossible desires. We will make the whole universe a noise in the end! We have already made great strides in this direction as regards the Earth. The melodies and silences of Heaven will be shouted down in the end.”

It is important, as your chaplain, that I remind you of the value of silence in daily life – a period of wordlessness. Daily time with a candle, with beautiful music – not driving! – with a walk in the woods in prayer or simply in reflection – the three questions – “What is going well, what is not going well, what needs to be changed?” This reflection is essential to the human spirit finding its way in the world and making good decisions on each other’s behalf. It is as important for you to have silence as it is for a pilot to have sleep.

Let us pray:

God of all silence, your language is silence, you create in silence, and you love in silence. Help us to reflect your love to a cold world by keeping silence and listening to our hearts and not just the storm of words which surround us.

Amen.

Sen. Sanborn led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Recess. Out of recess.

HOUSE MESSAGE

The Clerk read the following Message from the House:

The House of Representatives is ready to meet with the Honorable Senate in Joint Convention for the purpose of hearing the Budget Address by his Excellency, the Governor, John H. Lynch.

RESOLUTION No. 8

Sen. Bradley offered the following Resolution:

RESOLVED, that the Senate notify the Honorable House that it is ready to meet in Joint Convention for the purpose of hearing the Budget Address by his Excellency, Governor John H. Lynch.

Adopted.

Recess. Out of Recess.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Forrester moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time.

Adopted.

Adjournment from the Early Session.

LATE SESSION**ANNOUNCEMENTS****MOTION TO RECESS TO CALL OF THE CHAIR**

Sen. Forrester 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.