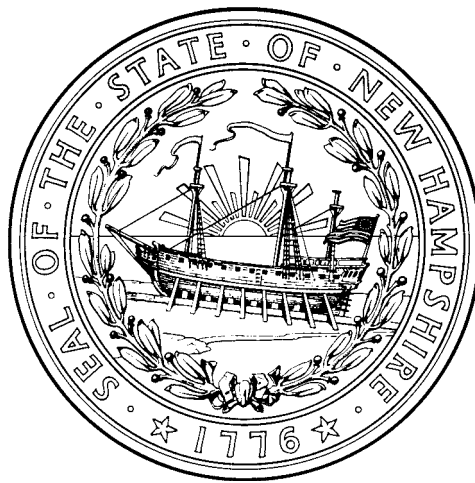


February 23, 2011
Nos. 6-7

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 16, 2011 SESSION
COMMENCEMENT – FEBRUARY 23, 2011 SESSION

SENATE JOURNAL 6 *(continued)*

February 16, 2011

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 47, relative to inactive license status for real estate brokers and salespersons.

HB 61, relative to daylight saving time.

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

HB 82, relative to the annulment of criminal records.

HB 110, requiring professional safety and security services personnel to report certain criminal offenses.

HB 113, prohibiting the use of state funds for New Hampshire public television.

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

HB 174, relative to insurance coverage for court-ordered counseling in divorce proceedings.

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

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 230, exempting the repair of certain structures from compensatory mitigation requirements.

HB 307, relative to the authority of the superintendent of a county correctional facility.

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

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.

HB 585, proclaiming the third Friday in October as New Hampshire history day.

HOUSE MESSAGE

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

SB 1-FN-L, eliminating the automatic continuation requirement for public employee collective bargaining agreements.

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

11-0920

CACR 14, Relating to: the funding of public education. Providing that: the general court shall define reasonable standards for elementary and secondary public education, establish reasonable standards of accountability, and mitigate local disparities in educational opportunity and fiscal capacity. (Stiles, Dist 24; Bradley, Dist 3; Bragdon, Dist 11; Forrester, Dist 2; Gallus, Dist 1; Groen, Dist 6; White, Dist 9; Odell, Dist 8; Tucker, Rock 17; Chandler, Carr 1: Internal Affairs)

11-0951

SB 3-FN-A-LOCAL, making comprehensive changes to the state retirement system. (Bradley, Dist 3; Barnes, Jr., Dist 17; Bragdon, Dist 11; De Blois, Dist 18; Forrester, Dist 2; Forsythe, Dist 4; Gallus, Dist 1; Groen, Dist 6; Luther, Dist 12; Odell, Dist 8; Rausch, Dist 19; White, Dist 9; Hawkins, Hills 18; Kurk, Hills 7; Reagan, Rock 1; Bettencourt, Rock 4: 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:

SB 1-FN-L, eliminating the automatic continuation requirement for public employee collective bargaining agreements.

Sen. Bradley 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 7

February 23, 2011

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

The Reverend Jason Wells, guest chaplain to the Senate, offered the following meditation and prayer.

Today is a day that the Episcopal Church and many other churches have set aside to remember Matthias, one of the twelve Apostles; he was really the thirteenth Apostle. He was elected to take the place of Judas, after he did his dirty deed.

Matthias was elected, as I said. He was put up in between another man, named Joseph, and Matthias. The Apostles prayed and voted, and the lot fell to Matthias.

It's important for us to keep that in mind, that there is nothing in the story, in the Scriptures, that say that they went into a business session to do the voting; they didn't quit praying, they didn't quit their worship during that time, that they reminded themselves that they prayed, and that God was present and working, even when they were in business, when they were discussing, deliberating, and voting, that there was nothing so small or business-minded or secular or profane that God wouldn't be among them, that God was with them at all times.

So, I remind you all that as you go into your voting and discussing and deliberating today, that God is working in and through each one of you as surely as God worked through the Apostles so many years ago. Let us pray.

Heavenly Father, as we come in from the cold, we hang up our coats and hats, but we can never hang up Your presence. Keep us always mindful that we can never put You away, and that You work in and through us as Your chosen people, to work always for that spirit that You fill us with: the spirit of mercy, of truth, of love, and of justice. This we pray in Your Holy name. Amen.

Sen. Odell led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Forrester introduced Alex Butcher-Nesbitt and Theodore Willey, students from Inter-Lakes High School in Meredith, serving as Senate Pages today.

Sen. Kelly introduced her daughter, Rachel, and grandchildren Azalea and Kai, visiting from California, and guests in the Senate gallery today.

Sen. White introduced the Bedford Jaguars Youth Spirit Team, accompanied by Coach Kate Spencer, guests in the Senate gallery today.

Sen. D'Allesandro introduced his niece, Lynn, and her husband, Brian LeVeille, and their daughters, Jillian and Jordan, members of the Bedford Jaguars Youth Spirit Team,.

Sen. D'Allesandro welcomed his daughter, Christina D'Allesandro, and grandsons Dominic and Anthony Smith.

FINANCE REPORT

Sen. Morse reported that the following bills will not come to Finance: SB 55-FN, SB 81-FN, SB 128-FN-A.

COMMITTEE REPORTS

MOTION TO REMOVE FROM THE TABLE

Sen. Sanborn moved to remove SB 49 from the table.

SB 49, relative to tip pooling arrangements.

The question is on the motion to remove SB 49 from the table. Adopted.

COMMERCE

SB 49, relative to tip pooling arrangements. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

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

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 7

February 23, 2011

2011-0472s

04/01

Floor Amendment to SB 49

Amend the bill by replacing section 1 with the following:

1 Tip Pooling. RSA 279:26-b is repealed and reenacted to read as follows:

279:26-b Tip Pooling. Tips are wages and shall be the property of the employee receiving the tip and shall be retained by the employee. The requirement that an employee shall retain all tips does not preclude a valid tip pooling or sharing arrangement among employees who customarily and regularly receive tips, such as waiters, waitresses, bellhops, counter personnel (who serve customers), busboys/girls and service bartenders. No employer shall require tipped employees to share their tips with employees who have not customarily and regularly participated in tip pooling arrangements, such as dishwashers, cooks, chefs, and janitors. Only those tips that are in excess of tips that are counted as wages for the tip credit toward minimum wage may be taken for a pool. Tipped employees cannot be required to contribute a greater percentage of their tips than is customary and reasonable.

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

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

SB 28, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions. Ought to Pass with Amendment, Vote 4-1. Senator Sanborn for the committee.

Commerce

February 15, 2011

2011-0343s

09/05

Amendment to SB 28

Amend RSA 397-A:4, VI as inserted by section 1 of the bill by replacing it with the following:

VI. An owner of real property who in any 12 consecutive month period makes no more than 3 mortgage loans to purchasers of the property for all or part of the purchase price of the real estate against which the mortgage is secured.

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

Sen. Groen asserts Rule 2-15 on SB 28.

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

Sen. Groen asserts Rule 2-15 on SB 28.

SB 109, establishing a committee to study the foreclosure process in New Hampshire. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

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

SB 141-FN, requiring drivers who are residents of foreign countries to have insurance. Inexpedient to Legislate, Vote 5-0. Senator Houde for the committee.

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

EDUCATION

SB 90, relative to the consolidation of school administrative units. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Education

February 17, 2011

2011-0387s

04/05

Amendment to SB 90

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

AN ACT directing the legislative oversight committee to study the consolidation of school administrative units.

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

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

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

2011-0387s

AMENDED ANALYSIS

This bill requires the legislative oversight committee on school administrative units to study the advantages, disadvantages, and costs associated with consolidating school administrative units statewide into one school administrative unit in each county, except for Hillsborough and Rockingham counties which would have 2 school administrative units each.

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

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

ENERGY AND NATURAL RESOURCES

SB 20, relative to shoreland protection permits. Ought to Pass with Amendment, Vote 5-0. Senator Gallus for the committee.

Energy and Natural Resources

February 17, 2011

2011-0399s

08/09

Amendment to SB 20

Amend RSA 483-B:5-b, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Impacts in the protected shoreland that receive a permit in accordance with RSA 482-A *and commercial or industrial redevelopment in accordance with RSA 485-A:17* shall not require a permit under this section.

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

Sen. Bradley asserts Rule 2-15 on SB 20.

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

Sen. Bradley asserts Rule 2-15 on SB 20.

SB 32, relative to water withdrawals for snow making. Ought to Pass with Amendment, Vote 5-0. Senator Gallus for the committee.

Energy and Natural Resources

February 17, 2011

2011-0398s

06/09

Amendment to SB 32

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

1 New Section; Measurement of Withdrawals for Snowmaking. Amend RSA 488 by inserting after section 4 the following new section:

488:4-a Measurement of Withdrawals for Snowmaking. Notwithstanding RSA 488:4, water use associated with snowmaking shall be measured at the point water is withdrawn from any natural source of water for use by a snowmaking system and at the point that water is entering into the snowmaking system, and such water withdrawal and use shall be measured by an appropriate and calculable method such as a weir, stream gauge, meter, or a technically appropriate and calculable method utilizing the manufacturer's plated specifications as they relate to gallons of water pumped per minute. Diversions from natural sources into storage reservoirs may be measured by using the measurement of the amount of water entering a snowmaking system and by calculating the change in the amount of water stored in the storage reservoir, provided separate records of the water withdrawn from each natural source are maintained.

2 New Section; Record Keeping for Snowmaking Withdrawals. Amend RSA 488 by inserting after section 6 the following new section:

488:6-a Record Keeping for Snowmaking Withdrawals. Notwithstanding RSA 488:6, water use records associated with snowmaking shall be maintained and documented monthly, and 24-hour maximum volumes of water withdrawn from each natural water source and the water entering the snowmaking system shall be maintained and documented monthly.

3 New Paragraph; Rulemaking. Amend RSA 488:9 by inserting after paragraph VI the following new paragraph:

VII. Forms and frequency for reporting to the department the records required under RSA 488:6-a regarding snowmaking and water withdrawals for snowmaking.

4 Effective Date. This act shall take effect 60 days after 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.

SB 38, relative to extensions for wetland and shoreland permits. Ought to Pass, Vote 5-0. Senator Merrill for the committee.

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

Sen. Bradley asserts Rule 2-15 on SB 38.

SB 55-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. Ought to Pass, Vote 5-0. Senator Bradley for the committee.

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

SB 124-FN, relative to the comprehensive shoreland protection act. Inexpedient to Legislate, Vote 4-1. Senator Lambert for the committee.

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

Sen. Bradley asserts Rule 2-15 on SB 124-FN.

SB 128-FN-A, establishing a fee on occupancy of sleeping accommodations of the Appalachian Mountain Club and the Randolph Mountain Club to fund search and game rescue operations of the fish and game department. Ought to Pass with Amendment, Vote 4-1. Senator Odell for the committee.

Energy and Natural Resources

February 17, 2011

2011-0397s

04/05

Amendment to SB 128-FN-A

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

AN ACT establishing a committee to study sources of funding for the search and rescue operations of the fish and game department.

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

1 Committee Established. There is established a committee to study sources of funding for the search and rescue operations of the fish and game department.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Four members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study sources of funding for the search and rescue operations of the fish and game department, including possible assessments of fees on hikers or accommodations in addition to or in lieu of charges on fish and game registrations and licenses.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

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

2011-0397s

AMENDED ANALYSIS

This bill establishes a committee to study sources of funding for the search and rescue operations of the fish and game department.

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.

SB 144, relative to extending certain permits and approvals. Ought to Pass with Amendment, Vote 5-0. Senator Lambert for the committee.

Energy and Natural Resources

February 17, 2011

2011-0402s

08/03

Amendment to SB 144

Amend RSA 674:39, V as inserted by section 1 of the bill by replacing it with the following:

V. Notwithstanding the time limits established in paragraph I, every subdivision plat and site plan approved by the planning board on or after January 1, 2007 and prior to July 1, [2009] **2011** shall be allowed 36 months after the date of approval *or until July 1, 2012, whichever is greater*, to achieve active and substantial development or building as described in subparagraph I(a) and every subdivision plat and site plan approved by the planning board on or after July 1, 2005 and prior to July 1, [2009] **2011** shall be allowed 6 years after the date of approval to achieve substantial completion of the improvements as described in paragraph II.

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

Sen. Bradley asserts Rule 2-15 on SB 144.

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

Sen. Bradley asserts Rule 2-15 on SB 144.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing. Ought to Pass with Amendment, Vote 4-0. Senator Larsen for the committee.

Senate Executive Departments and Administration

February 17, 2011

2011-0400s

04/03

Amendment to SB 53-FN

Amend RSA 326-B:26 as inserted by section 3 of the bill by replacing it with the following:

326-B:26 [Licensed] Nursing Assistant Registry.

I. The board shall maintain a registry of nursing assistants [licensed] who qualify pursuant to 42 C.F.R. section 483.156. Nursing assistants who are registered [or licensed] shall comply with all provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1987, sections 1819 and 1919 of the Social Security Act, and all provisions of this chapter.

II. *The nursing assistant fund is established in the state treasury and continually appropriated to the board which shall administer the fund. The fund shall be used only for administration of the licensed nursing assistant registry and related expenses.*

III. *All registry charges relating to nursing assistants shall be credited to the fund.*

The question is on the adoption of the Committee Amendment.

Sen. Carson moved to Table SB 53-FN.

The question is on the motion to Table. Adopted.

SB 81-FN, relative to powers and duties of commissioners of executive branch agencies. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration

February 17, 2011

2011-0401s

04/03

Amendment to SB 81-FN

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

AN ACT relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Terms of Appointment; Commissioners; Limitation Added. Amend RSA 21:33-a, III(a) to read as follows:

III.(a) That any commissioner or agency head of a department, as defined in RSA 21-G:5, VI, who is an unclassified employee of the state, and appointed to such position, shall serve for the appropriate term or unexpired portion thereof. The commissioner or agency head may serve beyond the appointed term or unexpired portion thereof with the written authorization of the governor, ***provided that such service shall not extend beyond 6 months***. This subparagraph shall also apply to the adjutant general and the attorney general, and to appointees to the liquor commission, the lottery commission, the racing and charitable gaming commission, and the public utilities commission.

2011-0401s

AMENDED ANALYSIS

This bill provides that commissioners of agencies have the authority to transfer or reassign personnel within the agency and to delegate, transfer, or assign the authority to administer programs or services within components of the agency. The bill also limits the extension of the service of a commissioner or agency head as a holdover from an expired term.

The question is on the adoption of the Committee Amendment.

Recess. Out of recess.

The question is on the adoption of the Committee Amendment.

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

The following Senators voted Yes: 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

Committee Amendment adopted.

Sen. Carson offered a floor amendment.

Sen. Carson, Dist. 14

February 23, 2011

2011-0475s

10/05

Floor Amendment to SB 81-FN

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

3 Department of Administrative Services; Commissioner Authority; Personnel. Amend RSA 21-I:13, VIII to read as follows:

VIII. Have the authority to [temporarily] assign and reassign the personnel of the department among the ***divisions, bureaus, sections, units, or other*** organizational [units] ***subdivisions or components*** of the department.

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 Third Reading.

FINANCE

SB 158-FN, relative to the payment of state aid grants for water and wastewater for 2009 and 2010. Ought to Pass, Vote 5-0. Senator Odell for the committee.

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

HEALTH AND HUMAN SERVICES

SB 72-FN, establishing a comprehensive cancer plan fund. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

Health and Human Services

February 11, 2011

2011-0304s

01/04

Amendment to SB 72-FN

Amend RSA 126-A:66, I-IV as inserted by section 1 of the bill by replacing it with the following:

I. Evidence-based youth tobacco use prevention strategies. Such efforts shall follow the Centers for Disease Control and Prevention's report "Best Practices for Comprehensive Tobacco Control Programs-2007."

II. Breast, cervical, and colorectal cancer screening.

III. Survivorship initiatives.

IV. Palliative initiatives.

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).

SB 95, establishing a committee to study youth sports concussions. Ought to Pass with Amendment, Vote 4-0. Senator Sanborn for the committee.

Health and Human Services

February 11, 2011

2011-0295s

04/05

Amendment to SB 95

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

AN ACT establishing a commission to study youth sports concussions and other concussions received while at school.

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

1 Commission Established. There is established a commission to study youth sports concussions and other concussions received while at school.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) A physician licensed in New Hampshire or other health care professional, appointed by the governor.

(b) A member from the New Hampshire School Boards Association, appointed by that association.

(c) A member from the New Hampshire Athletic Trainers' Association, appointed by that association.

(d) A member from the Brain Injury Association of New Hampshire, appointed by that association.

(e) An athletics coach from a New Hampshire high school, appointed by the governor.

(f) The director of the division of parks and recreation, or designee.

(g) A member from the New Hampshire Interscholastic Athletic Association, appointed by that association.

(h) A member from the New Hampshire School Nurses' Association, appointed by that association.

(i) The president of a New Hampshire company specializing in head impact biomechanics, or designee, appointed by the governor.

(j) The bureau chief of the bureau of developmental services, department of health and human services, or designee.

II. Members of the commission shall serve without compensation.

3 Duties.

I. The commission shall study:

(a) Youth sports concussions and other concussions received while at school and how the adults involved should educate youths and their parents or guardians about the nature and risk of head injury and concussion, and how best to identify and handle suspected and confirmed youth concussions and brain injuries.

(b) The logistics of implementing a so-called "return-to-play" system, including who can provide medical clearance in a return-to-play system.

(c) What training or certification is necessary to certify that a youth is safe to return to play.

(d) The impact, including but not limited to costs and liabilities, on municipalities and school-based athletic activities of implementing a return-to-play system.

II. The commission shall solicit the advice and expertise of helmet manufacturers on concussion-related issues and any other issue that the commission deems appropriate.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011. The commission shall submit an electronic copy of the signed final report to the office of information technology which shall post the report on the state of New Hampshire's website.

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

2011-0295s

AMENDED ANALYSIS

This bill establishes a commission to study youth sports concussions and other concussions received while at school.

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.

SB 102, establishing a commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

Health and Human Services

February 11, 2011

2011-0296s

01/05

Amendment to SB 102

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

AN ACT 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.

Amend the bill by replacing section 1 with the following:

1 Commission Established. There is established 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.

Amend subparagraph I of section 2 of the bill by inserting after subparagraph (l) the following new subparagraph:

(m) Two representatives of veterans organizations who serve on the state veterans' advisory committee, appointed by the chairman of the state veterans' advisory committee.

Amend section 2 of the bill by inserting after paragraph II the following new paragraph:

III. In appointing members to the commission, the appointing authorities shall give priority to persons who served on the commission established by 2008, 257 (HB 1335 of the 2008 legislative session).

Amend the bill by replacing section 3 with the following:

3 Duties. The commission shall 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.

2011-0296s

AMENDED ANALYSIS

This bill establishes 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.

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.

SB 122, establishing a committee to study the laws relating to electronic prescriptions. Ought to Pass, Vote 4-0. Senator Sanborn for the committee.

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

JUDICIARY

SB 34-FN, relative to orders of notice in cases involving guardianship of minors. Ought to Pass with Amendment, Vote 4-0. Senator Houde for the committee.

Senate Judiciary
February 11, 2011
2011-0301s
05/04

Amendment to SB 34-FN

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

AN ACT relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases.

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

3 Petition to Marry by Party Under Age. Amend RSA 457:6 to read as follows:

457:6 Petition by Party Under Age. If special cause exists rendering desirable the marriage of a person resident in this state, or the marriage of a person who is a nonresident in this state who applies for permission to marry a resident in this state, either person being below the age of consent and above the ages specified in RSA 457:4, the parties desiring to contract such marriage, with the parent or guardian having the custody of such party below such age, if there be such parent or guardian, may apply in writing to ~~[a justice of the superior court, or to the judge of probate of the county]~~ **the judicial branch family division having jurisdiction in the location** in which one of them resides, for permission to contract such marriage. No waiver shall be granted to persons below the age of consent if both parties are nonresidents.

4 Child Protection Act; Adjudicatory Hearing Date. RSA 169-C:15, III(d) is repealed and reenacted to read as follows:

(d) Set a date for an adjudicatory hearing. In all cases, the adjudicatory hearing shall be held and completed and written findings issued within 60 days from the date that the petition was filed with the court. If a child is in an out-of-home placement, the adjudicatory hearing shall be held and completed within 30 days from the date the petition was filed with the court, unless the court makes a written finding of extraordinary circumstances requiring the time limit to be extended.

5 Effective Date.

I. Section 3 of this act shall take effect January 1, 2012.

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

2011-0301s

AMENDED ANALYSIS

This bill:

I. Clarifies the court's responsibility for sending orders of notice in guardianship cases and provides for charging the mailing cost to the petitioner.

II. Transfers jurisdiction for approvals of marriages for persons under 18 years of age to the judicial branch family division.

III. Establishes and clarifies the time period within which the court must hold the adjudicatory hearing in child protection cases.

This bill is a request of the supreme court.

The question is on the adoption of 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).

SB 64, removing the oath requirement for criminal complaints filed by police officers. Ought to Pass with Amendment, Vote 4-0. Senator Groen for the committee.

Senate Judiciary

February 11, 2011

2011-0300s

04/01

Amendment to SB 64

Amend RSA 592-A:7, I as inserted by section 1 of the bill by replacing it with the following:

I. Criminal proceedings before a district court shall be begun by complaint, signed and under oath, addressed to such court, briefly setting forth, by name or description, the party accused and the offense charged, provided that a complaint filed by a police officer, as defined in RSA 188-F:23, I, for a violation-level offense **or misdemeanor** shall not require a signature or an oath. [~~Any complaint filed electronically~~] **All complaints** shall include notice that making a false statement on the complaint may result in criminal prosecution.

2011-0300s

AMENDED ANALYSIS

This bill removes the oath requirement for criminal complaints filed by police officers.

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.

PUBLIC AND MUNICIPAL AFFAIRS

SB 173, proclaiming January 24 of each year as Granny D. Day. Ought to Pass with Amendment, Vote 3-2. Senator Merrill for the committee.

Public and Municipal Affairs

February 15, 2011

2011-0357s

04/01

Amendment to SB 173

Amend RSA 4:13-p as inserted by section 1 of the bill by replacing it with the following:

4:13-p Granny D. Day. The governor shall annually issue a proclamation calling for the proper observance of January 24 as Granny D. Day in honor of Doris "Granny D." Haddock as a New Hampshire citizen of national significance for her stalwart leadership and passionate dedication in fighting for campaign finance reform and her walk across America at the age of 90.

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

Sen. Barnes offered a floor amendment.

Sen. Barnes, Jr., Dist. 17

February 16, 2011

2011-0370s

04/01

Floor Amendment to SB 173

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

AN ACT proclaiming January 24, 2012 as Granny D. Day.

Amend the bill by replacing section 1 with the following:

1 Granny D. Day to be Proclaimed on January 24, 2012. The governor shall issue a proclamation calling for the proper observance of January 24, 2012 as Granny D. Day in honor of Doris "Granny D." Haddock as a New Hampshire citizen of national significance for her stalwart leadership and passionate dedication in fighting for campaign finance reform and her walk across America at the age of 90.

2011-0370s

AMENDED ANALYSIS

This bill requires the governor to issue a proclamation calling for the proper observance of January 24, 2012 as Granny D. Day.

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 Third Reading.

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

TRANSPORTATION

SB 101, requiring the Pettengill Road project in Londonderry to be added to the state's 10-year transportation improvement program. Inexpedient to Legislate, Vote 5-0. Senator Stiles for the committee.

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

SB 159-FN-L, establishing a state infrastructure bank. Ought to Pass, Vote 4-1. Senator Rausch 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).

WAYS AND MEANS

SB 40, making technical corrections to meals and rooms tax laws. Ought to Pass with Amendment, Vote 6-0. Senator Boutin for the committee.

Ways and Means

February 15, 2011

2011-0362s

10/04

Amendment to SB 40

Amend the bill by replacing section 1 with the following:

1 Suspension and Revocation of Licenses; Appeal. Amend RSA 78-A:5, II to read as follows:

II. Any operator aggrieved by a suspension, revocation or refusal of the commissioner may appeal from the ruling either by application to the board of tax and land appeals or by petition to the superior court in the

county in which he or she resides or conducts his or her operation within 10 days after receiving written notice of the commissioner's ruling in the manner prescribed in RSA 78-A:15. The board of tax and land appeals or the court, as the case may be, shall hear the appeal forthwith. If the appealing operator files a bond running to the state in an amount fixed by the board of tax and land appeals or the court, with a surety company authorized to do business in the state as surety, conditioned on the payment of taxes due and to become due during the pendency of the appeal, the ruling appealed from is inoperative if it is a ruling of suspension or revocation. If the ruling appealed from is a refusal to ~~[issue a]~~ **renew an existing** license, the ~~[commissioner shall issue the license]~~ **existing license shall remain valid** during the pendency of the appeal if the appeal bond is given.

Amend the bill by replacing section 3 with the following:

3 Collection of Tax; Gender Neutral. Amend RSA 78-A:7, II to read as follows:

II. Each operator shall keep books and records in a form acceptable to the department showing the amount of all taxes collected. The operator shall pay the taxes over to the state as provided in this section. If the department believes that special action is necessary because payment of taxes collected may be in jeopardy, it may direct an operator to keep all taxes collected separate from any other funds. The department may require that the taxes be periodically deposited in a bank designated by the department, in an account in the name of the department. The department may withdraw these tax collections from the bank account and apply them to the payment of the taxes due from the operator. When an operator commingles tax money with money belonging to him **or her**, the claim of the state for the tax is traceable, is enforceable against all other claims and takes precedence over all other claims against the commingled funds. No taxes collected by an operator under this chapter may be sent outside the state without the written consent of the department.

The question is on the adoption of the Committee Amendment.

Sen. Bradley moved to Table SB 40.

The question is on the motion to Table. 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

SB 20, relative to shoreland protection permits.

SB 28, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions.

SB 32, relative to water withdrawals for snow making.

SB 38, relative to extensions for wetland and shoreland permits.

SB 49, relative to tip pooling arrangements.

SB 55-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.

SB 64, removing the oath requirement for criminal complaints filed by police officers.

SB 81-FN, relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head.

SB 90, directing the legislative oversight committee to study the consolidation of school administrative units.

SB 95, establishing a commission to study youth sports concussions and other concussions received while at school.

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.

SB 109, establishing a committee to study the foreclosure process in New Hampshire.

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

SB 128-FN-A, establishing a committee to study sources of funding for the search and rescue operations of the fish and game department.

SB 144, relative to extending certain permits and approvals.

SB 158-FN, relative to the payment of state aid grants for water and wastewater for 2009 and 2010.

SB 173, proclaiming January 24, 2012 as Granny D. Day.

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

RULE 2-15'S

Sen. Bradley asserts Rule 2-15 on: SB 20, 38, 124-FN, 144.

Sen. Groen asserts Rule 2-15 on: SB 28.

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.