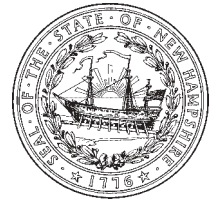


STATE OF NEW HAMPSHIRE

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SENATE JOURNAL 12 (*Cont.*)



April 10, 2003

Out of Recess.

SENATOR PETERSON (Rule #44): Mr. President, I rise today to turn for a moment from our efforts to address the many pressing and absorbing issues facing our state and give voice in this Chamber to our gratitude for the progress to date of the events across the globe and to reflect for a moment on the blessings of living in a society where we enjoy individual rights and freedom, and often even presume them to be our birthright. As I arose this morning, the sounds of the Iraqi people rejoicing in new found freedoms poured from my radio, and in that predawn moment of solitude (a rare commodity in our busy household) an involuntary tear came to my eye. The radio announcer opined, ... "we who have grown up in freedom perhaps cannot fully comprehend," ... what these sons and daughters of this ancient Persia are feeling today. He cautioned that much danger remains to be faced and great work remains to be done in the heated desert. I am sure that is all true, and yet there is an undeniable something in the sound that rose from the crowd in Baghdad's streets. It is the sound, Mr. President, of hope. The hope of freedom, of human dignity, and of peace. Here in New Hampshire, we are known as the First in the Nation State. And indeed, we were the first state in the nation to declare our independence from Great Britain on January 5, 1776 in the little town called Exeter, right near Senator Prescott's hometown. On July 4, 1776, Josiah Bartlett, William Whipple and Matthew Thornton signed the Declaration of Independence of the Thirteen States and pledged their "lives, their fortunes and their sacred honor" in defense of freedom, a resolve which has often been tested in the intervening 227 years and counting. The crown of this freedom we defend is found in our right to express contrary opinions. In our nation, we recognize our diversity and respect for human rights as our greatest strength. But today, as Americans once again stand in the breach in defense of freedom in a land half-way around the globe, we join together in honoring the sacrifice of those who stand in our stead and hope for their safe return as soon as possible. Here in the region where the shot heard around the world was sounded, here in the state where the great experiment of liberty began, let us not this day pass without a word of welcome to those who are now, hour by hour and day by day, seeing their opportunity approach to at long last join the family of free nations. Many challenges will lie ahead, and this should surprise no one. For freedom has ever been a challenging business for all who strive to achieve it and to protect it. And yet the cries of joy are rising in a troubled land today, may our efforts succeed in hastening their journey to a better life. Thank you Mr. President.

April 15, 2003
2003-1292-EBA
08/09

Enrolled Bill Amendment to HB 277-FN

The Committee on Enrolled Bills to which was referred HB 277-FN

AN ACT relative to an extended term of imprisonment for manslaughter and relative to jury findings which warrant an extended term of imprisonment.

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 277-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 277-FN

Amend RSA 651:6, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. If authorized by paragraph I or II, and if notice of the possible application of this section

Amend RSA 651:6, III(c) as inserted by section 1 of the bill by replacing line 1 with the following:

(c) Manslaughter, a minimum to be fixed by the court of not more than 20 years and a

Senator Eaton moved adoption.

Adopted.

April 15, 2003

2003-1281-EBA

06/01

Enrolled Bill Amendment to HB 126

The Committee on Enrolled Bills to which was referred HB 126

AN ACT relative to posting statutes at polling places.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 126

This enrolled bill amendment makes a technical correction to the bill.

Enrolled Bill Amendment to HB 126

Amend RSA 658:29 as inserted by section 1 of the bill by replacing line 9 with the following:

appropriate official if the voter believes that his or her voting rights are being violated.

Senator Eaton moved adoption.

Adopted.

April 16, 2003

2003-1313-EBA

03/09

Enrolled Bill Amendment to HB 61

The Committee on Enrolled Bills to which was referred HB 61

AN ACT relative to the taking of migratory game birds in the Connecticut River zone.

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 61

This enrolled bill amendment makes a grammatical clarification and corrects a reference in the bill.

Enrolled Bill Amendment to HB 61

Amend RSA 209:5-a, I as inserted by section 1 of the bill by replacing it with the following:

I. A person holding a Vermont resident hunting license which allows the taking of migratory waterfowl and coots, may take migratory game birds, as provided in RSA 209:5, except woodcock and snipe, from the Connecticut River zone, provided the state of Vermont grants the same right to a person holding a New Hampshire resident hunting license and waterfowl stamp which allows the taking of migratory game birds in the Connecticut River zone in Vermont pursuant to Vt. Stat. Ann. tit. 10, sec. 4909.

Senator Eaton moved adoption.

Adopted.

April 16, 2003
2003-1310-EBA
03/01

Enrolled Bill Amendment to HB 469

The Committee on Enrolled Bills to which was referred HB 469

AN ACT relative to areas of the state for hunting by crossbow.

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 469

This enrolled bill amendment inserts omitted statutory text.

Enrolled Bill Amendment to HB 469

Amend RSA 208:3, V as inserted by section 2 of the bill by replacing it with the following:

V. STRAFFORD COUNTY: Durham; Lee; Madbury; Dover; Rollinsford; Somersworth.

Senator Eaton moved adoption.

Adopted.

April 10, 2003
2003-1272-EBA
03/10

Enrolled Bill Amendment to HCR 8

The Committee on Enrolled Bills to which was referred HCR 8

A RESOLUTION urging the United States Congress to improve the prescription drug program provided to veterans.

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 HCR 8

This enrolled bill amendment clarifies a reference in the resolution.

Enrolled Bill Amendment to HCR 8

Amend the second paragraph after the title of the resolution by replacing line 1 with the following:

Whereas, Congress has authorized an increase in the medication copayment from \$2 to \$7 and applied it to each

Senator Eaton moved adoption.

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(s):

HB 69, relative to the reinstatement of expired licenses for architects.

HB 76, relative to neighborhood electric vehicles.

HB 91, relative to the telecommunications planning and development initiative and advisory committee.

HB 99, relative to absentee ballot requests.

HB 128, relative to the treatment of horses.

HB 233, relative to the nuclear planning and response program.

HB 246, relative to availability of absentee voting applicant lists.

HB 260, relative to checklists used on election day.

HB 270, relative to issuing drivers' licenses to aliens temporarily residing in the state.

HB 271, relative to walking disability plates and placards.

Senator D'Allesandro moved adoption.

Adopted.

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

INTRODUCTION OF HOUSE BILL

Senator Clegg offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill(s) numbered **25** shall be by this resolution read a first and second time by the therein listed title(s), and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

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

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 211, relative to town clerk fee deposit requirements.

HB 218, relative to the definition of beneficially interested person.

HB 222, specifying the term for physicians and dentists at the department of corrections and relative to the special school district within the department of corrections.

HB 228, relative to conduct after an accident.

HB 245, relative to child custody decisions.

HB 258, relative to the community-technical college system.

HB 262, relative to operators of bingo and games of chance.

HB 287, establishing a professional malpractice claims study commission.

HB 296, relative to settlement agreements in medical malpractice suits.

HB 298, relative to physical child custody decisions.

HB 311, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus.

HB 332-FN, relative to the use of prerecorded telephone messages by candidates and political committees.

HB 357-FN, relative to child support insurance settlement intercept.

HB 360-FN-A-LOCAL, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and relative to a New Hampshire Legal Assistance pilot project on serving the near-poor.

HB 364-FN, relative to the use of automatic telephone dialing systems for political advocacy.

HB 384, relative to financial affidavits in domestic relations cases.

HB 389, relative to victim impact statements and deleting the prohibition on funding certain positions in the office of victim/witness assistance with funds from the victims' assistance fund.

HB 402, relative to child passenger restraints.

HB 410, relative to disclosure of information for purposes of background investigations by criminal justice agencies of applicants for police, corrections, and security employment.

HB 415, raising the age of the speedy trial requirement from 13 years of age to 16 years of age in sexual assault cases involving minors and relative to the exclusive authority of the state over the regulation of firearms, ammunition, and components thereof.

HB 464-FN, establishing a criminal penalty for facilitating a drug or underage alcohol house party.

HB 515, excluding certain agreements between fish and game licensees and landowners from the right-to-know law.

HB 593-FN-LOCAL, relative to solid waste facilities in small towns.

HB 627-FN, relative to domicile for voting purposes and penalties for voter fraud.

HB 709-FN, relative to nursing homes in receivership.

HB 753, establishing the fourth Monday in April as General John Stark Day.

HB 758-FN, relative to the criteria for medicaid eligibility.

HB 811, relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse.

INTRODUCTION OF HOUSE BILLS

Senator Clegg offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill(s) numbered **211 - 811** shall be by this resolution read a first and second time by the therein listed title(s), and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

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

HB 211, relative to town clerk fee deposit requirements. (Executive Departments and Administration)

HB 218, relative to the definition of beneficially interested person. (Banks)

HB 222, specifying the term for physicians and dentists at the department of corrections and relative to the special school district within the department of corrections. (Executive Departments and Administration)

HB 228, relative to conduct after an accident. (Insurance)

HB 245, relative to child custody decisions. (Judiciary)

HB 258, relative to the community-technical college system. (Executive Departments and Administration)

HB 262, relative to operators of bingo and games of chance. (Ways and Means)

HB 287, establishing a professional malpractice claims study commission. (Insurance)

HB 296, relative to settlement agreements in medical malpractice suits. (Judiciary)

HB 298, relative to physical child custody decisions. (Judiciary)

HB 311, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus. (Public Affairs)

HB 332-FN, relative to the use of prerecorded telephone messages by candidates and political committees. (Interstate Cooperation)

HB 357-FN, relative to child support insurance settlement intercept. (Judiciary)

HB 360-FN-A-LOCAL, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and relative to a New Hampshire Legal Assistance pilot project on serving the near-poor. (Public Affairs)

HB 364-FN, relative to the use of automatic telephone dialing systems for political advocacy. (Internal Affairs)

HB 384, relative to financial affidavits in domestic relations cases. (Judiciary)

HB 389, relative to victim impact statements and deleting the prohibition on funding certain positions in the office of victim/witness assistance with funds from the victims' assistance fund. (Executive Departments and Administration)

HB 402, relative to child passenger restraints. (Transportation)

HB 410, relative to disclosure of information for purposes of background investigations by criminal justice agencies of applicants for police, corrections, and security employment. (Executive Departments and Administration)

HB 415, raising the age of the speedy trial requirement from 13 years of age to 16 years of age in sexual assault cases involving minors and relative to the exclusive authority of the state over the regulation of firearms, ammunition, and components thereof. (Judiciary)

HB 464-FN, establishing a criminal penalty for facilitating a drug or underage alcohol house party. (Judiciary)

HB 515, excluding certain agreements between fish and game licensees and landowners from the right-to-know law. (Wildlife and Recreation)

HB 593-FN-LOCAL, relative to solid waste facilities in small towns. (Environment)

HB 627-FN, relative to domicile for voting purposes and penalties for voter fraud. (Internal Affairs)

HB 709-FN, relative to nursing homes in receivership. (Public Institutions, Health and Human Services)

HB 753, establishing the fourth Monday in April as General John Stark Day. (Public Affairs)

HB 758-FN, relative to the criteria for medicaid eligibility. (Public Affairs)

HB 811, relative to limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from misuse. (Wildlife and Recreation)

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 639-FN-LOCAL, relative to receiving legislative body approval though warrant articles before a municipality may continue a program initiated under a grant.

HB 646-FN, relative to liquor licenses and fees.

HB 654-FN, relative to criminal liability for the destruction or disconnection of a smoke detector by a tenant in a rental dwelling.

HB 659-FN, relative to penalties for failure to obey a subpoena or summons.

HB 661-FN-LOCAL, relative to Westport Village Road in the town of Swansey.

HB 670-FN, establishing a procedure for release by a state agency of statistical information for research purposes.

HB 711-FN, relative to the regulation of retail installment sales of motor vehicles.

HB 718-FN, relative to endangering the welfare of a minor and relative to criminal responsibility for the commission of certain acts.

HB 725, relative to fraternal benefit societies.

HB 749, relative to the description in a criminal complaint of the party accused.

HB 768, establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and to study the use of certain state-owned property along the Baker River.

HB 776, relative to emergency medical care for pregnant women.

HB 796-FN-LOCAL, relative to the taxation of manufactured housing.

HB 798, relative to gifts by fiduciaries.

HB 806, enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons.

HB 807-FN, increasing the filing fees for a fund raising counsel and a paid solicitor of a charitable trust.

HB 808, relative to proof of residency and resident tax payment for receiving resident fish and game licenses.

HB 816, making technical corrections to the securities laws.

HB 817, relative to the regulation of first and second mortgage brokers and mortgage servicers.

HB 825, establishing a committee to study methods of safely reducing the prison population in the state.

HB 829, relative to ward boundaries in Manchester and Nashua to be used in state elections.

HCR 15, relative to relaxing air quality standards by the United States Environmental Protection Agency.

INTRODUCTION OF HOUSE BILLS

Senator Clegg offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill(s) numbered **639** – **HCR 15** shall be by this resolution read a first and second time by the therein listed title(s), and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

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

HB 639-FN-LOCAL, relative to receiving legislative body approval though warrant articles before a municipality may continue a program initiated under a grant. (Internal Affairs)

HB 646-FN, relative to liquor licenses and fees. (Executive Departments and Administration)

HB 654-FN, relative to criminal liability for the destruction or disconnection of a smoke detector by a tenant in a rental dwelling. (Public Affairs)

HB 659-FN, relative to penalties for failure to obey a subpoena or summons. (Judiciary)

HB 661-FN-LOCAL, relative to Westport Village Road in the town of Swanzey. (Transportation)

HB 670-FN, establishing a procedure for release by a state agency of statistical information for research purposes. (Internal Affairs)

HB 711-FN, relative to the regulation of retail installment sales of motor vehicles. (Transportation)

HB 718-FN, relative to endangering the welfare of a minor and relative to criminal responsibility for the commission of certain acts. (Judiciary)

HB 725, relative to fraternal benefit societies. (Insurance)

HB 749, relative to the description in a criminal complaint of the party accused. (Judiciary)

HB 768, establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and to study the use of certain state-owned property along the Baker River. (Wildlife and Recreation)

HB 776, relative to emergency medical care for pregnant women. (Insurance)

HB 796-FN-LOCAL, relative to the taxation of manufactured housing. (Public Affairs)

HB 798, relative to gifts by fiduciaries. (Banks)

HB 806, enabling municipalities to adopt a property tax exemption for deaf or severely hearing impaired persons. (Ways and Means)

HB 807-FN, increasing the filing fees for a fund raising counsel and a paid solicitor of a charitable trust. (Banks)

HB 808, relative to proof of residency and resident tax payment for receiving resident fish and game licenses. (Wildlife and Recreation)

HB 816, making technical corrections to the securities laws. (Banks)

HB 817, relative to the regulation of first and second mortgage brokers and mortgage servicers. (Banks)

HB 825, establishing a committee to study methods of safely reducing the prison population in the state. (Executive Departments and Administration)

HB 829, relative to ward boundaries in Manchester and Nashua to be used in state elections. (Internal Affairs)

HCR 15, relative to relaxing air quality standards by the United States Environmental Protection Agency. (Energy and Economic Development)

LATE SESSION

Senator Clegg moved that the Senate adjourn from the late session.

Adopted.

Adjournment.

SENATE JOURNAL 13

April 17, 2003

The Senate met at 10:00 a.m.

A quorum was present.

The Reverend David P. Jones, Chaplain to the Senate, offered the prayer.

Gracious God, You are the One who gives flavor to our lives and to all of our actions and decisions. Preserve us from a shrink wrapped, freeze dried way of living and deciding. Save us from dripping too quickly through our days and ours decisions, with a watery result. Rather let us percolate in the strong stuff of Your love and Your will, knowing that the product will be out of this world. *Amen.*

Senator Larsen led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

HB 183, relative to a distribution from a decedent's estate to a minor. Banks Committee. Ought to Pass, Vote 4-0. Senator Peterson for the committee.

Adopted.

Ordered to third reading.

HB 186, relative to the effect of divorce or annulment upon trusts. Banks Committee. Ought to Pass, Vote 4-0. Senator Peterson for the committee.

Adopted.

Ordered to third reading.

HB 436, relative to the acquisition of Connecticut Valley Electric Company and electric utility restructuring. Energy and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Odell for the committee

Senator Odell offered a floor amendment.

Sen. Odell, Dist. 8
April 16, 2003
2003-1307s
03/09

Floor Amendment to HB 436

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

AN ACT relative to the acquisition of Connecticut Valley Electric Company and electric utility restructuring and relative to the real estate and personal property tax exemption.

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

3 Real Estate and Personal Property Tax Exemption; Public Property. Amend RSA 72:23, I(a) to read as follows:

I.(a) Lands and the buildings and structures thereon and therein and the personal property owned by the state~~[, cities, towns, school districts, and village districts]~~ **of New Hampshire or by a New Hampshire city, town, school district, or village district** unless said real or personal property is used or occupied by other than the state or a city, town, school district, or village district under a lease or other agreement the terms of which provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property. The exemption provided herein shall apply to any and all taxes against lands and the buildings and structures thereon and therein and the personal property owned by the state, cities, towns, school districts, and village districts, which have or may have accrued since March 31, 1975, and to any and all future taxes which, but for the exemption provided herein, would accrue against lands and buildings and structures thereon and therein and the personal property owned by the state, cities, towns, school districts, and village districts.

2003-1307s

AMENDED ANALYSIS

This bill makes changes to existing law necessary to facilitate the acquisition of Connecticut Valley Electric Company, Inc. by Public Service Company of New Hampshire. This bill also clarifies the applicability of the real estate and personal property tax exemption for public property.

Floor amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

Senator Foster Rule #42 on HB 436.

HB 732, relative to fines for forestry law violations, and deceptive forestry business practices. Energy and Economic Development Committee. Ought to pass with amendment, Vote 5-0. Senator Below for the committee.

Energy and Economic Development

April 10, 2003

2003-1266s

08/03

Amendment to HB 732-FN

Amend the bill by replacing section 9 with the following:

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

Amendment adopted.

Senator Johnson offered a floor amendment.

Sen. Johnson, Dist. 2

April 17, 2003

2003-1322s

08/01

Floor Amendment to HB 732-FN

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

AN ACT relative to fines for forestry law violations, relative to deceptive forestry business practices, establishing a commission to study setback requirements for land application of septage, biosolids, and short paper fibers, and extending the temporary use of septage, biosolids, and short paper fiber by certain persons.

Amend the bill by replacing all after section 8 with the following:

9 Commission Established. There is established a commission to study setback requirements for land application of septage, biosolids, and short paper fiber.

10 Membership and Compensation.

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

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) One member of the rivers management advisory committee, appointed by such committee.
- (d) Two members selected by the Connecticut River Joint Commissions, Upper Merrimack River Local Advisory Committee, and Pemigewasset River Local Advisory Committee.
- (e) One member from the New Hampshire Rivers Council, appointed by the council.
- (f) One representative from the New Hampshire department of environmental services, rivers management and protection program, appointed by the commissioner of environmental services.
- (g) One representative from the New Hampshire department of environmental services, sludge and septage program, appointed by the commissioner of environmental services.
- (h) One representative from the New Hampshire department of agriculture, markets, and food, appointed by the commissioner of agriculture, markets, and food.
- (i) One representative selected by the university of New Hampshire cooperative extension.
- (j) One farmer selected by the New Hampshire Farm Bureau Federation.
- (k) The executive director of the New Hampshire Farm Bureau Federation, or designee.
- (l) One member from the New England Biosolids and Residuals Association (NEBRA), appointed by NEBRA.
- (m) One member of a land application company, selected by NEBRA.
- (n) One member of the Natural Resource Conservation Service, appointed by such organization.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

11 Duties. The commission shall review literature and research on the effects of land application of septage, biosolids, and short paper fiber adjacent to surface waters, especially concerning surface run-off and water quality. The commission shall propose criteria for setbacks for land application of septage, biosolids, and short paper fiber from designated rivers in New Hampshire, or recommend specific studies to address gaps in existing research findings.

12 Chairperson; Quorum. The members of the study 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.

13 Report. The commission shall submit an interim report on or before November 1, 2003 and a final report on or before July 1, 2004 on its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

14 Sludge, Biosolids, and Short Paper Fiber; Temporary Use: Amend 1998, 56:6 to read as follows:

56:6 Temporary Use Authorization. The septage and sludge land application restrictions contained in RSA 483:9, VI(c), RSA 483:9-a, VII(b), RSA 483:9-aa, VII(b), and RSA 483:9-b, VII(b) shall not apply until [5 years

~~after the effective date of this act~~ **July 1, 2003** to any land upon which septage or sludge has been spread in accordance with all applicable rules adopted by the federal Environmental Protection Agency and the New Hampshire department of environmental services, during any portion of the 3-year period prior to January 1, 1998. In addition, there shall be no termination of this restriction exemption for qualifying land that is used for scientific research on septage or sludge. Any continued application of septage and sludge pursuant to this section shall comply with all applicable federal and state laws and any best management practices published by the university of New Hampshire cooperative extension.

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

2003-1322s

AMENDED ANALYSIS

This bill:

I. Requires the commissioner of the department of resources and economic development to establish a unified fine schedule and allows pleas to be entered by mail in lieu of court appearances.

II. Clarifies deceptive forestry business practices, and provides for the dissemination of information on the normal yield tax.

III. Establishes a commission to study setback requirements for septage, biosolids, and short paper fiber.

IV. Extends the temporary use of septage, biosolids, and short paper fiber by certain persons.

Floor amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 182, relative to unclaimed shares and advancements to heirs. Insurance Committee. Ought to Pass, Vote 3-0. Senator Prescott for the committee.

Adopted.

Ordered to third reading.

HB 356-FN, relative to including medical benefits costs in the purchase of creditable service in the retirement system. Insurance Committee. Ought to Pass, Vote 4-0. Senator Flanders for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

HB 669-FN, relative to dental insurance benefits and eligibility for medical benefits for retired state employees. Insurance Committee. Ought to Pass, Vote 3-0. Senator Martel for the committee.

Senator Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

April 17, 2003

2003-1323s

10/01

Floor Amendment to HB 669-FN

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

AN ACT relative to participation in dental insurance benefits by retired state employees.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

2003-1323s

AMENDED ANALYSIS

This bill allows retired state employees to participate at their own expense in the dental plan afforded state employees.

Question is on the adoption of the floor amendment.

A roll call was requested by Senator Larsen.

Seconded by Senator D'Allesandro.

The following Senators voted Yes: Below, Foster, Larsen, D'Allesandro, Estabrook, Cohen.

The following Senators voted No: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Peterson, O'Hearn, Clegg, Gatsas, Barnes, Martel, Sapareto, Morse, Prescott.

Yeas: 6 - Nays: 17

Floor amendment failed.

Question is on the adoption of the bill as amended.

A roll call was requested by Senator Clegg.

Senator Clegg withdrew his roll call motion.

Senator Below moved to divide the question.

The Chair declared that it was divisible.

Question is on the adoption of section one.

Adopted.

Question is on the adoption of section two.

Adopted.

Question is on the adoption of section three.

Adopted.

Referred to the Finance Committee (Rule #26).

HB 120, relative to sessions for the correction of the checklist and sessions for changes of party registration. Internal Affairs Committee. Ought to Pass, Vote 2-0. Senator Flanders for the committee.

Adopted.

Ordered to third reading.

HB 358-FN-L, relative to recount fees in local elections. Internal Affairs Committee. Ought to Pass, Vote 3-0. Senator Boyce for the committee.

Adopted.

Ordered to third reading.

HB 149, relative to patient rights and disclosures. Public Institutions, Health and Human Services Committee. Inexpedient to Legislate, Vote 4-0. Senator Boyce for the committee.

Senator Boyce moved to recommit.

Adopted.

HB 149 is recommitted to committee.

HB 831, establishing a New Hampshire end-of-life care study commission. Public Institutions, Health and Human Services Committee. Ought to pass with amendment, Vote 4-0. Senator Estabrook for the committee.

Public Institutions, Health and Human Services

April 10, 2003

2003-1269s

01/03

Amendment to HB 831

Amend subparagraphs I(n) and (o) of section 3 of the bill by replacing them with the following:

- (n) The commissioner of the department of health and human services, or designee.
- (o) The commissioner of the department of safety, or designee.

(p) A representative of the American Cancer Society, New England Division, appointed by such division.
Amend paragraph III of section 3 of the bill by replacing it with the following:

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

Amendment adopted.

Senator O'Hearn offered a floor amendment.

Sen. O'Hearn, Dist. 12

April 16, 2003

2003-1309s

01/10

Floor Amendment to HB 831

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

AN ACT adding duties to the oversight committee on health and human services.

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

1 Oversight Committee on Health and Human Services; Section Heading. Amend the section heading of RSA126-A:15 to read as follows:

126-A:15 [~~Duty~~] **Duties** of Oversight Committee.

2 New Paragraph; Duties Added. Amend RSA 126-A:15 by inserting after paragraph I the following new paragraph:

I-a. The committee shall also study the following issues:

(a) How to encourage the public to engage in advance care planning and ensure that advance care plans are honored by health providers, emergency medical providers, and other caregivers.

(b) How to increase understanding and access to palliative care services in all areas of the state.

(c) Identifying strategies to increase earlier participation in hospice services and remove barriers for those who desire hospice.

(d) Identifying the gaps in data collection or analysis that would provide an on-going means to assess access to good end-of-life care.

(e) Whether new educational programs are needed to train health professionals and other caregivers in end-of-life care needs.

(f) What are the priorities for improving end-of-life care in New Hampshire.

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

2003-1309s

AMENDED ANALYSIS

This bill requires the oversight committee on health and human services to study end-of-life issues in addition to its other duties.

Question is on the adoption of the floor amendment.

A roll call was requested by Senator Estabrook.

Seconded by Senator D'Allesandro.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Peterson, O'Hearn, Clegg, Gatsas, Barnes, Martel, Sapareto, Morse, Prescott.

The following Senators voted No: Below, Foster, Larsen, D'Allesandro, Estabrook, Cohen.

Yeas: 17 - Nays: 6

Floor amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 179, establishing a committee to study enhancement of laws relating to vehicle pursuits. Transportation Committee. Ought to pass with amendment, Vote 4-0. Senator Flanders for the committee.

Senate Transportation

April 9, 2003

2003-1241s

03/10

Amendment to HB 179

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

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

(a) Five members of the house, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

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

Amend the bill by replacing section 6 with the following:

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

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 327, establishing a committee to study the use of state vehicles. Transportation Committee. Inexpedient to Legislate, Vote 3-0. Senator Martel for the committee.

MOTION TO TABLE

Senator Sapareto moved to have **HB 327** laid on the table.

Adopted.

LAI D ON THE TABLE

HB 327, establishing a committee to study the use of state vehicles.

HB 769, relative to the lighting of certain advertising devices along highways. Transportation Committee. Inexpedient to Legislate, Vote 4-0. Senator Morse for the committee.

Committee report of inexpedient to legislate is adopted.

HB 181, relative to limiting landowner liability for giving permission for horseback riding. Wildlife and Recreation Committee. Ought to Pass, Vote 3-0. Senator Roberge for the committee.

Adopted.

Ordered to third reading.

HB 387-FN, allowing free admission to the state park system for certain members of the New Hampshire national guard. Wildlife and Recreation Committee. Ought to pass with amendment, Vote 5-0. Senator Sapareto for the committee.

Wildlife and Recreation

April 9, 2003

2003-1224s

04/10

Amendment to HB 387-FN

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

AN ACT allowing free day-use admission to the state park system for certain members of the New Hampshire national guard.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Fees for Park System; Free Day-Use Admission for Certain Active Members of the New Hampshire National Guard. Amend RSA 216-A:3-g by inserting after paragraph III the following new paragraph:

IV.(a) Any active member of a federally recognized unit of the New Hampshire national guard who is a legal resident of this state, and who meets the minimum requirements for satisfactory membership, as defined in the United States Department of the Army and the United States Department of the Air Force regulations, and is serving in pay grades E1 through E6 shall not be charged a fee for day-use admission to the state park system. This section shall apply to members of the Active Guard and Reserve program in the New Hampshire national guard.

(b) Any fees for the use of enterprise activities as described in paragraph II of this section shall be charged.

2003-1224s

AMENDED ANALYSIS

This bill provides that certain active members of the New Hampshire national guard, including members of the Active Guard and Reserve program, who are legal residents of this state, shall not be charged a fee for day-use admission to the state park system.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Referred to the Finance Committee (Rule #26).

HB 485, relative to the membership on the invasive species committee. Wildlife and Recreation Committee. Ought to Pass, Vote 4-0. Senator Roberge for the committee.

Adopted.

Ordered to third reading.

HB 703-FN, permitting free admission to the state park system for disabled veterans. Wildlife and Recreation Committee. Ought to pass with amendment, Vote 5-0. Senator Sapareto for the committee.

Wildlife and Recreation

April 9, 2003

2003-1223s

04/10

Amendment to HB 703-FN

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

AN ACT permitting free day-use admission to the state park system for disabled veterans.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Fees for Park System; Free Day-Use Admission for Disabled Veterans. Amend RSA 216-A:3-g by inserting after paragraph III the following new paragraph:

IV. No disabled veteran of this state, upon providing satisfactory proof of a service-connected disability, shall be charged a fee for day-use admission to the state park system. Special number plates issued to disabled veterans pursuant to RSA 261:86 or a letter issued by the United States Department of Veterans Affairs certifying that the veteran suffers from a service-connected disability shall constitute satisfactory proof under this section. Any fees for the use of enterprise activities as defined in paragraph II shall be charged.

2003-1223s

AMENDED ANALYSIS

This bill exempts disabled veterans, upon satisfactory proof of a service-connected disability, from the payment of day-use admission fees to the state park system.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Referred to the Finance Committee (Rule #26).

RESOLUTION

Senator Clegg moved that the Senate now 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 and all titles be same as adopted, and that they be passed at the present time

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 120, relative to sessions for the correction of the checklist and sessions for changes of party registration.

HB 179, establishing a committee to study enhancement of laws relating to vehicle pursuits.

HB 181, relative to limiting landowner liability for giving permission for horseback riding.

HB 182, relative to unclaimed shares and advancements to heirs.

HB 183, relative to a distribution from a decedent's estate to a minor.

HB 186, relative to the effect of divorce or annulment upon trusts.

HB 358-FN-L, relative to recount fees in local elections.

HB 436, relative to the acquisition of Connecticut Valley Electric Company and electric utility restructuring.

HB 485, relative to the membership on the invasive species committee.

HB 732, relative to fines for forestry law violations, and deceptive forestry business practices.

HB 831, establishing a New Hampshire end-of-life care study commission.

ANNOUNCEMENTS

Senator D'Allesandro (Rule #44).

Senator Larsen (Rule #44).

Senator Peterson (Rule #44).

RESOLUTION

Senator Clegg moved that the Senate recess to the Call of the Chair for the sole purpose of introducing legislation, processing Enrolled Bill Reports and Amendments, and receiving House Messages, and that when we adjourn, we adjourn to the Call of the Chair.

Adopted.

In recess to the Call of the Chair.