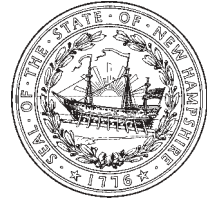


# STATE OF NEW HAMPSHIRE

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## SENATE JOURNAL 14 (*Cont.*)



*April 24, 2003*

**Out of Recess.**

### 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 135-FN-L**, relative to charter schools.

**HB 159**, relative to meetings of the directors of nondepository trust companies.

**HB 160**, relative to removal or replacement of trustees.

**HB 242**, relative to the number of members on, and quorum necessary for, the assessing standards board.

**HB 288-FN**, imposing a criminal penalty for the dissemination of certain materials without consent.

**HB 293**, establishing a commission to identify medical errors and their causes.

**HB 302-FN**, relative to the funding and use of the retirement system special account.

**HB 316-FN**, relative to insurance coverage for anesthesia for child dental care.

**HB 404**, relative to common trust funds.

**HB 431**, eliminating application of the rule against perpetuities to instruments that contain safeguards relative to the continued alienability of property.

**HB 564-FN**, relative to access to information in proceedings of the judicial conduct commission.

**HB 638-FN**, increasing the oil import license fee, changing the rate of interest assessed on overdue oil import fees, and repealing underground storage facility permit fees.

**HB 684-FN**, relative to the insurance rating law.

**HB 786-FN-L**, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

**HB 787-FN-A**, relative to forest products promotion, establishing a forest products utilization charge, and requiring the department of resources and economic development to convene a task force.

**HB 788-FN-A**, transferring the duties of the health services planning and review board.

**HCR 14**, a resolution declaring the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches.

### 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 **135 - HCR 14** 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 135-FN-L**, relative to charter schools. (Education)

**HB 159**, relative to meetings of the directors of nondepository trust companies. (Banks)

**HB 160**, relative to removal or replacement of trustees. (Banks)

**HB 242**, relative to the number of members on, and quorum necessary for, the assessing standards board. (Internal Affairs)

**HB 288-FN**, imposing a criminal penalty for the dissemination of certain materials without consent. (Judiciary)

**HB 293**, establishing a commission to identify medical errors and their causes. (Executive Departments and Administration)

**HB 302-FN**, relative to the funding and use of the retirement system special account. (Insurance)

**HB 316-FN**, relative to insurance coverage for anesthesia for child dental care. (Insurance)

**HB 404**, relative to common trust funds. (Banks)

**HB 431**, eliminating application of the rule against perpetuities to instruments that contain safeguards relative to the continued alienability of property. (Public Affairs)

**HB 564-FN**, relative to access to information in proceedings of the judicial conduct commission. (Executive Departments and Administration)

**HB 638-FN**, increasing the oil import license fee, changing the rate of interest assessed on overdue oil import fees, and repealing underground storage facility permit fees. (Transportation)

**HB 684-FN**, relative to the insurance rating law. (Insurance)

**HB 786-FN-L**, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001. (Education)

**HB 787-FN-A**, relative to forest products promotion, establishing a forest products utilization charge, and requiring the department of resources and economic development to convene a task force. (Energy & Economic Development)

**HB 788-FN-A**, transferring the duties of the health services planning and review board. (Insurance)

**HCR 14**, a resolution declaring the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches. (Internal Affairs)

**April 30, 2003**

**2003-1446-EBA**

**03/09**

#### Enrolled Bill Amendment to SB 104

The Committee on Enrolled Bills to which was referred SB 104

**AN ACT** relative to state administration of medicaid benefits and services for individuals who are deaf or hard of hearing.

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

#### FOR THE COMMITTEE

#### Explanation to Enrolled Bill Amendment to SB 104

This enrolled bill amendment clarifies a reference in the bill.

#### Enrolled Bill Amendment to SB 104

Amend section 2 of the bill by replacing line 6 with the following:

elderly affairs committee and the senate public institutions, health and human services committee with any Senator Eaton moved adoption.

**Adopted.**

**April 30, 2003**  
**2003-1457-EBA**  
**08/10**

Enrolled Bill Amendment to HB 57

The Committee on Enrolled Bills to which was referred HB 57

AN ACT relative to the use of inhalers by pupils and campers with asthma.

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 57

This enrolled bill amendment makes a technical correction and inserts provisions for contingent renumbering of the bill's RSA sections.

Enrolled Bill Amendment to HB 57

Amend RSA 200:42, I (f) as inserted by section 1 of the bill by replacing line 2 with the following:

of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.

Amend RSA 485-A:25-b, I (f) as inserted by section 2 of the bill by replacing line 2 with the following:

of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.

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

3 New Subdivision; Education; Health and Sanitation; Use of Asthma Medications by Pupils. Amend RSA 200 by inserting after section 45 the following new subdivision:

Use of Asthma Medications by Pupils

200:46 Possession and Self-Administration of Asthma Inhalers Permitted. A pupil may possess and use a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if the following conditions are satisfied:

I. The pupil has the written approval of the pupil's physician and, if the pupil is a minor, the written approval of the parent or guardian. The school shall obtain the following information from the pupil's physician:

- (a) The pupil's name.
- (b) The name and signature of the licensed prescriber and business and emergency numbers.
- (c) The name, route, and dosage of medication.
- (d) The frequency and time of medication administration or assistance.
- (e) The date of the order.
- (f) A diagnosis and any other medical conditions requiring medications, if not a violation of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.
- (g) Specific recommendations for administration.
- (h) Any special side effects, contraindications, and adverse reactions to be observed.
- (i) At least one emergency telephone number for contacting the parent or guardian.
- (j) The name of each required medication.

II. The school principal or, if a school nurse is assigned to the pupil's school building, the school nurse shall receive copies of the written approvals required by paragraph I.

III. The pupil's parent or guardian shall submit written verification from the physician confirming that the pupil has the knowledge and skills to safely possess and use an asthma inhaler in a school setting.

IV. If the conditions provided in this section are satisfied, the pupil may possess and use the inhaler at school or at any school sponsored activity, event, or program.

V. In this section, "physician" includes any physician or health practitioner with the authority to write prescriptions.

200:47 Immunity. No school district, member of a school board, or school district employee shall be liable in a suit for damages as a result of any act or omission related to a pupil's use of an inhaler if the provisions of RSA 200:46 have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an asthma inhaler by a pupil.

4 New Sections; Water Management and Protection; Safety Regulations; Possession and Use of Asthma Medication at Recreation Camps. Amend RSA 485-A by inserting after section 25-e the following new sections:

485-A:25-f Possession and Use of Asthma Inhalers at Recreation Camps. A recreation camp shall permit a child to possess and use a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if the following conditions are satisfied:

I. The child has the written approval of the child's physician and the written approval of the parent or guardian. The camp shall obtain the following information from the child's physician:

- (a) The child's name.
- (b) The name and signature of the licensed prescriber and business and emergency numbers.
- (c) The name, route, and dosage of medication.
- (d) The frequency and time of medication administration or assistance.
- (e) The date of the order.
- (f) A diagnosis and any other medical conditions requiring medications, if not a violation of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.
- (g) Specific recommendations for administration.
- (h) Any special side effects, contraindications, and adverse reactions to be observed.
- (i) The name of each required medication.
- (j) At least one emergency telephone number for contacting the parent or guardian.

II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse shall receive copies of the written approvals required by paragraph I.

III. The child's parent or guardian shall submit written verification from the physician confirming that the child has the knowledge and skills to safely possess and use an asthma inhaler in a camp setting.

IV. If the conditions provided in this section are satisfied, the child may possess and use the inhaler at the camp or at any camp sponsored activity, event, or program.

V. In this section, "physician" includes any physician or health practitioner with the authority to write prescriptions.

485-A:25-g Immunity. No recreational camp or camp employee shall be liable in a suit for damages as a result of any act or omission related to a child's use of an inhaler if the provisions of RSA 485-A:25-f have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an asthma inhaler by a child.

5 Contingency; Effective Date; Renumbering. If HB 92 of the 2003 legislative session becomes law, then sections 3 and 4 of this act shall take effect August 15, 2003 and sections 1 and 2 of this act shall not take effect. If HB 92 of the 2003 legislative session does not become law, then sections 1 and 2 of this act shall take effect August 15, 2003 and sections 3 and 4 of this act shall not take effect.

6 Effective Date.

I. Sections 1-4 of this act shall take effect as provided in section 5 of this act.

II. The remainder of this act shall take effect upon its passage.

Senator Eaton moved adoption.

**Adopted.**

**April 30, 2003**  
**2003-1449-EBA**  
**06/10**

Enrolled Bill Amendment to HB 92

The Committee on Enrolled Bills to which was referred HB 92

AN ACT relative to the use of epinephrine auto-injectors by pupils and campers with severe allergies.

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 92

This enrolled bill amendment makes certain technical corrections to the bill.

Enrolled Bill Amendment to HB 92

Amend RSA 200:44 as inserted by section 1 of the bill by replacing line 2 with the following:  
assigned to the school building, the school principal shall maintain for a pupil's use at least one

Amend section 2 of the bill by replacing line 2 with the following:

Epinephrine Auto-Injectors at Recreation Camps. Amend RSA 485-A by inserting after section 25-a the

Amend RSA 485-A:25-d as inserted by section 2 of the bill by replacing line 3 with the following:  
a child with severe allergies at least one epinephrine auto-injector, provided by the child, in the  
Senator Eaton moved adoption.

**Adopted.**

**April 30, 2003**  
**2003-1456-EBA**  
**05/10**

Enrolled Bill Amendment to HB 59

The Committee on Enrolled Bills to which was referred HB 59

AN ACT relative to court reporting.

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 59

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 59

Amend RSA 331-B:2 as inserted by section 1 of the bill by replacing line 1 with the following:

331-B:2 Definitions. In this chapter:

Amend RSA 331-B:3, II as inserted by section 1 of the bill by replacing it with the following:

II. The board shall elect a chairperson and a secretary from its members on an annual basis.

Amend RSA 331-B:9, II as inserted by section 1 of the bill by replacing it with the following:

II. Has paid the fee required by this chapter; and

Senator Eaton moved adoption.

**Adopted.**

**April 24, 2003**  
**2003-1390-EBA**  
**04/10**

Enrolled Bill Amendment to HB 182

The Committee on Enrolled Bills to which was referred HB 182

AN ACT relative to unclaimed shares and advancements to heirs.

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 182

This enrolled bill amendment clarifies the statutory sections repealed by the bill.

Enrolled Bill Amendment to HB 182

Amend the bill by replacing paragraphs I and II of section 3 to read as follows:

I. RSA 561:14, relative to adjustment of the share of a decedent's estate distributed to an heir.

II. RSA 561:15, relative to transfer by deed as an advancement to an heir from a decedent's estate.

Senator Eaton moved adoption.

**Adopted.**

**April 22, 2003**

**2003-1347-EBA**

**06/09**

Enrolled Bill Amendment to SCR 3

The Committee on Enrolled Bills to which was referred SCR 3

AN ACT urging maintenance of funding for the Low Income Home Energy Assistance Program.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SCR 3

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SCR 3

Amend paragraph IV following the resolving clause by replacing line 1 with the following:

IV. Allowing states to draw-down funds prior to the start of the winter heating season in

Senator Eaton moved adoption.

**Adopted.**

**April 23, 2002**

**2003-1374-EBA**

**06/10**

Enrolled Bill Amendment to SB 22

The Committee on Enrolled Bills to which was referred SB 22

AN ACT amending the duties of the public higher education study committee.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 22

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

Enrolled Bill Amendment to SB 22

Amend the title of the bill to read as follows:

AN ACT adding to the duties of the public higher education study committee.

Senator Eaton moved adoption.

**Adopted.**

**April 23, 2003**  
**2003-1364-EBA**  
**03/09**

**Enrolled Bill Amendment to HB 732-FN**

The Committee on Enrolled Bills to which was referred HB 732-FN

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.

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 732-FN

This enrolled bill amendment corrects certain references in the bill and makes other technical changes. This enrolled bill amendment also inserts a provision to clarify the applicability of differing versions of the pleas by mail procedure.

Enrolled Bill Amendment to HB 732-FN

Amend section 4 of the bill by replacing line 1 with the following:

4 Pleas by Mail; Noncomputerized Courts. Amend RSA 502-A:19-b, I to read as follows:

Amend section 5 of the bill by replacing line 1 with the following:

5 Pleas by Mail; Computerized Courts. Amend RSA 502-A:19-b, I to read as follows:

Amend RSA 502-A:19-b, I as inserted by section 5 of the bill by replacing line 4 with the following:

misdemeanor or felony; ~~and~~ the usual fines for violations of the provisions of title XVIII on fish and

Amend RSA 79:31, I as inserted by section 7 of the bill by replacing line 2 with the following:

average stumpage value list referenced in RSA 79:1, III(b).

Amend RSA 79:31, II as inserted by section 7 of the bill by replacing line 5 with the following:

available to the public on its internet site and by any other cost-effective means.

Amend subparagraph I(n) of section 10 of the bill by replacing line 1 with the following:

(n) One member of the Natural Resources Conservation Service, appointed by such

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

15 Applicability; Pleas by Mail. Section 4 of this act shall apply only to courts which are not computerized in coordination with the division of motor vehicles. Section 5 of this act shall apply only to courts which are computerized in coordination with the division of motor vehicles.

Senator Eaton moved adoption.

**Adopted.**

**HOUSE MESSAGE**

The House of Representatives has passed a Bill with the following title, in the passage of which it asks the concurrence of the Senate:

**HB 763-FN**, requiring parental notification before abortions may be performed on unemancipated minors.

**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 **763** 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 763-FN**, requiring parental notification before abortions may be performed on unemancipated minors. (Judiciary)

**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 60**, changing the name of the advisory committee on shore fisheries and relative to the definition of shellfish and a rulemaking exemption for certain rules relating to marine species.

**HB 132**, relative to state scholarships for orphans of veterans.

**HB 172**, extending the committee to study the exemption from property taxes for not-for-profit hospitals, and including a study of the community benefit law.

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

**HB 184**, relative to distribution upon intestacy.

**HB 435**, relative to certificates of registration upon transfer of a vehicle.

**HB 616**, relative to the Hampton real estate trust fund.

**HB 732**, 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.

**SB 22**, adding to the duties of the public higher education study committee.

Senator D'Allesandro 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 120**, relative to sessions for the correction of the checklist and sessions for changes of party registration.

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

**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**, relative to recount fees in local elections.

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

**SB 24**, relative to license revocations for DWI offenders under the age of 21.

**SB 26**, removing the penalty against teachers who fail to keep registers.

**SB 51**, relative to membership on the New England Board of Higher Education.

**SB 68**, authorizing electronic certification of educational credentials.

Senator D'Allesandro 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 61**, relative to the taking of migratory game birds in the Connecticut River zone.

**HB 104**, implementing procedures for a hospital or safe haven to assume temporary care and control of an abandoned child and creating an exception to the crime of endangering the welfare of a child.



**HB 126**, relative to posting statutes at polling places.

**HB 156**, relative to weights and measures.

**HB 223**, relative to the temporary removal of inmates.

**HB 277**, relative to an extended term of imprisonment for manslaughter and relative to jury findings which warrant an extended term of imprisonment.

**HB 469**, relative to areas of the state for hunting by crossbow.

Senator D'Allesandro 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 151**, authorizing the county convention to contract and fund performance audits of county departments, authorizing employees of the Hillsborough and Rockingham county delegations, and relative to adoption of revisions and the budget process in city charters.

Senator D'Allesandro moved adoption.

**Adopted.**

#### **LATE SESSION**

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

**Adopted.**

**Adjournment.**

# **SENATE JOURNAL 15**

***May 8, 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.

*God of changeless love, You constantly rearrange and reconfigure the profile of reality around us. Endow each one of us with a perspective that will enable us to see the entire mountain and not just the precious outcropping, and lead us towards what comes next confident that even in the midst of the darkest nights, You are holding us up.*

*Amen.*

Senator Barnes led the Pledge of Allegiance.

#### **INTRODUCTION OF GUESTS**

#### **COMMITTEE REPORTS**

**HB 218**, relative to the definition of beneficially interested person. Banks Committee. Ought to Pass, Vote 2-0. Senator Foster for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 423**, relative to safe deposit boxes. Banks Committee. Ought to Pass, Vote 3-0. Senator Barnes for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 231**, requiring the department of education to develop a plan to address and reduce the number of persons awaiting vocational rehabilitation transition services. Education Committee. Ought to Pass, Vote 2-0. Senator O'Hearn for the committee.

**Adopted.**

**Ordered to third reading.**

**HCR 3**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. Education Committee. Ought to pass with amendment, Vote 2-0. Senator Foster for the committee.

#### **Senate Education**

**April 24, 2003**

**2003-1386s**

**08/01**

#### **Amendment to HCR 3**

Amend the resolution by replacing the first paragraph after the resolving clause with the following:

That the New Hampshire general court urges the President and the Congress to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States as promised under the Individuals with Disabilities Education Act to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and

**Amendment adopted.**

**Question is on the adoption of the Resolution as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 578-FN-A**, establishing a program for self-certification by small quantity hazardous waste generators and making an appropriation therefor. Environment Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

**Adopted.**

**Referred to the Finance Committee (Rule #26).**

**HB 593-FN-L**, relative to solid waste facilities in small towns. Environment Committee. Ought to pass with amendment, Vote 3-0. Senator Cohen for the committee.

#### **Senate Environment**

**April 30, 2003**

**2003-1455s**

**06/09**

#### **Amendment to HB 593-FN-LOCAL**

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

1 New Paragraph; Small Town Exemption. Amend RSA 149-M:9 by inserting after paragraph XII the following new paragraph:

XIII.(a) No permit issued by the department to a town with a population of 5000 persons or fewer shall require the town to clean up an inactive, municipally owned, unlined landfill (inactive facility) if the town:

(1) Monitors the inactive facility in accordance with requirements established in RSA 485-C and RSA 149-M and rules adopted by the department.

(2) Continues to show, through monitoring devices, that the inactive facility is having no adverse impact, as defined in rules adopted by the department, on the environment.

(3) Has obtained approval of a closure plan from the department by January 30 of the calendar year in which the facility is scheduled to close by the department.

(b) A town which complies with the requirements of subparagraph (a) shall not lose grant funding for which the town is eligible under this chapter.

(c) This paragraph shall not apply to those facilities governed under the terms of 40 CFR Part 258.

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

**2003-1455s**

#### AMENDED ANALYSIS

This bill exempts towns with a population of 5,000 or fewer from cleaning up an inactive public solid waste facility as long as the inactive facility is monitored, the monitoring shows that it has no adverse impact on the environment, and approval of a closure plan has been obtained from the department. A town which complies with these requirements shall not lose its grant funding under RSA 149-M.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 728-FN-A**, establishing a dedicated fund for organic certification inspections. Environment Committee. Ought to pass, Vote 3-0. Senator Johnson for the committee.

**Adopted.**

**Referred to the Finance Committee (Rule #26).**

**HB 208**, relative to name changes for inmates and parolees. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Estabrook for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 211**, relative to town clerk fee deposit requirements. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Kenney for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 258**, relative to the community-technical college system. Executive Departments and Administration Committee. Re-refer to committee, Vote 4-0. Senator Kenney for the committee.

**Committee report of re-referred is adopted.**

**HB 281-FN**, exempting automatic irrigation system installers from licensure by the electrician's board. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 4-0. Senator Estabrook for the committee.

**Senate Executive Departments and Administration**

**April 25, 2003**

**2003-1396s**

**08/01**

#### **Amendment to HB 281-FN**

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

AN ACT relative to regulation of irrigation system electricians by the electrician's board.

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

1 New Paragraphs; Definitions. Amend RSA 319-C:2 by inserting after paragraph I the following new paragraphs:

I-a. "Automatic irrigation system installations" means the installation, repair, alteration, and maintenance of electrical conductors, fittings, devices, fixtures and equipment, for automatic irrigation systems operating at 30 volts or less. The term does not include the installation of the controller supply circuit. This shall not prohibit installing a supply circuit that only includes the insertion of an attachment plug or transformer into a fixed receptacle outlet.

I-b. "Automatic irrigation system electrician" means a person who, as a business, hires or employs another to make electrical installations on automatic irrigation systems operating at less than 30 volts, or without hiring another, makes electrical installations on automatic irrigation systems operating at less than 30 volts, including associated controls as a principal or auxiliary business for its own account.

II-c. "Automatic irrigation system electrician trainee" means a person who is engaged in learning and assisting in making electrical installations under the direct supervision of a automatic irrigation system electrician, a journeyman electrician as defined in RSA 319-C:2, IV, or a master electrician.

2 Rulemaking. Amend the introductory paragraph of RSA 319-C:6-a, II to read as follows:

II. The qualifications of applicants, *other than an applicant for an automatic irrigation system electrician or trainee*, in addition to those requirements established under this chapter, and including the qualifications for satisfactory evidence of:

3 New Paragraph; Rulemaking. Amend RSA 319-C:6-a by inserting after paragraph II the following new paragraph:

II-a. The qualifications of applicants for automatic irrigation system electrician or trainee in addition to those requirements established under this chapter, and including satisfactory evidence of good professional character.

4 New Paragraph; Licensing Requirements. Amend RSA 319-C:7 by inserting after paragraph II-a the following new paragraph:

II-b. The board shall issue a license as an automatic irrigation system electrician to any person who files an application and shows proof of successfully completing a national, state, or employer certification program approved by the board.

5 Renewal of Licenses. Amend RSA 319-C:9, II to read as follows:

II. Upon request of a master, journeyman, [or] high/medium voltage, *or automatic irrigation system* electrician who is serving in the Armed Forces of the United States, the board shall place such licensee on inactive status. The license for a master or journeyman electrician may be reactivated within one year of discharge by payment of the renewal fee and with proof of completion of the most current continuing education requirement. The license for a high/medium voltage *or automatic irrigation system* electrician shall be reactivated within one year of discharge by payment of the renewal fee.

6 New Paragraph; Corporations and Partnerships. Amend RSA 319-C:10 by inserting after paragraph II the following new paragraph:

III. The board may issue a license to corporations or partnerships engaged in the business of making electrical installations on automatic irrigation systems operating at less than 30 volts; provided, that one or more officers or employees of any such corporation directly in charge of the electrical business affairs of such corporation, or a member of a partnership directly in charge of its business affairs, is a licensed master electrician or a automatic irrigation system electrician.

7 Effective Date. This act shall take effect July 1, 2003.

**2003-1396s**

#### AMENDED ANALYSIS

This bill requires licensing for automatic irrigation system electricians.

**Senator Prescott moved to recommit.**

#### MOTION TO TABLE

Senator Barnes moved to have **HB 281-FN** laid on the table.

**Adopted.**

**LAID ON THE TABLE**

**HB 281-FN**, exempting automatic irrigation system installers from licensure by the electrician's board.

**HB 320**, relative to permitting additional contributions in the city of Manchester employees contributory retirement system. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 4-0. Senator Prescott for the committee.

**Senate Executive Departments and Administration**

**April 24, 2003**

**2003-1388s**

**10/09**

**Amendment to HB 320**

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

3 Referendum. At an election to be held in the city in either September or November, 2003, the city clerk then in office shall cause to be included on the ballot the following statement and question: "A contributory retirement plan for city employees was adopted by the voters of Manchester at the November 1973 election. The plan became effective in January 1974, and now, benefit improvements are requested. Are you in favor of the passage of an act of the General Court of 2003, amending sections 5 and 9 of the city of Manchester employees contributory retirement system to provide for additional contributions and vacancies in the board of trustees?" Beneath this statement and question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his or her choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared adopted effective as of the date of the election, except as otherwise provided within the act. The city clerk shall, within 10 days after said election, certify to the secretary of state the result of the vote on the question.

4 Manchester Retirement System Legislation; HB 321 of the 2003 Session; Election Date for Referendum Corrected. Amend section 3 of HB 321 of the 2003 legislative session to read as follows:

3 Referendum. At ~~the~~ *an* election to be held in the city in *either September or* November, ~~[2004]~~ **2003**, the city clerk then in office shall cause to be included on the ballot the following statement and question: "A contributory retirement plan for city employees was adopted by the voters of Manchester at the November 1973 election. The plan became effective in January 1974, and now, benefit improvements are requested. Are you in favor of the passage of an act of the General Court of 2003, amending sections 16 and 18 of the city of Manchester employees contributory retirement system to provide for changes in accidental and ordinary death benefits?" Beneath this statement and question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his or her choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared adopted effective as of the date of the election, except as otherwise provided within the act. The city clerk shall, within 10 days after said election, certify to the secretary of state the result of the vote on the question.

5 Effective Date.

I. Section 3 of this act, relative to the referendum, shall take effect upon its passage. If the provisions of sections 1 and 2 of this act shall be adopted as provided in section 3, said provisions shall be declared adopted and shall become effective on the date of the election.

II. The remainder of this act shall take effect upon its passage.

**2003-1388s**

**AMENDED ANALYSIS**

This bill allows for additional contributions for retirement benefits for members of the Manchester retirement system. The bill also provides for continuity of members of the board of trustees. The provisions of the bill are subject to a referendum vote in the city of Manchester.

The bill also corrects the date of the election in the city of Manchester for HB 321 of the 2003 legislative session.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 368**, making technical corrections to the statutory list of dedicated funds. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Cohen for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 543**, relative to increasing the membership of the board of accountancy and relative to appeals of board decisions. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 3-0. Senator Prescott for the committee.

**Senate Executive Departments and Administration**

**April 24, 2003**

**2003-1389s**

**10/09**

**Amendment to HB 543**

Amend RSA 309-B:12, X as inserted by section 2 of the bill by replacing it with the following:

X. Any person or firm adversely affected by any order of the board entered after a hearing under this section may appeal such order by filing a written petition with the superior court in the county in which the respondent resides or, if not a resident of this state, in the county in which the respondent has a place of business or resident agent. The petition shall be filed within 30 days after the entry of the order. ~~[The respondent shall exhaust all applicable administrative procedures before periodical review may commence.]~~ ***An appeal shall suspend the order of the board. The record of the hearing of the board's action shall be presented to the superior court for its review and the superior court may affirm, reverse, or modify the board's order, or may order a trial de novo without a jury, as justice may require.*** The procedures for review and the scope of the review ***of an appeal to the supreme court*** shall be [as specified in RSA 541-A, the New Hampshire Administrative Procedure Act] ***pursuant to RSA 541.***

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Referred to the Finance Committee (Rule #26).**

**HB 617-FN**, relative to the licensure of dentists and regulation by the board of dental examiners. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 2-0. Senator Peterson for the committee.

**Senate Executive Departments and Administration**

**April 22, 2003**

**2003-1344s**

**10/01**

**Amendment to HB 617-FN**

Amend the bill by replacing sections 7 and 8 with the following:

7 Professional Misconduct; Guidelines. Amend the introductory paragraph of RSA 317-A:17, II(g) to read as follows:

(g) Failure to follow the current guidelines of the American Dental Association, ***as adopted, in whole or in part, by the board, as*** published in:

8 Professional Misconduct; Code of Ethics. Amend RSA 317-A:17, II(j) to read as follows:

(j) Knowingly or willfully violating any provision of this chapter, any substantive rule or order of the dental board, ~~[the code of ethics of the New Hampshire Dental Society or the American Dental Association; or]~~ any federal, state or local controlled drug law or other federal, state, or local laws or regulations pertaining to the practice of dentistry, ***and the code of ethics of the American Dental Association as reviewed and approved, in whole or in part, by the board.***

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Referred to the Finance Committee (Rule #26).**



**HB 791-FN-A**, establishing a rest area and state liquor store retail opportunities commission. Executive Departments and Administration committee. Inexpedient to Legislate, Vote 4-0. Senator Prescott for the committee.

**Committee report of inexpedient to legislate is adopted.**

#### **MOTION TO REMOVE FROM THE TABLE**

Senator D'Allesandro moved to have **HB 477** removed from the table.

**Adopted.**

**HB 477**, establishing certain speed limits.

Senator D'Allesandro offered a floor amendment.

**Sen. D'Allesandro, Dist. 20**

**May 8, 2003**

**2003-1552s**

**06/09**

#### **Floor Amendment to HB 477**

Amend the bill by replacing all after section 3 with the following:

4 Speed Limit Established; City of Manchester; Service Alleys. Notwithstanding the provisions of RSA 265:60, II, the speed limit on ways that are service alleys in the city of Manchester may be 10 miles per hour.

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

**2003-1552s**

#### **AMENDED ANALYSIS**

This bill establishes a 55 mile per hour speed limit on New Hampshire Route 9 from ½ mile east of the Stoddard/Nelson town line to the intersection of Route 9 and Apple Hill road in the town of Sullivan. The bill establishes a 45 mile per hour speed limit on Route 9 for ½ mile west of the Route 9 and Apple Hill road intersection. This bill increases the speed limit on New Hampshire Route 114 from north of Henniker to Bradford Village from 50 to 55 miles per hour. The bill also permits a speed limit of 10 miles per hour in service alleys in the city of Manchester.

**Floor amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 228**, relative to conduct after an accident. Insurance Committee. Inexpedient to Legislate, Vote 4-0. Senator Flanders for the committee.

**Committee report of inexpedient to legislate is adopted.**

**HB 269-FN**, relative to claims arising from clinical services provided to the department of health and human services. Insurance Committee. Ought to Pass, Vote 4-0. Senator Martel for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 596-FN**, relative to health plan loss information. Insurance Committee. Re-refer to committee, Vote 4-0. Senator Flanders for the committee.

**Senator Flanders moved to recommit.**

**Adopted.**

**HB 596-FN is recommitted to committee.**

**HB 770-FN-A**, establishing a committee to study using tax policy to create incentives to encourage employers to hire disabled persons. Insurance Committee. Ought to pass with amendment, Vote 2-0. Senator Prescott for the committee.



**Senate Insurance**  
**April 24, 2003**  
**2003-1387s**  
**09/01**

**Amendment to HB 770-FN-A**

Amend paragraph I of section 2 of the bill by replacing it with the following:

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

- (a) Five members of the house of representatives, appointed by the speaker of the house.
- (b) One member of the senate, appointed by the president of the senate.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 394**, relative to incompatible offices. Internal Affairs Committee. Ought to Pass, Vote 2-0. Senator Boyce for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 658-FN**, relative to impersonation of candidates. Internal Affairs Committee. Ought to Pass, Vote 2-0. Senator Flanders for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 745**, relative to voters presenting identification to obtain a ballot. Internal Affairs Committee. Inexpedient to Legislate, Vote 2-0. Senator Boyce for the committee.

**Committee report of inexpedient to legislate is adopted.**

**HB 332-FN**, relative to the use of prerecorded telephone messages by candidates and political committees. Interstate Cooperation Committee. Ought to pass with amendment, Vote 4-0. Senator Clegg for the committee.

**Interstate Cooperation**

**April 24, 2003**  
**2003-1376s**  
**03/01**

**Amendment to HB 332-FN**

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

AN ACT relative to the use of prerecorded telephone messages for political advocacy.

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

1 Definitions; Communication. Amend RSA 664:2, VII to read as follows:

VII. "Communication" shall include, but not be limited to, publication in any newspaper or other periodical, broadcasting on radio, television, or over any public address system, **transmission by telephone**, placement on any billboards, outdoor facilities, window displays, posters, cards, pamphlets, leaflets, flyers, or other circulars, or in any direct mailing.

2 New Subparagraph; Political Advertising; Signature, Identification, and Lack of Authorization; Telephone. Amend RSA 664:14, IV by inserting after subparagraph (b) the following new subparagraph:

(c) Any political advertising in the form of a prerecorded message transmitted by telephone shall, within the first 60 seconds of the message, disclose the name and telephone number of the candidate, committee, or other person paying for the telephone call.

3 New Paragraph; Political Advertising; Signature, Identification, and Lack of Authorization. Amend RSA 664:14 by inserting after paragraph VI the following new paragraph:

VII. Any person who knowingly causes any communication that violates this section to be received within the state of New Hampshire shall be guilty of a misdemeanor if a natural person or shall be guilty of a felony if any other person.

4 Effective Date. This act shall take effect January 1, 2004.

**2003-1376s**

#### AMENDED ANALYSIS

This bill requires that any political advertising in the form of a prerecorded telephone message disclose the name and telephone number of the candidate, committee, or other person paying for the telephone call. This bill also requires that violations of the political advertising identification law meet a knowing standard of conduct for criminal penalties to apply.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 343**, establishing a boundary commission to determine the boundary between New Hampshire and Maine. Interstate Cooperation Committee. Ought to pass with amendment, Vote 4-0. Senator Johnson for the committee.

**Interstate Cooperation**

**April 24, 2003**

**2003-1377s**

**05/10**

#### Amendment to HB 343

Amend subparagraph I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Two members of the senate, appointed by the president of the senate.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HCR 5**, urging Congress to permit satellite television subscribers to select in-state broadcast signals. Interstate Cooperation Committee. Ought to Pass, Vote 3-0. Senator Johnson for the committee.

**Adopted.**

**Ordered to third reading.**

#### MOTION TO REMOVE FROM THE TABLE

Senator Barnes moved to have **HB 481** removed from the table.

**Adopted.**

**HB 481**, establishing a committee to study the pricing of milk products.

Senator Barnes offered a floor amendment.

**Sen. Barnes, Dist. 17**

**April 29, 2003**

**2003-1423s**

**05/03**

#### Floor Amendment to HB 481

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

AN ACT establishing a commission to study the pricing of milk products.

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

1 Commission Established. There is established a commission to study the pricing of milk products.

2 Membership and Compensation.

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

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

(b) Two members of the senate, appointed by the president of the senate.

(c) The commissioner of the department of agriculture, markets, and food, or designee.

(d) Three dairy farmers who are residents of New Hampshire, appointed by the New Hampshire Farm Bureau Federation.

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

3 Duties. The commission shall:

I. Identify all factors that contribute to the pricing of milk products.

II. Investigate and report on unfair methods of competition and unfair trade practices in the receiving, purchase, transportation, handling, distribution, or sale of milk or milk products.

III. Solicit information and testimony from New Hampshire dairy farmers and others relative to the pricing of milk products.

4 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 house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Five members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

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

**2003-1423s**

#### AMENDED ANALYSIS

This bill establishes a commission to study the pricing of milk products.

**Floor amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 121**, relative to grounds for modification of a permanent child custody order. Judiciary Committee. Re-refer to committee, Vote 5-0. Senator Sapareto for the committee.

**Committee report of re-referred is adopted.**

**HB 123**, relative to notice given to putative fathers in adoption proceedings. Judiciary Committee. Ought to pass with amendment, Vote 3-1. Senator Clegg for the committee.

**Senate Judiciary**

**April 28, 2003**

**2003-1408s**

**05/10**

#### Amendment to HB 123

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-3 to read as 2-4, respectively:

1 Legislative Findings and Intent. The general court finds it necessary at this time to restate and reaffirm the public policy that a putative father who has either been identified by the birth mother or who has, by any of a number of possible means, demonstrated that he wishes to play an active, responsible role in the child's rearing is entitled to notice of a pending adoption of the child.

Amend the bill by replacing section 2 with the following:

2 Adoption; Notice to Person Claiming Paternity and Hearing to Determine Right to Consent. Amend RSA 170-B:5-a to read as follows:

170-B:5-a Notice to Person Claiming Paternity and Hearing to Determine Right to Consent.

I. ***In an intrastate or interstate adoption, but not in an international adoption***, the following persons shall be given notice by the court and shall have the right to request a hearing to prove paternity:

(a) A person named by the natural mother in an affidavit:

(1) Filed with the court[-]; ***and***

(2) ***Given prior to or at the time of*** the mother voluntarily relinquishing her rights pursuant to RSA 170-B:8, the mother consenting to an adoption pursuant to RSA 170-B:9, or the mother's parental rights being involuntarily terminated.

(b) The natural or legal father, if his identity is known by the court, the adoption agency which is legal guardian of the child, or the proposed adoptive parents or their attorney, prior to the mother voluntarily relinquishing her rights pursuant to RSA 170-B:8, the mother consenting to an adoption pursuant to RSA 170-B:9, or the mother's parental rights being involuntarily terminated.

(c) A person who claims to be the father and who has filed notice of his claim of paternity with the office of child support enforcement ***in what shall be known as the New Hampshire putative father registry or in the putative father registry of the state where the child was born*** [upon the forms supplied thereby]. ***In an interstate adoption, the petitioner shall provide the court with the address and telephone number of the putative father registry in the state where the child was born. In New Hampshire, the notice form shall be supplied by the office of child support enforcement and*** shall indicate the claimant's willingness and intent to support the child to the best of his ability. The notice form may be filed prior to the birth of the child but must be filed prior to the mother's rights being voluntarily relinquished pursuant to RSA 170-B:8, the mother consenting to an adoption pursuant to RSA 170-B:9, or involuntarily terminated. Failure to file the notice prior to this time shall bar the alleged father from thereafter bringing an action to establish his paternity of the child, and shall constitute an abandonment of said child and a waiver of any right to a notice of hearing in any adoption proceeding concerning the child.

(d) A person who is openly living with the child or the child's mother ~~and~~ ***or*** providing financial support to the mother or child at the time any action under this chapter is initiated and who is holding himself out to be the child's father prior to the mother voluntarily relinquishing her rights pursuant to RSA 170-B:8, the mother consenting to an adoption pursuant to RSA 170-B:9, or the mother's parental rights being involuntarily terminated.

II. Any person entitled to notice under paragraph I shall be provided 30 days from the date of notice to request a hearing at which he shall have the burden of proving that he is the father of the child. The failure to request such hearing within 30 days from the date of notice shall result in a forfeiture of all parental rights and any right to notice of any adoption proceedings concerning the child.

***III. This section shall be construed broadly in favor of providing a putative father with notice of a pending adoption and an opportunity to request a hearing to prove paternity.***

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 153-FN**, relative to grounds for termination of parental rights. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Roberge for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 180**, relative to proceedings for termination of parental rights. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Sapareto for the committee.

**Committee report of inexpedient to legislate is adopted.**

**HB 192**, relative to disposal of controlled drugs in possession of law enforcement officers. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Clegg for the committee.

**Adopted.****Ordered to third reading.**

**HB 195**, prohibiting all part-time district court judges and district court clerks from practicing law in the district courts. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Sapareto for the committee.

**Senate Judiciary****May 1, 2003****2003-1470s****09/04****Amendment to HB 195**

Amend RSA 502-A:21 as inserted by section 1 of the bill by replacing it with the following:

502-A:21 Disqualifications of Justices[; ete]. No justice, associate justice, special justice or clerk of any district ~~[or municipal]~~ court shall be retained or employed as attorney in any action, complaint, or proceeding pending in his court or which has been examined or tried therein. No such justice ~~[or]~~, associate justice, ***special justice, or clerk*** shall be retained or employed as an attorney in any matter pending before any other district ~~[or municipal]~~ court ***justice***. ~~[No special justice of any municipal or district court shall appear in any municipal or district court representing a client in a criminal case.]~~ No attorney shall be permitted to practice before any district ~~[or municipal]~~ court where any justice, associate justice, or special justice thereof is associated with said attorney in the practice of law.

**Amendment adopted.****Question is on the adoption of the bill as amended.****Adopted.****Ordered to third reading.**

**HB 206**, relative to filing of complaints for violation-level offenses. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Clegg for the committee.

**Committee report of inexpedient to legislate is adopted.**

**HB 214**, relative to discovery deposition of minors in criminal cases. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Clegg for the committee.

**Senate Judiciary****April 18, 2003****2003-1331s****09/01****Amendment to HB 214**

Amend RSA 517:13, V as inserted by section 1 of the bill by replacing it with the following:

V. Notwithstanding this section, no party in a criminal case shall take the discovery deposition of a victim ~~[who was 16 years of age or under at the time of the alleged offense or of any witness who was 16 years of age or under at the time of the alleged offense]~~ ***or witness who has not achieved the age of 16 years at the time of the deposition.***

**2003-1331s****AMENDED ANALYSIS**

This bill prohibits discovery depositions in criminal cases of victims and witnesses who are under 16 years of age at the time of the deposition.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 215**, relative to expungement of records contained in the DNA database. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Sapareto for the committee.

**Senate Judiciary**

**April 22, 2003**

**2003-1357s**

**04/05**

**Amendment to HB 215**

Amend RSA 651-C:5, I as inserted by section 1 of the bill by replacing it with the following:

I. A person whose DNA record has been included in the database pursuant to this chapter may request expungement on the grounds that the criminal conviction on which the authority for including such person's DNA record was based has been reversed [and] *or* the case dismissed, ***provided that such person requesting expungement has no other criminal convictions which would require inclusion of his or her record in the database.*** The department shall purge all records and identifiable information in the database pertaining to the person and destroy all samples from the person upon receipt of a written request for expungement pursuant to this section and a certified copy of the court order reversing and dismissing the conviction.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 487**, relative to protective custody of a person impaired by drugs. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Sapareto for the committee.

**Committee report of inexpedient to legislate is adopted.**

**HB 521-FN**, relative to requiring treatment for persons convicted of DWI offenses. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

**Adopted.**

**Referred to the Finance Committee (Rule #26).**

**HB 659-FN**, relative to penalties for failure to obey a subpoena or summons. Judiciary Committee. Ought to Pass, Vote 2-0. Senator Foster for the committee.

**Adopted.**

**Referred to the Finance Committee (Rule #26).**

**HB 461**, establishing a commission to study financial exploitation of the elderly and persons with disabilities. Public Affairs Committee. Ought to Pass, Vote 3-0. Senator Roberge for the committee.

**MOTION TO TABLE**

Senator Roberge moved to have **HB 461** laid on the table.

**Adopted.**

**LAID ON THE TABLE**

**HB 461**, establishing a commission to study financial exploitation of the elderly and persons with disabilities.

**HB 506**, relative to health club membership initiation fees and renewal practices. Public Affairs Committee. Ought to Pass, Vote 3-0. Senator Morse for the committee.

**Adopted.**

**Ordered to third reading.**

**Senator Foster Rule #42 on HB 506.**

**HB 149**, relative to patient rights and disclosures. Public Institutions, Health and Human Services Committee. Inexpedient to Legislate, Vote 5-0. Senator Boyce for the committee.

**Committee report of inexpedient to legislate is adopted.**

**HB 196**, establishing a commission to study means to integrate services for people with co-occurring disorders. Public Institutions, Health and Human Services Committee. Inexpedient to Legislate, Vote 3-1. Senator Martel for the committee.

**Committee report of inexpedient to legislate is adopted.**

**HB 225**, extending the task force on deafness and hearing loss and changing the task force's membership and duties. Public Institutions, Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Kenney for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 393**, extending the reporting dates for certain study committees. Public Institutions, Health and Human Services Committee. Ought to pass with amendment, Vote 4-1. Senator Martel for the committee.

**Public Institutions, Health and Human Services**

**April 23, 2003**

**2003-1368s**

**04/05**

**Amendment to HB 393**

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

AN ACT extending the reporting date for the commission to study the relationship between public health and the environment.

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2.

**2003-1368s**

**AMENDED ANALYSIS**

This bill extends the final report date of the commission to study the relationship between public health and the environment established in 2000, 114 as amended by 2001, 23, from November 1, 2002 to November 1, 2004.

**MOTION TO TABLE**

Senator Martel move to have **HB 393** laid on the table.

**Adopted.**

**LAID ON THE TABLE**

**HB 393**, extending the reporting dates for certain study committees.

**HB 533**, relative to health carrier disclosure for medical child support enforcement. Public Institutions, Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Martel for the committee.

**Adopted.**

**Referred to the Finance Committee (Rule #26).**



**HB 379**, relative to penalties for OHRV violations by underage operators. Transportation Committee. Ought to pass with amendment, Vote 5-0. Senator Flanders for the committee.

**Senate Transportation**

**May 2, 2003**

**2003-1471s**

**10/09**

**Amendment to HB 379**

Amend RSA 215-A:19, IV(b) as inserted by section 2 of the bill by replacing it with the following:

***(b) Notwithstanding RSA 169-B and RSA 169-D, any minor who violates a provision of this chapter shall not be considered a delinquent or a child in need of services. Any minor who violates a provision of this chapter shall be guilty of a violation and may be punished by a fine for each offense, may have his or her OHRV safety training certification suspended for up to 6 months, and may be required to complete community service or to complete additional OHRV safety training.***

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

**2003-1471s**

**AMENDED ANALYSIS**

This bill allows for operators of OHRVs who are minors to be punished for violation of the OHRV laws. The bill also allows for the liability of the owner of the OHRV if used by a minor in a violation of the OHRV laws.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 402**, relative to child passenger restraints. Transportation Committee. Ought to pass with amendment, Vote 5-0. Senator Martel for the committee.

**Senate Transportation**

**April 25, 2003**

**2003-1395s**

**03/01**

**Amendment to HB 402**

Amend the bill by replacing section 1 with the following:

1 Child Passenger Restraints Required. Amend RSA 265:107-a, I to read as follows:

I. No person shall drive a motor vehicle on any way while carrying as a passenger a person less than 18 years of age unless such person is wearing a seat or safety belt which is properly adjusted and fastened. ~~[or] If the [person] passenger is less than [4] 6 years of age~~ **and is less than 55 inches in height, [un-** ~~less such person is] the passenger shall be~~ properly fastened and secured by a child passenger restraint which is in accordance with the safety standards approved by the United States Department of Transportation in 49 C.F.R. section 571.213. **Except as provided in paragraph II,** no person shall drive a motor vehicle on any way while carrying as a passenger a person less than 18 years of age unless the motor vehicle was designed for and equipped with the passenger restraints specified above.

**2003-1395s**

**AMENDED ANALYSIS**

This bill makes the child passenger restraint requirement apply to a passenger less than 6 years of age and less than 55 inches in height. The requirement currently applies to persons less than 4 years of age.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**A roll call was requested by Senator Below.**

**Seconded by Senator Larsen.**

**The following Senators voted Yes: Gallus, Johnson, Kenney, Below, Green, Flanders, Odell, Roberge, Peterson, O'Hearn, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Sapareto, D'Allesandro, Estabrook, Morse, Prescott, Cohen.**

**The following Senators voted No: Boyce.**

**Yeas: 22 - Nays: 1**

**Adopted.**

**Ordered to third reading.**

**HB 497**, relative to inactive status licenses. Transportation Committee. Ought to Pass, Vote 4-0. Senator Flanders for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 560**, relative to penalties for operating an aircraft while under the influence of alcohol or drugs and making a technical correction. Transportation Committee. Ought to pass with amendment, Vote 5-0. Senator Flanders for the committee.

**Senate Transportation**

**April 17, 2003**

**2003-1324s**

**09/10**

**Amendment to HB 560**

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

AN ACT relative to penalties for operating an aircraft while under the influence of alcohol or drugs, relative to fees related to aircraft, and making a technical correction.

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

1 Prohibitions. Amend RSA 422:28, XII to read as follows:

XII. For any person to enter the grounds of an airport posted against such entry in accordance with RSA ~~[635:4]~~ **635** without the express consent of the airport manager.

2 New Section; Implied Consent of Operator of Aircraft to Submit to Testing to Determine Alcohol Concentration. Amend RSA 422 by inserting after section 28 the following new section:

422:28-a Implied Consent of Operator of Aircraft to Submit to Testing to Determine Alcohol Concentration. Any person who operates or attempts to operate an aircraft on the ground, on the public waters, or in the air in this state shall be deemed to have given consent to physical tests and examinations for the purpose of determining whether the person is under the influence of intoxicating liquor or controlled drugs, and to a chemical, infrared molecular absorption or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath for the purpose of determining the controlled drug content of the person's blood or alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was operating, attempting to operate, or in actual physical control of an aircraft while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.04 or more. The test or tests shall be administered at the direction of a peace officer having reasonable grounds to believe the person to have been operating, attempting to operate, or in actual physical control of an aircraft in this state while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.04 or more. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the law enforcement officer conducting the test.

3 Penalties. Amend RSA 422:29, VI to read as follows:

VI. Any person who operates *or attempts to operate an aircraft* while under the influence of intoxicating liquor or of any controlled drug as prohibited by this chapter or 14 C.F.R. [section 91-11] **Part 91** as amended shall be guilty of a class B felony *and be subject to the same penalties as a person convicted of a violation of RSA 265:82 as specified in RSA 265:82-b, I(c). Any conviction under this section shall be reported to the department of safety, division of motor vehicles and shall become a part of the motor vehicle driving record of the person convicted.*

4 Aviation Users Advisory Board, Membership. Amend the introductory paragraph of RSA 21-L:8, I to read as follows:

I. There shall be an aviation users advisory board consisting of 7 members. All members, except the members set forth in subparagraphs (c), (d), and (g), shall hold a valid pilot's certificate at the time of appointment. The members shall be appointed by the governor, with the consent of the council, and shall include the following:

5 New Paragraphs; Fee for Certified Copies and Replacement of Lost Decal. Refund of Overpayments. Amend RSA 422:31 by inserting after paragraph VII the following new paragraphs:

VIII. The division may issue a certified copy of any certificate of registration or registration decal which may have been lost or mutilated, upon the written request of the person entitled to the certified copy and the payment of a fee of \$10.

IX. If any person tenders a payment to the division in excess of the sum lawfully due, and the overpayment is less than \$5, the department may, in its discretion, disregard the overpayment if the cost to the state to refund the overpayment would exceed the amount involved.

6 New Paragraph; Public Aircraft Exempted From Registration Fee. Amend RSA 422:32 by inserting after paragraph IV the following new paragraph:

V. A fee for the registration of public aircraft.

7 Effective Date.

I. Sections 2 and 3 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

**2003-1324s**

#### AMENDED ANALYSIS

This bill establishes implied consent to alcohol concentration testing and penalties for persons who operate or attempt to operate aircraft while under the influence of alcohol or controlled drugs. The bill also makes a technical correction to the prohibitions provision of the New Hampshire Aeronautics Act.

The bill also exempts public aircraft from registration fees and imposes a fee for a certified copy of an aircraft certificate of registration or registration decal.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 561**, repealing the Uniform Aircraft Financial Responsibility Act. Transportation Committee. Ought to Pass, Vote 3-0. Senator Flanders for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 661-FN-L**, relative to Westport Village Road in the town of Swanzey. Transportation Committee. Ought to Pass, Vote 5-0. Senator Martel for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 699-FN**, relative to abandoned vehicles. Transportation Committee. Ought to pass with amendment, Vote 5-0. Senator Kenney for the committee.

**Senate Transportation**

**May 2, 2003**

**2003-1475s**

**03/04**

**Amendment to HB 699-FN**

Amend the bill by replacing section 3 with the following:

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

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 711-FN**, relative to the regulation of retail installment sales of motor vehicles. Transportation Committee. Ought to pass with amendment, Vote 4-0. Senator Kenney for the committee.

**Senate Transportation**

**April 25, 2003**

**2003-1394s**

**06/01**

**Amendment to HB 711-FN**

Amend RSA 361-A:2-b, I(c) as inserted by section 5 of the bill by replacing it with the following:

***(c) In lieu of the requirements of subparagraph (b), licensees may submit copies of their most recent Securities and Exchange Commission 10K and 10Q statements.***

Amend the bill by replacing section 15 with the following:

15 Repeal. The following are hereby repealed:

I. RSA 361-A:1, XIV, relative to the definition of commissioner.

II. RSA 361-A:11, II, relative to an additional penalty for engaging in the business of a retail seller or sales finance company without a license.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 819**, relative to original and youth operators' licenses. Transportation Committee. Ought to Pass, Vote 4-0. Senator Flanders for the committee.

**MOTION TO TABLE**

Senator Clegg moved to have **HB 819** laid on the table.

**Adopted.**

**LAIID ON THE TABLE**

**HB 819**, relative to original and youth operators' licenses.

**HB 828-FN-A-L**, establishing a committee to study the effect of alternative transportation on state revenues. Transportation Committee. Inexpedient to Legislate, Vote 3-1. Senator Martel for the committee.

**Committee report of inexpedient to legislate is adopted.**

**HB 515**, excluding certain agreements between fish and game licensees and landowners from the right-to-know law. Wildlife and Recreation Committee. Ought to Pass, Vote 3-0. Senator Sapareto for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 529**, relative to the New Hampshire seed law. Wildlife and Recreation Committee. Ought to Pass, Vote 2-0. Senator Cohen for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 690-FN**, relative to agricultural crop damage. Wildlife and Recreation Committee. Ought to pass with amendment, Vote 4-0. Senator Cohen for the committee.

### **Wildlife and Recreation**

**April 23, 2003**

**2003-1367s**

**08/01**

### **Amendment to HB 690-FN**

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

AN ACT relative to agricultural vandalism.

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

1 New Section; Agricultural Vandalism; Penalties. Amend RSA 539 by inserting after section 8 the following new section:

539:9 Agricultural Vandalism; Penalties.

I. Whoever shall knowingly cut, fell, destroy, injure, damage, cause to be damaged, carry away, tamper with, worry, or vandalize any legal crop or legal crop bearing tree or plant, cropland, pasture, or pasture land livestock or other farm raised animals, as defined in RSA 21:34-a, and all farm buildings, enclosures, structures, or equipment used in the care and production of crops, livestock or other farm raised animals or aid in such action without permission of the owner, shall forfeit to the person injured up to 10 times the market value or repair cost.

II. A person who violates the provisions of paragraph I shall also be guilty of a class B felony if the actual loss or cost of repair is \$10,000 or more, or a misdemeanor if the actual loss or cost of repair is less than \$10,000.

2 Effective Date. This act shall take effect January 1, 2004.

### **MOTION TO TABLE**

Senator Flanders moved to have **HB 690-FN** laid on the table.

**Adopted.**

### **LAID ON THE TABLE**

**HB 690-FN**, relative to agricultural crop damage.

**HB 766**, relative to the information required for a license to carry a pistol or revolver. Wildlife and Recreation Committee. Ought to Pass, Vote 4-0. Senator Sapareto for the committee.

**Adopted.**

**Ordered to third reading.**

**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 Committee. Ought to pass with amendment, Vote 3-0. Senator Roberge for the committee.

**Wildlife and Recreation****April 30, 2003****2003-1459s****06/01****Amendment to HB 768**

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

AN ACT 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.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established 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.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the flow in the Connecticut River, its effect on Lake Francis and the Connecticut Lakes, and its effect on the dams that generate power from the flow in the river. The committee shall develop a recommendation for the minimum water level to be maintained at the Murphy Dam on Lake Francis to balance the competing needs of conservation, recreation, agriculture, and power production.

**2003-1459s****AMENDED ANALYSIS**

This bill establishes 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.

**Amendment adopted.****Question is on the adoption of the bill as amended.****Adopted.****Ordered to third reading.**

**HB 808**, relative to proof of residency and resident tax payment for receiving resident fish and game licenses. Wildlife and Recreation Committee. Ought to Pass, Vote 3-0. Senator Sapareto for the committee.

**Adopted.****Ordered to third reading.**

**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 Committee. Ought to Pass, Vote 3-0. Senator Sapareto for the committee.

Senator Flanders offered a floor amendment.

**Sen. Flanders, Dist. 7****May 8, 2003****2003-1545s****04/10****Floor Amendment to HB 811**

Amend RSA 508:21, I(c) as inserted by section 2 of the bill by replacing it with the following:

(c) "Qualified product" means a firearm or ammunition or a component part of a firearm or ammunition, or a target launcher manufactured in compliance with federal and state law, that has been shipped or transported in intrastate, interstate, or foreign commerce.

**Floor amendment adopted.****Senator Flanders moved the question.****Adopted.**

**Question is on the adoption of the bill as amended.**

**A roll call was requested by Senator Sapareto.**

**Seconded by Senator Boyce.**

**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**

**Adopted.**

**Ordered to third reading.**

### **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 123**, relative to notice given to putative fathers in adoption proceedings.

**HB 153-FN**, relative to grounds for termination of parental rights.

**HB 192**, relative to disposal of controlled drugs in possession of law enforcement officers.

**HB 195**, prohibiting all part-time district court judges and district court clerks from practicing law in the district courts.

**HB 208**, relative to name changes for inmates and parolees.

**HB 211**, relative to town clerk fee deposit requirements.

**HB 214**, relative to discovery deposition of minors in criminal cases.

**HB 215**, relative to expungement of records contained in the DNA database.

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

**HB 225**, extending the task force on deafness and hearing loss and changing the task force's membership and duties.

**HB 231**, requiring the department of education to develop a plan to address and reduce the number of persons awaiting vocational rehabilitation transition services.

**HB 269-FN**, relative to claims arising from clinical services provided to the department of health and human services.

**HB 320**, relative to permitting additional contributions in the city of Manchester employees contributory retirement system.

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

**HB 343**, establishing a boundary commission to determine the boundary between New Hampshire and Maine

**HB 368**, making technical corrections to the statutory list of dedicated funds.

**HB 379**, relative to penalties for OHRV violations by underage operators.

**HB 394**, relative to incompatible offices.

**HB 402**, relative to child passenger restraints.

**HB 423**, relative to safe deposit boxes.



**HB 477**, establishing certain speed limits.

**HB 481**, establishing a committee to study the pricing of milk products.

**HB 497**, relative to inactive status licenses.

**HB 506**, relative to health club membership initiation fees and renewal practices.

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

**HB 529**, relative to the New Hampshire seed law.

**HB 560**, relative to penalties for operating an aircraft while under the influence of alcohol or drugs and making a technical correction.

**HB 561**, repealing the Uniform Aircraft Financial Responsibility Act.

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

**HB 658-FN**, relative to impersonation of candidates.

**HB 661-FN-L**, relative to Westport Village Road in the town of Swanzey.

**HB 699-FN**, relative to abandoned vehicles.

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

**HB 766**, relative to the information required for a license to carry a pistol or revolver.

**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 770-FN-A**, establishing a committee to study using tax policy to create incentives to encourage employers to hire disabled persons.

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

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

**HCR 3**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

**HCR 5**, urging Congress to permit satellite television subscribers to select in-state broadcast signals.

### ANNOUNCEMENTS

SENATOR BELOW (RULE #44): I think that it is unfortunate that we feel the need to cut off debate when debate is in the middle of the process. I think that it is important as a deliberative party to have a chance to air the issues and talk these things out even if people already decided how they are going to vote. I think that our constituents and the public has the right to know what is on peoples minds on issues that are important as this. I actually had a floor amendment to offer. I am sorry that I didn't offer it earlier, but I didn't expect that people would be in such a rush to cut off debate. I wanted to hear every statement offered to see how it would end, but that opportunity is lost. I think that it would have been something that would have made the bill better if it had been considered, but we didn't even have the chance. I just wanted to say that I regret that and I hope that we will be perhaps, more caution in the future, about rushing to call the vote. Thank you.

Senator Kenney (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.**