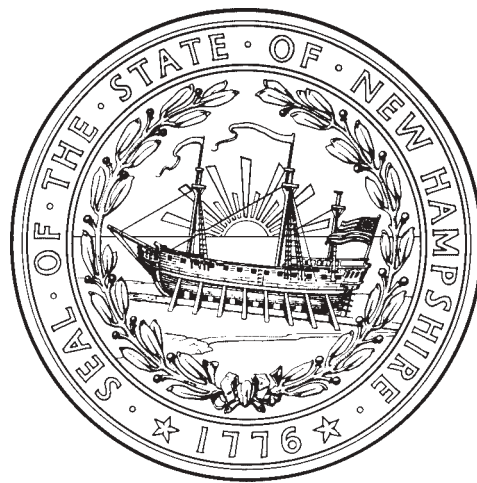


April 1, 2004
Nos. 9 - 10

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



Legislative

SENATE JOURNAL

Adjournment – March 17, 2004

Commencement – April 1, 2004

SENATE JOURNAL 9 (*Cont.*)

March 17, 2004

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 265, relative to the health care delivery system.

HB 712-FN, establishing a committee to study methods of improving data collection and service delivery relative to home and community-based long-term care services.

HB 1148, defining a wetland for the purpose of fill and dredge in wetlands and for local land use planning.

HB 1159, relative to prohibited employment for state liquor commission employees.

HB 1162, relative to school district policies on bullying.

HB 1188, relative to indoor air quality and indoor environmental standards in public schools and requiring public schools to develop a written building maintenance plan.

HB 1202, relative to third-party payment of covered services ordered by the juvenile court.

HB 1221, urging the oversight committee on telecommunications to study aspects of federal universal service funding.

HB 1241, exempting from the state employee hiring delay certain positions within the regional community-technical college system which are directly responsible for child care.

HB 1282, authorizing the commissioner of insurance and the commissioner of banking to order the payment of restitution to individuals harmed by unfair or deceptive practices of licensees.

HB 1302, relative to rental contracts or leases entered into by individuals who are subsequently called to service in the armed forces.

HB 1320, making changes in the laws relative to retail installment sales, first mortgage bankers and brokers, mortgage loan servicers, second mortgage home loans, and the regulation of small loans.

HB 1326, establishing a study committee to examine the classification of consumer and display fireworks.

HB 1329, relative to the length of time consumer credit reporting agencies retain individual credit information.

HB 1335-L, establishing a commission to examine the workers' compensation system in New Hampshire.

HB 1423-FN, relative to reimbursement of travel expenses for judges.

HB 1424-FN-A, establishing a pharmaceutical study commission to study direct purchasing of prescription medication by the state.

INTRODUCTION OF HOUSE BILLS

Clegg offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from **265-1424**, shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 265, relative to the health care delivery system. (Insurance)

HB 712-FN, establishing a committee to study methods of improving data collection and service delivery relative to home and community-based long-term care services. (Public Institutions, Health and Human Services)

HB 1148, defining a wetland for the purpose of fill and dredge in wetlands and for local land use planning. (Environment)

HB 1159, relative to prohibited employment for state liquor commission employees. (Executive Departments and Administration)

HB 1162, relative to school district policies on bullying. (Education)

HB 1188, relative to indoor air quality and indoor environmental standards in public schools and requiring public schools to develop a written building maintenance plan. (Education)

HB 1202, relative to third-party payment of covered services ordered by the juvenile court. (Insurance)

HB 1221, urging the oversight committee on telecommunications to study aspects of federal universal service funding. (Energy and Economic Development)

HB 1241, exempting from the state employee hiring delay certain positions within the regional community-technical college system which are directly responsible for child care. (Public Institutions, Health and Human Services)

HB 1282, authorizing the commissioner of insurance and the commissioner of banking to order the payment of restitution to individuals harmed by unfair or deceptive practices of licensees. (Insurance)

HB 1302, relative to rental contracts or leases entered into by individuals who are subsequently called to service in the armed forces. (Public Affairs)

HB 1320, making changes in the laws relative to retail installment sales, first mortgage bankers and brokers, mortgage loan servicers, second mortgage home loans, and the regulation of small loans. (Banks)

HB 1326, establishing a study committee to examine the classification of consumer and display fireworks. (Public Affairs)

HB 1329, relative to the length of time consumer credit reporting agencies retain individual credit information. (Banks)

HB 1335-L, establishing a commission to examine the workers' compensation system in New Hampshire. (Insurance)

HB 1423-FN, relative to reimbursement of travel expenses for judges. (Executive Departments and Administration)

HB 1424-FN-A, establishing a pharmaceutical study commission to study direct purchasing of prescription medication by the state. (Interstate Cooperation)

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill:

HB 65, relative to educational assistance for national guard members.

HB 258, relative to the regional community-technical college system and relative to the bonding of a Cannon Mountain capital appropriation.

HB 620-FN, providing various protections for parents in cases involving the guardianship of minors.

HB 1292, apportioning state representative districts.

SB 472, relative to updating the terminology in statutes affecting children with special health care needs.

SB 479, commemorating the anniversary of the founding of the United States Marine Corps.

SB 493, relative to examination standards for certified public accountants.

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:

HB 72, granting authority to impose administrative fines for the violation of certain laws or rules of the department of agriculture, markets and food.

HB 121, relative to grounds for modification of a permanent child custody order.

HB 459, relative to the taxation of manufactured housing.

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

HB 1141, relative to dioxin emissions reduction and medical waste incinerators.

HB 1154, relative to the Hanover-Lebanon district court and the Plymouth-Lincoln district court.

HB 1160, relative to the membership of the board of professional geologists.

HB 1248, relative to the state board of nursing.

HB 1260, naming the new Route 9 bridge over the Connecticut River between New Hampshire and Vermont the United States Navy Seabees Bridge.

HB 1325, relative to additional uses of the E-Z Pass system.

HB 1403, extending the reporting dates of certain study committees.

SB 519, establishing a committee to study the establishment of a farm viability program.

Senator D'Allesandro moved adoption.

Adopted.

March 23, 2004
2004-0900-EBA
06/01

Enrolled Bill Amendment to HB 1259

The Committee on Enrolled Bills to which was referred HB 1259

AN ACT relative to the medical certification required for a walking disability plate or placard.

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 1259

This enrolled bill amendment makes certain technical corrections to reflect changes made by 2003, 15.

Enrolled Bill Amendment to HB 1259

Amend RSA 261:88, III as inserted by section 1 by replacing line 3 with the following:

must be submitted every 5 years except in the case of a veteran who has been evaluated by the

Amend RSA 261:88, V as inserted by section 1 by replacing line 16 with the following:

placard shall expire 5 years from the date of issuance, and the expiration date shall be noted on the

Senator Eaton moved adoption.

Adopted.

March 17, 2004
2004-0866-EBA
08/09

Enrolled Bill Amendment to HB 464-FN

The Committee on Enrolled Bills to which was referred HB 464-FN

AN ACT establishing a criminal penalty for facilitating a drug or underage alcohol house party.

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 464-FN

This enrolled bill amendment makes a technical correction and changes the effective date to prevent a retrospective enactment.

Enrolled Bill Amendment to HB 464-FN

Amend section 1 of the bill by replacing line 2 with the following:

inserting after section 17-a the following new section:

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2005.

Senator Eaton 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 176, relative to listing candidates on ballots.

HB 559, relative to grounds for termination of employment.

HB 640-FN, relative to post-conviction DNA testing.

HB 652-FN, relative to qualified wellness or disease management programs.

HB 698-FN, relative to electronic toll collection.

HB 1134, relative to appointment of the chief justice of the supreme court.

HB 1207-FN-A, relative to a Global War on Terrorism operations service bonus payment.

HB 1226-L, establishing a debt retirement fund in the Governor Wentworth regional school district.

HB 1230, relative to abandoned deposits held by telephone utilities and relative to public interest payphones.

HB 1257-FN, relative to penalties for driving under the influence with a minor in the vehicle.

HB 1312, relative to the court's discretion to extend child support obligations.

HB 1316-FN-A, relative to the computation of tax on certain telecommunications services under the communications services tax, and establishing a committee to study the feasibility of unbundling communications services charges.

HB 1348-FN, relative to registration of business organizations.

HB 1364-FN, establishing a statutory joint committee to review and propose changes to state unclassified officers' salaries.

HB 1367, permitting the parents or legal guardian of a sexual assault victim to remain with the victim during the legal proceedings.

HB 1380-FN, relative to unauthorized video surveillance.

HB 1393, relative to the appeal of the lower court's decision in a child protection case.

HB 1394, relative to de novo appeals in certain criminal proceedings.

HB 1399-FN-A, establishing the telecommunications planning and development fund.

HB 1408-FN, relative to reporting requirements for certain nonprofit organizations, including health care charitable trusts.

HB 1411-FN-A, establishing a committee to study funding sources for the state laboratories and extending the appropriation to the department of corrections for the prison automation system.

HB 1413, relative to the creation of mandatory panels for medical injury claims and to the testimony of expert witnesses and establishing a committee to study medical malpractice insurance rates and mandatory panels for medical injury claims.

HB 1416-FN, extending the property tax exemption for wooden poles and conduits and establishing a committee to study issues related to the exemption.

HB 1417, relative to examination of persons called as jurors in civil cases.

HB 1419, relative to the dispensing of noncontrolled prescription drugs by registered nurses in certain facilities under contract with the department of health and human services.

HB 1426-FN, relative to testing for the human immunodeficiency virus.

INTRODUCTION OF HOUSE BILLS

Senator Clegg offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from **176-1426**, shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 176, relative to listing candidates on ballots. (Internal Affairs)

HB 559, relative to grounds for termination of employment. (Internal Affairs)

HB 640-FN, relative to post-conviction DNA testing. (Judiciary)

HB 652-FN, relative to qualified wellness or disease management programs. (Insurance)

HB 698-FN, relative to electronic toll collection. (Transportation)

HB 1134, relative to appointment of the chief justice of the supreme court. (Executive Departments and Administration)

HB 1207-FN-A, relative to a Global War on Terrorism operations service bonus payment. (Interstate Cooperation)

HB 1226-L, establishing a debt retirement fund in the Governor Wentworth regional school district. (Education)

HB 1230, relative to abandoned deposits held by telephone utilities and relative to public interest payphones. (Ways and Means)

HB 1257-FN, relative to penalties for driving under the influence with a minor in the vehicle. (Judiciary)

HB 1312, relative to the court's discretion to extend child support obligations. (Judiciary)

HB 1316-FN-A, relative to the computation of tax on certain telecommunications services under the communications services tax, and establishing a committee to study the feasibility of unbundling communications services charges. (Ways and Means)

HB 1348-FN, relative to registration of business organizations. (Executive Departments and Administration)

HB 1364-FN, establishing a statutory joint committee to review and propose changes to state unclassified officers' salaries. (Internal Affairs)

HB 1367, permitting the parents or legal guardian of a sexual assault victim to remain with the victim during the legal proceedings. (Judiciary)

HB 1380-FN, relative to unauthorized video surveillance. (Public Affairs)

HB 1393, relative to the appeal of the lower court's decision in a child protection case. (Judiciary)

HB 1394, relative to de novo appeals in certain criminal proceedings. (Judiciary)

HB 1399-FN-A, establishing the telecommunications planning and development fund. (Energy & Economic Development)

HB 1408-FN, relative to reporting requirements for certain nonprofit organizations, including health care charitable trusts. (Insurance)

HB 1411-FN-A, establishing a committee to study funding sources for the state laboratories and extending the appropriation to the department of corrections for the prison automation system. (Ways and Means)

HB 1413, relative to the creation of mandatory panels for medical injury claims and to the testimony of expert witnesses and establishing a committee to study medical malpractice insurance rates and mandatory panels for medical injury claims. (Judiciary)

HB 1416-FN, extending the property tax exemption for wooden poles and conduits and establishing a committee to study issues related to the exemption. (Energy & Economic Development)

HB 1417, relative to examination of persons called as jurors in civil cases. (Judiciary)

HB 1419, relative to the dispensing of noncontrolled prescription drugs by registered nurses in certain facilities under contract with the department of health and human services. (Public Institutions, Health and Human Services)

HB 1426-FN, relative to testing for the human immunodeficiency virus. (Public Institutions, Health and Human Services)

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 10

April 1, 2004

The Senate met at 10:00 a.m.

A quorum was present.

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

Lord of change, stability and wisdom, even when our seats and our lives and our calendars seem out of order, mark out the times of our lives into the segments and compartments that will keep us both up to date, and also faithful to our heritage - so that at the end of the day we may not end up looking stupid. Amen

Senator Peterson led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

HB 1416-FN, extending the property tax exemption for wooden poles and conduits and establishing a committee to study issues related to the exemption. Energy and Economic Development Committee. Inexpedient to Legislate, Vote 2-1. Senator Below for the committee.

MOTION TO TABLE

Senator Barnes moved to have **HB 1416-FN** laid on the table.

Question is on the motion to table.

A roll call was requested by Senator Barnes.

Seconded by Senator Green.

The following Senators voted Yes: Gallus, Kenney, Below, Green, Larsen, Gatsas, Barnes, Sapareto, Estabrook, Cohen.

The following Senators voted No: Johnson, Boyce, Flanders, Odell, Roberge, Peterson, O'Hearn, Martel, D'Allesandro, Morse, Prescott.

Yeas: 10 - Nays: 11

Motion failed.

Question is on the adoption of the committee report of inexpedient to legislate.

Motion failed.

Senator Odell moved ought to pass.

Adopted.

Ordered to third reading.

Senator Clegg rule #42 on HB 1416-FN.

Senator Foster rule #42 on HB 1416-FN.

HB 652-FN, relative to qualified wellness or disease management programs. Insurance Committee. Ought to pass with amendment, Vote 3-0. Senator Prescott for the committee.

Insurance

March 30, 2004

2004-0958s

01/05

Amendment to HB 652-FN

Amend the bill by replacing section 2 with the following:

2 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 730-FN-L, establishing a committee to study workers' compensation benefits for firefighters, rescue workers, and safety workers who contract certain communicable diseases. Insurance Committee. Ought to pass with amendment, Vote 3-0. Senator Cohen for the committee.

Insurance

March 25, 2004

2004-0925s

09/10

Amendment to HB 730-FN-LOCAL

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

I. The members of the committee shall be 5 members of the house of representatives, appointed by the speaker of the house.

Amend the bill by replacing section 4 with the following:

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

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 1130, relative to certain insurance agents. Insurance Committee. Ought to Pass, Vote 3-0. Senator Flanders for the committee.

Adopted.

Ordered to third reading.

Senator Sapareto rule #42 on HB 1130.

HB 1161, relative to solicitation and marketing of insurance products. Insurance Committee. Ought to pass with amendment, Vote 3-0. Senator Martel for the committee.

Insurance
March 25, 2004
2004-0926s
09/04

Amendment to HB 1161

Amend RSA 406-C:7, I as inserted by section 1 of the bill by replacing it with the following:

I. A financial institution shall, to the extent practicable, keep the area where the bank conducts transactions involving insurance products or annuities physically segregated from areas where retail deposits are routinely accepted from the general public [~~or credit transactions are conducted~~], identify the areas where insurance product or annuity sales activities occur, and clearly delineate and distinguish those areas from the areas where the bank's retail deposit-taking activities [~~or credit transactions~~] occur[; ~~provided that this section shall not apply to the sale of credit life insurance, credit accident and health insurance, mortgage life insurance and mortgage disability insurance, credit involuntary unemployment insurance, and private mortgage insurance issued under a certificate of a bank policy~~].

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 1408-FN, relative to reporting requirements for certain nonprofit organizations, including health care charitable trusts. Insurance Committee. Ought to pass with amendment, Vote 4-0. Senator Martel for the committee.

Insurance
March 30, 2004
2004-0969s
05/10

Amendment to HB 1408-FN

Amend RSA 7:28, III-a as inserted by section 1 of the bill by replacing it with the following:

III-a. Any charitable organization with a total revenue of \$500,000 or more that is required to file an Internal Revenue Service Form 990 with the attorney general shall also submit the organization's latest, audited financial report, including an audit of the organization's endowment fund, if any, as a report required pursuant to this section.

MOTION TO TABLE

Senator Martel moved to have **HB 1408-FN** laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1408-FN, relative to reporting requirements for certain nonprofit organizations, including health care charitable trusts.

HB 369, relative to the Henniker and Hillsborough district courts. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Foster for the committee.

Senate Judiciary
March 30, 2004
2004-0963s
06/09

Amendment to HB 369

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

AN ACT relative to the Henniker and Hillsborough district courts and to the Hampton and Exeter district courts.

Amend the bill by replacing all after section 5 with the following:

6 Hampton District Court. Amend RSA 502-A:1, II to read as follows:

II. ~~[HAMPTON-EXETER]~~ **Hampton** DISTRICT. The ~~[Hampton-Exeter]~~ **Hampton** district shall consist of the towns of Hampton, Hampton Falls, North Hampton, South Hampton, **and** Seabrook~~[-Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping, and Brentwood]~~. The **district** court **for the district** shall be located in ~~[a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located]~~ **Hampton, holding sessions regularly therein and elsewhere in the district as justice may require. The name of this court shall be the Hampton District Court.**

7 New Paragraph; Exeter District Court. Amend RSA 502-A:1 by inserting after paragraph II the following new paragraph:

II-a. EXETER DISTRICT. The Exeter district shall consist of the towns of Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping and Brentwood. The district court for the district shall be located in Exeter, holding sessions regularly therein and elsewhere in the district as justice may require. The name of this court shall be the Exeter District Court.

8 HAMPTON-EXETER DISTRICT. RSA 502-A:1, II is repealed and reenacted to read as follows:

II. HAMPTON-EXETER DISTRICT. The Hampton-Exeter district shall consist of the towns of Hampton, Hampton Falls, North Hampton, South Hampton, Seabrook, Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping, and Brentwood. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

9 Repeal. RSA 502-A:1, II-a, relative to the Exeter District court, is repealed.

10 Contingency. If the department of administrative services and the towns in the Hampton and Exeter districts cannot reach an agreement on acceptable courthouse facilities and funding for courthouse facilities for each district on or before June 30, 2006 sections 8 and 9 of this act shall take effect July 1, 2006. If the department of administrative services and the towns in the Hampton and Exeter districts reach an agreement on acceptable courthouse facilities and funding for courthouse facilities for each district on or before June 30, 2006, sections 8 and 9 of this act shall not take effect.

11 Effective Date.

I. Sections 3 and 4 of this act shall take effect as provided in section 5 of this act.

II. Sections 8 and 9 of this act shall take effect as provided in section 10 of this act.

III. The remainder of this act shall take effect July 1, 2004.

2004-0963s

AMENDED ANALYSIS

This bill prevents the consolidation of the Henniker district court and Hillsborough district court, if certain conditions are met regarding court facilities.

This bill also prevents the consolidation of the Hampton District court and the Exeter District court under 1992, 253, if certain conditions are met regarding court facilities.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Referred to the Finance Committee (Rule #26).

HB 403, requiring a person found not guilty of certain sexual offenses by reason of insanity to register as a criminal offender. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Sapareto for the committee.

Senate Judiciary
March 30, 2004
2004-0967s
04/09

Amendment to HB 403

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

AN ACT requiring persons who are acquitted of certain sexual assaults by reason of insanity to register as sexual offenders.

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

1 Registration of Criminal Offenders; Acquitted by Reason of Insanity. Amend the introductory paragraph of RSA 651-B:1, III to read as follows:

III. "Sexual offender" means a person who has been convicted, *or acquitted by reason of insanity* of any violation or attempted violation of:

2 Effective Date. This act shall take effect January 1, 2005.

2004-0967s

AMENDED ANALYSIS

This bill would require a person acquitted of certain sexual assaults by reason of insanity to register as a sexual offender.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 444, relative to summoning witnesses from another state in certain actions involving children. Judiciary Committee. Ought to pass with amendment, Vote 3-0. Senator Roberge for the committee.

Senate Judiciary
March 16, 2004
2004-0852s
06/01

Amendment to HB 444

Amend the bill by replacing section 4 with the following:

4 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 532, relative to notice and filing of divorce petitions. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Clegg for the committee.

Senate Judiciary
March 30, 2004
2004-0965s
05/09

Amendment to HB 532

Amend RSA 458:9, II(a)(ii) as inserted by section 1 of the bill by replacing it with the following:

(ii) Certified mail, return receipt requested, restricted delivery, mailed within 7 days of the date of filing of the petition, signed by the addressee only. The petitioner shall file the return receipt with the court as proof of service.

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 622-FN, clarifying certain exemptions from the right-to-know law. Judiciary Committee. Ought to pass with amendment, Vote 4-0. Senator Clegg for the committee.

Senate Judiciary
March 30, 2004
2004-0966s
01/09

Amendment to HB 622-FN

Amend the bill by replacing section 1 with the following:

1 Right-to-Know Law; Exemptions. Amend RSA 91-A:3, II(c)-(e) to read as follows:

(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting. ***This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.***

(d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his ***or her*** membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled. ***Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any body, board, or agency for the purposes of this subparagraph.***

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 551, relative to the effect of parental refusal to administer psychotropic drugs to their children and establishing a committee to study the prescription and use of psychotropic drugs, including Ritalin, in childcare centers, preschools, and public schools. Public Institutions, Health and Human Services Committee. Ought to pass with amendment, Vote 4-0. Senator O'Hearn for the committee.

Public Institutions, Health & Human Services
March 30, 2004
2004-0974s
05/03

Amendment to HB 551

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

AN ACT establishing a committee to study the use of prescription psychotropic drugs, including Ritalin, in childcare centers, preschools, and public schools.

Amend the bill by deleting section 1 and renumbering the original sections 2-8 to read as 1-7, respectively.

Amend the bill by replacing section 1 with the following:

1 Statement of Purpose. The general court finds that further study is needed to determine the biological or medical reasons for administering psychotropic drugs, such as Ritalin, to students in public schools, pre-schools, and childcare centers and to investigate the research documenting the medications' effects on their development, progress in school, and health.

Amend subparagraph I(b) as inserted by section 3 of the bill by replacing it with the following:

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

Amend paragraph VIII as inserted by section 4 of the bill by replacing it with the following:

VIII. Solicit information and advice from the commissioners of the departments of education and health and human services, child psychologists and psychiatrists, pediatric neurologists, early childhood specialists or child development specialists from the university of New Hampshire, Keene state college, or Plymouth state university, the New Hampshire Pediatric Society, the Parent Information Center-New Hampshire, the New Hampshire Children's Alliance, Children and Family Services, and any other organization or individual with relevant information or expertise.

2004-0974s

AMENDED ANALYSIS

This bill establishes a committee to study the use of prescription psychotropic drugs, including Ritalin, in childcare centers, preschools, and public schools.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

Senator Boyce is in opposition to the committee amendment on HB 551.

Senator Boyce is in favor of the motion of ought to pass on HB 551.

HCR 17, urging the posthumous promotion of Colonel Edward Ephraim Cross to brigadier general. Public Affairs Committee. Ought to Pass, Vote 2-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

HB 1170, establishing a committee to study access to medical records of persons with highly communicable diseases. Public Institutions, Health and Human Services Committee. Inexpedient to Legislate, Vote 3-1. Senator O'Hearn for the committee.

Committee report of inexpedient to legislate is adopted.

HB 1275-FN-A, relative to the role of the department of health and human services in juvenile proceedings. Public Institutions, Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Martel for the committee.

Adopted.

Ordered to third reading.

HB 1290, establishing a study committee to examine time limits on eligibility for Temporary Assistance for Needy Families. Public Institutions, Health and Human Services Committee. Inexpedient to Legislate, Vote 4-0. Senator Kenney for the committee.

MOTION TO TABLE

Senator Martel moved to have **HB 1290** laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1290, establishing a study committee to examine time limits on eligibility for Temporary Assistance for Needy Families.

HB 1397, relative to youth suicide prevention. Public Institutions, Health and Human Services Committee. Ought to Pass, Vote 3-0. Senator Martel for the committee.

Adopted.

Ordered to third reading.

HB 1410, relative to the release of information to persons receiving a child for placement. Public Institutions, Health and Human Services Committee. Ought to pass with amendment, Vote 4-0. Senator Estabrook for the committee.

Public Institutions, Health & Human Services
March 30, 2004
2004-0976s
05/09

Amendment to HB 1410

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

AN ACT relative to the release of information to persons receiving a child for placement and relative to the department of health and human service's disclosure of information regarding the death of a child from abuse and neglect.

Amend the bill by replacing all after section 1 with the following:

2 Commissioner of the Department of Health and Human Services; Disclosure of Information Regarding Abuse and Neglect in Child Fatality Cases. Amend RSA 126-A:5, XII(c)(3)-(10) to read as follows:

(3) The date of any report to the department of suspected abuse or neglect, ***to include any prior reports on file***, provided that the identity of the person making the report shall not be made public.

(4) The statutory basis and supporting allegations of ***any*** such report, provided that the identity of the person making the report shall not be made public.

(5) Whether [the] ***any such*** report was referred to a district office for assessment and, if so, the priority assigned by central intake.

(6) The date [the] ***any such*** report was referred to the district office for assessment.

(7) ***For each report***, the date and means by which the district office made contact with the family regarding the assessment.

(8) ***For each report***, the date and means of any collateral contact made as part of the investigation provided that the identity of an individual so contacted shall not be made public.

(9) ***For each report***, the date the assessment was completed.

(10) ***For each report***, the fact that the department's investigation resulted in a finding of either abuse or neglect and the basis for the finding.

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

2004-0976s

AMENDED ANALYSIS

This bill provides that the department of health and human services shall adopt rules requiring the department to disclose a child's social and emotional history, including physical and mental health issues, to the person with whom the child is placed.

The bill also clarifies that the department may be required to disclose information regarding all prior reports of abuse and neglect in a child fatality case.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 1426-FN, relative to testing for the human immunodeficiency virus. Public Institutions, Health and Human Services Committee. Ought to Pass, Vote 4-0. Senator Martel for the committee.

Adopted.

Ordered to third reading.

HB 1261, establishing a committee to study alternative uses for a certain rest area on the F. E. Everett turnpike. Transportation Committee. Ought to Pass, Vote 4-0. Senator Morse for the committee.

Adopted.

Ordered to third reading.

HB 440, relative to the discharge of firearms on or across highways in pursuit of wild birds or animals. Wildlife and Recreation Committee. Ought to pass with amendment, Vote 4-0. Senator Gallus for the committee.

Wildlife and Recreation

March 16, 2004

2004-0857s

10/03

Amendment to HB 440

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

AN ACT relative to prohibited methods of taking wildlife in certain fish and game laws.

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

1 Method of Taking Wildlife; Prohibition; Crossbow Added. Amend RSA 207:3-a to read as follows:

207:3-a Prohibition. It is unlawful for a person to discharge a firearm or to shoot with a bow and arrow **or crossbow and bolt** within 300 feet of a permanently occupied dwelling without permission of the owner or the occupant of the dwelling or from the owner of the land on which the person discharging the firearm or shooting the bow and arrow **or crossbow and bolt** is situated. Whoever violates the provisions of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

2 Discharging Firearm Across Highway; Bow, Crossbow Added. RSA 207:3-c is repealed and reenacted to read as follows:

207:3-c Use of Firearms, Bow, or Crossbow in or Across Highway Prohibited.

I. No person shall discharge a firearm, bow and arrow, or crossbow and bolt from within 15 feet of the traveled portion of or across any class I through V highway of the state. This section shall not apply to those persons holding a special permit pursuant to RSA 207:7-a.

II. No person shall discharge a firearm, bow and arrow, or crossbow and bolt from or across the following public highways of the state including the rights of way thereof:

(a) Route 93 from the New Hampshire/Massachusetts state line in the town of Salem to the New Hampshire/Vermont state line in the town of Littleton;

(b) Route 89 from the intersection with Route 93 in the town of Bow to the New Hampshire/Vermont state line in the town of Lebanon;

(c) Route 95 from the New Hampshire/Massachusetts state line in the town of Seabrook to the New Hampshire/Maine state line in the town of Portsmouth;

(d) Route 293 from the intersection with Route 93 in the city of Manchester to the intersection with Route 93 in the town of Hooksett;

(e) Route 393 from the intersection with North Main Street in the city of Concord to the Concord/Chichester town line;

(f) Route 202/9 from the intersection with Route 114 in the town of Henniker to the junction with Route 31 in the town of Hillsborough;

(g) Route 16, commonly known as the Spaulding Turnpike, from the intersection with Route 95 in the town of Portsmouth to the Milton/Middletown town line;

(h) Route 3, commonly known as the F.E. Everett Turnpike, from the New Hampshire/Massachusetts state line in the city of Nashua to the intersection with Route 101 in the town of Bedford;

(i) Route 101 from the intersection with Route 114 in the town of Bedford to the intersection with Route 1 in the town of Hampton.

III. Any person convicted of discharging a firearm, bow and arrow, or crossbow and bolt prohibited under the provisions of this section shall be guilty of a violation.

3 Illegal Night Hunting; Firearms; Bow and Arrow; Crossbow. Amend RSA 208:8, III(a) to read as follows:

(a) Uses or is found in the possession of a ***bow and arrow, crossbow and bolt, a muzzle-loading firearm with live ammunition components to fit, or a*** rifle, revolver, or pistol larger than .22 caliber long rifle; or

4 Effective Date. This act shall take effect January 1, 2005.

2004-0857s

AMENDED ANALYSIS

This bill adds bow and arrow, crossbow and bolt, and muzzleloaders to fish and game laws related to certain prohibited uses of firearms.

This bill also clarifies the extent of the traveled portion of highways on which the discharge of firearms, bow and arrow, and crossbow and bolt on or across highways is prohibited.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 1138, establishing a Nash Stream forest citizens committee and relative to Connecticut Lakes headwaters tract natural areas camp leases. Wildlife and Recreation Committee. Ought to Pass, Vote 4-0. Senator Cohen for the committee.

MOTION TO TABLE

Senator Larsen moved to have **HB 1138** laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1138, establishing a Nash Stream forest citizens committee and relative to Connecticut Lakes headwaters tract natural areas camp leases.

HB 1334, relative to retention of records of fish and game law violations by the fish and game department. Wildlife and Recreation Committee. Ought to Pass, Vote 4-0. Senator Sapareto for the committee.

Adopted.

Ordered to third reading.

MOTION TO TAKE OFF THE TABLE

Senator Prescott moved to have **HB 1408** taken off the table.

Adopted.

HB 1408-FN, relative to reporting requirements for certain nonprofit organizations, including health care charitable trusts.

Question is on the adoption of the committee amendment (0969).

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

MOTION TO TAKE OFF THE TABLE

Senator Johnson moved to have **HB 503** taken of the table.

Adopted.

HB 503, relative to septic system construction permits.

Question is on the adoption of the committee report of ought to pass.

Senator Peterson moved to divide the question.

The chair declared the question is non-divisible.

A roll call was requested by Senator Peterson.

Seconded by Senator Boyce.

The following Senators voted Yes: Johnson, Kenney, Below, Green, Flanders, Odell, O'Hearn, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, D'Allesandro, Estabrook, Cohen.

The following Senators voted No: Gallus, Boyce, Roberge, Peterson, Sapareto, Morse, Prescott.

Yeas: 16 - Nays: 7

Adopted.

Ordered to third reading.

MOTION TO TAKE OFF THE TABLE

Senator Peterson moved to have **HB 664-FN** taken of the table.

Adopted.

HB 664-FN, relative to the requirements for the sale of permissible fireworks and prohibiting the retail sale of certain fireworks.

Question is on the adoption of the committee report of ought to pass.

Motion failed.

Senator Roberge moved to recommit.

HB 664-FN is recommitted to the Public Affairs Committee.

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, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

LATE SESSION**Third Reading and Final Passage**

HB 403, requiring a person found not guilty of certain sexual offenses by reason of insanity to register as a criminal offender.

HB 440, relative to the discharge of firearms on or across highways in pursuit of wild birds or animals.

HB 444, relative to summoning witnesses from another state in certain actions involving children.

HB 503, relative to septic system construction permits.

HB 532, relative to notice and filing of divorce petitions.

HB 551, relative to the effect of parental refusal to administer psychotropic drugs to their children and establishing a committee to study the prescription and use of psychotropic drugs, including Ritalin, in childcare centers, preschools, and public schools.

HB 622-FN, clarifying certain exemptions from the right-to-know law.

HB 652-FN, relative to qualified wellness or disease management programs.

HB 730-FN-L, establishing a committee to study workers' compensation benefits for firefighters, rescue workers, and safety workers who contract certain communicable diseases.

HB 1130, relative to certain insurance agents.

HB 1161, relative to solicitation and marketing of insurance products.

HB 1261, establishing a committee to study alternative uses for a certain rest area on the F. E. Everett turnpike.

HB 1275-FN-A, relative to the role of the department of health and human services in juvenile proceedings.

HB 1334, relative to retention of records of fish and game law violations by the fish and game department.

HB 1397, relative to youth suicide prevention.

HB 1408-FN, relative to reporting requirements for certain nonprofit organizations, including health care charitable trusts.

HB 1410, relative to the release of information to persons receiving a child for placement.

HB 1416-FN, extending the property tax exemption for wooden poles and conduits and establishing a committee to study issues related to the exemption.

HB 1426-FN, relative to testing for the human immunodeficiency virus.

HCR 17, urging the posthumous promotion of Colonel Edward Ephraim Cross to brigadier general.

ANNOUNCEMENTS

RESOLUTION

Senator Clegg moved that the Senate recess to the Call of the Chair for the sole purpose of introducing legislation, receiving Messages, and processing Enrolled Bill Reports and Amendments, and forming Committees of Conference.

Adopted.

In recess to the Call of the Chair.