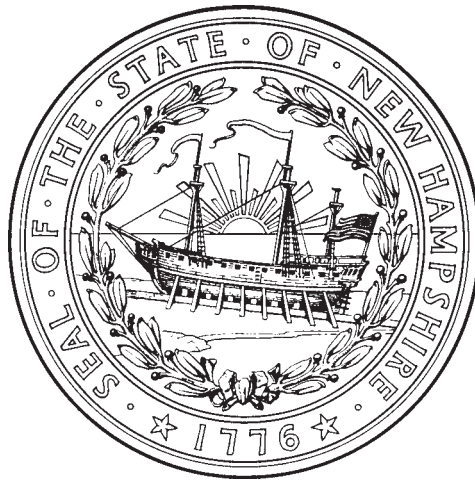


April 28, 2005
Nos. 14 - 15

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – APRIL 21, 2005 SESSION
COMMENCEMENT – APRIL 28, 2005 SESSION

SENATE JOURNAL 14 (*Cont.*)

April 21, 2005

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 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006, and June 30, 2007.

HB 2-FN-A, relative to state fees, funds, revenue and expenditures.

HB 535-FN-A, increasing the tobacco tax.

INTRODUCTION OF HOUSE BILL(S)

Senator Flanders offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from HB 1-535, 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 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006, and June 30, 2007. Finance

HB 2-FN-A, relative to state fees, funds, revenue and expenditures. Finance

HB 535-FN-A, increasing the tobacco tax. Ways and Means

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 60-FN-A, relative to reimbursement of legal fees of the commissioner of the department of administrative services and making an appropriation therefor.

HB 69, relative to large groundwater withdrawals.

HB 145, relative to the healthy kids corporation.

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor.

HB 517, establishing a committee to study certain issues relative to construction and demolition waste and establishing a moratorium on the incineration of any construction and demolition waste.

HB 539-FN-A-L, relative to land and community heritage investment program administration.

HB 542, making technical corrections to the uniform trust code.

INTRODUCTION OF HOUSE BILL(S)

Senator Flanders offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from HB 60-542, 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 60-FN-A, relative to reimbursement of legal fees of the commissioner of the department of administrative services and making an appropriation therefor. Finance

HB 69, relative to large groundwater withdrawals. Energy and Economic Development

HB 145, relative to the healthy kids corporation. Finance

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor. Finance

HB 517, establishing a committee to study certain issues relative to construction and demolition waste and establishing a moratorium on the incineration of any construction and demolition waste. Energy and Economic Development.

HB 539-FN-A-L, relative to land and community heritage investment program administration. Finance

HB 542, making technical corrections to the uniform trust code. Banks and Insurance

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 15

April 28, 2005

The Senate met at 10:00 a.m.

A quorum was present.

Senator Larsen led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

HB 38, relative to theft of personal checks and credit cards. Banks and Insurance Committee. Ought to Pass, Vote 4-0. Senator Gottesman for the committee.

Adopted.

Ordered to third reading.

HB 42, establishing a statutory joint committee to review and propose changes to state unclassified officers' salaries. Banks and Insurance Committee. Inexpedient to Legislate, Vote 3-1. Senator Gottesman for the committee.

Committee report of inexpedient to legislate is adopted.

HB 499, relative to participation in and administration of the Manchester employees' contributory retirement system. Banks and Insurance Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

HB 521, relative to medical insurance coverage for members of the Manchester employees' contributory retirement system. Banks and Insurance Committee. Ought to Pass, Vote 4-0. Senator Roberge for the committee.

Adopted.

Ordered to third reading.

Senator Gatsas rule #42 on HB 521.

HB 546, relative to the status of the board of trustees of the retirement system. Banks and Insurance Committee. Ought to Pass, Vote 4-0. Senator Flanders for the committee.

Adopted.

Ordered to third reading.

HB 447-FN, relative to black bear license and tag fees. Environment and Wildlife Committee. Ought to pass with amendment, Vote 5-0. Senator Gallus for the committee.

Environment and Wildlife

April 20, 2005

2005-1210s

10/04

Amendment to HB 447-FN

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2006.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 449-FN, relative to special wild turkey seasons and permits. Environment and Wildlife Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

HB 114, relative to the regulation of pharmacists and pharmacy technicians by the pharmacy board. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Flanders for the committee.

Senator Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

Sen. Martel, Dist. 18

April 28, 2005

2005-1286s

01/09

Floor Amendment to HB 114

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

AN ACT relative to the regulation of pharmacists and pharmacy technicians by the pharmacy board and establishing the New Hampshire Rx plus program for prescription drugs.

Amend the bill by replacing all after section 13 with the following:

14 Statement of Purpose. The general court recognizes that New Hampshire's lower-income uninsured residents pay too much for prescription medication. The general court recognizes that it is difficult or impossible for lower-income residents who do not have insurance to pay for medications and that this results in poorer health, higher medical costs, and increased reliance on medicaid. Therefore, to reduce current and future medicaid expenditures and improve the health of New Hampshire's population, the general court hereby creates the New Hampshire Rx plus program which will allow lower-income uninsured persons the opportunity to buy prescription drugs at discount prices.

15 New Chapter; New Hampshire Rx Plus Program for Prescription Drugs. Amend RSA by inserting after chapter 161-J the following new chapter:

CHAPTER 161-K**NEW HAMPSHIRE RX PLUS PROGRAM**

161-K:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Department" means the department of health and human services.

161-K:2 New Hampshire Rx Plus Program Established. The department shall establish the New Hampshire Rx plus program for prescription drugs. The New Hampshire Rx plus program shall be available to individuals and families with incomes of not more than 350 percent of the federal poverty level that either lack insurance coverage for prescription medications or that have reached the limits of their prescription medication insurance coverage. Benefits shall include the right to purchase prescription medications included on the medicaid preferred drug list from participating pharmacies at average wholesale prices less 10 percent. The department shall negotiate medicaid level or greater rebates with manufacturers for all products available to Rx plus beneficiaries. Rx plus discount prices shall be based on average wholesale price (AWP) less 10 percent and medicaid level or greater rebates voluntarily received from manufacturers on prescription medications purchased by Rx plus beneficiaries less dispensing fees and the department's administrative costs relating to Rx plus. If the department contracts with a commercial organization to manage the Rx plus rebate negotiations, the contract shall provide that the organization shall not retain rebate moneys.

161-K:3 Rx Plus Fund Established. There is hereby established in the office of the state treasurer a fund to be known as the Rx plus fund. All payments of discounts received by the department as a result of purchases by Rx plus beneficiaries, appropriations to the fund, and interest on the fund shall be deposited in the fund. Moneys in this fund shall be nonlapsing and continually appropriated to the department and may be expended on administrative costs, including contracted services, and reimbursement for pharmacist dispensing fees relating to the Rx plus program and to lower the discount prices available to Rx plus beneficiaries. The department may also reserve moneys in the fund to limit fluctuations in discount prices.

161-K:4 Contracts. The department may enter into contracts relating to this chapter, including contracts relating to program outreach, eligibility determinations, including self-declaration of income as a cost-saving measure, administration, and price and discount negotiations, and recovery. No such contracts shall permit a contractor to receive compensation or other benefit from any pharmaceutical industry entity unless the terms of such compensation or benefits and potential conflicts of interest are disclosed to the department. Such contracts shall guarantee patient confidentiality as to any records shared between the department, contractors, drug industry entities, and pharmacies.

161-K:5 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application process.

II. Rx plus discount prices pursuant to RSA 161-K:2.

III. The administration of the Rx plus fund established in RSA 161-K:3.

IV. The contracting process, including confidentiality procedures, under RSA 161-K:4.

16 New Subparagraph; Rx plus Fund. Amend RSA 6:12, I by inserting after subparagraph (234) the following new subparagraph:

(235) Moneys deposited in the Rx plus fund pursuant to RSA 161-K:3.

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

2005-1286s

AMENDED ANALYSIS

This bill makes various changes to the regulation by the pharmacy board of pharmacists, pharmacy technicians, and the issuing of prescriptions.

This bill also establishes the New Hampshire Rx plus program for prescription drugs. Under this bill, individuals and families with incomes of not more than 350 percent of the federal poverty level that lack insurance coverage or that have reached the limits of their insurance coverage would be eligible for the program. The bill grants rulemaking authority to the commissioner of the department of health and human services for the purposes of the program.

Floor amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Referred to the Finance Committee (Rule #26).

HB 420, relative to receiving and addressing complaints against licensees by the board of mental health practice. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Kenney for the committee.

Adopted.

Ordered to third reading.

Senator Foster rule #42 on HB 420.

HB 481, establishing a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, RSA 171-B, and RSA 623:1. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Hassan for the committee.

Senate Executive Departments and Administration

April 20, 2005

2005-1214s

01/10

Amendment to HB 481

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

AN ACT establishing a committee to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, RSA 171-B, and RSA 623:1.

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

1 Committee Established. There is established a committee to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, RSA 171-B, and RSA 623:1.

2 Membership and Compensation.

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

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

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

II. The committee shall solicit information from any other source the committee deems relevant.

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

3 Duties. The committee shall study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, RSA 171-B, and RSA 623:1. The committee shall also examine the issue of federal reimbursement for the secure psychiatric unit.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2005.

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

2005-1214s

AMENDED ANALYSIS

This bill establishes a committee to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, RSA 171-B, and RSA 623:1.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 532, relative to the licensure of dentists by the board of dental examiners. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Kenney for the committee.

Adopted.

Ordered to third reading.

HB 71-FN-A-L, relative to funding of the school building aid program for the 2005 fiscal year and making an appropriation therefor. Finance Committee. Ought to Pass, Vote 6-0. Senator Larsen for the committee.

The question is on the motion of ought to pass.

A roll call was requested by Senator Barnes.

Seconded by Senator Kenney.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Burling, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Letourneau, D'Allesandro, Estabrook, Morse, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Ordered to third reading.

HB 56, relative to food safety in restaurants. Health and Human Services Committee. Inexpedient to Legislate, Vote 3-1. Senator Gallus for the committee.

MOTION TO TABLE

Senator Gallus moved to have HB 56 laid on the table.

The question is on the motion to table.

A roll call was requested by Senator Fuller Clark.

Seconded by Senator Estabrook.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Flanders, Odell, Roberge, Eaton, Bragdon, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.

The following Senators voted No: Burling, Green, Gottesman, Foster, Larsen, D'Allesandro, Estabrook, Hassan, Fuller Clark.

Yeas: 15 - Nays: 9

Adopted.

LAIID ON THE TABLE

HB 56, relative to food safety in restaurants.

HB 472, relative to the definition of recreational program. Health and Human Services Committee. Ought to pass with amendment, Vote 4-0. Senator Martel for the committee.

Health and Human Services

April 21, 2005

2005-1219s

05/01

Amendment to HB 472

Amend RSA 170-E:2, XI-a (b) as inserted by section 1 of the bill by replacing it with the following:

(b) A school or religious group, the Boys and Girls Clubs of America, Girls, Incorporated, the YMCA, or the YWCA, provided that the program does not operate in a private home, notifies parents or guardians that the program is not subject to licensure under RSA 170-E:4, has policies and procedures to address the filing of grievances by parents and guardians, and is a member in good standing and in compliance with the national organization's minimum standards and procedures.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 32, establishing a committee to study the feasibility of implementing the Second Chance drug rehabilitation program in the New Hampshire prison system. Internal Affairs Committee. Inexpedient to Legislate, Vote 5-0. Senator Boyce for the committee.

Committee report of inexpedient to legislate is adopted.

HB 144, relative to special elections for municipal charter amendments. Internal Affairs Committee. Ought to Pass, Vote 5-0. Senator Bragdon for the committee.

Adopted.

Ordered to third reading.

HB 382, establishing a committee to develop a strategic capital plan for department of corrections' facilities. Internal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Hassan for the committee.

Internal Affairs

April 21, 2005

2005-1222s

09/10

Amendment to HB 382

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

1 New Section; Department of Corrections; Strategic Capital Plan Committee. Amend RSA 21-H by inserting after section 14 the following new section:

21-H:14-a Strategic Capital Plan Committee.

I. There is established a committee to develop a strategic capital plan for department of corrections' facilities.

II.(a) The members of the committee shall be seven members of the house of representatives, at least one of whom shall be a member of the criminal justice and public safety committee, at least one of whom shall be a member of the public works and highways committee, and at least one of whom shall be a member of the finance committee, appointed by the speaker of the house of representatives.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee. The terms of members of the committee shall be coterminous with their terms of office as members of the house of representatives.

III. The committee shall develop a strategic capital plan for all department of corrections' facilities. The committee's duties shall include, but not be limited to, considering:

(a) The suitability of current structures and facilities used by the state for incarceration and rehabilitation of offenders.

(b) Acquiring a suitable site for a women's prison or a new prison complex. Such a complex would involve the centralization of resources and maximize efficiency in the coordination of services to women inmates. The committee should also consider the demographics of Goffstown's older population in particular and the lack of bed space. The committee should decide whether to provide the opportunity to partner with the counties and the federal government to accept their inmates in any new women's prison facility.

(c) Consolidation of certain facilities to create a more efficient delivery of services.

(d) Whether the secure psychiatric unit should continue to be a part of the department of corrections' responsibilities.

(e) The addition of 500 beds in the northern correctional facility and what effect that might have on the corrections system.

(f) Whether the department of corrections should enter into a contract to house offenders from other states.

IV. The members of the 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. Four members of the committee shall constitute a quorum.

V. The committee shall make reports on or before November 1 of each year beginning with November 1, 2005 of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the house clerk, the governor, and the state library.

2 Repeal. RSA 21-H:14-a, relative to the strategic capital plan committee, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2011.

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

Amendment adopted.

Senator Hassan offered a floor amendment.

Sen. Hassan, Dist. 23

April 28, 2005

2005-1284s

10/01

Floor Amendment to HB 382

Amend RSA 21-H:14-a, II as inserted by section 1 of the bill by replacing it with the following:

II.(a) The members of the committee shall be as follows:

(1) Five members of the house of representatives, at least one of whom shall be a member of the criminal justice and public safety committee, at least one of whom shall be a member of the public works and highways committee, and at least one of whom shall be a member of the finance committee, appointed by the speaker of the house of representatives.

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

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee. The terms of members of the committee shall be coterminous with their terms of office.

Amend RSA 21-H:14-a, IV and V as inserted by section 1 of the bill by replacing them with the following:

IV. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The committee shall make reports on or before November 1 of each year beginning with November 1, 2005 of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

Floor amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 46-FN, relative to penalties for first-time DWI offenders. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Clegg for the committee.

Committee report of inexpedient to legislate is adopted.

HB 112, relative to psychiatric evaluations in competency hearings. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Foster for the committee.

Senate Judiciary

April 19, 2005

2005-1197s

09/01

Amendment to HB 112

Amend RSA 135-C:17-a, VI as inserted by section 2 of the bill by replacing it with the following:

VI. If the person is ordered to be involuntarily committed following proceedings pursuant to RSA 135-C or RSA 171-B, the court may, upon motion of the attorney general or county attorney at any time during the period of the involuntary commitment and before expiration of the limitations period applicable to the underlying criminal offense, order a further competency evaluation, to be conducted as prescribed in paragraph III. Such further competency evaluations may be ordered if the court finds that there is a reasonable basis to believe that the person's condition has changed such that competency to stand trial may have been affected. During proceedings authorized by this paragraph, the person is entitled to the assistance of counsel, including appointed counsel under RSA 135-C:22.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 147, relative to the death penalty. Judiciary Committee. Ought to Pass, Vote 4-1. Senator Clegg for the committee.

The question is on the motion of ought to pass.

A roll call was requested by Senator Barnes.

Seconded by Senator Letourneau.

The following Senators voted Yes: Gallus, Burling, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Clegg, Larsen, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Johnson, Kenney, Boyce, Gatsas, Barnes, Martel, Letourneau, Morse.

Yeas: 16 - Nays: 8

Adopted.

Ordered to third reading.

HB 280, relative to the manner of service in divorce and child custody proceedings. Judiciary Committee. Ought to pass with amendment, Vote 4-0. Senator Gottesman for the committee.

Senate Judiciary

April 20, 2005

2005-1208s

09/01

Amendment to HB 280

Amend the bill by replacing section 2 with the following:

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

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

HB 299, establishing a committee to study state laws governing liens for labor and materials. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Foster for the committee.

Adopted.

Ordered to third reading.

HB 239-FN, relative to registration of shampoo assistants by the board of barbering, cosmetology and esthetics. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Roberge for the committee.

MOTION TO TABLE

Senator Roberge moved to have HB 239-FN laid on the table.

Adopted.

LAI D ON THE TABLE

HB 239-FN, relative to registration of shampoo assistants by the board of barbering, cosmetology and esthetics.

HB 265, relative to minutes of land use board meetings involving developments of regional impact. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Larsen for the committee.

Adopted.

Ordered to third reading.

HCR 11, establishing joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court. Rules and Enrolled Bills Committee. Ought to Pass, Vote 5-0. Senator Gottesman for the committee.

The question is on the motion of ought to pass.

A roll call was requested by Senator Green.

Seconded by Senator Burling.

The following Senators voted Yes: Johnson, Kenney, Boyce, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Clegg, Larsen, Barnes, Martel, Letourneau, D'Allesandro, Estabrook, Morse, Hassan.

The following Senators voted No: Gallus, Burling, Green, Gatsas, Fuller Clark.

Yeas: 19 - Nays: 5

Adopted.

Ordered to third reading.

HB 440, relative to hearing ear dogs, guide dogs, and service dogs. Environment and Wildlife Committee. Ought to pass with amendment, Vote 5-0. Senator Barnes for the committee.

Environment and Wildlife

April 20, 2005

2005-1209s

01/10

Amendment to HB 440

Amend the bill by replacing section 3 with the following:

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

Amendment adopted.

Senator Barnes offered a floor amendment.

Sen. Barnes, Dist. 17

April 26, 2005

2005-1253s

01/09

Floor Amendment to HB 440

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 Statement of Purpose. The general court recognizes the importance of trained service dogs to the persons who need such animals. The general court hereby establishes this act in honor of "Fen" who was attacked by another dog and so traumatized that "Fen" could no longer perform service duties and had to be retired from service.

Floor amendment adopted.

Senator Hassan offered a floor amendment.

Sen. Roberge, Dist. 9

Sen. Hassan, Dist. 23

Sen. Barnes, Dist. 17

April 28, 2005

2005-1289s

01/09

Floor Amendment to HB 440

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

1 Statement of Purpose. The general court recognizes the importance of trained service dogs to the persons who need such animals. The general court hereby establishes this act in honor of "Fen" who was attacked by another dog and so traumatized that "Fen" could no longer perform service duties and had to be retired from service.

2 New Paragraph; Prohibited Acts. Amend RSA 167-D:7 by inserting after paragraph II the following new paragraph:

III. It is unlawful for any person to willfully interfere or attempt to interfere with a service dog, as defined in RSA 167-D:1, IX.

3 Penalty. Amend RSA 167-D:9 to read as follows:

167-D:9 Penalty.

I. Any person violating any provision of this chapter shall be guilty of a misdemeanor.

II. Any person who purposely tortures, beats, kicks, strikes, mutilates, injures, or disables a service dog, or who purposely causes the death of a service dog shall be guilty of a class A misdemeanor.

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

Floor amendment adopted.

The question is on the adoption of the bill as amended.

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, 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 38, relative to theft of personal checks and credit cards.

HB 71-FN-A-L, relative to funding of the school building aid program for the 2005 fiscal year and making an appropriation therefor.

HB 112, relative to psychiatric evaluations in competency hearings.

HB 144, relative to special elections for municipal charter amendments.

HB 147, relative to the death penalty.

HB 265, relative to minutes of land use board meetings involving developments of regional impact.

HB 280, relative to the manner of service in divorce and child custody proceedings.

HB 299, establishing a committee to study state laws governing liens for labor and materials.

HB 382, establishing a committee to develop a strategic capital plan for department of corrections' facilities.

HB 420, relative to receiving and addressing complaints against licensees by the board of mental health practice.

HB 440, relative to hearing ear dogs, guide dogs, and service dogs.

HB 447-FN, relative to black bear license and tag fees.

HB 449-FN, relative to special wild turkey seasons and permits.

HB 472, relative to the definition of recreational program.

HB 481, establishing a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, RSA 171-B, and RSA 623:1.

HB 499, relative to participation in and administration of the Manchester employees' contributory retirement system.

HB 521, relative to medical insurance coverage for members of the Manchester employees' contributory retirement system.

HB 532, relative to the licensure of dentists by the board of dental examiners.

HB 546, relative to the status of the board of trustees of the retirement system.

HCR 11, establishing joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court.

ANNOUNCEMENTS

RESOLUTION

Senator Clegg moved that the Senate recess to the Call of the Chair for the sole purpose of introducing legislation, sending and receiving messages, and processing enrolled bill reports.

Adopted.

In recess to the Call of the Chair.