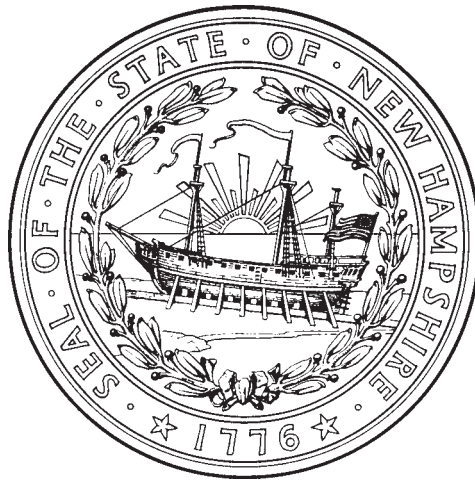


May 12, 2005
Nos. 16 - 17

STATE OF NEW HAMPSHIRE

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



Legislative

SENATE JOURNAL

ADJOURNMENT – MAY 5, 2005 SESSION
COMMENCEMENT – MAY 12, 2005 SESSION

SENATE JOURNAL 16 (*Cont.*)

May 5, 2005

HOUSE MESSAGE

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

SB 41, relative to penalties for certain OHRV violations.

SB 49-FN, including multiple sclerosis in the catastrophic illness program.

SB 55, relative to the New Hampshire film and television commission and state promotional initiatives.

SB 59, relative to the general powers and duties of guardianship.

SB 60, clarifying probate court procedures in cases involving the Uniform Transfers to Minors Act.

SB 98-FN, relative to issuing duplicate registrations for off highway recreational vehicles.

SB 106-FN, making unauthorized recording in a motion picture theater a crime.

SB 112-FN, establishing a committee to study viatical settlements.

SB 126, establishing a committee to study the appeals process in cases between landlords and tenants.

SB 171, establishing a committee to study HIV/AIDS service delivery.

SB 182-FN, relative to electronic issuance of warrants.

SB 226, relative to the regulation of snowmobiles and off highway recreational vehicles.

SCR 4, a resolution supporting federal funding for Lyme disease research.

HOUSE MESSAGE

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

HB 86, relative to property held in police department property rooms.

HB 97, relative to replacing school budget committee members.

HB 263, relative to the use of design build and construction management methods for state capital projects.

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

HB 303-FN, relative to the fire standards and training commission.

HB 401-FN-A, making an appropriation to the Seacoast Shipyard Association.

HB 469, regulating disputes between homeowners and contractors relative to residential construction defects.

HB 512, expanding the study committee on property tax relief to include reverse mortgages.

HOUSE MESSAGE

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

SB 99-FN, relative to the penalty for failure to file a property inventory form.

SB 101-FN, relative to developmentally disabled services for persons under 21 years of age.

SB 102-FN, limiting liability for failure to arrest persons under 21 years of age illegally transporting alcoholic beverages.

SB 119, establishing a committee to study exempting acute care rehabilitation from the nursing home moratorium.

SB 183, authorizing licensed medical adult day program facilities to assist clients with medication.

SB 195, relative to the effective date of the law requiring the elimination of certain substances from gasoline supplies and removing a certain requirement relative to opting out of the reformulated gasoline program.

HOUSE MESSAGE

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

SB 27-FN, relative to an exemption from the annual inspection of health facilities.

SB 42, establishing a pharmaceutical study committee to study direct purchasing of prescription medication by the state.

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 617-FN, establishing a commission to study the future role of court reporters in New Hampshire's court system.

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 617, 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 617-FN, establishing a commission to study the future role of court reporters in New Hampshire's court system. Internal Affairs

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 691-FN-L, relative to the medicaid program.

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 691, 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 691-FN-L, relative to the medicaid program. Health and Human Services

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):

SB 138-L, relative to motor vehicle liability for municipal workers.

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 401-FN-A, making an appropriation to the Seacoast Shipyard Association.

SB 112-FN, establishing a committee to study viatical settlements.

SB 126, establishing a committee to study the appeals process in cases between landlords and tenants.

SB 171, establishing a committee to study HIV/AIDS service delivery.

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 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 144-L, 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 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.

Senator D'Allesandro moved adoption.

Adopted.

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 17

May 12, 2005

The Senate met at 10:00 a.m.

A quorum was present.

The Reverend Heath Howe Civetta, Co-Rector of Saint Paul's Episcopal church in Concord, guest chaplain to the Senate, offered the prayer.

Let us pray: Loving God, we thank You for this day. We thank You for opening us up to see Your work in the world about us and whom we live, and move, and having being. We thank You for waking us up. For bringing us here full of wonder, curiosity, boredom, relaxation, duty, responsibility. Whatever it is that drives us,

we thank You. For it has caused us to wake up and to be here. And once awakened, we might begin to see that the transcendent in the ordinary happens, and we might recognize that the dullest circumstances may unexpectedly be shot through with fire. May we not miss it. Amen

Senator Martel led the Pledge of Allegiance.

Senators Bragdon and D'Allesandro are excused for the day.

INTRODUCTION OF GUESTS SUSPENSION OF THE RULES

Senator Kenney moved that the rules of the New Hampshire Senate be so far suspended as to permit HB 582 to be vacated from the Committee on Executive Departments and Administration to the Committee on Energy and Economic Development after a hearing has been held.

Adopted by the necessary 2/3 vote.

HB 582, relative to the policy for records management is vacated to the Energy and Economic Development Committee.

COMMITTEE REPORTS

HB 342, establishing a commission to study the barriers to the establishment of all-terrain vehicle trails on public and private lands. Environment and Wildlife Committee. Inexpedient to Legislate, Vote 4-1. Senator Gallus for the committee.

Committee report of inexpedient to legislate is adopted.

HB 343, establishing a commission to study accessibility for New Hampshire citizens to the water bodies in the state. Environment and Wildlife Committee. Inexpedient to Legislate, Vote 5-0. Senator Johnson for the committee.

The question is on the committee report of inexpedient to legislate.

A division vote was requested.

Yeas: 14 - Nays: 6

Committee report of inexpedient to legislate is adopted.

Senator Foster rule #42 on HB 343.

HB 430-FN-A, establishing a one-day resident fishing license. Environment and Wildlife Committee. Ought to pass with amendment, Vote 5-0. Senator Gallus for the committee.

Environment and Wildlife

May 4, 2005

2005-1338s

10/04

Amendment to HB 430-FN-A

Amend RSA 214:9, II-b as inserted by section 1 of the bill by replacing it with the following:

II-b. If the applicant is a resident of this state and wishes to fish for one day, \$8, and the agent shall thereupon issue a one-day resident fishing license, which shall entitle the licensee to kill, take, and transport all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids, for said time only, under the restrictions of this title.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 477-FN, increasing registration fees for pesticides and commercial feeds. Environment and Wildlife Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

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 Committee. Ought to Pass, Vote 4-1. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

HB 206, relative to alcohol education and abuse prevention and treatment programs. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Martel for the committee.

Adopted.

Ordered to third reading.

HB 220, establishing a committee to study the ability of homeless youth in New Hampshire to make a successful transition to adulthood. Health and Human Services Committee. Ought to pass with amendment, Vote 5-0. Senator Martel for the committee.

Health and Human Services

May 3, 2005

2005-1328s

05/10

Amendment to HB 220

Amend the bill by replacing section 6 with the following:

6 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, 2006. The report shall include, to the extent practicable, the estimated cost of both implementing and not implementing the committee's recommendations.

MOTION TO TABLE

Senator Martel moved to have HB 220 laid on the table.

Adopted.

LAIID ON THE TABLE

HB 220, establishing a committee to study the ability of homeless youth in New Hampshire to make a successful transition to adulthood.

HB 259, relative to medical assistance for home care for children with severe disabilities. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Martel for the committee.

Adopted.

Ordered to third reading.

HB 488, establishing a task force on mental health costs. Health and Human Services Committee. Inexpedient to Legislate, Vote 3-2. Senator Kenney for the committee.

Committee report of inexpedient to legislate is adopted.

HB 47, regulating the use of computer spyware. Internal Affairs Committee. Ought to pass with amendment, Vote 6-0. Senator Boyce for the committee.

Internal Affairs

May 5, 2005

2005-1355s

05/03

Amendment to HB 47

Amend RSA 359-G:1, IV(b)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) Software or data that solely report to an Internet website information stored by the Internet website on the user's computer, including cookies, HTML code, or Java Scripts; or

Amend RSA 359-G:1, V(c) as inserted by section 1 of the bill by replacing it with the following:

(c) A user's personal information, including:

- (1) A first and last name of a user, whether given at birth or adoption, assumed, or legally changed.
- (2) Any of the following with respect to a user's home or other physical address: the street name, the name of the city or town, or the zip code.
- (3) An electronic mail address.
- (4) A telephone number.
- (5) A Social Security number.
- (6) Any personal identification number.
- (7) A credit or debit card number.
- (8) Any access code associated with a credit or debit card.
- (9) A date of birth, birth certificate number, or place of birth.
- (10) A password or access code.
- (11) A bank account number.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

HB 230-L, relative to default budgets. Internal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Boyce for the committee.

Internal Affairs

May 5, 2005

2005-1356s

08/01

Amendment to HB 230-LOCAL

Amend the introductory paragraph of RSA 40:13, IX(b) as inserted by section 1 of the bill by replacing it with the following:

(b) "Default budget" as used in this subdivision means the amount of the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased by:

Amend RSA 40:13, IX(b)(2)-(3) as inserted by section 1 of the bill by replacing it with the following:

- (2) Obligations required by contracts.
- (3) Continuing obligations incurred by approved warrant articles.

2005-1356s

AMENDED ANALYSIS

This bill includes, in the calculation of a default budget amount, obligations incurred by approved warrant articles and contractual obligations.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 311-L, enabling towns to establish revolving funds for certain purposes. Internal Affairs Committee. Ought to Pass, Vote 6-0. Senator Flanders for the committee.

Adopted.

Ordered to third reading.

HB 408, relative to the sale of town-owned land. Internal Affairs Committee. Ought to Pass, Vote 5-0. Senator Flanders for the committee.

Adopted.

Ordered to third reading.

HB 255, establishing a committee to study the pricing of milk. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Roberge for the committee.

Public and Municipal Affairs

May 4, 2005

2005-1347s

08/09

Amendment to HB 255

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

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

Amend the bill by replacing section 4 with the following:

4 Chairperson. 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 house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 152-FN, establishing a commission to study the uses of biodiesel for home heating and vehicular transportation. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 3-2. Senator Flanders for the committee.

Transportation and Interstate Cooperation

May 4, 2005

2005-1342s

03/09

Amendment to HB 152-FN

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

AN ACT establishing a committee to study the uses of biodiesel for home heating and vehicular transportation.

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

1 Committee Established. There is established a committee to study the uses of biodiesel for home heating and vehicular transportation.

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

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

3 Duties. The committee shall study the uses of biodiesel as a renewable source of energy for home heating and vehicular transportation. The committee is authorized to request information and testimony from any person designated by the committee.

4 Chairperson; Quorum. 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.

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.

2005-1342s

AMENDED ANALYSIS

This bill establishes a committee to study the uses of biodiesel for home heating and vehicular transportation.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 202, directing the commissioner of the department of environmental services to review options for reducing diesel engine exhaust emissions. Transportation and Interstate Cooperation Committee. Inexpedient to Legislate, Vote 5-0. Senator Martel for the committee.

Committee report of inexpedient to legislate is adopted.

MOTION TO REMOVE FROM THE TABLE

Senator Larsen moved to take HB 313 off the table.

Adopted.

HB 313-FN, relative to registration of business entities. Executive Departments and Administration Committee. Ought to pass.

Senator Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

May 12, 2005

2005-1416s

01/09

Floor Amendment to HB 313-FN

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

AN ACT relative to the Timothy and Abigail B. Walker Lecture Fund.

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

1 The Timothy and Abigail B. Walker Lecture Fund; Purposes. Amend 1893, 242:2 to read as follows:

Sect 2. Said corporation is hereby empowered to receive from the administrator with the will annexed of Abigail B. Walker, late of Concord, the legacy given to the grantees of this corporation as trustees to constitute a fund to be called The Timothy and Abigail B. Walker Lecture Fund, and to hold the same and apply the income thereof to the charitable purposes declared in the said will,—that is to say, to the procurement of free courses of lectures upon subjects of history, literature, art, or science, **and free dramatic, musical, literary, historical, and other cultural events**, to be given in Concord, the native city of Timothy Walker and the lifelong residence of Abigail B. Walker; and no bond shall be required of said corporation.

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

2005-1416s

AMENDED ANALYSIS

This bill adds to the charitable purposes for which the Timothy and Abigail B. Walker Fund may be used to include free dramatic, musical, literary, historical, and other cultural events.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 57, establishing a commission to study ways to alleviate medical malpractice premiums for high risk specialties.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 57, establishing a commission to study ways to alleviate medical malpractice premiums for high risk specialties.

Senator Kenney moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 227, naming a certain bridge in the town of Enfield the Henry P. Brown, M.D. Bridge, renaming the White Mountain Attraction Building as the Dick Hamilton Building, and renaming the Twin Mountain Bridge as the Kenneth B. Jordan Memorial Bridge.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 227, naming a certain bridge in the town of Enfield the Henry P. Brown, M.D. Bridge, renaming the White Mountain Attraction Building as the Dick Hamilton Building, and renaming the Twin Mountain Bridge as the Kenneth B. Jordan Memorial Bridge.

Senator Letourneau moved to concur.

Adopted.

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

HB 152-FN, establishing a commission to study the uses of biodiesel for home heating and vehicular transportation.

HB 206, relative to alcohol education and abuse prevention and treatment programs.

HB 230-L, relative to default budgets.

HB 255, establishing a committee to study the pricing of milk.

HB 259, relative to medical assistance for home care for children with severe disabilities.

HB 311-L, enabling towns to establish revolving funds for certain purposes.

HB 313-FN, relative to registration of business entities.

HB 408, relative to the sale of town-owned land.

HB 430-FN-A, establishing a one-day resident fishing license.

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.