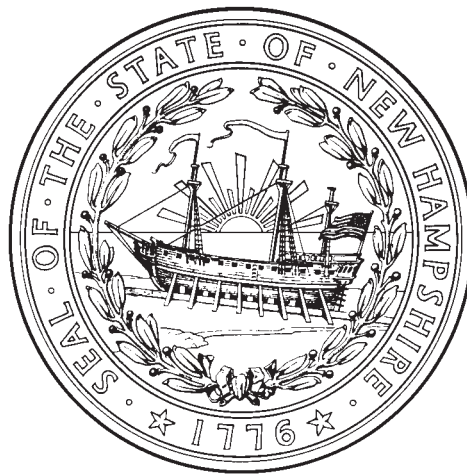


January 27, 2005
Nos. 2 - 3

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – JANUARY 6, 2005 SESSION
COMMENCEMENT – JANUARY 27, 2005 SESSION

SENATE JOURNAL 2 (*Cont.*)

January 6, 2005

INTRODUCTION OF SENATE BILLS

Senator Flanders offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, Senate legislation numbered from 11 to CACR 8, 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

05-0299

SB 11-FN, extending the local property tax exemption for wooden poles and conduits. (Boyce, Dist 4; D'Allesandro, Dist 20; Odell, Dist 8; Almy, Graf 11; Ingram, Rock 4: Energy and Economic Development)

05-0562

SB 20-FN, relative to an increase in lottery ticket prices. (D'Allesandro, Dist 20; Letourneau, Dist 19; Griffin, Rock 4; Craig, Hills 9: Ways and Means)

05-1002

SB 25-FN, relative to the allocation of a portion of unrefunded road tolls to the dam maintenance fund. (Johnson, Dist 2; Spang, Straf 7; M. Blanchard, Rock 16: Ways and Means)

05-0482

SB 27-FN, relative to licensing facilities and home health agencies certified by the Joint Commission on the Accreditation of Healthcare Organizations. (Kenney, Dist 3; Martel, Dist 18; C. Brown, Carr 1; J. Martin, Carr 5; Olimpio, Carr 5; Patten, Carr 4: Health and Human Services)

05-0948

SB 32-FN, authorizing the department of safety to issue special amateur radio operator plates. (Johnson, Dist 2; Rosen, Belk 4: Transportation and Interstate Cooperation)

05-1033

SB 34-FN, relative to reimbursement rates for child care. (Martel, Dist 18; Pilliod, Belk 5: Health and Human Services)

05-0346

SB 36-FN, assessing a fee on all dogs and cats sold at retail that are not sexually sterilized, to be deposited in the companion animal neutering fund. (Roberge, Dist 9: Ways and Means)

05-0571

SB 37, relative to disclosure of expert testimony. (Clegg, Dist 14; Foster, Dist 13; Gottesman, Dist 12; Odell, Dist 8; Gallus, Dist 1: Judiciary)

05-0756

SB 38-FN, relative to school building aid for certain receiving districts. (D'Allesandro, Dist 20; Martel, Dist 18; Craig, Hills 9: Education)

05-0771

SB 39, relative to disinterment of dead bodies. (Johnson, Dist 2; B. Williams, Graf 8: Public and Municipal Affairs)

05-0772

SB 40, permitting special school district meetings to be held in conjunction with the biennial election in certain school districts. (Johnson, Dist 2; B. Williams, Graf 8: Internal Affairs)

05-0790

SB 41, relative to penalties for certain OHRV violations. (Flanders, Dist 7; Odell, Dist 8; Alger, Graf 6: Environment and Wildlife)

05-0821

SB 42, establishing a pharmaceutical study commission to study direct purchasing of prescription medication by the state. (Burling, Dist 5: Health and Human Services)

05-0894

SB 43, relative to the administration of estates of persons presumed dead. (Foster, Dist 13; Rowe, Hills 6: Judiciary)

05-0910

SB 44, establishing a study committee on student credit card debt and regulation of credit card solicitation on college campuses. (Johnson, Dist 2; Alger, Graf 6: Banks and Insurance)

05-0911

SB 45-LOCAL, establishing a tax stabilization fund for the Hanover school district. (Burling, Dist 5; Nordgren, Graf 9; Bleyler, Graf 9; Benn, Graf 9; Sokol, Graf 9: Executive Departments and Administration)

05-0915

SB 46, relative to the duties of law enforcement officials upon receiving reports of missing adults. (Barnes, Dist 17: Judiciary)

05-0925

SB 47, relative to the definition of "party" or "parties" for the apportionment of fault in civil litigation. (Gottesman, Dist 12; Clegg, Dist 14: Judiciary)

05-0926

SB 48-FN, relative to a prohibition on "peeping Toms." (Estabrook, Dist 21; Johnson, Dist 2; M. Smith, Straf 7; Wall, Straf 7; Spang, Straf 7; Rous, Straf 7; Miller, Straf 7: Judiciary)

05-0949

SB 50, establishing a committee to study forming an independent board of psychology. (Burling, Dist 5: Executive Departments and Administration)

05-0963

SB 51, relative to jurisdiction of the public utilities commission over rural electric cooperatives. (Boyce, Dist 4: Energy and Economic Development)

05-0964

SB 52, establishing a study committee to review the state employee incentive and reward program. (Boyce, Dist 4: Internal Affairs)

05-0979

SB 53-FN, relative to increased funding for publication of certain materials by the department of environmental services and changing the title of chief operations officer to chief financial officer in the department of environmental services. (Clegg, Dist 14: Executive Departments and Administration)

05-0993

SB 54, clarifying the role of a guardian ad litem in guardianship proceedings. (Foster, Dist 13: Judiciary)

05-0399

SB 55, relative to the New Hampshire film and television commission and state promotional initiatives. (Johnson, Dist 2; Alger, Graf 6: Energy and Economic Development)

05-0521

SB 56, relative to nonuse of a seat belt as evidence in a civil action. (Clegg, Dist 14; Flanders, Dist 7; Martel, Dist 18; Morse, Dist 22; Estabrook, Dist 21; Hunt, Ches 7; King, Coos 1; Stone, Rock 1: Judiciary)

05-0602

SB 57, establishing a commission to study ways to alleviate medical malpractice premiums for high risk specialties. (Foster, Dist 13; Gottesman, Dist 12; Estabrook, Dist 21; Clegg, Dist 14; D'Allesandro, Dist 20; Gallus, Dist 1; Lasky, Hills 26; Price, Hills 26: Executive Departments and Administration)

05-0990

SB 59, relative to the general powers and duties of guardianship. (Foster, Dist 13; Dokmo, Hills 6: Judiciary)

05-0991

SB 60, clarifying probate court procedures in cases involving the Uniform Transfers to Minors Act. (Foster, Dist 13; Dokmo, Hills 6: Judiciary)

05-0992

SB 61, relative to judges giving notice of intent to retire. (Foster, Dist 13; Dokmo, Hills 6: Judiciary)

05-0304

SB 64, establishing a committee to study small group health insurance plans. (Hassan, Dist 23; Fuller Clark, Dist 24; Gallus, Dist 1; Burling, Dist 5; Marshall Quandt, Rock 13: Banks and Insurance)

05-0309

SB 65, ratifying changes to the state building code adopted by the state building code review board. (Clegg, Dist 14; O'Neil, Rock 15: Executive Departments and Administration)

05-0341

SB 66, establishing a commission to study the creation of a northern New England purchasing alliance for small business health insurance. (Fuller Clark, Dist 24; Hassan, Dist 23: Banks and Insurance)

05-0342

SB 67, eliminating health status as a rating factor for small group health insurance. (Fuller Clark, Dist 24; Foster, Dist 13: Banks and Insurance)

05-0347

SB 68, relative to certain costs for the development of a high school in the town of Bedford. (Roberge, Dist 9; Martel, Dist 18; Graham, Hills 18: Education)

05-0369

SB 69-LOCAL, relative to certain insurance liens. (Gallus, Dist 1; Clegg, Dist 14; Green, Dist 6; Kenney, Dist 3; Buzzell, Coos 4; Lary, Coos 3; Mears, Coos 4; Morneau, Coos 4; Theberge, Coos 4: Banks and Insurance)

05-0402

SB 70, relative to the Timothy and Abigail B. Walker Lecture Fund. (Larsen, Dist 15; DeJoie, Merr 11; Gile, Merr 10: Public and Municipal Affairs)

05-0412

SB 71, relative to amending warrant articles in towns that have adopted the official ballot form of town meeting. (Roberge, Dist 9: Internal Affairs)

05-0488

SB 72, relative to the licensing of public adjusters. (Flanders, Dist 7; Hunt, Ches 7: Banks and Insurance)

05-0489

SB 73, relative to market conduct record retention and production. (Flanders, Dist 7; Hunt, Ches 7: Banks and Insurance)

05-0492

SB 74, making certain technical changes in the insurance laws. (Flanders, Dist 7; Hunt, Ches 7: Banks and Insurance)

05-0754

SB 75-FN, relative to the statute of limitations for a civil actions based upon a sexual assault case. (D'Allesandro, Dist 20; Gottesman, Dist 12; Flanders, Dist 7; Roberge, Dist 9; Kenney, Dist 3; Craig, Hills 9; Mooney, Hills 19; Norelli, Rock 16: Judiciary)

05-0782

SB 76, relative to the extension of restraining orders under the domestic violence protection act. (Clegg, Dist 14; Larsen, Dist 15: Judiciary)

05-0789

SB 77, relative to the review of proposed health care provider contracts. (Flanders, Dist 7; Clegg, Dist 14; Odell, Dist 8; Barnes, Dist 17; Martel, Dist 18; Hunt, Ches 7; S. Francoeur, Rock 15; MacKay, Merr 11: Banks and Insurance)

05-0791

SB 78, relative to payment of health care providers by health carriers. (Flanders, Dist 7; Clegg, Dist 14; Odell, Dist 8; Barnes, Dist 17; Martel, Dist 18; Hunt, Ches 7; S. Francoeur, Rock 15; MacKay, Merr 11: Banks and Insurance)

05-0837

SB 79, relative to the governance of the regional community-technical colleges. (Odell, Dist 8; Larsen, Dist 15; Johnson, Dist 2; D'Allesandro, Dist 20; Clegg, Dist 14; Ryan, Merr 2; Gile, Merr 10; S. L'Heureux, Merr 9; Thomas, Belk 5; S. Scamman, Rock 13: Education)

05-0913

SB 80, permitting the Emerald Lake village district to enact and enforce regulations to protect its public water supply. (Flanders, Dist 7; L. Elliott, Hills 1; Carew, Hills 1; Essex, Hills 1: Environment and Wildlife)

05-0930

SB 81, providing recourse for homeowners in manufactured housing parks who are confronted with unjustifiable rent increases. (Flanders, Dist 7; Odell, Dist 8; Fuller Clark, Dist 24; Hassan, Dist 23; Millham, Belk 5: Public and Municipal Affairs)

05-0934

SB 82, requiring a course in civics for high school graduation. (D'Allesandro, Dist 20; Estabrook, Dist 21; Foster, Dist 13; Burling, Dist 5; Hassan, Dist 23; Larsen, Dist 15; Fuller Clark, Dist 24; Craig, Hills 9: Education)

05-0946

SB 83, establishing a commission to study issues relative to the comprehensive shoreland protection act and the public waters of the state. (Johnson, Dist 2; Millham, Belk 5: Environment and Wildlife)

05-0951

SB 84, relative to live racing at licensed pari-mutuel facilities. (Johnson, Dist 2: Ways and Means)

05-0966

SB 85, relative to expenses of operating bingo games. (Boyce, Dist 4; Martel, Dist 18; Boyce, Belk 5; G. Katsakiores, Rock 5; P. Katsakiores, Rock 5; Hunt, Ches 7: Ways and Means)

05-0970

SB 86, permitting on-site samples and retail sales by liquor manufacturer licensees. (Odell, Dist 8; Flanders, Dist 7; Reardon, Merr 11; Hunt, Ches 7: Executive Departments and Administration)

05-0983

SB 87, relative to extension of tax liens by the department of revenue administration. (Clegg, Dist 14: Ways and Means)

05-0998

SB 88, relative to emergency medical transportation. (Johnson, Dist 2: Public and Municipal Affairs)

05-0348

SB 91-FN, relative to an increase in the co-payment for participation in the animal population control program. (Roberge, Dist 9; Wendelboe, Belk 1: Environment and Wildlife)

05-0668

SB 96-FN, establishing Rotary Foundation special number plates. (Roberge, Dist 9; Craig, Hills 9; Graham, Hills 18; Gonzalez, Hills 17: Transportation and Interstate Cooperation)

05-0694

SB 98-FN, relative to issuing duplicate registrations for off highway recreational vehicles. (Letourneau, Dist 19; Packard, Rock 3: Transportation and Interstate Cooperation)

05-0695

SB 99-FN, relative to the penalty for failure to file a property inventory form. (Letourneau, Dist 19; Dowd, Rock 5: Ways and Means)

05-0736

SB 100-FN, allowing the president of the National Education Association-New Hampshire to remain a member of the state retirement system. (D'Allesandro, Dist 20; Estabrook, Dist 21; Gallus, Dist 1; Larsen, Dist 15; Craig, Hills 9: Executive Departments and Administration)

05-0932

SB 103-FN-A-LOCAL, relative to a shorefront maintenance fee. (Johnson, Dist 2: Environment and Wildlife)

05-0943

SB 105, granting the executive director of fish and game authority to promote hunting, fishing, and wild-life-related activities. (D'Allesandro, Dist 20; Craig, Hills 9: Environment and Wildlife)

05-0952

SB 108-FN, relative to newborn screening tests and fees for newborn screening tests. (Martel, Dist 18; Pilliod, Belk 5; Gile, Merr 10; Pilotte, Hills 16: Health and Human Services)

05-0965

SB 111, relative to persons conducting securities broker-dealer and investment advisor businesses. (Boyce, Dist 4; Clegg, Dist 14; Letourneau, Dist 19; Odell, Dist 8; Newton, Straf 1; Weyler, Rock 8: Banks and Insurance)

05-0971

SB 112-FN, relative to viatical settlements. (Flanders, Dist 7; Roberge, Dist 9; MacKay, Merr 11: Banks and Insurance)

05-0976

SB 113-FN, relative to the use of federal funds for technology improvements within the department of employment security. (Flanders, Dist 7; Boyce, Dist 4; Bragdon, Dist 11; Gallus, Dist 1; Letourneau, Dist 19; Kenney, Dist 3; Bridle, Rock 15; L. Elliott, Hills 1; Weyler, Rock 8: Executive Departments and Administration)

05-0982

SB 116, relative to payment procedures for the utility property tax. (Clegg, Dist 14: Ways and Means)

05-0984

SB 117-FN, relative to utility property tax appeals. (Clegg, Dist 14: Ways and Means)

05-1000

SB 119, establishing a committee to study exempting acute care rehabilitation from the nursing home moratorium. (Kenney, Dist 3: Health and Human Services)

05-1015

SB 120, relative to the purchase of rail properties. (Morse, Dist 22; Gallus, Dist 1; Letourneau, Dist 19; Rausch, Rock 5; Belanger, Rock 4: Transportation and Interstate Cooperation)

05-1021

SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision. (Flanders, Dist 7; Alger, Graf 6: Environment and Wildlife)

05-1020

SB 122, relative to the procedure for approval of solid waste facilities. (Bragdon, Dist 11: Environment and Wildlife)

05-1023

SB 123, relative to the liability of pet shops for the sale of sick animals. (Hassan, Dist 23; Fuller Clark, Dist 24; Roberge, Dist 9: Environment and Wildlife)

05-1024

SB 124, relative to the regulation of real estate brokers by the real estate commission. (Gallus, Dist 1; Emerton, Hills 7: Public and Municipal Affairs)

05-1038

SB 126, establishing a committee to study the appeals process in cases between landlords and tenants. (Boyce, Dist 4; Roberge, Dist 9; Clegg, Dist 14; Wendleboe, Belk 1: Public and Municipal Affairs)

05-1018

SB 132, relative to the board of marital mediator certification. (Bragdon, Dist 11; Eaton, Dist 10; Gottesman, Dist 12; Franklin, Sull 2: Judiciary)

05-1022

SB 133-FN, relative to mooring permits. (Flanders, Dist 7; L. Elliott, Hills 1; Carew, Hills 1; Essex, Hills 1: Environment and Wildlife)

05-1028

SB 134, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders. (Martel, Dist 18: Judiciary)

05-1036

SB 137-FN-A, relative to the Conway Branch railroad and making an appropriation therefor. (Kenney, Dist 3; McConkey, Carr 3: Finance)

05-0330

SB 139, relative to admission into evidence of certain medical bills, reports, and records. (Gottesman, Dist 12; Foster, Dist 13; Craig, Hills 9: Judiciary)

05-0370

SB 140, relative to the acceptance of in-lieu payments for the preservation of upland areas adjacent to wetland areas. (Gallus, Dist 1; Johnson, Dist 2; D'Allesandro, Dist 20; Martel, Dist 18; Roberge, Dist 9; Whalley, Belk 5; Alger, Graf 6; Dickinson, Carr 1; R. L'Heureux, Hills 19; Theberge, Coos 4: Environment and Wildlife)

05-0371

SB 141-LOCAL, authorizing the establishment of certain reserve funds by the Gorham, Randolph, and Shelburne school districts. (Gallus, Dist 1; Odell, Dist 8; D'Allesandro, Dist 20; Morse, Dist 22; Roberge, Dist 9; Theberge, Coos 4; S. Eaton, Graf 1; King, Coos 1: Education)

05-0451

SB 142, extending the reporting date of the commission to study issues relative to groundwater withdrawals. (Johnson, Dist 2: Environment and Wildlife)

05-0522

SB 143, relative to the adoption and use of impact fees for public open space. (Clegg, Dist 14; Packard, Rock 3; McKinney, Rock 3; Carson, Rock 3; Introne, Rock 3: Public and Municipal Affairs)

05-0703

SB 149-FN-A, relative to exemptions from the communications services tax. (Boyce, Dist 4; Letourneau, Dist 19; Thomas, Belk 5: Energy and Economic Development)

05-0907

SB 155-FN, prohibiting rafting of boats on lakes and ponds. (Johnson, Dist 2; Whalley, Belk 5; Dickinson, Carr 1; Patten, Carr 4: Transportation and Interstate Cooperation)

05-0367

SB 196, establishing a joint legislative committee to study medical malpractice insurance rates. (Fuller Clark, Dist 24: Judiciary)

05-0743

SB 198-FN, relative to regulating home contractors. (D'Allesandro, Dist 20; Foster, Dist 13; M. Cooney, Graf 7: Public and Municipal Affairs)

05-0838

SB 199, establishing exemptions from certain administrative requirements for the department of regional community-technical colleges. (Odell, Dist 8; Larsen, Dist 15; Johnson, Dist 2; D'Allesandro, Dist 20; Clegg, Dist 14; Ryan, Merr 2; Gile, Merr 10; S. L'Heureux, Merr 9; Thomas, Belk 5; S. Scamman, Rock 13: Executive Departments and Administration)

05-0923

SB 202, relative to property taxable as utility property. (Larsen, Dist 15; D'Allesandro, Dist 20; E. Blanchard, Merr 10; Shurtleff, Merr 10: Ways and Means)

05-0955

SB 203, relative to leases and contracts for buildings or lands owned by the fish and game department. (Gallus, Dist 1; D'Allesandro, Dist 20; Roberge, Dist 9; R. L'Heureux, Hills 19; Stohl, Coos 1; S. Eaton, Graf 1; L. Elliott, Hills 1: Capital Budget)

05-1042

SB 204, relative to party columns on ballots. (Larsen, Dist 15; Burling, Dist 5; Fuller Clark, Dist 24; Craig, Hills 9; Norelli, Rock 16; J. Tilton, Merr 6: Internal Affairs)

05-1007

SB 205, relative to private actions under the consumer protection act. (Odell, Dist 8; Flanders, Dist 7: Judiciary)

05-0935

SB 207-FN, establishing the crime of assault against the elderly. (D'Allesandro, Dist 20; Larsen, Dist 15; Morse, Dist 22; Martel, Dist 18; Gatsas, Dist 16; Estabrook, Dist 21; Hassan, Dist 23; Gottesman, Dist 12; Fuller Clark, Dist 24; Ingram, Rock 4; Winchell, Rock 6: Judiciary)

05-0972

SB 211-FN, relative to pharmaceutical marketers. (Letourneau, Dist 19; Barnes, Dist 17; Gallus, Dist 1; Packard, Rock 3; Dowd, Rock 5; DeJoie, Merr 11: Executive Departments and Administration)

05-0985

SB 212, relative to the railroad tax. (Clegg, Dist 14: Ways and Means)

05-0441

SCR 1, endorsing a farm viability task force. (Barnes, Dist 17: Environment and Wildlife)

05-1025

SCR 2, relative to reauthorization of the Transportation Equity for the 21st Century Act (TEA-21). (Kenney, Dist 3: Transportation and Interstate Cooperation)

05-0696

SCR 3, relative to the Boy Scouts of America. (Letourneau, Dist 19; P. Smith, Rock 3; Packard, Rock 3; Dowd, Rock 5; Major, Rock 8: Public and Municipal Affairs)

05-1037

SCR 4, supporting federal funding for Lyme disease research. (Kenney, Dist 3: Health and Human Services)

05-0343

CACR 7, Relating to: restricting the use of all funds deposited into the education trust fund to education funding. Providing that: all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education. (Fuller Clark, Dist 24; Larsen, Dist 15: Finance)

05-0345

CACR 8, Relating to: the highway fund. Providing that: the highway fund may be used for highways and intermodal transportation projects. (Fuller Clark, Dist 24: Transportation and Interstate Cooperation)

Out of recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 3

January 27, 2005

The Senate met at 10:00 a.m.

A quorum was present.

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

Powerful, patient and persistent God, unpredictable in every way, save for love, guide and guard these good men and women, commissioned by You, to lead. May they feel the pressure of Your desires and the comfort of Your care – as together, they make the choices for us that will define our tomorrow. Amen

Senator Kenney led the Pledge of Allegiance.

Senator Green is excused for the day.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

SB 28, relative to confidentiality and workers' compensation. Banks and Insurance Committee. Ought to Pass, Vote 5-0. Senator Flanders for the committee.

Adopted.

Ordered to third reading.

SB 23, relative to membership on the public water access advisory board. Environment and Wildlife Committee. Ought to Pass, Vote 4-0. Senator Johnson for the committee.

Adopted.

Ordered to third reading.

SB 39, relative to disinterment of dead bodies. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Martel for the committee.

Adopted.

Ordered to third reading.

SJR 1, declaring the month of April 2005 to be Boston Red Sox Month. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Kenney for the committee.

Adopted.

Ordered to third reading.

SCR 2, relative to reauthorization of the Transportation Equity for the 21st Century Act (TEA-21). Transportation and Interstate Cooperation Committee. Inexpedient to Legislate, Vote 4-0. Senator Flanders for the committee.

Senator Flanders moved to recommit.

Adopted.

SCR 2 is recommitted to the Committee on Transportation and Interstate Cooperation.

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

SB 23, relative to membership on the public water access advisory board.

SB 28, relative to confidentiality and workers' compensation.

SB 39, relative to disinterment of dead bodies.

SJR 1, declaring the month of April 2005 to be Boston Red Sox Month.

ANNOUNCEMENTS

RESOLUTION

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

Adopted.

In recess to the Call of the Chair.