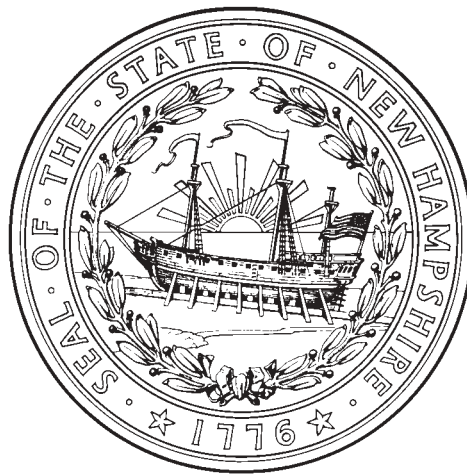


February 16, 2006  
Nos. 4 - 5

# STATE OF NEW HAMPSHIRE

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Legislative

## SENATE JOURNAL

**ADJOURNMENT – FEBRUARY 9, 2006 SESSION**  
**COMMENCEMENT – FEBRUARY 16, 2006 SESSION**

# SENATE JOURNAL 4 (*Cont.*)

*February 9, 2006*

## 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 76**, relative to distribution of state aid to charter schools.

**HB 162**, relative to general rules for vessels operating on water.

**HB 278**, relative to the alternative budget procedure in school administrative units.

**HB 345**, requiring photo identification to obtain a ballot.

**HB 347**, relative to indicating citizenship on drivers' licenses and nondrivers' identification cards.

**HB 391**, relative to election affidavits.

**HB 588**, relative to suspension of drivers' licenses after a motor vehicle accident.

**HB 621-FN**, requiring disclosure of gifts and campaign contributions by lobbyists.

**HB 626-FN-L**, relative to the right-to-know law.

**HB 657-FN-L**, relative to promoting community revitalization.

**HB 669-FN**, establishing a committee to study state laboratory water tests and fees for such tests collected by the department of environmental services.

**HB 688-FN**, relative to the regulation of mental health practitioners and the procedures of the board of mental health.

**HB 716-FN**, relative to securities regulation.

**HB 1115**, relative to the definition of resident for purposes of fish and game laws.

**HB 1118**, requiring paper ballots at all elections.

**HB 1119**, relative to naming the Richard Monahan Bridge in the town of Carroll.

**HB 1121-L**, establishing a committee to study rulemaking and licensure issues relative to assisted living and residential care.

**HB 1122**, relative to special elections.

**HB 1135**, making a technical correction to the Uniform Interstate Family Support Act.

**HB 1147**, relative to the conduct of recounts.

**HB 1166**, relative to electronic ballot counting machines.

**HB 1179**, repealing a requirement that the department of transportation spend a certain amount for litter removal that is determined based on fees paid to the liquor commission.

**HB 1185**, relative to Volunteer NH.

**HB 1198**, establishing a committee to study highway rest areas.

**HB 1204**, relative to human immunodeficiency virus education, prevention and control.

**HB 1214**, establishing a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger.

**HB 1220**, establishing a committee to study a statewide review of all unanticipated fatalities and serious injury involving incapacitated adults and individuals 60 years or older.

**HB 1226-FN**, relative to the New Hampshire Humanities Council.

**HB 1228-FN**, relative to the sale or lease of state-owned real estate.

**HB 1279**, establishing a commission to study state medicaid reimbursement.

**HB 1283**, relative to sheep and goat identification requirements.

**HB 1285**, making certain technical corrections to the adoption statute.

**HB 1296**, relative to the voluntary scrapie flock certification program.

**HB 1332**, establishing a commission to study health care in New Hampshire correctional facilities.

**HB 1362**, relative to permitting audio and video recording on school buses.

**HB 1461**, establishing a task force to study Temporary Assistance to Needy Families (TANF) benefits.

**HB 1468-FN-L**, relative to Reservoir Road in the town of Deering and Lyme Road in the town of Hanover.

**HB 1471-FN**, repealing the statutes relative to regional highway conferences.

**HB 1489**, relative to school emergency response plans.

**HB 1498**, establishing a risk management unit within the department of administrative services and relative to the rulemaking authority of the department of administrative services.

**HB 1503**, relative to financial programs administered by the postsecondary education commission.

**HB 1539**, establishing a committee to study the shortage in speech language services and the criteria for certification as a speech language specialist.

**HB 1579**, relative to membership of the air resources council.

**HB 1605-FN**, relative to transfers from the prepaid fish and game license fund.

**HB 1657**, establishing a wildlife legacy initiative for gifts and donations for fish and wildlife conservation programs.

**HB 1658**, relative to authorizing agreements by the fish and game department with nonprofit partners for the purpose of accepting gifts, grants, bequests, or donations to further department goals.

**HB 1659**, relative to the use of certain small caliber firearms in taking wildlife.

**HB 1688**, prohibiting the use of gasoline-powered watercraft on Head's Pond in Hooksett.

**HJR 22**, a resolution in recognition and support of New Hampshire's participation in the Experimental Program to Stimulate Competitive Research.

### **INTRODUCTION OF HOUSE BILL(S)**

Senator Clegg offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from HB 76 to HJR 22, 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 76**, relative to distribution of state aid to charter schools. (Finance)

**HB 162**, relative to general rules for vessels operating on water. (Transportation)

**HB 278**, relative to the alternative budget procedure in school administrative units. (Education)

**HB 345**, requiring photo identification to obtain a ballot. (Internal Affairs)

**HB 347**, relative to indicating citizenship on drivers' licenses and nondrivers' identification cards. (Transportation)

**HB 391**, relative to election affidavits. (Internal Affairs)

**HB 588**, relative to suspension of drivers' licenses after a motor vehicle accident. (Judiciary)

**HB 621-FN**, requiring disclosure of gifts and campaign contributions by lobbyists. (Public and Municipal Affairs)

**HB 626-FN-L**, relative to the right-to-know law. (Public and Municipal Affairs)

- HB 657-FN-L**, relative to promoting community revitalization. (Public and Municipal Affairs)
- HB 669-FN**, establishing a committee to study state laboratory water tests and fees for such tests collected by the department of environmental services. (Energy and Economic Development)
- HB 688-FN**, relative to the regulation of mental health practitioners and the procedures of the board of mental health. (Health and Human Services)
- HB 716-FN**, relative to securities regulation. (Banks and Insurance)
- HB 1115**, relative to the definition of resident for purposes of fish and game laws. (Environment and Wildlife)
- HB 1118**, requiring paper ballots at all elections. (Internal Affairs)
- HB 1119**, relative to naming the Richard Monahan Bridge in the town of Carroll. (Transportation)
- HB 1121-L**, establishing a committee to study rulemaking and licensure issues relative to assisted living and residential care. (Health and Human Services)
- HB 1122**, relative to special elections. (Internal Affairs)
- HB 1135**, making a technical correction to the Uniform Interstate Family Support Act. (Judiciary)
- HB 1147**, relative to the conduct of recounts. (Internal Affairs)
- HB 1166**, relative to electronic ballot counting machines. (Internal Affairs)
- HB 1179**, repealing a requirement that the department of transportation spend a certain amount for litter removal that is determined based on fees paid to the liquor commission. (Finance)
- HB 1185**, relative to Volunteer NH. (Executive Departments and Administration)
- HB 1198**, establishing a committee to study highway rest areas. (Transportation)
- HB 1204**, relative to human immunodeficiency virus education, prevention and control. (Health and Human Services)
- HB 1214**, establishing a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger. (Education)
- HB 1220**, establishing a committee to study a statewide review of all unanticipated fatalities and serious injury involving incapacitated adults and individuals 60 years or older. (Executive Departments and Administration)
- HB 1226-FN**, relative to the New Hampshire Humanities Council. (Finance)
- HB 1228-FN**, relative to the sale or lease of state-owned real estate. (Finance)
- HB 1279**, establishing a commission to study state medicaid reimbursement. (Ways and Means)
- HB 1283**, relative to sheep and goat identification requirements. (Environment and Wildlife)
- HB 1285**, making certain technical corrections to the adoption statute. (Judiciary)
- HB 1296**, relative to the voluntary scrapie flock certification program. (Environment and Wildlife)
- HB 1332**, establishing a commission to study health care in New Hampshire correctional facilities. (Judiciary)
- HB 1362**, relative to permitting audio and video recording on school buses. (Education)
- HB 1461**, establishing a task force to study Temporary Assistance to Needy Families (TANF) benefits. (Health and Human Services)
- HB 1468-FN-L**, (New Title) relative to Reservoir Road in the town of Deering and Lyme Road in the town of Hanover. (Transportation)
- HB 1471-FN**, repealing the statutes relative to regional highway conferences. (Energy and Economic Development)
- HB 1489**, relative to school emergency response plans. (Education)
- HB 1498**, establishing a risk management unit within the department of administrative services and relative to the rulemaking authority of the department of administrative services. (Executive Departments and Administration)
- HB 1503**, relative to financial programs administered by the postsecondary education commission. (Education)

**HB 1539**, establishing a committee to study the shortage in speech language services and the criteria for certification as a speech language specialist. (Education)

**HB 1579**, relative to membership of the air resources council. (Executive Departments and Administration)

**HB 1605-FN**, relative to transfers from the prepaid fish and game license fund. (Ways and Means)

**HB 1657**, establishing a wildlife legacy initiative for gifts and donations for fish and wildlife conservation programs. (Environment and Wildlife)

**HB 1658**, relative to authorizing agreements by the fish and game department with nonprofit partners for the purpose of accepting gifts, grants, bequests, or donations to further department goals. (Ways and Means)

**HB 1659**, relative to the use of certain small caliber firearms in taking wildlife. (Environment and Wildlife)

**HB 1688**, prohibiting the use of gasoline-powered watercraft on Head's Pond in Hooksett. (Environment and Wildlife)

**HJR 22**, a resolution in recognition and support of New Hampshire's participation in the Experimental Program to Stimulate Competitive Research. (Public and Municipal Affairs)

**Out of Recess.**

#### **LATE SESSION**

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

**Adopted.**

**Adjournment.**

# **SENATE JOURNAL 5**

***February 16, 2006***

The Senate met at 10:00 a.m.

A quorum was present.

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

*Prince of Peace, we commend to Your gracious care and keeping all the men and women of armed forces - at home and abroad. Defend them day by day with Your protection, strengthen them in their trials and temptations, give them courage to face the perils which beset them and grant them a constant sense of Your abiding presence wherever they may be.*

*Amen*

Senator Kenney led the Pledge of Allegiance.

#### **INTRODUCTION OF GUESTS**

Senator Gatsas (Rule #44).

Senator Letourneau (Rule #44).

#### **MOTION OF RECONSIDERATION**

Senator Clegg, having voted with the prevailing side, moved reconsideration of SJR 4, whereby it was ordered to third reading.

**Adopted.**

**SJR 4**, urging Congress to require the Department of Defense to reinstate the terminology of "POW" or "Prisoner of War" into the classification of military personnel.

**The question is on the committee report of ought to pass.**

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

**Seconded by Senator Barnes.**

**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.**

#### **COMMITTEE REPORTS**

**SB 237**, relative to excessive overpricing of essential commodities during a declared state of emergency. Energy and Economic Development Committee. Inexpedient to Legislate, Vote 3-0. Senator Boyce for the committee.

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

**HB 175**, relative to divestiture of PSNH generation assets, establishing an energy policy task force, and establishing a fund for the costs of the energy policy task force. Energy and Economic Development Committee. Ought to pass with amendment, Vote 4-0. Senator Odell for the committee.

#### **Energy and Economic Development**

**February 8, 2006**

**2006-0814s**

**03/04**

#### **Amendment to HB 175**

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

VI. The task force 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.

**2006-0814s**

#### **AMENDED ANALYSIS**

This bill extends the prohibition on the divestiture of PSNH generation assets to June 30, 2008 and establishes an energy policy task force. This bill also establishes a fund for the costs of the energy policy task force.

#### **MOTION TO TABLE**

**Senator Odell moved to have HB 175 laid on the table.**

**Adopted.**

#### **LAIID ON THE TABLE**

**HB 175**, relative to divestiture of PSNH generation assets, establishing an energy policy task force, and establishing a fund for the costs of the energy policy task force.

**HJR 1**, recognizing that Seavey Island and the Piscataqua River are within the boundaries of the state of New Hampshire. Energy and Economic Development Committee. Ought to Pass, Vote 3-0. Senator Letourneau for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 383**, limiting liability of community land trusts which own certain hazardous property. Environment and Wildlife Committee. Inexpedient to Legislate, Vote 3-0. Senator Eaton for the committee.

Committee report of inexpedient to legislate is adopted.

**SB 302-FN**, relative to real estate brokers. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 2-0. Senator Fuller Clark for the committee.



**Senate Executive Departments and Administration**  
**February 8, 2006**  
**2006-0820s**  
**08/09**

**Amendment to SB 302-FN**

Amend RSA 331-A:23 as inserted by section 3 of the bill by replacing it with the following:

331-A:23 Denial of Reciprocity. No ~~[nonresident]~~ **broker or salesperson applicant** whose license as a broker or salesperson is under revocation or suspension in another state shall be granted a license as a broker or salesperson in this state; and, if already granted a ~~[nonresident]~~ license, it may be revoked or suspended as provided under this chapter upon proof of the other state's action.

Amend the bill by inserting after section 5 the following and renumbering the original section 5 to read as 6:

5 Donation of Commissions to Charitable Organizations. Amend RSA 331-A:26, XXIV to read as follows:

XXIV. Paying or offering to pay valuable consideration, as defined by the commission, to any person not licensed under this chapter, except that valuable consideration may be shared with a licensed broker of another jurisdiction who is doing business regularly and legally within that broker's own jurisdiction. No licensee shall knowingly pay a commission or other valuable consideration to a licensed person knowing that the licensee will in turn pay a portion or all of that which is received to a person who does not hold a valid real estate license. A licensee who has allowed his or her license to expire or who has changed to inactive status or who has transferred to another responsible broker may receive compensation from the previous responsible broker for transactions in which the person participated during the time that the licensee was under the supervision of that responsible broker. ***Nothing shall prohibit a licensee from offering or contributing a portion of compensation directly to an exempt organization, as defined in section 501(c)(3) of the Internal Revenue Code of 1986, with the written consent of the parties to the transaction.***

**Amendment adopted.**

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

**Adopted.**

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

**SB 305-FN**, relative to the regulation of recreational therapists. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 4-0. Senator Fuller Clark for the committee.

**Senate Executive Departments and Administration**  
**February 6, 2006**  
**2006-0779s**  
**10/05**

**Amendment to SB 305-FN**

Amend RSA 326-J:3, II as inserted by section 1 of the bill by replacing it with the following:

II. Licensed recreational therapists may use the letters "TR," "TRS," and "CTRS/L" in connection with their name or place of business.

Amend RSA 326-J:3 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. A person or business entity, its employees, agents, or representatives shall not use in conjunction with that person's name or the activity of the business the words therapeutic recreation specialist, therapeutic recreation, recreational therapy, recreational therapist, recreation therapy, recreation therapist, the letters "CTRS," "TRS," or "TR", or any other words, abbreviations, or insignia indicating or implying directly or indirectly that recreational therapy is provided or supplied, including the billing of services labeled as recreational therapy, unless such services are provided under the direction of a recreational therapy specialist licensed pursuant to this chapter. A person or entity that violates this paragraph is guilty of a violation for the first offense and guilty of a misdemeanor for any subsequent offense.

Amend RSA 326-J:5, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Successfully complete the entry-level certification examination for recreational therapists approved by the board such as the examination administered by the NCTRC or other board approved organizations.

Amend RSA 326-J:5 as inserted by section 1 of the bill by deleting paragraph II and renumbering the original paragraph III to read as II.

Amend RSA 328-F:4, IX as inserted by section 5 of the bill by replacing it with the following:

IX. The recreational therapy governing board shall consist of 3 licensed recreational therapists, who have actively engaged in the practice of recreational therapy in this state for at least 3 years, and 2 public members.

**Amendment adopted.**

**Senator Estabrook offered a floor amendment.**

**Sen. Estabrook, Dist. 21**  
**February 8, 2006**  
**2006-0827s**  
**10/04**

**Floor Amendment to SB 305-FN**

Amend RSA 326-J:1, III(b)(6) and (7) as inserted by section 1 of the bill by replacing them with the following:

(6) Identifying, designing, fabricating, applying, or training in the use of, adaptive recreational equipment.

(7) Identifying, applying, and evaluating the use of non-invasive and non-pharmacological approaches to reduce or alleviate pain or manage pain to minimize its impact upon participation.

Amend RSA 326-J:3, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall practice or hold oneself out as being able to practice recreational therapy or provide recreational therapy services in this state unless the person is licensed under this chapter and RSA 328-F. Nothing in this paragraph shall be construed to prohibit students enrolled in board-approved schools or courses in recreational therapy from performing recreational therapy that is incidental to their respective courses of study or supervised work. The board shall adopt rules under RSA 541-A relative to schools or courses allowing students to practice under this paragraph.

Amend RSA 326-J:5, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Successfully complete the entry-level certification examination for recreational therapists such as the examination administered by the NCTRC or other board approved organizations.

Amend the bill by replacing section 5 with the following:

5 New Paragraph; Governing Board Membership. Amend RSA 328-F:4 by inserting after paragraph VIII the following new paragraph:

IX. The recreational therapy governing board shall consist of 3 licensed recreational therapists, who have actively engaged in the practice of recreational therapy in this state for at least 3 years, and 2 public members. Notwithstanding the requirements for licensure of professional members under this section, initial appointment of professional members by the governor and council shall be qualified persons practicing recreational therapy in this state. All subsequent appointments or reappointments shall require licensure.

**Floor amendment adopted.**

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

**Adopted.**

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

**SB 350-FN**, relative to boarding kennels and relative to dog grooming. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 3-0. Senator Barnes for the committee.

**Senate Executive Departments and Administration**  
**February 8, 2006**  
**2006-0856s**  
**01/04**

**Amendment to SB 350-FN**

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

AN ACT relative to boarding kennels.

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

1 New Chapter; Animal Boarding Facilities. Amend RSA by inserting after chapter 437-A the following new chapter:



CHAPTER 437-B  
ANIMAL BOARDING FACILITIES

437-B:1 License Required. No person, firm, corporation, or other entity shall engage in the business of boarding domestic animals unless the premises on which they are housed or harbored, are duly licensed and inspected by the department of agriculture, markets, and food.

437-B:2 Definitions. In this chapter:

I. "Commercial animal boarding facility" means a facility, including the building and the immediate surrounding area, which is used to house or contain animals which are owned by the members of the general public, for a fee.

II. "Commissioner" means the commissioner of the department of agriculture, markets, and food.

III. "Department" means the department of agriculture, markets, and food.

IV. "Domestic animals" means dogs, cats, exotic birds, and other common household pets.

437-B:3 Licenses; Fees.

I. An application accompanied by a fee of \$200 shall be filed annually on forms furnished by the department. A license shall be issued for a commercial animal boarding facility if, upon inspection, the department finds that the premises, cages, equipment, and facilities meet the required standards for safety, health, and sanitation and that their use will not subject the domestic animals to inhumane treatment. Licenses shall be conspicuously displayed on the licensed premises by the licensee.

II. Licenses shall expire annually on June 30 and shall be renewed upon application to the department if accompanied by the renewal fee of \$200.

III. After notice and hearing, licenses may be suspended or revoked by the department if it determines that the conditions under which the license was issued are not being maintained. The department shall investigate complaints within a reasonable time after receiving written notification of a violation of this chapter.

IV. All license fees shall be paid to the state treasurer for deposit into the general fund.

437-B:4 Rulemaking. The department shall adopt rules, pursuant to RSA 541-A, relative to:

I. Application and renewal procedures.

II. General health and sanitation standards for licensees.

III. Form and content of all forms required by this chapter.

IV. Procedures for the suspension or revocation of a license.

437-B:5 Licensees to Furnish Information. Licensees shall furnish the department with information relating to their boarding of domestic animals and the maintenance of their premises for those purposes, as required by the department.

437-B:6 Inspections. Inspections of all commercial animal boarding facilities shall be made at reasonable times and at least once every 6 months. An employee or designee of the department shall conduct the investigations.

437-B:7 Hearings; Notice. No license shall be suspended or revoked until a hearing is held before the commissioner or a designee. A licensee shall receive written notice of the hearing at least 10 days before the hearing. The notice shall be sent by registered mail and shall set forth all the charges against the licensee and the date, time, and place of the hearing. Decisions of the commissioner shall be subject to rehearings and appeals pursuant to RSA 541.

437-B:8 Medical Treatment; Drugs. No vaccines, sedatives, or tranquilizers shall be administered without the domestic animal's veterinarian's supervision or direction and without the owner's written consent.

437-B:9 Exemptions.

I. This chapter shall not apply to veterinary hospitals or clinics.

II. This chapter shall not apply to persons who board 10 or fewer domestic animals at any given time.

437-B:10 Prohibition. No licensee shall treat inhumanely any domestic animal in the licensee's care, possession, or control.

437-B:11 Penalty.

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

II. In addition, any person or owner who violates any of the provisions of this chapter or rule adopted under it may be subject to an administrative fine levied by the commissioner not to exceed \$1,000 for each violation.

III. Once a license has been suspended or revoked, the department may require that all domestic animals located on the premises for which such license was suspended or revoked shall be removed by the licensee from said premises within 3 working days after said suspension or revocation and be relocated to a safe and sanitary place.

2 Effective Date. This act shall take effect January 1, 2007.

**2006-0856s**

#### AMENDED ANALYSIS

This bill establishes licensure for animal boarding establishments by the department of agriculture, markets, and food. This bill establishes license fees and renewal fees which shall be deposited into the general fund. The bill further provides for inspections of such facilities. The bill grants rulemaking authority to the commissioner of the department of agriculture, markets, and food for the purposes of the bill.

**Amendment adopted.**

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

**Adopted.**

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

**SB 280-FN-A-L**, adding a surcharge to motor vehicle fines for use by municipalities. Finance Committee. Inexpedient to Legislate, Vote 7-0. Senator Clegg for the committee.

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

**SB 283-FN**, relative to stop loss insurance. Finance Committee. Ought to Pass, Vote 7-0. Senator D'Allesandro for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 293-FN-A**, repealing an exemption from the communications services tax. Finance Committee. Inexpedient to Legislate, Vote 7-0. Senator Green for the committee.

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

**SB 294-FN-A**, authorizing 7 additional state troopers and making an appropriation therefor. Finance Committee. Ought to Pass, Vote 5-2. Senator D'Allesandro for the committee.

**Senator Bragdon moved the question.**

**The question is on the committee report of ought to pass.**

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

**Seconded by Senator Estabrook.**

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

**The following Senators voted No: Boyce, Flanders, Eaton, Morse.**

**Yeas: 20 - Nays: 4**

**Adopted.**

**Ordered to third reading.**

**SB 357-FN**, relative to eligibility for motorcycle licenses. Finance Committee. Ought to Pass, Vote 7-0. Senator Morse for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 358-FN**, relative to an advanced registered nurse practitioner's duty to warn of violent acts of patients. Finance Committee. Ought to Pass, Vote 7-0. Senator Morse for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 370-FN**, relative to multidisciplinary child protection teams. Finance Committee. Ought to Pass, Vote 7-0. Senator Larsen for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 599-FN**, requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles. Finance Committee. Ought to pass with amendment, Vote 7-0. Senator Boyce for the committee.

**Senate Finance**  
**February 9, 2006**  
**2006-0889s**  
**03/04**

**Amendment to HB 599-FN**

Amend RSA 357-G:1, IV(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The owner of the motor vehicle or the owner's agent or legal representative consents to the retrieval of the information.

Amend the bill by replacing section 2 with the following:

2 Effective Date.

I. RSA 357-G:1, III as inserted by section 1 of this act shall take effect January 1, 2007.

II. The remainder of this act shall take effect July 1, 2006.

**Amendment adopted.**

**Senator Bragdon moved the question.**

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

**Adopted.**

**Ordered to third reading.**

**SB 272**, establishing a committee to study laws relating to funerals and crematories, and their effectiveness. Health and Human Services Committee. Inexpedient to Legislate, Vote 3-2. Senator Bragdon for the committee.

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

**SB 316-FN-L**, requiring interpretation services upon request for persons receiving medical treatment. Health and Human Services Committee. Ought to pass with amendment, Vote 3-1. Senator Fuller Clark for the committee.

**Health and Human Services**  
**February 9, 2006**  
**2006-0897s**  
**08/10**

**Amendment to SB 316-FN-LOCAL**

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

1 New Paragraphs; Patients' Bill of Rights; Definitions. Amend RSA 151:19 by inserting after paragraph VII the following new paragraphs:

VIII. "Language line" or "language bank" means an organization that provides in-state health centers with qualified medical interpreters via telephone where an in-person qualified medical interpreter is unavailable.

IX. "Qualified medical interpreter" means:

(a) An interpreter who can render orally into one language a message spoken in a different language and who is an adult, who is a fluent speaker of both languages in question, who is not a relative of the patient, and who has received professional training as an interpreter according to the National Standards of Practice for Interpreters in Health Care for the National Council on Interpreting in Health Care; or

(b) A qualified medical interpreter who is accessible through a language line or language bank.

2 New Paragraph; Patients' Bill of Rights; Right to Interpreter. Amend RSA 151:21 by inserting after paragraph XX the following new paragraph:

XXI.(a) The patient shall have the right to request to speak, in a timely manner, with an appropriate bilingual clinician if one is available. If a bilingual clinician is not available, the patient shall have access in a timely manner to a qualified medical interpreter, either in person, or via a telephonic or televiewing interpreter service. The receipt by any non-English speaker of interpreter services shall not be deemed the receipt of a "public benefit" under any provision of law restricting benefits or assistance on the basis of immigrant status.

(b) Subparagraph (a) shall apply to all health care providers and institutions identified in 42 U.S.C. sections 2000d-2000d-7.

3 Effective Date. This act shall take effect January 1, 2007.

**2006-0897s**

#### AMENDED ANALYSIS

This bill requires hospitals to provide qualified medical interpreters to persons not proficient in English upon request.

#### MOTION TO TABLE

**Senator Clegg moved to have SB 316-FN-L laid on the table.**

**Adopted.**

#### LAID ON THE TABLE

**SB 316-FN-L**, requiring interpretation services upon request for persons receiving medical treatment.

**HB 380**, relative to absentee voting. Internal Affairs Committee. Ought to Pass, Vote 5-0. Senator Hassan for the committee.

**Adopted.**

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

**SB 242**, prohibiting a person charged with unlawfully killing a decedent from taking from the decedent's estate. Judiciary Committee. Ought to pass with amendment, Vote 4-0. Senator Gottesman for the committee.

**Senate Judiciary**

**February 8, 2006**

**2006-0836s**

**09/05**

#### Amendment to SB 242

Amend RSA 561:1, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Notwithstanding the provisions of paragraphs I and II, the probate court shall prohibit any person convicted of the unlawful killing of the decedent from taking from the decedent's estate through its distribution and disposition, including property held between the person charged and the decedent in joint tenancy or by tenancy in the entirety. The court shall consider any person convicted of the unlawful killing of the decedent as predeceasing the decedent for the purpose of distribution and disposition of the decedent's estate, including property held between the person charged and the decedent in joint tenancy or by tenancy in the entirety. This presumption shall also bar the heirs and devisees of the person convicted of the unlawful killing of the decedent from participating in any distribution of the convicted person's share of the decedent's assets, unless such persons are the children or issue of the decedent. The bar to succession shall apply only to murder in the first degree, murder in the second degree, or manslaughter; it shall not include negligent homicide in the death of the decedent. No probate court shall allow or approve the distribution of any accused person's share of the decedent's assets until a final verdict or final finding has been rendered in the court hearing the criminal case, including the final results of all appeals and retrials, if any. If the court hearing the criminal case determines the accused is not guilty of the unlawful killing of the decedent, the accused may take by descent or distribution from the decedent's estate under law. The provisions of this paragraph and any order of a court entered pursuant to this paragraph, shall have no effect on title to real property except against the person charged with an offense to which this section applies, or that person's heirs and devisees. Notwithstanding the provisions of this paragraph, persons other than the person charged with the unlawful killing of the decedent may receive the shares of the estate to which they are entitled prior to a final verdict or final finding of guilt in the case of the person charged with unlawful killing of the decedent.

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

**SB 256**, relative to the definition of "harm" for purposes of the crime of improper influence. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Foster for the committee.

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

**SB 275**, removing the requirement for criminal record checks for licensed nurses. Judiciary Committee. Inexpedient to Legislate, Vote 4-0. Senator Roberge for the committee.

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

**SB 284-FN**, establishing a third full-time justice position in the Manchester, Nashua, and Concord District Courts and equalizing the annual salaries of all justices of the Manchester, Nashua, and Concord District Courts. Judiciary Committee. Ought to pass with amendment, Vote 4-0. Senator Foster for the committee.

**Senate Judiciary**  
**February 8, 2006**  
**2006-0834s**  
**09/05**

**Amendment to SB 284-FN**

Amend the bill by replacing section 3 with the following:

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

**Amendment adopted.****The question is on the adoption of the bill as amended.****Adopted.****Referred to the Finance Committee (Rule #26).**

**SB 286-FN**, requiring first class mail notice to defendants in small claims actions. Judiciary Committee. Ought to pass with amendment, Vote 6-0. Senator Foster for the committee.

**Senate Judiciary**  
**February 9, 2006**  
**2006-0893s**  
**09/03**

**Amendment to SB 286-FN**

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

AN ACT relative to notice to defendants in small claims actions.

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

1 Small Claims Actions; Notice to Defendant. Amend RSA 503:6 to read as follows:

503:6 Notice to Defendant. The [justice] *plaintiff, at his or her own expense*, shall cause notice of the claim and the substance thereof to be given to the defendant, whether or not he *or she* is a resident of this state, by sending a written statement to the defendant by postpaid certified mail, return receipt requested, addressed to the defendant at his *or her* last known post office address and directing the defendant to appear at the time and place of hearing, *to be determined by the court* which shall not be less than 14 days from the date said notice is mailed to the defendant. Any day of the month is a return day, exclusive of Saturday and Sunday. Return receipt showing that defendant has received the statement shall constitute an essential part of the service. If service cannot be effected by certified mail as aforesaid, then the court may direct that service on the defendant be completed as in all other actions at law.

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

**2006-0893s****AMENDED ANALYSIS**

This bill requires certified mail notice by plaintiffs to defendants in small claims actions. Currently, such notice is sent by the justice by certified mail, return receipt requested.

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

**SB 379-FN**, relative to harm or threats to public officials. Judiciary Committee. Ought to pass with amendment, Vote 4-0. Senator Clegg for the committee.

**Senate Judiciary****February 8, 2006****2006-0831s****04/05****Amendment to SB 379-FN**

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

AN ACT relative to harm or threats to certain government officials.

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

1 New Section; Harm or Threats to Certain Government Officials. Amend RSA 631 by inserting after section 4 the following new section:

631:4-a Harm or Threats to Certain Government Officials.

I. A person is guilty of a Class A felony if he or she causes bodily injury to, or commits any other crime against, a sitting member of the general court, an executive councilor, a past or present governor, member of the judiciary, marital master, or member of their immediate family, for the purpose of influencing such official's action or in retaliation for action taken as a part of an official's government duties.

II. A person is guilty of a Class B felony if he or she threatens bodily injury or threatens to commit any other crime against a sitting member of the general court, an executive councilor, a past or present governor, member of the judiciary, marital master, or member of their immediate family, for the purpose of influencing such official's action or in retaliation for action taken as a part of an official's government duties.

III. Violations of this statute shall be prosecuted by the office of the attorney general.

2 Effective Date. This act shall take effect January 1, 2007.

**2006-0831s****AMENDED ANALYSIS**

This bill establishes a felony offense for causing or threatening harm to certain government officials or a member of their immediate family.

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

**SB 287-FN**, making certain changes to the eminent domain statute. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

**The question is on the committee report of ought to pass.****A roll call was requested by Senator Barnes.****Seconded by Senator Gottesman.**

**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.**

**SB 329**, prohibiting dogs from being left alone in cars. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 4-0. Senator Roberge for the committee.

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

**SB 336**, relative to security deposits in landlord tenant matters. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Hassan for the committee.

**Public and Municipal Affairs**

**February 1, 2006**

**2006-0723s**

**05/10**

**Amendment to SB 336**

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

**2006-0723s**

**AMENDED ANALYSIS**

This bill removes the requirement that a landlord provide a receipt for a security deposit paid by check. The bill also permits a landlord to deduct lawful charges due under the lease which remain unpaid from the security deposit.

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**SB 398-FN**, relative to political contributions and expenditures. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Barnes for the committee.

**Public and Municipal Affairs**

**February 10, 2006**

**2006-0911s**

**03/04**

**Amendment to SB 398-FN**

Amend RSA 664:2, II(f) as inserted by section 1 of the bill by replacing it with the following:

***(f) Who has spent or committed to spend more than \$1,000 in aggregate, received as contributions, for the purpose of exploring a potential candidacy.***

Amend the bill by replacing section 6 with the following:

6 New Paragraph; Registration of Political Committees; Campaign Account. Amend RSA 664:3 by inserting after paragraph IV the following new paragraph:

V.(a) A candidate for governor, executive council, or state senate or a political committee, except a political committee or exploratory committee of a candidate for an officer other than governor, executive council, or state senate, shall, within 21 days of becoming a candidate or registering the committee, establish an exclusive campaign account or accounts, in a bank or equivalent institution. If the committee is located in New Hampshire, the account shall be with a financial institution which ordinarily conducts business within the state. The account shall be in a name that includes the full name of the political committee or candidate as registered or as will be filed with the secretary of state. A candidate for governor, executive council, or state senate shall be exempt from this requirement if he or she files a statement with the secretary of state that he or she intends to spend less than the amount established in RSA 664:5-b as the voluntary expenditure limit for that office, provided the candidate agrees to open a bank account if he or she expends more than that amount.

(b) The chairperson and treasurer shall report to the secretary of state the name of the bank or institution where the committee's account is established and the names of all persons authorized to sign checks or make electronic transfers issued from the account within 7 days of establishing the account.

(c) All cash and contributions on hand on the date the committee establishes the bank account shall be deposited into the account.

(d) Except as provided in subparagraph (f), expenses paid on behalf of a political committee which has a bank account shall be drawn from the account and issued on a check, electronic transfer, or wire transfer signed or authorized by the treasurer or a person authorized by the committee, approved in writing by the treasurer, and reported to the secretary of state.

(e) The account shall be used exclusively for the purposes of receiving contributions and making expenditures for the candidate or committee. No other funds shall be deposited in the account. No disbursement shall be made from the account that does not qualify as an expenditure or a qualified use of surplus funds. No personal funds, corporate funds, or contributions to or expenditures by another candidate or political committee shall be deposited to or disbursed from the account. Political committees which also exist as federal political action committees or as municipal committees shall not commingle contributions to the federal committee or the municipal committee in the account.

(f) A political committee required to establish an account under this paragraph may maintain a petty cash fund out of which it may make expenditures not in excess of \$100 to any person in connection with a single purchase or transaction. Funds shall be deposited to the petty cash fund only from the committee's established bank account and a record of each cash disbursement shall be kept with sufficient detail to satisfy the reporting requirements of this chapter.

(g)(1) A committee or candidate may:

- (A) Change the bank or financial institution where the account is maintained;
- (B) Change the persons who are authorized to make disbursements from the account; or
- (C) Change its treasurer and, if a candidate, his or her fiscal agent.

(2) Changes under subparagraph (g)(1) shall be accomplished by written notice to the secretary of state within 7 days of the change. The written notice shall include the signature of the chairperson or candidate and the signature of the treasurer or evidence that such person has resigned, is deceased, or is no longer eligible to serve by law.

(h) The account required by this paragraph shall be closed before a final report by the committee reporting the committee's fund balance as zero is filed with the secretary of state, unless the remaining fund balance is transferred to a political committee with the identical name or to a political committee of the same candidate that registers for the purpose of the next election cycle simultaneously with filing the final report of the committee that is terminating its existence.

(i) This section shall not be construed to require a candidate making expenditures with only his or her own personal funds to open a bank account.

Amend RSA 664:6, V as inserted by section 7 of the bill by replacing it with the following:

V. ~~Any~~ ***In addition to any other reports required by this chapter, a political committee that has reached the level of contributions or expenditures requiring it to report under this section shall file reports on or before May 15 of each year and on or before November 15 in each non-election year in the form prescribed by the secretary of state and containing, at a minimum, the information required by paragraph I. A political committee which has any outstanding debt, obligation, or surplus following the election for which it was formed shall file reports [at least once every 6 months thereafter in the same form as in paragraph I] on these dates in the form prescribed by the secretary of state and containing, at a minimum, the information required by paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed. A political committee which remains in existence after the election for which it was formed and which has a surplus shall not accept contributions after the election day for which it was formed. A political committee which remains in existence after the election for which it was formed and which has a debt shall not make expenditures after the end of the month in which the election for which it was formed was held.***

Amend the bill by replacing all after section 8 with the following:

9 Applicability. No candidate or committee shall have less than 14 days from the effective date of this act to satisfy any requirements established by this act.

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

**The question is on adoption of the committee amendment.**

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

**Seconded by Senator Boyce.**

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

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

**Yeas: 23- Nays: 1**

**Amendment adopted.**

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

**Adopted.**

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

**SB 288-FN**, relative to street rods and custom vehicles. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 4-0. Senator Letourneau for the committee.

**Transportation and Interstate Cooperation**

**February 8, 2006**

**2006-0848s**

**03/04**

**Amendment to SB 288-FN**

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

AN ACT relative to street rods.

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

1 Motor Vehicles; Words and Phrases Defined; Street Rod. RSA 259:106-a is repealed and reenacted to read as follows:

259:106-a Street Rod.

I. "Street rod" shall mean a motor vehicle that:

- (a) Is at least 25 years old, or that was manufactured to resemble a vehicle 25 or more years old; and
- (b) Has been altered from the manufacturer's original design, or has a body constructed from non-original materials.

II. The model year that is listed on the certificate of title of a street rod vehicle shall be the model year that the body of such vehicle resembles.

2 Equipment Required of Street Rods. RSA 266:113 is repealed and reenacted to read as follows:

266:113 Equipment Required of Street Rods.

I. Unless the presence of the equipment was specifically required by a statute of this state as a condition of sale in the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment is not required for the operation of a vehicle registered as a street rod.

II. A street rod may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors. "Blue dot tail light" means a red lamp installed in the rear of a motor vehicle containing a blue or purple insert that is not more than one inch in diameter.

3 Effective Date. This act shall take effect January 1, 2007.

**2006-0848s****AMENDED ANALYSIS**

This bill modifies the definition of street rod and changes the equipment requirements for street rods.

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**SB 310-FN**, establishing gold star number plates. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 6-0. Senator Letourneau for the committee.

**Transportation and Interstate Cooperation****February 9, 2006****2006-0887s****03/04****Amendment to SB 310-FN**

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

AN ACT establishing gold star number plates and relative to special number plates for veterans.

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

1 New Section; Gold Star Number Plates. Amend RSA 261 by inserting after section 87-b the following new section:

261:87-c Gold Star Number Plates.

I. The department shall furnish one set of special number plates, designed by the director with the approval of the commissioner, for one motor vehicle owned by a mother of a person killed while on duty in the United States armed forces. These gold star number plates shall be issued upon payment of the regular registration and number plate fees.

II. For purposes of this section, a motor vehicle is owned by a mother of a person killed while on duty in the United States armed forces if the mother of a person killed while on duty in the United States armed forces is the motor vehicle's owner under RSA 259:72, I, or if the legal ownership of the motor vehicle is held by a trust established by the mother of a person killed while on duty in the United States armed forces and the mother of a person killed while on duty in the United States armed forces has use of the motor vehicle or the motor vehicle is used for the transportation of the mother of a person killed while on duty in the United States armed forces. The director shall establish the documentation required for a motor vehicle held in trust to be eligible for plates under this section. The director shall not issue more than one set of plates under this section to any trust. A trustee of the trust or the administrator of the estate may be fined up to \$500 for failing to return within 60 days of the death of the mother of a person killed while on duty in the United States armed forces any plates issued under this section for a motor vehicle held in trust.

2 Special Number Plates for Veterans; Eligibility. Amend RSA 261:87-b to read as follows:

261:87-b Special Number Plates for Veterans. The director is hereby authorized to issue special number plates to be used on motor vehicles owned by veterans of the United States armed services, in lieu of other number plates. The design of these special plates shall be determined by the commissioner, and shall be distinct from the design or designs of those plates issued under RSA 261:86. Such plates shall be issued only **to veterans as defined in RSA 21:50, I(a)** upon application, proof of ~~[honorable discharge from the armed services as deemed appropriate by the director]~~ **veteran status in a form authorized by RSA 21:50, I(b)**, and payment of a one time \$25 fee to recover production and administrative costs that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required. The director shall also issue such plates to any person providing proof of honorable discharge from the armed services of any nation allied with the United States during World War II and proof of such person's service during World War II. Renewals of such special number plates shall be charged the fee assessed for standard motor vehicles as prescribed under RSA 261:141. The plates furnished pursuant to this section are non-transferable and shall expire upon the death of the veteran.

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

**2006-0887s****AMENDED ANALYSIS**

This bill establishes gold star number plates. This bill also clarifies the eligibility requirements for special number plates for veterans.

**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 a 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 242**, prohibiting a person charged with unlawfully killing a decedent from taking from the decedent's estate.

**SB 256**, relative to the definition of "harm" for purposes of the crime of improper influence.

**SB 283-FN**, relative to stop loss insurance.

**SB 286-FN**, relative to notice to defendants in small claims actions.

**SB 287-FN**, making certain changes to the eminent domain statute.

**SB 288-FN**, relative to street rods.

**SB 294-FN-A**, authorizing 7 additional state troopers and making an appropriation therefor.

**SB 310-FN**, establishing gold star number plates and relative to special number plates for veterans.

**SB 336**, relative to security deposits in landlord tenant matters.

**SB 357-FN**, relative to eligibility for motorcycle licenses.

**SB 358-FN**, relative to an advanced registered nurse practitioner's duty to warn of violent acts of patients.

**SB 370-FN**, relative to multidisciplinary child protection teams.

**SB 379-FN**, relative to harm or threats to certain government officials.

**SJR 4**, urging Congress to require the Department of Defense to reinstate the terminology of "POW" or "Prisoner of War" into the classification of military personnel.

**HB 599-FN**, requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles.

**HJR 1**, recognizing that Seavey Island and the Piscataqua River are within the boundaries of the state of New Hampshire.

**ANNOUNCEMENTS**

Senator Barnes (Rule #44).

**RESOLUTION**

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

**Adopted.****In recess to the Call of the Chair.**