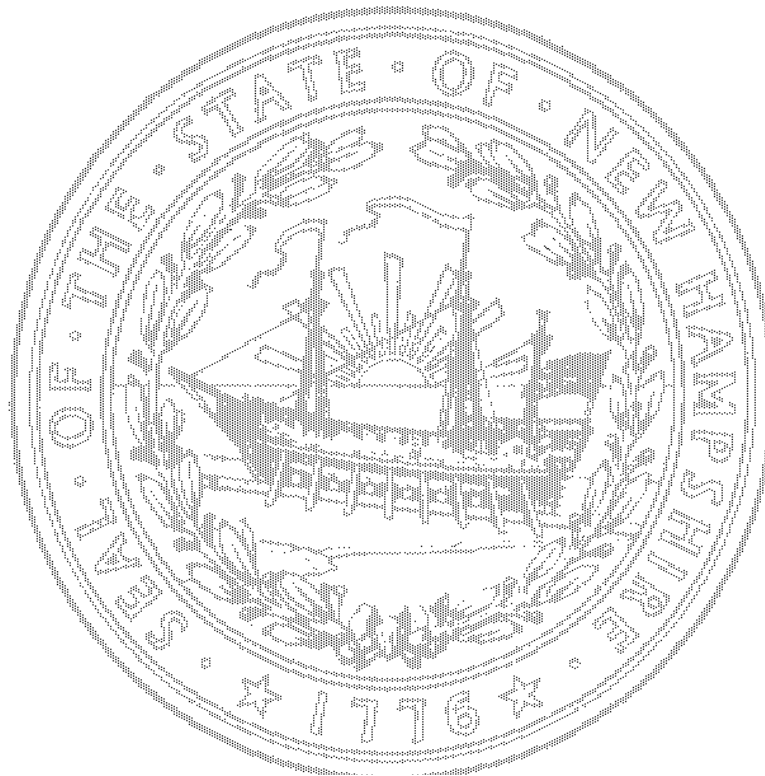


April 10, 2008  
Nos. 11-12

# STATE OF NEW HAMPSHIRE

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**Legislative**

## SENATE JOURNAL

ADJOURNMENT – MARCH 27, 2008 SESSION  
COMMENCEMENT – APRIL 10, 2008 SESSION

# SENATE

## JOURNAL 11 (continued)

*March 27, 2008*

### 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 781-FN**, relative to the duties of the department of safety.

**HB 1197**, relative to liquor advertising.

**HB 1202**, relative to monitoring privately owned water distribution programs.

**HB 1237**, establishing a committee to study liquor advertising by the liquor commission.

**HB 1242**, relative to the prohibition on employee consumption of beverage or liquor.

**HB 1286-FN**, relative to the licensing of mortgage bankers, mortgage brokers, and mortgage originators.

**HB 1333**, relative to post-foreclosure eviction actions.

**HB 1345**, establishing a commission to study vehicle dealer licenses, dealer plates, and temporary plates.

**HB 1348**, relative to the milk producers emergency relief fund.

**HB 1349**, relative to membership on the council on resources and development.

**HB 1378**, relative to insurance taxes and fees.

**HB 1395-FN**, establishing the AIDS drug assistance program fund.

**HB 1396-FN**, relative to requiring prescriptions to be ordered pursuant to a practitioner-patient relationship.

**HB 1420**, relative to the applicability of zoning ordinances to auto salvage yards.

**HB 1426-FN-A**, relative to motor fuel import fees.

**HB 1434**, relative to the regional greenhouse gas initiative and authorizing cap-and-trade programs for controlling carbon dioxide emissions.

**HB 1435**, requiring certain food programs to comply with Centers for Disease Control/Institute of Medicine standards.

**HB 1436**, relative to requiring inclusion of an automatic continuation clause in collectively bargained agreements with public employees.

**HB 1437**, establishing a committee to study whether the state of New Hampshire shall establish a policy that victims of negligent or intentional tortious acts shall recover losses incurred as a result of such acts.

**HB 1441-L**, relative to use of the terms “selectwoman” and “selectperson.”

**HB 1447-FN**, relative to Medicaid for employed adults with disabilities.

**HB 1458**, relative to milk producers and hauling and stop charges.

**HB 1472**, relative to workforce housing.

**HB 1477**, relative to cellular phone and satellite television records for child support enforcement.

**HB 1479-FN**, relative to the sale of tobacco products and the appeals process concerning the seizure of illegal tobacco products.

**HB 1480**, authorizing the commissioner of revenue administration to deny certain tobacco licenses.

**HB 1487**, establishing a committee to study practice by advanced dental hygiene practitioners and ways to increase access to oral health care.

**HB 1492**, relative to prescriptions under the controlled drug act.

**HB 1496-FN**, establishing motor vehicle learners’ permits and relative to youth operators’ licenses.

**HB 1502-FN**, relative to disposal of used needles.

**HB 1505-FN**, establishing the New Hampshire birth conditions program.

**HB 1508-FN**, relative to prohibited influence of voters and persons intending to vote and relative to the applicability of political advertising and push polling restrictions.

**HB 1513-FN**, relative to an evidence-based prescription drug education program.

**HB 1520-FN**, allowing service in the Peace Corps to be purchased as creditable service in the retirement system.

**HB 1533**, relative to the office of the state treasurer.

**HB 1536**, relative to periodic payments of judgments.

**HB 1537**, relative to the definition of milk.

**HB 1538**, relative to mineral extraction, mining, and reclamation in New Hampshire.

**HB 1554-FN**, relative to challenges of voters.

**HB 1563-FN**, authorizing public academies to receive public funds for renovation and expansion of regional vocational education programs.

**HB 1569-FN**, relative to the use of drugs on wildlife.

**HB 1573-FN-L**, relative to hazardous and dilapidated buildings.

**HB 1576-FN**, relative to the employment of veterans on Veterans' Day.

**HB 1578-FN**, relative to insurance fraud.

**HB 1581-FN-L**, relative to the formation of stormwater utility districts.

**HB 1583-FN**, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system.

**HB 1591-FN**, relative to vehicles traded to automobile dealers.

**HB 1594-FN**, relative to hazardous material reporting requirements and establishing fees for hazardous materials facilities and employees.

**HB 1595-FN**, relative to driver's license renewals by persons engaged in overseas government service.

**HB 1601-FN-A**, relative to funding for certain capital projects of the Pease development authority.

**HB 1613-FN**, making changes to certain statutes relating to crimes against children.

**HB 1615-FN-A**, establishing the state office of rural health in the department of health and human services and establishing a commission to recommend policies and programs to increase the number of persons in health professions servicing New Hampshire's rural and underserved areas.

**HB 1619-FN**, requiring a report of the number of female inmates incarcerated in a state correctional facility receiving sex offender treatment.

**HB 1623-FN**, relative to the penalty for possession of marijuana.

**HB 1628**, relative to renewable energy generation incentive programs.

**HB 1631-FN**, relative to the state purchase of biodiesel fuels.

**HB 1633-FN**, relative to the regulation of licensed alcohol and drug use counselors.

**HB 1634**, establishing the New Hampshire council on autism spectrum disorders.

**HB 1635-FN**, relative to permits for motor vehicle salvage facilities and motor vehicle crushers.

**HB 1636**, relative to automotive recycling.

**HB 1637**, relative to reports to the cancer registry.

**HB 1640-FN**, relative to the classification of convicted sex offenders and offenders against children and revising the provisions requiring DNA testing of criminal offenders.

**HB 1641-FN**, relative to collections and refunds of road tolls.

**HB 1645-FN-L**, relative to administration of the New Hampshire retirement system and benefits for members.

**HB 1647-FN-A**, relative to demand response program revenue.

**HB 1648-FN**, relative to search and rescue response expenses of the fish and game department.

**HB 1652-FN-A**, relative to the state obligation for payment of the non-federal share of FEMA public assistance and making an appropriation therefor.

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

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from **HB 781 to 1652**, 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 781-FN**, relative to the duties of the department of safety. (Transportation and Interstate Cooperation)

**HB 1197**, relative to liquor advertising. (Commerce, Labor and Consumer Protection)

**HB 1202**, relative to monitoring privately owned water distribution programs. (Energy, Environment and Economic Development)

**HB 1237**, establishing a committee to study liquor advertising by the liquor commission. (Commerce, Labor and Consumer Protection)

**HB 1242**, relative to the prohibition on employee consumption of beverage or liquor. (Commerce, Labor and Consumer Protection)

**HB 1286-FN**, relative to the licensing of mortgage bankers, mortgage brokers, and mortgage originators. (Commerce, Labor and Consumer Protection)

**HB 1333**, relative to post-foreclosure eviction actions. (Judiciary)

**HB 1345**, establishing a commission to study vehicle dealer licenses, dealer plates, and temporary plates. (Transportation and Interstate Cooperation)

**HB 1348**, relative to the milk producers emergency relief fund. (Wildlife, Fish and Game and Agriculture)

**HB 1349**, relative to membership on the council on resources and development. (Energy, Environment and Economic Development)

**HB 1378**, relative to insurance taxes and fees. (Commerce, Labor and Consumer Protection)

**HB 1395-FN**, establishing the AIDS drug assistance program fund. (Health and Human Services)

**HB 1396-FN**, relative to requiring prescriptions to be ordered pursuant to a practitioner-patient relationship. (Health and Human Services)

**HB 1420**, relative to the applicability of zoning ordinances to auto salvage yards. (Public and Municipal Affairs)

**HB 1426-FN-A**, relative to motor fuel import fees. (Ways and Means)

**HB 1434**, relative to the regional greenhouse gas initiative and authorizing cap-and-trade programs for controlling carbon dioxide emissions. (Energy, Environment and Economic Development)

**HB 1435**, requiring certain food programs to comply with Centers for Disease Control/Institute of Medicine standards. (Health and Human Services)

**HB 1436**, relative to requiring inclusion of an automatic continuation clause in collectively bargained agreements with public employees. (Commerce, Labor and Consumer Protection)

**HB 1437**, establishing a committee to study whether the state of New Hampshire shall establish a policy that victims of negligent or intentional tortious acts shall recover losses incurred as a result of such acts. (Judiciary)

**HB 1441-L**, relative to use of the terms “selectwoman” and “selectperson.” (Public and Municipal Affairs)

**HB 1447-FN**, relative to Medicaid for employed adults with disabilities. (Health and Human Services)

**HB 1458**, relative to milk producers and hauling and stop charges. (Wildlife, Fish and Game and Agriculture)

**HB 1472**, relative to workforce housing. (Public and Municipal Affairs)

**HB 1477**, relative to cellular phone and satellite television records for child support enforcement. (Judiciary)

**HB 1479-FN**, relative to the sale of tobacco products and the appeals process concerning the seizure of illegal tobacco products. (Ways and Means)

**HB 1480**, authorizing the commissioner of revenue administration to deny certain tobacco licenses. (Ways and Means)

**HB 1487**, establishing a committee to study practice by advanced dental hygiene practitioners and ways to increase access to oral health care. (Health and Human Services)

**HB 1492**, relative to prescriptions under the controlled drug act. (Health and Human Services)

**HB 1496-FN**, establishing motor vehicle learners' permits and relative to youth operators' licenses. (Transportation and Interstate Cooperation)

**HB 1502-FN**, relative to disposal of used needles. (Health and Human Services)

**HB 1505-FN**, establishing the New Hampshire birth conditions program. (Health and Human Services)

**HB 1508-FN**, relative to prohibited influence of voters and persons intending to vote and relative to the applicability of political advertising and push polling restrictions. (Election Law and Internal Affairs)

**HB 1513-FN**, relative to an evidence-based prescription drug education program. (Health and Human Services)

**HB 1520-FN**, allowing service in the Peace Corps to be purchased as creditable service in the retirement system. (Executive Departments and Administration)

**HB 1533**, relative to the office of the state treasurer. (Finance)

**HB 1536**, relative to periodic payments of judgments. (Judiciary)

**HB 1537**, relative to the definition of milk. (Wildlife, Fish and Game and Agriculture)

**HB 1538**, relative to mineral extraction, mining, and reclamation in New Hampshire. (Energy, Environment and Economic Development)

**HB 1554-FN**, relative to challenges of voters. (Election Law and Internal Affairs)

**HB 1563-FN**, authorizing public academies to receive public funds for renovation and expansion of regional vocational education programs. (Education)

**HB 1569-FN**, relative to the use of drugs on wildlife. (Wildlife, Fish and Game and Agriculture)

**HB 1573-FN-L**, relative to hazardous and dilapidated buildings. (Public and Municipal Affairs)

**HB 1576-FN**, relative to the employment of veterans on Veterans' Day. (Election Law and Internal Affairs)

**HB 1578-FN**, relative to insurance fraud. (Commerce, Labor and Consumer Protection)

**HB 1581-FN-L**, relative to the formation of stormwater utility districts. (Public and Municipal Affairs)

**HB 1583-FN**, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system. (Executive Departments and Administration)

**HB 1591-FN**, relative to vehicles traded to automobile dealers. (Commerce, Labor and Consumer Protection)

**HB 1594-FN**, relative to hazardous material reporting requirements and establishing fees for hazardous materials facilities and employees. (Energy, Environment and Economic Development)

**HB 1595-FN**, relative to driver's license renewals by persons engaged in overseas government service. (Transportation and Interstate Cooperation)

**HB 1601-FN-A**, relative to funding for certain capital projects of the Pease development authority. (Capital Budget)

**HB 1613-FN**, making changes to certain statutes relating to crimes against children. (Judiciary)

**HB 1615-FN-A**, establishing the state office of rural health in the department of health and human services and establishing a commission to recommend policies and programs to increase the number of persons in health professions servicing New Hampshire's rural and underserved areas. (Health and Human Services)

**HB 1619-FN**, requiring a report of the number of female inmates incarcerated in a state correctional facility receiving sex offender treatment. (Judiciary)

**HB 1623-FN**, relative to the penalty for possession of marijuana. (Judiciary)

**HB 1628**, relative to renewable energy generation incentive programs. (Energy, Environment and Economic Development)

**HB 1631-FN**, relative to the state purchase of biodiesel fuels. (Transportation and Interstate Cooperation)

**HB 1633-FN**, relative to the regulation of licensed alcohol and drug use counselors. (Executive Departments and Administration)

**HB 1634**, establishing the New Hampshire council on autism spectrum disorders. (Health and Human Services)

**HB 1635-FN**, relative to permits for motor vehicle salvage facilities and motor vehicle crushers. (Energy, Environment and Economic Development)

**HB 1636**, relative to automotive recycling. (Public and Municipal Affairs)



**HB 1637**, relative to reports to the cancer registry. (Health and Human Services)

**HB 1640-FN**, relative to the classification of convicted sex offenders and offenders against children and revising the provisions requiring DNA testing of criminal offenders. (Judiciary)

**HB 1641-FN**, relative to collections and refunds of road tolls. (Transportation and Interstate Cooperation)

**HB 1645-FN-L**, relative to administration of the New Hampshire retirement system and benefits for members. (Executive Departments and Administration)

**HB 1647-FN-A**, relative to demand response program revenue. (Energy, Environment and Economic Development)

**HB 1648-FN**, relative to search and rescue response expenses of the fish and game department. (Wildlife, Fish and Game and Agriculture)

**HB 1652-FN-A**, relative to the state obligation for payment of the non-federal share of FEMA public assistance and making an appropriation therefor. (Finance)

### HOUSE MESSAGE

The House of Representatives has passed a Bill with the following title, in the passage of which it asks the concurrence of the Senate:

**HB 1429**, relative to private landfills.

### INTRODUCTION OF HOUSE BILL

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered **HB 1429**, shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

**Adopted.**

### First and Second Reading and Referral

**HB 1429**, relative to private landfills. (Energy, Environment and Economic Development)

### HOUSE MESSAGE

The House of Representatives has passed Bill(s) with the following title(s), in the passage of which it asks the concurrence of the Senate:

**HB 65**, relative to the Pease development authority.

**HB 432-FN**, relative to certain on-premises beverage and liquor licenses.

**HB 436**, expanding employee freedom of expression to all public employees.

**HB 666-FN**, relative to the immunizations included for reimbursement in the animal population control program.

**HB 686-FN**, relative to the regulation of remotely readable devices and the illegal use of payment card scanning devices or reencoders.

**HB 690**, establishing a pilot program for job skills training in volunteer work by unemployed individuals.

**HB 841**, relative to the appointment of parenting coordinators and establishing the family mediator and parenting coordinator certification board.

**HB 877-FN**, relative to the state recycling program.

**HB 1127**, relative to determining a bargaining unit in public employee labor relations.

**HB 1222**, prohibiting writing a text message while driving.

**HB 1270**, relative to limiting certain future interests in real property.

**HB 1290-L**, establishing a committee to study insurance coverage and related issues for children required to do community service.

**HB 1293**, relative to eligibility of dog and cat owners to participate in the state's reduced fee companion animal population control program.

**HB 1297**, relative to licenses for aquaculture issued by the fish and game department.

**HB 1298-FN**, making changes to the veterinary/medical/optometric education program.

**HB 1303-FN**, relative to limiting games of chance.

**HB 1305-FN-L**, relative to filing for election to town offices.

**HB 1330**, relative to the process for nonrenewal of teacher contracts.

**HB 1338**, establishing an arboviral illness task force and relative to mosquito control and abatement.

**HB 1346**, relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers.

**HB 1351**, relative to fish and game license and registration agents.

**HB 1376**, relative to insurance penalties.

**HB 1430**, relative to the application of animal cruelty laws to horse and dog race tracks.

**HB 1466**, relative to the inventory fund in the department of safety and relative to the costs and production of number plates.

**HB 1478**, relative to the quorum for meetings of the equalization standards board.

**HB 1485**, relative to state reimbursement under the housing security guarantee program.

**HB 1509-FN-A**, establishing certain fees for operators of games of chance for the purpose of funding the education trust fund.

**HB 1516-FN**, relative to the divestiture of New Hampshire retirement assets relating to Sudan.

**HB 1526**, relative to the use of images of New Hampshire residents who died in the line of duty.

**HB 1532**, relative to snow and obstruction removal from parking spaces designated for disabled persons.

**HB 1551-FN**, relative to fees for special number plates for veterans.

**HB 1596-FN-L**, relative to fees charged by the motor vehicle division and drivers' license suspension or revocation for failure to register as a sexual offender.

**HB 1604-FN**, relative to the electronic toll collection system.

**HB 1618-FN-A**, relative to motor vehicle fees and motor vehicle violation fines and relative to appropriations from the highway fund.

**HB 1622-FN-A**, allowing counties to implement a first-time offender alcohol and substance treatment program, requiring the department of justice to administer grants to counties for such program, and making an appropriation therefor.

**HB 1642-FN**, providing additional funding for charter schools for the 2009 fiscal year.

**HB 1643-FN**, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system.

**HB 1646**, relative to the 10-year transportation improvement plan.

**HB 1651**, allowing municipalities in Coos county to offer property tax exemptions to foster commercial and industrial construction.

**HCR 10**, urging communities to conduct handicap parking awareness days.

### INTRODUCTION OF HOUSE BILL(S)

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from **HB 65 to HCR 10**, 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 65**, relative to the Pease development authority. (Executive Departments and Administration)

**HB 432-FN**, relative to certain on-premises beverage and liquor licenses. (Commerce, Labor and Consumer Protection)

**HB 436**, expanding employee freedom of expression to all public employees. (Commerce, Labor and Consumer Protection)

**HB 666-FN**, relative to the immunizations included for reimbursement in the animal population control program. (Wildlife, Fish and Game and Agriculture)

**HB 686-FN**, relative to the regulation of remotely readable devices and the illegal use of payment card scanning devices or reencoders. (Commerce, Labor and Consumer Protection)

**HB 690**, establishing a pilot program for job skills training in volunteer work by unemployed individuals. (Commerce, Labor and Consumer Protection)

**HB 841**, relative to the appointment of parenting coordinators and establishing the family mediator and parenting coordinator certification board. (Judiciary)

**HB 877-FN**, relative to the state recycling program. (Executive Departments and Administration)

**HB 1127**, relative to determining a bargaining unit in public employee labor relations. (Commerce, Labor and Consumer Protection)

**HB 1222**, prohibiting writing a text message while driving. (Transportation and Interstate Cooperation)

**HB 1270**, relative to limiting certain future interests in real property. (Judiciary)

**HB 1290-L**, establishing a committee to study insurance coverage and related issues for children required to do community service. (Judiciary)

**HB 1293**, relative to eligibility of dog and cat owners to participate in the state's reduced fee companion animal population control program. (Wildlife, Fish and Game and Agriculture)

**HB 1297**, relative to licenses for aquaculture issued by the fish and game department. (Wildlife, Fish and Game and Agriculture)

**HB 1298-FN**, making changes to the veterinary/medical/optometric education program. (Education)

**HB 1303-FN**, relative to limiting games of chance. (Ways and Means)

**HB 1305-FN-L**, relative to filing for election to town offices. (Election Law and Internal Affairs)

**HB 1330**, relative to the process for nonrenewal of teacher contracts. (Education)

**HB 1338**, establishing an arboviral illness task force and relative to mosquito control and abatement. (Public and Municipal Affairs)

**HB 1346**, relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers. (Public and Municipal Affairs)

**HB 1351**, relative to fish and game license and registration agents. (Wildlife, Fish and Game and Agriculture)

**HB 1376**, relative to insurance penalties. (Commerce, Labor and Consumer Protection)

**HB 1430**, relative to the application of animal cruelty laws to horse and dog race tracks. (Wildlife, Fish and Game and Agriculture)

**HB 1466**, relative to the inventory fund in the department of safety and relative to the costs and production of number plates. (Transportation and Interstate Cooperation)

**HB 1478**, relative to the quorum for meetings of the equalization standards board. (Executive Departments and Administration)

**HB 1485**, relative to state reimbursement under the housing security guarantee program. (Finance)

**HB 1509-FN-A**, establishing certain fees for operators of games of chance for the purpose of funding the education trust fund. (Executive Departments and Administration)

**HB 1516-FN**, relative to the divestiture of New Hampshire retirement assets relating to Sudan. (Executive Departments and Administration)

**HB 1526**, relative to the use of images of New Hampshire residents who died in the line of duty. (Election Law and Internal Affairs)

**HB 1532**, relative to snow and obstruction removal from parking spaces designated for disabled persons. (Commerce, Labor and Consumer Protection)

**HB 1551-FN**, relative to fees for special number plates for veterans. (Election Law and Internal Affairs)

**HB 1596-FN-L**, relative to fees charged by the motor vehicle division and drivers' license suspension or revocation for failure to register as a sexual offender. (Judiciary)

**HB 1604-FN**, relative to the electronic toll collection system. (Transportation and Interstate Cooperation)

**HB 1618-FN-A**, relative to motor vehicle fees and motor vehicle violation fines and relative to appropriations from the highway fund. (Finance)

**HB 1622-FN-A**, allowing counties to implement a first-time offender alcohol and substance treatment program, requiring the department of justice to administer grants to counties for such program, and making an appropriation therefor. (Judiciary)

**HB 1642-FN**, providing additional funding for charter schools for the 2009 fiscal year. (Education)

**HB 1643-FN**, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system. (Executive Departments and Administration)

**HB 1646**, relative to the 10-year transportation improvement plan. (Transportation and Interstate Cooperation)

**HB 1651**, allowing municipalities in Coos county to offer property tax exemptions to foster commercial and industrial construction. (Public and Municipal Affairs)

**HCR 10**, urging communities to conduct handicap parking awareness days. (Transportation and Interstate Cooperation)

### HOUSE MESSAGE

The House of Representatives has passed a Bill with the following title, in the passage of which it asks the concurrence of the Senate:

**HB 1408-L**, relative to the right-to-know law.

### INTRODUCTION OF HOUSE BILL

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered **HB 1408**, 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 1408-L**, relative to the right-to-know law. (Public and Municipal Affairs)

### HOUSE MESSAGE

The House of Representatives has passed Bill(s) with the following title(s), in the passage of which it asks the concurrence of the Senate:

**HB 172-FN**, relative to state meat inspection.

**HB 1177**, relative to prohibited interests in on-premises liquor licensees.

**HB 1448-FN**, relative to documents prepared by the department of transportation and reimbursement fees for such documents.

**HB 1488**, establishing a committee to study the feasibility of establishing pro se law libraries.

**HB 1521-L**, relative to Franklin Highway in the town of Andover.

**HB 1610-FN**, relative to motor carriers.

**HB 1632**, relative to continuing the commission to study the production and distribution of biodiesel in New Hampshire.

### INTRODUCTION OF HOUSE BILL(S)

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from **HB 172 to HB 1632**, 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 172-FN**, relative to state meat inspection. (Wildlife, Fish and Game and Agriculture)

**HB 1177**, relative to prohibited interests in on-premises liquor licensees. (Executive Departments and Administration)

**HB 1448-FN**, relative to documents prepared by the department of transportation and reimbursement fees for such documents. (Transportation and Interstate Cooperation)

**HB 1488**, establishing a committee to study the feasibility of establishing pro se law libraries. (Judiciary)

**HB 1521-L**, relative to Franklin Highway in the town of Andover. (Public and Municipal Affairs)

**HB 1610-FN**, relative to motor carriers. (Transportation and Interstate Cooperation)

**HB 1632**, relative to continuing the commission to study the production and distribution of biodiesel in New Hampshire. (Energy, Environment and Economic Development)

### **HOUSE MESSAGE**

The House of Representatives has passed Bill(s) with the following title(s), in the passage of which it asks the concurrence of the Senate:

**HB 1301**, relative to the definition of service dogs.

**HB 1340**, relative to the special account of the judicial retirement system.

**HB 1644-FN-A**, establishing a Coos county job creation tax credit.

**HB 1649-FN-L**, relative to the Medicaid long-term care eligibility determination process.

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

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from **HB 1301 to HB 1649** 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 1301**, relative to the definition of service dogs. (Health and Human Services)

**HB 1340**, relative to the special account of the judicial retirement system. (Executive Departments and Administration)

**HB 1644-FN-A**, establishing a Coos county job creation tax credit. (Ways and Means)

**HB 1649-FN-L**, relative to the Medicaid long-term care eligibility determination process. (Health and Human Services)

### HOUSE MESSAGE

The House of Representatives has passed Bill(s) with the following title(s), in the passage of which it asks the concurrence of the Senate:

**HB 1288**, allowing pharmacists to administer influenza vaccines.

**HB 1289**, relative to court-ordered placements for a child in need of services and relative to permanency hearings in juvenile cases.

**HB 1311**, relative to impaired driver intervention programs.

**HB 1318**, relative to temporary plates issued by motor vehicle dealers.

### INTRODUCTION OF HOUSE BILL(S)

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from **HB 1288 to HB 1318**, 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 1288**, allowing pharmacists to administer influenza vaccines. (Executive Departments and Administration)

**HB 1289**, relative to court-ordered placements for a child in need of services and relative to permanency hearings in juvenile cases. (Judiciary)

**HB 1311**, relative to impaired driver intervention programs. (Judiciary)

**HB 1318**, relative to temporary plates issued by motor vehicle dealers. (Transportation and Interstate Cooperation)

### REPORT OF COMMITTEE ON ENROLLED BILLS

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

**HB 291**, relative to licensure of fireworks sellers.



**HB 385-FN**, relative to licensing and insurance fees.

**HB 794-FN**, establishing a commission to study the feasibility of public funding of state election campaigns.

**HB 1152-FN**, relative to interpreting statutory deadlines.

**HB 1166**, relative to rate setting for interpreters for the deaf and hard of hearing.

**HB 1172-FN**, changing the name of the pari-mutuel commission to the racing and charitable gaming commission.

**HB 1230**, requiring pharmacists to charge an insured person the usual and customary price or the copayment, whichever is less, of filling a prescription.

**HB 1266**, allowing 50 caliber pistols to take game animals in the state.

**HB 1277**, relative to the definition of farm.

**HB 1384**, relative to the regulation of designated agents by the New Hampshire real estate commission, and relative to the disclosure of certain property conditions.

**HB 1411**, relative to rulemaking under the native plant protection act.

**HJR 12**, relative to support for research into colony collapse disorder.

Senator D'Allesandro moved adoption.

**Adopted.**

**Out of Recess.**

#### **LATE SESSION**

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

**Adopted.**

**Adjournment.**

# **SENATE**

# **JOURNAL 12**

***April 10, 2008***

The Senate met at 10:00 a.m.

A quorum was present.

The Reverend Canon Timothy Rich, chaplain to the Senate, offered the following remarks and prayer:

*So I'm going a little bit off script here today because it came to my attention just this morning that two 17-year-old boys were killed on the roads in Gilford last night. Channel 9 reported the fatalities but not any of the details. And so as we convene today, there is a sadness at Laconia High School that we don't even want to imagine. They haven't released the names of the boys yet, but if we could have a moment of silence for them and for those who grieve their passing: Oh gracious and loving God, God of our joys and God of our sorrows, we pray, make Your presence known to those who weep and grieve so deeply today in the wake of this tragic passing. Help them to know that You are near and help them to see signs of Your love in the family and friends who gather around them. And help all of us in this room who debate matters of one kind or another to remember how precious life is, and to remember that at the heart of all that we say and do should be the gift of love. In all this we pray in Your loving name.* Amen

Senator Gottesman led the Pledge of Allegiance.

Senator Clegg is excused for the day.

## INTRODUCTION OF GUESTS

### SPECIAL ORDER

**Senator Larsen moved that without objection HB 399 and HCR 17 be Special Ordered to the Session on April 17.**

**HB 399**, relative to the minimum hourly rate of compensation.

**HCR 17**, encouraging the use of reusable shopping bags.

## COMMITTEE REPORTS

**HB 1245**, relative to insurance department records, investigations, and enforcement. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 3-0. Senator DeVries for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 233-FN-A**, specifying compensation for ballot law commissioners. Election Law and Internal Affairs Committee. Ought to Pass, Vote 3-1. Senator Burling for the committee.

## MOTION TO TABLE

**Senator Burling moved to have HB 233-FN-A laid on the table.**

**Adopted.**

## LAID ON THE TABLE

**HB 233-FN-A**, specifying compensation for ballot law commissioners.

**HB 1239**, relative to the legislative youth advisory council. Election Law and Internal Affairs Committee. Ought to Pass, Vote 5-0. Senator DeVries for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 295**, relative to fuel quality standards and testing requirements for combustion of biomass and biomass fuel. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

**Energy, Environment and Economic Development**

**April 3, 2008**

**2008-1239s**

**08/09**

### Amendment to HB 295

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

AN ACT relative to fuel quality standards and testing requirements for combustion of biomass and biomass fuel and clarifying a definition of provider of electricity.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Biomass Defined. Amend RSA 125-C:2 by inserting after paragraph III the following new paragraph:

III-a. "Biomass" means organic matter used as a fuel, not including wood derived from construction and demolition debris, as defined in RSA 149-M:4, IV-a; wood which has been chemically treated; or agricultural crops or aquatic plants or byproducts from such crops or plants, which have been used to rehabilitate a contaminated or brownfields site through a process known as "phytoremediation."

Amend the bill by replacing section 4 with the following:

4 New Paragraph; Standards and Testing Requirements for Biomass and Eligible Biomass Fuel. Amend RSA 125-C:6 by inserting after paragraph XIV the following new paragraph:

XIV-a. Establishing fuel quality standards and testing requirements for biomass other than round wood and wood chips derived from round wood or waste wood such as limbs, branches, brush, slash, bark, stumps, sawdust, saw mill trimmings, clean pallets, and untreated wood scraps from furniture and other manufacture and eligible biomass fuel related to the combustion of such materials at stationary sources. The commissioner may establish such standards as necessary to maintain statewide compliance with Clean Air Act standards and RSA 125-I.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Providers of Electricity; Municipal Suppliers. Amend RSA 362-F:2, XIV to read as follows:

XIV. "Provider of electricity" means a distribution company providing default service or an electricity supplier as defined in RSA 374-F:2, II ***but does not include municipal suppliers.***

2008-1239s

#### AMENDED ANALYSIS

This bill authorizes the commissioner of the department of environmental services to establish fuel quality standards and testing requirements for biomass and eligible biomass fuel, as defined in the bill, related to the combustion of such materials at stationary sources.

This bill also clarifies the definition of "provider of electricity" under RSA 362-F, relative to electric renewable portfolio standard, by excluding municipal suppliers.

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**HB 415-FN**, establishing a geothermal assessment project. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 1186**, reducing the membership of 2 legislative oversight committees. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 4-0. Senator Fuller Clark for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 1215**, relative to the New Hampshire-Vermont interstate waste compact. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 4-0. Senator Odell for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 1584-FN-A**, creating a commission to study the recycling and disposal of electronic waste. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

**Energy, Environment, and Economic Development**

**April 3, 2008**

**2008-1240s**

**08/09**

**Amendment to HB 1584**

Amend the bill by replacing section 4 with the following:

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

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**HB 1153**, relative to physician assistants and physicians regulation by the board of medicine. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Downing for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 1394-FN**, relative to procedures for approvals of nursing education programs. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Kenney for the committee.

**MOTION TO TABLE**

**Senator Sgambati moved to have HB 1394-FN laid on the table.**

**Adopted.**

**LAIID ON THE TABLE**

**HB 1394-FN**, relative to procedures for approvals of nursing education programs.

**HB 1607-FN**, relative to firefighter services leave for state employees. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

**Senate Executive Departments and Administration**  
**March 26, 2008**  
**2008-1130s**  
**05/10**

**Amendment to HB 1607-FN**

Amend RSA 227-L:5-a, III as inserted by section 1 of the bill by replacing it with the following:

III. All funds reimbursed for services provided under this section shall be deposited in the appropriate pay or overtime account of the agency for whom the state employee works.

IV. This section shall not apply to employees of the department of resources and economic development.

Amend the bill by replacing section 2 with the following:

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

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**HB 1155-FN-A**, making an appropriation of certain revenues to the board of nursing. Finance Committee. Ought to Pass, Vote 3-0. Senator D'Allesandro for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 1341-FN-A**, making an appropriation to the department of administrative services for an energy audit and system evaluation of the state house. Finance Committee. Ought to Pass, Vote 4-0. Senator Janeway for the committee.

**Adopted.**

**Ordered to third reading.**

**MOTION TO VACATE**

Senator Burling moved to vacate **HB 1509-FN-A** from the Executive Departments and Administration Committee to the Ways and Means Committee.

**Adopted.**

**HB 1509-FN-A is vacated to the Ways and Means Committee.**

**HB 678-FN**, establishing a committee to study issues related to cochlear implants. Health and Human Services Committee. Ought to Pass with Amendment, Vote 2-0. Senator Janeway for the committee.

**Health and Human Services**

**April 1, 2008**

**2008-1181s**

**04/05**

**Amendment to HB 678-FN**

Amend subparagraph 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.

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**HB 740-FN**, relative to mental health services. Health and Human Services Committee. Ought to Pass, Vote 2-0. Senator Estabrook for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 1167**, relative to substituting generically equivalent drug products. Health and Human Services Committee. Ought to Pass, Vote 2-0. Senator Janeway for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 1231**, repealing the advisory panel on cancer and chronic diseases and the tobacco use advisory committee. Health and Human Services Committee. Ought to Pass, Vote 2-0. Senator Estabrook for the committee.

**Senator Estabrook moved to recommit.**

**Adopted.**

**HB 1231 is recommitted to the Health and Human Services Committee.**

**HB 1388**, establishing a commission to study practices relative to medications prescribed to children in out-of-home placements. Health and Human Services Committee. Inexpedient to Legislate, Vote 3-0. Senator Gallus for the committee.

**Committee report of Inexpedient to Legislate is adopted.**

**HB 315**, relative to criminal background checks of prospective municipal employees through the division of state police. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator Burling for the committee.

**Public and Municipal Affairs**

**April 1, 2008**

**2008-1192s**

**06/09**

**Amendment to HB 315**

Amend RSA 41:9-b, II as inserted by section 1 of the bill by replacing it with the following:

II. A candidate for employment in a position which the governing body or town manager determines requires a background investigation and a criminal history records check shall submit to the town a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of the person's criminal records, if any. The candidate shall submit with the release form a complete set of fingerprints taken by a law enforcement agency as directed by the governing body or town manager. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the town may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where a candidate has lived during the past 5 years.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect September 1, 2008.

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**HB 211-FN**, requiring that driver's license applicants be informed of and examined on laws relating to blind pedestrians. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 2-0. Senator DeVries for the committee.

**Adopted.**

**Ordered to third reading.**



**HB 1141**, establishing a committee to study parking for wheelchair-lift vans. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 4-0. Senator DeVries for the committee.

**Transportation and Interstate Cooperation**

**April 2, 2008**

**2008-1214s**

**06/09**

**Amendment to HB 1141**

Amend subparagraph 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 sections 3 and 4 with the following:

3 Duties. The committee shall:

- I. Study parking for wheelchair-lift vans.

- II. Communicate and coordinate with the governor's commission on disabilities.

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

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**HB 1220**, establishing a commission to study the taxation of alternative fuel and electric-powered motor vehicles for the purpose of funding improvements to the state's highways and bridges. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 3-0. Senator DeVries for the committee.

**Senate Transportation**

**March 26, 2008**

**2008-1126s**

**09/10**

**Amendment to HB 1220**

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

AN ACT establishing a commission to study the taxation of motor vehicles for the purpose of funding improvements to the state's transportation system.

Amend the bill by replacing section 1 with the following:

1 Commission Established. There is established a commission to study the taxation of motor vehicles for the purpose of funding improvements to the state's transportation system.

Amend paragraph I(b) of 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 sections 3 and 4 with the following:

3 Duties. The commission shall study the taxation of motor vehicles for the purpose of funding improvements to the state's transportation system, in particular relative to the impact of reduced funding due to fuel economy improvements and use of alternative fuels.

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

2008-1126s

#### AMENDED ANALYSIS

This bill establishes a commission to study the taxation of motor vehicles for the purpose of funding improvements to the state's transportation system.

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**HB 1235**, relative to motorist duties when approaching highway emergencies. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 3-0. Senator Letourneau for the committee.

#### **Transportation and Interstate Cooperation**

**April 2, 2008**

**2008-1215s**

**03/09**

#### **Amendment to HB 1235**

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

1 Motorist Duties When Approaching Highway Emergencies; Emergency Road Service Vehicles. Amend RSA 265:37-a, IV to read as follows:

IV. Give a wide berth, without endangering oncoming traffic, to public safety personnel, ~~and~~ any persons in the roadway, ***and stationary vehicles displaying blue, red, or amber emergency or warning lights.***

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

2008-1215s

#### AMENDED ANALYSIS

This bill requires drivers to give wide berth to stationary vehicles displaying emergency or warning lights when approaching highway emergencies.

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**HB 1377**, relative to New Hampshire's rest areas and welcome centers. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 3-0. Senator Burling for the committee.

**Adopted.**

**Ordered to third reading.**

## **RESOLUTION**

Senator Foster moved that the Senate 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 211-FN**, requiring that driver's license applicants be informed of and examined on laws relating to blind pedestrians.

**HB 295**, relative to fuel quality standards and testing requirements for combustion of biomass and biomass fuel.

**HB 315**, relative to criminal background checks of prospective municipal employees through the division of state police.

**HB 415-FN**, establishing a geothermal assessment project.

**HB 678-FN**, establishing a committee to study issues related to cochlear implants.

**HB 740-FN**, relative to mental health services.

**HB 1141**, establishing a committee to study parking for wheelchair-lift vans.

**HB 1153**, relative to physician assistants and physicians regulation by the board of medicine.

**HB 1155-FN-A**, making an appropriation of certain revenues to the board of nursing.

**HB 1167**, relative to substituting generically equivalent drug products.

**HB 1186**, reducing the membership of 2 legislative oversight committees.

**HB 1215**, relative to the New Hampshire-Vermont interstate waste compact.

**HB 1220**, establishing a commission to study the taxation of alternative fuel and electric-powered motor vehicles for the purpose of funding improvements to the state's highways and bridges.

**HB 1235**, relative to motorist duties when approaching highway emergencies.

**HB 1239**, relative to the legislative youth advisory council.

**HB 1245**, relative to insurance department records, investigations, and enforcement.

**HB 1341-FN-A**, making an appropriation to the department of administrative services for an energy audit and system evaluation of the state house.

**HB 1377**, relative to New Hampshire's rest areas and welcome centers.

**HB 1584-FN-A**, creating a commission to study the recycling and disposal of electronic waste.

**HB 1607-FN**, relative to firefighter services leave for state employees.

## ANNOUNCEMENTS

Senator Barnes Rule 44.

Senator D'Allesandro Rule 44.

Senator Gatsas Rule 44.

Senator Larsen Rule 44.

Senator Letourneau Rule 44.

Senator Reynolds Rule 44.

## RESOLUTION

Senator Foster moved that the Senate recess to the Call of the Chair for the sole purpose of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, processing enrolled bill reports and amendments and forming Committees of Conference.

**Adopted.**

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