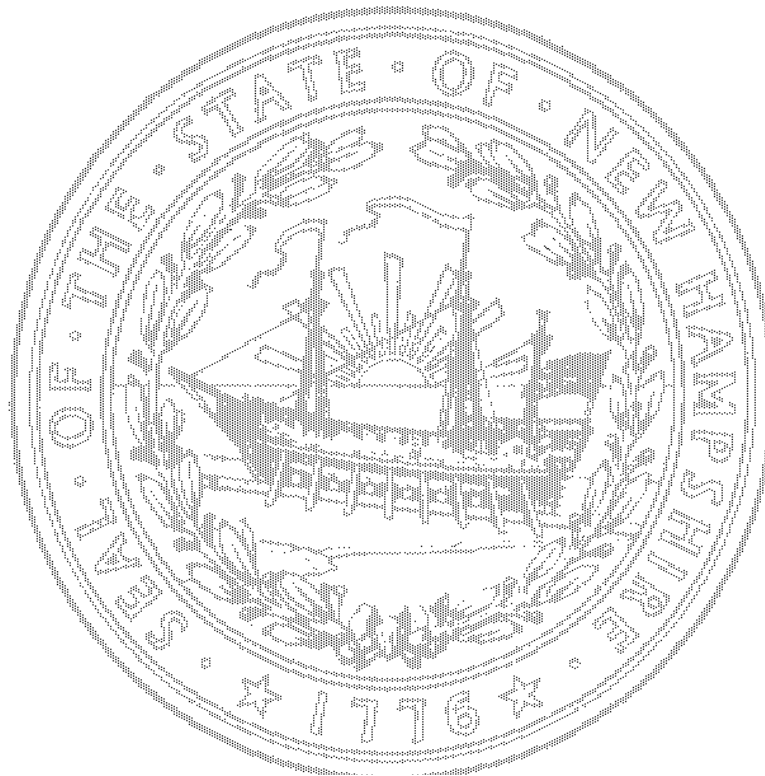


February 7, 2008  
Nos. 4-5

# STATE OF NEW HAMPSHIRE

WEB SITE ADDRESS:  
[www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)



**Legislative**

## SENATE JOURNAL

ADJOURNMENT – JANUARY 31, 2008 SESSION  
COMMENCEMENT – FEBRUARY 7, 2008 SESSION

# SENATE

## JOURNAL 4 (cont.)

*January 31, 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 358**, relative to the procedure for listing candidates on election ballots.

**HB 359-FN**, relative to recovery of medical assistance from an estate.

**HB 581-FN**, relative to the penalty for purposely mistreating service animals.

**HB 595-FN**, requiring the commissioner of the department of corrections to adopt rules establishing a policy on and procedures for an internal clemency board to review and make recommendations on requests for sentence modifications.

**HB 702**, relative to continued jurisdiction in child protection cases.

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

**HB 765-FN**, establishing a committee to study the financial liability for placement of a child with a disability.

**HB 858-FN**, relative to discount medical plan organization.

### 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 **358** to **858**, 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 358**, relative to the procedure for listing candidates on election ballots. (Election Law and Internal Affairs)

**HB 359-FN**, relative to recovery of medical assistance from an estate. (Health and Human Services)

**HB 581-FN**, relative to the penalty for purposely mistreating service animals. (Judiciary)

**HB 595-FN**, requiring the commissioner of the department of corrections to adopt rules establishing a policy on and procedures for an internal clemency board to review and make recommendations on requests for sentence modifications. (Judiciary)

**HB 702**, relative to continued jurisdiction in child protection cases. (Judiciary)

**HB 740-FN**, relative to mental health services. (Health and Human Services)

**HB 765-FN**, establishing a committee to study the financial liability for placement of a child with a disability. (Education)

**HB 858-FN**, relative to discount medical plan organization. (Commerce, Labor and Consumer Protection)

**January 31, 2008**  
**2008-0348-EBA**  
**05/01**

**Enrolled Bill Amendment to HB 351**

The Committee on Enrolled Bills to which was referred HB 351

AN ACT                      clarifying that the definition of “overseas business organization” includes all foreign incorporated business organizations and all 80/20 business organizations.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

**FOR THE COMMITTEE**

**Explanation to Enrolled Bill Amendment to HB 351**

This enrolled bill amendment makes a technical correction to the amending language.

**Enrolled Bill Amendment to HB 351**

Amend section 1 of the bill by replacing line 1 with the following:

1 Definitions; Water’s Edge Combined Group. Amend the introductory paragraph of RSA 77-A:1, XV to read as follows:

**Adopted.**

**January 30, 2008**  
**2008-0332-EBA**

03/10

**Enrolled Bill Amendment to HB 754-FN**

The Committee on Enrolled Bills to which was referred HB 754-FN

AN ACT                    repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

**FOR THE COMMITTEE**

**Explanation to Enrolled Bill Amendment to HB 754-FN**

This enrolled bill amendment renumbers a new RSA subparagraph.

**Enrolled Bill Amendment to HB 754-FN**

Amend section 4 of the bill by replacing lines 2-3 with the following:

after subparagraph (268) the following new subparagraph:

(269) Moneys deposited in the Portsmouth-Kittery Bridge fund under RSA 234:66.

**Adopted.**

**INTRODUCTION OF SENATE BILL(S)**

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, Senate legislation numbered from **SB 529** to **SB 530**, 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**

08-2898

**SB 529**, changing certain references in the mental health laws. (Hassan, Dist 23; Estabrook, Dist 21; Sgambati, Dist 4; Barnes, Dist 17; Burling, Dist 5; Janeway, Dist 7; Stiles, Rock 15; Rosenwald, Hills 22; MacKay, Merr 11: Health and Human Services)

08-2895

**SB 530-FN-A-LOCAL**, relative to kindergarten aid. (Estabrook, Dist 21; D'Allesandro, Dist 20; Foster, Dist 13; Rous, Straf 7; Foose, Merr 1; Reeve, Belk 4; Leishman, Hills 6; L. Ober, Hills 27: Education)

**Out of Recess.**

**LATE SESSION**

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

**Adopted.**

**Adjournment.**

# SENATE

## JOURNAL 5

*February 7, 2008*

The Senate met at 11:00 a.m.

A quorum was present.

The Reverend Canon Timothy Rich, chaplain to the Senate, offered the prayer.

*O God, of our wisdom and strength: In the bustle and busyness of work, fill us with Your energetic spirit and remind us to pause and recall that our labors should find favor in Your sight so that all our works would do You honor, by helping You renew the face of the earth. May Your spirit bless and increase the creativity of our minds, the effort of our hands, our collaborations with colleagues, our consideration of those we serve, and our gladness for Your love and guidance.* *Amen*

Senator Cilley led the Pledge of Allegiance.

Senator Clegg is excused for the day.

### INTRODUCTION OF GUESTS

### COMMITTEE REPORTS

**Senator Larsen moved without objection to move Election Law and Internal Affairs Committee to the end of the calendar.**

**SB 349**, allowing continuation of judicial retirement plan benefits for judges called to full-time active military duty. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 385**, requiring pharmacies to report an inability to fill prescriptions. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 6-0. Senator Fuller Clark for the committee.

**Senate Executive Departments and Administration**

**January 30, 2008**  
**2008-0342s**  
**08/09**

**Amendment to SB 385**

Amend the bill by replacing all after section 2 with the following:

3 Repeal. The following are repealed:

I. RSA 318:5-a, XIX, relative to rulemaking for reports of inadequately staffed or unstaffed pharmacies.

II. RSA 318:40-a, relative to reports of inadequate staffing.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2010.

II. The remainder of this act shall take effect July 1, 2008.

2008-0342s

**AMENDED ANALYSIS**

This bill requires a pharmacy to report to the pharmacy board when it is unable to fill prescriptions.

The provisions of the bill are repealed in 2010.

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**SB 404**, allowing dental school graduates to practice in an approved dental residency program. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 6-0. Senator Cilley for the committee.

**Senate Executive Departments and Administration**  
**January 31, 2008**  
**2008-0343s**  
**10/04**

**Amendment to SB 404**

Amend RSA 317-A:20, III as inserted by section 1 of the bill by replacing it with the following:

(d) Graduates from an American Dental Association accredited school from practicing in an American Dental Association accredited residency program under the supervision of a dentist holding an active license issued by the board for the duration of the residency program

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**SB 300-FN-A**, relative to death benefits for corrections officers killed in the line of duty. Finance Committee. Ought to Pass, Vote 7-0. Senator D'Allesandro for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 303-FN**, relative to special number plates. Finance Committee. Ought to Pass, Vote 7-0. Senator Sgambati for the committee.

#### **MOTION TO TABLE**

**Senator Barnes moved to have SB 303-FN laid on the table.**

**Adopted.**

#### **LAID ON THE TABLE**

**SB 303-FN**, relative to special number plates.

**SB 316-FN**, expanding a death benefit for police officers and firefighters to emergency medical technicians. Finance Committee. Ought to Pass, Vote 7-0. Senator Janeway for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 520-FN-A**, requiring the state veterans council to issue a state veterans handbook biennially and making an appropriation therefor. Finance Committee. Ought to Pass, Vote 7-0. Senator Hassan for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 422**, adding an energy section to zoning and planning master plans. Public and Municipal Affairs Committee. Ought to Pass, Vote 6-0. Senator Burling for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 423**, relative to cashing of bingo winnings checks. Ways and Means Committee. Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 458**, establishing a committee to study the impact on New Hampshire revenues resulting from evasion of taxes by Massachusetts businesses. Ways and Means. Inexpedient to Legislate, Vote 5-0. Senator Downing for the committee.

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

**SB 497-FN**, relative to the security of bonds or notes issued to the New Hampshire Municipal Bond Bank. Ways and Means Committee. Ought to Pass, Vote 5-0. Senator Janeway for the Committee.

**Adopted.**

**Ordered to third reading.**

**SB 436**, enabling certain persons to vote in primaries prior to turning 18 years of age. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator Cilley for the committee.

**Senator Gottesman moved the question.**

**Without objection Senator Larsen moved to close debate.**

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

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

**Seconded by Senator Burling.**

**The following Senators voted Yes: Gallus, Reynolds, Sgambati, Burling, Cilley, Janeway, Odell, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Downing, Hassan, Fuller Clark.**

**The following Senators voted No: Kenney, Roberge, Bragdon, Gatsas, Barnes, Letourneau.**

**Yeas: 17 - Nays: 6**

**Adopted.**

**Ordered to third reading.**

**SB 492**, relative to persons designated to fill vacancies on the ballot. Election Law and Internal Affairs Committee. Ought to Pass, Vote 3-0. Senator Cilley for the committee.



**Adopted.**

**Ordered to third reading.**

### **RESOLUTION**

Senator Foster moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that all bills and resolutions ordered to third reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

**Adopted.**

### **LATE SESSION**

#### **Third Reading and Final Passage**

**SB 300-FN-A**, relative to death benefits for corrections officers killed in the line of duty.

**SB 316-FN**, expanding a death benefit for police officers and firefighters to emergency medical technicians.

**SB 349**, allowing continuation of judicial retirement plan benefits for judges called to full-time active military duty.

**SB 385**, requiring pharmacies to report an inability to fill prescriptions.

**SB 404**, allowing dental school graduates to practice in an approved dental residency program.

**SB 422**, adding an energy section to zoning and planning master plans.

**SB 423**, relative to cashing of bingo winnings checks.

**SB 436**, enabling certain persons to vote in primaries prior to turning 18 years of age.

**SB 492**, relative to persons designated to fill vacancies on the ballot.

**SB 497-FN**, relative to the security of bonds or notes issued to the New Hampshire Municipal Bond Bank.

**SB 520-FN-A**, requiring the state veterans council to issue a state veterans handbook biennially and making an appropriation therefor.

### **ANNOUNCEMENTS**

Senator Larsen (Rule #44).

Senator D'Allesandro (Rule #44).

Senator Janeway (Rule #44).

Senator Burling (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, and processing enrolled bill reports and amendments.

**Adopted.**

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