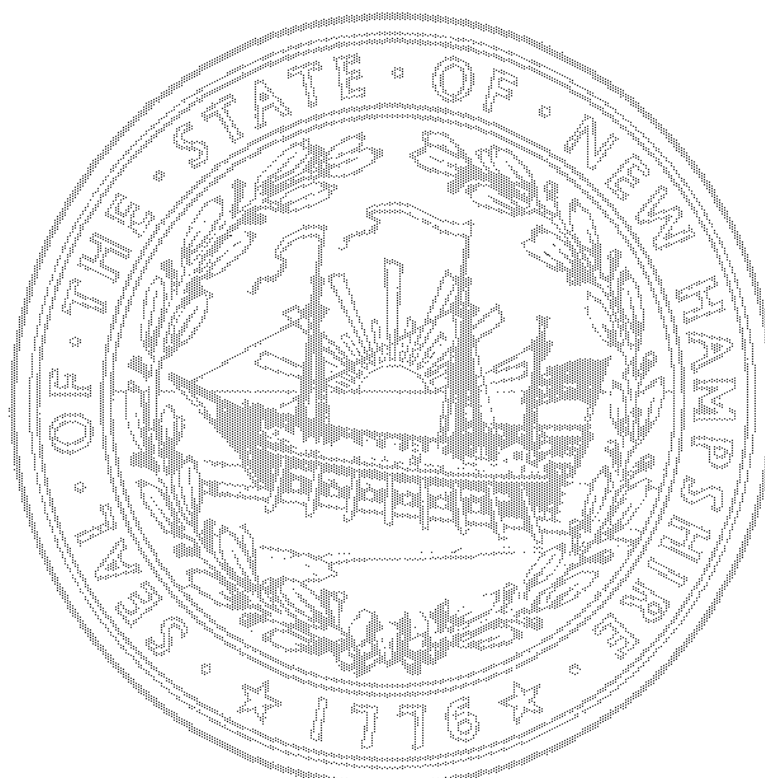


February 21, 2008
Nos. 6-7

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – FEBRUARY 14, 2008 SESSION
COMMENCEMENT – FEBRUARY 21, 2008 SESSION

SENATE

JOURNAL 6 (cont.)

February 14, 2008

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

HB 754-FN, repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority.

Senator D’Allesandro moved adoption.

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 531 to 538**, 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

08-2922

SB 531, relative to the capital appropriation for the Hillsborough north superior court. (Hassan, Dist 23; Foster, Dist 13: Capital Budget)

08-2902

SB 532, relative to administrative fines under the indoor smoking act. (Gottesman, Dist 12; Burling, Dist 5; DeVries, Dist 18; Fuller Clark, Dist 24; Patten, Carr 4; Pilotte, Hills 16; Schmidt, Straf 4; MacKay, Merr 11; Millham, Belk 5: Commerce, Labor and Consumer Protection)

08-2901

SB 533, establishing a committee to study age-based driver's license renewal testing. (Reynolds, Dist 2; Kelly, Dist 10; Burling, Dist 5; Letourneau, Dist 19: Transportation and Interstate Cooperation)

08-2903

SB 534-FN, eliminating the processing fee on court credit card transactions. (D'Allesandro, Dist 20; Clegg, Dist 14: Finance)

08-2904

SB 535, relative to exceptions to highway surveillance prohibitions. (DeVries, Dist 18: Transportation and Interstate Cooperation)

08-2908

SB 536-FN, reclassifying certain positions in the insurance department. (Burling, Dist 5; Gottesman, Dist 12; Hawkins, Hills 18: Executive Departments and Administration)

08-2916

SB 537, relative to allowing the commissioner of the department of employment security to participate in a joint local employment dynamics program with the United States Census Bureau and the Bureau of Labor Statistics. (Gottesman, Dist 12: Commerce, Labor and Consumer Protection)

08-2917

SB 538, relative to the community college system of New Hampshire board of trustees and repealing a motor vehicle regulation statute applicable to the community college system. (Gottesman, Dist 12: Education)

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 7

February 21, 2008

The Senate met at 10:00 a.m.

A quorum was present.

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

O God, creator of life and source of wisdom, You have called this body to lead in the search for answers to our most pressing questions. So deepen their understanding of the issues, so open their consideration of the possibilities, so expand their readiness for collaboration, that their deliberations and decisions might reflect the wisdom, compassion, and justice which undergirds every answer You would have us speak. Amen

Senator Janeway led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

SPECIAL ORDER

Senator Larsen moved that without objection SB 434 be Special Ordered to the end of the calendar.

SB 434, relative to providers of electronic communication services. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Hassan for the committee.

COMMITTEE REPORTS

SB 485, relative to party designations for voters. Election Law and Internal Affairs Committee. Inexpedient to Legislate, Vote 2-0. Senator Burling for the committee.

Committee report of inexpedient to legislate is adopted.

SCR 9, urging Congress to fund a community-based outpatient clinic for veterans in Keene. Election Law and Internal Affairs Committee. Ought to Pass, Vote 2-0. Senator Gallus for the committee.

MOTION TO TABLE

Senator Letourneau moved to have SCR 9 laid on the table.

Adopted.

LAIID ON THE TABLE

SCR 9, urging Congress to fund a community-based outpatient clinic for veterans in Keene.

SB 328, relative to civil forfeitures for certain waste disposal violations. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 4-1. Senator Cilley for the committee.

Adopted.

Ordered to third reading.

SB 435, relative to fill and dredge permits in wetlands. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 4-1. Senator Fuller Clark for the committee.

Sen. Fuller Clark, Dist. 24
February 12, 2008
2008-0546s
08/10

Amendment to SB 435

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Indirect Impacts. Amend RSA 482-A:2, II-a to read as follows:

II-a. ***“Indirect impacts” means reasonably foreseeable impacts to the following characteristics and functions of wetlands on or contiguous to the site of a project proposal, caused by those portions of a project proposal located in upland areas:***

(a) The ability of the wetlands and associated surface waters to meet and maintain state water quality standards, and to support and maintain a balanced, integrated, and adaptive community of organisms having a species composition, diversity, and functional organization comparable to that of similar natural habitats of the region;

(b) The ability of the wetlands to absorb flood waters and silt and to thereby avoid increased flood damage and silting of associated surface waters;

(c) The provision of habitat, food, and reproduction areas for finfish, crustacea, shellfish and wildlife of importance; and

(d) The recharge or discharge of groundwater.

II-b. “Local governing body” means “local governing body” as defined in RSA 672:6.

MOTION TO TABLE

Senator Bragdon moved to have SB 435 laid on the table.

Motion failed.

The question is on the adoption of the committee amendment.

Amendment adopted.

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

Motion failed.

Senator Burling moved interim study.

Adopted.

SB 435 is sent to interim study.

MOTION TO REMOVE FROM THE TABLE

Senator Burling moved to have SCR 9 removed from the table.

Adopted.

SCR 9, urging Congress to fund a community-based outpatient clinic for veterans in Keene. Election Law and Internal Affairs Committee. Ought to Pass, Vote 2-0. Senator Gallus for the committee.

Senator Burling offered a floor amendment.

Sen. Burling, Dist. 5

Sen. Cilley, Dist. 6

Sen. DeVries, Dist. 18

Sen. Gallus, Dist. 1

Sen. Letourneau, Dist. 19

February 21, 2008

2008-0767s

09/10

Floor Amendment to SCR 9

Amend the resolution by replacing all after the title with the following:

Whereas, the United States Department of Defense has approved a community-based outpatient clinic for veterans to be located in Keene; and

Whereas, such outpatient clinics already serve veterans in Portsmouth, Somersworth, Tilton, Conway, and Manchester; and

Whereas, veterans residing in Keene and surrounding communities who may be ill and elderly must now travel many miles to appointments at distant clinics, even for minor procedures, frequently spending whole days in travel; and

Whereas, the Keene area veterans frequently miss essential checkups and therapies because of inclement weather and lack of proper transportation; and

Whereas, veterans residing in the Keene area deserve the same level of care as veterans residing in other areas of the state; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the New Hampshire general court urges Congress to fully fund a community-based outpatient clinic for veterans to be located in Keene, New Hampshire; and

That copies of this resolution be sent by the senate clerk to the Secretary of the Department of Defense and to each member of the New Hampshire congressional delegation.

Floor amendment adopted.

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

A roll call was requested by Senator Burling.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Reynolds, Kenney, Sgambati, Burling, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Estabrook, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Fuller Clark moved to have SB 403 removed from the table.

Adopted.

Senator Hassan Rule #42 on SB 403.

SB 403, relative to large withdrawals of water from aquifers within municipal boundaries.

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

Motion failed.

Senator Hassan Rule #42 on SB 403.

Senator Cilley moved ought to pass.

Senator Cilley offered a floor amendment.

Sen. Cilley, Dist. 6

Sen. Barnes, Dist. 17

February 14, 2008

2008-0603s

06/01

Floor Amendment to SB 403

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

AN ACT relative to the commission to study issues relative to groundwater withdrawals.

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

1 Commission to Study Issues Relative to Groundwater Withdrawals; Duties Expanded. Amend 2003, 305:3 to read as follows:

305:3 Duties. The commission shall study ways to bring a balanced approach to water use among residential, public water supply, industrial, commercial, agricultural, energy, recreational, and other water users, and to improve the current process by which new water users may reasonably and efficiently use state water resources, including consideration of potential regional impacts and local water management issues, in order to best protect and preserve an adequate supply of water for the state with particular attention to groundwater. This study shall include consideration of issues such as potential impacts on New Hampshire's environment, property rights as they relate to groundwater, possible fees on water withdrawals, and the protection of New Hampshire's aquifers. ***Consideration of these issues shall include appropriate roles for municipalities in the permitting and regulation of large groundwater withdrawals and shall include input from municipalities and other entities.*** The commission may address other issues related to water.

2 Commission to Study Issues Relative to Groundwater Withdrawals; Reporting Date Extended. Amend 2003, 305:5 as amended by 2005, 287:1 to read as follows:

305:5 Report. The commission shall make an interim report of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2003. The commission shall make additional interim reports of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 30 of each year, with the final report ***on the roles of municipalities in permitting and regulation of large groundwater withdrawals*** due on or before November 30, 2008 ***and the balance of the final report due on or before November 30, 2010.*** The senate ***energy***, environment, and ~~wildlife~~ ***economic development*** committee and the house resources, recreation and development committee shall have oversight responsibility for the progress of the commission and shall receive copies of all interim reports.

3 Effective Date. This act shall take effect upon its passage.
2008-0603s

AMENDED ANALYSIS

This bill:

I. Expands the duties of the commission to study issues relative to groundwater withdrawals.

II. Extends the date of the final report.

Floor amendment adopted.

Senator Hassan Rule #42 on SB 403.

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

Adopted.

Ordered to third reading.

Senator Hassan Rule #42 on SB 403.

SB 305-FN, relative to the regulation of private investigators. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 4-0. Senator Burling for the committee.

Committee report of inexpedient to legislate is adopted.

SB 314-FN, relative to the use of certain prior service credit in the retirement system for purposes of eligibility for medical benefits. Executive Departments and Administration Committee. Interim Study, Vote 4-0. Senator Burling for the committee.

Committee report of interim study is adopted.

SB 322, relative to lists of professional bondsmen. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Downing for the committee.

Adopted.

Ordered to third reading.

SB 327-FN, relative to compensation for state employees injured in the line of duty. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 4-0. Senator Cilley for the committee.

**Senate Executive Departments and Administration
February 11, 2008
2008-0497s
05/01**

Amendment to SB 327-FN

Amend the bill by replacing section 1 with the following:

1 Compensation for State Employees Injured in the Line of Duty. Amend RSA 21-I:43-a to read as follows:

21-I:43-a Compensation for State Employees Injured in Line of Duty. Any injury received by any state employee who is injured in the line of duty by a hostile or overt act or an act caused by another during the performance of duties which are considered dangerous in nature that requires the employee to be hospitalized or renders the employee temporarily unable to perform the duties of his or her position shall not be charged against annual leave or sick leave for the time lost due to the injury. During such time, the employee shall remain on the active payroll. ***In the event of permanent disability, no employee shall be terminated from state service until he or she has applied for disability retirement and a final decision on the application is made by the board of trustees of the New Hampshire retirement system and appeals of such decision, if any, are finalized; provided, that the employee shall make such application within 18 months of the injury contemplated by this section.*** The executive head of the employee's agency shall make the determination as to whether an injury is in the line of duty and due to a hostile or overt act, or an act caused by another during the performance of duties which are considered dangerous in nature, and, after approval by the governor and council, the determination shall be final. The compensation provided for in this section shall be in addition to any other compensation or remedy available to the employee, ***including workers' compensation.***
2008-0497s

AMENDED ANALYSIS

This bill specifies that if a state employee is injured in the line of duty and is permanently disabled, the employee shall not be terminated from state service until he or she has applied for disability retirement and a final decision on the application is made and all appeals are finalized.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 346-FN, relative to the regulation of fuel gas fitters by the state fire marshal. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 4-0. Senator Burling for the committee.

Senate Executive Departments and Administration
February 14, 2008
2008-0599s
10/05

Amendment to SB 346-FN

Amend RSA 153:29-a, I as inserted by section 2 of the bill by replacing it with the following:

I. The commissioner may issue a business entity a fuel gas fitter license without examination or continuing education requirements to corporations, partnerships, or limited liability companies engaged in fuel gas fitting, provided one or more officers of the corporation, or designee, or one or more members of the partnership, or designee, or one or more managing members of the limited liability company, or designee, hold an active and current license as a liquefied propane service technician or natural gas service technician

under this subdivision. Within 30 days after the death or withdrawal of the licensed person as a corporate officer, or designee, or member of the partnership, or designee, or one or more managing members of the limited liability company, or designee, the licensed person, corporation, partnership, or limited liability company shall give notice thereof to the commissioner and, if no other officer, partner, manager or designee, is licensed as a liquefied propane service technician or natural gas service technician, the corporation, or partnership, or limited liability company shall not act as a fuel gas fitter until some other officer, member, or designee, has obtained a license as a liquefied propane service technician or natural gas service technician. Notwithstanding any other provision of law, the commissioner shall not require a fee for a corporation engaged in fuel gas fitting where a licensed liquefied propane service technician or natural gas service technician is the sole shareholder of the corporation.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 347, establishing a commission to study making changes to the New Hampshire accountancy act. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 4-0. Senator Kelly for the committee.

**Senate Executive Departments and Administration
February 14, 2008
2008-0597s
10/03**

Amendment to SB 347

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

- I. The members of the commission shall be as follows:
 - (a) One member of the senate, appointed by the president of the senate.
 - (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
 - (c) Two representatives of the New Hampshire Society of Certified Public Accountants, appointed by the organization.
 - (d) Two members of the New Hampshire board of accountancy, appointed by the board.
 - (e) One public member, appointed by the governor.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 348-FN, relative to the certification of forensic counselors by the board of forensic counselors. 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 13, 2008

2008-0594s

08/10

Amendment to SB 348-FN

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

1 New Chapter; Forensic Counselors. Amend RSA by inserting after chapter 611-B the following new chapter:

CHAPTER 611-C

FORENSIC COUNSELORS

611-C:1 Definitions. In this chapter:

I. "Certified forensic counselor" means any person certified under this chapter who offers assessment, evaluation, and counseling services, in return for compensation, to any person who is arrested or convicted of a felony or misdemeanor.

II. "Consulting" means interpreting or reporting scientific fact or theory in counseling and providing assistance to the criminal justice system, legal profession, corrections, individuals, groups, or organizations in solving problems related to criminal behaviors.

III. "Forensic counseling" means:

(a) Applying scientific principles to questions and issues relating to law, the legal system, and the adversary process through assessment, consultation, diagnosis, treatment planning, and counseling;

(b) Developing an understanding of criminals, criminal behavioral problems, and chronic criminal offenses;

(c) Preventing, diagnosing, and treating developmental, emotional, or behavioral problems, which cause criminal behavior;

(d) Conducting assessment and diagnoses for the purpose of establishing treatment, treatment goals, and objectives for offenders; and

(e) Planning, implementing, or evaluating treatment plans using professional counseling treatment interventions.

IV. "Supervised work experience" means voluntary or paid work experience in which counseling or education services are provided to offenders preferably under the supervision of a clinically certified forensic counselor or a licensed professional in the department of health and human services.

611-C:2 Board.

I. There is hereby established a board of forensic counselors, consisting of the following members:

(a) Four members appointed by the governor with the consent of the council, who shall be members of the board of the New Hampshire chapter of the American Board of Forensic Counselors.

(b) One member of the public, appointed by the governor with the consent of the council.

II. The board shall elect its own chairperson every 2 years by a majority vote.

611-C:3 Fees. The board may establish fees under RSA 541-A for applications, certification, conditional certification, renewal of certification, temporary renewal of certification, and reinstatement of certification.

611-C:4 Certified Forensic Counselors.

I. Any person who practices and specializes in forensic counseling and provides services to criminal offenders may obtain certification as a certified forensic counselor (CFC) or clinically certified forensic counselor.

(a) To qualify as a certified forensic counselor a person shall either:

(1) Hold a bachelor's degree and meet the credentialing requirements set by National Association of Forensic Counselors; or

(2) Hold a high school diploma and currently have 5 years experience working in the field of forensic counseling and meet the requirements of RSA 611-C:5, I(c) and (d).

(b) To qualify as a clinically certified forensic counselor a person shall hold a master's degree or be licensed in a behavioral science or related field and meet the credentialing requirements set by the National Association of Forensic Counselors.

(c) Both a certified forensic counselor and a clinically certified forensic counselor shall pass a written examination based on national standards established by the National Association of Forensic Counselors and its certification commission, the American College of Certified Forensic Counselors.

(d) A certified forensic counselor and a clinically certified forensic counselor shall:

(1) Provide 3 letters of recommendation from licensed professionals attesting to forensic counseling competence, ethics, and character. One of those letters shall be from a past or present supervisor.

(2) Complete both a state and a national criminal background check. If the applicant has previously been convicted of a sexual or violent offense, the New Hampshire board of forensic counselors shall conduct a review and determine the suitability of the applicant.

(3) Have completed at least 2 years or 4,000 hours, of full-time supervised work experience with criminal offenders within the past 5 years.

(4) Have successfully completed at least 290 hours of education related to forensic counseling, and its theory, practice, or research.

(5) Have successfully completed at least 500 hours of supervised experience and practicum in treating criminal offenders.

(6) Have successfully completed 270 hours of alcohol and drug abuse education.

(7) Have successfully completed 24 hours of education in legal issues and ethics pertaining to criminal justice and correctional clients.

(8) Have completed 50 hours of education or completed the department of health and human services, division of public health services STD/HIV prevention program in recognizing and working with clients who are at risk for HIV/AIDS and sexually transmitted diseases.

(e) A person working with criminal offenders in a defined capacity without receiving the appropriate certification from the state board may continue to do so, but shall not:

(1) Represent himself or herself by the title "certified forensic counselor" or "clinically certified forensic counselor";

(2) Use the title "certified forensic counselor" or "clinically certified forensic counselor" or any other name, style, or description denoting that the person is certified as a forensic counselor;

(3) Advertise or otherwise offer to perform forensic counseling or related forensic services as a certified forensic counselor or clinically certified forensic counselor.

II. Failure to renew a certification shall result in the forfeiture of the rights and privileges granted by the certification.

III. A person presently practicing as a National Association of Forensic Counselors certified forensic counselor or clinically certified forensic counselor shall be awarded a state certification upon the effective date of this act.

2 Effective Date. This act shall take effect July 1, 2008.
2008-0594s

AMENDED ANALYSIS

This bill:

I. Establishes a state board of forensic counselors.

II. Establishes a voluntary certification program for certified counselors and clinically certified forensic counselors.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 372, relative to the state building code and the membership of the heating system certification advisory committee. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 4-0. Senator Downing for the committee.

Senate Executive Departments and Administration
February 13, 2008
2008-0595s
05/03

Amendment to SB 372

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

AN ACT relative to membership of the heating system certification advisory committee.

Amend the bill by deleting section 1 and renumbering the original section 2-3 to read as 1-2, respectively.
2008-0595s

AMENDED ANALYSIS

This bill adds 2 members to the heating system certification advisory committee.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 410, relative to the conditions for issuance of a death certificate. 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 14, 2008
2008-0607s
01/09

Amendment to SB 410

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

AN ACT relative to the conditions for issuance of a cremation certificate and relative to the medical examiner's statute.

Amend the bill by replacing all after section 1 with the following:

2 New Section; Medical Records. Amend RSA 611-B by inserting after section 14 the following new section:

611-B:14-a Medical Records. For the purpose of any medical examination into the cause and manner of death, and where medical treatment has been provided to the decedent who is the subject of the examination, upon written request of the supervising medical examiner any individual, partnership, association, corporation, institution, or governmental entity which has rendered such treatment shall provide the supervising medical examiner with all medical records pertaining to the decedent and the treatment rendered. This section shall not preclude the supervising medical examiner from directly inspecting or obtaining any medical records pertaining to a case under the jurisdiction of the chief medical examiner. The records shall be promptly provided to the supervising medical examiner. When the records are incorporated into the files of the medical examiner or the office of the chief medical examiner, they shall be confidential and shall not be available for public inspection.

3 Assistant Deputy Medical Examiner Accounts. Amend RSA 611-B:27, I to read as follows:

I. Assistant deputy medical examiners shall be paid at the following rates: telephone consultations--\$25; death investigations involving an external examination of the body—~~[\$125]~~ **\$140**, plus mileage at the state rate; pre-cremation examinations conducted pursuant to RSA 325-A:18--\$50.

4 Effective Date. This act shall take effect upon its passage.
2008-0607s

AMENDED ANALYSIS

This bill clarifies when a medical examiner's certificate may be issued for a death which occurred within the state but the body is being transferred out of state for cremation.

This bill also makes a technical correction to the medical examiner's statute and increases the fee for external examinations of a body during a death investigation.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 430, relative to cemeteries and mausoleums. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 4-0. Senator Downing for the committee.

Senate Executive Departments and Administration

February 14, 2008

2008-0596s

08/10

Amendment to SB 430

Amend RSA 289:1, I-III as inserted by section 1 of the bill by replacing it with the following:

I. "Burial ground" means a private *family* cemetery *or religious institution's cemetery* on private property and not available for use by the public. *For purposes of this paragraph, the term "family" shall mean members of the immediate family and any individuals related by blood or marriage or civil union to members of the immediate family.*

II. "Burial space" means a lot in any cemetery as designed and intended for the interment of a human body or bodies, but presently not used for such purpose.

III. "Cemetery" means any cemetery owned, managed, or controlled by any municipality within this state or owned and managed by any *nonprofit* cemetery corporation chartered by the state. *Mausoleums and columbariums shall be included within the term "cemetery."*

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 428, establishing a commission to study the funding of vaccines for children who are not covered by private health insurance and repealing an assessment for the cost of vaccines. Health and Human Services Committee. Ought to pass with amendment, Vote 5-0. Senator Kenney for the committee.

Health and Human Services

February 12, 2008

2008-0559s

01/09

Amendment to SB 428

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

AN ACT establishing a commission to study the funding of vaccines for children who are not covered by private health insurance.

Amend the bill by replacing section 3 with the following:

3 Duties. The commission shall study funding of vaccines for children not covered by private health insurance. The commission shall identify long-term funding sources, in lieu of the additional assessment levied pursuant to RSA 126-Q:4, III, to fund the cost of vaccines for children not covered by private health insurance and for which federal reimbursement is not available.

Amend the bill by replacing all after section 5 with the following:

6 Effective Date. This act shall take effect upon its passage.
2008-0559s

AMENDED ANALYSIS

This bill establishes a commission to study the funding of vaccines for children who are not covered by private health insurance.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 509-FN, requiring tobacco cessation therapy under the state Medicaid program. Health and Human Services Committee. Ought to pass with amendment, Vote 5-0. Senator Fuller Clark for the committee.

Sen. Sgambati, Dist. 4
February 12, 2008
2008-0525s
05/04

Amendment to SB 509-FN

Amend the bill by replacing section 1 with the following:

1 New Section; State Medicaid Program; Tobacco Cessation Therapy. Amend RSA 167 by inserting after section 3-h the following new section:

167:3-g Tobacco Cessation Therapy. The general court recognizes the health and economic benefits to the state of New Hampshire and its citizens occasioned by smoking cessation. Accordingly, the commissioner of department of health and human services is directed to provide scientifically-based and dynamic smoking cessation benefits to recipients of medical assistance that comport with the provisions and limits of Title XIX of the Social Security Act .

Amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Fuller Clark moved to have SB 332-FN removed from the table.

Adopted.

SB 332-FN, relative to resomation of human remains.

The question is on the adoption of the committee amendment (0434s).

Amendment adopted.

Senator DeVries offered a floor amendment.

Sen. DeVries, Dist. 18
February 20, 2008
2008-0750s
01/10

Floor Amendment to SB 332-FN

Amend RSA 325-B:3 as inserted by section 1 of the bill by replacing it with the following:

325-B:3 Environmental, Building and Location Requirements.

I. A resomation facility shall comply with all applicable environmental statutes and regulations.

II. A resomation facility may be constructed at any location in accordance with all applicable zoning and building codes.

Amend RSA 325-B:11 as inserted by section 1 of the bill by inserting after paragraph VII the following new paragraph:

VIII. Violation of any applicable environmental statute or regulation.

Amend the bill by replacing section 4 with the following:

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

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

CACR 31, relating to the funding of public education. Providing that the legislature shall make a reasonable determination of the content, extent, funding, which shall include targeting, and delivery of public education. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Foster for the committee.

MOTION TO TABLE

Senator Foster moved to have CACR 31 laid on the table.

Adopted.

LAID ON THE TABLE

CACR 31, relating to the funding of public education. Providing that the legislature shall make a reasonable determination of the content, extent, funding, which shall include targeting, and delivery of public education.

CACR 32, relating to local public education. Providing that the local political subdivision responsible for public education shall have the power to determine curriculum, set standards, and determine funding, and that the legislature may provide supplemental funding. Judiciary Committee. Inexpedient to Legislate, Vote 4-1. Senator Foster for the committee.

MOTION TO TABLE

Senator Foster moved to have CACR 32 laid on the table.

Adopted.

LAID ON THE TABLE

CACR 32, relating to local public education. Providing that the local political subdivision responsible for public education shall have the power to determine curriculum, set standards, and determine funding, and that the legislature may provide supplemental funding.

CACR 33, relating to funding a public education. Providing that the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided that every school district receives a reasonable share of the state funds on a per pupil basis. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Foster for the committee.

MOTION TO TABLE

Senator Foster moved to have CACR 33 laid on the table.

Adopted.

LAID ON THE TABLE

CACR 33, relating to funding a public education. Providing that the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided that every school district receives a reasonable share of the state funds on a per pupil basis.

CACR 34, relating to funding of public education. Providing that the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities. Judiciary Committee. Ought to Pass, Vote 3-2. Senator Foster for the committee.

Senator Clegg offered a floor amendment.

Sen. Clegg, Dist. 14
Sen. Gallus, Dist. 1
Sen. Kenney, Dist. 3
Sen. Odell, Dist. 8
Sen. Roberge, Dist. 9
Sen. Bragdon, Dist. 11
Sen. Gatsas, Dist. 16
Sen. Barnes, Dist. 17
Sen. Letourneau, Dist. 19
Sen. Downing, Dist. 22
February 21, 2008
2008-0758s
06/09

Floor Amendment to CACR 34

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

I. That the second part of the constitution be amended by inserting after article 83 the following new article:

[Art.] 83-a [Funding Public Education.] In fulfillment of the state's duties set forth in the preceding article, the general court shall have the authority and responsibility to reasonably define the content of an adequate public education and distribute state funds for public education in the manner that it reasonably determines to alleviate local disparities. The state shall not mandate, expand, or modify programs or responsibilities that would require additional expenditures without providing full funding.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2008.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2008 election an article to the following effect: To

decide whether the amendments of the constitution proposed by the 2007 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the second part of the constitution by inserting after article 83 a new article to read as follows:

[Art.] 83-a [Funding Public Education.] In fulfillment of the state’s duties set forth in the preceding article, the general court shall have the authority and responsibility to reasonably define the content of an adequate public education and distribute state funds for public education in the manner that it reasonably determines to alleviate local disparities. The state shall not mandate, expand, or modify programs or responsibilities that would require additional expenditures without providing full funding.”

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote “Yes” or “No.” If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words “Questions Relating to Constitutional Amendments proposed by the 2007 General Court” shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Kenney.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Kenney, Odell, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.

The following Senators voted No: Reynolds, Sgambati, Burling, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, DeVries, D’Allesandro, Estabrook, Hassan, Fuller Clark.

Yeas: 10 - Nays: 14

Floor amendment failed.

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, Kenney, Burling, Janeway, Odell, Roberge, Kelly, Bragdon, Gottesman, Foster, Larsen, Gatsas, Barnes, DeVries, D'Allesandro, Downing, Hassan, Fuller Clark.

The following Senators voted No: Sgambati, Cilley, Clegg, Letourneau, Estabrook.

Yeas: 19 - Nays: 5

Adopted by the necessary 3/5 vote.

Ordered to third reading.

SB 311-FN, extending the statute of limitations for civil actions based upon a sexual assault case. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Gottesman for the committee.

**Sen. Foster, Dist. 13
February 12, 2008
2008-0520s
06/04**

Amendment to SB 311-FN

Amend the bill by replacing section 1 with the following:

1 Limitations of Actions; Sexual Assault and Related Offenses. Amend RSA 508:4-g to read as follows:

508:4-g Actions Based on Sexual Assault and Related Offenses. A person, alleging to have been subjected to any offense under RSA 632-A or an offense under RSA 639:2, who was under 18 years of age when the alleged offense occurred, may commence a personal action based on the incident within the later of:

- I. Twelve years of the person's eighteenth birthday; or
- II. Three years of the time the plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury and its causal relationship to the act or omission complained of.

Amendment adopted.

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

A roll call was requested by Senator Barnes.

Seconded by Senator DeVries.

The following Senators voted Yes: Gallus, Reynolds, Kenney, Sgambati, Burling, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Estabrook, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Ordered to third reading.

SB 344-FN, relative to capital murder. Judiciary Committee. Interim Study, Vote 5-0. Senator Foster for the committee.

The question is on the adoption of the committee report of interim study.

A roll call was requested by Senator Kenney.

Seconded by Senator Barnes.

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

The following Senators voted No: Kenney, Barnes.

Yeas: 22 - Nays: 2

Committee report of interim study is adopted.

SB 351-FN, requiring that funds in the civil legal services fund be distributed to New Hampshire Legal Assistance to establish an office at a location in Carroll county. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 401, relative to recommendations of marital masters. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Gottesman for the committee.

Committee report of inexpedient to legislate is adopted.

SB 443, requiring notice to the probate court prior to the sale of real estate by an administrator or executor. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Reynolds for the committee.

Committee report of inexpedient to legislate is adopted.

SB 375-L, allowing veterinarians to inform town and city clerks about dogs that have been euthanized. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 6-0. Senator Roberge for the committee.

Public and Municipal Affairs

February 13, 2008
2008-0578s
08/10

Amendment to SB 375-LOCAL

Amend the bill by replacing section 1 with the following:

1 Records; Dog Licenses; Veterinarians' Reports. Amend RSA 466:11 to read as follows:
466:11 Records.

I. Clerks of towns and cities shall keep a record of all licenses issued by them, with the names of the keepers or owners of dogs licensed, and the names, registered numbers and descriptions of all such dogs. Clerks of towns and cities shall furnish yearly to the local governing body a list of those owners who have failed to renew their license for use in preparing the warrant of unlicensed dogs.

II. *With the owner's consent, a veterinarian may report the euthanizing or death during treatment of a licensed dog to the town or city clerk in order to have the record reflect that the dog was euthanized or died. A veterinarian providing such a report may also provide the town or city clerk with the mailing and street addresses of the owner of the dog. Written reports, if any, shall be destroyed after receipt by the town clerk.*

Amendment adopted.

Senator Hassan offered a floor amendment.

Sen. Hassan, Dist. 23
Sen. Burling, Dist. 5
February 20, 2008
2008-0734s
08/09

Floor Amendment to SB 375-LOCAL

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

AN ACT allowing veterinarians to inform town and city clerks about dogs that have been euthanized or died during treatment.

Amend RSA 466:11, II as inserted by section 1 of the bill by replacing it with the following:

II. *With the owner's consent, a veterinarian may report the euthanizing or death during treatment of a licensed dog to the town or city clerk in order to have the record reflect that the dog was euthanized or died. A veterinarian providing such a report may also provide the town or city clerk with the mailing and street addresses of the owner of the dog. Written reports, if any, shall be destroyed after receipt by the town or city clerk, and any resulting record reflecting the dog's death shall not specify the manner or cause of death.*

2008-0734s

AMENDED ANALYSIS

This bill allows veterinarians to inform town and city clerks about dogs that have been euthanized or died during treatment.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

SB 513-FN, relative to fighting animals. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Roberge for the committee.

Public and Municipal Affairs
February 12, 2008
2008-0576s
08/03

Amendment to SB 513-FN

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Exhibitions of Fighting Animals. Amend RSA 644:8-a by inserting after paragraph III the following new paragraphs:

IV. Upon conviction of a violation of this section, all animals used or to be used in fighting, and all equipment, paraphernalia, and money involved in a violation of this section shall be forfeited to the state. Proceeds of any such forfeiture may be used to reimburse local government and state agencies for the costs of prosecution of animal fighting cases. Proceeds which are not needed for such reimbursement shall be deposited in the companion animal neutering fund, established in RSA 437-A:4-a.

V. In addition to other penalties prescribed by law, the court may issue an order prohibiting a person who is convicted of a violation of this section from owning or possessing any animals within the species that is the subject of the conviction, or any animals kept for the purpose of fighting or baiting, for a period of time determined by the court.

Amendment adopted.

Senator Hassan offered a floor amendment.

Sen. Hassan, Dist. 23
Sen. Burling, Dist. 5
February 15, 2008
2008-0652s
08/09

Floor Amendment to SB 513-FN

Amend RSA 644:8-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Upon conviction of a violation of this section, all animals used or to be used in fighting, and all equipment, paraphernalia, and money involved in a violation of this section shall be forfeited to the state. Proceeds of any such forfeiture shall be used to reimburse local government and state agencies for the costs of prosecution of animal fighting cases. Proceeds which are not needed for such reimbursement shall be deposited in the companion animal neutering fund, established in RSA 437-A:4-a.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

SB 434, relative to providers of electronic communication services. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Hassan for the committee.

Senator Gatsas offered a floor amendment.

Sen. Gatsas, Dist. 16
Sen. Clegg, Dist. 14
Sen. Roberge, Dist. 9
Sen. Kenney, Dist. 3
Sen. Letourneau, Dist. 19
Sen. Odell, Dist. 8
Sen. Barnes, Dist. 17
Sen. Downing, Dist. 22
February 21, 2008
2008-0763s
06/09

Floor Amendment to SB 434

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

AN ACT relative to providers of electronic communication services and an extension for compliance with the REAL ID Act of 2005.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 REAL ID; Extension. The governor, or designee, shall request an extension from the U.S. Department of Homeland Security of the deadline for compliance with the REAL ID Act of 2005. The extension shall not commit New Hampshire to any specific action.

2008-0763s

AMENDED ANALYSIS

This bill:

I. Deletes references to communications common carriers and adds references to providers of electronic communications service and remote computing services.

II. Requires the governor to request an extension from the U.S. Department of Homeland Security of the deadline for compliance with the REAL ID Act of 2005.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Kenney, Odell, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.

The following Senators voted No: Reynolds, Sgambati, Burling, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.

Yeas: 10 - Nays: 14

Floor amendment failed.

Senator Burling offered a floor amendment.

**Sen. Burling, Dist. 5
Sen. Reynolds, Dist. 2
Sen. Sgambati, Dist. 4
Sen. Cilley, Dist. 6
Sen. Janeway, Dist. 7
Sen. Kelly, Dist. 10
Sen. Gottesman, Dist. 12
Sen. Foster, Dist. 13
Sen. Larsen, Dist. 15
Sen. DeVries, Dist. 18
Sen. D'Allesandro, Dist. 20
Sen. Estabrook, Dist. 21
Sen. Hassan, Dist. 23
Sen. Fuller Clark, Dist. 24**

February 21, 2008

2008-0771s

09/04

Floor Amendment to SB 434

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

AN ACT relative to providers of electronic communication services and an extension for compliance with the REAL ID Act of 2005.

Amend the bill by replacing all after section 1 with the following:

2 REAL ID; Extension. The governor, or designee, is requested to apply for an extension from the federal government of the deadline for compliance with the REAL ID Act of 2005. Such a request shall not constitute “participation” in REAL ID in violation of state law. The governor, or designee, shall request the assistance of the New Hampshire federal delegation in securing the necessary extension.

3 Effective Date.

I. Section 2 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

2008-0771s

AMENDED ANALYSIS

This bill

I. Deletes references to communications common carriers and adds references to providers of electronic communications service and remote computing services.

II. Requests the governor to apply for an extension from the federal government of the deadline for compliance with the REAL ID Act of 2005.

Senator Burling withdrew floor amendment 0771s.

Senator Burling offered a floor amendment.

Sen. Burling, Dist. 5
Sen. Reynolds, Dist. 2
Sen. Sgambati, Dist. 4
Sen. Cilley, Dist. 6
Sen. Janeway, Dist. 7
Sen. Kelly, Dist. 10
Sen. Gottesman, Dist. 12
Sen. Foster, Dist. 13
Sen. Larsen, Dist. 15
Sen. DeVries, Dist. 18
Sen. D’Allesandro, Dist. 20
Sen. Estabrook, Dist. 21
Sen. Hassan, Dist. 23
Sen. Fuller Clark, Dist. 24
Sen. Kenney, Dist. 3
Sen. Odell, Dist. 8
Sen. Roberge, Dist. 9

Sen. Bragdon, Dist. 11
Sen. Clegg, Dist. 14
Sen. Gatsas, Dist. 16
Sen. Barnes, Dist. 17
Sen. Letourneau, Dist. 19
Sen. Downing, Dist. 22
February 21, 2008
2008-0774s
09/01

Floor Amendment to SB 434

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

AN ACT relative to providers of electronic communication services and an extension for compliance with the REAL ID Act of 2005.

Amend the bill by replacing all after section 1 with the following:

2 REAL ID; Extension. The governor, or designee, is requested to apply for an extension from the federal government of the deadline for compliance with the REAL ID Act of 2005. Such a request shall not constitute "participation" in REAL ID in violation of state law. The governor, or designee, may request the assistance of the New Hampshire federal delegation in securing the necessary extension.

3 Effective Date.

I. Section 2 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

2008-0771s

AMENDED ANALYSIS

This bill

I. Deletes references to communications common carriers and adds references to providers of electronic communications service and remote computing services.

II. Requests the governor to apply for an extension from the federal government of the deadline for compliance with the REAL ID Act of 2005.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator DeVries.

The following Senators voted Yes: Gallus, Reynolds, Kenney, Sgambati, Burling, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Estabrook, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Floor amendment adopted.

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

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 311-FN, extending the statute of limitations for civil actions based upon a sexual assault case.

SB 322, relative to lists of professional bondsmen.

SB 328, relative to civil forfeitures for certain waste disposal violations.

SB 332-FN, relative to resomation of human remains.

SB 347, establishing a commission to study making changes to the New Hampshire accountancy act.

SB 372, relative to membership of the heating system certification advisory committee.

SB 375-L, allowing veterinarians to inform town and city clerks about dogs that have been euthanized or died during treatment.

SB 403, relative to the commission to study issues relative to groundwater withdrawals.

SB 428, establishing a commission to study the funding of vaccines for children who are not covered by private health insurance.

SB 430, relative to cemeteries and mausoleums.

SB 434, relative to providers of electronic communication services and an extension for compliance with the REAL ID Act of 2005.

SB 509-FN, requiring tobacco cessation therapy under the state Medicaid program.

SB 513, relative to fighting animals.

SCR 9, urging Congress to fund a community-based outpatient clinic for veterans in Keene.

CACR 34, relating to funding of public education. Providing that the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities.

ANNOUNCEMENTS

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.