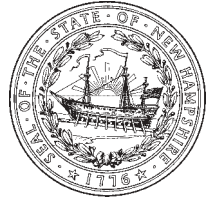


# STATE OF NEW HAMPSHIRE

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## SENATE JOURNAL 5 (*Cont.*)



***February 13, 2003***

**Out of Recess.**

### 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 517-LOCAL**, relative to Keene Road and Main Street in the town of Hillsborough.

**HCR 16**, urging increased diplomacy to achieve a just, peaceful, and rapid resolution of the conflict between India and Pakistan relative to the state of Jammu and Kashmir.

### INTRODUCTION OF HOUSE BILLS

Senator Clegg offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill(s) numbered **HB 517** - **HCR 16** 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 517-LOCAL**, relative to Keene Road and Main Street in the town of Hillsborough. (Transportation)

**HCR 16**, urging increased diplomacy to achieve a just, peaceful, and rapid resolution of the conflict between India and Pakistan relative to the state of Jammu and Kashmir. (Energy and Economic Development)

### LATE SESSION

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

**Adopted.**

**Adjournment.**

## SENATE JOURNAL 6

***February 20, 2003***

The Senate met at 10:00 a.m.

A quorum was present.

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

*Gracious and ever patient God, You have placed into these hands the steering wheel of the gigantic and vital eighteen wheeler of this state's government. Give to our drivers both the intuition as well as the counter intuition to know when to turn which way, that they may carefully and skillfully back us into just the right spot.*  
*Amen.*

Senator Green led the Pledge of Allegiance.

### INTRODUCTION OF GUESTS COMMITTEE REPORTS

**SB 22**, establishing a committee to study the economic effects of student activities on state higher education campuses on the surrounding municipalities. Education Committee. Ought to pass with amendment, Vote 3-0. Senator Johnson for the committee.

**Senate Education**  
**February 13, 2003**  
**2003-0315s**  
**08/04**

#### Amendment to SB 22

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

AN ACT amending the duties of the public higher education study committee.

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

1 New Subparagraph; Public Higher Education Study Committee; Duties Amended. Amend RSA 187-A:28-c, I by inserting after subparagraph (f) the following new subparagraph:

(g) The economic effects of student activities on higher education campuses as reported in studies by the university system of New Hampshire and municipalities. The committee shall study possible solutions and recommend legislation. Possible solutions for the committee to study include payments to the municipalities by institutions of higher education in lieu of taxes; additional fees or assessments; and any other remedy suggested by the municipalities affected by higher education campuses.

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

**2003-0315s**

#### AMENDED ANALYSIS

This bill amends the duties of the public higher education study committee to study the economic effects of student activities on state higher education campuses on the surrounding municipalities.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**SB 51-FN**, relative to membership on the New England Board of Higher Education. Education Committee. Ought to pass with amendment, Vote 4-0. Senator O'Hearn for the committee.

**Senate Education**  
**February 13, 2003**  
**2003-0314s**  
**03/04**

#### Amendment to SB 51-FN

Amend RSA 200-A:3 as inserted by section 1 of the bill by replacing it with the following:

200-A:3 Membership of Board. There shall be 8 resident members from New Hampshire on the New England Board of Higher Education as provided in article II of the compact. One of such resident members shall always be the chancellor of the university system. ***The second resident member shall be the executive director of the postsecondary education commission. The third resident member shall be the commissioner of regional community-technical colleges.*** The [second through] fourth ***and fifth*** resident members shall [always be the president of the university of New Hampshire, the president of Keene state college, and the president of Plymouth state college] ***be citizens of the state appointed by the governor and council.*** The [fifth] ***sixth*** resident member shall be a member of the house of representatives appointed by the speaker of the house. The [sixth] ***seventh*** member shall be a member of the senate appointed by the president of the senate. [The seventh resident member shall be a citizen of the state designated by the governor as his responsible representative.] The eighth resident member shall be a representative of a private

college in New Hampshire[. The seventh and eighth members shall be] appointed by the governor and council. The term of office for each of the first [4] **3** resident members shall be concurrent with his *or her* term as chancellor, [or president] **executive director, or commissioner**. The term of office for each of the latter [4] **5** resident members shall be for 4 years and until [his] **a** successor is appointed and qualified, except that the term of any member of the general court shall terminate if such member shall cease to be a state legislator. In that case, another member shall be appointed in a like manner for the unexpired term. The term of the member representing a private college shall end if the member's association with the private college terminates. Each member of the board shall receive his *or her* expenses actually and necessarily incurred by [him] **the member** in the performance of his *or her* duties as a member. In addition to their expenses, the **fourth**, fifth, sixth, seventh, and eighth members shall receive \$15 per day compensation for time actually spent in the work as a member of the New England Board of Higher Education, provided that the total for expenses and per diem compensation for any of such [4] **5** members shall not exceed the sum of \$500 during any one fiscal year. All expenses and per diem compensation shall be audited by the commissioner of administrative services as expenses of other employees are audited and shall be a charge against any appropriation provided for this purpose.

**2003-0314s**

#### AMENDED ANALYSIS

This bill changes the New Hampshire membership on the New England Board of Higher Education by replacing the college and university presidents with the executive director of the postsecondary education commission, the commissioner of regional community-technical colleges, and a member appointed by the governor and council

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HCR 16**, urging increased diplomacy to achieve a just, peaceful, and rapid resolution of the conflict between India and Pakistan relative to the state of Jammu and Kashmir. Energy and Economic Development Committee. Ought to pass, Vote 5-0. Senator Prescott for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 49**, relative to fluoridation of public water supplies and local decisions regarding fluoridation. Environment Committee. Inexpedient to Legislate, Vote 3-2. Senator Barnes for the committee.

#### MOTION TO TABLE

Senator Larsen moved to have **SB 49**, relative to fluoridation of public water supplies and local decisions regarding fluoridation, laid on the table.

**Question is on the motion to table.**

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

**Seconded by Senator Below.**

**The following Senators voted Yes: Below, O'Hearn, Foster, Larsen, D'Allesandro, Estabrook, Prescott, Cohen.**

**The following Senators voted No: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Peterson, Clegg, Gatsas, Barnes, Martel, Sapareto, Morse.**

**Yeas: 8 - Nays: 15**

**Motion failed.**

**Question is on the committee report of inexpedient to legislate.**

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

**SB 65**, relative to reducing certain mercury emissions. Environment Committee. Inexpedient to Legislate, Vote 3-2. Senator Johnson for the committee.

**Question is on the committee report of inexpedient to legislate.**

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

**Seconded by Senator Barnes.**

**The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Peterson, O'Hearn, Clegg, Gatsas, Barnes, Martel, Sapareto, D'Allesandro, Morse, Prescott.**

**The following Senators voted No: Below, Foster, Larsen, Estabrook, Cohen.**

**Yeas: 18 - Nays: 5**

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

**SB 15**, relative to election day registration. Internal Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Boyce for the committee.

**Internal Affairs  
February 11, 2003  
2003-0254s  
03/10**

**Amendment to SB 15**

Amend RSA 654:7-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Any person whose name is not on the checklist but who is otherwise a qualified voter shall be entitled to vote by requesting to be registered to vote at the polling place on election day. The voter may then vote at that election. The applicant may be required to produce appropriate proof of qualifications as provided in RSA 654:12. The applicant shall complete an election day affidavit which shall be prescribed by the secretary of state, and which shall contain the following written oath or affirmation:

"My name is \_\_\_\_\_. I am today registering to vote in the city/town of \_\_\_\_\_, New Hampshire.

I understand that to vote in this city/town, I must be 18 years of age, I must be a United States citizen, and I must be domiciled in this city/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By voting today, I am acknowledging that I am not domiciled in any other state or any other city/town. I understand that if I am domiciled in another state or city/town, I may be entitled to vote in elections held within that state or city/town by absentee ballot.

In declaring New Hampshire as my domicile, I am subject to the laws of the State of New Hampshire which apply to all residents, including laws requiring me to register my motor vehicles and apply for a New Hampshire driver's license within 60 days of becoming a resident.

In declaring New Hampshire as my domicile, I realize that I may be forfeiting benefits or rights, including the right to vote in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town on this day, and I have not voted and will not vote at any other polling place this election."

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$4,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

**2003-0254s**

**AMENDED ANALYSIS**

This bill revises the affidavit requirements for persons registering to vote on election day to require the applicant to acknowledge the implications of declaring residency in New Hampshire.

**Amendment adopted.**

Senator Larsen offered a floor amendment.

**Sen. Larsen, Dist. 15**  
**February 19, 2003**  
**2003-0345s**  
**03/05**

**Floor Amendment to SB 15**

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

AN ACT relative to election day registration and relative to encouragement of voter registration and participation in the electoral process.

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

2 New Subdivision; Encouragement of Registration and Participation. Amend RSA 652 by inserting after section 22 the following new subdivision:

**Encouragement of Registration and Participation**

652:23 Encouragement of Registration and Participation. The secretary of state shall implement, with the participation of town and city clerks, an annual program designed to encourage voter registration and participation in the electoral process by students in high schools, colleges, and universities.

**2003-0345s**

**AMENDED ANALYSIS**

This bill revises the affidavit requirements for persons registering to vote on election day to require the applicant to acknowledge the implications of declaring residency in New Hampshire. This bill also requires the secretary of state to implement a program to encourage voter registration and participation in the electoral process.

**Question is on the adoption of the floor amendment.**

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

**Seconded by Senator D'Allesandro.**

**The following Senators voted Yes: Below, Foster, Larsen, D'Allesandro, Estabrook, Cohen.**

**The following Senators voted No: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Peterson, O'Hearn, Clegg, Gatsas, Barnes, Martel, Sapareto, Morse, Prescott.**

**Yeas: 6 - Nays: 17**

**Floor amendment failed.**

Senator Boyce offered a floor amendment.

**Sen. Boyce, Dist. 4**  
**February 20, 2003**  
**2003-0385s**  
**03/10**

**Floor Amendment to SB 15**

Amend RSA 654:7-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Any person whose name is not on the checklist but who is otherwise a qualified voter shall be entitled to vote by requesting to be registered to vote at the polling place on election day. The voter may then vote at that election. The applicant may be required to produce appropriate proof of qualifications as provided in RSA 654:12. The applicant shall complete an election day affidavit which shall be supplied by the secretary of state, and which shall contain the following written oath or affirmation:

"My name is \_\_\_\_\_. I am today registering to vote in the city/town of \_\_\_\_\_, New Hampshire.

I understand that to vote in this city/town, I must be 18 years of age, I must be a United States citizen, and I must be domiciled in this city/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By voting today, I am acknowledging that I am not domiciled in any other state or any other city/town. I understand that if I am domiciled in another state or city/town, I may be entitled to vote in elections held within that state or city/town by absentee ballot.

In declaring New Hampshire as my domicile, I am subject to the laws of the State of New Hampshire which apply to all residents, including laws requiring me to register my motor vehicles and apply for a New Hampshire driver's license within 60 days of becoming a resident.

In declaring New Hampshire as my domicile, I realize that I may be forfeiting benefits or rights, including the right to vote in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town on this day, and I have not voted and will not vote at any other polling place this election."

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Date

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Signature

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000.

**2003-0385s**

#### AMENDED ANALYSIS

This bill revises the affidavit requirements for persons registering to vote on election day to require the applicant to acknowledge the implications of declaring residency in New Hampshire.

**Floor amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

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

**SB 77**, relative to bond votes in school districts with official ballot voting procedures. Internal Affairs Committee. Ought to Pass, Vote 3-1. Senator Flanders for the committee.

#### MOTION TO TABLE

Senator Flanders moved to have **SB 77**, relative to bond votes in school districts with official ballot voting procedures, laid on the table.

**Adopted.**

#### LAID ON THE TABLE

**SB 77**, relative to bond votes in school districts with official ballot voting procedures.

**SB 172-FN**, increasing certain fees charged by the secretary of state. Internal Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Kenney for the committee.

**Internal Affairs**

**February 12, 2003**

**2003-0280s**

**08/01**

#### Amendment to SB 172-FN

Amend the bill by replacing section 1 with the following:

1 Department of State; Fees. Amend RSA 5:10 to read as follows:

5:10 Office Fees. Except as otherwise provided, the following fees shall be paid to the secretary of state for the use of the state: For every commission issued to a justice of the peace or to a notary public, \$50; for every



certificate pertaining to the existence of a corporation, trade name, or other business entity, or writ served on the same, \$5; for every such certificate in long form, \$10; ***apostilles and certificates for notaries public and justices of the peace, \$10***; for every other certificate under seal of the state, \$5; for engrossing private acts, \$1 for each page of 240 words; ***a fee of \$25 for expedited service of every 10 documents or part thereof.***

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**SB 53**, establishing an advisory board to the labor commissioner and relative to the membership of the compensation appeals board. Insurance Committee. Ought to pass with amendment, Vote 5-0. Senator Flanders for the committee.

**Insurance**

**February 12, 2003**

**2003-0275s**

**01/09**

#### **Amendment to SB 53**

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

AN ACT establishing an advisory board to the labor commissioner and relative to the terms of the members of the compensation appeals board.

Amend RSA 281-A:42-aa, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) One member representing labor, appointed by the commissioner from a list of nominees provided by the New Hampshire organized labor groups.

Amend RSA 281-A:42-aa, IV(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Receive complaints from the commissioner, pursuant to RSA 281-A:42-e, regarding current appeals board members.

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

2 Workers' Compensation; Appeals Board; Term of Members Changed. Amend RSA 281-A:42-a, I to read as follows:

I. There is established a compensation appeals board. The board shall consist of a pool of 33-members, of which 11 members shall represent labor, 11 members shall represent employers or workers' compensation insurers and 11 members shall be attorneys who shall be neutral. Members of the board shall be appointed by the governor and council from a list of nominees submitted by the commissioner. The commissioner shall submit at least 2 nominees for each vacancy to be filled. Any person appointed by the governor and council who is not qualified or who ceases to be qualified in the capacity in which such person is serving on the appeals board shall be replaced by the governor and council. Terms of board members shall be ~~[4]~~ **3** years, except the initial appointments shall be staggered so that no more than 1/3 of the members' terms shall expire in the same year. Members of the board shall have at least 5 years' experience in the area of workers' compensation. As a condition to maintaining eligibility to hear appeals, board members shall have at least 20 hours annually of training and briefing in the area of workers' compensation and relevant disciplines. The commissioner, or designee, with the assistance of the attorney general's staff shall supervise and approve the training. The commissioner shall have the authority to suspend the eligibility of any member of the board who is not in compliance with such annual training requirements, and to reinstate such member's eligibility upon compliance. Appeals from a decision of the commissioner or the commissioner's representative shall be heard de novo by a 3-member panel, composed of an attorney who shall serve as chair, one member representing labor and one member representing employers or workers' compensation insurers. At least 2 like votes shall be necessary for a decision by the panel. The board shall hear appeals, in accordance with RSA 281-A:43, I(b), from the decisions of the commissioner made pursuant to RSA 281-A:43. No person who is an interested party or an employee of an interested party shall participate as a member of the panel. The board shall conduct its proceedings in such a manner as to ensure a fair and impartial hearing.

3 New Section; Complaints Regarding Compensation Appeals Board Members. Amend RSA 281-A by inserting after section 42-d the following new section:

281-A:42-e Complaints Regarding Compensation Appeals Board Members. Any participant involved in the appeals process who has a complaint concerning the conduct of any member of the compensation appeals board shall write to the commissioner of labor stating such complaint. The commissioner shall investigate the complaint and, if the commissioner determines the complaint is valid, take such corrective action as is warranted. The commissioner shall make a list of the complaints filed against a member of the appeals board available to the advisory board, established in RSA 281-A:42-aa, when that appeals board member is being considered for nomination for a new term.

4 Effective Date. This act shall take effect January 1, 2004.

**2003-0275s**

#### AMENDED ANALYSIS

This bill establishes an advisory board to the labor commissioner which shall evaluate candidates for the compensation appeals board. The bill also changes the term of the members of the compensation appeals board.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**SB 39**, relative to the results of a preliminary breath test as evidence in court. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Peterson for the committee.

**Senate Judiciary**

**February 13, 2003**

**2003-0309s**

**03/04**

#### Amendment to SB 39

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

1 Off Highway Recreational Vehicles; Preliminary Breath Tests. RSA 215-A:11-i is repealed and reenacted to read as follows:

215-A:11-i Preliminary Breath Tests.

I. Any law enforcement officer, who has been certified by the police standards and training council according to standards for such certification contained in rules adopted by said council pursuant to RSA 541-A, having reasonable grounds to believe that a person has been driving or operating an OHRV while under the influence of intoxicating liquor or controlled drug, or while the person's alcohol concentration was 0.08 or more, or in the case of a person under the age of 21, 0.02 or more may, without making an arrest, request that such person submit to a preliminary breath test for alcohol concentration to be administered by the officer. The results of any test administered under this section may be introduced into evidence in a court for any relevant purpose. Failure to submit to the test shall not constitute a violation of this chapter. Evidence of failure to submit to a preliminary breath test shall not be admissible in court in any prosecution under this chapter, except for the purpose of determining whether the officer had probable cause to arrest the person. The provisions of this section shall not limit the introduction of any other competent evidence bearing on the question of whether a person charged with violating RSA 215-A:11 was under the influence of intoxicating liquor or any controlled drug. Nothing contained in this section shall be construed to prevent or require a subsequent test pursuant to RSA 215-A:11-a. The law enforcement officer requesting the test shall advise orally the person to be tested that his or her failure to take the test or his or her taking of the test shall not be construed to prevent or require a subsequent test pursuant to RSA 215-A:11-a. The results of the test shall be furnished immediately to the person tested by the law enforcement officer administering the test and in writing, if requested.

II. No device may be used to give a chemical test under the provisions of this section unless it has been approved as to type and make by the department of health and human services.

III. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to methods and procedures for evaluation and approval of preliminary breath test devices.



2 Serious Traffic Offenses; Preliminary Breath Test. Amend RSA 265:92-a, I to read as follows:

I. Any police officer, who has been certified by the police standards and training council according to standards for such certification contained in rules adopted by said council pursuant to RSA 541-A, having reasonable grounds to believe that a person has been driving or operating a vehicle on a way while under the influence of intoxicating liquor or controlled drug or while the person's alcohol concentration was 0.08 or more or in the case of a person under the age of 21, 0.02 or more may, without making an arrest, request that such person submit to a preliminary breath test for alcohol concentration to be administered by the officer. The results of ~~[this test may be admissible in evidence for the sole purpose of determining whether the officer had probable cause to arrest the person]~~ ***any test administered under this section may be introduced into evidence in a court for any relevant purpose.*** Failure to submit to the test shall not constitute a violation of this chapter. ***Evidence of a failure to submit to a preliminary breath test shall not be admissible in court in any prosecution under this subdivision, except for the purpose of determining whether the officer had probable cause to arrest the person. The provisions of this section shall not limit the introduction of any other competent evidence bearing on the question of whether a person charged with violating RSA 265:82, I(a) or RSA 265:82-a, I was under the influence of intoxicating liquor or any controlled drug.*** Nothing contained in this section shall be construed to prevent or require a subsequent test pursuant to RSA 265:84. The police officer requesting the test shall advise orally the person to be tested that his or her failure to take the test or his or her taking of the test shall not be construed to prevent or require a subsequent test pursuant to RSA 265:84. The results of the test shall be furnished immediately to the person tested by the police officer administering the test and in writing, if requested.

3 Boating While Intoxicated; Preliminary Breath Tests. Amend RSA 270:57, I to read as follows:

I. Any authorized agent or any peace officer who has been trained and certified according to standards for such training and certification set by the police standards and training council and contained in rules adopted by the said council pursuant to RSA 541-A, having reasonable grounds to believe that a person has been operating or was in control of a boat upon the public waters of the state while under the influence of intoxicating liquor or controlled drugs or any combination of intoxicating liquor or controlled drugs may, without making an arrest, request that such person submit to a preliminary breath test to be administered by the officer. The results of ~~[this test shall not be admissible in evidence by the prosecution, and]~~ ***any test administered under this section may be introduced into evidence in a court for any relevant purpose.*** Failure to submit to the test shall not constitute a violation of this chapter. ***Evidence of a failure to submit to a preliminary breath test shall not be admissible in court in any prosecution under this subdivision, except for the purpose of determining whether the officer had probable cause to arrest the person. The provisions of this section shall not limit the introduction of any other competent evidence bearing on the question of whether a person charged with violating RSA 270:48-a, I was under the influence of intoxicating liquor or any controlled drug.*** Nothing contained in this section shall be construed to prevent or require a subsequent test pursuant to RSA 270:49. The officer requesting the test shall advise the person to be tested that his ***or her*** failure to take the test or his ***or her*** taking of the test shall not be construed to prevent or require a subsequent test pursuant to RSA 270:49. The results of the test shall be furnished forthwith to the person tested by the officer administering the test.

4 Effective Date. This act shall take effect January 1, 2004.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**SB 41-FN**, relative to the installation of airbags by motor vehicle repair facilities. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Clegg for the committee.

**Senate Judiciary**  
**February 13, 2003**  
**2003-0308s**  
**05/10**

**Amendment to SB 41-FN**

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

AN ACT relative to the installation of airbags.

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

1 New Sections; Installation of Airbags. Amend RSA 358-D by inserting after 11 the following new sections:

358-D:11-a Installation of Airbags; Criminal Penalty for Improper Installation. Any person who knowingly installs or reinstalls any object which is not a properly operating airbag that was designed in accordance with federal safety regulations for the make, model, and year of the vehicle, as part of a vehicle inflatable restraint system, shall be guilty of a class A misdemeanor.

358-D:11-b Sale of Vehicle with Inoperative Airbag; Criminal Penalty. Any person who knowingly sells a vehicle with an inoperative airbag shall be guilty of a class A misdemeanor.

358-D:11-c Installation of Recycled Airbag. Nothing in RSA 358-D:11-a or RSA 358-D:11-b shall prohibit the installation or reinstallation of a recycled airbag that was designed in accordance with federal safety regulations for the make, model, and year of the vehicle, as part of a vehicle inflatable restraint system.

2 New Paragraph; Motor Vehicle Repair Facilities; Remedies Added. Amend RSA 358-D:12 by inserting after paragraph IV the following new paragraph:

V. The remedies provided in this section shall be in addition to any other right, remedy, or penalty provided by law, including RSA 358-D:11-a and RSA 358-D:11-b.

3 Effective Date. This act shall take effect January 1, 2004.

**2003-0308s**

#### AMENDED ANALYSIS

This bill establishes a criminal penalty for any person who knowingly installs any object which is not a properly operating airbag that was designed in accordance with federal safety regulations for the make, model, and year of the vehicle, as part of a vehicle inflatable restraint system.

This bill also establishes a criminal penalty for any person who knowingly sells a vehicle with an inoperative airbag.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**SB 93**, relative to wrongful discharge from employment. Judiciary Committee. Inexpedient to Legislate, Vote 4-1. Senator Clegg for the committee.

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

**SB 43**, relative to archives and records management. Public Affairs Committee. Ought to Pass, Vote 4-0. Senator Morse for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 104**, relative to state administration of medicaid benefits and services for individuals who are deaf or hard of hearing. Public Institutions, Health and Human Services Committee. Ought to pass with amendment, Vote 4-0. Senator O'Hearn for the committee.

**Public Institutions, Health and Human Services**

**February 12, 2003**

**2003-0269s**

**01/04**

#### Amendment to SB 104

Amend the bill by replacing section 1 with the following:

1 Statement of Purpose. The general court recognizes that further adjustments to the payment schedule for services for the deaf and hard of hearing may be necessary to fully implement the infant deafness program.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**SB 38-FN-A-L**, authorizing special number plates for firefighters and dedicating the revenues for matching grants to purchase fire-fighting equipment. Transportation Committee. Ought to pass with amendment, Vote 5-0. Senator Kenney for the committee.

**Senate Transportation**  
**February 12, 2003**  
**2003-0279s**  
**03/04**

**Amendment to SB 38-FN-A-LOCAL**

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

AN ACT authorizing special number plates for firefighters.

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

1 New Subparagraph; Department of Safety; Rulemaking Authority; Motor Vehicle Registration; Firefighter Number Plates. Amend RSA 21-P:14, III by inserting after subparagraph (ii) the following new subparagraph:

(jj) Application for firefighter number plates, as authorized by RSA 261:91-a.

2 New Section; Certificates of Title and Registration of Vehicles; Firefighter Number Plates. Amend RSA 261 by inserting after section 91 the following new section:

261:91-a Firefighter Number Plates.

I. The director shall design and issue, with the approval of the commissioner, special number plates to be affixed to the personal vehicles of firefighters. Such plates shall be issued only upon application with proof of firefighter status, and upon payment of a one-time \$30 fee to cover production and administrative costs that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required. Renewals of such special number plates shall be charged the fee assessed for standard motor vehicles as prescribed under RSA 261:141. The application shall be signed by the fire chief to verify that the applicant is a firefighter.

II. For the purposes of this section, a firefighter is a person who has the authority and responsibility to engage in the prevention, control, or extinguishment of fires, and who performs activities that are required for and directly concerned with the prevention, control, or extinguishment of fires, including incidental non-firefighting functions.

III. A firefighter who is issued plates under paragraph I shall return those plates to the division of motor vehicles no later than 10 days after the firefighter leaves his or her position. When the firefighter leaves his or her position, the fire chief shall immediately notify the director.

3 Effective Date. This act shall take effect July 1, 2003.

**2003-0279s**

**AMENDED ANALYSIS**

This bill authorizes special number plates for firefighters.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

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

**SB 44**, relative to penalties for vehicle dealers. Transportation Committee. Ought to pass with amendment, Vote 5-0. Senator Flanders for the committee.

**Senate Transportation**  
**February 7, 2003**  
**2003-0213s**  
**03/05**

**Amendment to SB 44**

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

1 Rulemaking; Suspension of Registrations, Licenses, and Privileges. Amend RSA 21-P:14, III(hh) to read as follows:

(hh) Suspension of registrations, ***licenses, and privileges***, as authorized by RSA 261:177 and 261:178.

2 Penalties; Dealers, Utility Dealers, Auto Recycling Dealers, Transporters, and Repairers. Amend RSA 261:177 to read as follows:

261:177 Penalties; Dealers, Utility Dealers, Auto Recycling Dealers, Transporters, and Repairers.

I. Upon any evidence of misuse of registration or any violation of the provisions of this chapter or any rules authorized by law the director may:

(a) Suspend or revoke any dealer's, utility dealer's, automotive recycling dealer's, transporter's, or repairer's registration, ***license, or privileges***; or

(b) Impose an administrative fine upon any dealer, utility dealer, automotive recycling dealer, transporter, or repairer. The maximum amounts of the fines which may be assessed shall be as follows:

(1) For the first violation, \$250.

(2) For the second violation, \$500.

(3) For the third violation, \$750.

(4) For the fourth violation, \$1,000.

(5) For 5 or more violations, \$2,000.

(c) No fine, or suspension or revocation of a dealer's, utility dealer's, automotive recycling dealer's, transporter's, or repairer's registration, ***license, or privileges*** shall take effect unless approved by the commissioner. The commissioner shall have the authority to modify the amount of the fine assessed or the suspension or revocation of registration, ***license, or privileges*** imposed.

II. Whenever a dealer, utility dealer, automotive recycling dealer, transporter, or repairer has a license or plates or license and plates revoked or suspended for a period of greater than 15 days, a fee of \$50 shall be paid for the restoration of such license or plates or license and plates.

***III. Upon a finding by the director that any dealer, utility dealer, automotive recycling dealer, transporter, or repairer is in violation of an order of the commissioner issued pursuant to this section, the director may impose an administrative fine of up to \$1,000 for each day that the dealer, utility dealer, automotive recycling dealer, transporter, or repairer is in violation of the order.***

***IV. Any dealer, utility dealer, automotive recycling dealer, transporter, or repairer who violates any of the provisions of this chapter or fails to comply with any order of the director pursuant to this chapter shall be guilty of a violation.***

3 Effective Date. This act shall take effect January 1, 2004.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**SB 56-FN**, relative to parking for persons with disabilities. Transportation Committee.

Ought to pass with amendment, Vote 5-0. Senator Kenney for the committee.

**Senate Transportation**

**February 12, 2003**

**2003-0297s**

**03/04**

#### **Amendment to SB 56-FN**

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

1 New Section; Motor Vehicles; Words and Phrases Defined; Access Aisle. Amend RSA 259 by inserting after section 1-a the following new section:

259:1-b Access Aisle. "Access aisle" shall mean a designated space for maneuvering a wheelchair or other mobility device when entering or exiting a vehicle, and that is immediately adjacent to a properly designated parking space for persons with a walking disability, whether on public or private property. Access aisles shall be marked so as to discourage parking in them.

2 Stopping, Standing, or Parking Prohibited in Specified Places; Parking Place Designated for Person With a Walking Disability, Penalty; Access Aisle. Amend RSA 265:69, I(i)-(l) to read as follows:

(i) At any place where official signs prohibit stopping[-];

(j) In any parking place, whether on public or private property, specially designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol, unless that person has ~~a special [number plates, decals, or a card]~~ **plate or placard** issued ~~or recognized~~ pursuant to RSA 261:86[-; 87 or 88] **or RSA 261:88**, ~~[or a similar license plate, decal, or car issued by another state or country displaying the international accessibility symbol]~~ and the person who qualifies for the plate[-; decal, or card] **or placard** is being transported to or from the parking place. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of ~~[\$50-]~~ **\$250**;

(k) On any controlled access highway;

(l) In the area between roadways of a divided highway, including crossovers;

**(m) In or overlapping into any access aisle. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of \$50 for a first offense and a minimum of \$100 for each subsequent offense.**

3 New Section; Enforcement of Parking Prohibition in Parking Spaces and Access Aisles Designated for Persons with a Walking Disability. Amend RSA 265 by inserting after section 69 the following new section:

265:69-a Enforcement of Parking Prohibition in Parking Spaces and Access Aisles Designated for Persons with a Walking Disability. Testimony under oath with clear photographic evidence from a person with a walking disability pursuant to RSA 261:86 or RSA 261:88 or the driver of a vehicle transporting such a person that a vehicle that does not display a special plate or placard issued or recognized pursuant to RSA 261:86 or RSA 261:88 was parked in a designated parking space for persons with a walking disability or any vehicle parked in or overlapping into an access aisle shall be sufficient evidence to prove that the owner of the vehicle has violated RSA 265:69, I(j) or (m), unless such evidence is rebutted or contradicted.

4 Effective Date. This act shall take effect January 1, 2004.

**2003-0297s**

#### AMENDED ANALYSIS

This bill prohibits parking in access aisles serving parking spaces for persons with disabilities. This bill also increases the minimum fine for illegally parking in a parking place specially designated for a person with a walking disability, and inserts a provision regarding evidence in disability parking enforcement proceedings.

**Amendment adopted.**

**Question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**SB 137-A**, requiring the state to construct a non-toll bridge connecting the towns of Merrimack and Litchfield and making an appropriation therefor. Transportation Committee. Inexpedient to Legislate, Vote 4-1. Senator Kenney for the committee.

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

Senator Martel is in opposition to the motion of inexpedient to legislate on SB 137-A.

**SB 57-FN**, relative to certain accounts within the fish and game fund. Wildlife and Recreation Committee. Ought to Pass, Vote 4-0. Senator Cohen for the committee.

**Adopted.**

**Ordered to third reading.**

**RESOLUTION**

Senator Clegg moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that all bills ordered to third reading be by this resolution read a third time and 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 22**, amending the duties of the public higher education study committee.

**SB 39**, relative to the results of a preliminary breath test as evidence in court.

**SB 41-FN**, relative to the installation of airbags.

**SB 43**, relative to archives and records management.

**SB 44**, relative to penalties for vehicle dealers.

**SB 51-FN**, relative to membership on the New England Board of Higher Education.

**SB 53**, establishing an advisory board to the labor commissioner and relative to the terms of the members of the compensation appeals board.

**SB 56-FN**, relative to parking for persons with disabilities.

**SB 57-FN**, relative to certain accounts within the fish and game fund.

**SB 104**, relative to state administration of medicaid benefits and services for individuals who are deaf or hard of hearing.

**SB 172-FN**, increasing certain fees charged by the secretary of state.

**HCR 16**, urging increased diplomacy to achieve a just, peaceful, and rapid resolution of the conflict between India and Pakistan relative to the state of Jammu and Kashmir.

**ANNOUNCEMENTS****RESOLUTION**

Senator Clegg moved that the Senate recess to the Call of the Chair for the sole purpose of introducing legislation, receiving House Messages, and receiving Enrolled Bill Reports and Amendments, and that when we adjourn, we adjourn to the Call of the Chair.

**Adopted.**

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