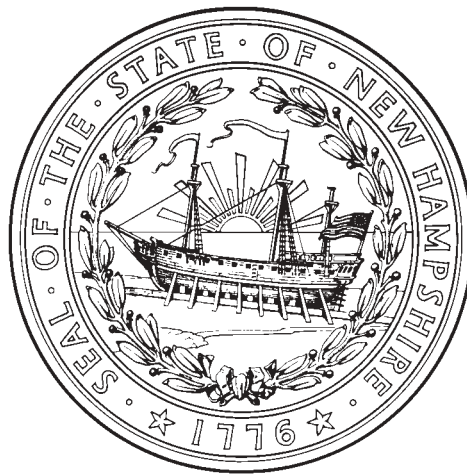


February 9, 2006  
Nos. 3 - 4

# STATE OF NEW HAMPSHIRE

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Legislative

## SENATE JOURNAL

**ADJOURNMENT – FEBRUARY 2, 2006 SESSION**  
**COMMENCEMENT – FEBRUARY 9, 2006 SESSION**

# SENATE JOURNAL 3 *(Cont.)*

*February 2, 2006*

## INTRODUCTION OF SENATE BILL(S)

Senator Clegg offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, Senate legislation numbered from SB 399-SB 402 to shall be by this resolution read a first and second time by the therein listed title(s) and referred to the designated committee(s).

**Adopted.**

## First and Second Reading and Referral

06-3032

**SB 399-FN**, relative to the powers of state government in the event of a pandemic. (Clegg, Dist 14; Martel, Dist 18; Morse, Dist 22; Larsen, Dist 15; Chaplin, Straf 3; Batula, Hills 19; DeJoie, Merr 11; Craig, Hills 9; Clemons, Hills 24: Public and Municipal Affairs)

06-3045

**SB 400-FN**, relative to highway welcome signs. (Letourneau, Dist 19; Barnes, Dist 17; Boyce, Dist 4; Clegg, Dist 14; Fuller Clark, Dist 24; Gallus, Dist 1; Gatsas, Dist 16; Green, Dist 6; Hassan, Dist 23; Johnson, Dist 2; Kenney, Dist 3; Martel, Dist 18; Odell, Dist 8; Roberge, Dist 9: Transportation and Interstate Cooperation)

06-3063

**SB 401-FN**, relative to the Hanover-Lebanon District Court. (Burling, Dist 5; Benn, Graf 9; Nordgren, Graf 9; Almy, Graf 11: Judiciary)

06-3062

**SB 402-FN-A**, relative to payment of unreimbursed storm-related damages incurred by the town of Hanover and affected surrounding towns and making an appropriation therefor. (Burling, Dist 5; Benn, Graf 9; Nordgren, Graf 9: Finance)

## HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

**SB 206-FN**, relative to the state code of ethics and establishing an executive ethics commission.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Whalley, O'Brien, O'Neil and Craig.

**Out of Recess.**

## LATE SESSION

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

**Adopted.**

**Adjournment.**

# SENATE JOURNAL 4

*February 2, 2006*

The Senate met at 10:00 a.m.

A quorum was present.

Senate Guest Chaplain, The Reverend Janet Lombardo, from Trinity Episcopal Church in Tilton, New Hampshire led the Senate in prayer.

*Holy God creator of us all, help us to remember individually and corporately what is really important in our lives. Help this body as legislators to remember what will have lasting impact on the citizens of New Hampshire and to make that their priority. Bless this body with wisdom and compassion, that they may listen carefully and know that they are listened to. Help them to be always thankful for the many gifts that they have been given and to use them well.* Amen

Senator Green led the Pledge of Allegiance.

Senator Kenney is excused for the day.

### **INTRODUCTION OF GUESTS SPECIAL ORDER**

**SB 322**, establishing the business loan enhancement program. Finance Committee. Ought to pass, Vote 7-0. Senator Odell for the committee.

### **MOTION TO TABLE**

**Senator Odell moved to have SB 322 laid on the table.**

**Adopted.**

### **LAID ON THE TABLE**

**SB 322**, establishing the business loan enhancement program.

**SB 265**, relative to workers' compensation requirements for out-of-state employers and employees. Banks and Insurance Committee. Ought to Pass, Vote 6-0. Senator Gottesman for the committee.

**Adopted.**

**Ordered to third reading.**

**HB 331**, relative to restraining dogs and relative to livestock working dogs. Environment and Wildlife Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 291-FN**, relative to food service licensure for youth camps. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 3-1. Senator Fuller Clark for the committee.

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

**SB 312-FN**, relative to notice of rulemaking by the real estate appraiser board. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 4-0. Senator Barnes for the committee.

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

**SB 274**, adding court security to the duties of the New Hampshire court accreditation commission. Finance Committee. Ought to Pass, Vote 8-0. Senator Morse for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 315-FN-A-L**, repealing the statewide enhanced education tax. Finance Committee. Inexpedient to Legislate, Vote 6-2. Senator Morse for the committee.

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

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

**Seconded by Senator Barnes.**

**The following Senators voted Yes: Gallus, Johnson, Boyce, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.**

**The following Senators voted No: Burling, Gottesman, Foster, Larsen, D'Allesandro, Estabrook, Hassan, Fuller Clark.**

**Yeas: 15 - Nays: 8**

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

**HB 100-FN-A-L**, amending the formula for funding public education. Finance Committee. Ought to Pass, Vote 8-0. Senator Clegg for the committee.

Senator Hassan offered a floor amendment.

**Sen. Hassan, Dist. 23**

**February 8, 2006**

**2006-0857s**

**04/09**

**Floor Amendment to HB 100-FN-A-LOCAL**

Amend RSA 198:41, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) For the fiscal years beginning July 1, 2005 and July 1, 2007, add the amounts determined in RSA 198:40-a, RSA 198:40-b, [and] RSA 198:40-c, **and RSA 198:40-d** for each municipality. Such amount shall also be used to determine a municipality's grant in the second year of such bienniums.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-8 to read as 5-10, respectively:

3 New Section; School Money; Utility Property Education Aid. Amend RSA 198 by inserting after section 40-c the following new section:

198:40-d Utility Property Education Aid. Beginning July 1, 2006, and every fiscal year thereafter, the commissioner of the department of education shall calculate the utility property education aid as follows:

I. Divide the municipality's most recent available equalized valuation of property taxable under RSA 83-F by the municipality's most recent available equalized valuation, including property taxable under RSA 82 and RSA 83-F, as such valuations are calculated by the department of revenue administration.

II. For a municipality with a quotient under subparagraph (a) greater than .05, the commissioner of the department of revenue administration shall deduct 5 percent of the equalized valuation, including property taxable under RSA 82 and RSA 83-F, from the equalized valuation of property taxable under RSA 83-F. This amount shall be multiplied by the rate established in RSA 76:3 to yield the utility property education aid for such municipality.

4 School Money; Determination of Grants and Excess Tax; Version Effective July 1, 2009. Amend RSA 198:41, I(a) to read as follows:

(a) For the first year of the biennium add the amounts determined in RSA 198:40-a, RSA 198:40-b, [and] RSA 198:40-c, **and RSA 198:40-d**.

**Floor amendment failed.**

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

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

**Seconded by Senator Gallus.**

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

**The following Senators voted No: Foster, Hassan.**

**Yeas: 21 - Nays: 2**

**Adopted.**

**Ordered to third reading.**

**SB 260**, relative to certification of a registered nurse responsible for emergency medical transportation. Health and Human Services Committee. Ought to Pass, Vote 4-0. Senator Bragdon for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 366-FN**, relative to issues of conflicts of interest in the provision of long-term care services. Health and Human Services Committee. Inexpedient to Legislate, Vote 3-1. Senator Bragdon for the committee.

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

**SB 271**, relative to the availability of voter checklist information. Internal Affairs Committee. Ought to Pass, Vote 6-0. Senator Boyce for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 289-FN**, relative to the brain and spinal cord advisory council. Internal Affairs Committee. Ought to pass with amendment, Vote 6-0. Senator Boyce for the committee.

**Internal Affairs**  
**February 1, 2006**  
**2006-0724s**  
**01/04**

**Amendment to SB 289-FN**

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

1 Advisory Council. RSA 137-K:2 is repealed and reenacted to read as follows:

137-K:2 Advisory Council.

I. There is established the New Hampshire brain and spinal cord injury advisory council in the department.

II.(a) The advisory council shall consist of the following voting members:

- (1) Two members of the Spinal Cord Injury Association, appointed by such association.
  - (2) Two members of the Brain Injury Association of New Hampshire, appointed by such association.
  - (3) Two members of the professional community, one of whom shall be in a neurological specialty, appointed by the governor.
  - (4) Two brain and spinal cord injury survivors, appointed by the governor.
  - (5) Two family members of victims of brain and spinal cord injuries, appointed by the governor.
  - (6) One member involved in injury prevention, appointed by the commissioner of the department of health and human services.
  - (7) One member of the house of representatives, appointed by the speaker of the house of representatives.
  - (8) One member of the senate, appointed by the senate president.
  - (9) One vocational rehabilitation instructor, appointed by the commissioner of the department of education.
  - (10) One educator, appointed by the commissioner of the department of education.
- (b) The following persons or their designees shall serve as ex-officio, non-voting members of the council:
- (1) The commissioner of the department of health and human services and any division administrators of the department of health and human services designated by the commissioner.
  - (2) The chief of the special education bureau of the department of education.
  - (3) The administrator of the division of vocational rehabilitation services of the department of education.
  - (4) The president or executive director of the Brain Injury Association of New Hampshire.
  - (5) The president or executive director, New Hampshire chapter of the National Spinal Cord Injury Association.
  - (6) The administrator of brain injury services, division of developmental services, department of health and human services.
  - (7) The administrator of the HCBC/ECI waiver, division of elderly and adult services, department of health and human services.

(8) The president or executive director of Granite State Independent Living.

(9) The president or executive director of the New Hampshire Developmental Disabilities Council.

(10) Representatives of other related agencies or organizations as approved by the council.

III. Members should be appointed with consideration given to statewide geographic representation.

IV. Advisory council appointments shall be for 3 years. Terms shall be staggered so that 1/3 of the positions are elected each year. Upon the completion of 2 consecutive 3-year terms, a council member shall be ineligible to serve on the council for one year. A vacancy shall be filled in the same manner as the original appointments. Such appointments shall complete the original member's term.

V. The advisory council shall have the authority to draft and adopt by-laws addressing concerns such as attendance, presentations, and notice of council meetings.

VI. The advisory council shall meet at least quarterly. At the last meeting of the state fiscal year, the regular meetings of the following state fiscal year shall be scheduled. Special meetings may be held if necessary at the call of the advisory council chair.

VII. The advisory council shall:

(a) Identify unmet needs which should be considered for support.

(b) Investigate the needs of citizens with brain and spinal cord injuries, identifying the gaps in services to these citizens, and issue an annual report to the governor, the speaker of the house, the senate president, and the commissioner of health and human services by November 1 of each year.

(c) Recommend to the commissioner priorities and criteria for disbursement of any moneys received under paragraph VIII.

(d) Hold at least 2 public hearings annually, in different regions of the state, to generate input from the public on unmet needs.

(e) Consider the feasibility of establishing a brain and spinal cord injury trust fund.

(f) Review the status of the brain injury program, established under 137-K:9, and recommend to the commissioner priorities and criteria for disbursement of appropriations available to the program.

VIII. The advisory council is authorized to solicit and receive any gifts, grants, or donations made for the purposes of this chapter, and the commissioner may disburse and administer the same for the purposes of this chapter.

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

**2006-0724s**

#### AMENDED ANALYSIS

This bill changes the membership of the brain and spinal cord advisory council.

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**SB 389**, establishing a committee to study energy efficiency programs funded by the system benefits charge. Internal Affairs Committee. Ought to Pass, Vote 6-0. Senator Larsen for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 234**, including the International Residential Code 2000 in the definition of the state building code. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Martel for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 276**, authorizing the town of Seabrook to plow and remove snow from certain private driveways. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 4-0. Senator Burling for the committee.

Committee report of inexpedient to legislate is adopted.

**SB 344**, establishing a committee to study state benefit programs for national guard members. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 360-FN-A**, establishing a surcharge on real estate transfers for deposit in the family stability fund and renaming the homeless prevention program the family stability program. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 3-2. Senator Martel for the committee.

#### **MOTION TO TABLE**

Senator Martel moved to have SB 360-FN-A laid on the table.

**Adopted.**

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

**SB 360-FN-A**, establishing a surcharge on real estate transfers for deposit in the family stability fund and renaming the homeless prevention program the family stability program.

**SJR 4**, urging Congress to require the Department of Defense to reinstate the terminology of "POW" or "Prisoner of War" into the classification of military personnel. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

**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 Hassan.**

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

**The following Senators voted No: None.**

**Yeas: 23 - Nays: 0**

**Adopted.**

**Ordered to third reading.**

**SB 261**, establishing a committee to study a highway project between Pembroke and Bow. Transportation and Interstate Cooperation Committee. Inexpedient to Legislate, Vote 6-0. Senator Burling for the committee.

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

**SB 278-FN**, exempting certain transfers from the real estate transfer tax. Ways and Means Committee. Inexpedient to Legislate, Vote 5-0. Senator Clegg for the committee.

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

#### **MOTION TO REMOVE FROM THE TABLE**

Senator Letourneau moved to have SB 330 removed from the table.

**Adopted.**

**SB 330**, relative to outdoor advertising.

**The question is on the motion of ought to pass.**

**Adopted.**

**Ordered to third reading.**



**January 30, 2006**  
**2006-0654-EBA**  
**04/10**

**Enrolled Bill Amendment to SB 72**

The Committee on Enrolled Bills to which was referred SB 72

AN ACT relative to the licensing of public adjusters.

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

**FOR THE COMMITTEE**

Explanation to Enrolled Bill Amendment to SB 72

This enrolled bill amendment makes technical changes.

Enrolled Bill Amendment to SB 72

Amend RSA 402-D:4, IV as inserted by section 1 of the bill by replacing line 3 with the following:  
of state police or the department of justice, and the Federal Bureau of Investigation.

Amend RSA 402-D:10, I(d) as inserted by section 1 of the bill by replacing line 1 with the following:

(d) Improperly withholding, misappropriating, or converting any moneys or properties

Amend RSA 402-D:14, III as inserted by section 1 of the bill by replacing line 3 with the following:  
appealed in accordance with RSA 541.

**Senator Gottesman moved adoption.**

**Adopted.**

**January 26, 2006**  
**2006-0628-EBA**  
**08/09**

**Enrolled Bill Amendment to HB 406**

The Committee on Enrolled Bills to which was referred HB 406

AN ACT revising certain provisions of the home education statutes.

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

**FOR THE COMMITTEE**

Explanation to Enrolled Bill Amendment to HB 406

This enrolled bill amendment inserts an RSA section heading and makes a technical correction.

Enrolled Bill Amendment to HB 406

Amend section 5 of the bill by replacing lines 1-3 with the following:

5 Home Education; Hearing; Notice and Procedure. RSA 193-A:7 is repealed and reenacted to read as follows:

193-A:7 Hearing, Notice, and Procedure.

I. A parent shall be entitled to a due process hearing

**Senator Gottesman moved adoption.**

**Adopted.**

**February 3, 2006**  
**2006-0761-EBA**  
**03/01**

**Enrolled Bill Amendment to HB 1184**

The Committee on Enrolled Bills to which was referred HB 1184

AN ACT relative to the majority vote required for the use of bond proceeds in certain school districts or municipalities.



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

### FOR THE COMMITTEE

#### Explanation to Enrolled Bill Amendment to HB 1184

This enrolled bill amendment inserts an omitted comma and an omitted conjunction.

#### Enrolled Bill Amendment to HB 1184

Amend RSA 33:3-a, II as inserted by section 1 of the bill by replacing lines 4-7 with the following:

city council or a town, school district, or village district by a vote of 2/3 of the voters present and voting at an annual meeting, [and] a county by a 2/3 vote of all the members of the county convention, ***a political subdivision which has adopted official ballot voting procedures pursuant to RSA 40:13 by a vote of 3/5 of those voting, and a municipality that has adopted an***

**Senator Gottesman moved adoption.**

**Adopted.**

### MOTION TO REMOVE FROM THE TABLE

**Senator Odell moved to have SB 322 removed from the table.**

**Adopted.**

**SB 322**, establishing the business loan enhancement program and relative to the capital asset backed guarantee program.

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

**Senator Odell offered a floor amendment.**

**Sen. Odell, Dist 8**

**February 8, 2006**

**2006-0843s**

**06/09**

#### **Floor Amendment to SB 322**

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

AN ACT establishing the business loan enhancement program and relative to the capital asset backed guarantee program.

Amend RSA 162-A:13-b, III (b) as inserted by section 1 of the bill by replacing it with the following:

(b) The final maturity date of the loan shall not be later than the later of 10 years from the date the loan was made or 10 years from the date the project was placed in service.

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

2 Capital Asset Backed Guarantee Program; Loans; Final Maturity Date. Amend RSA 162-A:13, III(c) to read as follows:

(c) The final maturity date of the loan shall not be later than the later of [5] **10** years from the date the loan was made or [5] **10** years from the date the project was placed in service, provided that ~~[the final maturity date of the loan may be as late as the later of 10 years from the date the loan was made or 10 years from the date the project was placed in service to the extent necessary for the loan to qualify as a third party loan for a project receiving financing from the certified development company (504) loan program of the United States Small Business Administration and provided further that]~~ each loan may be renewed or refinanced for up to 2 additional [5-year] **10-year** periods.

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

**2006-0843s**

#### AMENDED ANALYSIS

This bill establishes a business loan enhancement program that provides a state guarantee for certain business loans if the governor and council approve. The loan guarantee is limited to the lesser of \$250,000 or 22.23 percent of the maximum principal amount.

This bill clarifies the final maturity date of loans under the capital asset backed guarantee program.

**Floor amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

### **RESOLUTION**

Senator Clegg moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that all bills and resolutions ordered to 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 234**, including the International Residential Code 2000 in the definition of the state building code.

**SB 260**, relative to certification of a registered nurse responsible for emergency medical transportation.

**SB 265**, relative to workers' compensation requirements for out-of-state employers and employees.

**SB 271**, relative to the availability of voter checklist information.

**SB 274**, adding court security to the duties of the New Hampshire court accreditation commission.

**SB 289-FN**, relative to the brain and spinal cord advisory council.

**SB 322**, establishing the business loan enhancement program and relative to the capital asset backed guarantee program.

**SB 330**, relative to outdoor advertising.

**SB 344**, establishing a committee to study state benefit programs for national guard members.

**SB 389-FN**, relative to the brain and spinal cord advisory council.

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

**HB 100-FN-A-L**, amending the formula for funding public education.

**HB 331**, relative to restraining dogs and relative to livestock working dogs.

### **ANNOUNCEMENTS**

#### **RESOLUTION**

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

**Adopted.**

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