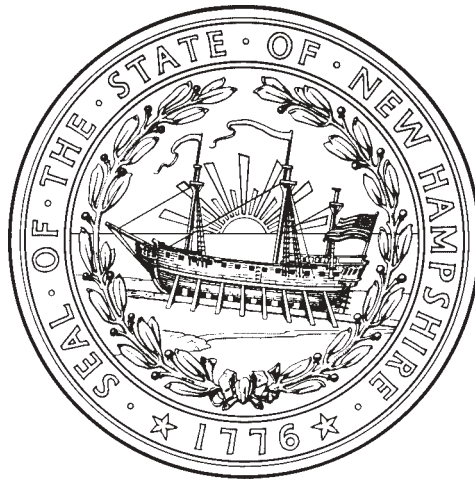


January 18, 2006
Nos. 1 - 2

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



Legislative

SENATE JOURNAL

ADJOURNMENT – JANUARY 4, 2006 SESSION
COMMENCEMENT – JANUARY 18, 2006 SESSION

SENATE JOURNAL 1 *(Cont.)*

January 4, 2006

HOUSE MESSAGE

The House of Representatives, meeting in session on January 4, 2006, has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 157-FN, relative to all terrain vehicles used for agricultural purposes.

SB 172, establishing a committee to study a medical fee schedule for workers' compensation.

SB 209-FN, relative to licensing of money transmitters and check cashers.

HOUSE MESSAGE

The House of Representatives, meeting in session on January 4, 2006, refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 13, relative to placement and removal of political advertising.

SB 64, establishing a committee to study small group health insurance plans.

SB 89-FN, relative to financing federally aided highway projects.

SB 146-FN-A-L, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices.

SB 147-FN-L, relative to eligibility for local assistance.

SB 148, relative to motorcycle inspections and relative to electronic inspection information.

HOUSE MESSAGE

The House of Representatives, meeting in session on January 4, 2006, has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 37-FN, relative to health insurance coverage for full-time students on medical leaves of absence.

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

HB 115, allowing pharmacists to establish collaborative practice agreements with medical practitioners.

HB 121, relative to local land use approval for facilities requiring certain pollution control permits.

HB 175, relative to divestiture of PSNH generation assets, establishing an energy policy task force, and establishing a fund for the costs of the energy policy task force.

HB 221, relative to eligibility for absentee ballots.

HB 234-FN, relative to the development of a state and political subdivision information network.

HB 312, relative to the appointment of parenting coordinators.

HB 325, relative to proceedings under the Child Protection Act.

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

HB 334, relative to the type of notice provided in court proceedings.

HB 349, relative to placement and removal of political advertising.

HB 380, relative to absentee voting.

HB 385, establishing a committee to study the adequacy of current substance abuse treatment available in the state prison system.

HB 410, relative to the confidentiality of documents submitted with an application for a property tax credit, exemption, or deferral.

HB 413, relative to the appointment of the chief justice of the superior court and the number of superior court associate justices.

HB 489-FN, relative to disclosing an ownership interest in certain health care facilities and businesses.

HB 501, relative to citizenship and domicile affidavits.

HB 515, relative to purchasing alliances.

HB 529, relative to the determination of parental rights and responsibilities.

HB 538, relative to deconstruction of structures.

HB 544, relative to the land and community heritage program.

HB 578, relative to the current use advisory board and relative to construction or development constituting a change in use for purposes of assessing the land use change tax.

HB 581, relative to approval and review of municipal charters.

HB 587, relative to child abuse and neglect investigations by the department of health and human services.

HB 591, relative to the inclusion of health insurance in the calculation of child support.

HB 592, relative to the child support guidelines.

HB 649-FN-A-L, establishing a commission to study the costs and funding of medicolegal investigations and autopsies.

HB 689-FN, relative to the jurisdiction of the New Hampshire commission for human rights over housing discrimination cases.

HB 713-FN, relative to a process for the request and disclosure of social security numbers.

HB 718-FN-A, relative to a state active duty death benefit for activated members of the New Hampshire national guard and making an appropriation therefor.

HB 719-FN, recodifying the Articles 1 and 7 of the Uniform Commercial Code.

HJR 1, recognizing that Seavey Island and the Piscataqua River are within the boundaries of the state of New Hampshire.

INTRODUCTION OF HOUSE BILL(S)

Senator Clegg offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from HB 37 to HJR 1, 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 37-FN, relative to health insurance coverage for full-time students on medical leaves of absence. (Banks and Insurance)

HB 100-FN-A-L, amending the formula for funding public education. (Finance)

HB 115, allowing pharmacists to establish collaborative practice agreements with medical practitioners. (Executive Departments and Administration)

HB 121, relative to local land use approval for facilities requiring certain pollution control permits. (Public and Municipal Affairs)

HB 175, relative to divestiture of PSNH generation assets, establishing an energy policy task force, and establishing a fund for the costs of the energy policy task force. (Energy and Economic Development)

HB 221, relative to eligibility for absentee ballots. (Internal Affairs)

HB 234-FN, relative to the development of a state and political subdivision information network. (Internal Affairs)

- HB 312**, relative to the appointment of parenting coordinators. (Health and Human Services)
- HB 325**, relative to proceedings under the Child Protection Act. (Health and Human Services)
- HB 331**, relative to restraining dogs and relative to livestock working dogs. (Environment and Wildlife)
- HB 334**, relative to the type of notice provided in court proceedings. (Judiciary)
- HB 349**, relative to placement and removal of political advertising. (Internal Affairs)
- HB 380**, relative to absentee voting. (Internal Affairs)
- HB 385**, establishing a committee to study the adequacy of current substance abuse treatment available in the state prison system. (Public and Municipal Affairs)
- HB 410**, relative to the confidentiality of documents submitted with an application for a property tax credit, exemption, or deferral. (Public and Municipal Affairs)
- HB 413**, relative to the appointment of the chief justice of the superior court and the number of superior court associate justices. (Judiciary)
- HB 489-FN**, relative to disclosing an ownership interest in certain health care facilities and businesses. (Executive Departments and Administration)
- HB 501**, relative to citizenship and domicile affidavits. (Internal Affairs)
- HB 515**, relative to purchasing alliances. (Banks and Insurance)
- HB 529**, relative to the determination of parental rights and responsibilities. (Judiciary)
- HB 538**, relative to deconstruction of structures. (Environment and Wildlife)
- HB 544**, relative to the land and community heritage program. (Environment and Wildlife)
- HB 578**, relative to the current use advisory board and relative to construction or development constituting a change in use for purposes of assessing the land use change tax. (Environment and Wildlife)
- HB 581**, relative to approval and review of municipal charters. (Public and Municipal Affairs)
- HB 587**, relative to child abuse and neglect investigations by the department of health and human services. (Judiciary)
- HB 591**, relative to the inclusion of health insurance in the calculation of child support. (Judiciary)
- HB 592**, relative to the child support guidelines. (Judiciary)
- HB 649-FN-A-L**, establishing a commission to study the costs and funding of medicolegal investigations and autopsies. (Finance)
- HB 689-FN**, relative to the jurisdiction of the New Hampshire commission for human rights over housing discrimination cases. (Public and Municipal Affairs)
- HB 713-FN**, relative to a process for the request and disclosure of social security numbers. (Internal Affairs)
- HB 718-FN-A**, relative to a state active duty death benefit for activated members of the New Hampshire national guard and making an appropriation therefor. (Executive Departments and Administration)
- HB 719-FN**, recodifying the Articles 1 and 7 of the Uniform Commercial Code. (Executive Departments and Administration)
- HJR 1**, recognizing that Seavey Island and the Piscataqua River are within the boundaries of the state of New Hampshire. (Energy and Economic Development)

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 394 to SCR 8 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

06-2032

SB 394, establishing the Trust Modernization and Competitiveness Act. (D'Allesandro, Dist 20; Clegg, Dist 14; Green, Dist 6; Odell, Dist 8; Sheila Francoeur, Rock 15; O'Neil, Rock 15; Moran, Hills 18; Hunt, Ches 7: Judiciary)

06-3019

SB 395, relative to the number of children in a licensed foster home. (Barnes, Dist 17; D'Allesandro, Dist 20; Martel, Dist 18: Health and Human Services)

06-3044

SB 396, repealing the rulemaking authority of the New Hampshire children's trust fund board. (Larsen, Dist 15; Burling, Dist 5; Estabrook, Dist 21; Fuller Clark, Dist 24; Nordgren, Graf 9; McRae, Hills 7; Patten, Carr 4; Price, Hills 26: Banks and Insurance)

06-3057

SCR 8, declaring the general court in opposition to the federal Real ID Act of 2005. (Estabrook, Dist 21; Letourneau, Dist 19; Kenney, Dist 3; Burling, Dist 5; Fuller Clark, Dist 24; Packard, Rock 3; Ferland, Sull 5; Jennifer Brown, Straf 5; P. Cote, Hills 25: Internal Affairs)

Out of Recess.**LATE SESSION**

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

Adopted.**Adjournment.**

SENATE JOURNAL 2

January 18, 2006

The Senate met at 9:00 a.m.

A quorum was present.

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

Humble, honest, patient and courageous – may each one of us here be that we may begin to deserve in some small measure of what You have granted. *Amen*

Senator Green led the Pledge of Allegiance.

Senator Kenney is excused for the day.

Senator Boyce is excused for the morning.

INTRODUCTION OF GUESTS**COMMITTEE REPORTS**

SB 24, relative to disposition upon death of patient accounts in nursing homes. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Foster for the committee.

Senate Judiciary**December 12, 2005****2005-0255s****01/10****Amendment to SB 24**

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

1 Patient Accounts; Disposition of Accounts. Amend RSA 151-A:15 to read as follows:

I. If [30] ***within 180*** days after the date of a testate or intestate patient's death in any nursing home no petition for probate has [yet] been filed under any section of RSA 553 and the gross value of the personal property remaining at the nursing home belonging to the deceased, including any amount left in a patient account, is no more than \$2,500, the nursing home administrator [~~may~~] ***shall*** file in the probate court ***in the county where the nursing home is located*** an affidavit for the purpose of disposing of such deceased patient's estate. The form of the affidavit, and the rules governing proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33 and RSA 548:8. The nursing home administrator shall not file a death certificate with the probate court, but shall attest to the death in the affidavit. If the nursing home patient died testate ***and if the nursing home administrator has the will or a copy of the will***, the nursing home administrator shall file the [~~will~~] ***same*** in the probate court ***in the county where the nursing home is located***. The probate court shall waive all filing fees.

II. Notwithstanding the provisions of RSA 561, if all [~~just~~] ***known*** debts of the deceased have been paid and a balance remains in the deceased's estate [~~60 days~~] after the filing required under paragraph I[, ~~and the nursing home administrator is unable to ascertain any heir or legatee~~], the probate court shall order the administrator to pay the balance into the treasury of the county where the deceased was domiciled, where it shall be subject to the claims of persons entitled to it, through application to the county commissioners.

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

2006-0255s

AMENDED ANALYSIS

This bill requires the nursing home administrator to file an affidavit for the purpose of disposing of a deceased person's estate within 180 days after the date of the patient's death.

This bill is the request of the administrative judge of the probate court.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 207-FN, establishing the crime of assault against the elderly. Judiciary Committee. Ought to pass with amendment, Vote 6-0. Senator Foster for the committee.

Senate Judiciary
December 20, 2005
2006-0268s
04/09

Amendment to SB 207-FN

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

AN ACT relative to enhanced penalties for certain crimes against the elderly and persons with a physical or mental disability.

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

1 Enhanced Penalties for Certain Crimes Against the Elderly or Persons With Disabilities. Amend RSA 651:6, I(j) and (k) to read as follows:

(j) Possesses a radio device with the intent to use that device in the commission of robbery, burglary, theft, gambling, stalking, or a violation of any provision of RSA 318-B. In this section, the term "radio device" means any device capable of receiving a wireless transmission on any frequency allocated for law enforcement use, or any device capable of transmitting and receiving a wireless transmission; [~~or~~]

(k) Has committed or attempted to commit negligent homicide as defined in RSA 630:3, I against a person under 13 years of age who was in the care of, or under the supervision of, the defendant at the time of the offense[;]; ***or***

(l) Has committed or attempted to commit any of the crimes defined in RSA 637 or RSA 638 against a victim who is 65 years of age or older or who has a physical or mental disability and

that in perpetrating the crime, the defendant intended to take advantage of the victim's age or a physical or mental condition that impaired the victim's ability to manage his or her property or financial resources or to protect his or her rights or interests.

2 Sentences; Extended Term of Imprisonment. Amend RSA 651:6, I(d) to read as follows:

(d) Has committed [~~a felony~~] **an offense** involving the use of force against a person with the intention of taking advantage of the victim's age or physical disability;

3 Effective Date. This act shall take effect January 1, 2007.

2006-0268s

AMENDED ANALYSIS

This bill imposes enhanced penalties for certain crimes against the elderly and persons with a physical or mental disability.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 245, repealing laws relative to the municipal courts and the administrative committee of the district and municipal courts. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Gottesman for the committee.

Adopted.

Ordered to third reading.

SB 246, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Foster for the committee.

Adopted.

Ordered to third reading.

SB 274, adding court security to the duties of the New Hampshire court accreditation commission. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Foster for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

HB 372, relative to notification of interested parties in medical parole cases. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Gottesman for the committee.

Committee report of inexpedient to legislate is adopted.

HB 533-FN, relative to penalties for aggravated felonious sexual assault. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Clegg for the committee.

Committee report of inexpedient to legislate is adopted.

HB 696-FN, relative to enhanced penalties for certain crimes against the elderly and persons with disabilities. Judiciary Committee. Inexpedient to Legislate, Vote 6-0. Senator Foster for the committee.

Committee report of inexpedient to legislate is adopted.

SB 95-L, relative to noise from motor vehicles. Transportation and Interstate Cooperation Committee. Inexpedient to Legislate, Vote 5-0. Senator Letourneau for the committee.

Committee report of inexpedient to legislate is adopted.

SB 151-FN, relative to issuance of dealer plates to bonded motor vehicle dealers. Transportation and Interstate Cooperation Committee. Inexpedient to Legislate, Vote 5-0. Senator Letourneau for the committee.

Committee report of inexpedient to legislate is adopted.

SB 155-FN, prohibiting rafting of boats on lakes and ponds. Transportation and Interstate Cooperation Committee. Inexpedient to Legislate, Vote 5-0. Senator Burling for the committee.

Committee report of inexpedient to legislate is adopted.

SB 178, designating a certain highway the Gold Star Mothers Highway. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 5-0. Senator Flanders for the committee.

Transportation and Interstate Cooperation

November 2, 2005

2006-0113s

06/04

Amendment to SB 178

Amend the bill by replacing section 1 with the following:

1 Highway Named. Pursuant to RSA 4:43, the Hillsborough by-pass, from the junction of New Hampshire Route 9 and Henniker street in Hillsborough to the Antrim town line, is hereby named the Gold Star Mothers highway, in honor of those mothers whose sons and daughters served and died in the line of duty in the armed forces of the United States of America or its allies.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 221, relative to identification requirements for obtaining a driver's license. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 5-0. Senator Burling for the committee.

Transportation and Interstate Cooperation

December 6, 2005

2006-0247s

03/04

Amendment to SB 221

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

AN ACT relative to obtaining a driver's license and creating a violation for failure to pay a highway toll.

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

1 New Section; Drivers' Licenses; Effect of License. Amend RSA 263 by inserting after section 1b the following new section:

263:1-c Effect of License. A driver's license issued by the state of New Hampshire is a written declaration to the holder of permission to operate a motor vehicle.

2 New Sections; Issuance of Drivers' Licenses; Identification and Residence. Amend RSA 263 by inserting after section 5-c the following new sections:

263:5-d Identification. The department may require reasonable identification from any applicant for a driver's license. Any person applying for a driver's license may present proof of identity in a form satisfactory to the department, provided that any of the following shall satisfy an identification requirement established pursuant to this section:

I. A current United States passport.

II. An armed services identification, or other photo identification issued or authenticated by the United States government.

III. A photo identification issued by the state of New Hampshire.

263:5-e Residence. The department may require that an applicant for a driver's license provide reasonable proof of his or her place of residence. Any person applying for a driver's license may present proof of residence in a form satisfactory to the department, provided that one or more of the following may satisfy a proof of residence requirement established pursuant to this section if it is current and shows the name and address of the applicant:

I. A government check or a government document issued by an official in the municipality of residence.

II. A paycheck, payroll document, or employment contract.

III. A lease or deed.

IV. Other documents issued in the ordinary course of business that establish that it is more likely than not that the applicant resides at the place claimed.

3 New Section; Failure to Pay a Highway Toll. Amend RSA 236 by inserting after section 31 the following new section:

236:31-a Failure to Pay a Highway Toll. Notwithstanding the provisions of RSA 236:31, any person who fails, neglects, or refuses to pay the toll or charge for the use of any bridge, highway, or part thereof shall be guilty of a violation. This section shall not apply to any person driving a vehicle equipped with a transponder using a lane equipped with an electronic toll collection monitoring system; such person and vehicle shall be subject to the provisions of RSA 236:31.

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

2006-0247s

AMENDED ANALYSIS

This bill authorizes the department of safety to require identification and proof of residence from a driver's license applicant and specifies certain documents that may satisfy such identification and proof of residence requirements. This bill also establishes a violation for failure to pay a highway toll.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 233, relative to motorcycle rider education. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 5-0. Senator Letourneau for the committee.

Transportation and Interstate Cooperation

January 11, 2006

2006-0384s

03/09

Amendment to SB 233

Amend the bill by replacing section 1 with the following:

1 Motorcycle Rider Education Program; Standards. Amend RSA 263:44-b, I to read as follows:

I. The director shall establish standards for and shall administer the motorcycle rider education program. The [program] ***standards shall be based on the recommendations of the advisory committee established in RSA 263:34-f and*** shall include, but [is] not ***be*** limited to, ***standards for a nationally accepted and state-approved*** rider training course[~~which is at least the equivalent to the Motorcycle Safety Foundation Course and instructor training~~]. The director may expand the program to include public awareness, alcohol and drug effects, driver improvement for motorcyclists, licensing improvement, program promotion, or other motorcycle safety programs.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 239, renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Women in Service to Enfield (WISE) Bridge. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 6-0. Senator Burling for the committee.

Transportation and Interstate Cooperation

January 11, 2006

2006-0374s

08/09

Amendment to SB 239

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

AN ACT renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Women in Service to Enfield (WISE) Bridge and naming the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge.

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

3 Newmarket Veterans Bridge. Pursuant to RSA 4:43, the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River shall be named the Newmarket Veterans Bridge.

4 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers resulting from this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this act shall be approved by the department of transportation.

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

2006-0374s

AMENDED ANALYSIS

This bill renames the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Women in Service to Enfield (WISE) Bridge.

This bill also names the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 599-FN, requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 5-0. Senator Burling for the committee.

Transportation and Interstate Cooperation

November 15, 2005

2006-0173s

03/10

Amendment to HB 599-FN

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

1 New Chapter; Event Data Recording Devices in Motor Vehicles. Amend RSA by inserting after chapter 357-F the following new chapter:

CHAPTER 357-G

EVENT DATA RECORDING DEVICES IN MOTOR VEHICLES

357-G:1 Event Data Recorders.

I. As used in this section, "owner" means a person having all the incidents of ownership, including legal title of a vehicle, whether or not such persons lends, rents, or creates a security interest in the vehicle; a person entitled to the possession of a vehicle as the purchaser under a security agreement; or the person entitled to possession of the vehicle as lessee pursuant to a written lease agreement, provided such agreement at its inception is for a period in excess of 3 months.

II. As used in the section, "event data recorder" means a device that is installed by the manufacturer of the vehicle and does one or more of the following, for the purposes of capturing data for retrieval after a crash:

- (a) Records vehicle speed or direction.
- (b) Records vehicle location data.
- (c) Records vehicle steering performance.

(d) Records vehicle brake performance, including but not limited to, whether brakes were applied before a crash.

(e) Records the driver's seatbelt status.

(f) Has the ability to transmit information concerning a crash in which the motor vehicle has been involved to a central communications system or other external device when a crash occurs.

III. A manufacturer of a new motor vehicle sold or leased in this state, which is equipped with one or more event data recorders, including "sensing and diagnostic modules," shall disclose that fact in the owner's manual for the vehicle.

IV. If a vehicle is registered in this state, any event data recorder in the vehicle and any data recorded on any event data recorder in the vehicle is the property of the owner of the vehicle. Data described in paragraph II that is recorded on any event data recorder may not be downloaded or otherwise retrieved by a person other than the owner of the motor vehicle at the time of the event, except under one of the following circumstances:

(a) The owner of the motor vehicle consents to the retrieval of the information.

(b) In response to an order of a court.

(c) The data is retrieved by a motor vehicle dealer, or by an automotive technician for the purpose of diagnosing, servicing, or repairing the motor vehicle.

(d) The data is retrieved for the purpose of determining the need for or facilitating emergency medical response in the event of a motor vehicle crash.

V(a). If a motor vehicle is equipped with an event data recorder device that is capable of recording or transmitting information as described in subparagraphs II(b) or II(f) and that capability is part of a subscription service, the fact that the information may be recorded or transmitted shall be disclosed in the terms and conditions of the subscription service agreement.

(b) Paragraph IV shall not apply to subscription services meeting the requirements of V(a).

VI. Violations of this section shall constitute an unfair or deceptive act or practice under RSA 358-A:2.

VII. This section applies to all motor vehicles manufactured on or after July 1, 2006.

2 Effective Date. This act shall take effect July 1, 2006.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

HB 153-FN, relative to the collection of debts owed to the state. Banks and Insurance Committee. Ought to pass with amendment, Vote 5-1. Senator Gottesman for the committee.

Banks and Insurance

December 20, 2005

2006-0267s

05/10

Amendment to HB 153-FN

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

1 New Subdivision; The State and its Government; Treasurer and Accounts; Collection of Debts Due the State. Amend RSA 6 by inserting after section 43 the following new subdivision:

Collection of Debts Due the State

6:44 Collection of Public Debts by Collection Agencies or Law Firms.

I.(a) The department of administrative services shall manage and be responsible for overseeing the debt collection function for all state agencies by private collection agencies or law firms. All net proceeds, after legal fees and expenses of suit and collection, shall be credited to the agency account for which the claim was collected.

(b) The amount of the collection fee and the terms and conditions of retention shall be negotiated by the department of administrative services and the private collection agency or law firm, subject to governor

and council approval, and the requirements of this subparagraph. If the debt allows for collection of legal fees and expenses, the amount of the collection fee as negotiated between the department of administrative services and the private collection agency or law firm shall be added to the bill of costs to be paid by the debtor.

II. No debt may be assigned to a collection agency or law firm unless:

(a) There have been at least 2 documented attempts, at least 10 days apart, to notify the debtor of the existence of the debt and of the fact that the debt may be assigned to a collection agency or law firm for collection if it is not paid; and

(b) At least 15 days have elapsed from the last notice attempt.

III. Collection agencies or law firms assigned debts under this section shall have those remedies and powers which would be available to them as assignees of the state. The collection agencies or law firms are likewise bound by applicable laws governing unfair collection practices.

IV. For purposes of this section, a private collection agency or law firm shall cease its efforts designed to collect the debt and inform the department of administrative services and the agency upon the occurrence of any of the following:

(a) Direction from the department of administrative services.

(b) Bankruptcy of the account debtor.

(c) Determination by the private collection agency or law firm, after diligent inquiry, that the debt is non-collectible.

(d) Upon order of a court having jurisdiction over the debtor in a criminal or civil matter.

(e) Direction from the department of justice, after consultation with the department of administrative services.

V. The commissioner of administrative services shall submit an annual report, on or before June 30, to the speaker of the house of representatives, the president of the senate, and the chairperson of the house standing committee on executive departments and administration, relative to collection activity under this section. The report shall include, for each account: the relevant agency; the amount to be collected; the amount collected and whether it was collected by a collection agency, law firm, or court action initiated by the department of administrative services; any expenses incurred; and any amount outstanding.

VI. For purposes of this section, the term "debt" shall include fines and other debts, including the fee required under subparagraph I(b) of this section.

2 Effective Date. This act shall take effect July 1, 2006.

2006-0267s

AMENDED ANALYSIS

This bill authorizes the department of administrative services to oversee, on behalf of state agencies, debt collection conducted by collection agencies and law firms. Recovered funds, less collection costs, shall be returned to the appropriate agency. The bill also requires the department of administrative services to submit an annual report on the collection activity to the legislature.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 22, authorizing the Holden School of Nursing to confer degrees. Education Committee. Ought to pass with amendment, Vote 5-0. Senator Foster for the committee.

Senate Education

December 15, 2005

2006-0262s

04/09

Amendment to SB 22

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

AN ACT authorizing Holden College to confer degrees and exempting certain teachers from additional certification requirements imposed by the No Child Left Behind Act of 2001.

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

1 Holden College; Authority to Grant Degrees. Holden College, located in Nashua, New Hampshire, is hereby authorized to confer degrees upon its graduates, subject to the authority of the postsecondary education commission under RSA 188-D:8, IV. The degrees shall be specified by the postsecondary education commission as provided in RSA 292:8-h, III.

2 New Section; Teacher Certification; Exemption. Amend RSA 189 by inserting after section 14-g the following new section:

189:14-h Teacher Certification; Exemption. Any person who was certified as a teacher by the department of education prior to January 8, 2002 shall be exempt from compliance with the highly qualified teacher provisions and any other teacher certification requirements imposed by the No Child Left Behind Act of 2001.

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

2006-0262s

AMENDED ANALYSIS

This bill authorizes Holden College to grant degrees.

The bill also provides an exemption from the highly qualified teacher and any other teacher certification requirements imposed by the No Child Left Behind Act of 2001 for any person certified as a teacher by the department of education prior to January 8, 2002.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 406, revising certain provisions of the home education statutes. Education Committee. Ought to pass with amendment, Vote 4-1. Senator Estabrook for the committee.

Senate Education

December 15, 2005

2006-0261s

04/09

Amendment to HB 406

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

AN ACT relative to procedural requirements for initiating and continuing home education programs.

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

1 Home Education; Procedural Requirements. Amend RSA 193-A:5, I-II to read as follows:

I. Any parent ~~[commencing]~~ **initiating or continuing** a home education program for a child, for a child who withdraws from a public school, or for a child who moves into a school district shall notify the commissioner of education, resident district superintendent, or principal of a nonpublic school of such ~~[within]~~ **no later than 30 days after the program start date and no later than 30 days after the start of any following school year in which the program continues. Notification shall include a list of the names, addresses, and birth dates of all children participating in the home education program.** Subject to the provisions of RSA 193A:7, I, **and, if applicable, paragraph II of this section**, the commissioner of **the department of** education shall acknowledge in writing that the parent shall be permitted to initiate **or continue** a home education program for a child enrolled in a public or nonpublic school if the program meets the minimum definitional and educational requirements as provided in RSA 193-A:4, I and paragraph II of this section.

II. ~~[Notification made by the parent pursuant to paragraph I shall include a list of the names, addresses, and birth dates of all children who are participating in the home education program and]~~ **For any parent who has not previously received acknowledgement from the commissioner of the department of education that the parent is permitted to initiate a home education program for any child, such acknowledgement shall be contingent upon the program meeting the minimum definitional**

and educational requirements provided in RSA 193-A:4, I. To assist in this determination, notification under paragraph I shall include a list and description of the subjects to be taught each child in accordance with RSA 193-A:4, I. A description of such subjects shall also be provided which shall include:

- (a) The name of an established correspondence school used, if any;
- (b) The name of an established commercial curriculum provider used, if any;
- (c) A table of contents or other material which outlines the scope of and instructional sequence for each subject, or both; and
- (d) A list of textbooks or other instructional materials used.

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

2005-0261s

AMENDED ANALYSIS

The bill requires a parent initiating a home education program to submit a list of subjects to be taught, and requires a parent initiating or continuing a home education program to provide notice annually.

The question is on the adoption of the committee amendment.

A roll call was requested by Senator Bragdon.

Seconded by Senator Barnes.

The following Senators voted Yes: Burling, Gottesman, Foster, Larsen, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Johnson, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.

Yeas: 8 - Nays: 14

Amendment failed.

Senator Bragdon moved ought to pass.

The question is on the motion of ought to pass.

A roll call was requested by Senator Bragdon.

Seconded by Senator Barnes.

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

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

Yeas: 17 - Nays: 5

Adopted.

Ordered to third reading.

Senator Boyce is excused.

HOUSE MESSAGE

The House of Representatives, on this date, January 18, 2006, is ready to meet with the honorable Senate in Joint Convention for the purpose of hearing the State of the State address by His Excellency, Governor John H. Lynch.

Recess.

Out of recess.

HB 582, relative to the policy for records management. Energy and Economic Development Committee. Ought to pass with amendment, Vote 2-1. Senator Odell for the committee.

Energy and Economic Development
December 15, 2005
2006-0265s
05/01

Amendment to HB 582

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

AN ACT relative to management of electronic records by the department of state, and relative to departmental salaries.

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

2 Archives and Record Management; Definition of Record. Amend RSA 5:29, V-VII to read as follows:

V. "Record" means document, book, paper, manuscript, drawing, photograph, map, sound recording, **video recording, electronic record**, microform, or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for library use or exhibition purposes, extra copies of documents preserved only for convenience or reference, and stocks of publications and of processed documents are "nonrecord materials" and are not included within this definition of records.

VI. "**Electronic record**" means **information that is created or retained in a digital format**.

VII. "Records center" means the depository of records and archives.

[VH:] VIII. "State record" means:

(a) A record of a department, office, commission, board, or other agency, however designated, of the state government;

(b) A record of the state legislature;

(c) A record of any court of record, whether of statewide or local jurisdiction; or

(d) Any other record designated or treated as a state record under state law.

3 Duties of Director; Reference to State Records. Amend RSA 5:30, I to read as follows:

I. Establish standards, procedures, and techniques for effective management of **state** records.

4 Archives and Records Management; Local Records. Amend RSA 5:35 and 5:36 to read as follow:

5:35 Local Records. The director shall accept for ~~[permanent]~~ storage in the state archives such local records as the municipal records board established under RSA 33-A:4-a may require. ~~[Any material so stored may be withdrawn pursuant to rules adopted by the municipal records board.]~~

5:36 Assistance to Legislative and Judicial Branches. ~~[Upon request]~~ **Under the same provisions specified in RSA 5:33**, the director shall assist and advise in the establishment of records management programs in the legislative and judicial branches of state government and shall, as required by them, provide program services similar to those available to the executive branch of state government pursuant to the provisions of this subdivision.

-5 Archives and Records Management; Rules. Amend RSA 5:40 to read as follows:

5:40 Rules. The director, under the supervision of the secretary of state, shall establish a manual of uniform rules **and procedures** necessary and proper to effectuate the purpose of this subdivision. Such rules **and procedures** and any subsequent revisions, when approved by the governor and council, shall be binding upon all officers and employees of the state. ~~[Any rules adopted pursuant to this section shall be adopted in accordance with RSA 541-A.]~~

6 Municipal Records; Reference to Electronic Records. Amend RSA 33-A:5-a to read as follows:

33-A:5-a Electronic Records. ~~[Records created in electronic format]~~ **Electronic records as defined in RSA 5:29, VI** and designated on the disposition schedule under RSA 33-A:3-a to be retained for more than 10 years shall be transferred to paper, microfilm, or both. ~~[Electronically-created]~~ **Electronic** records designated on the disposition schedule to be retained for less than 10 years may be retained solely electronically if so approved by the record committee of the municipality responsible for the records. The municipality is responsible for assuring the accessibility of the records for the mandated period.

7 Department of State; Salaries of Clerks and Assistants. Amend RSA 5:3 to read as follows:

5:3 Clerks and Assistants. Subject to the state personnel regulations, and within the limits of available appropriations and funds, the secretary of state may employ a chief clerk and such other clerks and assistants as may be necessary. ***If a subordinate classified employee's salary exceeds the maximum salary for an unclassified supervisor, the secretary of state is authorized to increase the unclassified supervisor's salary in the amount provided in RSA 94:1-a, III.***

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

2006-0265s

AMENDED ANALYSIS

This bill:

I. Provides that the state record management program is intended, in part, to promote integrity in the day-to-day record-keeping activities of state and local government.

II. Amends the definition of record to include video recordings and electronic records, and defines electronic record.

III. Clarifies a reference to state records.

IV. Removes a reference to the adoption of rules by the municipal records board relative to storage of local records.

V. Establishes parameters under which the state archivist shall assist the legislative and judicial branches in establishing records management programs.

VI. Removes the requirement that the state archivist adopt rules under RSA 541-A.

VII. Permits the secretary of state to increase the salary of an unclassified supervisor whose maximum salary is less than that of a subordinate, classified employee.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 103-FN-A-L, relative to a shorefront maintenance fee. Environment and Wildlife Committee. Ought to pass with amendment, Vote 3-0. Senator Johnson for the committee.

Environment and Wildlife

December 15, 2005

2006-0263s

09/10

Amendment to SB 103-FN-A-LOCAL

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

AN ACT establishing a committee to study alternatives for funding the operation and maintenance of state-owned dams and making an appropriation to the state dam maintenance fund.

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

1 Committee Established. There is established a committee to study alternatives for funding the operation and maintenance of state-owned dams.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Four members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the need for the operation and maintenance of state-owned dams, the existing funding sources for the operation and maintenance of state-owned dams including the state's hydro-lease program, established under RSA 481:32, and the state dam maintenance fund, established under RSA 482. The committee shall develop recommendations for the continued operation and maintenance of state-owned dams and options for funding the state dam maintenance fund.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2006.

6 Appropriation. The sum of \$1,000,000 is hereby appropriated to the department of environmental services dam maintenance fund, established under RSA 482:55, for the fiscal year ending June 30, 2007. This sum is in addition to any other funds appropriated to the department of environmental services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2006.

II. The remainder of this act shall take effect upon its passage.

2006-0263s

AMENDED ANALYSIS

This bill establishes a committee to study alternatives for funding the operation and maintenance of state owned dams. This bill also makes an appropriation to the department of environmental services dam maintenance fund.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

Senators Burling, Gottesman and Johnson, (Rule #42) on SB 103-FN-A-L.

SB 371-FN, relative to the continuation of certain wetlands fees. Environment and Wildlife Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 190-L, relative to workforce housing opportunities. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 4-0. Senator Fuller Clark for the committee.

Senate Executive Departments and Administration

November 28, 2005

2006-0230s

06/01

Amendment to SB 190-LOCAL

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

AN ACT relative to workforce housing opportunities and establishing a committee to study including workforce housing in zoning ordinances.

Amend the section heading of RSA 674:56 as inserted by section 2 of the bill by replacing it with the following:

674:56 Definitions. In this subdivision:

Amend RSA 674:56, III as inserted by section 2 of the bill by replacing it with the following:

III. "Workforce housing" means housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the

metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. "Workforce housing" also means rental housing, which is affordable to a household with an income of no more than 80 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban development. Housing developments that exclude minor children from more than 20 percent of the units or in which more than 50 percent of the dwelling units have fewer than 2 bedrooms shall not constitute workforce housing.

Amend RSA 674:58 as inserted by section 2 of the bill by deleting it.

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

3 Committee Established.

I. There is established a committee to study including workforce housing in a zoning ordinance.

II. Membership and Compensation.

(a) The members of the committee shall be as follows:

(1) Three members of the senate, appointed by the president of the senate.

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. Duties. The committee shall study whether to enable a municipality that has adopted a master plan that includes a housing section pursuant to RSA 674:2, III(l) to adopt a mandatory inclusionary zoning provision that requires that workforce housing units, as defined in RSA 674:56, III, be included in any housing development that contains more than a specified number of total dwelling units provided, that such requirements shall not mandate that more than 15 percent of the units in any such development be workforce housing.

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

V. Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2006.

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2007.

2006-0230s

AMENDED ANALYSIS

This bill requires municipalities with land use ordinances and regulations not to prohibit or discourage reasonable and realistic opportunities for the development of workforce housing. This bill also establishes a committee to study including workforce housing in a zoning ordinance.

The question is on adoption of the committee amendment.

A roll call was requested by Senator Fuller Clark.

Seconded by Senator Foster.

The following Senators voted Yes: Burling, Green, Flanders, Gottesman, Foster, Larsen, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Johnson, Boyce, Odell, Roberge, Eaton, Bragdon, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.

Yeas: 10 - Nays: 13

Amendment failed.

Senator Letourneau offered a floor amendment.

Sen. Letourneau, Dist. 19

Sen. Clegg, Dist. 14

Sen. Barnes, Dist. 17

Sen. Morse, Dist. 22

January 18, 2006

2006-0476s

06/09

Floor Amendment to SB 190-LOCAL

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

AN ACT establishing a committee to study including workforce housing in zoning ordinances.

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

1 Committee Established.

I. There is established a committee to study including workforce housing in a zoning ordinance.

II. Membership and Compensation.

(a) The members of the committee shall be as follows:

(1) Three members of the senate, appointed by the president of the senate.

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. Duties. The committee shall study whether to enable a municipality that has adopted a master plan that includes a housing section pursuant to RSA 674:2, III(l) to adopt a mandatory inclusionary zoning provision that requires that workforce housing units be included in any housing development that contains more than a specified number of total dwelling units provided, that such requirements shall not mandate that more than 15 percent of the units in any such development be workforce housing.

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

V. Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2006.

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

2006-0476s

AMENDED ANALYSIS

This bill establishes a committee to study including workforce housing in a zoning ordinance.

The question is on the adoption of the floor amendment.

A division vote was requested.

Yes: 13 - Nays: 10

Floor amendment adopted.

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

A roll call was requested by Senator Clegg.

Seconded by Senator Barnes.

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

The following Senator voted No: Boyce.

Yeas: 22 - Nays: 1

Adopted.

Ordered to third reading.

SB 264, relative to the chief financial officer of the department of environmental services. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Larsen for the committee.

Adopted.

Ordered to third reading.

SB 131-FN, establishing a school choice certificate program. Finance Committee. Ought to pass with amendment, Vote 5-1. Senator Green for the committee.

**Senate Finance
January 11, 2006
2006-0383s
10/01**

Amendment to SB 131-FN

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

1 New Chapter; 21st Century Scholars Program. Amend RSA by inserting after chapter 193H the following new chapter:

CHAPTER 193-I

21ST CENTURY SCHOLARS PROGRAM

193-I:1 Definitions. In this chapter:

I. "Board" means the 21st century scholars fund board.

II. "Department" means the department of revenue administration.

III. "Educational scholarships" means grants to pupils to cover all or part of the tuition and fees at a private qualified school or all or part of the tuition and fees at a public school outside the school district in which a pupil resides.

IV. "Eligible pupil" means any pupil who is legally allowed to attend a public school in grades 1-12 and whose family income does not exceed 250 percent of the federal poverty income level.

V. "Parent" includes a guardian, custodian, or other person with authority to act on behalf of the child.

VI. "Program" means the 21st century scholars program.

VII. "Qualified school" means a public or non-public school in our state that complies with all of the requirements of the program.

VIII. "21st century scholars fund" or "fund" means an entity that is determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code, as that section now exists or may hereafter be amended, established by the state to collect and administer funds that are to be used for the purpose of providing and managing the delivery of scholarships to eligible pupils.

193-I:2 Corporation Established. There is hereby established a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the 21st century scholars fund corporation to carry out the provisions of this chapter. The corporation shall be a public instrumentality which shall perform public and essential governmental functions of the state as provided in this chapter. The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter. Notwithstanding any other provision of law, any payments made by the corporation for educational scholarships under this chapter, either directly or indirectly, shall be exempt from the premium tax under RSA 400-A:32.

193-I:3 21st Century Scholars Fund Corporation; Board.

I. The powers of the corporation shall be vested in 12 members for 3-year terms of office as follows:

- (a) One member of the senate, appointed by the president of the senate.
- (b) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (c) Two public members, appointed by the president of the senate.
- (d) Two public members, appointed by the speaker of the house of representatives.
- (e) Five public members, appointed by the governor, of which:
 - (1) Two shall represent the business community.
 - (2) Two shall represent the private school community.
 - (3) One shall be an at-large member.
- (f) The commissioner of the department of education, or designee.

II. The initial terms of office shall be as follows: the member in subparagraph I(e)(3) shall serve for one year; the member in subparagraph I(e)(1) shall serve for 2 years; and the members in subparagraphs I(c), I(d) and I(e)(2) shall serve for 3 years. The members in subparagraphs I(a)-(b) shall serve terms which are coterminous with their terms in office.

III. The members shall elect annually from among their number a chairperson and such officers as they may determine. A member shall hold office until a successor has been appointed and qualified. Members shall receive no salary for the performance of their duties under this chapter, but each member shall be reimbursed for reasonable expenses incurred in carrying out duties under this chapter. Any such expenses by board members shall have prior approval by 6 members of the board of directors before reimbursement. Legislative members shall receive mileage at the legislative rate when attending to the duties of the board. A member of the board of directors may be removed for cause by the official who appointed that member.

IV. There shall be no liability on the part of, and no cause of action shall arise against, any member of the board, or its employees or agents, for any action taken in the performance of their powers and duties under this chapter.

V. The board shall have complete fiscal control over the corporation and shall be responsible for all corporate operations.

VI. Board meetings shall be held at the call of the chairperson or when 3 members so request. Six members of the board shall constitute a quorum and the affirmative vote of 6 members shall be necessary for any action taken by the authority. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the corporation.

193-I:4 21st Century Scholars Fund Corporation; Board; Powers and Duties.

I. The 21st century scholars fund corporation board shall:

- (a) Notify the department of education of the board's intent to provide educational scholarships to pupils attending qualified schools, and which public school districts those pupils reside in.
- (b) Provide a receipt for contributions to the organization by an individual taxpayer or corporate taxpayer for support of educational scholarships to the department of revenue administration and the taxpayer.
- (c) Create and provide to the public a procedure for applying to the program.
- (d) Consult appropriate professional organizations and establish standards providing educational scholarships.
- (e) Develop and implement a plan to publicize the program and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program.
- (f) Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state funds appropriated by the legislature and such other private or public funds as become available. The board shall determine the number of staff members necessary to administer the corporation.
- (g) Ensure that at least 90 percent of its expenditures are for educational scholarships.

(h) Require applicants to provide a tax return, proof of current residence in New Hampshire, and proof that the pupil was continuously enrolled in a public school during the prior school year.

(i) Make every effort to make the program easily accessible and usable by the public.

(j) Inform parents of educational scholarship recipients of their acceptance into the program no later than 30 days after receiving the application.

(k) Ensure that first-time recipients of educational scholarships were continuously enrolled in a public school during the previous year.

(l) In the case of oversubscription to the program, conduct a random selection from scholarship applicants to determine who shall receive an educational scholarship.

(m) Provide scholarships for pupils in the following manner:

(1) \$3,500 for families that have household incomes of 200 percent or less of the federal poverty income level upon the initial application to the program.

(2) \$2,500 for families who have household incomes between 201 percent and 250 percent of the federal poverty income level upon initial application to the program.

(n) Ensure that once a pupil receives a scholarship, the pupil is offered a scholarship in any future years, until he or she reaches the age of 21 and provided that he or she meets other necessary requirements for eligible pupils.

(o) Ensure that educational scholarship payments are made out to the parents of the pupil and sent to the qualifying school of choice for endorsement by the parent to the school.

(p) Conduct criminal background checks on all employees, and shall exclude from employment any people that might reasonably pose a threat to the safety of children or a risk to the appropriate use of contributed funds.

(q) Ensure that pupils receiving an educational scholarship take either the state tests or nationally recognized norm-referenced tests in math and language arts, or both, and ensure that the pupils' scores are provided to their parents.

II. The program shall not provide educational scholarships for pupils to attend any school with paid staff or board members, or relatives thereof, in common with the staff members of the fund.

III. Provide an annual interim report, the first on or before January 1, 2007, to the governor, senate president, speaker of the house of representatives, and commissioner of the department of education on the development of the program. This report shall include information prepared by a certified public accountant regarding grants made in the previous calendar year and shall include:

(a) The total number and total dollar amount of contributions received during the previous calendar year; and

(b) The total number and total dollar amount of educational scholarships awarded during the previous calendar year, the total number and total dollar amount of educational scholarships awarded during the previous year to pupils who are in families that are in each subgroup of qualifying income for the federal poverty income level; and

(c) A detailed listing of administrative and marketing expenses.

193-I:5 Responsibilities of the Parents.

I. Parents shall apply for scholarships for their eligible pupils by August 31, 2006. In subsequent years, parents shall apply for scholarships for their eligible pupils by July 31.

II. Parents shall provide a copy of their income tax return, along with any application materials required by the program.

193-I:6 Responsibilities of the Department of Revenue Administration.

I. The department shall provide a standardized format for a receipt to be issued by the fund to a taxpayer to indicate the value of a contribution received. The department shall require a taxpayer to provide a copy of this receipt when claiming the tax credit for contributions to the fund.

II. The department shall have the authority to conduct either a financial review or audit of the fund if possessing evidence of fraud.

III. The department shall develop a process to make tax credits available for contributions on a first come, first serve basis.

IV. The department shall report to the state treasurer's office by June 30 of each year the amount of dollars raised from private sources and request that treasurer issue a check to the fund in the amount mandated by this chapter by August 1 of each year.

193-I:7 Responsibilities of Qualified Schools.

I. All qualified schools shall:

- (a) Operate in New Hampshire;
- (b) Comply with 42 U.S.C. section 2000d et seq.; and
- (c) Be approved by the state of New Hampshire.

II. All nonpublic schools shall have nonprofit status under the Internal Revenue Code in order to be qualified under this chapter.

III. Schools shall not refund or rebate any portion of the scholarship to the parent. Any refund for rebate for any portion of the scholarship shall be made to the fund.

IV. Pupils receiving an educational scholarship from the fund shall take either the statewide education improvement and assessment tests pursuant to RSA 193-C, or a nationally recognized norm-referenced test in math and language arts, or both. Pupils' scores in such tests shall be provided to their parents.

193-I:8 Tax Credits.

I. There shall be an interest and dividend tax credit, not to exceed \$100,000, for qualified individuals for contributions made to the fund during the taxable period.

II. There shall be a business enterprise tax credit applied against taxes due under RSA 77-E, not to exceed \$400,000, for qualified businesses for contributions made to the fund during the taxable period.

193-I:9 Appropriation.

I. The sum of \$1,000,000 for the fiscal year ending June 30, 2006 is hereby appropriated to the 21st century scholars fund established in this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$1,000,000 shall be appropriated to the 21st century scholars fund upon the request of the 21st century scholars fund corporation board, and certification received by the board from the treasurer of the state of New Hampshire, that private contributions to the 21st century scholars fund from individuals or businesses equals or exceeds \$500,000. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 New Section; Taxation of Income; Credit for Contributions to 21st Century Scholars Fund. Amend RSA 77 by inserting after section 4-f the following new section:

77:4-g Adjustments for Contributions to the 21st Century Scholars Fund. A taxpayer who pays the interest and dividend tax pursuant to RSA 77 and is not a dependent of another taxpayer may claim a credit for a contribution made to the 21st century scholars fund established in RSA 193-I:9, II. An individual, corporation, or non-profit entity who does not file a New Hampshire state tax return may claim a charitable deduction for a contribution made to the fund as may be permitted by law. The credit may be claimed against the interest and dividend tax by an individual taxpayer in an amount equal to the total contributions made to the fund during the taxable year for which the credit is claimed. The credit may be claimed by an individual taxpayer or a married couple filing jointly in an amount equal to the total contributions made to the fund for educational scholarships during the taxable year for which the credit is claimed up to 100 percent of the taxpayer's tax liability. Individual or corporate donors may give an unlimited amount in contributions above the dollar amount to which they are entitled a credit, but shall only be entitled to the credit to the extent of available appropriations in any fiscal year.

3 New Section; Business Enterprise Tax; Adjustments. Amend RSA 77-E by inserting after section 3-a the following new section:

77-E:3-b 21st Century Scholars Fund Credit. Credit for contributions to the 21st century scholars fund as provided in RSA 193-I shall be allowed against tax due under this chapter. The credit may be claimed against the business enterprise tax by a corporate taxpayer in an amount equal to the total contributions made to the fund during the taxable year for which the credit is claimed up to 100 percent of the taxpayer's total liability. Individual or corporate donors may give an unlimited amount in contributions above the dollar amount to which they are entitled a credit, but shall only be entitled to the credit to the extent of available appropriations in any fiscal year.

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

2006-0383s

AMENDED ANALYSIS

This bill authorizes the state to establish and make appropriations to the 21st century scholars fund, a non-profit, public and private partnership that will provide educational scholarships to eligible New Hampshire school children in grades 1-12 to attend a qualified school.

A roll call was requested.

The roll call request was withdrawn.

Amendment failed.

Senator Johnson offered a floor amendment.

Sen. Johnson, Dist. 2

Sen. Morse, Dist. 22

Sen. Clegg, Dist. 14

January 17, 2006

2006-0468s

04/10

Floor Amendment to SB 131-FN

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

1 New Chapter; 21st Century Scholars Program. Amend RSA by inserting after chapter 193H the following new chapter:

CHAPTER 193-I

21st CENTURY SCHOLARS PROGRAM

193-I:1 Definitions. In this chapter:

I. "Board" means the 21st century scholars fund board.

II. "Department" means the department of revenue administration.

III. "Educational scholarships" means grants to pupils to cover all or part of the tuition and fees at a private qualified school or all or part of the tuition and fees at a public school outside the school district in which a pupil resides.

IV. "Eligible pupil" means any pupil who is legally allowed to attend a public school in grades 1-12 and whose family income does not exceed 250 percent of the federal poverty income level.

V. "Parent" includes a guardian, custodian, or other person with authority to act on behalf of the child.

VI. "Program" means the 21st century scholars program.

VII. "Qualified school" means a public or non-public school in our state that complies with all of the requirements of the program.

VIII. "21st century scholars fund" or "fund" means an entity that is determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code, as that section now exists or may hereafter be amended, established by the state to collect and administer funds that are to be used for the purpose of providing and managing the delivery of scholarships to eligible pupils.

193-I:2 Corporation Established. There is hereby established a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the 21st century scholars fund corporation to carry out the provisions of this chapter. The corporation shall be a public instrumentality which shall perform public and essential governmental functions of

the state as provided in this chapter. The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter.

193-I:3 21st Century Scholars Fund Corporation; Board; Powers; Duties.

I. The powers of the corporation shall be vested in 12 members for 3-year terms of office as follows:

- (a) One member of the senate, appointed by the president of the senate.
- (b) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (c) Two public members, appointed by the president of the senate.
- (d) Two public members, appointed by the speaker of the house of representatives.
- (e) Five public members, appointed by the governor, of which:
 - (1) Two shall represent the business community.
 - (2) Two shall represent the private school community.
 - (3) One shall be an at-large member.
- (f) The commissioner of the department of education, or designee.

II. The initial terms of office shall be as follows: the member in subparagraph I(e)(3) shall serve for one year; the member in subparagraph I(e)(1) shall serve for 2 years; and the members in subparagraphs I(c), I(d) and I(e)(2) shall serve for 3 years. The members in subparagraphs I(a)-(b) shall serve terms which are coterminous with their terms in office.

III. The members shall elect annually from among their number a chairperson and such officers as they may determine. A member shall hold office until a successor has been appointed and qualified. Members shall receive no salary for the performance of their duties under this chapter, but each member shall be reimbursed for reasonable expenses incurred in carrying out duties under this chapter. Any such expenses by board members shall have prior approval by 6 members of the board of directors before reimbursement. Legislative members shall receive mileage at the legislative rate when attending to the duties of the board. A member of the board of directors may be removed for cause by the official who appointed that member.

IV. There shall be no liability on the part of, and no cause of action shall arise against, any member of the board, or its employees or agents, for any action taken in the performance of their powers and duties under this chapter.

V. The board shall have complete fiscal control over the corporation and shall be responsible for all corporate operations.

VI. Board meetings shall be held at the call of the chairperson or when 3 members so request. Six members of the board shall constitute a quorum and the affirmative vote of 6 members shall be necessary for any action taken by the authority. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the corporation.

VII. The 21st century scholars fund corporation board shall:

- (a) Notify the department of education of the board's intent to provide educational scholarships to pupils attending qualified schools, and which public school districts those pupils reside in.
- (b) Provide a receipt for contributions to the organization by an individual taxpayer or corporate taxpayer for support of educational scholarships to the department of revenue administration and the taxpayer.
- (c) Create and provide to the public a procedure for applying to the program.
- (d) Consult appropriate professional organizations and establish standards providing educational scholarships.
- (e) Develop and implement a plan to publicize the program and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program.
- (f) Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state funds appropriated by the legislature and such other private or public funds as become available. The board shall determine the number of staff members necessary to administer the corporation.

(g) Ensure that at least 90 percent of its expenditures are for educational scholarships.

(h) Require applicants to provide a tax return, proof of current residence in New Hampshire, and proof that the pupil was continuously enrolled in a public school during the prior school year.

(i) Make every effort to make the program easily accessible and usable by the public.

(j) Inform parents of educational scholarship recipients of their acceptance into the program no later than 30 days after receiving the application.

(k) Ensure that first-time recipients of educational scholarships were continuously enrolled in a public school during the previous year.

(l) In the case of oversubscription to the program, conduct a random selection from scholarship applicants to determine who shall receive an educational scholarship.

(m) Provide scholarships for pupils in the following manner:

(1) \$3,500 for families that have household incomes of 200 percent or less of the federal poverty income level upon the initial application to the program.

(2) \$2,500 for families who have household incomes between 201 percent and 250 percent of the federal poverty income level upon initial application to the program.

(n) Ensure that once a pupil receives a scholarship, the pupil is offered a scholarship in any future years, until he or she reaches the age of 21 and provided that he or she meets other necessary requirements for eligible pupils.

(o) Ensure that educational scholarship payments are made out to the parents of the pupil and sent to the qualifying school of choice for endorsement by the parent to the school.

(p) Conduct criminal background checks on all employees, and shall exclude from employment any people that might reasonably pose a threat to the safety of children or a risk to the appropriate use of contributed funds.

(q) Ensure that pupils receiving an educational scholarship take either the state tests or nationally recognized norm-referenced tests in math and language arts, or both, and ensure that the pupils' scores are provided to their parents.

VIII. The program shall not provide educational scholarships for pupils to attend any school with paid staff or board members, or relatives thereof, in common with the staff members of the fund.

IX. Provide an annual report, the first on or before January 1, 2007, to the governor, senate president, speaker of the house of representatives, and commissioner of the department of education on the development of the program. This report shall include information prepared by a certified public accountant regarding grants made in the previous calendar year and shall include:

(a) The total number and total dollar amount of contributions received during the previous calendar year; and

(b) The total number and total dollar amount of educational scholarships awarded during the previous calendar year, the total number and total dollar amount of educational scholarships awarded during the previous year to pupils who are in families that are in each subgroup of qualifying income for the federal poverty income level; and

(c) A detailed listing of administrative and marketing expenses.

193-I:4 Responsibilities of the Parents.

I. Parents shall apply for scholarships for their eligible pupils by August 31, 2006. In subsequent years, parents shall apply for scholarships for their eligible pupils by July 31.

II. Parents shall provide a copy of their income tax return, along with any application materials required by the program.

193-I:5 Responsibilities of the Department of Revenue Administration.

I. The department shall provide a standardized format for a receipt to be issued by the fund to a taxpayer to indicate the value of a contribution received. The department shall require a taxpayer to provide a copy of this receipt when claiming the tax credit for contributions to the fund.

II. The department shall have the authority to conduct either a financial review or audit of the fund if possessing evidence of fraud.

III. The department shall develop a process to make tax credits available for contributions on a first come, first serve basis.

IV. The department shall report to the state treasurer's office by June 30 of each year the amount of dollars raised from private sources and request that treasurer issue a check to the fund in the amount mandated by this chapter by August 1 of each year.

193-I:6 Responsibilities of Qualified Schools.

I. All qualified schools shall:

- (a) Operate in New Hampshire;
- (b) Comply with 42 U.S.C. section 2000d et seq.; and
- (c) Be approved by the state of New Hampshire.

II. All nonpublic schools shall have nonprofit status under the Internal Revenue Code in order to be qualified under this chapter.

III. Schools shall not refund or rebate any portion of the scholarship to the parent. Any refund for rebate for any portion of the scholarship shall be made to the fund.

IV. Pupils receiving an educational scholarship from the fund shall take either the statewide education improvement and assessment tests pursuant to RSA 193-C, or a nationally recognized norm-referenced test in math and language arts, or both. Pupils' scores in such tests shall be provided to their parents.

193-I:7 Tax Credits.

I. A credit applied against the interest and dividend tax due under RSA 77 shall be available on a first-come, first-served basis to qualified individuals in an amount equal to the amount of contributions made to the fund during the taxable period. The total amount of the credit for all qualified individuals in a taxable period shall not exceed \$100,000.

II. A credit applied against the business enterprise tax due under RSA 77-E shall be available on a first-come, first-served basis to qualified businesses in an amount equal to the amount of contributions made to the fund during the taxable period. The total amount of the credit for all qualified businesses in a taxable period shall not exceed \$400,000.

2 Appropriation.

I. The sum of \$1,000,000 for the fiscal year ending June 30, 2006 is hereby appropriated to the 21st century scholars fund established in this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$1,000,000 shall be appropriated to the 21st century scholars fund upon the request of the 21st century scholars fund corporation board, and certification received by the board from the treasurer of the state of New Hampshire, that private contributions to the 21st century scholars fund from individuals or businesses equals or exceeds \$500,000. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 New Section; Taxation of Income; Credit for Contributions to 21st Century Scholars Fund. Amend RSA 77 by inserting after section 4-f the following new section:

77:4-g Adjustments for Contributions to the 21st Century Scholars Fund. A taxpayer who pays the interest and dividend tax pursuant to RSA 77 and is not a dependent of another taxpayer may claim a credit for a contribution made to the 21st century scholars fund established in RSA 193-I:8. An individual, corporation, or non-profit entity who does not file a New Hampshire state tax return may claim a charitable deduction for a contribution made to the fund as may be permitted by law. The credit may be claimed against the interest and dividend tax by an individual taxpayer in an amount equal to the total contributions made to the fund during the taxable year for which the credit is claimed. The credit may be claimed by an individual taxpayer or a married couple filing jointly in an amount equal to the total contributions made to the fund for educational scholarships during the taxable year for which the credit is claimed up to 100 percent of the taxpayer's tax liability. Individual or corporate donors may give an unlimited amount in contributions above the dollar amount to which they are entitled a credit, but shall only be entitled to the credit as provided in RSA 193-I:7.

4 New Section; Business Enterprise Tax; Adjustments. Amend RSA 77-E by inserting after section 3-a the following new section:

77-E:3-b 21st Century Scholars Fund Credit. Credit for contributions to the 21st century scholars fund as provided in RSA 193-I shall be allowed against tax due under this chapter. The credit may be claimed against

the business enterprise tax by a taxpayer in an amount equal to the total contributions made to the fund during the taxable year for which the credit is claimed up to 100 percent of the taxpayer's total liability. Individual or corporate donors may give an unlimited amount in contributions above the dollar amount to which they are entitled a credit, but shall only be entitled to the credit as provided in RSA 193-I:7.

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

2006-0468s

AMENDED ANALYSIS

This bill authorizes the state to establish and make appropriations to the 21st century scholars fund, a non-profit, public and private partnership that will provide educational scholarships to eligible New Hampshire school children in grades 1-12 to attend a qualified school.

The question is on adoption of the floor amendment.

A roll call was requested by Senator Larsen.

Seconded by Senator Estabrook.

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

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

Yeas: 14 - Nays: 9

Floor amendment adopted.

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

A roll call was requested by Senator Estabrook.

Seconded by Senator Foster.

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

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

Yeas: 14 - Nays: 9

Adopted.

Ordered to third reading.

HB 460-FN, relative to the reimbursement to certain providers by the bureau of emergency communications. Finance Committee. Ought to Pass, Vote 6-0. Senator Odell for the committee.

Senator Morse offered a floor amendment.

Sen. Gallus, Dist. 1

Sen. Johnson, Dist. 2

Sen. Green, Dist. 6

Sen. Flanders, Dist. 7

Sen. Odell, Dist. 8

Sen. Roberge, Dist. 9

Sen. Eaton, Dist. 10

Sen. Clegg, Dist. 14

Sen. Barnes, Dist. 17

Sen. Letourneau, Dist. 19

Sen. Morse, Dist. 22

January 18, 2006

2006-0487s

03/04

Floor Amendment to HB 460-FN

Amend the bill by replacing section 2 with the following:

2 Review of Claims. The enhanced 911 commission shall approve and the bureau, as defined in RSA 106-H:2, III, shall pay, in a timely fashion and with the prior approval of the fiscal committee of the general court, all reimbursement claims filed under RSA 106-H:8 by providers of commercial mobile radio service for reasonable expenses incurred prior to the effective date of RSA 106-H:8, II to which the providers are entitled.

Floor amendment adopted.

Senator Burling offered a floor amendment.

Sen. Burling, Dist. 5

Sen. Gottesman, Dist. 12

January 18, 2006

2006-0484s

03/01

Floor Amendment to HB 460-FN

Amend the bill by replacing section 2 with the following:

2 Disposition of Claims; Arbitration. The bureau, as defined in RSA 106-H:2, III, and claimants are hereby directed to submit to binding arbitration all issues relative to reimbursement claims filed under RSA 106-H:8 by providers of commercial mobile radio service for reasonable expenses incurred prior to the effective date of RSA 106-H:8, II. All arbitration requests shall be made by the bureau within 60 days of the effective date of this act. Arbitration shall be performed by the American Arbitration Association at the earliest available opportunity. The costs of the arbitration shall be borne equally by the parties, with each party responsible for paying its own expenses. The bureau shall pay all amounts ordered by the arbitrator as soon as possible, but in no event later than 90 days after the issuance of the order by the arbitrator. The bureau shall pay interest on the amount ordered at the annual rate of 6 percent.

2006-0484s

AMENDED ANALYSIS

This bill limits the reimbursement to providers of commercial mobile radio service by the bureau of emergency communications to expenses incurred prior to the effective date of this bill. This bill also requires binding arbitration for all existing reimbursement claims.

Floor amendment failed.

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

Adopted.

Ordered to third reading.

SB 26, requiring identification to obtain a ballot. Internal Affairs Committee. Ought to pass with amendment, Vote 4-2. Senator Bragdon for the committee.

Internal Affairs

January 11, 2006

2006-0395s

03/05

Amendment to SB 26

Amend the bill by replacing section 1 with the following:

1 Obtaining a Ballot; Identification Required. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the checklist. ***The ballot clerk shall then require that the person desiring to vote either furnish a driver's license or other form of photographic identification verifying the person's identity and residence or have his or her identity and residence personally verified by an election official.*** The voter, if still qualified to vote in the town or ward and unless challenged as provided for in RSA 659:27-33, ***or unless failing to present the required identification***, shall then be

allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

2006-0395s

AMENDED ANALYSIS

This bill requires a voter to present photographic identification or have his or her identity verified by an election official to obtain a ballot.

The question is on adoption of the committee amendment.

A roll call was requested by Senator Estabrook.

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

Amendment adopted.

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

A roll call was requested by Senator Estabrook.

Seconded by Senator Hassan.

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

Adopted.

Ordered to third reading.

HB 66, regulating mandatory overtime for nurses and assistants. Internal Affairs Committee. Inexpedient to Legislate, Vote 3-2. Senator Boyce for the committee.

The question is on the motion 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 270, relative to procedures of the legislative ethics committee. Internal Affairs Committee. Ought to Pass, Vote 6-0. Senator Hassan for the committee.

MOTION TO TABLE

Senator Hassan moved to have HB 270 laid on the table.

Adopted.

LAID ON THE TABLE

HB 270, relative to procedures of the legislative ethics committee.

HB 365, relative to recount fees. Internal Affairs Committee. Inexpedient to Legislate, Vote 6-0. Senator Bragdon for the committee.

Committee report of inexpedient to legislate is adopted.

SB 200-FN, establishing the uniform athlete agents act. Public and Municipal Affairs Committee. Ought to Pass, Vote 3-1. Senator Roberge for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SPECIAL ORDER

Senator Clegg moved that **HB 177**, relative to home improvement contracts, be made a special order for February 2 at 10 a.m.

Adopted.

HB 177, relative to home improvement contracts.

HB 505, relative to recording mailing addresses on property deeds. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Roberge for the committee.

Adopted.

Ordered to third reading.

Senator Larsen offered the following Resolution:

SR 3, noting objections to certain issues regarding "Clawback" and requesting that corrective measures be taken to limit its negative financial consequences. (Sen. Larsen, Dist 15; Sen. Gottesman, Dist 12; Sen. Foster, Dist 13; Sen. Hassan, Dist 23; Sen. Estabrook, Dist 21; Sen. Burling, Dist 5; Sen. D'Allesandro, Dist 20; Sen. Barnes, Dist 17; Sen. Letourneau, Dist 19; Sen. Johnson, Dist 2; Sen. Roberge, Dist 9; Sen. Martel, Dist 18; Sen. Green, Dist 6; Sen. Clegg, Dist 14; Sen. Gallus, Dist 1)

Adopted.

HOUSE MESSAGE

The House of Representatives, meeting in session on January 4, 2006, concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 72, relative to the licensing of public adjusters.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 72, relative to the licensing of public adjusters.

Senator Flanders moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives, meeting in session on January 4, 2006, concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 175, requiring insurance coverage for certified midwives.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 175, requiring insurance coverage for certified midwives.

Senator Flanders moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives, meeting in session on January 4, 2006, concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SCR 3, relative to the Boy Scouts of America.

SENATE CONCURS WITH HOUSE AMENDMENT

SCR 3, relative to the Boy Scouts of America.

Senator Roberge moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives, meeting in session on January 4, 2006, concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

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

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

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

Senator Boyce moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Clegg, Boyce and Larsen

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 22, authorizing Holden College to confer degrees and exempting certain teachers from additional certification requirements imposed by the No Child Left Behind Act of 2001.

SB 24, relative to disposition upon death of patient accounts in nursing homes.

SB 26, requiring identification to obtain a ballot.

SB 131-FN, establishing a school choice certificate program.

SB 178, designating a certain highway the Gold Star Mothers Highway.

SB 190-L, establishing a committee to study including workforce housing in zoning ordinances.

SB 207-FN, relative to enhanced penalties for certain crimes against the elderly and persons with a physical or mental disability.

SB 221, relative to obtaining a driver's license and creating a violation for failure to pay a highway toll.

SB 233, relative to motorcycle rider education.

SB 239, renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Women in Service to Enfield (WISE) Bridge and naming the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge.

SB 245, repealing laws relative to the municipal courts and the administrative committee of the district and municipal courts.

SB 246, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff.

SB 264, relative to the chief financial officer of the department of environmental services.

HB 406, revising certain provisions of the home education statutes.

HB 460-FN, relative to the reimbursement to certain providers by the bureau of emergency communications.

HB 505, relative to recording mailing addresses on property deeds.

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, and processing enrolled bill reports and amendments.

Adopted.

In recess to the Call of the Chair.