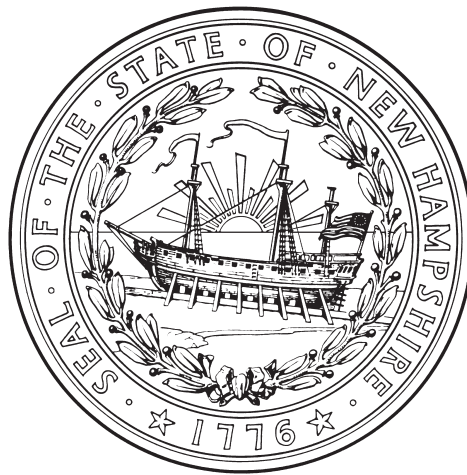


February 15, 2007  
Nos. 3 - 4

# STATE OF NEW HAMPSHIRE

Web Site Address: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)



Legislative

## SENATE JOURNAL

**ADJOURNMENT – FEBRUARY 8, 2007 SESSION**  
**COMMENCEMENT – FEBRUARY 15, 2007 SESSION**

# SENATE JOURNAL 3 (*Cont.*)

*February 8, 2007*

## INTRODUCTION OF SENATE BILL(S)

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, Senate legislation numbered from **SB 45 to SB 239**, 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

07-0349

**SB 45**, changing the name of the ballot law commission to the elections and ballot law commission, increasing the membership of the commission, and requiring the commission to propose redistricting plans. (Burling, Dist 5; Weed, Ches 3; Clemons, Hills 24: Election Law and Internal Affairs)

07-0311

**SB 75-FN**, relative to establishing a New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire. (Gottesman, Dist 12; Foster, Dist 13; Bragdon, Dist 11; DeVries, Dist 18; Harvey, Hills 21; Lasky, Hills 26; D. Cote, Hills 23; Campbell, Hills 24; Rosenwald, Hills 22: Transportation and Interstate Cooperation)

07-0147

**SB 126-FN-A**, relative to motor vehicle fines. (D'Allesandro, Dist 20: Transportation and Interstate Cooperation)

07-0472

**SB 130-FN**, relative to the insurance premium tax. (Gatsas, Dist 16; Clegg, Dist 14; Barnes, Dist 17; King, Coos 1: Ways and Means)

07-1161

**SB 138-FN-A**, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making appropriations therefor. (Estabrook, Dist 21; Hassan, Dist 23; Sgambati, Dist 4; Donovan, Sull 4: Health and Human Services)

07-1277

**SB 160-FN-LOCAL**, adding members to the Skyhaven airport operation commission and changing the required completion date for the Skyhaven airport transfer plan. (Cilley, Dist 6; Kenney, Dist 3; Estabrook, Dist 21; Grassie, Straf 1; Hilliard, Straf 2; Berube, Straf 2; Billian, Straf 1: Energy, Environment and Economic Development)

07-1297

**SB 166-FN**, relative to renewal of port moorings. (Fuller Clark, Dist 24; Powers, Rock 16; Pantelakos, Rock 16; Grote, Rock 18; Borden, Rock 18; McEachern, Rock 16: Energy, Environment and Economic Development)

07-0252

**SB 168-FN**, establishing tuition waivers for foster children. (D'Allesandro, Dist 20; Foster, Dist 13; Hassan, Dist 23; Estabrook, Dist 21; Janeway, Dist 7; Sgambati, Dist 4; Cilley, Dist 6; Reynolds, Dist 2; Fuller Clark, Dist 24; Burling, Dist 5; Downing, Dist 22; Blanchard, Merr 10; Nord, Rock 1: Education)

07-0588

**SB 175-FN-A**, establishing an apprentice hunting license. (Letourneau, Dist 19; Gottesman, Dist 12; Gallus, Dist 1; Packard, Rock 3; Greco, Merr 7; Nowe, Rock 9: Wildlife, Fish and Game)

07-1231

**SB 205-FN**, eliminating an exception to state reimbursement for drug testing for racing dogs and horses. (Fuller Clark, Dist 24; Roberge, Dist 9; Estabrook, Dist 21; Barnes, Dist 17; Reynolds, Dist 2; Kenney, Dist 3; B. Richardson, Ches 5; McLeod, Graf 2; Almy, Graf 11; Matthew Quandt, Rock 13; Crane, Hills 21: Executive Departments and Administration)

07-1263

**SB 211-FN-A**, establishing a veterans' programs number plate trust fund and a special veterans' programs license plate, to support state veterans' programs. (Kenney, Dist 3; Barnes, Dist 17; Clegg, Dist 14; Graham, Hills 18; Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Coughlin, Hills 4; Crane, Hills 21: Transportation and Interstate Cooperation)

07-1293

**SB 217-FN-A**, establishing the New Hampshire housing and conservation planning program and making an appropriation therefor. (Fuller Clark, Dist 24; Janeway, Dist 7; Burling, Dist 5; Kenney, Dist 3; Odell, Dist 8; Hassan, Dist 23; Cilley, Dist 6; Spang, Straf 7; Marsh, Rock 17: Energy, Environment and Economic Development)

07-0161

**SB 222-FN**, relative to health insurance for national guard members. (Barnes, Dist 17; Burling, Dist 5; Letourneau, Dist 19; Kenney, Dist 3; Bishop, Rock 2; B. Shaw, Hills 16; Coughlin, Hills 4; Kjellman, Merr 5: Commerce, Labor and Consumer Protection)

07-0259

**SB 223-FN**, establishing a New Hampshire medal of honor. (Letourneau, Dist 19; Clegg, Dist 14; Kenney, Dist 3; Barnes, Dist 17; Gatsas, Dist 16; Coughlin, Hills 4; Graham, Hills 18; Bishop, Rock 2; Hawkins, Hills 18: Election Law and Internal Affairs)

07-1189

**SB 224-FN-A**, relative to advanced technology infrastructure and continually appropriating a special fund. (Reynolds, Dist 2; Gallus, Dist 1; Burling, Dist 5; Janeway, Dist 7; Hassan, Dist 23: Energy, Environment and Economic Development)

07-1208

**SB 225-FN-A-LOCAL**, relative to allowing video gaming in Coos county, building casinos in Berlin and Portsmouth, and establishing a fund to assist with the payment of property taxes. (Gallus, Dist 1: Ways and Means)

07-1225

**226-FN**, relative to the temporary assistance to needy families (TANF) program. (Estabrook, Dist 21; Sgambati, Dist 4; Fuller Clark, Dist 24; Kelly, Dist 10; Donovan, Sull 4; Hager, Merr 12; Rosenwald, Hills 22; Nordgren, Graf 9; Wallner, Merr 12: Health and Human Services)

07-1265

**SB 227-FN**, authorizing land and community heritage investment program donations accompanying motor vehicle registrations. (Kenney, Dist 3; Fuller Clark, Dist 24; Crane, Hills 21; Knox, Carr 4: Transportation and Interstate Cooperation)

07-1314

**SB 228**, relative to the supervision of persons released on bail. (D'Allesandro, Dist 20: Judiciary)

07-1315

**SB 229**, relative to restitution ordered against an inmate. (D'Allesandro, Dist 20: Executive Departments and Administration)

07-1317

**SB 230**, relative to annulment of records of arrests or prosecutions not resulting in a conviction. (D'Allesandro, Dist 20: Judiciary)

07-1319

**SB 231**, exempting certain department of corrections practices and procedures from the provisions of RSA 541-A. (D'Allesandro, Dist 20: Executive Departments and Administration)

07-1321

**SB 232-FN**, relative to profits from the prison industries program. (D'Allesandro, Dist 20: Finance)

07-0150

**SB 233-FN**, relative to exceptions for New Hampshire small brewers and relative to the definition of specialty beer. (Clegg, Dist 14; D'Allesandro, Dist 20; Abbott, Rock 12; Hunt, Ches 7: Executive Departments and Administration)

07-0159

**SB 234-FN**, relative to privileges, benefits, and immunities for national guard members. (Burling, Dist 5; Barnes, Dist 17; Letourneau, Dist 19; Kenney, Dist 3; Bishop, Rock 2; B. Shaw, Hills 16; Kjellman, Merr 5; Graham, Hills 18: Election Law and Internal Affairs)

07-1121

**SB 236**, extending the authority for police mutual aid. (Letourneau, Dist 19; Packard, Rock 3: Public and Municipal Affairs)

07-1169

**SB 237**, relative to rapid response teams and notification of layoffs and establishing a council on employment issues affecting veterans. (Kenney, Dist 3; Letourneau, Dist 19; Barnes, Dist 17; Roberge, Dist 9; Clegg, Dist 14; Weare, Rock 14; J. Thomas, Belk 5; Crane, Hills 21: Energy, Environment and Economic Development)

07-1193

**SB 238**, relative to funding for the Groveton Branch Corridor repairs. (Gallus, Dist 1; Odell, Dist 8; Barnes, Dist 17; Remick, Coos 2; E. Merrick, Coos 2; S. Merrick, Coos 2: Transportation and Interstate Cooperation)

07-1280

**SB 239-FN**, requiring the state of New Hampshire to transfer title to certain property to the town of Wakefield. (Kenney, Dist 3: Public and Municipal Affairs)

**Out of Recess.**

### LATE SESSION

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

**Adopted.**

**Adjournment.**

# SENATE JOURNAL 4

*February 15, 2007*

The Senate met at 10:00 a.m.

A quorum was present.

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

*Master of the mighty media, help us to remember the amazing power of reporting. And make us humble enough to use our pens, our lips, and our votes, in ways that will blow things not apart, but together.* Amen

Senator Sgambati led the Pledge of Allegiance.

Senator Bragdon is excused for the day.

### INTRODUCTION OF GUESTS

### INTRODUCTION OF STAFF

**Maryann Manoogian – Assistant to Senate Finance**

### RESOLUTION

Senator Foster moved that the Senate meet in Joint Convention for the purpose of hearing Governor John Lynch deliver his budget address.

**Adopted.**

### HOUSE MESSAGE

The House of Representatives is ready to meet with the honorable Senate in Joint Convention for the purpose of hearing the Budget Address given by His Excellency, Governor John H. Lynch.

**In recess for Joint Convention.**

**Out of recess.**

**COMMITTEE REPORTS**

**SB 64**, changing the dates of the reports on court facilities made to the supreme court by the court accreditation commission and made to the commissioner of administrative services by the supreme court. Capital Budget Committee. Ought to Pass, Vote 4-0. Senator Hassan for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 97**, relative to unemployment administrative contributions and the training fund. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 5-0. Senator Gottesman for the committee.

**Commerce, Labor and Consumer Protection**

**February 8, 2007**

**2007-0144s**

**08/09**

**Amendment to SB 97**

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

AN ACT relative to unemployment administrative contributions and the training fund, and transferring the job training program administered by the department of regional community-technical colleges to the department of resources and economic development.

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

2 New Subdivision; Job Training Program Established. Amend RSA 12-A by inserting after section 50 the following new subdivision:

Job Training Program for Economic Growth

12-A:51 Program Established. There is hereby established a program to provide job training which is designed to attract new business, assist in the expansion of business, and retain existing business in the state of New Hampshire.

12-A:52 Purpose. The purpose of this program is to:

I. Enhance the state's economic growth and vitality by offering assistance to privately owned businesses and industries in training a new work force and retraining existing employees to implement new technologies, in creating new jobs, and in retaining and upgrading existing jobs.

II. Provide technical education and training as a component of the state's economic development efforts.

III. Be flexible and responsive to the training needs of business and industry in New Hampshire.

12-A:53 Training Programs. Training programs may include, but shall not be limited to:

I. Structured, on-site laboratory or classroom training.

II. Basic skills.

III. Technical skills.

IV. Quality improvement.

V. Safety.

VI. Management and supervision.

VII. English as a second language.

12-A:54 Administration; Review Committee.

I. The department of resources and economic development, or an entity with which the department of resources and economic development has contracted, shall administer this program.

II. The commissioner of the department of resources and economic development shall:

(a) Adopt rules under RSA 541-A, relative to the administration of this subdivision.

(b) Establish a grant review committee consisting of the following:

- (1) The commissioner of the department of resources and economic development, or designee.
- (2) The commissioner of the department of employment security, or designee.
- (3) The commissioner of the department of regional community-technical colleges, or designee.
- (4) One member representing labor, appointed by the commissioner of the department of resources and economic development.
- (5) Three members representing business and industry, appointed by the governor.
- (6) One senator, appointed by the senate president.
- (7) One representative, appointed by the speaker of the house of representatives.
- (8) The president of the Workforce Opportunity Council, Inc.

III. The committee shall make recommendations to the commissioner of the department of resources and economic development concerning the award of training grants to businesses.

#### 12-A:55 Eligibility for Training Grants.

I. In this subdivision, "grant recipient" means the business entity that receives funds from the department and which provides funds to the training provider.

II. Only those businesses that are physically located or intend to be physically located within the state may receive funds under this subdivision.

III. Only those employees who are residents of New Hampshire, or who work for a business that is located or intends to locate within the state, shall receive training from grants under this subdivision.

IV. Grant recipients shall match no less than one dollar for each dollar provided through the grant award. The match funds shall include only those costs extraordinary to the regular employee expenses incurred by the business and shall be directly related to training.

V. Priority shall be given for grants to small businesses for the implementation of technological innovations.

VI. Intent by a business to locate within the state shall be established to the satisfaction of the grant review committee. A minimum requirement for intent to be established shall be:

- (a) Proof of substantial investment or a binding contractual obligation consistent with such intent;
- (b) The lease or purchase of real estate or equipment within the state necessary for the planned move; or
- (c) Such other requirement as may be established under rules adopted by the commissioner of the department of resources and economic development.

VII. Submission of documents to substantiate proof of intent by a business to locate within the state shall be in accordance with rules adopted by the commissioner of the department of resources and economic development.

VIII. No grant shall be made to the state, including the state university system.

IX. No grant shall be made to any county, city, town, or other political subdivision which has not currently elected to pay contributions pursuant to RSA 282-A:71, II.

X. No grant shall be made to any organization or group of organizations, described in section 501(c)(3) and exempt under section 501(a) of the Internal Revenue Code which has not currently elected to pay contributions pursuant to RSA 282-A:69, II.

#### 12-A:56 Eligible Costs.

I. To be eligible under this subdivision, a cost must be necessary and reasonable for the proper and efficient delivery of training to the employees of the grant recipient.

II. The following costs are not eligible:

- (a) Costs resulting from violations of or failure to comply with federal, state, or local laws and regulations.



- (b) Entertainment costs.
- (c) Administrative costs.
- (d) Salaries and wages of employees in training.

III. Funds for training grants shall supplement, and not replace, funds available through existing programs conducted by the business entity, or other public or private training programs.

IV. The department may use no more than 10 percent, or \$100,000, of any moneys received from the training fund established at RSA 282-A:138-a, whichever is less, to administer this program.

#### 12-A:57 Training Facilities.

I. So long as it is feasible, training shall be provided by the department of regional community-technical colleges, which may charge full market value for the training provided.

II. When the department of regional community-technical colleges cannot provide desired training, the training grant recipient will be free to contract with some other training entity approved by the department.

III. The provider shall be specified in the grant award.

#### 12-A:58 Performance; Report.

I. No later than April 1, 2008, the commissioner, in consultation with the grant review committee, shall establish performance criteria. The committee shall submit annually at the end of each fiscal year, to the commissioner of the department of resources and economic development, the commissioner of the department of employment security, the governor, the senate president, the speaker of the house of representatives and the fiscal committee of the general court, a report indicating the level of performance achieved through the program.

II. The department shall evaluate the performance level for each training grant program provided to a business.

III. The grant recipient shall file the information required under paragraphs I and II, as requested by the commissioner.

#### 3 Training Fund. Amend RSA 282-A:138-a, I to read as follows:

I. There is hereby created in the state treasury a special fund to be known as the training fund. Commencing January 1, 2002, the moneys in this fund may be used, solely as determined by the commissioner of the department of employment security in accordance with rules and guidelines adopted by the commissioner, for funding training under the job training program for economic growth, established under RSA ~~[188-F:49-56]~~ **12-A:51-58**. Rulemaking authority relative to administration of the grant award process shall remain with the commissioner of ~~[regional community-technical colleges]~~ **resources and economic development** pursuant to RSA ~~[188-F:52, II(a)]~~ **12-A:54, II(a)**.

4 Repeal. RSA 188-F:49-56 relative to the job training program administered by the department of regional community-technical colleges, are repealed.

#### 5 Effective Date.

- I. Section 1 of this act shall take effect April 1, 2007.
- II. The remainder of this act shall take effect July 1, 2007.

**2007-0144s**

#### AMENDED ANALYSIS

This bill designates an increased portion of employer contributions for deposit into the contingent fund, reduces the annual amount to be deposited in the training fund, and makes deposits to the training fund fixed.

This bill transfers the job training program administered by the department of regional community-technical colleges to the department of resources and economic development.

This bill transfers funding for the job training program from the department of regional community-technical colleges to the department of resources and economic development.

**Amendment adopted.**

**Senator Kenney offered a floor amendment.**

**Sen. Kenney, Dist. 3**  
**February 15, 2007**  
**2007-0223s**  
**08/09**

**Floor Amendment to SB 97**

Amend RSA 282-A:87, IV(a)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) In the event the unemployment compensation trust fund fails to equal or exceed [~~\$275,000,000~~]  
**\$250,000,000** throughout the preceding calendar quarter, the funds referred to in subparagraph IV(a)(2) shall not be deposited as provided in that section but shall be deposited in the fund established by RSA 282-A:140 and shall be expended only as provided by that section, and not for any other purpose.

**2007-0223s**

**AMENDED ANALYSIS**

This bill designates an increased portion of employer contributions for deposit into the contingent fund and reduces the annual amount to be deposited in the training fund.

This bill transfers the job training program administered by the department of regional community-technical colleges to the department of resources and economic development.

This bill transfers funding for the job training program from the department of regional community-technical colleges to the department of resources and economic development.

**The question is on adoption of the floor amendment.**

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

**Senator Barnes withdrew his roll call motion.**

**The question is on adoption of the floor amendment.**

**A division vote was requested.**

**Yeas: 7 - Nays: 16**

**Floor amendment failed.**

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

**A division vote was requested.**

**Yeas: 23 - Nays: 0**

**Adopted.**

**Ordered to third reading.**

**SB 100**, relative to the authority of a real estate escrow agent to hold funds in the event of a dispute. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 4-0. Senator Reynolds for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 105**, repealing the bond requirement for fund raising counsel of a charitable trust. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 5-0. Senator Cilley for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 161-FN**, relative to the registration fees for mortgage servicing companies. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator Roberge for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 94**, relative to the office of information technology. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Burling for the committee.

**Adopted.**

**Ordered to third reading.**



**SB 35-FN-A**, relative to disaster relief assistance in response to the May 2006 floods and making an appropriation therefor. Finance Committee. Ought to pass with amendment, Vote 7-0. Senator D'Allesandro for the committee.

**Senate Finance**  
**February 7, 2007**  
**2007-0139s**  
**05/10**

**Amendment to SB 35-FN-A**

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

AN ACT making an appropriation for disaster relief assistance in response to the May 2006 floods and establishing a committee to study the distribution of financial disaster assistance.

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

1 Appropriation; State Matching Funds for Federal Emergency Management Agency Disaster Assistance Grants. In response to flood damage sustained by communities in May 2006, a sum not to exceed \$3,700,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2007, as the required state match for federal disaster assistance funds from the Federal Emergency Management Agency. With prior approval of the fiscal committee, the department of safety, bureau of emergency management shall distribute the funds appropriated by this act to any eligible municipality or state agency that submitted a timely request for such assistance based on the disaster area declaration date. The funds shall be distributed pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs and state funds shall be used for the remaining costs, except that the local municipality first shall pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs or \$5,000, whichever is less. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended funds shall lapse to the general fund on June 30, 2008.

2 Committee to Study the Distribution of Financial Disaster Assistance Established.

I. There is established a committee to study the distribution of financial disaster assistance to local communities. The committee shall be comprised of 3 members, one of whom shall be appointed by the governor, one of whom shall be appointed by the senate president, and one of whom shall be appointed by the speaker of the house of representatives.

II. 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 30 days of the effective date of this section.

III.(a) The committee shall study policies relative to state and local matching funds required for federal disaster assistance from the Federal Emergency Management Agency (FEMA). 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 June 30, 2007.

(b) The committee also shall study policies on state payment for private property damaged by disaster as well as state payment for municipal expenses in municipalities that have not been declared disaster areas by FEMA. 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, 2007.

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

**2007-0139s**

**AMENDED ANALYSIS**

This bill appropriates state matching funds to the department of safety, bureau of emergency management, for disaster assistance to the communities that sustained flood damage in May 2006. The bill also establishes a committee to study the distribution of disaster assistance to local communities.

**Amendment adopted.**

**Senator Reynolds offered a floor amendment.**

Sen. Reynolds, Dist. 2  
 Sen. Gallus, Dist. 1  
 Sen. Burling, Dist. 5  
 February 15, 2007  
 2007-0228s  
 05/04

### Floor Amendment to SB 35-FN-A

Amend subparagraph III(b) as inserted by section 2 of the bill by replacing it with the following:

(b) The committee also shall study policies on state payment for private property damaged by disaster as well as state payment for municipal expenses in municipalities, such as Dorchester and Colebrook, that have not been declared disaster areas by FEMA. 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, 2007.

**Floor amendment adopted.**

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

**A division vote was requested.**

**Yeas: 23 – Nays: 0**

**Adopted.**

**Ordered to third reading.**

**SB 47-FN-A**, making a supplemental appropriation for school building aid. Finance Committee. Ought to Pass, Vote 6-1. Senator D'Allesandro for the committee.

**Adopted.**

**Ordered to third reading.**

**SB 65-FN**, requiring that the state provide 10 days' written notice to the defendant prior to his or her trial of the state's request for an extended term of imprisonment. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Gottesman for the committee.

**Senate Judiciary**  
**January 31, 2007**  
**2007-0049s**  
**09/01**

### Amendment to SB 65-FN

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

AN ACT requiring that the state provide 21 days' written notice to the defendant prior to his or her trial of the state's request for an extended term of imprisonment.

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

1 Extended Term of Imprisonment; Notice to Defendant. Amend the introductory paragraph of RSA 651:6, III to read as follows:

III. If authorized by paragraph I or II, and if *written* notice of the possible application of this section is given the defendant *at least 21 days* prior to the commencement of trial, a defendant may be sentenced to an extended term of imprisonment. An extended term is, for a person convicted of:

2 Applicability. Section 1 of this act shall apply only to trials commencing at least 60 days after the effective date of this act.

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

**2007-0049s**

### AMENDED ANALYSIS

This bill requires that the state provide a minimum of 21 days' written notice to the defendant prior to his or her trial of the state's request for an extended term of imprisonment.

This bill was requested by the supreme court.

**Amendment adopted.**

**Senator Gottesman offered a floor amendment.**

**Sen. Gottesman, Dist. 12**

**February 12, 2007**

**2007-0181s**

**09/01**

**Floor Amendment to SB 65-FN**

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

AN ACT requiring that the state provide 21 days' written notice to the defendant prior to jury selection for his or her trial of the state's request for an extended term of imprisonment.

Amend RSA 651:6, III as inserted by section 1 of the bill by replacing it with the following:

III. If authorized by paragraph I or II, and if *written* notice of the possible application of this section is given the defendant *at least 21 days* prior to the commencement of *jury selection for his or her* trial, a defendant may be sentenced to an extended term of imprisonment. An extended term is, for a person convicted of:

**2007-0181s**

**AMENDED ANALYSIS**

This bill requires that the state provide a minimum of 21 days' written notice to the defendant prior to jury selection for his or her trial of the state's request for an extended term of imprisonment.

This bill was requested by the supreme court.

**Floor amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**SB 79-FN-A**, relative to court security and court security officers. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Foster for the committee.

**Adopted.**

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

**Senator Burling Rule #42 on SB 79-FN-A.**

**Senator DeVries Rule #42 on SB 79-FN-A.**

**SB 136**, relative to the attorney general's authority to appoint, organize, and assign investigatory personnel at the department of justice. Judiciary Committee. Ought to pass with amendment, Vote 4-0. Senator Gottesman for the committee.

**Senate Judiciary**

**February 8, 2007**

**2007-0158s**

**04/01**

**Amendment to SB 136**

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

1 Findings and Policy. The general court finds that the attorney general is obligated to investigate certain ethics, public integrity, election, consumer protection, environmental, charitable, criminal law, and such other matters that are assigned by law to the department of justice. Furthermore, the prosecution of administrative cases and the defense of civil claims against the state and state officials often require that the attorney general conduct civil investigations. The investigators, financial analysts, and investigatory paralegals that the attorney general has been authorized to employ are now assigned by law to specific bureaus and functions within the department of justice. The general court finds therefore that it is in the interest of the state, notwithstanding any other law to the contrary, that the attorney general be authorized to orga-

nize and assign such investigatory personnel in the manner the attorney general deems most effective and efficient. The general court further finds that the investigators employed by the attorney general who routinely conduct criminal investigations are police officers for the purposes of the requirements for certification by the police standards and training council.

2 Criminal Justice Investigators. Amend RSA 21-M:3, VII to read as follows:

VII. The attorney general may nominate subject to confirmation by the governor and council, criminal justice investigators and consumer protection investigators within the limits of the appropriations made for the appointments, each of whom shall ***have statewide law enforcement authority, shall be a peace officer as defined by RSA 594:1, III, and shall*** serve for a 5-year term. ***Any person nominated for such a position shall be certified or eligible for certification as a police officer pursuant to RSA 188-F:26. A criminal justice investigator or a consumer protection investigator shall be removed if he or she fails to achieve certification or if he or she is decertified by the police standards and training council, otherwise a*** criminal justice investigator or a consumer protection investigator may be removed only as provided by RSA 4:1.

3 New Sections; Department of Justice; Investigatory Resources. Amend RSA 21-M by inserting after section 3 the following new sections:

21-M:3-a Authority to Organize and Assign Investigatory Resources. Notwithstanding any other law to the contrary, the attorney general is authorized to organize and assign the criminal justice investigators, consumer protection investigators, financial analysts, investigatory paralegals, and such other investigators that the department of justice is authorized to employ in the manner that the attorney general deems most effective and efficient for fulfilling all the duties assigned to the department of justice. The attorney general may assign leadership or supervisory duties relative to any or all investigatory personnel to any unclassified investigator on a temporary or permanent basis.

21-M:3-b Law Enforcement Officers Assigned to the Attorney General. The attorney general, as the chief law enforcement officer for the state, shall have authority to vest with statewide law enforcement authority any municipal or state law enforcement officer assigned by the employing authority to work under the guidance and direction of the attorney general for the purpose of conducting or assisting with criminal law investigations being conducted by the attorney general's office, including, but not limited to, service on the attorney general's drug task force. The grant of authority shall be valid only for the duration of the officer's assignment to the department of justice. Any law enforcement officer vested with statewide law enforcement authority pursuant to this section shall be a state official for the purposes of being entitled to defense and indemnification in accordance with the terms of any written agreement between the attorney general and the employing authority and, subject to any limitations set forth in such written agreement, RSA 99-D:2.

4 Implementation.

I. The criminal justice investigators and consumer protection investigators employed by the department of justice on January 1, 2007, are hereby certified as full-time police officers and shall comply with the provisions of RSA 188-F and the administrative rules of the police standards and training council, including those relative to continuing education and maintaining certification in accordance with the requirements and standards imposed on a police officer who achieved full-time certification on the date of the investigator's first employment with the attorney general's office.

II. The attorney general shall cause the notices of appointment for all investigators then employed by the department of justice to be submitted to the police standards and training council within 30 days of the effective date of this act.

5 Limitation to Group I Retirement. Notwithstanding any law to the contrary, time worked as an investigator employed by the attorney general pursuant to RSA 21-M:3, VII, shall not be considered in any calculation of group II retirement benefits for which the investigator may otherwise be eligible.

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

**2007-0158s**

#### AMENDED ANALYSIS

This bill clarifies the attorney general's authority to appoint, organize, and assign investigatory personnel at the department of justice.

This bill is a request of the department of justice.

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

**SB 27-FN**, relative to the display of the POW-MIA flag. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

**Adopted.**

**Ordered to third reading.**

**SCR 1**, declaring a state of emergency in the town of Dorchester during the March 2006 floods. Public and Municipal Affairs Committee. Ought to Pass, Vote 6-0. Senator Burling for the committee.

#### **MOTION TO TABLE**

**Senator Gatsas moved to have SCR 1 laid on the table.**

**Adopted.**

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

**SCR 1**, declaring a state of emergency in the town of Dorchester during the March 2006 floods.

**Senator Reynolds is in opposition to the motion to table on SCR 1.**

**CACR 5**, relating to the highway fund. Providing that one hundred percent of the highway fund shall be used for highway construction, reconstruction and maintenance. 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 84**, establishing procedural requirements to improve implementation of the 10-year highway plan. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 5-0. Senator Clegg for the committee.

**Transportation and Interstate Cooperation**

**February 7, 2007**

**2007-0135s**

**06/09**

#### **Amendment to SB 84**

Amend RSA 240:4, VII(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Lack the necessary permits and are unlikely to receive the necessary permits in the foreseeable future.

**Amendment adopted.**

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

**Adopted.**

**Ordered to third reading.**

#### **RESOLUTION**

Senator Foster moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that all bills and resolutions ordered to a 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 27-FN**, relative to the display of the POW-MIA flag.

**SB 35-FN-A**, making an appropriation for disaster relief assistance in response to the May 2006 floods and establishing a committee to study the distribution of financial disaster assistance.

**SB 47-FN-A**, making a supplemental appropriation for school building aid.

**SB 64**, changing the dates of the reports on court facilities made to the supreme court by the court accreditation commission and made to the commissioner of administrative services by the supreme court.

**SB 65-FN**, requiring that the state provide 21 days' written notice to the defendant prior to jury selection for his or her trial of the state's request for an extended term of imprisonment.

**SB 84**, establishing procedural requirements to improve implementation of the 10-year highway plan.

**SB 94**, relative to the office of information technology.

**SB 97**, relative to unemployment administrative contributions and the training fund, and transferring the job training program administered by the department of regional community-technical colleges to the department of resources and economic development.

**SB 100**, relative to the authority of a real estate escrow agent to hold funds in the event of a dispute.

**SB 105**, repealing the bond requirement for fund raising counsel of a charitable trust.

**SB 136**, relative to the attorney general's authority to appoint, organize, and assign investigatory personnel at the department of justice.

**SB 161-FN**, relative to the registration fees for mortgage servicing companies.

## **ANNOUNCEMENTS**

### **RESOLUTION**

Senator Foster moved that the Senate recess to the Call of the Chair for the sole purpose of introducing legislation, referring bills to committee, scheduling hearings, and sending and receiving messages.

**Adopted.**

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