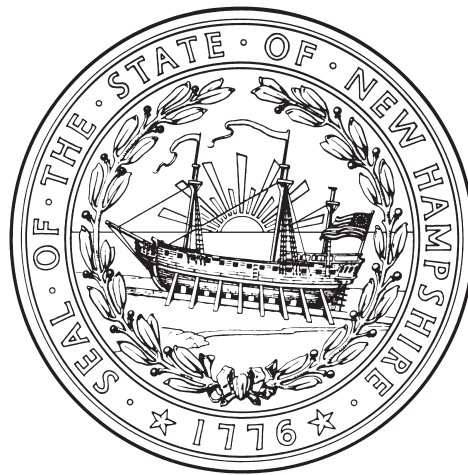


March 15, 2007
Nos. 7 - 8

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – MARCH 8, 2007 SESSION
COMMENCEMENT – MARCH 15, 2007 SESSION

SENATE JOURNAL 7 (*Cont.*)

March 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 254 - SCR 4 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

07-1301

SB 254, relative to legal representation during contract negotiations. (Gottesman, Dist 12; Emerton, Hills 7: Commerce, Labor and Consumer Protection)

07-1304

SB 255-FN-A, requiring non-motorized vessels to display conservation decals issued by the fish and game department. (Barnes, Dist 17; Gallus, Dist 1; D'Allesandro, Dist 20: Wildlife, Fish and Game)

07-1306

SB 256, relative to hazardous buildings. (DeVries, Dist 18: Public and Municipal Affairs)

07-1308

SB 257-FN, relative to penalties for life safety code violations under municipal housing standards. (DeVries, Dist 18: Public and Municipal Affairs)

07-1313

SB 258, relative to reliance on ethics committee advisory opinions. (Burling, Dist 5; Roberge, Dist 9; Larsen, Dist 15; Wall, Straf 7: Election Law and Internal Affairs)

07-1327

SB 259, establishing state appliance and equipment energy efficiency standards. (Fuller Clark, Dist 24; Borden, Rock 18; Cali-Pitts, Rock 16: Energy, Environment and Economic Development)

07-1302

SB 260-FN, relative to the location and budget practices of the lottery commission. (Odell, Dist 8; D'Allesandro, Dist 20; Weyler, Rock 8; Griffin, Rock 4: Executive Departments and Administration)

07-1324

SB 261, naming the state law library the John W. King law library. (Foster, Dist 13; Hassan, Dist 23; Gottesman, Dist 12; Dokmo, Hills 6; McEachern, Rock 16; G. Richardson, Merr 4: Judiciary)

07-1312

SCR 4, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (Kelly, Dist 10; Barnes, Dist 17; Bragdon, Dist 11; Burling, Dist 5; Cilley, Dist 6; D'Allesandro, Dist 20; DeVries, Dist 18; Downing, Dist 22; Estabrook, Dist 21; Foster, Dist 13; Fuller Clark, Dist 24; Gallus, Dist 1; Gottesman, Dist 12; Hassan, Dist 23; Janeway, Dist 7; Larsen, Dist 15; Reynolds, Dist 2; Roberge, Dist 9; Sgambati, Dist 4: Education)

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 8

March 15, 2007

The Senate met at 1:00 p.m.

A quorum was present.

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

Give us grace this day, O Wise One, to not be complacent when surrounded by the adoring crowd, remembering that their knives are always nearby. Rather may we know the freedom of Patrick who sailed recklessly back into the presence of those scary Irish people, so he could show them what love looked like. Amen

Senator Odell led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

SB 67-FN-A, relative to implementation of the recommendations of the YDC master plan and making an appropriation therefor. Capital Budget Committee. Ought to pass with amendment, Vote 5-0. Senator Gatsas for the committee.

Sen. Clegg, Dist. 14

Sen. D'Allesandro, Dist. 20

February 13, 2007

2007-0205s

05/10

Amendment to SB 67-FN-A

Amend the bill by replacing section 1 with the following:

1 Implementation of YDC Master Plan Recommendations. The department of health and human services may implement the recommendations of the youth development center (YDC) master plan, submitted April 1, 2006, and the memorandum of agreement with the United States Department of Justice relative to the receipt of federal funding for the construction of the new youth services center. Pursuant to RSA 10:4, the master plan recommendations and the memorandum of agreement with the Department of Justice, the department may initiate the procedure to subdivide property on the YDC campus, to preserve certain buildings for possible future use, to demolish buildings that have no significant historical value or value to the operation of the current facility, and to sell the 2 properties located at 1164 North River Road and 1188 North River Road, provided that the sale price for such properties shall be not less than their fair market value.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 133-FN, relative to the escrow fund for court facility improvements. Capital Budget Committee. Ought to pass with amendment, Vote 3-2. Senator Hassan for the committee.

Capital Budget

March 6, 2007

2007-0457s

09/10

Amendment to SB 133-FN

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

1 Supreme Court; Entry Fees. Amend RSA 490:24, I to read as follows:

I. For the benefit of the ~~[general fund of the]~~ state, there shall be paid to the clerk for the entry of every reserved case, bill of exceptions, petition, appeal, or other action, for the filing of every motion or other

document supplementary to the entered case, and for any service rendered by the clerk, such fees as shall from time to time be established by the court. ***The clerk shall set aside 7 percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c.***

2 Repeal. RSA 490:24, II, relative to a \$20 sum added to entry fees, is repealed.

3 Escrow Fund for Court Facility Improvements. Amend RSA 490:26-c, I to read as follows:

I. ~~[Three dollars from]~~ ***Seven percent of*** each entry fee collected in the ~~[municipal]~~ ***judicial branch family division and in the supreme***, district, superior, and probate courts shall be deposited in escrow for court facility improvements. Moneys in the escrow fund shall be used for improvements to existing facilities by the department of administrative services as recommended and approved by the supreme court.

4 Judicial Branch Family Division; Entry Fees. Amend RSA 490-D:12 to read as follows:

490-D:12 Judicial Branch Family Division Clerks; ***Fees.***

I. The administrative judge of the judicial branch family division shall appoint a clerk with responsibility for each judicial branch family division site. In the interest of the effective administration of justice, any such clerk may have responsibility for one or more judicial branch family division sites. Judicial branch family division clerks shall have the same duties as clerks of the superior and district courts and as registers of probate with respect to the judicial branch family division jurisdiction which was previously within the superior, district, and probate courts. Judicial branch family division clerks shall hold office at the pleasure of the administrative judge of the judicial branch family division.

II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of the judicial branch family division for the benefit of the state. The clerk shall set aside 7 percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c.

5 Superior Court; Entry Fees. Amend RSA 499:18, II to read as follows:

II. The clerk shall set aside ~~[\$3]~~ ***7 percent*** of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c.

6 District Court Entry Fees. Amend RSA 502-A:28, II to read as follows:

II. The clerk shall set aside ~~[\$3]~~ ***7 percent*** of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c.

7 Probate Court Entry Fees. Amend RSA 548:23-a, II to read as follows:

II. The register shall set aside ~~[\$3]~~ ***7 percent*** of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c.

8 Effective Date. This act shall take effect July 1, 2007.

2007-0457s

AMENDED ANALYSIS

This bill changes the amount of the entry fee to be deposited in the escrow fund for court facility improvements from \$3 to 7 percent. The bill also adds the supreme court and the judicial branch family division to the courts required to collect this amount.

The bill also repeals the \$20 sum which is added to each case entry fee and fee for a motion to bring forward.

This bill was requested by the supreme court.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 88, relative to public employee terms of employment, bargaining units, and dispute resolution. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 4-1. Senator Gottesman for the committee.

Sen. Gottesman, Dist. 12
Sen. DeVries, Dist. 18
February 5, 2007
2007-0083s
06/09

Amendment to SB 88

Amend the bill by replacing section 2 with the following:

2 Determining Bargaining Unit. Amend RSA 273-A:8, I to read as follows:

I. The board or its designee shall determine the appropriate bargaining unit and shall certify the exclusive representative thereof when petitioned to do so under RSA 273-A:10. In making its determination the board should take into consideration the principle of community of interest. The community of interest may be exhibited by one or more of the following criteria, although it is not limited to such:

- (a) Employees with the same conditions of employment;
- (b) Employees with a history of workable and acceptable collective negotiations;
- (c) Employees in the same historic craft or profession;
- (d) Employees functioning within the same organizational unit.

In no case shall the board certify a bargaining unit of less than ~~[10]~~ 3 employees with the same community of interest. ~~[For purposes of this section, probationary employees shall be counted to satisfy the 10 employee minimum requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.]~~

2007-0083s

AMENDED ANALYSIS

This bill:

- I. Adds safety considerations to terms and conditions of employment.
- II. Removes probationary employees from the determination of a bargaining unit.
- III. Continues the terms of a collective bargaining agreement until a new agreement is executed.
- IV. Reduces the number of employees required for certification as a bargaining unit.

The question is on the adoption of the committee amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Bragdon.

The following Senators voted Yes: Reynolds, Sgambati, Burling, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Kenney, Odell, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 10

Amendment adopted.

Senator Kenney offered a floor amendment.

Sen. Kenny, Dist. 3
March 15, 2007
2007-0705s
06/09

Floor Amendment to SB 88

Amend the bill by replacing section 2 with the following:

2 Determining Bargaining Unit. Amend RSA 273-A:8, I to read as follows:

I. The board or its designee shall determine the appropriate bargaining unit and shall certify the exclusive representative thereof when petitioned to do so under RSA 273-A:10. In making its determination the board should take into consideration the principle of community of interest. The community of interest may be exhibited by one or more of the following criteria, although it is not limited to such:

- (a) Employees with the same conditions of employment;
- (b) Employees with a history of workable and acceptable collective negotiations;
- (c) Employees in the same historic craft or profession;
- (d) Employees functioning within the same organizational unit.

In no case shall the board certify a bargaining unit of ~~[less]~~ **fewer** than ~~[10]~~ **3** employees with the same community of interest ***in a municipality with a population of less than 10,000 or fewer than 10 employees with the same community of interest in a municipality with a population of 10,000 or more.*** ~~[For purposes of this section, probationary employees shall be counted to satisfy the 10 employee minimum requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.]~~

2007-0705s

AMENDED ANALYSIS

This bill:

- I. Adds safety considerations to terms and conditions of employment.
- II. Removes probationary employees from the determination of a bargaining unit.
- III. Continues the terms of a collective bargaining agreement until a new agreement is executed.
- IV. Reduces the number of employees required for certification as a bargaining unit in municipalities with populations under 10,000.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Bragdon.

Seconded by Senator Barnes.

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

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

Yeas: 8 - Nays: 16

Floor amendment failed.

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

A roll call was requested by Senator Gottesman.

Seconded by Senator Barnes.

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

The following Senators voted No: Gallus, Kenney, Odell, Roberge, Bragdon, Gatsas, Barnes.

Yeas: 17 - Nays: 7

Adopted.

Ordered to third reading.

SB 115, prohibiting mandatory fees for state employees. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 4-2. Senator Reynolds for the committee.

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

A roll call was requested by Senator Kenney.

Seconded by Senator Barnes.

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

The following Senators voted No: Kenney, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau.

Yeas: 17 - Nays: 7

Committee report of inexpedient to legislate is adopted.

SB 135, establishing a commission to study lowering costs of health insurance for small businesses. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 5-0. Senator Cilley for the committee.

Adopted.

Ordered to third reading.

SB 195-FN, relative to unemployment benefits for persons needed to care for family members who are disabled. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 5-0. Senator DeVries for the committee.

Commerce, Labor, and Consumer Protection

March 7, 2007

2007-0470s

08/09

Amendment to SB 195-FN

Amend RSA 282-A:32, I(d)(2)(D) as inserted by section 2 of the bill by replacing it with the following:

(D) If the individual is unable to apply for or accept work during the hours of ~~[the third]~~ **a particular** shift~~[, so-called,]~~ because he or she is the only adult available for the care of an ill ~~[or,]~~ infirm, ~~[elderly person who is dependent on him or her for support]~~ **or physically or mentally disabled family member whom a licensed physician has certified is in need of care for the activities of daily living;**

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 197, relative to continuation of group health insurance in the event of divorce or legal separation. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 5-0. Senator Roberge for the committee.

Senator D'Allesandro moved the question.

Without objection Senator Larsen moved to close debate.

Adopted.

Ordered to third reading.

Senator Clegg is in opposition to the motion of ought to pass on SB 197.

SB 18-FN, raising the age of required attendance of children in school. Education Committee. Ought to pass with amendment, Vote 4-2. Senator Estabrook for the committee.

Sen. Estabrook, Dist. 21

March 7, 2007

2007-0486s

04/05

Amendment to SB 18-FN

Amend RSA 193:1, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) The pupil has successfully completed all requirements for graduation and the school district is prepared to issue a diploma or the pupil has successfully achieved the equivalent of a high school diploma by either:

(1) Obtaining a GED certificate; or

(2) Documenting the completion of a home school program at the high school level by submitting a certificate or letter to the department of education.

Amend RSA 189:36 as inserted by section 3 of the bill by replacing it with the following:

189:36 Duties. Truant officers shall, when directed by the school board, enforce the laws and regulations relating to truants and children between the ages of 8 and [16] **18** years not attending school [~~and without any regular and lawful occupation~~] **or who are not participating in an alternative learning plan under RSA 193:1, I(g)**; and the laws relating to the attendance at school of children between the ages of 8 and 18 years; and shall have authority without a warrant to take and place in school any children found employed contrary to the laws relating to the employment of children, or violating the laws relating to the compulsory attendance at school of children under the age of 18 years, and the laws relating to child labor. **No home school pupil nor any person between the ages of 6 and 18 who meets any of the requirements of RSA 193:1, I(c)-(g) shall be deemed a truant.**

Amendment adopted.

Senator Gottesman moved the question.

Without objection Senator Larsen moved to close debate.

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, Reynolds, Kenney, Sgambati, Burling, Cilley, Janeway, Odell, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.

Yeas: 17 - Nays: 7

Adopted.

Ordered to third reading.

SB 53, relative to membership of the board of trustees of the regional community-technical colleges. Education Committee. Ought to Pass, Vote 4-0. Senator Fuller Clark for the committee.

Adopted.

Ordered to third reading.

SB 168-FN, establishing tuition waivers for foster children. Education Committee. Ought to pass with amendment, Vote 5-0. Senator Foster for the committee.

Senate Education

March 8, 2007

2007-0523s

04/09

Amendment to SB 168-FN

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Tuition Waivers for Foster Children. Amend RSA 188-D by inserting after section 42 the following new subdivision:

Tuition Waivers for Foster Children

188-D:43 Tuition Waiver.

I. An eligible individual who enrolls full-time in a program leading to a certificate, associate's, or bachelor's degree at any public postsecondary institution within the state that is approved by the postsecondary education commission pursuant to RSA 188-D shall not be required to pay tuition or fees for attendance at such institution.

II. In this subdivision, an eligible individual is a person who is less than 23 years of age and who is or was:

- (a) In state foster care for the immediate 6-month period prior to his or her 18th birthday;
- (b) In state guardianship or custody at the time of his or her 18th birthday;
- (c) Adopted while in state guardianship or adopted from the care, custody, and control of the department following a surrender of parental rights; or
- (d) In an out-of-home placement under the supervision of the division for juvenile justice services at the time of his or her 17th birthday.

III. Eligible individuals interested in a tuition waiver shall annually apply to the postsecondary education commission on a form provided by the commission and within the deadlines established by the commission. The postsecondary education commission shall award tuition waivers on a first-come, first-served basis. No more than 20 tuition waivers per year shall be granted. The postsecondary education commission shall adopt rules, pursuant to RSA 541-A, relative to the development of an application form, application deadlines, and provisions for continuing eligibility which require continued full-time enrollment as provided in this section and maintaining satisfactory academic progress as defined by the institution.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 169-FN-A, establishing a death benefit to be paid to the family of a police officer or firefighter killed in the line of duty. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 3-0. Senator Fuller Clark for the committee.

Senate Executive Departments and Administration

March 8, 2007

2007-0501s

04/09

Amendment to SB 169-FN

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

AN ACT establishing a death benefit to be paid to the family of a police officer, firefighter, or emergency medical technician killed in the line of duty.

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

1 New Subdivision; Death Benefit for Police Officer, Firefighter, or Emergency Medical Technician Killed in Line of Duty. Amend RSA 100-A by inserting after section 55 the following new subdivision:

Death Benefit for Police Officer, Firefighter, or
Emergency Medical Technician Killed in Line of Duty

100-A:56 Death Benefit for Police Officer, Firefighter, or Emergency Medical Technician Killed in Line of Duty.

I. In this section:

(a) "Emergency medical technician" means any emergency medical services first responder, any emergency medical technician including auxiliary, intermittent, special, part-time, or reserve emergency medical technicians who are employed by, on duty under contract to, or while providing mutual aid to a city or town in the state of New Hampshire, or any emergency medical technician employed by the state of New Hampshire.

(b) "Family" means the surviving spouse of the police officer, firefighter, or emergency medical technician or if there is no surviving spouse, the child or children of such police officer, firefighter, or emergency medical technician or, if there is no surviving child, the parent or parents of such police officer, firefighter, or emergency medical technician.

(c) "Firefighter" means any firefighter, including auxiliary, intermittent, special, part-time, or reserve firefighters who are employed by a city or town within the state of New Hampshire, or any firefighter employed by the state of New Hampshire.

(d) "Killed in the line of duty" means a death of a police officer, firefighter, or emergency medical technician while in the performance of his or her duties as a result of incident, accident, or violence causing death or injuries which are the direct or proximate cause of death.

(e) "Police officer" means any law enforcement officer with the power of arrest, including auxiliary, intermittent, special, part-time, or reserve police officers who are employed by a city or town within the state of New Hampshire, or any state law enforcement officer employed by the state of New Hampshire who has power of arrest as determined by state law.

II. In addition to any other benefits provided under this chapter, the board shall pay the family of a police officer, firefighter, or emergency medical technician killed in the line of duty on or after October 1, 2006 a \$100,000 death benefit. The board, at its discretion, may purchase life insurance for the purpose of paying this death benefit. This death benefit shall not be taxable by the state of New Hampshire. The board of trustees may adopt appropriate rules to administer this death benefit.

III. This section shall be known as "Michael's Law," in honor of Manchester Police Officer Michael Briggs who was shot while on duty and died on October 17, 2006.

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

2007-0501s

AMENDED ANALYSIS

This bill establishes a death benefit to be paid to the family of a police officer, firefighter, or emergency medical technician killed in the line of duty.

The question is on the adoption of the committee amendment.

A roll call was requested by Senator Clegg.

Seconded by Senator Letourneau.

The following Senators voted Yes: Reynolds, Sgambati, Burling, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Kenney, Odell, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 10

Amendment adopted.

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

A roll call was requested by Senator Letourneau.

Seconded by Senator Downing.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Referred to the Finance Committee (Rule #26).

SB 32-FN, increasing the maximum amount of debt or damages for small claims actions. Finance Committee. Ought to Pass, Vote 6-0. Senator Hassan for the committee.

Adopted.

Ordered to third reading.

SB 33-FN, equalizing the pay of administrative judges in the judicial branch. Finance Committee. Ought to Pass, Vote 5-1. Senator D'Allesandro for the committee.

Adopted.

Ordered to third reading.

Senator Burling Rule #42 on SB 33-FN.

SB 137-FN, removing the prospective repeal of community reinvestment and opportunity zones (CROP zones). Finance Committee. Ought to Pass, Vote 6-0. Senator Sgambati for the committee.

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

A roll call was requested by Senator Barnes.

Seconded by Senator Hassan.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Ordered to third reading.

SB 139-FN, relative to the asset transfer penalty in Medicaid. Finance Committee. Ought to Pass, Vote 6-0. Senator Sgambati for the committee.

Adopted.

Ordered to third reading.

SB 184-FN, relative to residential home care services providers. Finance Committee. Ought to Pass, Vote 6-0. Senator Gallus for the committee.

Adopted.

Ordered to third reading.

SB 232-FN, relative to profits from the prison industries program. Finance Committee. Ought to Pass, Vote 5-1. Senator Janeway for the committee.

Adopted.

Ordered to third reading.

SB 215-FN-A, making an appropriation for AIDS services. Health and Human Services Committee. Ought to Pass, Vote 4-0. Senator Fuller Clark for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 80, relative to qualified minor's trusts. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Foster for the committee.

Adopted.

Ordered to third reading.

SB 108, making technical corrections to the probate laws. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Gottesman for the committee.

Adopted.

Ordered to third reading.

SB 185, relative to photo identification for persons released from correctional facilities and establishing a commission to study the services needed to help chronically homeless children in New Hampshire. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

Senator Barnes moved to divide the question.

The chair ruled that the question is divisible.

The question is on the adoption of sections 1, 2 and 3.

Adopted.

The question is on the adoption of sections 4-9.

Adopted.

Ordered to third reading.

SB 62-FN, relative to penalties for violations of the state building code. Public and Municipal Affairs Committee. Re-refer to committee, Vote 5-0. Senator Burling for the committee.

Adopted.

SB 62-FN is re-referred to the Public and Municipal Affairs Committee.

SB 85, relative to eligibility for the property tax exemption for the disabled. Public and Municipal Affairs Committee. Ought to Pass, Vote 6-0. Senator DeVries for the committee.

Senator DeVries offered a floor amendment.

Sen. DeVries, Dist. 18

March 9, 2007

2007-0534s

10/05

Floor Amendment to SB 85

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

1 Property Taxation; Exemption for the Disabled. Amend RSA 72:37-b, I and I-a to read as follows:

I. Upon its adoption by a city or town as provided in RSA 72:27-a, any person who is eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled, shall receive a yearly exemption in an amount to be chosen by the town or city. ***A person who at any time previously was eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled, but who is no longer eligible for such benefits due to reasons other than the status of that person's disability, shall remain eligible for the exemption under this paragraph provided that the person submits an affidavit from a physician licensed in New Hampshire that attests to the fact that the person continues to meet the criteria for disability that are used under Title II or Title XVI of the federal Social Security Act.***

I-a. Upon the adoption of this paragraph by a city or town as provided in RSA 72:27-a, a person ***who is*** eligible under Title II or Title XVI of the federal Social Security Act on his or her sixty-fifth birthday shall remain eligible for a yearly exemption either in the amount of the exemption applicable under paragraph I or the amount of the elderly exemption granted to the person under RSA 72:39-b, whichever is greater. ***A person who at any time previously was eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled, but who is no longer eligible for such benefits due to reasons other than the status of that person's disability, shall remain eligible for the exemption under this paragraph provided that the person submits an affidavit from a physician licensed in New Hampshire that attests to the fact that the person continues to meet the criteria for disability that are used under Title II or Title XVI of the federal Social Security Act.***

2 Effective Date. This act shall take effect April 1, 2008.

Floor amendment adopted.

Senator Gottesman moved the question.

Without objection Senator Larsen moved to close debate.

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

Adopted.

Ordered to third reading.

SB 96, extending the veterans' property tax credit to all honorably discharged veterans. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 5-0. Senator Hassan for the committee.

MOTION TO TABLE

Senator Hassan moved to have SB 96 laid on the table.

The question is on the motion to table.

A roll call was requested by Senator Kenney.

Seconded by Senator Estabrook.

The following Senators voted Yes: Reynolds, Sgambati, Burling, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Kenney, Odell, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 10

Adopted.

LAID ON THE TABLE

SB 96, extending the veterans' property tax credit to all honorably discharged veterans.

SB 172-FN-L, allowing counties to share correctional facilities. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Burling for the committee.

Senator Burling offered a floor amendment.

Sen. Burling, Dist. 5

March 15, 2007

2007-0714s

04/10

Floor Amendment to SB 172-FN-LOCAL

Amend RSA 30-B:1 as inserted by section 3 of the bill by replacing it with the following:

30-B:1 County Department of Corrections.

I. [Each] A county shall provide, keep, and maintain facilities, administered by a county department of corrections, for the reception and confinement of prisoners committed to or ordered to be detained at a county correctional facility.

II. In fulfillment of the obligation set forth in paragraph I, a county may contract with the state or another county for the reception and confinement of prisoners committed to or who are ordered to be detained at a county correctional facility. All expenses related to the confinement of prisoners sent pursuant to this paragraph shall be a charge on the county sending such prisoners.

Floor amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 180, relative to local regulation of persons soliciting contributions on streets. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Burling for the committee.

Public and Municipal Affairs

March 7, 2007

2007-0481s

08/03

Amendment to SB 180

Amend RSA 31:102-b as inserted by section 1 of the bill by replacing it with the following:

31:102-b Solicitations on Streets.

I. The governing board of a city, town, or village district may adopt, by ordinance or regulation, restrictions regulating a person or persons from standing on any street, highway, or right-of-way, excluding sidewalks, while soliciting or attempting to solicit any employment, business, or contributions from a driver or occupants of any vehicle on the street, highway, or right-of-way. In any city, town, or village district which adopts an ordinance or regulation, the appropriate governmental entity shall issue a permit for such use of any state road or right-of-way maintained by the city, town, or village district.

II. Charitable organizations, qualified under section 501(c)(3) and 501(c)(5) of the Internal Revenue Code and registered pursuant to state law, shall be issued a permit upon presenting the following: (a) proof

of liability insurance sufficient to hold the town harmless from liability; (b) plans for the provision of adequate notice to the public to assure awareness that the event will occur on a particular date; (c) plans for and hiring of special details to facilitate safe conduct of participants in the event, provided that solicitations run by police or fire organizations shall be exempt from the requirement for special details; (d) proof that safety vests will be used during the event; (e) proof that no persons under 18 years of age shall participate in the event; and (f) plans for obtaining all relevant permits.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 206-FN-L, relative to the investment authority of local government entities. Public and Municipal Affairs Committee. Ought to Pass, Vote 6-0. Senator Hassan for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

Senator Foster Rule#42 on SB 206-FN-L.

SB 208, relative to court review of certain planning and zoning decisions. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-1. Senator Hassan for the committee.

Adopted.

Ordered to third reading.

SB 239-FN, requiring the state of New Hampshire to transfer title to certain property to the town of Wakefield. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 5-1. Senator Burling for the committee.

MOTION TO TABLE

Senator Barnes moved to have SB 239-FN laid on the table.

A division vote was requested.

Yeas: 10 - Nays: 13

Motion failed.

Senator Estabrook moved the question.

Without objection Senator Larsen moved to close debate.

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

Committee report of inexpedient to legislate is adopted.

SB 103-FN-L, relative to the limited betterment assessments on Class VI and private roads. Transportation and Interstate Cooperation Committee. Re-refer to committee, Vote 2-1. Senator Burling for the committee.

Adopted.

SB 103-FN-L is re-referred to the Transportation and Interstate Cooperation Committee.

SB 122-FN-L, relative to maintenance of grounds around signs in the right-of-way on state highways. 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 211-FN-A, establishing a veterans' programs number plate trust fund and a special veterans' programs license plate, to support state veterans' programs. Transportation and Interstate Cooperation Committee. Re-refer to committee, Vote 3-0. Senator Letourneau for the committee.

Adopted.

SB 211-FN-A is re-referred to the Transportation and Interstate Cooperation Committee.

SB 191-FN-A, relative to the nongame species account in the fish and game fund. Wildlife, Fish and Game Committee. Ought to Pass, Vote 3-1. Senator Janeway for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

RESOLUTION

Senator Foster moved that the Senate 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 18-FN, raising the age of required attendance of children in school.

SB 32-FN, increasing the maximum amount of debt or damages for small claims actions.

SB 33-FN, equalizing the pay of administrative judges in the judicial branch.

SB 53, relative to membership of the board of trustees of the regional community-technical colleges.

SB 80, relative to qualified minor's trusts.

SB 85, relative to eligibility for the property tax exemption for the disabled.

SB 88, relative to public employee terms of employment, bargaining units, and dispute resolution.

SB 108, making technical corrections to the probate laws.

SB 135, establishing a commission to study lowering costs of health insurance for small businesses.

SB 137-FN, removing the prospective repeal of community reinvestment and opportunity zones (CROP zones).

SB 139-FN, relative to the asset transfer penalty in Medicaid.

SB 168-FN, establishing tuition waivers for foster children.

SB 180, relative to local regulation of persons soliciting contributions on streets.

SB 184-FN, relative to residential home care services providers.

SB 185, relative to photo identification for persons released from correctional facilities and establishing a commission to study the services needed to help chronically homeless children in New Hampshire.

SB 195-FN, relative to unemployment benefits for persons needed to care for family members who are disabled.

SB 197, relative to continuation of group health insurance in the event of divorce or legal separation.

SB 208, relative to court review of certain planning and zoning decisions.

SB 232-FN, relative to profits from the prison industries program.

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.