

January 23, 2008

Nos. 2 - 3

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – JANUARY 17, 2008 SESSION
COMMENCEMENT – JANUARY 23, 2008 SESSION

SENATE

JOURNAL 2 (cont.)

January 17, 2008

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 233-FN-A, specifying compensation for ballot law commissioners.

HB 267, relative to certain small loans.

HB 461, relative to purchasing alliances.

HB 678-FN, establishing a committee to study issues related to cochlear implants.

HB 679-FN-L, relative to delivery of special education services.

HB 683, relative to nominations by party committees.

HB 759-FN, relative to administration and enforcement of banking laws.

HB 766-FN, making changes to the laws relating to special education.

HB 794-FN, establishing a commission to study the feasibility of public funding of state election campaigns.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

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.

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 **CACR 33** to **SCR 10**, 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

08-2638

CACR 33, Relating To: funding of a public education. Providing That: the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided that every school district receives a reasonable share of the state funds on a per pupil basis. (Foster, Dist 13; Burling, Dist 5; Fuller Clark, Dist 24; Odell, Dist 8; Bragdon, Dist 11: Judiciary)

08-2694

SB 527, relative to adult involvement for minors seeking abortions. (Sgambati, Dist 4; Odell, Dist 8; Hassan, Dist 23; Cilley, Dist 6; Reynolds, Dist 2; Foster, Dist 13; DeVries, Dist 18; Lasky, Hills 26; Donovan, Sull 4; Pierce, Graf 9; Buco, Carr 1: Health and Human Services)

08-2893

SCR 10, urging the New Hampshire delegation to actively seek an increase in federal funding for wastewater treatment facility improvements. (Cilley, Dist 6; Hassan, Dist 23; Powers, Rock 16; Fargo, Straf 4: Energy, Environment and Economic Development)

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 267, relative to certain small loans.

INTRODUCTION OF HOUSE BILL(S)

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered **HB 267**, 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 267, relative to certain small loans. (Commerce, Labor and Consumer Protection Committee.)

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 3

January 23, 2008

The Senate met at 10:00 a.m.

A quorum was present.

The Reverend Canon Timothy Rich, chaplain to the Senate, offered the prayer.

Good morning. I saw a bumper sticker just last week that read, "God is not a Republican nor is he a Democrat." Now, besides the fact that I might argue God is neither a "he nor a she," I love the reminder. God doesn't sit on one side of the aisle or the other, and although the ways of God are radical, God is neither a "liberal" nor a "conservative." As you listen to the State of the State Address, remember God doesn't applaud simply for one party or another, but rather universally for practices which promote justice and respect the dignity of every human being. Let us pray:

O loving God who presides over the one true big-tent party, we thank You for the many blessings which You have showered upon the state and people of New Hampshire. And we thank You for entrusting those gathered here today with the task of governing. Help these senators and all who labor in this room to be good stewards of the privilege and blessings You've laid before them; to strive not so much for partisan victories but rather policies and programs which benefit all of Your people, from the unemployed in Berlin to the retired in Rye. Open their minds and hearts so that the work they do calls forth the best in one another and enables the people of this state to realize the best in themselves. Amen

Senator Kenney led the Pledge of Allegiance.

Senator Bragdon is excused for the day.

INTRODUCTION OF GUESTS

SENATE INTERN

Brandon Rush - NH Senate Research

RESOLUTION

Senator Foster moved that the Honorable Senate is ready to meet in Joint Convention for the purpose of hearing the State of the State Address by his Excellency, Governor John H. Lynch.

HOUSE MESSAGE

The House of Representatives 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, the Governor, John H. Lynch.

**In recess for Joint Convention.
Out of recess.**

SENATOR LARSEN (In the Chair): The Senate is out of recess. For information of the Senators and those listening in, those attending, the Senate will reconvene at 1:30 and will begin the calendar as indicated. So we are reconvening at 1:30, here, for continuation of the Senate Calendar. Thank you all.

**Recess.
Out of recess.**

COMMITTEE REPORTS

SENATOR CILLEY: Madam President, I would like to remove Senate Bill 177 from the table, please.

MOTION TO REMOVE FROM THE TABLE

Senator Cilley moved to have SB 177 removed from the table.

Adopted.

SB 177, relative to orders of reparation by the public utilities commission.

The question is on the adoption of the committee amendment (2499).

SENATOR CILLEY: Thank you. I move that SB 177 ought to pass with amendment. The amended bill requires penalties against public utilities and their agents to be distributed in the public interest. The legislation increases the dollar amounts for penalties against utilities. These penalties are compensatory in nature and are designed to help the consumer. Overall, this legislation will strengthen the PUC in certain situations allowing them to better serve the public interest. I would also point out that these fees are in-line with our neighbors around New England. I ask for your support for the Energy, Environment and Economic Development Committee report of ought to pass with amendment, with the understanding that should this motion pass on the floor a floor amendment will be offered to further clarify penalties that shall be applied fully to the benefit of the public utility customers either through a credit, to bills or in the event that the credit would be diminish, on a "per customer" basis through the distribution to an account that assist low income consumers. Thank you, and I ask you to join the committee in passing this bill.

SENATOR GATSAS: Thank you, Madam Chairman. Senator Cilley, I assume that amendment was in last weeks calendar? The amendment that we had in the calendar of last week, because it doesn't appear in here today? The committee amendment.

SENATOR LARSEN (In the Chair): Senator Gatsas, it was distributed just now.

SENATOR GATSAS: Is this the floor amendment or is this the committee amendment? This the committee amendment we have here?

SENATOR LARSEN (In the Chair): The committee amendment is 2499.

SENATOR CILLEY: In last weeks calendar, am I correct? In January 4ths calendar.

SENATOR GATSAS: The date on this amendment says "October 12." That's it?

SENATOR CILLEY: That is.

SENATOR GATSAS: Thank you. Alright.

SENATOR LARSEN (In the Chair): What was distributed was the committee amendment, also would have appeared if you want to go back to your last weeks calendar. That was a duplicate so you were sure to have it in front of you?

Amendment adopted.

Senator Reynolds offered a floor amendment.

Sen. Reynolds, Dist. 2
January 22, 2008
2008-0190s
06/09

Floor Amendment to SB 177

Amend the bill by replacing sections 2 and 3 with the following:

2 Penalty Against Utility. Amend RSA 365:41 to read as follows:

365:41 Penalty Against Utility. Any public utility which shall violate any provisions of this title, or fails, omits or neglects to obey, observe or comply with any order, direction or requirement of the commission, shall be subject to a civil penalty, as determined by the commission, not to exceed ~~[\$25,000]~~ **\$250,000 or 2.5 percent of the annual gross revenue that the utility received from sales in the state, which ever is lower. Such penalties shall be applied to the benefit of the utility's ratepayers through a credit to bills, or, if the credit is of an amount determined by the commissioner to be insignificant on a per customer basis, to an account for low income ratepayers.** No portion of any fine, nor any costs associated with an administrative or court proceeding which results in a fine pursuant to this section, shall be considered by the commission in fixing any temporary, permanent, or emergency rates or charges of such utility.

3 Penalty Against Agent. Amend RSA 365:42 to read as follows:

365:42 Penalty Against Agent. Every officer and agent of any such public utility who shall wilfully violate, or who procures, aids, or abets any violation of this title, or who wilfully fails to obey, observe, and comply with any order of the commission, or procures, aids or abets any such public utility in its failure to obey, observe, and comply with any such order or provision, shall be subject to a civil penalty, as determined by the commission, not to exceed ~~[\$10,000]~~ **\$100,000** for each violation, ~~[or for each day of a continuing violation]~~. **Such penalties shall be distributed to the benefit of the utility's ratepayers through**

a credit to bills, or, if the credit is of an amount determined by the commissioner to be insignificant on a per customer basis, to an account for low income ratepayers.

2008-0190s

AMENDED ANALYSIS

This bill requires penalties against public utilities or their agents to be distributed to the ratepayers.

SENATOR REYNOLDS: Thank you, Madam President. I rise in support of a floor amendment that will be distributed, which is floor amendment 2008-0190s and ask the body to vote in support of the floor amendment. This floor amendment is being offered to simply clarify that any portion of the reparations or penalty that's assessed will go back to the ratepayers without any discretion by the commission, the public utility commission unless the amount is so insignificant on a "per customer" basis, in which case it will go to an account for low income ratepayers. I would appreciate your support for the amendment. I think this amendment makes perfect sense, and allows administratively, for a few dollars, or a few pennies to go to a account for low income ratepayers and I'd appreciate your support. Thank you, Madam President.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

Recess.

Out of recess.

SENATOR FULLER CLARK: Thank you very much, Madam President. I would like to remove Senate Bill 259 from the table.

MOTION TO REMOVE FROM THE TABLE

Senator Fuller Clark moved to have SB 259 removed from the table.

Adopted.

SB 259, establishing state appliance and equipment energy efficiency standards.

SENATOR FULLER CLARK: Thank you. I move Senate Bill 259 ought to pass with amendment. This bill establishes energy efficiency standards that certain appliances and equipment must meet in order to be sold or installed in the state. Similar legislation has passed in Massachusetts, Connecticut, Rhode Island, and New York, just to name a few of the contingent states. Vermont is considering the same legislation this session and federal requirements have also passed but are held up in rulemaking at the moment. There are only two appliances included in New Hampshire's appliance efficiency standard bill that are not covered by neighboring states of Massachusetts and Vermont and are not pre-empted by the federal bill. One is bottle type-water dispensers, which would pay for itself in terms of energy return in three months or commercial hot food holding cabinets, which would pay for themselves or however, in a little over a year. The purpose of all these bills rather in New

Hampshire or across the country is to ensure that consumers are able to buy the most efficiency energy products that are on the market, and to phase-out over time, less efficient products. The law here in New Hampshire, will not take effect until January of 2009. After that date, none of the products covered in this bill will be allowed to be sold in New Hampshire, but any existing merchandise in stock may continue to be sold. You might like to know what are the products that are covered in the bill since it's quite technical?

The question is on the adoption of the committee amendment (0006).

Amendment adopted.

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

Adopted.

Ordered to third reading.

RE-REFERRED BILL REPORTS

HB 460, relative to conservation restrictions to protect public water supplies. Energy, Environment and Economic Development Committee. Inexpedient to Legislate, Vote 3-2. Senator Odell for the committee.

Committee report of inexpedient to legislate is adopted.

Senator Foster Rule #42 on HB 460.

Senator Gottesman Rule #42 on HB 460.

SB 79-FN-A, relative to court security and court security officers. Finance Committee. Inexpedient to Legislate, Vote 7-0. Senator D'Allesandro for the committee.

Committee report of inexpedient to legislate is adopted.

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

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

SB 90-FN, relative to the penalty for impersonating a law enforcement officer. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Clegg for the committee.

Senate Judiciary

January 17, 2008

2008-0147s

04/09

Amendment to SB 90-FN

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

- 1 Sheriffs and Constables; False Personation. Amend RSA 104:28-a to read as follows:

104:28-a False Personation. ~~[A person is guilty of a misdemeanor if, not being a]~~
Any person who falsely assumes or exercises the functions, powers, duties, or privileges incident to the office of sheriff, deputy sheriff, state police officer, police officer of any city or town, or any other law enforcement officer or investigator employed by any state, country or political subdivision of a state or country, ~~[he purposely pretends to be or assumes to act as such law enforcement officer or investigator, or if he purposely requests any other person to assist him in any matter belonging to the duty of such law enforcement officer or investigator]~~ ***or who wears or displays without authority any uniform, badge, or other identification by which such sheriff, officer, or investigator is lawfully identified, and with the intent to be recognized as such, shall be guilty of a class B felony.***

2 Railroad Police; Impersonating an Officer. Amend RSA 381:12 to read as follows:

381:12 Impersonating an Officer. Any person who impersonates a railroad police officer shall be guilty of a ~~[misdemeanor]~~ ***class B felony.***

3 Effective Date. This act shall take effect January 1, 2009.

Amendment adopted.

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

A roll call was requested by Senator Gatsas.

Seconded by Senator Letourneau.

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

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Ordered to third reading.

SB 121, relative to preventing strategic lawsuits against public participation. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Gottesman for the committee.

Committee report of inexpedient to legislate is adopted.

COMMITTEE REPORTS

SB 315, preventing the fraudulent use of the names of financial institutions. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 6-0. Senator DeVries for the committee.

Sen. DeVries, Dist. 18

January 9, 2008

2008-0076s

08/09

Amendment to SB 315

Amend RSA 384:67, IV as inserted by section 3 of the bill by replacing it with the following:

IV. For purposes hereof, the term “financial institution” shall mean a bank, as defined in RSA 384-B:1, I, a national bank, a federally chartered savings bank or association, a federally or state-chartered credit union, a mortgage lender as defined in RSA 397-A and 397-B, or an affiliate or subsidiary thereof having a business location in the state of New Hampshire.

Amend RSA 384:69 as inserted by section 5 of the bill by replacing it with the following:

384:69 Jurisdiction. Any individual or business entity that engages in any act or conduct in violation of RSA 384:67 shall be subject to the jurisdiction of the state of New Hampshire. Nothing in RSA 384:67, RSA 384:68, or this section shall limit the authority of the New Hampshire secretary of state to enforce the laws under his or her jurisdiction relating to trade names, trademarks, or service marks.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 369, relative to the towing and storage of motor vehicles. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator DeVries for the committee.

Adopted.

Ordered to third reading.

SB 408, establishing a committee to study reverse mortgages. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 6-0. Senator Roberge for the committee.

Commerce, Labor and Consumer Protection

January 16, 2008

2008-0124s

05/04

Amendment to SB 408

Amend the bill by replacing subparagraph I(a) of section 2 with the following:

(a) One member of the senate, appointed by the president of the senate, from the commerce, labor and consumer protection committee.

Amend the bill by replacing section 4 with the following:

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. Two members of the committee shall constitute a quorum.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 520-FN-A, requiring the state veterans council to issue a state veterans handbook biennially. Election Law and Internal Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Burling for the committee.

Election Law and Internal Affairs

January 16, 2008

2008-0129s

09/04

Amendment to SB 520-FN-A

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

AN ACT requiring the state veterans council to issue a state veterans handbook biennially and making an appropriation therefor.

Amend RSA 115:6, II as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) The state veterans council may accept and expend for purposes of publishing and distributing the state veterans handbook, any donations, grants, bequests, and contributions which become available for such purposes.

Amend the bill by replacing section 2 with the following:

2 Appropriation; State Veterans Council. The sum of \$1 is hereby appropriated to the state veterans council for the fiscal year ending June 30, 2009 for the purpose of publishing and distributing the state veterans handbook under section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

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

A roll call was requested by Senator Hassan.

Seconded by Senator Barnes.

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

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Referred to the Finance Committee (Rule #26).

SB 521-FN, increasing the maximum scholarship amount available from the national guard scholarship fund. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator Cilley for the committee.

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

A roll call was requested by Senator Hassan.

Seconded by Senator Letourneau.

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

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Ordered to third reading.

SCR 7, urging the United States Department of Defense and Congress to restore full services to the Manchester Veterans Administration Hospital. Election Law and Internal Affairs Committee. Ought to Pass, Vote 5-0. Senator Letourneau for the committee.

Senator Gottesman moved the question.

Without objection Senator Larsen moved to close debate.

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

A roll call was requested by Senator Burling.

Seconded by Senator Barnes.

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

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Ordered to third reading.

SCR 8, urging the United States Department of Defense to restore the designations of Prisoner of War and Missing in Action to those servicemen and servicewomen who are missing in operations in Afghanistan and Iraq. Election Law and Internal Affairs Committee. Ought to Pass, Vote 5-0. Senator DeVries for the committee.

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

A roll call was requested by Senator Burling.

Seconded by Senator Barnes.

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

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Ordered to third reading.

SB 300-FN-A, relative to death benefits for corrections officers killed in the line of duty. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

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

A roll call was requested by Senator Gottesman.

Seconded by Senator Barnes.

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

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Referred to the Finance Committee (Rule #26).

SB 316-FN, expanding a death benefit for police officers and firefighters to emergency medical technicians. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Burling for the committee.

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

A roll call was requested by Senator Gottesman.

Seconded by Senator Barnes.

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

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Referred to the Finance Committee (Rule #26).

SB 350-FN, extending the surcharge on probate court entry fees to judicial branch family division cases which would previously have been brought in probate court. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

SB 370, relative to emergency powers of the supreme court. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Foster for the committee.

Adopted.

Ordered to third reading.

SB 447, eliminating obsolete provisions regarding pleas by mail and noncomputerized courts. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Gottesman for the committee.

Adopted.

Ordered to third reading.

SB 488, relative to jurisdiction of the probate courts and superior courts. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

SB 377, relative to the application of the prudent investor rule to town trust funds. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Burling for the committee.

Adopted.

Ordered to third reading.

SB 431, naming a small impoundment in Goffstown as Namaske Lake. Public and Municipal Affairs Committee. Ought to Pass, Vote 6-0. Senator Roberge for the committee.

Adopted.

Ordered to third reading.

SB 461, relative to accessibility of genealogical records to the public. Public and Municipal Affairs Committee. Ought to Pass, Vote 6-0. Senator Sgambati for the committee.

Adopted.

Ordered to third reading.

SB 303-FN, relative to special number plates. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

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

A roll call was requested by Senator Letourneau.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Reynolds, Kenney, Sgambati, Burling, Cilley, Janeway, Odell, Roberge, Kelly, Gottesman, Foster, Clegg, Larsen, Gatsas,

Barnes, DeVries, Letourneau, D'Allesandro, Estabrook, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Referred to the Finance Committee (Rule #26).

SB 336-FN, relative to special number plates for veterans who are former prisoners of war. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

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

A roll call was requested by Senator Burling.

Seconded by Senator Barnes.

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

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Ordered to third reading.

SB 490-FN, relative to fees for special number plates for veterans. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 5-0. Senator Kelly for the committee.

Transportation and Interstate Cooperation

January 17, 2008

2008-0137s

03/10

Amendment to SB 490-FN

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

AN ACT relative to fees for special number plates for veterans and relative to vehicle registration fees for disabled veterans and former prisoners of war.

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

1 Special Number Plates for Certain Veterans; Fees. Amend RSA 261:86, II to read as follows:

II. Plates furnished pursuant to subparagraphs I(a)-(c) shall be issued without charge. Plates furnished pursuant to subparagraphs I(d) and (e) shall be issued upon payment of the regular registration *fee* and ~~[number]~~ ***the \$4 per*** plate fees ***under RSA 261:75***. Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges provided for disabled veterans, except that a person who qualifies for special plates pursuant to subparagraph I(d) may be issued an additional special plate for a motorcycle.

2 Special Number Plates for Veterans; Fee Eliminated. Amend RSA 261:87-b, I to read as follows:

I. The director is hereby authorized to issue special number plates to be used on motor vehicles owned by veterans of the United States armed services, in lieu of other number plates. The design of these special plates shall be determined by the commissioner, and shall be distinct from the design or designs of those plates issued under RSA 261:86. Such plates shall be issued only to veterans as defined in RSA 21:50, I(a) upon application, proof of veteran status in a form authorized by RSA 21:50, I(b), and payment of ~~[a one time \$25 fee to recover production and administrative costs that shall be in addition to]~~ the regular motor vehicle registration fee and ~~[any other number]~~ ***the \$4 per*** plate fees ~~[otherwise required]~~ ***under RSA 261:75***. The director shall also issue such plates to any person providing proof of honorable discharge from the armed services of any nation allied with the United States during World War II and proof of such person's service during World War II. Renewals of such special number plates shall be charged the fee assessed for standard motor vehicles as prescribed under RSA 261:141. The plates furnished pursuant to this section are non-transferable and shall expire upon the death of the veteran, except that the surviving spouse may use the plates for one year after the death of the veteran and shall be eligible to replace the plates during that year at no charge under RSA 261:75.

3 Registration Fees; Veteran Exemptions. Amend RSA 261:141, VIII to read as follows:

VIII. No fee shall be charged for registering a vehicle owned by any person who:

(a) Because of being an amputee, or paraplegic, has received said motor vehicle from the United States government or whose vehicle is to replace one so received, or who is evaluated by the United States Department of Veterans Affairs to be permanently and totally disabled from such service connected disability~~[, a special number plate]~~.

(b) Has been determined by the Department of Veterans Affairs to be suffering from total blindness as a result of a service connected disability~~[, a special number plate]~~.

(c) Is a former prisoner of war and was captured and incarcerated while serving in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged.

4 Effective Date. This act shall take effect July 1, 2008.
2008-0137s

AMENDED ANALYSIS

This bill:

I. Eliminates the one time fee for special number plates for veterans.

II. Clarifies the disabled veteran exemption from state vehicle registration fees.

III. Exempts former prisoners of war from state vehicle registration fees.

Amendment failed.

Senator Letourneau offered a floor amendment.

Sen. Letourneau, Dist. 19

Sen. Burling, Dist. 5

Sen. Kelly, Dist. 10

Sen. DeVries, Dist. 18

Sen. Clegg, Dist. 14

January 22, 2008

2008-0174s

03/10

Floor Amendment to SB 490-FN

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

AN ACT relative to fees for special number plates for veterans and relative to
vehicle registration fees for disabled veterans and former prisoners of war.

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

1 Special Number Plates for Certain Veterans; Fees. Amend RSA 261:86, II to read as follows:

II. Plates furnished pursuant to subparagraphs I(a)-(c) shall be issued without charge. Plates furnished pursuant to subparagraphs I(d) and (e) shall be issued upon payment of the regular registration *fee* and ~~[number]~~ **the \$4 per** plate fees **under RSA 261:75**. Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges provided for disabled veterans, except that a person who qualifies for special plates pursuant to subparagraph I(d) may be issued an additional special plate for a motorcycle.

2 Special Number Plates for Veterans; Fee Eliminated. Amend RSA 261:87-b, I to read as follows:

I. The director is hereby authorized to issue special number plates to be used on motor vehicles owned by veterans of the United States armed services, in lieu of other number plates. The design of these special plates shall be determined by the commissioner, and shall be distinct from the design or designs of those plates issued under RSA 261:86. Such plates shall be issued only to veterans as defined in RSA 21:50, I(a) upon application, proof of veteran status in a form authorized by RSA 21:50, I(b), and payment of ~~[a one-time \$25 fee to recover production and administrative costs that shall be in addition to]~~ the regular motor vehicle registration fee and ~~[any other number]~~ **the \$4 per** plate fees ~~[otherwise required]~~ **under RSA 261:75**. The director shall also issue such plates to any person providing proof of honorable discharge from the armed services of any nation allied

with the United States during World War II and proof of such person's service during World War II. Renewals of such special number plates shall be charged the fee assessed for standard motor vehicles as prescribed under RSA 261:141. The plates furnished pursuant to this section are non-transferable and shall expire upon the death of the veteran, except that the surviving spouse may use the plates for one year after the death of the veteran and shall be eligible to replace the plates during that year at no charge under RSA 261:75.

3 Registration Fees; Veteran Exemptions. Amend RSA 261:141, VIII to read as follows:

VIII. No fee shall be charged for registering a vehicle owned by any person who:

(a) Because of being an amputee, or paraplegic, has received said motor vehicle from the United States government or whose vehicle is to replace one so received, or who is evaluated by the United States Department of Veterans Affairs to be permanently and totally disabled from such service connected disability~~[-a special number plate]~~.

(b) Has been determined by the Department of Veterans Affairs to be suffering from total blindness as a result of a service connected disability~~[-a special number plate]~~.

(c) Is a former prisoner of war and was captured and incarcerated while serving in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged.

4 Effective Date. This act shall take effect July 1, 2008.

2008-0174s

AMENDED ANALYSIS

This bill:

- I. Eliminates the one time fee for special number plates for veterans.
- II. Clarifies the disabled veteran exemption from state vehicle registration fees.
- III. Exempts former prisoners of war from state vehicle registration fees.

Floor amendment adopted.

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

A roll call was requested by Senator Letourneau.

Seconded by Senator Barnes.

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

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Ordered to third reading.

SB 467, relative to taking lobsters and crabs. Wildlife, Fish and Game and Agriculture. Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

Adopted.

Ordered to third reading.

SB 469, allowing fish and game license agents to collect an additional convenience fee. Wildlife, Fish and Game and Agriculture. Ought to pass with amendment, Vote 4-1. Senator Janeway for the committee.

Wildlife, Fish and Game and Agriculture
January 17, 2008
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10/05

Amendment to SB 469

Amend RSA 214:15, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Except for electronic issuance by an agent under RSA 214:7, VI, the agent may charge a convenience fee of up to \$2 for each license form used in a single transaction, which shall be retained by the license agent.

MOTION TO TABLE

Senator Foster moved to have SB 469 laid on the table.

Adopted.

LAIID ON THE TABLE

SB 469, allowing fish and game license agents to collect an additional convenience fee.

SB 480, repealing a requirement that the fish and game department publish certain hunting season information in newspapers in each county. Wildlife, Fish and Game and Agriculture. Ought to Pass, Vote 4-0. Senator Gallus for the committee.

Adopted.

Ordered to third reading.

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 90-FN, relative to the penalty for impersonating a law enforcement officer.

SB 177, relative to orders of reparation by the public utilities commission and penalties against public utilities.

SB 259, establishing state appliance and equipment energy efficiency standards.

SB 315, preventing the fraudulent use of the names of financial institutions.

SB 336-FN, relative to special number plates for veterans who are former prisoners of war.

SB 350-FN, extending the surcharge on probate court entry fees to judicial branch family division cases which would previously have been brought in probate court.

SB 369, relative to the towing and storage of motor vehicles.

SB 370, relative to emergency powers of the supreme court.

SB 377, relative to the application of the prudent investor rule to town trust funds.

SB 408, establishing a committee to study reverse mortgages.

SB 431, naming a small impoundment in Goffstown as Namaske Lake.

SB 447, eliminating obsolete provisions regarding pleas by mail and noncomputerized courts.

SB 461, relative to accessibility of genealogical records to the public.

SB 467, relative to taking lobsters and crabs.

SB 480, repealing a requirement that the fish and game department publish certain hunting season information in newspapers in each county.

SB 488, relative to jurisdiction of the probate courts and superior courts.

SB 490-FN, relative to fees for special number plates for veterans and relative to vehicle registration fees for disabled veterans and former prisoners of war.

SB 521-FN, increasing the maximum scholarship amount available from the national guard scholarship fund.

SCR 7, urging the United States Department of Defense and Congress to restore full services to the Manchester Veterans Administration Hospital.

SCR 8, urging the United States Department of Defense to restore the designations of Prisoner of War and Missing in Action to those servicemen and servicewomen who are missing in operations in Afghanistan and Iraq.

**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 committees, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments.

Adopted.

In recess to the Call of the Chair.