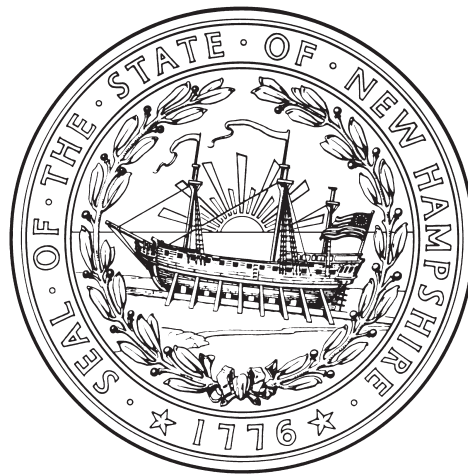


March 29, 2007
Nos. 9 - 10

STATE OF NEW HAMPSHIRE
Web Site Address: www.gencourt.state.nh.us



Legislative

SENATE JOURNAL

ADJOURNMENT – MARCH 22, 2007 SESSION
COMMENCEMENT – MARCH 29, 2007 SESSION

SENATE JOURNAL 9 (*Cont.*)

March 22, 2007

Out of Recess.

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 18**, 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

07-1157

CACR 18, relating to funding of public education. Providing that the general court shall define an adequate education, regularly determine the cost thereof, fund not less than fifty percent of the total statewide cost of an adequate education each year and distribute state aid to promote equal opportunity to receive an adequate education. (Foster, Dist 13; Odell, Dist 8; Burling, Dist 5; Fuller Clark, Dist 24; Nordgren, Graf 9; McLeod, Graf 2; Reardon, Merr 11; Stiles, Rock 15; Judiciary)

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 59, relative to crossbow hunting by a person with a disability.

HB 61, designating segments of the Ammonoosuc River into the rivers management protection program.

HB 88, establishing a committee to study single payer health care.

HB 89, establishing a committee to study dispute resolution between local political subdivisions and public employees in New Hampshire.

HB 93, relative to use of the child support guidelines worksheet.

HB 94, relative to overpayments of child support.

HB 95-L, relative to the treatment of charter school pupils in the definition of average daily membership in residence.

HB 99, relative to the youth employment law.

HB 117, creating an exception for the storage of black gunpowder by historical reenactors and certain non-profit entities.

HB 118, reducing a prior appropriation to the department of transportation to purchase flood damaged property and extending the commission to determine the appropriate public use of the property.

HB 119, relative to the sunset provision of the system benefits charge.

HB 120, relative to extending polling hours.

HB 132, relative to domicile for voting purposes.

HB 133, relative to voter registration forms.

HB 135, establishing the second Sunday in October as Firefighters Memorial Day.

HB 139, relative to the reporting of burn injuries.

HB 140, establishing the New Hampshire commission on deafness and hearing loss.

HB 143, relative to the apportionment of damages in civil actions.

- HB 144**, relative to operation of boats on Spectacle Pond.
- HB 146**, relative to nicknames on ballots.
- HB 147**, relative to counting kindergarten pupils in charter school attendance.
- HB 153**, relative to standards for bridge and highway construction.
- HB 155**, relative to membership of the state building code review board.
- HB 158**, requiring insurance companies to allow covered persons to purchase an up-to-90day supply of covered prescription drugs on the covered person's health plan formulary under certain circumstances.
- HB 164**, prohibiting school personnel from recommending the use of psychotropic medications for any child.
- HB 166**, relative to the definition of a bridge.
- HB 168**, expanding the purposes of the wildflower establishment program.
- HB 169**, relative to penalties for insurers or adjusters knowingly underestimating the value of an insurance claim.
- HB 180-FN**, relative to pay and allowances for officers and enlisted members of the national guard.
- HB 187**, establishing that sheriffs' departments have sole jurisdiction to enforce civil orders.
- HB 189**, relative to swim lines in public waters.
- HB 194**, relative to laboratories conducting alcohol concentration tests.
- HB 202**, relative to a point system for automobile dealer and inspection station violations.
- HB 207**, establishing a commission to study and make recommendations on the expansion of the New Hampshire Agricultural Innovation Program.
- HB 209**, relative to eligibility for farm plates.
- HB 213**, relative to the availability of school nutrition program funds for charter school and nonpublic schools.
- HB 215**, relative to fees for hearing care providers.
- HB 216**, establishing a commission to study the causes, effects, and remediation of siltation in the Great Bay Estuary.
- HB 217**, establishing a committee to study the New Hampshire park and ride program.
- HB 218**, relative to chief firewards, engineers, or fire chiefs.
- HB 220**, establishing a reporting requirement for departments that receive highway funds.
- HB 226**, relative to the investment of trust funds.
- HB 227**, relative to identity theft.
- HB 228**, relative to the definition of "medical necessity" under the managed care law.
- HB 240**, relative to the amount of child support arrearage triggering the denial of a passport.
- HB 242**, relative to the declaration of candidacy form.
- HB 248**, eliminating separate dedicated accounts in the fish and game department and transferring the sums into the fish and game fund.
- HB 249**, relative to preliminary objections to rules made by the joint legislative committee on administrative rules, and relative to extending the study committee on the rules process.
- HB 252-FN**, relative to exemptions from the permitting process for excavating and dredging.
- HB 292**, relative to consideration of the preference of a mature minor in the modification of parental rights and responsibilities.
- HB 351**, clarifying that the definition of "overseas business organization" includes all foreign incorporated business organizations and all 80/20 business organizations, and redefining "business activity" for purposes of the business profits tax.
- HB 372-FN-A**, exempting motor vehicles equipped and used for transporting disabled persons from the tax on rental of motor vehicles.

HB 392, relative to the use of property held by the state of New Hampshire under an easement specifying low impact recreational use only.

HB 396, establishing a commission to study autism spectrum disorders in New Hampshire.

HB 438, renaming a certain island in Blackey's Cove in Lake Winnepesaukee.

HB 456, limiting liability for town health officers and overseers of public welfare when acting in the course of their official duties.

HB 458, relative to the exemption of replacement or redundant wells from the large groundwater withdrawal permitting process.

HB 704-FN-A, relative to the commission on the status of men and relative to appropriations to the STARC armory and making appropriations for state matching funds for federal emergency management agency disaster assistance grants and energy expense shortfalls.

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 from **HB 59 to HB 704**, 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 59, relative to crossbow hunting by a person with a disability. (Wildlife, Fish, and Game)

HB 61, designating segments of the Ammonoosuc River into the rivers management protection program. (Energy, Environment, and Economic Development)

HB 88, establishing a committee to study single payer health care. (Commerce Labor and Consumer Protection)

HB 89, establishing a committee to study dispute resolution between local political subdivisions and public employees in New Hampshire. (Commerce, Labor, and Consumer Protection)

HB 93, relative to use of the child support guidelines worksheet. (Judiciary)

HB 94, relative to overpayments of child support. (Judiciary)

HB 95-L, relative to the treatment of charter school pupils in the definition of average daily membership in residence. (Education)

HB 99, relative to the youth employment law. (Commerce, Labor, and Consumer Protection)

HB 117, creating an exception for the storage of black gunpowder by historical reenactors and certain non-profit entities. (Election Law and Internal Affairs)

HB 118, reducing a prior appropriation to the department of transportation to purchase flood damaged property and extending the commission to determine the appropriate public use of the property. (Finance)

HB 119, relative to the sunset provision of the system benefits charge. (Energy, Environment, and Economic Development)

HB 120, relative to extending polling hours. (Election Law and Internal Affairs)

HB 132, relative to domicile for voting purposes. (Election Law and Internal Affairs)

HB 133, relative to voter registration forms. (Election Law and Internal Affairs)

HB 135, establishing the second Sunday in October as Firefighters Memorial Day. (Election Law and Internal Affairs)

HB 139, relative to the reporting of burn injuries. (Health and Human Services)

HB 140, establishing the New Hampshire commission on deafness and hearing loss. (Health and Human Services)

HB 143, relative to the apportionment of damages in civil actions. (Judiciary)

HB 144, relative to operation of boats on Spectacle Pond. (Energy, Environment, and Economic Development)

- HB 146**, relative to nicknames on ballots. (Election Law and Internal Affairs)
- HB 147**, relative to counting kindergarten pupils in charter school attendance. (Education)
- HB 153**, relative to standards for bridge and highway construction. (Transportation and Interstate Cooperation)
- HB 155**, relative to membership of the state building code review board. (Executive Departments and Administration)
- HB 158**, requiring insurance companies to allow covered persons to purchase an up-to-90day supply of covered prescription drugs on the covered person's health plan formulary under certain circumstances. (Commerce, Labor and Consumer Protection)
- HB 164**, prohibiting school personnel from recommending the use of psychotropic medications for any child. (Education)
- HB 166**, relative to the definition of a bridge. (Transportation and Interstate Cooperation)
- HB 168**, expanding the purposes of the wildflower establishment program. (Transportation and Interstate Cooperation)
- HB 169**, relative to penalties for insurers or adjusters knowingly underestimating the value of an insurance claim. (Commerce, Labor and Consumer Protection)
- HB 180-FN**, relative to pay and allowances for officers and enlisted members of the national guard. (Election Law and Internal Affairs)
- HB 187**, establishing that sheriffs' departments have sole jurisdiction to enforce civil orders. (Judiciary)
- HB 189**, relative to swim lines in public waters. (Energy, Environment and Economic Development)
- HB 194**, relative to laboratories conducting alcohol concentration tests. (Judiciary)
- HB 202**, relative to a point system for automobile dealer and inspection station violations. (Transportation and Interstate Cooperation)
- HB 207**, establishing a commission to study and make recommendations on the expansion of the New Hampshire Agricultural Innovation Program. (Energy, Environment and Economic Development)
- HB 209**, relative to eligibility for farm plates. (Transportation and Interstate Cooperation)
- HB 213**, relative to the availability of school nutrition program funds for charter school and nonpublic schools. (Education)
- HB 215**, relative to fees for hearing care providers. (Executive Departments and Administration)
- HB 216**, establishing a commission to study the causes, effects, and remediation of siltation in the Great Bay Estuary. (Energy, Environment, and Economic Development)
- HB 217**, establishing a committee to study the New Hampshire park and ride program. (Transportation and Interstate Cooperation)
- HB 218**, relative to chief firewards, engineers, or fire chiefs. (Public and Municipal Affairs)
- HB 220**, establishing a reporting requirement for departments that receive highway funds. (Transportation and Interstate Cooperation)
- HB 226**, relative to the investment of trust funds. (Public and Municipal Affairs)
- HB 227**, relative to identity theft. (Commerce, Labor, and Consumer Protection)
- HB 228**, relative to the definition of "medical necessity" under the managed care law. (Commerce, Labor and Consumer Protection)
- HB 240**, relative to the amount of child support arrearage triggering the denial of a passport. (Judiciary)
- HB 242**, relative to the declaration of candidacy form. (Election Law and Internal Affairs)
- HB 248**, eliminating separate dedicated accounts in the fish and game department and transferring the sums into the fish and game fund. (Wildlife, Fish, and Game)

HB 249, relative to preliminary objections to rules made by the joint legislative committee on administrative rules, and relative to extending the study committee on the rules process. (Executive Departments and Administration)

HB 252-FN, relative to exemptions from the permitting process for excavating and dredging. (Energy, Environment and Economic Development)

HB 292, relative to consideration of the preference of a mature minor in the modification of parental rights and responsibilities. (Judiciary)

HB 351, clarifying that the definition of “overseas business organization” includes all foreign incorporated business organizations and all 80/20 business organizations, and redefining “business activity” for purposes of the business profits tax. (Ways and Means)

HB 372-FN-A, exempting motor vehicles equipped and used for transporting disabled persons from the tax on rental of motor vehicles. (Ways and Means)

HB 392, relative to the use of property held by the state of New Hampshire under an easement specifying low impact recreational use only. (Energy, Environment and Economic Development)

HB 396, establishing a commission to study autism spectrum disorders in New Hampshire. (Health and Human Services)

HB 438, renaming a certain island in Blackey’s Cove in Lake Winnepesaukee. (Energy, Environment and Economic Development)

HB 456, limiting liability for town health officers and overseers of public welfare when acting in the course of their official duties. (Public and Municipal Affairs)

HB 458, relative to the exemption of replacement or redundant wells from the large groundwater withdrawal permitting process. (Energy, Environment and Economic Development)

HB 704-FN-A, relative to the commission on the status of men and relative to appropriations to the STARC armory and making appropriations for state matching funds for federal emergency management agency disaster assistance grants and energy expense shortfalls. (Finance)

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 10

March 29, 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.

Clear out, Good God, we ask You, those upstream ice jams that diminish the free flow of our abilities, our effectiveness and our goodness. Remind us that life is short so that we might spend well the time You give us and, more importantly, cherish the people in whose company You have placed us. Amen

Senator Kelly led the Pledge of Allegiance.

INTRODUCTION OF GUESTS COMMITTEE REPORTS SPECIAL ORDER

SB 178-FN, relative to the judicial retirement plan. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Kelly for the committee.

Senate Executive Departments and Administration
March 15, 2007
2007-0691s
10/05

Amendment to SB 178-FN

Amend RSA 100-C:13, III(g) as inserted by section 2 of the bill by replacing it with the following:

(g) There shall be a special account for additional benefits held by the board of trustees. Beginning with the first state fiscal year ending after the date of implementation of the judicial retirement plan, all of the earnings of the judicial retirement plan which are in excess of ~~[9.5 percent]~~ ***the assumed rate of return plus ½ of one percent added to such rate*** shall be allocated to the special account. ***The assumed rate of return shall be approved by the board of trustees.*** None of the assets held in the special account shall be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b) and (c). The actuarial cost of all legislation enacted during each fiscal year and calling for funding from the special account shall be withdrawn from the special account, as of June 30 of each year, after funds are credited to the special account as provided in this subparagraph. ~~[The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances, or COLAs, pursuant to RSA 100-C:17, and, second, to the extent that funds may be available in the special account, to provide additional benefits to retired members and beneficiaries of the judicial retirement plan.]~~ ***The use of the special account shall be limited to only supplemental allowances or cost of living adjustments pursuant to RSA 100-C:17 and shall not exceed 20 percent of the amount of the plan assets for any calendar year. Any surplus in the special account shall be transferred to the plan's regular accounts on an annual basis. In the event of a year over year decline in plan assets, the board may transfer funds from the special account to the plan's regular accounts.***

Amend the bill by replacing sections 3 and 4 with the following:

3 Supplemental Allowances. Amend RSA 100-C:17, I, to read as follows:

I. On February 1 of each year, the fiscal committee of the general court may approve COLAs upon certification from the board of the amount of the COLA which may be granted based on the funds available in the special account. ***The board shall have the authority to provide a COLA in such percentages or amounts as the board deems advisable including the ability to segment or tier amounts based upon years without a COLA. One-time or nonrecurring COLAs may also be approved by the board from time to time.*** The board shall direct an actuary to certify to the fiscal committee the funds available, and any other information required by the committee, including but not limited to any change in the Consumer Price Index-Urban for the year prior to the year in which the allowance is granted. ***Except for one-time or nonrecurring COLAs,*** any such supplemental allowance when granted by the fiscal committee of the general court shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance.

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

Senator Larsen moved without objection that we move SB 178-FN out of the Executive Departments and Administration Committee and to the end of the calendar. Special Ordered from last session.

Senator Larsen moved without objection that we take up SB 86 and HB 122 out of Transportation and Interstate Cooperation Committee and to the beginning of the calendar.

SB 86, naming a bridge in Plymouth. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 4-0. Senator Letourneau for the committee.

Transportation and Interstate Cooperation
March 16, 2007
2007-0738s
04/01

Amendment to SB 86

Amend the bill by replacing section 1 with the following:

1 Bridge Named. Pursuant to RSA 4:43, the bridge on route 175-A that spans the Pemigewasset River in the town of Plymouth shall be named the Captain Douglas A. DiCenzo Memorial Bridge in honor of Captain Douglas A. DiCenzo, U.S. Army, who was killed in Iraq.

2007-0738s

AMENDED ANALYSIS

This bill names a bridge in Plymouth in honor of Captain Douglas A. DiCenzo who was killed in Iraq.

Amendment adopted.

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

A roll call was requested by Senator Foster.

Seconded by Senator Barnes.

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.

HB 122, naming a bridge in the town of Henniker after Sergeant Russell M. Durgin. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 4-0. Senator Letourneau for the committee.

Transportation and Interstate Cooperation

March 21, 2007

2007-0916s

04/01

Amendment to HB 122

Amend the bill by replacing section 3 with the following:

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

Amendment adopted.

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

A roll call was requested by Senator Foster.

Seconded by Senator Barnes.

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 150, requiring drivers who are residents of foreign countries to have insurance. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 4-0. Senator DeVries for the committee.

Committee report of inexpedient to legislate is adopted.

SB 155, relative to insurance coverage for chiropractic services. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 4-0. Senator Barnes for the committee.

Commerce, Labor and Consumer Protection

March 20, 2007

2007-0874s

01/04

Amendment to SB 155

Amend RSA 420-J:6-bb as inserted by section 1 of the bill by replacing it with the following:

420-J:6-bb Chiropractic Co-Payments; Limitation. A health benefit plan offering chiropractic benefits shall not impose a co-payment amount charged to the insured for a chiropractic visit that is higher than the co-payment amount charged to the insured for a primary care provider visit.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 216, relative to certification of employee organizations to represent public employees. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 3-1. 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 Barnes.

Seconded by Senator Fuller Clark.

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.

Ordered to third reading.

SB 220, establishing a commission to study the feasibility of establishing a public review board for health insurance rate increase requests. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 5-0. Senator Roberge for the committee.

Adopted.

Ordered to third reading.

SB 57, requiring a course in civics for high school graduation. Education Committee. Ought to pass with amendment, Vote 4-0. Senator Estabrook for the committee.

Senate Education

March 20, 2007

2007-0870s

04/05

Amendment to SB 57

Amend the introductory paragraph in RSA 189:11, III as inserted by section 1 of the bill by replacing it with the following:

III. In all high schools in the state, there shall be given a course of instruction in civics. This course shall be a one-half unit of credit required for graduation, and shall replace 1/2 of the social studies elective unit of credit as set forth in the administrative rules of the department of education. The civics course may be locally developed provided, at a minimum, the course provides exposure to current governmental affairs and covers the following areas:

Senator Estabrook requested a roll call.

Senator Gottesman seconded the roll call.

Senators Estabrook and Gottesman withdrew their requests for a roll call.

Amendment adopted.

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

A roll call was requested by Senator Estabrook.

Seconded by Senator Gottesman.

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

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

Yeas: 15 - Nays: 9

Adopted.

Ordered to third reading.

SB 101, relative to payment of costs for certain students attending alternative education programs. Education Committee. Ought to Pass, Vote 4-0. Senator Estabrook for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 173, relative to regulation of private postsecondary career schools. Education Committee. Ought to pass with amendment, Vote 4-0. Senator Fuller Clark for the committee.

Senate Education

March 20, 2007

2007-0868s

04/01

Amendment to SB 173

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

1 Postsecondary Education Commission. Amend RSA 188-D:2 to read as follows:

188-D:2 Postsecondary Education Commission. There is hereby established a postsecondary education commission [~~of 22 members~~] with the following membership:

I. The president of the university of New Hampshire; the president of Keene state college; the president of Plymouth state university; the chancellor of the university system *of New Hampshire*; a president of one of the institutions of the department of regional community-technical colleges, to be chosen by the board of trustees of that department;

II. Two members to be appointed by the trustees of the university system of New Hampshire, one of whom shall be a full-time undergraduate student who is a resident of the state, and whose term shall [~~cease~~] *expire* upon graduation [~~or change of status as such undergraduate~~] *or when the member is no longer a full-time* student;

III. The commissioner of *the department of* education and the commissioner of *the department of* regional community-technical colleges;

IV. One [~~member~~] *full-time student* to be appointed by the board of trustees of the department of regional community-technical colleges who shall be a representative of *one of the institutions of the department of* regional community-technical [~~institute and~~] colleges who shall be a [~~full-time student at one of these institutions and a~~] resident of the state and whose term shall expire upon graduation or when the member is no longer a full-time student;

V. Six representatives of the private 4-year colleges or universities in New Hampshire appointed by the governor and council on recommendation by the New Hampshire College and University Council, with no more than one representative from any one college or university;

VI. One full-time undergraduate student of a private 4-year college or university in the state of New Hampshire, to be appointed by the governor and council [~~from a list of at least 5 students submitted~~] *on recommendation* by the New Hampshire College and University Council, who shall be a resident of [~~New Hampshire~~] *the state* and whose term shall expire upon graduation or [~~change of status from~~] *when the member is no longer* a full-time student;

VII. One member to be appointed by the governor and council as a representative from [~~the following type of college or school: junior college, proprietary school, junior or senior college and community college~~] *a for-profit college or university* not a member of the New Hampshire College and University Council;

VIII. Four members to be appointed by the governor and council who shall be residents of the state and of the lay public, having no official connection with any [~~postsecondary educational institution~~] **college, university, or private postsecondary career school** as an employee, trustee or member on a board of directors [of any educational institution].

IX. One member to be appointed by the governor and council on recommendation by the New Hampshire Council for Professional Education, who shall be a resident of the state and a representative of a private, postsecondary career school.

The terms of appointed members, except as indicated above, shall be for 5 years and until a successor is appointed and qualified. Vacancies shall be filled for the unexpired term.

2 Private Postsecondary Career Schools; Definitions. Amend RSA 188-D:19 to read as follows:

188-D:19 Definitions; Exclusions.

I. The following definitions shall apply in this subdivision except as otherwise provided:

(a) "Alternative delivery" means a mode of instruction, which does not involve face-to-face instruction between instructor and student in the same geographic location. This mode of instruction shall include Internet, televised, video, telephonic, and correspondence media.

(b) "**Conference**" or "**seminar**" means a scheduled meeting of 2 or more persons for discussing matters of common concern and where, if training or education is offered, it shall be incidental to the purpose of the conference.

(c) "Entity" means any individual, firm, partnership, association, corporation, organization, trust, school, or other legal entity or combination of these entities.

~~(c)~~ (d) "**Executive committee**" means the executive committee of the postsecondary education commission as defined in the postsecondary education commission bylaws.

(e) "**Executive director**" means the executive director of the postsecondary education commission, or designee.

(f) "**Operating balance**" means the amount of funds necessary for indemnification as determined by the executive director.

(g) "Physical presence" means any physical location or place of contact, including a New Hampshire telephone exchange or a New Hampshire mail drop, and if an individual is conducting one or more of the following activities within this state:

- (1) Advertising.
- (2) Solicitation of potential students.
- (3) Enrollment of students.
- (4) Providing student services.
- (5) Student mentoring.
- (6) Instruction of students.

~~(d)~~ (h) "Private postsecondary career [school]" means any for-profit or nonprofit postsecondary career [school] entity maintaining a physical presence in this state **providing education or training for tuition or a fee that enhances a person's occupational skills, or provides continuing education or certification, or fulfills a training or education requirement in one's employment, career, trade, profession, or occupation.** Schools that offer resident or non-resident programs, including programs using modes of alternative delivery, beyond the secondary school level to an entity [~~upon the payment of tuition or a fee~~] shall be included in this definition **regardless of the fact that the school's tuition and fees from education and training programs constitute only a part of the school's revenue.**

(i) "**Vendor**" means an entity that promotes or exchanges goods or services for money.

(j) "**Workshop**" means a brief, intensive education or training program that focuses on developing techniques and skills in a particular area.

II. "Private postsecondary career school" shall not include:

(a) Schools authorized to grant degrees pursuant to RSA 292.

(b) Schools *specifically* licensed *as an education or training school* by a state agency other than the postsecondary education commission.

(c) Schools operated by a business organization exclusively for the training of that business' own employees and at no charge to its employees.

(d) Schools offering noncredit courses exclusively for avocational purposes~~[, as determined by the executive director, in consultation with the postsecondary education commission].~~

(e) Schools ~~[directly supported, entirely or partly,]~~ *established, operated, and governed* by the state of New Hampshire *or any of its political subdivisions, or any other state or its political subdivisions.*

(f) Noncredit courses or programs sponsored by recognized trade, business, or professional organizations solely for the instruction of their members that do not prepare or qualify individuals for employment in any occupation or trade~~[, unless otherwise determined by the executive director, in consultation with the postsecondary education commission].~~

(g) Schools that offer programs and courses exclusively on federal military installations.

(h) Companies, individuals, or other legal entities that offer training at seminars, *workshops*, or conferences, if ~~[either of the following criteria are met]:~~

(1) ~~[The conference or seminar does not exceed 2 days, or]~~ *Any training or education offered is incidental to the purpose of the seminar, workshop, or conference; and*

(2) The attendee receiving the training is not awarded any form of a certificate, ~~[or]~~ diploma, *or credit including continuing education units* for having received the training.

(i) Vendors that offer incidental training associated with the purchase of a product from said vendor, if the training is *at no cost, its purpose is* to familiarize the purchaser with its use and the purchaser is not awarded any form of a certificate or diploma for having received the training.

(j) ~~[A person with fewer than 5 students per calendar year.~~

~~(k)~~ An individual or facility training students under 14 ~~[CFR]~~ *C.F.R.* part 91 or 14 ~~[CFR]~~ *C.F.R.* part 141, or receiving flight or ground instruction required by the Federal Aviation Administration.

3 Postsecondary Education Commission; Licenses and Fees. Amend RSA 188-D:20 to read as follows:

188-D:20 Licenses and Fees.

I. Prior to registering or renewing a business or trade name, or soliciting students for enrollment, an entity maintaining a physical presence in this state shall be reviewed by the ~~[postsecondary education commission]~~ *executive director* to determine if the entity requires a license. The executive director, in consultation with the postsecondary education commission, shall establish procedures to accomplish this review.

II. ~~[If the postsecondary education commission determines that a license is required,]~~ A private postsecondary career school maintaining a physical presence in this state shall register to obtain a license or license renewal from the postsecondary education commission. ~~[The license shall be issued or renewed pursuant to rules, adopted under RSA 541-A, by the executive director, in consultation with the postsecondary education commission.]~~ The rules shall establish minimum criteria, including but not limited to, financial stability, educational program, administrative and staff qualifications, business procedures, facilities, equipment, and ethical practices to be met by licensees, *and criteria for rejecting a licensing applicant and for suspending or revoking a license.* ~~[In no case shall a license or license renewal be issued to any school, which has not met the requirements of RSA 188-D:20-a or RSA 188-D:20-b.]~~

III. ~~[The executive director, in consultation with the postsecondary education commission, may establish reasonable fees for administration of this subdivision, including fees for licenses, renewals, penalties, reimbursement for consultants, complaint investigation, and enforcement.]~~ *A school that is not required to obtain a license may apply for a license and, upon issuance of the license, shall be subject to the provisions of RSA 188-D:19 through RSA 188-D:28. Such school may voluntarily surrender its license and revert to its original status.*

IV. *The executive director shall establish reasonable fees for licenses and license renewals required under this subdivision.*

V. The executive director, in consultation with the postsecondary education commission, may establish penalties, reimbursement rates for consultants and procedures for complaint investigations and enforcement actions, which are necessary for the administration of this subdivision.

VI. A private postsecondary career school which the executive director has determined requires a license shall, prior to the issuance of a license, comply with RSA 188-D:20, RSA 188-D:20-a, and RSA 188-D:20-b.

4 Postsecondary Education Commission; Surety Indemnification. Amend RSA 188-D:20-a to read as follows:

188-D:20-a Surety Indemnification. Before a license is issued or renewed, a school shall meet the requirements of this section or RSA 188-D:20-b, by providing acceptable surety indemnification as determined ~~[by the postsecondary education commission]~~ ***in this section.***

I. A surety bond shall be provided by the school in an amount prescribed ~~[by the postsecondary education commission]~~ ***in this section.*** The obligation of the bond is that the school, its officers, agents, and employees shall faithfully perform the terms and conditions of contracts for tuition and other instructional fees entered into between the school and entity enrolling as students. The bond shall be issued by a company authorized to do business in the state of New Hampshire. The bond shall be issued in the name of the postsecondary education commission, and is to be used only for payment of a refund of tuition and instructional fees due to a student or potential student, and the expense of investigating and processing the claims.

II. The amount of such bond shall be based on income from tuition at 10 percent of gross tuition, with a \$10,000 minimum. If a school licensed under RSA 188-D:20 should fail to provide the services required in a contract with any entity, as determined by a court of competent jurisdiction, the bond shall be forfeited, and the proceeds distributed by the ~~[postsecondary education commission]~~ ***executive director*** in such manner as justice and the circumstances require.

III. The bond company may not be relieved of liability on the bond unless it gives the school and the postsecondary education commission 90 days written notice of the company's intent to cancel the bond. If at any time the company that issued the bond cancels or discontinues the coverage, the school's license is revoked as a matter of law on the effective date of the cancellation or discontinuance of bond coverage, unless a replacement bond is obtained and provided to the postsecondary education commission.

IV. For the purposes of this section the forms of indemnification other than a surety bond which may be furnished to the postsecondary education commission for licensure are the following:

(a) An irrevocable letter of credit, maintained for the licensing period as a minimum, issued by a financial institution authorized to do business in New Hampshire in an amount to be determined by the postsecondary commission with the postsecondary education commission designated as the beneficiary; or

(b) A term deposit account held in ~~[a financial institution authorized to do business in New Hampshire]~~ ***the state treasury***, payable to the postsecondary education commission, shall be held in trust for the benefit of students entitled thereto under this section. Said account shall be maintained for the licensing period as a minimum, in an amount determined by the postsecondary education commission. ~~[All]~~ ***Any*** interest shall be paid annually to the appropriate school, unless the term deposit account is activated due to a school closing. Should the licensee for any reason, while not in default, discontinue operation, all moneys on deposit, including ***any*** interest, shall be released to the appropriate school subject to the approval of the ~~[postsecondary education commission]~~ ***executive director.***

5 Postsecondary Education Commission; Student Guaranty Fund. Amend RSA 188-D:20-b to read as follows:

188-D:20-b Student Tuition Guaranty Fund.

I.(a) A student tuition guaranty fund is hereby established within the postsecondary education commission and shall be administered by the ***executive director*** ~~[postsecondary education commission. In lieu of the surety bond required in 188-D:20-a, the executive director, in consultation with the postsecondary education commission, may require a private postsecondary career school seeking the issuance or renewal of a license to participate in the student tuition guaranty fund.]~~

(b) The fund shall be funded from an annual fee to be established by the ~~[postsecondary education commission]~~ ***executive director and*** assessed against each school duly licensed by the postsecondary education commission and all applicants for a license under RSA 188-D:20.

(c) The fund shall be used to reimburse students when a school has failed to faithfully perform its contractual obligations for tuition and instructional fees in the event of a school closing, and the expense of

investigating and processing the claims. ***The owner of a school which fails to perform its contractual obligations shall be personally liable to reimburse the fund for any money disbursed from the fund to settle any claims made against the school.***

II. The executive director, in consultation with the postsecondary education commission, shall adopt rules, pursuant to RSA 541-A, relative to the administration and maintenance of the fund.

6 Postsecondary Education Commission; Inspections; Revocation. Amend RSA 188-D:21-22 to read as follows:

188-D:21 Inspections. The [~~postsecondary education commission~~] ***executive director*** may at any time inspect the premises, curriculum, teaching materials, faculty performance, sales literature, financial data, or other matters which are relevant to the educational and business activities of a licensed school in order to determine compliance with applicable laws and rules.

188-D:22 Revocation; Hearing. The executive [~~director~~] ***committee***, in consultation with the postsecondary education commission may, after due notice and hearing, revoke the license of any school licensed pursuant to RSA 188-D:20 for violating the provisions of this subdivision or rules adopted hereunder. The provisions of RSA 541 shall apply to actions taken pursuant to this section.

7 Postsecondary Education Commission; Rulemaking. Amend RSA 188-D:26 to read as follows:

188-D:26 Rulemaking Authority. The ***executive director in consultation with the postsecondary education commission*** shall adopt such rules as may be necessary in order to carry out the provisions of this subdivision.

8 Postsecondary Education Commission; Penalty. Amend RSA 188-D:28 to read as follows:

188-D:28 Penalty.

I. Whoever violates any provision of this subdivision shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Whenever the ***executive director*** [~~postsecondary education commission~~] determines that a person is violating any provision of this subdivision or the rules adopted hereunder, the [~~postsecondary education commission~~] ***executive director*** shall request the attorney general, or other appropriate official having jurisdiction, to provide appropriate relief.

III. The executive director, upon verifying that a school is operating without a license, shall issue a cease and desist order to such school.

IV. The postsecondary education commission shall be notified whenever a cease and desist order is issued to a school, or if a school fails to provide the services required under a contract with any entity causing the bond to be forfeited, or if a school is required to have a license but is operating without a license.

9 Voluntary Corporations and Associations; Reports Required. Amend RSA 292:8-kk, I to read as follows:

I. When any institution of higher learning ceases the regular conduct of instruction, either temporarily or permanently, whether or not the corporation is dissolved, the ***original written*** academic record, or a legible, certified copy thereof ***as defined by the institution***, of each student who has been registered for instruction at the institution shall be forwarded to the postsecondary education commission together with an explanation of the institution's credit and grading system. The postsecondary education commission shall preserve these records and upon request of the individual concerned, shall furnish a certified copy, or reasonable number of such copies, of the individual's record. The fee for each record so furnished to be paid to the commission shall be a reasonable fee based on average fees collected by United States institutions.

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

Amendment adopted.

Senator Bragdon offered a floor amendment.

Sen. Bragdon, Dist. 11

March 29, 2007

2007-1052s

04/01

Floor Amendment to SB 173

Amend RSA 188-D:19, II as inserted by section 2 of the bill by inserting after subparagraph (j) the following new subparagraph:

(k) Companies, individuals, or other legal entities that offer education or training courses lasting one week or less per course at a cost of less than \$1,000 per course for which no payment prior to the first day of the course is required.

MOTION TO TABLE

Senator Estabrook moved to have SB 173 laid on the table.

Adopted.

LAI D ON THE TABLE

SB 173, relative to regulation of private postsecondary career schools.

SB 245, relative to the New Hampshire college tuition savings plan. Education Committee. Ought to Pass, Vote 4-0. Senator Estabrook for the committee.

Adopted.

Ordered to third reading.

Senator Foster Rule #42 on SB 245.

SCR 2, urging Congress to amend the No Child Left Behind Act. Education Committee. Ought to pass with amendment, Vote 3-1. Senator Estabrook for the committee.

Sen. Estabrook, Dist. 21

February 21, 2007

2007-0333s

04/05

Amendment to SCR 2

Amend the resolution by replacing all after the resolving clause with the following:

Whereas, in 2002 the No Child Left Behind Act was enacted on a bipartisan basis, which has as its purpose bringing academic achievement in language arts, mathematics, and science to students who are not presently achieving at proficiency levels; and

Whereas, in 2004 the National Conference of State Legislatures created a bipartisan task force to study the No Child Left Behind Act and the task force suggested specific changes to make the No Child Left Behind Act more workable, more responsive to variations among the states, and more effective in improving education; and

Whereas, a stated goal of the No Child Left Behind Act is to provide flexibility for states to improve academic achievement and to close the achievement gap, the task force found that more flexibility should be granted to states to implement the No Child Left Behind Act; and

Whereas, the New Hampshire general court had representation on the bipartisan task force and concurs with the spirit of the recommendations of the National Conference of State Legislatures; and

Whereas, a well-designed growth model, with multiple forms of assessment, is a more meaningful and accurate measure of student success than the No Child Left Behind Act model of identifying schools in need of improvement; and

Whereas, the No Child Left Behind Act mandates a costly sequence of intervention services, which the task force found to be inflexible and instead recommended states be allowed to decide the interventions when a school is "in need of improvement;" now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the New Hampshire general court urges the Congress of the United States to amend the No Child Left Behind Act with consideration of the National Conference of State Legislatures' task force recommendations, to allow each state department of education the flexibility to monitor, supervise, and evaluate each school's effectiveness in documenting the physical, personal, social, and academic growth of each child; and

That the New Hampshire general court urges the Congress of the United States to request a Government Accountability Office evaluation of the costs to states and local school districts of complying with the No Child Left Behind Act requirements and of achieving the 100 percent proficiency goals of the No Child Left Behind Act; and

That the senate clerk send copies of this resolution to the President and Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and each member of the New Hampshire congressional delegation.

Amendment adopted.

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

A roll call was requested by Senator Estabrook.

Seconded by Senator Gottesman.

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

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

Yeas: 20 - Nays: 4

Adopted.

Ordered to third reading.

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. Education Committee. Ought to Pass, Vote 2-0. 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 Barnes.

Seconded by Senator Bragdon.

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 46, requiring criminal conviction record checks of all applicants to practice medicine in New Hampshire. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Burling for the committee.

Sen. Burling, Dist. 5

March 19, 2007

2007-0799s

10/09

Amendment to SB 46

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

1 New Section; Physicians and Surgeons; Applicants; Criminal Conviction Record Checks. Amend RSA 329 by inserting after section 11 the following new section:

329:11-a Criminal Conviction Record Checks.

I. Every applicant for initial permanent licensure or reinstatement shall submit to the board a fingerprint form and notarized criminal record release authorization form, as provided by the division of state police, which authorizes the release of his or her criminal conviction record to the board pursuant to RSA 106-B:14.

II. The board or the applicant shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal conviction records to the board.

III. The board shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal conviction records received pursuant to this section.

IV. The board may make administrative charges for the actual costs of a criminal conviction record check.

2 Qualifications and Licensees; Subparagraph Added. Amend the introductory paragraph of RSA 329:12, I(c) to read as follows:

(c) ***Submit a fingerprint form and criminal conviction record release authorization form pursuant to RSA 329:11-a.***

(d) Demonstrate to the reasonable satisfaction of the board that the applicant:

3 Action on Applications. Amend RSA 329:14, I to read as follows:

I. The board shall make no final decision concerning the qualifications of a new or reinstatement applicant until it has received the results of all required examinations, ***criminal conviction record checks***, and all third-party certifications required to be submitted with the license application, and the time periods specified by RSA 541-A:29 shall be calculated from the date the last of the required documents is received by the board.

4 New Section; Physician Assistants. Amend RSA 328-D by inserting after section 3 the following new section:

328-D:3-a Criminal Conviction Record Checks.

I. Every applicant for initial permanent licensure or reinstatement shall submit to the board a fingerprint form and notarized criminal record release authorization form, as provided by the division of state police, which authorizes the release of his or her criminal conviction record to the board pursuant to RSA 106-B:14.

II. The board or the applicant shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal conviction records to the board.

III. The board shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal conviction records received pursuant to this section.

IV. The board may make administrative charges for the actual costs of a criminal conviction record check.

5 New Subparagraph; Physician Assistants; Conditions of Licensure. Amend RSA 328-D:3, I by inserting after subparagraph (d) the following new subparagraph:

(e) Submit a fingerprint form and criminal conviction record release authorization form pursuant to RSA 328-D:3-a.

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

2007-0799s

AMENDED ANALYSIS

This bill requires all physician and physician assistant applicants for licensure or reinstatement before the board of medicine to submit to a criminal conviction records check.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 116, establishing a committee to study the licensing and regulation of fuel gas fitters by the state fire marshal. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Kenney for the committee.

Sen. Burling, Dist. 5

March 22, 2007

2007-0962s

10/04

Amendment to SB 116

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

AN ACT establishing a committee to study the operations and maintenance of the Cannon Mountain ski area.

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

1 Committee Established. There is established a committee to study the operations and maintenance of the Cannon Mountain ski area.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the operations and maintenance of the Cannon Mountain ski area.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2007.

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

2007-0962s

AMENDED ANALYSIS

This bill establishes a committee to study the operations and maintenance of the Cannon Mountain ski area.

Senator Burling moved to recommit.

Adopted.

SB 116 is recommitted to the Executive Departments and Administration Committee.

SB 171, relative to regulation of apprenticeships by professional regulatory boards and commissions. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 4-1. Senator Fuller Clark for the committee.

Committee report of inexpedient to legislate is adopted.

SB 229, relative to restitution ordered against an inmate. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Kenney for the committee.

Adopted.

Ordered to third reading.

SB 231, exempting certain department of corrections practices and procedures from the provisions of RSA 541-A. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Cilley for the committee.

Adopted.

Ordered to third reading.

SB 260-FN, relative to the location and budget practices of the lottery commission. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Kenney for the committee.

Adopted.

Ordered to third reading.

SB 60-FN, relative to compensations for injuries and illnesses suffered by national guard members on state active duty. Finance Committee. Ought to Pass, Vote 7-0. Senator Janeway for the committee.

Adopted.

Ordered to third reading.

SB 67-FN-A, relative to implementation of the recommendations of the YDC master plan and making an appropriation therefor. Finance Committee. Ought to pass with amendment, Vote 7-0. Senator D'Allesandro for the committee.

Senate Finance
March 21, 2007
2007-0907s
05/04

Amendment to SB 67-FN-A

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

AN ACT relative to implementation of the recommendations of the youth development center master plan. Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

2007-0907s

AMENDED ANALYSIS

This bill permits the department of health and human services to implement the recommendations of the youth development center master plan and a related memorandum of agreement with the United States Department of Justice.

Senator D'Allesandro moved to recommit.

Adopted.

SB 67-FN-A is recommitted to the Finance Committee.

SB 79-FN-A, relative to court security and court security officers. Finance Committee. Re-refer to committee, Vote 6-0. Senator Odell for the committee.

Adopted.

SB 79-FN-A is re-referred to the Finance Committee.

SB 93-FN, relative to insurance coverage for children's early intervention therapy services. Finance Committee. Ought to Pass, Vote 7-0. Senator Hassan 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 Barnes.

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

The following Senators voted No: Gatsas.

Yeas: 23 - Nays: 1

Adopted.

Ordered to third reading.

SB 133-FN, relative to the escrow fund for court facility improvements. Finance Committee. Ought to Pass, Vote 7-0. Senator Hassan for the committee.

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

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

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

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

Yeas: 16 - Nays: 8

Adopted.

Ordered to third reading.

SB 141-FN, relative to differential pay of certain direct care employees. Finance Committee. Inexpedient to Legislate, Vote 7-0. Senator D'Allesandro for the committee.

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

A roll call was requested by Senator Barnes.

Seconded by Senator Bragdon.

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

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

Yeas: 16 - Nays: 8

Committee report of inexpedient to legislate is adopted.

SB 148-FN, relative to retirement system status for members of the university system police force. Finance Committee. Ought to Pass, Vote 5-1. Senator D'Allesandro for the committee.

Senator D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Downing, Dist. 22

2007-1000s

10/01

Floor Amendment to SB 148-FN

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Membership. Amend RSA 100-A:3 by inserting after paragraph I-a the following new paragraph:

I-b.(a) Notwithstanding the provisions of 1963, 303: 11, III, any person in the employ of the university system of New Hampshire as a police officer who meets the definition of permanent policeman shall become a member of the retirement system as a condition of employment; except, that membership shall be optional for any such permanent policeman who is in the service of the university system of New Hampshire as of the effective date of this paragraph.

(b) A permanent policeman for whom membership is optional who elects to join the retirement system within one year of the effective date of this paragraph may purchase group II service for services performed as a police officer of the university system of New Hampshire police department if such service meets the definition of permanent policeman. The cost of purchasing such service shall be the product of the member's annual rate of compensation at the time of the purchase, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of the purchase, multiplied by the number of years of prior service credit being bought. In no event, however, shall prior service purchased as creditable service under this section be used as creditable service for the purpose of eligibility for medical benefits under RSA 100-A:52, RSA 100-A:52-a, or RSA 100-A:52-b.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

Senator Reynolds is in opposition to SB 148-FN.

SB 160-FN-L, adding members to the Skyhaven airport operation commission and changing the required completion date for the Skyhaven airport transfer plan. Finance Committee. Ought to Pass, Vote 7-0. Senator Gallus for the committee.

Adopted.

Ordered to third reading.

SB 169-FN-A, 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. Finance Committee. Ought to pass with amendment, Vote 7-0. Senator D'Allesandro for the committee.

Sen. D'Allesandro, Dist. 20

March 21, 2007

2007-0898s

09/10

Amendment to SB 169-FN-A

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 or firefighter killed in the line of duty and establishing a committee to study the feasibility of establishing a state death benefit for emergency medical technicians killed in the line of duty.

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

1 New Section; Death Benefit for Police Officer or Firefighter Killed in Line of Duty. Amend RSA 21-I by inserting after section 29 the following new section:

21-I:29-a Death Benefit for Police Officer or Firefighter Killed in Line of Duty.

I. In this section:

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

(b) "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.

(c) "Killed in the line of duty" means a death of a police officer or firefighter 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.

(d) "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 state shall pay the premium for permanent group life insurance which will pay a \$100,000 death benefit to the family of a police officer or firefighter killed in the line of duty.

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

2 Committee Established. There is established a committee to study the feasibility of establishing a state death benefit for emergency medical technicians killed in the line of duty.

3 Membership and Compensation.

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

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

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

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

4 Duties. The committee shall study the feasibility of establishing a state death benefit for emergency medical technicians killed in the line of duty.

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

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2007.

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

2007-0898s

AMENDED ANALYSIS

This bill establishes a death benefit to be paid to the family of a state or local police officer or firefighter killed in the line of duty.

The bill also establishes a committee to study the feasibility of establishing a state death benefit for emergency medical technicians killed in the line of duty.

The question is on the adoption of the committee amendment.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

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

Amendment adopted.

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

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

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 192-FN, establishing an outreach program in the children's health insurance program. Finance Committee. Ought to Pass, Vote 7-0. Senator Sgambati for the committee.

Adopted.

Ordered to third reading.

SB 206-FN-L, relative to the investment authority of local government entities. Finance Committee. Ought to Pass, Vote 7-0. Senator Janeway for the committee.

Adopted.

Ordered to third reading.

SB 215-FN-A, making an appropriation for AIDS services. Finance Committee. Re-refer to committee, Vote 7-0. Senator Sgambati for the committee.

The motion of re-refer failed.

Senator Fuller Clark moved ought to pass.

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

A roll call was requested by Senator Foster.

Seconded by Senator Gottesman.

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

The following Senators voted No: Gallus, Roberge, Gatsas.

Yeas: 21 - Nays: 3

Adopted.

Ordered to third reading.

SB 222-FN, relative to health insurance for national guard members. Finance Committee. Ought to Pass, Vote 7-0. Senator Odell 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, 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.

MOTION OF RECONSIDERATION

Senator Burling, having voted with the prevailing side, moved reconsideration of **SB 60-FN** whereby we ordered it to third reading.

Adopted.

SB 60-FN, relative to compensations for injuries and illnesses suffered by national guard members on state active duty.

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, 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 120, establishing a commission to study the removal of thimerosal from vaccines. Health and Human Services Committee. Inexpedient to Legislate, Vote 4-1. Senator Janeway for the committee.

MOTION TO TABLE

Senator Janeway moved to have SB 120 laid on the table.

Adopted.

LAI D ON THE TABLE

SB 120, establishing a commission to study the removal of thimerosal from vaccines.

SB 147, relative to proceedings regarding a child in need of services (CHINS). Health and Human Services Committee. Inexpedient to Legislate, Vote 5-0. Senator Sgambati for the committee.

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

A roll call was requested by Senator Clegg.

Seconded by Senator Barnes.

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

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

Yeas: 19 - Nays: 5

Committee report of inexpedient to legislate is adopted.

SB 149, relative to family support councils for the developmentally disabled. Health and Human Services Committee. Ought to pass with amendment, Vote 3-2. Senator Sgambati for the committee.

Health and Human Services

March 20, 2007

2007-0875s

01/09

Amendment to SB 149

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

AN ACT relative to the 2 family support councils for the developmentally disabled serving Lebanon and Claremont.

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

1 Statement of Intent. It is the intent of the legislature that the 2 family support councils serving the Lebanon and Claremont regions look for opportunities for collaboration and cooperation to establish a unified council by January 1, 2009.

2 Family Support Councils to Continue. The 2 family support councils serving the Lebanon and Claremont regions shall continue to provide advice to the area agency in the development of a family support plan for the area, shall continue to send 2 delegates to the state Family Support Council, and shall monitor the services provided pursuant to the plan in accordance with RSA 126-G:4 until January 1, 2009.

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

2007-0875s

AMENDED ANALYSIS

This bill authorizes the 2 family support councils serving the Lebanon and Claremont areas to continue to provide advice to the area agency in the development of a family support plan for the area, with the goal that such family support councils establish a unified council by January 1, 2009.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 153, establishing a committee to study changing statutory references to "mental retardation." Health and Human Services Committee. Ought to pass with amendment, Vote 5-0. Senator Kenney for the committee.

Health and Human Services

March 21, 2007

2007-0896s

08/09

Amendment to SB 153

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

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

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 252, relative to publication of supreme court reports. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Gottesman for the committee.

Adopted.

Ordered to third reading.

SB 187, relative to motor vehicles operated in parades. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 4-0. Senator Clegg for the committee.

Transportation and Interstate Cooperation

March 22, 2007

2007-0960s

03/09

Amendment to SB 187

Amend the bill by replacing section 1 with the following:

1 New Section; Parade Vehicles. Amend RSA 265 by inserting after section 108 the following new section:

265:108-a Parade Vehicles.

I. No person may operate a vehicle in a parade with children riding outside of the interior of the vehicle or with a trailer or float upon which children may be riding, unless the following safety precautions are taken:

(a) A person other than the driver shall be located in the interior of the vehicle and able to observe all children riding on the vehicle, trailer, or float at all times during which the vehicle is moving.

(b) If more than 2 children are riding on the vehicle, trailer, or float, at least one adult shall ride with the children and be capable of communicating with the observer required by subparagraph (a) through an appropriate communication device. The number of adults riding with the children shall not be less than one adult per every 4 children.

II. Any person operating a vehicle without following all of the safety precautions listed in paragraph I shall be guilty of a violation, and shall be subject to the following fines:

(a) \$50 for a first offense.

(b) \$100 for a second or subsequent offense.

2007-0960s

AMENDED ANALYSIS

This bill establishes safety requirements that must be followed by operators of parade vehicles carrying children.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 221, establishing a commission to organize events in celebration of the Abraham Lincoln bicentennial. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 4-0. Senator Clegg for the committee.

Sen. Odell, Dist. 8

February 21, 2007

2007-0312s

04/10

Amendment to SB 221

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

1 Commission Established. There is established the New Hampshire Abraham Lincoln bicentennial commission, hereinafter referred to as the "commission." The purpose of the commission is to organize, arrange, and coordinate bicentennial tributes to Abraham Lincoln in New Hampshire and to coordinate those activities with the Abraham Lincoln Bicentennial Commission (National Commission) of the federal government as well as other interested parties.

2 Membership and Compensation.

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

- (a) Three members of the senate, appointed by the president of the senate.
- (b) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of cultural resources.
- (d) The secretary of state.
- (e) The chancellor of the university system of New Hampshire.
- (f) The executive director of the New Hampshire Historical Society.
- (g) The executive director of the New Hampshire Humanities Council.
- (h) A representative of a community historical society or museum of history, appointed by the governor.
- (i) Five members of the public, appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall:

I. Lead New Hampshire's planning efforts to commemorate the significance of Abraham Lincoln to our state and national history.

II. Make recommendations outlining the most effective and appropriate means for the state of New Hampshire to commemorate the Abraham Lincoln Bicentennial Celebration.

III. Identify and pursue resources necessary to effectively communicate and implement commemorative activities.

IV. Implement recommendations by working with the office of the governor, appropriate state and local government agencies, members of the New Hampshire general court, and organizations that are interested in commemorating the life of Abraham Lincoln.

V. Coordinate communications with the Abraham Lincoln Bicentennial Congressional Caucus to ensure that New Hampshire will be a significant state for events recognizing the contributions of Abraham Lincoln.

VI. Coordinate scheduling of New Hampshire Abraham Lincoln bicentennial activities and coordinate activities with the national commission.

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

5 Report. The commission shall report summarizing its activities and findings and making recommendations for Abraham Lincoln commemorative activities 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, 2008.

6 Abraham Lincoln Bicentennial Trust Fund Established.

I. There is hereby established in the office of the state treasurer a nonlapsing fund to be known as the Abraham Lincoln Bicentennial trust fund which shall be kept separate and distinct from all other funds. All monetary gifts, grants, and donations accepted pursuant to this act shall be deposited in such fund. The fund is established to pay for the expenses of the commission's duties and activities as set forth in section 3 of this act.

II. Any moneys remaining in this fund as of December 31, 2009 shall lapse to the general fund.

7 Repeal. Section 1-6 of this act are repealed effective December 31, 2009.

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

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 103, establishing a commission to study the state highway trust fund. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 4-0. Senator Burling for the committee.

Transportation and Interstate Cooperation

March 22, 2007

2007-0973s

06/01

Amendment to HB 103

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

AN ACT establishing a commission to study the state highway trust fund and relative to the classification of certain roads in the city of Berlin and the town of Hooksett.

Amend the bill by bill by replacing all after sections 5 with the following:

6 New Section; Main Street in the town of Hooksett; Classification Changed to Class V. Main Street in the town of Hooksett, beginning at the intersection with the Connector Roadway and continuing to the intersection with U.S. Route 3 and New Hampshire Route 28 shall be reclassified as a class V highway.

7 New Section; Connector Roadway in the town of Hooksett; Classification. Upon completion and acceptance of the construction and transfer of right of way ownership to the state, the department shall accept the Connector Roadway as a class II highway with full responsibility for liability and maintenance, except that winter maintenance of sidewalks, regardless of the date of construction, shall be the responsibility of the town of Hooksett.

8 Effective Date.

I. Sections 1-5 shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

2007-0973s

AMENDED ANALYSIS

This bill:

I. This bill establishes a commission to study the state highway trust fund.

II. Classifies 2 roads in the city of Berlin and 2 roads in the town of Hooksett.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 104-FN, relative to renewal of drivers' licenses by certain national guard members. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 4-0. Senator Letourneau for the committee.

Sen. Burling, Dist. 5

March 6, 2007

2007-0451s

09/04

Amendment to HB 104-FN

Amend RSA 263:11, III as inserted by section 1 of the bill by replacing it with the following:

III. Any member of the national guard who is called to military service or mobilized for a period of 60 days or more, and who was a resident of this state and was a holder of a valid New Hampshire license to drive motor vehicles in this state, is entitled to renewal of such license without cost or penalty by application to the division. Said application must be accompanied by a letter giving a projected date of expiration of said service, signed by a commissioned officer. Such a person while driving a motor vehicle shall carry upon his or her person the license issued.

2007-0451s

AMENDED ANALYSIS

This bill allows certain members of the national guard who are called to military service or mobilized for a period of 60 days or more to renew a New Hampshire driver's license without cost by application to the division of motor vehicles.

This bill was requested by the committee to study state benefit programs for national guard members established by 2006, 66 (SB 344).

Senator Letourneau requested a roll call.

Senator Burling seconded the roll call.

Senators Letourneau and Burling withdrew their requests for a roll call.

Amendment adopted.

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

A roll call was requested by Senator Letourneau.

Seconded by Senator Burling.

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).

HCR 2, urging the federal government to establish a post office and a zip code in the town of Lee. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-0. Senator DeVries for the committee.

Adopted.

Ordered to third reading.

SB 87, making technical corrections to certain lottery commission provisions. Ways and Means Committee. Ought to Pass, Vote 4-0. Senator Downing for the committee.

Adopted.

Ordered to third reading.

SB 95, relative to bingo games conducted by senior citizens' organizations and establishing a study committee on the appropriate value of prizes for senior citizens' bingo. Ways and Means Committee. Ought to pass with amendment, Vote 4-0. Senator D'Allesandro for the committee.

Senate Ways and Means

March 20, 2007

2007-0859s

09/03

Amendment to SB 95

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

AN ACT relative to bingo games conducted by senior citizens' organizations.

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

1 Senior Citizens' Bingo. Amend RSA 287-E:11 to read as follows:

287-E:11 Senior Citizens Bingo. Any senior citizens' organization in a city or town which has adopted RSA 287-E may conduct bingo games without a license under the following conditions:

I. ***Except as provided in paragraph IV***, games of bingo shall be open only to persons [60] **55** years of age or older, ***unless the rules for senior activities on the premises require a higher minimum age for admission.***

II. The price to be paid for a single card or play shall not exceed \$.25.

III. All prizes, tokens, or awards used, given, offered, or awarded during or in connection with the conduct of any game or series of games conducted under this section in any calendar day shall not exceed the total value of [~~\$150~~] **\$500**.

IV. Persons under 55 years of age who are assisting persons 55 years of age or older may be allowed on the premises.

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

2007-0859s

AMENDED ANALYSIS

This bill changes certain conditions for bingo games conducted by senior citizens' organizations.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SPECIAL ORDER

SB 178-FN, relative to the judicial retirement plan. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Kelly for the committee.

Senate Executive Departments and Administration

March 15, 2007

2007-0691s

10/05

Amendment to SB 178-FN

Amend RSA 100-C:13, III(g) as inserted by section 2 of the bill by replacing it with the following:

(g) There shall be a special account for additional benefits held by the board of trustees. Beginning with the first state fiscal year ending after the date of implementation of the judicial retirement plan, all of the earnings of the judicial retirement plan which are in excess of [~~9.5 percent~~] ***the assumed rate of return plus ½ of one percent added to such rate*** shall be allocated to the special account. ***The assumed rate of return shall be approved by the board of trustees.*** None of the assets held in the special account shall be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b) and (c). The actuarial cost of all legislation enacted during each fiscal year and calling for funding from the special account shall be withdrawn from the special account, as of June 30 of each year, after funds are credited to the special account as provided in this subparagraph. [~~The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances, or COLAs, pursuant to RSA 100-C:17, and, second, to the extent that funds may be available in the special account, to provide additional benefits to retired members and beneficiaries of the judicial retirement plan.~~] ***The use of the special account shall be limited to only supplemental allowances or cost of living adjustments pursuant to RSA 100-C:17 and shall not exceed 20 percent of the amount of the plan assets for any calendar year. Any surplus in the special account shall be transferred to the plan's regular accounts on an annual basis. In the event of a year over year decline in plan assets, the board may transfer funds from the special account to the plan's regular accounts.***

Amend the bill by replacing sections 3 and 4 with the following:

3 Supplemental Allowances. Amend RSA 100-C:17, I, to read as follows:

I. On February 1 of each year, the fiscal committee of the general court may approve COLAs upon certification from the board of the amount of the COLA which may be granted based on the funds available in the special account. *The board shall have the authority to provide a COLA in such percentages or amounts as the board deems advisable including the ability to segment or tier amounts based upon years without a COLA. One-time or nonrecurring COLAs may also be approved by the board from time to time.* The board shall direct an actuary to certify to the fiscal committee the funds available, and any other information required by the committee, including but not limited to any change in the Consumer Price Index-Urban for the year prior to the year in which the allowance is granted. *Except for one-time or nonrecurring COLAs,* any such supplemental allowance when granted by the fiscal committee of the general court shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance.

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

MOTION TO TABLE

Senator Kelly moved to have SB 178-FN laid on the table.

Adopted.

LAIID ON THE TABLE

SB 178-FN, relative to the judicial retirement plan.

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 46, requiring criminal conviction record checks of all applicants to practice medicine in New Hampshire.

SB 57, requiring a course in civics for high school graduation.

SB 60-FN, relative to compensations for injuries and illnesses suffered by national guard members on state active duty.

SB 86, naming a bridge in Plymouth.

SB 87, making technical corrections to certain lottery commission provisions.

SB 93-FN, relative to insurance coverage for children's early intervention therapy services.

SB 95, relative to bingo games conducted by senior citizens' organizations.

SB 133-FN, relative to the escrow fund for court facility improvements.

SB 148-FN, relative to retirement system status for members of the university system police force.

SB 149, relative to the 2 family support councils for the developmentally disabled serving Lebanon and Claremont.

SB 153, establishing a committee to study changing statutory references to "mental retardation."

SB 155, relative to insurance coverage for chiropractic services.

SB 160-FN-L, adding members to the Skyhaven airport operation commission and changing the required completion date for the Skyhaven airport transfer plan.

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 and establishing a committee to study the feasibility of establishing a state death benefit for emergency medical technicians killed in the line of duty.

SB 187, relative to motor vehicles operated in parades.

SB 192-FN, establishing an outreach program in the children's health insurance program.

SB 206-FN-L, relative to the investment authority of local government entities.

SB 215-FN-A, making an appropriation for AIDS services.

SB 216, relative to certification of employee organizations to represent public employees.

SB 220, establishing a commission to study the feasibility of establishing a public review board for health insurance rate increase requests.

SB 221, establishing a commission to organize events in celebration of the Abraham Lincoln bicentennial.

SB 222-FN, relative to health insurance for national guard members.

SB 229, relative to restitution ordered against an inmate.

SB 231, exempting certain department of corrections practices and procedures from the provisions of RSA 541-A.

SB 245, relative to the New Hampshire college tuition savings plan.

SB 252, relative to publication of supreme court reports.

SB 260-FN, relative to the location and budget practices of the lottery commission.

SCR 2, urging Congress to amend the No Child Left Behind Act.

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.

HB 103, establishing a commission to study the state highway trust fund.

HB 122, naming a bridge in the town of Henniker after Sergeant Russell M. Durgin.

HCR 2, urging the federal government to establish a post office and a zip code in the town of Lee.

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, and sending and receiving messages.

Adopted.

In recess to the Call of the Chair.