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Contains: Floor Amendments.

HOUSE CALENDAR

THURSDAY, MAY 20

FLOOR AMENDMENTS

1999-1136h

Floor Amendment to HB 617-FN-A-LOCAL

Proposed by Rep. Leber

Amend the bill by deleting section 3 and renumbering the original sections 4-14 to read as 3-13, respectively.

Amend the bill by replacing section 9 with the following:

9 Applicability. The provisions of RSA 271-A:3, VII, as inserted by section 6 of this act shall take effect with respect to each of the commercial fish piers in Portsmouth, Rye Harbor, and Hampton Harbor as the New Hampshire state port authority assumes control of the management, operation, and maintenance of each respective pier pursuant to the provisions of section 8 of this act.

Amend the bill by replacing sections 12 and 13 with the following:

12 Committee to Study the Protection of Waterfront Properties from Erosion and Funding for Harbor Dredging and Pier Maintenance.

I. Committee Established. There is established a committee to study the protection of waterfront properties from erosion and funding for harbor dredging and pier maintenance.

II. Membership and Compensation.

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

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

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

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

III. Duties. The committee shall study the potential establishment of joint state and local projects to protect from erosion selected waterfront properties along the seacoast and various rivers throughout the state. The committee shall examine options for sharing the cost of the design, engineering, and construction of such projects. The committee shall also study potential sources of revenue for the harbor dredging and pier maintenance fund, including, but not limited to, unrefunded road tolls.

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

V. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

13 Effective Date.

I. Section 4 of this act shall take effect July 1, 1999.

II. Section 1 of this act shall take effect July 1, 1999 at 12:01 a.m.

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

AMENDED ANALYSIS

This bill:

I. Changes the dredging projects fund to the harbor dredging and pier maintenance fund.

II. Establishes a surcharge for boats registered for tidal and coastal waters to be paid into the harbor dredging and pier maintenance fund.

III. Requires the port authority set slip fees equal to mooring fees.

IV. Transfers the commercial fish piers in Portsmouth, Rye Harbor, and Hampton Harbor from the department of resources and economic development to the port authority.

V. Requires a feasibility study on mutual use of Coast Guard facilities and a report on Navigation Project obligations.

VI. Establishes a committee to study the protection of waterfront properties from erosion and funding for harbor dredging and pier maintenance.

1999-1344h

Corrected Amendment to HB 633-FN-LOCAL

Proposed by the Majority of the Committee on Education

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

1 Education; School Boards, Transportation and Instruction of Pupils; Definitions; Average Daily Membership in Residence;

Parental Choice Scholarship Students Added. Amend RSA 189:1-d, IV to read as follows:

IV. "Average daily membership in residence" means the average daily membership of students enrolled in public schools within the district ***or students attending a public or private school with parental choice scholarship assistance from the district*** or students whose tuition is being paid by the district to another approved public or private school for a given school district in a given school year.

2 New Chapter; Parental Choice Scholarships. Amend RSA by inserting after chapter 194-C the following new chapter:

CHAPTER 194-D

Parental Choice Scholarships

194-D:1 Statement of Purpose. It is the purpose of this chapter to:

- I. Ensure that school-age children of low-income families have current access to schools that are satisfactory to the parents.
- II. Allow more parents to choose among public and nonpublic schools best suited to their children's needs and talents and the parents' educational philosophy regardless of family income and place of residence.
- III. Encourage the establishment and operation of diverse learning environments designed to meet the individual educational needs and talents of New Hampshire's children.
- IV. Encourage all schools to reach beyond educational adequacy to educational excellence.

194-D:2 Definition. In this chapter, "parent" means a parent, guardian, or person having legal custody of a child.

194-D:3 Eligibility and Limitations.

- I. Notwithstanding the provisions of RSA 198:2 or any other law to the contrary, and except as otherwise provided in this chapter, a parent shall be eligible to receive a parental choice scholarship if:
 - (a) The public school within the district or the school to which the child has been assigned has average scores in the bottom 1/3 on a statewide basis in the state assessment tests for both of the 2 years preceding the parent's initial application for a scholarship; or
 - (b) The governing body or legislative body of the school district to which the child has been assigned has voted to authorize parental choice scholarships.
- II.(a) No parent shall receive a parental choice scholarship whose total household adjusted gross income for federal income tax purposes is greater than 300 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services.
- (b) Parents whose total household adjusted gross income for federal income tax purposes is not greater than 200 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services shall be eligible for 100 percent of the parental scholarship award amount established in RSA 194-D:4, II.
- (c) Parents whose total household adjusted gross income for federal income tax purposes is greater than 200 percent but not greater than 250 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services shall be eligible for 75 percent of the parental scholarship award amount established in RSA 194-D:4, II.
- (d) Parents whose total household adjusted gross income for federal income tax purposes is greater than 250 percent but not greater than 275 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services shall be eligible for 50 percent of the parental scholarship award amount established in RSA 194-D:4, II.
- (e) Parents whose total household adjusted gross income for federal income tax purposes is greater than 275 percent but not greater than 300 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services shall be eligible for 25 percent of the parental scholarship award amount established in RSA 194-D:4, II.
- III. No parent shall apply for a parental choice scholarship from a school district other than the district of the child's legal residence, as defined in RSA 193:12.

IV. No parental choice scholarship shall be awarded in violation of a tuition contract or an area plan under RSA 195-A existing on the effective date of this section. Tuition contracts and area plans approved and adopted after the effective date of this section shall not preclude receipt of a school choice scholarship by an otherwise eligible parent.

V. Parents shall apply for parental choice scholarships during the November or December before the academic year, unless the time limitation is waived.

VI. Once a parent receives a parental choice scholarship, the parent shall remain eligible for future scholarships until the child completes the final grade offered at the school to which the child was originally assigned, so long as the child remains a resident of the district and the parent meets the requirements of paragraph II.

VII. Notwithstanding the provisions of this chapter, school districts operating a parental choice program on the effective date of this section may continue to operate such program.

VIII. Parental choice scholarships shall be granted for no more than 5 percent of the total students assigned to the school. Scholarships shall be awarded to qualifying parents in the order that the applications are received by the school district.

194-D:4 Parental Choice Scholarships; Funding.

I. Parental choice scholarships shall be applied to tuition, textbooks, curricular materials, services, and expenses paid for kindergarten through grade 12 at a public or nonpublic school within or outside the state.

II. Parental scholarship award amounts shall be equal to 80 percent of the adequate education grant amount distributed to the school district pursuant to RSA 198:42 divided by the weighted average daily membership in residence or the actual costs of the school, whichever is less.

III. Parental choice scholarships shall be paid by the school district to the parent twice each school year upon submission of documentation that school services shall be provided.

IV.(a) Scholarship awards may only be applied towards attendance at a nonpublic school if the school meets the criteria set forth in the rules of the state board of education adopted pursuant to RSA 186:11, XXIX.

(b) All children attending nonpublic schools with parental choice scholarship assistance shall be given an academic achievement test chosen by the nonpublic school at least once every year. The nonpublic school shall pay the expense of the test. The test results shall be made available to the department of education upon request.

V. Parents may supplement scholarships with funds from their own or any other public or private sources, including scholarships from a school of choice.

194-D:5 Scholarship Program Requirements and Options.

I. A school district may enter into a contractual or other relationship with an approved nonpublic or charter school within or outside the state and may provide funds, services, equipment, materials, or personnel to a nonpublic school in order to effectuate the purposes of this chapter.

II. A school district may enter into a tuition contract with an approved nonpublic or charter school within or outside the state.

III. For purposes of this chapter, RSA 189:6, RSA 189:8, and RSA 189:9, relative to transportation services, shall be optional for school districts.

IV. Parental choice scholarship funds shall not be applied towards attendance at a sectarian school.

194-D:6 Educationally Disabled Pupils; Discrimination Prohibited.

I. In accordance with department of education rules, the funding and educational decision-making process for educationally disabled pupils attending nonpublic schools shall be the responsibility of the local education agency and shall retain all current options available to the parent and to such agency.

II. In order for an attending pupil's parents to be eligible for a parental choice scholarship, a nonpublic school shall certify to the department of education that the school shall not discriminate in any manner prohibited by law and shall not discriminate against educationally disabled pupils. For the purposes of this chapter and in conformance with federal regulations, nonpublic

schools shall provide an appropriate education to educationally disabled pupils including the provision of auxiliary aids and services unless doing so would fundamentally alter the nature of the program or would be an undue burden to the nonpublic school.

194-D:7 Liability Limited.

I. Except as specifically provided in this chapter, nonpublic schools shall not be required to comply with additional laws or rules as a result of attendance by pupils whose parents receive parental choice scholarship awards.

II. No nonpublic school shall be required to accept pupils whose parents receive parental choice scholarship awards.

III. No school district shall be held liable for damages in an action to recover for bodily injury, personal injury, property damage as defined in RSA 507-B:1, or failure to educate pupils, where the action arises out of a parent's exercise of options under the provisions of this chapter.

194-D:8 Construction. The provisions of this chapter shall be controlling over any provisions of law that are contradictory to or inconsistent with this chapter.

194-D:9 Rulemaking. The state board of education shall adopt rules, pursuant to RSA 541-A, necessary to administer the provisions of this chapter.

194-D:10 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

3 Report by Department of Education; Parental Choice Scholarship Program. The department of education shall report annually to the house and senate education committees on the parental choice scholarship program. Each report shall be submitted by November 1 and shall include, but not be limited to, the number of parental choice scholarships granted in each school district, test results of parental choice scholarship students, a statistical analysis of the incomes of parents receiving parental choice scholarships, and any information specifically requested by the committee chairpersons.

4 Effective Date. This act shall take effect July 1, 2000.

1999-1333h

Floor Amendment to HB 722-FN

Proposed by Rep. Arnold

Amend RSA 173-B:5, VIII (c) as inserted by section 3 of the bill by replacing it with the following:

(c) A defendant who is restrained from contacting the plaintiff or entering the premises of the plaintiff is prohibited from doing so even if invited by the plaintiff unless the restraining order has been modified by the court. A plaintiff shall be prohibited from inviting the defendant to contact the plaintiff or to enter the plaintiff's premises unless the restraining order has been modified by the court. Violations of this subparagraph by either a plaintiff or defendant shall subject either party to the penalty provisions in paragraph VII of this section.

Amend RSA 173-B:5, X (c) as inserted by section 3 of the bill by replacing it with the following:

(c) Law enforcement agencies shall not release firearms and ammunition and specified deadly weapons without a court order granting such release. Possession of a defendant's firearms, ammunition, and specified deadly weapons, pursuant to this chapter, shall be taken by the local law enforcement agency in the city or town in which the defendant resides. Such agency shall be responsible for the safe and proper storage of a defendant's firearms, ammunition, and specified deadly weapons, and any costs related thereto. If a local law enforcement agency is unable to provide such safe and proper storage, the state police shall provide for their safe and proper storage, including any costs related thereto. Retrieval of such firearms shall be through the law enforcement agency responsible for their safe and proper storage pursuant to a court order as prescribed in this paragraph.