

STATE OF NEW HAMPSHIRE

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161st Session of the New Hampshire General Court

Legislative

SENATE CALENDAR ADDENDUM REPORTS, AMENDMENTS

**THE SENATE WILL MEET IN SESSION ON WEDNESDAY, MARCH 25, 2009 AT 9:30 A.M.
THE SENATE WILL MEET IN JOINT CONVENTION WITH THE HOUSE OF**

REPRESENTATIVES ON WEDNESDAY, MARCH 25, 2009 AT 10:00 A.M. FOR THE STATE OF THE JUDICIARY ADDRESS

REPORTS

COMMERCE, LABOR AND CONSUMER PROTECTION

SB 193, relative to the interest rate on small loans and relative to the definition of lender for purposes of regulating such loans.

Ought to Pass, Vote 4-0.

Senator Reynolds for the committee.

ELECTION LAW AND VETERANS' AFFAIRS

SB 21, enabling certain persons to vote in primaries prior to turning 18 years of age.

Ought to Pass, Vote 3-2.

Senator Lasky for the committee.

SB 157, relative to the procedure for listing candidates on election ballots.

Ought to Pass with Amendment, Vote 3-2.

Senator Houde for the committee.

SB 196, relative to non-judicial punishment for offenses by military officers and personnel.

Ought to Pass, Vote 5-0.

Senator Barnes for the committee.

SB 204, relative to postsecondary educational assistance for New Hampshire national guard members.

Ought to Pass with Amendment, Vote 4-0.

Senator Lasky for the committee.

HEALTH AND HUMAN SERVICES

SB 158, establishing a commission to study the creation of an uncompensated care fund to provide payments to certain health care providers.

Ought to Pass with Amendment, Vote 5-0.

Senator Sgambati for the committee.

SB 199, establishing a committee to study the training of public safety officials to respond to persons with mental illness recently discharged from treatment facilities.

Ought to Pass with Amendment, Vote 4-1.

Senator Downing for the committee.

HB 66, relative to the legal age for blood donations.

Ought to Pass, Vote 5-0.

Senator Gallus for the committee.

HB 85-FN-A, establishing the women, infants and children program fund.

Ought to Pass, Vote 4-0.

Senator Gilmour for the committee.

AMENDMENTS

Election Law and Veterans' Affairs

March 24, 2009

2009-1002s

03/05

Amendment to SB 157

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

AN ACT relative to the procedure for listing candidates on election ballots and establishing a citizen-funded election task

force.

Amend the bill by replacing section 1 with the following:

❑ Municipal Elections; City Charters; Preparation of Ballots. Amend RSA 49-C:6 to read as follows:

49-C:6 Preparation of Ballots. The city clerk shall prepare the ballots to be used at the municipal elections. Under charters providing for election by the Australian ballot system, the ballots shall be prepared in accordance with the procedure provided for in general election laws governing such system. Under charters providing for non-partisan elections, the ballot shall contain the names in alphabetical order by surname ***according to the alphabetization and rotation procedure established in RSA 656:5-a, with the city clerk acting in lieu of the secretary of state***, without party designation, of all who file with the city clerk as candidates for elective office. In the alternative, the charter may provide for a random selection of the order of names on the ballot ***or the city clerk may follow an alphabetization and rotation procedure specified by the secretary of state pursuant to RSA 656:5-a***. The charter shall specify a filing period, the filing fee to be paid for each office, and, as an alternative method of becoming a candidate on the ballot, the number of qualified voters which may be subscribed to a nominating petition in such form as the charter may set out.

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

❑ Preparation of State General Election Voting Materials; Party Columns. Amend RSA 656:5 to read as follows:

656:5 Party Columns. The names of all candidates nominated in accordance with the election laws shall be arranged upon the state general election ballot in successive party columns. Each separate column shall contain the names of the candidates of one party; except that, if only a part of a full list of candidates is nominated by a political party, 2 or more such lists may be arranged whenever practicable in the same column. The party columns that list the names of candidates for offices that elect more than one person shall stagger the names of the candidates so that they do not line up evenly in a horizontal direction. The left-most column shall begin one line below the column to its right. The secretary of state shall determine the ***vertical*** location of any additional columns that may appear on the ballot. ***The position of party columns shall be rotated on the ballots used so that each party column shall appear thereon, to the extent practicable, an approximately equal number of times in the first, last, and each intermediate column position across the state, without requiring more than one unique column order or ballot format for each town and city ward. The secretary of state shall develop a column rotation order plan for each general election starting with a reasonably balanced rotation across each state representative district consisting of more than one town or ward. Only after establishing a party column rotation order for all towns and wards shall the secretary of state publicly select by lot the actual party column to be positioned in the first column and each subsequent column in the first rotation order. Such public selection shall be held after the close of the filing period for the state primary as specified in RSA 655:14 and after giving at least 3 days written notice of the date, time, and location of such selection to the governor, the state chairmen of the parties, the speaker of the house of representatives, the president of the senate, and the minority leaders of both houses of the general court.***

❑ New Section; Preparation of State General Election Voting Materials; Order of Candidate Names on Ballots. Amend RSA 656 by inserting after section 5 the following new section:

656:5-a Order of Candidate Names on Ballots. Whenever there are 2 or more candidates for the same office whose names will appear within the same column or list on a ballot, the names of such candidates shall be rotated on the ballots used so that each name shall appear thereon, to the extent practicable, an equal number of times at or near the top, at or near the bottom, and in each intermediate position, if any, of the list in which it belongs, without requiring more than one unique name order or ballot format for each town and city ward. The secretary of state shall randomly select one candidate's name to appear at the top of each such list for the first name order rotation. Other candidates' names shall be arranged to follow in alphabetical order of their surnames with the letter "a" following "z." The random selection of a candidate's name to go first in the first name order rotation, which may be the only name order if there is only one unique ballot format for the office, shall be made by lot or by another procedure in which each candidate has an equal probability of being chosen first. Such random selection of names, and establishment of a random selection procedure for the ordering of lists of names on ballots to be in effect until the next selection, shall be done publicly and after the close of the filing period for the state primary as specified in RSA 655:14 and after giving at least 3 days written notice of the date, time, and location of such selection to the governor, the state chairmen of the parties, the speaker of the house of representatives, the president of the senate, and the minority leaders of both houses of the general court.

Amend the bill by replacing sections 8 and 9 with the following:

❑ Town Elections; Official Ballot; Voting Materials. Amend RSA 669:23 to read as follows:

669:23 Preparation of Voting Materials. The town clerk shall prepare the official ballots for the town and shall arrange the

names of candidates upon said ballots in parallel columns. Immediately above the names of each block of candidates shall be printed the title of the office for which they are candidates, such as "For Selectman." Below the title of each office shall be printed in small but easily legible type the words "Vote for not more than (here insert a number designating how many persons are to be voted for)." Directly to the right of the name of each candidate there shall be a square. Whenever there are 2 or more candidates for the same office the names shall be printed upon the ballot in the alphabetical order of their surnames ***according to the alphabetization procedure established in RSA 656:5-a, with the town clerk acting in lieu of the secretary of state. In the alternative, the town clerk may follow an alphabetization procedure specified by the secretary of state pursuant to RSA 656:5-a, or the governing body may provide for a random selection of the order of names on the ballot.*** Following the names printed on the ballot under the title of each office, there shall be as many blank lines as there are persons to be elected to that office.

9 Form of Candidate's Name on Ballot; Nicknames. Amend RSA 655:14-b, I-II to read as follows:

I. Every candidate for state or federal office who intends to have his or her name printed upon the ballot of any party for a primary shall designate in the declaration of candidacy, or on the primary petitions and assents to candidacy, the form in which the candidate's name shall be printed on the ballot. ~~[The candidate may designate his or her given, first, and middle name, the initials of his or her given, first, and middle name, a nickname, or any combination thereof as the form in which the candidate's name shall be printed on the ballot, but the candidate shall not designate a deceptive name. If the candidate designates a nickname in place of or in combination with the candidate's given name or the initials thereof, the nickname shall be set off with quotation marks and shall be placed immediately before his or her surname. If the candidate designates a nickname, the nickname shall be customarily related to the candidate's given name, or, if the nickname is not customarily related to the candidate's given name, the candidate shall submit clear and convincing evidence that the candidate has been known by the nickname for at least the 5 years immediately preceding the time of filing. If deemed sufficient by the appropriate official, 3 affidavits from voters in the district who are not related to the candidate stating that the candidate has been known by the nickname for at least 5 years may constitute clear and convincing evidence. Nicknames shall be limited to one word, except for 2-word nicknames customarily related to the candidate's given name.]~~ ***The designated name may include the candidate's given name or a shortened form of the candidate's given name or a one-word nickname customarily related to the candidate, and by which the candidate is commonly recognized. The designated name may also include an initial for the first or middle name, or both.*** No candidate may designate a nickname that implies that the candidate is some other person, that constitutes a slogan or otherwise associates the candidate with a cause or issue, ~~[or]~~ that has an offensive or profane meaning~~[-]~~, ***or that creates a perception of a professional or vocational affiliation, such as "Doc" or "Coach."*** A candidate shall include his or her surname in the designation of the form in which the candidate's name shall be printed on the ballot.

II. Every candidate for state or federal office who intends to have his or her name placed on the ballot for the state general election by means other than nomination by party primary shall designate in the declaration of intent the form in which the candidate's name shall be printed on the ballot. ~~[The candidate may designate his or her given, first, and middle name, the initials of his or her given, first, and middle name, a nickname, or any combination thereof as the form in which the candidate's name shall be printed on the ballot, but the candidate shall not designate a deceptive name. If the candidate designates a nickname in place of or in combination with the candidate's given name or the initials thereof, the nickname shall be set off with quotation marks and shall be placed immediately before his or her surname. If the candidate designates a nickname, the nickname shall be customarily related to the candidate's given name, or, if the nickname is not customarily related to the candidate's given name, the candidate shall submit clear and convincing evidence that the candidate has been known by the nickname for at least the 5 years immediately preceding the time of filing. If deemed sufficient by the appropriate official, 3 affidavits from voters in the district who are not related to the candidate stating that the candidate has been known by the nickname for at least 5 years may constitute clear and convincing evidence. Nicknames shall be limited to one word, except for 2-word nicknames customarily related to the candidate's given name.]~~ ***The designated name may include the candidate's given name or a shortened form of the candidate's given name or a one-word nickname customarily related to the candidate, and by which the candidate is commonly recognized. The designated name may also include an initial for the first or middle name, or both.*** No candidate may designate a nickname that implies that the candidate is some other person, that constitutes a slogan or otherwise associates the candidate with a cause or issue, ~~[or]~~ that has an offensive or profane meaning~~[-]~~, ***or that creates a perception of a professional or vocational affiliation, such as "Doc" or "Coach."*** A candidate shall include his or her surname in the designation of the form in which the candidate's name shall be printed on the ballot.

Amend the bill by inserting after section 9 the following and renumbering the original section 10 to read as 11:

10 Citizen-Funded Election Task Force.

I. There is established a citizen-funded election task force. The members of the task force shall be as follows:

(a) One member 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) Two members representing organizations supporting public financing of campaigns, appointed jointly by the president of the senate and the speaker of the house of representatives.

(d) One member who served on the commission to study the feasibility of public funding of state election campaigns established by 2008, 55, appointed jointly by the president of the senate and the speaker of the house of representatives.

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

III. The task force shall:

(a) Review the report of the commission to study the feasibility of public funding of state election campaigns established by 2008, 55, and develop a detailed plan, including proposals for specific legislation, to implement the recommendations of the report.

(b) Solicit input from senators, representatives, the governor, executive councilors, the attorney general, the secretary of state, and any other persons deemed appropriate by the task force.

(c) Hold public hearings at times and at locations around the state that are likely to elicit substantive input from the general public.

(d) Make the schedule and minutes of meetings of the task force, and all testimony and materials presented to the task force, available to the public on a website.

IV. The members of the task force shall elect a chairperson from among the members. The first meeting of the task force shall be called by the first-named senate member. The first meeting of the task force shall be held within 60 days of the effective date of this section. Four members of the task force shall constitute a quorum.

V. The task force shall submit an initial report on or before November 16, 2009 and a final report on or before November 15, 2010 of 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 chairmen of the senate election law and veterans' affairs committee, the chairmen of the house election law committee, the governor, and the state library.

2009-1002s

AMENDED ANALYSIS

This bill:

I. Establishes a procedure for the random drawing of a candidate's name for the ordering of names on election ballots and requires the rotation of candidate names and party columns on the ballots.

II. Changes the limitations on a candidate designating a name to be placed on the ballot.

III. Establishes a citizen-funded election task force.

Health and Human Services

March 17, 2009

2009-0852s

01/04

Amendment to SB 158

Amend subparagraphs I(l) and (m) of section 2 of the bill by replacing them with the following:

(l) A public member who is uninsured or underinsured, appointed by the governor.

(m) A representative of the New Hampshire Citizen's Health Initiative, appointed by the governor.

(n) A representative of the Bi-State Primary Care Association, appointed by the association.

(o) The attorney general, or designee.

Health and Human Services

March 24, 2009

2009-1013s
05/01

Amendment to SB 199

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

AN ACT establishing a committee to study the training of public safety officials to respond to persons with mental illness.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the training of public safety officials to respond to persons with mental illness.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall assess the need for, and adequacy of, training for public safety officials to respond to persons with mental illness. The committee shall solicit information and testimony from those individuals, agencies, and organizations that may be of assistance to the committee in the performance of its study.

2009-1013s

AMENDED ANALYSIS

This bill establishes a committee to study the training of public safety officials to respond to persons with mental illness.

Election Law and Veteran's Affairs
March 24, 2009
2009-0922s
09/04

Amendment to SB 204

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

AN ACT relative to postsecondary educational assistance for New Hampshire national guard members and excluding certain entities that license software from the definition of private postsecondary career school.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Subparagraph; Exclusions from Definition; Private Postsecondary Career School. Amend RSA 188-D:19, II by inserting after subparagraph (m) the following new subparagraph:

(n) Entities that license software, the content of which is focused on training or education, if the entity:

- (1) Is primarily engaged in the business of licensing software;
- (2) Does not offer or provide any other form of training or education beyond the software that it licenses;
- (3) Licenses its software primarily to other legal entities, and not directly to an end user or individual student;
- (4) Does not confer degrees, diplomas, continuing education units, or any other form of credit in connection with the software that it licenses;

(5) Is not accredited and does not seek accreditation in connection with the software that it licenses or the content it offers; and

(6) Does not offer an admissions process, financial aid, career advice, or job placement in connection with the software that it licenses.

2009-0922s

AMENDED ANALYSIS

This bill requires national guard members seeking New Hampshire postsecondary educational assistance to first utilize certain federal educational benefits and entitlements.

This bill also excludes certain entities that license software from the definition of private postsecondary career school.