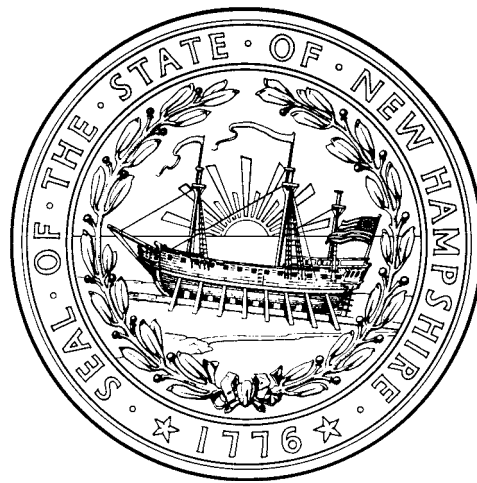


**March 3, 2010
Nos. 7-8**

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



**Second Year of the 161st Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

ADJOURNMENT – FEBRUARY 17, 2010 SESSION

COMMENCEMENT – MARCH 3, 2010 SESSION

SENATE JOURNAL 7 *(continued)*

February 17, 2010

INTRODUCTION OF SENATE BILLS

Sen. Hassan offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following Senate legislation shall be, by this Resolution, read a first and second time by the therein listed title and referred to the therein designated committee.

Motion adopted.

First and Second Reading and Referral

10-2942

SB 494, relative to legislative study committees. (Downing, Dist 22; Cilley, Dist 6; Harding, Graf 11; Kurk, Hills 7: Executive Departments and Administration)

10-2951

SB 504-FN, relative to the effective date for the implementation of the retirement system employer assessments for excess benefits. (Cilley, Dist 6; Hawkins, Hills 18; Patricia McMahon, Merr 3; K. Gould, Rock 5: Executive Departments and Administration)

10-2960

SB 505-FN-A, establishing the New Hampshire health services cost review commission and continually appropriating a special fund. (Hassan, Dist 23; DeVries, Dist 18; Cilley, Dist 6; Gallus, Dist 1; Houde, Dist 5; Fuller Clark, Dist 24; Butler, Carr 1; Schlachman, Rock 13; Rosenwald, Hills 22; Dokmo, Hills 6: Commerce, Labor and Consumer Protection)

10-2955

SB 506, ceding concurrent jurisdiction to the United States government over certain property located at the federal prison in Berlin. (Gallus, Dist 1; Hassan, Dist 23; D'Allesandro, Dist 20; Ingersoll, Coos 4; Theberge, Coos 4; Bouchard, Merr 11: Public and Municipal Affairs)

10-2950

SB 507, relative to the Masonic Home. (D'Allesandro, Dist 20; Odell, Dist 8; Roberge, Dist 9; DeVries, Dist 18; Weyler, Rock 8; Nixon, Hills 17: Executive Departments and Administration)

10-2946

SB 508, establishing the state office of veterans services. (Barnes, Jr., Dist 17; Lasky, Dist 13; Carson, Dist 14; Hassan, Dist 23; Pepino, Hills 11; Baldasaro, Rock 3; K. Roberts, Ches 3: Election Law and Veterans' Affairs)

10-2945

SB 509, establishing the New Hampshire medal of honor fund and repealing the New Hampshire service award. (Barnes, Jr., Dist 17; Hassan, Dist 23; Lasky, Dist 13; Carson, Dist 14; Pepino, Hills 11; Baldasaro, Rock 3; K. Roberts, Ches 3: Election Law and Veterans' Affairs)

10-2957

SB 510, establishing a commission to evaluate the parity between oral and intravenous chemotherapy. (Houde, Dist 5; Merrill, Dist 21; Sgambati, Dist 4; Houde-Quimby, Sull 1; Hammond, Hills 3; Nord, Rock 1: Health and Human Services)

10-2944

SB 511-FN-A, relative to an exemption from the tax on gambling winnings. (Barnes, Jr., Dist 17; Odell, Dist 8; D'Allesandro, Dist 20; Bradley, Dist 3: Finance)

10-2949

SB 512-FN, relative to the community college system of New Hampshire. (Bragdon, Dist 11; Merrill, Dist 21; J. Day, Rock 13: Finance)

10-2872

SJR 2, endorsing the establishment of a statewide retiree medical trust for public employee health care reimbursement benefits after retirement. (Janeway, Dist 7; Cilley, Dist 6; Downing, Dist 22; Benn, Graf 9; McEachern, Rock 16; Reagan, Rock 1; Harding, Graf 11; Hawkins, Hills 18: Executive Departments and Administration)

10-2947

SCR 3, congratulating the Boy Scouts of America on the occasion of its 100th anniversary. (Letourneau, Dist 19; DeVries, Dist 18; Barnes, Jr., Dist 17; Bragdon, Dist 11; Bradley, Dist 3; Gilmour, Dist 12; Carson, Dist 14; Lasky, Dist 13; Larsen, Dist 15; Hassan, Dist 23; Downing, Dist 22; Reynolds, Dist 2; Odell, Dist 8; Roberge, Dist 9; Kelly, Dist 10; Cilley, Dist 6; D'Allesandro, Dist 20; Gallus, Dist 1; Major, Rock 8; Packard, Rock 3: Education)

INTRODUCTION OF HOUSE BILL

Sen. Hassan offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Motion adopted.

First and Second Reading and Referral

HB 1131, relative to requirements for firefighter certification. (Executive Departments and Administration)

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 157, relative to the procedure for listing candidates on election ballots and establishing a citizen-funded election task force.

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 213-FN, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system.

HB 268, relative to transfers from the judicial branch to the executive or legislative branches of state government.

HB 523-FN, requiring DNA testing of all persons convicted of a felony.

HB 660-FN, relative to the life settlements act.

HB 1127, relative to service of process on commercial tenants.

HB 1131, relative to requirements for firefighter certification.

HB 1137, relative to withholding of wages.

HB 1139, relative to the regulation of podiatrists by the board of podiatry.

HB 1150, removing certain references to nomination for the office of vice-president.

HB 1155, relative to water district contracts.

HB 1161, repealing the requirement to obtain a license to sell in order to sell pistols or revolvers at retail.

HB 1163, relative to the definition of employer for purposes of safety provisions under the workers' compensation law.

HB 1165, relative to access to records for child support enforcement.

HB 1166, relative to procurement procedures of the director of plant and property management, and relative to approval of design build projects.

HB 1168, clarifying the definition of gross misconduct for purposes of unemployment compensation.

HB 1177, establishing a committee to study education and career development programs for youth and young adults in the juvenile and adult criminal justice systems.

HB 1184, relative to the administration of the unused prescription drug program.

HB 1185, relative to retired judges over 70 years of age.

HB 1187, relative to residential elevators and accessibility lifts.

HB 1193, relative to the definition of allowable child care expenses for purposes of determining child support and establishing a legislative oversight committee relative to implementation of the 2009 New Hampshire Support Guidelines Review and Recommendations.

HB 1199, relative to the boundaries of the North Conway water precinct.

HB 1201, including loaded muzzleloaders in the prohibition of hunting from a vehicle.

HB 1204, relative to equipment and inspection exemptions for older vehicles.

HB 1207, relative to Delta Dental data submission.

HB 1208, relative to rebate exemptions.

HB 1211, relative to special meetings in towns with official ballot town meetings.

HB 1213, relative to notice to the department of health and human services of the allocation of spousal income and relative to estate planning by guardians.

HB 1214, relative to the grounds for suspending or revoking a foster home license.

HB 1217, relative to liability issues associated with the juvenile diversion program.

HB 1219, repealing the wartime registration of aliens laws.

HB 1220, relative to meals and rentals licenses.

HB 1227-L, relative to laying pipes for pressurized hot water transmission and distribution.

HB 1235, relative to regulation of dentistry by the board of dental examiners.

HB 1236, relative to underwriting on the basis of credit information.

HB 1262, relative to disabled parking signs.

HB 1271, establishing a task force on work and family.

HB 1278-FN, relative to milk producer-distributors.

HB 1280-FN, relative to life and health guaranty limits.

HB 1301, relative to the regulation of fuel gas fitters.

HB 1306, relative to approval of recommendations of marital masters and judicial referees.

HB 1310, allowing towns to hire health care workers.

HB 1326, relative to the use of long-term antibiotics for the treatment of Lyme disease.

HB 1334, relative to penalties for unpaid fines concerning hazardous materials accidents.

HB 1337, relative to requirement for public forums for the assessing standards board and the equalization standards board.

HB 1352, relative to direct shippers.

HB 1359, relative to the enforcement of humane slaughter laws.

HB 1361, relative to procedures for notification of parole hearings.

HB 1363, relative to continuing care communities.

HB 1364, relative to Medicare unfair trade practices.

HB 1368, relative to the definition of "employee" for workers' compensation purposes.

HB 1372, establishing a committee to study the provisions of RSA 570-A, the wiretapping and eavesdropping statute, and to study permitting a person to record a law enforcement officer in the course of such officer's official duties.

HB 1373, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs.

HB 1378-FN, establishing an adopt-a-state park program in the state park system and establishing an adopt-a-forest fire tower program in the division of forests and lands.

HB 1379, relative to promotion of the state parks.

HB 1390, relative to the minimum age for the operation of commercial vessels.

HB 1415, relative to the donation of official records of state governors and members of Congress to the state of New Hampshire.

HB 1417, allowing companion dogs in certain areas of restaurants.

HB 1430, relative to the uniform anatomical gift act.

HB 1452-FN, relative to commercial motor vehicle operation.

HB 1459, relative to the board of trust company incorporation.

HB 1469, relative to the required number of instructional days and instructional hours in a school district's calendar.

HB 1484, relative to residency restrictions for sex offenders.

HB 1490, establishing a citizens task force to study state revenues and expenditures.

HB 1497, relative to the governance of the Concord school district

HB 1516-FN-A, relative to funding the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

HB 1517-FN, establishing a DWI victim fatality sign program.

HB 1527, relative to exceptions from the definition of private postsecondary career schools.

HB 1535-FN, relative to absentee voting, special elections, election returns, preservation of ballots, recounts, and the ballot law commission.

HB 1548-FN, relative to ambulatory surgical facilities under the law requiring reporting of hospital infections.

HB 1592-FN, relative to the exemption from the charge for a municipal permit to register a motor vehicle for amputee and other disabled veterans.

HB 1606-FN, relative to state aid for wastewater and public water supply projects.

HB 1634-FN, relative to assault by strangulation.

HB 1651-FN, requiring that current information and reports relative to the state budget be made available on the state website.

HB 1665-FN, relative to the penalty for carrying or selling certain weapons.

HB 1680-FN, establishing the crime of aggravated harassment by an inmate.

HB 1689, exempting certain non-regulatory boards, commissions, councils, advisory committees, and task forces from repeal on June 30, 2011.

HB 1690, making statutory changes required by the repeal of certain non-regulatory boards, commissions, councils, advisory committees, and task forces.

HCR 24, supporting the Youth PROMISE Act.

Out of Recess.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Hassan moved that the Senate adjourn from the Late Session.

Motion adopted.

Adjournment from the Late Session.

SENATE JOURNAL 8

March 3, 2010

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditative thoughts and prayer:

The great rabbi, Hillel the Elder, who lived in the first third of the first century in Jerusalem and who would have passed Jesus on the way to Dunkin' Donuts on many occasions – (laughter) – was once told by a gentile that if he could recite the entire Torah standing on one foot, the gentile would convert. The rabbi lifted one foot off the ground and said, "What is hateful to you, do not do to your fellow; this is the whole Torah, the rest is the explanation; go and learn." He then exhaled, I assume, and put his foot down and claimed his prize, probably handing them yamakas or – well, the other option sounds too painful. (Laughter) But the point is that Hillel recognized brotherly and sisterly love as the fundamental principle of Jewish moral law, and that is the fundamental principle of Christian moral law as well, and, I've noticed, the moral law of most every religion I have seen. Let us pray:

God of love, You loved this cosmos into existence and You love us with a hot passion. As we play with the toys you set down in this "playpen" we call earth, help us to occasionally look up with gratitude for its beauty and with humility in our ruthless preoccupation with being right. Amen

Sen. Odell led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

RESOLUTION presented by Sen. Merrill and Sen. D'Allesandro to Coach Sean McDonnell and team members of the 2009 UNH Football Team in recognition of their dedication to academic and athletic achievement.

RESOLUTION presented by Sen. Reynolds to the Inter-Lakes High School Football Team members and coaches in recognition of winning the 2009 Division VI state championship.

Sen. Odell introduced Josh Lizotte, and Sen. Houde introduced Tyrus Beaucher, students from Kearsarge Regional High School in North Sutton, serving as Senate Pages for today's session.

FINANCE REPORT

Sen. D'Allesandro reported the following bills will go to Finance: SB 359-FN, SB 361-FN, SB 385-FN, SB 386-FN, SB 457-FN, SB 485-FN-A, SB 500-FN, SB 501-FN; SB 470-FN and SB 493-FN, if amendment on the floor is defeated, must go to Finance. The following bills are waived from Finance: SB 343-FN, SB 349-FN-L, SB 354-FN, SB 387-FN, SB 388-FN, SB 390-FN, SB 400-FN, SB 425-FN, SB 455-FN, SB 471-FN, SB 499-FN. SB 490 and SB 498, not on today's Calendar, have also been waived.

COMMITTEE REPORTS

SB 434, requiring the Pettengill Road project in Londonderry to be added to the state's 10-year transportation improvement program. Capital Budget Committee. Inexpedient to Legislate, Vote 5-0. Senator Bragdon for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 434.

Motion of Inexpedient to Legislate adopted.

Sen. Carson is in opposition to the Motion of Inexpedient to Legislate on SB 434.

Recess. Out of recess.

SB 345-FN, relative to automatic renewal of contracts. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 5-0. Senator Reynolds for the committee.

MOTION TO TABLE

Sen. Reynolds moved to table SB 345-FN.

The question is on the motion to table SB 345-FN.

Motion adopted.

LAID ON THE TABLE

SB 345-FN, relative to automatic renewal of contracts.

SB 390-FN, relative to health insurance premium only cafeteria plans. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 4-1. Senator Cilley for the committee.

MOTION TO TABLE

Sen. Cilley moved to table SB 390-FN.

The question is on the motion to table SB 390-FN.

Motion adopted.

LAID ON THE TABLE

SB 390-FN, relative to health insurance premium only cafeteria plans.

SB 452-FN, authorizing individuals and certain businesses to purchase health insurance from out-of-state insurance companies. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 4-1. Senator Cilley for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 452-FN.

A roll call was requested by Sen. Hassan, seconded by Sen. Reynolds.

Recess. Out of recess.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 452-FN.

A roll call had been requested.

The following Senators voted Yes: (None)

The following Senators voted No: Gallus, Reynolds, Bradley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Boutin, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

Yeas: 0 - Nays: 24

Motion of Inexpedient to Legislate failed.

Sen. Cilley moved Ought to Pass.

Recess. Out of recess.

Sen. Cilley offered a floor amendment.

Sen. Cilley, Dist. 6

March 2, 2010

2010-0872s

01/09

Floor Amendment to SB 452-FN

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

AN ACT relative to jurisdiction over certain health insurers.

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

1 Insurance Department; Jurisdiction Over Certain Health Insurers. Amend RSA 415:23, I-IV to read as follows:

I. Notwithstanding any other provision of law, and except as provided in this section, any person or other entity, *whether domestic or foreign*, which provides coverage in this state for medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric expenses, whether such coverage is by direct payment, reimbursement, or otherwise, shall be presumed to be subject to the jurisdiction of the department unless the person or other entity shows that, while providing such services, it is subject to the jurisdiction of another agency of this or another state or of the federal government. The provisions of this section shall not apply to dental service corporations established by 1961, 345 or vision service corporations established by 1969, 614.

II. A person or entity may show that it is subject to the jurisdiction of another agency or department of this [~~or another~~] state or of the federal government by providing to the commissioner the appropriate certificate or license issued by the other governmental agency which permits or qualifies it to provide those services for which it is licensed or certificated.

III. Any person or entity which is unable to show that it is subject to the jurisdiction of another agency of this [~~or another~~] state or of the federal government shall submit to an examination by the commissioner to determine the organization and solvency of the person or the entity and to determine whether or not such person or entity is in compliance with the applicable provisions of Title XXXVII.

IV. Any person or entity unable to show that it is subject to the jurisdiction of another agency of this [~~or another~~] state or of the federal government shall be subject to all appropriate provisions of Title XXXVII regarding the conduct of its business.

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

2010-0872s

AMENDED ANALYSIS

This bill clarifies the jurisdiction of the insurance department over certain health insurers.

The question is on the adoption of Floor Amendment 0872s.

Floor Amendment 0872s adopted.

The question is on the Motion of Ought to Pass as Amended on SB 452-FN.

A roll call was requested by Sen. Hassan, seconded by Sen. Reynolds.

The following Senators voted Yes: Gallus, Reynolds, Bradley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Boutin, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SB 455-FN, relative to New Hampshire HealthFirst. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 4-1. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 455-FN.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

Sen. Letourneau is in opposition to the motion of Ought to Pass on SB 455-FN.

SB 501-FN, relative to worksharing benefits under the unemployment compensation law, and relative to training grants. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 5-0. Senator Hassan for the committee.

Commerce, Labor and Consumer Protection

February 18, 2010

2010-0819s

06/01

Amendment to SB 501-FN

Amend RSA 282-A:31-b, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) The plan provides that health benefits shall continue to be provided to the employees in the affected units as though their normal weekly hours of work had not been reduced, provided that retirement benefits under a defined benefit pension plan, as defined in section 3(35) of the Employee Retirement Income Security Act of 1974, shall continue to be provided to the employees in the affected units on a pro-rata basis, and specifies the effect, if any, the reduction in the normal weekly hours of work will have on other fringe benefits provided by the employer.

Amend RSA 282-A:31-b, I(f) as inserted by section 1 of the bill by replacing it with the following:

(f) The written approval by the collective bargaining agent certified representative for each affected unit is included in the plan.

The question is on the adoption of Committee Amendment 0819s.

Committee Amendment 0819s adopted.

(Sen. DeVries welcomed fourth-grade visitors from Highland Goffe's Falls School in Manchester.)

The question is on the motion of Ought to Pass as Amended on SB 501-FN.

Motion of Ought to Pass as Amended adopted, bill ordered to Committee on Finance (Rule 26).

SB 309, relative to exempting the division of fire standards and training and emergency medical services from the definition of private postsecondary career school. Education Committee. Ought to Pass, Vote 5-0. Senator Letourneau for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 309.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

SB 386-FN, extending the pilot program for chartered public schools approved by the state board of education. Education Committee. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

Senate Education
February 16, 2010
2010-0774s
04/03

Amendment to SB 386-FN

Amend the bill by replacing section 3 with the following:

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

MOTION TO TABLE

Sen. Kelly moved to table SB 386-FN.

The question is on the motion to table SB 386-FN.

Motion adopted.

LAI D ON THE TABLE

SB 386-FN, extending the pilot program for chartered public schools approved by the state board of education.

SPECIAL ORDER

Without objection President Larsen moved SCR 2 be Special-Ordered to the Senate Calendar of March 10, 2010.

Education Committee

SCR 2, encouraging New Hampshire schools to adopt environmentally sound practices in their school cafeterias and school lunch programs.

SB 322, allowing the director of the division of state police to place an employee on administrative leave in extraordinary circumstances. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator Downing for the committee.

Senate Executive Departments and Administration
February 18, 2010
2010-0822s
08/04

Amendment to SB 322

Amend RSA 106-B:5, II as inserted by section 1 of the bill by replacing it with the following:

II. The director may place any police employee on administrative leave with pay for purposes of conducting an administrative review of incidents involving the use of deadly or non-deadly force as defined in RSA 627:9 or if the employee was involved in a critical incident. "Critical incident" means any situation faced by an employee that has the potential to interfere with his or her ability to perform his or her duties. "Critical incidents" include line of duty injuries, line of duty death of a coworker, mass casualty incidents, or death of a child.

2010-0822s**AMENDED ANALYSIS**

This bill allows the director of the division of state police to place an employee on administrative leave in extraordinary circumstances.

The question is on the adoption of Committee Amendment 0822s.

Committee Amendment 0822s adopted.

The question is on the motion of Ought to Pass as Amended on SB 322.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SB 359-FN, requiring the state treasurer to post online certain information regarding payments made by the state. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Executive Departments and Administration**February 18, 2010****2010-0827s****09/04****Amendment to SB 359-FN**

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

AN ACT requiring the commissioner of administrative services to post online certain information regarding payments made by the state.

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

1 New Chapter; Online Access to State Payment Information. Amend RSA by inserting after chapter 9-E the following new chapter:

CHAPTER 9-F**ONLINE ACCESS TO STATE PAYMENT INFORMATION**

9-F:1 Online Access to State Payment Information.

I. The commissioner of administrative services, in consultation with the chief information officer, shall post online the following information relating to any payments made by the state:

- (a) The payment date.
- (b) The name of the recipient of the payment.
- (c) The amount of the payment.
- (d) The source of funding for the payment.

II. Notwithstanding the provisions of paragraph I, the commissioner of administrative services shall not post online any information related to payments by the state that is not a public record or that is confidential pursuant to state or federal law. In this section, "public record" shall have the same meaning as "governmental record" in RSA 91-A:1-a, III.

2 Effective Date. This act shall take effect July 1, 2010.

2010-0827s**AMENDED ANALYSIS**

This bill requires the commissioner of administrative services to post online certain information regarding payments made by the state.

The question is on the adoption of Committee Amendment 0827s.

Committee Amendment 0827s adopted.

The question is on the motion of Ought to Pass as Amended on SB 359-FN.

Motion of Ought to Pass as Amended adopted, bill ordered to Committee on Finance (Rule 26).

SB 361-FN, relative to benefits related to service of certain part-time district court justices. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Senate Executive Departments and Administration

February 18, 2010

2010-0825s

10/04

Amendment to SB 361-FN

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

AN ACT relative to benefits related to service of certain part-time district court justices and judges of probate retiring because of permanent disability.

Amend the bill by replacing all after section 1 with the following:

2 Judges of Probate; Retirement Due to Disability; Surviving Spouse. Amend RSA 547:19-a to read as follows:

547:19-a Retirement Due to Disability; *Surviving Spouse*. Notwithstanding any other provisions of law, any judge of probate ***who is not a full-time judge covered by RSA 100-C and*** who shall become unable to perform his ***or her*** duties because of permanent disability shall be retired from regular active service on the bench for the remainder of his ***or her*** term ***to age 70***. Any such judge who desires to retire because of inability to perform his ***or her*** duties shall certify to the governor and council his ***or her*** disability to perform [his] ***those*** duties. If they find him ***or her*** unable to perform [his] ***those*** duties because of permanent disability, the governor and council shall order [his] ***the judge's*** retirement from regular active service. If a judge of probate ***who is not a full-time judge covered by RSA 100-C and*** who is permanently disabled to perform his ***or her*** duties shall be unable or unwilling to certify his ***or her*** disability, any 3 justices of the probate court shall certify in writing [his] ***such judge's*** disability to the governor and council, who shall, if they find [him] ***the judge*** after due notice and hearing, unable to perform his ***or her*** duties because of permanent disability, order his ***or her*** retirement from regular active service. The governor and council upon retirement of any such judge of probate as provided herein shall appoint a successor ~~[to serve out the remainder of the term]~~. Any judge of probate ***who is not a full-time judge covered by RSA 100-C and*** who has served in such capacity for a period of at least 10 years in said office, ***and*** retired from regular active service because of permanent disability, shall receive during the remainder of his ***or her*** term a salary equal to one-half the salary being paid to [him] ***the judge*** at the time of [his] retirement, except in case of [his] ***such judge's*** election to take other retirement benefits as hereinafter provided. ***If a judge of probate who is not a full-time judge covered by RSA 100-C dies while serving in such capacity or while on disability retirement from such capacity as provided in this section, his or her surviving spouse shall receive during the remainder of said probate judge's term a payment equal to one-half the salary of said probate judge at the time of death or such disability retirement, except in case of the probate judge electing to take other retirement benefits as hereinafter provided.*** Any judge retired from active regular service under the provisions hereof who is also a member of the state employees' retirement system or the New Hampshire retirement system shall be entitled to retire with disability benefits under either of said systems, upon notification to the retirement board. If, however, said judge elects to take payments under the provisions of this section he ***or she*** shall thereby forfeit all rights to any benefits provided under said employees' or New Hampshire retirement system.

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

2010-0825s

AMENDED ANALYSIS

This bill grants an allowance for justices, and their surviving spouses, who served prior to court unification in 1984 as part-time district court justices but who had full-time case loads. The bill also adds a benefit to a surviving spouse of certain retired judges of probate.

The question is on the adoption of Committee Amendment 0825s.

Committee Amendment 0825s adopted.

The question is on the motion of Ought to Pass as Amended on SB 361-FN.

Motion of Ought to Pass as Amended adopted, bill ordered to Committee on Finance (Rule 26).

SB 428, establishing a committee to study dispatch times within the enhanced 911 system. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator DeVries for the committee.

Senate Executive Departments and Administration

February 18, 2010

2010-0826s

05/04

Amendment to SB 428

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

- (a) One member of the senate, appointed by the president of the senate.

Amend the bill by replacing section 4 of the bill with the following:

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

The question is on the adoption of Committee Amendment 0826s.

Committee Amendment 0826s adopted.

The question is on the motion of Ought to Pass as Amended on SB 428.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SB 470-FN, relative to retirement system service credit for employment as a full-time police officer with the university system of New Hampshire. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator Downing for the committee.

Senate Executive Departments and Administration

February 18, 2010

2010-0824s

10/04

Amendment to SB 470-FN

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

- 1 Retirement System; Membership; Prior Service Credit. Amend RSA 100-A:3, VI(b) to read as follows:

(b) In the case of prior service credit for time served as a member for which the member's accumulated contributions have been withdrawn, the amount of creditable service purchased may be the full length of service relating to the withdrawn contributions or a partial share of such service. The amount determined by the actuary to reinstate full or partial service credit shall be the amount of withdrawn contributions, but not less than one month's contributions multiplied by the ratio of the service credit to be purchased to the full length of service relating to the withdrawn contributions, with this amount adjusted for interest from the date of withdrawal to the date of payment based on the interest rates in effect for each fiscal year. The amount determined by the actuary to purchase prior service credit related to Peace Corps and AmeriCorps service **and related to university system of New Hampshire service** shall be computed under RSA 100-A:4, VIII **and under RSA 100-A:4-d, respectively**. For all other prior service credit the amount determined by the actuary shall be the product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of prior service credit bought.

2 New Section; Credit for Certain University System of New Hampshire Prior Group II Service. Amend RSA 100-A by inserting after section 4-c the following new section:

100-A:4-d Credit for University System of New Hampshire Prior Service; Group II Permanent Policeman Members.

I. Notwithstanding any provision of RSA 100-A to the contrary, any group II permanent policeman of the New Hampshire retirement system, in service on or after June 30, 2010, who was formerly a regular full-time police officer for the university system of New Hampshire (USNH) on or after June 30, 2010, and a member of the USNH section 403(b) defined contribution plan and/or USNH police retirement plan shall be allowed

to purchase credit for such service as creditable service in the New Hampshire retirement system; provided, however, that creditable service in the New Hampshire retirement system which is purchased under this paragraph shall not be deemed creditable service for the purpose of eligibility for medical and surgical benefits as a retired employee under RSA 21-I:30. For such members, only creditable service performed in the state of New Hampshire as a member of the New Hampshire retirement system shall be counted as creditable service for the purpose of eligibility for medical and surgical benefits as a retired employee under RSA 21-I:30. For the purposes of this section, any military service not otherwise authorized pursuant to RSA 100-A:4, IV, V, or VI shall not be included as creditable service in the USNH section 403(b) defined contribution plan or USNH police retirement plan. The group II permanent policeman member shall meet the following conditions:

(a) The member has terminated regular full-time employment with the university system of New Hampshire and active membership in both the USNH section 403(b) defined contribution plan and the USNH police retirement plan and has become a group II permanent policeman member of the New Hampshire retirement system;

(b) The member applies for university system of New Hampshire service credit, on a form designated by the board;

(c) The member provides such information and certification from the university system of New Hampshire, the USNH section 403(b) defined contribution plan and the USNH police retirement plan as the board may require;

(d) The member pays to the New Hampshire retirement system the full cost for buy-in of creditable service as provided in RSA 100-A:3, VI(b), plus prepayment of any actuarial calculation fee as determined by the board; and

(e) The amount of creditable service purchased shall be either the full length of service rendered in the USNH section 403(b) defined contribution plan and the USNH police retirement plan or a pro-rata portion of such service purchasable with the maximum amount which the member is permitted to withdraw from such plans; and

(f) In no case shall the creditable service purchased exceed the service time rendered in the USNH section 403(b) defined contribution plan and the USNH police retirement plan, or include any service period for which the member remains eligible for benefits in such plans.

II. Credit for university system of New Hampshire service as a regular full-time police officer, in a job which requires full certification as a police officer under the laws of the state of New Hampshire, may be purchased as group II permanent policeman service in the New Hampshire retirement system. Credit for such service may be purchased under this section only if the full certification required as an USNH full-time police officer meets or exceeds the requirements for certification as a group II permanent policeman in the New Hampshire retirement system. Credit for all other university system of New Hampshire service purchased under the provisions of this section by group II permanent policeman members shall become group I creditable service in the New Hampshire retirement system, and upon retirement, death, or termination of service such members shall be entitled to split benefits as provided in RSA 100-A:19-a through RSA 100-A:19-h.

III. Upon certification by the New Hampshire retirement system of eligibility for service credit, and upon payment by the member of the cost of such credit, and with the approval of the board of trustees, the member shall receive credit for such service.

IV. In no case shall service purchased as creditable service in the New Hampshire retirement system under the provisions of this section be deemed to be creditable service for the purposes of eligibility for medical benefits after retirement under the provisions of RSA 100-A:52 through RSA 100-A:55 or RSA 21-I:26 through RSA 21-I:36.

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

The question is on the adoption of Committee Amendment 0824s.

Committee Amendment 0824s adopted.

The question is on the motion of Ought to Pass as Amended on SB 470-FN.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SB 478, relative to the appointments to the board of home inspectors. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator Cilley for the committee.

Senate Executive Departments and Administration
February 18, 2010
2010-0823s
10/04

Amendment to SB 478

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

AN ACT relative to the appointments to the board of home inspectors, and relative to the administrative attachment of the plumbers' board.

Amend the bill by replacing all after section 1 with the following:

2 Plumbers' Board; Administrative Attachment. Amend RSA 329-A:3, III to read as follows:

III. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of [~~environmental services~~] **safety**.

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

2010-0823s

AMENDED ANALYSIS

This bill changes the terms for appointments to the board of home inspectors.

The bill also changes the administrative attachment of the state board for the licensing and regulation of plumbers from the department of environmental services to the department of safety.

MOTION TO TABLE

Sen. Hassan moved to table SB 478.

The question is on the motion to table SB 478.

Motion adopted.

LAID ON THE TABLE

SB 478, relative to the appointments to the board of home inspectors.

SB 485-FN-A, relative to ratification of cost items contained in a collective bargaining agreement for court security officers of the judicial branch, and making an appropriation therefor. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0.

Senator Fuller Clark for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 485-FN-A.

Motion of Ought to Pass adopted, bill ordered to Committee on Finance (Rule 26).

SB 491, relative to in-state preferences on state vendor contracts and criteria for debarment of vendors. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Cilley for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 491.

A roll call was requested by Sen. Hassan, seconded by Sen. Bragdon.

The following Senators voted Yes: Gallus, Reynolds, Bradley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Boutin, Barnes, DeVries, Le-tourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Motion of Ought to Pass adopted, bill ordered to Third Reading.

SB 493-FN, establishing best value contracting practices in the state procurement system. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator DeVries for the committee.

Senate Executive Departments and Administration
February 18, 2010
2010-0828s
05/04

Amendment to SB 493-FN

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

AN ACT relative to the use of best value contracting by state agencies and establishing a best value procurement commission.

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

1 Best Value Procurement Commission Established. There is established a best value procurement commission to assess the feasibility of, and potential methods for implementing, best value contracting practices in state procurement and to propose a best value contracting pilot program.

2 Membership and Compensation.

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner or the department of administrative services, or designee.
- (d) The director of the division of plant and property management, department of administrative services, or designee.
- (e) The commissioner of the department of transportation, or designee.
- (f) The attorney general, or designee.
- (g) Seven public members, appointed by the governor, representing the interests of business, labor, construction, health care, the environment, career development, and state government.

II. Members of the commission shall serve without compensation, except that 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. Investigate and assess current methods used to procure state building and construction contracts in New Hampshire, identifying applicable statutes, rules, and guidelines used in this process and the methods used to make the assessment.

II. Investigate and assess best value contracting practices used by other states to procure state building and construction contracts, identify similarities and differences between such methods and those used in New Hampshire, provide the methods used to make the commission's assessment, and seek analyses, if any, conducted relative to those other state's methods.

III. Investigate and assess best value contracting practices used by entities within and outside the state of New Hampshire, identify the definition of best value used by that entity as well as the similarities and differences between methods used by the entity and those used by the state, provide the methods used to make the commission's assessment, and seek analyses, if any, conducted relative to those entities' methods.

IV. Solicit information and testimony from the public, which shall include holding at least 3 public hearings.

V. Assess the likely areas of fiscal impact if best value contracting were to be implemented either for a pilot program, for state building and construction contracts, or for all state contracts, including estimated savings or expenditures, or methods by which savings or expenditures may be calculated.

VI. Propose a pilot program for the implementation of best value contracting in specific state contracts, including in the proposal any statutory amendments or other legislation necessary to implement the program.

VII. Propose specific guidelines, standards, definitions, and criteria for use in a pilot program, as well as the proposed method for implementing those guidelines, standards, definitions, and criteria.

VIII. Propose specific standards to measure the success of the pilot program.

IX. Propose specific methods by which the pilot program, if successful, may be implemented in regard to all state contracting for buildings and construction, including, but not limited to, identifying specific amendments, enactments, or changes or additions to administrative rules or rulemaking authority that would be necessary to implement best value contracting in the area of buildings and construction and proposing specific methods by which guidelines, standards, definitions, and criteria may be established for use in building and construction contracts.

X. Propose specific methods by which the pilot program, if successful, may be implemented in regard to all state contracts, including, but not limited to, identifying specific amendments, enactments, or changes or additions to administrative rules or rulemaking authority that would be necessary to implement best value contracting and proposing specific methods by which guidelines, standards, definitions, and criteria may be established for use in all state contracts.

4 Chairperson; Quorum. The governor shall appoint a chairperson and vice-chairperson of the commission. The first meeting of the commission shall be called by the senate member, and the first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum. Legislative members shall serve a term coterminous with their term in office and non-legislative members shall serve a 3-year term. Any vacancy on the commission shall be filled in the same manner as the original appointment.

5 Report. The commission shall submit interim reports of its findings and any recommendations to the task force on state procurement policies and procedures, established in SB 495-FN of the 2010 legislative session, the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and state library on or before November 1, 2010, November 1, 2011, and November 1, 2012. The focus of the November 1, 2010 interim report shall be on the commission's study of existing state contracting practices and the commission's assessment of best value procurement methodologies used by other states and entities. Subsequent interim reports shall focus on the commission's development, implementation, and assessment of the pilot program. The commission shall file a final report that summarizes the commission's findings and recommendations for continued and expanded use of best value procurement by state agencies on or before June 30, 2013.

6 New Chapter; State Procurement. Amend RSA by inserting after chapter 21-R the following new chapter:

CHAPTER 21-S STATE PROCUREMENT

21-S:1 State Procurement; Best Value Contracting.

I. Notwithstanding any other provision of law requiring an agency, as defined in RSA 21-G:5, III, to use the lowest responsible or qualified bidder, an agency may elect to award a contract on the basis of best value, in which case the election to award on the basis of best value, as well as the objective and quantifiable criteria that will be used to determine best value, shall be set forth in the invitation to bid. Any award made under this section shall not be made on criteria that are unknown to the parties submitting bids or proposals. Nothing in this section shall prevent the agency from making judgments on the capabilities of vendors to complete the work requested if this option is clearly stated in the body of the document and if used as the reason for the award, is so stated.

II. For purposes of this section, "best-value" means a procurement process where price and other key factors are considered in the evaluation and selection process to minimize impacts and enhance the long-term performance and value of the goods or services for which bids are solicited.

7 Effective Date.

I. Section 6 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

2010-0828s

AMENDED ANALYSIS

This bill establishes a best value procurement commission and permits state agencies to use best value procurement methods.

The question is on the adoption of Committee Amendment 0828s.

Committee Amendment 0828s adopted.

The question is on the motion of Ought to Pass as Amended on SB 493-FN.

A roll call was requested by Sen. Hassan, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Reynolds, Bradley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Boutin, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SB 499-FN, relative to administration support of certain professional regulatory boards by the department of health and human services. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator Cilley for the committee.

Senate Executive Departments and Administration

February 18, 2010

2010-0829s

10/04

Amendment to SB 499-FN

Amend the introductory paragraph of RSA 126-A:10-a, I as inserted by section 1 of the bill by replacing it with the following:

I. For any professional regulatory boards and advisory councils or committees which are under the supervision and control of the department, and for any boards or councils which are administratively attached under RSA 21-G:10 to the department and are designated as subject to the provisions of this section, the commissioner may consolidate the following functions in order to provide efficiency and coordination of the administrative support of professional regulatory boards:

The question is on the adoption of Committee Amendment 0829s.

Committee Amendment 0829s adopted.

The question is on the motion of Ought to Pass as Amended on SB 499-FN.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SB 381, relative to transfers into the revenue stabilization reserve account. Finance Committee. Inexpedient to Legislate, Vote 4-1. Senator Janeway for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 381.

A roll call was requested by Sen. Bragdon, seconded by Sen. Barnes.

The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Boutin, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 10

Motion of Inexpedient to Legislate adopted.

Recess. Out of recess.

Luncheon recess. Out of recess.

AFTERNOON SESSION

COMMITTEE REPORTS, RESUMED

SB 417, relative to national health care reform and Medicaid. Finance Committee. Inexpedient to Legislate, Vote 4-1. Senator Sgambati for the committee.

Recess. Out of recess.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 417.

A roll call was requested by Sen. Bragdon, seconded by Sen. Barnes.

The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Boutin, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 10

Motion of Inexpedient to Legislate adopted.

SB 454-FN, relative to requiring submission of a reduced spending alternative as part of the biennial budget process. Finance Committee. Inexpedient to Legislate, Vote 4-1. Senator D'Allesandro for the committee.

Sen. D'Allesandro moved to recommit SB 454-FN.

The question is on the motion to recommit SB 454-FN.

Motion adopted, bill recommitted to Finance Committee.

SB 461, requiring a 2/3 vote for the general court to adopt legislation incurring indebtedness. Finance Committee. Inexpedient to Legislate, Vote 4-1. Senator Janeway for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 461.

A roll call was requested by Sen. Bragdon, seconded by Sen. Barnes.

The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Bradley, Roberge, Bragdon, Carson, Boutin, Barnes, Letourneau, Downing.

Yeas: 15 - Nays: 9

Motion of Inexpedient to Legislate adopted.

SB 481, relative to appropriations for certain turnpike system projects. Finance Committee. Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 481.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

SB 304, relative to the return of outdated drugs. Health and Human Services Committee. Inexpedient to Legislate, Vote 5-0. Senator Gallus for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 304.

Motion of Inexpedient to Legislate adopted.

SB 343-FN, relative to Medicaid managed care. Health and Human Services Committee. Ought to Pass with Amendment, Vote 5-0. Senator Sgambati for the committee.

Health and Human Services

February 16, 2010

2010-0789s

01/10

Amendment to SB 343-FN

Amend the bill by replacing section 1 with the following:

1 Request for Information relative to Medicaid Managed Care. The commissioner of the department of health and human services shall release a request for information (RFI) no later than August 1, 2010 soliciting information regarding the feasibility of contracting with a managed care organization for risk-based

managed care for all Medicaid recipients, including the elderly, those meeting federal supplemental security income and state standards for disability, and those who are also currently enrolled in Medicare. The RFI shall specifically ask for information relating to reducing the costs of the Medicaid program or slowing the growth in Medicaid spending while maintaining the same quality measures presently achieved. The commissioner shall submit a report to the governor, speaker of the house of representatives, president of the senate, and the health and human services oversight committee no later than 60 days following the completion of the RFI process summarizing the information obtained.

2010-0789s

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to release a request for information (RFI) soliciting information regarding the feasibility of contracting with a managed care organization for risk-based managed care for all Medicaid recipients.

The question is on the adoption of Committee Amendment 0789s.

Committee Amendment 0789s adopted.

The question is on the motion of Ought to Pass as Amended on SB 343-FN.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SB 484, repealing the New Hampshire children's trust fund. Health and Human Services Committee. Ought to Pass with Amendment, Vote 5-0. Senator Gilmour for the committee.

Health and Human Services

February 16, 2010

2010-0736s

05/03

Amendment to SB 484

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

AN ACT allowing the New Hampshire children's trust fund to become a private not-for-profit entity.

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

1 Statement of Intent. The general court intends that the New Hampshire children's trust fund, established by RSA 169-C:39-c and administratively attached to the office of the attorney general, become a private, not-for-profit corporation to be known as the "New Hampshire Children's Trust" and that all assets, operations, and functions of the New Hampshire children's trust fund be transferred to the private entity.

2 Transfer of Assets, Operations, and Functions. All assets, operations, and functions of the New Hampshire children's trust fund, established in RSA 169-C:39-a through RSA 169-C:39-i, are hereby transferred to the New Hampshire Children's Trust, a private New Hampshire voluntary corporation qualified by the Internal Revenue Service as a section 501(c)(3) entity. The transfer shall include any and all funds held by the New Hampshire Charitable Foundation and the state treasurer on behalf of the New Hampshire children's trust fund.

3 Repeal. RSA 169-C:39-a through RSA 169-C:39-i, relative to the New Hampshire children's trust fund, are repealed.

4 Contingency. Sections 2 and 3 of this act shall take effect on the date that the New Hampshire Children's Trust certifies to the secretary of state, the state treasurer, and the director of the office of legislative services that the trust has been formed as a private New Hampshire voluntary corporation and has been qualified by the Internal Revenue Service as a section 501(c)(3) entity.

5 Effective Date.

I. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect upon its passage.

2010-0736s

AMENDED ANALYSIS

This bill repeals the New Hampshire children's trust fund and transfers the fund's assets, operations, and functions to a private, not-for-profit corporation to be known as the New Hampshire Children's Trust.

The question is on the adoption of Committee Amendment 0736s.

Committee Amendment 0736s adopted.

The question is on the motion of Ought to Pass as Amended on SB 484.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SB 387-FN, relative to penalties for violations of the consumer protection act. Judiciary Committee. Interim Study, Vote 5-0. Senator Letourneau for the committee.

The question is on the adoption of committee recommendation of Refer to Interim Study on SB 387-FN.

Motion of Refer to Interim Study adopted.

SB 388-FN, relative to remedies for violations of the retail selling statute. Judiciary Committee. Interim Study, Vote 5-0. Senator Roberge for the committee.

The question is on the adoption of committee recommendation of Refer to Interim Study on SB 388-FN.

Motion of Refer to Interim Study adopted.

SB 425-FN, relative to telephone utilities exemptions to the right-to-know law. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Reynolds for the committee.

Senate Judiciary
February 17, 2010
2010-0793s
06/09

Amendment to SB 425-FN

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

AN ACT relative to exemptions to the right-to-know law.

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

1 New Subparagraph; Nonpublic Session. Amend RSA 91-A:3, II by inserting after subparagraph (i) the following new subparagraph:

(j) Consideration of confidential, commercial, or financial information that is exempt from public disclosure under RSA 91-A:5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.

2 New Paragraph; Public Utilities; Proceedings Before the Commission; Rulemaking. Amend RSA 365:8 by inserting after paragraph XIII the following new paragraph:

XIV. Standards and procedures for public utilities to request protection of routine filings that contain confidential commercial or financial information.

3 Repeal. RSA 378:43, relative to information not subject to the right-to-know law, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect 180 days after its passage.

II. The remainder of this act shall take effect upon its passage.

2010-0793s

AMENDED ANALYSIS

This bill repeals a provision exempting certain information provided by a telephone utility to the public utilities commission from the right-to-know law and permits information that is exempt from public disclosure in an adjudicative proceeding to be considered in a nonpublic session.

The question is on the adoption of Committee Amendment 0793s.

Committee Amendment 0793s adopted.

The question is on the motion of Ought to Pass as Amended on SB 425-FN.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SB 471-FN, relative to felonious sexual assault and sexual assault. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

Senate Judiciary
February 17, 2010
2010-0790s
04/05

Amendment to SB 471-FN

Amend RSA 632-A:3, IV(c) as inserted by section 1 of the bill by replacing it with the following:

(c) For the purpose of this paragraph, "sexual contact" means the intentional touching of the person's sexual or intimate parts, including genitalia, anus, breasts, and buttocks, where such contact, or the causing of such contact, can reasonably be construed as being for the purpose of sexual arousal or gratification of the person in the position of authority, or the humiliation of the person being touched.

Amend RSA 632-A:4, III(c) as inserted by section 2 of the bill by replacing it with the following:

(c) For the purpose of this paragraph, "sexual contact" means the intentional touching of the person's sexual or intimate parts, including genitalia, anus, breasts, and buttocks, where such contact, or the causing of such contact, can reasonably be construed as being for the purpose of sexual arousal or gratification of the person in the position of authority, or the humiliation of the person being touched.

The question is on the adoption of Committee Amendment 0790s.

Committee Amendment 0790s adopted.

The question is on the motion of Ought to Pass as Amended on SB 471-FN.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SB 500-FN, implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 500-FN.

Motion of Ought to Pass adopted, bill ordered to Committee on Finance (Rule 26).

Sen. Barnes is in opposition to the motion of Ought to Pass on SB 500-FN.

SB 349-FN-L, relative to the procedures for appraisal and enforcement of taxation of multifamily residential rental property subject to covenants under the low-income housing tax credit program. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator DeVries for the committee.

Public and Municipal Affairs
February 17, 2010
2010-0809s
10/0

Amendment to SB 349-FN-LOCAL

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

AN ACT relative to the procedures for appraisal of multifamily residential rental property subject to covenants under the low-income housing tax credit program.

Amend the bill by replacing section 5 with the following:

5 New Paragraph; Rulemaking. Amend RSA 75:1-a by inserting after paragraph VIII the following new paragraph:

IX. The commissioner of the department of revenue administration shall adopt rules pursuant to RSA 541-A concerning how capitalization rates shall be established, including a process for receiving public input prior to such establishment.

2010-0809s**AMENDED ANALYSIS**

This bill clarifies the procedures for appraisal of residential property subject to a housing covenant under the low-income housing tax credit program and repeals a contingent amended version of the statute.

The question is on the adoption of Committee Amendment 0809s.

Committee Amendment 0809s adopted.

The question is on the motion of Ought to Pass as Amended on SB 349-FN-L.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SB 354-FN, authorizing liens for unpaid building code violations and requiring landlord agents for restricted rental property. Public and Municipal Affairs Committee. Ought to Pass, Vote 3-1. Senator DeVries for the committee.

Recess. Out of recess.

SPECIAL ORDER

Without objection President Larsen moved SB 354-FN be Special-Ordered to the Senate Calendar of March 10, 2010.

Public and Municipal Affairs Committee

SB 354-FN, authorizing liens for unpaid building code violations and requiring landlord agents for restricted rental property.

SB 372, requiring school board members to receive annual training. Public and Municipal Affairs Committee. Interim Study, Vote 3-1. Senator Houde for the committee.

The question is on the adoption of committee recommendation of Refer to Interim Study on SB 372.

Motion of Refer to Interim Study adopted.

Sen. Carson is in favor of the motion of Refer to Interim Study on SB 372.

SB 378, relative to the New Hampshire public works mutual aid program. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator Houde for the committee.

Public and Municipal Affairs**February 18, 2010****2010-0808s****06/01****Amendment to SB 378**

Amend RSA 53-A:3-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The agreement may include provisions by which each municipality or private entity indemnifies the other municipality or private entity and their officers, employees, and agents against any liability arising out of the indemnifying municipality's or private entity's negligent or otherwise wrongful conduct. No agreement shall be written or construed to require the state or any state agency to defend or indemnify any other entity.

The question is on the adoption of Committee Amendment 0808s.

Committee Amendment 0808s adopted.

The question is on the motion of Ought to Pass as Amended on SB 378.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SB 400-FN, relative to assessment of the land use change tax. Public and Municipal Affairs Committee. Interim Study, Vote 3-1. Senator Barnes for the committee.

The question is on the adoption of committee recommendation of Refer to Interim Study on SB 400-FN.

Motion of Refer to Interim Study adopted.

Sen. DeVries is in opposition to the motion of Refer to Interim Study on SB 400-FN.

HB 1687, relative to the procedure for filling a vacancy among county officers. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 2-2. Senator DeVries for the committee.

Recess. Out of recess.

SPECIAL ORDER

Without objection President Larsen moved HB 1687 be Special-Ordered to Senate Calendar of March 10, 2010.

Public and Municipal Affairs Committee

HB 1687, relative to the procedure for filling a vacancy among county officers.

SB 355-FN-A, relative to driver's license reexamination and relative to compensation for the medical/vision advisory board and making an appropriation therefor. Transportation and Interstate Cooperation Committee. Inexpedient to Legislate, Vote 4-0. Senator Gilmour for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 355-FN-A.

Motion of Inexpedient to Legislate adopted.

Senators Reynolds, Bradley and Bragdon are in opposition to the motion of Inexpedient to Legislate on SB 355-FN-A.

SB 385-FN-A, relative to fees for low digit number plates. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 3-2. Senator Kelly for the committee.

Transportation and Interstate Cooperation

February 18, 2010

2010-0815s

03/05

Amendment to SB 385-FN-A

Amend the bill by replacing section 1 with the following:

1 New Section; Low Digit Number Plates. Amend RSA 261 by inserting after section 89-c the following new section:

261:89-d Low Digit Number Plates.

I. Holders of number plates bearing one, 2, 3, or 4 digit registration numbers shall pay the vanity plate service and renewal fees established in RSA 261:89, which shall be in addition to any other registration or plate fees.

II. This section shall not apply to:

(a) Plates limited to specified eligible vehicle owners, such as special number plates for veterans, gold star number plates, special number plates for members of the national guard, special number plates for veterans who are disabled, blind, or former prisoners of war or were awarded the Purple Heart medal or survived Pearl Harbor, and walking disability number plates.

(b) Plates limited to specified eligible vehicles or uses, such as antique motor vehicle number plates and farm number plates.

(c) Motorcycle number plates.

(d) Conservation number plates.

(e) Plates bearing registration numbers that include letters.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Applicability. RSA 261:89-d, as inserted by section 1 of this act, shall not apply to any person holding a number plate bearing a one, 2, 3, or 4 digit registration number on the effective date of this act so long as the person continues to hold such number plate.

3 Driver Training Fund. Amend RSA 263:52, I to read as follows:

I. The proceeds from original license fees as provided in RSA 263:42 and the vanity plate service fee collected in accordance with RSA 261:89 **or RSA 261:89-d**, plus the fee for the renewal of the use of such plates, after costs of such plates or designation of effective periods thereof and issuance of same have been appropriated and deducted, shall be expended solely for courses of instruction and training in safe motor vehicle driving conducted in or under the supervision of secondary schools. After all costs of administration of the program each year of the biennium have been reserved, the balance which is appropriated to the driver training program shall be paid to the state treasurer by June 30 of each year. Such balance shall be kept in a separate fund which shall be paid out on or before September 15 of each year to participating schools prorated on a per-pupil basis for those who have completed the driver education program. Subject to final approval by the governor and council, the commissioner of safety jointly with the commissioner of education shall adopt pursuant to RSA 541-A and publish rules governing the courses of instruction and training and determining eligibility of secondary schools to receive moneys from the fund established by this section.

2010-0815s

AMENDED ANALYSIS

This bill requires holders of low-digit number plates to pay vanity plate fees.

The question is on the adoption of Committee Amendment 0815s.

Committee Amendment 0815s adopted.

The question is on the motion of Ought to Pass as Amended on SB 385-FN-A.

Motion of Ought to Pass as Amended adopted, bill ordered to Committee on Finance (Rule 26).

Sen. Letourneau is in opposition to the motion of Ought to Pass as Amended on SB 385-FN-A.

SB 405, relative to grounds for revocation of school bus driver's certificate. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-0. Senator Carson for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 405.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

SB 413, relative to obstructions on motor vehicle windows. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Transportation and Interstate Cooperation

February 18, 2010

2010-0814s

03/05

Amendment to SB 413

Amend RSA 265:95, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) A sticker or other nontransparent material shall be permitted on a rear window if the vehicle is equipped with exterior rearview mirrors on the right and left side of the vehicle that provide the driver with a clear and unobstructed view of the way to the rear of the vehicle.

The question is on the adoption of Committee Amendment 0814s.

Committee Amendment 0814s adopted.

The question is on the motion of Ought to Pass as Amended on SB 413.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SB 451-FN, including low digit number plates as vanity plates. Transportation and Interstate Cooperation Committee. Inexpedient to Legislate, Vote 4-0. Senator Letourneau for the committee.

The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 451-FN.

Motion of Inexpedient to Legislate adopted.

SB 457-FN, authorizing identifying decals for custom vehicles. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on SB 457-FN.

Motion of Ought to Pass adopted, bill ordered to Committee on Finance (Rule 26).

SB 367, relative to games of chance. Ways and Means Committee. Ought to Pass with Amendment, Vote 6-0. Senator Downing for the committee.

Senate Ways and Means

February 16, 2010

2010-0767s

08/03

Amendment to SB 367

Amend RSA 287-D:1, VI as inserted by section 8 of the bill by replacing it with the following:

VI. "Wager" means a monetary agreement between 2 or more persons that a sum of money or other valuable thing, shall be paid to one of them on the happening or not happening of an uncertain event. Wager may be used synonymously with the term "bet."

Amend RSA 287-D:3, VII as inserted by section 9 of the bill by replacing it with the following:

VII. ***Unless a charitable organization rents a facility from a primary game operator licensed under RSA 287-D:2-c, the charitable organization shall only rent a facility by means of a fixed rental payment. The fixed rental payment shall not be based on a percentage of what the charitable organization receives from the game of chance and it shall reflect fair rental value of the property for any use not just as a place to hold a game of chance. If a charitable organization rents a facility from a licensed game operator under RSA 287-D:2-c, the charitable organization shall retain no less than 35 percent of the gross revenues from any games of chance minus any prizes paid in accordance with RSA 287-D:3, VIII. Any rental agreement entered into by the charitable organization shall be submitted with the charitable organization's license application for review by the racing and charitable gaming commission. Under no circumstances shall a charitable organization sustain any loss from games of chance, such that its share of the gross revenues minus any prizes paid is less than zero dollars, during a license period with a single game operator.***

Amend RSA 287-E:7, II as inserted by section 10 of the bill by replacing it with the following:

II.(a) No compensation shall be paid to ~~[operators]~~ ***bona fide members of a charitable organization if others who operate or assist in the operation*** of a bingo game. Compensation shall include, but is not necessarily limited to, money or any other thing of value. ~~[Operators]~~ ***Bona fide members of a charitable organization who operate or assist in the operation*** of bingo games may be reimbursed for their out-of-pocket expenses in an amount not to exceed \$25 per game date, provided that such expenses are itemized and submitted in writing to the charitable organization.

(b) No compensation shall be paid to any person or entity for consulting, managing, assisting in the operation of the bingo games or the sale of lucky 7 tickets, record keeping, filing forms with the racing and charitable gaming commission, advertising, free offer of coffee and donuts to customers, or security protection for the charitable organization itself not including security for the hall or parking area, unless agreed to in advance in writing by the charitable organization. Participation in and charges for such activities shall be solely at the discretion of the charitable organization. Failure to participate in any of these activities shall not constitute grounds for expulsion from any hall where bingo games are held or lucky 7 tickets are sold.

Amend RSA 287-E:7, V as inserted by section 11 of the bill by replacing it with the following:

V. No ~~[bingo chairperson, bingo treasurer, or]~~ person who has leased out a facility or sold or leased bingo paraphernalia or related equipment to a charitable organization for use during bingo games shall participate or play in any game conducted at that location on that date. ***The chairperson or treasurer of a charitable organization may operate or assist in the operation of a bingo game conducted by his or her charitable organization; however, each chairperson or treasurer may not play in or assist in the playing of any game conducted at that locality on that date.***

Amend the bill by replacing section 14 with the following:

14 Repeal. The following are repealed:

I. RSA 287-E:3-a, relative to copies of records.

II. RSA 287-D:3, IV, relative to the activation of devices used for games of chance.

III. RSA 287-E:18-a, relative to the forwarding of records and reports to the commissioner of safety.

2010-0767s

AMENDED ANALYSIS

This bill:

I. Ensures that bond money given to the state by licensed race tracks covers unpaid tickets and “account wagers.”

II. Removes the requirement that the racing and charitable gaming commission obtain social security numbers from charitable organization members.

III. Modifies requirements for operating charitable games.

This bill is a request of the racing and charitable gaming commission.

The question is on the adoption of Committee Amendment 0767s.

Committee Amendment 0767s adopted.

Sen. Odell offered a floor amendment.

Sen. Odell, Dist. 8

March 3, 2010

2010-0877s

08/09

Floor Amendment to SB 367

Amend RSA 287-E:7, II (a) as inserted by section 10 of the bill by replacing it with the following:

*(a) No compensation shall be paid to [operators] **bona fide members of a charitable organization or others who operate or assist in the operation** of a bingo game. Compensation shall include, but is not necessarily limited to, money or any other thing of value. [Operators] **Bona fide members of a charitable organization who operate or assist in the operation** of bingo games may be reimbursed for their out-of-pocket expenses in an amount not to exceed \$25 per game date, provided that such expenses are itemized and submitted in writing to the charitable organization.*

The question is on the adoption of Floor Amendment 0877s.

Floor Amendment 0877s adopted.

The question is on the motion of Ought to Pass as Amended on SB 367.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Hassan 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 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.

Motion adopted.

Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

SB 309, relative to exempting the division of fire standards and training and emergency medical services from the definition of private postsecondary career school.

SB 322, allowing the director of the division of state police to place an employee on administrative leave in extraordinary circumstances.

SB 343-FN, relative to Medicaid managed care.

SB 349-FN-I, (New Title) relative to the procedures for appraisal of multifamily residential rental property subject to covenants under the low-income housing tax credit program.

SB 367, relative to games of chance.

SB 378, relative to the New Hampshire public works mutual aid program.

SB 405, relative to grounds for revocation of school bus driver's certificate.

SB 413, relative to obstructions on motor vehicle windows.

SB 425-FN, (New Title) relative to exemptions to the right-to-know law.

SB 428, establishing a committee to study dispatch times within the enhanced 911 system.

SB 452-FN, (New Title) relative to jurisdiction over certain health insurers.

SB 455-FN, relative to New Hampshire HealthFirst.

SB 470-FN, relative to retirement system service credit for employment as a full-time police officer with the university system of New Hampshire.

SB 471-FN, relative to felonious sexual assault and sexual assault.

SB 481, relative to appropriations for certain turnpike system projects.

SB 484, (New Title) allowing the New Hampshire children's trust fund to become a private not-for-profit entity.

SB 491, relative to in-state preferences on state vendor contracts and criteria for debarment of vendors.

SB 493-FN, (New Title) relative to the use of best value contracting by state agencies and establishing a best value procurement commission.

SB 499-FN, relative to administration support of certain professional regulatory boards by the department of health and human services.

ANNOUNCEMENTS

SENATOR CARSON (Rule 44): It is with a very heavy heart that I inform this body of the tragic loss of one of New Hampshire's and Londonderry's sons. Pfc. Eric Currier of Londonderry was killed February 17th, 2010 during a firefight in the Helmand Province in Afghanistan. Pfc. Currier, a 2006 graduate of Londonderry High School, had joined the Marines in March of 2009 and was assigned to the 3rd Battalion, 6th Marine Regiment, Regiment Combat Team 7, II Marine Expeditionary Brigade. He had deployed to his assignment in January of 2010. During his time in the Marines he was a decorated soldier, earning a Global War on Terrorism Service Medal, the National Defense Service Medal, and the Afghanistan Campaign Medal. Becoming a Marine was a goal for Pfc. Currier for quite some time. He had joined the Marines because he wanted to represent his country and he wanted to help people. One thing everyone said about Eric was that he always had a big smile; in fact, it would get him in trouble even as he went through Marine boot camp. He was a beloved son, brother, cousin, nephew, grandson, and husband. He was one of four children, a hero, and a best friend to his brother Brent. He had recently married his beloved wife Kaila who he met a few years ago while canoeing on the Saco River. Eric was an outdoorsman; he loved to go camping, fishing and hunting with his family, and he had recently tried skydiving. There are no words adequate enough to console a family when they lose a son, or a wife loses a husband, especially during wartime. The best we can do is honor their sacrifice. Abraham Lincoln said it best in the Gettysburg Address when he honored those who had given "the last full measure of devotion" for their country. Please rise and join me in a moment of silence to honor Pfc. Eric Currier. Thank you, Madam President.

(Moment of silence observed.)

SENATOR FULLER CLARK (Rule 44): I'm sad to announce that Garry Stuart Meyer, 60, a technology executive and community activist of Hampton, passed away suddenly on February 20th while visiting his children with his wife in Trumbull, Connecticut. During the time he was a resident of the State of Connecticut his work experience included roles as a senior VP for General Electric and CIO for Liberty Mutual Insurance. As a dedicated father, he had served as the chairman of the board of the Tower School in Stamford, Connecticut, and enjoyed coaching his three children in a variety of sports, including baseball and soccer. Most recently, Dr. Meyer was an active member of the Hampton community and an advocate for better New Hampshire state government. He was a candidate for local government with plans to run for state office. He was passionate about improving healthcare, expanding clean energy, and increasing government efficiency. I had the privilege of working with Garry over the past several months on an initiative to introduce lean practices from business

into New Hampshire state government. Garry was a bright, quick and genial individual who added much to our work. And as one of his Hampton colleagues said, “He was so very smart, he had more degrees than the thermometer.” He also had a wonderful energy and a commitment to making New Hampshire a better place to live. His early and sudden death robs New Hampshire, the Town of Hampton, and his many friends and family, of a special friend, dedicated citizen, and loving father and husband. He will be sadly missed.

SENATOR SGAMBATI (Rule 44): I’d like to mark the passing of Kinney O’Rourke who was a very remarkable man. He was one of those people that you meet too rarely in your life, full of wit, wisdom, intelligence; behind and beneath sometimes a gruff exterior, a very caring man. I first met him in the Black Cat Café as a very new candidate for Senate where he just hollered at me that a Democrat could never win and I should go home – (laughter) – even though he was a Democrat. As I came to the Senate he left the Café and worked as a news reporter for the *Laconia Daily Sun*, so I’ve had the great gift of being at every community event with him and always enjoying his perspective and his stories. Not a lot of people in the Gilford-Laconia area knew that he was, in fact, a lawyer and had graduated from law school in Colorado. He lived in Colorado, he was sort of the “Renaissance man”: he was an attorney, he was a researcher, he was a fire outlook person for the Rocky Mountain National Park, he was a legislative counsel, he was a lobbyist, he was a developer; he worked on chambers of commerce, was part of the board of selectmen in Gilford and head of their budget committee. The list goes on and on. He truly lived life to its fullest. He was also a Rotarian, but most important he was an avid Harley-Davidson rider and booked over 300,000 miles on his bike. He lived hard, he lived well. And I would just like to send and express my condolences to his friends, to his family, and especially to his coworkers at the *Laconia Daily Sun* who will sorely miss him. Thank you.

Without objection President Larsen moved that all Rule 44’s shall be entered into the permanent *Journal of the Senate*.

NEW STAFF MEMBER INTRODUCED

Heidi Mitchell, a new Senate Legislative Aide assigned to Sen. Lasky, was introduced and welcomed by President Larsen.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Hassan moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments.

Motion adopted.

The Senate is in recess to the Call of the Chair.