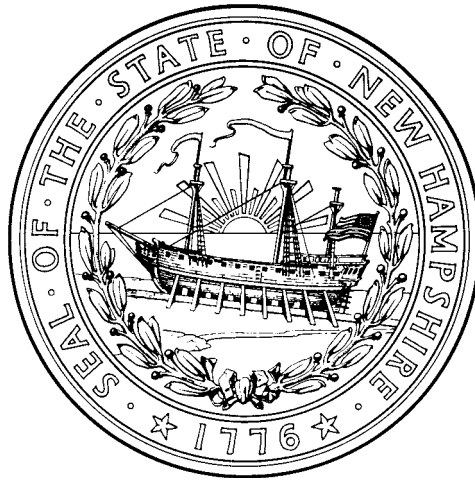


March 10, 2010  
Nos. 8-9

# **STATE OF NEW HAMPSHIRE**

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**Second Year of the 161<sup>st</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – MARCH 3, 2010 SESSION  
COMMENCEMENT – MARCH 10, 2010 SESSION**

# SENATE JOURNAL 8 *(continued)*

*March 3, 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

10-2952

**SB 513**, relative to incarcerated persons receiving workers' compensation. (Bragdon, Dist 11; Daniels, Hills 6: Commerce, Labor and Consumer Protection)

10-2953

**SB 514**, relative to commercial weighing or measuring devices. (Bragdon, Dist 11; Carson, Dist 14; Downing, Dist 22; Letourneau, Dist 19; Kidder, Merr 1; Patten, Carr 4: Executive Departments and Administration)

10-2965

**SB 515**, relative to allowing the commissioner of the department of employment security to participate in a joint local employment dynamics program with the United States Census Bureau and the Bureau of Labor Statistics. (Hassan, Dist 23; Cilley, Dist 6; Reynolds, Dist 2; Schlachman, Rock 13: Commerce, Labor and Consumer Protection)

10-2967

**SB 516**, relative to limitations on liability for railroad operators operating railroads near a recreational trail. (Reynolds, Dist 2; Merry, Belk 2: Judiciary)

## HOUSE MESSAGE

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

**SB 128**, relative to the community revitalization tax relief incentive, and clarifying the authority of towns to respond appropriately to the American Recovery and Reinvestment Act of 2009 and similar acts.

**SB 205-FN**, making various changes to the criminal statutes.

## 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 410**, relative to the licensing of alcohol and drug counselors.

**HB 425-FN-A-L**, relative to remedies under the right-to-know law.

**HB 681-FN**, relative to assessments for aquatic resource compensatory mitigation.

**HB 1133**, relative to the duration of involuntary emergency admissions.

**HB 1134**, authorizing federal law enforcement officials to take emergency law enforcement action to temporarily detain persons when assisting local law enforcement officials or upon witnessing a crime.

**HB 1136**, requiring a report to be sent to the treatment facility on behalf of a person receiving treatment in the state mental health or developmental services system.

**HB 1153**, relative to membership of the commission to study water infrastructure sustainability funding.

**HB 1156**, relative to the determination of parental rights and responsibilities.

**HB 1159**, relative to the classification of snowmobile trails maintenance vehicles.

- HB 1164**, relative to newborn screening tests.
- HB 1169**, relative to the New Hampshire health care quality assurance commission.
- HB 1198-L**, relative to public hearings on municipal budget preparation.
- HB 1215**, relative to gender neutral references in certain public assistance statutes.
- HB 1223**, relative to notice in class action cases under the consumer protection act.
- HB 1240-FN**, relative to the use of state-owned vehicles.
- HB 1245**, relative to declarations of candidacy and intent by presidential candidates.
- HB 1247**, establishing a speed limit for vehicles traveling through toll collection areas.
- HB 1249**, relative to seasonal highway limits for certain vehicles.
- HB 1254**, relative to insurance coverage in tort cases.
- HB 1257**, changing requirements for extensions of time for hearings by pretrial screening panels for medical injury claims.
- HB 1259**, relative to subrogation claims and liens in civil actions.
- HB 1266**, relative to notification requirements for lowering the water level of a lake or pond.
- HB 1267-L**, relative to applications for hawkers and peddlers licenses.
- HB 1269**, relative to the operation of OHRVs and snowmobiles adjacent to public highways.
- HB 1270**, relative to balancing amounts expended from the renewable energy fund.
- HB 1276-FN-L**, relative to investment of capital reserve funds.
- HB 1279-FN-A**, relative to the licenses of mortgage bankers and mortgage brokers.
- HB 1318**, relative to victim services while the court is considering post-conviction DNA testing.
- HB 1322**, establishing the legislative committee on the maintenance of state-owned dams.
- HB 1340**, relative to condominium liens for assessments.
- HB 1353**, relative to group net energy metering.
- HB 1358**, relative to the amendment of property tax inventories and tax lists by selectmen or assessors.
- HB 1367-FN**, relative to political advertising and campaign expenditures and contributions by business organizations and labor unions.
- HB 1376**, relative to the regulation of pharmacies and pharmacists.
- HB 1377**, permitting utilities to establish loan programs for owners of residential and business property engaging in renewable energy and energy efficiency projects.
- HB 1384**, establishing a suicide fatality review committee.
- HB 1387**, establishing a committee to study the need for supportive housing for homeless veterans.
- HB 1393**, relative to the treatment of New Hampshire investment trusts.
- HB 1395**, relative to workforce housing.
- HB 1418**, naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont the Charles Dana Bridge and correcting the naming of a bridge across the Connecticut River in the town of Chesterfield, New Hampshire from the Judge Harlan Fiske Stone Bridge to the Justice Harlan Fiske Stone Bridge.
- HB 1419**, naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont, informally known as the Hinsdale Bridge, the Anna Hunt Marsh Bridge.
- HB 1427**, relative to the conversion period for quarterly billing for property taxes.
- HB 1439-L**, relative to tax exemptions for water and air pollution control installations.

**HB 1447**, relative to authorization to use firearms in the compact part of a town.

**HB 1448**, relative to town audits.

**HB 1450**, relative to the designation of a portion of the Cocheco River as a protected river.

**HB 1470**, establishing a committee to study laws relating to condominium and homeowners' associations.

**HB 1472-FN-L**, relative to testimony by video teleconference.

**HB 1474**, establishing a legislative committee to review the New Hampshire child support guidelines.

**HB 1476**, relative to periodic verification of the checklist.

**HB 1480**, relative to the New Hampshire rail transit authority.

**HB 1483**, relative to appropriations in the county budget.

**HB 1487**, relative to the definition of certified wetland scientists.

**HB 1491**, relative to the child support calculation in cases of shared parenting.

**HB 1493**, establishing a committee to study comprehensive mental health and substance use disorders parity.

**HB 1508-FN**, relative to communications between offenders convicted of certain sexual assaults and the victims of the crime.

**HB 1512**, establishing a deferred retirement option in the judicial retirement plan.

**HB 1515-FN**, relative to the crime of official oppression.

**HB 1518-FN**, increasing certain OHRV registration fees and fee for transfer of registration of an OHRV or snowmobile.

**HB 1519**, repealing the surety bond requirement for meals and rentals operators.

**HB 1524**, relative to the liability of town and city health officers and overseers of public welfare.

**HB 1526**, requiring the department of health and human services to establish a methodology for determining certain high cost long-term care cases.

**HB 1529**, relative to absentee voting.

**HB 1533**, establishing a committee to study the statute governing annulment of criminal records.

**HB 1541-FN**, prohibiting the sale of e-cigarettes to minors.

**HB 1543**, relative to the annual rate of interest on judgments.

**HB 1553**, establishing a maternal mortality review panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in New Hampshire.

**HB 1568-FN-L**, relative to the definition of wars and conflicts for the purpose of determining eligibility for public assistance payments for burial expenses of veterans.

**HB 1572-FN**, relative to the certification of integrated residential communities.

**HB 1574-FN**, relative to retention of election records.

**HB 1581**, relative to the taxation of railroads.

**HB 1609-FN**, relative to current use and the land use change tax.

**HB 1625**, relative to eligibility for the New Hampshire veterans' home.

**HB 1642**, relative to the registration of criminal offenders.

**HB 1649-FN**, relative to health information and patient rights.

**HB 1686**, relative to juvenile diversion programs.

**HB 1688**, relative to the regulation of the installation and operation of boiler and pressure vessels.

### **INTRODUCTION OF HOUSE BILLS**

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 160**, relative to physical force in defense of a person. (Judiciary)

**HB 213-FN**, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system. (Commerce, Labor and Consumer Protection)

**HB 268**, relative to transfers from the judicial branch to the executive or legislative branches of state government. (Executive Departments and Administration)

**HB 523-FN**, requiring DNA testing of all persons convicted of a felony. (Judiciary)

**HB 546-FN**, relative to authorizing temporary registrations of off-highway recreational vehicles for nonresidents. (Transportation and Interstate Cooperation)

**HB 561-FN**, relative to insurance coverage for persons having deafness and hearing loss. (Commerce, Labor and Consumer Protection)

**HB 569-FN**, clarifying insurance coverage for diagnosis and treatment of pervasive developmental disorder or autism. (Commerce, Labor and Consumer Protection)

**HB 577-FN**, relative to recovery of public assistance and third party liability. (Health and Human Services)

**HB 615**, relative to organization, reorganization, or withdrawal from a school administrative unit. (Education)

**HB 1137**, relative to withholding of wages. (Commerce, Labor and Consumer Protection)

**HB 1139**, relative to the regulation of podiatrists by the board of podiatry. (Executive Departments and Administration)

**HB 1144**, relative to the definition of a set line used for taking fish. (Wildlife, Fish and Game and Agriculture)

**HB 1150**, removing certain references to nomination for the office of vice-president. (Election Law and Veterans' Affairs)

**HB 1152**, naming a bridge in Wolfeboro in honor of Corporal Matthew J. Stanley. (Transportation and Interstate Cooperation)

**HB 1155**, relative to water district contracts. (Energy, Environment and Economic Development)

**HB 1157**, relative to appointment of a deputy treasurer in a school district. (Education)

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

**HB 1163**, relative to the definition of employer for purposes of safety provisions under the workers' compensation law. (Commerce, Labor and Consumer Protection)

**HB 1165**, relative to access to records for child support enforcement. (Commerce, Labor and Consumer Protection)

**HB 1166**, relative to procurement procedures of the director of plant and property management, and relative to approval of design build projects. (Executive Departments and Administration)

**HB 1168**, clarifying the definition of gross misconduct for purposes of unemployment compensation. (Commerce, Labor and Consumer Protection)

**HB 1171**, repealing the prohibitions on Sunday business activities. (Commerce, Labor and Consumer Protection)

**HB 1175-FN**, relative to duplicate registrations for snowmobiles. (Wildlife, Fish and Game and Agriculture)

**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. (Judiciary)

**HB 1183**, relative to the effective date of certain provisions of the involuntary commitment of sexually violent predators statute. (Judiciary)

**HB 1184**, relative to the administration of the unused prescription drug program. (Health and Human Services)

**HB 1185**, relative to retired judges over 70 years of age. (Judiciary)

**HB 1187**, relative to residential elevators and accessibility lifts. (Commerce, Labor and Consumer Protection)

**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. (Health and Human Services)

**HB 1195**, relative to height, length, width, and weight limits for trucks. (Transportation and Interstate Cooperation)

**HB 1199**, relative to the boundaries of the North Conway water precinct. (Public and Municipal Affairs)

**HB 1201**, including loaded muzzleloaders in the prohibition of hunting from a vehicle. (Wildlife, Fish and Game and Agriculture)

**HB 1203**, relative to nonresident registration of motor vehicles. (Transportation and Interstate Cooperation )

**HB 1204**, relative to equipment and inspection exemptions for older vehicles. (Transportation and Interstate Cooperation)

**HB 1207**, relative to Delta Dental data submission. (Commerce, Labor and Consumer Protection)

**HB 1208**, relative to rebate exemptions. (Commerce, Labor and Consumer Protection)

**HB 1211**, relative to special meetings in towns with official ballot town meetings. (Public and Municipal Affairs)

**HB 1214**, relative to the grounds for suspending or revoking a foster home license. (Health and Human Services)

**HB 1219**, repealing the wartime registration of aliens laws. (Judiciary)

**HB 1220**, relative to meals and rentals licenses. (Executive Departments and Administration)

**HB 1227-L**, relative to laying pipes for pressurized hot water transmission and distribution. (Public and Municipal Affairs)

**HB 1230**, relative to commercial motor vehicles and heating oil deliveries. (Transportation and Interstate Cooperation)

**HB 1247**, establishing a speed limit for vehicles traveling through toll collection areas. (Transportation and Interstate Cooperation)

**HB 1254**, relative to insurance coverage in tort cases. (Commerce, Labor and Consumer Protection)

**HB 1294**, relative to underground storage facility operator training. (Energy, Environment and Economic Development)

**HB 1367-FN**, relative to political advertising and campaign expenditures and contributions by business organizations and labor unions. (Election Law and Veterans' Affairs)

**HB 1368**, relative to the definition of "employee" for workers' compensation purposes. (Commerce, Labor and Consumer Protection)

**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. (Judiciary)

**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. (Judiciary)

**HB 1374**, relative to the prohibition against participation in a national identification card system. (Transportation and Interstate Cooperation)

**HB 1377**, permitting utilities to establish loan programs for owners of residential and business property engaging in renewable energy and energy efficiency projects. (Energy, Environment and Economic Development)

**HB 1378**, 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. (Energy, Environment and Economic Development)

**HB 1379**, relative to promotion of the state parks. (Energy, Environment and Economic Development)

**HB 1390**, relative to the minimum age for the operation of commercial vessels. (Transportation and Interstate Cooperation)

**HB 1393**, relative to the treatment of New Hampshire investment trusts. (Commerce, Labor and Consumer Protection)

**HB 1399**, relative to state water pollution control and drinking water revolving loan funds, and state contributions to sewage disposal facilities. (Energy, Environment and Economic Development)

**HB 1402**, repealing the crime of adultery. (Judiciary)

**HB 1416**, making technical corrections to certain department of revenue administration laws. (Executive Departments and Administration)

**HB 1417**, allowing companion dogs in certain areas of restaurants. (Commerce, Labor and Consumer Protection)

**HB 1418**, naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont the Charles Dana Bridge and correcting the naming of a bridge across the Connecticut River in the town of Chesterfield, New Hampshire from the Judge Harlan Fiske Stone Bridge to the Justice Harlan Fiske Stone Bridge. (Transportation and Interstate Cooperation)

**HB 1425**, relative to the regulation of the processing of lobster tails. (Wildlife, Fish and Game and Agriculture)

**HB 1436**, requiring a report to the general court on New Hampshire's participation in the National Violent Death Reporting System. (Judiciary)

**HB 1446**, naming a bridge in Hopkinton in honor of Officer Sean M. Powers. (Transportation and Interstate Cooperation)

**HB 1447**, relative to authorization to use firearms in the compact part of a town. (Public and Municipal Affairs)

**HB 1448**, relative to town audits. (Public and Municipal Affairs)

**HB 1477**, relative to checklist information. (Election Law and Veterans' Affairs)

**HB 1483**, relative to appropriations in the county budget. (Public and Municipal Affairs)

**HB 1563**, naming a bridge in Salem in honor of Corporal Nicholas Arvanitis, Staff Sergeant Edmond L. Lo, and Marine Lance Corporal Robert L. Mosillo. (Transportation and Interstate Cooperation)

**HB 1671-FN**, relative to election day registrants. (Election Law and Veterans' Affairs)

**HCR 22**, urging Congress to develop and pass a comprehensive immigration reform program. (Judiciary)

**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 9**

*March 10, 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:

In a letter from Rainer Rilke to a young poet, the philosopher said: I want to beg you to be patient towards all that is unsolved in your heart, all that you need to love in the questions themselves. To love the questions is the hardest part about leadership. In our insecurities we tend to want to pretend, to ourselves and to our cowork-

ers, that we have all the answers. And the pressure to do so must double with people calling you “Senator,” or being on such a prestigious staff. I know that being called “Reverend Canon” is a quicksand of pride. But the humility of not being sure is an openness to creativity which will solve the world’s problems. So when you are with people who throw out their chest and raise their voice and pound the desk, just remember that they’re acting out of a deep insecurity, possibly, and that they probably have very small ... cars. Let us pray:

*Grant us the humility to listen more than we speak, grant us to smile more than to scowl, and grant us to welcome more than we challenge.* Amen

Sen. Roberge led the Pledge of Allegiance.

### INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Lasky introduced and welcomed visiting fourth-grade school children from the Ledge Street School in Nashua.

Sen. Sgambati introduced the Laconia High School Select Women’s Choir under the direction of Amanda Nickerson, whereupon the choir sang the national anthem and “When the Saints Go Marching In.”

Sen. Reynolds introduced and welcomed Brady Manning and Greg Stevens, members of the Legislative Youth Advisory Council, visiting the Senate in support of SCR 2 legislation.

Sen. Gallus introduced Katie Demers, student from Berlin High School, serving as Senate Page. Sen. Bradley introduced Ashley Buzzell, student from Kennett High School, Conway, serving as Senate Page.

### STAFF MEMBER INTRODUCED

The newest Senate Legislative Aide, Gene Martin, assigned to Sen. DeVries, was introduced and welcomed by President Larsen.

### FINANCE REPORT

Sen. D’Allesandro reported the following bills will be going to Finance Committee: SB 389, SB 396, SB 467, SB 474, SB 483, SB 486, SB 497; the following bills will be waived from Finance review: SB 353, SB 358, SB 383, SB 392, SB 393, SB 397, SB 449, SB 456, SB 458, SB 472, SB 490, SB 492, SB 495, SB 504, SB 505.

### COMMITTEE REPORTS

#### SPECIAL ORDER

**SCR 2**, encouraging New Hampshire schools to adopt environmentally sound practices in their school cafeterias and school lunch programs. Education Committee. Ought to Pass with Amendment, Vote 6-0. Senator Fuller Clark for the committee.

**Senate Education**  
**February 16, 2010**  
**2010-0773s**  
**04/05**

#### Amendment to SCR 2

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

A RESOLUTION encouraging New Hampshire schools to adopt environmentally sound practices.

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

Whereas, schools have the potential to make positive, tangible environmental change in the world while teaching students to be stewards of their communities, the earth, and its resources; and

Whereas, schools are important consumers of natural resources, including energy, water, food, and paper; and

Whereas, school districts expend financial resources on chemical pest control, cleaning supplies, energy, water, and office and school supplies; and

Whereas, school districts have a considerable opportunity and desire through their purchasing power to improve both the environment and its financial bottom line; and

Whereas, there is a tremendous opportunity to teach children about ecological sustainability, environmental health, and nutrition and support students to become leaders in making their own school a healthier and more ecologically friendly place; now, therefore, be it



Resolved by the Senate, the House of Representatives concurring:

That the general court urges school districts in New Hampshire to develop an environmental policy to include:

I. The development and adoption of an integrated pest management program and other policies to minimize or eliminate the use of hazardous pesticides and herbicides in schools;

II. An audit of cleaning materials and procedures used in schools and the development of a plan to use the least toxic substances and least wasteful procedures;

III. A program to ensure that new schools are built and existing schools refurbished following criteria that mandate the use of environmentally sound building material, the efficient use of energy, water, and other resources, and the creation of a healthy learning environment for children;

IV. A plan to improve the energy efficiency of schools and to increasingly rely on clean, renewable energy sources to power the school's facilities; and

V. The creation of recycling and composting programs for school waste, along with the procurement of recycled office and classroom supplies; and

That the senate clerk send copies of this resolution to the superintendents of each school administrative unit in New Hampshire.

**2010-0773s**

#### AMENDED ANALYSIS

This concurrent resolution urges school districts in New Hampshire to adopt environmentally sound practices.

**The question is on the adoption of Committee Amendment 0773s.**

**Committee Amendment 0773s adopted.**

**The question is on the motion of Ought to Pass as Amended on SCR 2.**

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

#### SPECIAL ORDER

**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.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 1687.**

**Motion of Inexpedient to Legislate adopted.**

**Sen. Bradley is in favor of the motion of Inexpedient to Legislate on HB 1687.**

**Sen. Letourneau is in opposition to the motion of Inexpedient to Legislate on HB 1687.**

#### SPECIAL ORDER

**Without objection, President Larsen moved that SB 354-FN, SB 392-FN and SB 505-FN-A be Special-Ordered to Senate Session on March 17, 2010.**

#### Commerce, Labor and Consumer Protection Committee

**SB 392-FN**, requiring public hearings when insurance companies set base rate increases.

**SB 505-FN-A**, establishing the New Hampshire health services cost review commission and continually appropriating a special fund.

#### Public and Municipal Affairs Committee

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

**SB 314**, relative to the investment of public funds. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 5-0. Senator Cilley for the committee.

**Commerce, Labor and Consumer Protection****March 4, 2010****2010-0914s****06/09****Amendment to SB 314**

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

AN ACT relative to the investment of public funds and relative to the payment of costs for certain bank services.

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

1 State Treasurer and State Accounts; Investment of Funds. Amend RSA 6:8 to read as follows:

6:8 Investment of Funds.

**I.** All funds over which the state has exclusive control, aside from such sums of money as the treasurer may deem necessary to hold or deposit for meeting current expenses, shall be invested by the treasurer, with the approval of the governor and council, in obligations of the United States government, in obligations of any county government, municipal government, or district or division thereof within the state of New Hampshire, in obligations which are legal investments for savings banks pursuant to RSA 387, in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in deposits, including money market accounts, or certificates of deposit, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state.

**II. The treasurer may also invest public funds in certificates of deposit which meet all of the following conditions:**

**(a) The funds are initially invested through a federally insured bank chartered under the laws of New Hampshire or the federal government with a branch within the state, selected by the treasurer.**

**(b) The selected bank arranges for the deposit of the funds in certificates of deposit in one or more federally insured financial institutions located in the United States, for the account of the treasurer.**

**(c) The full amount of principal and any accrued interest of each such certificate of deposit is covered by federal deposit insurance.**

**(d) The selected bank acts as custodian with respect to such certificates of deposit issued for the account of the treasurer.**

**(e) At the same time that the funds are deposited and the certificates of deposit are issued, the selected bank receives an amount of deposits from customers of other federally insured financial institutions equal to or greater than the amount of the funds initially invested through the selected bank by the treasurer.**

2 New Paragraph; County Treasurers and County Taxes; Duties. Amend RSA 29:1 by inserting after paragraph IV the following new paragraph:

V. As an alternative to the option of collateralization for excess funds provided in paragraph IV, the county treasurer may also invest public funds in certificates of deposit which meet all of the following conditions:

(a) The funds are initially invested through a federally insured bank chartered under the laws of New Hampshire or the federal government with a branch within the state, selected by the treasurer.

(b) The selected bank arranges for the deposit of the funds in certificates of deposit in one or more federally insured financial institutions located in the United States, for the account of the treasurer.

(c) The full amount of principal and any accrued interest of each such certificate of deposit is covered by federal deposit insurance.

(d) The selected bank acts as custodian with respect to such certificates of deposit issued for the account of the treasurer.

(e) At the same time that the funds are deposited and the certificates of deposit are issued, the selected bank receives an amount of deposits from customers of other federally insured financial institutions equal to or greater than the amount of the funds initially invested through the selected bank by the treasurer.

3 Duties of Elected and Appointed Town Treasurers. Amend RSA 41:29, V to read as follows:

V.(a) The treasurer shall insure that prior to acceptance of any moneys for deposit or investment, including repurchase agreements, the federally insured bank shall make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.

***(b) As an alternative to the option of collateralization for excess funds provided in subparagraph (a), the town treasurer may also invest public funds in certificates of deposit which meets all of the following conditions:***

***(1) The funds are initially invested through a federally insured bank chartered under the laws of New Hampshire or the federal government with a branch within the state, selected by the treasurer.***

***(2) The selected bank arranges for the deposit of the funds in certificates of deposit in one or more federally insured financial institutions located in the United States, for the account of the treasurer.***

***(3) The full amount of principal and any accrued interest of each such certificate of deposit is covered by federal deposit insurance.***

***(4) The selected bank acts as custodian with respect to such certificates of deposit issued for the account of the treasurer.***

***(5) At the same time that the funds are deposited and the certificates of deposit are issued, the selected bank receives an amount of deposits from customers of other federally insured financial institutions equal to or greater than the amount of the funds initially invested through the selected bank by the treasurer.***

4 New Paragraph; City Treasurer; Duties. Amend RSA 48:16 by inserting after paragraph V the following new paragraph:

VI. As an alternative to the option of collateralization for excess funds provided in paragraph V, the treasurer may also invest public funds in certificates of deposit which meet all of the following conditions:

(a) The funds are initially invested through a federally insured bank chartered under the laws of New Hampshire or the federal government with a branch within the state, selected by the treasurer.

(b) The selected bank arranges for the deposit of the funds in certificates of deposit in one or more federally insured financial institutions located in the United States, for the account of the treasurer.

(c) The full amount of principal and any accrued interest of each such certificate of deposit is covered by federal deposit insurance.

(d) The selected bank acts as custodian with respect to such certificates of deposit issued for the account of the treasurer.

(e) At the same time that the funds are deposited and the certificates of deposit are issued, the selected bank receives an amount of deposits from customers of other federally insured financial institutions equal to or greater than the amount of the funds initially invested through the selected bank by the treasurer.

5 New Paragraph; School Meetings and Officers; Treasurer's Duties. Amend RSA 197:23-a by inserting after paragraph IV the following new paragraph:

V. As an alternative to the option of collateralization for excess funds provided in paragraph IV, the treasurer may also invest public funds in certificates of deposit which meet all of the following conditions:

(1) The funds are initially invested through a federally insured bank chartered under the laws of New Hampshire or the federal government with a branch within the state selected by the treasurer.

(2) The selected bank arranges for the deposit of the funds in certificates of deposit in one or more federally insured financial institutions located in the United States, for the account of the treasurer.

(3) The full amount of principal and any accrued interest of each such certificate of deposit is covered by federal deposit insurance.

(4) The selected bank acts as custodian with respect to such certificates of deposit issued for the account of the treasurer.

(5) At the same time that the funds are deposited and the certificates of deposit are issued, the selected bank receives an amount of deposits from customers of other federally insured financial institutions equal to or greater than the amount of the funds initially invested through the selected bank by the treasurer.

6 Bank Services. Amend RSA 6:7-a to read as follows:

6:7-a Cost of Bank Services. The state treasurer may pay for the cost of bank services, securities transactions fees, and investment management fees from income generated by the treasury department. *If the income generated is insufficient to pay for the cost of bank services, security transaction fees, and investment management fees, payment may be made from funds not otherwise appropriated until such time as the income generated is sufficient to pay for the costs and fees. If the income generated is insufficient to pay for the costs and fees at the end of the fiscal year, the governor may draw a warrant from funds not otherwise appropriated in an amount to cover the deficiency.*

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

**2010-0914s**

#### AMENDED ANALYSIS

This bill:

I. Permits the state and its political subdivisions to invest in certain certificates of deposit.

II. Permits the state treasurer to pay the cost of bank services from funds not otherwise appropriated.

**The question is on the adoption of Committee Amendment 0914s.**

**Committee Amendment 0914s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 314.**

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

**SB 358-FN**, relative to whistleblower protection and waste prevention in state government. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 5-0. Senator Cilley for the committee.

**Commerce, Labor and Consumer Protection**

**March 4, 2010**

**2010-0912s**

**05/10**

#### Amendment to SB 358-FN

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Whistleblowers' Protection Act; Investigation by Department of Labor. Amend RSA 275-E by inserting after section 7 the following subdivision:

Public Employee Complaint Investigation Process

275-E:8 Complaint Investigation by Department of Labor.

I. The department of labor shall have the authority to receive and investigate complaints or information from any public employee concerning the possible existence of any activity constituting fraud, waste, abuse in the expenditure of any public funds, whether state or local, or relating to programs and operations involving the procurement of any supplies, services or construction by governmental entities within the state.

II. The labor commissioner shall make an initial determination as to whether a complaint received under paragraph I is without merit, unfounded, or in need of further information, in which case, the complaint may be dismissed without further action, or held until such time as additional information is received, or dismissed

if no further information is received within the time period specified by the commissioner. If the labor commissioner makes an initial determination that the complaint has merit and warrants further investigation, the labor commissioner may undertake such investigation or refer the matter to the appropriate enforcement authority. The identity of the person who filed the complaint shall not be disclosed without his or her written consent, unless such disclosure is to a law enforcement agency that is conducting a criminal investigation.

III. If the labor commissioner undertakes further investigation of the complaint, the commissioner shall have access to all records, reports, audits, reviews, papers, books, documents, recommendations, correspondence, including information or data that is deemed necessary by the commissioner to carry out the investigation and is a matter of public record. Confidential information may be accessed on behalf of the labor commissioner by the agency having authority to review such materials or records. If no agency is available or cannot be determined based on the nature of the investigation, the matter shall be referred to the attorney general or other law enforcement authority for further investigation. The labor commissioner may request such information, cooperation, and assistance from any state, county, or local governmental agency and may coordinate activities with the attorney general's office. In carrying out his or her duties and responsibilities, the labor commissioner shall report to the attorney general or the United States Attorney or both, any suspected violation of state or federal law.

IV. No governmental entity shall take any retaliatory action against a public employee who, in good faith, files a complaint under this section and the public employee shall be afforded all protections under RSA 275-E:2.

V. If the originating employee's complaint results in a savings of public funds, the public employee shall be entitled to 25 percent of the estimated savings, up to \$2,000. The department of labor shall record the date and time that complaints are received so that, if the department receives multiple complaints regarding the same matter, the originating employee can be determined. If multiple complaints are received at essentially the same time, the labor commissioner shall divide the savings in a proportional manner. In such cases, the employees shall be awarded 25 percent of the estimated savings, up to \$2,000 per employee, and not to exceed \$6,000 in total funds distributed.

VI. The labor commissioner shall adopt rules under RSA 541-A relative to the complaint investigation process established in this section, including the administrative procedure used for responding to complaints, gathering additional information, rendering decisions, and awarding a portion of any savings generated by a complaint filed under this section to an employee.

VII. For purposes of this subdivision, the labor commissioner shall include any person designated by the labor commissioner to carry out the investigation authorized by this section. Public employee shall mean any employee of a governmental entity, as defined in RSA 275-E:1, III.

275-E:9 Protection of Public Employees. No governmental entity shall threaten, discipline, demote, fire, transfer, reassign, or discriminate against a public employee who files a complaint with the department of labor under RSA 275-E:8 or otherwise discloses or threatens to disclose activities or information that the employee reasonably believes shows a violation of existing state or federal laws or regulations, represents a gross mismanagement or waste of public funds, property, or manpower, or evidences an abuse of authority or a danger to the public health and safety. Any public employee who files such a complaint or makes such a disclosure shall be entitled to all rights and remedies provided by this chapter.

## **2010-0912s**

### **AMENDED ANALYSIS**

The bill expands the provisions of the whistleblower protection act to include employees who object to or refuse to participate in any activity that the employee believes is a violation of law or incompatible with a clear mandate of public policy. This bill also authorizes the labor commissioner to investigate allegations of fraud, abuse, or waste in the expenditure of public funds and adds additional protections to the whistleblower protection act for public employees who file such complaints.

**The question is on the adoption of Committee Amendment 0912s.**

**Committee Amendment 0912s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 358-FN.**

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

**SB 475-FN**, relative to alcoholic beverage advertising restrictions. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 3-2. Senator DeVries for the committee.

**The question is on the committee recommendation of Inexpedient to Legislate on SB 475-FN.**

**Motion of Inexpedient to Legislate adopted.**

**SB 347-FN**, relative to ballot language for local adoption of a chartered public school. Education Committee. Inexpedient to Legislate, Vote 3-0. Senator Kelly for the committee.

**The question is on the committee recommendation of Inexpedient to Legislate on SB 347-FN.**

**Motion of Inexpedient to Legislate adopted.**

**SB 486-FN**, relative to the school building aid program. Education Committee. Ought to Pass with Amendment, Vote 3-0. Senator Kelly for the committee.

## **Senate Education**

**March 4, 2010**

**2010-0911s**

**04/10**

### **Amendment to SB 486-FN**

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

#### **1 School Building Aid; Alternative School Building Aid.**

I. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through RSA 198:15-w, and notwithstanding the school building aid funding provisions of 2009, 144:11, the commissioner of the department of education shall issue no school building aid or alternative school building aid for any project approved on or after June 30, 2010 until June 30, 2011.

II. The department of education, in consultation with the state fire marshal, may grant a waiver to the suspension of school building aid under paragraph I if the local fire chief or state or local fire marshal or designee determines, based on reasonable information and belief, that the condition of such school constitutes a clear or imminent danger to the life or safety of occupants or other persons.

**2 New Paragraph; Committee to Study the School Building Aid Grant Program.** Amend 2009, 144:13 by inserting after paragraph III the following new paragraph:

III-a. The committee shall continue to solicit and consider public input on the goals, procedures, and operation of the school building aid grant program.

#### **3 Effective Date.**

I. Section 1 of this act shall take effect June 30, 2010.

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

**2010-0911s**

### **AMENDED ANALYSIS**

This bill:

I. Provides that no school building aid or alternative school building aid grants shall be made to school districts for projects approved on or after June 30, 2010 until June 30, 2011.

II. Provides that the department of education, in consultation with the state fire marshal, may grant a waiver to the suspension of school building aid if the local fire chief or state or local fire marshal or designee determines, based on reasonable information and belief, that the condition of such school constitutes a clear or imminent danger to the life or safety of occupants or other persons.

III. Requires the committee to study the school building aid grant program to continue to solicit and consider public input on the goals, procedures, and operation of the school building aid grant program.

**The question is on the adoption of Committee Amendment 0911s.**

**Committee Amendment 0911s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 486-FN.**

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

**SJR 3**, in support of the New England secondary school consortium. Education Committee. Ought to Pass, Vote 4-0. Senator Kelly for the committee.

**The question is on the committee recommendation of Ought to Pass on SJR 3.**

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

**SB 393-FN-A**, establishing a New Hampshire sustainable energy loan fund (SELF) financing program. Energy, Environment and Economic Development Committee. Interim Study, Vote 5-0. Senator Fuller Clark for the committee.

**The question is on the adoption of committee recommendation of Refer to Interim Study on SB 393-FN-A.**

**Motion of Refer to Interim Study adopted.**

**SB 397-FN**, relative to public utilities commission assessments for the expenses of the consumer advocate. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Cilley for the committee.

**Energy, Environment, and Economic Development**

**March 4, 2010**

**2010-0909s**

**08/09**

#### **Amendment to SB 397-FN**

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

1 Office of the Consumer Advocate. Amend RSA 363:28, III to read as follows:

III. The consumer advocate shall have authority to contract for outside consultants within the limits of funds available to the office. *With the approval of the fiscal committee of the general court and the governor and council, the office of the consumer advocate may employ experts to assist it in proceedings before the public utilities commission, and may pay them reasonable compensation. The public utilities commission shall charge a special assessment for any such amounts against any utility participating in such proceedings and shall provide for the timely recovery of such amounts for the affected utility.*

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

**2010-0909s**

#### **AMENDED ANALYSIS**

This bill requires the public utilities commission to charge an assessment to compensate experts employed by the office of the consumer advocate for commission proceedings against a utility participating in such proceedings and to provide for a timely recovery of such amounts.

**The question is on the adoption of Committee Amendment 0909s.**

**Committee Amendment 0909s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 397-FN.**

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

**SB 432**, relative to technical changes in public utilities law concerning telecommunications. Energy, Environment and Economic Development Committee. Inexpedient to Legislate, Vote 6-0. Senator Merrill for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 432.**

**Motion of Inexpedient to Legislate adopted.**

**SB 442**, relative to the grant program to administer exotic aquatic plant prevention. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 6-0. Senator Merrill for the committee.

**Energy, Environment and Economic Development**  
**March 4, 2010**  
**2010-0908s**  
**08/09**

**Amendment to SB 442**

Amend RSA 487:26 as inserted by section 1 of the bill by replacing it with the following:

487:26 Grant Program Established. There is hereby established a grant program to be administered by the department of environmental services for the allocation of money to state agencies, non-profit organizations, and municipalities or political subdivisions of the state which seek to administer a milfoil and other exotic aquatic plants prevention program, and to institutions of higher learning which seek to conduct research on milfoil and other exotic aquatic plants remediation techniques. The grant program shall be funded by the portion of the lake restoration and preservation fund, established in RSA 487:25, and allocated to the milfoil and other exotic aquatic plants prevention program. ~~[Up to 2/3]~~ **A minimum of 3/4** of the moneys distributed from the fund to the milfoil and other exotic aquatic plants prevention program shall be allocated for the purposes of milfoil and other exotic aquatic plants prevention and the remainder shall be allocated to milfoil and other exotic aquatic plants remediation research. Of the moneys in the milfoil and other exotic aquatic plants prevention program, the moneys allocated specifically for the purposes of the milfoil and other exotic aquatic plants prevention shall be distributed upon approval of the commissioner of the department of environmental services and the commissioner of safety. Of the moneys in the milfoil and other exotic aquatic plants prevention program, the moneys allocated specifically for the purposes of milfoil and other exotic aquatic plants remediation research shall be distributed upon approval of the commissioner of the department of environmental services.

**2010-0908s**

**AMENDED ANALYSIS**

This bill increases the money distributed from the lake restoration and preservation fund that is allocated to the prevention of milfoil and other exotic aquatic plants.

**The question is on the adoption of Committee Amendment 0908s.**

**Committee Amendment 0908s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 442.**

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

**SB 449-FN**, relative to ex parte communications of staff advocates and decisional employees in public utilities commission adjudicatory proceedings. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 2-0. Senator Cilley for the committee.

**Senate Executive Departments and Administration**  
**March 3, 2010**  
**2010-0884s**  
**06/09**

**Amendment to SB 449-FN**

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

AN ACT relative to the designation of staff members as staff advocates in public utilities commission adjudicatory proceedings.

Amend the bill by replacing section 1 with the following:

1 Designation of Employees. RSA 363:32 is repealed and reenacted to read as follows:

363:22 Designation of Employees.

I. Whenever the commission conducts an adjudicative proceeding in accordance with the provisions of RSA 541-A:31 through RSA 541-A:35, the commission shall designate one or more members of its staff as a staff advocate, as defined in RSA 363:30, VIII, if requested by a party with full rights of participation in the proceeding, or upon its own initiative, when the commission determines that such members of its staff may not be able to fairly and neutrally advise the commission on all positions advanced in the proceeding.



II. Whenever the commission conducts an adjudicative proceeding in accordance with the provisions of RSA 541-A:31 through RSA 541-A:35, the commission may designate one or more members of its staff as a staff advocate, as defined in RSA 363:30, VIII, if requested by a party with full rights of participation in the proceeding, or upon its own initiative, at any time for good reason, including that: the proceeding is particularly controversial and significant in consequence; the proceeding is so contentious as to create a reasonable concern about staff's role; or it appears reasonable that such designations may increase the likelihood of a stipulated agreement by the parties.

III. Whenever the commission conducts an adjudicative proceeding in accordance with the provisions of RSA 541-A:31 through RSA 541-A:35, the commission may designate one or more members of its staff as a decisional employee, as defined in RSA 363:30, III, when the commission determines that such designation will contribute to the prompt and orderly conduct of the proceeding or is otherwise in the public interest.

IV. Unless the commission provides otherwise, any such designations shall only be applicable to a specified adjudicative proceeding. The commission shall make a list of all current designations available to the public.

**2010-0884s**

#### AMENDED ANALYSIS

This bill clarifies when staff members may be designated as staff advocates or decisional employees in adjudicatory proceedings of the public utilities commission.

**The question is on the adoption of Committee Amendment 0884s.**

**Committee Amendment 0884s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 449-FN.**

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

**SB 495-FN**, relative to state competitive bidding practices. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 3-0. Senator Fuller Clark for the committee.

**Senate Executive Departments and Administration**

**March 3, 2010**

**2010-0879s**

**05/01**

#### Amendment to SB 495-FN

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

AN ACT establishing a task force on state procurement policies and procedures.

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

1 Task Force Established. There is established a task force on state procurement policies and procedures, the purpose of which shall be to study procurement preference systems.

2 Members.

I. The task force shall consist of the following members:

- (a) The commissioner of the department of administrative services, or designee.
- (b) The commissioner of the department of resources and economic development, or designee.
- (c) The attorney general, or designee.
- (d) The commissioner of transportation, or designee.
- (e) The commissioner of the department of labor, or designee.
- (f) Three representatives of New Hampshire-based businesses, appointed by the governor, to include:
  - (1) One representative of the Associated General Contractors of New Hampshire.
  - (2) One representative of the New Hampshire/Vermont chapter of the Associated Builders and Contractors, Inc.
- (g) Three representatives of organized labor, appointed by the governor, to include:

(1) One representative of the New Hampshire AFL-CIO.

(2) One representative of the State Employees' Association of New Hampshire, Inc.

(3) One representative of the New Hampshire State Building and Construction Trades Council.

(h) One public member, appointed by the governor.

(i) Two members of the house of representatives, appointed by the speaker of the house of representatives.

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

II. Members of the task force shall serve without compensation; except that legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

### 3 Duties and Recommendations.

#### I. The task force shall:

(a) Review all state procurement policies and procedures, seeking input from New Hampshire businesses and workers.

(b) Review procurement preference systems in other states.

(c) Consider whether the state's procurement procedures or policies present unnecessary barriers that prevent New Hampshire-based businesses, particularly small businesses, from competing for state contracts.

(d) Consider whether state procurement procedures should award preferences to New Hampshire-based businesses bidding on state contracts and assess any constitutional or legal limitations on such preferences.

(e) Consider whether state procurement procedures should award preferences to companies providing sustainable wages and health insurance to their workers.

(f) Solicit testimony from members of the public and others with information and expertise relevant to the task force's study.

#### II. In making its recommendation, the task force shall consider:

(a) The potential for increased costs incurred by the state as the result of giving a preference to New Hampshire based companies or those offering sustainable wages and benefits.

(b) The potential for cost savings or other state benefits resulting from implementation of a procurement preference system.

(c) Whether such policies could have a negative impact on New Hampshire-based businesses competing for contracts in other states.

(d) Whether adoption of a procurement preference system should be limited to certain goods and services.

(e) The type of preference, if any, that may be offered to businesses that are based in New Hampshire or that provide sustainable wages and health insurance to their workers.

(f) Guidelines or criteria for determining what constitutes a New Hampshire-based business.

4 Chairperson; Quorum. 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 and shall be held within 45 days of the effective date of this section. Nine members of the task force shall constitute a quorum.

5 Report. The task force shall submit its findings and recommendations, including any recommendations for further legislation, to the senate president, the speaker of the house of representatives, the governor, and the state library on or before November 1, 2011.

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

**2010-0879s**

#### AMENDED ANALYSIS

This bill establishes a task force on state procurement policies and procedures.

**The question is on the adoption of Committee Amendment 0879s.**

**Committee Amendment 0879s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 495-FN.**

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

**SB 504-FN**, relative to the effective date for the implementation of the retirement system employer assessments for excess benefits. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Cilley for the committee.

**The question is on the committee recommendation of Ought to Pass on SB 504-FN.**

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

**HB 1131**, relative to requirements for firefighter certification. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator DeVries for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1131.**

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

**SB 396-FN**, limiting the use of child restraint practices in schools and treatment facilities. Health and Human Services Committee. Ought to Pass with Amendment, Vote 3-0. Senator Gilmour for the committee.

**Health and Human Services**

**March 2, 2010**

**2010-0864s**

**05/04**

#### **Amendment to SB 396-FN**

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

1 Statement of Purpose. The purpose of this chapter is to eliminate child restraint techniques which endanger children and to promote the overall reduction of the use of restraint of children in schools and treatment facilities in New Hampshire.

2 New Chapter; Limiting the Use of Child Restraint Practices in Schools and Treatment Facilities. Amend RSA by inserting after chapter 126-S the following new chapter:

#### CHAPTER 126-T LIMITING THE USE OF CHILD RESTRAINT PRACTICES IN SCHOOLS AND TREATMENT FACILITIES

126-T:1 Definitions. In this chapter:

I. "Child" means a person who has not reached the age of 18 years and who is not under adult criminal prosecution or sentence of actual incarceration resulting therefrom, either due to having reached the age of 17 years or due to the completion of proceedings for transfer to the adult criminal justice system under RSA 169-B:24, 169-B:25, or 169-B:26.

II. "Director" refers to the program director, school principal, or other official highest in rank and with authority over the activities of a school or facility.

III. "Facility" includes any of the following when used for the placement, custody, or treatment of children:

(a) The youth services center maintained by the department of health and human services, or any other setting established for the commitment or detention of children pursuant to RSA 169-B, 169-C, or 169-D.

(b) Child care agencies regulated by RSA 170-E.

(c) Any foster home, group home, crisis home, or shelter care setting used for the placement of children at any stage of proceedings under RSA 169-B, 169-C, or 169-D or following disposition under those chapters.

(d) Any hospital, building, or other place, whether public or private, which is part of the state services systems established under RSA 135-C:3 and 171-A:4, including but not limited to:

(1) The Anna Philbrook center.

(2) The acute psychiatric services building.

(3) Any designated receiving facility.

(4) A community mental health center as defined in RSA 135-C:7, or any of its subdivisions or contractors.

(5) An area agency as defined in RSA 171-A:2, or any of its subdivisions or contractors.

(e) Any residence, treatment center, or other place used for the voluntary or involuntary custody, treatment or care of children with developmental, intellectual, or other disabilities under RSA 171-A or 171-B.

(f) Community living facilities for persons with developmental disabilities or mental illness as authorized by RSA 126-A:19, when used for the placement of children.

IV. "Restraint" means bodily physical restriction, mechanical devices, or any device that unreasonably limits freedom of movement. It includes mechanical restraint, physical restraint, and medication restraint used to control behavior in an emergency or any involuntary medication.

(a) "Medication restraint" occurs when a child is given medication involuntarily for the purpose of immediate control of the child's behavior.

(b) "Mechanical restraint" occurs when a physical device or devices are used to restrict the movement of a child or the movement or normal function of a portion of his or her body.

(c) "Physical restraint" occurs when a manual method is used to restrict a child's freedom of movement or normal access to his or her body.

(d) Restraint shall not include:

(1) Holding a child to calm or comfort the child, holding a child's hand or arm to escort the child safely from one area to another, or intervening in an ongoing assault or fight.

(2) Brief periods of physical restriction by person-to-person contact, without the aid of medication or mechanical restraints, accomplished with minimal force and designed either to prevent a child from completing an act that potentially would result in physical harm to himself or herself or to another person, or to remove a disruptive child who is unwilling to leave an area voluntarily.

(3) Physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, and supportive body bands, or other physical holding when necessary for routine physical examinations and tests or for orthopedic, surgical, and other similar medical treatment purposes, or when used to provide support for the achievement of functional body position or proper balance or to protect a person from falling out of bed, or to permit a child to participate in activities without the risk of physical harm.

(4) The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.

(5) The use of force by a person to defend himself or herself or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which he or she reasonably believes to be necessary for such purpose.

V. "School" means:

(a) A school operated by a school district.

(b) A chartered public school governed by RSA 194-B.

(c) A public academy as defined in RSA 194:23, II.

(d) A nonpublic school subject to the approval authority of the state board of education under RSA 186:11, XXIX.

(e) A private or public provider of any component of a child's individualized education program under RSA 186-C.

VI. "Serious injury" means any harm to the body which requires hospitalization or results in the fracture of any bone, non-superficial lacerations, injury to any internal organ, second- or third-degree burns, or any severe, permanent, or protracted loss of or impairment to the health or function of any part of the body.

126-T:2 Written Policies Required. Each facility and school shall have a written policy and procedures for managing the behavior of children. Such policy shall describe how and under what circumstances restraint is used and shall be provided to the parent, guardian, or legal representative of each child at such facility or school.

126-T:3 Post Admission Planning in Facilities.

I. As soon as possible after admission to a facility, the treatment staff of the facility, the child, and the child's parent or guardian shall develop a plan to:

- (a) Identify the child's history of physical, sexual, or emotional trauma, if any.
- (b) Identify effective responses to potential behavior or situations which will avoid the use of restraint.
- (c) Identify health conditions which may make the child vulnerable to injury while at the facility.

II. The plan described in this section is not required if the child is expected to be at the facility for fewer than 72 hours and, after conducting a reasonable inquiry, the staff of the facility is not informed of any history of the use of restraint of the child.

126-T:4 Prohibition of Dangerous Restraint Techniques. No school or facility shall use or threaten to use any of the following restraint and behavior control techniques:

I. Any physical restraint or containment technique that:

- (a) Obstructs a child's respiratory airway or impairs the child's breathing or respiratory capacity or restricts the movement required for normal breathing;
- (b) Places pressure or weight on, or causes the compression of, the chest, lungs, sternum, diaphragm, back, or abdomen of a child;
- (c) Obstructs the circulation of blood;
- (d) Involves pushing on or into the child's mouth, nose, eyes, or any part of the face or involves covering the face or body with anything, including soft objects such as pillows, blankets, or washcloths; or
- (e) Endangers a child's life or significantly exacerbates a child's medical condition.

II. The intentional infliction of pain, including the use of pain inducement to obtain compliance.

III. The intentional release of noxious, toxic, caustic, or otherwise unpleasant substances near a child for the purpose of controlling or modifying the behavior of or punishing the child.

IV. Any technique that unnecessarily subjects the child to ridicule, humiliation, or emotional trauma.

126-T:5 Limitation of the Use of Restraint to Emergencies Only.

I. Restraint shall only be used in a school or facility to ensure the immediate physical safety of persons when there is a substantial and imminent risk of serious bodily harm to the child or others. It shall be used only by trained personnel using extreme caution when all other interventions have failed or have been deemed inappropriate.

II. Restraint shall never be used explicitly or implicitly as punishment for the behavior of a child.

126-T:6 Schools Limited to Physical Restraint. Use of restraint in schools shall be limited to physical restraint as permitted by this chapter. Schools shall not use medication restraint and shall not use mechanical restraint except as otherwise permitted in the transportation of children pursuant to RSA 126-T:12.

126-T:7 Notice and Record-Keeping Requirements.

I. The facility or school shall make reasonable efforts to orally notify the parent or guardian of a child whenever restraint has been used on the child.

II. A facility or school employee who uses restraint shall, within 24 hours, or, if the use of restraint occurs on a Saturday, Sunday, or legal holiday, within 48 hours after the occurrence, submit a written report containing the following information to the director or his or her designee:

- (a) The date, time, and duration of the use of restraint.
- (b) A description of the actions of the child before, during, and after the occurrence.

(c) A description of any other relevant events preceding the use of restraint, including the justification for initiating the use of restraint.

(d) The names of the persons involved in the occurrence.

(e) A description of the actions of the facility or school employees involved before, during, and after the occurrence.

(f) A description of any interventions used prior to the use of the restraint.

(g) A description of the restraint used, including any hold used and the reason the hold was necessary.

(h) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the use of restraint.

(i) A description of any property damage associated with the occurrence.

(j) A description of actions taken to address the emotional needs of the child during and following the restraint incident.

(k) A description of future actions to be taken to control the child's problem behaviors.

(l) The name and position of the employee completing the report.

III. The director or his or her designee shall, within 24 hours, or, if the use of restraint occurs on a Saturday, Sunday, or legal holiday, within 48 hours after the occurrence, send or transmit by first class mail or electronic transmission to the child's parent or guardian the information contained in the report required in paragraph II. Each report prepared under this section shall be retained by the school or facility for review in accordance with rules adopted under RSA 541-A by the state board of education and the department of health and human services.

126-T:8 Review of Restraint Records by Department of Education. The state board of education shall adopt rules, pursuant to RSA 541-A, establishing a process for regular review of records of restraint usage kept by schools, preparation of publicly available periodic summaries of restraint usage, including publication on the department of education website, and providing a process for complaints and investigations of reports of improper use of restraint in schools.

126-T:9 Review of Restraint Records by Department of Health and Human Services. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, establishing a process for regular review of records of restraint usage kept by facilities, preparation of publicly available periodic summaries of restraint usage, including publication on the department of health and human services website, and providing a process for complaints and investigations of reports of improper use of restraint in facilities.

126-T:10 Injury or Death During Incidents of Restraint.

I. In cases involving serious injury or death to a child subject to restraint in a facility, the facility shall, in addition to the provisions of RSA 126-T:7, notify the commissioner of the department of health and human services, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the report required in RSA 126-T:7, II.

II. In cases involving serious injury or death to a child subject to restraint in a school, the school shall, in addition to the provisions of RSA 126-T:7, notify the commissioner of the department of education, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the report required in RSA 126-T:7, II.

126-T:11 Authorization and Monitoring of Extended Restraint. In a school or facility:

I. Restraint shall not be imposed for longer than is necessary to protect the child or others from the substantial and imminent risk of serious bodily harm.

II. Children in restraint shall be the subject of continuous direct observation by personnel trained in the safe use of restraint.

III. No period of restraint of a child may exceed 15 minutes without the approval of the director or a supervisory employee designated by the director to provide such approval.

IV. No period of restraint of a child may exceed 30 minutes unless a face-to-face assessment of the mental, emotional, and physical well-being of the child is conducted by the facility or school director or by

a supervisory employee designated by the director who is trained to conduct such assessments. The assessment shall also include a determination of whether the restraint is being conducted safely and for a purpose authorized by this chapter. Such assessments shall be repeated at least every 30 minutes during the period of restraint. Each such assessment shall be documented in writing and such records shall be retained by the facility or school as part of the report required in RSA 126-T:7, II.

**126-T:12 Restriction of the Use of Mechanical Restraint During the Transport of Children.**

I. A school or facility shall not use mechanical restraints during the transportation of children unless case-specific circumstances dictate that such methods are necessary.

II. Whenever a child is transported to a location outside a school or facility, the director shall ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort the child in a manner which:

- (a) Prevents physical and psychological trauma;
- (b) Respects the privacy of the child; and
- (c) Represents the least restrictive means necessary for the safety of the child.

III. Whenever a child is transported using mechanical restraints, the director shall document in writing the reasons for the use of mechanical restraints. Such documentation shall be treated as a report of restraint under RSA 126-T:7.

**126-T:13 Restriction of the Use of Mechanical Restraint in Courtrooms.** At any hearing under RSA 169-B, 169-C, or 169-D, the judge may subject a child to mechanical restraint in the courtroom only when the judge finds the restraint to be reasonably necessary to maintain order, prevent the child's escape, or provide for the safety of the courtroom. Whenever practical, the judge shall provide the child and the child's attorney an opportunity to be heard to contest the use of mechanical restraint before the judge orders its use. If mechanical restraint is ordered, the judge shall make written findings of fact in support of the order.

3 Effective Date. This act shall take effect September 1, 2010.

**Recess. Out of recess.**

**Second recess. Out of recess.**

**The question is on the adoption of Committee Amendment 0864s.**

**Committee Amendment 0864s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 396-FN.**

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

**SB 353-FN**, relative to the procedure for administration of insolvent estates. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Reynolds for the committee.

**Senate Judiciary**

**March 3, 2010**

**2010-0881s**

**09/01**

**Amendment to SB 353-FN**

Amend RSA 554:19, I(d) as inserted by section 3 of the bill by replacing it with the following:

(d) Just debts of the deceased, *including claims for medical assistance made by the department of health and human services.*

**The question is on the adoption of Committee Amendment 0881s.**

**Committee Amendment 0881s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 353-FN.**

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

**SB 439**, making technical corrections and changes to court sites and names. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Houde for the committee.

**Senate Judiciary**  
**March 3, 2010**  
**2010-0880s**  
**09/01**

**Amendment to SB 439**

Amend the bill by deleting section 2 and renumbering the original sections 3-7 to read as 2-6, respectively.

**The question is on the adoption of Committee Amendment 0880s.**

**Committee Amendment 0880s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 439.**

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

**SB 458-FN**, relative to enforcement of child support obligations. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Houde for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on SB 458-FN.**

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

**SB 472-FN**, making the commission of certain murders eligible for the death penalty. Judiciary Committee. Interim Study, Vote 3-2. Senator Reynolds for the committee.

**Sen. Barnes moved to Special-Order SB 472-FN.**

**Recess. Out of recess.**

**Sen. Barnes withdrew motion for Special Order.**

**The question is on the adoption of committee recommendation of Refer to Interim Study on SB 472-FN.**

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

**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 Refer to Interim Study adopted.**

**Luncheon recess. Out of recess.**

**AFTERNOON SESSION**

(Sen. Sgambati welcomed a delegation from the Leadership New Hampshire program, Lakes Region, visitors in the Senate Gallery.)

**COMMITTEE REPORTS, RESUMED**

**SB 315**, relative to the selection of members of the conservation commission. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 4-1. Senator Houde for the committee.

**Public and Municipal Affairs**  
**March 4, 2010**  
**2010-0905s**  
**10/09**

**Amendment to SB 315**

Amend RSA 36-A:3 as inserted by section 1 of the bill by replacing it with the following:

36-A:3 Composition of Commission. The commission shall consist of not less than 3 nor more than 7 members. In a town which has a planning board, one member of the commission may also be on the planning board. In a city which has a planning board, one member of the commission may be on the planning board. In cities, the members of the commission [shall] *may* be *either elected or* appointed by the mayor subject to the provisions



of the city charter, and in towns the members of the commission [shall] *may* be ***elected or*** appointed by the selectmen. Alternate members may be ***elected or*** appointed in a like manner and when the alternate serves in the absence or disqualification of a regular member, the alternate shall have full voting powers. When a commission is first established, terms of the members shall be for one, 2, or 3 years, and so arranged that the terms of approximately 1/3 of the members will expire each year, and their successors shall be ***elected or*** appointed for terms of 3 years each. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original ***election or*** appointment. Members of a conservation commission shall be residents of the city or town which they represent. Members of a conservation commission also may serve on other municipal boards and commissions, including, but not limited to a historic district commission established under RSA 673:4, and a heritage commission established under RSA 673:4-a.

**The question is on the adoption of Committee Amendment 0905s.**

**Committee Amendment 0905s failed.**

**Sen. Houde offered a floor amendment.**

**Sen. Houde, Dist. 5**

**March 9, 2010**

**2010-0932s**

**08/03**

#### **Floor Amendment to SB 315**

Amend RSA 36-A:3 as inserted by section 1 of the bill by replacing it with the following:

36-A:3 Composition of Commission.

***I.*** The commission shall consist of not less than 3 nor more than 7 members. In a town which has a planning board, one member of the commission may also be on the planning board. In a city which has a planning board, one member of the commission may be on the planning board. In cities, the members of the commission [shall] *may* be ***either elected or*** appointed by the mayor subject to the provisions of the city charter, and in towns the members of the commission [shall] *may* be ***elected or*** appointed by the selectmen. Alternate members may be ***elected or*** appointed in a like manner and when the alternate serves in the absence or disqualification of a regular member, the alternate shall have full voting powers. When a commission is first established, terms of the members shall be for one, 2, or 3 years, and so arranged that the terms of approximately 1/3 of the members will expire each year, and their successors shall be ***elected or*** appointed for terms of 3 years each. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original ***election or*** appointment. Members of a conservation commission shall be residents of the city or town which they represent. Members of a conservation commission also may serve on other municipal boards and commissions, including, but not limited to a historic district commission established under RSA 673:4, and a heritage commission established under RSA 673:4-a.

***II.*** *A local legislative body which has previously provided for the appointment of conservation commission members may rescind that action by majority vote and choose to elect commission members.*

***III.*** *A local legislative body's decision to change from an elected to an appointed conservation commission or from an appointed to an elected conservation commission may be made by the following:*

***(a)*** *In a town operating under the town meeting form of government, the decision may be made at any annual or special town meeting.*

***(b)*** *If a town has adopted the official ballot for the election of town officers, the question may be, but is not required to be, placed on the official ballot. If the question is not placed on the official ballot, the question shall be placed in the warrant and shall be voted on as a separate article at the town meeting.*

***IV.*** *A local legislative body which has provided for the election of conservation commission members may rescind that action by majority vote, in which event members shall thereafter be appointed in a manner prescribed by the local legislative body. The elected commission shall, however, continue in existence and the elected members in office may continue to serve until their successors are appointed and qualified.*

**The question is on the adoption of Floor Amendment 0932s.**

**Floor Amendment 0932s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 315.**

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

**SB 406**, relative to merger of lots or parcels. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Sgambati for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on SB 406.**

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

**SB 419**, relative to conversion of convertible lands under the condominium act. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator DeVries for the committee.

**Public and Municipal Affairs**

**March 4, 2010**

**2010-0906s**

**10/09**

**Amendment to SB 419**

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

2 Applicability. Section 1 of this act shall not apply if the period for conversion has expired prior to the effective date of this act.

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

**The question is on the adoption of Committee Amendment 0906s.**

**Committee Amendment 0906s adopted.**

**Sen. DeVries offered a floor amendment.**

**Sen. DeVries, Dist. 18**

**March 9, 2010**

**2010-0940s**

**05/10**

**Floor Amendment to SB 419**

Amend RSA 356-B:23, III as inserted by section 1 of the bill by replacing it with the following:

III. All convertible lands shall be deemed a part of the common areas except for such portions thereof as are converted in accordance with the provisions of this section. Until the expiration of the period during which conversion may occur or until actual conversion, whichever occurs first, real estate taxes shall be assessed against the declarant rather than the unit owners as to both the convertible land and any improvements thereon. No such conversion shall occur after [5] **10** years from the recordation of the declaration, or such shorter period of time [period] as the declaration may specify, provided, however, that the time limit [contained in the declaration] **in either case** may be extended by not more than 5 years by an amendment to the declaration adopted pursuant to RSA 356-B:54, V.

**The question is on the adoption of Floor Amendment 0940s.**

**Floor Amendment 0940s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 419.**

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

**SB 446**, relative to the governance of the Concord school district. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

**MOTION TO TABLE**

**Sen. Barnes moved to table SB 446.**

**The question is on the motion to table SB 446.**

**Motion adopted.**

**LAI D ON THE TABLE**

**SB 446**, relative to the governance of the Concord school district.

**SB 447**, relative to the residence requirement for town moderators and town clerks. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 5-0. Senator Roberge for the committee.

**Public and Municipal Affairs**

**March 4, 2010**

**2010-0904s**

**06/01**

**Amendment to SB 447**

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

AN ACT relative to the residence requirement for assistant town moderators and assistant town clerks.

Amend RSA 658:14 as inserted by section 1 of the bill by replacing it with the following:

658:14 Officers. The moderator shall appoint an assistant moderator for each additional polling place and the town clerk shall appoint an assistant clerk for each additional polling place. Each assistant moderator and assistant clerk shall have their domicile in the ~~[voting district]~~ **municipality** covered by the additional polling place ~~[where they will serve]~~. The powers and duties of the assistant moderator and the assistant clerk shall be the same as those of the moderator and the clerk at the central polling place except as otherwise provided in the election laws. The inspectors of elections appointed as provided in RSA 658:2 shall be sworn in by the assistant moderator before entering upon their duties.

**2010-0904s**

**AMENDED ANALYSIS**

This bill changes the residence requirement for assistant town moderators and assistant town clerks.

**The question is on the adoption of Committee Amendment 0904s.**

**Committee Amendment 0904s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 447.**

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

**SB 456-FN**, relative to energy conservation in new building construction. Public and Municipal Affairs Committee. Interim Study, Vote 4-0. Senator Houde for the committee.

**The question is on the adoption of committee recommendation of Refer to Interim Study on SB 456-FN.**

**Motion of Refer to Interim Study adopted.**

**SB 492-FN-L**, extending the local property tax exemption for wooden poles and conduits. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-1. Senator DeVries for the committee.

**Sen. Sgambati offered a floor amendment.**

**Sen. Sgambati, Dist. 4**

**March 10, 2010**

**2010-0953s**

**10/01**

**Floor Amendment to SB 492-FN-LOCAL**

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

1 Prospective Repeal Date Extended for Exemption of Wooden Poles and Conduits Under RSA 72:8-b. Amend 1998, 304:6, I as amended by 1999, 163:7, 2001, 158:2, 2003, 270:8, 2004, 35:1, and 2005, 146:1 to read as follows:

I. Section 5 of this act shall take effect July 1, ~~[2010]~~ **2012**.

2 Committee Established.

I. There is established a committee to study the exemption of wooden poles and conduits under RSA 72:8-b.

II. The members of the committee 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.

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

IV. The committee shall study the impact on ratepaying customers if the exemption from property taxation of wooden poles and conduits under RSA 72:8-b were to be repealed. The committee shall also study the fairness of the current application of the exemption among utility pole owners and among communications providers.

V. 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. Three members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2010.

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

**2010-0953s**

#### AMENDED ANALYSIS

This bill extends the prospective repeal date of the local property tax exemption for wooden poles and conduits to July 1, 2012. Under current law the exemption is repealed on July 1, 2010. The bill also establishes a committee to study the exemption of wooden poles and conduits under RSA 72:8-b, and its impact on ratepaying customers and application among utility pole owners and communications providers.

**The question is on the adoption of Floor Amendment 0953s.**

**Floor Amendment 0953s adopted.**

**The question is on the adoption of motion of Ought to Pass as Amended on SB 492-FN-L.**

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

**Sen. Reynolds is in opposition to the motion Ought to Pass on SB 492-FN-L.**

**Sen. Cilley is in opposition to the motion Ought to Pass and Floor Amendment 0953s on SB 492-FN-L.**

**Sen. Roberge is in opposition to the motion Ought to Pass with Amendment on SB 492-FN-L.**

**Senators Lasky and Carson are in favor of the motion of Ought to Pass on SB 492-FN-L.**

**SB 351-FN-A**, exempting income derived from the sale of cattle from the business profits tax. Ways and Means Committee. Inexpedient to Legislate, Vote 7-0. Senator Reynolds for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 351-FN-A.**

**Motion of Inexpedient to Legislate adopted.**

**SB 383-FN**, relative to net operating loss carryovers under the business profits tax. Ways and Means Committee. Ought to Pass with Amendment, Vote 6-1. Senator Gilmour for the committee.

**Senate Ways and Means**

**March 4, 2010**

**2010-0891s**

**01/04**

#### Amendment to SB 383-FN

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

AN ACT relative to net operating loss carryovers under the business profits tax and relative to economic revitalization zone tax credits.

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

2 Repeal of Prospective Repeal. The following are repealed:

I. 2007, 263:123, relative to the repeal of economic revitalization zone tax credits.

II. 2007, 263:176, X, relative to the effective date of 2007, 263:123.

3 Designation of Economic Revitalization Zone. Amend RSA 162-N:2, I(b) to read as follows:

(b) The median household income in the census tract or tracts in which the zone is located is less than [~~\$40,500~~] **80 percent of the state median household income** according to the most recent federal decennial census.

4 Determination of Economic Revitalization Zone Tax Credits Eligible Amount. Amend the introductory paragraph of RSA 162-N:6, II(d) to read as follows:

(d) 4 percent of the [~~lesser~~] **greater** of the following:

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

## **2010-0891s**

### **AMENDED ANALYSIS**

This bill limits the amount of net operating loss generated in a tax year that may be carried forward under the business profits tax to \$10,000,000.

The bill also repeals the 2011 repeal of the economic revitalization zone tax credits and makes certain changes regarding the eligibility for and determination of the eligible amounts for the credits.

**The question is on the adoption of Committee Amendment 0891s.**

**Committee Amendment 0891s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 383-FN.**

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

**Sen. DeVries is in favor of the motion of Ought to Pass as Amended on SB 383-FN.**

**SB 389-FN-A**, relative to the interest and dividends tax on certain distributions to investors in investment organizations. Ways and Means Committee. Ought to Pass, Vote 7-0. Senator Janeway for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on SB 389-FN-A.**

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

**SB 467-FN-A**, establishing job creation incentives under the business profits tax and the business enterprise tax. Ways and Means Committee. Ought to Pass, Vote 7-0. Senator Bradley for the committee.

### **MOTION TO TABLE**

**Sen. D'Allesandro moved to table SB 467-FN-A.**

**The question is on the motion to table SB 467-FN-A.**

**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 adopted.**

### **LAIID ON THE TABLE**

**SB 467-FN-A**, establishing job creation incentives under the business profits tax and the business enterprise tax.

**SB 473-FN**, making distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares, and requiring a reduction in general fund appropriations for the biennium ending June 30, 2011. Ways and Means Committee. Inexpedient to Legislate, Vote 4-3. Senator D'Allesandro for the committee.

#### **MOTION TO TABLE**

**Sen. D'Allesandro moved to table SB 473-FN.**

**The question is on the motion to table SB 473-FN.**

**Motion adopted.**

#### **LAI D ON THE TABLE**

**SB 473-FN**, making distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares, and requiring a reduction in general fund appropriations for the biennium ending June 30, 2011.

**SB 474-FN-A-L**, changing the rate of the meals and rooms tax, repealing the meals and rooms tax on campsites, and requiring a reduction in general fund appropriations for the biennium ending June 30, 2011. Ways and Means Committee. Ought to Pass with Amendment, Vote 7-0. Senator Gilmour for the committee.

#### **Senate Ways and Means**

**March 4, 2010**

**2010-0890s**

**01/04**

#### **Amendment to SB 474-FN-A-LOCAL**

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

AN ACT repealing the meals and rooms tax on campsites.

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

1 Meals and Rooms Tax; Definition of Hotel; Campsites. Amend the introductory paragraph of RSA 78-A:3, III to read as follows:

III. "Hotel" means an establishment which holds itself out to the public by offering sleeping accommodations for rent, whether or not the major portion of its operating receipts is derived from sleeping accommodations. The term includes, but is not limited to, inns, motels, tourist homes and cabins, ski dormitories, ski lodges, lodging homes, rooming houses, furnished room houses, boarding houses, private clubs, hostels, cottages, camps, [campsites,] chalets, barracks, dormitories, and apartments. The term does not include the following:

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

**2010-0890s**

#### **AMENDED ANALYSIS**

This bill repeals the meals and rooms tax on campsites.

#### **MOTION TO TABLE**

**Sen. Gilmour moved to table SB 474-FN-A-L.**

**The question is on the motion to table SB 474-FN-A-L.**

**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 adopted.**

#### **LAI D ON THE TABLE**

**SB 474-FN-A-L**, changing the rate of the meals and rooms tax, repealing the meals and rooms tax on campsites, and requiring a reduction in general fund appropriations for the biennium ending June 30, 2011.

**Recess. Out of recess.**

**SB 476-FN**, clarifying the business profits tax deduction for reasonable compensation. Ways and Means Committee. Inexpedient to Legislate, Vote 4-3. Senator Reynolds for the committee.

**MOTION TO TABLE**

**Sen. Reynolds moved to table SB 476-FN.**

**The question is on the motion to table SB 476-FN.**

**Motion adopted.**

**LAIID ON THE TABLE**

**SB 476-FN**, clarifying the business profits tax deduction for reasonable compensation.

**SB 483-FN-A**, relative to the interpretation of Internal Revenue Code section 1031 as it relates to taxation under the business profits tax. Ways and Means Committee. Ought to Pass with Amendment, Vote 7-0. Senator D'Allesandro for the committee.

**Senate Ways and Means**

**March 4, 2010**

**2010-0892s**

**01/03**

**Amendment to SB 483-FN-A**

Amend the bill by replacing section 3 with the following:

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

**The question is on the adoption of Committee Amendment 0892s.**

**Committee Amendment 0892s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 483-FN-A.**

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

**SB 490-FN**, allowing historical racing. Ways and Means Committee. Ought to Pass, Vote 5-2. Senator Bradley for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on SB 490-FN.**

**A division vote was requested.**

**Yes: 14 - Nays: 10**

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

**Sen. Houde and Sen. Letourneau are in opposition to the Motion of Ought to Pass on SB 490-FN.**

**SB 496-FN-A**, changing the carry forward periods for the business enterprise tax credit against the business profits tax and increasing the threshold amounts for taxation under the business enterprise tax. Ways and Means Committee. Inexpedient to Legislate, Vote 4-3. Senator Reynolds for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 496-FN-A.**

**A roll call was requested by Sen. Bragdon, seconded by Sen. Boutin.**

**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 497-FN-A**, changing the business profits tax deduction for reasonable compensation for partnerships, limited liability companies, and sole proprietorships and modifying the interest and dividends tax statute to follow the definitions of interest and dividends used in the United States Internal Revenue Code. Ways and Means Committee. Ought to Pass, Vote 7-0. Senator D'Allesandro for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on SB 497-FN-A.**

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

**SB 498-FN-A**, relative to taxation of certain tobacco products and requiring a discount to wholesalers on cash purchases of tobacco tax stamps. Ways and Means Committee. Inexpedient to Legislate, Vote 7-0. Senator Odell for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 498-FN-A.**

**Motion of Inexpedient to Legislate adopted.**

**Recess. Out of recess.**

**SB 502-FN-A**, requiring use of the federal tax treatment for deduction of costs of section 179 business property under the business profits tax. Ways and Means Committee. Inexpedient to Legislate, Vote 3-3. Senator Janeway for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 502-FN-A.**

**A roll call was requested by Sen. Bragdon, seconded by Sen. Bradley.**

**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.**

#### **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 314**, (New Title) relative to the investment of public funds and relative to the payment of costs for certain bank services.

**SB 315**, relative to the selection of members of the conservation commission.

**SB 353-FN**, relative to the procedure for administration of insolvent estates.

**SB 358-FN**, relative to whistleblower protection and waste prevention in state government.

**SB 383-FN**, (New Title) relative to net operating loss carryovers under the business profits tax and relative to economic revitalization zone tax credits.

**SB 397-FN**, relative to public utilities commission assessments for the expenses of the consumer advocate.

**SB 406**, relative to merger of lots or parcels.

**SB 419**, relative to conversion of convertible lands under the condominium act.

**SB 439**, making technical corrections and changes to court sites and names.

**SB 442**, relative to the grant program to administer exotic aquatic plant prevention.

**SB 447**, (New Title) relative to the residence requirement for assistant town moderators and assistant town clerks.



**SB 449-FN**, (New Title) relative to the designation of staff members as staff advocates in public utilities commission adjudicatory proceedings.

**SB 458**, relative to enforcement of child support obligations.

**SB 490-FN**, allowing historical racing.

**SB 492-FN-L**, extending the local property tax exemption for wooden poles and conduits.

**SB 495-FN**, (New Title) establishing a task force on state procurement policies and procedures.

**SB 504-FN**, relative to the effective date for the implementation of the retirement system employer assessments for excess benefits.

**SCR 2**, (New Title) encouraging New Hampshire schools to adopt environmentally sound practices.

**SJR3**, in support of the New England secondary school consortium.

**HB 1131**, relative to requirements for firefighter certification.

(Sen. Merrill introduced constituent Addie Shankle from Dover, a visitor to the Senate.)

## **RULE 44 TRIBUTES**

### **Passing of Doris “Granny D” Haddock**

SENATOR KELLY (Rule 44): I'd just like to take a moment to honor the life of Doris “Granny D” Haddock. As we all know, she passed away last evening at the age of a hundred years old. I received the message late last night, and my heart was truly saddened. Even though I know that we have recently celebrated her hundredth birthday and have been celebrating her birthday with her for many years and know that she was reaching a hundred, and I thought that – I truly think I thought that she would be here forever, and I was really saddened. We all knew “Granny,” and we have witnessed her passionate commitment to campaign finance reform. My experience with “Granny” is she didn't see any barriers, only opportunities; opportunities to strategize more creatively, to speak with even a stronger and louder voice, and she did in her lifetime. She was a true inspiration and a role model, not only for us but for many, many people around the world. “Granny” made many statements in her life that we all remember, but one of those is one of my favorites, and it was: “Our country is supposed to be of the people, by the people, and for the people, and if that's not worth fighting for, I don't know what is.” You know, “Granny” lived in Dublin, which is in my district, so we had an opportunity often to kind of get together on a casual basis, and I have to say that I will miss those little teas that we had; I will miss a twinkle in her eye, which she always had, and a smile; but most of all, her encouragement for me and for all of us to keep working, and working really hard for those things that matter the most to us: our values and our beliefs and our principles. I will miss her, and I know that we all will. Thank you.

SENATOR CILLEY (Rule 44): I, too, had the distinct honor and privilege of working with “Granny D” on a number of issues, most especially that related to campaign finance reform, and she was, as Sen. Kelly pointed out, a remarkable woman in so many ways, and her accomplishments started long ago, but she really gained fame after the age of 90, which was by itself amazing. And with your indulgence, what I'd like to do, because I think it is such a commemoration of what she stood for and who she was as a human being, is to read some excerpts from a graduation speech that she gave to the students of Franklin Pierce College in 2001, because it says a lot about who she is.

She said: “We have these ceremonies in the spring; we do so to celebrate a successful ending, but we call them ‘commencements.’ Endings, indeed, commence new lives and new worlds. The overture and opening act of your personal story is done. From here the main action of your adult life begins. Good luck, all you darlings and good love. In the end, and it will end, your life will seem to have sped by like a fleeting dream ... The greatest danger before you is this: you live in an age when people would package and standardize your life for you, steal it from you, and sell it back to you at a price; that price is very high ... Read, study, meditate and think for yourself. Let your most serious education now commence if it has not already done so. Refine and hold your own values and pay the price necessary to live those values. Decide what is important to you and hold your ground against all temptations and tortures. From the pink granite of your own values, build a fortress against the world's ethical compromises, or you will soon be among those dead of eye who stand next to you in elevators but who are not alive. Don't let them steal your life ... You need to stand up for your values and you'll be surprised at the trouble you'll get into today. I was arrested for reading the Bill of Rights, in a calm voice, in the U.S. Capitol Rotunda. You'll be surprised at what happens when you dare to be free. But you will never be sorry you dared to do so. For free you must be; it is your duty as an American, it is where true happiness is to be pursued and found ... The fate of the earth's environment is at risk in your generation. Prison

industries are spreading over the land. A new kind of colonialism of our towns and cities is afoot by companies that can and do crush our local businesses and buy our elections and destroy our natural environment. You will participate in these and a hundred other things on one side or the other. Fight hard for whichever side you choose. All I ask is that your decision, your life, be the product and the strategy of your deepest values. As your generation begins its turn at the helm, my generation fades away. We have done what we could, imperfectly, for each other and for democracy. Endings commence new life, new worlds. From here the main action of your life begins. Good luck, all you darlings, and your friends and your countrymen."

And good luck to darling "Granny D," because I can see her with her trademark straw hat and her feather, walking off into the sunset to find new worlds and new adventures because she's only gone from this realm. Thank you, Madam President.

SENATOR FULLER CLARK (Rule 44): I, too, had the privilege over the last ten years to work closely with "Granny D" on the issue of campaign finance reform and open elections. And I would like to join today with Sen. Kelly, Sen. Cilley, and the rest of the Senators here in sending our condolences to "Granny D," her family and her close friends, and frankly, for all of us as well. Because with "Granny D's" death, the state has lost a real hero: a hero who believed in democracy and for the last ten years fought with every fiber of her tiny being every day to remove the influence of big money from our election process. Her grit, her courage, her remarkable endurance as she walked across America at the age of 90 to promote campaign finance reform was both humbling and inspirational. I remember "Granny D" when she came to Portsmouth near the end of her 3,200 mile walk. And as she walked down the streets of Portsmouth, she led, with a pack of admirers following behind, she outpaced everyone, no matter what their age. She never gave up on the causes she believed in, and "Granny D," we won't, either. But moving forward, we will miss your feisty spirit, your smile; as Molly said, the twinkle in your eye, and your wonderfully outrageous hats. And we'll also miss the wonderful messages that she left for us, and I would like to quote another one of her more famous comments, where she said, "We are all made out of the same mold by God, but what we do after that is what makes us who we are in life." I think that's a wonderful quote that we should all take with us as we move through our own journeys. Thank you.

### **Passing of Former First Lady Gale Thomson**

SENATOR REYNOLDS (Rule 44): Thank you, Sen. D'Allesandro, because we're both rising today – and this is a Rule 44 – in honor and loving memory of a great lady in our state, Gale Thomson, who passed. Gale was a resident of Orford and she was more than simply, you know, a longtime active person in Orford; of course she was married to the late Meldrim Thomson. But my memory of her is that at the last time I saw her, which was at the Glencliff Home for the Elderly when the Governor and Council came and Gov. Lynch presented her with a commendation at that time for her 90 years of dedicated service to many people throughout our state. And she was an amazing person, down to earth; didn't hesitate to make pancakes for all of the legislators, and I know Sen. D'Allesandro and others of you in the chamber will probably talk about that. She leaves behind her loving family, including my constituents, the Thomson Family in Orford; she made a huge mark on her state. I hope that you all will keep in your thoughts and prayers the Thomson Family as they mourn the death of somebody who surely was a New Hampshire icon. Thank you, Madam President.

SENATOR D'ALLESANDRO (Rule 44): In 1972 I was elected to the Legislature, and when I first came there was a little invitation in my seat; it was 385, that's as far away from the rostrum as you can get – and, Jeb, you understand that, freshman – a little invitation and it said, "Come to the Bridges House for a Pancake Breakfast." Gale Thomson met every legislator at the Bridges House; we came in groups of 20. She would make pancakes for the 20 legislators. I got to know Mrs. Thomson over the years. I was elected to the Council in '74, we were both trustees at the Youth Development Center. She had a keen interest in reading, in helping kids read; was very, very interested in that. Over the years we kept in touch. In the different jobs that I had I would see her, we would say hello and just exchange comments. She was a wonderful, wonderful First Lady for the State of New Hampshire. Mrs. Thomson always, always was there with that infectious smile. I mean she really had an infectious smile and made you feel comfortable in any situation. She was wonderful in that respect.

A wonderful mother to her boys. When Tom Thomson called me and told me that his mother had passed away, I said: Geez, just last week I had said to him, "How's your mother feeling?" It was as if, you know, a part of my political life was – well, you know, was moving out the door. I know we're all moving along this corridor. But she was just so nice. And they weren't easy times, they were not easy times. They were very, very difficult times. But she was always there with a smile, always very gracious, always willing to help. And I think it's remarkable that the wives of men in politics sometimes get dismissed, but truly they're just so much a part

of the political landscape and so much a part of the political life and so supportive of their spouse, and Mrs. Thomson did that in every way. And there were times when the Governor was difficult to deal with, and she would mitigate those situations with that real smile and that very, very pleasant, pleasant feeling. We're so lucky in New Hampshire, because we touch these people, you know, we're so fortunate. In many states you never get to meet the governor's wife, or you never get to meet the governor. But we get to meet them up close and personal and establish relationships with them that really last us for our lifetime. And Gale Thomson, you know, I think helped me to be a better person because of the fact that, boy, she was always there, always willing to help, and really a credit to her family and certainly a credit to the State of New Hampshire, and I think she will be remembered in that respect. Thank you, Madam President.

SENATOR LETOURNEAU (Rule 44): I'm rising to speak about Mrs. Thomson, also. Mel and Gale Thomson came to New Hampshire back in 1954, they decided that this is where they wanted to raise their children. They had lived in New York, they came from Brookline, in that area, and back in the '50s this is where they wanted to be. While they were here they trained their children, or not trained them, but they taught them to honor and respect their state and to be part of the political process, and they're all public servants. The Thomsons have been involved in just about every part of state government and have given themselves to all of us. When Mel was the Governor of the State of New Hampshire and Gale, as Sen. D'Allesandro said, they would have the pancake breakfasts over there at the Bridges House, they actually lived there; they were the last governor to live at the Bridges House, and that's where they would entertain all the legislators, and they were famous for those pancake breakfasts, and she would put that wonderful Mt. Cube maple syrup on them, and to this day I still go up there and get some and use it at home, it's a wonderful maple syrup.

There's a little story about one time when Onassis was here, trying to put an offshore oil refinery here in Portsmouth and they were entertaining him at the Bridges House, and Gale Thomson had bought some wine at the liquor store – you know that story, Bob's turning around, he's laughing – and they served the wine to Onassis, and Onassis said to Gale: "This is the best wine I've ever had." And Gale told some people later on, she says, "I don't know what was so special about it, it was just a cheap bottle of wine I bought at the liquor store." But, you know, that's the kind of person she was, and she was just warm and outgoing. And I have some personal stories, I managed to take some photographs of her and pass them on to her, and she wrote me nice little notes about them. And last year I took a picture of her farm in the foliage and it came out beautiful and I put it in a frame and sent it up to her, and she just loved it; I mean, she just loved the Mt. Cube farm.

So, Gale Thomson, and that family, have been part of the New Hampshire community for a good 30-40 years now. So I would say that their sons have put it in really, in a good perspective: she did it with grace. Gale did it with grace, and she was definitely a lady. And rest in peace, Gale Thomson.

#### **Passing of Mary Josephine Ray, Oldest U.S. Citizen**

SENATOR ODELL (Rule 44): You may recall, I believe it was last May, Sen. Kelly came back from a visit with Mary "Jo" Ray in Westmoreland at the Maplewood County Nursing Home; she was there to celebrate her birthday. Mary "Jo" Ray was 114 years old and the oldest person in the United States of America, and she passed away on Sunday, having lived a long and good life. She kept the Red Sox statistics, loved to play cribbage. It's just a great memory for us to have in our little part of the world that the oldest person in the United States of America lived in Westmoreland, New Hampshire. Thank you.

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

#### **ANNOUNCEMENTS**

##### **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, processing enrolled bill reports and amendments.

**Motion adopted.**

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