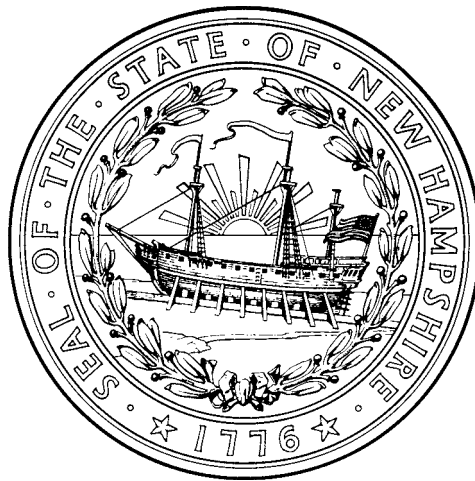


June 11, 2015  
Nos. 17-18

# STATE OF NEW HAMPSHIRE

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**First Year of the 164<sup>th</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## SENATE JOURNAL

**ADJOURNMENT – JUNE 04, 2015 SESSION  
COMMENCEMENT – JUNE 11, 2015 SESSION**

# SENATE JOURNAL 17 *(continued)*

*June 4, 2015*

## HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bills:

SB 8-FN-L, relative to appropriations for nursing homes.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Barry, D. McGuire, Byron, Rosenwald.

SB 32, relative to state agency budgetary reporting requirements.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: L. Ober, Twombly, Spanos, Leishman.

SB 40-FN, including a fetus in the definition of “another” for the purpose of certain criminal offenses.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Tholl, Welch, Rideout, Burt.

SB 57, relative to the membership and governance of condominium unit owners’ associations.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Williams, H. French, Hurt.

SB 84, relative to the definition of “telemedicine.”

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Fothergill, Kotowski, Martel, Ticehurst.

SB 93-FN-A, relative to the definition of beverage.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Tucker, Jones, Abel.

SB 97, authorizing municipalities to adopt ordinances to regulate stormwater to comply with federal permit requirements.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: J. Belanger, Coffey, Porter, Sterling.

SB 99, establishing a committee to study allowing the sampling of beer or wine at farmer’s markets, establishing a committee to study powdered or crystalline alcohol, and relative to the definition of alcohol.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Tucker, Abel, Biggie.

SB 108-FN, relative to health care associated infections.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: McMahon, Fothergill, Freitas, LeBrun.

SB 120-FN, relative to applicants for secondary game operator licenses.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Abrami, Henle, Leeman, Manning.

SB 135-FN, relative to lead poisoning in children.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Nelson, Lebrun, Snow, P. Gordon.

SB 151, requiring inclusion of home educated pupils in the definition of average daily membership in attendance.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Ladd, Balcom, Umberger, Shaw.

SB 169, relative to the use of electronic benefits transfer (EBT) cards.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: McMahon, Kotowski, Lebrun, MacKay.

SB 170, requiring the public utilities commission to ensure ratepayer protections with electric power suppliers and extending the time for the site evaluation committee to adopt certain rules.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: D. Thomas, Baber, Richardson, Devine.

SB 235, relative to the condominium act and the land sales full disclosure act.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Sterling, Peterson, Carson, Tatro.

SB 254, establishing a committee to study the provision of services to the public by Uber and existing taxi services.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Jones, Hannon, Williams.

SB 255, establishing a committee to study low-wage workers and their effect on the New Hampshire economy.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Infantine, Simmons, L. Turcotte, Ley.

SB 266-FN, adopting the Uniform Securities Act.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Jones, Biggie, Williams.

#### CONFEREE CHANGES

HB 25-FN-A, making appropriations for capital improvements.

Conferee Change: Sen. D'Allesandro replaced Sen. Kelly.

SB 151-FN, requiring inclusion of home educated pupils in the definition of average daily membership in attendance.

Conferee Change: Sen. Watters replaced Sen. Kelly.

## REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 169, relative to table stakes poker.

HB 290, relative to the acceptance of risk in outdoor recreational activities.

HB 381, allowing a liquor manufacturer to be issued an on-premises license.

SB 38, establishing a commission to develop a land conservation plan.

SB 46, relative to public safety radio interoperability.

SB 86, relative to state procurement of goods and services.

SB 202, relative to licensure of outsourcing facilities by the pharmacy board.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

## REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 498, relative to notification of radon and arsenic testing.

Sen. Soucy moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call Senate to Order.

## MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

# SENATE JOURNAL 18

*June 11, 2015*

The Senate reconvened at 1:00 p.m. a quorum being present.

Reverend Jason Wells, guest chaplain to the Senate, offered the following meditative thoughts and prayer.

One afternoon I reached for a cup of coffee on my desk while I was working. The coffee had been sitting there for 6 or 8 hours. So you've probably done this where you've reached for the coffee, and you start to drink it, and you don't get hot coffee or ice coffee, but this nasty, tepid, room temperature thing that made me just want to spit out, and I jerked it away from me, my face went back. Psychologists call this "fast" thinking, as opposed to "slow" thinking. Fast thinking is just like that. That intuitive and impulsive, reactionary push. It makes us look very decisive, but fast judgments are often poorly thought out, sometimes prejudiced. To overcome snap decisions in favor of that slow thinking and long-term planning, we always have to cultivate that spiritual ballast of prayer, and meditation, and silence to pull us away from reactivity, and into genuine human response. So let us pray.

*I know not what this day will bring, O Lord, but make me ready for whatever it may be. If I am to stand up, let me to stand bravely. If I am to sit still, help me to sit quietly. If I am to lie low, help me do it patiently. And, If I am to do nothing, let me do it gallantly. Amen. (Adapted from The Book of Common Prayer, p. 461)*

Sen. Reagan led the Pledge of Allegiance.

## INTRODUCTION OF GUESTS

Sen. Feltes introduced Broken Ground School of East Concord visiting in the gallery today.

PRESIDENT MORSE: Senator Boutin, can you join me over here. And, Mindy, can you and your family join me over here. I'm going to read this Resolution. But, I've been around here long enough to know that everyone of you, in some way, has been touched by Mindy, and having her come up here in front of the Senate is truly an honor for me, but I think it's an honor for every one of you today. And, I hope she knows that because this is rarely done, and I think it's being done for the right reason today. And, we actually do have a few gifts for you, so...we actually want you to stay, but I don't think your husband's going to allow that. So, it's a...but let me read this first. It's a resolution honoring Mindy Ellen Cyr for her service and dedication to the State of New Hampshire.

WHEREAS, Melinda has devoted 15 years of dedicated service to the State of New Hampshire; and

WHEREAS, her extraordinary commitment to the State of New Hampshire in numerous roles has been unwavering, including her work as Leadership Liaison for the New Hampshire State Senate, Legislative Assistant for the New Hampshire House of Representatives, and Hearing Officer and Tax Policy Analyst for the Department of Revenue Administration; and

WHEREAS, Melinda has worked effectively and with great success to build consensus with members of the General Court, the Executive Branch, and of the lobbying groups alike; and

WHEREAS, since 2010 she has proved to be invaluable as the Tax Policy Analyst of the Department of Revenue Administration where her precision with language, attention to the fine points of legislation, and work ethic have been unsurpassed; and

WHEREAS, her guidance through the New Hampshire General Court and her work in tax policy for the public administration of taxes has been of great importance to the people of New Hampshire; and

WHEREAS, all of those who have had the pleasure of working with Melinda share in having the greatest respect for her, her work, her unfailing good cheer and calm demeanor, and her tireless commitment to public service.

Now, therefore, be it resolved that the New Hampshire Senate recognizes Melinda Ellen Cyr's dedication and service to our State, and extends its sincerest gratitude and well wishes upon relocating to North Carolina.

Congratulations, and thank you for everything.

SENATOR BOUTIN: Thank you, Mister President. I didn't really want to be up here because I thought I was going to cry, and I don't want to do that. First of all I'd like to recognize, in the back of the Chamber, Commissioner John Beardmore is here with us today. Please give him a hand. I want to recognize Mindy's parents. First, her mom, Fran; her father Michael; her two sons, Brad and Taylor. And, I also want to recognize her husband, Jeff. So, you can all give them a hand, please.

I've worked with Mindy for many, many years, and she truly is a professional. She will give you the straight facts all the time, and she's just been great to work with. And I'm not going to give you more than that, but we do have a couple of gifts to give Mindy. As she gets ready to leave the state, and we're going to miss her terribly. So, first we have this for you Mindy. You might want to show the Senators what's in there. I think they might like it. They might need some before the end of the session. And, lastly, Mindy, to you.

MINDY CYR: There's no crying in taxes. I have no idea what to say. I'm overwhelmed, and I'm never usually surprised, but this was an absolute surprise. And, yes, we're moving to North Carolina. I have loved my state service as the Senate President was indicating. I've been in and out and back here. And working with you folks, and working with all the legislature it's been a phenomenal experience. I love it. That's why I keep coming back. I am going to miss it deeply. And I wasn't ready to think about this until after session was over because I'm working through session. But, thank you everybody. You've made it a wonderful job, and I just absolutely love each and every one of you, and I'm glad that we could all work together. Thank you.

## MOTION OF RECONSIDERATION

Sen. Lasky, having voted on the prevailing side, moved to reconsider the following action taken by this body on SB 124-FN, relative to filing felonies first in the superior court: vote on Non-concur and Request a Committee of Conference. Adopted.

Senator Lasky moved concurrence. Adopted.

## HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 93-FN-A, relative to the definition of beverage.

## COMMITTEE OF CONFERENCE REPORT

June 10, 2015  
2015-2115-CofC  
03/04

Committee of Conference Report on SB 93-FN-A, an act relative to the definition of beverage.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 93-FN-A , an act relative to the definition of beverage.

Conferees on the Part of the Senate  
Sen. Prescott, Dist. 23  
Sen. Sanborn, Dist. 9  
Sen. Pierce, Dist. 5

Conferees on the Part of the House  
Rep. Hunt, Ches. 11  
Rep. Tucker, Rock. 23  
Rep. Jones, Straf. 24  
Rep. Abel, Graf. 13

The question is on the adoption of the Committee of Conference Report. Adopted.

Without objection, the Clerk shall read the first complete house message and thereafter only the title of each bill shall be read.

## HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bills sent down from Senate:

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2016 and June 30, 2017.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Kurk, L. Ober, Umberger, Jasper, Wallner.  
Alternates: Barry, Weyler, D. McGuire, Eaton, Leishman, Major.

Sen. Forrester moved to accede to House request. Adopted.

The President appointed Senators Forrester, Little, Morse, and D'Allesandro.

The President appointed Senators Reagan and Hosmer as alternates.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Kurk, L. Ober, Umberger, Jasper, Wallner.  
Alternates: Major, Barry, Weyler, D. McGuire, Eaton, Leishman.

Sen. Forrester moved to accede to House request. Adopted.

The President appointed Senators Forrester, Little, Morse, and D'Allesandro.

The President appointed Senators Reagan and Hosmer as alternates.

HB 142, relative to student social media policies by educational institutions and nonpublic sessions under the right-to-know law, and establishing a commission to study social impact bond funding for early childhood education for at-risk students.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Balcom, Adams, V. Sullivan, K. Rodgers.

Sen. Reagan moved to accede to House request. Adopted.

The President appointed Senators Reagan, Avard, and Watters.

HB 323, relative to the administration of the statewide assessment program.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Ladd, Cordelli, Wolf, Shaw.

Sen. Reagan moved to accede to House request. Adopted.

The President appointed Senators Reagan, Bradley, and Watters.

HB 577-FN-A-L, establishing a children's savings account program, and relative to the bonding authority of the city of Dover.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Ladd, Umberger, Grenier, Gile.

Sen. Reagan moved to accede to House request. Adopted.

The President appointed Senators Reagan, Stiles, and Watters.

HB 208-FN, relative to allowance sales under the New Hampshire regional greenhouse gas initiative program.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Vose, Vadney, Aldrich, Barry.

Sen. Bradley moved to accede to House request. Adopted.

The President appointed Senators Bradley, Stiles, and Feltes.

HB 572-FN-L, relative to taking land by eminent domain for high pressure gas pipelines and relative to the siting of high pressure gas pipelines.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: J. Belanger, Sterling, Tatro, Coffey.

Sen. Bradley moved to accede to House request. Adopted.

The President appointed Senators Bradley, Prescott, and Feltes.

HB 614-FN, implementing goals of the state 10-year energy strategy, modifying uses of the site evaluation committee fund, establishing fees for energy facility evaluation, and relative to public information sessions on proposed energy siting.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Richardson, Vadney, Danielson, Kurk.

Sen. Bradley moved to accede to House request. Adopted.

The President appointed Senators Bradley, Little, and Feltes.

HB 508, relative to the dissolution of the New Hampshire medical malpractice joint underwriting association and relative to cost-sharing parity for oral anti-cancer therapies.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Jones, Butler, Hurt.

Sen. Carson moved to accede to House request. Adopted.

The President appointed Senators Carson, Bradley, and Soucy.

HB 468-FN, requiring a warrant to obtain electronic device location information and relative to appropriations for nursing homes.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Sytek, Kurk, Barry, A. Christie.

Sen. Carson moved to accede to House request. Adopted.

The President appointed Senators Carson, Daniels, and Lasky.

HB 115, relative to reports on gross appropriations from the highway fund in the tentative state budget and defining autocycle and making provisions for the operation and inspection of autocycles.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Chandler, Cloutier, Packard, McConkey.

Sen. Stiles moved to accede to House request. Adopted.

The President appointed Senators Stiles, Birdsell, and Feltes.

HB 550-FN, relative to administration of the tobacco tax and relative to the sale or exchange of an interest in a business organization under the business profits tax.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Major, Abrami, Hess, Lovejoy.

Sen. Boutin moved to accede to House request. Adopted.

The President appointed Senators Boutin, Sanborn, and Feltes.

#### MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time.

Adopted. Adjournment from the Early Session.



LATE SESSION  
ANNOUNCEMENTS

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I'd like to take a personal privilege if I could, please? Thank you, Mister President. Mister President, last week the nation lost a very viable young man. He was 46 years old. It meant a great deal to me, I've got a son his age. His name was Beau Biden. I first met Beau Biden when he was a kid, when he came up to New Hampshire with his father, who was then the United States Senator from Delaware. And, he was proud to wear a D'Allesandro for Senate T-shirt. Campaigned with me. And, when he went to law school, actually he did his law internship here working for our state's Supreme Court. He was 46 years of age. The father of two children. Served his country in the war, in the Mid-east. He was in Iraq. Served the country. Served the state of Delaware as Attorney General for two terms. I think the great tragedy of life is a parent losing a child. Beau Biden, the son of the Vice President of the United States, was involved in a terrible car accident when he was a youngster. In that car accident, his mother and sister were killed. He and his brother survived. His dad, then the youngest man to join the United States Senate, traveled each day between his Delaware home and Washington so he could be with his children. Beau Biden was a the kind of son that every, every person would love to have. I've been in his company many times, seen him embrace his father with a love and affection that can only be shared between a father and a son. When Beau came back from the Mid-east he was diagnosed with brain cancer, had initial surgery, they thought the cancer was in remission. Well it wasn't, and the cancer came back. Went into Walter Reid Hospital, spent fourteen days there, and passed away surrounded by his family. What I mean, Beau Biden leaves a great, great legacy for us. That legacy is love of his family, love of his country, and an abiding love for his dad, which he manifested on occasion after occasion after occasion. And we all should be beneficiaries of that from our children. One of the most unique situations that ever occurred to me, Vice President Biden and I were marching in a parade in Manchester when all of a sudden an individual came up from the audience and said to the Vice President, "I was a friend of your wife's." She was there with his two children, Beau and Hunter were there. It could only happen in New Hampshire. It could only happen in New Hampshire. It was a very, very memorable occasion for me. I think in closing, Mister President, I want to say that we lost one of the great hopes of our country, and that's young people coming up that are going to replace us, and are going to be the next generation of public servants, the next generations of leaders. And it's a terrible situation when we lose one. Beau Biden was the kind of guy that you could love at first sight, and I mean that very, very sincerely. He embraced you. He gave you everything he had. Had a love for his father that was beyond belief. Had a wonderful family, two young children. And he leaves this world, you know, a better place. But we're going to miss him, we're going to miss him greatly, and we pray that his family does well. I have the greatest sympathy for his dad, who suffered tragedy after tragedy, and still comes to work every day and does his best for America. So, with that, Mister President, I say the loss of Beau Biden is hurtful to our country because it's an example of what we all want to be: people who made a contribution to this country, made a contribution to our families, and made a contribution to society. Thank you, Mister President.

(The Chair recognized Sen. Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much. Personal privilege, please? I rise delighted to announce that yesterday afternoon there's a new addition to the Clark family. A little boy, who was born at 4:00, weighing 8 pounds, 13 ounces, and measuring 21 inches, and as yet, to be named. We are delighted to welcome him into the world.

(The Chair recognized Sen. Avard.)

SENATOR AVARD: Thank you, Mister President. Personal privilege, please? I just want to congratulate my colleague from District 1, here, who set up a nice Meet and Greet in Manchester, New Hampshire with the Teen Challenge. And, as we all know, there's an opiate problem in the state of New Hampshire, and our colleague embraced the whole idea of a "Meet and Greet" and a number of us went. At least six or seven of us from both sides of the aisle, and we all can sit at the same table and be in agreement that this is something that we can look forward to helping solving the problem with opiate and problems with addiction. And, so I just want to praise you. But I also want to praise the institution that has a remarkable success rate. Everybody graduates. There's about a 70% success rate of people not getting stuck on drugs. Get them off that band wagon of addiction. So, I applaud him for bringing us there, and I'm grateful. And, it was something that we could all, just, be in agreement. So, thank you, Mister President.

(The Chair recognized Sen. Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. Personal privilege? Thank you. This week our vast, expensive, complicated education system brings forth its product: its graduations. And I'm sure all of you've been to graduations all over the state of New Hampshire. But I want to point to one because this is a system of personal, personal business, and one teacher can change a life. And that teacher that changed my life is retiring this year, and I want to just bring praise to him: Michael Petriccione, from Lisbon, New Hampshire. He was a social studies teacher, and a librarian at White Mountain Regional High School for over 30 years. I was smart enough to never take his class because I knew how difficult it was, but he also ran the Youth and Government program, and ran the Boys State program of which he supported and encouraged my activity, and I learned an awful lot from him. Later in life I went back to that school and was a colleague of his, and I worked with him for a number of years and saw the full picture of his contribution just as a person who cares deeply, highly principled, and understands that this whole business of education is about one-on-one, it's about changing kids' lives. And I just wanted, Mister President, to praise him, thank him for his service to the state of New Hampshire, White Mountain Regional High School, and his graduates which are spread throughout this state and this country who are grateful for his service. Thank you.

Without objection all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17)

PRESIDENT MORSE: Well, we have 7 days of Committees of Conference coming up, and we have 2 or 3 weeks left in the session. The Senate is always acted in a manner that we can all be proud of. I know it's going to be a difficult time as we debate this budget next week. 24 people made the way in. That's what it's all about in the New Hampshire Senate. And, I appreciate you all letting Senator Forrester know what we want to talk about as a senate in the Committee of Conference. And, with that, I wish you all the best during these conferences, and please keep me informed. We do want it to go the Senate's way.

#### MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the call of the Chair for the purposes of sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the call of the Chair.

Adopted. The Senate is in recess to the call of the Chair.