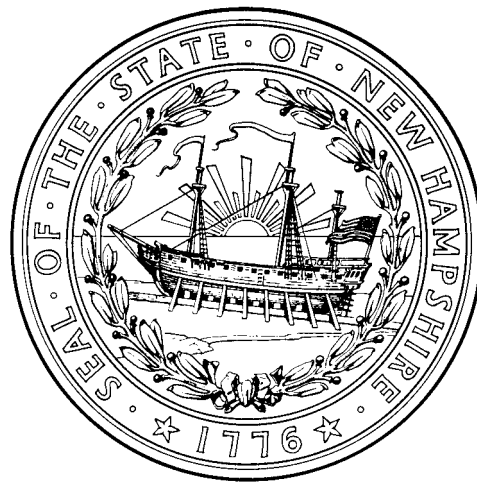


February 19, 2015
Nos. 5-6

STATE OF NEW HAMPSHIRE

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



**First Year of the 164th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – FEBRUARY 12, 2015 SESSION
COMMENCEMENT – FEBRUARY 19, 2015 SESSION**

SENATE JOURNAL 5 *(continued)*

February 12, 2015

INTRODUCTION OF SENATE BILLS

Sen. Bradley offered the following Resolution:

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

First and Second Reading and Referral

15-1015

SB 8-FN-LOCAL, relative to appropriations for nursing homes. (Forrester, Dist 2; Avard, Dist 12; Birdsell, Dist 19; Boutin, Dist 16; Bradley, Dist 3; Carson, Dist 14; Cataldo, Dist 6; Daniels, Dist 11; Little, Dist 8; Morse, Dist 22; Prescott, Dist 23; Reagan, Dist 17; Sanborn, Dist 9; Stiles, Dist 24; Chandler, Carr 1; Jasper, Hills 37; Kurk, Hills 2; Ladd, Graf 4; Vadney, Belk 2: Finance)

15-1018

SB 235, relative to the condominium act and the land sales full disclosure act. (Soucy, Dist 18: Public and Municipal Affairs)

15-1000

SB 236-FN, relative to alcohol ignition interlock requirements. (Bradley, Dist 3; Packard, Rock 5: Transportation)

15-1002

SB 237-FN, establishing a reporting requirement for gubernatorial inauguration contributions. (Bradley, Dist 3: Executive Departments and Administration)

15-1022

SB 238-FN, relative to the workers' compensation appeals board. (Fuller Clark, Dist 21: Executive Departments and Administration)

15-1029

SB 239-FN, relative to application of the Internal Revenue Code to provisions of the business profits tax. (Bradley, Dist 3: Ways and Means)

15-0995

SB 240, protecting certified public accountants from prosecution or penalty for providing services to alternative treatment centers. (Reagan, Dist 17; Kelly, Dist 10; Avard, Dist 12; Little, Dist 8; Boutin, Dist 16: Judiciary)

15-0996

SB 241, relative to authorization for the town of Rindge to make capital expenditures from a trust fund. (Avard, Dist 12; Little, Dist 8; Hunt, Ches 11; Sterling, Ches 14: Public and Municipal Affairs)

15-0999

SB 242-LOCAL, relative to amending the budget in towns that have adopted official ballot voting. (Stiles, Dist 24; Reagan, Dist 17; Carson, Dist 14; F. Rice, Rock 21: Public and Municipal Affairs)

15-1001

SB 243, relative to nonpublic sessions under the right-to-know law. (Bradley, Dist 3; S. Schmidt, Carr 6: Public and Municipal Affairs)

15-1004

SB 244, relative to abuse and neglect investigations and establishing a commission to review child abuse fatalities. (Boutin, Dist 16; Avard, Dist 12; Lasky, Dist 13; Stiles, Dist 24; Carson, Dist 14; Fuller Clark, Dist 21: Health and Human Services)

15-1005

SB 245, establishing a committee to study occupational regulatory boards and commissions. (Prescott, Dist 23: Executive Departments and Administration)

15-1006

SB 246, relative to the definition of "teacher" for the purpose of renomination or reelection. (Prescott, Dist 23; Stiles, Dist 24; Itse, Rock 10: Education)

15-1007

SB 247, relative to duties of the legislative oversight committee established under the statewide education improvement and assessment program. (Prescott, Dist 23: Education)

15-1008

SB 248, establishing a committee to study health care provider payment rates. (Prescott, Dist 23; Avard, Dist 12; Birdsell, Dist 19; Boutin, Dist 16; Carson, Dist 14; Cataldo, Dist 6; Daniels, Dist 11; Fuller Clark, Dist 21; Sanborn, Dist 9; Watters, Dist 4: Health and Human Services)

15-1011

SB 249, relative to the Hampton and Exeter district divisions of the circuit court. (Carson, Dist 14; Stiles, Dist 24; Lasky, Dist 13; Cataldo, Dist 6; Abrami, Rock 19; Hagan, Rock 4: Judiciary)

15-1013

SB 250, relative to the jurisdiction and voting procedures of the executive branch ethics committee. (Lasky, Dist 13; Carson, Dist 14: Executive Departments and Administration)

15-1016

SB 251, relative to regulations for commercial composters. (Fuller Clark, Dist 21: Energy and Natural Resources)

15-1021

SB 252, establishing a committee to study a number plate commemorating Laconia Motorcycle Week. (Hosmer, Dist 7; Birdsell, Dist 19; Carson, Dist 14; Feltes, Dist 15; Little, Dist 8; Prescott, Dist 23; Reagan, Dist 17; Sanborn, Dist 9; Watters, Dist 4; Luther, Belk 3; LeBreche, Belk 6: Transportation)

15-1023

SB 253, relative to the enactment of ordinances by municipalities permitting an assessment on hotel occupancy for the use of municipal services. (Fuller Clark, Dist 21: Public and Municipal Affairs)

15-1024

SB 254, establishing a committee to study the provision of services to the public through peer-to-peer or sharing economy businesses. (Fuller Clark, Dist 21; Boutin, Dist 16; Soucy, Dist 18; Watters, Dist 4; DiFranco, Rock 27; Cali-Pitts, Rock 30: Commerce)

15-1027

SB 255, establishing a low-wage service worker task force. (Soucy, Dist 18; Lasky, Dist 13: Commerce)

15-0998

SB 256-FN, authorizing certain expenditures by the department of transportation. (Stiles, Dist 24; Feltes, Dist 15; Boutin, Dist 16; Chandler, Carr 1; Packard, Rock 5; Irwin, Sull 9: Transportation)

15-1009

SB 257-FN, relative to the amortization of the unfunded accrued liability under the judicial retirement plan and membership in the judicial retirement plan of judges appointed at age 63 or older. (Carson, Dist 14; Lasky, Dist 13; Cataldo, Dist 6; Rowe, Hills 22; Hagan, Rock 4: Judiciary)

15-1010

SB 258-FN, changing the timing of determination of weighted case units for the purpose of calculating the judicial branch budget request and judicial salaries. (Carson, Dist 14; Lasky, Dist 13; Cataldo, Dist 6; Hagan, Rock 4: Finance)

15-1014

SB 259-FN-LOCAL, relative to permits for water events. (Forrester, Dist 2; Cataldo, Dist 6; Vadney, Belk 2: Executive Departments and Administration)

15-1017

SB 260-FN, relative to the authority of the public utilities commission to regulate telecommunications service providers. (Woodburn, Dist 1; Shurtleff, Merr 11; Backus, Hills 19: Energy and Natural Resources)

15-1019

SB 261-FN, establishing a state minimum wage. (Soucy, Dist 18; Lasky, Dist 13; D'Allesandro, Dist 20; Fuller Clark, Dist 21; Pierce, Dist 5; Feltes, Dist 15; Watters, Dist 4: Finance)

15-1020

SB 262-FN, relative to the form of drivers' licenses and identification cards. (Soucy, Dist 18; Lasky, Dist 13; Watters, Dist 4: Transportation)

15-1026

SB 263-FN, relative to placing tracking devices on motor vehicles. (Soucy, Dist 18: Judiciary)

15-0997

SB 264, relative to tipped employees. (Stiles, Dist 24; Fuller Clark, Dist 21; Prescott, Dist 23; F. Rice, Rock 21; Emerick, Rock 21; Moody, Rock 17: Executive Departments and Administration)

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 6

February 19, 2015

The Senate reconvened at 10:00 a.m. a quorum being present.

The Reverend Michael Wilson, chaplain to the Senate, offered the following meditative thoughts and prayer.

Almighty God, we humbly ask that You bless the members of the New Hampshire State Senate, their families, and their staff. Guide them in their deliberations and grant them wisdom in their decisions that affect the residents of New Hampshire. We also ask that continued prayers of healing for their families members who may be ill. Grant to them safe passage from their homes as they travel to Concord in order to come together to perform their duties and return them back to their home and family safely at the end of the day. We ask this in Your Holy Name. Amen.

Sen. Pierce led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

(The Chair recognized Sen. Pierce for an introduction.)

SENATOR PIERCE: I will, thank you, Mister President. Mister President, I brought with me today my daughter, Emma. She is 10 years old; she is in the 5th grade at the Ray Elementary School in Hanover. And, I'm going to take the indulgence of the Senate to brag on her for just a couple of seconds. Next week we're going to Salt Lake City for a National Convention of Choral Directors because 3,500 kids from around the country auditioned for, but only 200 kids made, a National Honor Choir, and Emma was one of them; only 1 of 3 from the State of New Hampshire. So, I couldn't help but brag, sorry.

(The Chair recognized Sen. Woodburn for a Resolution.)

SENATOR WOODBURN: Thank you, Mister President. It's my honor to recognize an iconic family. A great North Country family will be joining me up, please. I'll introduce them: they're Jim Fadden, Jim Fadden, and Jim Fadden. When I was growing up every town had somebody like a "Jim Fadden", but now we only have 3 Jim Fadden's: people that were the town fathers, they cared about the town, they cared about the history, they felt connected to their family, and they do so many great things for our area, but it's all tied back to a great sense of commitment to their community, but commitment to their ancestors. The Fadden's have been in Woodstock for 7 generations. They've had the Fadden General Store since 1896, 3 generations, and they've been tapping maple trees for fun, for sugar in the winter since the 1800's, and commercially since 1930, and I'm very proud to recognize them with a New Hampshire Senate Resolution:

Be it known that the New Hampshire Senate extends its congratulations to [the] Fadden General Store and Maple Sugarhouse of North Woodstock. In recognition of receiving their seventh Lawrence A. Carlisle Memorial Trophy from the NH Maple Producers Association for excellence in production of the best maple syrup in the state of New Hampshire...for their dedication [of] 200 years [of this craft].

And I would just note: this is the 7th time they've won that award, and I would ask Peter Thompson, a renowned maple sugar himself, to make the presentation of the Carlisle Award.

(The Chair recognized Peter Thompson.)

PETER THOMPSON: Thank you. It's certainly 7 years of this type of syrup, and sap, and everything...this family is really, really great. Let me just read this to you: it's the Carlisle Memorial Trophy, New Hampshire Maple Producers Association, J. H. Fadden and Sons, January 24, 2015. All of us who make maple syrup would certainly like to have this; they have 7 of these now, so let's give them an award.

(The Chair recognized Jim Fadden, Jr.)

JIM FADDEN: I'm humbled to be asked to be here at the Senate Chambers, and I'm really humbled that I would receive this trophy in the Chamber and, also, that I would have fellow members of the New Hampshire Maple Producers Association that took time out of their day to travel down here to be with me. It really tickles me to see you folks, thank you for coming. And I want to thank my son, who is my future; and I want to thank my dad for...if it wasn't for my father I probably wouldn't even be here. Thank you, folks. Thank you very much.

PETER THOMPSON: So we'll see you...

PRESIDENT WOODBURN: We'll see you next year!

PETER THOMPSON: Yes, that's right!

Sen. Forrester introduced Michael Tentnowski, Executive Director of the Enterprise Center at Plymouth and Director of the Small Business Institute at Plymouth State University.

Sen. Fuller Clark and Sen. D'Allesandro introduced Mark Kaplan from the Alpha Loft, with locations in Portsmouth and Manchester.

Sen. Kelly introduced Parker Hansel, Chair of Board of the Hannah Grimes Center in Keene.

Sen. Fuller Clark introduced Dondero School of Portsmouth visiting in the balcony.

INTRODUCTION OF PAGES

Sen. Soucy introduced Daley Frenette, and Sen. Little introduced Molly Pinard serving as Senate Pages for the day. Both are attending Trinity High School in Manchester.

SPECIAL ORDER

Without objection, the following bill was special ordered to Thursday, March 5, 2015.

REGULAR CALENDAR

COMMERCE

SB 156-FN, prohibiting discrimination against employees who are victims of domestic violence, sexual assault, or stalking.

FN REPORT FOR FEBRUARY 19, 2015

Senator Forrester recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills with fiscal notes or an appropriation of funds:

COMMERCE

SB 156-FN, prohibiting discrimination against employees who are victims of domestic violence, sexual assault, or stalking.

JUDICIARY

SB 218-FN, making spoofing an unfair and deceptive act under the consumer protection law.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 46, relative to public safety radio interoperability. Removed by Sen. D'Allesandro.

SB 66, naming the lobby of the legislative office building after former speaker of the house George Roberts. Removed by Sen. D'Allesandro.

PUBLIC AND MUNICIPAL AFFAIRS

SB 74, establishing a committee to study reducing the cost of county government. Removed by Sen. Fuller Clark.

TRANSPORTATION

SB 87, relative to wake on a certain area of the Piscataqua River. Removed by Sen. Fuller Clark.

Sen. Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought-to-Pass be ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS

SB 175, relative to the regulation of blighted property. Re-refer to committee, Vote 5-0. Senator Boutin for the committee.

This bill would have authorized municipalities to enact ordinances that address blighted property. At the request of the sponsor, the committee voted to re-refer the bill to committee, in order to allow for further study and input.

TRANSPORTATION

SB 16, relative to the requirement for observers of water skiers. Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill exempts the observer requirement from specially equipped boats towing water skiers under the circumstances specified in the bill. This legislation will enable a very discrete group of professional water skiers the opportunity to have more time to run specific courses and train for competitions.

SB 78, relative to original and youth operators' licenses. Ought to Pass, Vote 5-0. Senator Watters for the committee.

This bill amends a reference regarding original and youth operator's license. This legislation is a simple change to the statute reflecting a change that took place a couple of sessions ago in the DWI law, and merely updates the reference, which clarifies that a violation of DWI law is grounds for suspension of a youth operator's license.

The question is on the adoption of the Consent Calendar. Adopted.

REGULAR CALENDAR REPORTS

EDUCATION

SB 204-FN, repealing the education tax credit program. Inexpedient to Legislate, Vote 3-2. Senator Reagan for the committee.

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

A roll call was requested by Sen. Soucy, seconded by Sen. Sanborn.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

Yeas: 14 - Nays: 10

Adopted.

FINANCE

SB 76-FN, relative to the guarantee of bonds issued by the business finance authority. Inexpedient to Legislate, Vote 5-0. Senator Hosmer for the committee.

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

SB 139, relative to the department of safety inventory fund. Inexpedient to Legislate, Vote 5-0. Senator Reagan for the committee.

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

HEALTH AND HUMAN SERVICES

SB 67, establishing a committee to study opioid misuse in New Hampshire. Re-refer to committee, Vote 2-0. Senator Sanborn for the committee.

Recess. Out of recess.

Sen. Sanborn moved to Lay on the Table SB 67. Adopted.

Sen. Hosmer is in opposition to the motion of Lay on the Table on SB 67.

JUDICIARY

SB 140-FN, relative to online harassment by prisoners. Re-refer to committee, Vote 4-0. Senator Carson for the committee.

The question is on the adoption of committee recommendation of Re-refer to Committee. Adopted.

SB 218-FN, making spoofing an unfair and deceptive act under the consumer protection law. Ought to Pass, Vote 4-0. Senator Pierce for the committee.

The question is on the adoption of the committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS

SB 54, relative to property tax payments by therapeutic cannabis alternative treatment centers. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

The question is on the adoption of the committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 142, proclaiming September 25 as Ataxia Awareness Day. Ought to Pass, Vote 3-2. Senator Boutin for the committee.

The question is on the adoption of the committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Forrester is in opposition to the motion of Ought to Pass on SB 142.

WAYS AND MEANS

SB 6-FN-A, increasing the research and development tax credit against the business profits tax. Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

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

A roll call was requested by Sen. Watters, seconded by Sen. Sanborn.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Little, Sanborn, Kelly, Daniels, Avard, Lasky, Carson, Feltes, Boutin, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Adopted.

Sen. Bradley moved to Lay on the Table HB SB 6-FN-A. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 46, relative to public safety radio interoperability. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill requires the advisory council on emergency preparedness and security to oversee statewide radio communications interoperability efforts. In addition, it establishes a statewide interoperability executive committee charged with development of a strategic statewide interoperable communications plan.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

February 10, 2015

2015-0321s

05/04

Floor Amendment to SB 46

Amend RSA 21-P:48, IV(q) as inserted by section 4 of the bill by replacing it with the following:

(q) A representative of the New Hampshire Emergency Dispatchers Association, appointed by the association.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 66, naming the lobby of the legislative office building after former speaker of the house George Roberts. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

The committee believes that additional work will need to be completed on this legislation prior to its passage.

The question is on the adoption of committee recommendation of Re-refer to Committee. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS

SB 74, establishing a committee to study reducing the cost of county government. Ought to Pass with Amendment, 5-0. Senator Boutin for the committee.

This bill establishes a committee to study reducing the cost of county government, which the committee believes is an important issue to examine. The amendment modifies the bill by requiring an interim report on November 1, 2015 and a final report on November 1, 2016.

Public and Municipal Affairs

February 11, 2015

2015-0338s

10/03

Amendment to SB 74

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall make an interim report on or before November 1, 2015, and a final report on or before November 1, 2016 of 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.

Recess. Out of recess.

The question is on the adoption of the Committee Amendment.

Recess. Out of recess.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Soucy, seconded by Sen. Sanborn.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Little, Sanborn, Kelly, Daniels, Avar, Lasky, Carson, Feltes, Boutin, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

TRANSPORTATION

SB 87, relative to wake on a certain area of the Piscataqua River. Inexpedient to Legislate, Vote 5-0. Senator Watters for the committee.

This bill repeals an exemption from headway speed requirements applicable to a certain area of the Piscataqua River. The committee heard a variety of testimony in opposition to this legislation as it would potentially create more problems than it would solve. The committee recommended ITL after much deliberation due to a lack of research and knowledge on the subject and felt it best to reexamine possible issues in the future.

Sen. Fuller Clark moved to Lay on the Table SB 87. Adopted.

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, 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.

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 want to say thank you to each and every member of the Senate who expressed concern about my wife's health. I thank them very much. My wife was in the hospital for about 7 days. She had pneumonia in both lungs, fluid in both lungs, and was really in pretty bad shape. So, thank you very much, all of you, for your concern, your thoughts and prayers, and thank you, Mister President.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. I, too, would like to thank you for your queries about my husband. I just got a text, illegally on the floor, that his sodium level is fine so we can travel this week.

(The Chair recognized Sen. Pierce.)

SENATOR PIERCE: Thank you, Mister President. I just want to rise to speak briefly about something...about a few things that were said during the debate on the education tax credit: that it would be permissible for us to leap over the constitutional question and address the policy directly that the Supreme Court exists to tell us what the law is. I'm not going to, and I'm certain that the speakers who advocated that are not saying we should avoid the Constitution—that's not the point of me speaking. But, the reason I was in the anteroom was I was trying to find a quote from James Madison in *The Federalist Papers* who said the surest protection of our freedom comes from the legislature. Now *The Federalist Papers* were written before *Marbury v. Madison* case in which the courts were delegated the responsibility of finding constitutionality. But in the original framework of our government the legislature was the best protector of our freedoms. And, I believe it is a mistake to leap over the constitutional question to get to the policy. If the Constitution forbids it, I don't think we can go any further than that. I'll also note that Mister Madison also said...that President Madison said religion and government would both exist in greater purity the less that they are mixed together. And that is why I voted the way I did because I think we always, with a constitutional question, has to always act as a gateway to any further discussion. Thank you, Mister President.

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)

LATE SESSION
Third Reading and Final Passage

SB 16, relative to the requirement for observers of water skiers.

SB 46, relative to public safety radio interoperability.

SB 54, relative to property tax payments by therapeutic cannabis alternative treatment centers.

SB 74, establishing a committee to study reducing the cost of county government.

SB 78, relative to original and youth operators' licenses.

SB 142, proclaiming September 25 as Ataxia Awareness Day.

SB 218-FN, making spoofing an unfair and deceptive act under the consumer protection law.

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 introducing legislation, referring bills to committee, scheduling hearings, 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.