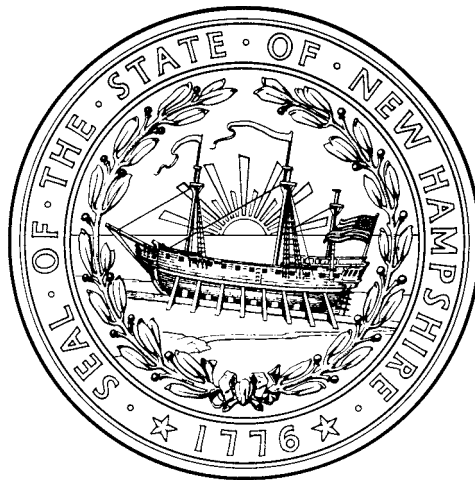


November 18, 2015  
Special Session

# 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

**SPECIAL SESSION – NOVEMBER 18, 2015 SESSION**

# SENATE JOURNAL

*November 18, 2015*

## SPECIAL SESSION SENATE JOURNAL

Call Senate to Order.

The Senate convened at 1 p.m., a quorum being present.

The Reverend Canon Hannah Anderson, guest chaplain to the Senate, offered the following meditative thoughts and prayer:

*Gracious God, You have called these your servants into a role of senatorial leadership, not on behalf of themselves, but on behalf of those you have entrusted to their care: mothers, fathers, youth and children; grandparents, single parents, those with plenty and those without; the gainfully employed, the unemployed, the laborers who make ends meet; people in joy, people in despair, each one your beloved child created in love and imbued with your hope. Bring your grace to bear on today's conversations and decisions among these Senators. Quiet their hearts and minds so that they may listen to one another without judgment or reproach. Give them capacity to reflect upon the generations of children yet to come who will be impacted by the decisions they make today. Affirm and increase their desire to build communities of resilience, goodness and health. And bless them, Gracious God, in their commitment to serve others, those you have entrusted to their care. In your holy name I pray. Amen*

(The Chair recognized Sen. D'Allesandro)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, as we watched the aftermath of the barbaric occurrence of the current attacks committed in Paris Friday night, we watched them unfold with shock and sadness. It swept across the world. But so did the expressions of sympathy and support. As we continue the fight against these terrorists, it is my hope that the people of Paris, and all over France, feel the love and support from all over the world as they try to heal. And for those of us who have family overseas, we pray for their safety. In remembrance of the lives lost and with sympathy for all affected by the attacks in Paris, I ask my colleagues to join me in a moment of silence.

Sen. D'Allesandro led the Pledge of Allegiance.

### INTRODUCTION OF PAGES

Sen. Pierce introduced Andrea Gilardi and Kristin Reed from Hanover High School, serving as Senate Pages for the day.

### INTRODUCTION OF GUESTS

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. Good afternoon, I'd like to introduce one of my all time favorite hiking partners, Karen McNiff. She is about two-thirds of her way having completed the grid. She finally gets to see me all cleaned up.

(The Chair recognized Sen. Woodburn.)

SENATOR WOODBURN: Thank you. I want to introduced Grafton County Commissioner Mike Cryans, who is with us today from Hanover.

### PROCLAMATION MESSAGE FROM THE GOVERNOR AND EXECUTIVE COUNCIL

#### **A Proclamation**

**By Her Excellency Margaret Wood Hassan, Governor**

**With the Advice of the Honorable Executive Council**

**November 4, 2015**

WHEREAS, the welfare of the people of the State of New Hampshire require the convening of the General Court for the purpose of enacting legislation to strengthen the State of New Hampshire's ongoing efforts to address the statewide heroin and opioid epidemic, which has already taken the lives of an estimated 258 people in 2015 and is straining the resources of our families, law enforcement officials, firefighters, emergency medical workers, and judicial and healthcare systems.

WHEREAS, the Executive Department in calling such a session intends an agenda limited to passing comprehensive legislation to address the heroin and opioid epidemic, including:

- (1) Ensuring that laws and penalties for the distribution and sale of fentanyl, the major cause of overdose death in 2015, match those for the sale and distribution of heroin;
- (2) Streamlining access to treatment by requiring all insurance companies to use the same evaluation criteria and removing prior authorization requirements in certain cases;
- (3) Requiring the boards governing all prescribers to update their rules by April 1 to ensure that patients and providers are warned adequately about the dangers of opioids, that providers are required to follow best prescribing practices, and that prescribers receive appropriate medical education in the best practices on prescribing opioids and pain management;
- (4) Mandating greater use by prescribers of the state's Prescription Drug Monitoring Program and upgrading its technology to ensure that more prescribers can use it in a timely fashion;
- (5) Providing for a statewide drug court program; and
- (6) Appropriating dollars for Fiscal Years 2016 and 2017 to support comprehensive law enforcement, prevention, treatment, and recovery efforts related to substance abuse.

NOW THEREFORE, the Governor, with the advice of the Council, on a motion duly seconded, hereby exercise their executive legislative authority under Part 2, Article 50 of the New Hampshire Constitution and summon the General Court to convene in Special Session on Wednesday, November 18, 2015.

Margaret Wood Hassan, Governor  
November 4, 2015

A roll call was taken by the Clerk of the Senate with 24 Senators in attendance.

Sen. Bradley moved, resolved, that the House of Representatives be informed that under the authority of the call of the Special Session by the Governor and Council, the Senate has assembled and is now ready to proceed with the business of the 2015 Special Session.

Adopted.

#### ADOPTION OF SPECIAL SESSION SENATE RULES

Sen. Bradley moved, resolved, that the Senate adopt the 2015 Special Session Senate Rules as proposed, copies of which are provided here today.

## **New Hampshire Senate Rules Of The Special Session November 18, 2015**

### **PART ONE**

#### **DUTIES OF THE SENATE PRESIDENT**

- 1-1 Determination of Quorum
- 1-2 Members, Conduct When Speaking
- 1-3 Members not to Speak More Than Twice
- 1-4 President Shall Recognize Whom
- 1-5 Questions of Order, Appeal
- 1-6 Galleries, Clearing of
- 1-7 President to Sign Resolutions, etc
- 1-8 President May Name Member to Chair

### **PART TWO**

#### **THE SENATE SPECIAL SESSION**

#### **DECORUM**

- 2-1 Absence of Members from Special Session

- 2-2 Decorum While Another is Speaking
- 2-3 Use of Electronic Devices
- 2-4 Recording and Broadcast Devices During Recess

**DEBATE**

- 2-5 Motions
- 2-6 No Substitution under Color of Amendment
- 2-7 Reconsideration Restrictions
- 2-8 Reconsideration Process
- 2-9 Division of the Question
- 2-10 Personal Privilege
- 2-11 Other Remarks (Unanimous Consent)

**VOTING**

- 2-12 General Rules on Voting
- 2-13 Abstaining from a Vote
- 2-14 Voice Vote
- 2-15 Division Vote
- 2-16 Recorded Voice or Division Vote
- 2-17 Roll Call Vote

**MISCELLANEOUS**

- 2-18 Visitors to the Senate

**PART THREE  
RESOLUTIONS**

- 3-1 Reading of Resolutions
- 3-2 Printing and Distribution

**AMENDMENTS**

- 3-3 Amendments Only on Second Reading
- 3-4 Review of Amendments by Office of Legislative Services
- 3-5 Non-Germane Amendments Prohibited

**GENERAL RULES ON RESOLUTIONS**

- 3-6 Types of Resolutions Allowed

**PART FOUR  
OTHER RULES****SENATE STAFF**

- 4-1 Composition and Duties
- 4-2 Days of Employment
- 4-3 Requisition Approval Required

**SPECIAL SESSION SENATE RULES**

- 4-4 Amending Rules
- 4-5 Suspending Rules

**MESSAGES**

- 4-6 Messages Sent to House
- 4-7 Messages, When Received

**MISCELLANEOUS**

- 4-8 Conflict of Interest
- 4-9 Requests to the Legislative Budget Assistant
- 4-10 Committee of the Whole

**PART ONE**  
**DUTIES OF THE SENATE PRESIDENT**

**1-1 Determination of Quorum** - In the Special Session the President, having taken the chair, shall determine a quorum to be present and shall immediately call the members to order.

**1-2 Members, Conduct When Speaking** - Any member, wishing to speak shall notify the President. When recognized to speak, the member shall rise and address the President, and when finished shall sit down.

**1-3 Members Not to Speak More Than Twice** - No member shall speak more than twice on the same question on the same day without leave of the Senate President.

**1-4 President Shall Recognize Whom** - When more than one member wishes to speak at the same time, the President shall decide who shall speak first.

**1-5 Questions of Order, Appeal** - The President shall preserve decorum and order. If any member transgresses the rules of the Senate, the President shall, or any member may, call said member to order in which case the member so called to order shall immediately cease and desist, and the Senate, if appealed to, shall decide the case. But if there is no appeal, the decision of the President shall be conclusive.

**1-6 Galleries, Clearing of** - In case of any disturbance or disorderly conduct in the gallery, the President shall have the power to order the same to be cleared. The Chairman of the Committee of the Whole may restrict attendance to the duly elected Senators.

**1-7 President to Sign Resolutions, etc** - All resolutions, warrants, subpoenas and other processes issued by order of the Senate shall be under the hand and seal of the President attested by the Clerk.

**1-8 President May Name Member to Chair** - The President when performing the duties of the Chair may, at any time, name any member to perform the duties of the Chair.

**PART TWO**  
**THE SENATE SPECIAL SESSION**

**DECORUM**

**2-1 Absence of Members from Special Session** - No member shall absent himself or herself without permission from the Senate.

**2-2 Decorum While Another is Speaking** - No member shall hold conversation with another while a member is speaking in debate.

**2-3 Use of Electronic Devices** - The use of electronic devices, with the exception of Senate-issued devices and devices used by members of the media, is prohibited on the Senate floor during session, unless the Senate is in recess or unless otherwise approved by the Senate.

**2-4 Recording and Broadcast Devices During Recess** - All recording and broadcast devices used on the Senate floor shall be paused or otherwise prevented from recording or broadcasting audio or video of members or staff while the Senate is in recess.

**DEBATE**

**2-5 Motions** - Motions during debate shall be considered according to the provisions of Table I, with said motions listed in order of decreasing precedence.

**2-6 No Substitution under Color of Amendment** - No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

**2-7 Reconsideration Restrictions** - No vote shall be reconsidered unless the motion for reconsideration is made by a member who voted with the prevailing side and, if the vote applied to a resolution, the resolution to which the vote applied is in the possession of the Senate.

**2-8 Reconsideration Process** - A motion to reconsider shall only be made in open Special Session prior to adjournment from the early session on the same day on which the vote to be reconsidered was taken, in which case, unless otherwise ordered by the Senate, the reconsideration vote shall be taken up immediately.

**2-9 Division of the Question** - Any member may call for the division of the question and when the sense will admit it, as determined by the President, the question shall be divided.

**TABLE I - MOTIONS****Privileged Motions**

<b>Motion</b>	<b>Debatable</b>	<b>Amendable</b>	<b>Notes</b>
Adjourn	No	Yes	Amendments limited to the time to which to adjourn.
Recess	No	Yes	Amendments limited to length of the recess.

**Incidental Motions (all become main motions if made when no question is pending or when not related to the business at hand)**

<b>Motion</b>	<b>Debatable</b>	<b>Amendable</b>	<b>Notes</b>
Appeal	Yes	No	Debate limited to the specific decision of presiding officer from which appeal is made. Presiding officer is allowed to speak. The question to be put is, "Shall the decision of the president stand?" A tie vote also sustains the chair's ruling.
Point of Order	No	No	Calls attention to a violation of rules or order. May be raised when another member is speaking. Not technically a motion, but the presiding officer could submit the question to the Senate, at which point it becomes a motion open for debate, but not amendment.
Parliamentary Inquiry	No	No	Requests information from the presiding officer about parliamentary procedure or Senate rules. May be raised when another member is speaking only if it requires immediate attention. Not technically a motion.
Object to Reading of Papers	No	No	Reading from documents as part of a speech is generally allowed as a courtesy, provided the papers are relevant, short and not used as a delaying tactic. Any member may object during the reading, however, and the body decides whether permission to read is granted.
Suspend the Rules	No	No	Requires a majority vote. See Rule 4-5

**Subsidiary Motions**

<b>Motion</b>	<b>Debatable</b>	<b>Amendable</b>	<b>Notes</b>
Lay Upon the Table	No	No	May be applied to a main motion with other pending motions, in which case the main motion, along with all pending motions, is laid on the table.
Previous Question	No	No	If not otherwise specified, ends debate and calls for a vote on the immediately pending question. May be used to end debate and call for votes on all pending questions.
Amend	Yes	Yes	Opens the main question for debate, since it involves the final disposition of the question. No part of a resolution postponed indefinitely shall be acted on in any way for the rest of the biennium.
Postpone	Yes	No	
Indefinitely			

**Main Motions (can only have one main motion before the Senate at a time)**

<b>Motion</b>	<b>Debatable</b>	<b>Amendable</b>	<b>Notes</b>
Main Motions	Yes	Yes	Ought to Pass, Ought to Pass with Amendment and Inexpedient to Legislate.
Take From Table	No	No	Moves consideration of a future scheduled item to another time in the Special Session by a simple majority vote. Debatable to the extent the question being reconsidered is debatable. If so, it opens up the original question for debate.
Special Order	No	No	
Reconsider	Yes	No	

**2-10 Personal privilege** - A Senator may, as a matter of personal privilege, defend his/her position on a resolution, his/her integrity, his/her record, or his/her conduct, against unfair or unwarranted criticism, or may speak of an issue which relates to his/her rights, privileges or conveniences as a Senator; provided, however, the matters raised under personal privilege shall not be subject to questioning, answer, or debate, by another Senator. Personal Privilege remarks may be included in the Daily Journal if requested by the Senator, and in the Permanent Journal by vote of the Senate.

**2-11 Other Remarks (Unanimous Consent)** - A Senator may, when granted leave by the Senate, speak on other matters of his/her choosing and in such cases may be subject to questioning and/or answer according to the Rules of the Senate. These remarks may be included in the Daily Journal if requested by the Senator, and in the Permanent Journal by vote of the Senate.

#### VOTING

**2-12 General Rules on Voting** - All questions shall be put by the President, and no member who was absent when the question was put shall be required to vote.

**2-13 Abstaining from a Vote** - No member who was present when the question was put shall abstain from voting unless by reason of a conflict pursuant to Rule 4-8 or unless excused by the Senate for a special reason.

**2-14 Voice Vote** - When the question has been put, each member present shall signify assent or dissent by voting yea or nay.

**2-15 Division Vote** - If the President doubts or a division is called for, the Senate shall divide. Those in the affirmative on the question shall first rise from their seats and stand until they be counted. They shall then be seated and those in the negative on the question shall rise from their seats and stand until they be counted. The President shall rise and state the decision of the Senate.

**2-16 Recorded Voice or Division Vote** - Any member may, following a voice or division vote, have his or her vote recorded in the Journal by providing a signed notice of said vote to the Clerk, on a form prescribed by the Clerk.

**2-17 Roll Call Vote** - When the yeas and nays have been moved by a member and duly seconded by another member, each member present shall declare assent or dissent to the question. The names of the persons so making the motion and the second shall be recorded in the Journal. The President shall determine the order of the roll call.

#### MISCELLANEOUS

**2-18 Visitors to the Senate** - No person except members of the Senate and its officers, the Governor, Council members, the Secretary of State, the Treasurer, the Speaker of the House of Representatives and its officers and clerks, shall be admitted to the floor of the Senate while the Senate is in Special Session, except by the invitation of the President, or some member with the President's consent.

### PART THREE

#### RESOLUTIONS

**3-1 Reading of Resolutions** - Every resolution, except senate resolutions and those procedural and rules resolutions prepared by the Clerk, shall have three readings in the Senate previous to its passage. The first and second readings shall be by title only which may be accomplished by a conglomerate resolution, and shall be printed as provided in Rule 3-2, unless otherwise ordered by the Senate. No resolution after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of resolutions shall be in the late session unless otherwise ordered by the Senate.

**3-2 Printing and Distribution** - After every resolution shall have been read a second time, the Clerk shall procure a sufficient number of copies, printed on paper of uniform size, for the use of the legislature, and cause the same to be distributed to the members. Resolutions received from the House shall be printed at the same stage of their procedure unless they have been printed in the House and copies distributed in the Senate, in which case any amendment made by the House shall be duplicated and distributed in the Senate.

#### AMENDMENTS

**3-3 Amendments Only on Second Reading** - No amendment shall be made but upon the second reading of a resolution; and all such amendments shall be in writing, with the name of the Senator and the district he or she represents.

**3-4 Review of Amendments by Office of Legislative Services** - Amendments shall have been reviewed by the Office of Legislative Services for form, construction, statutory and chapter reference.

**3-5 Non-Germane Amendments Prohibited** - No amendment to any resolution shall be allowed except it be germane. For the purposes of this rule, an amendment to a resolution is germane if the subject matter of the amendment is the same as that of some portion of the resolution. The prohibition on non-germane amendments shall not apply in the case of a resolution previously found ought-to-pass by the Senate being added to a subsequent resolution.

#### GENERAL RULES ON RESOLUTIONS

**3-6 Types of Resolutions Allowed** - The only resolutions that may be introduced into the Special Session of the Senate are those in the form of a House Concurrent Resolution addressing the statewide heroin and opioid epidemic.

### **PART FOUR** **OTHER RULES**

#### SENATE STAFF

**4-1 Composition and Duties** - The staff of the Senate shall be comprised of:

- (1) A Clerk, who shall be elected by the Senate;
- (2) Clerk's office staff, who shall be nominated by the Clerk and appointed by the President; and
- (3) Such other personnel as the President shall appoint.

The President shall define the duties of all members of the Senate staff which are not fixed by statute or otherwise ordered by the Senate.

**4-2 Days of Employment** - Each member of the staff of the Senate shall be available on call to carry out the work of the Senate.

**4-3 Requisition Approval Required** - No officer or employee of the Senate during the Special Session or any adjournment thereof shall purchase or contract for the purchase, pay, or promise to pay any sum of money on behalf of the Senate or issue any requisition or manifest without the approval of the Senate President.

#### SPECIAL SESSION SENATE RULES

**4-4 Amending Rules** - Any rule of the Special Session of the Senate may be amended by majority vote.

**4-5 Suspending Rules** - No standing rule of the Special Session of the Senate shall be suspended unless a majority of the members present and voting vote in favor thereof.

#### MESSAGES

**4-6 Messages Sent to House** - Messages shall be sent to the House of Representatives by the Clerk of the Senate.

**4-7 Messages, When Received** - Messages from the Governor or House of Representatives may be received at all times, except when the Senate is engaged in putting the question, in calling the yeas and nays, or in counting the ballots.

#### MISCELLANEOUS

**4-8 Conflict of Interest** - In all instances every member shall act in conformance with the duly adopted Ethical Guidelines and Opinions of the New Hampshire General Court.

**4-9 Requests to the Legislative Budget Assistant** - Any Senate member may make a request of the Office of the Legislative Budget Assistant Budget Division, for technical staff assistance in the areas of finance, accounting and budgeting. The Budget Division may respond to that request when doing so will not interfere with the Budget Division's principal responsibilities as outlined in RSA 14:31-b, as determined by the Legislative Budget Assistant.

**4-10 Committee of the Whole** - The Senate may resolve itself into a Committee of the Whole at any time on motion made for that purpose; and in forming a Committee of the Whole; the President shall leave the chair, and appoint a chairperson to preside in committee.

Adopted.

#### HOUSE MESSAGE

The House of Representatives, pursuant to a call from the Governor and Council, has assembled and is now ready to proceed with the business of the 2015 Special Session.

Recess. Out of recess.



## 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:

SS HCR 1, establishing a joint task force for the response to the heroin and opioid epidemic in New Hampshire.

## INTRODUCTION OF SPECIAL SESSION HOUSE CONCURRENT RESOLUTION 1

Sen. Bradley moved introduction of Special Session House Concurrent Resolution 1, and resolve that, in accordance with the list in the possession of the Clerk, legislation numbered Special Session House Concurrent Resolution 1 shall be by this Resolution read a first and second time by the therein listed title.

## First and Second Reading

SS HCR 1, establishing a joint task force for the response to the heroin and opioid epidemic in New Hampshire.

Adopted.

Sen. Bradley moved Ought to Pass.

The question is on the adoption of the motion of Ought to Pass on SS HCR 1. Adopted, ordered to Third Reading.

Sen. Pierce is in favor of the motion of Ought to Pass on SS HCR 1.

## HOUSE MESSAGE

The House of Representatives has adjourned from the 2015 Special Session.

## MOTION TO ADJOURN FROM EARLY SPECIAL SESSION

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

## LATE SPECIAL SESSION

## Third Reading and Final Passage

SS HCR 1, establishing a joint task force for the response to the heroin and opioid epidemic in New Hampshire.

## ANNOUNCEMENTS

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. A point of privilege, please? Personal privilege. I think we should always end a session on good news, Senator Bradley. Good news! I bring you good news. In the town of Goffstown, which is the 20th Senate District, a police officer, yesterday, made one of the great moves that you can make. An individual woman lost her wallet; put it on the shelf; \$200 in the wallet; it disappears. She reports it to the police. He says to her, "I don't think I can ever find the person who stole it." An hour later he comes back to the house, and gives the woman a \$100 gift certificate out of his own pocket. Patrolman from Goffstown, Scott Avedisian. What better act of kindness can you deliver than to go to your pocket, and we know that they aren't paid as highly as we would like to see them, and come up with \$100. Now, to me, that's the great, the great attribute of public service. It's why people do the job, and this officer certainly deserves all the credit in the world. Young guy working in Goffstown comes up with \$100. The woman and her family are in tears when he delivers the money. Man, that's good news. And there's more good news. We just got to keep digging out that good news; makes us all feel better being a part of the process. Thank you, Mister President.

Without objection all Rule 2-10's and 2-11's shall be entered into the permanent *Journal of the Senate*.

## MOTION FOR ADJOURNMENT

Sen. Bradley moved that the business of the Special Session having been completed, the Senate now adjourn from the Special Session.

Adopted. The 2015 Senate Special Session is adjourned.