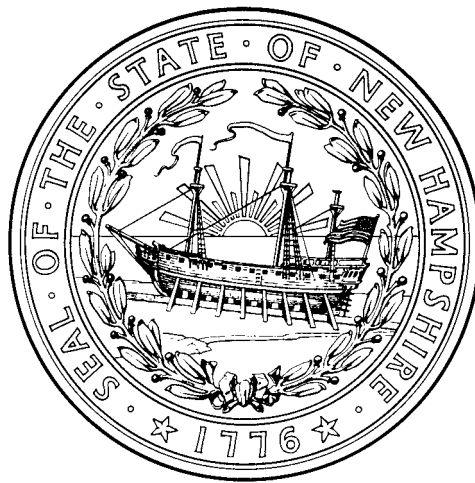


September 29, 2016
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**Second Year of the 164th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – JUNE 16, 2016 SESSION
COMMENCEMENT – SEPTEMBER 29, 2016 SESSION**

SENATE JOURNAL 20 *(continued)*

June 16, 2016

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 21

September 29, 2016

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

The Reverend Kate Atkinson, chaplain to the Senate, offered the prayer.

Good morning. It's my birthday today and I think some of you know that. Thank you, because many of you have wished me a happy birthday. It's not just a birthday it's one of those birthdays where the first number changes and the zero appears. That did influence what I brought for you today because I am sure you've all taken the opportunity of entering a new decade and looking back and looking forward. So I've brought you a prayer today that we don't quite know where it came from, but it is attributed to Sir Francis Drake in 1577. Let us pray.

Disturb us, Lord, when we are too pleased with ourselves, because our dreams have come true because we dreamed too little, when we arrived safely because we sailed too close to the shore. Disturb us, Lord, when with the abundance of things we possess we have lost our thirst for the waters of life. Having fallen in love with life, we have ceased to dream of eternity and in our efforts to build a new earth, we have allowed our vision of the new heaven to dim. Disturb us, Lord, to dare more boldly, to venture on wilder seas where storms will show your mastery, where losing sight of land, we shall find the stars. We ask you to push back the horizons of our hopes and to push into the future in strength, courage, hope, and love. This we ask in the name of our Captain, who is Almighty God. Amen.

Senator Soucy led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

President Morse introduced former Senator Sylvia Larsen.

President Morse welcomed back Roger Brooks.

Senator Birdsell introduced 4th grade classes from the South Range Elementary School of Derry visiting in the gallery.

INTRODUCTION OF STAFF

President Morse introduced Frank Drociak the new Sergeant-at-Arms.

RESIGNATION OF STATE SENATOR

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President I have a letter here from Senator David Pierce, I will read it.

Dear Mister President,

Part Section, Article 29 of the New Hampshire Constitution states that if a Senator, "after election, cease[s] to be an inhabitant of the district for which he was chosen, he shall be disqualified to hold said position and a vacancy shall be declared therein." On August 19, 2016, I ceased to be an inhabitant of Senate District 5.

I therefore write to tender my resignation effectively on that date.

It has been one of the highest honors and privileges of my life to serve the citizens of District 5. I will miss the work tremendously, and wish you and my colleagues every success in the upcoming term.

Sincerely,

Senator David Pierce

PRESIDENT MORSE: Thank you Senator Woodburn. Without objection the letter will be entered into the *Senate Journal*.

PRESIDENT MORSE: This summer, New Hampshire lost a true steward of culture and the arts, and a friend to many of us, Commissioner Van McLeod. He worked for more than two decades as the Commissioner of the State Department of Cultural Resources, preserving the traditions that are central to New Hampshire's unique culture, including music, literature, film and history, for all of us to enjoy now and into the future.

Commissioner McLeod was a friend not only to me, but to many of the Senators in the chamber who have had the good fortune to get to know him through the work that he has done over the years. He was extremely well-respected, and an inspiring and enthusiastic public servant. He had a passion for his work and his talents and appreciated the arts and the culture that made him an asset not only to the department but to the citizens who have benefitted from him across our state.

I had known Commissioner McLeod for a while, but we first started working together regularly when I became the finance chair, and as I remember it, it was not under the best circumstances. The Senate had been presented a budget that had eliminated the arts. Sure enough, there was Commissioner McLeod, doing what he did best, which was advocating for the arts and really, really hoping that we would restore his budget. No offense to the House, but we knew cutting his budget just didn't work, so the Senate went on and restored it.

There was one other occasion where Commissioner McLeod decided that he needed to influence one of my communities. I was working with a group to save Sherburne Hall. It certainly was going to stay the selectmen's home in Pelham, but they certainly had a component in the arts, and Commissioner McLeod was so excited that they had a stage and they had curtains and they wanted to make sure that they used it for other reasons besides the selectmen. He said, I need to come down and meet these people and teach them how to make this work. Then he went on and told me stories about everything else that he's done in this state and your communities to make it work, and I appreciated what he did for me.

I think it's just further proof that Commissioner McLeod left his mark wherever he went and on whomever he met. That was obvious again at his memorial this summer when all of his family and closest friends spoke, sharing great stories of his life and truly inspiring his legacy.

It was an honor to work with Commissioner McLeod, and it is an honor to be joined by his wife, Joan and, Senator Larsen in the Senate today. We wanted to take this opportunity to share our appreciation for him and we thank you for being here. We know your daughter Chelsea wanted to be here, but couldn't because she is teaching. I admire that. We know this is an immensely difficult time for both of you, and I want you to know that, on behalf of the Senators in this room, our thoughts and prayers remain with your family.

And on behalf of the Senate, I would like Senator Feltes to come up, and Joan, if you could come up.

SENATOR FELTES: Thank you Mister President for inviting me up here with the honor to read this resolution and present it to Joan.

The New Hampshire State Senate, a resolution honoring Van McLeod for his service and dedication to the State of New Hampshire as Commissioner of the Department of Cultural Resources.

WHEREAS, Commissioner McLeod was the longest-serving commissioner in New Hampshire, leading the New Hampshire Department of Cultural Resources in the preservation of the cultural arts in our state for 24 years; and

WHEREAS, His experience and talent in music, theater and film, combined with his passion for sharing the arts with citizens across the state and the world was unmatched; and

WHEREAS, He was well respected by all who knew him and found great successes in ensuring that the arts were accessible to all Granite Staters and an integral part of the social fabric of our State; and

WHEREAS, Working with Commissioner McLeod, who was an incredibly kind and gregarious individual, was a true honor; and

WHEREAS, Commissioner McLeod will be sorely missed, he will be fondly remembered for his determined character, strong leadership and enduring spirit for supporting arts and culture in our State.

Now, therefore, be it resolved that the New Hampshire Senate recognizes Commissioner Van McLeod for his passionate dedication to the cultural arts of our state and extends our sincerest gratitude for his unyielding service to our state.

Signed by all 22 Senators and attested to by our Clerk, Tammy Wright.

JOAN GOSHGARIAN: I want to thank you all for this tribute today, Van would be so honored. He believed very, very strongly in the role of government and the traditions of government and citizens' voices and I want to say that for all of these years we've been very lucky that he has had an opportunity to influence in whatever way that he could what his passion was and I thank you for recognizing that. Just quickly I would like to recognize my friend Sylvia Larsen for coming with me today. I appreciate that, and also I want to recognize Allie Morris. Allie grew up around the corner from my house and was in my house probably almost as much as my own daughter, they were best friends growing up and it is so lovely to see her here. And if I could recognize what I am gathering is a fourth grade class here today, my daughter teaches fourth grade in Malden, Massachusetts which is why she is not here today, but my husband believed very, very strongly that it's never too early to think about voting, wonderful for you to be here today. Thank you very much.

Recess. Out of recess.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you Mister President. I do have the opportunity to introduce a couple of other special people that are here with us today. The first is Susan Duncan, who most of us know, who recently retired and she had the honor and pleasure of working with all of us as the secretary of the Judiciary Committee and we have the Honorable Ned Gordon one of our former colleagues and currently serving as a Judge.

Without objection, the Clerk shall read the title of the Veto Message only.

VETO MESSAGE

June 21, 2016

Governor's Veto Message Regarding Senate Bill 320

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 21, 2016, I have vetoed Senate Bill 320, relative to non-academic surveys administered by a public school to its students.

Senate Bill 320 requires an "opt-in" provision on all non-academic surveys or questionnaires except for the youth risk behavior survey (YRBS) that is developed by the Centers for Disease Control and Prevention. It mandates written consent from a student's parent or legal guardian to allow a student to participate in all other non-academic surveys, which are administered to aid in the development and implementation of programs to support students and educators, to inform public policy and allocation of resources, and as a requirement for certain grants. Requiring that a student opt-in to a survey through written parental consent would present an undue burden to schools administering a survey and undoubtedly lead to unreliable survey data, creating insurmountable barriers to conducting meaningful school-based research used to promote the well-being of New Hampshire children, families, and communities.

Parents are critical in determining what students experience while they are in school – both academically and otherwise. That is why we passed last year House Bill 206, which required every school board to adopt a policy governing the administration of non-academic surveys that includes parental notification, a parental opt-out provision, and the opportunity for parents to review surveys at least 10 days in advance. This law has been in place for less than a year and should be given more time to determine its effectiveness.

The Department of Education routinely relies on various surveys to develop and implement programs that support students and educators throughout New Hampshire. Non-profit organizations often use non-academic surveys to determine where to direct their resources, as well as to test the efficacy of existing programming. In addition, surveys are often required by the terms of grants supporting important work in our schools. The New Hampshire Coalition Against Domestic and Sexual Violence, the National Alliance on Mental Health - New Hampshire, the University of New Hampshire, the School Administrators Association, the American Cancer Society Cancer Action Network and the New Hampshire Public Health Association all oppose this bill because they rely on data from non-academic surveys to inform their programs.

There are many factors outside of the academic environment, including the heroin and opioid crisis, that affect the health and well-being of students across the state, and in turn, our future success as a state. Though the carve-out in this bill for the YRBS addresses some concerns, there are many other valuable non-academic surveys that inform how the State and our private partners implement programs and direct resources in order to help ensure that all of our children have the opportunity to seize his or her full potential.

Current law already requires parental notification and opt-out provisions to protect the parent's role in survey-taking at schools, and Senate Bill 320 would make it nearly impossible to collect reliable data, which could negatively impact our ability to make informed public policy decisions and could lead to important programs and resources that support our children and our schools leaving our state. Therefore, I have vetoed Senate Bill 320.

Respectfully submitted,

Margaret Wood Hassan
Governor

The question is not withstanding the Governor's Veto, shall Senate Bill 320 become law?

A roll call is required.

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

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

Roll Call, Yeas: 13 - Nays: 9. Veto sustained lacking necessary 2/3 vote.

VETO MESSAGE

June 21, 2016

Governor's Veto Message Regarding Senate Bill 324

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 21, 2016, I have vetoed Senate Bill 324, eliminating the land use board and requiring approval of federal land acquisitions by the governor and executive council.

While this bill's repeal of the obsolete Land Use Board would be a common-sense step to take, I have grave concerns about the constitutionality of other provisions of Senate Bill 324 and the impact those provisions would have on land conservation and on the rights of private property owners. In addition, this bill would create difficulties for municipalities in appraising properties, which could lead to increased costs to local taxpayers.

The New Hampshire Department of Justice has expressed concerns about the constitutionality of Senate Bill 324, and I share those concerns. This bill would also infringe upon the rights of private property owners to sell their land to willing buyers by forcing the Executive Council, the Department of Resources of Economic and Development and town meetings into private land transactions.

Certain provisions of this bill, such as its language adding easements under the definition of federal land acquisitions, would make conservation more difficult and stall ongoing efforts, such as our work to protect our New England cottontail rabbit population. It would also threaten the State's ability to receive federal funding under the Land and Water Conservation Act and other programs that are critical to supporting conservation and our state's working landscape. New Hampshire's natural resources are critical to our economy and our way of life, and we must continue working to conserve and protect our most treasured places, which Senate Bill 324 would make more difficult.

Moreover, Senate Bill 324 would create several issues for municipalities. It would limit the ability of municipal conservation commissions to protect natural resources, creating a new appraisal process that includes a requirement that certain lands be appraised at "highest and best use." This language would be problematic for local governments and assessors to interpret and implement, creating confusion and unnecessary work for municipalities that would also increase costs to local taxpayers.

There is widespread opposition to Senate Bill 324 from conservation groups, including the Society for the Protection of New Hampshire Forests, the Nature Conservancy, the Appalachian Mountain Club, the New

Hampshire Audubon, the New Hampshire Association of Conservation Commissions and the Land and Community Heritage Investment Program, as well as the New Hampshire Timberland Owners Association and the New Hampshire Land Trust Coalition.

Due to constitutionality concerns and the bill's potential to threaten conservation efforts, to infringe upon the rights of private property owners, and its negative impact on municipalities, I have vetoed Senate Bill 324.

Respectfully submitted,

Margaret Wood Hassan
Governor

The question is not withstanding the Governor's Veto, shall Senate Bill 324 become law?

A roll call is required.

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

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

Roll Call, Yeas: 13 - Nays: 9. Veto sustained lacking necessary 2/3 vote.

VETO MESSAGE

June 16, 2016

Governor's Veto Message Regarding Senate Bill 336

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 16, 2016, I have vetoed Senate Bill 336, relative to the qualifications for obtaining a license to carry a concealed pistol or revolver.

As has been the case with the two bills eliminating New Hampshire's concealed carry permitting law that I have vetoed over the last two years, I continue to share the public safety concerns of law enforcement, public safety officials and citizens across New Hampshire about removing the protections that the permitting process offers to help ensure that potentially dangerous individuals are not allowed to carry hidden weapons.

New Hampshire's current concealed carry permitting process has worked well for nearly a century – ensuring the Second Amendment rights of our citizens while helping to keep the Granite State one of the safest states in the nation. Our permitting process gives an important oversight role to local law enforcement, while also allowing for appeals through appropriate channels.

As I always have, I continue to support the Second Amendment and the right of Americans to responsibly own guns for personal safety, hunting, and recreation. At the same time, this right must be balanced with public safety, which is why – as the late Justice Antonin Scalia noted in the 2008 Supreme Court case of *District of Columbia v. Heller* – states also have the ability and responsibility to appropriately regulate the concealed carry of firearms in order to maintain public safety.

Because our current law – which Republican Governor Mel Thomson referred to as 'a sensible handgun law' – continues to serve New Hampshire well, and because I continue to believe that moving away from current concealed carry permitting law would compromise the safety of our citizens, I have vetoed Senate Bill 336.

Respectfully submitted,

Margaret Wood Hassan
Governor

June 6, 2016

The question is not withstanding the Governor's Veto, shall Senate Bill 336 become law?

A roll call is required.

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

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

Roll Call, Yeas: 13 - Nays: 9. Veto sustained lacking necessary 2/3 vote.

ANNOUNCEMENT

PRESIDENT MORSE: I know we are going to run out of time on a lot of things this morning, but I tried to make sure this Session was going to be short; you're not helping, because I know Senator Carson needs to make a luncheon engagement. But it needs to be recognized that Senator Carson is one of the hardest working people in Concord. It is no surprise that she is being honored today for her hard work and her contributions to our state. On behalf of all of us here today, we congratulate you on being inducted into the New Hampshire Coalition Against Domestic and Sexual Violence Hall of Fame today for your work on key legislation this session and many years prior to that.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you Mister President. Well, Senator Carson I am glad that you are here for this right now because, as your friend and colleague for a good many years now, I want to take this opportunity to congratulate you on this honor that the Senate President talked about moments ago. Every year the New Hampshire Coalition Against Domestic and Sexual Violence inducts several exceptional individuals into their Hall of Fame; an honor given to a community member who has worked tirelessly on behalf of victims in New Hampshire. Today the distinguished Senator from District 14 is being inducted into the Coalitions Hall of Fame in recognition of her significant work on behalf of these vulnerable citizens. So, again, everyone please join me personally in congratulating our colleague on this great honor. It's a pleasure.

PRESIDENT MORSE: Congratulations Senator Carson.

VETO MESSAGE

June 6, 2016

Governor's Veto Message Regarding Senate Bill 381

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 6, 2016, I have vetoed Senate Bill 381, relative to the combustion of the wood component of construction and demolition debris.

Ensuring that all of our residents and visitors have access to clean air, clean water, and a healthy environment is critical to public health and a strong economy, and we must continue to work to protect our air, our water and our environment from harmful pollution. By removing the existing ban on the combustion of the wood component of construction and demolition debris at regulated facilities without stringent protections, this bill raises a number of serious environmental concerns that are not adequately addressed in the bill as written.

While the bill places some limitations on the combustion of the wood component of construction and demolition debris, it does not set or outline a procedure to set fuel standards for this material or for testing requirements. Without standards and testing requirements, it will be difficult to ensure that construction and demolition wood used for combustion does not include contaminants that could be harmful if emitted.

Moms Clean Air Force, New Hampshire Sierra Club, New Hampshire Citizen Alliance, Working on Waste, ACTS Now, REACH, and many other advocacy groups and citizen advocates have expressed concerns with the combustion of construction and demolition debris and opposition to the bill, and I share many of their concerns.

At a time when we are experiencing a number of serious environmental contamination issues across the state, I have grave concerns about reopening the existing ban on the combustion of construction and demolition debris without strong regulatory controls in place. Because of these concerns, I have vetoed Senate Bill 381 and worked to develop appropriate language in House Bill 1428, including stronger controls, which will soon be at my desk for signature.

Respectfully submitted,

Margaret Wood Hassan
Governor

The question is not withstanding the Governor's Veto, shall Senate Bill 381 become law?

A roll call is required.

The following Senators voted Yes: None.

The following Senators voted No: Woodburn, Forrester, Bradley, Watters, Cataldo, Hosmer, Sanborn, Kelly, Daniels, Avard, Lasky, Carson, Feltes, Boutin, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

Roll Call, Yeas: 0 - Nays: 22. Veto sustained lacking necessary 2/3 vote.

VETO MESSAGE

June 7, 2016

Governor's Veto Message Regarding Senate Bill 403

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 7, 2016, I have vetoed Senate Bill 403, relative to the sale of gift certificates with expiration dates.

Senate Bill 403 is a technically flawed bill with inconsistencies that will confuse both consumers and businesses alike. Originally a request of the New Hampshire Lodging and Restaurant Association, this bill's original intent was to raise the threshold for expiration dates and abandoned property laws relative to gift cards.

The final version of the bill only raised the threshold for expiration dates, an inconsistency that may create difficulties for both consumers and merchants, and as a result, the New Hampshire Lodging and Restaurant Association has requested a veto and for the next legislature to pass the original legislation.

This bill seeks to increase the threshold above which merchants can sell gift cards with expiration dates from \$100 to \$250. While well-intentioned, this bill does not fully improve convenience for the consumer as it failed to consider the necessary counterpart change to the State's abandoned property laws. This issue was noted late in the legislative process, but ultimately not fixed.

Increasing the threshold at which a gift certificate is allowed to expire is a change that is beneficial to consumers, but because of a technical flaw in the bill, consumers will not always be able to redeem gift cards with the merchant. Without the accompanying increase to the threshold at which merchants are required to report a gift card as abandoned property from \$100 to \$250, a consumer would have to redeem the card with the State Treasurer because after five years of non-use, any card sold with a value of more than \$100 will be reported as abandoned property.

The change to the abandoned property threshold would have allowed consumers to redeem the cards at the merchant in perpetuity, whereas the inconsistency created by only increasing the threshold for the expiration date places an unintended burden on both consumers and businesses for gift cards ranging from \$100 to \$250. The House considered an amendment that would have made the bill beneficial to both consumers and merchants, however, that amendment failed because it did not include an important provision for telecommunications cards.

The Legislature should reconsider this legislation next year in order to maximize the benefit to both consumers and merchants by that ensuring all sections of law are in sync. Because this bill only affects one section of the law, without accomplishing the stated intent, I am vetoing Senate Bill 403, relative to the sale of gift certificates with expiration dates.

Respectfully submitted,

Margaret Wood Hassan
Governor

The question is not withstanding the Governor's Veto, shall Senate Bill 403 become law?

A roll call is required.

The following Senators voted Yes: None.

The following Senators voted No: Woodburn, Forrester, Bradley, Watters, Cataldo, Hosmer, Sanborn, Kelly, Daniels, Avard, Lasky, Carson, Feltes, Boutin, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

Roll Call, Yeas: 0 - Nays: 22. Veto sustained lacking necessary 2/3 vote.

VETO MESSAGE

May 3, 2016

Governor's Veto Message Regarding Senate Bill 446

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on May 3, 2016, I have vetoed Senate Bill 446, relative to requirements of the state building code.

Ensuring that buildings are safe is critical to public safety and our economy, and we must always work to ensure that our families and businesses have the safe environment necessary for them to grow and thrive. By placing an arbitrary restriction on the rules that can be adopted by the State Building Code Review Board and limiting the ability of building inspectors to request relevant information prior to issuing permits, this bill could lead to less safe buildings and is a potential threat to public safety.

Senate Bill 446 unnecessarily ties the hands of local officials, limiting their ability to gather the information necessary to determine the scope of work, what code needs to be applied and the cost of the permit. As a result, it will be more difficult for building inspectors to properly vet projects and ensure that applicants meet the necessary requirements to keep the public safe. Furthermore, the proposed legislation would have set a vague and ambiguous standard, which could lead to an increase in litigation.

The New Hampshire Association of Fire Chiefs and the New Hampshire Planners Association oppose Senate Bill 446, and these changes were not recommended by the State Building Code Review Board, which is composed of a broad cross-section of people involved in planning and development, including home builders, engineers, electricians, plumbers, fire chiefs and municipal officials. No evidence was presented during hearings on this legislation that suggest there is currently an unnecessary burden on applicants, or that this bill would represent a solution as opposed to creating new problems.

This bill makes it more difficult for local officials to effectively do their jobs and ensure that buildings meet the uniform standard necessary to ensure public safety, and it is opposed by many of New Hampshire's foremost experts on building safety. Therefore, I have vetoed Senate Bill 446.

Respectfully submitted,

Margaret Wood Hassan
Governor

The question is not withstanding the Governor's Veto, shall Senate Bill 446 become law?

A roll call is required.

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

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

Roll Call, Yeas: 12 - Nays: 10. Veto sustained lacking necessary 2/3 vote.

VETO MESSAGE

June 21, 2016

Governor's Veto Message Regarding Senate Bill 495

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 21, 2016, I have vetoed Senate Bill 495, relative to the definition of a cigar bar.

I am vetoing Senate Bill 495 because it undermines our efforts to protect public health through the Smoke-free Bar and Restaurant provision of the Indoor Smoking Act. In addition, this bill underwent a defective process, in which the final content of the bill did not receive a public hearing. The bill's original intent had nothing to do with cigar bars and all language related to the bill's original purpose was stripped by the Committee of Conference. As a result, the provision relative to cigar bars – which was added in a work session and did not receive a public hearing – made up the entirety of the final bill.

In 2009, the cigar bar license was created to allow cigar shops to sell alcohol while customers sampled cigar products. At that time, we crafted the smoking exemption for cigar bars with specific parameters, including a provision that cigar bars cannot sell food or provide food free of charge, so that they were not competing with restaurants and bars that sold or provided food and fell under the Indoor Smoking Act.

As passed, Senate Bill 495 would undermine public health, as well as the delicate balance that we struck in 2009, something that would have been revealed if the non-germane amendment pertaining to cigar bars had received a public hearing. By allowing cigar bars to provide or allow food free of charge, it would begin to break down the construct of the successful Smoke-free Bar and Restaurant provision of the Indoor Smoking Act that has served our state well and maintained fairness.

The members of the Tobacco-Free New Hampshire Network – including the American Heart Association, the American Cancer Society, the American Lung Association, Breathe New Hampshire, and the New Hampshire Public Health Association – all oppose this legislation for public health reasons and have expressed dismay that there was not a public hearing.

This measure undermines our efforts to protect public health and maintain fair competition under the Indoor Smoking Act, and it underwent a defective process without a properly noticed public hearing. Therefore, I have vetoed Senate Bill 495.

Respectfully submitted,

Margaret Wood Hassan

Governor

The question is not withstanding the Governor's Veto, shall Senate Bill 495 become law?

A roll call is required.

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

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

Roll Call, Yeas: 12 - Nays: 10. Veto sustained lacking necessary 2/3 vote.

INTRODUCTION OF GUESTS

(The Chair called Senator Fuller Clark to join him at the podium.)

SENATOR FULLER CLARK: Thank you, I am here to ask all of us, what can one say about Susan Duncan to appropriately recognize her outstanding service to our state and to the legislature for more than 21 years? First we all love her and we will miss her enormously. Second let us all acknowledge that she is irreplaceable. Her unflagging willingness to guide and support Senators and staff, her caring oversight of our interns, her knowledge of how the State House works and her attention to constituents, has been truly remarkable and invaluable, her long term service and her unquestionable competence as Aide to the Senate Judiciary Committee has been above and beyond what ever could have been expected and will be sorely missed. But most importantly Susan has been a friend to so many of us. We will miss her warmth, her smile, her thoughtfulness and her caring. Susan we hope you will come back often to visit because we are not sure how we, and especially I, are going to get along without you. We will cherish the time and service you have given to us and state government forever.

PRESIDENT MORSE: Susan can you join us? Before I get going with reading the resolution because I know she is going to cry, Senator Carson came to me this morning and she said, you know you have to replace Susan Duncan immediately because Susan has offered to take the next person and train them to make sure that this place continues the way it is going now. Susan, every day we confront problems as the Senate President and you have made it better and I truly appreciate everything you have done for us. I know your favorite person is in the audience and I am glad he didn't respond to Senator Sanborn to be reasonable, we would be here all day. I know it means just as much to you that Judge Gordon is here, and I would like to read a resolution from the Senate.

Susan Duncan for her service and dedication to the State of New Hampshire as [a] Senior Legislative Aide, [and much more,] for the State Senate.

WHEREAS, Susan Duncan served the State of New Hampshire for 21 years, recently as Senior Legislative Aide for the New Hampshire State Senate and serving for Senator Martha Fuller Clark; and

WHEREAS, Susan's kindness, dedication and ever-helping hand have been integral components to the success of each legislative session and her diligence and work ethic has served the Senators she has worked alongside well; and

WHEREAS, Susan's vast institutional knowledge, and understanding of complex issues facing the Legislature has made her an invaluable asset to the Senate Judiciary Committee's many challenging hearings, issues and votes; and

WHEREAS, All of Susan's colleagues would agree that her friendly nature and willingness to go above and beyond has made her an unforgettable part of the Senate's team.

Now, therefore, be it resolved that the New Hampshire Senate recognizes Susan Duncan for her service to the Senators, constituents and colleagues as well as her unyielding commitment to bettering our state over the years and we wish her the very best in her retirement.

Signed by all 22 Senators and attested to by the Clerk of the Senate Tammy Wright.

Congratulations.

SUSAN DUNCAN: You guys are just so amazing. Sit down. This day is September 29th, it's the first time I have had the nerve to come into the State House since I have left on July 29th, two months. August felt like vacation. September it dawned on me, holy crap, I don't work anymore. And I miss you terribly; I just miss you so much. The other thing that is significant about September 29th is that eleven years ago today Governor Lynch swore in Ned as a Judge. And it was through Ned that I came to know this amazing organization. He had asked me to help with his Senate campaign and on September 13th 1994 Ned won a very hard fought Republican primary. The two jobs went after each other royally as Ned did as Ned does, he didn't get into the dirt and he won. The Union Leader endorsed his opponent but he won. And that opened this door when he came here and his opponent of the Democratic primary was a friend until the day she died. She was just the dearest lady, and just..... He set the standard that came in and opened this world and I didn't know I was going to have a job. I was here fixing his office because he worked fulltime as an attorney, and I couldn't believe those people said well you still need to have all the same billable hours even though you are going to work fulltime in the Senate. And I thought, holy crap, how do you do this? So he said Susan will you go down and figure this out. So I go to Carol Pletcher and say, can I go listen to how you train the secretaries so I will understand because if the staff understands, we understand and I could tell him what to do. So in January 1995 one of the secretaries showed up, she was in State House 115 with Senator Pignatelli and Senator Larsen; she was assigned to the Insurance Committee, Dick Danais was the Chairperson, Leo Fraser was there, Jeanne Shaheen was there, John King was there, Rick Russman, we used to have seven people on every committee. It took a lot of transcribing to write that all down. She walked into her first meeting and said I can't do this. Carol was short a secretary and she came and said Susan you went through the whole training, do you want a job? And I did that for four years and I just loved it. I loved the world that you brought to me. The people who have come through my life, I have been so blessed I don't care if you are a Democrat or a Republican, I could care less. What I love is when you stand there and you talk from your heart, and your soul and your gut because that is what you really believe and what the people need. That's when I cheer you on.

I am so honored today that you thought to bring my family. Poor Ernie has been my dear husband and supportive for forty plus years. I won't say how many or you'll figure out exactly how ancient I am. But he has put up with all of my causes and my things that I adopted and it has just been.... He has been so patient, he just says oh my God that's just Susan. And my two daughters, Lyla my oldest who lives in Barnstead, her husband is out busy working for Freudenberg today. Lauran my middle child from Easthampton Massachusetts, who's up, her partner is busy teaching at UMass Amherst today. Three of my four grandchildren: Rachael who is twelve and doesn't want to be acknowledged in any way shape or form in front of other human beings, and Rebecca whose birthday will be October 14th will be eight years old and next year she will come and I am going to visit when she visits the fourth grade, and dear Julian my five year old grandson who is now in public kindergarten. God bless him, that was my first cause, public kindergarten. My son James and his wife Kristen are in Pennsylvania and they are the proud parents of Cilia who was born July 20th and is now two months and nine days old, so obviously they are a little busy and can't be here.

I grew up in a parsonage, my daddy was a Methodist minister my momma was a child social worker. My whole life was built with people coming to the door and they had needs. The doctor whose wife was just a raging alcoholic and he was at his wits end and he would show up, or she would show up drunk. The client whose momma sold the shoes that momma had gotten for him finally because he had special orthopedic shoes he needed and momma sold them and he came barefoot to the house. This was the world I lived in, where people called day and night where every year we went vacation you would pray please God let us leave town without anybody in the church dying, because you knew if somebody in the church died you didn't go. So I grew up in a world where you have to help the people. And one of the dearest things is Julian was born in the shadows of Maine Medical Center in Portland Maine. So all prenatally he was programed to hear these sirens, even though they required them to turn them off, the siren right before they went up the hill, you heard them. And as a little child he just was fascinated with the police and the fire and he would say, when he'd hear a siren, he would put his little hand to his ear and he would say help the people.

And that is the world that I love and that's what I love about you and that's what I've loved about being here—is taking care of your amazing staff, oh my God, you have such wonderful people who help you help the people. And we are not just a team, we are family and you take care of your family and you always have and I just love you dearly. One of the most precious things here is that when you get in your sixties you can tell people that you love them and it doesn't ruin your reputation. When I was earlier it was a little more dangerous but now at this point you can just say, aw crap, that's Susan. I baked brownies for you today. I have not baked brownies since I left the Senate. I haven't wanted to, haven't needed to. I haven't whistled since I left the Senate. It drives Ernie's hearing aids nuts. So I do try not to whistle at home. But I miss you so much you are so wonderful. It has just truly been my honor to be a part of your life. To let me love you and have you in my life and if I had anything to share, I hope it helped you in some way as you helped the people. Thank you so.

PRESIDENT MORSE: On behalf of the Senate I would like to present you with this gift and I don't know what it means Susan that the time is wrong, it is Senate time but you understand what it is. Congratulations, and you are always welcome.

(The Chair recognized Senator Kelly.)

SENATOR KELLY: Thank you, Mister President. I just wanted to thank all of you and also to recognize Tessa Gobbo; all 22 of you signed a resolution for her. As you know Tessa is an Olympic gold medalist from New Hampshire. She resides in Chesterfield New Hampshire. She competed in the US Olympic rowing team and is bringing home a gold medal, she lives in my district in the town of Chesterfield. I and the President had invited her to be here today but the President of the United States had asked her to come to the White House instead. So she regretted that she couldn't be here. I will be meeting with her personally with her family in the town of Chesterfield, and will be able to present this resolution to her from all of you, and I want to thank you.

MOTION TO ADJOURN FROM EARLY SESSION

Senator 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 Senator Watters.)

SENATOR WATTERS: Thank you, Mister President and colleagues I just want to take a moment to thank you for all of your kind words and cards after the death of my mother on August 1st. We had her interment ceremony about a week ago and I really felt that this family was with me as well, and I just wanted to thank you as well so very much.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I just wanted to quickly announce, I wanted to show my age, on Thursday morning I had my second great grandson; Cameron Romeo Mailloux. It's poetic let's hope he is a renaissance child and that one vote I was behind in the election I am catching up. Thank you Mister President.

PRESIDENT MORSE: I would like to thank all of the Senators that have called; I want you to understand Susan's mom died but Susan is very much a person that believes that my political life is my political life and her personal life is her life. It was a long hard fought battle with cancer and I know her and her sisters have come to believe that their mother is in a better place. So I thank you all for contacting us. I always appreciate everything you do for us.

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

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Bradley moved that the business of the day being completed, that the Senate recess for the purposes of sending and receiving messages, upon completion, the Senate will stand adjourned to the Call of the Chair.

Adopted. The Senate is Adjourned to the Call of the Chair.

OUTSTANDING BILLS

At the time of adjournment on September 29, 2016, the following Senate Bills remained on the table in the Senate:

SB 27-FN, relative to the department of corrections industries inventory account.

SB 131-FN, authorizing individuals and certain businesses to purchase health insurance from out-of-state companies.

SB 304, prohibiting corporate advertising and marketing on school property.

SB 338, relative to the right of crime victims to make statements to the parole board.

SB 346-FN-L, relative to hours of polling.

SB 351, establishing a commission to study the feasibility of implementing a clearinghouse model for political expenditures and contributions.

SB 365, relative to traffic control measures.

SB 382, relative to the authority of a federal law enforcement officer to make arrests in New Hampshire.

SB 408-FN-A, relative to funding for the children's savings account program.

SB 413, relative to employment rights of persons with criminal records.

SB 445-FN-L, suspending the registration fee for the sale of municipal bonds in New Hampshire for 2 years.

SB 455-FN, relative to immunity for injuries from the possession or use of a firearm by an employee or official of a political subdivision.

SB 463-FN, suspending the imposition of the death penalty.

SB 470, relative to eligibility of school district employees for Family and Medical Leave Act coverage.

SB 473-FN-A-L, repealing the cap on adequate education grant payments and making an appropriation therefor.

SB 476-FN, relative to the certification of school nurses.

SB 504-FN, relative to hunting and fishing licenses for disabled veterans.

SB 520-FN, relative to the form of drivers' licenses and identification cards.

SB 531-FN, extending the New Hampshire health protection act.

SB 542-FN, relative to criminal interference with health services.

SB 551-FN-A-L, establishing video lottery and table gaming at one location.

OUTSTANDING BILLS

At the time of adjournment on September 29, 2016, the following House Bills remained on the table in the Senate:

HB 629-FN, relative to induced termination of pregnancy statistics.

HB 1153, prohibiting a political subdivision from adopting residency restrictions on sex offenders.

HB 1156, relative to interference with traffic devices.

HB 1231, relative to school district policy regarding objectionable course material.

HB 1247, relative to poker in private residences.

HB 1252, permitting employers to pay wages to employees weekly or biweekly.

HB 1356, relative to construction of the terms "resident," "inhabitant," "residence," and "residency."

HB 1570-FN, repealing the law governing access to reproductive health care facilities.