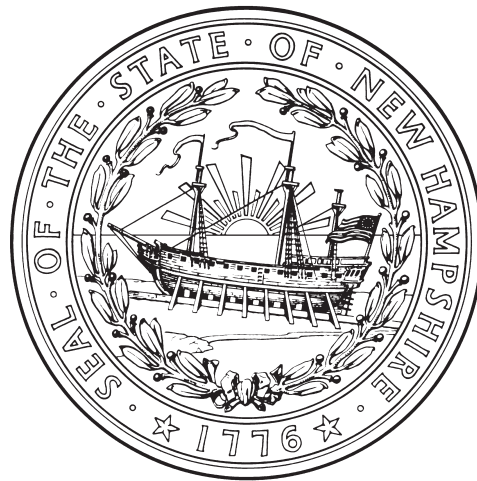


**March 23, 2017
Nos. 9-10**

STATE OF NEW HAMPSHIRE

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



**First Year of the 165th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MARCH 16, 2017 SESSION
COMMENCEMENT – MARCH 23, 2017 SESSION**

SENATE JOURNAL 9 *(continued)*

March 16, 2017

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 87, relative to vacancies in the office of moderator.

HB 123, relative to continuation of a public hearing of the zoning board of adjustment.

HB 127, relative to vacancies in county offices.

Senator Avard moved adoption of the Report of Committee on Enrolled Bills. Adopted.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

Out of Recess. Call the Senate to Order.

SENATE JOURNAL 10

March 23, 2017

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

The Reverend Kate Atkinson, chaplain to the Senate, offered the following thoughts and prayer:

Well, it's always a privilege to be with you but especially this morning because your friend and colleague, Senator Scott McGilvray, was a friend of mine as well, a regular visitor to Saint Paul's Church where his mother is a parishioner. So, I'm honored to be here today as we remember him and to offer this tribute. And shortly we will be lighting a candle in memory of Senator Scott McGilvray, and we'll do so in thanksgiving for a life marked by care and concern for others, advocacy for justice, service to community, dedication to legislative duty, a deep and genuine love for humanity, and a commitment to working for the common good.

God of infinite love, we pray for your comfort and strength for Patti, Molly and Meaghan, for Scott's brother, Keith, and his mother, Mary, and for all who mourn the loss of this beloved and inspiring man. As we remember Scott, and grieve over a life that ended too early, we pray that you would motivate us all to carry forward his legacy of just and compassionate service, and respect for our fellow human beings. Help us to see that in this transitory life we are each called to respond to the needs of the world with the very best of ourselves. Our brother Scott shared with us the very best of himself. We give you thanks for the privilege of having known him, and for the many, many lives he touched and enhanced. May the flame of this candle remind us that Scott's light will never be extinguished as long as we keep it burning in the words and actions he inspired and modeled and continues to inspire. Amen.

Senator Daniels led the Pledge of Allegiance.

CELEBRATION OF LIFE

PRESIDENT MORSE: It is with deep regret that the Senate received notification on Wednesday, March 22nd, 2017, of the passing of Senator Scott McGilvray. Today, as we all walked into the chamber, I know we have a lot on our minds, like we do each week as we prepare to serve our communities. Today we come together, but now with great sadness, heavy on our hearts after learning that our friend and colleague, Senator Scott McGilvray, has passed away. We take a moment to remember Senator McGilvray, who sat beside us for far too short of a period of time in this session. We look to remember his work, his dedication to education, his dedication to youth sports as a beloved football coach, and his service to his community. Today we take a moment to express our sincerest sorrow, and our deepest condolences to his friends and family. Especially those nearest to his heart, whom he loved and cared for most – his wife Patti, and his two daughters, Meaghan

and Molly. Losing a father and husband so young is neither easy nor fair. Yet we hope they can find comfort in the memory and the passion he had in serving New Hampshire's young people. No doubt the whole community will greatly suffer the effects of his loss. There are few individuals who step up to the challenges we face as public servants, but those who do so soon realize the impact we can have on the lives of those we serve. When we lose one of our own it is a reminder that we are all working for what we believe in and that we need to stick together through these especially hard times. Senator McGilvray will be fiercely missed by all of us in the Senate. As always, we will work to keep him in our thoughts and our prayers, along with his family, throughout these incredibly difficult times. And now, I would like to ask for you to share in a moment of silence to recognize and thank Senator McGilvray for what he has done in our communities.

Amen. Thank you.

I invite Senator Bradley and Senator Woodburn to the podium to light a candle for Senator McGilvray.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. It's a sad responsibility to mourn our colleague and friend, Senator Scott McGilvray. I want to thank you Mister President, for the courtesies and the respect that you have offered not only to all of us but his family. I heard from Mrs. McGilvray and I can only tell you how much she appreciates this Senate, their concern, and all we're doing to remember him. Senator McGilvray was with us for a short time here in the Senate; much like his life it was far too brief. He just got here and he was learning his way, but he taught us quiet respect, personal modesty and a hunger to learn. But he was much more than that. He was the only pickup that the minority party had in the winning this last election, and he did so the way he lived and the way he taught – with a measured approach, focused on his record and his reputation as a teacher, coach and community member. More than anything else, he was a teacher and a coach, and understood the basic meaning of education is to draw out. Scott had a tremendous ability to put people at ease, and put others ahead of himself. And I learned that, Mister President, on a trip that, just after he was elected President of the NEA, I asked him to join me on a tour of the North Country's smallest schools, and it was quite a day. We started in Landaff, and midway through the trip our car broke down, we were able to limp back to Whitefield where I was able to take my truck and finish the trip. We ended up in Errol very late and Senator McGilvray met with the ten kids who go to the Errol School, but by that time getting to Colebrook was very difficult. We probably only had five, ten minutes if everything worked perfectly, and I said to him, I said Scott we don't have to go. And he said they're expecting us. And I think that story represents what Scott meant to so many of us: is that sense of duty, that sense of responsibility, that sense that we're all in this together.

These are difficult times for his family, and they're in our prayers. My father was an undertaker, and if I learned anything from that is that these memorials are not about the deceased, but they're about us, those of us who are left to carry out his legacy and his work. And each of us when we look at that empty seat we will be reminded of him, and he will encourage us to do our best and to be our best. Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President and members of the Senate, this is the second time in my tenure as a sitting Senator, that one of our colleagues has passed away. It's a very, very difficult time. Let's focus on the positive things in life. Scott McGilvray was a teacher, and he affected the lives of the people he taught. Those students will carry on. They'll carry on a legacy of the good things that transpired in that learning experience. He was a coach – what greater honor can we have than to be called "Coach." You play an intricate part in the lives of the individuals that you work with. I was a teacher, I was a coach, I know how important that was to Scott's life; the ability to mold young men and to move them forward. Scott, we hardly knew you in the Senate; a very short span, a very short life, but service well respected, service well loved by his community, by his family, and by his colleagues. Life's not fair. Why at 51 years of age do you leave us? It isn't fair. But indeed what you leave behind – that legacy, the teacher, the coach, the father, the husband – they are the greatest things that we can bring to this life. His memory will always be with us. The work that he's done, we'll see it on a daily basis. We thank the Lord for our opportunity to work with him. May his soul, and all the souls of the faithful departed, through the mercy of God, rest in peace. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I knew Scott longer than some of you in this room in a very different capacity and I consider myself fortunate. I was serving on the Manchester School Board when the

Manchester Education Association elected their new president, Scott McGilvray. From the beginning of Scott's tenure at the local level, then moving on to the state level, he was an example and a mentor for other professionals about the importance of teaching, coaching, mentoring. But I think what's more important about Scott is not the leadership roles that he achieved, and he achieved a great many of them and had a great deal of success, but it was a moment when, during his campaign for the state senate, Scott and I had offices in the same building just away from each other, and we were talking and getting a drink and I said oh how are you doing, and he said oh, you know, the fundraising calls. And I said oh that's part of the job, but I said what do you really like about the campaign, there's got to be something. And he said oh, I cannot tell you since I announced this campaign how many of my students have come back that I had lost touch with, or that I hadn't seen, and shared their stories and their remembrances about the impact of things that he had said or done for them. Some of them he didn't even recall, but they talked about the impact that he had on their lives. And I think no matter what had happened in the campaign the greatest reward to him was knowing that his life's work, his profession changed the lives of many young people. And I think over the coming weeks you are going to hear a lot of stories and a lot of young people coming forward who will talk about the work of Scott McGilvray and how it changed the course of their life and the difference he made. What better legacy then to have changed someone's course in life, to have made someone's life better, to have been that one person who saw the potential, the good, who saw the trouble and was there for you and who made that difference. I'm very, very sad; as I know all of you are, we will certainly, certainly miss Scott. And I think for so many of you his presence will be such a missed opportunity because he was really, really an extraordinary person. Thank you, Mister President.

INTRODUCTION OF GUESTS

Senator Soucy introduced Senator Scott McGilvray's co-workers and dear friends visiting in the gallery.

Senator Feltes introduced Joan Goshgarian.

Senator Carson introduced former Senator Bob Clegg visiting in the gallery.

INTRODUCTION OF PAGES

Senator Ward introduced Charlotte Perkins and Eric Scheuch of Kearsarge Regional High School, serving as Senate Pages for the day.

SPECIAL ORDER

Without objection the following bill is special ordered to the beginning of the Regular Calendar.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 105, naming a building in honor of Van McLeod.

SPECIAL ORDER

Without objection the following bill is special ordered to the end of the Executive Department and Administration Committee.

RULES AND ENROLLED BILLS

SB 35, relative to the procedure for legislators to disclose a conflict or personal interest in legislation.

SPECIAL ORDER

Without objection the following bills are special ordered to the next Session.

ENERGY AND NATURAL RESOURCES

SB 128, relative to the policy goal of electric utility restructuring.

FINANCE

SB 74-FN, relative to economic revitalization zone tax credits.

SB 215-FN, permitting the community college system to participate in the state health care plan.

SB 216-FN, relative to differential pay for state troopers and relative to crowd control by marine patrol officers.

SB 235-FN, relative to Medicaid reimbursement to schools for students with medical needs and establishing a home and community based behavioral health services program for children.

ADDENDUM CALENDAR 15B

FINANCE

SB 7-FN-L, relative to eligibility for food stamps.

SB 190-FN, repealing the sunset provision on the first responder's critical injury benefit fund.

SB 206-FN, relative to wagering on historic horse racing.

SB 240-FN-L, relative to the monitoring and treatment of contaminated wells.

SB 244-FN-A, relative to exemption of income from taxation under the tax on interest and dividends.

SB 247-FN-A, preventing childhood lead poisoning from paint and water and making an appropriation to a special fund.

REGULAR CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 105, naming a building in honor of Van McLeod.

Ought to Pass, Vote 3-0. Senator Reagan for the committee.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Sanborn, seconded by Senator Giuda.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to Third Reading.

ENERGY AND NATURAL RESOURCES

SB 49, relative to permits for solid waste facilities.

Re-refer to Committee, Vote 3-0. Senator Feltes for the committee.

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

SB 120, relative to the authority of the public utilities commission to regulate telecommunications service providers.

Inexpedient to Legislate, Vote 2-1. Senator Bradley for the committee.

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

SB 121, relative to the MS 4 list of the department of environmental services.

Ought to Pass with Amendment, Vote 3-0. Senator Bradley for the committee.

Energy and Natural Resources

March 14, 2017

2017-0862s

08/04

Amendment to SB 121

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

AN ACT establishing a commission to determine if the department of environmental services should take over the MS-4 permit system from the Environmental Protection Agency.

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

1 New Section; MS-4 Study Commission. Amend RSA 483-B by inserting after section 7 the following new section:

483-B:7-a MS-4 Study Commission.

I. There is established a commission to determine if the department of environmental services should take over the MS-4 permit system from the Environmental Protection Agency, and if so, to recommend a fee structure that would pay for the department to hire the required number of employees to manage the issuance of permits.

II. The members of the commission shall be as follows:

- (a) One member of the senate, appointed by the president of the senate.
- (b) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of environmental services, or designee.

(d) One person representing affected nuclear facilities, appointed by the speaker of the house.

(e) One person representing affected hydro-electric power facilities, appointed by the president of the senate.

(f) One person recommended by the Business and Industry Association, appointed by the governor.

(g) One person representing the Pease development authority, appointed by the executive director.

(h) One person representing the New Hampshire Association of Counties, appointed by the Commissioner's Council.

(i) Three people representing affected water and sewer facilities, appointed by the New Hampshire Municipal Association.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall determine if the department of environmental services should take over the MS-4 permit system from the Environmental Protection Agency, and if so, to recommend a fee structure that would pay for the department to hire the required number of employees to manage the issuance of permits.

V. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2017.

2 Repeal. RSA 483-B:7-a, relative to the MS-4 study commission, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 1, 2017.

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

2017-0862s

AMENDED ANALYSIS

This bill establishes a commission to determine if the department of environmental services should take over the MS-4 permit system from the Environmental Protection Agency, and if so, to recommend a fee structure that would pay for the department to hire the required number of employees to manage the issuance of permits.

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

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 122, relative to public utility leases.

Inexpedient to Legislate, Vote 2-1. Senator Bradley for the committee.

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

SUSPENSION OF THE RULES

Senator Bradley moved that the Senate suspend all rules necessary to permit consideration of HB 368-FN-A. Adopted by the necessary 2/3 vote.

HOUSE MESSAGE

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

HB 368-FN-A, relative to the heating of certain state-owned buildings in Concord and making appropriations therefor.

and requests a Committee of Conference.

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

REPRESENTATIVES: Chandler, J. Graham, L. Ober and Ebel

Senator D'Allesandro moved to accede to House request. Adopted.

The President appointed Senators D'Allesandro, Daniels and Bradley.

Recess. Out of recess.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 21, relative to licensure and continuing education of architects.

Ought to Pass with Amendment, Vote 3-0. Senator Carson for the committee.

Senate Executive Departments and Administration

March 15, 2017

2017-0876s

10/04

Amendment to SB 21

Amend RSA 310-A:52, II as inserted by section 3 of the bill by replacing it with the following:

II. The alteration of an existing building not involving ~~[structural changes]~~ ***any of the following:***

(a) A change in the primary structural frame or bearing wall; or

(b) A change in use or occupancy to one of a higher hazard classification.

Amend RSA 310-A:52, IV(d) as inserted by section 3 of the bill by replacing it with the following:

(d) The occupancy classification is not a Group A, E, H, I, or R-4.

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

Senator Sanborn moved to divide the question: Sections 1, 2 and 4; Sections 3 and 4.

The Chair ruled the question divisible: Sections 1, 2 and 4; Sections 3 and 4.

The question is on the adoption of Sections 1, 2 and 4. Adopted.

Senator Sanborn moved to further divide the question on Section 3.

The Chair ruled the question not divisible.

Senator Sanborn moved to Lay on the Table SB 21. Failed.

The question is on the adoption of Sections 3 and 4.

A roll call was requested by Senator Sanborn, seconded by Senator Avar.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, Kahn, Daniels, Avar, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda, French, Ward, Sanborn.

Roll Call, Yeas: 19 - Nays: 4. Adopted, bill ordered to Third Reading.

SB 136, eliminating the land use board and requiring approval of federal land acquisitions by the governor and council.

Inexpedient to Legislate, Vote 2-1. Senator Gannon for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate. Failed.

Senator Bradley moved Re-refer to Committee. Adopted.

HB 107, relative to the membership of the advanced manufacturing education advisory council.

Ought to Pass, Vote 3-0. Senator Gannon for the committee.

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

HB 149, prohibiting disclosure of certain information obtained by former employees of the insurance department. Ought to Pass, Vote 3-0. Senator Carson for the committee.

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

HB 219, establishing a demographic study committee.
Ought to Pass with Amendment, Vote 3-0. Senator Reagan for the committee.

Senate Executive Departments and Administration
March 15, 2017
2017-0881s
05/04

Amendment to HB 219

Amend the bill by replacing paragraph I of section 2 with the following:

I. The members of the committee shall be as follows:

- (a) Four members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.

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

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

INTRODUCTION OF GUESTS

Senator Ward introduced the 4th grade class from Hillsboro-Deering School.

HB 488, establishing a state parks advisory council.
Ought to Pass with Amendment, Vote 3-0. Senator Gannon for the committee.

Senate Executive Departments and Administration
March 15, 2017
2017-0878s
04/01

Amendment to HB 488

Amend RSA 216-A:3-kk, I(a)-(b) as inserted by section 1 of the bill by replacing them with the following:

- (a) Four members of the house of representatives, at least 2 of whom shall be from the resources, recreation and development committee, appointed by the speaker of the house of representatives.
- (b) One senator, appointed by the president of the senate.

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

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

RULES AND ENROLLED BILLS

SB 35, relative to the procedure for legislators to disclose a conflict or personal interest in legislation.
Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Rules and Enrolled Bills
March 15, 2017
2017-0894s
05/04

Amendment to SB 35

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

AN ACT relative to the guidelines of the legislative ethics committee.

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

1 Legislative Ethics Guidelines; Conflict of Interest Procedure. Upon the effective date of this act, paragraphs III-V of section 6 of the legislative ethics guidelines, relative to the conflict of interest procedure, are amended to read as follows:

III. A declaration of intent form shall also be filed whenever a legislator or a legislator's household member has a non-financial personal interest that would be affected in a materially greater way than other similar entities by ~~[distinct from and greater than the public at large in]~~ the outcome of a matter that is the subject of official activity **and that was** not disclosed by the legislator in the General Disclosure of Non-Financial Personal Interests Form.

IV. In such cases, the legislator shall either:

(a) Declare that the legislator will not participate in any official activity associated with the issue; or

(b) Declare that the legislator intends to participate in the official activity and ~~[provide a description of the conflict of interest]~~ file an appropriate declaration of intent to participate.

V. The declaration required in subparagraphs IV (a) and (b) of this procedure shall be ~~[publicly announced prior to any participation by the legislator in the official activity in accordance with section 7 of these Guidelines. The declaration of intent form shall be]~~ filed with the clerk of the member's respective body prior to the time of the official activity ~~[and]~~ **or as soon as the existence of a conflict of interest becomes apparent. Such filings shall** be made available for public inspection during normal business hours.

2 Repeal. The following are repealed:

I. Section 2, paragraph XIV of the legislative ethics guidelines, relative to the definition of verbal advocacy.

II. Section 7 of the legislative ethics guidelines, relative to verbal disclosure of conflicts of interest.

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

2017-0894s

AMENDED ANALYSIS

This bill revises certain provisions in the legislative ethics guidelines regarding the disclosure of a conflict of interest. The bill also deletes the definition of verbal advocacy and section 7, relative to verbal disclosure of a conflict of interest, from the guidelines.

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

SPECIAL ORDER

Without objection Senator Bradley moved to special order SB 35 to when the Floor Amendment arrives. Adopted.

FINANCE

SB 38-FN, transferring moneys from the revenue stabilization reserve account to the highway and bridge betterment account.

Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance

March 15, 2017

2017-0897s

06/01

Amendment to SB 38-FN

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

AN ACT making an appropriation to the department of transportation for local highway aid and aid for municipal bridges.

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

1 Purpose Statement. The general court recognizes that there is a need to provide targeted funding for local infrastructure projects. Therefore, it is the intent of this act to designate certain surplus funds in the 2016-2017 biennial budget for the provision of grants to fund local infrastructure projects in accordance with the purposes and provisions of this act.

2 Department of Transportation; Appropriation.

I. There is hereby appropriated to the department of transportation the sum of \$36,800,000 for the fiscal year ending June 30, 2017, which shall be nonlapsing and expended pursuant to paragraph II. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

II. The sum appropriated in paragraph I shall be allocated as follows:

- (a) \$30,000,000 shall be expended for additional "Apportionment A" distributions under RSA 235:23, I.
- (b) \$6,800,000 shall be expended for state bridge aid for municipal bridges under RSA 234.

III. No funds appropriated in paragraph I shall be used for supplanting locally budgeted and approved funds for road or bridge maintenance or construction.

IV. All recipients of such funds shall report to the department of transportation the projects funded or partially funded through such appropriations. The commissioner of the department of transportation shall compile and submit an interim list of all such projects to the governor, the president of the senate, and the speaker of the house of representatives by July 1, 2018. The commissioner shall compile and submit a final list of all such projects by July 1, 2019.

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

2017-0897s

AMENDED ANALYSIS

This bill makes an appropriation to the department of transportation for local highway aid and municipal bridge aid.

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

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

A roll call was requested by Senator Daniels, seconded by Senator Avard.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to Third Reading.

SB 41-FN-A, establishing a fund to forgive certain educational debt and making an appropriation therefor. Inexpedient to Legislate, Vote 4-2. Senator Reagan for the committee.

Senator Daniels moved Re-refer to Committee.

Senator Bradley moved to Lay on the Table SB 41-FN-A. Adopted.

RULES AND ENROLLED BILLS

SB 35, relative to the procedure for legislators to disclose a conflict or personal interest in legislation. Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

March 21, 2017

2017-1021s

05/04

Floor Amendment to SB 35

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

AN ACT relative to the guidelines of the legislative ethics committee.

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

1 Legislative Ethics Guidelines; Conflict of Interest Procedure. Upon the effective date of this act, section 6 of the legislative ethics guidelines, relative to the conflict of interest procedure, is amended to read as follows:

6 CONFLICT OF INTEREST PROCEDURE.

I. No legislator having a conflict of interest shall participate in any official activity associated with the matter without complying with the procedure set forth in this section.

II. A declaration of intent form shall be filed by a legislator whenever a financial interest could reasonably be expected to produce a materially greater benefit or detriment to the legislator or the legislator's household member than would accrue to any other member of a business, profession, occupation, or other group listed by the legislator in the Financial Disclosure Form.

III. A declaration of intent form shall also be filed whenever a legislator or a legislator's household member has a non-financial personal interest ~~[distinct from and greater than the public at large in]~~ **that would be affected in a materially greater way than other similar entities** by the outcome of a matter that is the subject of official activity **and that was** not disclosed by the legislator in the General Disclosure of Non-Financial Personal Interests Form.

IV. In such cases, the legislator shall either:

- (a) Declare that the legislator will not participate in any official activity associated with the issue; or
- (b) Declare that the legislator intends to participate in the official activity and provide a description of the conflict of interest.

V. The declaration required in subparagraphs IV(a) and (b) of this procedure shall be ~~publicly announced prior to any participation by the legislator in the official activity in accordance with section 7 of these Guidelines. The declaration of intent form shall be~~ filed with the clerk of the member's respective body prior to the time of the official activity ~~[and]~~ **or as soon as the existence of a conflict of interest becomes apparent. Such filings shall** be made available for public inspection during normal business hours.

New Hampshire General Court

House/Senate Clerk's Office

DECLARATION OF INTENT

Legislators are required to file this form whenever:

- 1) A legislator or a legislator's household member has a financial interest that could reasonably be expected to have a greater financial impact on a legislator or a legislator's household member than would accrue to any other member of the business, profession, occupation, or other group which the legislator listed in the Financial Disclosure Form; or
- 2) A legislator or a legislator's household member has a non-financial personal interest ~~[distinct from and greater than the public at large in]~~ **that would be affected in a materially greater way than other similar entities** by the outcome of a matter that is the subject of official activity **and that was** not disclosed by the legislator in the General Disclosure of Non-Financial Personal Interests Form.

Name of Legislator: _____ Date Filed: _____

District/County: _____

Bill or other issue creating conflict of interest: _____

Subject matter of the bill or issue: _____

_____ WILL NOT PARTICIPATE

I will not participate in action on the above-mentioned bill or issue.

_____ WILL PARTICIPATE

Description of Conflict of Interest

Identify and describe below the conflict of interest you or a household member may have with this bill or issue. A household member is any person living in the same domicile as you who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parent.

This bill or issue creates a: _____ financial interest _____ non-financial personal interest

Nature of effect on legislator, household member, public body, or organization:

Additional information: _____

Signature: _____

2 Repeal. The following are repealed:

I. Section 2, paragraph XIV of the legislative ethics guidelines, relative to the definition of verbal advocacy.

II. Section 7 of the legislative ethics guidelines, relative to verbal disclosure of conflicts of interest.

3 Definition of Special Interest. RSA 14-B:1, V is repealed and reenacted to read as follows:

V. "Special interest" means any financial or non-financial personal interest in the outcome of a matter that is the subject of official activity, distinct from and greater than the interests of the public at large.

(a) A "financial interest" exists where a legislator or household member could stand to gain or lose anything of material value as a result of the official activity.

(b) A "non-financial personal interest" exists where a legislator or household member:

(1) Is a member of a public body as defined in RSA 91-A:1-a, VI; or

(2) Has a responsibility for the welfare of an organization. A legislator or household member has a responsibility for the welfare of an organization when the legislator or household member holds a position with a fiduciary responsibility, such as a board member, trustee, or director.

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

2017-1021s

AMENDED ANALYSIS

This bill revises certain provisions in the legislative ethics guidelines regarding the disclosure of a conflict of interest. The bill also deletes the definition of verbal advocacy and section 7, relative to verbal disclosure of a conflict of interest, from the guidelines.

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

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

COMMITTEE OF CONFERENCE REPORTS

March 23, 2017
 2017-1097-CofC
 10/03

Committee of Conference Report on HB 368-FN-A, relative to the heating of certain state-owned buildings in Concord and making appropriations therefor.

Recommendation:

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

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Department of Administrative Services; Authority; Heating of State-Owned Buildings.

I. The sum of \$18,000,000 is hereby appropriated to the department of administrative services for the fiscal year ending June 30, 2017 for the purpose of the purchase and replacement of all systems providing heat to state facilities located at the Governor Hugh J. Gallen state office park and state-owned buildings in downtown Concord that are currently obtaining steam from Concord Steam corporation, as well as the decommissioning of the steam plant located at 105 Pleasant Street in Concord, including but not limited to system design, construction, hazardous material remediation, and project administration and management, as required. This project shall be managed by the division of public works design and construction and funds may be expended to fund any temporary personnel for the purpose of project administration, management, or clerk of the works. The commissioner of the department of administrative services is also authorized to employ a classified, full-time, permanent project manager in the division of public works design and construction, whose initial salary and benefit cost shall be from funds appropriated pursuant to this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated, and said funds shall not lapse until June 30, 2019.

II. An additional \$7,000,000 in capital appropriations shall be included in the state capital budget (HB 25) of the 2017 legislative session. Said sum shall be used for the purposes described in paragraph I and shall be in addition to the appropriation contained in paragraph I.

2 Total Funding Appropriated and Authorized. The combined totals for the funding appropriated and authorized in section 1 of this act shall not exceed \$25,000,000.

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

The signatures below attest to the authenticity of this Report on HB 368-FN-A, relative to the heating of certain state-owned buildings in Concord and making appropriations therefor.

Conferees on the Part of the Senate
Sen. D'Allesandro, Dist. 20
Sen. Daniels, Dist. 11
Sen. Bradley, Dist. 3

Conferees on the Part of the House
Rep. Chandler, Carr. 1
Rep. J. Graham, Hills. 7
Rep. L. Ober, Hills. 37
Rep. Ebel, Merr. 5

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

FINANCE

SB 131-FN-A, relative to the hiring of state troopers for drug interdiction work, and making an appropriation therefor.

Ought to Pass with Amendment, Vote 6-0. Senator Daniels for the committee.

Senate Finance

March 15, 2017

2017-0896s

04/05

Amendment to SB 131-FN-A

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

AN ACT establishing a cross border drug interdiction program and making an appropriation therefor.

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

1 Statement of Purpose. The purpose of this act is to allow the New Hampshire state police to expand its operations in the area of interdicting all crimes and hazards being conveyed upon the roadways of the state, to include stemming the flow of heroin and fentanyl into our communities. This will be accomplished by permanently assigning additional troopers to the New Hampshire state police mobile enforcement team (MET) initiative whose primary mission is to work with other law enforcement partners in a cooperative, intelligence-based effort to disrupt drug trafficking and combat the opioid epidemic. The additional troopers assigned to the MET initiative will be trained on the complex and fluid nature of such investigations and will be current on all relevant law. Initially, overtime will be used to allow the New Hampshire state police to expand its MET initiative operations. This will prevent the reduction of current staffing levels essential to providing other law enforcement services. Experienced troopers will be assigned to the MET initiative as additional troopers are hired to replace them.

2 New Subdivision; Cross Border Drug Interdiction Program. Amend RSA 21-P by inserting after section 67 the following new subdivision:

Cross Border Drug Interdiction Program

21-P:68 Cross Border Drug Interdiction Program. The commissioner of safety shall establish a cross border drug interdiction program which shall consist of state troopers and narcotics investigation unit detectives to perform drug interdiction work, targeted at, but not limited to, stemming the flow of illegal drugs into the state of New Hampshire. This effort is aimed at combating the opioid crisis facing the state through the collaborative efforts of uniform, investigative, and forensics lab services in an ongoing, cross border enforcement activity.

3 Appropriations; Department of Safety; Cross Border Drug Interdiction Program.

I. The sum of \$1,155,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the department of safety for the purposes of hiring 5 additional state troopers who shall be assigned exclusively to perform drug interdiction work in accordance with the cross border drug interdiction program established in RSA 21-P:68. Of the amount appropriated, \$700,000 shall be expended in the fiscal year ending June 30, 2018 and \$455,000 shall be expended in the fiscal year ending June 30, 2019.

II. The sum of \$940,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the department of safety. This sum shall be expended in the biennium ending June 30, 2019 as follows:

(a) \$352,300 shall be expended for the purposes of funding overtime for the state police mobile enforcement unit, with no more than 50 percent of the appropriation expended in each fiscal year.

(b) \$171,600 shall be expended for the purposes of funding overtime at the state forensic lab as a result of increased caseloads attributable to the cross border drug interdiction program established in RSA 21-P:68, with no more than 50 percent of the appropriation expended in each fiscal year.

(c) \$416,100 shall be expended for the purpose of funding overtime at the state police narcotics and investigations unit as a result of increased caseloads attributable to the cross border drug interdiction program established in RSA 21-P:68, with no more than 50 percent of the appropriation expended in each fiscal year.

III. The sum of \$2,400,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the department of safety to disburse grants to county and local law enforcement agencies for the purpose of funding overtime costs for county and local law enforcement officers performing law enforcement activities attributable to the substance abuse enforcement program established in RSA 21-P:66. This sum shall be expended in the biennium ending on June 30, 2019, with no more than 50 percent of the appropriation expended in each fiscal year.

IV. For the appropriations made in this section, the governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

V. All appropriations made in this act shall not lapse until July 1, 2019.

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

2017-0896s

AMENDED ANALYSIS

This bill establishes a cross border drug interdiction program in the department of safety and makes appropriations for the purposes of the program.

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

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

A roll call was requested by Senator Avard, seconded by Senator Birdsell.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Reagan.

Roll Call, Yeas: 22 - Nays: 1. Adopted, bill ordered to Third Reading.

SB 237-FN, relative to telemedicine services.

Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

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

Recess. Out of recess.

ADDENDUM REGULAR CALENDAR

FINANCE

SB 2-FN-A, reducing the rates of the business profits tax and the business enterprise tax.

Ought to Pass with Amendment, Vote 4-1. Senator Giuda for the committee.

Senate Finance

March 21, 2017

2017-1013s

04/01

Amendment to SB 2-FN-A

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

1 Business Profits Tax; Imposition of Tax; 2020. RSA 77-A:2 is repealed and reenacted to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of 7.5 percent upon the taxable business profits of every business organization.

2 Business Enterprise Tax; Imposition of Tax; 2020. RSA 77-E:2 is repealed and reenacted to read as follows:

77-E:2 Imposition of Tax. A tax is imposed at the rate of .50 percent upon the taxable enterprise value tax base of every business enterprise.

3 Applicability. Sections 1 and 2 of this act shall apply to taxable periods ending on or after December 31, 2020.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect July 1, 2020.

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

2017-1013s

AMENDED ANALYSIS

This bill reduces the rates of the business profits tax and the business enterprise tax for the tax year ending on or after December 31, 2020.

Senator Bradley moved to Lay on the Table SB 2-FN-A. Adopted.

SB 88-FN, authorizing wine manufacturer retail outlets.

Ought to Pass, Vote 6-0. Senator Daniels for the committee.

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

SB 205-FN-A, establishing the small business jobs fund and tax credit.

Ought to Pass with Amendment, Vote 5-1. Senator Feltes for the committee.

Senate Finance

March 21, 2017

2017-1014s

01/04

Amendment to SB 205-FN-A

Amend RSA 162-S:2, I as inserted by section 3 of the bill by replacing it with the following:

I. Beginning not more than 90 days after the effective date of this chapter, which shall be set by the department within 30 days of the effective date of this chapter, the department shall accept applications for approval as a small business jobs fund. The application shall include all of the following:

(a) The total investment authority sought by the applicant under the business plan;

(b) The following documents:

(1) A copy of the applicant's or an affiliate of the applicant's license as a rural business investment company under 7 U.S.C. section 2009cc, or as a small business investment company under 15 U.S.C. section 681.

(2) Evidence that as of the date the application is submitted, the applicant or affiliates of the applicant have invested at least \$100,000,000 in non-public companies.

(3) Evidence in the form of audited financial statements of the applicant or affiliates of the applicant evidencing investments in excess of such amount accompanied by a certification of the president or similar officer of such applicant or affiliate the portion of such investments that were made in non-public companies;

(c) An estimate of the number of annual full-time job equivalents (or job-years) that will be created or retained in this state as a result of the applicant's growth investments;

(d) A revenue impact assessment that analyzes the applicant's business plan;

(e) The applicant's plan to prioritize investments in companies that are located in Census tracts where the median household income is at or below 80 percent of the state median income for a family of 4 or that hire at least a majority of otherwise qualified workers who, at the time of hiring, are at or below 80 percent of the state median income for a family of 4;

(f) A signed affidavit from each investor stating the amount of credit-eligible capital contributions each taxpayer commits to make; and

(g) A nonrefundable application fee of \$5,000.

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

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

Recess. Out of recess.

A roll call was requested by Senator Giuda, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to Third Reading.

SB 225-FN, revising the New Hampshire trust code.

Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

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

SB 227-FN, relative to a workforce development and training fund.

Inexpedient to Legislate, Vote 4-2. Senator Reagan for the committee.

Senator Daniels moved Re-refer to Committee.

Senator Bradley moved to Lay on the Table SB 227-FN. Adopted.

SB 232-FN-L, relative to the issuance of a summons instead of arrest.

Ought to Pass, Vote 5-1. Senator Giuda for the committee.

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

Senator Feltes is in opposition to the motion of Ought to Pass on SB 232-FN-L.

SB 234-FN, relative to hypodermic syringes and needles containing residual amounts of controlled drugs and authorizing the operation of syringe service programs in New Hampshire.

Ought to Pass, Vote 4-1. Senator Reagan for the committee.

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

March 22, 2017

2017-1064s

01/04

Floor Amendment to SB 234-FN

Amend the bill by replacing all after section 3 with the following:

4 Controlled Drug Act; Disposal of Controlled Drugs in Possession of Practitioner. Amend RSA 318-B:17-a to read as follows:

318-B:17-a Disposal of Controlled Drugs in Possession of Practitioner. No person other than the pharmacy board, its officers, agents, and inspectors is authorized to destroy any out-dated, deteriorated, excessive or otherwise unwanted or confiscated controlled drugs which are in the possession of a practitioner, veterinarian, pharmacy, peace officer, nursing home, manufacturer, wholesaler, clinic, or laboratory or hospital. No payment shall be made to any person or institution for any drug surrendered for destruction. A record shall be maintained which indicates the name, strength, and quantity of all drugs destroyed; the place and manner of destruction; the date and time destroyed; the name of the practitioner or institution surrendering the drugs; and the signature and title of the person witnessing destruction. Such records shall conform to any federal requirements and shall be open to inspection by all federal or state officers charged with the enforcement of federal or state controlled drug laws. ***This section shall not apply to residual amounts in hypodermic syringes and needles.***

5 New Subparagraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26, II by inserting after subparagraph (e) the following new subparagraph:

(f) In the case of a residual amount of a controlled substance, as defined in RSA 318-B:1, XXIX-a, a person shall be guilty of a misdemeanor if the person is not part of a service syringe program under RSA 318-B:43.

6 Repeal. RSA 318:52-d, recording and filing of prescriptions for hypodermic syringes and needles, is repealed.

7 New Subdivision; Syringe Service Programs. Amend RSA 318-B by inserting after section 42 the following new subdivision:

Syringe Service Programs

318-B:43 Syringe Service Programs Authorized.

I.(a) The following entities, if self-funded, may operate a syringe service program in New Hampshire to prevent the transmission of disease and reduce morbidity and mortality among individuals who inject drugs, and those individuals' contacts:

- (1) Federally qualified health centers.
- (2) Community health centers.
- (3) Public health networks.
- (4) AIDS service organizations.
- (5) Substance misuse support or treatment organizations.
- (6) Community based organizations.

(b) The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, further defining the entities in subparagraph (a).

II. Any entity operating a syringe service program in New Hampshire shall:

(a) Provide referral and linkage to HIV, viral hepatitis, and substance use disorder prevention, care, and treatment services, as appropriate.

(b) Coordinate and collaborate with other local agencies, organizations, and providers involved in comprehensive prevention programs for people who inject drugs to minimize duplication of effort.

(c) Attempt to be a part of a comprehensive service program that may include, as appropriate:

- (1) Providing sterile needles, syringes, and other drug preparation equipment and disposal services.
- (2) Educating and counseling to reduce sexual, injection, and overdose risks.
- (3) Providing condoms to reduce risk of sexual transmission of viral hepatitis, HIV, or other STDs.
- (4) Screening for HIV, viral hepatitis, STDs, and tuberculosis.
- (5) Providing naloxone to reverse opioid overdoses.

(6) Providing referral and linkage to HIV, viral hepatitis, STD and tuberculosis prevention, treatment, and care services, including antiretroviral therapy for hepatitis C virus (HCV) and HIV, pre-exposure prophylaxis (PrEP), post-exposure prophylaxis (PEP), prevention of mother-to-child transmission, and partner services.

(7) Providing referral and linkage to hepatitis A virus (HAV) and hepatitis B virus (HBV) vaccination.

(8) Providing referral and linkage to and provision of substance use disorder treatment including medication assisted treatment for opioid use disorder which combines drug therapy such as methadone, buprenorphine, or naltrexone with counseling and behavioral therapy.

(9) Providing referral to medical care, mental health services, and other support services.

(d) Posting its address, phone number, program contact information, if appropriate, hours of operation, and services offered on its Internet website.

(e) Reporting quarterly to the department, which report shall include the following information regarding the program's activities:

- (1) Number of needles/syringes distributed.
- (2) Number of needles/syringes taken back.
- (3) Number of HIV tests performed or delivered by the program.
- (4) Number of HCV tests performed/delivered by program.
- (5) Delivery of substance misuse treatment/care.
- (6) Delivery of HIV care.
- (7) Delivery of HCV care.
- (8) Number of referrals to substance misuse treatment/services.
- (9) Number of referrals to HIV testing.
- (10) Number of referral to HCV testing.
- (11) Number of referrals to HIV care.
- (12) Number of referrals to HCV care.

318-B:44 Syringe Service Programs; Affirmative Defense. It is an affirmative defense, as provided in RSA 626:7, to prosecution for possession of a hypodermic syringe or needle that the item was obtained through participation in a syringe service program. Nothing in this section shall be construed as an affirmative defense for any offense other than as set forth under RSA 318-B:26, II, (f).

318-B:45 Syringe Service Programs in Drug-Free School Zones Prohibited. No syringe service program shall be located within a drug-free school zone as defined in RSA 193-B:1, II.

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

2017-1064s

AMENDED ANALYSIS

This bill:

I. Exempts residual amounts of controlled substances in hypodermic syringes and needles from the provisions of the controlled drug act.

II. Authorizes persons other than pharmacists to dispense hypodermic syringes and needles and allows them to be sold in retail establishments other than pharmacies.

III. Authorizes the operation of syringe service programs in New Hampshire.

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

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

Senator Morse is in opposition to the motion of Ought to Pass with Amendment on SB 234-FN.

SB 238-FN, relative to the usual and customary price of filling a prescription.

Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

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

SB 239-FN, establishing the position of associate commissioner in the department of health and human services, the office of the child advocate, and the oversight commission for children's services and juvenile justice. Ought to Pass, Vote 6-0. Senator Reagan for the committee.

Senator Reagan moved to Lay on the Table SB 239-FN. Adopted.

SB 242-FN-A-L, relative to video lottery and table gaming.

Re-refer to Committee, Vote 5-1. Senator Daniels for the committee.

The question is on the adoption of the motion of Re-refer to Committee.

A roll call was requested by Senator Gannon, seconded by Senator Daniels.

The following Senators voted Yes: Bradley, Hennessey, Gray, Ward, Sanborn, Kahn, Daniels, Avar, Carson, Feltes, Reagan, Fuller Clark.

The following Senators voted No: Woodburn, Giuda, Watters, French, Lasky, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

Roll Call, Yeas: 12 - Nays: 11. Adopted.

Recess. Out of recess.

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider SB 242-FN-A-L, the bill having previously been found Re-referred to Committee. Adopted.

FINANCE

SB 242-FN-A-L, relative to video lottery and table gaming.

The question is on the adoption of the motion of Re-refer to Committee.

A roll call was requested by Senator Bradley, seconded by Senator Sanborn.

The following Senators voted Yes: Bradley, Hennessey, Gray, Ward, Sanborn, Kahn, Daniels, Avar, Feltes, Fuller Clark.

The following Senators voted No: Woodburn, Giuda, Watters, French, Lasky, Carson, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

Roll Call, Yeas: 10 - Nays: 13. Failed.

Senator D'Allesandro moved Ought to Pass.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Sanborn, seconded by Senator Avar.

The following Senators voted Yes: Woodburn, Giuda, Watters, Gray, French, Lasky, Carson, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: Bradley, Hennessey, Ward, Sanborn, Kahn, Daniels, Avar, Feltes, Reagan, Fuller Clark.

Roll Call, Yeas: 13 - Nays: 10. Adopted, bill ordered to Third Reading.

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, 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

LIST OF RULE 6-25'S FOR THE DAY

Senator Bradley: SB 244-FN-A.

Senator Carson: SB 215-FN.

Senator D'Allesandro: SB 244-FN-A.

Senator Fuller Clark: SB 244-FN-A.

Senator Gray: SB 235-FN, SB 247-FN-A.

Senator Hennessey: SB 244-FN-A.

Senator Kahn: SB 215-FN.

Senator Lasky: SB 244-FN-A.

Senator Sanborn: SB 2-FN-A, SB 7-FN-L, SB 21, SB 35, SB 38-FN, SB 41-FN-A, SB 49, SB 74-FN, SB 88-FN, SB 120, SB 121, SB 122, SB 128, SB 131-FN-A, SB 136, SB 190-FN, SB 205-FN-A, SB 206-FN, SB 215-FN, SB 216-FN, SB 225-FN, SB 227-FN, SB 234-FN, SB 235-FN, SB 237-FN, SB 238-FN, SB 239-FN, SB 240-FN-L, SB 242-FN-A-L, SB 244-FN-A, SB 247-FN-A, HB 105, HB 107, HB 149, HB 219, HB 488.

Senator Woodburn: SB 247-FN-A.

ANNOUNCEMENTS

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise, once again, to pay tribute to someone that many of us have lost; a constituent of mine from Litchfield, Deborah O'Loughlin. Many of you know Deb, who recently retired, she was at the Insurance Department for many, many years; some would refer to her as "the shadow commissioner" because Deb really ran things and made sure that things were being done in the legislative process. But Deb, actually, got a much earlier start working for the House. She worked for then democratic leader Chris Spirou, and ran that office with an iron fist. She was extremely, extremely capable, and passionate, and organized, and on her game, and she, unfortunately, passed away just this past week in Florida very, very shortly after her retirement so she didn't get an opportunity to enjoy it. But her spirit lives on, and we will all miss Deb. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise to thank you and my colleagues for the way the passing of Senator McGilvray was treated; that's with great courtesy, with great respect to the Senate, and great respect for our colleagues, and I can't thank you enough. I think it's terrible we have to do this, but when we do it with dignity and we do it with great respect it makes me proud to be a New Hampshire state senator and to be part of public service. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in recognition of an event that happened on March 4th of this year: the historic Nansen Ski Jump in Milan, New Hampshire came alive after 32 years of closure. It is a jump that was first built in 1937 and was used in the Olympic trials in 1938. And this, last two weeks ago, March 4th, Sarah Hendrickson, who has family roots in Plymouth and is an Olympic skier, was launched from the great jump. And thanks to the efforts of many, many people, including the state of New Hampshire, and most importantly Red Bull, the energy drink that funded much of that renovation. But so many people were involved, and I just want to mention a few here: obviously the state of New Hampshire, DRED, DOT, Parks, Forrest and Lands, the Nansen Ski Club, the Friends of Nansen, the Coos Historical Society, the Berlin Water Works, Berlin Public Works, Berlin Fire Department, the A. & R. Construction Corporation, the Berlin Regional Airport, the Berlin City Dealership, Gerry Poulin, Eric Grenier, Mayor Paul Grenier, Vaughn Roy, Ed Bergeron, Mike Lackie, Romik Developers, HKD Company, Cannon Mountain Ski Area, A. D. Excavating, Capone Iron Corporation, Sargent Corporation, Jake Therriault, Levi Arsenault, Brad Boucher, the Milan Fire Department and Ambulance, the Berlin Police Department, and special thanks to Sonny Couture and Couture Construction, and Steve Binette of Rays Electric for their great work. Thank you, Mister President.

PRESIDENT MORSE: And Senator, you're saying there's no activity in the North Country? They must have all come out.

I'd like to congratulate Senator Fuller Clark for being named New Hampshire's Citizen for the Arts, the Arts Advocate of the Year. The ceremony is next week. Congratulations.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: I'd like to pay tribute to Senator Fuller Clark's son who is going to have an art opening next weekend, I believe, in Paris, and I just think that's awesome.

PRESIDENT MORSE: Thank God he's not moving it to Wolfeboro – that's getting expensive enough.

Senator Woodburn gave me an announcement that should be online by now, but Scott McGilvray, 51 of Hooksett, passed away peacefully on March 21, 2017 surrounded by his family at Massachusetts General Hospital in Boston. The family wants you to know that a memorial gathering will take place at Phaneuf Funeral Homes and Crematorium at 243 Hanover Street in Manchester on Sunday, March 26th from 2 to 5 p.m.

I have to tell you, standing here, you know, and working with you to make sure we honor Scott properly is one thing, looking at that sash the whole time is extremely difficult for the New Hampshire Senate, and thank God your debates didn't burn out the candle today. But I just have to believe your thoughts and prayers are with his family and I hope we can continue to do that.

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 21, relative to licensure and continuing education of architects.

SB 35, relative to the guidelines of the legislative ethics committee.

SB 38-FN, making an appropriation to the department of transportation for local highway aid and aid for municipal bridges.

SB 88-FN, authorizing wine manufacturer retail outlets.

SB 121, establishing a commission to determine if the department of environmental services should take over the MS-4 permit system from the Environmental Protection Agency.

SB 131-FN-A, establishing a cross border drug interdiction program and making an appropriation therefor.

SB 205-FN-A, establishing the small business jobs fund and tax credit.

SB 225-FN, revising the New Hampshire trust code.

SB 232-FN-LOCAL, relative to the issuance of a summons instead of arrest.

SB 234-FN, relative to hypodermic syringes and needles containing residual amounts of controlled drugs and authorizing the operation of syringe service programs in New Hampshire.

SB 237-FN, relative to telemedicine services.

SB 238-FN, relative to the usual and customary price of filling a prescription.

SB 242-FN-A-LOCAL, relative to video lottery and table gaming.

HB 105, naming a building in honor of Van McLeod.

HB 107, relative to the membership of the advanced manufacturing education advisory council.

HB 149, prohibiting disclosure of certain information obtained by former employees of the insurance department.

HB 219, establishing a demographic study committee.

HB 488, establishing a state parks advisory council.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator 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.