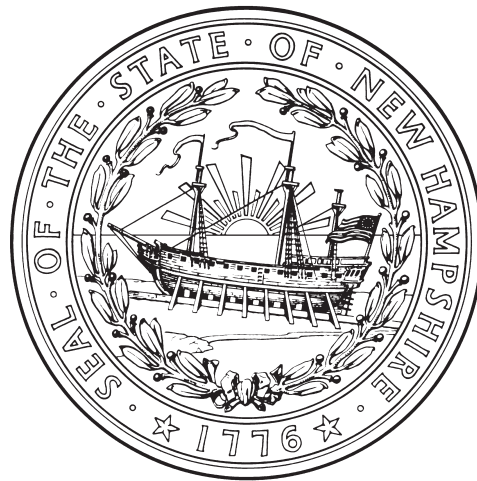


June 8, 2017  
Nos. 18-19

# STATE OF NEW HAMPSHIRE

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**First Year of the 165<sup>th</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## SENATE JOURNAL

**ADJOURNMENT – MAY 31, 2017 SESSION  
COMMENCEMENT – JUNE 8, 2017 SESSION**

# SENATE JOURNAL 18 *(continued)*

*May 31, 2017*

## 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 144, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2018 and June 30, 2019.

and requests a Committee of Conference.

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

REPRESENTATIVES: Kurk, Jasper, Hinch, L. Ober, Umberger and Wallner. Alternates: Byron, Weyler, Major, Leishman, Eaton, Almy.

Senator Daniels moved to accede to House request. Adopted.

The President appointed Senators Daniels, Reagan, Morse and D'Allesandro.  
The President appointed Senators Giuda and Feltes as alternates.

## 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 517, relative to state fees, funds, revenues, and expenditures.

and requests a Committee of Conference.

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

REPRESENTATIVES: Kurk, Jasper, Hinch, L. Ober, Umberger and Wallner. Alternates: Byron, Weyler, Major, Leishman, Eaton, Almy.

Senator Daniels moved to accede to House request. Adopted.

The President appointed Senators Daniels, Reagan, Morse and D'Allesandro.  
The President appointed Senators Giuda and Feltes as alternates.

## HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 85, relative to installation requirements for arc-fault circuit interrupters.

HB 160, relative to use of cannabis for therapeutic purposes.

HB 186, relative to limitation of actions in which the state is a plaintiff.

HB 208, establishing a commission to study current mental health procedures for involuntary commitment.

HB 238, establishing a committee to study broadband access to the Internet.

HB 332, relative to dedicated funds with no activity in the financial system for at least the most recent fiscal year.

HB 356-FN, establishing a committee to study education funding and the cost of an opportunity for an adequate education, establishing a committee to study the organizational structure of the department of education and the duties and responsibilities of the commissioner of the department of education, and relative to the duties of the commissioner of the department of education.

HB 460, relative to minutes under the right-to-know law.

HB 474-FN, regulating the use of a cell site simulator device.

HB 484, establishing a commission on the seacoast cancer cluster investigation.

HB 511, establishing a commission to study environmentally-triggered chronic illness.

HB 568-FN, relative to the taxability of lease interests in public property.

HB 640-FN, relative to the penalties for possession of marijuana.

#### HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 36, establishing a committee to study the Laconia state school property.

SB 50, relative to members of the site evaluation committee.

SB 56-FN-A-LOCAL, relative to adequate education grant payments to certain municipalities.

SB 114, prohibiting a candidate from receiving the nomination of more than one party.

SB 123, establishing a commission to study a carbon reduction investment program for New Hampshire.

SB 124, establishing a commission to study municipal regulation and incentives for solar energy.

SB 126, relative to eligibility of hospitals with renewable energy projects for funds from the renewable energy fund.

SB 159, relative to qualifying medical conditions for the purposes of therapeutic cannabis.

SB 245-FN-A, establishing a committee to study unemployment tax discounts.

#### HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

SB 93, relative to adoption of the Uniform Access to Digital Assets Act.

#### HOUSE MESSAGE

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

SB 60, relative to chemical analyses of controlled drugs.

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

REPRESENTATIVES: Hagan, Berch, Hopper and R. Graham.

#### HOUSE MESSAGE

The House of Representatives refuses to accede to the request of the Senate for a Committee of Conference on the following entitled Bill(s):

SB 144-FN, relative to qualifying medical conditions for the therapeutic use of cannabis and relative to registry identification cards.

May 24, 2017

2017-2034-EBA

05/01

#### Enrolled Bill Amendment to HB 246

The Committee on Enrolled Bills to which was referred HB 246

AN ACT relative to timber trespass.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

#### Explanation to Enrolled Bill Amendment to HB 246

This enrolled bill amendment makes a technical correction.

#### Enrolled Bill Amendment to HB 246

Amend section 2 of the bill by replacing line 1 with the following:

2 Trespass; Criminal Penalty. Amend RSA 227-J:8-a, II to read as follows:

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 24, 2017  
2017-2012-EBA  
01/03

Enrolled Bill Amendment to HB 303-LOCAL

The Committee on Enrolled Bills to which was referred HB 303-LOCAL

AN ACT relative to filling vacancies in the office of county commissioner and relative to procedures for adoption of the budget for Rockingham County.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 303-LOCAL

This enrolled bill amendment incorporates the changes made to RSA 661:9, II(a) by 2017, 5:1 (HB 127).

Enrolled Bill Amendment to HB 303-LOCAL

Amend RSA 661:9, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) If a vacancy occurs in the office of a county commissioner, the members of the county convention, ***or, if the vacancy occurs in Hillsborough county, the members of the county convention representing the cities and towns in the commissioner's district***, shall fill the vacancy by a majority of the ballots cast until the next biennial election of county officers. If the term filled is less than the unexpired term, then notwithstanding any provisions of RSA 653:1, VI, the commissioner district filled pursuant to this paragraph shall be added to the next biennial election ballot to be chosen by the voters of the county for a 2-year term.

Senator Avarad moved adoption of the Enrolled Bill Amendment. Adopted.

May 24, 2017  
2017-2028-EBA  
04/05

Enrolled Bill Amendment to HB 316

The Committee on Enrolled Bills to which was referred HB 316

AN ACT relative to a statewide property tax exemption for commercial and industrial construction.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 316

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 316

Amend RSA 72:83, II as inserted by section 2 of the bill by replacing line 3 with the following:

shall specify the amount of the exemption, that it is effective with the new tax year, and the number

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect 60 days after its passage.

Senator Avarad moved adoption of the Enrolled Bill Amendment. Adopted.

May 23, 2017  
2017-1983-EBA  
06/01

Enrolled Bill Amendment to HB 397

The Committee on Enrolled Bills to which was referred HB 397

AN ACT relative to juvenile justice procedures.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

## FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 397

This enrolled bill amendment makes grammatical changes.

Enrolled Bill Amendment to HB 397

Amend RSA 169-B:34, V as inserted by section 1 of the bill by replacing line 3 with the following:

the minor is in handcuffs, shackles, or other devices which would indicate that the minor is in law

Amend RSA 169-B:12, V as inserted by section 2 of the bill by replacing lines 3 and 4 with the following:

his or her right to counsel under this chapter or under chapter 621, nor shall any such person advise a parent or guardian of a juvenile that the juvenile should waive his or her right to counsel, nor shall any

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 24, 2017

2017-2029-EBA

04/03

Enrolled Bill Amendment to HB 405

The Committee on Enrolled Bills to which was referred HB 405

AN ACT relative to the duties of the decennial retirement commission, and relative to the function and organization of the department of administrative services risk management unit and division of personnel.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 405

This enrolled bill amendment makes grammatical and gender neutral corrections to the bill.

Enrolled Bill Amendment to HB 405

Amend RSA 21-I:7-c, II(i) as inserted by section 4 of the bill by replacing line 1 with the following:

(i) Reviewing and making recommendations to the manager of risks and benefits that

Amend RSA 21-I:44, I as inserted by section 14 of the bill by replacing line 2 with the following:

**after consultation with** the director of the division of personnel, shall be responsible for

Amend RSA 21-I:44, IV as inserted by section 14 of the bill by replacing line 1 with the following:

IV. The **commissioner, after consultation with the** director of personnel, shall nominate

Amend RSA 21-I:44-a as inserted by section 15 of the bill by replacing line 5 with the following:

this program, an employee may have a certain amount of his **or her** salary withheld, before taxes, for the

Amend RSA 21-I:44-b as inserted by section 15 of the bill by replacing line 5 with the following:

**department.** Under this program, an employee may have a certain amount of his **or her** salary withheld,

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 22, 2017

2017-1956-EBA

03/05

Enrolled Bill Amendment to HB 488

The Committee on Enrolled Bills to which was referred HB 488

AN ACT establishing a state parks advisory council.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 488

This enrolled bill amendment corrects a reference in the bill.

Enrolled Bill Amendment to HB 488

Amend RSA 216-A:3-kk, I(d) as inserted by section 1 of the bill by replacing line 2 with the following:  
designee, whose appointment shall be coterminous with the commissioner's term of office.

Senator Avarad moved adoption of the Enrolled Bill Amendment. Adopted.

May 24, 2017  
2017-2031-EBA  
06/04

Enrolled Bill Amendment to HB 536

The Committee on Enrolled Bills to which was referred HB 536

AN ACT directing the wellness and primary prevention council to establish a system of family resource centers of quality.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 536

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 536

Amend RSA 126-M:4, II-b(a) as inserted by section 3 of the bill by replacing line 2 with the following:  
a selection process for the selection of a facilitating organization to administer the system of family  
Senator Avarad moved adoption of the Enrolled Bill Amendment. Adopted.

May 30, 2017  
2017-2086-EBA  
04/01

Enrolled Bill Amendment to HB 650-FN

The Committee on Enrolled Bills to which was referred HB 650-FN

AN ACT relative to procedures of the board of psychologists.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 650-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 650-FN

Amend section 11 of the bill by replacing lines 1-2 with the following:

11 Investigations and Complaints; Response and Summary. Amend RSA 329-B:22, VIII and IX to read as follows:

Senator Avarad moved adoption of the Enrolled Bill Amendment. Adopted.

May 22, 2017  
2017-2030-EBA  
06/04

Enrolled Bill Amendment to SB 230-FN

The Committee on Enrolled Bills to which was referred SB 230-FN

AN ACT establishing the Uniform Power of Attorney Act.



Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 230-FN

This enrolled bill amendment makes grammatical and technical changes.

Enrolled Bill Amendment to SB 230-FN

Amend RSA 564-E:102(1) as inserted by section 1 of the bill by replacing line 3 with the following: original agent, coagent, successor agent, and a person to whom an agent's authority is delegated.

Amend RSA 564-E:110(c) as inserted by section 1 of the bill by replacing line 2 with the following: until the authority terminates under subsection (b), notwithstanding a lapse of time since the

Amend RSA 564-E:118(2) as inserted by section 1 of the bill by replacing line 1 with the following:

(2) if there is no person described in subsection (1), to:

Amend RSA 564-E:119(e) as inserted by section 1 of the bill by replacing line 2 with the following: provided at the principal's expense unless the request is made more than 7 business days after

Amend RSA 564-E:208(2) as inserted by section 1 of the bill by replacing line 2 with the following:

a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm,

Amend RSA 564-E:213(a)(3) as inserted by section 1 of the bill by replacing line 1 with the following:

(3) provide living quarters for the individuals described in subsection (1) by:

Amend RSA 564-E:213(a)(4) as inserted by section 1 of the bill by replacing line 3 with the following: and other current living costs for the individuals described in subsection (1);

Amend RSA 564-E:213(a)(5) as inserted by section 1 of the bill by replacing line 2 with the following: individuals described in subsection (1);

Amend RSA 564-E:213(a)(7) as inserted by section 1 of the bill by replacing line 3 with the following: described in subsection (1);

Amend RSA 564-E:213(a)(8) as inserted by section 1 of the bill by replacing line 2 with the following: described in subsection (1) and open new accounts; and

Amend RSA 564-E:213(a)(9) as inserted by section 1 of the bill by replacing line 2 with the following: a religious institution, club, society, order, or other organization or continue contributions to

Amend RSA 564-E:214(b)(6) as inserted by section 1 of the bill by replacing line 1 with the following:

(6) receive the financial proceeds of a claim described in subsection (4) and

Amend RSA 564-E:217(a) as inserted by section 1 of the bill by replacing line 1 with the following:

(a) In this section, a "gift" for the benefit of a person includes, without limitation, a gift

Amend RSA 564-E:301, paragraph 5 (Grant of Specific Authority (Optional)), as inserted by section 1 of the bill by replacing line 14 with the following:

income to provide for my care without relying on Medicaid, other public assistance

Amend RSA 137-J:15, I(c) as inserted by section 2 of the bill by replacing line 7 with the following: advance directive~~;~~ ~~or~~

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 82, relative to hair braiding.

HB 88-FN, relative to Purple Heart and Pearl Harbor survivor number plates.

HB 89, relative to municipal revolving funds.

HB 94-FN, prohibiting certain defenses in prostitution and human trafficking cases and relative to fines assessed for certain offenses involving domestic violence.

HB 108, relative to municipal record retention and conversion.

HB 140-FN, authorizing wine manufacturer retail outlets.

HB 152-FN, relative to wholesale distributors of alcoholic beverages.

HB 167, relative to audits of county funds.

HB 211-FN, relative to temporary OHRV registrations for nonresidents, and OHRV and snowmobile trail connectors.

HB 219, establishing a demographic study committee.

HB 226, relative to documenting the improvement of non-proficient readers.

HB 262, declaring the common blackberry to be the berry of the biennium.

HB 291-FN, removing veterinarians from the requirements of adopting rules for prescribing opioids and querying the controlled drug prescription health and safety program.

HB 301, relative to the regulation of electric grills.

HB 322, adding rulemaking authority to require completion of a certain survey as part of the license renewal process for health care providers.

HB 349-FN, relative to out-of-home placements under the child protection act.

HB 352-FN, relative to the energy efficiency fund.

HB 431, establishing a commission to study long term goals and requirements for drinking water in the seacoast area.

HB 437, relative to the authority of municipal law enforcement officers and relative to information contained in certain motor vehicle records.

HB 501, relative to access to minutes of meetings of condominium unit owner's associations.

HB 502, relative to the availability of condominium financial information to unit owners.

HB 513-FN, authorizing the state veterans' advisory committee to accept gifts, grants, and donations for payment of the committee's costs, prohibiting the inclusion of statewide assessment results in a student's transcript without consent, and relative to assessments administered to pupils in grades 3 through 8.

HB 514, relative to alternate members of planning boards.

HB 586-FN, relative to the regulation of certain professions by the office of professional licensure and certification.

HB 612, relative to livestock and meat inspection.

SB 116, requiring notice to affected municipalities of energy facility siting.

SB 130, relative to classification of certain state employee positions.

SB 140, relative to the independent investment committee in the New Hampshire retirement system.

SB 147, establishing a committee to study mental health and social service business process alignment and information system interoperability.

SB 161, establishing a commission to evaluate the direct care workforce and preparedness of long-term care and support services for aging adults with dementia or other cognitive brain injuries.

SB 176, to officially retain the name of a bridge in the city of Lebanon as Lyman Bridge.

SB 210, relative to certain positions in the insurance department.

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.

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

Out of Recess. Call the 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 19

*June 8, 2017*

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

Senator Kahn offered the following prayer:

*Let us all do good work today. It has been a good, long session. We serve our constituencies with our efforts to come together in the best interests of the state. Amen.*

Senator Woodburn led the Pledge of Allegiance.

## INTRODUCTION OF PAGES

Senator Lasky introduced Rohan Kumar from Nashua South High School, serving as Senate Pages for the day.

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

## HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 89, relative to the relationship between a franchisor and a franchisee and relative to the use of drones.

Senator Innis moved nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Innis, Carson and Lasky.

SB 225, revising the New Hampshire trust code.

Senator Innis moved concurrence. Adopted.

SB 8-FN, relative to school attendance in towns with no public schools.

Senator Reagan moved concurrence.

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

Recess. Out of recess.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

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

Roll Call, Yeas: 14 - Nays: 9. Adopted.

SB 43, relative to nonacademic surveys, questionnaires, or evaluations administered by a public school to its students.

Senator Reagan moved nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Reagan, Avard and Watters.

SB 44, prohibiting the state from requiring implementation of common core standards and relative to the amendment or approval of academic standards.

Senator Reagan moved nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Reagan, Avard and Kahn.

SB 101-FN, relative to enrollment eligibility for regional career and technical education programs and relative to high school students participating in New Hampshire's dual and concurrent enrollment program and making an appropriation therefor.

Senator Reagan moved concurrence. Adopted.

SB 191-FN, establishing keno and relative to funding for kindergarten.

Senator Reagan moved nonconcurrency and requested a Committee of Conference. Adopted.

The President appointed Senators Reagan, Bradley and Watters.

SB 3, relative to domicile for voting purposes.

Senator Birdsell moved concurrence.

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

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

Roll Call, Yeas: 14 - Nays: 9. Adopted.

SB 113, relative to an electronic poll book trial program.

Senator Birdsell moved concurrence. Adopted.

SB 248, establishing a committee to study the rescheduling of elections and relative to absentee voter signatures.

Senator Birdsell moved concurrence.

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Sanborn, Kahn, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

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

SB 30, defining woodland buffers and relative to such woodland buffers for the purposes of the shoreland protection act.

Senator Avard moved concurrence. Adopted.

SB 121, establishing a commission to determine if the department of environmental services should request delegation of the National Pollutant Discharge Elimination System from the Environmental Protection Agency.

Senator Avard moved nonconcurrency and requested a Committee of Conference. Adopted.

The President appointed Senators Sanborn, Avard and Feltes.

SB 127, relative to dissolved oxygen water quality standards.

Senator Avard moved concurrence. Adopted.

SB 129, requiring a portion of the renewable energy fund to benefit low to moderate income residential customers, relative to electric renewable energy classes, relative to the class rate for biomass, and relative to requirements for incentive payments from the renewable energy fund.

Senator Avard moved concurrence. Adopted.

Senator Sanborn is in opposition to concur on SB 129.

SB 13, repealing the administrative attachment of the police standards and training council to the community college system of New Hampshire and repealing the statutes governing the New Hampshire technical institute security force.

Senator Carson moved concurrence. Adopted.

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

Senator Carson moved concurrence. Adopted.

SB 135-FN, relative to the regulation of electricians.

Senator Carson moved concurrence.

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

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

The following Senators voted No: Giuda, French, Sanborn, Daniels, Innis.

Roll Call, Yeas: 18 - Nays: 5. Adopted.

SB 137-FN, relative to temporary licensure of certain nurses seeking licensure by endorsement from the board of nursing.

Senator Carson moved concurrence. Adopted.

Senator Sanborn is in opposition to concur on SB 137-FN.

SB 212-FN, establishing the physical therapy licensure compact.

Senator Carson moved concurrence. Adopted.

SB 38-FN, (2nd New Title) making an appropriation to the department of transportation for local highway aid and aid for municipal bridges, relative to distribution of highway aid, and relative to red list bridges.

Senator Daniels moved concurrence. Adopted.

Senator Sanborn is in opposition to concur on SB 38-FN.

SB 57-FN-A, making appropriations to the department of environmental services for the purposes of funding eligible drinking water and wastewater projects under the state aid grant program and relative to making an appropriation from the drinking water and groundwater trust fund to the department of environmental services to address drinking water contamination in Amherst.

Senator Daniels moved concurrence. Adopted.

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

Senator Daniels moved concurrence. Adopted.

SB 59, relative to blood testing orders.

Senator Bradley moved concurrence. Adopted.

SB 152, relative to criminal history background checks for certain health care workers.

Senator Bradley moved concurrence. Adopted.

SB 155, relative to implementation of the Medicaid managed care program.

Senator Bradley moved nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Bradley, Gray and Hennessey.

SB 157, relative to network adequacy and consumer rights under the managed care law.

Senator Bradley moved concurrence. Adopted.

SB 66-FN, including a fetus in the definition of "another" for purposes of certain criminal offenses.

Senator Carson moved concurrence.

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avar, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

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

Roll Call, Yeas: 14 - Nays: 9. Adopted.

SB 67, relative to the authority of state police employees.

Senator Carson moved concurrence. Adopted.

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

Senator Avard moved nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Avard, Sanborn and Woodburn.

SB 37, relative to tip pooling.

Senator Sanborn moved concurrence.

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

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Carson, Feltes, Soucy, D'Allesandro, Fuller Clark.

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

#### INTRODUCTION OF GUESTS

Senator Birdsell introduced students from Grinnell School in Derry visiting in the gallery.

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

Senator Sanborn moved nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Sanborn, Giuda and Feltes.

SB 78, relative to confidentiality of state tax records in state administrative or judicial proceedings.

Senator Sanborn moved nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Sanborn, Giuda and D'Allesandro.

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

#### HOUSE MESSAGE

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

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

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, McConkey, J. Graham and Cloutier

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

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

HB 161-FN, relative to beverage sales at farmers' markets and relative to liquor commission sales.

and requests a Committee of Conference.

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

REPRESENTATIVES: Hunt, Biggie, Butler and Azarian

Senator Innis moved to accede to House request. Adopted.

The President appointed Senators Innis, French and Lasky.

HB 556, requiring schools to post the state telephone numbers to report child abuse and relative to criminal history records checks of school employees and volunteers.

and requests a Committee of Conference.

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

REPRESENTATIVES: Ladd, T. Wolf, M. Moffett and Heath

Senator Reagan moved to accede to House request. Adopted.

The President appointed Senators Reagan, Ward and Kahn.

HB 247, relative to retention of voter registration forms.

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: Negron, Freeman, B. Griffin and Ward

Senator Birdsell moved to accede to House request. Adopted.

The President appointed Senators Birdsell, Gray and Soucy.

HB 575-FN, relative to the certification of acupuncture detoxification specialists.

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: Hansen, Campion, Proulx and Gagnon

Senator Carson moved to accede to House request. Adopted.

The President appointed Senators Carson, Reagan and Soucy.

HB 340, establishing the lakeshore redevelopment planning commission.

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 Jack

Senator Daniels moved to accede to House request. Adopted.

The President appointed Senators Morse, French and D'Allesandro.

HB 131, relative to the costs for notice of changes in a zoning district.

and requests a Committee of Conference.

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

REPRESENTATIVES: J. Belanger, Sterling, Josephson and Gauthier

Senator Gray moved to accede to House request. Adopted.

The President appointed Senators Gray, Ward and Kahn.

HB 237, establishing a committee to study helmet and restraint laws for youth operators and passengers of OHRVs and snowmobiles, and relative to a trail connector in the town of Henniker.

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: Steven Smith, T. Walsh, Horn and Sykes

Senator Birdsell moved to accede to House request. Adopted.

The President appointed Senators Gannon, Ward and Kahn.

HB 315, relative to persons who may accompany a youth operator of an OHRV.

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: Steven Smith, T. Walsh, Horn and Sykes

Senator Birdsell moved to accede to House request. Adopted.

The President appointed Senators Birdsell, Ward and Watters.

HB 319, limiting 20-day registration plates, relative to the suspension of a driver's license, and relative to salvage certificates of titles for motor vehicles.

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: Steven Smith, T. Walsh, Horn and Sykes

Senator Birdsell moved to accede to House request. Adopted.

The President appointed Senators Birdsell, Ward and Watters.

HB 364, relative to accidents involving youth operators of motor vehicles.

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: Steven Smith, T. Walsh, Horn and Sykes

Senator Birdsell moved to accede to House request. Adopted.

The President appointed Senators Birdsell, Gannon and Watters.

HB 654-FN, establishing a committee to study the regulation and taxation of vacation rentals and short-term rentals, and relative to examinations of vacation and short-term rentals.

and requests a Committee of Conference.

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

REPRESENTATIVES: Hunt, Biggie, Butler and Ohm

Senator Sanborn moved to accede to House request. Adopted.

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

HB 527, relative to confidentiality of forms and rates and relative to the length of docks on a water body, water body size.

and requests a Committee of Conference.

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

REPRESENTATIVES: Hunt, Flanders, Mullen and Butler

Senator Innis moved to accede to House request. Adopted.

The President appointed Senators Innis, Sanborn and Soucy.



HB 620, relative to compliance with state and federal education mandates and relative to school accreditation for the 2017-2018 school year.

and requests a Committee of Conference.

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

REPRESENTATIVES: Ladd, T. Wolf, Weyler and Shaw

Senator Reagan moved to accede to House request. Adopted.

The President appointed Senators Reagan, Ward and Watters.

HB 258, relative to the submission and approval of subsurface sewage disposal system plans, relative to septic requirements in conversions to accessory dwellings, and authorizing certain septage and sludge land applications.

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: Mullen, Renzullo, McConnell and Suzanne Smith

Senator Avard moved to accede to House request. Adopted.

The President appointed Senators Avard, Bradley and Feltes.

HB 463-FN, regulating groundwater pollution caused by polluting emissions in the air and relative to standards for emerging contaminants in drinking water.

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: Christensen, Barry, L. Ober and Lisle

Senator Avard moved to accede to House request. Adopted.

The President appointed Senators Bradley, Innis and Feltes.

HB 215, establishing a commission to study the legalization, regulation, and taxation of marijuana.

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: Abrami, Burns, Theberge and Walz

Senator Carson moved to accede to House request. Adopted.

The President appointed Senators Carson, Gannon and Lasky.

HB 164, relative to poker in private residences and relative to limits on wagers in charitable games of chance.

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: Ohm, Azarian, Lang and Ames

Senator Sanborn moved to accede to House request. Adopted.

The President appointed Senators Sanborn, Giuda and Feltes.

HB 580-FN-A, relative to fantasy sports contests.

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: Azarian, Abrami, Ohm and Ames

Senator Sanborn moved to accede to House request. Adopted.

The President appointed Senators Sanborn, Bradley and Feltes.

Recess. Out of recess.

#### SUSPENSION OF THE RULES

Senator Bradley moved that the Senate suspend all rules necessary to permit consideration at the present time of HB 353-FN. Adopted by the necessary 2/3 vote.

#### MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove HB 353-FN from the Table. Adopted.

#### FINANCE

HB 353-FN, relative to sales of beer in refillable containers.

The pending motion is the Committee Amendment.

Senate Finance

May 24, 2017

2017-2010s

03/10

#### Amendment to HB 353-FN

Amend the bill by replacing section 2 with the following:

2 New Section; Refillable Beer Container Licenses. Amend RSA 178 by inserting after section 31 the following new section:

178:32 Refillable Beer Container Licenses.

I. A beverage manufacturer licensee shall be issued a refillable beer container license authorizing the licensee to fill standard refillable containers in accordance with this section.

II. The licensee may fill only standard refillable beer containers and only during hours established by the commission in rules adopted pursuant to RSA 541-A. The licensee shall comply with sanitation standards for tap lines and containers, if established by the commission in rules.

III. An open-evident seal or closed package shall be applied by the licensee to the standard refillable beer container after filling.

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

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

Sen. Soucy, Dist 18

June 7, 2017

2017-2163s

03/06

#### Floor Amendment to HB 353-FN

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

AN ACT relative to the relationship between a franchisor and a franchisee.

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

1 Procuring Employment; Imposition of Conditions; Definition of Terms; Employer. Amend RSA 275:4, I to read as follows:

I. The term "employer" as used in the preceding section shall mean and include an individual, a partnership, an association, a corporation, a legal representative, trustee, receiver, trustee in bankruptcy, and any

common carrier by rail, motor, water, air or express company doing business in or operating within the state. ***A franchisor is only an employer if the franchisor agrees in writing to assume the role of employer or co-employer of the franchisee or the employee of the franchisee.***

***I-a. For the purposes of this section, “franchisee” and “franchisor” have the same meanings as in section 436.1 of title 16 of the Code of Federal Regulations.***

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

2017-2163s

#### AMENDED ANALYSIS

This bill clarifies when a franchisor is an employer of a franchisee.

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.

#### INTRODUCTION OF GUESTS

Senator Woodburn introduced students from Edward Fenn Elementary School in Gorham visiting in the gallery.

#### 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 30-FN

Senator Daniels: SB 30-FN

Senator Feltes: HB 517

Senator Gray: SB 127

Senator Innis: SB 30-FN

Senator Sanborn: HB 25-FN-A, HB 131, HB 144, HB 161-FN, HB 237, HB 247, HB 315, HB 319, HB 340, HB 353-FN, HB 364, HB 517, HB 556, HB 575-FN, HB 654-FN, SB 3, SB 8-FN, SB 13, SB 30-FN, SB 35, SB 37, SB 38-FN, SB 43, SB 44, SB 59, SB 66-FN, SB 67, SB 74-FN, SB 89, SB 101-FN, SB 113, SB 121, SB 127, SB 129, SB 131-FN-A, SB 135-FN, SB 137-FN, SB 152, SB 155, SB 157, SB 191-FN, SB 212-FN, SB 216-FN, SB 225, SB 248

Senator Woodburn: SB 155

#### ANNOUNCEMENTS

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I ask for a moment of personal privilege, please. Mister President, 49 years ago a young man drove up to the front of my home at 144 Harri-man Street in Manchester, New Hampshire and was joining my basketball team at New Hampshire College; boy's name was Johnny Astarita. John had played at La Salle Academy in New York City; was an All-New York City basketball player and just a great athlete. Johnny really became a member of my family. My wife and I considered Johnny to be one of our family; really one of our sons. Johnny passed away on Thursday from cancer. He fought an unbelievable fight. I had a chance to be with Johnny over the weekend, and we flew out to his home, and my wife and I spent two days with him before he passed. You know, those of you who have been involved in athletics know what it's like to be the coach of the team. I was the coach and many people still refer to me as coach. But when you become a coach you accept some responsibilities, and one of them is taking care of your players, and your players, in essence, take care of you. I've always said great players make great coaches. Johnny Astarita made me a great coach. He was a great player. His sons attended school in Manchester; two of them were at Manchester Memorial High School; played on basketball and hockey teams and so forth. Johnny married a girl from Dover, and he was a unique individual, unique

individual. You know, in your life you get to interact with kids, you know, as I said as a coach. Probably the greatest moniker I've ever had was when they called me coach; you know, I'm Coach D'Allesandro. I had an opportunity to mold their lives and they molded my life. And by losing John I've really lost a section of my family; I've lost kind of a section of my life. It was just a great loss for me and for my wife. He was such a great guy, such a great guy. And, you know, over the course of your lifetime one of the things you don't tell people often enough is, really, how much you love them. You miss out on that opportunity and when they go you say Jesus, boy I missed out on a chance to tell them how much I loved him, how much I appreciated him, and how much he had done for me. So, Mister President, I mourn the loss of John Astarita as an adopted son, a person who, I think, made my life better. And say to all of us, you know, let's never miss an opportunity to tell people how much we care about them because this is a very short life; a very, very short life and I've lost too many friends. I lost Magic Mike Downing, who sat beside me for years here in the Senate, and I was with Mike just before he passed. So, thank you, Mister President, I appreciate this opportunity, and as I say, never forget how much you love people. It doesn't cost you a nickel to tell them how much you love them, how much you care about them, and it goes a long way to making their lives better. Thank you.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise for personal privilege. I want to commend our colleague from Keene for his spontaneous prayer and filling in on such short notice for our chaplain. And I think we all sat in great relief that we weren't called, Mister President, but we have time to think about it. And as I was thinking about remembering a pillar in our region of the state, the words of Jimmy Carter were told to him while out doing some outreach was to love the Lord and love the person in front of you, and the person that I rise to honor, James Walker from Woodsville, New Hampshire, is a person that his love was baseball in his community, and he served both well, and was someone that we lost on May 28th at the age of 76 years old. Jim was a pillar in his community; he was the go-to guy for every aspiring politician, and a local person in need; every sports team that needed a sponsor, or a uniform, or a vehicle from his auto dealership. He'll be remembered most, I think, as the biggest baseball Red Sox fan in the region who purchased season passes and always made sure that people in the community and rural areas had an opportunity to go to Fenway Park and see our beloved team. But he was also known as Ray Burton's longtime campaign chairman, the local town republican chair, who often gave headaches to those who thought he should not be as independent as he was. But, most of all, he had a great sense of humor and a great big smile that just lit up any room that he was in. He leaves behind a tremendous example for all of us, and his wife Jean, and his children Leslie, Laurie, Jamie, and Robert. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: I won't take the preface there because I'd change it, maybe. Had I had a little bit more thought, I would have added three more words that...There's a seasonal Jewish prayer that we say that ends with, in the Hebrew words, shehecheyanu, v'kiymanu v'higyanu lazman hazeh, which is significant to this quorum today, to this body, in that it means thank you for bringing us to this time, and this place, and this season. I think we can all give thanks to that. Amen.

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

HB 353-FN, relative to the relationship between a franchisor and a franchisee.

### 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 sending and receiving messages, and processing enrolled bill reports and amendments, and forming committees of conference and when we recess, we recess to the Call of the Chair.

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