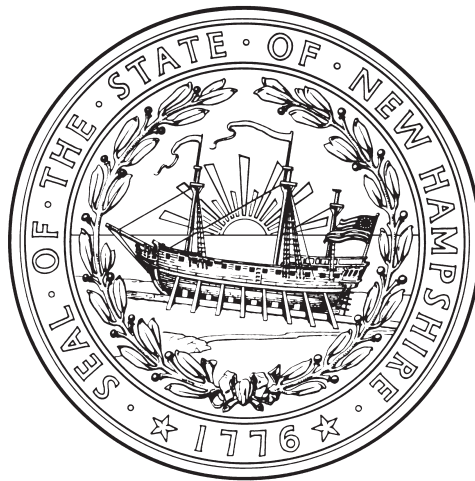


January 19, 2017  
Nos. 3-4

# 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 – JANUARY 5, 2017 SESSION  
COMMENCEMENT – JANUARY 19, 2017 SESSION**

# SENATE JOURNAL 3 *(continued)*

*January 5, 2017*

## INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

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

## First and Second Reading and Referral

17-0525

CACR 8, relating to eliminating registers of probate. Providing that part II, article 71 be amended to eliminate registers of probate.(Carson, Dist 14; Bradley, Dist 3; Birdsell, Dist 19; Sytek, Rock. 8; Wall, Straf. 6; Keans, Straf. 23; Judiciary)

17-0786

SB 9, relative to the admissibility of prior consensual sexual activity in sexual assault cases.(Avard, Dist 12; Birdsell, Dist 19; Giuda, Dist 2; Burt, Hills. 39; Hoell, Merr. 23; LeBrun, Hills. 32; Kotowski, Merr. 24; Judiciary)

17-0247

SB 10-FN, relative to dairy farmer relief.(Bradley, Dist 3; D'Allesandro, Dist 20; Fuller Clark, Dist 21; Morse, Dist 22; Hinch, Hills. 21; Umberger, Carr. 2; Energy and Natural Resources)

17-0133

SB 11-FN, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.(Reagan, Dist 17; Avard, Dist 12; Birdsell, Dist 19; Bradley, Dist 3; Daniels, Dist 11; French, Dist 7; Gannon, Dist 23; Giuda, Dist 2; Gray, Dist 6; Innis, Dist 24; Morse, Dist 22; Sanborn, Dist 9; Ward, Dist 8; McGuire, Merr. 29; Spillane, Rock. 2; Dean-Bailey, Rock. 32; L. Turcotte, Straf. 4; Itse, Rock. 10; Commerce)

17-0140

SB 12-FN, repealing the licensing requirement for carrying a concealed pistol or revolver.(Bradley, Dist 3; Avard, Dist 12; Birdsell, Dist 19; Carson, Dist 14; Daniels, Dist 11; Gannon, Dist 23; Giuda, Dist 2; Gray, Dist 6; Innis, Dist 24; Morse, Dist 22; Reagan, Dist 17; Sanborn, Dist 9; Ward, Dist 8; Itse, Rock. 10; Spillane, Rock. 2; Pearl, Merr. 26; Hinch, Hills. 21; Harrington, Straf. 3; Judiciary)

17-0583

SB 13, relative to statutes governing the security force at the New Hampshire technical institute.(Bradley, Dist 3; Executive Departments and Administration)

17-0990

SB 14, relative to the use of amber lights by plow operators.(Feltas, Dist 15; Transportation)

17-0516

SB 15, relative to the law regarding therapeutic use of cannabis.(Reagan, Dist 17; Health and Human Services)

17-0448

SB 16, reauthorizing the commission to study apportionment of gross business profits under RSA 77-A and the committee to study the process by which business names are authorized by the secretary of state.(Birdsell, Dist 19; D'Allesandro, Dist 20; Major, Rock. 14; Abrami, Rock. 19; Lovejoy, Rock. 36; Ways and Means)

17-0765

SB 17, relative to treatment for hepatitis C under the law relative to use of cannabis for therapeutic purposes. (Reagan, Dist 17; Health and Human Services)

17-0916

SB 18, eliminating the procedure for reinstating foreign limited liability partnerships.(Birdsell, Dist 19; Commerce)

17-0438

SB 19, relative to warrant articles that have been submitted to the department of revenue administration. (Birdsell, Dist 19; Weyler, Rock. 13; Green, Rock. 13; Guthrie, Rock. 13; Welch, Rock. 13; Public and Municipal Affairs)

17-0770

SB 20, relative to liquid chromatograph tests for intoxication.(D'Allesandro, Dist 20; Judiciary)

17-0779

SB 21, relative to licensure and continuing education of architects.(D'Allesandro, Dist 20; Executive Departments and Administration)

17-0299

SB 22, relative to employer immunity for disclosure of certain worker employment information.(Bradley, Dist 3; Innis, Dist 24; Hunt, Ches. 11; Biggie, Hills. 23; Commerce)

17-0804

SB 23, legalizing firecrackers.(Avard, Dist 12; Reagan, Dist 17; Sanborn, Dist 9; French, Dist 7; Weyler, Rock. 13; Burt, Hills. 39; Hynes, Hills. 21; O'Day, Ches. 11; Hoell, Merr. 23; Commerce)

17-0806

SB 24, relative to examinations by the insurance commissioner.(Daniels, Dist 11; Soucy, Dist 18; Seaworth, Merr. 20; White, Graf. 13; Commerce)

17-0809

SB 25, relative to small claims resulting from accidents due to activities of the department of transportation. (D'Allesandro, Dist 20; Transportation)

17-0843

SB 26, relative to the definition of "facility caregivers" under the use of cannabis for therapeutic purposes law.(Reagan, Dist 17; Health and Human Services)

17-0892

SB 27, relative to grip height of motorcycles.(French, Dist 7; Reagan, Dist 17; Avard, Dist 12; Hill, Merr. 3; Transportation)

17-0893

SB 28, relative to salvage certificates of titles for motor vehicles.(Birdsell, Dist 19; Transportation)

17-0915

SB 29, relative to persons authorized to sign corporate documents.(Birdsell, Dist 19; Commerce)

17-0946

SB 30, defining woodland buffers and relative to such woodland buffers for the purposes of the shoreland protection act.(Bradley, Dist 3; Energy and Natural Resources)

17-0414

SB 31, authorizing decal plates for the University of New Hampshire.(Watters, Dist 4; Fuller Clark, Dist 21; Innis, Dist 24; D'Allesandro, Dist 20; Burton, Straf. 6; Horrigan, Straf. 6; Wall, Straf. 6; Spang, Straf. 6; Horgan, Straf. 2; Transportation)

17-0437

SB 32, relative to penalties for violation of political advertising laws.(Birdsell, Dist 19; Carson, Dist 14; Avard, Dist 12; Hoelzel, Rock. 3; Election Law and Internal Affairs)

17-0821

SB 33, relative to the definition of political advocacy organization.(Bradley, Dist 3; Carson, Dist 14; Innis, Dist 24; Election Law and Internal Affairs)

17-0865

SB 34, relative to recovery of costs for damage done to highways.(D'Allesandro, Dist 20; Transportation)

17-0889

SB 35, relative to the procedure for legislators to disclose a conflict or personal interest in legislation.(Giuda, Dist 2; Rules and Enrolled Bills)

17-0891

SB 36, establishing a committee to study the Laconia state school property.(Morse, Dist 22; French, Dist 7; Chandler, Carr. 1; Finance)

17-0954

SB 37, relative to game operators and tip pooling.(Daniels, Dist 11; French, Dist 7; Lasky, Dist 13; D. Sullivan, Hills. 8; O'Brien, Hills. 36; Sylvia, Belk. 6; Ways and Means)

17-0130

SB 38-FN, transferring moneys from the revenue stabilization reserve account to the highway and bridge betterment account.(Morse, Dist 22; Bradley, Dist 3; Reagan, Dist 17; Daniels, Dist 11; D'Allesandro, Dist 20; Giuda, Dist 2; Feltes, Dist 15; Finance)

17-0512

SB 39, relative to automobile insurance cancellation.(Bradley, Dist 3; Innis, Dist 24; French, Dist 7; Soucy, Dist 18; Butler, Carr. 7; Commerce)

17-0788

SB 40, relative to electronic wills.(Bradley, Dist 3; Innis, Dist 24; Carson, Dist 14; Woodburn, Dist 1; D'Allesandro, Dist 20; Hunt, Ches. 11; Danielson, Hills. 7; Wall, Straf. 6; Commerce)

17-0839

SB 41-FN-A, establishing a fund to forgive certain educational debt and making an appropriation therefor. (Innis, Dist 24; D'Allesandro, Dist 20; Watters, Dist 4; Abrami, Rock. 19; Commerce)

17-0914

SB 42, eliminating the hearing requirement for late reinstatement of corporations.(Birdsell, Dist 19; Commerce)

17-0169

SB 43, relative to non-academic surveys administered by a public school to its students.(Avard, Dist 12; Reagan, Dist 17; Birdsell, Dist 19; Daniels, Dist 11; French, Dist 7; Ward, Dist 8; Murotake, Hills. 32; V. Sullivan, Hills. 16; Hill, Merr. 3; O'Day, Ches. 11; Ladd, Graf. 4; Education)

17-0171

SB 44, prohibiting the state from requiring implementation of common core standards.(Avard, Dist 12; Reagan, Dist 17; Birdsell, Dist 19; Daniels, Dist 11; Carson, Dist 14; Bradley, Dist 3; French, Dist 7; Innis, Dist 24; Ladd, Graf. 4; Murotake, Hills. 32; Cordelli, Carr. 4; Education)

17-0766

SB 45, requiring a course in civics for high school graduation.(D'Allesandro, Dist 20; Watters, Dist 4; Bradley, Dist 3; P. Long, Hills. 10; Education)

17-0869

SB 46, relative to participation in public school cocurricular programs offered in another school district. (French, Dist 7; Testerman, Merr. 2; Hill, Merr. 3; Education)

17-0880

SB 47, relative to enforcement of election laws.(Carson, Dist 14; Birdsell, Dist 19; Gray, Dist 6; Gannon, Dist 23; Bradley, Dist 3; Ohm, Hills. 36; Lundgren, Rock. 5; M. McCarthy, Hills. 29; Election Law and Internal Affairs)

17-0298

SB 48, establishing a commission to study changes to the fish and game commission and department.(Bradley, Dist 3; Avard, Dist 12; Fuller Clark, Dist 21; Energy and Natural Resources)

17-0802

SB 49, relative to permits for solid waste facilities.(Birdsell, Dist 19; Energy and Natural Resources)

17-0842

SB 50, relative to members of the site evaluation committee.(Bradley, Dist 3; Fuller Clark, Dist 21; Avard, Dist 12; Innis, Dist 24; Barry, Hills. 21; Richardson, Coos 4; Backus, Hills. 19; Energy and Natural Resources)

17-0871

SB 51, establishing a committee to review a timeline for the duration of subsidies for energy projects provided by the renewable portfolio standard.(Avard, Dist 12; Birdsell, Dist 19; Giuda, Dist 2; Lewicke, Hills. 26; Carr, Hills. 26; Barry, Hills. 21; O'Day, Ches. 11; Seidel, Hills. 28; Energy and Natural Resources)

17-0774

SB 52, relative to a procedural manual for department of safety policies and relative to reporting requirements regarding revenue generated from safe boater education certificates.(D'Allesandro, Dist 20; Bradley, Dist 3; Goley, Hills. 8; Heath, Hills. 14; Executive Departments and Administration)

17-0782

SB 53, relative to regulation of appraisal management companies by the real estate appraiser board. (D'Allesandro, Dist 20; Executive Departments and Administration)

17-0864

SB 54, relative to the licensure of alcohol and drug counselors.(D'Allesandro, Dist 20; Lasky, Dist 13; Executive Departments and Administration)

17-0881

SB 55, relative to backflow devices for water.(Carson, Dist 14; Gannon, Dist 23; Hansen, Hills. 22; Proulx, Hills. 44; Goley, Hills. 8; Executive Departments and Administration)

17-0611

SB 56-FN-A-LOCAL, relative to adequate education grant payments to certain municipalities.(Birdsell, Dist 19; McMahon, Rock. 7; M. Griffin, Rock. 7; Kolodziej, Rock. 7; Finance)

17-0818

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.(Bradley, Dist 3; Giuda, Dist 2; Buco, Carr. 2; Umberger, Carr. 2; Danielson, Hills. 7; Rosenwald, Hills. 30; L. Ober, Hills. 37; Finance)

17-0846

SB 58, relative to the authority of the department of state.(D'Allesandro, Dist 20; Bradley, Dist 3; Soucy, Dist 18; Finance)

17-0767

SB 59, relative to blood testing orders.(D'Allesandro, Dist 20; Bradley, Dist 3; Carson, Dist 14; Goley, Hills. 8; White, Graf. 13; Proulx, Hills. 44; Soucy, Merr. 16; O'Brien, Hills. 36; Health and Human Services)

17-0771

SB 60, relative to chemical analyses of controlled drugs.(D'Allesandro, Dist 20; Lasky, Dist 13; Welch, Rock. 13; Health and Human Services)

17-0781

SB 61, relative to medical records of a deceased spouse or next of kin.(D'Allesandro, Dist 20; Bradley, Dist 3; Feltes, Dist 15; Reagan, Dist 17; Hynes, Hills. 21; McBeath, Rock. 26; Health and Human Services)

17-0805

SB 62, relative to rulemaking of the midwifery council on the scope of practice.(Avard, Dist 12; Bradley, Dist 3; P. Schmidt, Straf. 19; Health and Human Services)

17-0828

SB 63, relative to record management of abuse and neglect reports.(Carson, Dist 14; Bradley, Dist 3; Fuller Clark, Dist 21; Weber, Ches. 1; Guthrie, Rock. 13; Berrien, Rock. 18; Health and Human Services)

17-0830

SB 64, establishing a committee to study medication synchronization.(Carson, Dist 14; Gray, Dist 6; Soucy, Dist 18; Fuller Clark, Dist 21; Avard, Dist 12; Kotowski, Merr. 24; LeBrun, Hills. 32; J. Edwards, Rock. 4; M. McCarthy, Hills. 29; M. MacKay, Hills. 30; Health and Human Services)

17-0930

SB 65, relative to vaccines administered by pharmacists.(Giuda, Dist 2; Bradley, Dist 3; Soucy, Dist 18; D. Sullivan, Hills. 8; Health and Human Services)

17-0447

SB 66-FN, including a viable fetus in the definition of "another" for purposes of certain criminal offenses.(Birdsell, Dist 19; Avard, Dist 12; Carson, Dist 14; Bradley, Dist 3; Innis, Dist 24; Ward, Dist 8; French, Dist 7; Reagan, Dist 17; Gannon, Dist 23; Gray, Dist 6; Hoelzel, Rock. 3; Judiciary)

17-0656

SB 67, relative to the authority of state police employees.(Bradley, Dist 3; D'Allesandro, Dist 20; Soucy, Dist 18; Carson, Dist 14; Hinch, Hills. 21; Shurtleff, Merr. 11; Judiciary)

17-0768

SB 68, relative to sentencing for violations of probation.(D'Allesandro, Dist 20; Welch, Rock. 13; Cushing, Rock. 21; Judiciary)

17-0773

SB 69, requiring registered sex offenders to report online identifiers.(D'Allesandro, Dist 20; Bradley, Dist 3; Soucy, Dist 18; Goley, Hills. 8; Heath, Hills. 14; Judiciary)

17-0780

SB 70, relative to disclosure of expert testimony in civil cases.(D'Allesandro, Dist 20; Bradley, Dist 3; Feltes, Dist 15; Reagan, Dist 17; Hynes, Hills. 21; McBeath, Rock. 26; Judiciary)

17-0822

SB 71, relative to the law governing alimony.(Carson, Dist 14; Lasky, Dist 13; Gargas, Hills. 27; P. Long, Hills. 10; DeSimone, Rock. 14; Walz, Merr. 23; Judiciary)

17-0776

SB 72, including certificates of deposit in the public deposit investment pool.(D'Allesandro, Dist 20; Hennessey, Dist 5; Public and Municipal Affairs)

17-0866

SB 73, relative to septic requirements in conversions to accessory dwellings.(Avard, Dist 12; Reagan, Dist 17; Giuda, Dist 2; Woodburn, Dist 1; McGuire, Merr. 29; O'Day, Ches. 11; Carr, Hills. 26; Burt, Hills. 39; Weyler, Rock. 13; Public and Municipal Affairs)

17-0141

SB 74-FN, relative to economic revitalization zone tax credits.(Bradley, Dist 3; Innis, Dist 24; French, Dist 7; D'Allesandro, Dist 20; Major, Rock. 14; Abrami, Rock. 19; Lovejoy, Rock. 36; Ways and Means)

17-0227

SB 75-FN, establishing a tax credit against business profits taxes for donations to career and technical education centers.(Watters, Dist 4; McGilvray, Dist 16; D'Allesandro, Dist 20; Bradley, Dist 3; Fuller Clark, Dist 21; Gannon, Dist 23; Hennessey, Dist 5; Lasky, Dist 13; Soucy, Dist 18; Woodburn, Dist 1; Cornell, Hills. 18; Southworth, Straf. 20; Gile, Merr. 27; Grenier, Sull. 7; Ways and Means)

17-0808

SB 76-FN-A, establishing an option to rebate the research and development tax credit against business profits taxes, and making an appropriation therefor.(D'Allesandro, Dist 20; Bradley, Dist 3; Feltes, Dist 15; Innis, Dist 24; Ways and Means)

17-0816

SB 77-FN-A, relative to expense deductions under the business profits tax.(Sanborn, Dist 9; Avard, Dist 12; Carson, Dist 14; French, Dist 7; Fuller Clark, Dist 21; Gannon, Dist 23; Innis, Dist 24; Morse, Dist 22; Reagan, Dist 17; Pearl, Merr. 26; Cordelli, Carr. 4; Ways and Means)

17-0820

SB 78, requiring audit records related to payment of business profits tax to be confidential.(Bradley, Dist 3; Innis, Dist 24; Abrami, Rock. 19; Ways and Means)

17-0832

SB 79, relative to taxation of historic residential structures.(Carson, Dist 14; Packard, Rock. 5; Lundgren, Rock. 5; McKinney, Rock. 5; Bove, Rock. 5; Ways and Means)

## LATE SESSION

## LIST OF RULE 6-25'S FOR THE DAY

Senator Avard: SB 12-FN

Senator Birdsell: SB 16, SB 28

Senator Bradley: SB 30

Senator Daniels: SB 11-FN, SB 12-FN, SB 30



Senator French: SB 12-FN

Senator Gray: SB 11-FN, SB 12-FN

Senator Innis: SB 11-FN, SB 30

Senator Kahn: SB 11-FN

Senator McGilvray: SB 11-FN

Senator Morse: SB 16

Senator Sanborn: SB 11-FN, SB 12-FN, SB 13, SB 15, SB 16, SB 17, SB 21, SB 23, SB 26, SB 27, SB 28, SB 30, SB 40, SB 50, SB 51, SB 56-FN-A-L, SB 63, SB 64, SB 75-FN, SB 76-FN-A, SB 77-FN-A

Senator Watters: SB 11-FN

Out of Recess. Call Senate to Order.

#### MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

# SENATE JOURNAL 4

*January 19, 2017*

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

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

Good morning and happy New Year. Before I offer the prayer that I've prepared today I would just like to take a moment to recognize Senator Giuda and his wife Christine, especially, and you probably know that she is seriously ill. So let us hold them all in thought and prayer and I'll offer a prayer for them now.

*O loving God, we lift to you Christine and all the family. We pray that you would surround them with your love and give them a powerful awareness of your presence with them, of your comfort and your strength. Amen.*

*God of unity and community, you bless us with opportunities to celebrate the diversity of humankind, and encourage us to hear and learn from perspectives other than our own. On the eve of a new political era we recognize that our nation is suffering from the effects of division. Your people struggle to find joy in diversity and to listen respectfully to differing views, and yet we know in our hearts that the only way forward is on a path of healing and restoration. We give you thanks for the many gifts of leadership represented here in this place; and we pray that those gifts would be made even more effective through the desire to use them well. As you inspire this Senate with wisdom, vision and clarity of thought, give them, too, the ability to mend broken trust, to open blocked channels of communication, to set free imaginations that are imprisoned by hopelessness, and to be agents of energy, wholeness, and light. Amen.*

Senator Watters led the Pledge of Allegiance.

Senator Giuda is excused for the day.

#### ANNOUNCEMENTS

PRESIDENT MORSE: Seeing no introductions, I'll give my only statement on ethics right now because I honestly believe the public elected all 24 of us because we do things right. I don't think the position you're being put in right now with the challenges of having to fill out forms and everything are the way that we should be guiding the Senate right now. So, my only guidance to all 24 Senators, including myself, is when in doubt over disclose. And we will certainly continue to move forward with legislation, I believe, next Thursday to clear up some issues on disclosing, and the committee on ethics, I believe, is going to try to meet next Thursday to help you through this process. But, again, my guidance to you is that if you think you should disclose, disclose.

#### SPECIAL ORDER

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

## CONSENT CALENDAR

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

## REGULAR CALENDAR

## ENERGY AND NATURAL RESOURCES

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

## FN REPORT FOR JANUARY 19, 2017

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

## REGULAR CALENDAR:

## COMMERCE

SB 11-FN, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.

## JUDICIARY

SB 12-FN, repealing the licensing requirement for carrying a concealed pistol or revolver.

Without objection, the FN Report is adopted.

## CONSENT CALENDAR REPORTS REMOVED

The following bill was removed from the Consent Calendar:

## Transportation

SB 28, relative to salvage certificates of titles for motor vehicles. Removed by Senator Birdsell.

## ANNOUNCEMENTS

SENATOR SANBORN: Thank you, Mister President, I appreciate your comments on the concerned, and cloudiness around the new ethics laws that we have today. As such, I believe it's important that if I believe I do, or may, potentially have a conflict in any bill that comes before the State House today or before the state Senate today, that I should be compelled to declare that I may or may not have a conflict. In being a taxpayer that provides money to the Technical College Institute I believe that would be enough of a conflict for me to declare that I would have one, but as such I will still be participating in the discussion. Thank you, Mister President.

PRESIDENT MORSE: Thank you, Senator Sanborn. Any further declarations?

## CONSENT CALENDAR

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

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 13, relative to statutes governing the security force at the New Hampshire technical institute. Ought to Pass, Vote 5-0. Senator Gannon for the committee.

The bill repeals certain obsolete statutes relating to the New Hampshire Technical Institute's security force.

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

## REGULAR CALENDAR

## COMMERCE

SB 11-FN, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.

Ought to Pass, Vote 3-2. Senator Sanborn for the committee.

The question is on the motion of Ought to Pass.

Recess. Out of recess.



## INTRODUCTION OF GUESTS

Senator Bradley introduced Mark Hounsell of the Public Employees Labor Relations Board.

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

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

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

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

Roll Call, Yeas: 12 - Nays: 11. Adopted, bill ordered to Third Reading.

Senator Giuda is excused.

Recess. Out of recess.

## HEALTH AND HUMAN SERVICES

SB 15, relative to the law regarding therapeutic use of cannabis.

Ought to Pass, Vote 4-0. Senator Gray for the committee.

Senator Bradley offered a floor amendment.

Sen. Avard, Dist 12

Sen. Bradley, Dist 3

January 17, 2017

2017-0048s

01/04

## Floor Amendment to SB 15

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Departmental Administration; Registry Identification Cards. Amend RSA 126-X:4, I(h) to read as follows:

(h) A statement signed by the applicant[;] ***indicating that the applicant understands relevant state and federal policies, that the applicant understands that use and possession of cannabis is a federal crime, that by accepting a registry identification card the government considers it prima facie evidence of committing a federal crime and the qualifying patient will immediately be denied rights and privileges by federal agencies including the loss of rights related to employment such as driving a commercial vehicle, inability to pass a security clearance, the immediate loss of the constitutional right to own or possess a firearm and/or ammunition,*** and pledging not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this chapter, and acknowledging that his or her diversion of cannabis is punishable as a class B felony and ***may result in*** revocation of his or her registry identification card, in addition to other penalties for the illegal sale of cannabis.

3 Departmental Administration; Registry Identification Cards. Amend RSA 126-X:4, II(f) to read as follows:

(f) A signed statement from the applicant agreeing to act as the designated caregiver for the qualifying patient named in the application ***indicating that the applicant understands relevant state and federal policies, that the applicant understands that use and possession of cannabis is a federal crime, that by accepting a registry identification card the government considers it prima facie evidence of committing a federal crime and the designated caregiver will immediately be denied rights and privileges by federal agencies including the loss of rights related to employment such as driving a commercial vehicle, inability to pass a security clearance, the immediate loss of the constitutional right to own or possess a firearm and/or ammunition,*** and pledging not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this chapter, and acknowledging that the diversion of cannabis is punishable as a class B felony and ***may result in*** revocation of one's registry identification card, in addition to other penalties for the illegal sale of cannabis.

2017-0048s

## AMENDED ANALYSIS

This bill adds a new qualifying medical condition for the purposes of receiving cannabis for therapeutic use. This bill also requires the department of health and human services to obtain the signature of an applicant for the registry identification card on an affidavit notifying the applicant of certain information.

Senator Bradley withdrew floor amendment 2017-0048s.

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

Senators Gannon, Morse and Ward are in opposition to the motion of Ought to Pass on SB 15.

SB 17, relative to treatment for hepatitis C under the law relative to use of cannabis for therapeutic purposes.

Ought to Pass, Vote 4-0. Senator Hennessey for the committee.

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

Senator Morse is in opposition to the motion of Ought to Pass on SB 17.

SB 26, relative to the definition of “facility caregivers” under the use of cannabis for therapeutic purposes law.

Ought to Pass, Vote 4-0. Senator Gray for the committee.

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

Senator Morse is in opposition to the motion of Ought to Pass on SB 26.

#### JUDICIARY

SB 12-FN, repealing the licensing requirement for carrying a concealed pistol or revolver.

Ought to Pass, Vote 3-2. Senator Carson for the committee.

Senator Watters offered a floor amendment.

Sen. Watters, Dist 4

January 13, 2017

2017-0029s

04/10

#### Amendment to SB 12-FN

Amend RSA 159:6, III as inserted by section 1 of the bill by replacing it with the following:

***III. The availability of a license to carry a loaded pistol or revolver under this section or under any other provision of law shall not be construed to impose a prohibition on the unlicensed transport or carry of a pistol or revolver in a vehicle, or on or about one's person, whether openly or concealed, loaded or unloaded, by a resident, nonresident, or alien if that individual is not otherwise prohibited by statute from possessing a firearm in the state of New Hampshire. This paragraph shall not alter or affect the prohibitions established in RSA 207:7, II-III.***

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, McGilvray, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Morse, Gannon, Innis.

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

Senator Giuda is excused.

Senator Lasky offered a floor amendment.

Sen. Lasky, Dist 13

January 18, 2017

2017-0064s

10/04

#### Floor Amendment to SB 12-FN

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

AN ACT repealing the licensing requirement for carrying a concealed pistol or revolver, and requiring background checks for commercial firearms sales.

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

4 Purpose. It is the purpose and intent of the general court in enacting RSA 159-E to require commercial firearm sales and transfers in New Hampshire to be processed through a licensed firearms dealer, who will conduct a background check and create a record of each sale. The general court believes this law will protect public safety by helping to keep firearms out of the hands of felons, domestic abusers, and the dangerously mentally ill.

5 New Chapter; Background Checks for Commercial Firearms Sales. Amend RSA by inserting after chapter 159-D the following new chapter:

#### CHAPTER 159-E BACKGROUND CHECKS FOR COMMERCIAL FIREARMS SALES

159-E:1 Definitions. As used in this chapter:

I. "Commercial sale" means a sale, transfer, or exchange of a firearm that takes place at, or on the curtilage of, a gun show or pursuant to an offer to sell, buy, transfer, or exchange a firearm that took place at a gun show, or pursuant to an advertisement, posting, listing, or display.

II. "Firearm" means any weapon or device designed to be used as a weapon, which will, is designed to, or may be readily converted to, expel a projectile by the action of an explosive, explosion, or other means of combustion, or the frame or receiver of such a device, provided the term "firearm" shall not include the term "antique firearm" as defined in 18 U.S.C. section 921(a)(16), or a weapon that has been rendered permanently inoperable and is incapable of being readily restored to a firing condition.

III. "Individual" means a natural person.

IV. "Law enforcement" means any person employed by the United States, or a state, county, city, or town, or other political subdivision as a police officer, peace officer, or another position involving the enforcement of the law and protection of the public interest.

V. "Licensed firearms dealer," "licensed dealer," or "dealer" means a person who has a valid federal firearms dealer license under 18 U.S.C. section 923(a), and all additional licenses required by state or local law to engage in the business of selling or transferring firearms.

VI. "Person" means any corporation, company, association, firm, partnership, club, organization, society, joint stock company or other entity, and shall include any entity that engages in business in this state, in whole or part, through Internet or mail order sales.

VII. "Prohibited person" means any individual or person who is prohibited from owning or possessing a firearm pursuant to 18 U.S.C. section 922(d) or pursuant to state law.

159-E:2 Firearms Sales to be Conducted Through a Licensed Dealer.

I. No individual or person shall engage in the commercial sale of a firearm unless:

- (a) The individual or person is a licensed firearms dealer;
- (b) The purchaser is a licensed firearms dealer; or
- (c) The requirements of paragraph II are met.

II. If neither party to a prospective firearms transaction is a licensed firearms dealer, the parties to the transaction shall complete the commercial sale through a licensed firearms dealer as follows:

(a) The seller shall deliver the firearm to the dealer, who shall process the sale as if he or she were the seller, except that the seller may remove the firearm from the business premises of the licensed dealer while the background check is being conducted. If the seller removes the firearm from the business premises of the licensed dealer while the background check is being conducted, the purchaser and the seller shall return to the business premises of the licensed dealer, and the seller shall again deliver the firearm to the licensed dealer prior to completing the sale.

(b) Except as provided in subparagraph (a), the dealer shall comply with all requirements of federal, state, and local law that would apply if the licensed dealer were selling the firearm from his or her inventory to the purchaser, including but not limited to, conducting a background check on the prospective purchaser, which shall include a check of the National Instant Criminal Background Check System (NICS), and compliance with all federal, state, and local recordkeeping requirements.

(c) If the transaction is not prohibited, the dealer shall deliver the firearm to the buyer after all legal requirements are met.

(d) If the dealer cannot legally deliver the firearm to the buyer, the dealer shall return the firearm to the seller without requiring a background check and the transfer to the buyer shall not take place.

(e) The dealer may impose on the purchaser a reasonable fee to cover administrative costs incurred by the dealer for facilitating the transfer of the firearm, plus any applicable fees permitted under state or federal law.

159-E:3 Exception. This chapter shall not apply to a noncommercial, private sale, transfer, or exchange of a firearm between individuals, provided neither party to the transaction is a prohibited person. If the status of either party's eligibility to own or possess a firearm cannot be ascertained, the transaction shall be completed through a licensed firearm dealer pursuant to RSA 159-E:2, II.

#### 159-E:4 Penalties.

I. Any individual or person who violates any provision of this chapter shall be guilty of a class B misdemeanor for a first offense, and a class A misdemeanor for a second or subsequent offense.

II. The local law enforcement agency shall report all violations of this chapter by a licensed firearms dealer to the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives.

#### 159-E:5 Other Laws.

I. Nothing in this chapter shall be construed to modify or change the duties of the department of safety pursuant to RSA 159-D.

II. Nothing in this chapter shall be construed to require or authorize any state, county, or local law enforcement agency to establish or maintain a registry of firearms sold or transferred in accordance with this chapter.

6 Applicability. The provisions of section 5 of this act shall apply to the sale of a firearm on or after the effective date of this act and shall not apply to sales completed prior to the effective date of this act.

7 Effective Date. This act shall take effect January 1, 2018.

2017-0064s

### AMENDED ANALYSIS

This bill:

I. Increases the length of time for which a license to carry a pistol or revolver is valid.

II. Allows a person to carry a loaded, concealed pistol or revolver without a license unless such person is otherwise prohibited by New Hampshire statute.

III. Requires the director of the division of state police to negotiate and enter into agreements with other jurisdictions to recognize in those jurisdictions the validity of the license to carry issued in this state.

IV. Repeals the requirement to obtain a license to carry a concealed pistol or revolver.

V. Requires commercial firearms sales or transfers in this state to be subject to a criminal background check and provides a criminal penalty for a violation. The bill also excludes private, noncommercial sales or transfers between individuals, provided neither individual is prohibited from owning or possessing a firearm under state or federal law.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, McGilvray, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Morse, Gannon, Innis.

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

Senator Giuda is excused.

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

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

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

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

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

Senator Giuda is excused.

#### TRANSPORTATION

SB 27, relative to grip height and handlebars of motorcycles.

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

Senate Transportation

January 10, 2017

2017-0008s

01/03

#### Amendment to SB 27

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

AN ACT relative to grip height of motorcycles.

Amend the bill by replacing section 1 with the following:

1 Handlebars on Motorcycles. Amend RSA 266:77 to read as follows:

266:77 [Grips;] Handlebars. ~~[No person shall drive on a way a motorcycle on which the grips are higher than the shoulder level of the driver when in the seat or saddle.]~~ It shall be illegal to drive a motorcycle with improvised, defective, or repaired handlebars.

2017-0008s

#### AMENDED ANALYSIS

This bill repeals restrictions on grip height on motorcycles.

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

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

Senator Gannon is in opposition to the motion of Ought to Pass on SB 27.

#### WAYS AND MEANS

SB 16, reauthorizing the commission to study apportionment of gross business profits under RSA 77-A and the committee to study the process by which business names are authorized by the secretary of state.

Ought to Pass, Vote 3-0. Senator D'Allesandro for the committee.

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

#### TRANSPORTATION

SB 28, relative to salvage certificates of titles for motor vehicles.

Inexpedient to Legislate, Vote 5-0. Senator Birdsell for the committee.

Senator Bradley moved to Lay on the Table SB 28. Adopted.

#### 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 Avar: SB 12-FN  
Senator Birdsell: SB 16, SB 28  
Senator Bradley: SB 30  
Senator Daniels: SB 11-FN, SB 12-FN, SB 30  
Senator Gray: SB 11-FN, SB 12-FN  
Senator French: SB 12-FN  
Senator Innis: SB 11-FN, SB 30  
Senator Kahn: SB 11-FN  
Senator McGilvray: SB 11-FN  
Senator Morse: SB 16  
Senator Sanborn: SB 11-FN, SB 12-FN, SB 13, SB 15, SB 16, SB 17, SB 21, SB 26, SB 27, SB 28, SB 30  
Senator Watters: SB 11-FN

ANNOUNCEMENTS

PRESIDENT MORSE: I want to take a moment today to recognize the passing of former Senator Del Downing. He was a longtime resident of Salem and was involved in just about everything in our community. Del was a family man first and foremost, with a very large family and with a wife of sixty-three years, Teresa. He was someone I have always respected and admired for his dedicated work and service to Salem and for his dedication to the state of New Hampshire. He served in Senate District 22 seat for four terms, the same seat his son, Sherriff Michael Downing held and now I am proud to hold, and continue to serve in their footsteps. I hope we can all keep Del and his family and friends in our thoughts and prayers during this difficult time.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you Mister President. Point of personal privilege. Delbert F. Downing, Del Downing: When I came to this legislature in 1972, Del was a member of the New Hampshire state Senate. They had a rancorous time trying to elect a president that year. It took a hundred votes to elect the president of the Senate. Finally Dave Nixon was chosen president of the Senate, Harry Spanos vice president of the Senate, and Del was later to become the minority leader of the Senate Democratic leader. He had a huge family. I mean, when you think about it, I think he had twenty-two grandchildren, twenty-three great-grandchildren, he had an army of kids, an army of kids. And Mikey, who sat beside me both in the House and in the Senate, was truly, truly one of the greatest human beings you would ever, ever want to know. And the son was the image and likeness of the father. The father was a great guy. He served our state after leaving the Senate as the Director of the Water Resources Board for the state of New Hampshire. In those days we had water pollution and fire control. We had Bill Healy was the head of Water Pollution and Fire Control and Del had his office up where the Charitable Foundation is now, they were in that building. And every time you saw Del Downing he was smiling. I mean that, he was a member of the Ancient and Honorable Artillery, that company from Massachusetts, and Mike served as Captain, I believe his father served as Captain. And in terms of his work in the town of Salem as the President pointed out, I mean he did everything in Salem. He was actively involved in every aspect of the community. Salem was a big and burgeoning town in those days; growing, growing all the time; a lot happening in Salem. I had the honor of receiving Del Downing's support in every election I was ever involved in. He was always there with a good word for me and I think it's a great loss in this context; he was a great guy, and an example for all of us as Michael was, but an example that we want to, we would like to be in the image and likeness of the Del Downing's of the world, the Walter Peterson's of the world the Michael Downing's of the world who believed in public service and gave public service over and above. And that's kind of a dying breed so let's hope that we can capture some of that back and transmit that to the next generation. But Salem will miss Del Downing, we'll miss Del Downing. He gave great service in this body. That's the thing that all of us appreciate when we come and when we leave, what it's like to be in this body, what it's like to be a Senator, what it's like to work hard for your constituents; we have these debates and so forth, but when people leave here they go back to their communities and are able to say this is what happened, this is what we did. And that's what a guy like Del Downing did. I said it in a quote. I said he was completely a class guy. He was a real public servant in the best sense of the word. Our sincerest sympathy to his family, to the town, to his dear friends and we were privileged to know him, privileged to be the recipient of his service. And I'm very, very thankful for an opportunity to let people know how much we'll miss Del Downing, just as we miss Michael. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)



SENATOR D'ALLESANDRO: Quickly Mister President. Ed Hebert passed away. Some of us – well wait a minute, who remembers Ed? Donna remembers Ed. Who else? Anyone who worked in the Clerk's office, but like everybody who comes around here, one way or another, I had an association with them. I had him in school, when he was in high school, at Bishop Bradley High School. So I had Ed at Bishop Bradley. He came here and those of you who knew Ed, a very versatile guy, he wanted to help, he sat in the other room and did his stuff and just did it well; really dedicated, as our Clerk will say. I can always say he was a kid because that's how I remember these guys, as kids when I had them at Bradley. Ed passed away. When he was here he had a stroke and was really in bad shape for a lot of the latter part of his life; but a very simple family, his parents took care of him; he lived close to his parents. We really should remember people who have given us that kind of service as members of the staff. He was always running around helping us. We don't want to forget people like Ed because they make the world go round, you know, they make it happen. And we offer our deepest condolences to his family, and we thank him for what he did when he was a member of the Senate, and thank you the wonderful Tammy for attending the service with some of the members of your staff, and remembering a guy who did something good for all of us. Thank you, Mister President.

PRESIDENT MORSE: Senator Giuda...his children have all flown in. All I can say is Senator Avard got it right – we need to pray for a miracle right now.

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 11-FN, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.

SB 12-FN, repealing the licensing requirement for carrying a concealed pistol or revolver.

SB 13, relative to statutes governing the security force at the New Hampshire technical institute.

SB 15, relative to the law regarding therapeutic use of cannabis.

SB 16, reauthorizing the commission to study apportionment of gross business profits under RSA 77-A and the committee to study the process by which business names are authorized by the secretary of state.

SB 17, relative to treatment for hepatitis C under the law relative to use of cannabis for therapeutic purposes.

SB 26, relative to the definition of "facility caregivers" under the use of cannabis for therapeutic purposes law.

SB 27, (New Title) relative to grip height of motorcycles.

#### 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.