SB 7-FN-LOCAL, relative to eligibility for food stamps and establishing the Granite Workforce pilot program.
SB 73, relative to septic requirements in conversions to accessory dwellings.
SB 88-FN, authorizing wine manufacturer retail outlets.
SB 197-FN-A, making an appropriation to the department of justice to enforce election and lobbying laws.

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 224-FN, relative to conversion therapy seeking to change a person's sexual orientation.

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 122, relative to withdrawal from a cooperative school district.
HB 337, relative to municipal regulations of small wind energy systems.

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.

January 18, 2018

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

The Reverend Jon Hopkins, chaplain to the Senate, offered the following prayer:

Let us pray.
Dear God, in these days when the night is long, do not let us grow cynical believing that our work here doesn't matter. Help us to see the light to know that what we do here matters to those that we serve. In these days when the days are cold, let not our hearts grow cold with prejudice and hatred. Warm our hearts with joy in our work so that all who live in New Hampshire may flourish. In these days when we want to huddle at home by the warm fire, help us to see our neighbor in need and make just laws that make homes a reality to all families. In these days, when we can lose hope, give us the joy of gratitude to remember that we get to participate in democracy in a great state in a great country. Give us joy of serving our constituents. Give us the joy of being with our colleagues in the Senate. Help us to find common ground, speak our minds with respect and dignity, and fight for what is good and honorable. Let us work hard in these dark, cold days so that our work may be worthy of our calling. Amen.

Senator Giuda led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President I have a number of guests to introduce. First, I'd like to introduce Mary Jo Powelson and Colby Powelson; if you could please stand up, and I'll give an introduction. Mary Jo is the wife of the late David Powelson for whom we're naming a bridge today in Senate Bill 399. David worked for the Department of Transportation in the bridge division for close to forty years and was so involved in the community. And it's just an honor to have Mary Jo, his wife, and their son Colby, so let's please give them a round of applause. Thank you.

Thank you, Mister President. It's also an honor to have some new American African leaders here in Concord with me today as my honored guests. We'll start with Ayi D'Almeida–can Ayi stand up? Or maybe he took off. He was up there before.

We'll start with Sentho Hunt. Sentho arrived into the United States at the age of 5 with her twin brother. They're both adopted from war-torn Sierra Leone in West Africa. Art is her passion and her way of self-expression, and she graduated with BFA in painting and drawing, and also works at the Concord Food Co-op bakery, and is involved in numerous community activities. Let's give a round of applause to Sentho.

I believe Ayi is back. Ayi, my friend Ayi is originally from West Africa and has been in the United States for almost ten years. He graduated from Concord High School in 2011; then UNH Wildcats, 2015, with a bachelor's in international affairs and psychology and a focus in health science. Following graduation from UNH Ayi did a year of service with AmeriCorps, and he has worked with the American Friends Service Committee, including in Concord as a grassroots and community organizer. He also works as a youth coordinator for new African Americans here in the greater Concord area. His goal is to make Concord more youth and young adult friendly and mobilizing young adults to be able to speak up and become more empowered in their community. Let's give a round of applause to Ayi.

It's also an honor, Mister President, to have Jane Yen–if Jane can stand up. Jane is a refugee from the South Sudan. She lives here with her mother and her sisters. Her work, and her aspiration, is to become a cardiovascular surgeon. She wants to excel in health care, providing health care to those who need it most, and to be a role model for young men and women both in Concord and around the world. Let's give a round of applause for Jane.

And Mister President, my last guest: it's an honor to have Martin Toe.

AYI D'ALMEIDA: He's trying to find his way up here!

SENATOR FELTES: Well, we will go ahead and give his introduction. It's going to be great to have Martin. Martin came to the United States due to civil war in Liberia. He is a member of the community group Change for Concord, which does a lot of great work in the Concord community. He's a musician, and he's author of the book *America Calls to Me*. So, in lieu of Martin's absence, and when he comes here, maybe we could do it again, but let's give Martin a round of applause. Thank you, Mister President.

INTRODUCTION OF PAGES

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. I have two special guests here today. First we have Katie Boyle. Katie is from Manchester,

New Hampshire. She's fifteen years old and a sophomore at Central High School. Katie's favorite subject is biology. She's on the varsity soccer team, girls' soccer team. They just won a state championship this past season, congratulations. And she's also part of DECA, which is Distributive Education Clubs of America. Right now, Katie wants to attend college, but right now she's concentrating on her high school career, and thank you for being here, Katie.

Now I have another special guest, who I am very close to. This is my daughter, Ryleigh Cavanaugh. Ryleigh's sixteen years old. She's a junior at Central High School in Manchester. Her favorite subject is creative writing. Ryleigh also plays varsity girls' lacrosse where she was voted the team captain as a junior coming this season; we're very proud of that. And she also participates in the DECA program. Ryleigh wants to go on to college, and she wants to attend college and major in architect, and minor in political science. Thank you for being here, Honey.

FN REPORT FOR JANUARY 18, 2018

Senator 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:

CONSENT CALENDAR:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 324-FN, allowing an optional retirement system allowance to include a subsequent remarriage of a divorced retiree.
SB 369-FN, relative to the publication of the rulemaking register.

TRANSPORTATION
SB 396-FN, relative to gold star number plates.
SB 397-FN, authorizing the university system of New Hampshire to issue decals for multi-use decal plates.

REGULAR CALENDAR:

ENERGY AND NATURAL RESOURCES
HB 225-FN, relative to information collection concerning electric renewable portfolio standards.

HEALTH AND HUMAN SERVICES
SB 334-FN, relative to temporary licensure of allied health professionals from nearby states.
SB 376-FN, relative to the sale of certain cold medications.
SB 377-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners.

TRANSPORTATION
SB 344-FN, authorizing New England Donor Services, Inc. to issue decals for multi-use decal number plates.

Senator Daniels recommends the following bills be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:

CONSENT CALENDAR:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 372-FN-A, establishing positions in the office of professional licensure and certification and making an appropriation therefor.

REGULAR CALENDAR:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 561-FN, relative to contributions by retirement system employers for certain full-time positions changed to part-time or interim employment and relative to enforcement of provisions concerning retired members working part-time after retirement.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 330, by Senator Sanborn

TRANSPORTATION
SB 397-FN, by Senator Birdsell
SB 399, by Senator Feltes

SPECIAL ORDER

Without objection, the following bill is special ordered to the beginning of the calendar. Adopted.

TRANSPORTATION
SB 399, naming a bridge in Concord in honor of David E. Powelson.

SPECIAL ORDER

Without objection, the following bill is special ordered to the next session. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 371, establishing the Meldrim Thomson, Jr. Memorial Commission.

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 as follows:

FN bills not waived under Senate Rule 4-5, to the Committee on Finance; non-FN bills approved for referral to Finance by the day's FN report, to the Committee on Finance; and all other bills, to Third Reading.

EDUCATION
SB 360, establishing a commission to study whether the department of education should be required to conduct criminal history records checks, via a fingerprint check, on all applicants for teacher certification.
Ought to Pass with Amendment, Vote 5-0. Senator Ward for the committee.

> This bill establishes a commission to study whether the department of education should be required to conduct criminal history records checks, via a fingerprint check, on applicants for teacher certification. It was requested by the department and consists of various members across the spectrum of education. The committee amendment adds a member from the Nonpublic School Advisory Council which was a request of the Roman Catholic Diocese as well as subtracts a Senator from the membership of the commission.

Senate Education
January 9, 2018
2018-0065s
06/10

Amendment to SB 360

Amend RSA 21-N:12, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) One member of the senate, appointed by the president of the senate.

Amend RSA 21-N:12, II as inserted by section 1 of the bill by inserting after subparagraph (h) the following new subparagraph:

(i) A representative of the nonpublic school advisory council of the department of education, appointed by the council.

Amend RSA 21-N:12, V as inserted by section 1 of the bill by replacing it with the following:

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 324-FN, allowing an optional retirement system allowance to include a subsequent remarriage of a divorced retiree.

Ought to Pass with Amendment, Vote 5-0. Senator Cavanaugh for the committee.

This bill as amended allows a retiree who terminated a retirement system optional allowance following divorce, or whose spouse renounced an election, to nominate a current spouse after remarriage for a new optional allowance.

Senate Executive Departments and Administration
January 10, 2018
2018-0090s
10/04

Amendment to SB 324-FN

Amend the bill by replacing section 1 with the following:

1 Retirement System; Optional Allowances; Retiree Subsequent Remarriage. Amend RSA 100-A:13, II(a)(2) to read as follows:

(2) [~~Due to the death of a former spouse and~~] ***Following*** the retiree's subsequent remarriage, elect to nominate the current spouse as beneficiary under one of the options named in paragraph III***, due to either the death of a former spouse, the termination of an elected option under subparagraph (1), or the termination of an elected option by a former spouse under subparagraph II(b)***. The notice of election shall be on a form designated by the board. The optional allowance shall be effective the first of the month following receipt of the notice. If a retiree dies after filing such notice but before the effective date, the change shall be effective as of the date of death. The optional allowance shall be of equivalent actuarial value. Any supplemental allowances, or COLAs, granted to the retiree before the effective date of the election shall terminate on such effective date,

but the value of such COLA's shall be included in the actuarial determination of the amount of the allowance payable under the elected option.

2018-0090s

AMENDED ANALYSIS

This bill allows a retiree who terminated a retirement system optional allowance following divorce, or whose spouse renounced an election, to nominate a current spouse after remarriage for a new optional allowance.

SB 325, establishing a committee to study the consolidation of the board of mental health practice and the board of licensing for alcohol and other drug use professionals.
Inexpedient to Legislate, Vote 5-0. Senator Reagan for the committee.

This bill would have established a committee to study the consolidation of the board of mental health practice, the board of licensing for alcohol, and other drug use professionals. The testimony indicated that this legislation is not necessary.

SB 326, relative to the functions of the division of historical resources.
Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This legislation provides the Division of Historical Resources the ability to provide assistance to entities seeking to participate in the federal Historic Preservation Tax Incentives program. The legislation also states that the Division shall not establish historic preservation criteria that are more stringent than the federal guidelines.

SB 328, relative to attorney general membership on certain committees and repealing the criminal justice information system.
Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

This legislation removes the Attorney General as a member of the Wellness and Primary Prevention Council and the OBD II testing Advisory Committee. In addition, the bill repeals the criminal justice information system program, known as J-One.

SB 369-FN, relative to the publication of the rulemaking register.
Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This legislation provides that the weekly publication of the rulemaking register by the Director of Legislative Services shall be made directly online. The bill removes the statutory requirement for weekly publication of the rulemaking register to be made in a hard copy format.

SB 372-FN-A, establishing positions in the office of professional licensure and certification and making an appropriation therefor.
Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This bill will authorize three license clerk positions in the Office of Professional Licensure and Certification and makes the appropriation therefor. This gives the Office of Professional Licensure and Certification the appropriate resources for addressing licensing applications in an expedient manner.

SB 407, relative to membership of the McAuliffe-Shepard discovery center board.
Ought to Pass, Vote 5-0. Senator Gannon for the committee.

This legislation removes the two legislative members from the McAuliffe-Shepard discovery center board. This removal was done due to the fact that the McAuliffe-Shepard discovery center is no longer operated by the state.

TRANSPORTATION
SB 396-FN, relative to gold star number plates.
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

This bill as amended would allow gold star number plates to be issued to both the mother and the stepmother of a person killed while on duty in the United States armed forces. The bill provides clear criteria for stepmothers who are qualified to receive gold star number plates, and it recognizes the sacrifices made by the families of those who serve in the armed forces.

Senate Transportation
January 10, 2018
2018-0076s
03/04

Amendment to SB 396-FN

Amend RSA 261:87-c, III as inserted by section 1 of the bill by replacing it with the following:

III. A stepmother of a person killed while on duty in the United States armed forces shall only be eligible for gold star number plates if her marriage license is dated prior to the member's fifteenth birthday and the stepmother provides a copy of the marriage license to the director. The stepmother shall also be required to provide a DD Form 1300 to the director. A stepmother shall not receive plates under this section if another stepmother of the person killed while on duty holds gold star number plates furnished under this section.

2018-0076s

AMENDED ANALYSIS

This bill authorizes the issuance of gold star number plates to a stepmother of a person killed while on duty in the United States armed forces.

This bill was requested by the committee to study gold star number plates established in 2017, 29.

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

REGULAR CALENDAR

TRANSPORTATION
SB 399, naming a bridge in Concord in honor of David E. Powelson.
Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Senate Bill 399 would name a certain bridge in Concord going over I-393 in east Concord in honor of the late David Powelson. David worked for the Department of Transportation since 1978 where he spent his entire career committed to the safety and the maintenance of thousands of bridges across the state of New Hampshire. His friends and colleagues recognize him as a hard-working, honest, generous, and civic minded individual. And I believe the

committee came to the conclusion, certainly I did, that naming a bridge in honor of someone who committed his life to working on our bridges made a whole heck of a lot of sense. A great person, a great family, it's an honor that they're here today, and I would respectively encourage this body to approve the naming of the bridge in east Concord over I-393 informally known as the "Grasshopper Bridge" right now, to the David E. Powelson Bridge. Thank you so much, Mister President.

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

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

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

The following Senators voted No: (None)

The following Senators were excused: Carson.

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

INTRODUCTION OF GUESTS

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you very much, Mister President. I'd like to ask all of you to join with me in welcoming the bright, smiling faces of the students from Hallsville Elementary School. You have a large fourth grade class, so welcome to the New Hampshire Senate!

COMMERCE
SB 92, relative to the consumer complaint process at the banking department.
Inexpedient to Legislate, Vote 3-2. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. Mister President, I move Inexpedient to Legislate on Senate Bill 92. This bill attempts to do two things: it decreases the deadline times that banks and credit unions are required to respond to a consumer complaint by 50 percent; it also decreases the time by 50 percent of when an investigation of that complaint must occur. The majority of the Senate Commerce Committee felt that this bill was too aggressive, it was not responding to any complaints from anybody and, therefore, there were questions as to whether banks and credit unions could actually comply, not to mention the fact that this makes a disparate position between state banks, credit unions, and federal institutions. So, while we understand and agree with the fact that the job of the Banking Department is to operate on a balance of consumer protection and supporting the institutions themselves, in this case we feel that it's a solution in search of a problem, and that the existing system works pretty well by itself. So with that I would move Inexpedient to Legislate. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I rise in opposition to the committee report. This particular piece of legislation, Mister President, was a request of the Banking Department and it brings our complaint response timeframes down in line with surrounding states. What is the objection to this? Well, we didn't see any objection at the hearing from the industry, and the industry would aptly note that they got a response of the complaints anyways.

So moving the timeframe down so that those responses are provided in a more reasonable way in line with other states is not going to put us at a competitive disadvantage in any way, shape or form. And the notion that somehow inter-relating this with CFPB I don't think is relevant. Look, the jurisdiction of the Banking Department is for state chartered credit unions and banks; the jurisdiction of the CFPB is for the nationally chartered providers and financial services operators. And, quite frankly, the CFPB has much bulkier rules and regulations in terms of the complaint processing. This is simply bumping it up so that our consumers in the state, who, in some cases, are being harmed, are in the midst of being harmed. And bumping up those timeframes so that the complaint process moves a little bit quicker is good for consumers, it doesn't harm the industry–they're responding anyways–and so on balance it's a good piece of legislation. I think it's a reasonable request from the Banking Department. So I would request that we overturn ITL so we can do a substitute motion of Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Feltes.)

SENATOR GIUDA: The Senator from Concord, thank you for taking my question. Would this new restriction have had any effect on the FRM scandal?

SENATOR FELTES: Well, first it's not a…thank you very much for the question, Senator Giuda. It's not a new restriction, it's a…we're bumping up the timeframes to respond. If there's a complaint that's filed, the banks or the credit unions need to respond anyways. It's just bumping up the timeframes when they respond. Second, in terms of FRM, or any complaint that is potentially within the jurisdiction of the Banking Department, as you know during the FRM thing there was a lot of finger pointing about who had jurisdiction and that kind of thing. We don't need to get into it, but what I would say is if it's a relevant jurisdictional complaint with the Banking Department, this would help consumers get quicker process; not super, you know, egregious or burdensome because they've got to respond anyways, but it bumps up the timeframe. So, it's fair to say that it's slightly pro-consumer in terms of getting quicker process within the administrative process of the state. And I think we all want the state to serve our citizens better, and what this does it says let's have quicker process. And, by the way, that's not just good for consumers, that's good for the industry too to get things resolved quicker; not have it looming out there for longer periods of time.

SENATOR GIUDA: Thank you. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in opposition to the current motion and would ask my colleagues to overturn it so that we can offer an Ought to Pass motion. And I just want to speak very briefly to this issue because I actually worked for the New Hampshire Banking Department as a staff attorney taking in complaints, and I was working for the Banking Division at the time. I want to make clear to everybody that this legislation would apply not only to banks and credits unions, but would apply to all other regulated entities, which are sales finance companies, retail sellers, mortgage companies, and others. And, I will tell you although it was years ago, in speaking with the Department, there's no question that the vast majority, I would say, in almost every instance, unless there was a really significant problem and there was back and forth, the complaints are responded to in a far more timely

fashion then is being proposed here. Most of them are resolved within days because banks, credit unions, and other entities want to do good business. They're competing with others, and to the extent someone has an issue or a complaint they want to resolve them. So, suggesting that giving a little less time for them to file their complaint, I would submit to you that over the years they've been resolved sooner than this legislation would propose anyway. And, if they aren't, and if they are not communicating with the Department in as timely a fashion, then there truly is something wrong and it is the Department's job to help provide that consumer with the resolution. This is not onerous, this is not burdensome, this is simply putting our deadlines and our practices in line with other states, with other regulators in the industry, and this is good, I think, for both the regulated entities and consumers, and I would ask you to vote down this motion so that we may offer an Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise again to remind the body that the committee did have a hearing on this, and there was no one that actually showed up in favor of this other than the Banking Commission, itself. And, again, I think the Banking Commissioner, if I had a the pleasure of sitting beside him in this building, he's a wonderful person, does a great job, I'd point to the members in this room as an example of what egregious government looks like; that the requirement for a bank that could have locations scattered throughout the state of New Hampshire from Pittsburg to Salem would get a complaint on Friday afternoon–and this legislation doesn't give them 10 business days to respond, it give them 10 days to respond. So, by the next Monday they would have to go down to their record keeping place, which could be 150 miles away, and do a full research and try and make it happen while they're still trying to actually operate their business. You know, we talk regularly in the business community about "commercially reasonable." What is a "commercially reasonable" amount of time that an operation should stop what it's doing, look into it, and respond? If there were complaints, if people had filled our hall–this is something I hear all the time, right? No one showed up in opposition, so why are we passing it? No one showed up in favor, so why are we passing it? Why are we using the power of government to put such restrictions on the business community that no one's complaining about today that gives them, literally, a week and a day to make a response? Is that reasonable? And I would submit to you that it's not. The process we have in place today works. There're no complaints saying it doesn't work. So, therefore, again, Mister President, I would ask that the body support the committee recommendation of Inexpedient to Legislate. Thank you very much.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I don't want to go back and forth on this too long, but just two quick clarifications. One is certainly legal assistance supported it, the Banking Department supported it, and I think the testimony from the industry was listed as support, was certainly, at least, neutral, and so that's a clarification from the Senator from District 9. Also, the 10 day mark, that's written in acknowledgement of the receipt of the complaint. You don't have to have your full response at that time. So I just wanted to make that clear. And, again, I encourage us to overturn ITL so we can move Ought to Pass. It's a very reasonable request by the Banking Department consistent with the processes in surrounding states. Thank you, Mister President.

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

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

The following Senators voted Yes: Giuda, French, Sanborn.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

Roll Call, Yeas: 3 - Nays: 21. Failed.

Senator Bradley moved Ought to Pass.

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

EDUCATION
SB 358, relative to reorganization of the department of education. Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

Senate Education
January 9, 2018
2018-0064s
06/04

Amendment to SB 358

Amend RSA 21-N:4, VIII as inserted by section 1 of the bill by replacing it with the following:

~~XIII~~] ***VIII.*** With the advice of the state board of education, and in consultation with the deputy commissioner and the directors of the affected divisions, [~~have~~] ***having*** the authority to transfer or assign functions, programs, or services within or between any division. ***When transfers or assignments are made that require legislative action, the commissioner shall work with the legislature in the legislative session immediately following such transfers or assignments to codify such transfers or assignments in law.***

Amend RSA 21-N:5, I(i) as inserted by section 1 of the bill by replacing it with the following:

(i) Assuring compliance with all federal and state equal opportunity and access requirements, including, but not limited to, those federal requirements concerning awareness and elimination of discrimination on the basis of sex, race, language, national origin, or disability, and state requirements in accordance with RSA 354-A.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 358 Ought to Pass with Amendment. At the request of the Department of Education, this bill makes changes to reorganize the Department, including modifying the duties of the Commissioner and Deputy Commissioner. Further, the bill changes the names of several divisions within the Department to more appropriately reflect each of their roles. The committee amended the bill to ensure that the Department will consult with the legislature when transfers or assignments are made within the Department that require legislative action. This legislation will help to allow the Department to carry out the responsibilities and objectives in the most efficient way possible. Therefore, the entirety of the Education Committee asks for your support in the motion of Ought to Pass with Amendment on Senate Bill 358. Thank you, Mister President.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you very much, Mister President. I'd ask all of you to join with me in welcoming the smiling faces from the fourth grade Hallsville Elementary School. Thank you for being with us today.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I rise in support of the amendment, and I did want to take an opportunity to thank the committee Chair, the Senator from District 17, for all his hard work on this legislation, which really began almost a year ago. As the Chairman said, it does codify necessary changes in the Department of Education, which we heard about and support. I just did want to confirm the intent of the amendment, which you can see before you on page 6 of the calendar, and it does two things. Indeed, it confirms what we went through this whole process about that there will be this process of consultation as is necessary in statute when changes are made that need to be codified in law. And then secondly, and also importantly there's an amendment here that deals with the classes protected from discrimination. And it's important and was felt to be important by the Department of Education to have this in their own statutory law, but the change here wanted to make sure that there's also reference to RSA 354-A, which is where we codify all the protections afforded. And also, 354-A does make reference to the underlying federal civil rights statutes which govern these as well. And this also can be useful as well so that if there are additional changes made in protected classes we don't have to come back and amend it just for the Department of Education. So, this is a very useful and important bill, and I'm pleased to support it. Thank you, Mister President.

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

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

PRESIDENT MORSE: Before I accept a motion from Senator Bradley to the Powelson Family, one of our Senators, her husband got in a car accident and she just arrived, and I believe she wants to vote on your naming of a bridge so we're going to revote on it. So you'll get it twice in one day.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I appreciate the explanation. Our colleague from Londonderry was unavoidably detained helping her husband who had a car accident, and I'm told that everything is fine. And, obviously, we'd like for all twenty-four of us to be able to honor the Powelson Family and sign the sheet that comes with a roll call for your record. So, in order to do that, Ma'am, I would move that we reconsider our vote on Senate Bill 399 so that I can offer the Ought to Pass motion subsequently.

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 399, naming a bridge in Concord in honor of David E. Powelson, the bill having been previously found Ought to Pass. Adopted.

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

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

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

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

ENERGY AND NATURAL RESOURCES
SB 321, relative to group host net energy metering.
Ought to Pass, Vote 3-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mr. President. I move Senate Bill 321 Ought to Pass. This bill removes the requirements that net energy metering group host customers be default service customers of the same distribution utility as the host and that they are responsible for certain costs. Senate Bill 321 will allow those who take part in group net metering to access competitive rates through third party supply. The legislation removes an unnecessary barrier that prevents a consumer's energy choice and allows them to have lower energy costs. Senate Bill 321 further repeals the requirement that group net metering hosts be responsible for the costs in upgrading their utility's information systems to allow for group net metering. The Senate Energy and Natural Resources Committee asks for your support for the motion of Ought to Pass on Senate Bill 321. Thank you.

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

SB 367, relative to public utilities commission review of group host agreements.
Ought to Pass, Vote 4-0. Senator Feltes for the committee.

SENATOR FELTES: Thank you, Mister President. Mister President, I move Senate Bill 367 Ought to Pass. This bill removes the review by the Public Utilities Commission of net metering group host agreements and eliminates certain payment adjustments for small residential group host systems. Senate Bill 367 alleviates the PUC from an administrative burden. Currently, the PUC must review and report on each group host's generation in the state to ensure it is less than or equal to the consumption of all the members. Most reports reflect that the generation produced is accurate for small group hosts. This bill will exempt group hosts with less than 15 kilowatt hours of generation from the reporting requirement. Given the rise of applications for group net metering at the PUC, Senate Bill 367 will free up resources at the Public Utilities Commission to better address other issues, and it will reduce red tape on both public utilities and the private sector, including smaller businesses and users. The Senate Energy and Natural Resources Committee asks for your support for the motion of Ought to Pass on Senate Bill 367. Thank you.

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

HB 225-FN, relative to information collection concerning electric renewable portfolio standards.
Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Energy and Natural Resources
January 9, 2018
2018-0073s
10/05

Amendment to HB 225-FN

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

1 Electric Renewable Portfolio Standard; Information Collection. RSA 362-F:8 is repealed and reenacted to read as follows:

362-F:8 Information Collection.

I. By July 1 of each year, each provider of electricity shall submit a report to the commission, in a form approved by the commission, documenting its compliance with the requirements of this chapter for the prior year. The commission may investigate compliance and collect any information necessary to verify and audit the information provided to the commission by providers of electricity.

II. The commission shall adopt rules governing the reporting requirements under paragraph I that are designed to minimize the administrative costs and burden on electricity providers.

III. Beginning October 1, 2019 and by October 1 of each subsequent year, the commission shall disclose the information collected under paragraph I as public information in the commission's annual report pursuant to RSA 362-F:10, IV. No information shall be disclosed to the public that is confidential as defined by public utilities commission or NEPOOL Generation Information System rules.

IV. The commission shall provide as part of the annual renewable energy fund report, pursuant to RSA 362-F:10, IV, renewable portfolio standard compliance costs and average electric rate impact; renewable energy certificate versus alternative compliance payments comparison; and alternative compliance payments by class and provider of electricity.

V. The commission shall complete the rulemaking process and submit requests to the administrator of the NEPOOL Generation Information System that are necessary to implement this section no later than April 1, 2019.

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

2018-0073s

AMENDED ANALYSIS

This bill modifies the requirements for annual reports by providers of electricity concerning electric renewable portfolio standards and the disclosure of such information by the public utilities commission.

SENATOR BRADLEY: Thank you, Mister President. I move that House Bill 225-FN Ought to Pass with Amendment. The bill modifies the requirements for annual reports by providers of electricity and renewable energy certificates concerning the renewable portfolio standards. This bill, as amended, will grant more transparency to ratepayers about how electricity providers are complying with the renewable portfolio standard. The bill will also provide energy consumers information about renewable portfolio standard compliance costs and its impact on electric rates. The Senate Energy and Natural Resources Committee asks for your support on the motion of Ought to Pass with Amendment. Thank you.

(The Chair recognized Senator Giuda for a question of Senator Bradley.)

SENATOR GIUDA: Thank you, Senator, for taking my question. In the amendment it says, "No information shall be disclosed to the public that is confidential as defined by PUC or NEPOOL Generation Information System rules." What are we withholding? And I don't mean that in any way as a slur. I'm just curious as to what information that might be.

SENATOR BRADLEY: Well that would be confidential information about a renewable certificate that has been established by the NEPOOL rules for what's confidential in terms of how competitors compete with each other.

SENATOR GUIDA: Will that include any rate information?

SENATOR BRADLEY: No, not to my knowledge.

SENATOR GIUDA: Thank you.

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

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 561-FN, relative to contributions by retirement system employers for certain full-time positions changed to part-time or interim employment and relative to enforcement of provisions concerning retired members working part-time after retirement.
Ought to Pass with Amendment, Vote 4-1. Senator Carson for the committee.

Senate Executive Departments and Administration
January 11, 2018
2018-0110s
10/03

Amendment to HB 561-FN

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

AN ACT relative to part-time employment of a retirement system retiree by a participating employer.

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

1 Retirement System; Definition; Part-Time. Amend RSA 100-A:1, XXXIV to read as follows:

XXXIV. "Part-time" for purposes of employment of a retired member of the New Hampshire retirement system but excepting per diem court security officers and court bailiffs, means employment [~~during a calendar year~~] by one or more ***participating*** employers of the retired member which shall not exceed [~~32 hours in each normal calendar week. Employment in some instances may exceed 32 hours in any normal calendar week provided that in such case, the part-time employment of the retired member shall not exceed 1,300 hours in a calendar year, so long as such part-time employment does not occur outside of a 5-consecutive-month period in any 12-month period.~~] ***1,300 hours in a calendar year, except as provided in RSA 100-A:7, II or RSA 100-A:7-b. Notwithstanding the foregoing, no retired member shall be employed on a part-time basis by any participating employer for a period of 28 days from the member's effective date of retirement.***

2 Restoration to Service; Working After Retirement. Amend RSA 100-A:7 to read as follows:

100-A:7 [~~Restoration to Service~~] ***Working After Retirement; Exceeding Part-Time Hourly Limit***.

I. [~~If a disability beneficiary or any other beneficiary is~~] ***Any retired member returning to work for a participating employer in a position requiring mandatory membership pursuant to RSA 100-A:3 shall be*** restored to service[~~,~~] ***and*** the [~~beneficiary's~~] ***retiree's*** retirement allowance shall cease, the [~~beneficiary~~] ***retiree*** shall again become a member of the retirement system***,*** and the [~~beneficiary~~] ***retiree*** shall contribute at the percentage payable pursuant to RSA 100-A:16, I(a). Anything herein to the contrary notwithstanding, any credit for membership service and for any prior service on the basis of which the [~~beneficiary's~~] ***retired member's*** creditable service was computed at the time of [~~the beneficiary's~~] ***his or her*** former retirement shall be restored to full force and effect; upon subsequent retirement, the [~~beneficiary~~] ***retiree*** shall receive a retirement allowance based on [~~the beneficiary's~~] ***his or her*** combined creditable service and [~~the member's~~] average final compensation.

II. The employment of a retired member who, in any calendar year, is employed part-time by a participating employer in a position for which the employer provides prior notice to the retirement system that the position will exceed 1,300 hours in the calendar year but not exceed 1,600 hours in the calendar year, shall be subject to a surcharge on the compensation paid for such position. The employee shall have deducted from his or her salary or wages paid by the employer a surcharge of 3 percent of such compensation. The employer shall be subject to a surcharge of 5 percent of such compensation paid. The employer shall cause such surcharge amounts to be paid to the retirement system at such times as may be designated by the board of trustees and credited to the state annuity accumulation fund for the benefit of the retirement system. The surcharges collected are not contributions of a member and shall not accrue to the benefit of the retired member paying the surcharge.

III. Any retired member who, in any calendar year, works part-time for one or more participating employers and exceeds the maximum permitted hours as provided in RSA 100-A:1, XXXIV or the maximum hours provided in paragraph II, shall forfeit the state annuity portion of his or her retirement allowance, and any allocable cost of living adjustments, with such forfeiture commencing as soon as administratively feasible in the next calendar year and continuing for a period of 12 months.

IV. The board of directors of the retirement system shall adopt rules as necessary to administer and enforce the provisions of this section.

3 Annual Notice Required. Amend RSA 100-A:7-a to read as follows:

100-A:7-a Certain Part-Time Employment; Notice Required. The retirement system shall annually provide written notice to all retired members of the retirement system of the [~~hourly~~] limitations on part-time employment as defined in RSA 100-A:1, XXXIV ***and RSA 100-A:7, II*** and the potential effect that exceeding such hourly limitations could have on the retired member's retirement benefits, including restoration to service as required in RSA [~~100-A:7~~] ***100-A:7, I and the forfeiture of the state annuity portion of his or her retirement allowance under RSA 100-A:7, III***.

4 Certain Part-Time Employment; Emergency Exception. Amend RSA 100-A:7-b to read as follows:

100-A:7-b Certain Part-Time Employment; Emergency Exception. The [~~hourly~~] ***annual*** limitations on part-time employment as defined in RSA 100-A:1, XXXIV shall be modified for retired members [~~who exceed the 32-hour limit while providing assistance~~] ***to exclude any hours worked*** during an emergency under this section. [~~While providing assistance during an emergency under this section, a retired member may exceed the 32-hour limit in a calendar week provided that the member has not exceeded 1300 hours in the current calendar year.~~] For purposes of this section, an emergency includes any event declared by the governor or while working under the direction of the director of the division of forests and lands during woodland fire control. ***Employers shall include hours worked during an emergency as a separate entry in the report required in RSA 100-A:16, VII(a).***

5 Retirement System; Employer Reports. Amend RSA 100-A:16, VII(a) to read as follows:

VII.(a) Every employer shall report to the retirement system [~~monthly~~] ***annually***, in a format provided by the retirement system, all compensation paid by***, and the total hours worked for,*** the employer [~~to retired members~~] ***by each retired member*** of the retirement system, including the name of, and the total hours worked, for each retired member of the retirement system, except that an employer shall not include in the report the compensation and hours worked by a retiree for serving as an elected state official or as an elected official of a political subdivision in either a group I or group II position.

6 Application to Existing Part-time Positions. The amendments to the provisions of RSA 100-A made by this act shall not apply to a retired member working in a part-time position for a participating employer for the position in which the retired member is employed on the effective date of this act.

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

2018-0110s

AMENDED ANALYSIS

This bill changes the limit on part-time employment of a retirement system retiree to an annual 1,300 hourly limit, or up to 1,600 hours if a surcharge is paid by the retired member and employer, and prohibits part-time employment in the first 28 days after retirement. The bill also establishes a penalty for retired members' exceeding the annual part-time hourly limits.

SENATOR CARSON: Thank you, Mister President. I move House Bill 561-FN Ought to Pass with Amendment. This bill, as amended, reflects recommendations and some modifications to those recommendations of what was suggested and passed by the Decennial Commission. An amendment was brought forward, and a hearing was scheduled on the amendment to House Bill 561 to address concerns from municipalities, police, and other concerned retirees.

As you know, the retirement system has an unfunded liability of approximately $5 billion. We, as legislators, are constitutionally held responsible to insure the retirement system continues for all retirees–past, present, and future. Accordingly, we came up with the best solutions possible to continue on those paths. One of the first changes included an adjustment to the employer report to an employee reporting so employers will report to the retirement system all compensation paid by, and the total hours worked for each retired member of the retirement system on a yearly

basis, rather than monthly, which is what the reporting requirement is presently. Part-time, in terms of employment of a retired member of the New Hampshire Retirement System, by one or more participating employers shall not exceed 1,300 hours in a calendar year. A retired employee shall not begin employment with a participating employer for 28 days from the member's effective date of retirement.

A restoration of service is now part of this legislation for when an employee exceeds the part-time hourly limit. If hours are exceeded retirees retirement allowance shall cease, and the retiree shall again become a member of the retirement system, and the retiree shall contribute to the percentage payable pursuant to RSA 100-A:16. A retiree who is employed part-time is noticed by the employer the position will exceed 1,300 hours in a calendar year, but not exceed 1,600 hours, shall be subject to a surcharge on the compensation paid for such position. The employee shall have deducted from their wages a surcharge of 3 percent for such compensation. The employer shall also be subject to a surcharge of 5 percent of such compensation paid. These surcharges will be paid to the New Hampshire Retirement System and will be credited to the state annuity accumulation fund for the benefit of the retirement system. These surcharges are not considered contributions of a member and shall not accrue to the benefit of the retired member paying the surcharge. A retired member, who works part-time for one or more participating employers, and exceeds the maximum permitted hours, shall forfeit the state annuity portion of their retirement allowance, and any allocable costs of living adjustments. This forfeiture commences as soon as administratively feasible in the next calendar year and continues for a period of 12 months. For existing part-time positions, amendment to the provisions of RSA 100-A made by this act shall not apply for any part-time position in which a retired member is employed on the effective date of this act.

It should also be noted there that there are emergency exceptions to this legislation.

Mister President, the Decennial Commission worked long and hard to find solutions to some of the more pressing issues they found within the Retirement System. The ED&A Committee voted 4-1 Ought to Pass with Amendment and asks for your support in continuing to keep the New Hampshire Retirement System moving in the appropriate direction. Thank you very much, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Carson.)

SENATOR FULLER CLARK: Thank you, Senator Carson. One concern that I had is we're trying to address the opioid crisis in this state, and that many of our smaller towns rely on part-time employees to help with that situation. And the other situation has to do with the issue of trying to stop the internet abuse for crimes against children; and, also, many of the people that work in that area are also part-time employees. My concern is that is there any way to provide…did you consider providing an exemption for these particular situations which border on being an emergency, and may, if we continue with this legislation without such an exemption, make it more difficult for us to address those very serious situations in the state?

SENATOR CARSON: Thank you very much for the question, Senator. As you know, there is an emergency provision in here. And if the Gov-

ernor should declare a state of emergency, anybody who needed to work over, they would be covered. They would not be held to what the statute says. But, right now, under this legislation the employee can work 1,300 hours a year. That can work out to 25 hours a week, and there's no penalty whatsoever. There's no surcharge. And we set it at 25 hours a week because many municipalities, both for people that are working for a municipality as well as police, have 25 hour a week positions. We also have the 1,300 hours to address communities like the good Senator from District 24's communities that he represents that really employ a lot of seasonal employees, and they're covered. So, I do think that the legislation would allow for those types of situations that you have talked about this morning, plus the fact that if the Governor does declare a state of emergency people would be able to work more hours and not be penalized.

SENATOR FULLER CLARK: Do you know on what criteria the Governor is allowed to declare a state of emergency?

SENATOR CARSON: Senator, no I do not.

SENATOR FULLER CLARK: Thank you.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. I rise in opposition to the motion before you. My reasoning has been stated, and restated, and misstated by others. There's an attempt here to make you think that some action that we take is going to improve the financial condition of our bankrupt retirement system. And this action here will do nothing of the sort. The actuaries for the system have stated that punishing people who want to work, and punishing employers, the counties, and the towns by restricting whatever business they want to conduct with whoever they want to conduct it, will not help the financial stability of this retirement system. This hurts the towns, hurts the counties, hurts the Department of Corrections to restrict and make tremendous requirements for reporting on people who have earned their retirement, and they're collecting their retirement, and they're none of our business anymore. They fulfilled their part of the annuity contract, they paid in, they were awarded their pensions, they're free agents. But now, for some reason, because we think they already have enough money for themselves, that we should punish them, and the employers who are in desperate need of the services of many of these retirees, and are entitled to hire whoever they want to hire, that somehow this is going to help the bankrupt retirement system? So, things haven't changed since I was on the first Decennial Commission ten years ago, and things have improved slightly, but we still fail to take the action that we need to take in the retirement system and Band-Aids like this that punish the counties, the towns, and the retirees are not the answer.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and look around the room and think about who was in this room the last time we talked about retirement with the legislation put forth by the Senator from District number 3. Not a lot of us that were here back then, but all of us that were here kind of remembered what happened. It was a more than robust discussion, and the concern was, as it always has been, that if I think if I remember back, what was it now seven years ago, that the retirement program was short like $5 billion. Seven years later it's still short like $5 billion. So it makes me raise

and question, at the get-go, Mister President, holistically, why on God's green earth would anyone who is a state employee or a retiree want the legislature to be managing their money? Because clearly, we haven't done our job. Now that's not to say, at any level, that the legislation that I supported, and I think that people on SB 3 did great work on, but the system's not funded. The system, even though the stock market, I think, cracked 26,000 yesterday, Mister President; we still have a hole that's the size of an annual spending budget for the state of New Hampshire. I have advocated then, I advocate today that we should give people their money back and allow them to go do 401(k)s, and manage their money acknowledging that based upon the decisions that have been made by everybody–by state employees, by the state, by the municipalities–we now have a hole. But the part that bothers me more above that, and why I rise in opposition to this bill, is the staggering proposition that we are debating using the power of government to tell people they cannot work. We're sitting here debating using the power of our government to tell people that want to work that we're not going to allow them to work. How can we possibly think that's a good idea? Now granted, some, Mister President, will rise and say well that's just if they work for a municipality. To me it doesn't make a difference where you work. As a business owner, we're struggling so hard today to find people that will show up and work at our companies across the state. My average payroll is up 40 percent as the free market works, as the free market should–and that's the price we pay for believing in the free market–that we're trying to do everything we can in our power to find people to work. But sitting here today, considering a piece of legislation that limits peoples' ability to work by the power of this legislature is not what I believe that this body should be about. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise with a couple of messages and thoughts. One is that I believe that the Senator from District 14, along with the other members of the Decennial Commission, and others in the body who have struggled with the retirement system, and retirees, and their ability to work, I think that they've devoted a considerable amount of time, I respect the positions that they've taken, and that they're offering today. The amendment that's coming forward would not necessarily be the one that I would want to write if I was doing something on behalf of the communities in western New Hampshire that I represent. I will vote in favor of this amendment because I believe that it is moving us closer to where those communities want us to end up. I will also be offering an amendment following our vote on this one, which would move us even further towards where those towns want to be. And, frankly, what that is, is that they are employing people at 30 hours a week, and these are not the top ranked officers; these are part-time positions that are filling needs of bailiffs, and issuing the warrants, and non-patrol work on the police side and emergency services, and code enforcement on the fire safety side. And it's in the spirit of wanting to support those communities and 30 hour a week positions that they have that I would be offering that amendment later. But in order to move this closer to a desirable end I will be voting in favor of this amendment, and then will rise again to ask the consideration of the body of another amendment.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you, Mister President. I think a little history lesson is in order going back to 2011 when several of us, not

a majority, but several of us debated, rather profoundly, Senate Bill 3 in 2011. And while I would agree with my colleague from Senate District 9 that the unfunded accrued liability has remained at $5 billion and that's troubling, problematic and it's actually worse than troubling and problematic, it's really a problem. Our unfunded liability, as I recall, the percentage has moved from 55 percent unfunded to 61 point, I believe 6 percent unfunded. So, we are making progress. Still a problem, but we're making progress. The reason why it's not higher than 61.6 percent is the Retirement Board has recently lowered the expected rate of return on the assets that are invested. When I served on the Retirement Board in 2011 the assumed rate of return was 8.5 percent. The Board moved it down to 7.75 percent. The Board, again, has moved it down to 7.25 percent, and when that happens rates have to go up and the unfunded liability, as a result of that, also goes up because you're assuming less return on those assets. That's realistic, it protects taxpayers, and it should have been done a long, long time ago.

Going back even further than that, and while some would argue, I would make the case that we had two other big problems: we paid benefits over and above what were statutorily required, and municipalities were not contributing enough to the system. And the confluence of those three things–the municipalities not contributing enough, benefits more than statutorily required, and an overly high assumed rate of return–led to the problem that this body confronted, and I think made significant improvements in 2011. I would agree with my colleague from Deerfield, this is not as big an issue as we confronted in 2011. That being said, in my conversation with the retirement system officials last week, they said the actuaries are keeping close tabs on this situation so that it doesn't become a problem. And what our friend from Londonderry's amendment does is try to tighten up the system to benefit the system to make sure that we don't end up as we did in 2011 with skyrocketing rates as a result of mistakes made, and problems unattended to, in the past. And not every everybody will agree with this, and the art of a good compromise is that everybody leaves upset, but something gets done to improve the outcome. That's the elegant compromise our friend from Londonderry has come up with. When this bill was on the floor two weeks ago, any of the, I think it's almost 500 employees that are between the 1,300 hours and 1,600 hours, were not going to be exempt. Our friend from Londonderry's amendment exempts them. So, every one of us probably has small towns in our district that those towns are availing themselves of people working less than 32 hours and not contributing to the retirement system. They are exempted, and let's make it clear that that's the case and it should be the case.

The second thing that our friend's amendment does is to rebalance, if you will, the responsibility of the employers; not just municipalities, but the state, the counties, and the school boards. And when the actuaries look at the overall cost and set the rates for each individual category–municipal employees, teachers, firefighters, police officers–they look at the actuarial tables, life expectancy, assets in the bank, so to speak, and then they set the rate. So that 5 percent that's in our friend's amendment will rebalance, on the other hand, the rate that would be set on the full-time employees. So there should be minimal impact on state, municipalities, counties, and school boards because it's a pot, and it's how you get to the ultimate amount of dollars needed in the pot. So that 5 percent minimizes, on the other hand, what the rate would be on the full-time employees.

In terms of the employee, when we debated Senate Bill 3, and I remember, may have a lot of gray hair, and I refer to myself as a "geezer," I think that bill made me a "geezer." Don't you agree with that my friend from Manchester? Made me a "geezer." It was stressful, we were all stressed out, and that was the 32 hour per week was the compromise that was the most difficult to come to. Our friend from Portsmouth, or Hampton, a former friend, a current friend–I'm referring to Senator Stiles–was a very, very…former friend! Man, I am a "geezer!" She was very, very strong in advocating, as our current friend from Senate District 24 has been, that the town of Hampton and Laconia, in our friend from District 7s district, need to have for bike week, or Hampton Beach, part-time employees that are retired police officers, often times, and able to help out. And so that's why we put in the 32 hour per week stipulation. But it's come to the point that it's not just part-time police officers, or bailiffs, or court security, or prison guards, but it's also others that are becoming part-time fire chiefs and police chiefs that really ought to be contributing to the retirement system in my view. Not everybody shares that view, and we would respectfully disagree, perhaps, on it, but I believe that they should be. And so, for the opportunity, if you will, to work between 1,300 and 1,600 hours, now, we ask that person who is retired and is receiving a retirement check to pay 3 percent toward the actuarial, unfunded liability and the rates necessary to fully balance out the retirement system. I think that's a pretty good compromise. Is everybody going to be happy with it? No. I understand that, but in the long run if we don't tighten up this, what I call a 32 hour loophole, more and more opportunities are going to exist for current positions to be reclassified as 32 hours or less, avoiding the retirement system benefits, which will put more stress on the full-time positions and lead to disparities between towns that do full-time and towns that do 32 hours or less. And so, in the spirit of a difficult compromise that protects the viability of the retirement system, which is vitally important, which protects all tax payers in the state whether they be local, school, county, or state, I think that the amendment that our friend has put forward is a compromise that balances all those interests. And the stipulation has been made that people aren't going to be able to work. That's just simply not the case. They'll be able to work. Anybody currently under today's law that works more than 32 hours is expected to go back into the system. Now the municipalities, schools, counties, the employers will not see added cost because the 5 percent balances it out in one form or another, and those people that were newly formed positions will work between 1,300 and 1,600 hours will be asked to contribute 3 percent of their salary as they work and collect a retirement check. I think that's a balancing of difficult situations. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in support of the Committee Amendment and the hard work that we did in a bipartisan fashion to craft a solution. A lot has already been said; I don't want to repeat what's been said although I do think it's worth emphasizing what my colleague from District 3 said, which is that this system and its current unfunded liability is due to a number of factors including a 20 year holiday that communities had and benefited from, but at the same time employees never got, and continued to make full contributions to. But I would also state that something you may not have all heard because there were five of us on the committee when we were at the hearing, the hearing that we had this past week to consider this

amendment and to prepare this amendment brought a lot of issues to light, and the suggestion was actually offered by people who are working part-time, that they would be willing to pay something into the system. So, I certainly credit the work of my colleague from District 15, but we were actually offered a lot of constructive ideas in putting this together. This isn't something that we came up, this was something brought to us by those people who have skin in the game, who are retirees, who are working part-time. And as my colleague from District 3 said, you know, some of the best compromises are ones where everybody leaves disappointed. Everybody feels like they gave something up. I think this compromise strikes the perfect balance. I think it's short of where I might like, but it's something that I think we all need to recognize is an important step for the sake of the system. I think it's unfair to characterize the system as bankrupt, with due respect to my colleague beside me. The system is on track, communities and those employees that are involved are on track to continue to pay off the unfunded liability. We are going to reach a point in the very near future where the unfunded liability portion is going to start to decrease. And when you look at just the regular pension costs, it's going to be a good deal, a much better deal. But these things take time and that time has started to occur, it's not quite there, it will. But this additional piece–the other problem is that it's a bit of a thorn in the side of some of the tax payers who look at the system when they see somebody collecting a full pension and then working 32 hours. I hear from people that they don't think it's fair. That somebody who worked a full-time job for 30 or 40 years collects a sizable pension then goes and takes, what in many cases really is a full-time job, but they work only 30 or 32 hours so they can characterize it differently and are then collecting a salary over and above that. I know a lot of my constituents don't like that; would like to see it banned altogether. I'm not suggesting that today, but I am suggesting that the Committee Amendment is a bipartisan solution that really goes a long way towards addressing this problem. So I'd ask all of you to support it. It's a good first step. Thank you.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: I'd like to correct a misthought here. Part of the reason blamed on the shortfall was the failure of the towns to make large enough contributions. This was not a decision of the towns. The employers had no part in that decision. The rates and the punitive rates, and the request for payments all come from the state legislature. So, the towns as employers, and the counties as employers are victims of the actions of the legislature. The legislature created this retirement system, mismanaged it–and I've got the history if anybody wants to know what the real history is–and now we're mad at the towns, we're mad at the people that participated in the system, we're jealous because retirees are making more money than we think they should, or more money than we earn, and so we think we should correct that by punishing them. But nothing you do in this amendment and in the underlying bill will do a thing to improve the financial condition of the retirement system. In the end, the state will have to pay the unfunded shortfall. This doesn't help anything but harms the towns and counties directly. So that's why I'm a no vote on anything to do with pretending we're fixing the retirement system.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President, just a point of clarification. I've been contacted by the lobbyists for the counties. The counties are in favor of this amendment. Thank you.

The question is on the adoption of the Committee Amendment.

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

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

The following Senators voted No: Ward, Daniels, Reagan.

Roll Call, Yeas: 21 - Nays: 3. Adopted.

Senator Kahn offered a Floor Amendment.

Sen. Kahn, Dist 10
Sen. D'Allesandro, Dist 20
January 18, 2018
2018-0172s
06/10

Floor Amendment to HB 561-FN

Amend the bill by replacing sections 1-3 with the following:

1 Retirement System; Definition; Part-Time. Amend RSA 100-A:1, XXXIV to read as follows:

XXXIV. "Part-time" for purposes of employment of a retired member of the New Hampshire retirement system but excepting per diem court security officers and court bailiffs, means employment [~~during a calendar year~~] by one or more ***participating*** employers of the retired member which shall not exceed [~~32 hours in each normal calendar week. Employment in some instances may exceed 32 hours in any normal calendar week provided that in such case, the part-time employment of the retired member shall not exceed 1,300 hours in a calendar year, so long as such part-time employment does not occur outside of a 5-consecutive-month period in any 12-month period.~~] ***1,560 hours in a calendar year, except as provided in RSA 100-A:7-b. Notwithstanding the foregoing, no retired member shall be employed on a part-time basis by any participating employer for a period of 28 days from the member's effective date of retirement.***

2 Restoration to Service; Working After Retirement. Amend RSA 100-A:7 to read as follows:

100-A:7 [~~Restoration to Service~~] ***Working After Retirement; Exceeding Part-Time Hourly Limit***.

I. [~~If a disability beneficiary or any other beneficiary is~~] ***Any retired member returning to work for a participating employer in a position requiring mandatory membership pursuant to RSA 100-A:3 shall be*** restored to service[~~,~~] ***and*** the [~~beneficiary's~~] ***retiree's*** retirement allowance shall cease, the [~~beneficiary~~] ***retiree*** shall again become a member of the retirement system***,*** and the [~~beneficiary~~] ***retiree*** shall contribute at the percentage payable pursuant to RSA 100-A:16, I(a). Anything herein to the contrary notwithstanding, any credit for membership service and for any prior service on the basis of which the [~~beneficiary's~~] ***retired member's*** creditable service was computed at the time of [~~the beneficiary's~~] ***his or her*** former retirement shall be restored to full force and effect; upon subsequent retirement, the [~~beneficiary~~] ***retiree*** shall receive a retirement allowance based on [~~the beneficiary's~~] ***his or her*** combined creditable service and [~~the member's~~] average final compensation.

II. Any retired member who, in any calendar year, works part-time for one or more participating employers and exceeds the

maximum permitted hours as provided in RSA 100-A:1, XXXIV, shall forfeit the state annuity portion of his or her retirement allowance, and any allocable cost of living adjustments, with such forfeiture commencing as soon as administratively feasible in the next calendar year and continuing for a period of 12 months.

III. The board of directors of the retirement system shall adopt rules as necessary to administer and enforce the provisions of this section.

3 Annual Notice Required. Amend RSA 100-A:7-a to read as follows:

100-A:7-a Certain Part-Time Employment; Notice Required. The retirement system shall annually provide written notice to all retired members of the retirement system of the [~~hourly~~] limitations on part-time employment as defined in RSA 100-A:1, XXXIV and the potential effect that exceeding such hourly limitations could have on the retired member's retirement benefits, including restoration to service as required in RSA [~~100-A:7~~] ***100-A:7, I and the forfeiture of the state annuity portion of his or her retirement allowance under RSA 100-A:7, II***.

2018-0172s

AMENDED ANALYSIS

This bill changes the limit on part-time employment of a retirement system retiree to an annual 1,560 hourly limit and prohibits part-time employment in the first 28 days after retirement. The bill also establishes a penalty for retired members' exceeding the annual part-time hourly limits.

SENATOR KAHN: This amendment, Mister President, members of the Senate, this begins to address the concerns that I mentioned earlier. It sets a limit per year of a part-time employee defined as 1,560 hours. That is essentially a 30 hour per week over an entire year. It's that 30 hour number that has been conveyed to me by the towns of Walpole and the city of Keene as a work week that they have used traditionally for many years in the hiring of part-time employees. Again, these part-time employees are not chiefs, these are staff positions; they are retired officers who can carry out "non-beat" functions, so to speak; the bailiffs, the court officers, the administering and distributing of warrants. And on the fire safety side it is the EMS and code enforcement personnel. In other words, these are positions that the departments are having difficulty finding even part-time workers to fill. So, when they convey to me that that 30 hour week is where they're at, that they understand the intentions of the previous amendment to HB 561, but if they were designing it, and if they were making the recommendation for their state Senator, they have recommended to me that we set a limit at 1,560 hours. This retains the 28 day wait period and retains the forfeiture section. It does not retain the section on payments made by municipalities or employees between 1,300 and 1,600 because it could become irrelevant in this case. So, I rise to offer that I think we have made good progress on the previous amendment, and if you have towns and you believe that moving further to the 1,560 allowing for 30 hours work per week without constraint then you would support this amendment. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in support of Amendment 0172. I think a couple of things have happened today that I think are significantly important. We had a

great history lesson from the Senator from District 3 as to what happened over an extended period of time. I was here at the time, and at that time I was opposed to the changes. Some of them were good; some of them not so good. The piece of legislation we have today is a manifestation of hard work. I understand that. A problem arose, but that problem was in the making by the municipalities who created this situation. And I'm talking about the deals that were made between retirees and municipalities. And as a result, there were people who were receiving significant retirement, and took a job that gave them even further remuneration. That's a problem. This amendment deals with that problem. But it's the individual who needs 30 hours a week. That individual retires at $12,000 a year in many instances. And I gave a breakdown to my colleagues about the number of people retired, when they're retired, and what they receive in terms of retirement benefits. Retirement benefits on average are about $39,000. That's for everybody in the system. Now the grievous situation that was created is the $100,000 person who then takes a job at 90,000. That's taken care of in both of these amendments. That's a grievous offense. The Roman Catholics would call that calumny. That's a new word for everybody. Calumny is a grievous offense against the Lord. That is a grievous offense if you retire at 100,000 on Thursday and on Friday take a $90,000 job. That's not a good thing. That's not the reason why we have a retirement system. But I'm thinking of the state employee who busted their back and retired at $12,000. That's not enough to pay the bills so they get a job. That job in the 1,560 says you can work 30 hours a week; that's if you take it in that vein. But if you take it in aggregate at 1,560 and there's an emergency situation you could work 40 hours that week. But, indeed, you could never exceed the 1,560. That's what we're trying to do here. We're trying to help the police, who need our help. You can't get policemen. You know we offer tests, and nobody is showing up. So, they need part-timers to fill in. We all want public safety. We demand public safety, right? Isn't it something that we have earned? There are shootings in my district almost every day. The breaking and entering's have become unbelievable in my area. Crime rate is really soaring as a result of the drug problem, which again we're trying to deal with. So, by inserting 1,560 and keeping the 28 days, what we've done is, I think, address the problem which was very well addressed by the committee, but we've also taken care of the person who needs the job, and the community that can't get people. We all saw the article in the *Union Leader* 17,000 jobs could not be filled because we can't find workers. We can't find workers. While on the safety side we have to have workers so we do the best we can with what we've got. I would hope that my colleagues will look at this in that vein. A good job was done by the committee, I appreciate that. The Chair and the members of the committee brought forth something for us to digest. What we bring forward is a little bit more in terms of the hours. You go from 1,300 to 1,560; that's 260 hours more, and not less. And as a result of that I think we satisfy almost everybody. And as my colleague from District 3 said, you can't satisfy all of the people all of the time, but you can try to do some of the people some of the time. Thank you, Mister President.

(The Chair recognized Senator Gannon for a question of Senator D'Allesandro.)

SENATOR GANNON: I like what you're doing in idea, but I don't see the difference between the guy getting the 12,000 retirement and the 100,000 isn't really dealt with here.

SENATOR D'ALLESANDRO: Well, it's dealt with in the time for taking the job. But I agree with you, that's the real problem, Senator, and that's something that we really have to address. That's a fairness situation that's really, really become highly problematic.

SENATOR GANNON: If you had addressed it here, I'd be happy.

SENATOR D'ALLESANDRO: Thank you.

SENATOR GANNON: Thank you.

SENATOR D'ALLESANDRO: Well I think we tried.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I'd like to thank Senator, the good Senator from District 10 for bringing forward the amendment, but unfortunately, I cannot support it and I will ask this body not to support it as well. We received a lot of information. We had some research done, and one of the things we found out was that there were over 490 individuals that are currently working up to 32 hours a week. If we were to pass this amendment this would impact those 32 hour a week employees that are currently working and are under contract, which I would believe would be the vast majority of the individuals. We already have in statute the 1,300 hours. We already have the 32 hour statute. I just can't see going to an arbitrary, I'm sorry, 1,560 hours. I think that would be a little bit more confusing. We're working within the existing framework of what has already been passed. So, again, I would just ask all of you to turn down the amendment. Thank you very much, Mister President.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. If I may add to the definition of "grievous": it's "grievous" if you create the situation and take advantage of it. But if you're hired into this situation, and you do your job, and somebody else has set the pay rate, I'm not aggrieved by that person. So, that's not a reason to support punishing the towns, counties, and retirees. So, nothing here is going to help the retirement system. People who have said okay now we're in favor of this, if you finish the sentence we're in favor of this as not being as hard to live with as the original proposal. Nobody is coming up and saying hey this is a great idea now. So the employers–this is not a great idea.

(The Chair recognized Senator Fuller Clark for a question of Senator Carson.)

SENATOR FULLER CLARK: Senator Carson, I'm hoping that you would be able to explain how you arrived at 1,300 hours, and what is the impact of moving those hours to 1,560 where we know that that is at a level that people are going to be able to sustain themselves as part-time workers?

SENATOR CARSON: Thank you very much for the question, Senator. Let me think. As I said earlier, we're dealing with hours that are already in statute. So we didn't raise or lower those. The 1,300 is already in statute as is the 32 hours. The thing that I found most compelling was the fact that the Federal Government, if you were to go on the IRS website, defines a full-time employee as someone being eligible for benefits at 30 hours a week. That is why, when I created the amendment, we took the 1,300 hour a week folks and said look, you don't have to pay anything, this truly is part-time employment; and anybody above that is really someone who is working full time; and that if they're working full time,

they should be doing something, paying into the system somehow. We cannot say okay you can add that in because their rates have already been set, and it would be an imposition for the retirement system, and I believe they do a five year look back at the money that you've raised. So if someone was working full time with all their benefits in one job, and then came back under part-time–two completely different scenarios–and you would talk about somebody severely reducing their retirement pay if you were to just look at that part-time employee. So, again, I understand why the good Senator from District 10 brought this in, but I think we're working with the existing numbers that we already have in statute, but we're also recognizing that 30 hours a week, according to the Federal government, qualifies as a full time job. Thank you.

Recess. Out of recess.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Just to be brief. We've discussed quite a bit about this issue, but I would just say respectfully to my colleagues, this amendment undoes what we just voted on by a vote of 21-3. It really undermines all of the work that the committee did in reaching this very delicate compromise. For that reason, I can't support it, and I would implore my colleagues; stick with what we've done, it's not perfect, but it's a bipartisan resolution to this issue and I implore you to please vote down the current amendment. Thank you.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Sanborn, Kahn, D'Allesandro, Fuller Clark.

The following Senators voted No: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 4 - Nays: 20. Failed.

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

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

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

The following Senators voted No: French, Ward, Sanborn, Daniels, Avard, Reagan, Morse.

Roll Call, Yeas: 17 - Nays: 7. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

FINANCE
SB 375, requiring gross expenditures and funding in the state operating budget.
Ought to Pass, Vote 5-0. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 375 Ought to Pass. This bill requires the state operating budget to include detail on all expenditures for departments on a gross basis and show all funding sources reasonably anticipated to be received during the biennium. The Senate Finance Committee recommends passage of Senate Bill 375 and asks for your support. Thank you, Mister President.

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

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

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

The following Senators voted No: D'Allesandro.

Roll Call, Yeas: 23 - Nays: 1. Adopted.

Senator Sanborn moved to Lay on the Table SB 375. Adopted.

SB 469, relative to the appropriation of funds from the equipment inventory fund.
Ought to Pass with Amendment, Vote 4-0. Senator Feltes for the committee.

Senate Finance
January 10, 2018
2018-0081s
06/01

Amendment to SB 469

Amend RSA 228:24-b, III as inserted by section 1 of the bill by replacing it with the following:

III. The commissioner may rent or lease vehicles and equipment from the equipment inventory to all departments and institutions of the state, political subdivisions of the state and agencies of the federal government. [~~He~~] ***The commissioner*** shall assess a fair and equitable charge with respect to the rental or lease of vehicles and equipment sufficient to defray all administrative, transportation, storage, maintenance, amortization, replacement and other costs incurred by the department in administering this account sufficient to continue the equipment inventory fund as a revolving fund. The revenue from the rent, lease, or sale of vehicles or equipment purchased, rented or leased with funds from the equipment inventory fund shall be deposited into the equipment inventory fund. The commissioner of transportation shall expend such funds for the operation of the mechanical services bureau, operation division of the department of transportation, and to purchase replacement or new motor vehicles and construction equipment, provided that the general court appropriates such funds from the equipment inventory fund [~~to the~~] ***within*** mechanical services bureau.

SENATOR FELTES: Thank you, Mister President. Mister President, I move Senate Bill 469 Ought to Pass with Amendment. This bill clarifies that the Equipment Inventory Fund is located within the Mechanical Services Bureau of the Department of Transportation. The amendment further clarifies language on line 5 pertaining to the Department of Transportation Commissioner. The Senate Finance Committee recommends passage with amendment on Senate Bill 469 and asks for your support. Thank you, Mister President.

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

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

INTRODUCTION OF GUESTS

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, Martin Toe has arrived in the Senate gallery, and Martin is a valuable member of our Concord community. He came to the United States due to civil war in Liberia. He is a member of the community group Change for Concord, he's a musician, and he's author of the book A*merica Calls to Me*. And, like Ayi and Sentho and Jane, he has promoted a more inclusive and diverse Concord, which has made us all stronger. Please give a round of applause to Martin.

HEALTH AND HUMAN SERVICES

SB 333, relative to pharmacy interns and vaccinations.
Ought to Pass, Vote 4-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mister President. I move Senate Bill 333 Ought to Pass. This bill is a clarification to correct confusion that was created last year. Two bills on this subject passed the legislature in 2017. One gave pharmacy interns the ability to administer vaccines that a pharmacist can give as long as they are under the supervision of a licensed pharmacist. The other bill added the number of vaccines a pharmacist can administer. It was specified that pharmacy interns would not be allowed to administer the newly added vaccines. This legislation clarifies that a pharmacy intern, under the supervision of a pharmacist, can administer any of the vaccines that a pharmacist can give. Thank you, and I ask the body to vote Ought to Pass, but before I get to that point, I want to describe a public hearing that we had on a related subject as it involves the Pharmacy Board last week. That amendment was brought to us by our colleague from Senate District 9 that deals with compounding of drugs. The Pharmacy Board has promoted a new regulation that would make compounding of drugs very difficult except in a sterile pharmacy situation or a hospital situation. Unfortunately, it also captured the reconstitution of drugs; a drug like Remicade that's a powder, it's mixed with a saline solution then administered immediately to the patient. That would have undermined access and it would have raised costs for the 1,300 people that are on the drug of Remicade alone. As a result of the hearing and the discussions that our colleague from Bedford had with the Pharmacy Board that I was included in. The Pharmacy Board voted yesterday to delay implementation of that rule on compounding/reconstitution. I suspect we're going to have to revisit that amendment that was proposed by our friend from Bedford at some point in time before crossover. But I felt, and I think our friend from Bedford felt, that we should let the medical experts–pharmacists, MDs, health experts in other words, come to a conclusion of what that potential legislative change should look like. So the fact that we are not moving forward with that amendment today doesn't mean that we're not watching that process closely at the Pharmacy Board to include all of the stakeholders to come back to us with proposed solutions that I think in the view of the sponsors, and Senator Soucy and myself were co-sponsors of our friend from Bedford's amendment, we will watch it closely and expect a resolution at some point in the next couple of months. The time out that the Pharmacy Board took yesterday is very helpful in allowing that process to proceed. Thank you, Mister President. Please support the committee's recommendation of Ought to Pass.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and thank the chairman of the committee and the members of the committee to allow me to bring this amendment in the other day. It's a very hotly contested issue, which can be very complicated, and I applaud the committee for listening to a lot of testimony on something that, in full disclosure, based upon our ethics rules, Mister President, I actually have an employee with Crohn's disease, and we talk about this issue regularly as well as a good employee. At issue here is the Board of Pharmacy is trying to institute a rule to make it the only state in America, the only place in America, to put us at a different crossroads than any other state or any other application. And the potential risks, which personally I am most concerned about, is the health risk of people who are sick or frail being unable to get lifesaving medication in a way and a place that works for them and gives them the best opportunity to maintain their health. Now the chair of the committee talked about Remicade, which is an infusion for Crohn's disease. We know there are 1,300 people with Crohn's in the state of New Hampshire including, my understanding, 7 of which are employees of the state. But, frankly, this goes way beyond that because this is setting a standard and making the question when we look towards medicine in the future and its ability to make it more affordable, that ability for people to get care in their home because they might not be able to be transported in, they might be frail, they might have other issues; that the future of drugs looks to the ability to make application up for them. And I'm talking drugs that aren't just about digestive issues like Remicade or arthritis, but specifically about cancer treatment going forward as we've seen the technology change and people getting chemotherapy that they need on a regular basis, and that ability for them to be delivered in a different setting versus solely a hospital, or solely a pharmacist.

Now that's the health issue. The cost ramifications, they think we also do need to talk about it although, Mister President, again, let me stress this is about health not money, but we know that the 7 state employees who receive one drug called Remicade, if they had to go back to the hospital, would cost the state $700,000 a year. If you look at the cost differential from being able to provide in-home treatment versus what is being charged today at hospitals on this one drug, is a $100 million question. By the time you look at all the other infusions that are available with chemotherapy and other practices, the cost is undeterminable. So we as a body, I believe, have an obligation. And, again, in finality, I want to thank the committee. I support the positions where we are today to allow the Board of Pharmacy and all of the stakeholders that come together. And so the body knows there is a meeting next Tuesday at 9:30 in the morning at the Board of Pharmacy where all the groups will be gathered to discuss this. I encourage any Senators who have the availability to come to that meeting and help implore upon the Board to come to a resolution that takes patient's needs first. Thank you, Mister President.

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

Recess. Out of recess.

SB 334-FN, relative to temporary licensure of allied health professionals from nearby states.
Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Health and Human Services
January 11, 2018
2018-0094s
10/08

Amendment to SB 334-FN

Amend the introductory paragraph of RSA 328-F:18, VI as inserted by section 2 of the bill by replacing it with the following:

VI. Occupational therapists, occupational therapist assistants, recreational therapists, speech pathologists, respiratory care practitioners, physical therapists, and physical therapist assistants from the states of Connecticut, Rhode Island, Massachusetts, Maine, New York, and Vermont who are currently licensed shall be eligible for temporary licensure for 120 days while the person makes application for licensure to the respective governing board under this chapter. An applicant for temporary licensure to practice, who is currently licensed or certified in Connecticut, Rhode Island, Massachusetts, Maine, New York, or Vermont, shall:

2018-0094s

AMENDED ANALYSIS

This bill allows persons licensed for certain allied health professions in Connecticut, Rhode Island, Massachusetts, Maine, New York, or Vermont to be granted a temporary license to practice in this state while applying for regular licensure.

SENATOR BRADLEY: Thank you, Mister President. I move Senate Bill 334 Ought to Pass with Amendment. This bill would allow temporary licensure for allied health professionals from nearby states for 120 days while they are undergoing the process of obtaining permanent licensure. This bill would help curb some of the health care workforce problems we are having in our state. Often health care workers are waiting months to receive their license from the state, and this can cause people to stop the licensing process or take jobs outside the state because they do not want to wait to start working. The committee amendment adds Rhode Island to the list of states from which workers can gain temporary license. I just want to add a couple of things. Our friend from District 10 sponsored this bill and I think it's an absolutely terrific bill. I think all 24 of us understand the pressures that health care providers have in this state to hire qualified employees. But after a little bit of consultation with our friend from Londonderry that is much more of an expert than members of the HHS Committee on licensure, she feels that there may need to be some technical changes to your bill to achieve the intent that you so nobly are trying to achieve. So, I'm assuming and hoping, Mister President, that you will send this bill to the Finance Committee where Senator Kahn, pardon me, my friend from District 10, myself, our friend from District 14, and our friend from District 17, can work together to make sure that the intent of your bill is captured. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President, and to my colleagues in Senate District 3 and 14 and 17. Wherever folks want to continue to talk about this conversation I welcome the opportunity. Let me say that the 17,000 jobs that we're worried about trying to fill in the state, there are 4,000 in the health care professions. If you are one of those delivering institutions, a nursing home, a hospital, a rehab center, you are

desperate for these people, and when you find them you need to hire them. And that is what this bill is aimed at doing. This bill aims at identifying experienced health care professionals who have unencumbered licenses, who are living in the surrounding New England states and New York and trying to move them into our workforce as quickly as they can be identified and take those positions. If licensure is taking 120 days, and it is, there are situations that you can ask your health care professionals of this, then we're losing people along the way, and we can take steps to do this. We did this this last session relative to nurses. We've provided for provisional licensing. It's what we need to do for the rehabilitative services, and that's what the allied health category is doing. It's trying to address getting therapists, respiratory, occupational, physical, audiology, speech pathologists, get them into the workforce so that people can be rehabilitated at our health care institutions. There are two situations; and one I have described is when somebody is applying for the job and we're trying to hire them, not lose them in that intervening period while they're waiting for full licensure. They'll make the application. They have to do that. They'll clear the hurtles on background checks. They'll get employed while they're being looked at. But there is one other situation. We're, right now, because of health care partnerships around the state, transferring patients from a hospital on one side of a border to a hospital on another side of the border, and we're creating work flow kind of issues. And there is another situation where we need to be as agile as the patient with our workforce. People who are working in Vermont, and Massachusetts, and Maine who are able to provide services when we have workforce shortages here in New Hampshire, need that opportunity for provisional licensing so that we can ship that workforce quickly, we can get them relicensed in multiple states, and we can deliver the services that need to be done to keep our patients safe, keep our health care institutions viable. So, I ask you, this is important for my part of the state, it's important, probably, in a variety of parts of the state where we have patients and health care professionals moving across state lines. We need to update our ability to employ them and take care of those people who need the health care. I ask you to pass this. I welcome further conversations because I think we're actually addressing something that the Board of Licensure and the health care professionals are all in support of. Thank you.

(The Chair recognized Senator D'Allesandro for a question of Senator Kahn.)

SENATOR D'ALLESANDRO: Thank you. Senator Kahn, is any work being done on reciprocity?

SENATOR KAHN: Thank you for the question, Senator. There are reciprocity agreements underway, and I'll give you an example of one. The physical therapists have a reciprocity agreement that New Hampshire has entered into. The state that is closest to us to the west is Kentucky. The state that is closest to us in that compact to the south is Virginia. The compacts are scattered. There are only fourteen states in that compact. Were I starting from scratch I would make a recommendation that we were considering regional compacts with our New England states, but that hasn't happened. There are some national compacts, and as the adoption rate is extraordinarily slow, they are legislatively bound, and currently they just are not providing the kind of coverage that would help New Hampshire.

SENATOR D'ALLESANDRO: Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise to point out for the body that as a result of a LBA performance audit of the Boards of Licensure, gross deficiencies in the management of their processes and procedures has been identified. I will support this legislation, but I will do so fully knowing that what we are doing is trying to legislate a solution to the mismanagement of an agency. That is not good public policy. We try to solve the problem, but it's a management issue not a legal issue. Thank you, Mister President.

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

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

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

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Carson for a parliamentary inquiry.)

SENATOR CARSON: I guess it's more informational than parliamentary inquiry. Our colleague is at an event at the Executive Council, so we don't know when she'll be returning.

PRESIDENT MORSE: The Senate will be in recess until 1 o'clock so Senator Cavanaugh can feed the Pages.

Recess. Out of recess.

Senator Bradley moved to Lay on the Table SB 334-FN. Adopted.

SB 376-FN, relative to the sale of certain cold medications.
Ought to Pass with Amendment, Vote 4-0. Senator Avard for the committee.

Health and Human Services
January 11, 2018
2018-0111s
08/10

Amendment to SB 376-FN

Amend RSA 318-B:48, I-III as inserted by section 1 of the bill by replacing it with the following:

I. No person shall knowingly and unlawfully possess a drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine with the intent to use the product as a precursor to manufacture methamphetamine or another controlled substance.

II. A drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine shall not be distributed at retail to the general public unless it is maintained in a locked display case or behind the counter out of the public's reach.

III.(a) A retail establishment shall not knowingly complete a sale to a person if the drug product or combination of drug products purchased would surpass a total of more than 3.6 grams within a 24-hour period or 9 grams within a 30-day period of ephedrine base, pseudoephedrine base, or phenylpropanolamine base or their isomers. The "base" form means the fraction of ephedrine, pseudoephedrine, or phenylpropanolamine present within a formulation containing a salt form of those respective drugs.

(b) This section shall not apply to drug products dispensed pursuant to a valid prescription.

Amend RSA 318-B:49, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) Retail establishments shall use an electronic registry system to record the sale of products made pursuant to RSA 318-B:48. The electronic registry system shall have the capacity to block a sale of nonprescription drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine that would result in a purchaser exceeding the lawful daily or monthly amount. The system shall contain an override function that may be used by an agent of a retail establishment who is dispensing the drug product and who has a reasonable fear of imminent bodily harm to his or her person or to another person if the transaction is not completed. The system shall create a record of each use of the override mechanism.

Amend RSA 318-B:49, II(a)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) The name of the drug product and quantity of ephedrine, pseudoephedrine, and phenylpropanolamine sold in grams;

Amend the introductory paragraph of RSA 318-B:49, III as inserted by section 1 of the bill by replacing it with the following:

III. A retail establishment shall display a sign at the register provided by NPLEx or its equivalent to notify purchasers of drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine that:

SENATOR AVARD: Thank you, Mister President. I move Senate Bill 376 Ought to Pass with Amendment. This bill would require retailers or products containing pseudoephedrine to report sales to an electronic registry. These registries are used in many states already and many large retailers in New Hampshire are already voluntarily reporting to this registry. Electronic reporting allows pharmacies to cut down on people buying large amounts of these cold medicines for illegal purposes, including the manufacturing of methamphetamines. Electronic reporting also allows law enforcement real time access to notification of attempted "pharmacy shopping" where criminals attempt to buy large amounts of these products from different pharmacies. There is no cost to retailers for the technology because it's provided at no cost to the consumers from the manufacturers of the medicines. The amendment changes language to coincide with languages used in federal law. Please support the committee's recommendation of Ought to Pass with Amendment.

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

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

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 334-FN from the Table. Adopted.

HEALTH AND HUMAN SERVICES

SB 334-FN, relative to temporary licensure of allied health professionals from nearby states.

The pending motion is Ought to Pass with Amendment.

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

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

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

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to the Committee on Finance (Rule 4-5) as recommended by the Finance Chair.

SB 377-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners.
Ought to Pass, Vote 4-0. Senator Gray for the committee.

SENATOR GRAY: Thank you, Mister President. I move Senate Bill 377 Ought to Pass. This bill makes various changes to the regulation of dentists and dental hygienists, including requiring criminal history record checks for new applicants and those requesting reinstatement. Additionally, it establishes a professional health program for impaired dentists, and makes various wording adjustments in the statute to reflect the changes in this society that have occurred since the statutes were updated. This bill was at the request of the Board of Dental Examiners. Please support the committee's recommendation of Ought to Pass. Thank you, Mister President.

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

SB 380, relative to the therapeutic use of cannabis.
Ought to Pass with Amendment, Vote 4-0. Senator Avard for the committee.

Health and Human Services
January 11, 2018
2018-0107s
04/06

Amendment to SB 380

Amend the bill by replacing section 3 with the following:

3 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, IX to read as follows:

IX.(a)[~~(1)~~] "Qualifying medical condition" means the presence of:

[~~(A)~~] ***(1)*** Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, multiple sclerosis, chronic pancreatitis, spinal cord injury or disease, traumatic brain injury, epilepsy, lupus, Parkinson's disease, Alzheimer's disease, ulcerative colitis, Ehlers-Danlos syndrome, or one or more injuries or conditions that has resulted in one or more qualifying symptoms under subparagraph (B); and

[~~(B)~~] ***(2)*** A severely debilitating or terminal medical condition or its treatment that has produced at least one of the following: elevated intraocular pressure, cachexia, chemotherapy-induced anorexia, wasting syndrome, agitation of Alzheimer's disease, severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects, constant or severe nausea, moderate to severe vomiting, seizures, or severe, persistent muscle spasms; or

[~~(2)~~] ***(b)*** "Qualifying medical condition" also means:

[~~(A)~~] ***(1)*** Moderate to severe chronic pain.

[~~(B)~~] ***(2)*** Severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects.

[~~(C)~~] ***(3)*** Moderate or severe post-traumatic stress disorder.

[~~(b) The department may include a medical condition that is not listed in subparagraph (a) that the department determines, on a case by case basis, is severely debilitating or terminal, based upon the written request of a provider who furnishes written certification to the department.~~]

SENATOR AVARD: Thank you Mister President. I move Senate Bill 380 Ought to Pass with Amendment. This bill makes certain changes to the law governing the use of cannabis for therapeutic purposes, including clarifying certain information on the registry identification cards and designated caregivers for minors. Currently minors in the program can only have one caregiver pick up the product for use. This can often be a burden for parents that are already living with the child and has a very serious medical condition. This legislation would allow a minor patient in the program to have two caregivers that can pick up the product for the patients use. Both caregivers must be either the parent or legal guardians. The amendment fixes drafting errors where the section of statute was accidentally deleted rather than being amended. Please support the committee recommendation of Ought to Pass with Amendment. Thank you, Mister President.

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

(The Chair recognized Senator Daniels for a question of Senator Avard.)

SENATOR DANIELS: Thank you, Mister President. Is it true that cannabis is still illegal federally?

SENATOR AVARD: From my understanding it is, Sir.

SENATOR DANIELS: What provisions are made in this bill to notify vets that if they are brought up on federal charges on this that they lose all their benefits even though in New Hampshire they say that it's legal?

SENATOR AVARD: I know that we addressed this issue with notifications on medical marijuana specifically for that very reason. My recollection on this particular bill is that it is already in existence. I do not know if that amendment was added to that, or that language was added to that.

SENATOR DANIELS: Thank you.

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

SB 384, relative to written certification under the use of cannabis for therapeutic purposes law.
Ought to Pass, Vote 4-0. Senator Fuller Clark for the committee.

SENATOR FULLER CLARK: Thank you very much, Mister President. I move Senate Bill 384 Ought to Pass. Currently state statute requires that a patient wishing to access therapeutic cannabis program must have a three months relationship with his or her health care provider. This bill would waive that requirement if a patient is eligible for hospice care and has a prognosis of six months or less to live. Often providers believe these patients would benefit from the use of cannabis but that they will not live long enough to establish a three month relationship

with a health care provider. This bill will allow those patients to access the program, enhancing treatment during their end of life care. Please support the committee's recommendation of Ought to Pass and thank you, Mister President.

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

SB 385, establishing a foster care children's bill of rights.
Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Health and Human Services
January 11, 2018
2018-0109s
05/04

Amendment to SB 385

Amend the bill by replacing section 3 with the following:

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

SENATOR FULLER CLARK: Thank you, Mister President. I move Senate Bill 385 Ought to Pass with Amendment. This bill would establish a foster care children's bill of rights within the Department of Health and Human Services. Recently there has been a startling increase in the amount of children entering foster care. It is more important than ever that their rights are protected. This bill would set clear guidelines as to what services and support are required to be provided for such children. Enacting a foster care children's bill of rights will ensure that foster families and the Department of Children, Youth and Families will provide the very best care for this most vulnerable population. The amendment would make the bill effective upon passage. Please support the committee's recommendation of Ought to Pass with Amendment. Thank you, Mister President.

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

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

JUDICIARY
CACR 20, relating to the retirement age of judges. Providing that the retirement age of judges be increased.
Ought to Pass, Vote 3-1. Senator Lasky for the committee.

SENATOR LASKY: Thank you, Mister President. I move Constitutional Amendment Concurrent Resolution 20, Ought to Pass. Upon passage by the legislature the question of whether NH judges can serve until age 75 will be before our citizens in the next election. Currently, New Hampshire judges are required to retire from the bench at age 70 regardless of their mental or physical fitness. This retirement age was established in 1792 and over the past 200 years we have clearly developed many medical advances and the average life expectancy is no longer 35. In the majority of states across the country judges can continue to serve well beyond age 70 or 75. As a matter of fact, New Hampshire, at 70, has the youngest retirement age. We all know that there are judges appointed for life, such as on the Federal Supreme Court. Also, regardless of age, judges here are constantly subject to scrutiny regarding their fitness to serve and there are procedures in place should questions arise about an individual's ability to serve. Finally, today's 75 is the new 60! We

shouldn't deny our best and brightest at this age the opportunity to serve, particularly in a role where experience is so vital. Therefore, the majority of the Judiciary Committee, and certainly all of us over a certain age, and those who, before they know it, will be of that age, and, as our esteemed majority leader referred to this morning, all the "geezers" in the group, we all ask for your support for the motion of Ought to Pass on CACR 20. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I'm the guy in my family who had to go to mom and dad and say, because nobody else would, it's time to take the keys away. It happened in the mid '70s with my mom; a little later with my dad. No one else was going to touch it–and that was the ability to drive. Colleagues, there is nothing in this bill that's going to improve the legal system. And I always often hear the Dean say, and the esteemed Senator from District 3, if there's nothing broke, don't fix it. Nineteen states have a 70 year retirement system. I spoke with the Brentwood Police Chief today, and some other Sheriffs, they tell me that the sheriff's job is mostly managerial, yet we have a mandatory retirement age of 70. There's no shortage of lawyers in their 40s and 50s; young men and women who are ready and they're at the peak of their legal careers ready to become judges. Why are you going to slow down the life blood and the new blood moving in? This bill will have the effect of, also, it's an unintended consequence and I'm sure the Senator from down at the end…I got to get my numbers right. I'm sure it wasn't written to be anti-woman, but it does have that effect. Presently two-thirds of the judges in our judicial system are men. If we pass this bill it's going to continue five more years of the male dominated rule in court. I have three young daughters who want to be judges. I want them, and everyone's daughters to be able to be a judge younger. So, five more years of a male dominated field is not a good thing. Let's remove the glass ceiling for women.

Finally, in every city I went to legislative services: study, after study, after study you lose your fast ball. You might have, say you're making it up with other pitches–Senator I knew you'd appreciate that–but your brain shrinks, by your 70s, back to the age when you were 2 or 3; no one wants to address this. These people are certainly could go to law schools and teach, they can go back to being lawyers, but we have plenty of able body, young male and female lawyers ready to take over. Let's not slow them down. You lose your fast ball. There're plenty of other things to do. I just don't think this is a good idea. Thank you very much.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I was just thinking of our former colleague from District 17 who used to talk about his baseball analogies so I kind of had a little bit of a flashback there. I rise to speak to the process of judicial review and to, perhaps, answer some of the questions from our good colleague from District 23. I have the pleasure of sitting on the Judicial Review Committee, and I can assure all of you, because of legislation that was passed by the legislature back in 2011-2012, we really have a very robust, and I would even argue aggressive judicial review process where our judges are constantly under review. If they're not under review by their peers they are under review by the attorneys that appear before them, as well as members of the public. And I feel very confident that if somebody was starting to lose their facilities, that

it would definitely be caught very, very early and dealt with. So, I agree with my colleague from District 13, 75 is the new, I would argue new 30. I see many very active, very vital seniors over the age of 70 in my community, and I know that most of you probably see the same thing. So, I'm standing here and asking you to support this constitutional amendment. Let's get it in front of the people and let's hear what the people have to say. Thank you very much, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in support of the Constitutional Amendment. As we got a great history lesson from the Senator from District 3 this morning about the retirement system, let me give you a little history of the judicial process in New Hampshire. I was on the Executive Council when we confirmed the first woman to be a member of the Superior Court. I voted for the confirmation of Linda Dalianis, who is now the Chief Justice of the New Hampshire Supreme Court. So, I had the opportunity to vote on judges during my six years as a member of the Executive Council. I also saw during that period of time some of the most distinguished minds in the judicial system have to leave because of an age conflict. I think of Judge Kennison. Judge Kennison was renowned in this country–in this country as Chief Justice of the New Hampshire Supreme Court for judicial excellence. Judicial excellence right here in New Hampshire, Judge Kennison. Go over to the Supreme Court and you'll see his picture. Judge Kennison had to leave at 70. Judge Johnson from Hanover, Senator Hennessey, Judge Johnson; another great mind had to leave when he had to retire when he was 70. So, we lost some of these great people because of an age situation. Now I'm going to, for the purpose of truth in everything, I'm over 70 years old. You've got to believe it Harold. You've got to believe it. I'm over 70. I hope everybody's right saying that 75 is the new 60–I relish that thought. But, indeed, life expectancy has changed dramatically. I think that's very much of a key ingredient. And, indeed, we base most of our decisions on precedent; what's happened in the court system. And these good minds that have to leave, there's a reorientation that must take place. Now in the old days when a judge was appointed in New Hampshire we would send them to Nevada to judges' school. I don't know if we do that anymore, but they would go there. And, again, some of our guys were participants, instructors in that process. So, indeed, why not make the best use of what we have? The best use of what we have. And, indeed, people in the old days were forced to retire. What a crazy thing to do; force a person to retire just because of age. There'll come a time, I mean hopefully there'll come a time when you make that decision on your own. But in this situation, why sacrifice something that's vital, that's vital to the process, and that's vital to the judicial system. We've got to keep people who are capable where they are, and we can't let 70 years of age be the mark by which you're discarded. You know, I think of some of the great people that I have been in contact in my lifetime and let me just say Walter Peterson was well into his 80s and was performing magnificently. They brought him from Franklin Pierce College to the University of New Hampshire to be President. He left the Presidency of the University and went to the Community College System as Chancellor. Two days ago, I listened to the retired President of Dartmouth College, Professor Wright, because he's now a professor in the department–brilliant man in his 80s. What knowledge he was able to dispense to people. And I had the honor of sitting in the Supreme Court and listening to the judges' debate. Now who would want Scalia, who could have been there for life, if he were a

judge here who would want him to retire at 70 years of age? You know a conservative guy obviously, but who would want him to retire at 70? This is an opportunity for us to enter the 21st century with an open mind and give to the people of this state the opportunity to make a decision. The people of the state should make a decision, all right? Because in this council, and throughout our state, a decision that's made by these people is going to affect the lives of every person in the state of New Hampshire. Why not have the best minds making these decisions? I think it's an imperative. A lot of pressure in the 70s when I voted for Linda Dalianis; the question was should a woman serve on the Superior Court? Should a woman serve on the Superior Court? And every time I think about that I walk by that painting on the first floor and I think about the woman who ran for governor without the right to vote. What courage she had, you know, taking that step; a very, very courageous, courageous move. And this, I think, falls right in line. We're moving ahead. We're in the 21st century where a number shouldn't be the critical judgment point. That number shouldn't be meaningless; it should be that person's ability, and we can make that happen. You know, it's a great responsibility that we have here when we make these decisions, and when we recognize the fact that change is imminent. We're in an evolving world; some things we like, some things we don't like. But I think in this particular situation we've just lost an eminent judge from the court because she had to retire at 70 years of age; very well qualified, and done very good work on the court. We're going to lose another woman, right, in a couple of months. Linda Dalianis is forced to retire because she will be 70 years of age–the Chief Justice of the Court. So we've got to think about that. Think about what we're losing. This is an opportunity for us to give the people of the state of New Hampshire an opportunity to make a critical decision. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I rise in support of this legislation and introduced it for many of reasons that you're hearing today. Actually, it was the issue of "glass ceiling" that was one of the issues that came to my mind because this current state, in our Constitution, is what's removing two preeminently qualified experienced women from our court. Now one has been replaced by a woman, but that may or may not be the case. I certainly would argue that there's no minimum in our Constitution. To my knowledge the youngest member ever appointed to the bench was 28 years old. So, there's no bar to young people entering the judiciary; the decision is up to a Governor. Governors can appoint men, women, people of various ages; there's no minimum. There's also no bar on how long any of us can serve. How many people in the room are over the age of 70? Should the Constitution limit our term of service? Should it limit the Governor–it was a rhetorical question, it was a rhetorical question. But it illustrates the point. As the Senator from District 13 said, this section of the Constitution was established in 1792. What was age 70 in 1792? Pretty much a lifetime appointment, right? The average age, pretty much in the 30s, right? Thirty-five, 37. This is an issue whose time has come. This is an issue that we don't decide, but that the people that we represent, the people of the state of New Hampshire decide. How many people in the state of New Hampshire that are age 70 are still working? How many of them still want to work? How many of them have reached a pinnacle of their career and are valuable contributing members of our society or of their professions? We're not asking them. We debated a retirement bill earlier

to allow people beyond retirement to keep working in part-time positions. Why is that okay everywhere else but in the judicial branch? I ask you today to please, whether you personally believe the age should change, vote yes on this amendment and give the people of the state of New Hampshire the opportunity to make that decision. It's an important first step. Even, as I said, if you personally might have a question, there is no reason not to give the voters, whoever participates in the electoral process in 2018, the opportunity to say you know, more than 200 hundred years later it's time for a change, and let's increase the judicial retirement age or give our citizens the opportunity to make that decision. Thank you, Mister President.

Recess. Out of recess.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President; members of the Senate. I rise in opposition to this proposed amendment to our Constitution. I was there in 1792, I remember. There are a number of points. First of all, I was forced to retire at age 65 as an airline pilot. Nobody loves to fly more than I; I've flown everything in the world, basically, from some super cubs on up to international jets off of aircraft carriers, but the reason for that mandatory retirement age is the loss of acuity both physical and mental with advancing age. The average life expectancy in our country today is about 85 for women and about 83 for men, average 84 years old. Okay? By the time you're in to your early 60s you're starting to experience, I don't care who you are, you're experiencing some degradation of your acuity. By the time you're at 70 it's significant, and I don't care who you are or how much you've done in the past your mental faculties are, in fact, degraded. With respect to the committee of review, the review process, I submit to you that I know attorneys, and I know citizens of both, who are very reluctant to bring a complaint because they know very well, especially the attorneys, that they will face that judge one more time, or two more times, or ten more times, and those judges, I have heard from attorneys, remember; they do not forget. So, there's a reluctance intrinsic to the system to bringing complaints forward if a judge is, in fact, misbehaving or not producing appropriate decisions. Until it reaches such an egregious point that one or more citizens or businesses or somebody has had material harm done to them and it can no longer be ignored. That's one step too far. With respect to the citizenship voting on this, remember that we're asking citizens, most of whom never encounter any factor of this judicial branch, to vote on the people that will be judging them or others; they don't experience that, they have no background. We at least study this, we look at it, and we say well we're familiar with the judicial system; most people are not, and never will be. I support the idea of age 70 for the reasons I've expressed. I think it's important that we continue to bring new blood into a system that has worked for us for several hundred years, is not broken, and can certainly use the turnover to allow newer blood to come and present themselves for service in the judiciary branch at the highest levels. For those reasons I oppose this amendment. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise in opposition of the CACR, and mine might be a different tack than what we hear. I'm sure every single one of us in this room has heard of this little thing called "term limits." In fact, some 84 to 86 percent of the people in this state and across America are now asking for term

limits. So, when I look at the concept of extending the term of people in public service, it goes against what I believe and what I think the people of New Hampshire are looking for. They think, with all respect, that some of us have been here too long. And, in full disclosure, Mister President, I'm a guy that has signed pledges to do term limits and think I've actually co-sponsored bills to do the same thing. So, this does give us an opportunity to talk to the people of New Hampshire and America to say we recognize the fact that people should get in and do their time and go home and extending these people's terms in public service is not what the people of New Hampshire are looking for today. So, I'd ask the body to vote down the CACR. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Losing your fastball, that's a suggestion. I had the honor and the privilege to argue cases at the New Hampshire Supreme Court before Chief Justice Linda Dalianis and Justice Carol Ann Conboy, and, trust me; they had their fastballs, without a doubt. And, their time in the court was cut short. It is a glass ceiling. It took them a long time to get there. It's easier for men to advance in the legal profession than it is for women, and then their time was cut short. You know you leave the Supreme Court, and there's all these portraits of men, all the former justices. Once your time on the bench is done you get portrait. The first portrait of a woman is going up: Justice Carol Ann Conboy; the first portrait of a woman. It's bitter sweet because on the one hand it's great to see that on the halls of the New Hampshire Supreme Court, but on the other hand it was way too soon, way too soon. And when we talk about sending this to the people, and that we as a legislature should have some kind of veto authority on this particular question, I think this is a unique one, Mister President. We're talking about separate branches of government. Shouldn't the people have an opportunity to weigh in on the other branch of government? We as a legislature are going to prevent the people from weighing in on the other branch of government? Who do we think we are? Let's let the people decide. This is a unique situation. Let the people decide about the other branch of government. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. I don't have any problem with it; with the Judges who are qualified and still have all their faculties going for as long as they want. But I do have a problem with the wording of this bill. First of all, we're talking about all the judges. Sheriffs are also in here. Sheriffs don't have their faculties anymore? And sheriffs are re-elected by the people every two years. A judge, once appointed, until they get to 70, they're there–forever, and ever, and ever until 70 do we part. So, the problem is not the judges that do have their faculties, it's the judge who is starting to lose his faculties, and the people that have to appear in front of him are concerned about his ability to make fair and honest decisions. And some of us have said well we have this judicial review committee: lawyers, and by lawyers, for lawyers, with lawyers–lawyers, lawyers, lawyers. Okay. Maybe that's the right thing. But maybe it's right that maybe at age 70 we go back to the Governor and Council who appointed them in the beginning and say we would like to have this person reappointed. They are doing a great job. We think that everything is hunky dory. We ought to go and let him be a judge two more years; just as the Governor is re-elected every two years; just as you are elected every two years. And if the people believe that because

of advanced age you are losing your fastball, your faculties, however you want to term it, we get a review. We get a review not of the lawyers, by the lawyers, but of the people, by the people through the Governor and the Council who are elected. Thank you.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: I rise in support of this Constitutional Amendment and letting it go to the people of New Hampshire. I would agree that we should let the people decide on what happens to another branch of government, but I also want to say I have grave concerns about turning down this amendment because what we would be doing is turning our back on the value of experience and knowledge, and what institution in this state makes more serious and profound decisions than those that are related to the legal system that are handled through our courts. And I would want to have the most experienced and able people as possible sitting on that significant body. And by limiting the age we're also shutting the door on valuable knowledge and experience. Thank you.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. Mister President, a question was raised concerning the issue of the sheriffs, and I have my trusty Constitution here. And, Article 78, which is what we are talking about, amending, says, "No person shall hold the office of judge of any court," so it deals with any court, "or judge of probate, or sheriff of any county, after he has attained the age of seventy." So, the issue of the county sheriffs being term limited at age 70, it's already in our Constitution. Thank you, Mister President.

(The Chair recognized Senator Lasky for a question of Senator Gray.)

SENATOR LASKY: Senator, I just wanted to clarify, so that I understood something that you just said. You were advocating election of judges as a whole, or only after a certain age?

SENATOR GRAY: I did not advocate for the election of judges at all. What I said was that at age 70, if they still have their faculties and are still operating well, that maybe we should have a review process which would be reappointment by the Governor and Council as they are appointed right now. And, in my opinion, at that point, there would be no reason for an upper age because the Governor and Council would be the ones. And, also to clarify my stance on the sheriffs, I would remove the sheriffs from the article altogether because they are re-elected and the people are making the decision how long that person should serve as the sheriff and there's no need to have it in the Constitution.

SENATOR LASKY: Thank you, with all due respect, I think any of that would have to, also, go through a Constitutional process, Constitutional Amendment process. So, it couldn't just happen. Thank you.

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

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

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Sanborn for a parliamentary inquiry.)

SENATOR SANBORN: Parliamentary inquiry, Mister President. I apologize, being this is for a Constitutional Amendment is it 15 or 16 to pass?

PRESIDENT MORSE: Fifteen.

SENATOR SANBORN: Thank you.

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

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

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

Roll Call, Yeas: 13 - Nays: 11. Failed, lacking necessary 3/5 vote.

Senator Bradley moved to Lay on the Table.

A division vote was requested.

Yeas: 8 - Nays: 15. Failed.

Senator Bradley moved Inexpedient to Legislate.

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

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

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

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

Roll Call, Yeas: 11 - Nays: 13. Failed.

Senator Bradley moved to Lay on the Table.

A division vote was requested.

Yeas: 10 - Nays: 14. Failed.

Recess. Out of recess.

Senator Bradley moved to Lay on the Table.

The question is on the adoption of the motion to Lay on the Table.

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

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Feltes for a parliamentary inquiry.)

SENATOR FELTES: Mister President, if you know as I know that we could potentially special order this bill to try to come to some consensus, would you now vote no on tabling? Thank you, Mister President.

PRESIDENT MORSE: If you're in favor of CACR 20 being tabled you're going to say aye, if you're opposed you're going to say nay.

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, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 13 - Nays: 11. Adopted.

JUDICIARY

SB 336, relative to the judicial district for the towns of Waterville and Livermore.

Ought to Pass with Amendment, Vote 4-0. Senator French for the committee.

Senate Judiciary
January 9, 2018
2018-0063s
04/05

Amendment to SB 336

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 2018.

SENATOR FRENCH: Thank you, Mister President. I move Senate Bill 336 Ought to Pass with Amendment. This bill moves the towns of Livermore and Waterville from the Conway judicial district to the Plymouth-Lincoln judicial district. Livermore is an unincorporated place with no one but the ghosts of past wandering around. However, a portion of the Kancamagus Highway and Triple-I road both run through Livermore leading to the potential of an arrest taking place in Livermore. Currently, although Lincoln's Police Department has jurisdiction over Livermore, they are required to go all the way around the mountain and back again to go to the Conway Court for any proceedings. This bill would alleviate some of the added burden on Lincoln's Police Department by allowing them just to take a short hike down to Plymouth for those proceedings where they already have prosecutors instead of to Conway. The committee amended the bill to have a specific effective date in order to prevent any potential confusion. Therefore, the majority of the Judiciary Committee asks you for your support in the motion of Ought to Pass with Amendment on Senate Bill 336. And I thank you, Mister President.

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

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

SB 392, establishing a commission to study and evaluate the impact of the discharge of state prisoners.
Ought to Pass with Amendment, Vote 4-0. Senator Gannon for the committee.

Senate Judiciary
January 9, 2018
2018-0071s
04/01

Amendment to SB 392

Amend RSA 622:59, I as inserted by section 1 of the bill by inserting after subparagraph (j) the following new subparagraphs:

(k) The warden of the New Hampshire correctional facility for women, or designee.

(l) One member representing the New Hampshire Association of Criminal Defense Lawyers, appointed by that organization.

SENATOR GANNON: Thank you, Mister President. I move Senate Bill 392 Ought to Pass with Amendment. This bill establishes a commission to study and evaluate the impact of the discharge of state prisoners on Concord and the surrounding towns. Concord is home to the New Hampshire State Prison and will soon be home to the new Women's Prison. There's undoubtedly an impact felt by Concord and its neighbors due to the discharge of prisoners, and it is important for Concord to develop a strong understanding of this impact. This study will not only result in

the identification of challenges, but also help community leaders and state officials develop best practices and improve policies across the state. The committee amended the bill to add a member from the New Hampshire Association of Criminal Defense Lawyers and the warden of the New Hampshire correctional facility for women. The majority of the Judiciary Committee asks for your support in the motion of Ought to Pass with Amendment on Senate Bill 392. Thank you, Mister President.

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

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

TRANSPORTATION
SB 300, naming a certain bridge connecting Dover and Newington the Ruth L. Griffin bridge.
Ought to Pass, Vote 5-0. Senator Watters for the committee.

SENATOR WATTERS: Thank you, Mister President. I move Senate Bill 300 Ought to Pass. This bill names a certain bridge connecting Dover and Newington the Ruth L. Griffin Bridge. Ruth Griffin's name is identified with the improvement of the State of New Hampshire. She is a deeply committed public servant who served in the House and Senate, and on the Executive Council, representing District 3 for twenty years. She is an icon in state and national politics and is respected by Republicans and Democrats alike. She has an enduring reputation for her commitment to her community and her constituents. Naming this bridge in her honor suitably ensures her legacy. All members of the Transportation Committee ask for your support in the motion of Ought to Pass on Senate Bill 300. Thank you, Mister President.

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

SB 344-FN, authorizing New England Donor Services, Inc. to issue decals for multi-use decal number plates.
Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 344-FN Ought to Pass. This bill authorizes New England Donor Services, Inc. to issue decals for multi-use decal number plates. Currently, there are twenty-four states that have organ donation decal plates and there are two other New England states currently looking at using such decals. These decal plates provide an opportunity for people to advocate for organ donation. Allowing the issuance for such decals is an important step in raising awareness. Since there are several pieces of legislation this session that deal with decals for multi-use decal plates, some of which need amendments in order to be passed into law properly, a subsequent motion will be offered that I hope each of you can support. This will ensure that all pieces of similar legislation are passed properly. All members of the Transportation Committee ask for your support for the motion of Ought to Pass on Senate Bill 344-FN. Thank you, Mister President.

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

Senator Bradley moved to Lay on the Table. Adopted.

SB 345, naming a bridge in the town of Lincoln in honor of the Clark Family.
Ought to Pass, Vote 5-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move Senate Bill 345 Ought to Pass. This bill names a bridge in the town of Lincoln in honor

of the Clark family. Ed and Florence Clark founded the now well-known Clark's Trading Post in Lincoln in 1928. Their family is still engaged with the trading post to this day. The 90th celebration of the trading post is quickly approaching this year and honoring the family by naming this bridge just beyond their property would be a wonderful gesture. Further, the town of Lincoln supports this legislation. All members of the Transportation Committee ask for your support in the motion of Ought to Pass on Senate Bill 345. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President, and I want to thank the Transportation Committee for their great work on this bill, Senate Bill 345, which will name a bridge in the town of Lincoln for the Clark Family known for the iconic attraction Clark's Trading Post, which began in 1928 when Edward and Florence Clark opened up their roadside attraction in Lincoln for visitors. Ed Clark's Eskimo Sled Dog Ranch featured guided tours with their pure-bred Eskimo sled dogs and they also included three black bear cubs. The bears were a perfect visual attraction for passing motorists, and in 1949 Ed and Murray began training their bears for show work. The Clark brothers and their bears delighted guests with humor and hospitality. In 1932 Florence drove her dog team all the way up to the summit of Mount Washington to become the first woman to make the successful climb to the summit. With the coming of World War II, the Federal Government approached the Clark's to see if they would supply Eskimo sled dogs for the war effort. The dogs were to be delivered to Iceland to the Norwegian Army. There was a general agreement that someone from the family needed to oversee the delivery of these dogs, and Edward and Florence being in poor health chose the logical choice of their 18-year old son, Ed Clark. Ed and the dogs boarded the SS El Conston in Boston, and the ship headed across the Atlantic in a very dangerous place in the summer of 1942. During time in the outside world, Ed discovered a love for engineering, steam locomotives, and upon the return from Iceland decided to join the United States Merchant Marines. And a few months after he left that service, he was called into service again and asked to bring more dogs to be shipped to Scotland and this was passed onto his 15-year old son, Murray, for an adventure; and he was pulled out of school; and Murray went to Manitoba to procure the needed dogs and then bring them to Scotland. Over the years the Clark's business evolved to what it is today, and what the guests are much more familiar with. In the 50s Ed had a fascination for steam locomotives and he began saving locomotives that were destined for demolition creating, as Ed put it, green pastures for iron horses. This led to the founding of the White Mountain Central Railroad in 1958. In 1963 saw the addition of a covered bridge spanning the Pemigewasset River, which allowed the extension of the scenic railroad. The Clark brothers married the Avery sisters of North Woodstock. Ed married Joyce, and Murray married Barbara, and between them they had nine children. I would just say today, Mister President, 2018 marks the 90th year of this operation. The Clark Family today, any trip to their great facility there in Lincoln, you'd find as many as twenty family members working there spanning five generations. It's still locally owned, locally operated business where you hand a dollar to an owner. And they're a great family, we love having them in the North Country.

And I just want to share one personal note. Last fall I did a historic covered bridge tour, and you might not know, Mister President, but 24

percent of the state's historic covered bridges are in my district. Well, I assumed these bridges were on public roads, which was a wrong assumption because the night before, after we had a bunch of DOT and historic people and others who were just interested, I found out that this bridge we were going to tour was inside the grounds of Clark's Trading Post and off season. So, the night before, calling to say can we bring a whole lot of people over to your facility, the Clark's always respond, always gracious, always willing to show off the great work that they do there. And this is an appropriate honor and I want to thank the committee and the Senate for your support of this. Thank you.

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

CONSENT CALENDAR REPORTS REMOVED

PRESIDENT MORSE: We are at the conclusion of the regular calendar and will take up the bills that were removed from the consent calendar.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 330, requiring the department of environmental services to give certain persons time to cure violations before imposing a penalty. Inexpedient to Legislate, Vote 5-0. Senator Soucy for the committee.

SENATOR SOUCY: Thank you, Mister President. This bill would require the Department of Environmental Services to give certain persons time to cure violations before imposing a penalty. The committee felt this legislation would limit the New Hampshire Department of Environmental Services ability to impose administrative fines and also seek civil penalties in certain cases. The legislation would also result in increased oversight and potentially direct enforcement in New Hampshire by the United States Department of Environmental Protection, which we believe is an overreach and would require New Hampshire businesses to have to appear before federal court for these penalties if we were failing to authorize them. The committee was unanimous in its recommendation of Inexpedient to Legislate, and I ask you to support the committee recommendation.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and ask the body to overturn the Inexpedient to Legislate motion so I could offer a motion of Ought to Pass. Mister President, in the discussions that have been had that I am aware of on this bill, the reasoning given to not pass the bill was the fact that the agency is presently going under a performance audit, and we want to see how that audit turns out. But Mister President, we know, we know that giving people an opportunity to correct their wrongs, if they have not done something with malice, is an important part of how we should look at our government. Since I've been in this building, we have time and time again talked about, looked about, and passed legislation that says we recognize that sometimes people make paperwork mistakes, and sometimes people make mistakes unknowingly, and we believe that those people should be given an opportunity to cure it before they feel the hard hand of government administratively and financially. Mister President, this is a bill that looks to do that same thing that recognizing the fact that with 1.3 million people in this state, hundreds and hundreds of thousands of business owners and 170,000 small businesses that sometimes mistakes happen. Sometimes people don't know the laws, sometimes people don't understand what the requirements are. We know that in the state of New Hampshire, for example, our Shoreland Protection Act is the most

comprehensive and difficult to understand and work with in America; not saying that it's bad, it's hard to follow, it's hard to understand. And, for the record, Mister President, I own waterfront properties so, therefore, I'm declaring I may or may not have an ethics challenge, but I'm still participating. So, what are we to say as a body that if we don't believe that people have the right to correct an honest mistake, that everyone's guilty, everyone should be punished, everyone should pay a fine without any ability for them to say I apologize, give me a chance to fix that? I think it sends a bad message, Mister President. I believe this body should overturn the Inexpedient to Legislate so we could introduce a motion of Ought to Pass, and let the people of this state know that we're trying to pass good laws and right laws, and we have agencies that are making rules on a regular basis that very few people in this building ever voted on, and the general public might need and deserve that opportunity to fix their problem before they get the heavy hand of government right up their canoe. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to ask the body to please support the very strong 5-0 vote of the Executive Departments Committee that heard this legislation. The Senator from District 9 is correct in speaking to the fact that the Department is currently going through a performance audit, and they have asked us to wait until the spring when do receive a copy of the audit, or the audit is finalized. And, they're going to be more than willing to work with the legislature in order to correct any deficiencies. But what I think was really more troubling was a letter that I received from the Department, and they talked about cases of oil spillage. And the question that we were asked was would this require that the New Hampshire Department of Environmental Service to first inform the facility of the potentially knowing and ongoing oil discharge, and then wait to see if the discharges stopped within thirty days. Only if the discharge continued past the thirty days would the Department seek to authorize or impose a civil penalty. So, in essence it's basically tying their hands and allowing what could be a very potentially, endangering situation go on for thirty days, and they felt that this was not appropriate. In addition, Senate Bill 330 may result in increased oversight and direct enforcement in New Hampshire by the U.S. Environmental Protection Agency. If sufficient fines or penalties are not imposed by New Hampshire DES in particular cases, the EPA could seek to impose Federal civil penalties in Federal court. These additional court actions are known as "over-filing." Second, and more drastically, if the Department's authority to impose fines and penalties is reduced, or effectively eliminated, EPA may withdraw its approval of New Hampshire's delegated and authorized environmental programs under various federal environmental statutes. As a result, businesses and individuals would be required to communicate and negotiate with the EPA directly rather than with their local New Hampshire DES office. Mister President, most of us, if not all of us in this room believe that the closer government is to the people the better it operates. Why would we pull the state of New Hampshire out and have our citizens have to deal with the Federal Government? I think we all know that dealing with the Federal Government can be very difficult, and why would we put them in jeopardy of doing that? So, again, Mister President, after careful consideration the committee believed, very strongly, 5-0 that this bill is Inexpedient to Legislate, and I'll ask the body to support that. Thank you very much.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President, members of the Senate. I have the honor of representing District 2, which has nineteen lakes, including Winnipesaukee in the district. The number one cause of complaints across my desk is the Department of Environmental Services. It is I who requested the performance audit of the wetlands division, the Wetlands Bureau of the water division of DES, because of the seemingly high number of consistent complaints out of that one agency. A number of, I think, misstatements, or misunderstandings, have been presented with respect to the administrative process. A thirty day stay, offering a person the right to remedy a problem in no way impacts the time frame. Penalties and fines are assessed after months, sometimes years of attempting to get a potentially intransigent citizen or business to remedy the problem. So thirty days has no bearing on the penalty or fining process; it's the boogeyman. We're not harming the DES; the United States EPA is not going to jump in if we give a grace period for someone to fix the problem that is the reason they might jump in. And it does not do anything to remove the ability of DES to fine or penalize the business or individual for noncompliance. It merely says you get thirty days to clean it up. If that doesn't happen, parenthetically, most of the time DES can't act within thirty days anyway they're so backlogged, but when an exigent circumstance arises they can, and they do. Offering the right to remedy the problem in no way mitigates the fact that the person can be fined for violating the rules. So, I think that the arguments are disconnected, and I think that this is a good bill. I'm going to oppose the Inexpedient to Legislate and ask you to support that motion.

(The Chair recognized Senator Sanborn for a question of Senator Giuda.)

SENATOR SANBORN: Senator, thank you for taking my question. The Senator from District 13 read a letter from the agency making a suggestion that if there was an oil leak on a property that if this bill were to pass that the owner of that property would let an oil leak continue unabated for another thirty days while they considered whether or not it was an egregious act or not. Could you think of anything more insulting to the business community or the people of this state then to make a suggestion that people would be willfully making a decision to be nonresponsive if something was happening on their property?

SENATOR GIUDA: I would elevate the discussion out of insults back and forth. What I would say is I know of no reasonable business person or individual with an oil leak on his or her property if it's brought to their attention is not going to do everything in their power to fix it because they're aware of the civil penalties and fines and other consequences that are levied if they don't. I don't believe anybody willfully wants to destroy the environment, especially given the attention our state has given to that. Thank you.

SENATOR SANBORN: Thank you. So, would you agree with me that if the Department of Environmental Services would make this claim in a letter that they're showing a level of exaggeration of what bad things might happen, and it would be inappropriate for them to do so?

SENATOR GIUDA: Well, I think that the Department would like not to have strictures put on it, or potentially that might enable the person to fix something without the heavy hand of government in their face. Again, I don't know their motivation, but I do know that giving people a

thirty day grace period, okay, is not a bad thing. Most people will honor that, and those that don't are still subject to fines and penalties and all the other authorities of the agency.

SENATOR SANBORN: Thank you, Senator. Thank you, Mister President.

(The Chair recognized Senator Lasky for a question of Senator Sanborn.)

SENATOR LASKY: Thank you, Mister President. Senator, granted, I am aging, and my hearing may be going, but did I hear you say that you attributed this letter to the Senator from District 13?

SENATOR SANBORN: No, oh, Senator, thank you for that. I thought I specifically said, and sure the recording would show I specifically said, a letter that the Senator from District 15? Eleven, 14, my apologies my math is off today.

SENATOR LASKY: Thank you. I do not want any egregious statements attributed to me. Thank you.

SENATOR SANBORN: I appreciate that. And, for the record, Senator, I thought I attributed the letter itself making a statement; and if I attributed it to the wrong Senator, I apologize for math today; I must be approaching seventy.

SENATOR LASKY: Again, I am aging. So, thank you.

SENATOR SANBORN: Thank you.

PRESIDENT MORSE: The way this day is going, I'm aging!

(The Chair recognized Senator Avard for a question of Senator Carson.)

SENATOR AVARD: A real quick question, Senator, and thank you for taking my question. With regards to the audit, when is that audit due?

SENATOR CARSON: We were informed that it was due this spring time.

SENATOR AVARD: This spring time. Would it make sense, then, or could it make sense that we would vote in favor of passing this and then tabling and holding this in case that audit is not up to par?

SENATOR CARSON: Thank you for the question. Our crossover is March 22nd. I do not believe that the audit will be completed by then.

SENATOR AVARD: Thank you, Senator.

SENATOR CARSON: You're welcome.

(The Chair recognized Senator Fuller Clark for a question of Senator Carson.)

SENATOR FULLER CLARK: Senator Carson, it's my understanding, if you could confirm this, that according to the report from your public hearing that the Environmental Department said that their compliance assurance response policy makes sure there is an opportunity for a company to fix a problem before they necessarily institute a fine. So, it is my understanding that there is a lot of give and take in terms of working with our residents in this state who are out of compliance. Is that your understanding?

SENATOR CARSON: Thank you for the question, Senator. Yes, it is. As you can see, we did get testimony from the Department stating just that.

SENATOR FULLER CLARK: Thank you.

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

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

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

The following Senators voted No: Giuda, Sanborn, Daniels, Avard.

Roll Call, Yeas: 20 - Nays: 4. Adopted.

TRANSPORTATION
SB 397-FN, authorizing the university system of New Hampshire to issue decals for multi-use decal plates.
Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

SENATOR CAVANAUGH: Thank you, Mister President. Mister President, I'm only 52 but I forget what I'm supposed to say. I'm just kidding, I have it written down. This bill would allow the University System of New Hampshire, including Granite State College, Keene State College, and Plymouth State University, to issue multi-use decal plates. The sales revenue for these plates will be used exclusively for student scholarships based on need and merit. These plates would also allow the students, faculty, and alumni to demonstrate pride in their institutions, just as those of the University of New Hampshire already may. As we have already heard today, there are several pieces of similar legislation dealing with issuing decals this session. As a house-keeping measure, a subsequent motion will be offered that I hope you can support in order to ensure that all of these pieces of legislation are passed properly. Thank you, Mister President.

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

Senator Bradley moved to Lay on the Table. Adopted.

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

PRESIDENT MORSE: Senator Bradley, Senate Bill 215. Do you still wish to special order that to the next session?

SENATOR BRADLEY: I do wish to special order Senate Bill 215 so that the committee has an opportunity to discuss it.

SPECIAL ORDER

Without objection, the following bill is special ordered to the next session. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 215-FN, permitting the university system of New Hampshire and the community college system of New Hampshire to participate in the state health insurance plan.

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 48, establishing a commission to study the efficiency and effectiveness of the fish and game department's operations, governance, and management structure.

Senator Avard moved Concurrence. Adopted.

SB 119, relative to the length of docks on a water body and boat slips.

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

The President appointed Senators Bradley, Sanborn and Fuller Clark.

SB 132, relative to historic burial grounds and cemeteries.

Senator Carson moved Concurrence. Adopted.

SB 247-FN-A, preventing childhood lead poisoning from paint and water.

Senator Bradley moved Concurrence.

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

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

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

Roll Call, Yeas: 18 - Nays: 6. Adopted.

SB 71, relative to the law governing alimony.

Senator Carson moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Carson, French and Lasky.

SB 249, relative to procedures for determining and disclosing exculpatory evidence in a police officer's personnel file.

Senator Carson moved Nonconcurrence. Adopted.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: First, I want to thank my colleagues from District 13 and 14 for "degeezering" me; giving me a fountain of life, although I certainly don't feel that way. So, Mister President, thank you very much.

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 Gray: SB 247-FN-A
Senator Sanborn: CACR 20, HB 225, HB 561-FN, SB 48, SB 92, SB 71, SB 119, SB 132, SB 247-FN-A, SB 249, SB 300, SB 321, SB 324-FN, SB 325, SB 326, SB 328, SB 330, SB 333, SB 334-FN, SB 336, SB 344-FN, SB 345, SB 358, SB 360, SB 367, SB 369-FN, SB 371, SB 372-FN-A, SB 375, SB 376-FN, SB 377-FN, SB 380, SB 384, SB 385, SB 392, SB 396-FN, SB 397-FN, SB 399, SB 407, SB 469
Senator Woodburn: SB 247-FN-A

ANNOUNCEMENTS

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I stand for unanimous consent. And I'm here this afternoon to pay tribute to a great and 50 year New Hampshire resident and a great man who died last week on January 11th at the age of 92. My father, John William

Hennessey, Jr., was a veteran of World War II, a scholar, a feminist, a progressive, and an ethicist, with an exceptional career. He majored in economics in social institutions at Princeton writing his senior thesis on the merits of national health care. After graduating from Harvard Business School in 1950 my father knew that he wanted to be a teacher. He completed his Doctorate in Organizational Behavior followed by moving to Hanover, New Hampshire with his wife, Jean, and their two young children. My father accepted then the deanship at Tuck in 1968 at the age of 43 on the condition that the trustees allow women to be admitted into the Business School. This was three years prior to the undergraduate college's acceptance of women. And he also worked to remove racial barriers by recruiting minorities into the five most selective business schools in the country.

My father served on more than thirty non-profit college and corporate boards serving as a chair of the Dartmouth Hitchcock board, Encyclopedia Britannica, Vermont Law School, Connecticut Mutual Life Insurance and others. More recently he sat on the boards of Americans for Campaign Reform and Patient Choices at End of Life. In 1981 he received an honorary Doctor of Humane Letters from the University of New Hampshire, and on the occasion of his 80th birthday, then New Hampshire Governor John Lynch proclaimed March 25, 2005 John W. Hennessey, Jr. Day. While his resume is extensive, and this only represents a small taste of all the things John Hennessey accomplished, I will always remember my father for his intellectual curiosity, his fierce integrity, his humanitarianism, and his convictions regarding the inherent dignity of all humans.

As a colleague, a teacher, a mentor, a friend, or a dad, my father made others feel as if they were the only ones in the room. He practiced unconditional, positive regard and always knew that asking good questions was more important than giving quick answers. I wish that I had a nickel for every time someone has told me how my father changed his or her life. He made people, including me, want to be the best versions of themselves. But those closest to John Hennessey knew about him was that he had a love affair with words, and still was using words that I had to look up in the dictionary on his deathbed.

He loved to make people laugh. His wit was sharp; he was also playful, and he made us smile to the very end. His children and three grandchildren were always his first priority. He read the books they read in school so they could discuss them, and he recently apologized to our youngest daughter for not being able to read her law school texts because of his failing eyesight. He took all of my children to all 50 states, and he attended every local event. And in the past six years he became the proud great-grandfather of 5 great-granddaughters, a new thrill in his life.

Some of you know that my mother was very involved in New Hampshire politics along with her dear friend, New Hampshire Senator Mary Louise Hancock, who died one month ago. After my mother died in 2004 my father married former Governor Madeleine Kunin from Vermont in 2006. He felt sure that she was a gift from my mother, knowing that she would not want him to be alone. We lost a great man last week, and although he lives on in so many who knew and loved him, he will be dearly missed. In today's *Valley News,* Martha Loreman, from the first class of women at the Amos Tuck School, wrote a letter to the Editor that stated in part, John was a wonderful man, devoted to his family, dedicated to his students, dedicated to improving the world, and an ardent supporter of the Socratic Method. My heart is hollering in pain at his passage. I'd

like to take this opportunity to thank everybody who has expressed their condolences to me, and I just wanted, for the record, to read something about him. Thank you.

PRESIDENT MORSE: Senator Hennessey, I want you to know the thoughts and prayers of all the Senators are with you and your family, and your remarks will be entered into the permanent *Journal*.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Again, a point of personal privilege; you know it's kind of a tragedy that whenever we get up and do these things, we're talking about people that have passed on and left real holes in our hearts. But the memories and the relationships that were created will live forever, and that's really what life is all about.

We lost a truly great man last week when we lost Colonel Paul O'Leary. Now some of you might remember Paul, some of you don't remember Paul, but I was a friend of Paul's for the last forty years. Paul O'Leary became Colonel of our State Police and, believe it or not, Paul O'Leary was the first and only person to rise from Trooper to Colonel and go through every rank that was offered by the State Police. He went through every rank from zero to Colonel and is one of two men to have the rank of Lieutenant Colonel for the State Police. He and Lieutenant Colonel Hayes were the only two ever to be Lieutenant Colonels. And I might say in his lifetime he suffered a demotion at one time when they took the Lieutenant Colonel away and made him a Major and placed him over at the highway building at a desk in isolation. But the man had the courage of a lion; he lived through this and went on to become Colonel of the State Police. Paul served in the Coast Guard and in the Marine Corps. And in the Marines we always say, as Senator Giuda might know, Semper Fi; and he was Semper Fi, and lived with that.

Paul passed away in Rochester surrounded by his family. He suffered some tragedies prior to his passing. He lost a son, and he lost a daughter, and Paul loved his family. He really loved his family and was a great, great family man. I got to know Paul because he liked football players, you know, and I had the privilege of playing when I was in college and Paul and the Chairman of the Board of Trustees at the University would drop over and say hello. But with O'Leary's passing we have lost a memory of leadership because Paul was a strong leader. And we know we have great confidence in our State Police, and the reason why we do is because of the leadership that has been manifested by people like Paul O'Leary through the years. That's a great loss, but in essence the memory will live on because Paul left us with something. He left us with a vibrant organization, with an organization that we believe in, and an organization that serves the public.

I've had the privilege of meeting a number of great guys in my service in this state and Paul O'Leary ranks right up there with the tops. You know he's a Walter Peterson type–big, strong guy who wasn't afraid to do anything. So, it's a great loss for the state, great loss for his family. His wife still lives in Rochester. I know Senator Gray knows the O'Leary family. They were married for 68 years; that's a milestone in today's world. And, as I say, it's a great loss for the state. So, hopefully we'll remember Paul O'Leary for the service that he rendered to the state of New Hampshire over his many years in the State Police. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise for a moment of personal privilege, and want to thank my colleagues for the eloquence in which they've addressed family members, and those who have dedicated great service to the state. It's just remarkable to hear the life story of people. And here we are, we are not necessarily at that same age that's been described today, but if we live long enough, we're here to honor those who we've known that are now deceased.

I rise today on behalf of a friend, Representative Gladys Johnsen, who has represented Keene in the House of Representatives for the past seven years. I've known Gladys since 1991 when she joined the Keene State College music faculty. We worked together for fifteen years at Keene State College. Gladys has a remarkably beautiful voice and is an outstanding choir director still directing the choir at the Keene Unitarian Church. It was two Thursdays ago when she was in a House session that Representative Johnsen received a call that her husband of twenty-seven years, Melvin Morgan, had collapsed and died at home. I was fortunate to know Mel. He often accompanied Gladys to the State House and events that occurred in Cheshire County, and at Keene State College. When the Reverend Michael Hall, at the Keene Unitarian Church, gave a wonderful eulogy for Mel, who was an active parishioner, he described Mel as a kind and loving man. That is exactly what those of us who knew Mel would have said. By all accounts of many of his grandchildren who said he was the coolest man in Keene. We all envied the title. A tribute to a man who directed his attention and his love to family, church, and community, and I hope that you'll join me in sharing your sympathy with Representative Johnsen's loss, and the loss of a man who will be missed by his Cheshire County, New Hampshire and Maine friends.

And while I'm standing today, I'll just pay tribute to another member of New Hampshire's music community. We lost a fantastic musician this last week, saxophonist Scott Mullett. If you were out on the music circuit in Keene you knew Scott. You could pick Scott out in a group as, "there is the musician." The burley, mustached, quiet, demurring, quiet sense of humor who played the saxophone. He shared his talent with students in the Boston Conservatory, Vermont Jazz Center, and Keene State College, and played with many bands in New Hampshire. He was a young man and we lost him way too soon; we pay tribute and write into the record my thoughts on the loss of both Melvin Morgan and Scott Mullett. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. A little personal privilege and most of you know I don't speak a lot in here so I'm going to ask that you indulge me for just a moment. And given the context of today's debate, this is a particularly interesting discussion I'm about to have.

When I was a boy, I was fortunate and had four grandparents and five great-grandparents. They were a font of knowledge and wisdom and information, and I thought they were a terrific addition to my life. And I took advantage of that and talked with them often and learned a great deal from them. Across the street from me was a woman named Mrs. Otten, who lived on a corner lot and swept her gutter every day. I was 7, 8, 9 years old and every day when she went out, I went out and I sat on the curb with her and I talked at her for the full hour it took her to work her way around. And it was a wonderful experience to learn from

these folks and to understand their perspective and everything that they had been through. I've had a number of people that I consider mentors who generally have been older than me: my grandfather is one; my father, certainly; and a number of older folks that I've always looked up to. And I lost my last grandfather just four years ago; my last great-grandmother was in 2000 when I was 36. So I had an opportunity to learn an enormous amount from these people.

Today we named a bridge after someone who is still with us; a person who has the characteristics of those folks that I grew up with, and has served as a mentor to me, Ruth Griffin. And I think she's had an impact on people, and our state, and our community that goes far beyond anything she can imagine, which is true for my grandparents and great-grandparents. I don't think they understand the impact they had on who I am today–maybe now they do, they didn't when they were living. And Ruth Griffin is that type of person for so many of us; probably many of us in this room. She has been an icon in our state for a long, long time. And I remember the first time I went to meet her. I was running for Congress and, you know, you got to get this endorsement, Ruth is really important. You walk into her parlor and you sit down, and you see those eyes of hers, and everybody's seen them, they're looking right through you and you know it, and you think, Oh my God. You know, she sees everything about me, how am I going to get through this? And when I sat with her, she made me wait weeks before she would endorse me, and I swear it was a plan. But eventually she did, and I had to go hold court with her again, and it was a wonderful thing, and our friendship has grown over the years. I'm negligent in visiting her, the record will show that. I will be scolded when I finally arrive, but I will do so. But I think one of my favorite comments from Ruth was this: I was troubled recently, and I won't tell you which party had me troubled, could be both of you, and I said I'm not quite sure how to approach this. And you can guess what she might have said–Oh the hell with them, do what's right and do what you believe is right, and you'll be just fine. And that's the way Ruth has lived her life, and that's the way she has mentored so many of us to lead our lives in politics. She's a landmark in her own right, and it's only fitting that we name a landmark after Ruth Griffin.

So thank you all for your vote today, and thank you Ruth for all that's you've done. Counselor Griffin, all that you've done for our state and for the citizens of our state we are all grateful. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President, for a point of personal privilege. One year ago today the most important person in my life was stricken, and that commenced a journey that has taken me from the heights of exhilaration to the depths of despair. Through all of that, your prayers, your cards, your kind wishes and words have helped me sustain traction in life, have helped me keep moving day after day when sometimes the days seem more than I can take. I'm here today to talk for just a moment about the courage of a lady who was supposed to not survive a year ago today, and yet here we are. At this point in time, she can be in a chair for about an hour and fifteen minutes before her heart starts to give out because she's been horizontal for so long, but we're making progress. Two weeks ago, for the first time, with her eyes open, the director of nursing asked her, Christine are you comfortable? And she said uh-huh. And then he asked her, if you just said yes, would you blink your eyes once? And she blinked her eyes once. It is a torturously

slow journey, and yet one which has deepened my faith, reinforced my faith in human nature; I cannot tell you how much different the real world is in the hearts of small town people than what we see and read in the papers every day of violence and hatred and anger. But I can tell you I lived at Dartmouth for five weeks and during that period of time my kids were going back and forth to home. We would find hot meals on the stove from people we didn't even know. We would find chocolate chip cookies with a note that said, smile, it will get better. We had more things done–people plowed our driveway; all of these things that are in the good heart and the good nature of the people of this state, and I believe of this world. I'm here to attest to the courage of a lady, who wasn't supposed to make it and we're a year down the road, and she may just be coming back to us. Thank you for your support for me in my journey. Thank you for your prayers for my wife and hers. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Personal privilege for two reasons: first, a wonderful constituent of District 15 has just had a new grandbaby, a baby girl, Violet Saylor. That constituent is our Clerk, Tammy Wright. Let's give a round of applause to Tammy Wright.

On a much more somber note, Mister President, a good friend, fellow neighbor in the South End of Concord, a former State Senator, Chip Rice, passed away recently, and I'll read portions of his obituary into the record.

> Chip Rice was a great story teller–as long as you had lots of time and patience. Before you had a chance to say yes to his question, have I ever told you? Chip would launch into a story about meeting Robert Frost at Kimball Union, his shenanigans in the Navy or playing rugby against Prince Charles. It delighted Chip when his grandson Emmett joked that he kept a spreadsheet of all Chip's stories and the frequency with which he told them.
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> Chip and his wife Ann loved to travel, and while many people collect souvenirs, Chip collected friendships. A B&B proprietor from Wales, a root beer baron from Glasgow, and some RV'ers from Germany are a few of the people Chip convinced to visit him in New Hampshire. He was always game to try the local cuisine–like guinea pig in Ecuador and salt cod in Nova Scotia–but his family wasn't always excited when he brought the recipes home with him.
>
> Chip was the original hipster–he made hummus before it was a thing, he carried a manbag, traveled to Manchester for Rooster Sauce, made his own pita chips, roasted his own coffee, and rocked a mean goatee. His hairstyle was lovingly known as the "grenade look" and he was happiest in saggy jeans and a coffee stained sweatshirt. But on special occasions, he pulled out all the stops, with his Scottish kilt, tailored jacket and every accessory. Chip never did anything halfway. In fact, when he experimented with raising sheep, he had a herd of 50 of them.
>
> Chip was a practical and creative joker who made people laugh but was very serious when it came to his community. He dedicated his life to helping others whether as Executive Director of Rockingham County CAP, CEO of Bancroft Products, or as a state Senator. He loved living in Concord and was passionate about his work with the refugee community; organizing community discussion groups and

representing the South End in the New Hampshire State House. His ability to look beyond difference and find mutual understanding made him an inspiring leader and mentor. His most recent project was supporting the creation of the John Winant statute, which was spawned by his obsession with the book *Citizens of London*.

Chip's dogs were his constant companion. Tinker, Max, Dakota, and Izzy all found a happy spot under Chip's hand. Most of all he loved his wife Ann, who sang him silly songs, shared his love for travel and people, and made him smile every day.

Chip died on Wednesday, January 3rd, in the way he had hoped–at home, without medical intervention, with his loving wife and children holding his hands. His family, both by birth and by choice, will continue to share his stories.

(*Union Leader*, Jan. 7, 2018)

Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Personal privilege. I'd simply like to inquire as rather or not the remarks that were made by Senator Woodburn about the Clark family could not also be included in the permanent *Journal* since they really record a really remarkable history. Thank you.

PRESIDENT MORSE: The answer is yes. I believe any debate that we have during the session is included.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you very much, Mister President. Today is a great day in the Lasky family because Senator Lasky's husband is having a birthday today, so congratulations and all the best. Thank you, Mister President.

PRESIDENT MORSE: And before we recognize Senator Bradley–Rick, Kat congratulations on your wedding! We'll enter that into the permanent *Journal*.

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). Adopted.

LATE SESSION

Third Reading and Final Passage

HB 225-FN, relative to information collection concerning electric renewable portfolio standards.
SB 92, relative to the consumer complaint process at the banking department.
SB 300, naming a certain bridge connecting Dover and Newington the Ruth L. Griffin bridge.
SB 321, relative to group host net energy metering.
SB 324-FN, allowing an optional retirement system allowance to include a subsequent remarriage of a divorced retiree.
SB 326, relative to the functions of the division of historical resources.
SB 328, relative to attorney general membership on certain committees and repealing the criminal justice information system.
SB 333, relative to pharmacy interns and vaccinations.
SB 336, relative to the judicial district for the towns of Waterville and Livermore.

SB 345, naming a bridge in the town of Lincoln in honor of the Clark Family.
SB 358, relative to reorganization of the department of education.
SB 360, establishing a commission to study whether the department of education should be required to conduct criminal history records checks, via a fingerprint check, on all applicants for teacher certification.
SB 367, relative to public utilities commission review of group host agreements.
SB 369-FN, relative to the publication of the rulemaking register.
SB 376-FN, relative to the sale of certain cold medications.
SB 377-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners.
SB 380, relative to the therapeutic use of cannabis.
SB 384, relative to written certification under the use of cannabis for therapeutic purposes law.
SB 385, establishing a foster care children's bill of rights.
SB 392, establishing a commission to study and evaluate the impact of the discharge of state prisoners.
SB 396-FN, relative to gold star number plates.
SB 399, naming a bridge in Concord in honor of David E. Powelson.
SB 407, relative to membership of the McAuliffe-Shepard discovery center board.
SB 469, relative to the appropriation of funds from the equipment inventory fund.

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.

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

18-2832
SB 588-FN, relative to inspections of laboratories. (Bradley, Dist 3; Executive Departments and Administration)

18-2926
SB 589-FN, relative to regulation of certified recovery support workers. (Reagan, Dist 17; Carson, Dist 14; Gannon, Dist 23; Sytek, Rock. 8; McGuire, Merr. 29; Knirk, Carr. 3; Executive Departments and Administration)

18-2835
SB 590-FN-A, making a supplemental appropriation to the state loan repayment program, relative to emergency involuntary admissions, and relative to the child protection act and making appropriations therefor. (Bradley, Dist 3; Carson, Dist 14; Avard, Dist 12; Gray, Dist 6; Fuller Clark, Dist 21; Watters, Dist 4; Feltes, Dist 15; Danielson, Hills. 7; Rosenwald, Hills. 30; M. MacKay, Hills. 30; Health and Human Services)

18-2906
SB 591-FN, relative to accreditation of health care providers by pharmacy benefit managers. (Soucy, Dist 18; Reagan, Dist 17; Rosenwald, Hills. 30; Keans, Straf. 23; Health and Human Services)

18-2819
SB 592-FN-A, relative to the child welfare system. (Carson, Dist 14; Morse, Dist 22; Bradley, Dist 3; Avard, Dist 12; Reagan, Dist 17; Hinch, Hills. 21; Kotowski, Merr. 24; Bove, Rock. 5; Umberger, Carr. 2; Health and Human Services)

January 24, 2018
2018-0270-EBA
08/03

Enrolled Bill Amendment to SB 48

The Committee on Enrolled Bills to which was referred SB 48

AN ACT establishing a commission to study the efficiency and effectiveness of fish and game department operations.

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 48

This enrolled bill amendment corrects the name of the commission established to make it consistent throughout the bill.

Enrolled Bill Amendment to SB 48

Amend this bill by replacing section 3 with the following:

3 Repeal. RSA 206:1-d, relative to the commission to study the efficiency and effectiveness of fish and game department operations, is repealed.

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

January 19, 2018
2018-0207-EBA
06/04

Enrolled Bill Amendment to SB 247-FN-A

The Committee on Enrolled Bills to which was referred SB 247-FN-A

AN ACT preventing childhood lead poisoning from paint and water.

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 247-FN-A

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to SB 247-FN-A

Amend section 18 of the bill by replacing line 1 with the following:

18 New Section; Lead in Drinking Water in Schools and Licensed Child Care Facilities. Amend