

Enrolled Bill Amendment to HB 1370

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

1 School Boards; Emergency Response Plans. Amend RSA 189:64 to read as follows:

189:64 Emergency Response Plans.

I. ~~[Within 2 years of the effective date of this section,]~~ Every public and nonpublic school

Amend RSA 189:64, II as inserted by section 1 of the bill by replacing line 8 with the following:

safety. The director of homeland security and emergency management, department of safety shall

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

REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 1292, relative to the effective dates of changes to the rates for the business profits tax and the business enterprise tax.

HB 1386, establishing a joint committee on employee relations.

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.

April 5, 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:

Dear God, be with us today, extending your grace, granting your freedom, providing your protection and empowering with your strength. We pray that you would unify us so that we can make a difference in this land. We pray for all of those in authority, that you would give them your wisdom and discernment as they lead. We ask that you would appoint strong, faithful men and women to serve this state and our nation. We pray for your great healing on your land. Remind us today that you have shown us what is good and what you require of us to do justly, to love mercy, to walk humbly. We ask that as a people we may humble ourselves so that we might be servants of one another. Help us in our state to work as never before to strengthen our families and to give our children hope and a moral foundation for the future. May our desire to be, to serve all people in this great state of New Hampshire so that freedom may ring, and when we allow freedom to ring we will speed up that day when all of God's children, black men and white men, Jews and gentiles, Catholics and Protestants will be able to join hands and to sing; "Free at last, free at last, Thank God Almighty we are free at last." America, the place of patriot dreams, God shed your grace on thee and on us here today. Amen.

Senator Avard led the Pledge of Allegiance.

Aidan Dennehy sang the National Anthem.

Senator Watters is excused for the day.

INTRODUCTION OF PAGES

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. It's my pleasure to introduce Adam Minahan. Our Senate Page for the day from Keene High School, whose favorite subject is biology, something he intends to study as he moves on to a four year degree upon high school completion. He's currently a junior at Keene High School, a member of the National Honor Society, the Keene Interact Club, the Edge of Leadership and the United Nations Representative for the model United Nations. He enjoys playing violin and guitar as well as running and he works at the Colonial Theater in Keene as the concession manager and he no doubt is looking forward to the Monadnock International Film Festival occurring next, on April 19th. Adam, it's a pleasure to meet you, and to welcome you to the Senate. Thank you.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. It's an honor to welcome as a page Aidan Dennehy, who just gave that wonderful rendition, also serving two duties today; as a page as well. He's age 12, in the sixth grade, hometown Concord, goes to Concord Christian Academy. His favorite subject is math, his extracurricular activities include drama, Palace Theater Alice in Wonderland, track and field including the 100 yard dash, 200 yard dash, 4 by 1 and long jump. And in the future he plans to be on Broadway. Let's give a warm welcome to Aidan.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. And I apologize to Senator Cavanaugh for introducing his guest but I think it's appropriate that the Democrat leader introduce one of the most successful Republican strategists in the state of New Hampshire and very good friend, Michael Dennehy and I just want to say that before you clap, that I don't know if there's a better father in the world from what I've seen working professionally and as a friend, than Mike Dennehy. He inspires me and everybody every day by what he does and we just love him for his work. Thank you, Mike.

SPECIAL ORDER

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

HEALTH AND HUMAN SERVICES

HB 1785, changing "hearing impaired" to "deaf" or "hard of hearing" in the New Hampshire laws.

SPECIAL ORDER

Without objection, the following bill is special ordered to Thursday, April 19, 2018. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1506-FN, relative to regulation of graduate physicians.

FN REPORT FOR APRIL 5, 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:

ENERGY AND NATURAL RESOURCES

HB 1286, relative to fishing and hunting licenses for permanently disabled veterans.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1441-FN, establishing the office of the ombudsman in the department of state.

HB 1823-FN, relative to layered amortization of retirement system liabilities.

JUDICIARY

HB 1425-FN, relative to simple assault.

HB 1683-FN, relative to the definition of child abuse.

REGULAR CALENDAR:

COMMERCE

HB 1252-FN, relative to certificates of insurance.

HB 1308-FN, relative to non-renewal of lines of business.

ENERGY AND NATURAL RESOURCES

HB 1280-FN, relative to bow and arrow hunting licenses for permanently disabled military veterans.

HB 1352-FN, eliminating the nonresident freshwater bait dealers license.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1421-FN, relative to the regulation of event tents.

HB 1506-FN, relative to regulation of graduate physicians.

HB 1676-FN, repealing the licensing requirement for open-air shows and repealing the laws related to the keeping of billiard tables.

TRANSPORTATION

HB 1731-FN, relative to regulating bicycles.

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

REGULAR CALENDAR:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1685-FN, establishing a statutory commission for oversight over occupational regulation—if Inexpedient to Legislate recommendation is overturned.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

ENERGY AND NATURAL RESOURCES

HB 1286, by Senator Feltes

CONSENT CALENDAR

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

EDUCATION

HB 1480, relative to the membership of the board of trustees of a chartered public school.

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

This bill would modify the membership requirements of the board of trustees of a public chartered school, changing the ways that parents are represented on the board and making it so that no employee would be a voting member of the board. The committee believes that parent involvement is a vital part of a well-functioning charter school and that having teachers on the board is vital, given their expertise in making decisions that are best for students.

HB 1493, relative to the statewide assessment system of performance in schools.

Ought to Pass, Vote 5-0. Senator Giuda for the committee.

This bill provides that the statewide education improvement and assessment program shall be designed to measure academic achievement and growth. The legislation also specifically enumerates that the assessments address post-secondary readiness and deals with the criteria to be used in the development of the program. This bill is an important step in aligning education statutes with the state's Every Student Succeeds Act (ESSA) plan.

HB 1494, relative to the definition of academic standards.

Ought to Pass, Vote 5-0. Senator Ward for the committee.

This legislation clarifies the definition of "academic standards" by including what a student should know and be able to do in a course or at each grade level, in order to include students who may be taking courses above their given grade level.

HB 1551, relative to the retention of records of individualized education programs.

Ought to Pass, Vote 5-0. Senator Watters for the committee.

This bill clarifies requirements to retain records on IEPs and streamlines recordkeeping for school districts. This legislation is important in order to deal with a recent change in rules.

ENERGY AND NATURAL RESOURCES

HB 1575, permitting hunting with an air rifle.

Ought to Pass, Vote 5-0. Senator Innis for the committee.

This bill permits the hunting of small game with an air rifle. This bill comes with the support of the New Hampshire Fish & Game Department. The bill has been tailored to prohibit the firing of an air rifle for the purposes of hunting within 300 feet of a permanently occupied dwelling. Air rifles are often chosen for vermin control and general shooting in compact areas.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1441-FN, establishing the office of the ombudsman in the department of state.

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

This bill was brought forward to establish an office of ombudsman within the department of state. The ombudsman would investigate criminal complaints from the public and from the New Hampshire General Court, and would also conduct investigations of such complaints. The Committee did not believe there were adequate resources

to support this, in addition, there were no specific qualifications for this position. The committee felt there were many unanswered questions.

HB 1823-FN, relative to layered amortization of retirement system liabilities.

Ought to Pass, Vote 5-0. Senator Carson for the committee.

This legislation incorporates recommendations from the Decennial Commission. It will assist in smoothing out the ups and downs of rates. This bill makes sense for our retirement system's future, in stabilizing the system and in having predictability for the New Hampshire Retirement System employees and employers.

JUDICIARY

HB 1425-FN, relative to simple assault.

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

This bill would provide that, for the purpose of the simple assault statute, unprivileged physical contact which does not result in harm or injury to another would be charged as a violation and not a misdemeanor. The Committee believes this would be an unnecessary and confusing change to a statute that is working well.

HB 1683-FN, relative to the definition of child abuse.

Ought to Pass, Vote 5-0. Senator French for the committee.

This bill will amend the definition of 'abused child' to include a child who has been subjected to human trafficking. Enacting this legislation will ensure that children who are sex trafficking victims will be able to receive all available services currently offered to abused children.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1446, relative to childhood cancer awareness month.

Ought to Pass, Vote 5-0. Senator Gray for the committee.

This bill designates September as childhood cancer awareness month. Recognizing that there is a cancer cluster in a five town area of the New Hampshire Seacoast, raising awareness is a priority. This legislation will facilitate the steps needed to encourage research, improve screening, and increase understanding of environmental triggers of pediatric cancers.

TRANSPORTATION

HB 1271, changing the name of Industrial Drive at the Hugh Gallen Office Park to Ratification Way.

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

This bill renames a section of Industrial Drive in Concord as Ratification Way. The cost of any signage or other markers will be covered by the appropriation contained in the current capital budget for the archives building project.

HB 1290, relative to vehicle registration for new residents to New Hampshire.

Ought to Pass, Vote 5-0. Senator Gannon for the committee.

This bill was requested by the Department of Safety to allow them to issue registrations and number plates to new residents whose vehicles were registered in another state and whose titles are held by an out-of-state lien holder. Current statute requires the department to issue temporary registrations valid for 60 days; however,

60 days has proven to be an insufficient timeframe for receipt of the title. The registrations will be valid until such time as they are due for renewal.

HB 1331, relative to incidental uses for agricultural plates.

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

This bill authorizes uses of a vehicle with agricultural plates that are incidental to agricultural uses. Authorized uses include, but are not limited to, stops at a school or place of business during travel. The committee amendment addresses a request of the Commissioner of Agriculture to update RSA 261:84 relative to farm plates so that a holder authorized by the holder may operate the vehicle.

Senate Transportation

March 28, 2018

2018-1262s

06/03

Amendment to HB 1331

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Farm Plates; Use. Amend RSA 261:84, II to read as follows:

II. This section shall be construed as authorizing the holder of farm plates ***or a driver authorized by the holder*** to operate the vehicle while it is empty so long as it is being used generally to accomplish the purposes allowed in this section, and to transport within such vehicle incidental personal property such as food, tools, and clothing.

HB 1363, relative to the waiver of vehicle registration suspension fees. Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill authorizes waiver of vehicle registration suspension fees in cases where an error resulting in suspension has been made by the Department of Safety, the court, or law enforcement.

HB 1453, relative to the traffic safety commission.

Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill modifies the duties of the traffic safety commission by adding two members from the legislature. Legislative involvement will help to ensure that the legislature knows about the good work that this commission is doing and so that the commission may become better integrated with both the House and the Senate.

HB 1454, eliminating the commission to study recommendations of the National Transportation Safety Board.

Ought to Pass, Vote 5-0. Senator Ward for the committee.

This bill eliminates the commission to study recommendations of the National Transportation Safety Board (NTSB). This commission was formed over 20 years ago and has not held one meeting. Further, studying recommendations of the NTSB is rightfully in the responsibilities of the traffic safety commission.

HB 1517, relative to vehicle inspection failures for rust.

Ought to Pass, Vote 5-0. Senator Ward for the committee.

This bill will amend RSA266 to change rust examination during vehicle inspection and establish a standard for failure from rust that is structural in nature. This change will ensure that vehicles do not fail inspection for rust that is cosmetic only.

HB 1518, repealing the requirement that motor vehicle lighting and safety equipment be approved by the director of the division of motor vehicles.

Ought to Pass, Vote 5-0. Senator Gannon for the committee.

This bill repeals the requirement that motor vehicle lighting and safety equipment be approved by the director of the Division of Motor Vehicles. As part of vehicle inspections conducted every year on vehicles, this is a more proper venue to determine if after-market parts meet the safety criteria. Further, to date, there has not been a request for approval of lighting devices to the director, making current law unnecessary.

HB 1523, relative to heavy duty recovery vehicles.

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

At the request of the Department of Safety, this bill establishes weight limits for heavy duty recovery vehicles, which recover other large vehicles when they go off of the roadway. This bill creates a registration category for these vehicles and allows a permitting process for the weight class.

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

REGULAR CALENDAR

HEALTH AND HUMAN SERVICES

HB 1785, changing “hearing impaired” to “deaf” or “hard of hearing” in the New Hampshire laws.

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

SENATOR AVARD: Thank you, Mister President. I move House Bill 1785 Ought to Pass. This bill changes the phrase “hearing impaired” to “deaf” or “hard of hearing” in the New Hampshire laws. The labeling of hearing impaired is an offensive term to the deaf community, because they do not consider themselves as impaired. Updating the statutes in New Hampshire will continue to support the community and to remove the outdated language. The committee received compelling testimony from the deaf community in support of this legislation and now asks for your support for the motion of Ought to Pass on House Bill 1785. Thank you, Mister President.

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

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

The following Senators voted Yes: Woodburn, Giuda, Bradley, 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)

The following Senators were excused: Watters.

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

COMMERCE

HB 1252-FN, relative to certificates of insurance.

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

Commerce
March 20, 2018
2018-1150s
01/03

Amendment to HB 1252-FN

Amend RSA 412:6-b, II(f) as inserted by section 1 of the bill by replacing it with the following:

(f) With the permission of the policy holder, an insurance producer may provide any bank or lending institution with a copy of the certificate of insurance, policy of insurance, or insurance binder relating to the subject property. If the insurance producer provides a copy of the insurance, policy of insurance, or insurance binder, an insurance producer may complete supplemental questionnaires for a bank or lending institution, provided that the insurance producer shall not be required to analyze or warrant any provisions of the insurance policy.

SENATOR SOUCY: Thank you, Mister President. I move Ought to Pass with Amendment on House Bill 1252. This bill states that with the permission of a policy holder, an insurance producer may provide certain documentation to a bank or lending institution for financing of that property. The bill almost entirely deals with financing and re-financing of condominium units. Often national lenders for condominiums will require an insurance agent to fill out a comprehensive insurance questionnaire and certify that certain coverages are in place, but they don't always comply with the wording of the policy. This bill allows the agents to be in a better position when they are asked to be more candid and accurately provide information needed. The committee amendment was requested by insurance agents in order to tighten up the language in the statute. Please join the committee in voting House Bill 1252 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.

INTRODUCTION OF GUESTS

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I would like you all to assist me in welcoming the smartest fourth grade that we have seen in here today from Boscawen New Hampshire. Stand up, guys.

HB 1308-FN, relative to non-renewal of lines of business.
Ought to Pass, Vote 3-0. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass on House Bill 1308. In this bill when an insurance company provides fire or casualty insurance and decides not to renew their entire line of business in New Hampshire, they will be required to provide its appointed insurance agents with 120 day notice instead of the current 45 day notice. It also requires any non-renewal notices to affected policy holders to be issued with an effective date of at least 120 days' notice after the agent's notice. This bill will allow ample time for customers to find appropriate replacement insurance because some types of policies are harder to replace than others. Please join the committee in voting HB 1308 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.

HB 1374, relative to financial regulation technicals.

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

SENATOR SOUCY: Thank you, Mister President. I move Ought to Pass on House Bill 1374. This bill is a request of the Insurance Department and makes a few minor changes to their financial regulation statutes. The first change corrects an error in the Corporate Governance Disclosure Act. The word "financial" was incorrectly used regarding information that should be kept confidential when received by the department. Second, the department's current statute requires examination of every company at least every five years, however the language in both the Delta Dental statute and the HMO statute provide for exams every three years. This bill creates consistency between the Delta Dental and HMO statute with regard to exam laws. The third change inserts two statutory references to the Delta Dental statute but will ensure the confidential treatment of information that the department gains during an exam or investigation. The department has always treated information confidentially but there's nothing in the statute requiring them to do so currently. Please join the committee in voting House Bill 1374 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.

HB 1378, relative to domestic insurance company investments.

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

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass on House Bill 1378. This bill clarifies the insurance laws requiring investment diversification. The existing language limits an insurance company's ability to invest in any single person. This bill removes the limitations on how much the assets of property and casualty insurers can invest at once if that investment is being made in obligation or enterprises that are backed by the government. Effectively this bill brings the property and casualty investment insurance into line with life insurance investment law. When you clarify language in one part of the statute and not the other, it creates a negative implication and this bill cleans up that implication. Please join the committee in voting House Bill 1378 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.

HB 1379, relative to confidentiality of forms and rates.

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

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass on House Bill 1379. This bill was a request of the Insurance Department and clarifies that forms and rates filed with the department are held confidential until the latter of either the effective date or the approval date, at which time they become public documents and are available for inspection by interested parties. This exact bill was unanimously voted out of the Senate last year, but died in committee of conference because a non-germane amendment was added. Please join the committee in voting House Bill 1379 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.

HB 1389, relative to commercial lines modernization.
Ought to Pass, Vote 3-0. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President, for the third and final time today. I move Ought to Pass on House Bill 1389. This bill is a request of the Insurance Department and clarifies certain provisions of the law relating to regulation of forms for property and casualty insurance and the filing of aircraft insurance policies. This bill relaxes the regulation of commercial insurance filings by excluding certain types of commercial insurance from the form approval process but allows for sample audits every quarter to monitor compliance. This bill also reduces the aggregate premium amount that qualifies as a large commercial policy holder down to \$25,000 from the previous limit of \$50,000, to allow more businesses to qualify for this classification. Please join the committee in voting House Bill 1389 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.

HB 1663, establishing a committee to study reimbursement rates under automobile insurance policies.
Ought to Pass, Vote 4-0. Senator Soucy for the committee.

SENATOR SOUCY: Thank you, Mister President. I move Ought to Pass on House Bill 1663. The collision repair industry in New Hampshire and nationwide is in constant struggle with the insurance companies involved in the repair process. Shops need to repair vehicles as comprehensively as possible to restore the vehicle to pre-loss condition, while insurance companies involved are also aiming to do accident repairs as inexpensively as possible. This creates a struggle and oftentimes very different opinions as to the cost and what should be repaired. In many cases, auto insurance companies will even pay a dealer as much as double the hourly rate, far more than they are willing to pay to a local body shop for the same work. House Bill 1663 creates a study committee that will review reimbursement rates to collision repairers. If the collision repair market in New Hampshire is broken, this is an opportunity to help fix it. The goal of the study committee is to review the current laws and see where they fall short in providing equity and fairness in reimbursement rates for things such as mechanical repair, body labor, paint and materials. The study committee will offer legislative solutions to benefit the insurers and shops but most importantly the New Hampshire consumer, negatively impacted due to a motor vehicle accident. Please join the committee in voting House Bill 1663 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.

EDUCATION

HB 1228, removing the limitation on a chartered public school incurring long term debt.

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

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1228 Ought to Pass. This bill deletes the limitation on public charter schools that require them to be in operation for five years before incurring long term debt. In the early years of a charter school's founding when dollars are scarce, this legislation allows them an advantage without providing additional funds. It is clear that facilities are very important to charter schools and this legislation provides one way that they can become more

efficient with the dollars that they already have. Therefore, the majority of the Education Committee asks for your support in the motion of Ought to Pass on House Bill 1228. Thank you, Mister President.

Recess. Out of recess.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in opposition to the bill. I have a school in the 20th Senate District that was built in 1921. Still occupied, 1921. There have been numerous attempts to go to the town to get an appropriation, a bond issue, to embellish that school, either rip it down or redo it. Those bond issues failed consistently on a public vote. This piece of legislation would allow for a group of people who have created an institution to go out and to, by the way accept public money, based on average daily membership, they accept \$5,000 for each student they enroll and then if this bill passes after five years of operation, they'll go to the bank and get a conventional mortgage to either buy a facility or to embellish a facility, without any of the public being involved in this at all. But they'll accept public monies and the next thing that they'll be asking for is building aid. That's going to come. There's a path that's now being created. Yet, we say to our public schools, you must go to the public if you're an SB 2 town, you discuss it at town meeting and then they've got to vote on it. If you're a city, like the city of Manchester, it takes a capital appropriation to make a difference in the public schools. We maintain these public schools. Public schools are public schools, anybody can go to these public schools. The locals have been denied the ability to vote on whether a charter school comes in or not, because they get state sanction, the State Board of Education grants a charter. So the public basically has been eliminated.

I have another grammar school in my district that was built in 1951. Hopefully some improvements will be made. The city, obviously because we have a tax cap, significant limitations on appropriations. Building built in 1951. I visit every school in my district every year and see what's available. I think this is not a good piece of legislation. This eliminates the public from the public school concept which the charter schools are called, charter public schools. "Public" is now the key word. As a result of those comments Mister President, I would hope that my colleagues vote down this piece of legislation and we move forward. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I rise in opposition to HB 1228. I think there has been a lot of discussion about charter schools being public so once again I think there should be local decisions made about public schools. A school board should be deciding, not the state legislature if this were a private school, it would be different, but supposedly they're public so they have to play by public rules. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: I rise in support of the legislation and I'm very curious by the comments that I hear today. Those who don't support charter schools don't want to give them any financing at all. Every single time, every single year, I've been here for eight years, there's been nothing but work against educational choice. Is it about the kids? Isn't it supposed to be about the kids? We know that not every kid fits in every single hole.

But yet some continue to want to make that mandate that no matter who your kid is, no matter where they come from, no matter what their challenges are, that we have a public only solution to that. There are states across this country that have fully embraced the concept that it's supposed to be about the kids. We don't let charter schools go on to the SB 2 towns, and get more taxpayer money to build. We don't give them the same amount of money that we give our public schools. The fact that they're coming in here today and saying look, we understand you don't like us, you don't support us, but we'll go at our own. We'll go at our own. We'll borrow money because we believe in the kids, because we believe in educating those kids that might not find their round hole and their square peg in the public school system. The fact that we're sitting here today debating allowing an educational facility to go to the private market, not the taxpayer dole, but to the private market, to a bank, so they can build or expand or create some sort of an educational system so their kids get a great education, and we're fighting against that? We can do better than that. Look I'm a proud product of public education, my father was a public school teacher, my sister was a public school teacher. In spite of my challenges I think it turned out okay. Some might disagree in this room, I get that. Especially this guy right here. But we have got to make a decision, are we here to make sure every kid gets a great education for that kid, Senator from District 15 might disagree too I notice but that's okay, or not? This is a solution that a budding industry is creating for itself. They want to be there for our children, they want to give them a good education. How can we say no to that? Unless it's the intent to say that every single thing and every single penny's got to go through some taxpayer funded bond or some taxpayer funded raise. I truly hope you reconsider the position you're at and really give thought to allowing parents and children to find the best solution to their educational advancement. No matter what form that takes. Supposed to be about the kids. Thank you, Mister President.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. Could I have all of the Milford Heron Pond students stand and wave and the Senate to welcome the bright students from Milford Heron Pond School?

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

SENATOR FELTES: Thank you very much, Senator for taking my question and thank you, Mister President for recognizing me. What is the oversight mechanism, if any, with respect to the lending that would be allowed pursuant to this provision?

SENATOR SANBORN: Senator, thank you so much. I provide a rhetorical response, what is the oversight provision for any private entity to borrow money and do you believe that there should be?

SENATOR FELTES: Thank you, Mister President. As a public school, these are public charter schools, what is the public oversight of the lending provided in this provision?

SENATOR SANBORN: Senator, thank you so very much. So as a public charter school that might receive state funded money, are you implying that every single business and every single entity that gets state money, if we think about the BFA, we think about the ARMI deal and all these, do you believe we should have oversight and what type of oversight should we apply to all of them?

SENATOR FELTES: Is there or is there not any public oversight of the lending provided in this provision for public charter schools?

SENATOR SANBORN: Senator, again, thank you so much for the question. So, in full disclosure, after spending about twenty years of my life lending industry money, lending businesses money, lending non-profits money, the same non-profits that we give money to here at the state I can assure you that there'll be sufficient oversight by that lending institution as there is for all types of indebt that they make to anyone who comes in to borrow money.

SENATOR FELTES: Thank you very much, Mister President. What was the purpose of the five year limitation to begin with and why do you still support erasing it?

SENATOR SANBORN: Senator, thanks so much for the question. So for the record, Senator, I don't think there should have been any limit. When we first constituted charter schools, when we first made the decision to focus on the children versus the politics, when we first made that decision that acknowledging not every kid fits in every single hole, there are many people in this room and I'm one of them, that has believed that unfettered access to a private charter school. The fact that we put a limitation in requiring five years would suggest the fact that with a compromise, as there's always been a compromise as we have always shortchanged them, we've never given them as much money as other schools and this legislature has battled as you know since you and I have been here, about what type and how much support we should give them. My question to you is, and I'm not trying to be rhetorical is, why should there be a limit? If a group of people want to come together and buy a facility to start a school, and go borrow money how different is it than they would lease real estate somewhere else? In this case, they would own and have a mortgage on it and in other case there are so many charter schools out there that are just leasing space. There's a lease, is a long term lease of indebtedness any different than a long term mortgage is to them? I don't think that it is. And I don't think that our requirement for oversight on a long term lease should be any different than a long term commercial real estate mortgage.

SENATOR FELTES: Thank you very much, Senator. Thank you, Mister President.

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

SENATOR LASKY: Would this bill afford a public school the same opportunity to go to a private lender without any oversight etcetera, as you know, if passed we would allow the public charter school to do?

SENATOR SANBORN: Senator, thank you so much for the question. I appreciate it. And I have to answer it again in the reciprocal. The fact that a charter school doesn't have the ability to go to the taxpayer and ask them to float a bond. So if they can't go to a town and float a bond, for a charter school, how do they get money in order to operate? Again this comes back to the same contention we have to remember. Today, there has been no outcry from this legislature, there's been no outcry from the Department of Education, there's been no outcry from the Governor or from the House for a charter school that enters into a long term lease. Now frankly, we know that some long term leases we can actually capitalize what actually is looked at as debt on their balance sheet. So if we as a body are okay saying to a charter school, you can enter into a ten or fifteen year lease, how different is that than the same charter school

saying I want to buy a piece of real estate and just pay the mortgage on it? Every day in this building, we talk about the fact we believe in the concept of home ownership. And we want people not to rent, we want people to buy and be part of that American dream while as a business owner, we think the same way. Why are we saying charter schools only have to lease, acknowledging it's a long term indebted obligation with a contract with penalties if they don't perform, but if they want to borrow money and buy a building, we're against that? I would suggest to you Senator, that I think we're arguing about something we should all be agreeing on.

SENATOR LASKY: With all due respect, too, you're looking out for the students as you say, what about those students in the public school, who have been waiting years for improvements to be made and have to go through some sort of oversight, whether it's a bond, whatever it might be, to have those improvements or just basic maintenance done to their schools. Are they not at a disadvantage?

SENATOR SANBORN: Senator, thank you so much for the question. I actually don't believe they are at a disadvantage. So when we go back and look and the Senator from District number 20 remembers the eight or ten years that the town of Bedford, New Hampshire was paying a lease payment essentially to the city of Manchester to send their kids over to West, and Bedford made that decision and said we want to build our own school. And they brought it in front of the voters, Lord knows how many times to try and float that bond so they could build their own school and ultimately the town of Bedford made that decision, they got the votes and they raised the money, they floated a bond and they built what I would consider to be a beautiful school. So in this case, taxpayer dollars go into a public school system and the taxpayers themselves made the ultimate decision to build the school and the kids are at the school and I'm proud to say it's one of the best high schools in the state, year after year after year. In this case, you've got a charter school that people are paying a tuition to, so it's generating its own revenue, that's not taxpayer funded even though there is state dollars coming in, there is supplemental money and I agree with that, but that's how this state has constructed it. And their ability to break out of a lease and borrow money to do the same thing they're doing today, I think is a reasonable request.

SENATOR LASKY: Thank you for your indulgence. What about the transportation that the respective cities pay in the public, the taxpayer pays for, you know, children to go to a public chartered school? Is that any different than, you know, taking the money for that, is that in the oversight that that may entail, is that any different than asking for a building loan?

SENATOR SANBORN: Again, Senator, thank you so much for your question. And I'd agree with you, the fact that we use taxpayer money to transfer kids from one school to another school, but if I take a step back and think of it, all over our state we spend money to transfer kids from one public school to another school. In fact, some communities today are even trying to redraw their lines of where kids will go. That's the issue of transportation that yes, we bring them but again, I come back to the premise Senator, that if a public charter school is operating and we have them operating all over our state today, we all agree with that. And they're all leasing premises today, they're paying someone for leases, it's not free. But we haven't required any sort of oversight of making sure that the state pre-approves the lease, so I don't know why we're trying

to make the state give this oversight, that pre-approval agree with the mortgage, it's just not balanced there to me, Senator, and that's what I'm concerned about.

SENATOR LASKY: The question, and we can go back and forth forever and I just want to reiterate what the Senator from District 15 said was, oversight may not have to be the state. So—

SENATOR SANBORN: Thank you for your point. I appreciate that.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I am a member of the Education Committee. When this came before us I voted in favor of it. I just want to reassure my colleagues on the Education Committee, I continue to support the bill. And I'll also answer my colleague from District 9, I think you've got an excellent public school education and your oral interpretation instructor just must have loved you in his class. So I'm entering into this debate without the history of this body and just the statute in front of me. And I have to say that there are, as our colleague has said from District 9, there are a lot of permissions for charter schools to make, enter into contracts, make final decisions, there's no oversight. And the only thing that this is changing is saying that chartered public schools, and I understand the word "public" is in the charter schools, have been in operation for five or more years before they incur the long term debt. But what we had in the committee was a report from their association detailing all of the schools in the state and most likely they are in former public school buildings that fit the description our colleague from District 12 has said and from District 20, or 13. That we do have public schools that need attention, that are aged. But these chartered schools are in buildings that have been abandoned by the public schools and as they take them over, they need work. If there's somebody who's willing to lend money on a balance sheet that is just starting up, well, obviously there's some other signatures on there guaranteeing their mortgage. And the mortgage lender is really taking the risk and that's the private sector. I understand, rules are different. It may not be fair but it's the rules we've constructed. So my opinion on the bill has not changed and I still think that this is a reasonable action. Thank you, Mister President.

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

SENATOR FELTES: Thank you for taking my question, Senator. In response to one of your questions, in the committee hearing, the representative from the New Hampshire Charter School Association said, charter schools, this is the hearing report, charter schools did not really have credit when they were first set up. So the question is who then is the mortgage if the charter schools don't have credit?

SENATOR KAHN: That's a good question and I don't know. Could these be private lenders and not a commercial bank? I suspect that's a possibility.

SENATOR FELTES: Thank you, Mister President. Not the mortgagee but the mortgagor, who would be the mortgagor? Would it be if not the charter school, who is the person on the hook, who's signing the documents and owes the debt?

SENATOR KAHN: I really can't answer that question. I'm not familiar with their debt instruments, the lender, seems wide open and I always assume that there would be co-signatures in these first five years. That's all I can say.

SENATOR FELTES: Thank you, Mister President. Thank you for taking my questions. I asked this of the Senator from Bedford, it was probably an unfair question, he was not on the committee, but was there any discussion of the purpose of the five year limitation to begin with, in committee?

SENATOR KAHN: If you're looking at the committee report, I don't believe that there was and all I can imagine is that if one was putting together a pro forma statement, you would have three years of financial history to provide to the lender.

SENATOR FELTES: Thank you very much. Thank you, Mister President. (The Chair recognized Senator Fuller Clark for a question of Senator Kahn.)

SENATOR FULLER CLARK: I just wanted to ask you if this legislation goes forward and public charter schools are allowed to incur debt on a building before the five years, and they don't succeed, is there any liability that the state carries at that point for the debt that is still pending out there as a result of the charter school, public charter school failure?

SENATOR KAHN: I don't believe so, there may be others in this body that have better knowledge than I.

Senator Soucy moved to Lay on the Table HB 1228.

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

The following Senators voted Yes: Woodburn, Hennessey, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro.

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

The following Senators were excused: Watters.

Roll Call, Yeas: 7 - Nays: 16. Failed.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I will never read another blurb about this bill. This is serious stuff. This legislature and this state has decided that it's in the best interest of public education to establish charter schools. The specious argument that we are afraid of financial oversight has nothing to do in my opinion with financial oversight, it has everything to do with obstructing something that is fundamentally in opposition to the position taken by people who support public school education. This is public school education and what I hear an argument being made for is, well if we can't get it from the taxpayers in the traditional public schools, we're going to foreclose on the ability of another institution established by this state to provide a better opportunity for people to get an education because we don't like the fact that we can't sell to the public the ability to fund their schools so we're going to deny the charter school ability to raise funds in the private sector. That is hypocritical. We're here to support the kids, we're here to support charter schools, not to try to kill them. That's already established law and I would ask you to support the committee report. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in opposition and I just want to remind our Dean here that, you know, this is a bad idea for his relatively new young school in Manchester, the 20th

century one, it's bad for all of our schools, including the Blue School, the only remaining one room school in the state of New Hampshire, built in 1858. It's a bad idea no matter what the school situation is because here you go again, destroying our public school education and creating another one that's going to rob money, rob students and hurt our kids. And I say this as a teacher, and I say this as a Senator from the North Country, where we, this spring are closing down two schools, the school in Jefferson and the Colebrook Academy, obviously in Colebrook. This trend, which is very disturbing and blurring the lines between public and private, where the governing and the support is unknown, not figured out, but we do know the intent. The intent is to break the back of public schools, not support them, not give them the resources that they need. The great enabler, when you look up at those Supreme Court Justice scales, how are we taking care of those who are struggling in our community, those that need a public education to lift them up and provide them opportunity. We need schools that work for everybody, not just those who either have wealth, have parents that are pushing them forward but those who are struggling, kids that I taught every day, the school in Whitefield, the White Mountain Regional High School as well and, you know, when I was a teacher, you look across the classroom and the good kids, the kids that get good grades, they're smart, they're ambitious, they've got good homes, you know, they're going to be successful no matter what I do. But it's those kids in the middle and those kids that are struggling, those kids where I can hear their stomachs growling, those kids who I know what's going on in their home because it's just a little small town. Those are the people being hurt by this. We need to turn this trend around, we need to support public schools. I have in my district, Berlin has the highest tax rate in the state of New Hampshire, and Groveton's the second highest tax rate because of the education funding and we continue to rob from them and hurt them so we need to change our policies and we need to create an education system where everybody can succeed. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. I'm having trouble understanding what we're arguing about today. This is making no sense to me. We stand here and talk about opportunity for children and at the same time we talk about robbery. The only robbery that I see taking place, is opportunity for children, because we want to squelch opportunity for children by constricting the finances of charter schools and that's what the game is here. Douglas Pilardi, some of you have met him. Twenty-eight years ago lived in a trailer in Vermont. Neither of his parents ever made more than \$20,000 a year. His guidance counselor called him in and said Mister Pilardi, you need to go to another school. You are too creative to be here. You're not going to maximize your potential as a human being if you stay in this public school. I encourage you to find an alternative. He did. He went to work, he got scholarships, he begged for money and he put himself through a boarding school, Putney. He is one of the most creative people I've ever met. He has created three beautiful properties in the seacoast. I don't know how he does it. And he does it because he had a choice, he had an alternative. It would have been great if there was a charter school that could have nurtured that in him, but at that time there wasn't. So he struggled and struggled and struggled. It made him who he is today, but let's not kill charter schools. It's not a zero-sum game. Education is about the kids. I'm not hearing about kids. I'm hearing about oversight, I'm hearing about how loans

are structured. Who cares? Let's help the kids. Let these folks get long term debt. Concord Trailways and C&J get indirect state support. They also have long term debt. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: I'm just fascinated by the debate being supposedly about caring about our kids. I mean I have submitted and been on the side of many bills that I thought were caring about our kids, but it only matters when we're caring about giving them, our own kids a certain boost up. And that means we're deciding who gets the boost up. And that to me is not okay. Every kid is entitled to the same thing. I wish all our kids could go to Putney, wouldn't that be great? Unfortunately, Putney actually is a private school, not a public charter school by any means. To say that we are not caring for our square pegs is a direct insult, while I'm trying not to take it personally. I spent my career working in public schools in Massachusetts where there are many charter schools. And I was specifically taking care of the square pegs, many of whom could not afford, nor did their parents have the means even to figure out how to send them to a charter school. Why don't the charter public schools have to follow the same rules? That's all we're asking. Let them follow the same rules. Let's not give them an edge that public schools don't have and watch our public schools and the students who can't access charter schools flounder. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I too have schools in the North Country, not as far north but certainly as rural, okay? And I would submit that if public schools were failing because they can't raise the funds from the tax base they have, they consider a charter school as an alternative with lower costs and at equal or better product. I would invite you to investigate that. There are charter schools up in the North Country that are succeeding and doing exceedingly well. That's an alternative for financial reasons as well as for the square peg in the round hole.

With respect to blurring lines, there's no blurring of the lines whatsoever. Public schools are publicly funded, bond issues or whatever means you choose as a school board, charter schools have boards as well, they proceed and they have fiduciary responsibilities established in statute. They have bond counsel if they need it, attorneys if they need it, there is no mystery here. They are not going to do based on their fiduciary obligations anything foolish that's going to endanger the school they've committed to support. They're subject to the very same laws and the lenders are subject to the very same strictures, both in statute and with respect to common sense lending, but they're not going to let an institution do something stupid, because the bank will be at risk. This is a specious argument to try to stop the movement of education towards where it needs to go in our state, to allow our kids and their parents to choose the institution they want for their child to gain an education. If a public school is that institution, we support those public schools. If it is not, we have an obligation to support the parents who decide that it is not. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. I'll rise and attempt to offer some answers to some of the questions that some of my colleagues have brought up, but haven't been answered. If we take the paragraph

that we are reviewing and changing, the last sentence of that paragraph answers the Senator's question is that the state shall have no liability for any debt or other financial obligation incurred under this paragraph. And it gets back to if you want to say, let's have some skin in the game. If you're making this charter school responsible for all of these then why would the public need a say? Who is responsible for the debt? Certainly in this paragraph it is not the state. And if we look back into the next section of the law, 94-b:6 the charter school liability, no host sending receiving district shall be held liable for damages in an action to recover for a bodily injury, personal liability, property damages defined by this RSA 507-b and then the, or failure to educate the pupil and it goes on. But again, that's to emphasize that when the legislation for charter schools was set up, they limited the liability because they weren't responsible. So if you're not responsible why should you get to tell me what bonds I can ask for, what funding I can go for? So are we being fair? I think that the legislature passed the original legislation for charter schools didn't have an easy job. Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. When the founding fathers of this country looked at what civic responsibility was, what did they say? We should have public schools. In the constitution of the state of New Hampshire, every child is entitled to a free and appropriate education. Our Supreme Court made a decision with regard to that. So public schools, in Manchester we have schools where forty-nine different languages are spoken. Now I don't know about the charter schools, the charter "public" schools, but we take care of every student because it's our civic responsibility. Justice David Souter, retired Supreme Court Justice, said the one thing that endangers New Hampshire and the rest of the world is not war, it's not international trade, it's the lack of knowledge by the individual about their civic responsibility. Read his comments or look at his comments on YouTube. Civic responsibility, public education. We have the oldest public school in New Hampshire in Manchester. Our students still go to that same building. It is 150 years old. Manchester High School Central. Forty-nine different languages spoken in that school. But we teach those students. We teach them because it's a public obligation, it's a civic responsibility that we have accepted.

Charter schools, I served on our school board for ten years, I chaired the curriculum and instruction committee. My goal was to make our public school better. There was an attempt to get charter schools in Manchester, they were defeated. What happened? Those who sponsored charter schools went above the locals. And we always talk about home rule, home rule. What did they do? They went to the state and we granted charters for charter schools through the state Department of Education, without any local appreciation, without any local vote. Charter schools. We pay the tuition for charter schools, we pay it at a higher adequacy rate than we do for our public school students. And yet, the responsibility for those students still remains in the public sector.

And think of the accomplishments that public schools have made. When you think of the great people in this country, those that have risen to the heights. You take a little Greek immigrant, by the name of Rassias. Anybody know him? He produced a methodology for inclusion and immersion in the teaching of languages. The Rassias method, went from Manchester High School Central to Dartmouth. Was a big, big deal on *60 Minutes*, the Rassias Method. There's a public high school student

from Manchester, New Hampshire. Didn't speak a word of English at the beginning. Becomes one of the great foreign language instructors in the world. His methodology is accepted in the world. Let's go to the other side. Adam Sandler; fairly successful guy. Where did he graduate from? Manchester High School Central. Gave a million dollars to the Boys and Girls Club of Manchester, Mister President, for the enhancement of their building. Civic responsibility. Well educated in Manchester, becomes an enormous success. So we're not arguing about the kids. We have a responsibility to take care of those kids.

All of my children wen to public school. Parker-Varney, Parkside, Manchester High School West, UNH, Plymouth State. Followed the example of President Morse, sent my son to Plymouth State. Big success, I hope anyway, because the bills will come my way if they don't. But we're arguing about something that really there's no argument. There's no argument. If you want an alternative to the public education, you have an opportunity to do that, every parent has that opportunity. In the old days you actually paid for it, if you sent your kid to an alternate school, you pay for it because you made that sacrifice because you realized how important education is. So what's wrong with that today? We have the charter schools now, they take whoever they want to take, educate them, okay, that's fine. We pay, we give them more money than we give for an adequate education for the public schools.

I think this is another step in undermining public education, and I think that's the tragedy because who suffers? It's the student, it's the kid, it's the kid who suffers. We feed our kids in school, we actually clothe them, we give them the basic necessities. I'd like us all to visit some of the schools where they have the clothing box when you walk in, because the kids don't have the proper clothing to go to school with. So, this is not about the students, this is about a program that in essence undermines the public education mission. And by constitution, we have that mission, we've accepted that mission and we will continue to do it. Thank you, Mister President.

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

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

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

The following Senators voted No: Woodburn, Hennessey, Lasky, Cavanaugh, Soucy, D'Allesandro.

The following Senators were excused: Watters.

Roll Call, Yeas: 17 - Nays: 6. Adopted, bill ordered to Third Reading.

HB 1258, relative to the advanced manufacturing education advisory council.

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

SENATOR KAHN: Thank you, Mister President. I move House Bill 1258 Ought to Pass. This bill permits the Advance Manufacturing Education Advisory Council to accept and coordinate funds from public and private sources to support certain manufacturing workforce development training efforts. The funds will be used to provide grants for training outside of the public education system for areas such as apprenticeships, work readiness and employee training based on funds available which all serve as important preparations for many students. Further, this

legislation does not require any state funding. Funds deposited into the advance manufacturing education fund shall be continually appropriated to the Commissioner of The Department of Education to provide grants as determined by the Advance Manufacturing Education Advisory Council. Therefore, the majority of the Education Committee asks for your support in the motion of Ought to Pass on House Bill 1258. Thank you, Mister President.

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

ENERGY AND NATURAL RESOURCES

HB 1202-L, relative to town revolving funds for group net metering. Ought to Pass, Vote 4-0. Senator Feltes for the committee.

SENATOR FELTES: Thank you, Mister President. I move House Bill 1202 Ought to Pass. This bill permits a town to establish a revolving fund for the purpose of facilitating transactions relative to municipal group net metering. This bill gives municipalities a way to be administratively efficient and transparent in the way they manage the income and expenses from group host net metering projects. House Bill 1202 allows municipalities to establish revolving funds to receive revenue from group net energy metering projects in the form of renewable energy credits and bill credits from distribution utilities. That revenue would then be used to pay town energy expenses and the bonds used to create a towns net metering energy projects. This bill gives municipalities a greater opportunity to invest in clean distributive energy generation, reduced their overall energy costs and increase transparency. The Senate Energy and Natural Resources Committee asks for your support for a motion of Ought to Pass on House Bill 1202. Thank you.

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

HB 1280-FN, relative to bow and arrow hunting licenses for permanently disabled military veterans.

Ought to Pass, Vote 2-0. Senator Feltes for the committee.

SENATOR FELTES: Thank you, Mister President. I move House Bill 1280-FN Ought to Pass. This bill provides for the issuance of a lifetime bow and arrow license to a totally and permanently disabled military veteran. House Bill 1280-FN will amend current statute to allow a resident of the state that has been permanently and totally disabled in military service to receive a bow and arrow license. A permanently disabled veteran has made sacrifices in service to our country. These veterans have absolutely received the right to receive a lifetime bow and arrow license upon application. House Bill 1280-FN would be a small way New Hampshire can thank them for their service. The Senate Energy and Natural Resources Committee asks for your support with the motion of Ought to Pass on House Bill 1280-FN. Thank you.

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

HB 1349, relative to biological products and diagnostic reagents for animal use.

Ought to Pass, Vote 2-0. Senator Avard for the committee.

SENATOR AVARD: Thank you, Mister President. I move House Bill 1349 Ought to Pass. This bill comes at the request of the New Hampshire Department of Agriculture, Markets and Food. The bill requires a letter

from the United States Department of Agriculture to accompany certain biologic and diagnostic reagents. The Department of Agriculture has received a request to approve beneficial products such as cancer vaccines or blood tests for pregnancy diagnosis, which do not carry a licensure required with the USDA. Under current statute, the Department of Agriculture cannot approve them. House Bill 1349 will allow the Department of Agriculture to approve the use of these certain biologic or diagnostic reagents that do not fall under the USDA licensure process, provided that the request for the use of these products are accompanied by a letter from the USDA stating their exemption in lieu of their licensure. This bill is narrowly focused to only those products exempt from the USDA licensing and would not create a means for companies to avoid the USDA process. The Senate Energy and Natural Resource Committee asks for your support for the motion of Ought to Pass on House Bill 1349. Thank you, Mister President.

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

HB 1352-FN, eliminating the nonresident freshwater bait dealers license. Ought to Pass with Amendment, Vote 4-0. Senator Avard for the committee.

Energy and Natural Resources
March 27, 2018
2018-1238s
04/05

Amendment to HB 1352-FN

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

AN ACT eliminating the nonresident freshwater bait dealers license and relative to hunting adventure permits.

Amend the bill by replacing all after section 1 with the following:

2 Hunting Adventure Permits. Amend RSA 208:1-aa to read as follows:
208:1-aa Hunting Adventure Permits. Notwithstanding the application, licensure, and permit requirements of Title 18, the executive director of fish and game may annually issue, at no cost, up to 2 licenses or permits to [~~Hunt Of A Lifetime, Inc.,~~] ***the New Hampshire Wildlife Federation*** to provide hunting adventures to New Hampshire residents 21 years of age or under with life-threatening, critical, or terminal illnesses. These licenses or permits shall be in addition to any limited hunting permit opportunities issued under Title 18, shall be at no cost to the organization, shall be valid anywhere in the state open to the taking of the species selected, and shall be valid to take game as specified in RSA 207:1, IX of either sex during the established hunting season for that species, with the exception of moose permits which shall be valid from October 1st through the end of the regular moose season. If the person using the permit is not properly licensed, he or she shall be exempt from licensing requirements under RSA 214:1 and hunter education requirements under RSA 214:23-a. The hunter shall be accompanied by a properly licensed person who is 21 years of age or older. The provisions of Title 18 and rules adopted thereunder which relate to method and manner of taking and reporting shall apply to hunting adventure permits.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2019.

II. The remainder of this act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill eliminates the distinction between resident and nonresident licenses for freshwater bait dealers. The bill also provides that hunting adventure permits may be granted to the New Hampshire Wildlife Federation.

SENATOR AVARD: Thank you, Mister President. I move House Bill 1352-FN Ought to Pass with Amendment. This bill at the request of the New Hampshire Fish and Game Department is at their request. This bill eliminates the distinctions between resident and non-resident license for freshwater bait dealers. The New Hampshire Fish and Game Department currently has four licenses types for freshwater bait dealers based on residency. There are a very small number of non-residents applying for the freshwater bait dealing licenses, so the administrative costs do not justify having a separate license in the fees for residents and non-residents. This bill would restructure those license types into two, a retail dealer or a wholesale dealer. The amendment alters the group that receives up to two licenses to provide hunting adventures to New Hampshire residents twenty-one years of age or under with a life-threatening and critical and terminal illness. This program is in need of the proper people and resources to make it a success. Altering the groups responsible for this program will offer New Hampshire's terminally ill youth the chance to hunt and experience what New Hampshire's outdoors has to offer. Senate Energy and Natural Resources Committee asks for your support of the motion of Ought to Pass with Amendment on House Bill 1352. Thank you, Mister President.

The Chair ruled sections of the Committee Amendment non-germane.

Without objection, Senate Rule 3-17 is suspended to allow consideration of the non-germane Committee Amendment. Adopted by the necessary 2/3 vote.

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 1421-FN, relative to the regulation of event tents.

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

SENATOR SOUCY: Thank you, Mister President. I move House Bill 1421 Ought to Pass. There are a variety of local regulations regarding erecting a tent on private property and this bill would streamline the regulations for companies across the state. In addition, the legislation exempts a tent used as an accessory for a single or two family household from requiring a building permit or assembly permit. This would allow impromptu tents to be erected in the case of an outdoor activity that must be completed due to weather considerations. The ED&A Committee voted Ought to Pass and asks for your support in their recommendation. 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.

HB 1676-FN, repealing the licensing requirement for open-air shows and repealing the laws related to the keeping of billiard tables.

Inexpedient to Legislate, Vote 4-0. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move House Bill 1676 Inexpedient to Legislate. This legislation would have repealed the requirements for open air shows and collecting taxes on billiard tables. After consideration, the ED&A Committee found this bill would strip towns of local control as well as make it impossible for towns to control open air shows in the future. The ED&A Committee voted Inexpedient to Legislate and asks for your support in their recommendation. Thank you, Mister President.

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

HB 1685-FN, establishing a statutory commission for oversight over occupational regulation.

Inexpedient to Legislate, Vote 4-0. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move House Bill 1685 Inexpedient to Legislate. The ED&A Committee found this legislation to impose too great a burden on the regulatory boards. Under this legislation, the regulatory boards would be subjected to additional rounds of oversight, many of which already exist within their own boards. Both the House and Senate ED&A Committees have a process in place that allows for oversight of regulatory boards. And by creating an additional commission to study how efficiently those boards work, would be a duplication of what presently occurs. This legislation would also require the commission to review all regulations of all boards and produce recommendations for future legislation. Given how rapidly professions can change, the committee found that a five year review was too long a period of time for the issuance of legislative recommendations. Given the process that presently exists, and the fact that boards are doing a good job with overseeing the regulations, at this time there is no need for this commission's oversight. The ED&A Committee voted Inexpedient to Legislate and asks for your support in their recommendation. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and ask the body to vote against the Inexpedient to Legislate so a different motion could be brought in. For the record Mister President, based upon our current ethics laws, I'm in a license industry therefore I may or may not have a conflict but I'm still participating. But the fact is Mister President, nearly every business in our state today is in the license industry. We have become one of the most highly licensed and regulated states in America. Yay. Right? Should I be chanting that? Should we go without fresh leave out today and say hey let's keep all the regulations in place, let's keep all the licensing in place, let's make sure we have slammed the door shut because we don't want anyone else to come in now that we've got a license. Lord forbid. Who cares about the free market, who cares about the fact that every single business owner I talk to says they can't find any employees. They can't even find employees. Some of you might remember we fought not too long ago about even saying if you come to our state, and apply for a license, we'll let you operate under the current one you have for 120 days because we know that our licensing boards are behind and taking months to give people a license. Half the pile of people in this room said can't even do that. Can't even do that. Employees. Who needs employees? What good are they? It's about our economy. It's about for years we have talked about that New Hampshire used to be the best place in America to live, work, have a job.

Mister President, I remember the 80s. And no, it wasn't about big hair and shoulder pads, well it was for Senator Innis, maybe. But it was a time in our lives in this state where we actually had more jobs than people, like we do today. Where people are being offered literally 100 percent pay bonuses to walk across the street to do the same job they're doing today. Today, we can't get people to come here because most people can't afford to wait three or four months in order to get a paycheck. Don't care much about that. We tell people it takes 2,000 hours to get some licenses like cutting your hair, while other states don't require that. Our licensing is out of touch. Our regulations are too steep. Regulatory boards today which are sat on by the same people who have the license, have become exclusionary. Doesn't anyone think we should look at it? Doesn't anyone think we should take a deep breath, take a step back and say maybe the amount of licensing, the amount of requirements, the amount of challenges our state are having today we should look at it? Or maybe we should just let pay go as pay go. Just let it sit and happen.

Last time I checked Mister President, people are overdosing in this state. More today than when we started this fight six years ago. People are dying in this state today. We talk every day about whether or not we're putting enough money to treatment. We talk about whether or not we're there for the people of this state to help in their time of need. What have we done about licensing for LADCs and other people? Clearly not enough. So should we look at it?

We say in this state today that we don't have enough plumbers or electricians, the average age of a plumber in this state, last time I checked when I had a conversation, is like sixty-six years old. How's your toilet going to look in another ten years, Mister President? When you can't find anyone to even show up. Now of course, we have the restriction that if you're a licensed plumber and you're training someone to be a new plumber, we only to let you go one at a time. Can't get two guys on the payroll to make sure we beef up what's coming out. It is restriction after restriction after restriction and I would point out to this body, some of you might remember the WMUR-TV article about a year ago, where two ladies trying to start a business cutting hair in I think Swanzey or Winchester, Senator? Got their license pulled because they had painted red and white stripes on the side of the building and they were found to be in violation. Is that the reputation we want in our state today? Because it is the reputation we have in our state today.

You know we talk all the time and I've heard for eight straight years, our licensing is becoming too egregious. It's becoming too difficult, it's taking too long to get. And as a body we look at one license or two licenses and try and make a little change. And people jump up and down and say oh we're picking on that industry. And you put a bill in to say let's look at all of them and then it's oh, it's too big, it's too hard, it's too bold, too brash. The governing bodies can't do it. It's been like a ping pong ball in this room, like so many issues we talk about, we never want to pass them, we just want to debate them, back and forth and back and forth and back and forth, but let's not ever do anything. We're fighting about a commission to look to see what we can do to make it easier for people to get licenses. Something the Governor's been very clear that he supports, something the business community supports, except some license industries and they want to keep their gates shut right? Don't want any more competition. But how do we make competition if we're using the power of government to limit it? How do we allow the free market to

run when we're using the power of government to restrict, to license, to withhold, to penalize? Live free or die. Maybe someday we should bring some of it back. Thank you, Mister President.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. To give some context to this, this is a bill whose title exceeds the wisdom of the bill. So there's a problem in Washington, D.C. where Congress cedes their authority to create rules to the agencies, to the departments. They give them the authority to create the rules. They have a convoluted process when somebody doesn't like the rules, to change them, to rein them back in. The General Court in its wisdom decades ago, had this system that said we're going to establish the Joint Legislative Committee on Administrative Rules, the dreaded JLCAR Committee. And that's going to be where the buck stops.

So when any of you presents a bill to the legislature and there needs to be some way to effectuate that operation, you in the bill state that somebody, usually the commissioner of whatever the particular department is, has the authority to make the rules, which is fine. And the commissioner has, in most departments they have a rule writer, and some departments don't and they have a horrible time developing rules. But part of the rules process is requires a public hearing. There must be a public hearing and at the public hearing and this is a question, on JLCAR we ask, we ask what happened at the public hearing? And they have to tell us, and they darn sure better tell us the truth. Things didn't go well, things did go well. Usually what happens at the public hearing, when there's objections to rules or portions of rules, the department goes back and changes the rules, to fend off or comply with either good ideas or take out bad ideas. And then people get to weigh in and I could show you the email list of the emails I get when people don't like something, they don't have to hesitate to let us know, and they hit the staff members with emails and they hit the committee members and they say okay, we missed the public hearing but here's what we don't like. And all that goes into the mix. And finally it comes down to one or two Fridays a month the JLCAR Committee meets and we listen to the staff presentation about the rules and the staff's job is to make sure that the rule does not exceed the authority of the statute. And every once in a while, we find that an ambitious rule writer has exceeded the authority and sometimes that's not quite that definite an illustration and so this is what the committee exists for. The committee is then there to arbitrate what the intent of the legislature was. So if there's a rule or regulation that somebody doesn't like, the solution is go to one of the 424 legislators, put in a bill and that will change it. There already exists a process to change the things that slip by the JLCAR Committee. The very thought that now we need to find another group to go through and try to understand what happened and this is an exhausting process for the five staff people of JLCAR to read through these originally, I can't even imagine them trying to do it after the fact but we already have, we have a process that protects over-regulation and over zealousness, it calls for public input and we have the stop gap of the committee that was created to prevent what the complaints are. It already exists, we already have this and we don't need another commission who will not even be able to do this in the first place. So I ask you to support the committee's motion of Inexpedient to Legislate, and this is just, let this bad idea go away.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I'm going to try to very hard not to repeat what my colleague from Senate District

17 just said, but there are many structural flaws within this bill and the first one deals with a five year commission. Now all of us know, we're only here for two years, so you're going to get a revolving door of members on this commission, most of whom are made up of legislators. Legislators that are already doing this work either in the Senate ED&A Committee or in the House ED&A Committee.

There's been a couple of statements that have been said here and I feel that they need to be corrected. There are only twenty states in the United States with California leading the pack that have more licensure than we do. There are six states that have fewer licensure requirements than we do. So I think we're in a pretty darn good place when it comes to licensure, because we are very careful about what we do. And Mister President, it doesn't take 2,000 hours to be a cosmetologist. It's 1,500 hours and by the way contrary to popular belief, we do not have a license for a shampoo person. We already have these procedures in place, we have the Senate ED&A Committee, the House ED&A Committee and JLCAR and again, my colleague from Senate District 17 spoke quite eloquently about them.

But I'd also like to speak to another part of the bill which I find personally just really kind of unbelievable. But it says that the commission's analysis shall employ a rebuttable presumption that market competition and private remedies are sufficient to protect consumers. Now think about that for a minute. One thing we'll do, first thing that should happen is we need to get rid of the Division of Consumer Affairs over at the AG's office. Because the state will have no role in any kind of consumer complaint that gets made. And by the way, private remedies; what does that mean? That means if you've been harmed by somebody, go get a lawyer and sue them. Think about that. What about people in this state who can't afford attorneys who've been harmed? How are they going to get their justice? Because the state has washed its hands of this whole process. And now, it goes on to say the presumption in paragraph (d), may be rebutted if the commission finds credible empirical evidence of a systematic problem that warrants enactment of government regulation to protect consumers and then it goes down a list.

To protect consumers against fraud, the commission's presented recommendation shall be the strength and powers under the state's deceptive trade practices. Well, we've already gotten rid of the Division of Consumer Affairs, so does that mean we now bring it back.

Okay, next one, if someone fails to complete a contract fully, the commission's presumptive recommendation shall be to require that the provider be bonded. Well guess what; we do that now anyway. Same thing with insurance, that you're going to have to require if someone is a transient or fly by night person, just coming in here to do something, you're going to have to register your business with the secretary of state. Again, we do that now anyway. And it goes on and on and on and on about how the government is going to be doing these things and again, we already do these things. So what is the purpose of this commission? It makes no sense Mister President, it's going to take a lot of time, there's a five year timeline here. I would put to you Mister President, there's a better way to do this, and I think that it's something that we can do, but we just need to get the individuals that are involved in this process together. That includes the Executive Branch as well as the Legislative Branch, to figure out how to do this. Mister President, I think at this point I'm going to stop and I'm going to ask the body to uphold the ED&A Committee's recommendation of Inexpedient to Legislate. Thank you very much, Mister President.

(The Chair recognized Senator Soucy for a question of Senator Reagan.)

SENATOR SOUCY: Senator, could you tell me if over the last three sessions as a member of both the House and the Senate, you have participated in efforts through ED&A and through Finance to consolidate boards, to make the process more efficient, to update rulemaking so that it's more consistent across the board for all of our licenses? Could you tell me if you've participated in any of that and what decisions have been made?

SENATOR REAGAN: Well, Senator, thank you for that question. I myself this session have put in five pieces of legislation to expedite the process of the Office of Professional Licensure. So, the effort is being made, especially through the ED&A Committees, to expedite things OPLC. OPLC was created all of a sudden by the legislature when we decided we were going to be more efficient and we brought all these people together in the same basket and said, now you're more efficient. And it didn't quite work out that way, so we said okay, in that case, now we'll take all the professional boards and we'll throw them in the basket. The more the merrier and it made it worse. But there's this ongoing effort that will not be resolved by this commission to improve situation OPLC and the legislature has already supported or ask for a higher grade licensing clerks at OPLC and that's had an effect already. Hopefully you've all had fewer complaints by email and phone call about "I can't get a license". So we'll continue that effort. This will not expedite that process. Thank you.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I would invite you and the body to join me in welcoming students from the fourth-grade class of Milford Elementary School at Heron Pond.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President for allowing me to speak a second time. I neglected to speak about one issue that we have had in front of this body and it came out during the public hearing again. And it deals with individuals that find themselves guests of our current criminal justice system. And that it's difficult for them to get a job when they get out of jail. And we found out that our boards already have procedures in place to help these folks get a new start on life. And Mister President, I would be remiss if I did not talk about a young lady whose name is Lindsey Tadlock, who is in cosmetology school. She found herself in a bad place and found herself a guest of the state. And she has made a concerted effort to turn her life around and the cosmetology board, Mister President, has worked with this young lady to get her on the path, the straight and narrow path, to turn her life around and it took an incredible amount of courage Mister President, for this young lady to come to a public hearing and talk about her problems and how this board has been supportive of her and they're helping her get to a new place and she's turned her life around. So again, Mister President, I would like to publicly thank the cosmetology board for their work, and I would also like to offer my support and my thanks to Lindsey in her efforts to build a new life for herself. Thank you very much, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. A roll call was requested by Senator Avard, seconded by Senator Sanborn.

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

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

The following Senators were excused: Watters.

Roll Call, Yeas: 15 - Nays: 8. Adopted.

Senator Bradley moved to Lay on the Table HB 1685-FN. Adopted.

HEALTH AND HUMAN SERVICES

HB 1273, suspending state licensure laws for physicians and physician assistants employed by the United States Department of Veterans Affairs. Ought to Pass, Vote 4-0. Senator Gray for the committee.

SENATOR GRAY: Thank you, Mister President. I move House Bill 1273 Ought to Pass. This bill suspends New Hampshire state licensure laws, rules and regulations for certain physicians and physician assistants employed by the United States Department of Veterans Affairs. This bill also changes the reporting requirements for the state Veterans Advisory Council. Governor signed an Executive Order suspending the licensure requirements after a flood forced the Manchester VA Hospital to close for repairs. His order has allowed the veterans to continue receiving high quality health care close to home in our local hospitals. This program has been a great success for the veterans and our state, and this bill would seek to make this program permanent. Second part of the bill would change the reporting requirements for the state Veteran's Advisory Council from biannual to annual reports. This will allow the council to more efficiently report to the legislature on any recommendation for future legislation. The Health and Human Services Committee asks for your support in the motion Ought to Pass on House Bill 1273. Thank you, Mister President.

Senator Fuller Clark offered a Floor Amendment.

Sen. Fuller Clark, Dist 21

April 5, 2018

2018-1369s

01/04

Floor Amendment to HB 1273

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

AN ACT relative to licensure of health care professionals employed at the Manchester Veterans Affairs Medical Center.

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

1 Licensure of Physicians; Manchester Veterans Affairs Medical Center; Suspension During Biennium. Notwithstanding the provisions of RSA 329, the requirements for licensure of certain physicians in New Hampshire employed by the United States Department of Veterans Affairs at the Manchester Veterans Affairs Medical Center shall be suspended beginning on the effective date of this act and through the biennium ending June 30, 2019.

2 Licensure of Nurses; Manchester Veterans Affairs Medical Center; Suspension During Biennium. Notwithstanding the provisions of RSA 326-B, the requirements for licensure of certain nurses in New Hamp-

shire employed by the United States Department of Veterans Affairs at the Manchester Veterans Affairs Medical Center shall be suspended beginning on the effective date of this act and through the biennium ending June 30, 2019.

3 Licensure of Physicians Assistants; Manchester Veterans Affairs Medical Center; Suspension During Biennium. Notwithstanding the provisions of RSA 328-D, the requirements for licensure of certain physicians assistants in New Hampshire employed by the United States Department of Veterans Affairs at the Manchester Veterans Affairs Medical Center shall be suspended beginning on the effective date of this act and through the biennium ending June 30, 2019.

4 Applicability. The suspensions provided for in sections 1, 2, and 3 of this act shall only apply to those medical professionals employed by the United States Department of Veterans Affairs at the Manchester Veterans Affairs Medical Center (VAMC), located at 718 Smyth Road in Manchester, provided that the medical professional:

I. Is acting within the scope of his or her employment at the Manchester VAMC; and

II. Possesses a current license in good standing in his or her respective state or country of licensure; and

III. Is certified by the United States Department of Veterans Affairs and maintains that certification; and

IV. Is credentialed by any medical facility licensed in New Hampshire.

5 State Veterans' Advisory Committee; Report. Amend RSA 115-A:8, III to read as follows:

III. The committee shall issue [~~biannual~~] **annual** reports of its actions, findings, and recommendations on [~~May~~] **October** 1 [~~and November 1~~] of each year to the speaker of the house, the president of the senate, the governor and council, and all veterans' organizations in the state.

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

2018-1369s

AMENDED ANALYSIS

This bill suspends for the biennium ending June 30, 2019 licensure requirements for certain physicians, nurses, and physician assistants employed by the United States Department of Veterans Affairs at the Manchester Veterans Affairs Medical Center.

This bill also changes the reporting date of the state veteran's advisory committee.

SENATOR FULLER CLARK: Thank you very much. This amendment simply substitutes Senate Bill 488, which we already passed and was introduced and sponsored by Senator Bradley. What this bill does is, creates a better piece of legislation than what has been sent over to us from the House. It does not make the ability for physicians and nurses, physician's assistants who are working for the Veterans Affairs Medical Center to permanently not have to get a New Hampshire medical license and meet our standards. It simply provides for this waiver or suspension to begin once this bill is passed, which we already passed once in the Senate, and would continue through the biennium of June 30th, 2019. It is more comprehensive in what it requires in terms of the qualifications that these individuals must possess. It also includes in addition to physicians and physicians' assistants; nurses and I've added to Senate Bill 488 the language that would change the reporting deadlines for the Veterans Advisory Council. I'm concerned with the open endedness of the bill that is coming before us from the House and also that it doesn't

put in the same level of standards or requirements that have to be met by those individuals. For instance, what is missing from the House legislation is that the individuals have to be certified by the United States Department of Veterans Affairs and maintain that certification. And certainly if we were going to allow this to become permanent law, we would want that requirement as well. But I think we should look at how well this serves us during a time of crisis when we know that we need to suspend this licensure, but that I think it's putting our medical consumers at great risk over a longer period of time if we are to suspend that licensure requirement in New Hampshire permanently. And I hope that you would vote for this amendment. Thank you.

Recess. Out of recess.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I appreciate the spirit in which our friend from Portsmouth offers this amendment. Especially since it was my bill. However, I'm going to rise and support the committee position on the underlying bill for a couple of reasons. The big difference in the two bills is that the underlying Bill 1273, makes this change permanent and given the fact that the Manchester VA is not a full service hospital and the likelihood of ever getting a full service hospital in New Hampshire is very limited, having advocated for a full service hospital when I was in Washington, I know how difficult it's going to be and knowing that the VA is dispersing more services I actually think that this change to make the license that they're federally licensed, to be able to treat veterans in other hospitals is appropriate on a permanent basis. But one other difference is that in the Floor Amendment nurses are not taken into account. I will ask the House reconsider the Committee Amendment, I'm sorry I'm backwards. The Floor Amendment considers nurses, my bill considers nurses, the underlying bill does not. I will ask that they use my bill to make sure that they fix this for nurses. So thank you, Mister President.

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

SENATOR FULLER CLARK: I'm wondering if you could tell me what is the difference between the regulations for federal licensure under the VA and our requirements for licensure in New Hampshire, and why would we be substituting on a permanent basis federal licensure over state licensure?

SENATOR BRADLEY: Well I would answer that this way; I can't tell you exactly what the differences may or may not be, so I don't know, but there's actually no opposition as you know to either bill. The Hospital Association was there for both bills. I specifically asked on House Bill 1273 because it was permanent if the Hospital Association had any problem whatsoever because remember, those VA personnel are working in other hospitals under their federal license. They had no problem whatsoever, so I don't see that as being a problem.

SENATOR FULLER CLARK: Thank you.

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

SENATOR GANNON: Thank you for taking my question, twenty-one. I had problems with this yesterday, and I tend to lean towards your side. Would you feel comfortable taking one of these federally licensed doctors or would you feel more comfortable with a state licensed doctor yourself?

SENATOR FULLER CLARK: Clearly, I'm bringing forward this amendment because I feel in the long run that I would like to see all physicians practicing in New Hampshire be required to meet the state standards.

SENATOR GANNON: Do you feel less comfortable from someone say who got their license in Mississippi, Arkansas, some of these other states?

SENATOR FULLER CLARK: I do.

SENATOR GANNON: Thank you.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Fuller Clark, seconded by Senator Gannon.

The following Senators voted Yes: Woodburn, Hennessey, Sanborn, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Gannon.

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

The following Senators were excused: Watters.

Roll Call, Yeas: 12 - Nays: 11. 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 HB 1685-FN from the Table. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1685-FN, establishing a statutory commission for oversight over occupational regulation.

HB 1685-FN is Inexpedient to Legislate.

PRESIDENT MORSE: What you've done parliamentary wise is the motion was Inexpedient, the bill was Inexpedient, it will leave the Senate and go to the Secretary of State and die a slow death.

HEALTH AND HUMAN SERVICES

HB 1606, relative to naturopathic health care practice.

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

SENATOR HENNESSEY: Thank you, Mister President. I move House Bill 1606 as Ought to Pass. This bill makes various changes to the regulation of Doctor of Naturopathic Medicine, including the procedures of the Naturopathic Board of Examiners. The bill also adds a member of the Naturopathic Board of Examiners to the Controlled Drug Prescription Health and Safety Program Advisory Council. An audit of the Naturopathic Board of Examiners was conducted and raised some concerns. This legislation seeks to correct some of the concerns and lays the groundwork for proper oversight and increase efficiency for the board. The Health and Human Services Committee asks for your support for the motion of Ought to Pass on House Bill 1606. Thank you.

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

HB 1741, relative to a definition of "contracted copayment" for purposes of the managed care law.

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

SENATOR HENNESSEY: Thank you, Mister President. I move House Bill 1741 as Ought to Pass. This bill establishes a definition of “contracted co-payment,” for the purposes of the managed care law. Current New Hampshire insurance rule dictates that a consumer must be given the lowest possible price for a prescription. This bill seeks to move the bill into the state statutes to ensure that consumers are always paying the lowest price for their medication. Drug prices continue to rise exponentially, and consumers are forced to, sometimes forced to ration medication or choose between filling their prescription and buying groceries. This legislation seeks to ensure that if there is a lower cost payment option, the consumer will be able to pay it. The majority of the Health and Human Services Committee asks for your support for the motion of Ought to Pass on House Bill 1741. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I rise and respectfully in opposition to the pending motion of Ought to Pass. Appreciate the work of the committee, however, there’s already rules on this and by doing this statutory definition, you’re going to set in motion another rulemaking process and I can tell you along with my friend from District 17 on JLCAR, this was probably one of the more contentious, long lasting, debated issues that came before JLCAR probably in the last three or four years. So, do we want to set in motion by changing the statute another contentious long-lasting debate amongst all of the stakeholders in Rules? I don’t. In part because I serve on the committee, but we worked really hard Mister President, to bring people together and work together. We have the rules in place, I think they’re doing just fine, so I respectfully encourage that we vote down the Ought to Pass motion and do a substitute motion of Interim Study or ITL. Thank you, Mister President.

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

SENATOR GIUDA: Thank you, Mister President. I would have a question of either the Chairman of the committee or a member who could speak to what this changes and why it does that?

SENATOR BRADLEY: Thank you very much. The Insurance Department testified in support of the bill. What they testified to was, the change in the legislation clarifies the rule as well as places it in statute. They said that the area’s a little gray. This is a technical change to clarify, and the point is to make sure that the patient him or herself always pays the lowest amount as opposed to having an overage charge on the prescription. And so that’s why the Insurance Department and the majority of the committee supported the bill as introduced.

SENATOR GIUDA: And there is, I think statutory or rule assurance that by going to the least expensive, the doctor has to know it’s not going to cause harm to the patient?

SENATOR BRADLEY: Well, that is a question about whether it’s a generic or non-generic. That’s a different situation than buying as I understand it at least, a specific drug that has, whether it’s a co-pay or not, the issue is about the specific drug, not the difference between a generic and a non-generic are the same drug. And by placing this in statute, according to the testimony of the Insurance Department, it buttresses the current practice already at the Insurance Department and ensures that the patient pays the lowest price.

SENATOR GIUDA: For that specific prescription?

SENATOR BRADLEY: For that specific drug. It doesn't get into generic versus non-generic.

SENATOR GIUDA: Thank you.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I too rise in opposition to the pending motion and ask my colleagues to vote it down so that I could offer an Interim Study motion. This is an issue that we've been debating before this body and the one on the other side of the wall for many, many years now. And in fact House Bill 1208 which passed in 2008 into law, provides that a pharmacy has to charge the lower of the usual and customary charge which is cash price or the patient's co-pay. Now there are some things complicating that and I have another piece of legislation to deal with that, to deal with gag clauses and also to deal with clawbacks where that doesn't happen, but the issue here is not the definitions of the statute and frankly, I find this legislation to be the department attempting to do an end run around the legislature. This legislature is clear. Every one of us has at some point, and the folks on the other side said, we want to ensure that a customer purchasing drugs pays the lowest price, whether it's the price on the card or whether it's the price that it actually costs if they pay cash. We want people to be informed of those choices, so that they get access to their drugs at the lowest cost possible. What has happened though is because the Insurance Department doesn't have direct regulatory authority over pharmacy benefit managers, they keep saying that there's a problem with the statute that they're unable to enforce this law. Well, the problem is not creating new definitions, the problem is getting some enforcement so that the costs are communicated to the consumer and the consumer can make the best decision possible for them. As I said, there is no enforcement mechanism because PBMs are not regulated. Here's our problem, right? We have the pharmacy statutes, we have the insurance statutes and somewhere in between we have the pharmacy benefit manager. So if they're acting as a mail order pharmacy, yep, they're regulated by pharmacy. If they're acting in their PBM capacity, there technically is a reach through, through the insurer that they're working for. But the ability for the department to reach through to enforce complaints which the department has received and done nothing with, is what the problem is. This isn't going to change that. So if what we want to do is make sure that consumers are helped, doing this end run around what this body has said and what that body has said multiple times which is that we want people to pay the lowest price, isn't going to help them. What this is going to do is exactly what my colleague in District 15 did and what my poor colleague from District 17 had to suffer through, was this rulemaking process. This is just going to create a whole new one. This isn't solving the problem. So I ask all of you please, we all, this is not a partisan issue, this is an issue where we all in unison agree. People should pay the lowest price for their drugs possible. It is a national issue, it's a federal issue and isn't a lot we can do to regulate. But we can't let this go through the way it is. I would encourage you to vote this down so we could vote interim study and continue to look at this in a more thoughtful way. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise to second my friend from District number 18. This is not a partisan

issue because I'm with her on this and I will tell the body that when I was chair of Health and Human Services, we voted on this same issue against the policy that you're in front of today. When I was chair of the Commerce Committee, again we voted on this issue again, against the policy of today. Please don't get me wrong, I'm not trying to be disrespectful, disparaging on the HHS Committee, but this issue continues to highlight the fact as the Senator from District 18 said, we have an industry, the PBMs, and there's constantly this battle about whether or not they are regulated by the Department of Insurance or the Pharmacy Board. It would be much better for us to go back, and we have had these conversations as well, about making the decision that we're going to bake all regulation into the Pharmacy Board or are we going to bake all regulations into the Department of Insurance Board. But this jumping back and forth from time to time does continue to make a significant amount of confusion and might not be getting to the true root of the problem, and I think we all agree the problem continues to be wanting the end consumer to have the best price. So I would either suggest the body would vote against passage, for an interim study or to table it and for those of you who are here next year, eight years now that Senator Soucy and I have been dealing with this. It's time for us to have this discussion holistically, and not piecemeal it like we've continue to see. But let's go back and have that discussion of are PBMs pharmacists under the Pharmacy Board or do they need to be regulated under the Department of Insurance Board or heck, should we just eliminate them in their entirety? Because remember many PBMs also operate as pharmacists. So I do know that the Independent Pharmacy Association, Independent Pharmacists are against this and if anyone has ever fought to try to make sure people have the lowest price possible and to help their customers, it has been the Independent Pharmacists. So I would ask that the body overturn the Ought to Pass, where I'd jump back up and make tabling motion if the body would like.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. If you're paying attention to this and don't quite understand it, your question is how did this happen and where did this come from? So the issue came up in Rules, that the members, the rule writers from the Insurance Department would say if only the law said this, then there's a rule that we would like to have which we believe sincerely is good for the patient, then we would have the authority to write the rule. But what they forgot was that they had to have the law changed first. And they've assumed that we would like their idea for a law and then allow them to create a rule with the authority being their imagination. So this is offensive to people in this rules process to come up and say this is a great idea, you should allow this rule. And we don't and I personally spoke to the Commissioner and asked them to please stop doing this and he told me he would and before he's out the door in his retirement, his staff is back doing the same thing again. So for that reason, you should overturn this Ought to Pass and kill this.

Senator Sanborn moved to Lay on the Table HB 1741. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1303, relative to the purposes of revolving funds in towns.
Ought to Pass, Vote 4-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move House Bill 1303 Ought to Pass. This bill is enabling legislation that adds fire services to

the purposes for which a town may establish a revolving fund. It brought us a definition and adds more latitude to municipalities as some towns operate an ambulance service within the fire department. I ask that you 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.

RULES AND ENROLLED BILLS

HB 1281, establishing an executive order registry.

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

SENATOR FULLER CLARK: Thank you very much, Mister President. I move Ought to Pass on House Bill 1281. This bill establishes an executive order registry to ensure that within seventy-two hours of signing all of the Governor's executive orders are posted on the Governor's website. Governors use executive orders for a variety of purposes, among them to 1) trigger emergency powers during natural disasters, energy crises and other situations requiring immediate attention; 2) Create advisory coordinating study or investigative committees or commissions; 3) Address management and administrative issues such as regulatory reform, environmental impact, hiring freezes, discrimination and intergovernmental coordination. Executive orders contain important information for the general public to know and to be able to find quickly. Please join the committee in voting House Bill 1281 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.

HB 1675, relative to state house Internet service and relative to calendars and journals of the house and senate.

Interim Study, Vote 4-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mister President. I move to Refer to Interim Study on House Bill 1675. This is a bill which requires members of the legislature to be provided with access to secure wireless internet. It also requires the House and Senate Calendars and Journals be made available to the public through an email subscription service. The Rules Committee heard testimony at the hearing from both the House and Senate Chiefs of Staff that the legislatures already provided with secure wireless internet access. The email subscription services also being worked on by our IT Director as well as all calendars and journals are posted on the General Court website as soon as they are available. It is important that these issues are dealt with internally and not in statute, which is why the Rules and Enrolled Bill Committee voted House Bill 1675 for Interim Study. Thank you.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I'd just like to speak to the legislation is that allowed or permissible at this time? I am in favor of it. But what I would like to do is to draw the Senators' attention to the hearing report and to point out some critical information that would be helpful to you in terms of dealing with your constituents. House and Senate Calendars are immediately available as soon as they are produced, and in many instances, the Clerk's Office is required to stay until the calendar is available online, both in the House and the Senate. They comply with the right-to-know law which is

a minimum requirement of five days and then if anyone wishes to get a paper calendar, they may subscribe. One of the questions that we asked was, is the general public aware that they can do that and how much would it cost? They're going to look into how much it would cost, but they agreed that they would make available information on the website for anyone who wanted to have a subscription for the printed calendar. We also heard as the Senator from District 3 commented, that there is underway now work to improve our website and they will make sure that the placement of the calendar and the journals is high up in sort of the layers as you go through the website for the House and the Senate so it'll be easier for ordinary citizens to find.

There was also discussion about the fact of, with regard to security and they let us know that they have recently upgraded and added an additional level of security. When we go on the website here as a legislator or as a staff person, and that if we wish to have, there is encryption and we know about that encryption because we use it every time we come to the floor of the Senate. If you wish to have even more robust security, you would need to have your own subscriber. But just so that you understand that that also has been upgraded. The Wi-Fi has been strengthened and so a lot of the pieces that were in this legislation are being taken care of. But I think the most important thing is to be able to let your constituents know about how they can access the calendars and the journals so that they have the ability to track more successfully what's going on here in Concord.

The other request that we heard was related to audio and visual and many of you know that we have hearing reports that we can use when we go to the House or if we want to refresh our memory in talking to a constituent or weren't able to go to that particular hearing. There are no such hearing reports the same level of information that are currently being produced in the House, and so one of the issues going forward is what is the best way to be able to provide a more transparent and full record of House hearings, and that is going to continue to be explored so thank you very much for giving me this opportunity to share with you the technicalities of what's going on, to continue to improve our internet services and I know that they will continue to look at what else can be added going forward. Thank you.

The question is on the adoption of the motion of Interim Study. Adopted.

TRANSPORTATION

HB 193, relative to traffic control measures.

Interim Study, Vote 5-0. Senator Birdsell for the committee.

SENATOR BIRDELL: Thank you, Mister President. I move that House Bill 193 be Referred to Interim Study. This bill would permit cities to adopt bylaws and ordinances relative to temporary traffic and control measures. Included in these bylaws and ordinances would be the ability for cities to decide whether or not to require police details or flaggers during certain traffic or safety projects. The committee heard ample testimony during the public hearing both in favor and in opposition to the legislation. It became clear that this bill was an attempt to bring a one size fits all measure to an issue that cannot be made to fit this mold. When members of law enforcement are present during a traffic detail, they bring thousands of hours of training with them. This allows drivers, workers and other members of the public to feel safer should an emergency arise such as an accident on the worksite or even an emergency nearby. Flaggers often do not have much training before they begin

working on a traffic or safety project and therefore do not bring the same level of expertise to the scene. However, the committee also heard ample testimony for various utilities who must pay higher cost due to their requirement of having police details during their line of work, while others are only required to have flaggers. This can be an additional and burdensome expense. Because of the extremely important nature of the safety issues at stake, the committee believes that this bill is best sent to Interim Study. All stakeholders must come together to work towards the goal of providing the highest level of concerns for drivers, members of the public and those who may be working on the scene. Stakeholders have given me their word that they will work diligently on this legislation and I have every intentions of making them live up to their word. Therefore, all members of the Transportation Committee ask for your support in the motion Refer to Interim Study on House Bill 193. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. As a co-sponsor of this bill and having been a prime sponsor of this bill in the past, I do appreciate the fact that some of the interests that are opposed to this bill have committed to our friend from District 19 that they're willing to work with her on future legislation. It's getting kind of ridiculous that we haven't been able to get this bill passed because of entrenched opposition and quite frankly, not enough advocacy by our friends on the utility side of this bill. There was a recent *Union Leader* story that kind of outlined what happens when you have the option of using flagging details as opposed to special police details. In Nashua, the cost of the projects were about \$40,000, in Manchester about \$400,000. So, I know that, you know I stood right here and defended, you know, the 900 jobs in the North Country and that has led to increased electric rates. But this seems easy. Because what it says, what the bills have said, this bill and in the past is the same standards that the state uses whether to use flaggers or police details on state highways which are bigger, more traffic, more safety issues that you'd use on town roads. That's it. Simple. Follow the state policy that's never been a problem and when you have a 10-1 differential, good luck to my friend from District 19 trying to negotiate that with the entrenched interests that are opposed to this bill. I'll be watching carefully. But I urge the body actually to vote against the Interim Study motion so I can introduce another motion. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in opposition to Interim Study. Financially, those most strongly opposed to this bill have a vested financial interest in seeing it go away. And I can't tell you and I imagine you'd be in the same boat, how many times you're driving down a highway or a street in your town and there's a policeman there and he's getting paid, and he's sitting in his car. And you're no safer with him there than you are with a flagger. It's just that simple. Statistics prove this, okay? So the point here is we enable our communities to save money, we enable our utility bills to be lower, we don't reduce the thousands of hours of training in traffic control, really? That's to me a little bit inane. A flagger gets training as well, okay? Not as much, but certainly we don't need an armed police officer, sitting in a cruiser charging \$70 or \$80 or \$60 an hour for a job that can be done by someone for 20 or 25. It's just that simple. So I ask you to overturn Interim Study. Thank you very much, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDELL: Thank you, Mister President. While I, I don't agree with you, but I value what you say, but I will remind everyone that in my town of Derry, it's not a choice. It's already baked into the police officers' contracts. So until we start looking at some of those issues, nothing's going to change, and if they're baked into the contracts, how is this piece of legislation going to impact them? And my town is not the only one, there are other towns that have it baked into their contracts. So until we get some solutions with that, please support the committee's Interim Study.

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

SENATOR GIUDA: Thank you for taking my question. Does this bill not allow the municipality the option, it doesn't mandate, it allows the option to use state criteria for flaggers, and in that sense would it not then not in any way violate a contract, you still have the ability locally to negotiate that, but it just gives the community an option, it doesn't mandate it. Is that true?

SENATOR BIRDELL: It is true, however, okay...

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. I rise in support of the committee's recommendation of Interim Study. A lot of this has been wrapped up in the argument about rates. There is no requirement of rate reconciliation, at all. So this is a complicated topic and it's been through a number of different committees on this, but unless and until it's studied and made to appoint where some of the major arguments for the bill are actually incorporated in the legislation, I think Interim Study makes good sense. Thank you, Mister President.

The question is on the adoption of the motion of Interim Study.

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

The following Senators voted Yes: Woodburn, Hennessey, Ward, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon.

The following Senators voted No: Giuda, Bradley, Gray, French, Sanborn, Reagan, Innis, Morse.

The following Senators were excused: Watters.

Roll Call, Yeas: 15 - Nays: 8. Adopted.

HB 492, relative to electric personal assistive mobility devices.
Ought to Pass, Vote 4-0. Senator Gannon for the committee.

SENATOR GANNON: Mister President, I fixed your sign. I'm sorry about that. I move House Bill 492 Ought to Pass. This legislation redefines electronic personal assisted mobility devices or EPAMDs. It repeals provisions regarding speed and local regulation, and it establishes progressive fines. The House Transportation Committee discovered an opportunity to move these devices for those who are impaired to this section of law. Section 2 of the legislation defines the behavior that these devices need to be adhering to in order to be operated safely. This legislation also helps to reduce financial hardship on those who are using EPAMDs. The Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 492. Thank you, Mister President.

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

HB 1227, relative to an unattended idling vehicle on private property. Ought to Pass, Vote 4-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move House Bill 1227 Ought to Pass. This legislation provides that a person may idle a vehicle unattended on his or her own property. The committee believes that individuals should have the right to idle their own vehicle on their own property. At the public hearing members of the House explained that not one citation had been issued for violating this law. For example, if one has a remote starter, one may idle their vehicle. If one does not have a remote starter, he or she may not idle their private vehicle to warm it up or to cool it down. This legislation would fix that. For these reasons, the Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 1227. Thank you, Mister President.

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

HB 1364, relative to use of amber lights on vehicles. Ought to Pass, Vote 4-0. Senator Birdsell for the committee.

SENATOR BIRDELL: Thank you, Mister President. I move House Bill 1364 Ought to Pass. This legislation eliminates the authorization to use amber emergency lights while towing or transporting a vehicle. Tow truck drivers would not be required to use their amber lights unless they were actively engaged in activity that would influence safety. This legislation will strengthen the move over law. Emergency lights can be overused and the less they are used outside of true emergencies, the better. The Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 1364. Thank you, Mister President.

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

HB 1455, relative to vehicle operation at uncontrolled intersections. Ought to Pass, Vote 4-0. Senator Birdsell for the committee.

SENATOR BIRDELL: Thank you, Mister President. I move House Bill 1455 Ought to Pass. This legislation clarifies rules of the road at intersections where traffic control device is not operational by correcting an omission in the law. According to this legislation, the driver shall obey the rules of the road applicable to intersections without a traffic control device. Therefore, this legislation codifies common practice by common sense drivers. This is current practice that is also taught in Drivers Education. The Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 1455. Thank you, Mister President.

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

HB 1581, relative to commencement of an administrative license suspension.

Inexpedient to Legislate, Vote 4-0. Senator Birdsell for the committee.

SENATOR BIRDELL: Thank you, Mister President. I'm done soon. I move House Bill 1581 Inexpedient to Legislate. This legislation requires that a driver's license revocation or suspension resulting from a hearing commence no sooner than the day of the hearing at 11:59 PM. According to testimony during the public hearing, these issues simply do not

take place. One example the committee heard in testimony was that conflicts with our habitual offender law would have placed the suspension the day after, therefore giving the person the ability to drive home that day. In summary, this legislation is unnecessary as these instances do not occur. The Transportation Committee asks for your support in the motion of Inexpedient to Legislate on House Bill 1581. Thank you, Mister President.

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

HB 1651, establishing a committee to study the use of liquid de-icers on roads.

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

Senate Transportation
March 20, 2018
2018-1163s
06/10

Amendment to HB 1651

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

AN ACT establishing a committee to study the use of liquid de-icers and solid salt on roads.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the use of liquid de-icers and solid salt on roads.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the use of brine, liquid calcium chloride, other liquid de-icers, and solid salt to remove ice from highways and roads, including the effect of such de-icers on vehicles and the environment.

2018-1163s

AMENDED ANALYSIS

This bill establishes a committee to study the effects of using liquid de-icers and solid salt on roads.

SENATOR BIRDELL: Last one. Thank you, Mister President. Well, hopefully last one. Thank you, Mister President. I move House Bill 1651 Ought to Pass with Amendment. This legislation establishes a committee to study the effect of liquid de-icers on roads and vehicles. The amendment changes the language to represent both liquid de-icers as well as solid salt and also studies the effects that de-icers have on our environment. This is a large issue within the commercial vehicle industry since brine and salt can damage their vehicles. This legislation is important in order for stakeholders to further examine this important issue. The Transportation Committee asks for your support in the motion of Ought to Pass with Amendment on House Bill 1651. 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.

HB 1731-FN, relative to regulating bicycles.

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

SENATOR WARD: Thank you, Mister President. I move House Bill 1731 Ought to Pass. This legislation allows crossing an unbroken traffic line to pass a pedestrian or device moved by human power, modifies hand signal requirements for bicyclists and allows flashing headlamps on bicycles. This will clean up the current laws in place. The first part of the bill would make it so that vehicles have the ability to pass when safe to do so. The second portion allows a change in hand signals where cyclists can use both hands to signal. It is much safer for cyclists to be able to use whichever hand is more convenient. The final section of the bill deals with individuals who have been cautioned or ticketed about using flashing lights on bicycles. It is essential that defensive lighting be allowed for bicyclists so that others can see them traveling. The Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 1731. Thank you, Mister President.

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

HB 1795, eliminating the oversight commission on motor vehicle fines. Ought to Pass, Vote 4-0. Senator Gannon for the committee.

SENATOR GANNON: Thank you, Mister President. Let's wrap up Transportation. I move House Bill 1795 Ought to Pass. This legislation eliminates the oversight commission on motor vehicle fines and was requested by the oversight commission on motor vehicle fines established in RSA 262:45. This commission was established to address a certain issue. With the issue having been resolved, the commission has not done much since, not at all. Their productivity's gone, it's time for them to go and representatives believe that this commission should be eliminated. The Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 1795. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question.)

SENATOR GIUDA: Thank you, Mister President. To the committee; is there someone that oversees motor vehicle fines, other than this commission and what they're set at and so forth?

SENATOR BIRDELL: I'm not sure, I'll have to look into that for you. But I would presume the Department of Safety since they have requested this, they're probably the ones that are overseeing them.

SENATOR GIUDA: Is not the Department of Safety the one that was the problem for which this commission was assembled, that the fines were getting outrageously high?

SENATOR BIRDELL: Honestly, I don't know.

Senator Giuda moved to Lay on the Table HB 1795.

A division vote was requested.

Yeas: 7 - Nays: 8. Failed.

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 bill that was removed from the consent calendar.

ENERGY AND NATURAL RESOURCES

HB 1286, relative to fishing and hunting licenses for permanently disabled veterans.

Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

SENATOR FULLER CLARK: Thank you, Mister President. This bill will insert a provision in statute allowing New Hampshire veterans who are 80 percent to 99 percent disabled to purchase a lifetime hunting and fishing license at a 50 percent discount. Such veterans must have received a discharge other than dishonorable from service in any war or police action in which the United States has been engaged. This bill will have a minimal fiscal impact on the New Hampshire Fish and Game Department and offers more opportunities to New Hampshire veterans. Thank you, Mister President.

Senator D'Allesandro offered a Floor Amendment.

Sen. D'Allesandro, Dist 20

April 5, 2018

2018-1367s

04/10

Floor Amendment to HB 1286

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

1 Hunting, Fishing, and Trapping; Permanently Disabled Veterans. Amend RSA 214:13 to read as follows:

214:13 [~~Veterans, Totally and Permanently Disabled~~] ***Permanently Disabled Veterans***. If the applicant for a fishing and hunting license is a resident of the state, has received a discharge other than dishonorable from service in [~~any war or police action in which the United States has been engaged~~] ***the armed forces of the United States as defined in RSA 21:50, II*** and is [~~totally and~~] ***at least 80 percent*** permanently disabled from such service-connected disability, the executive director shall issue a special veteran's license to said applicant. Said license shall be perpetual. The executive director shall retain the records for such licenses for a period not less than 7 years. Loss or destruction of the license after 7 years shall obligate the licensee to re-establish eligibility. A \$10 administrative fee shall be charged once, upon application to the executive director for such license.

2 Effective Date. This act shall take effect January 1, 2019.

2018-1367s

AMENDED ANALYSIS

This bill authorizes the executive director of fish and game to issue a lifetime license to a veteran who is at least 80 percent permanently disabled.

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, less than 1 percent of the population of the United States of America serves in the military. Less than 1 percent. It would seem to me that if we were doing our civic duty and our civic responsibility, we would say a disabled, a permanently disabled veteran, with his disability between 50 and 99 percent, should be granted a free hunting and fishing license. There are a lot of things we do for veterans but there are a lot of things we don't do for veterans. But it seems to me if a disabled veteran wants to hunt and fish in New Hampshire, and has to under the statute pay, to me that's a terrible disservice on our part. I've worked for years to try to get more money for Fish and Game, and I understand that they're a self-funded entity and so forth and so on. But indeed, if we can't offer a disabled veteran a free hunting and fishing license, then I think we're in trouble. We're in trouble as a society. And we just heard what today,

that we're now going to take our National Guard and we're going to insert them on the border in Mexico, another responsibility. And in today's world, about half of the action taken by our military is now taken by reserves or National Guard people, because we can't fully fill all of the requirements for the military. If I had my way I'd bring back the draft, if I had my way. Everybody should serve. That's in my opinion, but indeed if we can't take care of disabled people by giving them a free hunting and fishing license, then we're in trouble as a society. Thank you, Mister President.

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

SENATOR SANBORN: Senator, thank you so much for taking my question and I have a couple of the President will allow, just trying to understand the width and breadth of your policy consideration. My understanding is about 10 percent of the residents of New Hampshire are veterans, which we're very thankful for. How many are disabled, and I guess I might want to say, how big is this consideration we're looking at, what kind of money is it for a license, how much is it a year, acknowledging we know that the Fish and Game, generally accounts always seems to be a little shy?

SENATOR D'ALLESANDRO: First of all thank you for the question. I think we do have a large number of veterans in the state of New Hampshire, retired but I'm not sure about the disability component as to the percentage it is. But if you, and I haven't got the numbers for the Fish and Game licenses. I could get those for you, but I believe it would be de minimis in terms of its impact on Fish and Game.

SENATOR SANBORN: And I guess my question, it might be too late in the second to ask the question, although I'd be supportive of it, why give them the annual license, if we are just going to give them the license, make it a lifetime license?

SENATOR D'ALLESANDRO: Great, thank you, great question. I'd be more than happy to do that. I think that's what we're trying to do. I thought that's what this amendment did. So correct me if I'm wrong, but I thought that's what—

SENATOR SANBORN: It is. My apologies, I misspoke— Thank you, Sir. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I rise in support of Floor Amendment 1367s. What this Floor Amendment does, as the Dean had noted, it makes the hunting license and fishing licenses free for those at least 80 percent, at least 80 percent permanently disabled with service-connected disability. Disability has to be related to your service. It gets rid of the requirement that you serve in a combat zone because a lot of veterans get disabled other ways. So, this still maintains the requirement of service-connected disability and I think it would, in my view, based on the record of the hearing and based on the discussion it would expand, certainly the free licenses. However, I think it's a reasonable expansion with likely de minimis impact. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Woodburn, Giuda, Bradley, 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)

The following Senators were excused: Watters.

Roll Call, Yeas: 23 - Nays: 0. Adopted.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I will support this motion as amended. I'd like to rise for the record though and inform the body that there are numbers of discharges that are not honorable discharges that are not dishonorable. There's general discharge, bad conduct discharges, these are veterans whose service has not risen to the par of acceptable to the military. So I will vote for this, but in the future if I'm back here I'm going to move to respect the honorable discharges of the millions or thousands in our state that have served honorably without besmirching the honor of the service. Thank you, Mister President.

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 Avard moved to remove SB 586-FN-A-L from the Table. Adopted.

WAYS AND MEANS

SB 586-FN-A-LOCAL, relative to casino gambling.

The pending motion is Refer to Interim Study.

SUSPENSION OF THE RULES

Senator Bradley moved that the Senate suspend all rules necessary to permit consideration at the present time of SB 586-FN-A-L. Adopted by the necessary 2/3 vote.

PRESIDENT MORSE: The current motion is Refer to Interim Study. Here's the deal. The current motion is Refer to Interim Study. That was made by Senator Daniels. He can withdraw it, or we can have a vote on Refer to Interim Study because my understanding is Senator Avard wants to get to Ought to Pass and offer an amendment.

SENATOR DANIELS: I will maintain the Interim Study motion.

SENATOR BRADLEY: I ask for a roll call.

PRESIDENT MORSE: So the roll call is on the Refer to Interim Study motion.

The question is on the adoption of the motion of Interim Study.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. If I wish to move this legislation forward would I then vote down the motion of Interim Study?

PRESIDENT MORSE: If you're in favor of Interim Study, you're going to say aye, if you're opposed, you're going to say nay.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Mister President, whether I'm for or against the passage of this bill, would I vote down Interim Study to at least entertain the Floor Amendment so that we can have discussion about what's being offered by Senator Avard?

PRESIDENT MORSE: If you're in favor of Interim Study, you're going to say aye, if you're opposed, you're going to say nay.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Mister President, if I believe that there could potentially be an amendment with very significant changes to public policy that have not been publicly discussed or debated at a hearing, would I vote in favor of the Interim Study?

PRESIDENT MORSE: If you're in favor of Interim Study, you're going to say aye, if you're opposed, you're going to say nay.

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

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

The following Senators voted No: Woodburn, Giuda, Gray, French, Avard, Lasky, Carson, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators were excused: Watters.

Roll Call, Yeas: 8 - Nays: 15. Failed.

Senator Avard moved Ought to Pass.

Senator Avard offered a Floor Amendment.

Sen. Avard, Dist 12

Sen. French, Dist 7

April 4, 2018

2018-1358s

08/04

Floor Amendment to SB 586-FN-A-LOCAL

Amend RSA 284-B:2 as inserted by section 1 of the bill by replacing it with the following:

284-B:2 Gaming Regulatory Oversight Authority. The gaming regulatory oversight authority, through delegation to the division of gaming enforcement, shall establish, staff, manage, and operate video lottery and table games at video lottery locations licensed under the provisions of this chapter. Facilities provided by the facility licensee shall contain non-gaming resources such as, dining, liquor, hotel, and any other support resource approved by the gaming regulatory oversight authority. The facility licensee shall, at a minimum, provide and pay for heat, electricity, water, sewer, maintenance, and security surveillance infrastructure for the video lottery location for which the facility licensee shall receive remuneration pursuant to RSA 284-B:15.

Amend RSA 284-B:3 as inserted by section 1 of the bill by replacing it with the following:

284-B:3 Duties of the Gaming Regulatory Oversight Authority. The authority shall:

I. Issue licenses after completion of the investigations set forth in this chapter. All license applications shall be approved or denied no later than 150 days from the date of application. No license issued under the provisions of this chapter shall be assigned, transferred, or sold, without a complete application and the approval of the authority and payment of a \$150,000 application fee. No person or entity may own or have an interest in more than one facility license.

II. Collect all license fees imposed upon any applicant and all fees imposed by this chapter.

III. Certify net machine income by inspecting records, conducting audits, having its agents on site, or by other reasonable means.

IV. Establish a central computer system at a location of its choosing linking all video lottery machines to a central computer to ensure control over the video lottery machines.

V. Enter into lease agreements with up to 3 technology providers to provide video lottery machines to the state. Lease agreements shall provide that the technology provider supply the quantity and quality of video lottery machines determined by the authority in a timely and efficient manner, and shall be paid with a percentage of the net machine income, as provided in RSA 284-B:15. The technology provider shall provide all maintenance and service of its video lottery machines at no additional charge or fee to the state. Each agreement shall also provide that the technology provider shall be required to replace 30 percent of its video lottery machines annually.

VI. Establish technical standards for approval of video lottery machines, including mechanical and electrical reliability and security against tampering, as it may deem necessary to protect the public from fraud or deception and to ensure the integrity of the operation.

VII. Not later than November 1 in each calendar year of this program, provide a report to the legislative fiscal committee regarding the generation of revenue of video lottery machines. Such report shall include any recommendations for legislation and any public concerns.

VIII. Establish a list of approved table games and establish standards and testing processes for electronic table games.

IX. Have the authority to issue subpoenas and compel the attendance of witnesses, to administer oaths, and require testimony of witnesses under oath.

X. Make and keep records of all proceedings of its public meetings. A copy of the transcript shall be made available to any person upon request and payment of the costs of preparing a copy.

XI. Keep and maintain a list of all license applicants and a record of all actions taken with respect to each applicant. A file and record of the actions by the gaming oversight authority shall be open to public.

XII. Maintain such other files and records as it deems necessary. All records maintained by the gaming oversight authority may be maintained in digital format or other technology, provided that such information is capable of being produced in written form.

XIII. Maintain the confidentiality of all information and data obtained by the authority. Such information shall not be revealed in whole or in part except as otherwise provided by law, upon the lawful order of a court of competent jurisdiction, lawfully executed and served grand jury subpoenas, or with the approval of the attorney general, to a duly authorized law enforcement agency.

XIV. Provide notice of the contents of any information or data released, except to a duly authorized law enforcement agency or grand jury

subpoena pursuant to paragraph XIII, shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules adopted by the authority.

XV. If necessary, contract for and procure financial, economic, or security consultants and any other technical and professional services as the authority deem necessary.

XVI. Develop and provide an employee training program which shall include, but not be limited to, information on state law, criminal and civil liability, and management practices.

Amend RSA 284-B as inserted by section 1 of the bill by deleting RSA 284-B:12 and renumbering the original RSA 284-B:13-29 to read as RSA 284-B:12-28, respectively.

Amend RSA 284-B:12, I as inserted by section 1 of the bill by replacing it with the following:

I. The authority shall issue a request for applications within 30 days of the adoption of licensing rules in accordance with RSA 284-B:4. The request for applications shall require all facility license applications to be submitted to the authority no later than 120 days after the publication of the request, provided, however, an applicant who has paid the full application and investigation fees required by this section may receive one extension of up to 30 days upon a finding of good cause shown by the authority. Applications received after the deadline shall not be reviewed by the authority. The authority shall approve, approve with conditions, or deny all applications submitted in accordance with the provisions of this chapter and any applicable rules promulgated by the authority.

Amend RSA 284-B:13, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) That each director, officer, or similar principal employee and each direct or indirect owner satisfies the standards for licensure contained in RSA 284-B:12.

Amend RSA 284-B:15, I(a)(6) as inserted by section 1 of the bill by replacing it with the following:

(6) Credit the balance to the gaming regulatory fund established by RSA 284-B:14, VI.

Amend RSA 284-B:28, II as inserted by section 1 of the bill by replacing it with the following:

II. All fees collected under RSA 284-B:15, I(a)(4) shall be credited to the fund established in paragraph I.

Amend RSA 6:12, I(b)(340)-(341) as inserted by section 9 of the bill by replacing them with the following:

(340) Moneys deposited in the gambling addiction prevention fund established in RSA 284-B:28.

(341) Moneys deposited in the gaming regulatory fund established under RSA 284-B:14.

Amend 2017, 156:86 as inserted by section 8 of the bill by replacing it with the following:

156:86 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and towns shall be suspended for the biennium ending June 30, 2019. *The suspension shall be lifted upon certi-*

fication by the state treasurer to the secretary of state and the office of legislative services that he or she has received revenue under RSA 284-B:15.

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AMENDED ANALYSIS

This bill:

I. Allows the licensing and operation of video lottery and table gaming facilities.

II. Requires the gaming regulatory oversight authority to select licenses for video lottery and table gaming facilities and oversee the operation of such facilities.

III. Establishes the gaming regulatory fund.

IV. Establishes the gaming enforcement division of the state police.

V. Establishes the gambling addiction prevention fund.

SENATOR AVARD: Thank you, Mister President. My original objection for this whole casino gambling was the fact that it limited it to two licenses, creating what I feel was a monopoly. This basically removes the two and allows it to move forward without any restrictions as to how many licenses will be offered in the state of New Hampshire. That's in essence what this legislation does.

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

SENATOR SANBORN: Senator, thank you so much for taking my question. I'm just trying to understand because obviously this amendment came in a little late and I'm not sure I understand it all, but are what you're saying that this would open up the ability for anybody to have a one-armed bandit or betting machine in any home or establishment or anywhere?

SENATOR AVARD: That's not what I understand.

SENATOR SANBORN: So it is my understanding that for anyone who ponies up \$150,000 and goes through a process they can open up a casino and it would have to be within the casino, but we could have as many casinos as anyone wants to open up?

SENATOR AVARD: Not anyone, they're only allowed one license per establishment.

SENATOR SANBORN: But if I understand you correctly for the record, unlimited number of licenses, one license per establishment?

SENATOR AVARD: Per establishment.

SENATOR SANBORN: So we could conceivably have fifty or a hundred casinos if there are fifty or a hundred people that wanted to pony up \$150,000?

SENATOR AVARD: Or two.

SENATOR SANBORN: Or two. Thank you very much.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise in support of the amendment. The amendment allows for a number of applicants, but the state must approve these applicants and they must meet the

criteria and they must go through the process. They pony up X number of dollars and if they want the license, they have to pay 40 million for the license. So indeed, that's something that has to be considered.

As many of you know I've been on this case for a long period of time. I want to create a picture for you. I want you to drive down Route 93 and as you reach Everett, I want you to look to the left and there's a forty-story building there that wasn't there a year ago. There are 1,500 people working in that building, all being paid a decent wage. There are 1,500 of them. The cost of building that entity is \$2.3 billion, that's being spent in Massachusetts, 2.3 billion. When that entity is open in 2019, 2,000 people will have jobs. Base salary for most of those jobs will be in the 50 to \$100 thousand range. The taxes paid by that entity will be enormous. Just look at the base rate for a property that's worth 3 or \$4 billion when it's finished. All of those opportunities were available for New Hampshire. We said no. We said no for a lot of reasons, we're going to have corruption, we're going to have this, we're going to have that, etcetera, etcetera. We had the perfect place for it, where for 100 years we had thoroughbred racing. After thoroughbred racing shut down, we had a charitable gaming entity. We lost that opportunity. The local community voted 80 percent to accept the opportunity. So, this may be our last opportunity to move forward with this. Nothing is guaranteed, if it gets by this body, it's got to go to the House and that's the assembly of 400. I thought Leonidas had a problem when he fought the Assyrians at the battle of Thermopylae, but indeed, the battle that we have against the 400 is even more difficult. I'm telling you that, and I've been to the paths of Thermopylae and I've seen Leonidas' statue, alright? His name is known in history. Well, we've got that challenge, we as a body have that challenge. But indeed it isn't a case of the people don't want this. We've had public opinion polls that say 80 percent of the people in the state of New Hampshire want this. Those of us who listen to Channel 9 have seen the Oxford Casino's ads. They're pervasive. You drive down the turnpike, who sponsors the signs? Oxford Casino. Who's got the bus in Manchester totally covered with Play at Oxford Casino? That drives around the city all day. Now the people at Oxford heard this because they've put a hotel next to the casino because it's doing so well. As a matter of fact it's doing so well, that Churchill Downs paid \$160 million for a \$40 million investment. That's what the original guys put up.

So my friends, my colleagues, is this the perfect bill? Nah, no bill is perfect. Is it more than I had anticipated getting? Yes. But indeed if it's a compromise and a way to get this thing going, I obviously support it. And as I said, my wife's going to Mohegan Sun next week, alright? What's she going there for? To gamble, because she enjoys it. It's a part of life. People like to do this, and indeed, we have as I said, we have embellished this premise for the last basically hundred years, for a hundred years New Hampshire's been gaming.

When I first came to this legislature, Rockingham Park represented 7 percent of the operating income for the state of New Hampshire. It was in the budget, Rockingham Park, 7 percent. We did that for almost a hundred years. Is Salem better off because of what Rockingham Park did? I think so. Nobody in Salem was complaining, although persons that were complaining were quite much in the minority. So I ask you, please look at this and if nothing else, please, when you're driving down Route 93 and you're just coming up to that rise as you get to Somerville and you look to the left and you see this magnificent facility rising, you say

hey, that could have been in New Hampshire. That could have been here, you know it's with great sorrow I say this is what could have been. Well, we still have an opportunity to do something. So I hope my colleagues will consider it and thank you very much, Mister President. And I thank my colleagues in the Senate who brought forth the amendment that put it on the table for discussion. Thank you, Mister President.

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

SENATOR DANIELS: Thank you for taking my question. What is the fiscal impact of your amendment?

SENATOR AVARD: I don't know.

SENATOR DANIELS: So you're asking us to vote on an amendment where we have no idea what it's going to cost?

SENATOR AVARD: Well, I think we have the potential of, one of the first applications if it's approved to get least \$40 million.

SENATOR DANIELS: Noticed in the Amended Analysis it establishes the Gaming Enforcement Division of the State Police, we have no knowledge of how big that's supposed to be, what it's supposed to entail or what the cost is. Is that correct?

SENATOR AVARD: That is correct.

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

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of the amendment and the bill hopefully as passed if the amendment passes. I do so because 1) there are parts of this state that are in dire need of economic revitalization, and I represent twenty-seven towns in Grafton County, I'm sorry twenty-seven towns, nineteen of them in Grafton County. We're losing population, we're losing jobs, my district has lost 2,000 jobs in the last five years; high tech jobs moving south, okay? So there are parts of this state that are in serious need, right? For us to foreclose on the consideration of locating an establishment that would provide jobs and revenues both locally and statewide, okay, for whatever we choose, education, you pick it. But this would introduce a funding source that is not a tax. It is a voluntary activity enjoyed by many. When I first moved to New Hampshire I heard the term Manchvegas, because gambling is sort of in the life blood and the DNA of our state. I have people in my town of Warren that drive south to Mohegan Sun that go to Manchester and fly to Las Vegas. They like to gamble. Yet we foreclose of that opportunity, not only to allow them to enjoy themselves in our state and generate revenues for our budgets, okay? But also to provide jobs and work opportunities for a workforce that is in serious trouble in the North Country. So for those reasons Mister President, I offer my support for this amendment. Thank you.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I rise in opposition to this amendment. I'm not going to repeat what I said two weeks ago, but I would ask you if you had reservations and didn't support legislation that would allow for two casinos in New Hampshire, why would you now go ahead and support legislation that will allow for as many casinos in New Hampshire that can be approved under the original bill? And so I think this just is allowing for the expansion of an industry that will have very negative impact economically on this

state. And I'd just like to say that it's my understanding, that we just heard that these jobs were going to pay for the Wynn Casino as much as \$100 thousand a person. Well it's my understanding that a large bulk of individuals working at casinos make no more than 30 or \$35 thousand dollars a year. They're not earning a livable wage in terms of what you, or close to livable wage but it's nowhere near \$100 thousand a year. So, we have to ask ourselves, what kind of jobs would this bring to the state, and what kind of money would it take out of the pockets of New Hampshire residents? Who will no longer, no, because we see that for every casino within thirty miles of a casino is where the bulk of those people go to that casino. People coming from farther away, it's going to be almost impossible to compete with Wynn. And also if you remember that the Wynn casino, includes a number of entertainment venues, you know, if any of these casinos get approved and they are coming in with a project that, you know, can afford to build those type of entertainment venues, can afford to build the stages and the, you know, amusements that go along with that, ask yourselves what is that going to do to all the entertainment investments that have been made here in the state of New Hampshire, rather it's the Capital Center for the Arts, rather it's the development in Keene, rather it's the Opera House in Rochester, rather it's the Opera that goes to the northern part of the state, again, now we need to look at what, you know, and tourism for all of those entities is what helps to drive our economy. It's the third largest source of revenue in the state. They will not be able to compete with casinos here, there and everywhere.

I also, though I'm not opposed to gambling from a moral point of view, I was rather startled yesterday when I came home and I received a packet in the mail that was a publication about this thick, about how we should address the issue of gambling addiction. Now I ask you, if a publication like that is now being put in the hands of all of us here and across the country, does that not say that we are having a growing addiction problem? Why else would we be receiving that type of manual? And again studies have shown that, you know, what we would be talking about for the development of casino that is not on the level of Wynn, it is the majority of gaming that can take place there is with the slot machines. Studies have shown that slot machines are designed to be addictive, and that we don't have the kind of table gaming that we used to have in the past. If you were to visit Oxford, which I have done, you would see that 70 percent of the people there, they're not using those table games, they're sitting in front of a slot machine, not talking to anybody, playing these games over and over and over again. No, they're not socializing, and you know, the risk of them becoming addicted as we talked about. We're all addicted to our cell phones, it's the same kind of play that goes at work, so we do have an addiction problem. But to my mind, the bigger problem is that we run the risk of upending our economy here in New Hampshire. And particularly if we're going to allow, open the door for a number of casinos throughout the state. So thank you very much, Mister President, and I would urge my colleagues to vote down this amendment. (The Chair recognized Senator Lasky for a question of Senator Fuller Clark.)

SENATOR LASKY: Thank you for taking my question. Would you not agree with me that the game of Keno is highly addictive?

SENATOR FULLER CLARK: Senator, the good Senator from Nashua, I would agree with you that Keno is highly addictive. In fact, I went before

the House Committee this year when there was a bill, asking to undo what we had done last year by linking kindergarten with Keno and abolish Keno in the state. I think it's incredibly disruptive and disappointing that we as a legislative body didn't fund kindergarten as a responsibility of the state and shifted that on to Keno. I think that was wrong. I think it shouldn't have happened. And I think what we're seeing is where Keno is being approved, it's being approved in the communities where I think it has the potential ultimately to hurt the income of people who are in those communities. So anyway, that's my position, I'm happy to answer your question. I don't approve of all of it, for economic reasons. I think it's just draining money out of people's pockets for a type of entertainment that does not benefit us as a state.

SENATOR LASKY: Thank you.

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

SENATOR HENNESSEY: Thank you very much. In the research that I've done, I have seen that there is a good many of the biggest casino organizations, and this is a question, actually hire from places outside of the states where they reside and less from within the state and I don't know if you'd seen that same kind of information?

SENATOR FULLER CLARK: That is my understanding that the well-paying jobs go to those people who are brought in by the entities that start up and invest in the casino and that the everyday jobs go to residents in the locality. Thank you.

SENATOR HENNESSEY: And also, I wonder if there's any information about the cost of addiction and what the cost both, both in terms of morale, workforce and therapy, my field?

SENATOR FULLER CLARK: There are many studies that have been done. I think you'll notice in this legislation, it does acknowledge that addiction is, it comes with casinos and that they provide money to help with people who have addiction to gambling. But I, and I know that there are others studies out there, that it has costs that go beyond just that individual to the family, to the community, to potential crime, to potential suicide. So it has huge ramifications that end up costing us in other ways.

SENATOR HENNESSEY: Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. With reference to the financial situation, LBA prepared a fiscal note to this legislation when it was first introduced and that is still available and I just want to make note that based on their analysis, both the cost and the revenues are available to everyone. The revenues, if one of these entities becomes operational is about \$134,900,650 once we're in full operation. So let's call it a \$135 million a year we'll be generating. There are costs associated with that that are clearly identified in the fiscal note; what it costs to get the police up and running and all of the other associated costs. So that fiscal note's been around for a long period of time and it's been redone time after time after time. I look at this, this is like the twentieth iteration of the fiscal note. So we update it every two years.

With regard to some of the comments about where the jobs are going to come from, and the problems that are associated with it. We know

that the local entity will receive most of the jobs, they'll come from New Hampshire people, just as they came from New Hampshire people at Rockingham Park, when we had Hinsdale and when we had Belmont and all of the local attraction was good and the jobs were there, and the jobs were decent paying jobs, and they will continue to be decent paying jobs, because you can't find people to perform what needs to be done in these entities and pay them inappropriately. They do very well. A parking attendant in Las Vegas makes over \$100,000 a year. That's a guy or a woman that just tells you where to park the car. So indeed, they're good jobs, I mean you look at these numbers, I think the numbers clearly indicate that, I hate to say this but it's a good bet. It's a good bet.

And indeed, you know the problem is we, because of our inability to take advantage of this year after year after year, we've not received the benefits but, and with regard to publications that are being printed, I mean the opposition to this has always been in the mainstream of sending material out to individuals and doing other things. The lobbying against casino gambling here in New Hampshire has been persistent and well-funded, very well-funded. So indeed, this opportunity as I say and I think this is probably again, the last chance saloon in that respect because the entities have all listened to us. I mean I think it's amazing when you think that when we started this there was nothing in Massachusetts, there was nothing in Maine, they had de minimis things in Connecticut, they had very, very little in Rhode Island, they had one place, they had nothing in New York. But since this dialogue began, all of those entities have listened to us and have produced some type of advanced gambling, casino gambling. It's taking place around us so what we have sent a message out and others have listened to us. The only people that don't listen are us. You know we turned a deaf ear on, we oh, all these bad things are going to take place. What's going on around us? What's going on in Maine, in Massachusetts, in Rhode Island, in Connecticut, in New York? They have these entities in place, and they have done it since we started talking about it almost twenty years ago. Almost twenty years ago. And what have we done in the last twenty years? We lost Rockingham Park, we lost Belmont, we lost Hinsdale, where are we, and what are we saying? That people are going to go, they're going to go to Massachusetts and gamble, they're going to go to Maine and gamble, and what do we receive in terms of a benefit on that activity? We get nothing. Do we get the headaches? Yeah, because they come back to New Hampshire, and all of those problems that we talk about, if they exist, we have to deal with them, without the revenue source. an inconsistency there.

But indeed, my purpose of rising was to say, to the distinguished Chair of Finance, there is a fiscal note. That There's fiscal note has been done and redone and it's available, It's available and we can have it updated by LBA or anybody else that we want to and the cost associated with it have been clearly defined. Thank you, Mister President.

PRESIDENT MORSE: Before we move the question; we're voting on the floor amendment which is a straight fifty plus one vote. After we get through the floor amendment, we're looking for clarification of where the body stands, and I believe that is what Senator Bradley is going to ask on what the vote needs to be on the whole bill if the floor amendment were to pass.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Gray.)

SENATOR GRAY: This bill has a FN. Does it still have to go before Finance?

PRESIDENT MORSE: At this point we've suspended all the rules taking something up past the deadlines, so no.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Again, it's a specific question to the suspension of the rules. Have we suspended the rules to the extent that it only requires a simple majority to proceed to the House, on the final Ought to Pass?

PRESIDENT MORSE: When we get through the Floor Amendment we'll address that.

SENATOR BRADLEY: Thank you.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Kahn.)

SENATOR KAHN: I just wanted to make sure I understood the directions of the Mister President that the amendment requires how many votes to be adopted?

PRESIDENT MORSE: It requires a simple majority, Senator.

SENATOR KAHN: Yes, that's what I wanted. Thank you.

The question is on the adoption of the Floor Amendment.

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

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

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

The following Senators were excused: Watters.

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

Recess. Out of recess.

PRESIDENT MORSE: Without objection the Senate President's going to rule that this requires a super majority to be passed, to be sent out of this body. I think the sponsor of it understood that when he met with me before today, and I just explained that. What you did earlier, and it bears to pay attention, we suspended all the rules in the Senate when we were being courteous to allow this in. So when you do something like that, the Senate President can fly by the seat of his pants, and that is not a good situation to be in quite honestly, but I'm ruling now and unless I'm overruled, you would have to have a 2/3 majority to send this legislation out of the Senate. I think that's just good public policy when you're past the deadline. I think the end result is pretty understandable at this point in time, unless people change their votes, but the reality of where we are right now, it would require a 2/3 vote.

Without objection, the Chair rules that a 2/3 vote is required. Adopted.

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 Gannon.

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

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

The following Senators were excused: Watters.

Roll Call, Yeas: 12 - Nays: 11. Failed, lacking the necessary 2/3 vote.

Senator Bradley moved to Lay on the Table SB 586-FN-A-L. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Sanborn: HB 193, HB 492, HB 1202-L, HB 1227, HB 1228, HB 1252-FN, HB 1258, HB 1271, HB 1273, HB 1280-FN, HB 1281, HB 1286, HB 1290, HB 1303, HB 1308-FN, HB 1331, HB 1349, HB 1352-FN, HB 1363, HB 1364, HB 1374, HB 1378, HB 1379, HB 1389, HB 1421-FN, HB 1425-FN, HB 1441-FN, HB 1446, HB 1453, HB 1454, HB 1455, HB 1480, HB 1493, HB 1494, HB 1506-FN, HB 1517, HB 1518, HB 1523, HB 1551, HB 1575, HB 1581, HB 1606, HB 1651, HB 1663, HB 1675, HB 1676-FN, HB 1683-FN, HB 1685-FN, HB 1731-FN, HB 1741, HB 1785, HB 1795, HB 1823-FN, SB 586-FN-A-L

ANNOUNCEMENTS

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I had agreed with my good friend from District 19 to do an Irish Cake Bakeoff today, and I forgot to do it. And I would've gotten beat, I think, based on her cake. I am going to make a cake next week, but please remember how good her cake was and compare it to mine. So I apologize to my friend and I will be bringing a cake next week. We'll take a vote on it.

Secondly, on a much more somber note, Mister President, and I'll just enter this, without objection, the obituary into the record. I won't read the whole thing. The Reverend Dwight Haynes of Concord passed away. He was a terrific community advocate, a wonderful friend to me, and many others, and served for forty plus years as the pastor of United Methodist Church here in Concord. For those who may be interested, services will be held at Wesley United Methodist Church at 79 Clinton Street in Concord on April 12th at 2 p.m., and without objection, I'll enter the full obituary into the record. Thank you very much, Mister President.

Dwight Seavey Haynes

January 22, 1937 – March 24, 2018

The Reverend Dwight S. Haynes, 81, of Concord, NH passed away on March 24, 2018, surrounded by his family. Born in Haverhill, MA in 1937, as a four year old, he was diagnosed as deaf and dumb. Sent home by the experts in Boston, Dwight was operated on in the family's living room by a doctor who lived next door. His hearing was significantly restored, and speech therapy helped him to speak.

A shy and reserved child, (surprising to those who knew him as an adult!) Dwight set a goal giving himself the satisfaction of achievement and helping others at the same time, a quality he displayed throughout his life. As a second grader in 1944, he collected 2,650 tin cans for the war effort. This won him top honors in his city's "Tin-Toter Campaign." Told by his high school principal that he would never make it to college, Dwight earned a Bachelor's degree in philosophy from Bates College in 1959, and graduated from Boston University School of Theology in 1962 with dual Master's degrees in Divinity and Psychology & Pastoral Counseling. A lifelong champion of civil rights, one of his proudest moments was marching on Montgomery with Martin Luther King, Jr. In fact, he had just given a talk on the subject to middle school students in February of this year. Before retiring in 2002, Dwight served 40+ years as a pastor in the United Methodist Church (UMC). In notes made in his late 70s, he tallied having conducted 276 weddings, 280 baptisms, 414 members received, 590 funeral/memorial services, "and thousands of meetings."

In retirement he served four interim pastorates, preached in 46 churches, including two services at Bow Mills UMC on the Sunday before he died, and continued to participate in many volunteer activities. Whether serving as a mentor for local pastors and candidates for ministry, attending political rallies or social justice events, or writing letters to the editor, Dwight never stopped finding ways to contribute in any way he could. This included serving as a Granite State Ambassador at the kiosk in front of the State house for eight summers, as well as president of the Havenwood Resident Association. An avid bicyclist, Dwight completed 36,000 miles by his 81st birthday. Another goal he set and exceeded was donating 112 pints of blood. Dwight traveled as often as he could starting with a summer in Europe in his 20s, and taking trips to Israel and Egypt, Greece and Turkey, culminating in lifetime tallies of five continents, 29 nations, 44 states, and 17 National Parks. When speaking of his travels, Dwight frequently shared that while "people may look different and talk different, we all have the same hurts and hopes." He also liked to point out that St. Augustine said, "The world is a book. Those who do not travel read only a page."

Dwight leaves his wife of 56 years, Maryellen; his daughters, Linda and Judith; his grandchildren, Jessica and Joshua; and one great-grandchild, Asher.

A celebration of his life will be held at Wesley United Methodist Church, 79 Clinton Street, Concord, NH on April 12 at 2 pm. In lieu of flowers, memorial contributions may be made to the United Methodist Committee on Relief (UMCOR) or Wanakee Camperships and mailed to Bow United Methodist Church, 505 South Street, Bow, NH 03304. Memorial gifts may also be made directly to the Audubon Society or the ACLU.

(<https://www.dignitymemorial.com/obituaries/concord-nh/dwight-haynes-7800937>)

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I, too, rise and ask for personal privilege. As I was entering my house last evening, I got a call from George Lamprey, and George mentioned to me that Stewart Lamprey had passed away. Stewart Lamprey was a unique human being. He was Speaker of the House, he was President of this Senate; he became Under-Secretary of Commerce during the Nixon Administration, but more importantly, Stewart was a great friend and, I thought, a really great American.

I first met Stewart in 1968 when Walter Peterson appointed me to the Athletic Commission as a Commissioner. I walked into the office, Ray Burton was standing in one corner, Cynthia Kirby was at the desk, and Stewart was on the inside, he was Chief of Staff; brought me into the office and Governor Peterson, at that time, thought that this Athletic Commission was something more than the boxing and the wrestling and I got approved. From that point on, Stewart really became my friend, and in 1982, Stewart ran my campaign for Governor. We lost in a very close race, and it was the primary. Stewart was a real visionary, a real visionary. In 1972, before he left, he produced a document and talked about legislative changes that should be made. Maybe some of you have read that. I know I keep it in my office and look it over every once in a while. But Stewart had a vision of how this should all work, and did a great job of making things happen, making things happen.

After he left politics, Stewart started a company called New Hampshire Business Sales. And New Hampshire Business Sales was a very successful real estate operation, and he did a great job. And Jeb, you probably remember the work he did in Meredith. That beautiful building he constructed in Meredith. As I said, Stewart was a visionary, but in this business, as I say often, life's all about relationships. I had a relationship with Stewart, and it was a very meaningful one, and go and meet him and we'd talk politics and he ended his life in a nursing home up in Meredith and he passed away there. But, we all need somebody to talk to at some time in our lives, and we get, you know, get an answer to some of the questions that we pose, and that person you have to believe in strongly. And I had that relationship with Stewart. He taught me a lot about politics and a lot about how to do things right, and how to correct things that weren't going so well.

Stewart had a long and very, very successful life; a long and successful life. And I hope that the mark that he left on this state will continue in this context. Government has a purpose. That purpose is important to the people we serve; and Stewart made that happen as Speaker of the House, and as President of the Senate, and that's a great guide, I think, a great guide for me to look at as we move forward. I'm very proud to have known Stewart; very proud to have said he tutored me in the business of politics, and very proud to say Stewart did good things for New Hampshire. He did good things for this state and should be remembered for those things. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much. I request personal privilege? There're some remarks I'd like to share with the body. Many of us here today were either children or young adults in the 1960s, and we lived through a devastatingly painful and shocking period when many of our most remarkable leaders were struck down by an assassin's bullet: President John F. Kennedy, Medgar Evers, Malcolm X, Dr. Martin

Luther King, Jr., and Senator Robert Kennedy. Today, on the day after the 50th anniversary of the death of Martin Luther King, we are reminded of that painful time in our nation's history, and of the great loss to our country. Here in New Hampshire, I'd like to share the fact that on October 26, 1952 a 23-year-old divinity student at Boston University delivered a sermon at the historic Pearl Street Church in Portsmouth. Eleven years later, now a Doctor of Divinity, Martin Luther King, Jr. stood before the Lincoln Memorial in our nation's capital to deliver one of the most poignant and powerful speeches in American history. He said he had a dream that one day his children would be judged not by the color of their skin, but by the content of their character, and that one day little black boys and little black girls will be able to join hands with little white boys and little white girls as sisters and brothers. And in that speech, he evoked our state, imploring us, quote, "to let freedom ring from the prodigious hilltops of New Hampshire." As you know, fifty years ago yesterday, Dr. King's life was ended by an assassin's bullet. He was a great voice of moral clarity in troubled times; an advocate for peaceful nonviolent protest in a time of violent oppression. His legacy lives on when we, as a country, pause to honor his memory through the celebration of Civil Rights Day. On the night of Dr. King's assassination, Senator Robert Kennedy was speaking in Indianapolis. When he received word of this terrible tragedy, Senator Kennedy, who would himself be struck down by an assassin's bullet just two months later, said in honoring Dr. King's memory, quote, "What we need in the United States is not division. What we need in the United States is not hatred. What we need in the United States is not violence and lawlessness. What we need is love, and wisdom, and compassion towards one another, and a feeling of justice towards those who still suffer within our country. Sadly, that message is as relevant today as it was fifty years ago. I hope we can all take it to heart. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. Senate Finance will convene in room 103 at 2:30.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: I rise to pay tribute to some North Country legends who we have lost recently. Ronney Allen Lyster died unexpectedly, and he came to the North Country to be a logger, got his chainsaw caught in a tree and walked away and started selling cars and created a very, very successful multi-dealership; and owns and operates one of the most beautiful farmsteads in our region. Ronney was a man with a big heart, contagious and infectious smile, constantly in motion. He gave so much to others—his time, his heart, his energy, and his money. He'll be sorely missed.

We also lost a former colleague in the House, Representative Ralph "Buster" Doolan, Jr., who was living in Candia, now. A graduate of Lancaster Academy; excelled in sports, and was a member of the 1951 Class B State Champions; went to Norwich University, the University of New Hampshire; served in the United States Army. He enjoyed a successful and varied career in many different companies: LM Pike, Timberland Machines, Rotobec; and was a pioneer in some of the timber harvesting tools that have come to be known today. He also, along with his wife Jean, found in 1989, *Sawlog Bulletin Magazine*, an international business journal for the timber harvesters. He was very

involved in student's, young people programs to encourage and promote local sports, including the Coos and Upper Grafton Independent Football League. He was involved in the Republican State Committee on the Executive Board, and was elected in 2012 to the New Hampshire House of Representatives. And we will certainly miss Buster. I had a few opportunities to drive to Concord with him, and he was just a great person, cared deeply about people, and we certainly miss him today.

I'd also like to recognize and let you all know that James Hill Fadden, Sr., who came to this body with three generations of Fadden's, a few years back to celebrate our maple sugaring industry, passed. He was born in Lincoln, and was the son of Norm and Marion Fadden. The Fadden family has a deep history; deep connections to the community and to each other. He was a veteran, and also an active member of his community. He also ran, for many years, the Fadden's General Store; and, obviously, the maple sugar operation, which the family is famous for in our parts.

And, finally, just up the road in Lincoln, we lost William Michael Farrand, and he was a truly unique person whose challenges in life started at birth but they never slowed him down of pursuing things that he loved. He was fiercely independent, he loved nature and the outdoors, and his family and friends were all very, very close to him. He found his true calling, Mister President, when he was hired as the Wolfman at Clark's Trading Post; and to be remembered and loved by chasing after children calling to him, "Scram you old Goat", made many young people's lives better. And his footprint is sorely missed today by people, and I'm glad to see the accolades across our newspapers when William Farrand passed, and his memory certainly will be remembered by many, many people to come. Thank you, Mister President.

PRESIDENT MORSE: I just want Senator Watters to know that all our thoughts and prayers are with him, if anyone didn't hear that earlier. Hopefully he joins us next week. If not, I think we'll adapt the calendar to him. I promised him that.

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

LATE SESSION

Third Reading and Final Passage

HB 492, relative to electric personal assistive mobility devices.

HB 1202-LOCAL, relative to town revolving funds for group net metering.

HB 1227, relative to an unattended idling vehicle on private property.

HB 1228, removing the limitation on a chartered public school incurring long term debt.

HB 1252-FN, relative to certificates of insurance.

HB 1258, relative to the advanced manufacturing education advisory council.

HB 1271, changing the name of Industrial Drive at the Hugh Gallen Office Park to Ratification Way.

HB 1273, relative to licensure of health care professionals employed at the Manchester Veterans Affairs Medical Center.

HB 1280-FN, relative to bow and arrow hunting licenses for permanently disabled military veterans.

HB 1281, establishing an executive order registry.

HB 1286, relative to fishing and hunting licenses for permanently disabled veterans.

HB 1290, relative to vehicle registration for new residents to New Hampshire.

HB 1303, relative to the purposes of revolving funds in towns.

HB 1308-FN, relative to non-renewal of lines of business.

HB 1331, relative to incidental uses for agricultural plates.

HB 1349, relative to biological products and diagnostic reagents for animal use.

HB 1352-FN, eliminating the nonresident freshwater bait dealers license and relative to hunting adventure permits.

HB 1363, relative to the waiver of vehicle registration suspension fees.

HB 1364, relative to use of amber lights on vehicles.

HB 1374, relative to financial regulation technicals.

HB 1378, relative to domestic insurance company investments.

HB 1379, relative to confidentiality of forms and rates.

HB 1389, relative to commercial lines modernization.

HB 1421-FN, relative to the regulation of event tents.

HB 1446, relative to childhood cancer awareness month.

HB 1453, relative to the traffic safety commission.

HB 1454, eliminating the commission to study recommendations of the National Transportation Safety Board.

HB 1455, relative to vehicle operation at uncontrolled intersections.

HB 1493, relative to the statewide assessment system of performance in schools.

HB 1494, relative to the definition of academic standards.

HB 1517, relative to vehicle inspection failures for rust.

HB 1518, repealing the requirement that motor vehicle lighting and safety equipment be approved by the director of the division of motor vehicles.

HB 1523, relative to heavy duty recovery vehicles.

HB 1551, relative to the retention of records of individualized education programs.

HB 1575, permitting hunting with an air rifle.

HB 1606, relative to naturopathic health care practice.

HB 1651, establishing a committee to study the use of liquid de-icers and solid salt on roads.

HB 1663, establishing a committee to study reimbursement rates under automobile insurance policies.

HB 1683-FN, relative to the definition of child abuse.

HB 1731-FN, relative to regulating bicycles.

HB 1785, changing "hearing impaired" to "deaf" or "hard of hearing" in the New Hampshire laws.

HB 1795, eliminating the oversight commission on motor vehicle fines.

HB 1823-FN, relative to layered amortization of retirement system liabilities.

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.

HOUSE MESSAGE

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

SB 315, relative to the definitions of beverage and of mead.
SB 324-FN, allowing an optional retirement system allowance to include a subsequent remarriage of a divorced retiree.
SB 328, relative to attorney general membership on certain committees and repealing the criminal justice information system.
SB 340, relative to the commissioner of revenue administration's assessment report.
SB 349, relative to course requirements in a career and technical education program.
SB 359, relative to notice to school districts of out-of-home placements.
SB 384, relative to written certification under the use of cannabis for therapeutic purposes law.
SB 399, naming a bridge in Concord in honor of David E. Powelson.
SB 402, naming a portion of route 110 in Berlin in honor of Anthony B. Urban.
SB 406-FN, requiring background checks for access to Internal Revenue Service federal tax information.
SB 469, relative to the appropriation of funds from the equipment inventory fund.
SB 471, relative to the authority of municipalities to address potential natural threats.
SB 536-FN, relative to eligibility for death benefits for court security officers.
SB 561-FN, naming a bridge over the Little River between the towns of Plaistow and Atkinson the Lance Corporal Dimitrios Gavriel bridge.
SB 574-FN, clarifying the repayment period for parental reimbursement.
SB 579-FN, relative to penalties for welfare fraud.

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 55, relative to the servicing of backflow devices and arrest powers of fire marshals.
SB 87-FN, relative to on-premises sales by liquor manufacturers.
SB 199, relative to limited driving privileges after an administrative license suspension.
SB 529-FN, requiring the department of environmental services to conduct a study regarding the Baker River in the town of Warren and making an appropriation for such study.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 408-FN, licensing historic racing.
SB 468-FN-A, relative to fines and penalties collected by the department of environmental services.
SB 528-FN-LOCAL, relative to dam registration fees and relative to permit fees for constructing or reconstructing a dam.
SB 560-FN-LOCAL, relative to updating the state trails plan and making an appropriation therefor.
SB 563-FN, establishing a recovery friendly workplace initiatives tax credit against business taxes administered by the community development finance authority.