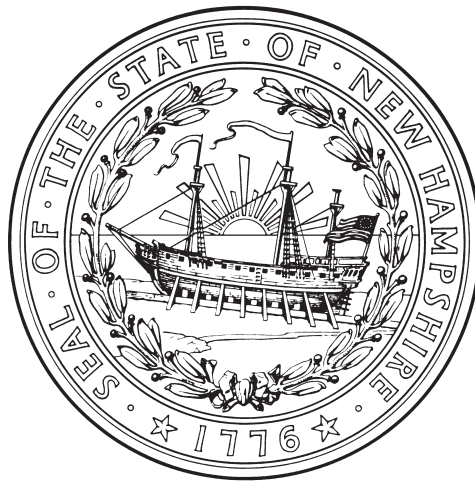


January 6, 2021
No. 2

STATE OF NEW HAMPSHIRE

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**First Year of the 167th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

CONVENING DAY – JANUARY 6, 2021 SESSION

SENATE JOURNAL 2

January 6, 2021

CONVENING DAY

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

PRESIDENT MORSE: Welcome, I am Senate President Chuck Morse from District 22.

Today we'll be holding a meeting of the Senate for Convening Day.

Before we get started, I'll read through a checklist to ensure that the meeting that we are holding is in compliance with the Right-to-Know Law.

As President of the New Hampshire Senate, I find that due to the state of emergency declared by the Governor as a result of the COVID-19 pandemic, and in accordance with the Governor's Emergency Order Number 12, pursuant to Executive Order 2020-04 and its extensions, this public body is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously to the meeting which was authorized pursuant to the Governor's emergency order.

In accordance with the emergency order, I am confirming that:

We are providing public access to the meeting with links provided on the General Court website and in the Senate Calendar. We are utilizing Zoom for electronic meeting. All members of the Senate have the ability to communicate contemporaneously in this meeting through the platform and the public has access to contemporaneously watch and listen to the meeting with the links provided on the General Court website and in the Senate Calendar. Please note, the only public access to this session is through the livestream provided on the General Court website and in the Senate Calendar. There is no access to Zoom other than by way of livestream. Just as there would be no access to the Senate floor other than by way of Senate Gallery or livestream.

We have provided public notice of necessary information for accessing the meeting in the Senate Calendar since Wednesday, December 23, 2020.

We are providing a mechanism for the public to alert the public body during the meeting if there are problems with access. If anyone has a problem, please email HelpDesk@leg.state.nh.us or call 603-271-2180.

In the event that a technical problem on our end makes it impossible for Senators to participate or for members of the public to access the meeting, it will be adjourned and rescheduled.

Please note that all votes taken during this meeting shall be done by roll call vote and will be recorded in the Permanent Journal.

Finally, let's start the meeting by taking a roll call of attendance. When each member states their presence, please also state where they are and if anyone else is in the room with you during the meeting. And if any other such person is present, each member will identify such person which is required under the Right-to-Know Law.

The Clerk will now call the roll.

The Honorable Tammy L. Wright, Clerk of the Senate, called the Roll of the Senate for attendance.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0.

There were 24 members present.

SUSPENSION OF THE RULES

Senator Bradley moved to suspend Senate Rule 1-2 to allow the member to remain seated while speaking.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted by the necessary 2/3 vote.

Senator Birdsell offered the following prayer:

SENATOR BIRDSSELL: Thank you, Mister President. Father, please look after the citizens of New Hampshire, especially our first responders and health care workers so that they can continue the work that is so greatly needed during these difficult times. Thank you for every seat that has been filled here today. Thank you for each mind and heart that feels the presence of this Convening Day. Only you truly know what we are setting out to accomplish today. We all have ideas and visions. We all have talents, abilities, and time to work. However, only you can see in perfect detail the end of every beginning, every project, every season, every life. Nothing is ever in vain for even mistakes and missteps are used for good. Father, keep us humble and ever so focused on the citizens of the great state of New Hampshire. Strengthen our confidence in you and who you have made us to be. Status free from comparison in order to work together efficiently. Bless this meeting today, all those present as well as the lives of those who will encounter afterward. Ready us to make every moment count in Jesus' name. Amen.

Senator Giuda led the Pledge of Allegiance.

PRESIDENT MORSE: Well, good morning all. Welcome to Convening Day, the official start of the new biennium. While many things have changed in New Hampshire, since the founding of the state in 1784, the dedication required of public servants remains the same. In 2021 I'm confident that our dedication and commitment will be equal to our resolve. Our new legislative session may have a bit of a different look, but we have the responsibility to carry out the peoples' business to the absolute best of our abilities over the next six months. As Senators, we hail from diverse districts, but Granite Staters are counting on all twenty-four of us to come together to protect their health and safety, to strengthen the economy and to make state government work for them. Let's strive for agreement and respectable debates. Let's start off by focusing on limited number of issues that we have the greatest and most positive impact on the lives of Granite Staters.

I would be remiss if I failed to mention that we're beginning missing an important colleague. This was supposed to be his podium. It is my honor to borrow it today. The late Speaker, Dick Hinch, was friend to many. He left us too soon but left behind a legacy of kindness, compassion, and integrity. Please join me in keeping his memory alive in the months ahead.

In closing, I want to thank all my colleagues for the honor of being elected Senate President and to once again be given the opportunity to lead this body and to serve the people of New Hampshire. We have a lot of important work ahead, but I'm confident we are up to the challenge. Going forward, may all of our good intentions give way to even better results. Thank you.

RESOLUTION NO. 6

Senator Bradley offered the following Resolution:

RESOLVED, in accordance with Article 42, Part 2, of the New Hampshire Constitution that the Honorable William M. Gardner, Secretary of State be requested to lay before the Senate the return votes for Governor and Executive Council.

The question is on the adoption of the Resolution.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

(The Chair recognized the Honorable William M. Gardner, Secretary of State.)

HONORABLE WILLIAM M. GARDNER, SECRETARY OF STATE: Mister President, Madam Clerk, Senators. Our constitution requires the Secretary of State on the Wednesday following the first Tuesday of January to report to the Senate, the results of the voting from each of the 309 polling places across our state. These votes have been received, sorted, counted, and certified as the constitution requires. The report will be for the office of Governor and for each of the five council districts.

January 6, 2021

In accordance with Article 42 and Article 60, Part 2 of the New Hampshire Constitution, William M. Gardner, Secretary of State, appeared before the Senate and presented the return of votes for Governor and the Executive Council cast in the General Election held November 3, 2020 as follows:

FOR GOVERNOR

	Chris Sununu, r	Dan Feltes, d	Darryl W. Perry, lib
Belknap	28,074	9,491	500
Carroll	22,119	10,428	348
Cheshire	24,708	17,973	781
Coos	11,409	4,666	265
Grafton	29,174	23,023	838
Hillsborough	150,153	72,614	3,524
Merrimack	56,266	31,572	1,145
Rockingham	134,292	60,232	2,337
Strafford	44,542	26,791	1,205
Sullivan	15,872	7,849	386
Totals	516,609	264,639	11,329

Chris Sununu, having a plurality of 251,970 votes was elected.

FOR EXECUTIVE COUNCILORS

First District	Joseph D. Kenney, r	80,008
	Michael J. Cryans, d	<u>74,883</u>
	Plurality for Kenney	5,125
Second District	Cinde Warmington, d	79,414
	Jim Beard, r	<u>66,406</u>
	Plurality for Warmington	13,008
Third District	Janet Stevens, r	86,906
	Mindi Messner, d	<u>77,969</u>
	Plurality for Stevens	8,937
Fourth District	Ted Gatsas, r	79,779
	Mark S. Mackenzie, d	<u>63,540</u>
	Plurality for Gatsas	16,239
Fifth District	Dave Wheeler, r	76,939
	Debora B. Pignatelli, d	<u>74,440</u>
	Plurality for Wheeler	2,499

RESOLUTION NO. 7

Senator Bradley offered the following Resolution:

RESOLVED, that the vote for Governor and Executive Council be referred to a Select Committee consisting of two with instruction to examine and count the same and report to the Senate.

The question is on the adoption of the Resolution.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

The Chair appoints Senator Bradley and Senator Soucy to serve as the Select Committee to examine the vote totals.

SELECT COMMITTEE REPORT

Senator Bradley moved to adopt the report.

The question is on the adoption of the report.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

PRESIDENT MORSE: We will now have a motion to suspend Senate Bill 2. Senator Whitley has filed a conflict under rule 6-25 and she will participate.

SUSPENSION OF THE RULES

Senator Bradley moved that the Senate suspend all rules necessary to permit consideration at the present time of SB 2.

The question is on the adoption of the motion to suspend all rules necessary.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted by necessary 2/3 vote.

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, legislation numbered SB 2 shall be, by this Resolution read a first and second time by the therein listed title.

The question is on the adoption of the Resolution.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

First and Second Reading

21-1005

SB 2, allowing the preprocessing of absentee ballots for certain 2021 elections and allowing for the postponement of annual town meetings in calendar year 2021 where concerns exist during the COVID-19 health emergency. (Gray, Dist 6; Carson, Dist 14; Sherman, Dist 24; Avard, Dist 12; D'Allesandro, Dist 20; Birdsell, Dist 19; Bradley, Dist 3; French, Dist 7; Morse, Dist 22; Reagan, Dist 17; Rosenwald, Dist 13; Ward, Dist 8; Gannon, Dist 23; Soucy, Dist 18; Cote, Hills. 31; Cushing, Rock. 21; Packard, Rock. 5; W. MacDonald, Rock. 5; Lang, Belk. 4; No Committee Assignment)

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. I move Ought to Pass on Senate Bill 2, an act allowing the preprocessing of absentee ballots for certain 2021 elections and allowing for the postponement of annual town meetings in calendar year 2021 where concerns exist during the COVID-19 health emergency.

Senator Gray moved Ought to Pass.

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6
January 5, 2021
2021-0005s
11/04

Floor Amendment to SB 2

Amend the bill by replacing section 2 with the following:

2 Preparation of Polling Place; Arrangement. RSA 658:9, VII is repealed and reenacted to read as follows:

VII. The requirements of this section may be satisfied by alternative requirements issued by the secretary of state in consultation with the attorney general and the commissioner of the department of health and human services or designee.

Amend the bill by replacing section 5 with the following:

5 Partial Processing of Absentee Ballots Prior to an Election. RSA 659:55-a is repealed and reenacted to read as follows:

659:55-a Partial Processing of Absentee Ballots Prior to an Election.

I. The moderator, or his or her designee, may begin the processing of absentee ballots prior to the opening of the polls provided that the clerk shall post, in an appropriate public place and prior to election day, notice of the time and place of the processing. If the moderator chooses to do so it shall be posted in 2 appropriate public places, one of which shall be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 48 hours, excluding Sundays and legal holidays, prior to such meeting. A copy of the notice shall be provided to the secretary of state. The partial processing of absentee ballots prior to an election shall occur on the Thursday, Friday, Saturday, or Monday prior to the date of the election after the posting of the checklist. The moderator shall be assisted by at least 3 other election officers as defined under RSA 652:14. Members of the general public may observe this process. Under no circumstances shall absentee ballots be counted prior to the opening of the polls.

II. Once notice of the processing has been posted, all absentee ballots received by the end of the day preceding the posted time for the meeting shall be partially processed. Only one session for the partial processing of absentee ballots may be scheduled prior to an election.

III. Except as otherwise provided, the moderator, or his or her designee, shall adhere to the procedures detailed in RSA 659:49-b, RSA 659:50, RSA 659:51, RSA 659:52, RSA 659:53, RSA 659:54, RSA 659:54-a, RSA 666:4, and RSA 666:5.

Amend the bill by replacing section 10 with the following:

10 Annual Meetings; Postponement Allowed for 2021.

I. Notwithstanding any law to the contrary, for calendar year 2021, where concern exists for conducting the annual meeting and election during the COVID-19 health emergency, the governing body of a town, school district, or village district, in consultation with the moderator and the clerk, may postpone the official ballot voting day to the second Tuesday of April, May, June, or July. The governing body may also postpone the business or deliberative session of the annual meeting to one or more dates later in 2021. The governing body shall hold a public hearing before making any decision to postpone pursuant to this paragraph. The prohibition in RSA 40:4, II(c) on delaying the deliberative session more than 72 hours and the requirement in RSA 669:1-a that the election be rescheduled to the Tuesday 2 weeks following the original date shall not apply.

II. The governing body shall provide notice to voters of the date or dates promptly after making the decision to postpone. The governing body shall also re-post notice at least 14 days before the date(s) of the rescheduled official ballot voting day and business or deliberative session. At a minimum, notice shall be posted on the town, school, or village district website, if such exists, and in 2 public places. Any hearings, notices, or other actions required to be taken before the annual meeting shall be deemed sufficient if taken the legally required number of days before the postponed session.

III. In the event of a postponement, the requirement that the business meeting must conclude before newly elected officers and officials can assume office under RSA 42:3 is hereby waived. Municipal and local governmental bodies are permitted to swear in newly elected officers and officials, and those individuals may assume office before the business meeting has concluded. The governing body in both calendar year and fiscal year towns or districts may make expenditures between January 1 and the date a budget is adopted which are reasonable in light of prior year's appropriations and expenditures for the same purpose during the same time period. Such budget shall be adopted no later than September 1, 2021, and any interim expenditure not authorized in the adopted budget shall cease. This spending authority shall be read in harmony with emergency order 56 issued by the governor on June 25, 2020.

(The Chair recognized Senator Gray.)

SENATOR GRAY: During the drafting of the original motion there was a couple of small items that we needed to take care of. The two larger things in this amendment have to do with holding a public hearing in the community if they intend to do the postponement. And the last thing is resolving an issue having to do with when people are seated from the new election and we modified that to go along with the Governor's existing Executive Order and the way that is. Thank you.

The question is on the adoption of the Floor Amendment.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I just wanted to thank Senator Gray and the rest of my colleagues. As all of us know during the pandemic we had to take a lot of different steps to manage our way through the situation and this piece of legislation is critical. We saw how well it worked in our November elections and how it enabled so many people to safely cast their ballot in the process. I wish, I hope that our colleagues in the House will see fit to pass this important legislation quickly. Our towns that are going to be holding town meeting really need to know that the Legislature has provided an avenue for them to continue this practice of allowing for safe and timely voting. So, certainly encourage all of my colleagues to vote for this legislation and I'd also encourage our colleagues, I would normally say on the other side of the wall, but in a parking lot, to also vote for this legislation. Thank you so much, Mister President.

(The Chair recognized Senator Sherman.)

SENATOR SHERMAN: Thank you, Mister President. As a physician, many of you know I was just vaccinated this morning and my word of caution is that we probably will not be out from under the threat of Covid at least until in the spring when we can move outside. This bill is critical, and I commend Senator Gray for

bringing it forward. It continues the work of the Select Committee on which I served and the bill that we passed last spring, or in June, which resulted in very successful and safe elections with partial processing. It also allows one of the issues that was critical to some of my towns which is allowing the deliberative session to track with the actual election. So, I would strongly encourage everyone not only to get vaccinated, wear their mask, but also to vote for this both in the House and the Senate, move it forward and allow that process of our government to move forward safely and without any risk to the public.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. The credit for this bill, the first part of the bill, the part that came from House Bill 1266, is really the whole Senate Election Law Committee from previous year, Senator Sherman, Senator Birdsell are still with this from that committee, but it worked in a bipartisan way to craft that piece of legislation and really the top portion of this only extends that good work on to the town meeting portion.

The second portion, the hardest working people in here were the Secretary of State and the Attorney General's Office who reviewed it, make sure that we were doing the postponements in the legal manner. Certainly, there are people out there who like a tweak here or a tweak there. We did our best and I believe that this is an important piece of legislation and I request all my colleagues to vote for it. Thank you.

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

SENATOR BRADLEY: Thank you Senator Gray for taking this question. I believe that this bill only is temporary and applies through any proceedings of August of 2021. Is that correct?

SENATOR GRAY: Yes, that is correct. The provision in there revokes the bill at the first of August in 2021.

SENATOR BRADLEY: Thank you.

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

SENATOR KAHN: Thank you, Mister President. I just want to ask the Senator Gray as the Chair of Election Law and Municipal Affairs. Do you envision another opportunity to come back and talk about these sections? In particular, what I notice is the one hour, that the processing of ballots, one hour after the polls open or after 1:00 and then reverting to two hours. That's just one of the places where the temporary procedure seems to open up an option for times that the reverting back does not. So, my question is maybe as you've reviewed bills that are coming before your committee, would we have an opportunity to come back and look at some of the differences between what we've provided for in the temporary versus the recurring statute?

SENATOR GRAY: Yes, Senator Kahn, there's several pieces of the legislation that appear to be out there. I haven't seen the wording yet; I've only seen the LSR titles. But some of the legislation I put forward will revisit some of these issues to put them into permanent statute, very popular portion, preprocessing is the opening of the outer envelope that will do a couple of things for us that we'll go into during the hearings, as noted that moderators would like to completely process the ballots before the election. But waiting that hour, which is in this bill, and in current law, it's two hours, and that allows a person who would like to vote differently than what they did on the absentee ballot to actually go into the polls and do that. Again, that would be a topic for discussion, and I'd be happy to take any other questions that you have either now or you can call me.

SENATOR KAHN: Thank you, Senator.

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

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

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

EARLY SESSION

THIRD READING AND FINAL PASSAGE

Senator Bradley moved that, SB 2, having been ordered to third reading, be, by this Resolution, read a third time, all titles be the same as adopted, and be ordered by the Senate to be passed at the present time in the early session.

The question is on the adoption of Third Reading and Final Passage in the Early Session.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

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

The question is on the adoption of the Resolution.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

First and Second Reading and Referral

21-0607

SB 14, relative to the direct shipping of liquor. (D'Allesandro, Dist 20; Morse, Dist 22; Commerce)

21-1061

SB 15, relative to ratification of amendments to the state building code. (Carson, Dist 14; Executive Departments and Administration)

21-0963

SB 16, amending the alimony statute due to changes in federal tax law. (Carson, Dist 14; Judiciary)

21-0327

SB 17, relative to brew pubs allowing customers to bring dogs to outdoor areas. (Birdsell, Dist 19; Gannon, Dist 23; Cavanaugh, Dist 16; Carson, Dist 14; Sherman, Dist 24; Commerce)

21-0328

SB 18, permitting tastings by liquor manufacturers at farmers markets. (Birdsell, Dist 19; French, Dist 7; Cavanaugh, Dist 16; Carson, Dist 14; Commerce)

21-0419

SB 19, relative to the degree granting authority of Signum university. (Ward, Dist 8; Carson, Dist 14; Ricciardi, Dist 9; Hennessey, Dist 1; Kahn, Dist 10; Education)

21-0871

SB 20, relative to one year certificates of eligibility to teach. (Kahn, Dist 10; Ward, Dist 8; Watters, Dist 4; Education)

21-0641

SB 21, relative to the Pease development authority board of directors. (Sherman, Dist 24; Gray, Dist 6; Malloy, Rock. 23; Hamblet, Rock. 31; Executive Departments and Administration)

21-0843

SB 22-FN, relative to the sale of Lucky 7 tickets. (French, Dist 7; Reagan, Dist 17; Hennessey, Dist 1; Gannon, Dist 23; Ways and Means)

21-0611

SB 23, changing the requirement that a member of the sponsoring charitable organization be present during certain games of chance. (Sherman, Dist 24; French, Dist 7; D'Allesandro, Dist 20; Leishman, Hills. 24; Ways and Means)

21-0443

SB 24, relative to the Brewster Academy charter. (Bradley, Dist 3; J. MacDonald, Carr. 6; Marsh, Carr. 8; Deshaies, Carr. 6; Education)

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.

The question is on the adoption of the motion to adjourn from the Early Session.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avar, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Whitley: SB 2

ANNOUNCEMENTS

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you, Mister President. I think that some shoutouts are in order for the way that we've gotten to this day. Obviously, our Clerk, Tammy, has done just a phenomenal job with your staff in making the transition to a remote session. It's historic, hopefully doesn't have to go on for too long, but I think that the fact that it's come off without a hitch, Tammy and her staff deserve a shoutout. I think it's also important, Mister President, that we recognize the incredible hard work of all the Senate staff that have helped all of us through this transition. Obviously, it started in March of 2020, it continues to this day. We have incredibly dedicated hard working staff and I think they deserve a shoutout. Senator Soucy, started this process of remote hearings with her staff. I think the professionalism showed by Senator Soucy and everybody starting in March, April, May, and June is remarkable and I think obviously Senator Morse, you deserve an incredible shoutout for continuing that hard work and professionalism in bringing all of us together so that we can do this. And lastly, I think that all of my colleagues deserve a shoutout for, you know, their hard work, their diligence, and the fact that we're able to move forward. We're obviously going to have a lot of debates this year, that goes with the territory, but the fact that we've been able to come together and deal with the process issues so that we're able to have this session, be able to respond to the public in a transparent and open way, I think all twenty-four or twenty-three of my colleagues deserve an incredible shoutout and I think it's also important that we recognize the IT staff that have done just incredible work too. So, lot of shutouts, I've probably forgotten somebody, if I do, I apologize, but everybody's done an incredible job. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I wanted to take a few minutes to note the passing of a great public servant, Rogers Johnson. Rogers was well known by the state of New Hampshire, though he was born in Rye, New York in a large family. Grew up excelling in sports, he attended Phillips Exeter Academy, and then later received a master's in public health administration from the University of New Hampshire. Rogers was, most of his career was spent as a consultant for insurance and also areas of health care. He decided to run for State Rep in 2001, representing Stratham until 2006, and he was the House Majority Whip, the first African American to hold the position in the state's history. He served on House Finance, Health and Human Services, the Rules Committee, and for this service he was awarded the Black Americas Political Action Committee Leaders of Tomorrow in 2004. After his service here in Concord, he was asked by President Bush to go to Washington to serve in the United States Department of Education as the Director of Intergovernmental Affairs under then

Secretary Margaret Spellings. He held the position for three years until 2009. He also worked off and on with Representative Kasich on budget matters, anybody who knew him know he had a real sharp pencil and great eye for statistics, and figures, and finances. And then when he came back to New Hampshire he worked on various political campaigns, both state and presidential. He was often a ghost writer for speeches and so some of those great words people spoke had actually come from Rogers. And he continued his career in insurance business as well and serving on a lot of boards and just helping out in the private-public sectors.

You know, I think that a lot of us know him best for his recent work on various Governor's commissions and you know, Rogers and I always joked about our differences in politics but I just think our relationship and with everybody in the state, he showed that you know the pursuit of justice really, of ideology just a core American principle that he found ways to bring everybody together around. I just wanted to mention in particular the way he was so effective in his work. And you know, the Governor's Advisory Council on Diversity Inclusion he was made Chair and then tasked very quickly to come up with a report on race and equity in health care matters and you know, watch out if you ask Rogers to do a report because you know he was working it, okay, David, but you've got to look at the statistical part you know, read the statistical part because it's all there in the statistics. And I think that that's what made his work so powerful and inevitable was that he could point out and demonstrate statistically what the realities were and therefore make it just impossible not to recognize what needed to be done. And after that, he was asked by the Governor again very quickly to do the LEACT report. And I talked with him a lot when he was working on that report and I think you know, part of the success of that report was the relationship that he had built up in his work for the NAACP, with the local police chiefs around the state. Now that, really, he inherited from Fred Ross who was the Seacoast NAACP President who preceded him for many years, and you know Fred had established a lot of these great relationships and then Rogers certainly fostered them, and it meant there was an extraordinary trust there. So, that when the LEACT report came out, there was you know, just everybody who read it said yeah this is the way things are and this is what we can do and the Governor's Executive Order and I think that what we will be passing legislation here will be a great way to honor Rogers' memory on that area.

I just wanted to speak personally about some of the work he did for the NAACP, because on the Seacoast that's how most of us know him the best. He was the treasurer for the New England chapter which supervised all the seventeen branches in New England, and he was treasurer and then became President of the Seacoast chapter of the NAACP. And you know, a lot of work in the NAACP in the last few years, and really for decades but the last few years have been in the schools where incidents arise of racial insensitivity or prejudice and so on, and that people may not know how much Rogers took on that work with a passion and would step in help the schools, and particularly to help the families and the children who had been, you know, experiencing these things. And I will say in Dover as well, in my own home community had a really rather tough incident in the high school and Rogers came in and he would not let that go and I, you know not pointing fingers, but say that I don't think Dover was ready to fully appreciate what needed to be done or was happening in our high schools. And Rogers came to mentor a group of students of color in Dover High School, helped them form the Project Dream group and really gave them a voice so that people could understand what it is like to be in the hallways of our schools and the streets of our city, and really did a world of good for our city.

I just say personally, I would say I really, really am going to miss his annual Seacoast NAACP picnic over at the Baha'i Center in Elliot and he ran the grill and he was a mean man at the grill. He really ran it and I just can still see him standing there in front of the firepit and serving up the barbecue and other good things. But I do think that the best way we can honor Rogers' memory is to just continue our own dedication to bringing liberty and justice to all to fruition in America. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I'd like to take a moment of personal privilege to talk about the passing of a very close friend of mine, a dear friend of mine and a wonderful businessman here in the state of New Hampshire, Joe Alosa, Senior. Joe Alosa was the President of Patsy's Companies and the President of Kenworth of New England. I first met Joe back in 1957 when we were freshmen at the University of New Hampshire. We were standing in the line at the bookstore and I didn't have enough money to pay for my books so I turned to the guy next to me and I said, can I borrow fifty bucks? And he loaned the \$50 to pay for my books. Our first encounter. Joe was a star athlete at Saint John's High School in Concord; football player, basketball player, baseball player. He had to leave UNH unexpectedly with the passing of his father. His father, an Italian immigrant, has started a business in Concord and died very unexpectedly. Joe left the university, took over the business and built the business to a thriving business. The business just last year celebrated its 100th anniversary, a hallmark to businesses in the state of New Hampshire.

Joe, a great family man, a wonderful dad, a great grandfather and just a dear friend. And when I think of the American Dream, I kind of think of Joe Alosa. Here's a guy, again, parents were Italian immigrants, come to this country, starts a business in Concord, and his dad passes away. He has to come home, he leaves the university, never got a chance to finish his university education and took the burden of that business upon his shoulders and made that business even more successful. As I said it celebrated its 100th anniversary. Joe died very, very unexpectedly, went into the hospital for open heart surgery and in essence never really recovered, suffered for a few months afterwards and a tremendous burden on his family, his wife and his daughters and his son.

I remember Joe in this context; a friend in need is a friend indeed. I needed \$50. He didn't know me from Adam. We were in a line at the bookstore at the University of New Hampshire and he was, had enough confidence in me to loan me the \$50 to buy the books and actually I did pay him back. I want to make sure everybody understands that. But that created a lifelong friendship and I say this all the time on the floor of the Senate. I know Senator Bradley gets me about this, but life is all about relationships. I created a relationship from a guy standing in the line at the bookstore, in 1957, that lasted his lifetime. I cherish those relationships. I think they're meaningful. I think Senator Bradley's comments about the Senate, the Senate's all about relationships. Joe Alosa was a great guy. Committed to his family, committed to the city of Concord and committed to doing the right thing. It's a great loss, Joe's passing, a great loss for his family and for his friends. But the relationship that we established in 1957 has lasted he a lifetime, I can never forget it. And I think it's led me to think about times when I can help people. When someone comes to me and needs something, I can at least reach out and think of people that reached out to me and gave me an opportunity.

So, I hope we'll all remember Joe Alosa for what he did. His memory lives on and thank you members of the Senate, thank you, Mister President. And again, I want to offer my most sincere best wishes to his family that they continue on giving what he has given to the rest of us. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. The Honorable William R. Drescher, a longtime resident of Amherst, New Hampshire, passed away on December 30, 2020 at his home. Bill began a long career in the 1960s and eventually opened the practice, Drescher and Dokmo in Milford, New Hampshire. He practiced law in New Hampshire for over fifty years and most recently in Senate District 11, was a town council for the towns of Amherst and Milford. He was a member of the New Hampshire Bar and served as a District Court judge for over thirty years. Bill possessed a command of the English language rivaled only by the likes of William Shakespeare. Those who knew him well, recall him as one of the most intelligent and learned people they know. Most significantly though, Bill will be remembered as a family man. Bill and Carol's house was always a welcoming home, filled with love and cheer. Bill was always there for his children in any capacity, whether it was making breakfast for his children and their sleepover friends on Saturday or Sunday mornings, coaching basketball or assisting with their music or theater productions. Over the years, Bill worked with the towns of Milford, Amherst, Mont Vernon, Temple, New Boston, Weare, Hudson, Derry Lyndeborough, Brookline, Hollis, Mason, Allenstown, and Goffstown. Additionally, he worked with various school, planning and zoning boards. Bill was an outstanding individual, a great father, husband and friend. He will truly be missed as an individual by everyone, and as a counselor by all those towns that benefitted from his wealth of knowledge and his service to those communities. The Governor's Office has granted permission to have all flags in Amherst and Milford flown at half-mast on Saturday January 9, 2021 in his honor. Rest in peace, Attorney Drescher. New Hampshire is better because of the work you have done. Thank you, Mister President.

Senator Bradley moved that, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17).

The question is on the adoption of the motion that all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

PRESIDENT MORSE: Thank you. Senator Soucy, I look forward to seeing you tomorrow at the swearing in of the Governor and Council. To the rest of you, I know things have changed quite a bit on the Inauguration, but we hope you join us on Zoom.

And beyond that, I just want everyone to understand, the Senate has about 300 bills, some of them haven't come out yet. But we have sixteen that are scheduled to come out on the calendar this Thursday. At that pace it would take us twenty weeks to get through all the bills we have and that's assuming that starting on the eighth, the Senators enjoy having a process of Zoom for committee hearings. I know it's going to be difficult, but all the efforts that are being made by all of you, to make sure that we all have the same information, so that we can go into hearings all knowing the same, so that we may be able to exec, especially in these first phases where the bills are a little bit easier. As we get into February, obviously it'll get a little more difficult and we'll work with all of you.

And the one thing I promise you is, this isn't a Republican, Democrat thing. This is twenty-four Senators, Senator Soucy and I talked last night. We talked about the challenges of what's under Right-to-Know, what's not under Right-to-Know. We talked about standing up to do the pledge of allegiance and making sure people are able to adjust their computers. There is no question that's bad. Because right now, this is unprecedented in any state, because they're all going through it. I've certainly been on meeting where I had heard the same things nationally. The challenges that'll start next week on the eighth, we don't know. But I hope when the Senate gets through the eighth, all of us have watched what Commerce does and helps to make sure the next meeting and the next meeting are even better. Because with your help we'll get through this.

We'll talk about sessions probably in about two weeks, to how we're going to handle them. The fourth of February is the first day we will be in session and I hope we can exec a few bills beforehand so we can go into the fourth and have a good practice session, let's just say that. Because I'm sure as we get through the month of February, it'll get a little more difficult.

But I appreciate everyone helping out with this because the staff has been unbelievable but the Senators have done the same thing and the sooner you sign off on bills, the sooner I can give them to chairs and chairs can make their own schedules. This week, we're just putting up five committees to test the process of Zoom. So, hopefully we can get to that and the Clerk will put out a calendar on Thursday that'll speak to that. So, having said that, I recognize Senator Bradley for a motion.

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, vacating bills, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

The question is on the adoption of the motion to recess to the Call of the Chair.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted. The Senate is in recess to the Call of the Chair.