

May 2, 2013  
Nos. 10-11

# **STATE OF NEW HAMPSHIRE**

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**163<sup>rd</sup> Session of the New Hampshire General Court**  
**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – APRIL 18, 2013 SESSION**  
**COMMENCEMENT – MAY 2, 2013 SESSION**

# SENATE JOURNAL 10 *(continued)*

*April 18, 2013*

## HOUSE MESSAGE

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

SB 2, relative to the calculation of the local tax cap.

SB 12, relative to protection and preservation of significant archeological deposits.

SB 28, relative to the department of transportation inventory fund and relative to the effective date of the transfer of the electricians' board to the joint board for licensure and certification.

SB 34, relative to the appointment of bail commissioners.

SB 52, relative to names of limited partnerships.

SB 60, relative to assisted living facilities and landlord tenant law.

SB 62, authorizing the placement of a certain sign in the town of Danbury.

SB 69, relative to superior court jurisdiction over domestic violence petitions.

SB 80, relative to expanding the community revitalization tax relief program to provide incentives for rehabilitating historic structures.

SB 81, authorizing phlebotomists to withdraw blood for alcohol concentration tests.

SB 83, relative to the controlled drug prescription health and safety program.

SB 93, relative to plumbers and mechanical contractors on state boards.

SB 105, relative to disclosure of expert testimony in civil cases and relative to the recording of depositions.

SB 106, relative to confidentiality in adult guardianship cases.

SB 107, relative to probate administration.

SB 127-FN, relative to registration of certain state contracts with the department of state and repealing the information practices act.

SB 139-FN-L, relative to mileage fees for sheriffs and deputy sheriffs.

SB 161, relative to electronic funds transfers.

## 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 132-FN, establishing a committee to study police special details.

SB 136, relative to the rights of the immediate family of crime victims.

SB 140-FN, requiring a pharmacy to substitute generically equivalent drugs for any prescription paid for by state funds.

SB 178, establishing a committee to review and make recommendations regarding consolidating all state energy positions throughout state departments.

April, 24, 2013  
2013-1363-EBA  
06/03

## Enrolled Bill Amendment to HB 509

The Committee on Enrolled Bills to which was referred HB 509

AN ACT requiring the department of administrative services to provide the New Hampshire Department of American Legion with office space.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 509

This enrolled bill amendment clarifies a reference in the bill.

Enrolled Bill Amendment to HB 509

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

AN ACT requiring the department of administrative services to provide the American Legion Department of New Hampshire with office space.

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

American Legion Department of New Hampshire. Amend RSA 21-I:11 by inserting after paragraph

Amend RSA 21-I:11, X-a as inserted by section 1 of the bill by replacing line 1 with the following:

X-a. Provide the American Legion Department of New Hampshire, a private nonprofit

Sen. Prescott 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 Bill:

HB 157, renaming Blood Pond in the town of Lancaster as Evans Pond.

HB 486, making an appropriation for the purpose of paying residential care providers at the Chase Home for Children.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

# SENATE JOURNAL 11

*May 2, 2013*

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

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditative thoughts and prayer.

In these weeks, I am aware that you are managing budgets and the programs and services and ideologies that they represent. As a chaplain, I have no opinion about the outcomes of those budget decisions, nor should I. My only concern is that you approach this work in such a way that you are firm without being hard, that you are clear without bullying, that you manage without manipulation, and that you are passionate without being blinded to the points of view of others. So often we are too attached to what we are doing and not aware enough about how we are doing it. So, may you, as the New Hampshire Shakers in Canterbury used to say: May you go kindly. Let us pray.

*Blessed are You, Lord God of the Universe, for You form us in Your image as creator, lover, and self-giver. Bless us in our work as we create law, love the people of New Hampshire for whom the laws are made, and help us to give ourselves to each other as we go kindly. Amen.*

Sen. Gilmour led the Pledge of Allegiance.

#### INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Sanborn introduced Colin Cashin and Brett Veilleux, students from Bedford High School, serving as Senate Pages for the day.

#### FN REPORT FOR MAY 2, 2013

Senator Morse recommends the waiver, under Senate Rule 4-5, of Finance Committee referral for the following bills which have fiscal notes or otherwise appropriate money:

##### COMMERCE

HB 328-FN, relative to the sale of pets.

HB 647-FN, relative to appeals from the compensation appeals board.

##### ENERGY AND NATURAL RESOURCES

HB 184-FN, relative to the oil discharge cleanup fund.

HB 233, relative to the care of the war memorial in Franconia Notch state park.

(Added Fiscal Note)

##### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 252, consolidating the property appraisal division and the municipal services division of the department (Added Fiscal Note) of revenue administration.

HB 316-FN, relative to regulating alkaline hydrolysis for the disposal of human remains.

HB 334-FN, requiring pharmacy interns to register with the pharmacy board.

HB 477-FN, relative to differential pay for certain state employees providing direct care to inmates and patients.

##### HEALTH, EDUCATION AND HUMAN SERVICES

HB 142, relative to teacher evaluation systems (Added Fiscal Note)

##### JUDICIARY

HB 450-FN, relative to the annulment of criminal records.

HB 621-FN, decriminalizing possession of one quarter of an ounce or less of marijuana.

HB 644-FN, relative to parole procedures and relative to sanctions for violations of probation.

HB 648-FN, permitting current marital masters to remain in office until retirement, resignation, disability, or nonrenewal of appointment.

HB 652-FN, relative to the judicial branch information technology fund.

##### PUBLIC AND MUNICIPAL AFFAIRS

HB 178-FN-L, relative to public employer collective bargaining agreements.

HB 204-FN-L, relative to the removal of social security and other numbers from registry of deeds documents available on the Internet.

Senator Morse recommends the following non-FN bills be ordered to the Finance Committee upon being found Ought-to-Pass: (None.)

Without objection, the FN Report is adopted.

Recess. Out of recess.

#### CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

HB 477-FN, relative to differential pay for certain state employees providing direct care to inmates and patients. Removed by Sen. Bragdon.

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

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

#### ENERGY AND NATURAL RESOURCES

HB 184-FN, relative to the oil discharge cleanup fund. Ought to Pass, Vote 5-0. Senator Prescott for the committee.

This bill adds a motor oil discharge cleanup fund coverage limitation based on facility storage capacity. Department of Environmental Services testified that the Motor Oil Discharge Cleanup Fund should have a 45,000 gallon storage limitation added to address new realities regarding storage facilities in the state. This provision is designed to help small businesses in the event cleanup is required. They also testified that the other provisions in this bill correct statutory inconsistencies and add related Board rulemaking authority. This bill is a request of the Oil Fund Disbursement Board.

HB 374, relative to electric utility investment in distributed energy resources. Ought to Pass, Vote 5-0. Senator Bradley for the committee.

This bill makes changes in requirements and rate recovery for electric utility investment in distributed energy resources. Distributed energy resources can increase overall energy efficiency and provide energy security and diversity by eliminating, displacing, or better managing traditional fossil fuel energy deliveries from the centralized bulk power grid. It is in the public interest to stimulate investment in distributed energy resources in New Hampshire in diverse ways, including by encouraging New Hampshire electric public utilities to invest in renewable and clean distributed energy resources at the lowest reasonable cost to taxpayers benefiting the transmission and distribution system under state regulatory oversight.

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 252, consolidating the property appraisal division and the municipal services division of the department of revenue administration. Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

This legislation merges two divisions within the Department of Revenue Administration; the Property Appraisal and Municipal Services Division. It also aligns the position of Director of Property Appraisal from classified to unclassified Director of Municipal and Property Division.

Senate Executive Departments and Administration

April 24, 2013

2013-1376s

09/01

#### Amendment to HB 252

Amend the bill by replacing all after section 8 with the following:

9 Directors; Compensation. Amend RSA 21-J:2, II and III to read as follows:

II. The commissioner shall nominate a director, division of audits, ~~and~~ a director, division of ~~document processing~~ **collections, and a director, municipal and property division**, for appointment by the governor, with the consent of the council. These division directors shall serve at the pleasure of the commissioner. The directors of the divisions shall be qualified by reason of professional competence, education, and experience.

III. The salaries of the commissioner and the director, division of audits, ~~and~~ the director, division of ~~document processing~~ **collections, and the director, municipal and property division**, shall be as specified in RSA 94:1-a.

10 Department of Revenue Administration; Director of Municipal and Property Division; Position Established.

I. There is established within the department of revenue administration the unclassified position of director of the municipal and property division. The salary for the position shall be as set forth in RSA 94:1-a.

II. The salary of the director of the municipal and property division shall be determined after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and appointment of the director of the municipal and property division, position 14455 shall be abolished to allow for the transition of this classified position with its available appropriations into the unclassified position of director of the municipal and property division. Funding shall be transferred into a new expenditure class 011, within

accounting unit 01-84-84-841010-5413. The incumbent in the abolished classified position shall be offered the opportunity to seek the commissioner's nomination for the unclassified position of director of the municipal and property division.

11 Assistant Directors. Amend RSA 21-J:5, IV to read as follows:

IV. *When provided by law*, the commissioner shall appoint an assistant director for each division. Assistant division directors shall be ~~[classified]~~ **unclassified** employees, except for the assistant director of ~~[audits]~~ **the municipal and property division**, who shall be ~~[an unclassified]~~ **a classified** employee.

12 Central Tax Services Unit. Amend RSA 21-J:6-c to read as follows:

21-J:6-c Central Tax Services Unit. There is hereby established within the department of revenue administration a central tax services unit, ~~[under the supervision of an unclassified taxpayer advocate who]~~ **which** shall be responsible for ~~[the following functions, in accordance with applicable laws:-~~

I.] providing general assistance to the public for all taxes administered by the department.

~~[H. Taxpayer advocacy.]~~

13 Contingency. Sections 1-8 of this act shall take effect upon the date when the abolition of position 14455, the transfer of funding and appropriations to the unclassified position established in section 10 of this act, and the initial appointment of the director of the municipal and property division have occurred, as certified by the commissioner of the department of revenue administration to the director of legislative services and the secretary of state.

14 Effective Date.

I. Sections 1-8 of this act shall take effect as provided in section 13 of this act.

II. The remainder of this act shall take effect upon its passage.

HB 334-FN, requiring pharmacy interns to register with the pharmacy board. Ought to Pass, Vote 5-0. Senator Cataldo for the committee.

The bill was a request by the Board of Pharmacy so pharmacy interns will be required to register with the Board of Pharmacy and comply with rules concerning the functions of pharmacy interns adopted by the board.

HB 547, establishing a commission to study permanent options for funding the veterinary diagnostic laboratory. Ought to Pass, Vote 5-0. Senator Watters for the committee.

This bill establishes a commission to study permanent options for funding the Veterinary Diagnostic Laboratory, and was brought forward due to funding cuts. The commission will look for a way to fund the laboratory and also will look at alternative sources of funding, and permanent options for funding.

HB 591, relative to an abusive work environment and the health and safety of public employees. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

This bill is being re-referred to committee so that a closer look at the current practices of the state pertaining to this legislation can be reviewed with the appropriate personnel. The committee did not believe that there was sufficient time to review these practices and this will guarantee an opportunity to work on fine-tuning this legislation.

## JUDICIARY

HB 118, providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

The committee supports the intent of the sponsors to save lives in emergency situations. However, as drafted, this bill is not ready for passage. We would like to work on it to see if we can do something that provides assistance to those in need and yet make sure we are establishing the correct policy.

HB 165, establishing a committee to study the use of the sex offender registry. Inexpedient to Legislate, Vote 5-0. Senator Soucy for the committee.

This legislation sought to establish another study committee to look into the sex offender registry. The stakeholders already meet on a regular basis and bring needed legislation forward. Therefore establishing another study committee at this time is not necessary.

HB 211, relative to service of demand for rent and eviction notice. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This legislation provides that in the case of commercial rental property, service of process for non-resident tenants shall be by certified mail to the tenant's registered agent, if any, or by certified mail to the tenant's last known legal address.

HB 648-FN, permitting current marital masters to remain in office until retirement, resignation, disability, or nonrenewal of appointment. Ought to Pass, Vote 5-0. Senator Lasky for the committee.

This legislation enables currently appointed marital masters to remain in office until retirement and will result in significant savings in the budget as well as efficiencies in the Family Division. Marital cases require a substantial amount of judicial time and expertise and the passage of HB 648 is an opportunity to save money and keep the Masters working within the system.

HB 652-FN, relative to the judicial branch information technology fund. Ought to Pass, Vote 5-0. Senator Soucy for the committee.

This legislation increases the percentage of court filing fees to be deposited in the judicial branch information technology fund and decreases the percentage of such fees to be deposited in the escrow fund for court facility improvements so that the legislation is revenue neutral. The legislation will allow the Judicial Branch to advance the conversion to the e-court filing system.

#### PUBLIC AND MUNICIPAL AFFAIRS

HB 558, relative to disclosure of information regarding charitable solicitations. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

This bill requires the Director of the Charitable Trust Unit of the Office of the Attorney General, Department of Justice, to report on the state website the gross revenue and an itemization of all expenses incurred for each solicitation campaign. This report will include the percentage of contributions retained by the solicitor and the percentage retained by the charitable trust.

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

Recess. Out of recess.

Sen. Soucy moved to suspend all Senate Rules necessary to allow for the consideration of a SJR.

Without objection, the Senate is in recess. Out of recess.

Sen. Bradley moved to postpone debate on the motion to suspend all Senate Rules necessary to allow for the consideration of a SJR to the end of the Regular Calendar. Adopted.

#### SPECIAL ORDER

Without objection HB 187, HB 233, and HB 477-FN are Special-Ordered to the next Session day. Adopted by the necessary 2/3 vote.

#### REGULAR CALENDAR REPORTS

##### CAPITAL BUDGET

HB 221, relative to the duty of the long range capital planning and utilization committee. Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

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

HB 607, relative to construction projects for the adjutant general's department. Ought to Pass, Vote 5-0. Senator Rausch for the committee.

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

##### COMMERCE

HB 328-FN, relative to the sale of pets. Ought to Pass, Vote 4-0. Senator Pierce for the committee.

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

HB 346, establishing a committee to study low-profit limited liability companies. Re-refer to committee, Vote 4-0. Senator Sanborn for the committee. The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 359, relative to mailing of notices and determinations by the department of employment security. Ought to Pass, Vote 4-0. Senator Cataldo for the committee.

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

HB 361, relative to worksharing. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Commerce  
April 25, 2013  
2013-1407s  
05/09

#### Amendment to HB 361

Amend RSA 282-A:31-e, II as inserted by section 3 of the bill by replacing it with the following:

***II. In the event that any provision in this section fails to be approved by the Secretary of Labor of the United States under section 3306(v)(10), FUTA, such provision shall be severed here from, and the validity of the remainder of this section shall not be affected thereby.***

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Soucy, seconded by Sen. Larsen.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Sanborn, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Fuller Clark, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

HB 440, relative to new hire reports to the department of employment security. Ought to Pass, Vote 4-0. Senator Pierce for the committee.

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

HB 505, relative to the economic development advisory council. Ought to Pass with Amendment, Vote 4-0. Senator Cataldo for the committee.

Commerce  
April 25, 2013  
2013-1405s  
05/03

#### Amendment to HB 505

Amend RSA 12-A:22-a, III and IV as inserted by section 1 of the bill by replacing them with the following:

***III. Members of the council, except for the legislative members, shall be nominated by the commissioner of the department of resources and economic development and appointed [by the governor] for a term of [3] 2 years and until their successors are appointed [and qualified]. The speaker of the house of representatives shall appoint one at-large member and the members under subparagraphs II(a)-(c), the senate president shall appoint one at-large member and the members under subparagraphs II(d)-(f), and the governor shall appoint one at-large member and the members under subparagraphs II(g)-(j). [When nominating and appointing individuals to the advisory council, the commissioner and governor shall ensure that each New Hampshire county has at least one representative on the council at any given time. Initial appointments made by the governor shall be for staggered terms of one, 2, or 3 years.]***



***IV. Members of the council shall be nominated and appointed based on their experience and expertise in marketing, business development, and economic development. When nominating and appointing individuals to the advisory council, the commissioner and appointing authority shall seek to ensure that each New Hampshire county has at least one representative on the council at any given time.***

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

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

HB 647-FN, relative to appeals from the compensation appeals board. Inexpedient to Legislate, Vote 4-0. Senator Bradley for the committee.

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

#### ENERGY AND NATURAL RESOURCES

HB 362, banning corn-based ethanol as an additive to gasoline sold in New Hampshire. Inexpedient to Legislate, Vote 4-1. Senator Odell for the committee.

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

HB 393, relative to effluent limitations with regard to nitrogen and phosphorus. Ought to Pass, Vote 4-1. Senator Woodburn for the committee.

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

HB 513, relative to the shoreland protection act. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy and Natural Resources

April 25, 2013

2013-1393s

06/01

#### **Amendment to HB 513**

Amend the bill by replacing section 3 with the following:

3 Enforcement by Commissioner. Amend RSA 483-B:5, II to read as follows:

II. The commissioner or his or her designee may, for cause, enter upon any subject land or parcel at any reasonable time ~~[after written notification]~~, ***provided he or she has obtained the oral or written permission of the property owner, attempted to notify the property owner or his or her agent either orally or in writing 24 hours prior to entry, or has observed, or received credible evidence of, the occurrence of activities regulated by this chapter that may impact water quality,*** to perform oversight and enforcement duties provided for in this chapter.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

Sen. Fuller Clark, Dist. 21

April 30, 2013

2013-1482s

06/10

#### **Floor Amendment to HB 513**

Amend the bill by replacing all after section 9 with the following:

10 Shoreland Advisory Committee Extended. Amend RSA 2010, 306:3, I to read as follows:

I. Section 2 of this act shall take effect December 31, ~~[2013]~~ **2015**.

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

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

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

HB 535, establishing the white potato as the state vegetable. Ought to Pass, Vote 5-0. Senator Prescott for the committee.

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

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 313, relative to the regulation of the compounding of drugs by pharmacists. Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

Senate Executive Departments and Administration

April 24, 2013

2013-1380s

10/04

#### Amendment to HB 313

Amend the bill by replacing section 1 with the following:

1 Pharmacists; Definition of Compounding. Amend RSA 318:1, III-a to read as follows:

III-a. "Compounding" means the preparation, mixing, assembling, packaging or labeling of a drug or device as a result of a practitioner's prescription drug order or initiative based on the pharmacist-patient-prescriber relationship in the course of professional practice or, for the purpose of, or as an incident, to research, teaching, or chemical analysis, but not selling or dispensing. "Compounding" also includes the preparation of drugs or devices in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns. ~~[The compound drug product shall bear the label of the pharmacy responsible for compounding and dispensing the product directly to the patient for administration, and the prescription shall be filed at that pharmacy.]~~ ***"Compounding" shall not include the reconstitution of powdered formulations before dispensing or the addition of flavoring.***

Amend RSA 318:14-a, II as inserted by section 4 of the bill by replacing it with the following:

II. The compound drug product shall bear the label of the pharmacy responsible for compounding and dispensing the product directly to the patient for administration, and the prescription shall be filed at that pharmacy. Compounded prescription labels shall include the phrase "compounded per subscriber request" or a similar statement on the prescription label or through the use of an auxiliary label attached to the prescription container.

Amend the bill by replacing section 6 with the following:

6 Prescription Labels; Reference to Compounding Added. Amend RSA 318:47-a to read as follows:

318:47-a Prescription Labels. Whenever a pharmacist dispenses a noncontrolled drug pursuant to a prescription, he shall affix to the container in which such drug is dispensed a label showing at least the name and address of the pharmacy and the name or initials of the dispensing pharmacist or pharmacist-in-charge; the prescription identification number assigned by the pharmacy; the date dispensed; any directions as may be stated on the prescription; the name of the prescribing practitioner; the name of the patient; all pertinent auxiliary labels; and, unless otherwise indicated by the prescribing physician, dentist, veterinarian, or advanced practice registered nurse, the name, strength, and quantity of the drug dispensed. All drugs dispensed to a patient that have been filled using a centralized prescription processing system shall bear a label containing an identifiable code that provides a complete audit trail of the dispensing of the drug and pharmaceutical care activities. No person shall alter, deface, or remove any label so affixed. ***A compounded drug product shall also be labeled as provided in RSA 318:14-a, II. The compound drug product shall bear the label of the pharmacy responsible for compounding and dispensing the product directly to the patient for administration, and the prescription shall be filed at that pharmacy. Compounded prescription labels shall include the phrase "compounded per subscriber request" or a similar statement on the prescription label or through the use of an auxiliary label attached to the prescription container.***

2013-1380s

#### AMENDED ANALYSIS

This bill provides for regulation of the compounding of drugs by pharmacists.

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

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

HB 316-FN, relative to regulating alkaline hydrolysis for the disposal of human remains. Inexpedient to Legislate, Vote 3-2. Senator Cataldo for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

A division vote was requested.

Yeas: 16 - Nays: 8

Adopted.

HB 353, relative to the regulation of private investigators and security guards. Ought to Pass with Amendment, Vote 4-0. Senator Watters for the committee.

Senate Executive Departments and Administration  
April 24, 2013  
2013-1390s  
10/03

### **Amendment to HB 353**

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-6 to read as 4-7, respectively:

3 Definition; Private Investigator. Amend RSA 106-F:4, XI and XII to read as follows:

XI. "Private investigator" means a person not excluded by RSA 106-F:2 engaged in conducting investigations, including but not limited to:

- (a) Unsolved crimes.
- (b) Insurance claims or matters for attorneys in anticipation of civil litigation.
- (c) Clandestine surveillance.
- (d) Locating missing persons.
- (e) Locating lost, concealed, or stolen property.
- (f) Locating escaped felons or wanted persons subject to reward for capture.

**(g) Character, reputation, or fitness for employment.**

XII. "Private investigative agency" means the business, within or from the state of New Hampshire, of offering or providing by legal means, for a fee or other compensation, to other persons or businesses, the service of **researching or** collecting information on the identity, character and characteristics, reputation, conduct, background history, movements, whereabouts, affiliations, or transactions of any other living person or any business or legal entity or organization, for a fee, hire, or reward information on the identity, conduct, movements, whereabouts, affiliations, transactions, reputation, or character of any person, or otherwise making inquiries or collecting evidence, for a private rather than a public interest. This shall not preclude a licensee under this chapter from pursuing investigation of matters arising in this state in, another state, or political subdivision except as provided by the law of the other state or political subdivision.

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

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

### **FINANCE**

HB 327-FN, relative to payment of attorneys' fees for indigent parents in termination of parental rights cases. Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

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

HB 432-FN, relative to health care costs for county and state inmates. Ought to Pass, Vote 4-0. Senator Odell for the committee.

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

HB 443-FN, prohibiting prison privatization. Inexpedient to Legislate, Vote 5-1. Senator Morse for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

A roll call was requested by Sen. Soucy, seconded by Sen. Larsen.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, D'Allesandro, Morse, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, Fuller Clark, Prescott.

Yeas: 13 - Nays: 11

Adopted.

HB 550, relative to the disposition of state-owned real estate. Inexpedient to Legislate, Vote 6-0. Senator Morse for the committee.

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

HB 624-FN, waiving the residency requirement for in-state tuition rates for veterans attending the university system of New Hampshire. Re-refer to committee, Vote 5-1. Senator Morse for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

#### HEALTH, EDUCATION AND HUMAN SERVICES

HB 142, relative to teacher evaluation systems. Ought to Pass with Amendment, Vote 3-1. Senator Stiles for the committee.

Health, Education and Human Services  
April 23, 2013  
2013-1343s  
04/05

#### **Amendment to HB 142**

Amend the bill by replacing section 1 with the following:

1 New Paragraph; School Boards; Duty to Provide Education. Amend RSA 189:1-a by inserting after paragraph II the following new paragraph:

III. A school board shall adopt, with the involvement of teachers and principals, a teacher evaluation system for use in the school district, consistent with RSA 189:14-a, I(b). In such adoption, a school board may consider any resources it deems reasonable and appropriate, including any resources that may be provided by the state department of education.

2013-1343s

#### AMENDED ANALYSIS

This bill provides that a school board shall adopt a teacher evaluation system.

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

Sen. Kelly offered a floor amendment.

Sen. Kelly, Dist. 10  
Sen. Stiles, Dist. 24  
May 1, 2013  
2013-1488s  
04/05

#### **Floor Amendment to HB 142**

Amend the bill by replacing section 1 with the following:

1 Failure to be Renominated or Reelected. Amend RSA 189:14-a, I(b) to read as follows:

(b) School boards shall [have] **adopt** a teacher performance evaluation policy, *with the involvement of teachers and principals, for use in the school district. A school board may consider any resources it deems reasonable and appropriate, including any resources that may be provided by the state department of education. Nothing in this subparagraph shall supersede collective bargaining rights under RSA 273-A.*

2013-1488s

#### AMENDED ANALYSIS

This bill provides that a school board shall adopt a teacher performance evaluation policy, with the involvement of teachers and principals.

The question is on the adoption of the Floor Amendment.

A division vote was requested.

Yeas: 12 - Nays: 12

Failed.

Without objection, the Senate is in recess. Out of recess.

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist. 24

May 2, 2013

2013-1518s

04/01

#### Floor Amendment to HB 142

Amend the bill by replacing section 1 with the following:

1 New Paragraph; School Boards; Duty to Provide Education. Amend RSA 189:1-a by inserting after paragraph II the following new paragraph:

III. School boards shall adopt a teacher performance evaluation policy, with the involvement of teachers and principals, for use in the school district. A school board may consider any resources it deems reasonable and appropriate, including any resources that may be provided by the state department of education. In this paragraph, "teacher" shall have the same meaning as in RSA 189:14-a, V.

2013-1518s

#### AMENDED ANALYSIS

This bill provides that a school board shall adopt a teacher performance evaluation policy, with the involvement of teachers and principals.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Larsen, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted.

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

HB 305, establishing a committee to study the apportionment formula for cooperative school districts for towns with electric generation facilities. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

Health, Education and Human Services  
 April 24, 2013  
 2013-1362s  
 10/05

### Amendment to HB 305

Amend the bill by replacing section 2 with the following:

#### 2 Membership and Compensation.

I. The committee shall consist of 5 members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

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

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

HB 375, requiring certain health care organizations to report to the department of health and human services regarding implementation of New Hampshire's 10-year mental health plan. Ought to Pass, Vote 4-0. Senator Gilmour for the committee.

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

HB 481-FN, limiting the state's authority to seek reimbursement for public assistance. Ought to Pass with Amendment, Vote 4-0. Senator Reagan for the committee.

Health, Education and Human Services  
 April 23, 2013  
 2013-1344s  
 05/04

### Amendment to HB 481-FN

Amend the bill by replacing sections 1 and 2 with the following:

1 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children; Liability for Support. Amend RSA 167:2 to read as follows:

167:2 Liability for Support; Recovery. Assistance rendered under this chapter or RSA 161 to anyone having a father, mother, ~~[stepfather, stepmother, son, daughter,]~~ husband or wife, whose weekly income or other resources are more than sufficient to provide a reasonable subsistence compatible with decency and health, may be recovered in an appropriate proceeding in the superior court brought by the commissioner of health and human services, in the name of the state, from either a father, mother, ~~[stepfather, stepmother, son, daughter,]~~ husband, or wife, who are declared jointly and severally liable for such assistance. ***A parent shall be liable under this section only for assistance provided to a child under the age of 18, or for as long as the department of health and human services has the authority to recover support under Title IV of the Social Security Act.*** Such action shall be brought by the attorney general or the county attorney for the county in which any such relative resides when so requested by the commissioner of health and human services. ***Nothing in this section shall affect assistance eligibility or the amount of services for which an applicant or recipient may be eligible.***

2 Uniform Civil Liability for Support; Liability. Amend RSA 546-A:2 to read as follows:

546-A:2 Liability. Every person whose income or other resources are more than sufficient to provide for his or her reasonable subsistence compatible with decency or health owes a duty to support or contribute to the support of ***the following persons when in need:*** his or her wife, husband, ***or*** child~~[- father or mother when in need]~~ ***under the age of 18 or for as long as the department of health and human services has the authority to recover support for the child under Title IV of the Social Security Act.***

2013-1344s

### AMENDED ANALYSIS

This bill removes the state's ability under RSA 167:2 to recover public assistance from the recipient's child and stepparent and limits the state's authority to recover public assistance from the recipient's parent. The

bill also revises RSA 546-A, relative to civil liability for support, by removing a child's obligation to support his or her parents and limiting a parent's liability to support his or her children.

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-5).

Sen. Forrester is in opposition to the motion of Ought to Pass as Amended on HB 481-FN.

HB 551, relative to the composition and duties of the task force on work and family. Ought to Pass with Amendment, Vote 4-0. Senator Reagan for the committee.

Health, Education and Human Services

April 24, 2013

2013-1368s

08/09

### **Amendment to Amendment to HB 551**

Amend RSA 276-B:2, I(b) as inserted by section 1 of the bill by replacing it with the following:

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

Amend RSA 276-B:2, I(i)-(v) as inserted by section 1 of the bill by replacing it with the following:

(i) A representative of the New Hampshire Small Business Development Center at the university of New Hampshire, appointed by the center.

(j) A representative of a local chamber of commerce, appointed by the governor.

(k) A representative of the HR State Council of New Hampshire, appointed by the council.

(l) A representative of the university of New Hampshire, Carsey Institute, appointed by the institute.

(m) A representative of the New Hampshire Children's Trust Fund, appointed by that organization.

(n) A representative of the university of New Hampshire cooperative extension, appointed by the extension.

(o) A representative of Child and Family Services, appointed by that organization.

(p) A representative of the Children's Alliance of New Hampshire, appointed by that organization.

(q) A member of the New Hampshire AFL-CIO, appointed by the chapter president.

(r) A representative of skilled workers, appointed by the New Hampshire State Building and Construction Trades Council.

(s) A representative of Spark NH, appointed by that organization.

(t) A representative of the Women's Fund of New Hampshire, appointed by that organization.

(u) A representative of the insurance industry appointed by the New Hampshire Association of Domestic Insurance Companies.

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

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

HB 633, relative to prescription refills. Inexpedient to Legislate, Vote 3-1. Senator Gilmour for the committee.

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

### **JUDICIARY**

HB 153, prohibiting the designation of industrial hemp as a controlled substance. Re-refer to committee, Vote 4-1. Senator Carson for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 167, relative to notice and information provided to the victim of a person seeking parole or the victim's next of kin. Inexpedient to Legislate, Vote 5-0. Senator Boutin for the committee.

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

HB 450-FN, relative to the annulment of criminal records. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

Senate Judiciary

April 16, 2013

2013-1297s

04/05

#### Amendment to HB 450-FN

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

1 Annulment of Criminal Records. Amend RSA 651:5, X(c)-(d) to read as follows:

(c) The court records relating to an annulled arrest, conviction, or sentence shall ~~[remain public documents. However, the court shall clearly identify on the file and in the electronic record that the arrest or conviction and sentence have been annulled]~~ ***be sealed and available only to the person whose record was annulled, his or her attorney, a court for sentencing pursuant to subparagraph (a), law enforcement personnel for legitimate law enforcement purposes, or as otherwise provided in this section.***

(d) ~~[The state police criminal records unit shall add an entry to the subject's record of arrest, conviction, or sentence in the criminal history database stating that the record has been annulled]~~ ***Upon payment of a fee not to exceed \$100 to the state police, the state police criminal records unit shall remove the annulled criminal record and inform all appropriate state and federal agencies of the annulment.***

2 Applicability. The provisions of this act shall apply to any criminal record annulled between January 1, 2013 and the effective date of this act.

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

2013-1297s

#### AMENDED ANALYSIS

This bill requires that records of annulled arrests, convictions, and sentences be sealed and requires the state police criminal records unit to remove an annulled criminal record upon payment of the required fee.

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

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

HB 621-FN, decriminalizing possession of one quarter of an ounce or less of marijuana. Inexpedient to Legislate, Vote 5-0. Senator Cataldo for the committee.

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

HB 644-FN, relative to parole procedures and relative to sanctions for violations of probation. Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

Senate Judiciary

April 16, 2013

2013-1296s

04/05

#### Amendment to HB 644-FN

Amend the bill by replacing section 1 with the following:

1 Parole of Prisoners; Notice of Hearings. Amend RSA 651-A:11, I to read as follows:

I. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall twice publish, in a newspaper of general circulation within the county where the offense occurred, a notice stating the intention of the person to seek parole ***and shall post notice stating the intent of the person to seek parole in the adult parole board section of the department of corrections' Internet site.*** Said ~~[notice]~~ ***notices*** shall ~~[contain]~~ ***include*** the name ***and birth date*** of the applicant and the date, ***time***, and location of the parole hearing.



Amend the bill by replacing section 11 with the following:

11 Applicability. The provisions of sections 1-8 of this act shall apply to:

I. Any person who is on parole or eligible for parole, on or after the effective date of this act; and

II. Any person who, on or after the effective date of this act, has violated the conditions of parole after a hearing pursuant to RSA 651-A:17.

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

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

#### PUBLIC AND MUNICIPAL AFFAIRS

HB 113, relative to lot access for erection of buildings. Inexpedient to Legislate, Vote 5-0. Senator Stiles for the committee.

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

HB 178-FN-L, relative to public employer collective bargaining agreements. Ought to Pass, Vote 4-0. Senator Lasky for the committee.

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

HB 204-FN-L, relative to the removal of social security and other numbers from registry of deeds documents available on the Internet. Ought to Pass with Amendment, Vote 4-0. Senator Pierce for the committee.

Public and Municipal Affairs

April 25, 2013

2013-1394s

10/04

#### **Amendment to HB 204-FN-LOCAL**

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

AN ACT relative to the removal of social security and other numbers from registry of deeds documents available on the Internet, and relative to background checks for county employees.

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

2 New Section; County Commissioners; Employee Candidate Background Checks. Amend RSA 28 by inserting after section 10-b the following new section:

28:10-c Employee Candidate Background Checks.

I. The county commissioners may require a background investigation and a criminal history records check on any candidate for employment, prior to a final offer of employment. A county may request only a state records check or both a federal and state records check, to be conducted through the division of state police. The county may extend a conditional offer of employment to a candidate, with a final offer of employment subject to a successfully completed criminal history records check.

II. A candidate for employment in a position that the county commissioners determine requires a background investigation and a criminal history records check shall submit to the county a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of the person's criminal records, if any. The candidate shall submit with the release form a complete set of fingerprints taken by a law enforcement agency as directed by the county commissioners. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the county may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where a candidate has lived during the past 5 years.

III. To obtain a state records check only, the county shall submit a state criminal history records release form to the division of state police. To obtain both the federal and the state records check, the county shall submit the criminal history records release form and applicant fingerprint card to the division of state police,

which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall report any criminal conviction information to the county commissioners. The county may submit fingerprint information electronically, in accordance with procedures established by the division of state police. The county shall maintain the confidentiality and security of all criminal history records information received pursuant to this paragraph.

IV. The county commissioners may require the candidate to pay the actual costs of the background investigation and the criminal history records check.

V. In this section, "candidate for employment" shall include candidates for volunteer positions in the county.

2013-1394s

#### AMENDED ANALYSIS

This bill requires the registers of deeds to remove social security numbers, armed forces service numbers, credit card numbers, and deposit account numbers discovered by registers in the ordinary course of business from documents made available on the Internet. The bill also authorizes background checks on candidates for employment with the county.

The Chair ruled Committee Amendment 1394s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 1394s to HB 204-FN-L. 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 Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 367, relative to the municipal bond bank reserve process. Ought to Pass, Vote 4-0. Senator Pierce for the committee.

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

HB 429, relative to service of writs against cities. Ought to Pass, Vote 4-0. Senator Stiles for the committee.

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

HB 510, relative to backflow prevention valves. Ought to Pass, Vote 4-0. Senator Lasky for the committee.

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

Sen. Boutin moved to remove HB 183 from the table. Adopted.

HB 183, relative to processing absentee ballots. Ought to Pass with Amendment, Vote 4-0. Senator Forrester for the committee.

Public and Municipal Affairs

April 3, 2013

2013-1224s

03/10

#### Amendment to HB 183

Amend the bill by replacing section 1 with the following:

1 Processing Absentee Ballots. Amend RSA 659:49 to read as follows:

659:49 Processing Absentee Ballots.

[E.] Processing of previously received absentee ballots ~~[shall]~~ **may** begin ~~[at 1:00 p.m.]~~ **when the polls open**. The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed ~~[at any time during the]~~ **for the purpose of** processing of such ballots. Absentee ballots which are received after ~~[1:00 p.m.]~~ **the polls open** and prior to 5:00 p.m. ~~[shall]~~ **may** be processed as soon after receipt as possible. ~~[Under no circumstances shall absentee ballots be counted prior to the closing of the polls.]~~

~~H. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election.]~~

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

Sen. Boutin offered a floor amendment.

Sen. Boutin, Dist. 16

April 25, 2013

2013-1404s

03/10

### Floor Amendment to HB 183

Amend the bill by replacing section 1 with the following:

1 Processing Absentee Ballots. Amend RSA 659:49 to read as follows:

659:49 Processing Absentee Ballots.

I. Processing of previously received absentee ballots shall ***not*** begin ~~[at 1:00 p.m.]~~ ***earlier than 2 hours after the opening of the polls. At least 24 hours before the polls open, the moderator shall post at the polling place and 2 other public locations the time at which the processing of absentee ballots shall begin.*** The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed ~~[at any time during the]~~ ***for the purpose of processing of such ballots.*** Absentee ballots which are received after ~~[1:00 p.m.]~~ ***the time for processing has begun*** and prior to 5:00 p.m. ~~[shall]~~ ***may*** be processed as soon after receipt as possible. Under no circumstances shall absentee ~~[ballots]~~ ***ballot votes*** be counted prior to the closing of the polls.

II. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more voters who are present at the polls no later than ~~[1:00 p.m.]~~ ***the posted start time for processing absentee ballots,*** the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election.

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

Sen. Soucy is in opposition to the adoption of the Floor Amendment to HB 183.

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

Sen. Soucy is in opposition to the motion of Ought to Pass as Amended on HB 183.

Sen. Soucy moved to remove HB 265 from the table. Adopted.

HB 265, relative to procedures by absentee voters.

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist. 24

Sen. Soucy, Dist. 18

April 29, 2013

2013-1463s

03/10

### Floor Amendment to HB 265

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

1 Absentee Voting Materials; Return Envelope. Amend RSA 657:7, III to read as follows:

III. Return envelopes of size sufficient to contain the preceding envelope addressed to the town and city clerks of the state in which absentee voters shall return their ballots. On the envelopes shall be printed "Enclosed is the ballot of an absentee voter" and, at the top thereof, 4 blank spaces with the words "Name, Voting Address, Ward, Town or City" appropriately printed thereon. ***The following statement shall be printed or stamped on the back of the return envelope in substantially the following form:***

***TO BE FILLED OUT ONLY IF A FAMILY MEMBER (SPOUSE, PARENT, CHILD, STEPCHILD, BROTHER, OR SISTER) IS HAND DELIVERING A BALLOT TO THE CITY OR TOWN CLERK***

***If you are having a family member deliver this envelope to the city or town clerk, you must complete the following:***

***I, \_\_\_\_\_, hereby authorize \_\_\_\_\_, who is my \_\_\_\_\_ (state relationship of voter to person delivering the envelope) to deliver this envelope containing my absentee ballot to the city or town clerk. I understand that I must fully complete this authorization for the delivery of my ballot by such person to be valid and for the ballot so delivered to be counted.***

***(Signature) \_\_\_\_\_***

**FOR USE DURING THE SIX DAYS PRIOR TO ELECTION DAY**

**(DEADLINE – 5:00 P.M. ON THE DAY BEFORE THE ELECTION)**

2 Absentee Voting; Procedure by Voter; Procedure by Clerk. Amend RSA 657:17 and RSA 657:18 to read as follows:

657:17 Procedure by Voter. After marking the ballot, the voter or the person assisting a blind voter shall enclose and seal the same in an inner envelope. The voter shall execute the affidavit. The voter or the person assisting the blind voter shall enclose and seal the inner envelope with the affidavit in an outer envelope. The voter shall then endorse on the outer envelope his or her name, address, and voting place and shall mail the envelope, affixing postage, or personally deliver it to the city or town clerk from whom it was sent. ***Alternatively, the voter may authorize a member of his or her family to deliver the envelope to the city or town clerk by completing the authorization on the back of the return envelope. In this subdivision, "family member" means a spouse, parent, child, stepchild, brother, or sister. The family member shall show his or her photo identification to the city or town clerk upon delivery. Delivery shall only be accepted beginning on the Wednesday prior to the election and shall be received by the city or town clerk prior to 5:00 p.m. on the day preceding the election.***

657:18 Procedure by Clerk. Upon receipt of an outer envelope purporting to contain an official absentee voting ballot, the clerk of the city or town shall attach thereto the application for an absentee ballot submitted by said voter and record the information pursuant to RSA 657:15. All such envelopes shall be preserved unopened until election day. ***If the absentee ballot is delivered by a family member, the clerk shall refuse to accept the ballot unless the delivery authorization on the return envelope is fully completed.***

3 Announcement by Moderator; Absentee Voter Signature Comparison. Amend RSA 659:50, III to read as follows:

III. The ***signature on the back of the return envelope, if the back of the return envelope has been completed, the signature on the affidavit, [appears] and the application all appear*** to be executed by the same person [~~who signed the application~~]; and

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

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

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

A roll call was requested by Sen. Sanborn, seconded by Sen. Prescott.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Sanborn, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Fuller Clark, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

Without objection, the Senate is in recess. Out of recess.

The Senate resumed debate on the motion to suspend all Senate Rules necessary to allow for the consideration of a SJR.

The question is on the motion to suspend all Senate Rules necessary to allow for the consideration of a SJR.

A roll call was requested by Sen. Soucy, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Woodburn, Bradley, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 12 - Nays: 12

Failed, lacking necessary 2/3 vote.

#### MOTION TO ADJOURN FROM EARLY SESSION

Sen. 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

##### Third Reading and Final Passage

HB 142, relative to teacher evaluation systems.

HB 178-FN-L, relative to public employer collective bargaining agreements.

HB 183, relative to processing absentee ballots.

HB 184-FN, relative to the oil discharge cleanup fund.

HB 204-FN-L, relative to the removal of social security and other numbers from registry of deeds documents available on the Internet, and relative to background checks for county employees.

HB 211, relative to service of demand for rent and eviction notice.

HB 221, relative to the duty of the long range capital planning and utilization committee.

HB 252, consolidating the property appraisal division and the municipal services division of the department of revenue administration.

HB 265, relative to procedures by absentee voters.

HB 305, establishing a committee to study the apportionment formula for cooperative school districts for towns with electric generation facilities.

HB 313, relative to the regulation of the compounding of drugs by pharmacists.

HB 327-FN, relative to payment of attorneys' fees for indigent parents in termination of parental rights cases.

HB 328-FN, relative to the sale of pets.

HB 334-FN, requiring pharmacy interns to register with the pharmacy board.

HB 353, relative to the regulation of private investigators and security guards.

HB 359, relative to mailing of notices and determinations by the department of employment security.

HB 361, relative to worksharing.

HB 367, relative to the municipal bond bank reserve process.

HB 374, relative to electric utility investment in distributed energy resources.

HB 375, requiring certain health care organizations to report to the department of health and human services regarding implementation of New Hampshire's 10-year mental health plan.

HB 393, relative to effluent limitations with regard to nitrogen and phosphorus.

HB 429, relative to service of writs against cities.

HB 432-FN, relative to health care costs for county and state inmates.

HB 440, relative to new hire reports to the department of employment security.

HB 450-FN, relative to the annulment of criminal records.

HB 505, relative to the economic development advisory council.

HB 510, relative to backflow prevention valves.

HB 513, relative to the shoreland protection act.

HB 535, establishing the white potato as the state vegetable.

HB 547, establishing a commission to study permanent options for funding the veterinary diagnostic laboratory.

HB 551, relative to the composition and duties of the task force on work and family.

HB 558, relative to disclosure of information regarding charitable solicitations.

HB 607, relative to construction projects for the adjutant general's department.

HB 644-FN, relative to parole procedures and relative to sanctions for violations of probation.

HB 648-FN, permitting current marital masters to remain in office until retirement, resignation, disability, or nonrenewal of appointment.

HB 652-FN, relative to the judicial branch information technology fund.

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

(The Chair recognized Sen. Gilmour.)

Thank you, Mister President. And, I say to my Senate colleagues: When someone dies, we really have no way of knowing how many lives they have touched and how many things were changed because that person lived. We do know that some influence lives in ways we never know exactly how to quantify, and this is true of a man we lost this week: a man who died suddenly and unexpectedly after 61 years of living. His name was John McDermott—Mac, to many.

Mac was one of Nashua's finest; an Irishman from Boston whose father ran a pub in Southie. He was one of ten kids, and you know with ten Irish kids, there's one each of everything. Mac was the cop. Mac worked the streets of Nashua, but ended up working in the juvenile division. He knew them all: where they hung out, who was in trouble, who needed a tough hand, and who needed a break. When he retired from the force, he went on to our state's Juvenile Justice Services. He was a founding member of the New Hampshire Attorney's General Task Force on Child Abuse and Neglect. In Juvenile Justice he worked with the worst of the worst, the toughest of the tough. He was a mentor to the new guys and new gals, teaching them how to work the best with troubled and broken youth.

Mac was a big guy, kind of gruff—funny, with a big heart and a gentle soul. When you ask people who knew him and who loved him: What is it like to be with Mac? Their answer: He makes me feel safe.

Remember now how many young lives in our state Mac influenced, how many he turned just enough to get on a better path. We know he cared about them all: their future, their safety. And we know that so many who knew him have heavy hearts with his passing. Thank you Mister President.

(The Chair recognized Sen. Woodburn.)

Thank you Mister President. I want to recognize this day. Ten years ago tomorrow—Friday, May 3<sup>rd</sup>—will mark the anniversary of the falling of the Old Man of the Mountain, which is part of District 1 as many of you know: the 58 communities, 27 percent of the state, larger than 17 countries. And, just as we tomorrow celebrate the many years that the Old Man looked out of over us and inspired us and gave us wisdom, it reminded me of the words of E.B. White, who has said: "Man made the city, but God made the country." And, we will always be inspired by that stone face. And, I also want to recognize at least one of my constituents, Richard Hamilton, who has for the last 10 years tried to make sure that memory lives for a long, long time, and I want to recognize him for his great efforts. Thank you, Mister President.

(The Chair recognized Sen. D'Allesandro.)

Thank you, Mister President. You know, Mister President, we live in a different world today. But in the '60s, I was teaching at Bishop Bradley High School, and had a student by the name of Lance Williamson. Lance left Bishop Bradley High School and was drafted—we had conscription in those days—and he was sent to Southeast Asia.

Just last week, Lance was recognized for some of the valiant duty that he performed as a U.S. Army Infantryman in South Vietnam. Lance was awarded the Bronze Star; the Bronze Star: a pretty significant medal for valor in action. Lance also received the Vietnam Service Medal with two bronze stars for his service, the Republic of Vietnam Gallantry Cross Unit Citation with Palm and the Republic of Vietnam Civil Actions Honor Medal.

You know, Lance was a basketball player at Bishop Bradley High School; unfortunately was drafted, went to Vietnam, then came back and played basketball for me at New Hampshire College. Here we are, many, many, many years after the conflict is over, and Lance finally receives these medals. They were uncovered at home; I talked to Lance about this, and he said he received the letter from the government but never opened it. Lance's wife recently passed away, Janet Williamson—some of you may remember Janet for her work with developmental disabilities. He opened the letter and found that he was the recipient of the Bronze Star, the Bronze Medal. Senator Ayotte and Senator Shaheen were instrumental in getting these awards to him.

It kind of makes me think, as a teacher, of the kids that I taught in school, some of whom passed away in Vietnam—some of whom gave their lives in Vietnam; some of them came back. And Lance, all these many, many years afterwards, is recognized for his valor. And it just makes me think—and again the greatest, the greatest, greatest reward as a teacher is to see their students succeed and to see their students perform well, not only in public service, but just across the board. And to recognize Lance—and he's had some difficulties: again, with his wife passing away—I think is really kind of a great thing for his family; something that they didn't know and they now do know. And Lance has got three boys.

So, not only do I want to recognize Lance Williamson, but I want to recognize all of those who lost their lives in Southeast Asia, because that's a forgotten situation; we don't spend a lot of time thinking about it, but we had conscription at that time, we had 500,000 troops over there; some of them didn't come back, and some performed magnificently in defense of their country, and we certainly never want to forget that. Thank you, Mister President.

(The Chair recognized Sen. Fuller-Clark.)

Thank you very much, Mister President. I rise at this time to recognize the passing of an outstanding scientist and teacher from Dover, New Hampshire. His name: Kenneth Appel. He died at age 80 on Friday, April 19<sup>th</sup>, after really an extraordinary career, which many of you may not be aware of. Sadly, he had been diagnosed with esophageal cancer in October.

Ken chaired the mathematics department of the University of New Hampshire from 1993 to 2002, retiring as Professor emeritus in 2003. From 1961 to 1993, he was a mathematics professor at the University of Illinois, where he and his colleague, Wolfgang Haken, solved one of the most famous problems in mathematics: the four color conjecture. They answered this question: Could it be proved that any map can be colored with just four colors, so that contiguous countries have different colors? Their proof that four colors were sufficient, announced in 1976, was the first major mathematical theorem to be proved with the aid of a computer. And this is what the New York Times wrote in 1976: "Their proof rests in part on 1,200 hours of computer calculations, during which about 10 billion logical decisions had to be made," and "What has been accomplished is a major intellectual feat. It gives us important new insight into the nature of two-dimensional space and of the ways in which such space can be broken into discrete portions." In 1979, the American Mathematics Society and the Mathematical Programming Society awarded the Delbert Ray Fulkerson prize to Appel and Haken, and in 2012, he was elected as a Fellow to the American Mathematical Society.

Ken Appel was passionate about mathematics and mathematics education at all levels, from elementary school to graduate school. At every stage of his life, he sought opportunities to teach: as a graduate student in Michigan, as a volunteer lecturer at Princeton University, and in more than 50 years as a professor and in retirement as a volunteer in mathematical enrichment programs in Dover and in Southern Maine public schools. He currently was serving as a member of the Dover School Board. He particularly believed that students should be afforded the opportunity to study mathematics at the level of their ability, even if it is well above their grade level, and to that end, he enjoyed working with gifted high school students on the kind of math problems he would normally give to his graduate students. He also was Treasurer of the Strafford County Democrats; he was an avid tennis player into his fifties, a lifelong stamp collector, a skillful player of the game of Go, and a baker of bread. He was a loving husband, father, and grandfather. And I ask that we take into our consideration with most sincere condolences Ken Appel's family and his wife Carole Appel, on both the loss of her husband, and also her daughter, who had just died at age 50, a month previous to Ken Appel's death. Thank you.

(The Chair recognized Sen. Hosmer.)

SENATOR HOSMER: Thank you, Mister President. I rise not with prepared remarks today, but as I was listening to my colleagues speak, I realized for the past almost two weeks now I have been thinking about a young person from Laconia who passed away on April 19<sup>th</sup>. I feel that over the past couple of weeks we've had a certain cloud over the City. On Friday the 19<sup>th</sup>, Lilyanna Johnson and her friend Alyssa Miner were walking home from school, preparing to cross the street—14 years old—when they were both hit by a car. Lilyanna Johnson passed away. Alyssa Miner is still alive and discharged from the hospital. But, as the City of Laconia and surrounding communities has pulled together during this very difficult period of time, all of us got to know a young lady: 14 years old, an athlete: a volleyball player, a basketball player, a big sister to a younger brother, and someone with an intellect that put her on the honor roll, but also a smile that could light up a room. One of her favorite sayings, which has been on billboards throughout the City for the past week or so, is that: Above the clouds, it's always sunny. And I've thought about that an awful lot over the past week or so, and I've thought about how frail...the fragility of life. And I've also thought about how proud I am to come from the City of Laconia, that our emergency medical technicians, our hospital, our police officers, our parishes, and our families, and individual citizens have pulled together to support one another, and how appreciative I am of that city and its citizens. But also, I'd like to share with all of you this story so you may think of Lilyanna Johnson, a very special person, Alyssa Miner, another special person, and in your own way, keep them both, and the City of Laconia and its citizens in your thoughts and your prayers going forward. Thank you, Mister President.

Without objection all Rule 2-16's shall be entered into the permanent *Journal of the Senate*. Adopted.

#### MOTION TO RECESS TO CALL OF THE CHAIR

Sen. 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.