

June 23, 2011
No. 30

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



**First Year of the 162nd Session of the
New Hampshire General Court
Legislative**

SENATE CALENDAR

THE SENATE IS IN RECESS TO THE CALL OF THE CHAIR

VETO

Governor's Veto Message Regarding SB 3

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 15, 2011, I vetoed SB 3, making comprehensive changes to the state retirement system.

Even as this bill sits on my desk with a deadline of today, members of the ongoing conference committee on HB 1 and HB 2 have publicly announced that they will consider substantive changes to this legislation, a version of which is already included in HB 2. Those changes include potentially addressing decisions made yesterday by the Board of the Retirement System that could impact the budgets of the state and local communities.

Given the legislature's stated intent to change this legislation further, and my responsibility to review the legislation in its full and final form, I am vetoing Senate Bill 3 and will assess the legislature's final product.

Respectfully submitted,
John H. Lynch
Governor

Date: June 15, 2011

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LAID ON THE TABLE

SB 14-FN, relative to the brandishing of a firearm. **3/16/11, pending motion Re-refer to committee, Judiciary, SJ 9, pg. 136**

SB 24-FN-L, exempting the Unity school district from the moratorium on school building aid. **3/9/11, pending motion Ought to Pass, Finance, SJ 8, pg. 89**

SB 61, relative to capital appropriations to the liquor commission. **3/30/11, pending motion OT3rdg, Capital Budget, SJ 11, pg. 195**

SB 103, requiring the commissioner of administrative services to develop a plan to consolidate the human resource functions within state government. **2/16/11, pending motion OT3rdg, Finance, SJ 6, pg. 56**

SB 114, prohibiting assessing teacher performance based solely on assessment scores. **3/30/11, pending motion Committee Amendment (1215s), Education, SJ 11, pg. 209**

SB 126-FN, relative to net operating loss carryovers under the business profits tax. **3/23/11, pending motion OT3rdg, Finance, SJ 10, pg. 176**

SB 136-FN, relative to games of chance. **3/23/11, pending motion OT3rdg, Finance, SJ 10, pg. 186**

SB 164, relative to the personal needs allowance of residents of nursing homes. **3/9/11, pending motion OT3rdg, Health and Human Services, SJ 8, pg. 90**

SB 165-FN, relative to the Medicaid uncompensated care fund and the Medicaid enhancement tax. **3/30/11, pending motion OT3rdg, Finance, SJ 11, pg. 226**

SB 178, establishing a commission to study long-term sustainable funding for school building aid and the establishment of eligibility criteria for school building aid in order to ensure that all school age children in every part of the state have access to a safe, healthy, and academic environment for learning. **3/9/11, pending motion Inexpedient to Legislate, Education, SJ 8, pg. 87**

HB 36-FN-L, reducing the fee for copies of birth certificates. **4/13/11, pending motion OT3rdg, Ways and Means, SJ 12, pg. 253**

HB 42, relative to the appropriate officials with whom to file for a primary. **3/30/11, pending motion Ought to Pass, Public and Municipal Affairs, SJ 11, pg. 232**

HB 89, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act. **5/4/11, pending motion Committee Amendment (1585s), Commerce, SJ 15, pg. 297**

HB 113, prohibiting the use of state funds for New Hampshire public television. **5/11/11, pending motion Inexpedient to Legislate, Finance, SJ 16, pg. 328**

HB 156-FN-A, reducing the rates of the tobacco tax. **4/27/11, pending motion Inexpedient to Legislate, Ways and Means, SJ 14, pg. 281**

HB 164, requiring legislative approval for the adoption of the common core state standards in New Hampshire. **6/1/11, pending motion Committee Amendment (2160s), Education, SJ 19, pg. 513**

HB 305, relative to the homestead right. **5/25/11, pending motion Inexpedient to Legislate, Judiciary, SJ 18, pg. 385**

HB 335-FN-A, establishing multi-use number plates. **5/4/11, pending motion Committee Amendment (1658s), Transportation, SJ 15, pg. 310**

HB 341, relative to local spending caps. **5/18/11, pending motion Ought to Pass, Public and Municipal Affairs, SJ 17, pg. 354**

HB 369-FN-L, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school. **4/13/11, pending motion Inexpedient to Legislate, Education, SJ 12, pg. 246**

HB 442-FN, relative to the use of marijuana for medicinal purposes. **5/11/11, pending motion Committee Amendment (1778s), Health and Human Services, SJ 16, pg. 331**

HB 451-FN, relative to prerecorded political messages. **4/20/11, pending motion Ought to Pass, Public and Municipal Affairs, SJ 13, pg. 267**

HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships. **5/18/11, pending motion OT3rdg, Finance, SJ 17, pg. 348**

HB 614, requiring a performance audit of the guardian ad litem board and guardian ad litem services. **5/11/11, pending motion Ought to Pass, Judiciary, SJ 16, pg. 334**

HB 617, repealing the prohibitions on Sunday business activities. **5/11/11, pending motion Committee Amendment (1723s), Commerce, SJ 16, pg. 321**

HB 634-FN, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent. **5/11/11, pending motion Committee Amendment (1784s), Judiciary, SJ 16, pg. 336**

HCR 6, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties. **5/18/11, pending motion Committee Amendment (1885s), Internal Affairs, SJ 17, pg. 352**

HCR 11, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces. **5/18/11, pending motion Committee Amendment (1884s), Internal Affairs, SJ 17, pg. 353**

HCR 12, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement. **5/18/11, pending motion Inexpedient to Legislate, Internal Affairs, SJ 17, pg. 353**

HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. **5/25/11, pending motion Re-refer to committee, Internal Affairs, SJ 18, pg. 385**

HJR 4, prohibiting the implementation of certain rules of the board of medicine. **5/25/11, pending motion Re-refer to committee, Health and Human Services, SJ 18, pg. 384**

2011 BILLS RE-REFERRED TO COMMITTEE

COMMERCE

SB 71-FN, relative to health care fees in workers' compensation.

SB 74-FN, relative to the life settlements act.

SB 77-FN, relative to the special fund for payment for second injuries under workers' compensation law.

SB 150-FN, authorizing individuals and certain businesses to purchase health insurance from out-of-state insurance companies.

SB 163-FN, relative to the New Hampshire health benefit exchange.

SB 175, regulating the commercial use of a person's identity.

SB 191, relative to the registration of independent contractors for the purposes of workers' compensation.

HB 405, relative to dissolving corporations.

HB 627-FN, relative to "essential benefits" under federal health care reform.

EDUCATION

HB 528-FN-L, requiring school districts to develop a facility maintenance and capital improvement program.

ENERGY AND NATURAL RESOURCES

SB 48, relative to filing of rates for certain telephone services.

SB 84-FN, relative to state regulation of the septic system installation process.

SB 142-FN, relative to reorganizing the permitting process within the department of environmental services.

HB 387, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system.

HB 439-FN-L, relative to claiming an invasive species as a habitat.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 4, requiring legislative approval of cost items for state employee contract negotiations.

SB 143-FN, requiring the commissioner of administrative services to develop a proposal for state employees to make monetary contributions to a health savings account or other tax-advantaged account.

SB 177, relative to training of directors and officers of nonprofit corporations.

SB 185-FN, establishing a restitution fund for victims of financial fraud and continually appropriating a special fund.

SB 186-FN, repealing the exemption from the consumer protection act for certain regulated trade and commerce.

SB 188-FN, relative to the authority and roles of the banking department, the attorney general, and the bureau of securities regulation in state regulation of securities.

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.

HB 418-FN, relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards.

FINANCE

SB 159-FN-L, establishing a state infrastructure bank.

SB 181-FN-L, relative to distribution of funds for education.

HB 72-FN-A, establishing a state aeronautical fund.

HB 508-FN, establishing a performance measurement system for state agencies.

HB 520-FN, requiring certain bills to have performance standard notes.

HEALTH AND HUMAN SERVICES

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities.

HB 632, relative to labeling requirements for dispensing of drugs by automated pharmacy systems.

INTERNAL AFFAIRS

CACR 6, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

SCR 1, urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States.

JUDICIARY

SB 17, relative to evidence of admissions in medical injury actions.

SB 41, relative to enforcement of the timber tax and excavation tax by the department of revenue administration.

SB 44, relative to payment of rent pending a landlord-tenant action.

HB 110, requiring professional safety and security services personnel to report certain criminal offenses.

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties.

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.

HB 158, relative to the misuse of social security numbers.

HB 210-FN, relative to the use of deadly force to protect oneself.

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime.

HB 330-FN, relative to carrying firearms.

HB 378-FN, inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, and relative to the definition of “non-deadly” force.

HB 597, revising the child support guidelines based on an income shares model of calculating child support.

HB 648, relative to eminent domain petitions by public utilities.

PUBLIC AND MUNICIPAL AFFAIRS

SB 83-FN, enabling municipalities to create other post-employment benefits (OPEB) trusts.

SB 94, relative to state certification of community residences in municipalities with zoning ordinances which accommodate certified community residences.

HB 186-FN, relative to the definition of political communication.

HB 382, relative to the maintenance of municipal public cemeteries.

HB 466-FN, eliminating the ballot law commission.

HB 588, relative to polling hours and location of polling places.

WAYS AND MEANS

SB 13-FN, increasing the limit on single wagers for games of chance conducted by charitable organizations.

SB 132-FN-A-L, establishing exemptions from the real estate transfer tax.

SB 155-FN-A, relative to section 179 expense deductions under the business profits tax.

SB 167-FN-A-L, establishing a production jobs creation credit under the business enterprise tax and making changes affecting small business to the business profits tax, the business enterprise tax, and the meals and rooms tax.

SB 182-FN-A-L, relative to video lottery and table gaming, providing property tax relief for local economies, providing services for problem gamers, and promoting tourism and public safety.

MEETINGS

FRIDAY, JUNE 24, 2011

ASSESSING STANDARDS BOARD (RSA 21-J:14-a)

9:30 a.m.	New Hampshire Department of Revenue Administration 109 Pleasant Street Concord, NH	Regular Meeting
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10:00 a.m.	New Hampshire Department of Revenue Administration 109 Pleasant Street Concord, NH	Rulemaking Hearing
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NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)

10:00 a.m.	Room 201, LOB	Regular Meeting
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MONDAY, JUNE 27, 2011

OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)

9:00 a.m.	Room 305, LOB	Regular Meeting
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TASK FORCE ON WORK AND FAMILY (RSA 276-B)

1:00 p.m.	Room 206, LOB	Regular Meeting
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ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21)

3:00 p.m.	Room 101, LOB	Regular Meeting
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THURSDAY, JUNE 30, 2011

INDUSTRIAL TECHNOLOGY RESEARCH AND INNOVATION CENTER OVERSIGHT COMMITTEE (RSA 187-A:32)

9:00 a.m.	UNH School of Law Board Room 2 White Street Concord, NH	Regular Meeting
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THURSDAY, JULY 7, 2011

COMMISSION ON HEALTH CARE COST CONTAINMENT (RSA 21-S:2)

9:30 a.m.	Room 303, LOB	Regular Meeting
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FRIDAY, JULY 8, 2011

ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128)

9:00 a.m.	NH Employment Security 32 South Main Street Concord, NH	Subcommittee Meeting on Seasonal Employment
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STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1, I)

9:30 a.m.	Room 101, LOB	Regular Meeting
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HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)

10:00 a.m.	Room 205, LOB	Regular Meeting
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MONDAY, JULY 11, 2011

GUARDIAN AD LITEM BOARD (RSA 490-C:1)

1:00 p.m.	Room 101, LOB	Regular Meeting
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FRIDAY, JULY 15, 2011

FISCAL COMMITTEE OF THE GENERAL COURT (RSA 14:30-a)

10:00 a.m. Rooms 210-211, LOB Regular Business

THURSDAY, JULY 21, 2011

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Rooms 305-307, LOB Regular Meeting

FRIDAY, JULY 22, 2011

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62)

9:00 a.m. Rooms 305-307, LOB Regular Meeting

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)

10:00 a.m. Room 201, LOB Regular Meeting

MONDAY, AUGUST 1, 2011

COMMISSION RELATIVE TO CHILDREN'S HEALTH INSURANCE (RSA 126-H:10)

1:00 p.m. Room 103, LOB Regular Meeting

GUARDIAN AD LITEM BOARD (RSA 490-C:1)

1:00 p.m. Room 101, LOB Regular Meeting

TUESDAY, AUGUST 2, 2011

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)

1:00 p.m. Room 205, LOB Health Information Exchange
Subcommittee Organizational
Meeting

THURSDAY, AUGUST 4, 2011

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Rooms 305-307, LOB Continued Meeting

FRIDAY, AUGUST 5, 2011

ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128)

9:00 a.m. NH Employment Security Quarterly Meeting
32 South Main Street
Concord, NH

MONDAY, AUGUST 8, 2011

EXOTIC AQUATIC WEEDS AND SPECIES COMMITTEE (RSA 487:30)

10:30 a.m. Room 308, LOB Regular Meeting

FRIDAY, AUGUST 12, 2011

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1, I)

9:30 a.m. Room 101, LOB Regular Meeting

THURSDAY, AUGUST 18, 2011

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Rooms 305-307, LOB Regular Meeting

FRIDAY, AUGUST 19, 2011

**GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION,
AND TREATMENT (RSA 12-J:1)**

2:30 p.m.

Rooms 302-304, LOB

Regular Meeting

FRIDAY, AUGUST 26, 2011

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)

10:00 a.m.

Room 201, LOB

Regular Meeting

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**ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2011
BILLS:**

SENATE BILLS: 2, 3, 26, 30, 35, 51, 63, 81, 86, 97, 116, 120, 147, 156, 174, 189

**HOUSE BILLS: 1, 2, 35, 44, 55, 86, 130, 132, 142, 175, 191, 246, 262, 284, 288, 291, 313, 339, 381, 390,
398, 426, 489, 490, 532, 571, 585, 609, 621, HCR 9**

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**FISCAL NOTE ADDITIONS AND UPDATES HAVE BEEN AMENDED TO THE BILLS ON THE
WEB SITE AND ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR THE FOLLOWING
2011 BILLS:**

**SENATE BILLS: 1, 3, 12, 20, 21, 22, 33, 35, 40, 53, 56, 58, 66, 70, 71, 72, 74, 75, 76, 81, 82, 83, 125, 128,
129, 130, 131, 132, 133, 136, 138, 139, 142, 145, 147, 148, 151, 152, 154, 155, 156, 157, 159, 160, 161, 162,
163, 165, 168, 170, 172, 183, 185, 186, 188**

**HOUSE BILLS: 26, 35, 72, 186, 205, 206, 210, 229, 231, 284, 289, 299, 330, 337, 411, 419, 444, 462, 468,
488, 489, 519, 528, 542, 557, 571, 601, 609, 621, 642**

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NOTICES

The LOB garage will be closed for essential repairs beginning July 5th and ending November 11th. Storrs Street garage will be open to all employees and legislators who will be displaced during the repairs. Thank you.

Senator Peter Bragdon, Senate President

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FRIDAY, JUNE 24, 2011

Senator Forrester is extending an invitation to all Senators interested in a tour of locations relevant to the Northern Pass Project on Friday, June 24, 2011. Those Senators interested will depart the State House at 7:30 a.m.

Senator Jeanie L. Forrester

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SUNDAY, JULY 10, 2011

The New Hampshire Liberty Alliance, publisher of the Gold Standard, invites all members to attend our annual Liberty Dinner. The NHLA Legislator of the Year award will be announced and the annual Liberty Rating legislative report card will be distributed. Date and time: Sunday, July 10th at the Chateau Restaurant, 201 Hanover Street in Manchester, 5:00 p.m. Reception and 6:00 p.m. Dinner. Legislators receive a discounted price of only \$25, which may be paid at the door. RSVP to info@nhliberty.org. More details at nhliberty.org.

Senator James R. Forsythe

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Legislative Ethics Committee

The Legislative Ethics Committee has voted unanimously to issue the following interpretive ruling, which is printed below in its entirety.

INTERPRETIVE RULING 2011-#1

(June 17, 2011)

Obligations of Legislators in Connection with Proposed Petitions for the Redress of Grievances

Questions have arisen regarding the obligations of legislators who receive requests from members of the public to present petitions for redress of grievances on their behalf. Specifically, the questions are (1) Whether legislators are obliged to “present” (*i.e.* sponsor) a petition simply at the request of a member of the public; and (2) Whether legislators are obliged to keep the content of a proposed petition confidential prior to its presentation. The Committee has reviewed applicable provisions of the New Hampshire Constitution, statutes, rules, and Ethics Guidelines governing the conduct of legislators in the performance of their duties as such, and interprets them as follows.

1. Obligation to present a petition. No such governing provision requires a legislator to “present” a petition simply because the legislator was requested to do so by a member of the public. On the contrary, as with any matter a legislator may be asked to sponsor, legislators must be free to exercise their best judgment about sponsoring it. As Edmund Burke, a great English legislator of the 18th Century put it: “Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.”

2. Obligation to keep confidential the content of a proposed petition. No such governing provision requires a legislator to keep confidential the content of petitions or other legislation the legislator is asked to sponsor by a member of the public, prior to its presentation. In the absence of express agreement by the legislator to hold the information confidential, there is no reasonable expectation that the content of a proposed petition will remain confidential. On the contrary, as with other proposed legislation, legislators should be free to pursue appropriate due diligence to evaluate the merits of a proposal before sponsoring it, which may well involve consultation with third parties about the relevant facts and other considerations.

For the Committee,
Martin L. Gross
Chairman

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SENATE SCHEDULE

Monday, July 4, 2011

Fourth of July (State Holiday)

Monday, September 5, 2011

Labor Day (State Holiday)

Monday, October 10, 2011

First day to file legislation for 2012 Senate Session

Friday, October 21, 2011 at 4:00 p.m.	Last day for the Office of Legislative Services to accept drafting of a Senate Bill or Resolution with complete information for the 2012 Session.
Thursday, November 10, 2011 at 4:00 p.m.	Deadline for sponsor to sign off on legislation.
Friday, November 11, 2011	Veterans' Day (State Holiday)
Tuesday, November 22, 2011 at 4:00 p.m.	Deadline for co-sponsors to sign off on legislation.
Thursday, November 24, 2011	Thanksgiving Day (State Holiday)
Friday, November 25, 2011	Day after Thanksgiving (State Holiday)
Monday, December 26, 2011	Christmas Day (State Holiday)

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