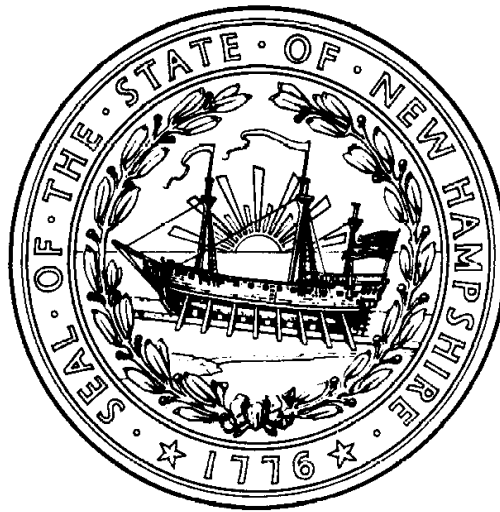


April 5, 2012
No. 14

STATE OF NEW HAMPSHIRE

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Second Year of the 162nd Session of the New Hampshire General
Court Legislative

SENATE CALENDAR

**THE SENATE WILL MEET IN SESSION ON WEDNESDAY, APRIL 11, 2012,
AT 10:00 A.M.**

LAI D ON THE TABLE

CACR 33, relating to biennial legislative sessions. Providing that the general court shall meet biennially. **03/28/12, Internal Affairs, SJ 8, pg. 287**

SB 74-FN, relative to the life settlements act. **01/25/12, pending motion Inexpedient to Legislate, Commerce, SJ 3, pg. 80**

SB 163-FN, relative to the New Hampshire health benefit exchange. **01/18/12, pending motion Committee Amendment (0164s), Commerce, SJ 2, pg. 36**

SB 279-FN, establishing registers of probate as clerks of the probate division of the circuit court. **03/07/12, pending motion Inexpedient to Legislate, Judiciary, SJ 6, pg. 164**

SB 292-FN, relative to property taxation of certain manufactured housing. **03/21/12, pending motion Committee Amendment (1217s), Ways and Means, SJ 7, pg. 252**

SB 293-FN, relative to notice requirements and payment of interest by the department of revenue administration for overpayments and underpayments of tax. **03/21/12, pending motion Inexpedient to Legislate, Finance, SJ 7, pg. 237**

SB 341, authorizing electronic payment of payroll. **03/28/12, pending motion Inexpedient to Legislate, Commerce SJ 8, pg. 272**

SB 355, clarifying the exemption for attorneys from licensing requirements for mortgage brokers or bankers. **02/15/12, pending motion Ought to Pass, Commerce, SJ 5, pg. 129**

SB 377-FN, relative to unemployment compensation eligibility for participants in the return to work program. **02/15/12, pending motion Committee Amendment (0655s), Commerce, SJ 5, pg. 130**

HB 518-FN-A, changing the prospective repeal date for the research and development tax credit. **03/21/12, pending motion Ought to Pass, Ways and Means SJ 7, pg. 254**

HB 1221, relative to the credit for the business enterprise tax against the business profits tax. **03/28/12, pending motion Ought to Pass, Ways and Means SJ 8, pg. 291**

CONSENT CALENDAR REPORTS

COMMERCE

HB 236, establishing a committee to study workers' compensation benefits for illegal aliens. Inexpedient to Legislate, Vote 5-0.

Senator Prescott for the committee.

This bill would establish a committee to study workers' compensation benefits for illegal aliens. The Prime Sponsor testified that this study could be accomplished with or without legislation so the Committee unanimously recommends inexpedient to legislate.

HB 408, clarifying the exemption for attorneys from licensing requirements for mortgage brokers or bankers.

Ought to Pass with Amendment, Vote 5-0.

Senator Houde for the committee.

This bill is identical to SB 355 which we tabled in anticipation of acting on this legislation instead. HB 408 clarifies an exemption from the licensing requirement for mortgage brokers or bankers for attorneys who provide legal services in connection with residential mortgage loans. HUD has come out with clarifying guidance that attorneys were never meant to be subject to regulation along with mortgage brokers or bankers. This legislation makes our statute consistent with that intent.

HB 581, regulating guaranteed price plans and prepaid contracts for petroleum.
Inexpedient to Legislate, Vote 5-0.
Senator Prescott for the committee.

This bill would require certain disclosures to be included in the prepaid contracts for heating oil, kerosene, or liquefied petroleum gas. This bill would also repeal certain solvency requirements for home heating oil dealers who offer prepaid contracts for home heating oil, kerosene, or liquefied petroleum gas. Many stakeholders believe, as does the committee, that this bill will not solve the problem it attempts to address.

HB 1370, making technical changes to the New Hampshire real estate practice act.
Ought to Pass, Vote 5-0.
Senator De Blois for the committee.

This bill is a request of the New Hampshire real estate commission to require a licensee to disclose his or her ownership interest in the property to a potential buyer or lessee. This bill also clarifies that the performance of administrative tasks by a facilitator does not form an agency relationship with the buyer or tenant in a real estate transaction.

ENERGY AND NATURAL RESOURCES

HB 1133, relative to membership of the enhanced 911 commission.
Ought to Pass, Vote 5-0.
Senator Bradley for the committee.

This bill updates the membership of the enhanced 911 commission, to include major communication vendors, public safety officials, and emergency dispatch experts and Comcast. This bill was requested by the department of safety.

HB 1211, establishing a committee to study the promotion of lease of state-owned land for use for beginning farmers.
Ought to Pass with Amendment, Vote 5-0.
Senator Bradley for the committee.

This bill establishes a committee to study the promotion of lease of state-owned land for use for beginning farmers. The amendment was introduced to define "beginning farmer" and also replace the Senate member of the study committee with a member of the Small and Beginner Farmers of New Hampshire.

HB 1356, classifying certain land in Litchfield as land to be retained by the state.
Ought to Pass, Vote 5-0.
Senator Bradley for the committee.

This bill assures that the Grassy Pond natural area in Litchfield will be placed, by statute, on the list of "retained lands" as the area offers rare, ecological value.

HB 1455-FN, relative to special licenses for taking lobster while engaged in recreational scuba diving.
Inexpedient to Legislate, Vote 5-0.
Senator Lambert for the committee.

This bill would have allowed special scuba diver lobster licenses for non-commercial taking of lobsters. The committee felt this may affect New Hampshire's conservative approach to the management of lobsters which has ensured that we have one of the few fisheries that is increasing its lobster resource.

HEALTH AND HUMAN SERVICES

HB 1281, establishing a committee to study alternative medical insurance coverage for elected state officials.
Ought to Pass with Amendment, Vote 5-0.

Senator De Blois for the committee.

This bill establishes a committee to study alternative medical insurance coverage for elected state officials. The committee amendment removes the Senate member from the committee.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1224, allowing municipalities to send tax, water, and sewer bills electronically.

Ought to Pass, Vote 5-0.

Senator Boutin for the committee.

This is an enabling piece of legislation which allows a municipality to electronically mail tax, sewer or water bills. The governing body of the municipality must first approve such action. The committee is assured sufficient consumer protections have been provided should a resident choose to opt into the electronic service.

HB 1266, requiring the assessing standards board to recommend standards rather than guidelines.

Ought to Pass, Vote 5-0.

Senator Stiles for the committee.

This bill is the completion of an eleven year project by the Assessing Standards Board to develop standards to be followed by assessors, selectmen and boards of assessors throughout the state relating to the administration of the property tax and assessment of real property used in any state property tax system. These standards do not differ from guidelines municipalities have followed through the last two assessing cycles.

HB 1301, relative to challenges to voters.

Inexpedient to Legislate, Vote 5-0.

Senator Barnes for the committee.

This bill attempts to remove the requirement that a person asserting a voter challenge submit an affidavit stating the basis of the challenge. The current law as written is fair to the voter and the voter challenger. This bill would also permit voter challenges to be submitted at the voter registration table on election day, which may disrupt voters trying to register with private or confidential information.

HB 1357, relative to the membership of mosquito control districts.

Ought to Pass with Amendment, Vote 5-0.

Senator Boutin for the committee.

This bill clarifies that a mosquito control district shall be governed by a board or committee consisting of up to five voters domiciled in the district.

HB 1563, relative to Greenland's water rights.

Ought to Pass with Amendment, Vote 5-0.

Senator Stiles for the committee.

This bill as amended has the support of both Greenland and Portsmouth. It allows Greenland options to provide its citizens with water service while having no impact on its participation in the Portsmouth Water District.

HB 1719, relative to the filing period for elections.

Ought to Pass, Vote 5-0.

Senator Merrill for the committee.

This bill authorizes the Secretary of State to change or extend the filing period for elections as necessary, if the redistricting process is not complete.

REGULAR CALENDAR REPORTS

CAPITAL BUDGET

HB 1203, relative to the membership of the capital budget overview committee.
Ought to Pass, Vote 4-0.
Senator Larsen for the committee.

COMMERCE

HB 247, relative to seller financing of mortgages and making changes to the laws regulating mortgage bankers and brokers and debt adjustment services.

Ought to Pass, Vote 4-1.

Senator Houde for the committee.

HB 1677-FN, relative to choice as to whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Ought to Pass with Amendment, Vote 3-1.

Senator Prescott for the committee.

EDUCATION

HB 219, restricting the rulemaking authority of the state board of education and establishing a legislative oversight committee to review the rulemaking authority of the state board of education.

Inexpedient to Legislate, Vote 3-0.

Senator Kelly for the committee.

HB 1703-FN, requiring the school board to develop and implement a policy that incorporates the foundations of financial literacy into the school curriculum and instruction.

Inexpedient to Legislate, Vote 3-0.

Senator Forsythe for the committee.

ENERGY AND NATURAL RESOURCES

HB 1231, removing the prohibition on the sale, gift, or display of certain young birds.

Ought to Pass, Vote 3-0.

Senator Lambert for the committee.

HB 1244, relative to firearms possession while trapping.

Inexpedient to Legislate, Vote 2-1.

Senator Lambert for the committee.

HB 1333, establishing a committee to study the establishment of a point system for violations of hunting and fishing laws and regulations enforced by the fish and game department.

Inexpedient to Legislate, Vote 2-1.

Senator Lambert for the committee.

HB 1336, relative to reciprocity for nonresident trainers of hunting dogs.

Ought to Pass, Vote 3-0.

Senator Gallus for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1127, relative to barbering apprentices.

Ought to Pass, Vote 3-0.

Senator Carson for the committee.

HB 1155, relative to the regulation of dentists by the board of dental examiners.

Ought to Pass, Vote 4-0.

Senator Larsen for the committee.

HB 1185-FN-A, relative to the police standards and training council.

Inexpedient to Legislate, Vote 4-0.

Senator Luther for the committee.

HB 1351, relative to disclosure of information by the board of funeral directors and embalmers and governing boards of allied health professionals.

Ought to Pass, Vote 2-0.

Senator White for the committee.

HB 1431, relative to requirements for a barber to obtain a license and for a licensed barber, cosmetologist, manicurist, or esthetician to obtain a shop license.

Inexpedient to Legislate, Vote 2-0.

Senator Carson for the committee.

HB 1448, requiring public access to any document and Internet content which is incorporated by reference in administrative rules.

Ought to Pass, Vote 3-0.

Senator Carson for the committee.

HEALTH AND HUMAN SERVICES

HB 1378, relative to transfer by pharmacy technicians of prescription drugs between pharmacies.

Ought to Pass, Vote 4-0.

Senator Kelly for the committee.

HB 1596, relative to the membership of the advisory council on child care.

Ought to Pass, Vote 4-0.

Senator Lambert for the committee.

HB 1618, relative to types of community living facilities.

Ought to Pass, Vote 4-0.

Senator Bradley for the committee.

HB 1644, relative to the regulation of individual home health care service providers by the department of health and human services.

Ought to Pass, Vote 4-0.

Senator Kelly for the committee.

INTERNAL AFFAIRS

HB 1670, apportioning executive council districts.

Ought to Pass with Amendment, Vote 4-1.

Senator Prescott for the committee.

JUDICIARY

HB 344-FN, relative to judicial performance evaluations.

Ought to Pass, Vote 4-0.

Senator Carson for the committee.

HB 1298, relative to the definition of “public use” under the eminent domain procedure act.

Interim Study, Vote 4-0.

Senator Forsythe for the committee.

HB 1311, changing a statutory reference to reflect the current homestead exemption amounts.

Ought to Pass, Vote 4-0.

Senator Forsythe for the committee.

HB 1384, relative to the statute of limitations for complaints against judges.

Inexpedient to Legislate, Vote 4-0.

Senator Houde for the committee.

HB 1394, relative to appeals of eminent domain decisions.

Inexpedient to Legislate, Vote 4-0.

Senator Carson for the committee.

HB 1532-FN, relative to trespass on land which is not posted.

Inexpedient to Legislate, Vote 4-0.

Senator Carson for the committee.

PUBLIC AND MUNICIPAL AFFAIRS

HB 108, relative to trees and roadside growth.

Ought to Pass, Vote 4-0.

Senator Stiles for the committee.

HB 1136, relative to special state elections.

Ought to Pass, Vote 4-0.

Senator Forrester for the committee.

HB 1664-FN, establishing a committee to study transferring election law enforcement to the secretary of state.

Ought to Pass with Amendment, Vote 4-0.

Senator Forrester for the committee.

TRANSPORTATION

HB 1307, relative to agricultural plates.

Ought to Pass with Amendment, Vote 3-0.

Senator Boutin for the committee.

HB 1310, increasing the number of days a motorcycle learner's permit is valid.

Ought to Pass with Amendment, Vote 3-0.

Senator Boutin for the committee.

HB 1330, establishing a committee to study blood testing of drivers after motor vehicle fatalities.

Ought to Pass with Amendment, Vote 4-0.

Senator Boutin for the committee.

HB 1504, reinstating the Maine-New Hampshire Interstate Bridge Authority.

Ought to Pass, Vote 4-0.

Senator Stiles for the committee.

HB 1585-FN, relative to inspections of trucks and buses.

Ought to Pass, Vote 3-0.

Senator Boutin for the committee.

HJR 22, supporting the use of an aversive agent in certain engine coolants and antifreeze to render them impalatable.

Inexpedient to Legislate, Vote 3-0.

Senator Forsythe for the committee.

AMENDMENTS

Commerce
March 27, 2012
2012-1465s
09/01

Amendment to HB 408

Amend RSA 397-A:4, V(b) as inserted by section 1 of the bill by replacing it with the following:

(b) If subparagraph (a) is construed by a governing federal agency to conflict with any federal law, rule, or governing federal agency interpretation promulgated under the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, the provisions of subparagraph (a) shall be superseded and no other provision of this chapter shall be affected until subparagraph (a) is amended by the general court.

Energy and Natural Resources
March 26, 2012
2012-1432s
08/04

Amendment to HB 1211

Amend the introductory paragraph of RSA 425:26, I as inserted by section 1 of the bill by replacing it with the following:

I. There is established a committee to study the promotion of lease of state-owned land for use for beginning farmers. For purposes of this subdivision, "beginning farmer" means a person who either has not operated a farm or who has operated a farm for not more than 10 consecutive years, who will materially and substantially participate in the operation of the farm. The members of the committee shall be as follows:

Amend RSA 425:26, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) One member from Small and Beginner Farmers of New Hampshire appointed by such organization.

Health and Human Services
April 3, 2012
2012-1516s
01/09

Amendment to HB 1281

Amend paragraph I as inserted by section 2 of the bill by replacing it with the following:

I. The members of the committee shall be 3 members of the house of representatives, appointed by the speaker of the house of representatives.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

Senate Transportation
March 29, 2012
2012-1501s
03/05

Amendment to HB 1307

Amend the bill by replacing section 3 with the following:

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

Senate Transportation
March 22, 2012
2012-1404s
03/09

Amendment to HB 1310

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

AN ACT increasing the number of days a motorcycle learner's permit is valid and requiring a driver's license for persons under 18 years of age to receive a motorcycle learner's permit.

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

2 Motorcycle Learner's Permit; Eligibility. Amend RSA 263:32, I to read as follows:

I. Upon application, the department shall issue a motorcycle learner's permit to a person 18 years of age or older or a person who is 16 years of age or older and under 18 years of age who has successfully completed an approved driver education course ***and has a valid New Hampshire driver's license***. Applicants for such permit shall furnish proof of their fitness to drive a motorcycle as the director in his or her discretion shall determine. Such proof of fitness shall include either passage of a written basic motorcycle knowledge test approved by the commissioner and the motorcycle rider education program advisory committee or successful completion of the motorcycle rider education program under RSA 263:34-b, but shall not include a driver examination.

2012-1404s

AMENDED ANALYSIS

This bill increases from 30 to 45 the number of days a motorcycle learner's permit is valid and requires a driver's license for persons under 18 years of age to receive a motorcycle learner's permit.

Senate Transportation
March 22, 2012
2012-1403s
03/09

Amendment to HB 1330

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. The members of the committee shall be 3 members of the house of representatives, appointed by the speaker of the house of representatives.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Two members of the committee shall constitute a quorum.

Public and Municipal Affairs
April 3, 2012
2012-1518s
01/09

Amendment to HB 1357

Amend RSA 430:14, I as inserted by section 1 of the bill by replacing it with the following:

I. Each mosquito control district shall be governed by a board or committee, consisting of ~~[3]~~ **up to 5** voters domiciled in the district, appointed by the local governing body, ~~[one each for terms of one, 2, and 3 years]~~ **initially appointed to staggered terms**. At the expiration of the terms of the members of the first board or committee, all appointments shall be for terms of 3 years and until their successors are appointed and qualified, but the individuals holding the appointment shall do so at the pleasure of the local governing body. At least one board or committee member should be a local governing body member; however, this one membership may be assigned. Vacancies shall be filled by the local governing body. Vacancies resulting for cause other than expiration of term shall be filled for the unexpired term.

Public and Municipal Affairs
April 3, 2012
2012-1519s
03/09

Amendment to HB 1563

Amend the bill by replacing section 1 with the following:

1 City May Extend Waterworks. Amend 1899, 205:1 to read as follows:
SECTION 1. The city of Portsmouth, in the county of Rockingham, in addition to the powers conferred by chapter 209 of the Laws of 1891, authorizing said city to manage and control its water supply, is hereby authorized and empowered and given the exclusive right to extend its system of water-works into the towns of Newington~~[-Greenland,]~~ and Newcastle, and that part of Rye northeast of the Wallis Sands life-saving station, and the road leading therefrom to Lang's Corner in the town of Rye, **and the nonexclusive right to extend its system of water-works into the town of Greenland**, all in the county of Rockingham, for the purpose of introducing into and distributing through said towns an adequate supply of water in subterranean or other pipes for extinguishing fires, and for the use of their citizens, and for other purposes~~[-; and for that purpose]~~. **The city of Portsmouth exclusively** may take, purchase, and hold, in fee simple or otherwise, free from taxation, any real or personal estate in said towns, and any rights therein and water rights necessary for carrying into effect the purposes of this act, **subject only to Greenland's right to**

exercise the same described rights within the town of Greenland for the purpose of supplying water within its boundaries.

Public and Municipal Affairs
March 27, 2012
2012-1462s
05/09

Amendment to HB 1664-FN

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. The members of the committee shall be 3 members of the house of representatives, appointed by the speaker of the house of representatives.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Two members of the committee shall constitute a quorum.

Internal Affairs
April 5, 2012
2012-1528s
03/10

Amendment to HB 1670

Amend the bill by replacing section 1 with the following:

1 Councilor Districts. RSA 662:2 is repealed and reenacted to read as follows:

662:2 Councilor Districts. The state is divided into 5 districts for the choosing of councilors, each of which may elect one councilor. The districts shall be constituted as follows:

I. Councilor district number 1 is constituted of the counties of Carroll and Coos, the unincorporated place of Livermore, the towns of Alton, Ashland, Bath, Belmont, Benton, Bethlehem, Bridgewater, Bristol, Center Harbor, Easton, Ellsworth, Farmington, Franconia, Gilford, Haverhill, Hebron, Landaff, Lincoln, Lisbon, Littleton, Lyman, Madbury, Meredith, Middleton, Milton, Monroe, New Durham, New Hampton, Northfield, Piermont, Rollinsford, Sanbornton, Sugar Hill, Thornton, Tilton, Warren, Waterville Valley, and Woodstock, and the cities of Dover, Laconia, Rochester, and Somersworth.

II. Councilor district number 2 is constituted of the county of Sullivan, the towns of Alexandria, Alstead, Andover, Boscawen, Bradford, Campton, Canaan, Canterbury, Chesterfield, Danbury, Dorchester, Dublin, Enfield, Fitzwilliam, Gilsum, Grafton, Groton, Hancock, Hanover, Harrisville, Henniker, Hill, Hinsdale, Holderness, Hopkinton, Lyme, Marlborough, Marlow, Nelson, New London, Newbury, Orange, Orford, Peterborough, Plymouth, Richmond, Roxbury, Rumney,

Salisbury, Stoddard, Sullivan, Surry, Sutton, Swanzey, Troy, Walpole, Warner, Webster, Wentworth, Westmoreland, Wilmot, and Winchester, and the cities of Concord, Franklin, Keene, and Lebanon.

III. Councilor district number 3 is constituted of the towns of Atkinson, Brentwood, Chester, Danville, Derry, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Pelham, Plaistow, Raymond, Rye, Salem, Sandown, Seabrook, South Hampton, Stratham, and Windham, and the city of Portsmouth.

IV. Councilor district number 4 is constituted of the towns of Allenstown, Auburn, Barnstead, Barrington, Bedford, Bow, Candia, Chichester, Deerfield, Durham, Epsom, Gilmanston, Hooksett, Lee, Londonderry, Loudon, Northwood, Nottingham, Pembroke, Pittsfield, and Strafford, and the city of Manchester.

V. Councilor district number 5 is constituted of the towns of Amherst, Antrim, Bennington, Brookline, Deering, Dunbarton, Francestown, Goffstown, Greenfield, Greenville, Hillsborough, Hollis, Hudson, Jaffrey, Litchfield, Lyndeborough, Mason, Merrimack, Milford, Mont Vernon, New Boston, New Ipswich, Rindge, Sharon, Temple, Weare, Wilton, and Windsor, and the city of Nashua.

Commerce
April 4, 2012
2012-1525s
06/01

Amendment to HB 1677-FN

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

AN ACT relative to freedom of choice on whether to join a labor union.

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

1 Name of Act. It is the intent of the general court that this act be known as “The Franklin A. Partin Jr. Right to Work Act.”

2 New Chapter; Right to Work Act. Amend RSA by inserting after chapter 273-C the following new chapter:

CHAPTER 273-D

RIGHT TO WORK ACT

273-D:1 Short Title. This act may be cited as the “Right to Work Act.”

273-D:2 Declaration of Public Policy. It is hereby declared to be the public policy of this state in order to maximize individual freedom of choice in the pursuit of employment and to encourage an employment climate conducive to economic growth, that all persons shall have, and shall be protected in the exercise of, the right freely, and without fear of penalty or reprisal, to form, join, or assist labor organizations, or to refrain from any such activity.

273-D:3 Definitions. In this chapter:

I. “Employer” means any individual, corporation, association, organization, or entity that employs one or more persons. The term includes, but is not limited to, the state of New Hampshire and its agencies, every district, board, commission, instrumentality, or other unit whose governing body exercises similar governmental powers. The term “employer” includes, but is not limited to, employers of agricultural labor.

II. “Labor organization” means any organization of any kind, or agency or employee representation committee or plan, which exists for the purpose, in whole or in part, of dealing with

employers concerning grievances, labor disputes, wages, rates of pay, hours of work, or other conditions of employment.

273-D:4 Freedom of Choice Guaranteed, Discrimination Prohibited. No person shall be required, as a condition of employment or continuation of employment:

I. To resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;

II. To become or remain a member of a labor organization;

III. To pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization;

IV. To pay any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments, or other charges of a labor organization; or

V. To be recommended, approved, referred, or cleared by or through a labor organization.

273-D:5 Voluntary Deductions Protected. It shall be unlawful for any employer to deduct from the wages, earnings, or compensation of any employee any dues, fees, assessments, or other charges, to be held for, transferred to, or paid over to a labor organization, unless the employee has first presented, and the employer has received, a signed written authorization of such deductions, which authorization may be revoked by the employee at any time by giving written notice of such revocation 30 days in advance of its effective date. Every employer who receives such an authorization from an employee shall have a duty to promptly notify that employee in writing that the employee may revoke an authorization at any time by giving the employer 30 days written notice.

273-D:6 Agreements in Violation, and Actions to Induce Such Agreements, Declared Illegal. Any agreement, understanding or practice, written or oral, implied or expressed, between any labor organization and employer which violates the rights of employees as guaranteed by the provisions of this chapter is hereby declared to be unlawful, null and void, and of no legal effect. Any strike, picketing, boycott, or other action, by a labor organization for the sole purpose of inducing or attempting to induce an employer to enter into any agreement prohibited under this chapter is hereby declared to be for an illegal purpose and is a violation of the provisions of this chapter.

273-D:7 Notice to be Posted. It shall be the duty of every employer to post and keep continuously displayed the following notice at such a place or places in the business, establishment, or premises where it may be readily seen by all employees, and it shall be the further duty of every employer to furnish a copy of such notice to each employee at the time the employee is hired:
EMPLOYEES FREEDOM OF CHOICE

Under the law of the state of New Hampshire, employees are protected in the exercise of their free choice to join or refrain from joining labor unions, and it is unlawful for an employer and a labor union to enter into a contract or agreement requiring them to pay dues, fees, or charges of any kind to a labor union as a condition of obtaining or keeping a job. Under this law, an employer may not discharge or otherwise discriminate against an employee because of joining or refusing to join a labor union, or to pay dues, or other charges to a labor union.

273-D:8 Coercion and Intimidation Prohibited. It shall be unlawful for any person, labor organization, or officer, agent or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or the employee's parents, spouse, children, grandchildren, or any other persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to property, to compel or attempt to compel such employee to join, affiliate with, or financially support a labor organization or to refrain from doing so, or otherwise forfeit any rights as guaranteed by provisions of this chapter. It shall also be unlawful to cause or attempt to cause an employee to be denied employment or discharged from employment because of support or nonsupport of a labor organization by inducing or attempting to induce any other person to refuse to work with such employees.

273-D:9 Penalties. Any person, employer, labor organization, agent, or representative of an employer or labor organization, who directly or indirectly imposes upon any person any requirement prohibited by this chapter shall be guilty of a misdemeanor, and, notwithstanding RSA 651:2, shall

be subject for each offense to a fine not exceeding \$1,000, or to imprisonment not exceeding 90 days, or both.

273-D:10 Civil Remedies. Any person harmed as a result of any violation or threatened violation of the provisions of this chapter shall be entitled to injunctive relief against any and all violators or persons threatening violation, and may also recover any or all damages of any character, including costs and reasonable attorney fees, resulting from such violation or threatened violation, cognizable at common law. Such remedies shall be independent of, and in addition to, the penalties and remedies prescribed in other provisions of this chapter.

273-D:11 Duty to Investigate. It shall be the duty of the attorney general and of each county attorney, to investigate any complaints of violation of this chapter, and to prosecute all persons violating any of its provisions, and to use all means at their command to insure effective enforcement of the provisions of this chapter.

273-D:12 Existing Contracts. The provisions of this chapter shall apply to all contracts entered into on or after the effective date of this chapter and shall not apply to existing contracts, but shall apply to any renewal or extensions of such existing contracts.

273-D:13 Exceptions. The provisions of this chapter shall not apply:

- I. To employers and employees covered by the federal Railway Labor Act.
- II. To federal employers and employees.
- III. To employers and employees on exclusive federal enclaves.
- IV. Where they would otherwise conflict with, or be preempted by, federal law.

273-D:14 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

3 Effective Date. This act shall take effect January 1, 2013.

2012-1525s

AMENDED ANALYSIS

This bill prohibits collective bargaining agreements that require employees to join a labor union.

HEARINGS

TUESDAY, APRIL 10, 2012

COMMERCE, Room 102, LOB

Sen. Prescott (C), Sen. Sanborn (VC), Sen. De Blois, Sen. Houde, Sen. White

9:00 a.m. **HB 171**, relative to restrictions on liquor licenses.

(THE PREVIOUS HEARING FOR HB 171 WAS RECESSED ON MARCH 27TH)

9:10 a.m. **HB 1172**, authorizing nano brewery, beverage manufacturer, and brew pub licensees to sell their products at farmers' markets and establishing an alcohol consultant license.

9:30 a.m. **HB 1208**, relative to advertising of alcoholic beverages.

9:50 a.m. **HB 1574**, relative to an employee's lunch or eating period.

10:10 a.m. **HB 1270**, requiring an employer to disclose non-compete and non-piracy agreements prior to making an offer of employment or an offer of change in job classification.

EXECUTIVE SESSION MAY FOLLOW

EDUCATION, Room 103, LOB

Sen. Stiles (C), Sen. Forsythe (VC), Sen. Carson, Sen. Kelly, Sen. Prescott

1:00 p.m. **HB 1202-FN**, amending the definition of "sending district" as it applies to students attending regional vocational education programs.

- 1:15 p.m. **HB 1589**, establishing a committee to study and propose a recodification of the education laws currently in RSA title 15.
- 1:30 p.m. **HB 1417**, relative to a student's freedom of association.
- 1:45 p.m. **HB 1167**, relative to the calculation of days in the school year.
- 2:00 p.m. **HB 533-FN-L**, establishing a cap on the amount of school building aid grants distributed in each fiscal year.

EXECUTIVE SESSION MAY FOLLOW

PUBLIC AND MUNICIPAL AFFAIRS, Room 101, LOB

Sen. Barnes (C), Sen. Forrester (VC), Sen. Boutin, Sen. Merrill, Sen. Stiles

- 9:00 a.m. **HB 1405**, relative to refugee resettlement.
- 9:30 a.m. **HB 1416-L**, relative to a required fluoride statement.
- 10:00 a.m. **HB 1633**, relative to a tally requirement on school district warrant articles.
- 10:15 a.m. **HB 1174**, relative to negotiations for contracts for county employees.
- 10:45 a.m. **HB 121**, relative to eligibility for the property tax exemption for the disabled.
- 11:05 a.m. **HB 1308**, relative to the definition of "public body" under the right-to-know law.

EXECUTIVE SESSION MAY FOLLOW

WAYS AND MEANS, Room 100, SH

Sen. Odell (C), Sen. Luther (VC), Sen. Boutin, Sen. D'Allesandro, Sen. Morse, Sen. Rausch

- 1:00 p.m. **HB 1204**, relative to matching funds of highway projects, and relative to the administration of the meals and rooms tax.
- 1:15 p.m. **HB 1207-FN**, defining the owner of timber rights for purposes of timber tax assessment.
- 1:30 p.m. **HB 1294**, relative to applications for abatement of property taxes.
- 1:45 p.m. **HB 1418-FN-A**, increasing the threshold amounts for taxation under the business enterprise tax.

EXECUTIVE SESSION MAY FOLLOW

THURSDAY, APRIL 12, 2012

ENERGY AND NATURAL RESOURCES, Room 102, LOB

Sen. Odell (C), Sen. Gallus (VC), Sen. Bradley, Sen. Lambert, Sen. Merrill

- 9:00 a.m. **HB 1233**, establishing a statute of limitations on wetlands filling and dredging.
- 9:15 a.m. **HB 1380**, relative to the development of wetland mitigation banks.
- 9:30 a.m. **HB 1415**, relative to permits for repair or replacement of sewage and waste disposal system.
- 9:45 a.m. **HB 1477**, relative to the definition of spent materials.
- 10:00 a.m. **HB 1636**, relative to the extension of fill and dredge in wetlands permits.
- 10:15 a.m. **HB 1721**, relative to permitting for the replacement of sewage disposal systems and relative to oil spillage prevention, control, and countermeasure plans.

EXECUTIVE SESSION MAY FOLLOW

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, SH

Sen. Carson (C), Sen. Groen (VC), Sen. Larsen, Sen. Luther, Sen. White

- 9:00 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**
- 10:00 a.m. **HB 1460**, establishing a defined contribution retirement plan for public employees.
- 10:30 a.m. **HB 1483-FN**, repealing the retirement system special account.
- 11:00 a.m. **HB 1521-FN**, relative to retired state employees group insurance participation.

EXECUTIVE SESSION MAY FOLLOW

FINANCE, Room 103, SH

Sen. Morse (C), Sen. Odell (VC), Sen. Barnes, Sen. Bragdon, Sen. D'Allesandro, Sen. Forrester, Sen. Gallus

- 1:00 p.m. **HB 1274-FN**, transferring the McAuliffe-Shepard discovery center to a private nonprofit corporation and making supplemental appropriations.
- 1:15 p.m. **HB 1361**, relative to fiscal notes on bills.
- 1:30 p.m. **HB 1552-FN**, relative to the reporting of funds.
- 1:45 p.m. **HB 1652-FN-A**, requiring the transfer of insurance premium tax revenue to the department of health and human services and the revenue stabilization reserve account.

EXECUTIVE SESSION MAY FOLLOW

HEALTH AND HUMAN SERVICES, Room 100, SH

Sen. Bradley (C), Sen. De Blois (VC), Sen. Kelly, Sen. Lambert, Sen. Sanborn

- 1:00 p.m. **HB 1660-FN**, relative to abortions after 20 weeks.
- 1:20 p.m. **HB 1659-FN**, relative to the women's right to know act regarding abortion information.
- 1:40 p.m. **HB 1679-FN**, relative to partial-birth abortion.
- 2:00 p.m. **HB 1680-FN**, relative to the duties of the oversight committee on health and human services.

EXECUTIVE SESSION MAY FOLLOW

JUDICIARY, Room 101, LOB

Sen. Houde (C), Sen. Carson (VC), Sen. Groen, Sen. Luther, Sen. Forsythe

- 1:00 p.m. **HB 127-FN**, relative to the definition of oral communication.
(NOTE THE TIME CHANGE FOR HB 127-FN)
- 1:15 p.m. **HB 1223-FN**, relative to remedies under the right-to-know law.
(NOTE THE TIME CHANGE FOR HB 1223-FN)
- 1:30 p.m. **HB 1535-FN**, relative to arrest records under the right-to-know law.
(NOTE THE TIME CHANGE FOR HB 1535-FN)
- 1:45 p.m. **HB 415**, relative to access to abuse and neglect investigation records pending a child custody dispute.
- 2:00 p.m. **HB 1273**, relative to the termination of parental rights in cases where the child is born of rape.

EXECUTIVE SESSION MAY FOLLOW

TRANSPORTATION, Room 103, LOB

Sen. Rausch (C), Sen. Boutin (VC), Sen. Forsythe, Sen. Kelly, Sen. Stiles

- 9:00 a.m. **HB 1716**, relative to the state 10-year transportation improvement program.

EXECUTIVE SESSION MAY FOLLOW

TUESDAY, APRIL 17, 2012

COMMERCE, Room 102, LOB

Sen. Prescott (C), Sen. Sanborn (VC), Sen. De Blois, Sen. Houde, Sen. White

- 9:00 a.m. **HB 1410**, relative to securities regulation.
- 9:20 a.m. **HB 1579**, authorizing the department of employment security to garnish the wages of individuals with delinquent unemployment compensation overpayments.
- 9:40 a.m. **HB 1366**, relative to employer charges for unemployment compensation benefits and relative to suitable work and eligibility requirements for claimants for unemployment compensation benefits.

EXECUTIVE SESSION MAY FOLLOW

JOINT SENATE-HOUSE FINANCE AND WAYS AND MEANS COMMITTEES, Rooms 210-211, LOB

FINANCE, Sen. Morse (C), Sen. Odell (VC), Sen. Barnes, Sen. Bragdon, Sen. D'Allesandro, Sen. Forrester, Sen. Gallus **WAYS AND MEANS**, Sen. Odell (C), Sen. Luther (VC), Sen. Boutin, Sen. D'Allesandro, Sen. Morse, Sen. Rausch

1:00 p.m. NCSL briefing on the Federal Deficit and the Federal Budget Control Act and their impact on states.

THURSDAY, APRIL 19, 2012

ENERGY AND NATURAL RESOURCES, Rooms 305-307, LOB

Sen. Odell (C), Sen. Gallus (VC), Sen. Bradley, Sen. Lambert, Sen. Merrill

9:30 a.m. **HB 1490-FN**, relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

EXECUTIVE SESSION MAY FOLLOW

HEALTH AND HUMAN SERVICES, Room 102, LOB

Sen. Bradley (C), Sen. De Blois (VC), Sen. Kelly, Sen. Lambert, Sen. Sanborn

1:00 p.m. **HB 1402**, relative to the sale of homemade food and licensing of certain milk producer-distributors.

1:15 p.m. **HB 1725-FN**, prohibiting health care practitioner self-referrals for medical devices.

EXECUTIVE SESSION MAY FOLLOW

THURSDAY, APRIL 26, 2012

HEALTH AND HUMAN SERVICES, Room 100, SH

Sen. Bradley (C), Sen. De Blois (VC), Sen. Kelly, Sen. Lambert, Sen. Sanborn

1:00 p.m. **HB 1617-FN**, repealing the certificate of need law.

EXECUTIVE SESSION MAY FOLLOW

MEETINGS

FRIDAY, APRIL 6, 2012

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

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

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

10:00 a.m. Room 205, LOB Regular Meeting

MONDAY, APRIL 9, 2012

COMMITTEE TO STUDY THE LAWS RELATING TO CONDOMINIUM AND HOMEOWNERS' ASSOCIATIONS (RSA 356-B:70)

9:00 a.m. Room 304, LOB Organizational Meeting

ECONOMIC STRATEGIC COMMISSION TO REVIEW THE RELATIONSHIP BETWEEN NEW HAMPSHIRE BUSINESSES AND STATE GOVERNMENT (RSA 359-K:2)

10:00 a.m. Room 305-307, LOB Regular Meeting

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

10:30 a.m. Room 303, LOB Regular Meeting

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21)

3:00 p.m. Room 100, SH Regular Meeting

TUESDAY, APRIL 10, 2012

JOINT COMMITTEE ON LEGISLATIVE FACILITIES (RSA 17-E:1)

10:00 a.m. Room 100, SH Regular Meeting

HOME EDUCATION ADVISORY COUNCIL (RSA 193-A:10)

3:30 p.m. Department of Education Regular Meeting

Room 15
101 Pleasant Street
Concord, NH

THURSDAY, APRIL 12, 2012

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

2:00 p.m. UNH School of Law Regular Meeting

The Franklin Center Board Room
Room 175
2 White Street
Concord, NH

COMMISSION TO STUDY BUSINESS REGULATIONS IN NH (RSA 359-L)

3:00 p.m. Room 303, LOB Subcommittee Meeting

3:00 p.m. Room 307, LOB Subcommittee Meeting

FRIDAY, APRIL 13, 2012

GUARDIAN AD LITEM BOARD (490-C:1)

9:00 a.m. Room 102, LOB Non-Public Session of the Complaint Review Committee

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

9:00 a.m. Room 303, LOB Regular Meeting

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

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

10:30 a.m. Rooms 210-211, LOB Audits
State of New Hampshire Single Audit of Federal Financial Assistance Programs for the Year Ended June 30, 2011

State of New Hampshire Turnpike System Management Letter For The Fiscal Year Ended June 30, 2011

State of New Hampshire Public Utilities Commission and its Administratively Attached Agencies Performance Audit April 2012

State of New Hampshire Banking
 Department Financial Audit Report
 Fiscal Year Ended June 30, 2011

MONDAY, APRIL 16, 2012

COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T:1)

10:00 a.m. Room 303, LOB Regular Meeting

LEGISLATIVE OVERSIGHT COMMITTEE TO MONITOR COMPLIANCE WITH THE REQUIREMENTS FOR ONLINE ACCESS TO BUDGET INFORMATION AND REPORTS UNDER RSA 9-F:1 (RSA 9-F:2)

10:00 a.m. Room 308, LOB Regular Meeting

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25)

1:00 p.m. Room 201, LOB Regular Meeting

COMMITTEE TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009)

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

TUESDAY, APRIL 17, 2012

NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g)

11:00 a.m. Upham-Walker House Regular Meeting
 18 Park Street
 Concord, NH

THURSDAY, APRIL 19, 2012

SHORELAND ADVISORY COMMITTEE (RSA 483-B:21)

9:00 a.m. Department of Environmental Regular Meeting
 Services, Room 214
 29 Hazen Drive
 Concord, NH

COMMISSION TO STUDY THE EFFECTS OF SERVICE-CONNECTED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY SUFFERED IN THE LINE OF DUTY BY MEMBERS OF THE ARMED FORCES AND VETERANS (RSA 115-D:1)

2:30 p.m. Room 203, LOB Regular Meeting

COMMISSION TO STUDY BUSINESS REGULATIONS IN NH (RSA 359-L)

3:00 p.m. Room 303, LOB Subcommittee Meeting on the
 Definition of Independent Contractor

FRIDAY, APRIL 20, 2012

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

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

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

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

MONDAY, APRIL 23, 2012

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

9:00 a.m. Room 305, LOB Regular Meeting

THURSDAY, APRIL 26, 2012

COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE (RSA 359-L)
 3:00 p.m. Room 303, LOB Regular Meeting

FRIDAY, APRIL 27, 2012

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)
 10:00 a.m. Room 203, LOB Regular Meeting

WEDNESDAY, MAY 2, 2012

ADVISORY COMMITTEE ON THE EDUCATION OF CHILDREN/STUDENTS WITH DISABILITIES (RSA 186-C:3-b)
 4:30 p.m. NH Department of Education Regular Meeting
 Londergan Hall, Room 15
 101 Pleasant Street
 Concord, NH

FRIDAY, MAY 4, 2012

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)
 9:00 a.m. Rooms 305-307, LOB Continued Meeting

MONDAY, MAY 7, 2012

STATE COMMITTEE ON AGING (RSA 161-F:7, I)
 10:00 a.m. DHHS, Brown Building Regular Meeting
 129 Pleasant Street
 Concord, NH

THURSDAY, MAY 10, 2012

COMMISSION TO STUDY BUSINESS REGULATIONS IN NH (RSA 359-L)
 3:00 p.m. Room 303, LOB Subcommittee Meeting
 3:00 p.m. Room 307, LOB Subcommittee Meeting

MONDAY, MAY 14, 2012

NH COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2)
 10:00 a.m. NH Higher Education Quarterly Meeting
 Assistance Foundation
 4 Barrell Court
 Concord, NH

FRIDAY, MAY 18, 2012

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)
 9:00 a.m. Rooms 305-307, LOB Regular Meeting
GUARDIAN AD LITEM BOARD (RSA 490-C:1)
 1:00 p.m. Room 101, LOB Regular Meeting

THURSDAY, MAY 24, 2012

COMMISSION TO STUDY BUSINESS REGULATIONS IN NH (RSA 359-L)

3:00 p.m.

Room 303, LOB

Full Committee Meeting

SENATE BILLS AMENDED BY THE HOUSE

SB 49, relative to tip pooling arrangements.

SB 152-FN, relative to participation in state employees' group insurance by members of the general court.

SB 153-FN, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board.

SB 188-FN, establishing a committee to study establishing an office of the inspector general.

SB 190, relative to the duties and membership of the executive branch ethics committee.

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 2012 BILLS:

SENATE BILLS: 19, 48, 71, 74, 83, 84, 132, 142, 152, 153, 155, 159, 160, 163, 168, 185, 186, 188, 198, 203, 212, 217, 219, 225, 227, 234, 239, 244, 247, 266, 271, 272, 275, 276, 279, 285, 289, 294, 302, 303, 305, 307, 309, 311, 312, 313, 320, 321, 324, 326, 330, 338, 343, 347, 348, 358, 366, 369, 370, 372, 375, 381, 383, 392, 399, 405, 407, 409

HOUSE BILLS: 72, 110, 186, 210, 222, 225, 228, 242, 247, 263, 269, 325, 330, 351, 378, 420, 440, 449, 466, 479, 508, 518, 520, 528, 602, 652, 654, 1155, 1185, 1204, 1251, 1302, 1230, 1251, 1297, 1366, 1383, 1418, 1455, 1483, 1495, 1505, 1510, 1526, 1534, 1546, 1593, 1611, 1644, 1679, 1680, 1698, 1721

ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2012 BILLS:

HOUSE BILLS: 648

NOTICES

STATE HOUSE COMPLEX DISPOSAL BOXES

The General Court is exploring the issue of the disposal of dirty syringes, needles, and any other sharps into the proper disposal boxes.

During the first phase of exploration, we will have a sharps box for collection in the Health Services Department to place all sharps in. This will assist us in planning if there is any viability of placing like containers in the complex.

Senator Jeb Bradley, Senate Majority Leader

The components of the NH Dental Society will be inviting legislators to events in their area in order to share information regarding oral health issues in New Hampshire. Please watch for invitations in the mail.

Senator Jeb Bradley, Senate Majority Leader
 Senator Sylvia B. Larsen, Senate Minority Leader

WEDNESDAY, APRIL 11, 2012

All legislators and staff are cordially invited to stop by the State House cafeteria on Wednesday, April 11, 2012, to talk with faculty and students from various New Hampshire colleges and universities (including UNH, Dartmouth, Franklin Pierce, Keene State, Plymouth State, St. Anselm's, Great Bay Community College, and others) about their biomedical research projects.

IDeA's Network of Biomedical Research Excellence, which funds this research in NH, is designed to increase research opportunities for students and faculty, develop research cultures at partner schools, increase the number of students that continue in research, and enhance the science training of the NH work force. Students in your district may well be there, so come see their research in action. The group will be on hand starting at noon.

Senator Matthew S. Houde
 Senator Nancy E. Stiles

THURSDAY, APRIL 12, 2012

The City and Town Clerks Association would like to invite all Senators to breakfast on Thursday, April 12th from 8:00 a.m. to 9:30 a.m. in the cafeteria. Come and meet your clerk.

Senator Jeb Bradley, Senate Majority Leader

WEDNESDAY, APRIL 18, 2012

Members of the General Court and staff are invited to join UNH President Mark W. Huddleston on Wednesday, April 18th from 12:00 p.m. to 1:30 p.m. at St. Paul's Church, 21 Centre Street, to learn how the University of New Hampshire is driving research and innovation in New Hampshire and forging job-creating partnerships with New Hampshire businesses. Please register by April 11th at www.unh.edu/universityevents or call (603) 862-3660. Brown bag lunches will be provided.

Senator Amanda Merrill

WEDNESDAY, APRIL 18, 2012

All members of the Senate are invited to the first annual Technology Showcase presented by the Department of Information Technology (DoIT), to be held April 18th, 2012 from 4:00 p.m. to 6:00 p.m., at the Division of Motor Vehicles Auditorium, 23 Hazen Drive, Concord, NH. Join other Legislators and Commissioners for the informative keynote address by DoIT Commissioner S. William Rogers on the State's investment in technology and our future direction. Learn more about DoIT and view live demonstrations of the information technology systems that run the State, such as the DHHS Immediate Response Management System, the DOS E-Ticketing System, the NHES Job Match System, the DoIT Business OneStop System, the DES E-Permitting System, and several others. Please RSVP by April 17th to: www.nh.gov/open-house.html. Registration is free.

Senator Sharon M. Carson

WEDNESDAY, APRIL 25, 2012

“Banding Together for Oral Health” – All Senators and their staff are invited to join the NH Oral Health Coalition for breakfast and displays in the State House Cafeteria on Wednesday, April 25th from 7:30 a.m. to 9:00 a.m. Breakfast will be served starting at 7:30 a.m. and will be provided by Elizabeth’s at the State House. We hope to see you there! RSVP to: gbrown@nhoralhealth.org

Senator Jeb Bradley, Senate Majority Leader
Senator Sylvia B. Larsen, Senate Minority Leader

WEDNESDAY, APRIL 25, 2012

All members of the Senate are cordially invited to join ServiceLink representatives from each county in the State House cafeteria on Wednesday, April 25th during the lunch break for an informal luncheon reception. Sandwiches, hot and cold drinks, and desserts will be provided.

Senator Chuck W. Morse

WEDNESDAY, APRIL 25, 2012

The American Red Cross and the Greater Concord Chamber of Commerce cordially invite you to a Legislative Reception on Wednesday, April 25th, 4:30 p.m. to 6:00 p.m. at the NH Red Cross Headquarters located at 2 Maitland Street in Concord. Join a gathering of elected officials, business leaders, and representatives from the Red Cross for refreshments and informal conversation as we move closer to the end of the legislative session. Directions to Red Cross, 2 Maitland Street, Concord: Head southeast on N. Main Street toward Pitman Street for 1.0 miles. Turn right onto S. Main Street and drive 0.4 miles. Turn right onto Maitland Street. 2 Maitland Street and Red Cross building will be on your right.

Senator Jeb Bradley, Senate Majority Leader
Senator Sylvia B. Larsen, Senate Minority Leader

THURSDAY, APRIL 26, 2012

All Legislators and staff are invited to the Biennial Legislative Health Screening Day presented by Health Services. This event will be held on Thursday, April 26th on the 3rd floor of the LOB from 12:00 p.m. to 4:00 p.m. There will be blood pressure screenings, blood sugar screenings, glaucoma screenings, fall prevention/balance screenings, even a chair massage by Hesser College, and lots more! Got questions? Bring them to our participating professionals - including medical doctors, dentists, pharmacists, and ophthalmologists - for quick and up-to-date information. Contact State House Health Services at 271-2757 for more information.

Senator Jeb Bradley, Senate Majority Leader

LEGISLATIVE ETHICS COMMITTEE

The Legislative Ethics Committee has voted to issue the following advisory opinion, which is printed below in its entirety.

Advisory Opinion 2012-2
Response to a Request for an Advisory Opinion
from Representative Kenneth Kreis
(March 16, 2012)

Pursuant to RSA 14-B:3, I (c), Rep. Kenneth Kreis has requested an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, he may participate in official activities regarding 2012 HB 1219, relative to the definition of wildlife for purposes of regulation by the Fish and Game Department.

According to information provided to the Committee by Rep. Kreis, he is licensed as a “wildlife propagator” by the Fish and Game Department, for which he pays a fee of \$35.00. In that capacity, he has assisted friends in preparing farmed red deer and elk for market. Rep. Kreis has stated that neither he nor any family member has received any compensation of any kind for such activity. HB 1219 would redefine “wildlife” to exclude farmed red deer and elk from that category.

Specifically, Rep. Kreis asks whether on the basis of this information, he would have a reportable financial interest or conflict of interest that would bear on his ability to participate in official activities regarding HB 1219, or similar legislation.

Relevant provisions of applicable law are:

Ethics Guidelines

- 1 Principles of Public Service, Paragraphs I and II
- 2 Definitions, Paragraphs II. "Conflict Of Interest", V. "Financial Interest", and X. "Official Activities"
- 3 Legislator's Financial Disclosure Form, Introduction and Paragraph 2
- 4 Prohibited Activities, Paragraphs II, III. and V.
- 5 Conflict of Interest Procedure (all)

(See full text set out in Appendix)

We advise as follows:

Based on Rep. Kreis's representations, we assume that his purpose in proposing legislation involving the Fish and Game Department is not to pursue any private interest that would be incompatible with the public good. If that were otherwise, his participation in official activity concerning the Bill, and other legislation involving the Department, could implicate *Guidelines*, Section 1, Principles of Public Service, Paragraph I, which prohibits legislators from using the powers and resources of public office to attain personal benefits or pursue any other private interest incompatible with the public good. See also *Guidelines* Section 4, Prohibited Activities, Paragraphs II and III.

Rep. Kreis has given assurances that neither he nor any family member has received any financial benefit or effect from his activities as a licensed wildlife propagator, and therefore none from the potential enactment of HB 1219. Based on these assurances, we conclude that there would be no “conflict of interest” within the meaning of the specific financial conflict of interest provisions of the Guidelines that would affect his participation in official activity concerning the Bill.

However, because Rep. Kreis pays a fee for his license as a wildlife propagator, he might well have a reportable financial interest in future legislation that would change the licensing fee. To avoid violation of the Guidelines that might result from his participation in official activity in connection with such a bill, he should list his position as wildlife propagator under Item II(a) in the Financial Disclosure Form required of legislators by Section 3 of the Guidelines.

Because the questions raised by Rep. Kreis's request may be of general interest to legislators beyond the specific facts provided by Rep. Kreis, we offer the following observations to promote better understanding of the relevant provisions of the Guidelines.

Principle I of the Guidelines requires legislators generally to use the powers and resources of public office only to advance public interests, and not to obtain personal benefits or pursue *any other private interest* incompatible with the public good. Similarly, Principle II of the Guidelines requires legislators to decide all matters on the merits free from conflicts of interest and both *real and apparent improper influences*. These are principles of public service that legislators should always bear in mind and abide by, in addition to the specific provisions of the Guidelines relating to financial conflict of interest. Also, the Prohibited Acts set forth in Section 4 of the Guidelines broadly proscribe official activity that is motivated by pursuit of personal or private benefit, financial or otherwise. See this Committee's *Special Report to the Speaker Regarding Complaint 97-1, (re Rep. Roland Hemon)* decided July 1, 1997.

<http://gencourt.state.nh.us/ethics/Complaints/priordecisions/1997-1%20Special%20Report.pdf>

Those broad prohibitions on pursuit of private interest are distinct from the specific financial conflict of interest provisions of the Guidelines, which are triggered only by the presence of financial interest in the outcome of an official activity. As the Guidelines definitions state:

II. "Conflict Of Interest" is the condition in which a legislator has a financial interest in any official activity. * * *

V. "Financial Interest" is a reasonably foreseeable direct material financial effect which is greater on the legislator, legislative officer, legislative employee, or a family member than on the general public. * * *

[Emphasis added].

Furthermore, even where a legislator may have a financial interest in an official activity (and therefore a conflict of interest as defined), the financial conflict of interest provisions of the Guidelines do not require a legislator to recuse, or decline to participate in the matter, or authorize anyone else to require the legislator to do so. In this respect, the Guidelines are patterned after the traditional British Parliamentary standard, recognizing that in a citizen legislature, members must earn a living and therefore may have private financial interests of one kind or another that may be affected by legislation. Accordingly, instead of disqualification, in the case of financial conflict of interest what the Guidelines require is disclosure, so that the legislator's colleagues and the voters can be made aware of the legislator's potential motivations, and respond accordingly.

The Guidelines provide two specific mechanisms for disclosure:

(1) Annually filing the Financial Disclosure Form specified by Section 3, which requires disclosure of the legislator's primary sources of substantial income, as well as membership in groups that may be specially affected by legislation; and

(2) where the Financial Disclosure Form may not adequately disclose a special interest with respect to a specific official activity, filing a Declaration of Intent Form disclosing the interest as specified in Section 5 of the Guidelines, and stating whether the legislator will either participate, or not participate, in the official activity in question. The decision to participate or recuse is for the legislator to make, not others. In the succinct words of the Guidelines, the point of the Declaration is to "permit clear public awareness and understanding of the nature and extent of the conflict," thereby allowing colleagues and the electorate to judge the legislator's conduct accordingly.

Where a legislator is aware that he or she has a reportable conflict but is uncertain whether to file a Declaration of Intent Form, the better practice would be to file the form, because it will better serve the purpose of disclosure. Similarly, filing a Declaration of Intent form is also appropriate where a legislator might reasonably be thought to have a special, private but non-financial interest influencing the official activity. See Advisory Opinion 2010-5, *Request of Rep. Alida Millham*, September 20, 2010 (membership on board of directors of not-for-profit organization specially affected by proposed official activity requires filing Declaration of Intent).

http://gencourt.state.nh.us/ethics/Advisory_Opinions/2010-5.pdf . The Ethics Committee's Executive Administrator is available to assist legislators in filing the form.

We appreciate the opportunity to be of assistance.

For the Committee,
Martin L. Gross
Chairman

[Vote: 7 - 0]

{The full texts of relevant provisions of the Ethics Guidelines are set forth in an Appendix to this Advisory Opinion, available at http://gencourt.state.nh.us/ethics/Advisory_Opinions/AO_Blurbs.htm }

SENATE SCHEDULE

Thursday, May 03, 2012	Deadline for Policy Committees to ACT on all House bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-3 (b).
Thursday, May 17, 2012	Last Day to ACT on all House bills.
Thursday, May 24, 2012	Last Day to FORM Committees of Conference.
Monday, May 28, 2012	Memorial Day (State Holiday)
Thursday, May 31, 2012	Last Day to SIGN Committee of Conference Reports.
Thursday, June 07, 2012	Last Day to ACT on Committee of Conference Reports.
Wednesday, July 04, 2012	Independence Day (State Holiday)
Monday, September 03, 2012	Labor Day (State Holiday)
Monday, November 12, 2012	Veterans' Day (State Holiday)
Thursday, November 22, 2012	Thanksgiving Day (State Holiday)
Friday, November 23, 2012	Day after Thanksgiving (State Holiday)
Tuesday, December 25, 2012	Christmas Day (State Holiday)
Tuesday, January 01, 2013	New Year's Day (State Holiday)

VISITORS' CENTER SCHEDULE – MARCH & APRIL

State House Visitation Schedule

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in 2012. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the school year and subject to changes.

Please contact the Visitors' Center concerning school tour booking information. Legislators planning to meet with students should notify the Visitors' Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director
Deborah Rivers, Public Information Administrator

DATE	TIME	GROUP	Group#/Grade
April 6	12:00	Merrimack Valley Middle School	10/MS
April 6	10:00/11:15	Paul Smith School – Franklin	100/4
April 6	11:45	Goshen-Lempster Cooperative School	22/4
April 6	11:45	Russell Elementary School – Rumney	8/4
April 6	1:30	Fire Academy Trainees	25
April 9	9:15	Chichester Elementary School	34/4
April 9	10:00/11:30	Nottingham West School – Hudson	70/4
	SH/HM		
April 9	3:00	Teen Pact	
April 10	9:15	Green Valley Montessori School – Pembroke	12/4,5,6
April 10	10:00/11:30	Nottingham West School – Hudson	70/4
	SH/HM		
April 11	10:15/11:30	Crescent Lake School – Wolfeboro	80/4
	SH/HM		
April 11	9:15	Holy Family Academy – Manchester	24/7&8
April 11	1:00	Alvirne High School – French Exchange	40/HS
April 12	9:30/11:00	Hillsboro-Deering School	90/4
	SH/HM		
April 13	9:30/10:30	DAR	100
	SH/HM		
April 13	11:00	Thornton Ferry School – Merrimack	50/4
April 13	12:30	Teen Pact Family Day	
April 16	9:45/11:00	Richards Elementary School – Newport	80/4
	SH/HM		
April 16	1:00	Beaver Meadow School – Concord	24/4
April 17	9:00	Henniker Community School	43/4
April 17	10:00/11:30	Garrison School – Dover	100/4
	SH/HM		
April 17	12:30	Hopkinton High School French Exchange students	30/HS
April 18	9:45/11:00	Horne St. School – Dover	80/4
	SH/HM		
April 19	9:30	Epsom Central School	50/4
April 19	11:00	Gilmanton Elementary School	50/4
April 20	9:30/11:00	Thornton Ferry School – Merrimack	100/4
	SH/SC		
April 23	1:00	Hampton Christian Home School	25
April 25	10:00	Fuller School – Keene	53/4
April 25	11:00	Derry Girl Scouts	20
April 26	9:30	Lisbon Regional School	26/4

April 26	11:15	Lancaster Elementary School	28/4
April 27	10:00	Ray School – Hanover	45/4
April 30	9:30/11:00	Seabrook Middle School	68/4