

April 19, 2012
No. 16

STATE OF NEW HAMPSHIRE

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



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

SENATE CALENDAR

**THE SENATE WILL MEET IN SESSION ON
WEDNESDAY, APRIL 25, 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 383, prohibiting the collection of certain agency fees from state employees who are not members of the state employees' association. **4/18/12, pending motion Inexpedient to Legislate, Executive Departments and Administration SJ 10, pg. TBA**

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 1460, establishing a defined contribution retirement plan for public employees. **4/18/12, pending motion Ought to Pass with Amendment, Executive Departments and Administration SJ 10, pg. TBA**

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. **4/11/12, pending motion Committee Amendment (1525s), Commerce, SJ 9, pg. 341**

CONSENT CALENDAR REPORTS

COMMERCE

HB 171, relative to restrictions on liquor licenses.

Ought to Pass, Vote 5-0.

Senator Prescott for the committee.

This bill prohibits the liquor commission from imposing restrictions on on-premises licenses relating to clothing or appearance of patrons or employees. This bill also authorizes enforcement actions by the liquor commission against licensees whose premises are regularly the site of violence.

HB 1208, relative to advertising of alcoholic beverages.

Ought to Pass, Vote 5-0.

Senator Sanborn for the committee.

This bill will provide parity in advertising between liquor licensees and retailers and the State Liquor Commission through certain publications, but maintains restrictions on advertising in publications intended for minors. This bill also aligns labeling requirements for instate manufactures/brewers with existing federal label standards for beer that is produced and sold solely in New Hampshire.

HB 1409, relative to definitions under the Uniform Securities Act.

Ought to Pass, Vote 5-0.

Senator White for the committee.

This bill is a request of the bureau of securities regulation to make various changes to definitions under the Uniform Securities Act. This bill will provide a clear definition of what is or is not a security and when someone is or is not engaged as an investor.

HB 1579, authorizing the department of employment security to garnish the wages of individuals with delinquent unemployment compensation overpayments.

Ought to Pass, Vote 5-0.

Senator De Blois for the committee.

This bill is a request of the Department of Employment Security to authorize the department to garnish the wages of individuals with delinquent unemployment compensation overpayments. This bill will give the department another tool to help them collect monies that were paid to claimants who collected unemployment compensation under false pretenses.

ENERGY AND NATURAL RESOURCES

HB 1415, relative to permits for repair or replacement of sewage and waste disposal system.

Ought to Pass with Amendment, Vote 5-0.

Senator Gallus for the committee.

This bill creates a permit for the repair or replacement of certain sewage or waste disposal systems. Furthermore, this bill ensures that the homeowner will continue to have documentation that a “state approved system” exists on the site. The amendment simply made two very minor edits.

HB 1636, relative to the extension of fill and dredge in wetlands permits.

Ought to Pass with Amendment, Vote 5-0.

Senator Merrill for the committee.

This bill as amended provides that certain fill and dredge permits for repair or replacement of shoreline structures damaged by storms or ice shall expire 10 years from the date the permit was issued. This creates an exception to the current permit time frame of five years, and will only be available if the work to be permitted does not violate the conditions of the original permit for the structure.

INTERNAL AFFAIRS

HB 1195, relative to membership of the joint legislative historical committee.

Ought to Pass, Vote 5-0.

Senator Bradley for the committee.

This bill permits members of the joint legislative historical committee to appoint designees to the committee. This committee does very important work but has found it difficult to garner the quorum necessary to do its job. This bill will create the flexibility in membership necessary for the committee to function successfully.

HB 1256, establishing a New Hampshire state register of historic places.

Ought to Pass, Vote 5-0.

Senator Bragdon for the committee.

This bill formalizes a very successful program to recognize the state’s historical properties by establishing an official state register of historical places. Properties listed on this state register are not subject to restrictions, unlike those on the national register. These properties do, however, have a higher likelihood of qualifying for grants and other incentives to encourage preservation.

REGULAR CALENDAR REPORTS

COMMERCE

HB 420-FN, relative to the definition of employee and clarifying the criteria for exempting workers from employee status.

Ought to Pass with Amendment, Vote 4-1.

Senator Prescott for the committee.

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.

Ought to Pass, Vote 5-0.

Senator Sanborn for the committee.

HB 1574, relative to an employee's lunch or eating period.

Inexpedient to Legislate, Vote 4-1.

Senator Houde for the committee.

HB 1587, relative to employer safety programs.

Ought to Pass with Amendment, Vote 4-1.

Senator Prescott for the committee.

HB 1645-FN, relative to decertification of a bargaining unit.

Interim Study, Vote 3-2.

Senator White for the committee.

ENERGY AND NATURAL RESOURCES

HB 256-FN, relative to the administrative appeals process of the department of environmental services and establishing a committee to study the appeal process of the department of environmental services.

Ought to Pass with Amendment, Vote 5-0.

Senator Lambert for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1255, relative to the membership of the commission on primary care workforce issues.

Ought to Pass, Vote 3-0.

Senator Luther for the committee.

FINANCE

HB 138-FN, relative to the cold case homicide unit.

Ought to Pass with Amendment, Vote 5-0.

Senator D'Allesandro for the committee.

HB 269-FN, relative to the authority of departments to transfer funds among budget accounting units.

Ought to Pass with Amendment, Vote 6-0.

Senator Morse for the committee.

HB 602-FN-A, relative to funding the law requiring reporting of health care acquired infections.

Ought to Pass, Vote 6-0.

Senator Morse for the committee.

HB 1221, relative to the credit for the business enterprise tax against the business profits tax and conforming the interest and dividends tax to federal tax definitions.

Ought to Pass, Vote 6-0.

Senator Odell for the committee.

HB 1593-FN, relative to the department of information technology.

Ought to Pass, Vote 5-0.

Senator Forrester for the committee.

INTERNAL AFFAIRS

HB 1671, apportioning congressional districts.

Interim Study, Vote 5-0.

Senator Bradley for the committee.

HB 1672, apportioning delegates to state party conventions.

Ought to Pass, Vote 5-0.

Senator Lambert for the committee.

JUDICIARY

HB 283-FN, relative to impaired drivers.

Ought to Pass with Amendment, Vote 3-0.

Senator Carson for the committee.

PUBLIC AND MUNICIPAL AFFAIRS

HB 121, relative to eligibility for the property tax exemption for the disabled.
Ought to Pass with Amendment, Vote 2-1.
Senator Merrill for the committee.

HB 655, establishing a committee to study issues regarding the New Hampshire Local Government Center.
Inexpedient to Legislate, Vote 4-0.
Senator Boutin for the committee.

HB 1174, relative to negotiations for contracts for county employees.
Inexpedient to Legislate, Vote 4-0.
Senator Forrester for the committee.

HB 1254, establishing a committee to study the effect of illegal immigration on the state and its political subdivisions.
Ought to Pass with Amendment, Vote 3-1.
Senator Boutin for the committee.

HB 1308, relative to the definition of “public body” under the right-to-know law.
Inexpedient to Legislate, Vote 4-0.
Senator Barnes for the committee.

HB 1371, relative to conflicts of interest of county government officials.
Interim Study, Vote 4-0.
Senator Merrill for the committee.

HB 1405, relative to refugee resettlement.
Interim Study, Vote 3-1.
Senator Barnes for the committee.

HB 1416-L, relative to a required fluoride statement.
Ought to Pass with Amendment, Vote 4-0.
Senator Boutin for the committee.

HB 1546, recodifying the laws relative to religious societies and adding a religious exemption to the insurance mandates relative to coverage for contraception.
Interim Study, Vote 4-0.
Senator Barnes for the committee.

HB 1673-FN, relative to complaints of election law violations.
Ought to Pass with Amendment, Vote 4-0.
Senator Forrester for the committee.

TRANSPORTATION

HB 1128, relative to ignition interlock device recalibration and data reports.
Ought to Pass with Amendment, Vote 3-0.
Senator Boutin for the committee.

HB 1304, relative to the waiver of financial responsibility requirements for certain habitual offenders.
Ought to Pass, Vote 3-0.
Senator Kelly for the committee.

WAYS AND MEANS

HB 242-FN-A, relative to the net operating loss carryover under the business profits tax.
Ought to Pass, Vote 5-0.
Senator Rausch for the committee.

HB 1204, relative to matching funds of highway projects, and relative to the administration of the meals and rooms tax.
Ought to Pass, Vote 5-0.
Senator Rausch for the committee.

HB 1207-FN, defining the owner of timber rights for purposes of timber tax assessment.
Ought to Pass with Amendment, Vote 5-0.
Senator Boutin for the committee.

AMENDMENTS

Public and Municipal Affairs
April 18, 2012
2012-1721s
10/05

Amendment to HB 121

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

1 Exemption for the Disabled; Eligibility; Social Security Act. Amend RSA 72:37-b, I and I-a to read as follows:

I.(a) Upon its adoption by a city or town as provided in RSA 72:27-a, any person who is eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled shall receive a yearly exemption in an amount to be chosen by the town or city.

(b) A person who meets the criteria for disability that are used under Title II or Title XVI of the federal Social Security Act, but who is not eligible for benefits under such titles because he or she is not insured for disability benefits under the Social Security Act, shall qualify for the exemption under subparagraph (a), provided that the person submits an affidavit from a physician licensed in New Hampshire that attests to the fact that the person meets the criteria for disability under Title II or Title XVI of the Social Security Act.

I-a. Upon the adoption of this paragraph by a city or town as provided in RSA 72:27-a, a person who is eligible under Title II or Title XVI of the federal Social Security Act on his or her sixty-fifth birthday, *or who is eligible for an exemption as provided in paragraph I(b) on his or her sixty-fifth birthday*, shall remain eligible for a yearly exemption either in the amount of the exemption applicable under paragraph I or the amount of the elderly exemption granted to the person under RSA 72:39-b, whichever is greater.

2 Application to Previously Adopted Exemptions. The amendment to RSA 72:37-b, I and I-a made in section 1 of this act shall be effective and made applicable in any city or town that has previously adopted the exemption for the disabled under RSA 72:37-b, and pursuant to RSA 72:27-a, IV, such changes are hereby expressly effective without further action by the city or town.

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

2012-1721s

AMENDED ANALYSIS

This bill requires that the property tax exemption for the disabled applies to persons who meets the criteria for disability that are used under Title II or Title XVI of the federal Social Security Act, but who are not eligible for benefits under such titles. The changes apply in cities and town that previously adopted the exemption for the disabled without further action by the city or town.

Senate Finance
April 19, 2012
2012-1760s
04/01

Amendment to HB 138-FN

Amend RSA 21-M:8-m, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The attorney general shall apply for, accept, and expend funds from federal, private, or any other source for the purposes of this section. Funding for the state police and department of justice personnel for the cold case unit established in paragraph I shall be contingent upon the receipt of grants or federal funds for such purpose, including but not limited to, funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, 111th Cong. (2009).

Energy and Natural Resources
April 18, 2012
2012-1746s
06/01

Amendment to HB 256-FN

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

1 Attorney General; Hearing Officer. Amend RSA 21-M:3, IX to read as follows:

IX. When designated as the hearing officer for a particular appeal, the hearing officer shall:

(a) Regulate all procedural aspects of a proceeding, including presiding over the hearing and any prehearing conferences;

(b) Subject to RSA 21-0:14, at the first prehearing conference order the parties and any persons who have been allowed to intervene to participate in mediation if the hearing officer concludes that it is reasonably possible that mediation will result in the resolution of the issues in dispute in the proceeding. No order to mediate shall stay the appeal proceeding;

~~[(b)]~~ (c) Adopt all findings of fact made by the council except to the extent any such finding is without evidentiary support in the record;

~~[(c)]~~ (d) Deliberate with the council before reaching conclusions on mixed questions of law and fact;

~~[(d)]~~ (e) Decide all questions of law presented during the pendency of the appeal; and

~~[(e)]~~ (f) Prepare and issue written decisions on all motions and on the merits of the appeal within 90 days of the conclusion of the hearing on the merits. The hearing officer shall provide the council with a proposed written decision on the merits within 45 days of the conclusion of the hearing on the merits. If requested to do so by the members of the council participating in the discussion, the hearing officer shall meet with those members within the 90 day period to discuss the decision.

2 Administrative Appeals; Water Council. Amend RSA 21-O:7, IV to read as follows:

IV. The water council shall hear all administrative appeals from department decisions relative to the functions and responsibilities ~~[within the expertise]~~ of the division of water other than department decisions made under RSA 482-A relative to wetlands and RSA 483-B relative to shoreland protection, and shall decide all disputed issues of fact in such appeals, in accordance with RSA 21-O:14.

3 Administrative Appeals; Department Decision. RSA 21-O:14, I is repealed and reenacted to read as follows:

I.(a) For purposes of this chapter, “department permitting decision” means the department’s final action to grant in whole or in part, with or without conditions, or to deny an application or other request for a license as defined in RSA 541-A:1, VIII, whether the action is taken by the commissioner or by the department official who has statutory authority to take such final action or to whom the commissioner has properly delegated the authority to take such final action.

(b) For purposes of this section, “department enforcement decision” means:

(1) The issuance of an administrative order issued under specific statutory authority for such an order, whether described as an order, an administrative order, a cease and desist order, a notice of violation and order of abatement, or other similar name, which specifies the facts and law that support the department’s determination that one or more violations are occurring or have occurred and orders the recipient to cease on-going violations and to take such remediation actions as are necessary to come into compliance with applicable requirements.

(2) The revocation of or the refusal to renew a license as defined in RSA 541-A:1, VIII based on the permit holder’s non-compliance with the statute, rules, or terms and conditions of the license or on other good or just cause as defined in rules adopted relative to the license.

(c) “Department decision” means a department permitting decision, a department enforcement decision, and any other decision made by the department that is expressly appealable to a council under the statute granting authority to the department to make the decision. The term does not include rulemaking or an agency declaratory ruling as provided for in RSA 541-A.

4 Administrative Appeals. Amend RSA 21-O:14, I-a to read as follows:

I-a. Any person aggrieved by a department decision may, in addition to any other remedy provided by law, appeal to the council having jurisdiction over the subject matter of the appeal ***within 30 days of the date of the decision and shall set forth fully in a notice of appeal every ground upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal shall be considered by the council.*** On any such appeal, the council shall determine whether the department decision was unlawful or unreasonable by reviewing the administrative record together with any evidence and testimony the parties to the appeal may present.

5 New Paragraphs; Administrative Appeals; Early Dispute Resolution Option; Mediation Procedure. Amend RSA 21-O:14 by inserting after paragraph I-a the following new paragraphs:

I-b. As an alternative to filing an appeal under paragraph I-a and in addition to any other remedy provided by law, any person aggrieved by a department permitting decision may, within 30 days of the date of the decision, file with the council having jurisdiction over the subject matter of the appeal a preliminary notice of appeal and an offer to enter into settlement discussions. Filings made under this paragraph shall be made on forms maintained by the department and shall be governed by the following:

(a) Notwithstanding any other provision of law prescribing the contents of a notice of appeal, a preliminary notice of appeal shall contain only information identifying the appellant, the decision being appealed, and a list of every ground on which the appellant claims that the decision is unlawful or unreasonable.

(b) The preliminary notice of appeal and offer to enter into settlement discussions shall be served on the commissioner and, if not filed by the applicant, on the applicant on the same day as they are filed with the council.

(c) The offer to enter into settlement discussions shall propose mediated settlement discussions, unmediated settlement discussions, or both.

(d) The department and, if applicable, the applicant shall notify the appellant in writing within 7 days whether they accept the offer to enter into settlement discussions. Any such notification accepting the offer shall propose dates within the ensuing 30 days on which to hold the settlement discussions, and if the appellant's offer proposed both mediated and unmediated settlement discussions the notification shall elect one or the other.

(e) A notice of appeal that complies fully with the council's rules shall be filed no later than 45 days after the preliminary notice of appeal was filed by the appellant under this paragraph. No notice of appeal shall raise grounds for appeal beyond those contained in the preliminary notice of appeal.

(f) If the department and, if applicable, the applicant accept the offer to enter into settlement discussions the appeal shall be stayed until a notice of appeal is filed under subparagraph (e).

(g) If the parties enter into mediated settlement discussions under this paragraph, the provisions of paragraph I-c (a), (b), and (d) shall apply.

I-c. For all mediations ordered pursuant to RSA 21-M:3, IX(b):

(a) The mediator shall be selected by the participants.

(b) The cost of the mediation shall be borne equally by the participants unless the department elects not to pay its share of the cost of the mediation, in which case the appellant and any person who has been allowed to intervene may either agree to bear the cost of the mediation or be excused from the obligation to mediate.

(c) The pre-hearing order issued by the hearing officer shall specify a time period not to exceed 45 days within which the parties shall mediate. The parties may jointly request a specific amount of additional time if they have not reached a complete agreement within the time period specified by the hearing officer but believe a complete agreement can be reached within the additional time.

(d) If the parties and any intervenors reach agreement as a result of mediation and the agreement includes the issuance of a new or revised permit, only persons who did not participate in the mediation and who are aggrieved by the new or revised permit shall be entitled to appeal the issuance of such permit.

I-d. In any appeal of a department enforcement decision filed pursuant to paragraph I-a, the hearing officer shall not order the department to participate in mediation pursuant to RSA 21-M:3, IX(b). The department may participate in mediation in such cases in its sole discretion.

6 Air Pollution Control; Appeals; Time for Filing. RSA 125-C:12, III is repealed and reenacted to read as follows:

III. Any person aggrieved by a decision of the commissioner to grant in whole or in part, with or without conditions, or to deny a permit who wishes to appeal the decision shall proceed in accordance with RSA 21-O:14.

7 Fill and Dredge in Wetlands; Powers of Department. Amend RSA 482-A:6, III and IV to read as follows:

III. Whenever it is found that a wetlands is at immediate risk from dredging, filling, or other activity in violation of this chapter, the department may issue an emergency order in writing requiring the immediate cessation of such activity. Any person to whom such an order is directed shall comply immediately, but may ~~[request reconsideration and then]~~ appeal as provided in RSA 482-A:10.

IV. The department may issue an order to any person in violation of this chapter, a rule adopted under this chapter or any condition in a permit issued under this chapter to comply with this chapter, the rule or the permit, and require such remedial measures as may be necessary. Any person to whom such an order is directed may ~~[request reconsideration and then]~~ appeal as provided in RSA 482-A:10.

8 Fill and Dredge in Wetlands; Appeals. RSA 482-A:10, IV is repealed and reenacted to read as follows:

IV. An appeal from a decision of the department under RSA 482-A:3 after reconsideration, or an appeal from an order issued by the department under RSA 482-A:6, shall be filed in accordance with the applicable provisions of RSA 21-0:14 and rules adopted by the council pursuant to RSA 541-A regarding the number of copies to be filed, the address to which the notice of appeal must be sent or delivered, and the method of delivery.

9 New Paragraph; Fill and Dredge in Wetlands; Notice of Appeal. Amend RSA 482-A:10 by inserting after paragraph IV the following new paragraph:

IV-a. A notice of appeal to the council shall contain a detailed description of the land involved in the department's decision and shall set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal shall be considered by the council.

10 Availability of Mediation in Pending Appeals. In addition to applying to all appeals filed on or after the effective date of this act, section 1 shall apply to any appeal that has been filed but has not yet had a hearing on the merits before the council as of the effective date of this act.

11 Committee Established. There is established a committee to evaluate alternative models for appealing decisions of the department of environmental services, adjudicating cases relating to environmental issues, and evaluating opportunities for application of the recommended systems to appeals of other agencies to achieve greater efficiency, impartiality, cost effectiveness, and enhanced delivery of justice.

12 Membership and Compensation.

I. The members of the committee shall be six members of the house of representatives, 2 of whom shall serve on the resources, recreation and development committee, and at least 2 of whom shall serve on the house judiciary committee, 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.

13 Duties. The committee shall study the effectiveness of delivering justice, efficiency, impartiality, costs, and benefits of alternative processes for appealing decisions of the department of environmental services and adjudicating environmental issues. The committee shall also evaluate opportunities for the application of the recommended systems to appeals of other agencies.

14 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. Four members of the committee shall constitute a quorum.

15 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, the chief justice of the New Hampshire supreme court, and the state library on or before November 1, 2012.

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

Senate Finance

April 18, 2012

2012-1731s

05/10

Amendment to HB 269-FN

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

AN ACT relative to the office of the secretary of state.

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

1 New Paragraph; Department of State. Amend RSA 5:1 by inserting after paragraph III the following new paragraph:

IV. Pursuant to RSA 9:1 the term "department" shall not apply to the department of state in the execution of the constitutional duties of the office of the secretary of state.

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

2012-1731s

AMENDED ANALYSIS

This bill states that the department of state is not a department of the state in the execution of the constitutional duties of the office of the secretary of state.

Senate Judiciary

April 16, 2012

2012-1660s

03/09

Amendment to HB 283-FN

Amend RSA 265-A:18, I(b)(3) as inserted by section 4 of the bill by replacing it with the following:

(3) Sentenced to a mandatory sentence of not less than 17 consecutive days in the county correctional facility, of which 12 days shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 5 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period;

Amend RSA 265-A:18, IV(a)(3)(B) as inserted by section 4 of the bill by replacing it with the following:

(B) If the complaint alleges that the prior conviction occurred more than 2 but not more than 10 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 17 consecutive days in the county correctional facility, of which 12 days shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 5 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period; and

Amend the bill by replacing all after section 10 with the following:

11 Transition Provision; Phasing-out Multiple DWI Offender Intervention Program (M.O.P.) for the Impaired Driver Care Management Program (IDCMP). If a person was sentenced to the multiple DWI offender intervention program (M.O.P.) under RSA 651:2, V(h) or RSA 265-A:18 prior to January 1, 2013, and the person has not successfully completed the multiple DWI offender intervention program as of January 30, 2013, then such person shall be required to participate in the impaired driver care management program (IDCMP) as established under RSA 265-A:40.

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

Commerce

April 17, 2012

2012-1698s

01/10

Amendment to HB 420-FN

Amend RSA 275:4, II(e) as inserted by section 1 of the bill by replacing it with the following:

(e) The person holds himself or herself out to be in business for himself or herself ***or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations.***

Amend RSA 275:42, II(e) as inserted by section 2 of the bill by replacing it with the following:

(e) The person holds himself or herself out to be in business for himself or herself ***or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations.***

Amend RSA 275-E:1, I(e) as inserted by section 3 of the bill by replacing it with the following:

(e) The person holds himself or herself out to be in business for himself or herself ***or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations.***

Amend RSA 279:1, X(e) as inserted by section 4 of the bill by replacing it with the following:

(e) The person holds himself or herself out to be in business for himself or herself ***or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations.***

Amend RSA 281-A:2, VI(b)(1)(E) as inserted by section 5 of the bill by replacing it with the following:

(E) The person holds himself or herself out to be in business for himself or herself ***or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations.***

Senate Transportation

April 19, 2012

2012-1756s

10/03

Amendment to HB 1128

Amend RSA 265-A:36, VI(g) as inserted by section 2 of the bill by replacing it with the following:

(g) Provide reports to the department when data specified in department rules becomes available. The department shall make data from the reports available to the director of the division of motor vehicles, appropriate prosecutor, prosecuting agency, treatment provider, probation officer, and defense attorney by means of authorizing the interlock provider to provide these entities with secure electronic access to the data via the interlock provider's web-based portal.

Senate Ways and Means

April 17, 2012

2012-1710s

10/01

Amendment to HB 1207-FN

Amend RSA 79:1, II(a)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) For purposes of tenants-in-common, any one or more of the tenants-in-common that hold title to the subject property. For purposes of RSA 79:10, I(a), any one or more of tenants-in-common may sign an intent to cut. Provided, however, that non-signing tenants-in-common shall have been notified by certified mail by the applicant of the intent to cut at least 30 days prior to cutting and that a bond or surety is filed to secure payment of the yield tax if any tenant-in-common does not sign or give a power of attorney to sign a notice of intent to cut.

Public and Municipal Affairs

April 18, 2012

2012-1718s

05/01

Amendment to HB 1254

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

I. The committee shall be composed of 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. Two members of the committee shall constitute a quorum.

Energy and Natural Resources
April 13, 2012
2012-1651s
08/04

Amendment to HB 1415

Amend the introductory paragraph of RSA 485-A:33, IV(a) as inserted by section 2 of the bill by replacing it with the following:

IV.(a) The repair or replacement in-kind of a sewage effluent disposal area shall qualify for a permit by rule, provided all of the following criteria are met:

Amend RSA 485-A:33, IV(f) as inserted by section 2 of the bill by replacing it with the following:

(f) For purposes of this paragraph, "in-kind" shall mean a repair or replacement of the effluent disposal area in strict accordance with what is shown on the previously approved plan.

Public and Municipal Affairs
April 18, 2012
2012-1723s
06/01

Amendment to HB 1416-LOCAL

Amend the bill by replacing section 1 with the following:

1 New Section; Water Systems; Fluoride Statement Required. Amend RSA 485 by inserting after section 14-a the following new section:

485:14-b Fluoride Statement Required.

I. If a public water supply is fluoridated, the following notice shall be posted in the water system's consumer confidence report: "Your public water supply is fluoridated. According to the Centers for Disease Control and Prevention, if your child under the age of 6 months is exclusively consuming infant formula reconstituted with fluoridated water, there may be an increased chance of dental fluorosis. Consult your child's health care provider for more information."

II. The notice shall be located in the section of the consumer confidence report dedicated to water quality.

2012-1723s

AMENDED ANALYSIS

This bill requires a fluoride statement to be posted in a water system's consumer confidence report if the water supply is fluoridated.

Commerce
April 17, 2012
2012-1701s
01/04

Amendment to HB 1587

Amend the bill by deleting section 1 and renumbering the original sections 2-6 to read as 1-5, respectively.

Energy and Natural Resources
April 16, 2012
2012-1659s
06/01

Amendment to HB 1636

Amend the bill by replacing section 1 with the following:

1 Excavating and Dredging Permit; Certain Exemptions. Amend RSA 482-A:3, XIV-a to read as follows:

XIV-a.(a) *With the exception of permits issued under subparagraph (b)*, all permits issued pursuant to this chapter shall be valid for a period of 5 years. Requests for extensions of such permits may be made to the department. The department shall grant one extension of up to 5 additional years, provided the applicant demonstrates all of the following:

[(a)] (1) The permit for which extension is sought has not been revoked or suspended without rein-statement.

[(b)] (2) Extension would not violate a condition of law or rule.

[(c)] (3) The project is proceeding towards completion in accordance with plans and other documenta-tion referenced by the permit.

[(d)] (4) The applicant proposes reasonable mitigation measures to protect the public waters of the state from deterioration during the period of extension.

(b) Any permit issued to repair or replace shoreline structures to maintain the integrity and safety of such structures including, but not limited to docks, sea walls, breakwaters, riprap, access ramps and stairs, that are damaged by storms or ice, shall expire 10 years from the date the permit was issued as long as any work performed after the initial permitted work complies with the following:

(1) The work is not in violation of the original permit or subparagraphs (a)(1)-(4).

(2) All structures are repaired or replaced to the original permitted location and configu-ration.

(3) All significant work is reported to the department in accordance with the reporting requirements for the original permit.

2012-1659s

AMENDED ANALYSIS

This bill provides that certain fill and dredge in wetlands permits shall expire 10 years from the date the permit was issued.

Public and Municipal Affairs

April 18, 2012

2012-1717s

03/04

Amendment to HB 1673-FN

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

1 Enforcement of the Election Laws. Amend RSA 7:6-c to read as follows:

7:6-c Enforcement of the Election Laws.

I. Upon receipt of a ***signed*** written complaint [~~signed by a voter of the state of New Hampshire~~], or upon his ***or her*** own motion, the attorney general may in his ***or her*** discretion, conduct investigations to deter-mine whether any violation of the election laws has occurred and may prosecute anyone responsible for such a violation. In conducting an investigation under this section the attorney general may enlist the aid of the county attorneys, the state police, and other public officers. In the exercise of his ***or her*** powers and duties under this section, the attorney general may hold hearings and require the attendance of individuals by the use of subpoena and may require the production of books, documents, records, and other tangible goods by use of subpoena duces tecum. Any testimony required by the attorney general at a hearing which he ***or she*** is empowered to hold under this section shall be given under oath. ***The attorney general shall maintain records of complaints and investigations of alleged violations of the election laws.***

II.(a) Beginning January 31, 2013, the attorney general shall, at least once during every 6-month period, provide a rolling report to the general court on the status of all complaints of alleged vio-lations of the election laws received. The attorney general shall submit the report to the standing committees of the senate and house of representatives with jurisdiction over election law.

(b) The report shall include, but not be limited to the following:

(1) A summary of complaints received during the preceding 6 months, or during the period since the previous report if such period is less than 6 months, including the number of complaints categorized by type of complaint and month received.

(2) For each complaint investigated, the results of the investigation and a description of actions taken following the investigation.

(3) For each complaint not investigated, an explanation of why the complaint was not investigated.

(c) The requirements of subparagraph (b)(2) or (b)(3) may be satisfied by including with the report, for the complaint described, a closure letter, settlement agreement, cease and desist order, or complaint filed with a court, or any other official communication.

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

HEARINGS

TUESDAY, APRIL 24, 2012

COMMERCE, Room 102, LOB

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

- 9:00 a.m. **HB 1727-FN**, to return certain insurance exchange moneys to the federal government.
- 9:30 a.m. **HB 1297**, relative to federal health care reform and health care exchanges.
- 10:00 a.m. **HB 1622**, relative to the adoption of forms under the administrative procedures act by the department of insurance.
- 10:20 a.m. **HB 1241**, relative to table wines.
- 10:40 a.m. **HB 1182**, prohibiting the sale of baby food products containing bisphenol A in New Hampshire.

EXECUTIVE SESSION MAY FOLLOW

EDUCATION, Room 103, LOB

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

- 1:00 p.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**
- 1:30 p.m. **HB 1325**, relative to legal residency requirements for purposes of school attendance for children of divorced parents and children whose parents share decision making responsibility pursuant to a parenting plan.
- 1:45 p.m. **HB 1360**, relative to the rulemaking authority of the state board of education.
- 2:00 p.m. **HB 1139**, making changes to the unique pupil identification system.
- 2:15 p.m. **HB 1583**, relative to immunity for school personnel using reasonable force to protect a minor.

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 582**, relative to communication between employers and employees during bargaining negotiations.
- 9:45 a.m. **HB 1329**, relative to the default budget in certain towns.
- 10:15 a.m. **HB 1478**, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements.
- 10:45 a.m. **HCR 35**, designating Miss New Hampshire, of the Miss America Scholarship Program, the official honorary hostess of the state of New Hampshire during her term as Miss New Hampshire.
- 11:00 a.m. **HCR 38**, urging the United States Congress to extend equal benefits for the treatment of Agent Orange exposure to Vietnam veterans who served outside of Vietnam.
- 11:30 a.m. **HCR 42**, supporting the preservation of the electoral college.

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 1698-FN-A**, establishing a committee to study implementing keno in the state of New Hampshire.1:15 p.m. **HB 1260-FN**, relative to certain contributions to pari-mutuel pools by race simulcasters in Cheshire county, compensation of charitable organizations by gaming operators, and unauthorized gambling machines and sweepstakes.1:30 p.m. **HB 1251-FN**, establishing a committee to study requiring that all sales of alcoholic beverages for off-premises consumption be made at state liquor stores.**EXECUTIVE SESSION MAY FOLLOW*****WEDNESDAY, APRIL 25, 2012*****HEALTH AND HUMAN SERVICES**, Room 102, LOB

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

2:00 p.m. **EXECUTIVE SESSION ON PENDING LEGISLATION****INTERNAL AFFAIRS**, Room 100, SH

Sen. Prescott (C), Sen. Lambert (VC), Sen. Bradley, Sen. Bragdon, Sen. Larsen

1:00 p.m. **HCR 2**, in support of the Arizona immigration law.1:10 p.m. **HCR 37**, urging the New Hampshire delegation to support any legislation requiring a comprehensive audit of the Federal Reserve.1:20 p.m. **HCR 40**, for the purpose of petitioning the Congress of the United States to adopt an amendment to the Constitution of the United States, for submission to the states, to require, with certain exceptions, that the federal budget be balanced; or, in the alternative, to call a convention for the sole and exclusive purpose of proposing a federal balanced budget amendment for submission to the states for ratification.1:30 p.m. **HCR 43**, urging the joint legislative historical committee to move the granite gates Lafayette passed through to the state house grounds.**EXECUTIVE SESSION MAY FOLLOW****JUDICIARY**, Room 101, LOB

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

1:00 p.m. or **EXECUTIVE SESSION ON PENDING LEGISLATION**Immediately **HB 127-FN**, relative to the definition of oral communication.Following **HB 536-FN**, relative to the natural right to carry a firearm, openly or concealed, Senate without a license.Session **HB 1223-FN**, relative to remedies under the right-to-know law.**HB 1259-FN**, relative to payment of medical expenses for individuals who surrender themselves to law enforcement or corrections officials.**HB 1510-FN**, relative to taxpayer standing for declaratory judgments.**HB 1526-FN**, relative to possession of less than one-half ounce of marijuana.**HB 1535-FN**, relative to arrest records under the right-to-know law.**HB 1537-FN**, relative to violations of privacy occurring outside a private place.**HB 1699-FN**, relative to driving under the influence of drugs.**HB 1707-FN**, relative to penalties for operation after revocation or suspension.***THURSDAY, APRIL 26, 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 1140**, relative to the care of war memorials in Franconia Notch state park.

- 9:15 a.m. **HB 1346**, relative to the construction of power line extensions.
- 9:30 a.m. **HB 1484**, relative to fees for state parks.
- 9:45 a.m. **HB 1487**, relative to low carbon fuel standards programs.
- 10:00 a.m. **HB 1555**, relative to the penalty for firearm use in a state area for propagation of game controlled by the fish and game department.
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. **HB 1206**, relative to continuing obligations under expired public employee labor agreements.
(THE PREVIOUS HEARING FOR HB 1206 WAS RECESSED ON APRIL 19TH)
- 9:10 a.m. **HB 1582**, relative to medical and surgical benefits for state employees.
(THE PREVIOUS HEARING FOR HB 1582 WAS RECESSED ON APRIL 19TH)
- 9:20 a.m. **HB 1553**, repealing obsolete and outdated provisions of the Revised Statutes Annotated.
(NOTE THE TIME CHANGE FOR HB 1553)
- 9:40 a.m. **HB 1631**, allowing persons licensed to provide emergency medical services to work at social or sporting events.
(NOTE THE TIME CHANGE FOR HB 1631)
- 10:00 a.m. **HB 1508**, relative to procedures of the board of mental health practice.
(NOTE THE TIME CHANGE FOR HB 1508)
- 10:30 a.m. **HB 1300**, relative to removing public officials for cause.
(NOTE THE TIME CHANGE FOR HB 1300)
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 1666-FN**, relative to legislative approval of collective bargaining agreements entered into by the state.
- 1:15 p.m. **HB 263-FN**, relative to the time limits for assistance from the Temporary Assistance for Needy Families Program (TANF).
- 1:45 p.m. Hearing on proposed amendment (#1733s) to HB 1652-FN-A, excluding charges for Internet access from the communications services tax and requiring the transfer of insurance premium tax revenue to the department of health and human services.
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 1617-FN**, repealing the certificate of need law.
- 1:30 p.m. **HB 1642-FN**, relative to destination specialty hospitals
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 1665-FN**, enabling a superior court or circuit court to implement one or more drug courts.
- 1:15 p.m. **HB 1723**, making technical corrections regarding parental notification prior to abortion.
- 1:30 p.m. **HB 1611-FN**, repealing certain provisions relative to the sale of pistols and revolvers.
- 1:50 p.m. **HB 1341**, repealing the provision relative to the unauthorized use of firearms in the compact part of a city or town.

- 2:10 p.m. **HB 1246**, permitting resident application for pistol or revolver licenses to be submitted to the state police or the sheriff's department.
- 2:30 p.m. **HB 217-FN**, amending the first and second degree murder statutes and the negligent homicide statute to include causing the death of a fetus.
- EXECUTIVE SESSION MAY FOLLOW**

TRANSPORTATION, Room 103, LOB

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

9:00 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

THURSDAY, MAY 3, 2012

HEALTH AND HUMAN SERVICES, Room 102, LOB

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

- 1:00 p.m. **HCR 31**, commending the work of pregnancy care centers in New Hampshire and across the United States.
- 1:10 p.m. **HCR 41**, urging the United States Congress to find that the Department of Health and Human Services' grant to Planned Parenthood of Northern New England is unconstitutional and void.
- EXECUTIVE SESSION MAY FOLLOW**

JUDICIARY, Room 101, LOB

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

- 1:00 p.m. **CACR 26**, Relating to administration of the supreme court. Providing that the article authorizing the chief justice of the supreme court to make rules governing the administration of all the courts of the state shall be repealed.
- 1:30 p.m. **HB 1131**, establishing a committee to study methods of creating a balanced and neutral judiciary.
- 1:45 p.m. **HB 1422**, relative to the applicability of foreign law in cases before New Hampshire tribunals.
- 2:00 p.m. **HB 1474**, relative to eliminating the requirement that attorneys be members of the state bar association
- 2:15 p.m. **HB 1722**, relative to disqualification of judges and lawyers from practicing in the circuit courts.
- 2:30 p.m. **HB 1395**, revoking amendments to supreme court rules 50 and 50-A.
- 2:45 p.m. **HB 1718**, relative to judicial review of electoral districts.
- EXECUTIVE SESSION MAY FOLLOW**

MEETINGS

FRIDAY, APRIL 20, 2012

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

9:00 a.m.	Room 201, LOB	Subcommittee Meeting to Investigate the Prevalence and Problems Associated with Bed Bugs and the Effect on NH
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JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m.	Rooms 305-307, LOB	Regular Meeting
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NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g)

11:00 a.m.	Upnam-Walker House 18 Park Street Concord, NH	Regular Meeting
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GUARDIAN AD LITEM BOARD (RSA 490-C:1)

12:00 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

TUESDAY, APRIL 24, 2012**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)**

11:00 a.m.

Rooms 210-211, LOB

Mental Health and
Substance Abuse
Subcommittee***THURSDAY, APRIL 26, 2012*****COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE (RSA 359-L)**

3:00 p.m.

Room 303, LOB

Regular Meeting

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

3:00 p.m.

Rooms 210-211, LOB

Special Meeting Regarding
Currently Tabled Items Only***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
Londergan Hall, Room 15
101 Pleasant Street
Concord, NH

Regular Meeting

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
129 Pleasant Street
Concord, NH

Regular Meeting

TASK FORCE ON WORK AND FAMILY (RSA 276-B)

1:15 p.m.

Rooms 205-207, LOB

Special Meeting

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

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

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

FRIDAY, MAY 18, 2012

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

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

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

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

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

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

MONDAY, MAY 21, 2012

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c)

9:00 a.m. Room 100, SH Regular Meeting

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

9:00 a.m. Room 305, 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

MONDAY, JUNE 11, 2012

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

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

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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.

SB 281, relative to exposure to infectious disease by emergency response and public safety workers and notification of public health authorities.

SB 319, changing the membership of and extending the 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.

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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 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, 229, 234, 239, 244, 247, 266, 271, 272, 275, 276, 279, 285, 289, 294, 302, 303, 305, 307, 309, 311, 312, 313, 314, 320, 321, 324, 326, 330, 338, 343, 347, 348, 358, 366, 369, 370, 372, 375, 381, 383, 392, 399, 401, 402, 405, 407, 409

HOUSE BILLS: 72, 110, 186, 210, 222, 225, 228, 234, 242, 247, 263, 269, 325, 330, 344, 351, 378, 420, 440, 449, 466, 479, 508, 518, 520, 528, 602, 652, 654, 1155, 1185, 1204, 1230, 1251, 1274, 1297, 1302, 1366, 1383, 1418, 1455, 1483, 1490, 1495, 1505, 1510, 1526, 1534, 1546, 1593, 1607, 1611, 1644, 1652, 1679, 1680, 1698, 1721

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

HOUSE BILLS: 648

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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

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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

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TUESDAY, APRIL 24, 2012

All legislators are invited to a Legislative Briefing on Mental Health and Substance Abuse, hosted by the Health and Human Services Oversight Committee. Please join us for lunch on Tuesday, April 24th, from 12:00 p.m. to 2:00 p.m. in Rooms 210-211, LOB. Speakers from the court system, state and county corrections, local police departments, and provider groups will make brief presentations to be followed by a question and answer session.

Senator Jeb Bradley, Senate Majority Leader

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

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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

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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

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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

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MONDAY, MAY 7, 2012

Legislators are invited to attend a special meeting of the NH Legislative Task Force on Work and Family (RSA 276-B) on Monday, May 7th, 2012, in Rooms 205 and 207 in the Legislative Office Building beginning at 1:15 p.m. This meeting, which will be held jointly with business leaders and members of NH Chambers of Commerce and the BIA, will feature a report entitled *Working Parents and Workplace Flexibility*, published by the Carsey Institute at the University of New Hampshire in cooperation with the UNH Department of Family Studies, Cooperative Extension, and the NH Department of Employment Security. Presenters will include Dr. Kristin Smith, Demographer from the Carsey Institute, and Dr. Malcolm Smith, Associate Professor in the UNH Department of Family Studies and Family Policy Specialist with NH Cooperative Extension. This study, the first to survey NH working families, is related to the Task Force's goal of researching employment policies and practices that improve productivity, promote economic development, and are specifically designed to recruit and retain a competent and talented workforce. Participants will have an opportunity to share experiences on the successes and challenges of introducing changes such as workplace flexibility in NH. All are welcome.

Senator Amanda Merrill

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WEDNESDAY, MAY 16, 2012

The New Hampshire Soft Drink Association cordially invites all House and Senate members and legislative staff to enjoy a hot breakfast on Wednesday, May 16th, from 8:00 a.m. to 10:00 a.m. in the State House Cafeteria. Please come and see how the beverage industry in New Hampshire is delivering jobs, choice, and recycling innovation. Experts will be on hand to discuss how plastic bottles are recycled and reused. Please RSVP to jgrimbilas@biancopa.com See you there!

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

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LEGISLATIVE ETHICS COMMITTEE

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

Advisory Opinion 2012-3
Response to a Request for an Advisory Opinion
from Representative John A. Burt
(April 6, 2012)

Pursuant to RSA 14-B:3, I (c), Representative John A. Burt has requested an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, he may proceed with promotion and organization of an event he refers to as “Representative Burt’s Hot Dog Day.”

According to information provided to the Committee by Rep. Burt, the event would be a hot dog roast to take place at lunch time on the State House Plaza. Financial support for the event would come in the form of cash donations from lobbyists and others including fellow Representatives, as well as in-kind contributions, in response to requests from Rep. Burt. Donations would be received by Representative Burt. Cash donations would be deposited by him in a special bank account, from which he would disburse funds to pay the expenses of the event. After all expenses had been paid, any remaining funds would be donated to a charity of Rep. Burt’s choice.

Specifically, Rep. Burt asks whether, based on the facts he has provided, he may proceed with the event as described.

Relevant provisions of applicable law are:

RSA 15-B:2 Definitions. – For the purposes of this chapter:

* * *

V. (a) “Gift” means:

(1) Money in any amount, whether in the form of cash, check or any other negotiable or non-negotiable instrumentality for the transfer of money.

(2) Any other tangible thing, intangible thing, service, or the use thereof having more than insignificant economic value. Any such item with a value of less than \$25 is presumed to be of insignificant economic value.

RSA 15-B:3 Prohibition on Gifts. –

I. It shall be unlawful to knowingly give any gift as defined in this chapter, directly or indirectly, to any elected official, public official, public employee, constitutional official, or legislative employee.

* * *

III. No elected official, public official, public employee, constitutional official, or legislative employee shall knowingly accept, directly or indirectly, any gift, as defined in this chapter.

Ethics Guidelines, Section 4, Prohibited Activities.

I. Legislators shall not solicit, accept, or agree to accept anything of value from another for themselves or other persons, if the legislator receives such thing of value:

* * *

(b) Knowing or believing that the giver is or is likely to become subject to or interested in any matter or action pending before or contemplated by the legislator or the General Court.

* * *

VII. Nothing in this section on prohibited activities should be construed to prohibit the following:

* * *

(h) Acceptance of anything permitted to be accepted pursuant to RSA 15-B * * * *

We advise as follows:

While we commend efforts of legislators to promote fellowship and comity among their colleagues, we are concerned that direct solicitation and receipt by legislators of cash contributions for the proposed event, from any source, would violate the prohibitions set forth in RSA 15-B:3 and Ethics Guidelines. Section 4, I(b). We have previously approved of legislators organizing and promoting legislature-related events and activities, so long as there is no direct solicitation or receipt of cash by legislators, and the contributions are directed to charitable organizations which sponsor the event. See Advisory Opinions 2008-2 (White-Blaisdell Golf Tournament) and 2009-3 (Concord Hospital-Payson Center Rock 'n' Race) (summaries and full texts available at: http://gencourt.state.nh.us/ethics/Advisory_Opinions/AO_Blurbs.htm).

We therefore advise that for this event, violation of the statute and Guidelines may be avoided if arrangements are made for sponsorship by a charitable organization registered as such with the New Hampshire Department of Justice, announcement of the event is limited to publication in legislative calendars or other general means of communication, and all cash contributions are directed to the sponsoring charitable organization, rather than to any legislator. Any cash contributions for the event previously received by Rep. Burt or other individual legislators, should be returned to the donors. Non-cash contributions valued at less than \$25 may be solicited and received.

We appreciate the opportunity to be of assistance.

For the Committee,
Martin L. Gross
Chairman

[Vote 6-0]

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SENATE SCHEDULE

Thursday, April 26, 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) or exempted by the Senate President.
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)

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VISITORS' CENTER SCHEDULE – APRIL & MAY

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 20	9:30/11:00 SH/SC	Thornton Ferry School – Merrimack	100/4
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
May 1	10:15	North Walpole School	49/4
May 1	11:30	Newfields Elementary School	16/4
May 2	10:00/11:15	McClelland School – Rochester	68/4
May 2	2:45	Bi State Leadership Group	30/adults
May 3	9:00	Ashland Elementary School	40/4&6
May 3	10:30	Effingham Elementary School	15/4
May 3	11:30	Canaan Elementary School	50/4
May 4	9:00	Conant Rumford School – Concord	/4
May 4	10:00	Antrim Elementary School	34/4
May 4	11:00	Campton Elementary School	35/4
May 7	9:00	Conant Rumford School – Concord	/4
May 7	10:15/11:30 SH/HM	Auburn Village School	78/4
May 8	9:00	Bristol Elementary School	45/4
May 8	10:30	Ossipee Central School	38/4
May 8	11:30	Milton Elementary School	48/4
May 8	12:30	Conway Elementary School	45/4
May 9	9:45/11:00 SH/HM	Danville Elementary School	60/4
May 10	10:15/11:30 SH/HM	DJ Bakie School – Kingston	94/4
May 11	10:00	Ray School – Hanover	45/4
May 11	11:15	St. Joseph Regional School – Keene	14/4
May 11	11:15	Danbury Elementary School	11/4