

February 2, 2012
No. 6

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, FEBRUARY 8, 2012, AT 1:00 P.M.**

VETO MESSAGE

Governor Lynch's Veto Message Regarding SB 160

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on January 27, 2012, I vetoed SB 160, relative to regulation of installment loans.

I am vetoing this legislation because legalizing excessive interest rates for so-called "installment loans" – interest rates in excess of 400 percent APR – hurts our families, communities and economy.

SB 160 creates a new small loan product in New Hampshire – an installment loan – and overturns the interest rate cap for payday lenders. These new installment loans are essentially payday loans that would create an escalating spiral of debt for New Hampshire families that would undermine their financial security, as well as the financial well being of our communities and our economy. That is why 31 other states – including all the other New England states – ban these types of excessive interest rates for consumer credit.

SB 160 was strongly opposed by both Republicans and Democrats in the legislature, the American Friends Service Committee, the New Hampshire Local Welfare Administrator's Association, AARP, the New Hampshire Department of Justice, New Hampshire Legal Assistance and a coalition of churches.

While this legislation allows a lender to charge nominal interest of \$15.50 per \$100 installment, there could be as many as 26 installments per year with the resulting APR being in excess of 400 percent. On a 6-month loan with payments every two weeks, lenders will be able to charge consumers over \$1,100 to repay a \$500 loan. For vulnerable families, these excessive interest charges could force them further into a cycle of debt, and potentially onto public assistance.

Oversight and regulation of payday lenders under SB 160 is also inconsistent with current practices for other forms of consumer credit. For example, unlike current law for the examination of banks, the Banking Commissioner must provide a payday lender with advanced notice before conducting examination of its books, records and loan documents. Administrative fine authority over payday lenders is less than half of the existing authority over other lenders. Consumers will not receive the same level of protection from payday lenders as they do now with other providers of consumer credit.

The lack of adequate consumer protections and the existence of excessive interest rates will undoubtedly increase the cycle of debt for too many of our families are not in New Hampshire's interest. Therefore, I am vetoing SB 160.

Respectfully submitted,

John H. Lynch
Governor

Date: January 27, 2012

LAI D ON THE TABLE

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

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

CONSENT CALENDAR REPORTS

COMMERCE

SB 235, relative to registration of business organizations with the secretary of state.

Ought to Pass, Vote 5-0.

Senator Houde for the committee.

Senate Bill 235 was a request of the Secretary of State to assist their effort to streamline the process to register a business in New Hampshire. This will allow foreign corporations to register on-line with the Secretary of State as the bill deletes filing as requirements only those documents that a foreign corporation could not file on-line. All states, including NH, have the capacity to check on a corporation's status on-line.

ENERGY AND NATURAL RESOURCES

SB 252, increasing the maximum term for energy performance contracts.

Ought to Pass with Amendment, Vote 5-0.

Senator Merrill for the committee.

This bill amends RSA 21:I which governs New Hampshire's energy performance contracting program. This program allows the State or a municipality to enter into a contract for energy efficiency improvements and to pay for them over a term that reflects the cost recovery period for the proposed improvements. SB 252 extends the maximum allowed term of contracts from 10 to 20 years, thus offering the State and municipalities greater flexibility in contracting for projects that save money as well as energy.

SB 312-FN, prohibiting the cruel confinement of certain farm animals.

Inexpedient to Legislate, Vote 5-0.

Senator Lambert for the committee.

This bill sought to prohibit the cruel confinement of certain farm animals. Upon discussion with state officials, the committee came to the understanding that the State Veterinarian already has the authority to prohibit cruel confinement of farm animals.

HEALTH AND HUMAN SERVICES

SB 319, 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.

Ought to Pass with Amendment, Vote 5-0.

Senator Lambert for the committee.

This bill extends 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. The amendment adds four additional members to the commission and extends the reporting deadline by six months to allow them adequate time to complete their work.

SB 346, extending the committee to study the laws relating to electronic prescriptions.

Ought to Pass, Vote 5-0.

Senator De Blois for the committee.

This bill extends for one year the committee to study the laws relating to electronic prescriptions and modifies its duties and reporting.

PUBLIC AND MUNICIPAL AFFAIRS

SB 214, relative to the applicability of the right-to-know law to public libraries.

Ought to Pass, Vote 5-0.

Senator Forrester for the committee.

This bill amends RSA 202-A by identifying a public library as a public agency, requiring the applicability of the right-to-know law.

SB 233-L, relative to special elections of the charter commission.

Ought to Pass with Amendment, Vote 5-0.

Senator Boutin for the committee.

This bill permits the charter commission election to coincide with the general election.

SB 236, relative to nomination of candidates.

Ought to Pass with Amendment, Vote 5-0.

Senator Stiles for the committee.

This bill makes the job of conducting elections easier on local officials when complying with the federal Military and Overseas Voter Empowerment (M.O.V.E.) Act, and relaxes various dates relating to the nomination of candidates, recounts and hearings by the Ballot Law Commission.

TRANSPORTATION

SB 285, authorizing suspension or revocation of a driver's license for serious boating offenses.

Ought to Pass with Amendment, Vote 5-0.

Senator Forsythe for the committee.

This bill adds the reckless or unlawful operation of a boat to the current law, RSA 263:56, I(g) that allows for the suspension of a person's driver license when death, injury to any other person, or serious property damage occurs due to the reckless operation of a motor vehicle.

SB 296, relative to including next-of-kin contact information on a driver's license.

Ought to Pass, Vote 5-0.

Senator Stiles for the committee.

This bill gives a person the option to place their next-of-kin contact phone number on their driver's license or nondriver's identification card. The holder of the identification will be solely responsible for any cost to change the information.

REGULAR CALENDAR REPORTS

COMMERCE

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

Ought to Pass, Vote 3-2.

Senator Prescott for the committee.

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

Interim Study, Vote 4-0.

Senator De Blois for the committee.

ENERGY AND NATURAL RESOURCES

SB 263, relative to certified compliant products certified as such by the department of environmental services.

Inexpedient to Legislate, Vote 4-1.

Senator Lambert for the committee.

SB 330-FN, requiring an independent financial opinion prior to the leasing of any state park property to a private entity.

Ought to Pass with Amendment, Vote 4-1.

Senator Bradley for the committee.

SB 360, naming a pond in the town of Sandown.

Ought to Pass, Vote 5-0.

Senator Lambert for the committee.

SCR 2, regarding the White Mountain National Forest.

Ought to Pass with Amendment, Vote 5-0.

Senator Bradley for the committee.

FINANCE

SB 239, relative to the membership and duties of the installation standards board.

Ought to Pass with Amendment, Vote 6-1.

Senator Barnes for the committee.

SB 324-FN, relative to the use of funds generated by the Hampton Beach parking facilities.

Ought to Pass, Vote 7-0.

Senator Forrester for the committee.

SB 327-FN-A, making an appropriation to the department of health and human services for child care services.
Inexpedient to Legislate, Vote 7-0.
Senator Morse for the committee.

SB 358-FN, expanding eligibility for free admission to the state park system to certain members and their families and retired members of the armed forces.
Ought to Pass with Amendment, Vote 7-0.
Senator Barnes for the committee.

HEALTH AND HUMAN SERVICES

SB 329-FN-L, requiring nursing facilities to have at least one automated external defibrillator.
Ought to Pass, Vote 4-0.
Senator Lambert for the committee.

SB 348-FN, relative to the pulse oximetry test for newborns.
Ought to Pass with Amendment, Vote 4-0.
Senator Kelly for the committee.

INTERNAL AFFAIRS

CACR 6, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.
Ought to Pass, Vote 3-2.
Senator Bradley for the committee.

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.
Ought to Pass with Amendment, Vote 4-1.
Senator Bradley for the committee.

SB 356, limiting the authority of delegates to Article V amendment conventions.
Ought to Pass, Vote 4-1.
Senator Prescott for the committee.

SCR 1, urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States.
Ought to Pass, Vote 4-1.
Senator Prescott for the committee.

JUDICIARY

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties.
Ought to Pass with Amendment, Vote 2-1.
Senator Groen for the committee.

HB 194, relative to the prohibition on having or carrying a loaded crossbow, rifle, or shotgun in or on a vehicle.
Interim Study, Vote 4-0.
Senator Carson for the committee.

HB 210-FN, relative to the use of deadly force to protect oneself.
Interim Study, Vote 4-0.
Senator Groen for the committee.

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime.
Ought to Pass with Amendment, Vote 2-1.
Senator Groen for the committee.

HB 330-FN, relative to carrying firearms.
Interim Study, Vote 4-0.
Senator Luther for the committee.

HB 334, relative to the state's authority to prohibit or regulate firearms, firearms components, ammunition, firearms supplies, and knives.

Interim Study, Vote 4-0.

Senator Houde for the committee.

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

Interim Study, Vote 4-0.

Senator Houde for the committee.

PUBLIC AND MUNICIPAL AFFAIRS

SB 308, proclaiming January 24 of each year as Granny D. Day.

Inexpedient to Legislate, Vote 4-1.

Senator Barnes for the committee.

SB 338-FN, relative to residency requirements for national guard positions, establishing the office of state judge advocate, and establishing a military advisory commission.

Ought to Pass with Amendment, Vote 5-0.

Senator Barnes for the committee.

TRANSPORTATION

SB 282, authorizing the commissioner of safety to require the installation of an ignition interlock device as a condition of restoring driving privileges in certain instances.

Ought to Pass with Amendment, Vote 4-0.

Senator Rausch for the committee.

SB 290, naming a bridge in Woodstock, New Hampshire the Hilliard Family Bridge.

Ought to Pass, Vote 5-0.

Senator Kelly for the committee.

SB 313-FN, relative to state photographic identification indicating veteran's status.

Ought to Pass with Amendment, Vote 3-0.

Senator Stiles for the committee.

SB 315, requiring motorists to give wide berth to highway maintenance vehicles.

Ought to Pass with Amendment, Vote 4-0.

Senator Rausch for the committee.

SB 332, repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire.

Ought to Pass with Amendment, Vote 3-0.

Senator Boutin for the committee.

SB 366-FN, relative to use of certain OHRVs on snowmobile trails.

Ought to Pass, Vote 3-0.

Senator Boutin for the committee.

SB 367, naming a bridge in the town of Londonderry in honor of Lance Corporal Peter J. Sora, Jr., U.S.M.C. and Private First Class Eric D. Currier, U.S.M.C.

Ought to Pass with Amendment, Vote 3-0.

Senator Rausch for the committee.

SB 374, naming marine patrol headquarters in honor of David Barrett.

Ought to Pass, Vote 4-0.

Senator Forsythe for the committee.

WAYS AND MEANS

SB 299-FN-A, relative to the exclusion of certain interest under the business enterprise tax.

Inexpedient to Legislate, Vote 5-0.

Senator D'Allesandro for the committee.

AMENDMENTS

Internal Affairs
February 1, 2012
2012-0528s
09/01

Amendment to CACR 12

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

RELATING TO: public education.

PROVIDING THAT: the legislature shall have the full power and authority and the responsibility to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full power and authority to determine the amount of state funding for public education.

Amend the resolution by replacing paragraph I with the following:

I. That the second part of the constitution be amended by inserting after article 5-b the following new article:

[Art.] 5-c [Public Education.] In fulfillment of the provisions with respect to education set forth in Part II, Article 83, the legislature shall have full power and authority and the responsibility to define reasonable standards for elementary and secondary public education, to establish reasonable standards of accountability, and to mitigate local disparities in educational opportunity and fiscal capacity. Further, the legislature shall have full power and authority to determine the amount of, and the method of raising and distributing, state funding for public education.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the second part of the constitution by inserting after article 5-b a new article to read as follows:

[Art.] 5-c [Public Education.] In fulfillment of the provisions with respect to education set forth in Part II, Article 83, the legislature shall have full power and authority and the responsibility to define reasonable standards for elementary and secondary public education, to establish reasonable standards of accountability, and to mitigate local disparities in educational opportunity and fiscal capacity. Further, the legislature shall have full power and authority to determine the amount of, and the method of raising and distributing, state funding for public education.”

2012-0528s

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the legislature has the full power and authority and the responsibility to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full power and authority to determine the amount of state funding for public education.

Public and Municipal Affairs
February 1, 2012
2012-0520s
06/09

Amendment to SB 233-LOCAL

Amend the bill by replacing section 2 with the following:

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

Public and Municipal Affairs
February 1, 2012
2012-0507s
03/04

Amendment to SB 236

Amend the bill by replacing section 7 with the following:

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

Senate Finance
January 27, 2012
2012-0424s
05/04

Amendment to SB 239

Amend section 4 of the bill by replacing it with the following:

4 Membership of the Installation Standards Board. Amend RSA 205-D:2, I to read as follows:

I. There is hereby created an installation standards board consisting of ~~[the commissioner of the department of safety or the commissioner's designee and 12 additional]~~ **12** members appointed by the ~~[commissioner of safety]~~ ***governor and council*** as follows:

(a) Two public members who are not tenants or owners of a manufactured house, owners or operators of a manufactured housing park, or in any way associated with the manufactured housing industry.

(b) One installer of manufactured housing, nominated by the New Hampshire Manufactured Housing Association.

(c) One structural engineer or architect licensed in this state for a minimum of 5 years, nominated by the board of professional engineers established under RSA 310-A:3.

(d) One dealer or retailer, nominated by the New Hampshire Manufactured Housing Association.

(e) ~~[One owner or operator]~~ ***Two owners or operators*** of a manufactured housing park with 100 or fewer lots, nominated by the New Hampshire Manufactured Housing Association.

(f) One owner or operator of a manufactured housing park with more than 100 lots, nominated by the New Hampshire Manufactured Housing Association.

(g) One member of a cooperative manufactured housing park, nominated by the Mobile/Manufactured Homeowner and Tenants Association of New Hampshire.

(h) One municipal building code official, nominated by the New Hampshire Building Officials Association.

(i) One municipal fire chief, nominated by the New Hampshire Association of Fire Chiefs.

(j) ~~[One civil engineer licensed in this state for a minimum of 5 years, nominated by the board of professional engineers established under RSA 310-A:3.]~~

~~(k)~~ One homeowner of a manufactured house, nominated by the Mobile/Manufactured Homeowner and Tenants Association of New Hampshire.

Amend section 5 of the bill by deleting paragraph IV.

2012-0424s

AMENDED ANALYSIS

This bill transfers responsibility for manufactured housing inspections from the state fire marshal to the manufactured housing installation standards board. The bill also revises the membership of the installation standards board.

Energy and Natural Resources
January 26, 2012
2012-0410s
05/03

Amendment to SB 252

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Definition of Energy Cost Saving Measure. Amend RSA 21-I:19-b, I to read as follows:

I. "Energy cost saving measure" means any construction, improvement, repair, alteration, or betterment of any building or facility or any equipment, fixture, or furnishing to be added to or used in any building or facility that will be a cost effective energy-related project. This shall include any project that will lower energy or utility costs in connection with the operation or maintenance of such building or facility and will achieve energy cost savings sufficient to recover any project costs or incurred debt service within ~~[10]~~ **20** years from the date of project implementation.

Senate Transportation
February 2, 2012
2012-0571s
03/09

Amendment to SB 282

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

AN ACT authorizing the commissioner of safety to require the installation of an ignition interlock device or enhanced technology ignition interlock device as a condition of restoring driving privileges in certain instances.

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

1 New Section; Department of Safety Authority to Order Ignition Interlock Device or Enhanced Technology Ignition Interlock Device Installation. Amend RSA 265-A by inserting after section 36 the following new section:

265-A:36-a Department of Safety Authority to Order Ignition Interlock Device Installation or Enhanced Technology Ignition Interlock Device. The commissioner of safety may require an administrative hearing prior to the restoration of the license or driving privilege of a person whose license or driving privilege was revoked or suspended as the result of a conviction of any offense under RSA 265-A:2, RSA 265-A:3, RSA 265:79-a where alcohol was involved, RSA 262:19, or RSA 630:3, II, and, upon a finding that the safety of the person and of other users of the highways would be enhanced thereby, may order the person, as a condition of restoration of his or her license or driving privilege, to install an ignition interlock device or enhanced technology ignition interlock device in any vehicle registered to that person or used by that person, for not less than 12 months nor more than 2 years, subject to the same conditions and prohibitions as if the interlock was ordered by a court under the provisions of this subdivision.

2 New Section; Definition Added; Enhanced Technology Ignition Interlock Device. Amend RSA 259 by inserting after section 28-a the following new section:

259:28-b Enhanced Technology Ignition Interlock Device. "Enhanced technology ignition interlock device" shall mean an ignition interlock device equipped with a camera and which is capable of transmitting data as events occur.

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

2012-0571s

AMENDED ANALYSIS

This bill authorizes the commissioner of safety to require the installation of an ignition interlock device or enhanced technology ignition interlock device as a condition of restoring driving privileges in certain instances.

This bill was requested by the department of safety.

Senate Transportation
January 27, 2012
2012-0431s
03/05

Amendment to SB 285

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

AN ACT authorizing suspension or revocation of a driver's license for serious boating offenses and relative to loss of motorboat privileges for aggravated driving while intoxicated.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Authority to Suspend or Revoke License; Boat Operator. Amend the introductory paragraph of RSA 263:56, I to read as follows:

I. In addition to any other authority provided by law, the director is hereby authorized to revoke or suspend any license, permit or certificate issued under this title after a hearing upon a showing by its records or other sufficient evidence that the driver *or boat operator*:

3 Loss of Motorboat Privileges; Aggravated Driving While Intoxicated. Amend RSA 265-A:20 to read as follows:

265-A:20 Loss of Motorboat Privileges. Any person who is convicted of a violation of RSA 265-A:2, I involving a motor vehicle shall lose the privilege to operate a motorboat on the waters of this state for a period of one year from the date of conviction. ***Any person who is convicted of a violation of RSA 265-A:3 shall lose the privilege to operate a motorboat on the waters of this state for the same period of time as the loss of driving privileges.***

2012-0431s

AMENDED ANALYSIS

This bill authorizes suspension or revocation of a driver's license for serious boating offenses. This bill also requires loss of the privilege to operate a motorboat for the same period of time as the loss of driving privileges for aggravated driving while intoxicated.

Senate Transportation

February 2, 2012

2012-0567s

09/01

Amendment to SB 313-FN

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Implementation. The director of the division of motor vehicles shall implement the provisions of RSA 260:21, III and RSA 263:40, as inserted by sections 1 and 2 of this act, upon his or her determination that veteran's status designation information may be accepted and maintained by the department of safety's information technology system, but in no event later than July 1, 2014. The director shall provide the date of implementation to the secretary of state and the director of the office of legislative services within 30 days of implementation.

Senate Transportation

January 31, 2012

2012-0497s

03/05

Amendment to SB 315

Amend the bill by replacing section 1 with the following:

1 Highway Maintenance Vehicles. Amend RSA 265:6-a, II to read as follows:

II. The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays emergency lights ***or amber warning lights*** as authorized under RSA 266:78-a through RSA 266:78-q ***and shall give wide berth, without endangering oncoming traffic, to highway workers and stationary or moving vehicles owned by or contracted to state or local highway maintenance departments displaying amber warning lights.***

2012-0497s

AMENDED ANALYSIS

This bill requires motorists to give wide berth to highway workers and stationary or moving highway maintenance vehicles displaying amber warning lights.

Health and Human Services

January 30, 2012

2012-0464s

09/04

Amendment to SB 319

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

AN ACT 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.

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

1 New Subparagraphs; Commission Membership. Amend RSA 115-D:2, I by inserting after subparagraph (p) the following new subparagraphs:

(q) A representative of the New Hampshire Medical Society, appointed by the society.

(r) A representative of the New Hampshire air national guard, appointed by the adjutant general.

(s) A representative of Disabled American Veterans, appointed by the Manchester office of Disabled American Veterans.

(t) The commissioner of the department of employment security, or designee.

2 Quorum. Amend RSA 115-D:4 to read as follows:

115-D:4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. [~~Nine~~] **Eleven** members of the commission shall constitute a quorum.

3 Report. Amend RSA 115-D:5 to read as follows:

115-D:5 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before [~~December 1, 2011~~] **May 1, 2012**.

4 Effective Date of Repeal of Commission. Amend 2011, 84:3, I to read as follows:

I. Section 2 of this act shall take effect [~~May 1, 2012~~] **November 1, 2013**.

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

2012-0464s

AMENDED ANALYSIS

This bill changes the membership of and extends 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.

Energy and Natural Resources

January 31, 2012

2012-0481s

04/09

Amendment to SB 330-FN

Amend the bill by replacing section 1 with the following:

1 New Section; Expansion of State Park System; Financial Analysis. Amend RSA 216-A by inserting after section 3-m the following new section:

216-A:3-n Financial Analysis Required.

I. The director of the division of parks and recreation shall retain an independent financial consulting firm to conduct a written analysis of a lease proposal for the lease of state park property, operations, or management and render an opinion as to the financial viability of the lease proposal if:

(a) The lease term is for a minimum of 10 years; and

(b) The lease is for the entirety or majority of the state park or its facilities and improvements, or is for the entirety or majority of the state park operation or management; or

(c) The lease is to enable significant capital investment in the state park.

II. A proposed or existing lessee shall be liable for the cost of the financial analysis under paragraph I if so required by the director of the division of parks and recreation.

2012-0481s

AMENDED ANALYSIS

This bill requires the director of the division of parks and recreation to retain an independent financial consulting firm to conduct a written analysis of a lease proposal involving the leasing of state park property or operations under certain circumstances.

Senate Transportation
February 2, 2012
2012-0568s
09/01

Amendment to SB 332

Amend RSA 106-B:19 as inserted by section 1 of the bill by replacing it with the following:

106-B:19 Auxiliary State Police. The director is authorized to recruit, train, and organize an auxiliary state police force for the purpose of providing emergency services throughout the state for peacetime or wartime emergencies or threatened emergencies and for augmenting the state police force in such manner as the director may deem appropriate. Notwithstanding other provisions the director may recruit such auxiliary force from retired state or local police. Such auxiliary force shall at all times be under the direction and control of the said director and shall be subject to rules adopted by the director under RSA 541-A ~~[and shall serve for a period of not more than 90 days in any one year]~~ **and shall be limited to specific hours in any given calendar year for part-time police officers adopted in rules under RSA 541-A by the police standards and training council, pursuant to RSA 188-F:27, III.**

2012-0568s

AMENDED ANALYSIS

This bill repeals a prohibition relative to auxiliary state troopers and repeals the law governing motor vehicles carrying property for hire.

Public and Municipal Affairs
February 2, 2012
2012-0542s
05/04

Amendment to SB 338-FN

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

AN ACT relative to residency requirements for national guard positions, establishing the office of state judge advocate, establishing a military advisory commission, and relative to military discipline.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Military Discipline. Amend RSA 110-B:39 to read as follows:

110-B:39 Military Discipline. The system of discipline of the national guard shall conform generally to that of the armed forces of the United States, and all personnel on duty or in active state service shall be subject to the punitive and disciplinary provisions of this chapter. Trial and punishment by civil authorities shall not bar trial and punishment or dismissal from the service by court-martial for any military offense involved. Reductions in rank and pay grade for judicial ~~[or non-judicial]~~ punishment shall be in accordance with the provisions of the Uniform Code of Military Justice.

2012-0542s

AMENDED ANALYSIS

This bill:

I. Establishes a residency requirement for the position of adjutant general, deputy adjutant general, national guard staff, and commissioned warrant officers.

II. Establishes the office of state judge advocate and the position of state judge advocate.

III. Establishes a military advisory commission.

IV. Removes a statutory reference to reduction in rank and pay grade for non-judicial punishment.

Health and Human Services
January 26, 2012
2012-0420s
01/04

Amendment to SB 348-FN

Amend the bill by replacing all after section 2 with the following:

3 New Section; Newborn Screening Tests; Pulse Oximetry Test Required. Amend RSA 132 by inserting after section 10-a the following new section:

132:10-aa Newborn Screening; Pulse Oximetry Test Required. The physician, hospital, nurse midwife, midwife, or other health care provider attending a newborn child shall perform a pulse oximetry screening, according to the recommendations of the American Academy of Pediatrics, on every newborn child.

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

Senate Finance
January 27, 2012
2012-0427s
09/10

Amendment to SB 358-FN

Amend RSA 216-A:3-g, V(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Any *retired member of the armed forces who was honorably discharged and who is a* New Hampshire ~~[national guard member]~~ *resident* ~~[who retired in pay grade E6 or below]~~ shall not be charged a fee for day-use admission to the state park system.

Senate Transportation
February 2, 2012
2012-0564s
04/05

Amendment to SB 367

Amend the bill by replacing section 3 with the following:

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

Energy and Natural Resources
February 2, 2012
2012-0561s
08/04

Amendment to SCR 2

Amend the resolution by replacing the second paragraph after the resolving clause with the following:

That the general court finds that, in order to encourage safety and public access to the White Mountain National Forest, the United States Forest Service should, whenever possible, repair all existing bridges, including the Thoreau Falls Bridge on the Appalachian Trail, and not remove bridges when removal costs more than repair; and

Amend the resolution by replacing the sixth paragraph after the resolving clause with the following:

That copies of this resolution shall be delivered within 30 days of its passage to every member of the New Hampshire congressional delegation, the administration of the White Mountain National Forest, and all district rangers of the White Mountain National Forest.

Senate Judiciary
February 2, 2012
2012-0575s
01/09

Amendment to HB 145

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

AN ACT permitting the audio and video recording of a public official while in the course of his or her official duties.

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

1 New Subparagraph; Audio and Video Recording of Public Official in the Course of Official Duties Permitted. Amend RSA 570-A:2, II by inserting after subparagraph (1) the following new subparagraph:

(m)(1) Any person to make an audio or video recording of a public official acting in the course of his or her official duties; provided that:

(A) The person making the recording must have the recording device in plain view in a manner that would alert a reasonable public official observing such person that a recording is being made;

(B) The person making the recording is doing so from a location that is either such person's own private property, from the private property of a person who has authorized or assented to the making of the recording, or from a public or private space generally accessible to the public; and

(C) The act of recording does not physically interfere with the public official's ability to perform his or her official duties.

(2) Any audio or video recording of a public official shall remain the property of its owner. In the event that such property is seized by law enforcement authorities, a copy of the audio or video recording shall be provided to the owner of the property within 10 days of the day the property is seized.

(3) This subparagraph shall not be construed to permit a person to audio or videotape either in a courtroom or any other place within a court facility without prior approval of the presiding justice.

(4) This subparagraph shall not be construed to expand or contract public access to government buildings, facilities, meetings, records, or other places or information.

(5) For the purposes of this subparagraph "public official" means any officer or employee of the state or a political subdivision of the state, or of the general court, or any person otherwise performing a government function.

2 Effective Date. This act shall take effect July 1, 2012.

2012-0575s

AMENDED ANALYSIS

This bill permits the audio and video recording of a public official while in the course of his or her official duties.

Senate Judiciary

February 2, 2012

2012-0576s

09/04

Amendment to HB 225-FN

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

1 Return of Personal Property Seized by Law Enforcement Agencies. Amend RSA 595-A:6 to read as follows:

595-A:6 Seizure, Custody and Disposition of Articles; Exceptions.

1. Except as provided in paragraph II, if an officer in the execution of a search warrant, or by some other authorized method, finds property or articles he is empowered to take, he shall seize and safely keep them under the direction of the court or justice so long as necessary to permit them to be produced or used as evidence in any trial. Upon application by a prosecutor, defendant, or civil claimants, the court, prior to trial or upon an appeal after trial, shall, upon notice to a defendant and hearing, and except for good cause shown, order returned to the rightful owners any stolen, embezzled or fraudulently obtained property, or any other property of evidential value, not constituting contraband. This section shall apply regardless of how possession of the property was obtained by the state. Photographs or other identification or analysis made of the returned property shall be admissible at trial as secondary evidence, in lieu of the originals, for all relevant purposes, including ownership. In the case of unknown, unapprehended defendants, or defendants wilfully absent from the jurisdiction, the court shall have discretion to appoint a guardian ad litem to represent the interest of such unknown or absent defendants. The judicial findings on such matters as ownership, identification, chain of possession or value made at such an evidentiary hearing for the restoration of property to the rightful owners shall thereafter be admissible at trial, to be considered with other evidence on the same issues, if any, as may be admitted before the finder of fact. All other property seized in execution of a search warrant or otherwise coming into the hands of the police shall be returned to the owner of the property, or shall be disposed of as the court or justice orders, which may include forfeiture and either sale or destruction as the public interest requires, in the discretion of the court or justice, and in accordance with due process of law. Any property, the forfeiture and disposition of which is specified in any general or special law, shall be disposed of in accordance therewith.

II. Upon the acquittal of or dismissal of criminal proceedings against a person charged with a crime or upon the disposal of criminal proceedings against a person by nol prosequi or upon a finding that no abuse has occurred in a proceeding against a person under RSA 173-B, any personal property owned by such person, including weapons, confiscated by a law enforcement agency or entity under this section shall be returned to the person or made available to the person by the law enforcement agency or entity that confiscated the personal property within 10 days of receipt of written notice that the acquittal or dismissal or nol prosequi or determination of no finding has become a final judgment, not subject to appeal. For purposes of this section, any court rule, statute, or common law allowing for an appeal to be taken after expiration of any appeal period shall not count toward such appeal period. This section shall not apply to illegal contraband or to personal property that a person, is prohibited from possessing under state or federal law. Property held for use as evidence in a case involving a co-defendant may be retained by the law enforcement agency or entity pursuant to law authorizing property owned by a third person to be held for use as evidence in a case involving a person other than the property owner. If after diligent efforts the agency or entity is unable to comply with this section, it may file a request with the court for an extension or exemption. Any agency or entity not complying with this paragraph may be subject to a civil penalty of \$100 per day to the person for each day the agency or entity is in noncompliance, not to exceed a total civil penalty of \$10,000.

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

2012-0576s

AMENDED ANALYSIS

This bill requires that personal property confiscated by law enforcement agencies be returned or made available to the owner within 10 days of receipt of written notice of the acquittal or dismissal of proceedings against a person charged with a crime.

HEARINGS

TUESDAY, FEBRUARY 7, 2012

COMMERCE, Room 102, LOB

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

9:00 a.m. **SB 204**, adopting amendments to Article 9 of the Uniform Commercial Code relative to secured transactions.

(THE PREVIOUS HEARING FOR SB 204 WAS RECESSED ON JANUARY 24TH)

9:10 a.m. **SB 336**, relative to insurance payments for health care providers.

9:25 a.m. **SB 352**, relative to low-profit limited liability companies.

9:40 a.m. **SB 368**, relative to nondepository trust companies.

EXECUTIVE SESSION MAY FOLLOW

EDUCATION, Room 103, LOB

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

1:00 p.m. **SB 387**, allowing schools to develop policies on the distribution of literature of patriotic organizations.

1:15 p.m. **SB 300**, relative to special education services in chartered public schools.

EXECUTIVE SESSION MAY FOLLOW

INTERNAL AFFAIRS, Room 100, SH

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

1:00 p.m. **HB 592**, apportioning state representative districts and relative to the boundaries of wards.

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. **SB 225-FN-L**, relative to fees for vital records.
- 9:20 a.m. **SB 238**, establishing a committee to assess the form of government in towns that have elected the official ballot referendum form of meeting.
- 9:40 a.m. **SB 247-L**, relative to certifying municipal culvert installers.
- 10:00 a.m. **SB 248**, relative to the installation of municipal culverts.
- 10:20 a.m. **SB 261**, relative to requirements for warrant articles.
- 10:50 a.m. **SB 268**, relative to the appointment of the treasurer of the Concord school district.
- EXECUTIVE SESSION MAY FOLLOW**

WAYS AND MEANS, Room 103, SH

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

- 1:00 p.m. **SB 382-FN-L**, allowing changes to property assessments for damaged buildings or for new construction.
- 1:15 p.m. **SB 381-FN**, relative to wine manufacturers, relative to auction houses, and relative to wine auctions.
- 1:30 p.m. **SB 386-FN-A**, authorizing the state treasurer to issue bonds for highway construction.
- EXECUTIVE SESSION MAY FOLLOW**

THURSDAY, FEBRUARY 9, 2012**ENERGY AND NATURAL RESOURCES**, Room 102, LOB

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

- 9:00 a.m. **SB 217-FN**, relative to management of Cannon mountain by the department of resources and economic development.
- 10:00 a.m. **SB 266-FN**, prohibiting electric utilities from installing and maintaining smart meter gateway devices without the residential or business property owner's consent.
- 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. **SB 246-FN**, relative to the calculation of employer assessments for excess retirement system benefits.
- (THE PREVIOUS HEARING FOR SB 246-FN WAS RECESSED ON JANUARY 26TH)
- 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. **SB 384-FN**, relative to eligibility for child care assistance for individuals pursuing a bachelor's degree.
- 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. **SB 380**, relative to the study committee on juvenile delinquency and children in need of services.
- 1:10 p.m. **SB 288**, relative to the exchange of public health information through a health information exchange.
- EXECUTIVE SESSION MAY FOLLOW**

JUDICIARY, Room 101, LOB

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

1:00 p.m. **SB 279-FN**, establishing registers of probate as clerks of the probate division of the circuit court.(THE PREVIOUS HEARING FOR SB 279-FN WAS RECESSED ON JANUARY 12TH)1:15 p.m. **SB 385**, relative to police investigations of motor vehicle accidents involving police officers.1:30 p.m. **SB 379**, relative to insurance fraud.**EXECUTIVE SESSION MAY FOLLOW****TRANSPORTATION**, Room 103, LOB

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

9:00 a.m. **SB 317**, relative to towable devices permitted to be towed by a motorboat.(THE PREVIOUS HEARING FOR SB 317 WAS RECESSED ON JANUARY 26TH)**EXECUTIVE SESSION MAY FOLLOW****TUESDAY, FEBRUARY 14, 2012****EDUCATION**, Room 103, LOB

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

1:00 p.m. **SB 372-FN-L**, establishing an education credit against the business profits tax.(THE PREVIOUS HEARING FOR SB 372-FN-L WAS RECESSED ON JANUARY 24TH)**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. **SB 364**, relative to tenant guest practices.9:20 a.m. **SB 378**, allowing municipalities to remove snow from private roads and driveways and class VI highways.9:40 a.m. **SB 269**, relative to the definition of default budget in towns that use official ballot voting.10:10 a.m. **SB 340**, relative to locations for junkyards.10:30 a.m. **SB 342**, including standards for log homes in the New Hampshire building code.10:50 a.m. **SB 322-L**, relative to the holding of gold and silver by municipalities.**EXECUTIVE SESSION MAY FOLLOW****MEETINGS****FRIDAY, FEBRUARY 3, 2012****NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q)**

1:30 p.m.	Northeast Deaf and Hard of Hearing Services 57 Regional Drive Concord, NH	Regular Meeting
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MONDAY, FEBRUARY 6, 2012**STATE COMMITTEE ON AGING (RSA 161-F:7, I)**

10:00 a.m.	DHHS, Brown Building 129 Pleasant Street Concord, NH	Regular Meeting
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THURSDAY, FEBRUARY 9, 2012

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

3:00 p.m.	Room 104, LOB	Subcommittee Meeting
3:00 p.m.	Room 303, LOB	Subcommittee Meeting

FRIDAY, FEBRUARY 10, 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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WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62)

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

1:00 p.m.	Upham-Walker House 18 Park Street Concord, NH	Subcommittee Meeting
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SUNDAY, FEBRUARY 12, 2012

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K:1)

1:00 p.m.	NHTI Community College Crocker Sweeney Bldg. Room 225 Concord, NH	Regular Meeting
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MONDAY, FEBRUARY 13, 2012

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

9:00 a.m.	Room 305, LOB	Regular Meeting
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COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T)

10:00 a.m.	Room 303, LOB	Regular Meeting
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ECONOMIC STRATEGIC COMMISSION TO REVIEW THE RELATIONSHIP BETWEEN NEW HAMPSHIRE BUSINESSES AND STATE GOVERNMENT (RSA 359-K:2)

10:00 a.m.	Rooms 302-304, LOB	Regular Meeting
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JOINT LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1)

10:00 a.m.	Room 212, LOB	Regular Business
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EXOTIC AQUATIC WEEDS AND SPECIES COMMITTEE (RSA 487:30)

10:30 a.m.	Room 308, LOB	Regular Meeting
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COMMITTEE TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009)

1:00 p.m.	Room 100, SH	Regular Meeting
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ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21)

3:00 p.m.	Room 103, LOB	Regular Meeting
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THURSDAY, FEBRUARY 16, 2012

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
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FRIDAY, FEBRUARY 17, 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

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

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

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

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

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

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

THURSDAY, FEBRUARY 23, 2012

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

3:00 p.m. Room 303, LOB Full Committee Meeting

FRIDAY, FEBRUARY 24, 2012

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

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

MONDAY, MARCH 5, 2012

STATE COMMITTEE ON AGING (RSA 161-F:7, I)

10:00 a.m. DHHS, Brown Building Regular Meeting
129 Pleasant Street
Concord, NH

WEDNESDAY, MARCH 7, 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, MARCH 9, 2012

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

9:00 a.m. Room 307, LOB Regular Meeting

MONDAY, MARCH 12, 2012

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

3:00 p.m. Room 103, LOB Regular Meeting

FRIDAY, MARCH 16, 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 MARCH 19, 2012

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

9:00 a.m.

Room 100, SH

Regular Meeting

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SENATE BILLS AMENDED BY THE HOUSE

SB 19, relative to the definition of “prime wetlands.”

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

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FISCAL NOTE ADDITIONS AND UPDATES HAVE BEEN AMENDED TO THE BILLS ON THE WEB SITE AND ARE AVAILABLE IN THE SENATE CLERK’S OFFICE FOR THE FOLLOWING 2011 RE-REFERRED AND RETAINED BILLS:

SENATE BILLS: 48, 71, 74, 83, 84, 132, 142, 152, 153, 155, 159, 160, 163, 168, 185, 186, 188, 198, 212, 217, 219, 225, 227, 239, 271, 272, 275, 276, 279, 289, 294, 303, 309, 311, 312, 320, 324, 326, 343, 372

HOUSE BILLS: 72, 110, 186, 210, 222, 225, 247, 269, 325, 330, 378, 420, 449, 466, 479, 508, 518, 520, 528, 654

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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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MONDAY, FEBRUARY 6, 2012

All Senators are cordially invited to the 4th Annual Homelessness Awareness Banquet being held on Monday, February 6, 2012 from 5:30 p.m. – 8:00 p.m. at South Congregational Church in Concord. Governor Lynch and Mayor Bouley will join legislators and shelter directors to help serve and share a meal with shelter guests. The purpose of the event is to raise awareness of the need to support family shelters in the Concord area. Please RSVP as soon as possible to Mae Murdoch at 224-2521 or mmurdoch@southchurchconcord.org. Voluntary donations at the door.

Senator Sylvia B. Larsen, Senate Minority Leader

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WEDNESDAY, FEBRUARY 8, 2012

All members of the Senate are invited to attend a luncheon hosted by the NH Center for Nonprofits for the launch of our recent report: New Hampshire's Nonprofit Sector: In Brief. The event will take place on Wednesday, February 8, 2012, at 12:00 p.m. or immediately following the break of the session, and will be held at Sulloway & Hollis Law Offices, 29 School Street, Concord. An RSVP would be appreciated at **registration@nhnonprofits.org**

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

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WEDNESDAY, FEBRUARY 8, 2012

Northeast Delta Dental cordially invites all members of the New Hampshire Senate and the staff to its Thirteenth Annual Legislative Reception to be held Wednesday, February 8, 2012 from 4:00 p.m. to 6:30 p.m. at its corporate office at One Delta Drive in Concord.

Senator Jeb Bradley, Senate Majority Leader

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WEDNESDAY, FEBRUARY 8, 2012

The Retail Merchants Association of New Hampshire invites all legislators and staff to its 45th Annual Legislative Reception on Wednesday, February 8th at 4:00 p.m. or following the session, whichever is later, at the Concord Holiday Inn. Please join RMANH members, your colleagues, and others for light fare and conversation as RMANH leadership presents the annual "Law Enforcement Partner of the Year", "Retailer of the Year", and "Legislator of the Year" awards.

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

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WEDNESDAY, FEBRUARY 15, 2012

The annual Water Matters Legislative Breakfast is scheduled for Wednesday February 15, 2012 at the Holiday Inn on Main Street in Concord starting at 7:00 am. Legislators and staff are invited to enjoy a hearty complementary breakfast while learning about critical water issues facing the state. New Hampshire's economy, job growth and quality of life are inextricably linked to the quality of our water resources and the condition of our water infrastructure. With the right investment, this infrastructure can provide us with an important competitive advantage in the 21st century economy. At this breakfast, you will learn more about the issues concerning New Hampshire's wastewater treatment systems, drinking water supplies and dams, which were built over the last 150 years and which will require substantial investment in the near future to address aging systems, capacity problems, and federal regulatory issues. The need to develop sustainable funding options to keep the costs for water affordable for taxpayers and rate payers will also be discussed.

Please RSVP to **nhwpca.linda@gmail.com** by February 8th to reserve your seat at this important breakfast. The breakfast is sponsored by the NH Water Pollution Control Association in conjunction with a wide ranging coalition of other local non-profit water organizations. There is no cost for attending this event.

The 2012 Water Matters Legislative Breakfast event is sponsored by a coalition of non-profit organizations including:

NH Water Pollution Control Association (NHWPCA), New England Water Environment Association (NEWEA), NH Water Works Association (NHWWA), NH Public Works Association (NHPWA), American Society of Civil Engineers – NH Section (ASCE-NH), American Council of Engineering Companies – NH Section (ACEC-NH), NH Rivers Management Advisory Committee, NH Lakes Management Advisory Committee, NH DES Dam Bureau

Senator John T. Gallus

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THURSDAY, FEBRUARY 16, 2012

Please join the NH Association of Regional Planning Commissions and the NH Planners Association for breakfast in the State House cafeteria on February 16th from 8:00 a.m. to 9:30 a.m. Come learn about the Association and enjoy a light breakfast.

Senator Jeb Bradley, Senate Majority Leader

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WEDNESDAY, MARCH 28, 2012

Breathe New Hampshire invites all legislators and staff to attend a Breakfast Reception on Wednesday, March 28, 2012 from 7:30 a.m. to 9:00 a.m. at the State House Cafeteria. Please join Breathe New Hampshire staff, board members, and volunteers for breakfast, conversation, and door prizes. Please RSVP by March 16, 2012 at **info@breathenh.org** or by calling 603-669-2411.

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 2011-4
Response to a Request for an Advisory Opinion
from Representative Edmond D. Gionet
(January 13, 2012)**

Representative Edmond D. Gionet has requested an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, it would be permissible for him to accept complimentary ski tickets offered by Cannon Mountain Aerial Tramway & Ski Area, either in his capacity as a member of the Cannon Mountain Advisory Commission, established by RSA 12-A:29-b, or as a member of the General Court.

According to information provided to the Committee by Rep. Gionet, he is a legislative member of the Cannon Mountain Advisory Commission (CMAC), a body established under RSA 12-A:29-b. He received a communication from John M. DeVivo, General Manager of Cannon Mountain Aerial Tramway & Ski Area, informing him of the opportunity, as a Commission member, to receive five complimentary ticket vouchers, each valid toward a day ski lift ticket at Cannon on any day during the 2011/12 winter season. The same communication informed Rep. Gionet that as a member of the General Court, he was eligible to receive one ski lift ticket for his own use and one ticket for use by a guest on any day that Cannon Mountain is open during the winter season. Mr. DeVivo's communication stated that the offer to CMAC members was authorized by the "2011/12 Cannon Mountain Winter Special Use Policy, as approved in June [2011] by the Fiscal Committee of the General Court." As to the offer to members of the General Court, the communication asserted that the offer was "set by RSA."

Following receipt of Rep. Gionet's Advisory Opinion request, in response to an information request, Mr. DeVivo sought and obtained from the Department of Resources and Economic Development a memorandum advising that:

"The procedure for approval of Cannon's fee package and special use policy is pursuant to RSA 216-A:3-g. Thus, privileges granted to CMAC members were requested by DRED and approved by legislature"; and

"[G]uidelines for season passes are covered in RSA 218-16.... Thus, privileges may be applied to one pass holder and one guest."

The Committee's Executive Administrator determined from publicly available information that the regular price to the public of a day ski lift ticket at Cannon for adults age 18-64 is \$68.00, and for seniors age 65 and over, \$45.00 any time.

At its meeting of January 5, 2012, the Committee considered Rep. Gionet's request in light of the foregoing information, as well as oral presentations from other members of the House, and review of applicable law.

Relevant provisions of applicable law are RSA 15-B:2 (definition of "gift"), RSA 15-B:3 (prohibition of knowing acceptance of gifts by legislators); RSA 12-A:9-b, IV (compensation of CMAC members); NH Constitution, Part II, Art. 15 (compensation of members of the legislature), RSA 216-A:3-g ((Fees for Park System); and RSA 218:16 (Passes).

We advise as follows: It appears from the facts presented that the value of the lift tickets in question is \$25.00 or more, which would classify them as gifts that RSA 15-B:2 would prohibit legislators from receiving unless the tickets were exempted from that classification by applicable provision of law. We find no provision of law that would provide such an exemption.

No provision of law generally exempts items provided to legislators by the State. Significantly, RSA 15-B:2, V(b)(8) provides only a limited exemption, for "wages, salary, benefits, mileage, or payment for expenses paid to the person by the state... related to performance of official duties." This exemption does not apply because RSA 12-A:29-b, IV states that members of CMAC "shall serve without compensation" except for allowable mileage at the legislative rate. Also, Part II, Art. 15 of the NH Constitution states that compensation in full of members of the legislature (other than the presiding officers) is \$200 for the elected term, plus mileage. These provisions limiting compensation appear to prevent complimentary ski lift tickets from qualifying as allowable "wages, salary... or benefits" related to performance of official duties, within the meaning of the cited exemption.

As to the other sources cited by DRED as authorizing issuance of complimentary lift tickets, none of them specifically authorizes or directs issuance of such tickets to legislators, and so do not override the prohibition subsequently enacted in RSA 15-B:3.

We recognize that complimentary lift tickets at Cannon have been made available to legislators for many years, but this custom cannot overcome the definition and prohibition of gifts enacted into law in 2006. Accordingly, we advise that acceptance of complimentary lift tickets by legislators as described in the Request, would be prohibited by RSA 15-B:3. Of course, the legislature is at liberty to amend RSA 15-B, or adopt other appropriate legislation to permit legislators to accept complimentary ski lift tickets, if it concludes that the present program should continue.

We express no opinion about whether the exemption in RSA 15-B:2, V(b)(8) might apply in other circumstances not described in the present Request.

We appreciate the opportunity to be of assistance.

For the Committee,
Martin L. Gross
Chairman

[Vote 4-0]

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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 2012-1 Response to a Request for an Advisory Opinion from Senator Jeanie Forrester (January 23, 2012)

Pursuant to RSA 14-B:3, I (c), Senator Jeanie Forrester has requested an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, as an appointed member of the Assessing Standards/Current Use Board, she is required to file a "Statement of Financial Interests," as prescribed by RSA 15-A:3, in addition to the "Financial Disclosure Form," prescribed by RSA 14-B:8, for the period covering a given calendar year.

According to the Committee's records, Senator Forrester has submitted to the Committee the Financial Disclosure Form required of legislators by RSA 14-B:8 for the calendar year 2012. Along with such forms submitted by other members of the General Court, in due course the Committee will review them and transmit properly completed forms to the Secretary of State for filing. See RSA 14-B:3, IV.

Specifically, Senator Forrester asks whether under these circumstances, she is excused from filing a separate RSA 15-A:3 form, in light of RSA 15-A:3, II, which reads:

"II. The filing of a financial disclosure form by an elected member of the house of representatives or senate pursuant to RSA 14-B:8 shall satisfy the requirement for filing a statement of financial interest pursuant to this chapter."

An additional relevant statute is RSA 14-B:3, IV which states in part:

"IV. * * * The filing of a financial disclosure form in accordance with RSA 14-B:8 by a representative, senator, or officer of the house of representatives or senate shall satisfy the requirement of filing a statement of financial interest pursuant to RSA 15-A."

We advise as follows: Not just once, but in two distinct RSA Chapters, the General Court has specified that the RSA 14-B:8 Financial Disclosure Form duly filed by a legislator satisfies the requirement for filing the RSA 15-A:3 Statement of Financial Interest Form. The law cannot be more plain or clear, and we assume the General Court meant what it said, both times: Legislators who comply with RSA 14-B:8 by filing a timely and sufficient Financial Disclosure Form need do nothing more to satisfy the filing requirements of RSA 15-A:3. Accordingly, having filed the requisite 14-B:8 form with the Committee, Senator Forrester is not required to file a separate 15-A:3 form with the Secretary of State as an appointed member of the Assessing Standards/Current Use Board.

We appreciate the opportunity to be of assistance.

For the Committee,

Martin L. Gross
Chairman

[Vote 7-0]

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SENATE SCHEDULE

Monday, February 20, 2012	President's Day (State Holiday)
Monday, February 27, 2012 - Friday, March 02, 2012	Senate Break
Thursday, March 15, 2012	Deadline for Policy Committees to ACT on all Senate bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-3 (b).
Thursday, March 29, 2012	Last Day to ACT on all Senate bills. (Crossover)
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
 Tuesday, December 25, 2012
 Tuesday, January 01, 2013

Day after Thanksgiving (State Holiday)
 Christmas Day (State Holiday)
 New Year's Day (State Holiday)

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VISITORS' CENTER SCHEDULE – FEBRUARY & MARCH

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
 Rivers, Public Information

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>Group#/Grade</i>
Feb. 6	10:30	World Affairs Council – Montenegro	8
Feb. 8	11:00	Leadership Greater Concord	25/adults
Feb. 9	9:00	St. John's Regional School – Concord	30/4
Feb. 9	10:30	Dept. Of Information Technology	
Feb. 10	9:00	St. Benedict Academy – Manchester	25/4
Feb. 10	10:30	Peter Woodbury School – Bedford	40/4
Feb. 13	11:15	Moultonborough Central School	49/4
Feb. 14	11:30	ELL Civics Concord High School	20/9
Feb. 15	9:45	Haigh School – Salem	34/4
Feb. 15	9:00	UNH Policy group	25/Col
Feb. 15	10:15/11:30 SH/HM	Swasey Central School – Brentwood	67/4
Feb. 16	9:30/11:00 SH/HM	Webster Elementary School – Manchester	90/4
Feb. 17	9:00/10:30 SH/Manse	Peter Woodbury School – Bedford	80/4
Feb. 17	11:30	Sandwich Central School	17/4
Feb. 17	11:30	Nashua Christian Academy	15/4
Feb. 17	1:00	Phoenix House Academy – Dublin	12/HS
Feb. 21	8:30	Concord High School Civics class	25/HS
Feb. 21	9:45/11:00 SH/HM	Hooksett Elementary School	89/4
Feb. 22	9:45/11:00 SH/HM	Hooksett Elementary School	89/4
Feb. 22	1:00	Kimball Walker School – Concord	46/4
Feb. 23	10:15/11:30 SH/HM	New Searles Elementary School – Nashua	64/4
Feb. 24	10:00	Concord High School Civics class	50/HS
Feb. 28	2:00	Boy Scout Troop #123 – Goffstown	10
Feb. 29	10:00	Portsmouth Christian Academy @ Dover	9/HS
March 1	10:00	Derry Girl Scouts	20/1-3rd
March 2	9:30/11:00 SH/HM/SC	Hanover St. School – Lebanon	62/4
March 2	3:00	Cub Scouts – Concord	10/2
March 5	9:00	Broken Ground School – Concord	25/4
March 5	10:00/11:30 SH/HM	Idlehurst School – Somersworth	100/4