

July 19, 2018
No. 29

STATE OF NEW HAMPSHIRE

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



**Second Year of the 165th Session of the
New Hampshire General Court**

SENATE CALENDAR

**THE SENATE WILL MEET IN SPECIAL SESSION ON WEDNESDAY,
JULY 25, 2018 AT 10:00 A.M. IN ROOMS 210-211, LOB**

**THE SENATE WILL MEET IN SESSION FOR VETO DAY ON THURSDAY,
SEPTEMBER 13, 2018 AT 11:00 A.M. IN ROOMS 210-211, LOB**

**The State of New Hampshire
By His Excellency Christopher T. Sununu, Governor
With the Advice of the Honorable Executive Council
A Proclamation**

In the year of our Lord Two Thousand and Eighteen

WHEREAS, on June 21, 2018, the United States Supreme Court issued its decision in *South Dakota v. Wayfair, Inc., et al*, (the “Wayfair decision”) in which the Court overturned 50 years of precedent that a retailer must be physically present in a state before the state could impose its sales and use tax collection requirements; and

WHEREAS, the Wayfair decision has created enormous uncertainty and could require New Hampshire businesses to collect sales and use taxes for over 10,000 state and local jurisdictions where they have no physical presence; and

WHEREAS, the State of New Hampshire has made a fundamental policy decision to not impose a general sales and use tax; and

WHEREAS, the welfare of the people of the State of New Hampshire requires the convening of the General Court in special legislative session for the purpose of enacting legislation to respond to the Wayfair decision; and

WHEREAS, the Executive Department, in calling such a session, intends an agenda limited to passing comprehensive legislation which takes every feasible and legally permissible step to protect New Hampshire citizens and businesses from any and all attempts by foreign state and local taxing jurisdictions to impose sales and use tax collection obligations on New Hampshire businesses in violation of the Due Process Clause and Commerce Clause of the United States Constitution or any other provision of law;

NOW, THEREFORE I, CHRISTOPHER T. SUNUNU, GOVERNOR, with the advice of the Council, on a motion duly seconded, hereby exercise my legislative authority under Part 2, Article 50 of the New Hampshire Constitution and summon the General Court to convene in Special Session on a date to be specified by the Speaker of the House and the President of the Senate, but to occur no later than August 15, 2018.

IN TESTIMONY WHEREOF, I have hereunto set my hand
and caused the Seal of the State of New Hampshire to be
affixed this 11th day of July, 2018.

Christopher T. Sununu
Governor

PROPOSED 2018 SPECIAL SESSION SENATE RULES

SPECIAL SESSION

RULES OF THE SENATE

July 25, 2018

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PART ONE **DUTIES OF THE SENATE PRESIDENT**

1-1 Determination of Quorum – In the Special Session the President, having taken the chair, shall determine a quorum to be present and shall immediately call the members to order.

1-2 Members, Conduct When Speaking - Any member, wishing to speak, shall notify the President. When recognized to speak, the member shall rise and address the President, and when finished shall then sit down.

1-3 Members Not to Speak More Than Twice - No member shall speak more than twice on the same question on the same day without leave of the Senate President.

1-4 President Shall Recognize Whom - When more than one member wishes to speak at the same time, the President shall decide who shall speak first.

1-5 Questions of Order, Appeal - The President shall preserve decorum and order. If any member transgresses the rules of the Senate, the President shall, or any member may, call said member to order in which case the member so called to order shall immediately cease and desist, and the Senate, if appealed to, shall decide the case. But if there is no appeal, the decision of the President shall be conclusive.

1-6 Galleries, Clearing of - In case of any disturbance or disorderly conduct in the gallery, the President shall have the power to order the same to be cleared. The Chairman of the Committee of the Whole may restrict attendance to the duly elected Senators.

1-7 President to Sign Bills, etc - All warrants, subpoenas and other processes issued by order of the Senate shall be under the hand and seal of the President attested by the Clerk.

1-8 President May Name Member to Chair - The President when performing the duties of the Chair may, at any time, name any member to perform the duties of the Chair.

PART TWO THE SENATE SESSION

DECORUM

2-1 Absence of Members from Session - No member shall absent himself or herself without permission from the Senate.

2-2 Decorum While Another is Speaking - No member shall hold conversation with another while a member is speaking in debate.

2-3 Use of Electronic Devices - The use of electronic devices, with the exception of Senate-issued devices and devices used by members of the media, is prohibited on the Senate floor during session, unless the Senate is in recess or unless otherwise approved by the Senate.

2-4 Recording and Broadcast Devices During Recess - All recording and broadcast devices used on the Senate floor shall be paused or otherwise prevented from recording or broadcasting audio or video of members or staff while the Senate is in recess.

DEBATE

2-5 Motions - Motions during debate shall be considered according to the provisions of Table I, with said motions listed in order of decreasing precedence.

2-6 No Substitution under Color of Amendment - No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

2-7 Reconsideration Restrictions - No vote shall be reconsidered unless the motion for reconsideration is made by a member who voted with the prevailing side and, if the vote applied to a bill, the bill to which the vote applied is in the possession of the Senate.

2-8 Reconsideration Process - A motion to reconsider shall be made in open special session prior to adjournment from the early session on the same day on which the vote to be reconsidered was taken, in which case, unless otherwise ordered by the Senate, the reconsideration vote shall be taken up immediately.

2-9 Division of the Question - Any member may call for the division of the question and when the sense will admit it, as determined by the President, the question shall be divided.

Table I - Motions

Privileged Motions

Motion	Debatable	Amendable	Notes
Adjourn	No	Yes	Amendments limited to the time to which to adjourn.
Recess	No	Yes	Amendments limited to length of the recess.

Incidental Motions (all become main motions if made when no question is pending or when not related to the business at hand)

Motion	Debatable	Amendable	Notes
Appeal	Yes	No	Debate limited to the specific decision of presiding officer from which appeal is made. Presiding officer is allowed to speak. The question to be put is, "Shall the decision of the president stand?" A tie vote also sustains the chair's ruling.
Point of Order	No	No	Calls attention to a violation of rules or order. May be raised when another member is speaking. Not technically a motion, but the presiding officer could submit the question to the Senate, at which point it becomes a motion open for debate, but not amendment.
Parliamentary Inquiry	No	No	Requests information from the presiding officer about parliamentary procedure or Senate rules. May be raised when another member is speaking only if it requires immediate attention. Not technically a motion.
Object to Reading of Papers	No	No	Reading from documents as part of a speech is generally allowed as a courtesy, provided the papers are relevant, short and not used as a delaying tactic. Any member may object during the reading, however, and the body decides whether permission to read is granted.
Suspend the Rules	No	No	Requires a 2/3 vote. See Rule 5-5.

Subsidiary Motions

Motion	Debatable	Amendable	Notes
Lay Upon the Table	No	No	May be applied to a main motion with other pending motions, in which case the main motion, along with all pending motions, is laid on the table.
Previous Question	No	No	If not otherwise specified, ends debate and calls for a vote on the immediately pending question. May be used to end debate and call for votes on all pending questions.
Amend	Yes	Yes	
Postpone Indefinitely	Yes	No	Opens the main question for debate, since it involves the final disposition of the question. No part of a bill postponed indefinitely shall be acted on in any way for the Special Session.

Main Motions (can only have one main motion before the Senate at a time)

Motion	Debatable	Amendable	Notes
Main Motions	Yes	Yes	Ought to Pass, Ought to Pass w/Amendment, Inexpedient to Legislate.
Bills Amended by the House	Yes	No	See Rule 3-10. Any amendment made to a Senate bill by the House shall be returned to the Senate for Concurrence or Nonconcurrence.
Take From Table	No	No	
Special Order	No	No	Moves consideration of a future scheduled item to another time by a simple majority vote prior to adjournment of the early Special Session.
Reconsider	Yes	No	Debatable to the extent the question being reconsidered is debatable. If so, it opens up the original question for debate.

2-10 Personal privilege - A Senator may, as a matter of personal privilege, defend his/her position on a bill, his/her integrity, his/her record, or his/her conduct, against unfair or unwarranted criticism, or may speak of an issue which relates to his/her rights, privileges or conveniences as a Senator; provided, however, the matters raised under personal privilege shall not be subject to questioning, answer, or debate, by another Senator. Personal Privilege remarks may be included in the Daily Journal if requested by the Senator, and in the Permanent Journal by vote of the Senate.

2-11 Other Remarks (Unanimous Consent) - A Senator may, when granted leave by the Senate, speak on other matters of his/her choosing and in such cases may be subject to questioning and/or answer according to the Rules of the Senate. These remarks may be included in the Daily Journal if requested by the Senator, and in the Permanent Journal by vote of the Senate.

VOTING

2-12 General Rules on Voting - All questions shall be put by the President, and no member who was absent when the question was put shall be required to vote.

2-13 Abstaining from a Vote - No member who was present when the question was put shall abstain from voting unless by reason of a conflict pursuant to Rule 5-8 or unless excused by the Senate for a special reason.

2-14 Voice Vote - When the question has been put, each member present shall signify assent or dissent by voting yea or nay.

2-15 Division Vote - If the President doubts or a division is called for, the Senate shall divide. Those in the affirmative on the question shall first rise from their seats and stand until they be counted. They shall then be seated and those in the negative on the question shall rise from their seats and stand until they be counted. The President shall rise and state the decision of the Senate.

2-16 Recorded Voice or Division Vote - Any member may, following a voice or division vote, have his or her vote recorded in the Journal by providing a signed notice of said vote to the Clerk, on a form prescribed by the Clerk.

2-17 Roll Call Vote - When the yeas and nays have been moved by a member and duly seconded by another member, each member present shall declare assent or dissent to the question. The names of the persons so making the motion and the second shall be recorded in the Journal. The President shall determine the order of the roll call.

MISCELLANEOUS

2-18 Visitors to the Senate - No person except members of the Senate and its officers, the Governor, Council members, the Secretary of State, the Treasurer, the Speaker of the House of Representatives and its officers and clerks, shall be admitted to the floor of the Senate while the Senate is in Special session, except by the invitation of the President, or some member with the President's consent.

PART THREE

BILLS

DRAFTING

3-1 Enactment of Laws - Enactment of laws, as provided in the Proclamation for the Call for the Special Session, shall be by bill. No bill or bill amendment shall be introduced into the Senate the subject matter of which is not included in the Proclamation issued by the Governor and Executive Council for the Special Session.

3-2 Office of Legislative Services to Prepare Items - All petitions, memorials and other papers addressed to the Senate and all bills to be introduced in the Senate except those procedural and rules resolutions prepared by the Clerk, shall be delivered or caused to be delivered to the Office of Legislative Services, who shall prepare the items in proper form and present them to the sponsor(s) for signature and then to the Clerk.

3-3 Marking and Numbering Bills - Every bill, except those procedural and rules resolutions prepared by the Clerk, shall be numbered serially according to the type of bill or resolution. Each bill shall be marked on the first page "Special Session Senate Bill".

3-4 Draft Provided to Legislative Budget Assistant - If a drafting request for a bill has been filed with the Office of Legislative Services requiring a fiscal note as provided in RSA 14:44-47, the substance or a draft of the proposal may be provided to the Legislative Budget Assistant for preparation of the required fiscal note without the specific consent of the sponsor of the proposal, provided that the identity of the sponsor shall not be disclosed.

POST-DRAFTING PROCESS

3-5 Reading of Bills and Resolutions - Every bill, except senate resolutions and those procedural and rules resolutions prepared by the Clerk, shall have three readings in the Senate previous to its passage. The first and second readings shall be by title only which may be accomplished by a conglomerate resolution, and shall be printed as provided in Rule 3-6, unless otherwise ordered by the Senate. No bill after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills shall be in the late session unless otherwise ordered by the Senate.

3-6 Printing and Distribution - After every bill shall have been read a second time, the Clerk shall procure a sufficient number of copies, printed on paper of uniform size, for the use of the legislature, and cause the same to be distributed to the members, bills received from the House shall be printed at the same stage of their procedure unless they have been printed in the House and copies distributed in the Senate, in which case any amendment made by the House shall be duplicated and distributed in the Senate.

AMENDMENTS

3-7 Amendments Only on Second Reading - No amendment shall be made but upon the second reading of a bill; and all such amendments shall be in writing, with the name of the Senator and the district he or she represents.

3-8 Review of Amendments by Office of Legislative Services - Amendments shall have been reviewed by the Office of Legislative Services for form, construction, statutory and chapter reference.

3-9 Non-Germane Amendments Prohibited - No amendment to any bill shall be allowed except it be germane. For the purposes of this rule, an amendment to a bill is germane if the subject matter of the amendment is the same as that of some portion of the bill. The prohibition on non-germane amendments shall not apply in the case of a bill previously found ought-to-pass by the Senate being added to a subsequent bill.

GENERAL RULES ON BILLS

3-10 Bills Amended by the House - Any bill returned from the House with an amendment shall have one of the following recommendations considered by the full Senate: Concur or Nonconcur. Adoption of a motion to Nonconcur kills the bill.

PART FOUR

COMMITTEE

4-1 Standing Committee - The standing committee of the Senate shall be as follows: the Committee on Rules and Enrolled Bills.

PART FIVE

OTHER RULES

SENATE STAFF

5-1 Composition and Duties - The staff of the Senate shall be comprised of:

- (1) A Clerk, who shall be elected by the Senate;
- (2) Clerk's office staff, who shall be nominated by the Clerk and appointed by the President; and
- (3) Such other personnel as the President shall appoint.

The President shall define the duties of all members of the Senate staff which are not fixed by statute or otherwise ordered by the Senate.

5-2 Days of Employment - Each member of the staff of the Senate shall be available on call to carry out the work of the Senate.

5-3 Requisition Approval Required - No officer or employee of the Senate during the session or any adjournment thereof shall purchase or contract for the purchase, pay, or promise to pay any sum of money on behalf of the Senate or issue any requisition or manifest without the approval of the Senate President.

SENATE RULES

5-4 Amending Rules - Any rule of the Special Session of the Senate may be amended by two-thirds majority vote.

5-5 Suspending Rules - No standing rule of the Special Session of the Senate shall be suspended unless two-thirds of the members present and voting vote in favor thereof.

MESSAGES

5-6 Messages Sent to House - Messages shall be sent to the House of Representatives by the Clerk of the Senate.

5-7 Messages, When Received - Messages from the Governor or House of Representatives may be received at all times, except when the Senate is engaged in putting the question, in calling the yeas and nays, or in counting the ballots.

MISCELLANEOUS

5-8 Conflict of Interest - In all instances every member shall act in conformance with the duly adopted Ethical Guidelines and Opinions of the New Hampshire General Court.

5-9 Requests to the Legislative Budget Assistant - Any Senate member may make a request of the Office of the Legislative Budget Assistant Budget Division, for technical staff assistance in the areas of finance, accounting and budgeting. The Budget Division may respond to that request when doing so will not interfere with the Budget Division's principal responsibilities as outlined in RSA 14:31-b, as determined by the Legislative Budget Assistant.

5-10 Committee of the Whole - The Senate may resolve itself into a Committee of the Whole at any time on motion made for that purpose; and in forming a Committee of the Whole; the President shall leave the chair, and appoint a chairperson to preside in committee.

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PROPOSED DRAFT OF SPECIAL SESSION SENATE BILL 1-FN

DRAFT VERSION SPECIAL SESSION SENATE BILL 1-FN - TO BE INTRODUCED

2018 SESSION

18-3036

10/01

SPECIAL SESSION SENATE BILL ***1-FN***

AN ACT requiring notice and approval of certain actions to commence audits of collection liabilities arising under certain sales and use tax statutes and prohibiting New Hampshire remote sellers from disclosing private customer information to foreign taxing authorities in connection with the collection of certain sales and use taxes.

SPONSORS: Sen. Bradley, Dist 3; Sen. Morse, Dist 22; Sen. Woodburn, Dist 1; Rep. Chandler, Carr. 1; Rep. Hinch, Hills. 21; Rep. Shurtleff, Merr. 11

COMMITTEE: [committee]

ANALYSIS

This bill prohibits foreign taxing jurisdictions from requesting information from, conducting examinations of, or imposing sales and use tax collection obligations on sellers in New Hampshire, unless the foreign taxing jurisdiction registers with and provides notice to the New Hampshire department of justice. This bill also prohibits sellers in New Hampshire from providing private customer information to any foreign taxing authority for purposes of determining liability for collection of certain sales or use taxes unless the seller has provided a written notice of the request for such information to the department of justice. This bill allows sellers to comply with any directive of a foreign taxing authority, while preserving the seller's rights under the statute, if the seller determines that such compliance is in the seller's best interest. The bill also establishes a commission to study ways to protect the New Hampshire advantage for New Hampshire businesses as a result of the uncertainty created from the United States Supreme Court decision in *South Dakota v. Wayfair*, which changed the long held view of the physical presence rule.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~.
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

18-3036
10/

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT requiring notice and approval of certain actions to commence audits of collection liabilities arising under certain sales and use tax statutes and prohibiting New Hampshire remote sellers from disclosing private customer information to foreign taxing authorities in connection with the collection of certain sales and use taxes.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Chapter; Protection of Private Customer Information and Rights of Remote Sellers in Connection With Certain Foreign Sales and Use Taxes. Amend RSA by inserting after chapter 78-D the following new chapter:

CHAPTER 78-E

PROTECTION OF PRIVATE CUSTOMER INFORMATION AND RIGHTS OF REMOTE SELLERS IN CONNECTION WITH CERTAIN FOREIGN SALES AND USE TAXES

78-E:1 Findings and Purpose. The general court finds that:

I. Over 10,000 state and local jurisdictions within the United States impose sales and use taxes. Many of these jurisdictions have their own laws, regulations, policies and standards for determining sales and use tax obligations.

II. The state of New Hampshire does not impose a sales tax on customers making purchases of goods and services in New Hampshire, nor on goods and services purchased by its residents out of state for use, storage, or consumption in New Hampshire. New Hampshire law and policy does not require New Hampshire businesses to suffer the cost and burdens of establishing administrative systems to comply with the collection and remission provisions of a traditional sales and use tax law.

III. The state of New Hampshire is a year-round destination visited by millions of persons from various states that impose sales and use tax on their own residents. Complying with the complexities of these multiple and various sales and use tax laws and regulations would impose very costly burdens on all affected retail businesses. These burdens would be especially difficult to shoulder for smaller businesses that seek to expand their customer base by using old and new technologies such as traditional mail and communications using the Internet.

IV. On June 21, 2018, the United States Supreme Court issued its decision in *South Dakota v. Wayfair, Inc., et al.* By a 5-4 majority, the Court overturned over 50 years of precedent that a retail seller must be physically present in a state before the state could impose its sales and use tax collection requirements. This decision potentially exposes remote retail businesses, including those located within New Hampshire, to assertions by thousands of foreign taxing jurisdictions of various collection and remission requirements on remote retail businesses that were previously protected by the longstanding physical presence rule.

V. The majority decision in *Wayfair* did not finally adjudicate that the assertion of sales tax

collection liability against all remote retail businesses was constitutional and valid, but rather remanded the case for further proceedings. For example, the majority decision states: “The question remains whether some other principle in the Court’s Commerce Clause doctrine might invalidate the [South Dakota] Act.”

VI. New Hampshire’s decision not to enact a traditional broad-based sales and use tax law reflects a compelling governmental interest to encourage the establishment and expansion of small and “micro-businesses” that represent a particularly valuable segment of New Hampshire’s economy and comprise a majority of employers in the state. The high cost and practical difficulty of compliance with sales and use tax requirements would disproportionately and negatively impact these businesses and discourage other aspiring entrepreneurs from starting new businesses in New Hampshire.

VII. New Hampshire has a compelling governmental interest in protecting the privacy of an individual’s personal information that may be used to facilitate the sale of goods and services within this state.

VIII. New Hampshire also has a strong governmental interest in protecting its remote sellers and the private, personal information they possess from consumers from persons who may attempt to steal money or sensitive information from remote sellers by impersonating a foreign taxing jurisdiction or foreign taxing authority.

IX. Any foreign taxing jurisdiction that attempts to require a remote out-of-state business to collect a sales or use tax imposed on persons of such jurisdiction without having its own use tax or first seeking actively to enforce its use tax against its own persons is unfairly avoiding taxing its own persons while effectively imposing a direct tax on the remote out-of-state business in a manner that unlawfully discriminates against such out-of-state transactions in violation of the Commerce Clause of the United States Constitution.

X. The purpose of this chapter is to (a) ensure that no foreign taxing jurisdiction or authority imposes or attempts to impose sales and use tax collection obligations on a New Hampshire remote seller in a manner that violates the United States or New Hampshire Constitution and (b) protect New Hampshire remote sellers and the private, personal information they possess from consumers from persons who may attempt to steal money or sensitive information from remote sellers by impersonating a foreign taxing jurisdiction or foreign taxing authority.

78-E:2 Definitions. In this chapter:

I. “Foreign taxing authority” means an agency or other instrumentality of, or a person acting on behalf of, a foreign taxing jurisdiction that is authorized to administer, audit and enforce sales or use tax laws of the foreign taxing jurisdiction.

II. “Foreign taxing jurisdiction” means a state, territory, the District of Columbia, a local government, political subdivision, or any other entity which assesses retail sales tax or use tax on its persons with respect to the use, storage, and consumption of goods and services.

III. “New Hampshire remote purchase transaction” means any sale of services or goods, or

both, for any purpose other than resale in the regular course of business where the customer takes possession of the services or goods in a foreign taxing jurisdiction.

IV.(a) “New Hampshire remote seller” means any individual, trust, estate, fiduciary, partnership, corporation, or other legal entity, including a retailer as defined in RSA 78-D, located within the state, that engages in New Hampshire remote purchase transactions, and that does not have a physical presence within the foreign taxing jurisdiction.

(b) For purposes of this paragraph, a person has a “physical presence” in a foreign taxing jurisdiction only if such person’s business activities within the jurisdiction include any of the following:

- (1) Maintains its commercial or legal domicile in the foreign taxing jurisdiction;
- (2) Owns, holds a leasehold interest in, or maintains real property for business purposes such as a retail store, warehouse, distribution center, manufacturing operation, assembly facility, or any other facility in the foreign taxing jurisdiction;
- (3) Leases or owns tangible personal property for business purposes (other than computer software) of more than de minimis value in the foreign taxing jurisdiction;
- (4) Has one or more employees based in the foreign taxing jurisdiction or has independent sales persons in the foreign taxing jurisdiction actively soliciting sales;

(c) For purposes of this paragraph, the term “physical presence” shall not include:

- (1) Entering into an agreement under which a person, for a commission or other consideration, directly or indirectly refers potential purchasers to a person outside the foreign taxing jurisdiction, whether by an Internet-based link or platform, Internet Website or otherwise;
- (2) Any presence in a foreign taxing jurisdiction, as described in this paragraph, for less than 15 days in a taxable year (or a greater number of days if provided by foreign taxing jurisdiction law);
- (3) Product placement, setup, or other services offered in connection with delivery of products by an interstate or in-state carrier or other service provider;
- (4) Internet advertising services provided by in-state residents which are not exclusively directed towards, or do not solicit exclusively, in-state customers;
- (5) Ownership by a person outside the foreign taxing jurisdiction of an interest in a limited liability company or similar entity organized or with a physical presence in the foreign taxing jurisdiction;
- (6) The furnishing of information to customers or affiliates in such foreign taxing jurisdiction, or the coverage of events or other gathering of information in such foreign taxing jurisdiction by such person, or his or her representative, which information is used or disseminated from a point outside the foreign taxing jurisdiction; or
- (7) Business activities directly relating to such person's potential or actual purchase of goods or services within the foreign taxing jurisdiction if the final decision to purchase is made outside the foreign taxing jurisdiction.

(8) The placement of an order by a customer from a foreign taxing jurisdiction by any means.

V. “Person” means any individual, trust, estate, fiduciary, partnership, corporation, or any state, territory, the District of Columbia, a local government or political subdivision, or any other legal entity.

VI. “Private customer transaction information” means, with respect to any New Hampshire remote seller, any documents, records, and other information possessed or maintained by a New Hampshire remote seller in any form which contain information concerning the name, address, or telephone number of any customer, or any other information related to a customer such as credit card, debit card, or checks used to complete a customer transaction, a description of the goods or service purchased, the identity of any person for whom the goods or services were purchased, and the identification of the point of transfer of any goods or services that comprise a transaction of sales used for the calculation of sales or use tax liability.

VII. “Streamlined Sales and Use Tax Agreement” means the Streamlined Sales and Use Tax Agreement as adopted and amended from time to time by the Streamlined Sales Tax Governing Board.

VIII. “Written notice” means a notice in writing, by physical letter, addressed and physically mailed to the New Hampshire department of justice. No other form of notice shall be deemed to meet the requirements of this chapter.

78-E:3 Registration.

I. A foreign taxing authority shall register with the department of justice at least 120 days prior to taking any action to determine or impose sales or use tax liability against a New Hampshire remote seller.

II. The registration required in paragraph I shall be accompanied by a fee determined by the department of justice to be sufficient to cover the reasonable costs incurred by the department of justice in completing the administrative duties required by RSA 78-E:5 and RSA 78-E:6. All fees collected by the department of justice under this section shall be for the exclusive use of the department of justice in complying with the requirements of this chapter. The department of justice shall establish procedures for a foreign taxing authority’s registration and the establishment of these and any other necessary procedures or policies under this chapter, together with the determination of a registration fee, in rules adopted by the attorney general under RSA 541-A. Such rules may be adopted through emergency rulemaking under RSA 541-A:18.

78-E:4 Prohibitions; Notice.

I. No foreign taxing authority shall request from a New Hampshire remote seller any private customer transaction information for use in the determination of sales or use tax liability of the customer or for use in the determination, collection, and remittance of sales or use tax by the seller with respect to a customer transaction, nor shall a foreign taxing authority proceed with conducting such an examination or imposing sales and use tax collection obligations, unless the

foreign taxing authority has first registered with the department of justice pursuant to RSA 78-E:3 and provided the department of justice with written notice of its intent to request such information or conduct such an examination from a particular New Hampshire remote seller and 120 days from the date of such written notice have elapsed. The written notice regarding a particular New Hampshire remote seller shall state that it is a “RSA 78-E Notice,” shall provide the full legal name and address of the sellers, shall contain the reasons for the request or examination, shall cite the legal authorities that authorize imposition of a tax collection obligation on the seller, and shall explain why the seller is subject to those laws. A foreign taxing authority may not commence any action to determine or impose sales or use tax liability against a New Hampshire remote seller unless and until the department of justice has determined, pursuant to RSA 78-E:5, that the laws of the foreign taxing jurisdiction meet the requirements of the United States and New Hampshire Constitutions and, if they do, that they can be applied to the New Hampshire remote seller or sellers based on the reasons provided in the required written notice.

II.(a) A New Hampshire remote seller should provide to the department of justice notice of a foreign taxing authority’s first request for any private customer transaction information for use in the determination of sales or use tax liability of the customer or for use in the determination, collection, and remittance of sales or use tax by the seller with respect to a customer transaction, to insure that the foreign taxing authority is registered under RSA 78-E:3.

(b) Notwithstanding the provisions of subparagraph (a), a New Hampshire remote seller may elect immediate compliance with a request or directive of a foreign taxing authority if the seller determines that such compliance is in its best interests. If a New Hampshire remote seller elects immediate compliance, that seller should remit notice to the department of justice after such compliance to insure that the foreign taxing authority is registered under RSA 78-E:3. Immediate compliance by a New Hampshire remote seller shall not relieve a foreign taxing authority’s obligation to comply with the registration and notice requirements contained in RSA 78-E:3 and RSA 78-E:4.

(c) A New Hampshire remote seller may satisfy the notice requirement under this paragraph through email, phone call, letter, or other method established and specified by the department of justice.

III. A New Hampshire remote seller who elects immediate compliance under paragraph II of this section may do so under protest while reserving all rights provided under this chapter, the United States or New Hampshire Constitutions, or any other provision of law.

IV. No person shall impersonate or attempt to impersonate a foreign taxing jurisdiction, foreign taxing authority, or any other government agency for any reason and, any person who does shall be deemed to have committed an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right, remedy, or power set forth in RSA 358-A, including those set forth in RSA 358-A:4, II, may be used to enforce the provisions of this section. The exemptions provided for in RSA 358-A:3, I shall not apply to this paragraph.

78-E:5 Determination of Minimum Protections.

I. Upon registration of a foreign taxing authority and receipt of a written notice of a foreign taxing authority's intent to request private customer information from, conduct an examination of, or impose sales and use tax collection obligations on one or more New Hampshire remote sellers, the department of justice shall determine within 120 days of receipt of such notice whether the laws of the foreign taxing jurisdiction meet the requirements of the United States and New Hampshire Constitutions and, if they do, whether they can be applied to the New Hampshire remote seller or sellers based on the reasons provided in the required written notice. In conducting the review required by this paragraph, the department of justice shall consider all laws and regulations existing as of the time of the review, and all applicable principles of the United States and New Hampshire Constitutions, including but not limited to: whether or not the foreign taxing jurisdiction's laws provide a satisfactory safe harbor for New Hampshire remote sellers that conduct only limited business within the jurisdiction; whether or not the laws ensure that no obligation to remit sales or use tax may be applied retroactively; whether or not the foreign taxing jurisdiction has adopted the Streamlined Sales and Use Tax Agreement or otherwise adopted laws that are substantially compliant with each of the requirements set forth in the Streamlined Sales and Use Tax Agreement; whether or not the foreign taxing jurisdiction's laws provide for deduction, reimbursement, or exemption for the cost of compliance of the New Hampshire remote seller in collecting, accounting, and remitting the foreign taxing jurisdiction's sales or use taxes; whether or not the laws require substantial compliance and enforcement of the entirety of such laws, including whether or not the laws include a use tax and the requirement that persons report and pay use tax liability; whether or not the foreign taxing jurisdiction or authority is actively seeking to enforce its own requirement that persons report and pay use tax liability; and whether or not the application of such laws in practice are fairly related to the tangible benefits provided by such state to the New Hampshire remote seller.

II. Upon completion of the determination made pursuant to paragraph I, the department of justice shall send a letter to the New Hampshire remote seller and the foreign taxing authority informing them of what, if any, action the department of justice may take under this chapter. A foreign taxing authority shall comply with any applicable New Hampshire laws or rules in the event the foreign taxing authority is permitted to proceed with determining or imposing sales or use tax liability against a New Hampshire remote seller. Any determination made by the department of justice shall not be read to preclude a New Hampshire remote seller from bringing its own action under RSA 78-E:6, VII, or upon any other legal basis, and nothing in this chapter shall be construed to require or permit the department of justice to act as legal counsel or provide legal advice to a New Hampshire remote seller or any other person to whom the department of justice is not otherwise authorized by law to provide legal counsel.

78-E:6 Administration; Enforcement.

I. Whenever the department of justice has reason to believe that any provision of RSA 78-

E:3 or RSA 78-E:4 has been, is being or is about to be violated by any person, including a foreign taxing authority or foreign taxing jurisdiction, the department of justice may bring an action in the name of the state against such person to restrain by temporary, preliminary, or permanent injunction the prohibited conduct and may petition the court for an order of restitution of money or property to any person or class of persons injured thereby. The department of justice may bring a declaratory judgment action against any foreign taxing authority or jurisdiction to establish that the proposed assertion of an obligation to remit sales tax by one or more New Hampshire remote sellers violates applicable state or federal law. The action shall be brought in the superior court of Merrimack County or any other court of competent jurisdiction. Any such action shall be deemed a civil action within the meaning of RSA 491:7. The superior court shall act on such actions as expeditiously as possible and such actions shall proceed with priority over any other action presenting the same questions in any other venue. Nothing in this chapter shall be construed as creating a cause of action against the state of New Hampshire or any of its officials or employees.

II. The department of justice shall have the power to subpoena and subpoena duces tecum in the name of the department for the purposes of this chapter. Witnesses summoned by the department of justice shall be paid the same fee and mileage that are paid witnesses in the superior court of the state. A subpoena or subpoena duces tecum of the department of justice may be served by any person designated in the subpoena or subpoena duces tecum to serve it. The department of justice may administer an oath or affirmation to any person and conduct hearings in aid of any investigation. The department of justice may also require any person to make a statement in writing under oath concerning any matter under investigation provided that the due date for receipt of such a statement shall be no sooner than 10 calendar days after receipt of such demand. Any testimony or statement given by any person so sworn shall be subject to the pains and penalties of perjury.

III. Without limiting the authority granted in paragraph IV, whenever the department of justice believes any person to be or to have been in violation of this chapter, the department of justice may examine or cause to be examined for that purpose any books, records, papers, or other documentary materials, or may examine any person under oath and subject to the pains and penalties of perjury that the department of justice thinks may have knowledge of such violation. For such examination, the department of justice may require the person to appear at such person's place of residence, place of business, or any place in this state.

IV.(a) The department of justice shall serve notice of the time, place, and cause of said examination at least 10 days prior to the date of the examination. Service of any such notice may be made by:

- (1) Delivering a duly executed copy of the notice to the person to be served or an agent authorized by law to receive service of process;
- (2) Delivering a duly executed copy of the notice to the person's principal place of business in this state, if any; or
- (3) Registered mail, return receipt requested, to the person to be served, or an agent

authorized by law to receive service of process. These limitations do not apply to a written statement required under paragraph II which can be required by a reasonable notice thereof.

(b) Such notice need not be given if the department of justice has reason to believe that any potential recipient of such notice may move, conceal, alter, or destroy, or cause to be moved, concealed, altered, or destroyed, any documents to which it refers, or move or conceal or cause to be moved or concealed any person whose testimony is sought pursuant thereto. In any of such cases, the notice served by the department of justice pursuant to this paragraph may require the immediate production or examination of any document or person therein referred to.

V. At any time prior to the date specified in the notice, or within 21 days after the notice has been served, whichever period is shorter, the superior court may, upon motion for good cause shown, extend said reporting date, or modify or set aside the demand.

VI. Any information, testimony, or documentary material obtained under the authority of this section shall be used only for one or more of the following purposes:

(a) In connection with investigations instituted under this chapter or for the prosecution of legal proceedings instituted under this chapter or any other provision of New Hampshire law; and

(b) In connection with any formal or informal program of or request for information exchange between the department of justice and any other local, state, or federal law enforcement agency. However, no information or material obtained or used pursuant to the authority of this section shall be released publicly by any governmental agency except in connection with the prosecution of legal proceedings instituted under this chapter or any other provision of New Hampshire law. In addition, any information, testimony, or documentary material obtained or used pursuant to a protective order shall not be exchanged or released, as provided herein, publicly except in compliance with such protective order.

VII. A New Hampshire remote seller who is subject to collection, audit, or examination by a foreign taxing authority may file an action in the superior court of Merrimack County or any other court of competent jurisdiction seeking immediate, emergency relief to enjoin any collection, audit, or examination attempt that is occurring or will occur in violation of RSA 78-E:3 or RSA 78-E:4 or to enforce any other rights provided by this chapter. Any New Hampshire remote seller who prevails in such an action shall be entitled to recover any damages suffered as a result of the violation of RSA 78-E:3 or RSA 78-E:4 and reasonable attorney fees and costs incurred in maintaining the action. Nothing in this paragraph is intended to limit a New Hampshire remote seller's judicial recourse to enforcement of this chapter.

78-E:7 Jurisdiction. A foreign taxing authority's registration with the department of justice under RSA 78-E:3 shall constitute consent to the exclusive jurisdiction of New Hampshire state courts for any and all claims, cases, or controversies related to any action brought under the provisions of this chapter. New Hampshire state courts shall have jurisdiction over any claim, case, or controversy brought under the provisions of this chapter even if a foreign taxing authority has failed to register with the department of justice pursuant to RSA 78-E:3.

78-E:8 Waiver of Sovereign Immunity. A foreign taxing authority's registration with the department of justice under RSA 78-E:3 shall constitute an affirmative waiver of sovereign immunity for any and all claims, cases, or controversies related to an action brought under the provisions of this chapter.

78-E:9 Reimbursement for Sales and Use Tax Collection. Notwithstanding the provisions of this chapter, if a New Hampshire remote seller is determined to be obligated to collect and remit sales or use tax on behalf of a foreign taxing jurisdiction or foreign taxing authority, then that New Hampshire remote seller shall be entitled to recover or deduct from any taxes collected on behalf of such foreign taxing jurisdiction or foreign taxing authority any costs, including any initial set up costs, incurred in the collection and remission of sales and use taxes to that jurisdiction or authority.

78-E:10 Supplement to RSA 78-D. The protections for New Hampshire remote sellers provided by this chapter are intended to supplement, and not replace or supplant, protections provided to retailers under and as that term is defined in RSA 78-D. Therefore, in any situation where a provision of this chapter conflicts with the provisions of RSA 78-D, the provision that provides greater protection from sales and use tax collection liabilities to a New Hampshire remote seller or retailer, as that term is defined in RSA 78-D, shall control.

78-E:11 Commission Established. There shall be a commission to study ways to protect the New Hampshire advantage for New Hampshire businesses as a result of the uncertainty created from the United States Supreme Court decision in *South Dakota v. Wayfair*, which changed the long held view of the physical presence rule.

I. The commission shall be composed of 13 members, as follows:

- (a) The attorney general, or designee.
- (b) The commissioner of the department of revenue administration, or designee.
- (c) The commissioner of the department of business and economic affairs, or designee.
- (d) A member of the Business and Industry Association of New Hampshire, appointed by the governor.
- (e) A member of the New Hampshire Retail Association, appointed by the president of the senate.
- (f) A New Hampshire merchant, appointed by the speaker of the house of representatives.
- (g) A New Hampshire remote seller, appointed by the president of the senate.
- (h) A tax attorney or tax accountant, appointed by the speaker of the house of representatives.
- (i) Three members of the house of representatives, one of whom shall be from the minority party, appointed by the speaker of the house of representatives.
- (j) Two members of the senate, one of whom shall be from the minority party, appointed by the president of the senate.

II. The duties of commission shall include, but are not limited to:

(a) Monitoring subsequent United States Supreme Court decisions relating to the issues raised in *South Dakota v. Wayfair, Inc.*, and any other relevant court decisions that may impact New Hampshire businesses' obligations to collect sales and use taxes on behalf of foreign taxing jurisdictions or authorities.

(b) Monitoring attempts by other states to impose sales and use tax collection obligations on New Hampshire remote sellers and remote service providers.

(c) Studying the creation of a private right of action for violations of privacy in transactions associated with any attempts to impose sales and use tax collection obligations on New Hampshire remote sellers.

(d) Reviewing court cases regarding the Full Faith and Credit Clause of the United States Constitution to determine how these cases impact New Hampshire's ability to protect New Hampshire remote sellers from sales and use tax collection obligations, including but not limited to the following decisions:

(1) *Franchise Tax Board of California v. Hyatt*, 136 S.Ct.1277 (2016).

(2) *Pacific Employers Ins. Co. v. Industrial Accident Commission of State of California*, 306 U.S. 493 (1939).

(3) *Bradford Electric Light Co. v. Clapper*, 286 U.S. 145 (1932).

(e) Addressing concerns related to costs incurred by New Hampshire businesses in the collection of sales and use taxes on behalf of a foreign taxing jurisdiction or authority.

III. The commission may solicit information from any person or entity the commission deems relevant to its duties.

IV. 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 30 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

V. 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, in an initial report on or before November 1, 2018, an interim report on or before March 1, 2019, and a final report on or before November 1, 2019.

78-E:12 Severability. If any provision of this chapter or the application thereof to any agency, person, or circumstances is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

2 Repeal of Commission. RSA 78-E:11, relative to the establishment of a commission, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2019.

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

LBAO
18-3036
7/19/18

**SSSB 1-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT requiring notice and approval of certain actions to commence audits of collection liabilities arising under certain sales and use tax statutes and prohibiting New Hampshire remote sellers from disclosing private customer information to foreign taxing authorities in connection with the collection of certain sales and use taxes.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2019	FY 2020	FY 2021	FY 2022
Appropriation	\$0	\$0	\$0	\$0
Revenue	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other -			

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill directs foreign taxing authorities to register with the Department of Justice prior to taking any action to determine or impose a sales or use tax liability against a New Hampshire remote seller and allows the Department to establish a fee sufficient to cover the administrative duties contained in this bill. To the extent the Department has expenditures associated with the implementation of this bill and is unable to collect a fee, they may request additional general funds. The Department may have an indeterminable increase in state restricted revenue and state expenditures.

This bill may have an indeterminable impact on Judicial Branch expenditures to the extent this bill results in increased litigation in New Hampshire courts.

Due to time constraints, we are unable to determine if this bill will impact other state agencies.

AGENCIES CONTACTED:

None

MEETINGS

FRIDAY, JULY 20, 2018

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

9:30 a.m.	NH DRA Training Room 109 Pleasant Street Concord, NH	Regular Meeting
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FISCAL COMMITTEE (RSA 14:30-a)

10:00 a.m.	Rooms 210-211, LOB	Regular Meeting
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MONDAY, JULY 23, 2018

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4)

9:00 a.m.	Room 100, SH	Subcommittee Group D Meeting
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COMMISSION TO STUDY THE LEGALIZATION, REGULATION, AND TAXATION OF MARIJUANA (RSA 318-B:46)

10:00 a.m.	Room 202, LOB	Regular Meeting
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COMMITTEE TO STUDY EDUCATION FUNDING AND THE COST OF AN OPPORTUNITY FOR AN ADEQUATE EDUCATION (HB 356, Chapter 190:1, Laws of 2017)

10:00 a.m.	Room 209, LOB	Regular Meeting
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JOINT LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1)

11:30 a.m.	Room 212, LOB	Regular Business Meeting
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COMMITTEE TO STUDY THE LAWS RELATING TO CONDOMINIUM AND HOMEOWNERS' ASSOCIATIONS (RSA 356-B:70)

1:30 p.m.	Room 104, LOB	Regular Meeting
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THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD (RSA 170-G:6-a)

2:00 p.m.	Room 206, LOB	Regular Meeting
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TUESDAY, JULY 24, 2018

COMMISSION TO STUDY THE EFFICIENCY AND EFFECTIVENESS OF FISH AND GAME DEPARTMENT OPERATIONS (RSA 206:1-d)

10:00 a.m.	Room 100, SH	Regular Meeting
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WEDNESDAY, JULY 25, 2018

CURRENT USE BOARD (RSA 79-A:3)

9:00 a.m.	NH DRA Training Room 109 Pleasant Street Concord, NH	Subcommittee Meeting - Rules
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NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4)

9:00 a.m.	Room 100, SH	Subcommittee Group C Meeting
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2:00 p.m.	Room 100, SH	Subcommittee Group B Meeting
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THURSDAY, JULY 26, 2018

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

2:00 p.m.	NH Medical Society 7 North State Street Concord, NH	Regular Meeting
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MONDAY, JULY 30, 2018

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4)

9:00 a.m. Room 100, SH Subcommittee Group D Meeting

TUESDAY, JULY 31, 2018

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4)

8:30 a.m. Room 100, SH Subcommittee Group C Meeting

WEDNESDAY, AUGUST 1, 2018

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4)

9:30 a.m. Room 100, SH Subcommittee Group A Meeting

THURSDAY, AUGUST 2, 2018

LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2)

10:30 a.m. Room 104, LOB Regular Meeting

FRIDAY, AUGUST 3, 2018

COMMISSION TO STUDY THE EFFICIENCY AND EFFECTIVENESS OF FISH AND GAME DEPARTMENT OPERATIONS (RSA 206:1-d)

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

MONDAY, AUGUST 6, 2018

COMMISSION TO STUDY THE LEGALIZATION, REGULATION, AND TAXATION OF MARIJUANA (RSA 318-B:46)

10:00 a.m. Room 202, LOB Regular Meeting

TUESDAY, AUGUST 7, 2018

COMMITTEE ON LEGISLATOR ORIENTATION (RSA 17-C:1)

9:00 a.m. Room 104, LOB Organizational Meeting

WEDNESDAY, AUGUST 8, 2018

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3)

9:00 a.m. New Futures Regular Meeting
Conference Room
Ferry Street
Concord, NH

CURRENT USE BOARD (RSA 79-A:3)

1:00 p.m. NH DRA Training Room Subcommittee Meeting - Current
109 Pleasant Street Use Criteria Booklet
Concord, NH

INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E:2)

1:00 p.m. Room 204, LOB Subcommittee Meeting - Pretrial
Services

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

2:00 p.m. NH DRA Training Room Subcommittee Meeting - Assessing
109 Pleasant Street Reference Manual
Concord, NH

FRIDAY, AUGUST 10, 2018

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

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

COMMISSION ON RURAL AFFAIRS (RSA 9-A:5)

10:00 a.m. Room 104, LOB Regular Meeting

NEW HAMPSHIRE STATE HOUSE BICENTENNIAL COMMISSION (RSA 17-R:1)

1:30 p.m. Room 307, LOB Regular Meeting

MONDAY, AUGUST 13, 2018

COASTAL MARINE NATURAL RESOURCES AND ENVIRONMENT COMMISSION (RSA 485-G:1)

9:00 a.m. NHDES Portsmouth Regional Office Regular Meeting
Pease International Tradeport
222 International Drive, Suite 175
Portsmouth, NH

COMMITTEE TO STUDY EMANCIPATION OF MINORS (RSA 21-B:3)

10:00 a.m. Room 206, LOB Organizational Meeting

SEACOAST COMMISSION ON LONG TERM GOALS AND REQUIREMENTS FOR DRINKING WATER (RSA 485-F:5)

2:00 p.m. NHDES Regional Office, Room A Regular Meeting
Pease International Tradeport
222 International Drive, Suite 175
Portsmouth, NH

THURSDAY, AUGUST 16, 2018

ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Rooms 306-308, LOB Regular Meeting

COMMISSION ON POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D)

2:30 p.m. Walker Building, Room 100 Regular Meeting
21 South Fruit Street
Concord, NH

FRIDAY, AUGUST 17, 2018

COMMISSION TO STUDY GRANDFAMILIES IN NEW HAMPSHIRE (RSA 170-G:17)

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

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

1:00 p.m. Room 303, LOB Regular Meeting

COMMISSION TO REVIEW CHILD ABUSE FATALITIES (RSA 169-C:39-k)

1:00 p.m. Room 100, SH Regular Meeting

MONDAY, AUGUST 20, 2018

NEW HAMPSHIRE VETERANS HOME BOARD OF MANAGERS (RSA 119:3-a)

9:00 a.m. NH Veterans Home Regular Meeting
Tarr South Conference Room
139 Winter Street
Tilton, NH

NH COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2)

9:00 a.m. NH Higher Education Assistance Foundation Investment Meeting
4 Barrell Court
Concord, NH

10:00 a.m. NH Higher Education Assistance Foundation Regular Meeting
4 Barrell Court
Concord, NH

COMMISSION TO STUDY THE LEGALIZATION, REGULATION, AND TAXATION OF MARIJUANA (RSA 318-B:46)

10:00 a.m. Room 202, LOB Regular Meeting

COMMISSION TO STUDY THE APPORTIONMENT OF GROSS BUSINESS PROFITS UNDER THE BUSINESS PROFITS TAX (RSA 77-A:23)

1:00 p.m. Room 100, SH Regular Meeting

THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD (RSA 170-G:6-a)

2:00 p.m. Room 206, LOB Regular Meeting

WEDNESDAY, AUGUST 22, 2018**ASSESSING STANDARDS BOARD (RSA 21-J:14-a)**

2:00 p.m. NH DRA Training Room Subcommittee Meeting - Assessing
109 Pleasant Street Reference Manual
Concord, NH

THURSDAY, AUGUST 23, 2018**COMMITTEE TO STUDY LEVEL DOLLAR AMORTIZATION OF RETIREMENT SYSTEM UNFUNDED ACCRUED LIABILITY (HB 1805, Chapter 203:1, Laws of 2018)**

1:00 p.m. Room 301, LOB Organizational Meeting

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

2:00 p.m. NH Medical Society Regular Meeting
7 North State Street
Concord, NH

FRIDAY, AUGUST 24, 2018**GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, TREATMENT, AND RECOVERY (RSA 12-J:1)**

9:30 a.m. NH Fire Academy Dormitory Regular Meeting
98 Smokey Bear Drive
Concord, NH

INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E:2)

1:30 p.m. Room 204, LOB Subcommittee Meeting

MONDAY, AUGUST 27, 2018**OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)**

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

TUESDAY, AUGUST 28, 2018**JOINT COMMITTEE ON DEDICATED FUNDS (RSA 6:12-i)**

10:00 a.m. Room 202, LOB Regular Meeting

THURSDAY, AUGUST 30, 2018

INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E:2)

10:30 a.m.	NH Department of Corrections Main Building 2nd Floor 105 Pleasant Street Concord, NH	Subcommittee Meeting - Risk Assessment
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HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)

1:00 p.m.	Room 205, LOB	Subcommittee Meeting - Suicide Reporting
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WEDNESDAY, SEPTEMBER 5, 2018

COMMISSION ON THE SEACOAST CANCER CLUSTER INVESTIGATION (RSA 126-A:74)

10:00 a.m.	Room 205, LOB	Regular Meeting
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LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1)

10:00 a.m.	Room 201, LOB	Regular Meeting
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CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2)

11:00 a.m.	Room 201, LOB	Regular Meeting
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COMMISSION TO STUDY THE NEW HAMPSHIRE VETERANS CEMETERY (RSA 110-B:79-a)

1:30 p.m.	Room 201, LOB	Organizational Meeting
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THURSDAY, SEPTEMBER 6, 2018

ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m.	Rooms 306-308, LOB	Continued Meeting
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MONDAY, SEPTEMBER 10, 2018

NH BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2)

2:00 p.m.	Brain Injury Association of NH 52 Pleasant Street Concord, NH	Regular Meeting
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SEACOAST COMMISSION ON LONG TERM GOALS AND REQUIREMENTS FOR DRINKING WATER (RSA 485-F:5)

2:00 p.m.	NHDES Regional Office, Room A Pease International Tradeport 222 International Drive, Suite 175 Portsmouth, NH	Regular Meeting
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WEDNESDAY, SEPTEMBER 12, 2018

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3)

9:00 a.m.	New Futures, Conference Room Ferry Street Concord, NH	Regular Meeting
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THURSDAY, SEPTEMBER 13, 2018

JOINT LEGISLATIVE COMMITTEE TO EXAMINE THE INDEPENDENT REVIEW OF THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES (HB 517, Chapter 156:244, Laws of 2017)

10:00 a.m.	Room 205, LOB	Regular Meeting
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HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)

1:00 p.m.	Room 205, LOB	Subcommittee Meeting - Foster Care
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FRIDAY, SEPTEMBER 14, 2018

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

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

OVERSIGHT COMMISSION ON CHILDREN'S SERVICES (RSA 170-G:19)

1:00 p.m. The Office of the Child Advocate Regular Meeting
The Philbrook Building
121 South Fruit Street
Concord, NH

MONDAY, SEPTEMBER 17, 2018

INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E:2)

1:30 p.m. Room 204, LOB Regular Meeting

THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD (RSA 170-G:6-a)

2:00 p.m. Room 206, LOB Regular Meeting

THURSDAY, SEPTEMBER 20, 2018

ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Rooms 306-308, LOB Regular Meeting

COMMISSION ON POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D)

2:30 p.m. Walker Building, Room 100 Regular Meeting
21 South Fruit Street
Concord, NH

MONDAY, SEPTEMBER 24, 2018

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

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

TUESDAY, SEPTEMBER 25, 2018

JOINT COMMITTEE ON DEDICATED FUNDS (RSA 6:12-i)

10:00 a.m. Room 202, LOB Regular Meeting

THURSDAY, SEPTEMBER 27, 2018

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

2:00 p.m. NH Medical Society Regular Meeting
7 North State Street
Concord, NH

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2018 PENDING VETO MESSAGES:

SENATE BILLS: 365, 446, 593

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2018 BILLS REMAINING ON THE TABLE:

SENATE BILLS: CACR 20, 331, 337, 344, 353, 355, 361, 371, 375, 397, 404, 405, 419, 422, 454, 465, 472, 521, 526, 545, 568, 585, 586

HOUSE BILLS: 134, 485, 1313, 1382, 1427, 1477, 1509, 1513, 1549, 1554, 1672, 1725, 1741, 1786, 1788

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ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2017-2018 BILLS:

SENATE BILLS: 48, 63, 170, 247, 313, 314, 315, 321, 336, 369, 370, 374, 377, 386, 412, 421, 429, 450, 451, 469, 477, 478, 479, 482, 487, 491, 500, 507, 513, 527, 535, 537, 556, 553, 564, 566, 570, 577, 578, 580, 589, 590, 591, 592

HOUSE BILLS: CACR 16, 267, 314, 500, 1100, 1101, 1102, 1104, 1238, 1251, 1258, 1261, 1286, 1322, 1329, 1335, 1354, 1356, 1370, 1378, 1389, 1415, 1418, 1453, 1468, 1495, 1496, 1497, 1551, 1565, 1575, 1577, 1564, 1586, 1593, 1601, 1605, 1606, 1665, 1720, 1738, 1739, 1740, 1743, 1756, 1807, 1808, 1809, 1816, 1817, 1819, 1822, 2018

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NOTICES

THURSDAY, JULY 26, 2018

Come join a Lunch and Learn program to explore the “Blue Zones.” You will explore how five areas on the globe are living a lifestyle that add up to 30 years more of longevity than average Americans. This is without the disabilities and the chronic diseases we have. All the five “Blue Zones” exhibit similar principles for longevity without disabilities called the “Power of Nine.” Come learn the global lessons from the “Blue Zones” for a healthy living on Thursday, July 26 at 12:00 p.m. – 12:30 p.m. in the Upham Walker House. RSVP to Dianne Bergquist at dianne.bergquist@leg.state.nh.us or call 271-2757.

Senator Jeff Woodburn, Senate Minority Leader

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SENATE SCHEDULE

Monday, September 3, 2018	Labor Day (State Holiday)
Monday, November 12, 2018	Veterans' Day (State Holiday)
Thursday, November 22, 2018	Thanksgiving Day (State Holiday)
Friday, November 23, 2018	Day after Thanksgiving (State Holiday)
Tuesday, December 25, 2018	Christmas Day (State Holiday)