

November 1, 2018
No. 42

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

MEETINGS

MONDAY, NOVEMBER 5, 2018

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

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

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

10:00 a.m. NH DHHS Regular Meeting
Brown Building, Room 232
129 Pleasant Street
Concord, NH

CHILDREN'S SAVINGS ACCOUNT PROGRAM COMMISSION (RSA 195-J:1)

1:00 p.m. Room 207, LOB Regular Meeting

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

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

FRIDAY, NOVEMBER 9, 2018

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

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

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

10:00 a.m. Rooms 205-207, LOB Regular Meeting

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

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

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

1:00 p.m. Rooms 306-308, LOB Regular Meeting

TUESDAY, NOVEMBER 13, 2018

COMMISSION ON PRETRIAL DETENTION, PRETRIAL SCHEDULING, AND PRETRIAL SERVICES (RSA 597:43)

1:00 p.m. Room 307, LOB Regular Meeting

WEDNESDAY, NOVEMBER 14, 2018

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

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

JOINT HEALTH CARE REFORM OVERSIGHT COMMITTEE (RSA 420-N:3)

1:00 p.m. Rooms 306-308, LOB Regular Meeting

THURSDAY, NOVEMBER 15, 2018

ADMINISTRATIVE RULES (RSA 541-A:2)

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

COMMISSION TO ADDRESS CHILD HUNGER IN NEW HAMPSHIRE (RSA 161:13)

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

ADVISORY COUNCIL ON PREGNANCY AND LACTATION (RSA 275:77)

11:30 a.m. Room 307, LOB Regular Meeting

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

1:00 p.m. Room 104, 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, NOVEMBER 16, 2018**COMMISSION ON DEMOGRAPHIC TRENDS (RSA 4-C:37)**

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

COMMISSION TO STUDY THE EFFECTIVENESS OF THE CURRENT STATUTES RELATED TO MANAGEMENT OF NON-TIDAL PUBLIC WATERWAYS AND THE CONSTRUCTION OR PLACEMENT OF STRUCTURES WITHIN THEM (RSA 482-A:35)

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

FISCAL COMMITTEE (RSA 14:30-a)

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

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

10:00 a.m. Room 205, LOB Subcommittee Meeting - Alzheimers

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

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

SUNDAY, NOVEMBER 18, 2018**LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K:1)**

1:00 p.m. NH Technical Institute Regular Meeting
Sweeney Crocker Building
Room 235
Concord, NH

MONDAY, NOVEMBER 19, 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

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

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

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

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

NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q)

1:30 p.m. Room 208, 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

MONDAY, NOVEMBER 26, 2018

BALLOT LAW COMMISSION (RSA 665:1)

9:00 a.m. Room 301, LOB Regular Meeting

COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND EXOTIC AQUATIC SPECIES OF WILDLIFE IN THE STATE OF NEW HAMPSHIRE (RSA 487:30)

11:00 a.m. Room 307, LOB Regular Meeting

DEPARTMENT OF ENVIRONMENTAL SERVICES; SENATE ENERGY AND NATURAL RESOURCES; HOUSE RESOURCES, RECREATION AND DEVELOPMENT (Joint hearing required by RSA 483:9-c, II)

5:30 p.m. NH DES Office, Room 112 Joint Public Hearing on the
29 Hazen Drive Proposal to Conduct a Protected
Concord, NH Instream Flow Study on the
Cold, Warner, or Upper
Ashuelot Designated River

(Please Note: This public hearing will be conducted by NH DES personnel. If you have any questions, please contact Wayne Ives of DES at (603)271-3548 or Wayne.Ives@des.nh.gov)

THURSDAY, NOVEMBER 29, 2018

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1)

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

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2)

11:00 a.m. Room 104, LOB Regular 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

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

3:30 p.m. NH DOE Regular Meeting
Londergan Hall, Room 12
101 Pleasant Street
Concord, NH

FRIDAY, NOVEMBER 30, 2018

PUBLIC-PRIVATE PARTNERSHIP TRANSPORTATION INFRASTRUCTURE OVERSIGHT COMMISSION (RSA 228:107)

10:00 a.m. NH Department of Transportation Regular Meeting
Room 112/113
7 Hazen Drive
Concord, NH

MONDAY, DECEMBER 3, 2018

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

10:00 a.m. NH DHHS Regular Meeting
Brown Building, Room 232
129 Pleasant Street
Concord, NH

TUESDAY, DECEMBER 4, 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

THURSDAY, DECEMBER 6, 2018

ADMINISTRATIVE RULES (RSA 541-A:2)

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

PUBLIC SCHOOL INFRASTRUCTURE COMMISSION (RSA 198:15-z)

10:00 a.m. Room 209, LOB Regular Meeting

MONDAY, DECEMBER 10, 2018

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

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

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

2:00 p.m. Brain Injury Association of NH Regular Meeting
52 Pleasant Street
Concord, NH

WEDNESDAY, DECEMBER 12, 2018

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

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

FRIDAY, DECEMBER 14, 2018

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

9:30 a.m. Governor and Council Chambers, SH Regular Meeting

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

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

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

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

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

1:00 p.m. Room 307, LOB Regular Meeting

MONDAY, DECEMBER 17, 2018

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

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

THURSDAY, DECEMBER 20, 2018

ADMINISTRATIVE RULES (RSA 541-A:2)

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

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

2:30 p.m.

Walker Building, Room 100
21 South Fruit Street
Concord, NH

Regular Meeting

* * * * *

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

* * * * *

NOTICES

LEGISLATIVE ETHICS COMMITTEE

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

Advisory Opinion 2018-2
Response to a Request for an Advisory Opinion
from Senator Robert J. Giuda
(October 9, 2018)

Pursuant to RSA 14-B:3, I (c), Senator Robert J. Giuda has requested an Advisory Opinion about whether, consistent with applicable statutes and the Ethics Guidelines, he may pursue a contract through his aviation consulting business with the New Hampshire Department of Transportation (DOT) to perform airport runway inspections.

According to information provided to the Committee by Senator Giuda, his business, Air Ops Analytics, LLC is a single-member limited liability corporation registered in New Hampshire. He said he first learned about the business opportunity when, after referencing his consulting company at a recent meeting on an unrelated issue, a member of the governor's staff mentioned in passing that DOT had for some time been unable to fill a position to perform runway inspections. Senator Giuda stated that he "offered that as a pilot with significant qualifications and a lifetime of experience in aviation, and with significant aviation safety credentials and experience, (he) would consider offering (his) services to perform runway inspections on a competitive contract basis to the state at much less cost than hiring a full-time or part-time employee."

Senator has asked the Committee:

- "(1) whether pursuing this opportunity - fully transparent and through whatever lawful process DOT would utilize - would present any conflict whatsoever with my position and duties as a State Senator; and
- (2) if the Committee determines that any conflicts do exist, could the Committee establish specific strictures and/or conditions that would eliminate these conflicts?"

Relevant provisions of Ethics Guidelines and law:

Ethics Guidelines Section 3 -- Prohibited Activities *****

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

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

Ethics Guidelines Section 2 -- Definitions.

I. "Anything of Value" includes but is not limited to:*****

(1) A promise of employment or continued employment; *****

RSA 14-C:3 Prohibition on Gifts; Duty to Report. -- *****

III. It shall be unlawful for any legislator or legislative employee to solicit or to knowingly accept, directly or indirectly, any gift, as defined in this chapter, or to fail to meet the reporting requirements of this chapter.

RSA 14-C:2, IV(b) Notwithstanding subparagraph (a), “gift” shall not include:****

(7) Wages, salary, benefits, mileage, or payment for expenses received by the person in his or her regular course of employment or business which is unrelated to the legislative position held.

We advise as follows:

Based on the information provided to the Committee by Senator Giuda, we conclude that his pursuit or acceptance of a contract with DOT would not violate the Ethics Guidelines’ prohibition against soliciting or accepting anything of value from a “giver who is likely to become subject to or interested in any matter or action pending before or contemplated by the legislator or the General Court” as the Committee does not construe the term “giver,” in the context of Senator Giuda’s inquiry, as including an agency of the State of New Hampshire, such as DOT.

Salary received from the consulting contract would be exempt from the statutory prohibitions on the acceptance of gifts, as set forth in RSA 14-C:3, because the salary would be in the regular course of his business, which is unrelated to his legislative position. RSA 14-C:2, IV(b)(7).

The Committee assumes that DOT would pursue its standard process for awarding consulting contracts in any decision to enter into a contract with Senator Giuda.

Senator Giuda would not be required under the Ethics Guidelines to recuse himself in general from future votes relating to DOT, but he would be required to fulfill the normal requirements for disclosure of his financial interests relating to the proposed contract with DOT through the use of the appropriate financial disclosure forms and verbal disclosure procedures under the Ethics Guidelines.

We appreciate the opportunity to be of assistance.

Honorable Donna Sytek, Chairman
 Senator Sharon M. Carson, Vice Chairman
 Representative Janet G. Wall
 Senator Martha Fuller Clark
 Representative David A. Welch
 Attorney David H. Bradley
 Honorable David W. Hess

For the Committee,
 Donna Sytek
 Chairman

[Vote 7-0]

* * * * *

MONDAY, DECEMBER 3, 2018

Lakes Region Community College and the Lakes Region Planning Commission invite all interested Legislators and newly-elected Legislators to a briefing Monday, December 3rd from 5:00 p.m. – 7:00 p.m. at Lakes Region Community College’s Academic Commons Health and Science Building, 379 Belmont Road, Laconia. Attendees will hear updates from the College and Commission, as well as Edward Engler, Mayor of the City of Laconia, and George Bald about the status of the former Laconia State School property. We look forward to your questions and conversation. Refreshments will be served. Please RSVP to Elizabeth Lawton at elawton@ccsnh.edu or 366-5299.

Senator Bob Giuda
 Senator Harold French

* * * * *

WEDNESDAY, DECEMBER 5, 2018

Sheehan Phinney Capitol Group cordially invites all House and Senate members and staff to their annual Welcome Back Reception on Wednesday, December 5, 2018, at Tandy’s Pub, One Eagle Square (directly across the street from the State House) following the close of session, or at 3:00 p.m. should the session end early.

Senator Jeb Bradley, Senate Majority Leader
 Senator Donna Soucy, Senate Minority Leader

* * * * *

MONDAY, DECEMBER 17, 2018

Returning and newly-elected legislators are invited to a briefing on the Community College System of New Hampshire (CCSNH) and strategies to meet NH's workforce challenges, by CCSNH Chancellor Ross Gittell and CCSNH Board of Trustees Chair Jeremy Hitchcock, Monday, December 17th from 11:00 a.m. - 12:30 p.m. in the basement of St. Paul's Church, Park Street Concord (GPS address is 21 Centre Street, Concord). Refreshments will be served. Please RSVP to kcarlson@ccsnh.edu.

Senator Jeb Bradley, Senate Majority Leader

* * * * *

SENATE SCHEDULE

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, November 27, 2018	Senate Orientation
Wednesday, December 5, 2018	Organization Day
Tuesday, December 25, 2018	Christmas Day (State Holiday)