HOUSE RECORD

First Year of the 162nd General Court
Calendar and Journal of the 2011 Session

Vol. 33 Concord, N.H. Friday, June 24, 2011 No. 50
Contains: Hearings, Meetings, Notices, Ethics Committee Interpretive Ruling, Governor's Veto Messages on HB 218 and HB 474

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The next House Session is scheduled for Thursday, June 30th at 10:00 am**. You will be notified by email if there is a change in the schedule.** Please contact Scott Rupp at General Court Information Systems (Scott.Rupp@leg.state.nh.us) if your email address needs to be updated.

NH Administrative Services has announced the implementation of ASOPS, the Administrative Services On-line Pay Statements. This web-based system, accessible from any computer, allows you to obtain pay information, current and historical, starting with May 6, 2011. Effective July 1, 2011, if you are enrolled in direct deposit of your mileage checks, you will no longer receive a printed payroll advice copy. You will need to register to access your pay statements in ASOPS. A user guide and frequently asked questions are available at http://admin.state.nh.us/hr. If you receive a check and are not enrolled in direct deposit, you are also encouraged to register and view your pay statements in ASOPS. If you receive printed checks, you will continue to do so. Questions can be directed to Legislative Accounting at 271-3162 or stop in that office in Room 113 of the State House.

Chairmen and Vice-Chairmen will next meet at **9:00 a.m. on Tuesday, June 28th** in Rooms 305-307 of the Legislative Office Building.

No members are to use a House committee room, even for informal meetings, unless the room use is first cleared with the committee chairman and scheduled in the Clerk's office.

Groups wishing to sponsor events in the State House Cafeteria must first contact Director of Operations Doug Dolcino (271-3323) to avoid conflicts in the schedule. Members should not agree to sign calendar notices for such events unless they are sure this has been done. Your cooperation in this regard is appreciated.

Please note that July will be the month in which the House takes a break. There will be no House committee hearings or work sessions. No other legislative business will be conducted and members will not receive mileage except for meetings of those statutory and chapter study committees required by law to meet during that time.

The **LOB parking garage will be closed for renovations** from July 1, 2011 until mid-November. All members assigned parking spaces in that structure will need to park in the Storrs Street parking garage during that period.

William L. O'Brien, Speaker

NOTICE

There will be a Democratic Caucus on Thursday, **June 30** at **9:00 a.m.** in Rooms 305-307, LOB, if the House is in session

Terie Norelli, Democratic Leader

NOTICE

The next House Calendar will close at noon on **Thursday, June 30** to be mailed on Friday, July 1.

During the summer months the House Calendar will be published **every two weeks**. Members and staff who need to schedule meetings should make arrangements with the Clerk's Office for room availability and publication of meeting notices. Please note Calendar **will close on Wednesdays at noon.**

CLOSES NOON *WEDNESDAY*:	**TO BE MAILED *THURSDAY:***
July 14	July 15
July 28	July 29
August 11	August 12
August 25	August 26
September 8	September 9

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES

Wednesday, November 2, 2011	Last day to report retained bills.
Wednesday, November 2, 2011 4:30 pm	Last day to sign-off LSRs, including requests for petitions.

NOTICE

LEGISLATIVE ETHICS COMMITTEE

The Legislative Ethics Committee has voted unanimously to issue the following interpretive ruling, which is printed below in its entirety.

INTERPRETIVE RULING 2011-#1

(JUNE 17, 2011)

Obligations of Legislators in Connection with Proposed Petitions for the Redress of Grievances

Questions have arisen regarding the obligations of legislators who receive requests from members of the public to present petitions for redress of grievances on their behalf. Specifically, the questions are (1) Whether legislators are obliged to "present" (*i.e* sponsor) a petition simply at the request of a member of the public; and (2) Whether legislators are obliged to keep the content of a proposed petition confidential prior to its presentation. The Committee has reviewed applicable provisions of the New Hampshire Constitution, statutes, rules, and Ethics Guidelines governing the conduct of legislators in the performance of their duties as such, and interprets them as follows.

1. Obligation to present a petition. No such governing provision requires a legislator to "present" a petition simply because the legislator was requested to do so by a member of

the public. On the contrary, as with any matter a legislator may be asked to sponsor, legislators must be free to exercise their best judgment about sponsoring it. As Edmund Burke, a great English legislator of the 18th Century put it: "Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion."

2. Obligation to keep confidential the content of a proposed petition. No such governing provision requires a legislator to keep confidential the content of petitions or other legislation the legislator is asked to sponsor by a member of the public, prior to its presentation. In the absence of express agreement by the legislator to hold the information confidential, there is no reasonable expectation that the content of a proposed petition will remain confidential. On the contrary, as with other proposed legislation, legislators should be free to pursue appropriate due diligence to evaluate the merits of a proposal before sponsoring it, which may well involve consultation with third parties about the relevant facts and other considerations.

For the Committee,
Martin L. Gross
Chairman

LAID ON TABLE

CACR 5, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money**.** (Pending question: OTP.)

CACR 14, 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 shall have full discretion to determine the amount of state funding for education.

HB 37-FN-A, reestablishing the initial monthly gross charge exemption to the communications services tax. (Pending question: OTP – third reading.)

HB 154-FN-A, increasing a threshold amount for taxation under the business enterprise tax. (Pending question: OTP/A – third reading.)

HB 166-FN-A-L, reducing the rate of the meals and rooms tax. (Pending question: OTP – third reading.)

HB 213-FN-A, reducing the rate of the business profits tax. (Pending question: OTP/A - third reading.)

HB 292-FN, relative to securities regulation. (Pending question: adoption of majority committee amendment.)

HB 343-FN, establishing a permanent state defense force. (Pending question: adoption of majority committee report of inexpedient to legislate.)

HB 421, relative to candidates for United States senator. (Pending question: adoption of committee report of inexpedient to legislate.)

HB 484-FN, requiring random drug testing of food stamp program participants. (Pending question: adoption of committee report of inexpedient to legislate.)

HB 485-FN, relative to requiring photo identification for food stamp program participants. (Pending question: adoption of committee report of inexpedient to legislate.)

HB 573, relative to the administration of certain pain relief medications by a school nurse. (Pending question: adoption of committee report of inexpedient to legislate.)

HB 577, relative to the use of foreign languages by retail establishments. (Pending question: adoption of committee report of inexpedient to legislate.)

HCR 13, urging the New Hampshire delegation to support HR 459 and S. 202 requiring a comprehensive audit of the Federal Reserve.

HCR 15, urging our federal senators to vote against the Law of the Sea Convention. (Pending question: adoption of committee report of ought to pass with amendment.)

SB 55-FN, requiring certain engine coolants and antifreeze to include an aversive agent so

that they are rendered unpalatable. (Pending question: adoption of the committee report of inexpedient to legislate.)

SB 88, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense. (Floor Amendment 2011-2235h)

SB 133-FN, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits. (Pending question: ought to pass.)

GOVERNOR'S VETO MESSAGE REGARDING HB 218

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 15, 2011, I vetoed HB 218, relative to the New Hampshire rail transit authority.

I am vetoing this legislation because business leaders, particularly in Nashua and Manchester, has clearly said that this bill will hurt their efforts to grow their businesses, to create jobs and to attract new companies to New Hampshire.

The New Hampshire business community has made a clear statement that it sees rail, in the words of the Greater Manchester Chamber of Commerce, as "a proven economic catalyst that will spur economic development and create jobs." Several major companies have made clear that they believe rail will improve their ability to attract workers, access their markets, attract additional customers and grow their businesses in New Hampshire. In addition, the Manchester and Nashua chambers of commerce both believe that developing the state's rail infrastructure will assist their efforts to attract new businesses and jobs to the state. That is one reason both chambers have asked me to veto this legislation. The Merrimack Town Council, the Bedford Town Council, and the Nashua Board of Aldermen have also passed resolutions expressing support for expanded rail service and the benefits it would bring to their communities.

The support of the business community is validated by an independent study that concluded that the development of rail in the capital corridor could result in more than $2.4 billion in new business sales and nearly 1,000 new jobs created and sustained in New Hampshire in the first twenty years of operation.

HB 218 makes substantial changes to New Hampshire Rail Transit Authority that will reduce its ability to fully consider all transit options for the state. New Hampshire businesses banded together to raise $120,000 to fund the Rail Authority's grant application without any state funds because they believe a full consideration of rail is important to New Hampshire's economic future. Going back on our commitment to the businesses who contributed funds to pay for grant applications sends the wrong signal to the private sector about state government's willingness to stand by its commitments. We should see the study through to its conclusion with a fully functioning Rail Authority so that we can make informed policy choices about the best way forward for our state.

Concerns about specific provisions in the Rail Authority statute could have been addressed through much more narrowly drafted language that would leave intact important functions of the rail authority. As currently written, this legislation takes away the rail authority's ability to enter into contracts with partner organizations, to accept gifts and to work with the private sector on economic development projects adjacent to potential rail sites.

Given the strong concerns among New Hampshire business leaders that this legislation will jeopardize their efforts to grow their businesses and create new jobs, I am vetoing House Bill 218.

Respectfully submitted,
John H. Lynch
Governor

Date: June 15, 2011

GOVERNOR'S VETO MESSAGE REGARDING HB 474

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on May 11, 2011, I vetoed HB 474.

States should not interfere with the rights of businesses and their employees to freely negotiate contracts. That is unless there is a compelling public interest, and there is no compelling public interest in passing this legislation.

There is no evidence that this legislation will offer any benefits to New Hampshire's economy or workers.

As I have said repeatedly, New Hampshire has an economic strategy that is working. New Hampshire has one of the strongest and fastest-growing economies in the nation. We have one of the lowest unemployment rates and one of the highest median incomes in the nation. We are considered one of the safest states and one of the healthiest states, and a high percentage of our citizens have private health insurance.

New Hampshire has a lower unemployment rate and a stronger economy than most states with so-called right-to-work laws. In states with a right-to-work law, workers on average have a lower standard of living, bringing home less in their paychecks and going without health insurance more frequently.

In my time as a CEO, in my years spent in the private sector turning around companies, and in my seven years as Governor, I have never seen the so-called right-to-work law serve as a valuable economic development tool.

In the last seven years of recruiting businesses to move to New Hampshire, not one business leader has ever even asked me if New Hampshire had a right-to-work law, let alone suggested it was a factor in the company's location decision. No New Hampshire business leaders have ever told me that the lack of a so-called right-to-work law prevented them from expanding or hiring new workers here in New Hampshire. And no New Hampshire workers have ever told me they couldn't get a job because New Hampshire doesn't have a so-called right-to-work law.

The debate over the so-called right-to-work bill in New Hampshire appears to be largely driven by national outside interest groups, and is not a result of problems facing New Hampshire businesses or workers.

There is no justification in this case for state government to interfere with the right of private businesses to freely negotiate and enter into contracts with their employees. Therefore, I am vetoing HB 474.

Respectfully submitted,
John H. Lynch
Governor

Date: May 11, 2011

COMMITTEE MEETINGS

FRIDAY, JUNE 24

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, 109 Pleasant Street, Concord

9:30 a.m. Regular meeting.
10:00 a.m. Rulemaking hearing.

ENVIRONMENT AND AGRICULTURE

10:00 a.m. Tour Guy Comtois' Farm in Center Barnstead.

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 201, LOB

10:00 a.m. Regular meeting.

MONDAY, JUNE 27

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21), Room 101, LOB
3:00 p.m. Regular meeting.

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB
9:00 a.m. Regular meeting.

TASK FORCE ON WORK AND FAMILY (RSA 276-B:1), Room 206, LOB
1:00 p.m. Regular meeting.

TUESDAY, JUNE 28

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB
10:00 a.m. Subcommittee work session on retained ***HB 260,*** relative to the state fire code and the appeal process for decisions of the state fire marshal.
10:30 a.m. Subcommittee work session on retained ***HB 458-FN-A,*** establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor.
11:00 a.m. Subcommittee work session on retained ***HB 625-FN-A,*** relative to New Hampshire correctional industries.
12:00 p.m. Rescheduled subcommittee work session on retained ***HB 480-FN,*** establishing a state renovation, repair, and painting (RRP) rule program relative to lead-safe practices and subcommittee work session on retained ***HB 446-FN,*** repealing the authority for regulation of certain professional occupations.

THURSDAY, JUNE 30

NH INNOVATION RESEARCH CENTER OVERSIGHT COMMITTEE (RSA 187-A:32), UNH School of Law, Board Room, 2 White Street, Concord
9:00 a.m. Regular meeting.

THURSDAY, JULY 7

COMMISSION ON HEALTH CARE COST CONTAINMENT (RSA 21-S:2), Room 303, LOB
9:30 a.m. Regular meeting.

FRIDAY, JULY 8

ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128), Office of NH Employment Security, 32 South Main Street, Concord
9:00 a.m. Subcommittee meeting on seasonal employment.

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

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD PROGRAM (RSA 99-E), Room 101, LOB
9:30 a.m. Regular meeting.

MONDAY, JULY 11

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 101, LOB
1:00 p.m. Regular meeting.

THURSDAY, JULY 14

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Hospital Association Building, Airport Road, Concord
1:00 p.m. Medical sharps subcommittee meeting.

FRIDAY, JULY 15

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB
10:00 a.m. Regular business.

THURSDAY, JULY 21

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB
9:00 a.m. Regular meeting.

FRIDAY, JULY 22

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 201, LOB
10:00 a.m. Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Rooms 305-307, LOB
9:00 a.m. Rescheduled regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Carroll County Delegation will meet in Executive Committee on Monday, **June 27**, 2011 at 9:00 a.m. to discuss the use of the old nursing home and to review the first quarter expenditures. The Delegation will also consider and act upon any other business that may be properly brought before the meeting. The meeting will take place at the Carroll County Administration Building, Ossipee, NH

Rep. Karen C. Umberger, Clerk
Carroll County Delegation

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REVISED FISCAL NOTES

The following House and Senate Bills have a revised fiscal note: HBs 25, 26, 35, 37, 49, 72, 131, 136, 147, 154, 186, 187, 205, 206, 213, 222, 224, 225, 228, 229, 231, 232, 234, 238, 242, 256, 261, 262, 264, 265, 266, 268, 270, 274, 276, 277, 284, 288, 292, 293, 299, 302, 303, 309, 310, 311, 325, 329, 330, 332, 333, 335, 337, 340, 343, 344, 345, 347, 348, 353, 356, 365, 368, 369, 377, 388, 411, 418, 419, 420, 439, 440, 441, 444, 448, 451, 452, 453, 454, 456, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 470, 471, 472, 477, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 502, 504, 505, 506, 507, 509, 515, 517, 518, 519, 522, 523, 528, 529, 537, 539, 542, 557, 569, 571, 580, 601, 602, 609,

619, 621, 622, 626, 627, 628, 629, 634, 636, 637, 638, 639, 640, 641, 642, 650 SBs 1, 3, 20, 21, 22, 53, 58, 72, 75, 81, 129, 147, 152, 154, 156,157, 161, 162, 170.

Karen O. Wadsworth, Clerk of the House

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When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses as requested.
Rep. Roland P. Hofemann, 18 Wellington Avenue, Dover, New Hampshire 03820-2002
Rep. Tara A. Sad, 82 North Road, Walpole, New Hampshire 03608-4705
Colleagues who so desire may send cards and greetings to the address listed above.

Karen O. Wadsworth, Clerk of the House

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MEMBERS' NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or legislative social activities and political meetings or events. Publication should not be construed as support for either the events listed or the views espoused by the individual or organization sponsoring the event.

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The Sullivan County Republican Committee announces the opening of it's new office at 12 Main Street, Newport, NH and the next committee meeting will be on **June 25th**, at 8:30 a.m. New Hampshire House Speaker, the Honorable William O'Brien, together with Republican State Committee Chairman Jack Kimball, will be presiding at the ribbon cutting and open house for the new office and various Republican notables will be present. This will take place on June 25th, 2011 at 10:00 a.m. All Republicans are welcome.

Rep. Steven Cunningham

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The Josiah Bartlett Center presents "Freedom in the 50 States" at 10:00 a.m. on Monday, **June 27** in Rooms 210-211, LOB, a study by Professors Jason Sorens and William Ruger of the Mercatus Center at Georgetown University. They created a comprehensive index covering economic, social and personal individual freedom for each state. Professors Sorens and Ruger will explain their methodology and why New Hampshire ranks number one. Open to the public. Light refreshments served.

Rep. Dan McGuire

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All members of the Republican caucus are invited to the House Republican Alliance's meeting on Tuesday, **June 28th** at 8:00 a.m. in Room 308, LOB.

Reps. Dan McGuire, Marilinda Garcia and Stephen Palmer

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The New Hampshire Order of Women Legislators will meet during the lunch break from session on Thursday, **June 30** in the 3rd Floor Conference Room at the State House, if the House is in session. Bring your own lunch.

Rep. Laura C. Pantelakos

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New Hampshire House and Senate candidates are invited to mix and mingle at the Coalition of New Hampshire Taxpayers' (CNHT) annual Taxpayer Reunion Picnic on Saturday, **July 9th** from 12:00 – 4:00 pm at American Legion #59 in Hillsborough. Candidates for President and US Congress have been invited to speak. A Presidential straw poll will be conducted, and copies of the CNHT Taxpayer Protection Pledge will be available. For information on tickets and directions, go to www.cnht.org/picnic2011.php.

Rep. Robert Kingsbury

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The New Hampshire Liberty Alliance, publisher of the Gold Standard, invites all members to attend our annual Liberty Dinner. The NHLA Legislator of the Year award will be announced and the annual Liberty Rating legislative report card will be distributed. Date/time: Sunday, **July 10** at Chateau Restaurant, 201 Hanover St. in Manchester, 5:00 p.m. reception, 6:00 p.m. dinner. Legislators receive a discounted price of only $25 which may be paid at the door. RSVP to info@nhliberty.org. More details at nhliberty.org.

Reps. Carol M. McGuire, Dan McGuire, Jennifer R. Coffey, Seth Cohn, Mark Warden