

April 4, 2013
No. 15

STATE OF NEW HAMPSHIRE

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



**First Year of the 163rd Session of the
New Hampshire General Court
Legislative**

SENATE CALENDAR

**THE SENATE WILL MEET IN SESSION ON
THURSDAY, APRIL 18, 2013 AT 10:00 A.M.**

LAI D ON THE TABLE

SB 4, establishing a scholarship program for New Hampshire residents to attend any New Hampshire public postsecondary education institution. **03/28/13, pending motion OT3rdg, Finance, SJ 9, pg. 237**

SB 63-FN, allowing historical racing. **03/07/13, pending motion Inexpedient to Legislate, Ways & Means, SJ 6, pg. 95**

SB 77, instituting a state minimum hourly rate. **03/07/13, pending motion Inexpedient to Legislate, Commerce, SJ 6, pg. 95**

SB 79, relative to an oath of city officers concerning appraisals of taxable property. **03/21/13, pending motion Inexpedient to Legislate, Public & Municipal Affairs, SJ 8, pg. 206**

SB 86, relative to unclassified state employees. **03/07/13, pending motion Ought to Pass, Executive Departments & Administration, SJ 6, pg. 99**

SB 103, relative to beaching, grounding, or tying a boat to shore. **03/28/13, pending motion Ought to Pass, Finance, SJ 9, pg. 237**

SB 130-FN-A-L, exempting special hospitals for rehabilitation from the Medicaid enhancement tax. **03/14/13, pending motion OT3rdg, Ways & Means, SJ 7, pg. 173**

SB 145-FN, allowing publication by electronic means by the probate division. **03/07/13, pending motion Committee Amendment (0507s), Judiciary, SJ 6, pg. 107**

SB 150-FN-A-L, making an appropriation to the department of revenue administration for the purpose of reimbursing cities and towns for certain flood control payments. **03/07/13, pending motion OT3rdg, Finance, SJ 6, pg. 100**

SB 168, appropriating funds to the department of environmental services for the purpose of funding eligible and completed drinking water, wastewater, and landfill closure projects under the state aid grant program. **03/28/13, pending motion OT3rdg, Finance, SJ 9, pg. 238**

SB 174-FN-A, making an appropriation for the purpose of reimbursing the spouse of a law enforcement officer who died in the line of duty. **03/07/13, pending motion OT3rdg, Finance, SJ 6, pg. 101**

SB 177-FN, relative to the procurement process for state services and establishing a state contracting standards board. **03/07/13, pending motion Re-refer to committee, Finance, SJ 6, pg. 101**

SB 182-FN, relative to implementation of voter identification requirements. **03/21/13, pending motion Inexpedient to Legislate, Public & Municipal Affairs, SJ 8, pg. 208**

SB 195, relative to wind-powered renewable energy facilities. **03/28/13, pending motion Ought to Pass with Amendment, Energy & Natural Resources, SJ 9, pg. 246**

Amendment 2013-0759s to SB 190-FN, 03/21/13, SJ 8, pg. 211

HEARINGS

MONDAY, APRIL 8, 2013

FINANCE, Room 103, SH

Sen. Morse (C), Sen. Forrester (VC), Sen. Bragdon, Sen. D'Allesandro, Sen. Larsen, Sen. Odell

10:00 a.m. House Finance Division Chairs' presentation on Budget to Senate Finance Committee

1:00 p.m. Office of Legislative Budget Assistant presents Budget passed by the House to Senate Finance Committee

TUESDAY, APRIL 9, 2013

COMMERCE, Room 101, LOB

Sen. Sanborn (C), Sen. Bradley (VC), Sen. Cataldo, Sen. Hosmer, Sen. Pierce

1:00 p.m. **HB 328-FN**, relative to the sale of pets.

1:20 p.m. **HB 357**, prohibiting an employer from using credit history in employment decisions.
 1:40 p.m. **HB 361**, relative to worksharing.
 2:00 p.m. **HB 414**, relative to privacy in the workplace.
 2:20 p.m. **HB 501-FN**, instituting a state minimum hourly rate.
 2:40 p.m. **HB 664-FN**, relative to the New Hampshire vaccine association.
EXECUTIVE SESSION MAY FOLLOW

FINANCE, Room 103, SH

Sen. Morse (C), Sen. Forrester (VC), Sen. Bragdon, Sen. D'Allesandro, Sen. Larsen, Sen. Odell
 1:00 p.m. **HB 443-FN**, prohibiting prison privatization.
 1:30 p.m. **HB 394-FN**, relative to transfer of funds by the liquor commission.
EXECUTIVE SESSION MAY FOLLOW

AGENCY PRESENTATIONS ON THE BUDGET AS PASSED BY THE HOUSE

2:00 p.m. Pease Development Authority
 2:30 p.m. Community Development Finance Authority

HEALTH, EDUCATION AND HUMAN SERVICES, Room 103, LOB

Sen. Stiles (C), Sen. Reagan (VC), Sen. Gilmour, Sen. Kelly, Sen. Sanborn
 10:00 a.m. **HB 159**, requiring patriotic exercises in public schools on federal Constitution Day.
 10:15 a.m. **HB 551**, relative to the composition and duties of the task force on work and family.
EXECUTIVE SESSION MAY FOLLOW

JUDICIARY, Room 100, SH

Sen. Carson (C), Sen. Lasky (VC), Sen. Boutin, Sen. Cataldo, Sen. Soucy
 9:00 a.m. **HB 648-FN**, permitting current marital masters to remain in office until retirement, resignation, disability, or nonrenewal of appointment.
 9:20 a.m. **HB 426**, relative to payment of costs and fees in guardianship cases.
 9:40 a.m. **HB 167**, relative to notice and information provided to the victim of a person seeking parole or the victim's next of kin.
 10:00 a.m. **HB 165**, establishing a committee to study the use of the sex offender registry.
 10:20 a.m. **HB 442**, prohibiting residency restrictions for registered sex offenders and offenders against children.
EXECUTIVE SESSION MAY FOLLOW

WAYS AND MEANS, Room 103, SH

Sen. Odell (C), Sen. D'Allesandro (VC), Sen. Hosmer, Sen. Morse, Sen. Rausch
 9:00 a.m. Revenue Presentations by:
 Insurance Department
 Department of Justice
 Bureau of Securities Regulation
 Administrative Services
 10:15 a.m. **HB 659-FN-A**, increasing the tobacco tax.
EXECUTIVE SESSION MAY FOLLOW

WEDNESDAY, APRIL 10, 2013

ENERGY AND NATURAL RESOURCES, Room 101, LOB

Sen. Prescott (C), Sen. Odell (VC), Sen. Bradley, Sen. Fuller Clark, Sen. Woodburn
 9:00 a.m. **HB 362**, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.
 9:15 a.m. **HB 393**, relative to effluent limitations with regard to nitrogen and phosphorus.

9:30 a.m. **HB 542**, relative to electric renewable portfolio standards.

EXECUTIVE SESSION MAY FOLLOW

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, SH

Sen. Carson (C), Sen. Cataldo (VC), Sen. Reagan, Sen. Soucy, Sen. Watters

9:00 a.m. **HB 599-FN**, relative to establishing a single liquor commissioner.

9:20 a.m. **HB 364**, relative to notice required concerning employment of a retired member of the New Hampshire retirement system of the limitations on part-time employment.

9:40 a.m. **HB 591**, relative to an abusive work environment and the health and safety of public employees.

10:00 a.m. **HB 313**, relative to the regulation of the compounding of drugs by pharmacists.

10:15 a.m. **HB 547**, establishing a commission to study permanent options for funding the veterinary diagnostic laboratory.

EXECUTIVE SESSION MAY FOLLOW

PUBLIC AND MUNICIPAL AFFAIRS, Room 102, LOB

Sen. Boutin (C), Sen. Forrester (VC), Sen. Lasky, Sen. Pierce, Sen. Stiles

9:00 a.m. **HB 139**, relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts.

Proposed non-germane amendment to HB 139 # 2013-1198s.

9:30 a.m. **HB 265**, relative to procedures by absentee voters.

9:50 a.m. **HB 506**, relative to certain time periods for adoption and amendment of town codes and ordinances.

10:05 a.m. **HB 522**, relative to duties of town treasurers.

10:20 a.m. **HB 429**, relative to service of writs against cities.

EXECUTIVE SESSION MAY FOLLOW

THURSDAY, APRIL 11, 2013

FINANCE, Room 103, SH

Sen. Morse (C), Sen. Forrester (VC), Sen. Bragdon, Sen. D'Allesandro, Sen. Larsen, Sen. Odell

AGENCY PRESENTATIONS ON THE BUDGET AS PASSED BY THE HOUSE

1:00 p.m. Department of Safety

2:00 p.m. Police Standards & Training Council

2:30 p.m. Lottery Commission

HEALTH, EDUCATION AND HUMAN SERVICES, Room 100, SH

Sen. Stiles (C), Sen. Reagan (VC), Sen. Gilmour, Sen. Kelly, Sen. Sanborn

1:00 p.m. **HB 573-FN**, relative to the use of cannabis for therapeutic purposes.

EXECUTIVE SESSION MAY FOLLOW

JUDICIARY, Room 100, SH

Sen. Carson (C), Sen. Lasky (VC), Sen. Boutin, Sen. Cataldo, Sen. Soucy

9:00 a.m. **HB 621-FN**, decriminalizing possession of one quarter of an ounce or less of marijuana.

10:30 a.m. **HB 153**, prohibiting the designation of industrial hemp as a controlled substance.

EXECUTIVE SESSION MAY FOLLOW

FRIDAY, APRIL 12, 2013

FINANCE, Room 103, SH

Sen. Morse (C), Sen. Forrester (VC), Sen. Bragdon, Sen. D'Allesandro, Sen. Larsen, Sen. Odell

AGENCY PRESENTATIONS ON THE BUDGET AS PASSED BY THE HOUSE

10:00 a.m.	Executive Office
	Governor's Commission on Disability
	Office of Energy and Planning
10:45 a.m.	Developmental Disabilities Council
11:00 a.m.	Executive Council
11:15 a.m.	Legislative Branch
11:30 a.m.	Secretary of State
12:00 p.m. to 1:00 p.m.	BREAK
1:00 p.m.	Boxing & Wrestling Commission
1:15 p.m.	Racing & Charitable Gaming Commission
1:45 p.m.	Board of Tax & Land Appeals
2:15 p.m.	Cultural Resources
2:45 p.m.	Real Estate Commission

MEETINGS

MONDAY, APRIL 8, 2013

CHARTER SCHOOLS AND OPEN ENROLLMENT LEGISLATIVE OVERSIGHT COMMITTEE (RSA 194-B:21)

10:00 a.m.	Room 103, LOB	Regular Meeting
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NEW HAMPSHIRE COUNCIL ON SUICIDE PREVENTION (RSA 126-R:2)

1:00 p.m.	Department of Health & Human Services	Regular Meeting
	Brown Bldg. Room 460	
	129 Pleasant Street	
	Concord, NH	

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:28-a)

1:00 p.m.	Room 103, LOB	Regular Meeting
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SCHOOL ADMINISTRATIVE UNIT SYSTEM LEGISLATIVE OVERSIGHT COMMITTEE (RSA 194-C:11)

2:30 p.m.	Room 103, LOB	Regular Meeting
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ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21)

3:00 p.m.	Room 100, SH	Regular Meeting
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TUESDAY, APRIL 9, 2013

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

8:00 a.m.	Rooms 302-304, LOB	Regular Meeting
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FRIDAY, APRIL 12, 2013

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

9:30 a.m.	Room 101, LOB	Regular Meeting
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HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)

10:00 a.m.	Room 205, LOB	Regular Meeting
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TELECOMMUNICATIONS PLANNING & DEVELOPMENT ADVISORY COMMITTEE (RSA 12-A:46)

10:00 a.m. NH Department of Resources Regular Meeting
 & Economic Development
 172 Pembroke Road
 Concord, NH

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

11:00 a.m. UNH Memorial Union Building Public Forum
 Theater One The topic is Your P.L.A.C.E
 83 Main Street Promoting Leadership, Activism, &
 Durham, NH Civic Education

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

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

MONDAY, APRIL 15, 2013**GUARDIAN AD LITEM BOARD (RSA 490-C:1)**

10:00 a.m. Room 101, LOB Non-Public Session of Complaint
 Review Committee

STATE RETIREE HEALTH PLAN COMMISSION (RSA 100-A:56)

1:00 p.m. Room 302, LOB Organizational Meeting

TUESDAY, APRIL 16, 2013**HOME EDUCATION ADVISORY COUNCIL (RSA 193-A:10)**

3:30 p.m. Department of Education Regular Meeting
 Room 15
 101 Pleasant Street
 Concord, NH

THURSDAY, APRIL 18, 2013**COMMISSION TO STUDY THE EFFECTS OF SERVICE-CONNECTED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY SUFFERED IN THE LINE OF DUTY BY MEMBERS OF THE ARMED FORCES AND VETERANS (RSA 115-D:1)**

2:30 p.m. Room 203, LOB Regular Meeting

FRIDAY, APRIL 19, 2013**JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)**

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

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

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

COMMITTEE TO STUDY THE LAWS RELATING TO CONDOMINIUM AND HOMEOWNERS' ASSOCIATIONS (RSA 356-B:70)

11:00 a.m. Room 202, LOB Regular Meeting

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

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

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

1:00 p.m. Upham-Walker House Regular Meeting
 18 Park Street
 Concord, NH

MONDAY, APRIL 22, 2013**OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)**

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

FRIDAY, APRIL 26, 2013

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

9:00 a.m.	Room 307, LOB	Joint Meeting with Subcommittee
10:30 a.m.	Room 307, LOB	Regular Meeting

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

9:30 a.m.	Rooms 205-207, LOB	Regular Meeting
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FRIDAY, MAY 3, 2013

ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128)

9:00 a.m.	NH Employment Security 32 South Main Street Concord, NH	Regular Meeting
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GUARDIAN AD LITEM BOARD (RSA 490-C:1)

1:00 p.m.	Room 101, LOB	Regular Meeting
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MONDAY, MAY 6, 2013

PUBLIC WATER ACCESS ADVISORY BOARD (RSA 233-A:2, I)

9:00 a.m.	NH Fish and Game Headquarters 11 Hazen Drive Concord, NH	Regular Meeting
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FRIDAY, MAY 10, 2013

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

9:30 a.m.	Room 101, LOB	Regular Meeting
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FRIDAY, MAY 17, 2013

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

1:00 p.m.	Room 101, LOB	Regular Meeting
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MONDAY, MAY 20, 2013

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

9:00 a.m.	Room 305, LOB	Regular Meeting
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NH COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2)

10:00 a.m.	NH Higher Education Assistance Foundation 4 Barrell Court Concord, NH	Quarterly Meeting
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SENATE BILLS AMENDED BY THE HOUSE

SB 74, relative to an exemption for entities that furnish hot water through a district energy system.

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FISCAL NOTE ADDITIONS AND UPDATES HAVE BEEN AMENDED TO THE BILLS ON THE WEB SITE AND ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR THE FOLLOWING 2013 BILLS:

SENATE BILLS: 1, 3, 4, 14, 19, 26, 27, 39, 40, 46, 56, 63, 65, 66, 99, 116, 117, 120, 123, 124, 125, 126, 129, 130, 131, 133, 134, 135, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158, 160, 177, 180, 181, 184, 188, 189, 190, 191, 192, 193

HOUSE BILLS: 112, 142, 147, 178, 202, 204, 233, 253, 259, 260, 261, 295, 304, 316, 328, 334, 339, 342, 364, 376, 391, 394, 399, 432, 443, 481, 488, 489, 501, 511, 526, 575, 581, 594, 599, 617, 624, 629, 655, 659, 664, 668, 676

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ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2013 BILLS:

SENATE BILLS: 57

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NOTICES

TUESDAY, APRIL 9, 2013

The New Hampshire Association of Regional Planning Commissions and the New Hampshire Planners Association cordially invite all legislative members to our annual breakfast on Tuesday, April 9th, at 8:00 a.m. in the cafeteria. Please come join us for breakfast and meet the Planning Commissions and the Planners.

Senator David H. Watters

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THURSDAY, APRIL 11, 2013

On April 11th, all Senate members are invited to join Nick Toumpas, Commissioner, Department of Health and Human Services and Dr. Jose Montero, Director of the Division of Public Health Services for lunch and a 20-minute screening of "Weight of the Nation" from 12:00 p.m. to 1:00 p.m. at St. Paul's Church. Please join us and learn how obesity drives up rates of death and disability due to heart disease, stroke and diabetes and the role of government in creating environments that promote health and wellness. Please RSVP to **info@hnhfoundation.org** so that we can be sure to have lunch for everyone that would like to attend.

Senator Nancy F. Stiles

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SATURDAY, APRIL 13, 2013

The Fifth Annual Local Energy Solutions Conference (LES), organized by the NH Local Energy Work Group, will be held on April 13th at Winnisquam Regional High School in Tilton, NH. Registration begins at 7:30 a.m., conference begins at 8:30 a.m. and continues until 3:30 p.m. Governor Hassan will deliver the keynote address. This is a great opportunity for legislators to learn about some of the great energy projects that have been completed throughout the state, as well as some of the barriers that are encountered when trying to accomplish energy conservation projects. Legislators can register for the event for free. For more information or to register go to: **<http://lesconference.nhenergy.org/registration.html>**.

Senator Jeanie L. Forrester

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TUESDAY, APRIL 16, 2013

On April 16th, all Senate members are invited to meet volunteers and staff from throughout the state at a reception to highlight the important role that the American Red Cross plays in NH and your community.

Heavy appetizers and beverages will be available from 4:00 p.m. to 6:00 p.m. at the Red Cross Headquarters located at 2 Maitland Ave in Concord. Hope to see you there.

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

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WEDNESDAY, APRIL 17, 2013

All legislators and staff are invited to attend "Banding Together for New Hampshire's Oral Health," Annual Legislative Breakfast provided by the New Hampshire Oral Health Coalition. A hot breakfast will be served buffet-style April 17th from 7:30 a.m. to 9:00 a.m. in the State House Cafeteria with food prepared by Elizabeth's Kitchen at the State House. Member displays will update you on the latest in oral health. You can view and learn about the Dental Simulator from the Dental School at the University of New England – staff from the North Country Health Consortium will be on-site to show you how the simulator works.

Senator Bob Odell
Senator Martha Fuller Clark

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TUESDAY, APRIL 23, 2013

The Coalition Against Domestic and Sexual Violence's AmeriCorps Victim Assistance Program invites you to view the New Hampshire Clothesline Project on April 23th from 11:00 a.m. to 2:00 p.m. on the State House Lawn. The Clothesline Project is a visual display that uses t-shirts to bear witness to domestic and sexual violence, child abuse and stalking. Each shirt is designed to represent a particular person's experience and is made by a survivor or someone who cares about them.

Senator Sharon M. Carson

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TUESDAY, APRIL 30, 2013

The members of the NH Snowmobile Association cordially invite all Senators and staff to a reception in the State House cafeteria on Tuesday, April 30th, from 7:30 a.m. to 9:30 a.m. where a breakfast will be served. Look forward to seeing you there.

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

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FRIDAY, MAY 17, 2013

The New Hampshire Law Enforcement Officers Memorial Committee cordially invites you to the 21st Annual New Hampshire Law Enforcement Officers Memorial Ceremony. The Ceremony will be held on Friday, May 17, 2013, beginning promptly at 10:00 a.m., on the memorial site in front of the Legislative Office Building. The Ceremony will proceed rain or shine. Refreshments will be served immediately following the event. Please do not hesitate to contact either Timothy J. Acerno of Fish and Game at 603-271-3128 or Chief Michael Greeley of the Deerfield Department at 603-463-7258 if you have any questions.

Senator Peter Bragdon, Senate President

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LEGISLATIVE ETHICS COMMITTEE

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

Advisory Opinion 2013-1
Response to a Request for an Advisory Opinion
from Representative Patricia Higgins
(April 1, 2013)

Pursuant to RSA 14-B:3, I (c), Representative Patricia Higgins has requested an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, she may accept free or reduced cost attendance at a handgun training course.

According to information provided to the Committee by Rep. Higgins the course would be an

“...NRA Basic Handgun class. This starts out with firearms safety rules and they continue throughout the class. During the class you will learn about different types of handguns and their parts. Different shooting stances. How to shoot and will have a chance to shoot over 25 different handguns. From 22, 38 and 357 revolvers to 22, 9mm and 45 ACP pistols. You will learn the laws on purchasing handguns, storage and transportation of handguns. How to clean and maintain handguns and much more.

“ This class involves both practical and written tests to pass. This is a great class if you are trying to find out what handgun to purchase and its practical uses. This class does have a certification that is accepted is several states for their concealed carry permits.

“ The class price of \$170.00 includes everything except for refreshments, pen and notebook.”

Rep. Higgins has been offered a “guest slot” to attend the course at no cost.

Specifically, Rep. Higgins asks whether, based on the facts she has provided, the “honorarium” exception to the statutory definition of “gift” might apply.

Relevant provisions of applicable law are:

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

* * *

V. (a) “Gift” means:

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

(b) Notwithstanding subparagraph (a), “gift” shall not include: ***

(11) Expense reimbursement or an honorarium. ****

VI. “Honorarium” means a payment in any form to an elected official, public official, public employee, constitutional official, or legislative employee for an appearance, speech, written article or other document, service as a consultant or advisor, or participation in a discussion group or similar activities. Honorarium does not include a payment for such activities for which the person is being compensated by the state, a county, the United States of America, or by any other employer or client, where the activity giving rise to the honorarium is not related to or associated with any public office or government employment.

RSA 15-B:3 Prohibition on Gifts. –

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

Ethics Guidelines, Section 4, Prohibited Activities.

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

* * *

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

We advise as follows:

The “guest slot” to attend the course at no cost, where the regular charge for such attendance is \$170.00, would involve a transaction with an economic value of \$25.00 or more. This would put it into the category of a prohibited gift, unless it would qualify for an exception set forth in RSA 15:2. One of these exceptions, in RSA 15-B:2, VI, is for an “honorarium.” Whether the “honorarium” exception would apply depends

on whether participation in the handgun training course would fall within the statutory prescription of the kind of event that qualifies for an honorarium, *i.e.*, “participation in a discussion group or similar activities.”

The course described by Rep. Higgins does not fit within the statutory language. It doesn’t seem to be the kind of event that involves much if any discussion or similar activity about a matter of public interest. Instead, it seems to be a straightforward course in the safe use of handguns. While such courses are worthwhile, the statutory prescription was not intended to cover them, any more than (say) a course in personal development or art appreciation.

Previously, the Committee has issued two Advisory Opinions on the subject of honorariums: (1) An opinion issued in 2007 involving attendance at the Carsey Institute at UNH by the then-House legal counsel, which advised that the honorarium exception would apply to the event described as “a fellowship program that entails attendance at a three day policy leadership Institute conference”; and (2) Advisory Opinion 2011-2 approving a Representative’s subsidized participation in the Leadership Greater Nashua Program, described by the Committee as “a series of seminars and informational sessions designed to familiarize participants with local institutions and issues faced by them.”

Also in 2011, the Committee issued Interpretive Ruling 2011-#2 regarding honorariums to legislators for participation in activities surrounding a presidential campaign. None of these events was similar to the handgun training course described by Rep. Higgins.

Although Rep. Higgins has not specifically inquired about it, her request also raises the question whether the exception for “Expense Reimbursement” in RSA 15-B:5 might apply. The exception applies to

“a **bona fide conference, meeting, seminar, or educational or informational program** which the person attends and that is **related to the office... held with the state...**” [Emphasis added]

For the reasons discussed, the handgun course described by Rep. Higgins would not fit within the statutory language.

Accordingly, we advise Rep Higgins that acceptance of a “guest slot” at the handgun course valued at \$170.00 would be a prohibited gift. In response to another of her questions, we also advise her that she might accept a discount of up to \$24.99 from the course tuition, without violating the statute.

We appreciate the opportunity to be of assistance.

For the Committee,
Martin L. Gross
Chairman

[Vote 7-0]

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SENATE SCHEDULE

Wednesday, May 15, 2013	Deadline for Policy Committees to ACT on all House bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-3 (b).
Monday, May 27, 2013	Memorial Day (State Holiday)
Thursday, June 06, 2013	Deadline to ACT on all House bills.
Thursday, June 13, 2013	Deadline to FORM Committees of Conference.
Thursday, June 20, 2013 at 12:00 p.m.	Deadline to SIGN Committee of Conference Reports.
Thursday, June 27, 2013	Deadline to ACT on Committee of Conference Reports.
Thursday, July 04, 2013	Independence Day (State Holiday)
Monday, September 02, 2013	Labor Day (State Holiday)
Monday, November 11, 2013	Veterans’ Day (State Holiday)
Thursday, November 28, 2013	Thanksgiving Day (State Holiday)
Friday, November 29, 2013	Day after Thanksgiving (State Holiday)
Wednesday, December 25, 2013	Christmas Day (State Holiday)

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