

April 11, 2013
No. 16

STATE OF NEW HAMPSHIRE

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**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

CONSENT CALENDAR REPORTS

COMMERCE

HB 202-FN, relative to beverage and liquor licenses for bed and breakfasts.
Ought to Pass, Vote 5-0.
Senator Cataldo for the committee.

This bill establishes a liquor license for bed and breakfasts with four or more rentable rooms and a dining area capable of seating the total number of registered guests.

HB 237, relative to home production of wine for personal or family use.
Ought to Pass, Vote 5-0.
Senator Sanborn for the committee.

This bill amends the statute that currently allows for the home production of beer for personal or family use to now include wine. This will allow for the personal home production and consumption of wine not to exceed 100 gallons per calendar year for a household with one producer or 200 gallons for a household with two producers.

HB 301, relative to notice of sale in foreclosure proceedings.

Ought to Pass with Amendment, Vote 5-0.

Senator Pierce for the committee.

This bill, as amended by the committee, requires that notice be provided to the mortgagees facing foreclosure. This bill includes the notice in plain and easy to understand language.

HB 339-FN, establishing a committee to study existing debt collection laws and practices.

Ought to Pass, Vote 5-0.

Senator Cataldo for the committee.

This bill establishes a committee to study existing debt collection laws and practices and will determine and recommend any statutory changes needed to balance industry needs and consumer needs.

HB 560, repealing the board of trust company incorporation.

Ought to Pass, Vote 5-0.

Senator Bradley for the committee.

This bill will repeal the Board of Trust Company Incorporation and gives the duties to the Banking Commissioner. This bill is a request of the Banking Department and all of the board members. The board no longer retains authority over the areas it was created to address and the monthly meetings are unnecessary and a waste of state personnel resources.

ENERGY AND NATURAL RESOURCES

HB 111, relative to the acquisition of property rights at Akers Pond dam in the town of Errol by the fish and game department and the acquisition of property rights at Northwood Lake dam in the town of Epsom and Hermit Lake dam in the town of Sanbornton by the department of environmental services.

Ought to Pass, Vote 5-0.

Senator Woodburn for the committee.

The bill allows the fish and game department to acquire an easement at the Akers Pond dam in Errol for the purpose of improving and controlling the water rights for the benefit of the state. The bill also allows the department of environmental services to acquire easements at the Northwood Lake dam in the town of Epsom and the Hermit Lake dam in the town of Sanbornton for the purpose of improving and controlling the water rights for the benefit of the state. The landowners have granted the easements in question, and by law, the department needed legislative approval to progress with their plan to improve these water rights.

HB 157, renaming Blood Pond in the town of Lancaster as Evans Pond.

Ought to Pass, Vote 5-0.

Senator Woodburn for the committee.

This bill renames Blood Pond in the town of Lancaster to Evans Pond. The Evans family has strong ties to the area and was the original name of the pond for several decades before it was renamed Blood Pond. Landowners in the area believe that renaming the pond to Evans Pond will improve the image of the area, and the visitation to the pond.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 156, relative to the appointment and duties of the state fire marshal.

Ought to Pass, Vote 5-0.

Senator Carson for the committee.

This bill was requested by the Department of Safety as a housekeeping measure to resolve a conflict between two statutes pertaining to the process for appointment of the State Fire Marshal. This legislation corrects the conflicting statutes.

HB 216, relative to the use of the title "fire marshal."

Ought to Pass, Vote 5-0.

Senator Soucy for the committee.

This bill repeals a law set to take effect on July 1, 2013, which would limit the title of "Fire Marshal" to the State Fire Marshal. Without repeal, local communities currently using this title would have to incur costs for the removal of this title from their badges, uniforms and other identifying materials.

HB 267, relative to the board of accountancy.

Ought to Pass, Vote 5-0.

Senator Carson for the committee.

This legislation clarifies the board of accountancy rulemaking authority and replaces the public accountant on the board with a CPA. Since public accountants are grandfathered pre-CPA professionals, there are only eighteen left within the state. The board requested that this seat be filled with a CPA. The Joint Board of Licensure and Certification, which the Board of Accountancy is one component of, is in full support of this legislation.

HB 372, relative to state agency telecommunications services.

Ought to Pass, Vote 5-0.

Senator Carson for the committee.

This legislation comes out of the changeover from the Centrex System of telephone service to a voice over internet protocol (VoIP) system. The Department of Safety will oversee this VoIP system and this legislation gives them the authority to develop a new internal manual containing comprehensive procedures for all state agencies.

HB 376, relative to the shop licensure requirements for barbers, cosmetologists, manicurists, and estheticians.

Ought to Pass, Vote 5-0.

Senator Carson for the committee.

This legislation removes the requirement that barbers, cosmetologists, manicurists, and estheticians have one year of experience prior to the granting of a shop license. This change will make it easier for newly licensed professionals to begin work in their respective professions immediately following their schooling and licensing requirements.

HEALTH, EDUCATION AND HUMAN SERVICES

HB 556, establishing a committee to study the resolution of barriers to the use of telehealth technology in New Hampshire.

Ought to Pass with Amendment, Vote 5-0.

Senator Reagan for the committee.

This bill will establish a committee to study resolving the barriers to the use of telehealth technology. Telehealth technology could provide a valuable resource in improving multiple facets of our healthcare industry. The amendment changes the composition of the committee to 5 members of the House of Representatives and 1 member from the Senate.

HB 629-FN, relative to the criteria for approving and calculating school building aid grants.

Ought to Pass, Vote 5-0.

Senator Sanborn for the committee.

This bill makes a technical correction to the calculation of school building aid to ensure monies received from charitable trusts, bequests, gifts, insurance policies, federal grants, or grants from other state programs are not considered as part of the grant. Ultimately, saving taxpayer dollars. This language was inadvertently left out when the program was revived last year. HB 629-FN also inserts "school security and design" to the criteria list of consideration in reviewing proposals for school building aid.

PUBLIC AND MUNICIPAL AFFAIRS

HB 113, relative to lot access for erection of buildings.

Inexpedient to Legislate, Vote 5-0.

Senator Stiles for the committee.

This bill sought to permit the erection of a building on a lot that has access to a class VI or better highway via a private right-of-way. It would change a fundamental precept of current land use law that requires any building lot associated with a class VI highway to have frontage on the class VI highway. During the public hearing, the prime sponsor agreed to change the language of the bill from a class VI to a class V highway. In doing so, the committee determined the bill would not be necessary.

HB 147-FN, repealing a duty of the assessing standards board concerning municipal reimbursement for the cost of assessments.

Ought to Pass, Vote 5-0.

Senator Pierce for the committee.

This bill repeals a requirement that the assessing standards board recommend a formula for municipal reimbursement of assessing costs. No analysis was ever undertaken that points to a significant increase in costs to implement new assessing standards when the statewide property tax was adopted. Repealing this duty would not, however, relieve the board from making a recommendation in the future.

HB 181, repealing the equalization standards board.

Ought to Pass, Vote 5-0.

Senator Pierce for the committee.

This bill repeals the equalization standards board and transfers certain duties to the assessing standards board. The equalization standards board has completed its work and has disbanded. The bill will facilitate making the technical correction to the law.

HB 182, relative to appointments to the assessing standards board.

Ought to Pass, Vote 5-0.

Senator Lasky for the committee.

This bill lowers the population requirement for the appointment of a member of the assessing standards board from a town with a population of less than 5,000 down to 3,000, which is closer to the median. The change insures all towns are represented in a similar manner.

HB 187, relative to cost items in negotiated agreements.

Ought to Pass, Vote 5-0.

Senator Pierce for the committee.

This bill provides that the dollar amount agreed to in a collective bargaining agreement between a public employer and an employee organization shall not be modified by the legislative body of the public employer.

HB 522, relative to duties of town treasurers.

Ought to Pass with Amendment, Vote 5-0.

Senator Forrester for the committee.

This bill allows town treasurers to pay out town moneys by receiving a manifest signed by a majority of the board of selectmen, or upon orders of the selectmen in a public meeting.

TRANSPORTATION

HB 174, prohibiting the department of safety from providing motor vehicle records for the purpose of creating or enhancing a federal identification database.

Ought to Pass with Amendment, Vote 5-0.

Senator Boutin for the committee.

This bill would prohibit the Department of Safety from providing motor vehicle records for the purpose of creating or enhancing a federal identification database. The Committee determined that this would not impede the Department from working with the Federal Government on a case by case basis for criminal incidents or missing persons. The Committee amended the bill to become effective upon passage.

HB 282, relative to mixed use school buses, relative to licensing and criminal records of driver education instructors, and relative to background checks for department of safety employees.

Ought to Pass, Vote 5-0.

Senator Gilmour for the committee.

This bill was at the request of the Department of Safety and will modify the definition of mixed use school bus so that drivers of small passenger vans used by the school to transport students to and from school events must be school district employees. It will also require criminal records checks of driver education instructors, update references relating to suspending or revoking a school license or driver education certificate, and authorize background checks on candidates for employment or promotion at the Department of Safety.

HB 391-FN, establishing a committee to study options for mitigation of damages associated with highway noise.

Ought to Pass with Amendment, Vote 5-0.

Senator Boutin for the committee.

This bill establishes a committee to study how increased noise levels that arise from state highway projects may be mitigated. The committee will also consider the issue of compensatory damages that may be awarded by the state to affected property owners. The Committee amended the bill to increase the number of Representatives from three to five and removed Senators from the study committee.

REGULAR CALENDAR REPORTS

COMMERCE

HB 171, relative to the civil penalty for failure to make payment of workers' compensation.
Inexpedient to Legislate, Vote 5-0.
Senator Bradley for the committee.

HB 172, requiring the labor commissioner to maintain certain statistical information regarding payment of workers' compensation.
Inexpedient to Legislate, Vote 5-0.
Senator Pierce for the committee.

HB 229-FN, relative to a financial examination supervisor.
Ought to Pass, Vote 4-0.
Senator Hosmer for the committee.

HB 230, relative to administrative supervision of insurers.
Re-refer to committee, Vote 4-1.
Senator Sanborn for the committee.

HB 639, relative to beverage container and packaging approval.
Ought to Pass, Vote 4-0.
Senator Sanborn for the committee.

ENERGY AND NATURAL RESOURCES

HB 349, relative to OHRV operation of certain 4-wheel drive vehicles on trails within Jericho Mountain state park.
Ought to Pass, Vote 4-0.
Senator Woodburn for the committee.

HB 368, relative to the telecommunications planning and development initiative.
Ought to Pass, Vote 4-0.
Senator Fuller Clark for the committee.

HB 416, shortening the appeals process for a permitting decision under RSA 482-A, relative to fill and dredge in wetlands.
Ought to Pass, Vote 4-0.
Senator Fuller Clark for the committee.

HB 428, relative to funds for dam maintenance, removal and improvement.
Ought to Pass, Vote 4-0.
Senator Prescott for the committee.

HB 516, establishing a committee to study the overlap of federal, state, and local regulation relative to environmental issues.
Ought to Pass, Vote 4-0.
Senator Bradley for the committee.

HB 517, relative to the incidental combustion of untreated wood at certain municipal transfer stations.
Ought to Pass, Vote 4-0.
Senator Woodburn for the committee.

HB 574, increasing the size limitations for OHRVs operating on state-owned trails in Coos and Grafton counties.
Ought to Pass with Amendment, Vote 4-0.
Senator Bradley for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 155, relative to the use of open source software by state agencies; including the department of information technology in the uniform electronic transactions act; and repealing the information practices act.
Ought to Pass with Amendment, Vote 4-0.
Senator Carson for the committee.

HB 190, relative to professional misconduct of dental hygienists.
Ought to Pass, Vote 4-0.
Senator Watters for the committee.

HB 509, requiring the department of administrative services to provide the New Hampshire Department of American Legion with office space.
Ought to Pass, Vote 4-1.
Senator Carson for the committee.

FINANCE

HB 486-FN-A, making an appropriation for the purpose of paying residential care providers at the Chase Home for Children.
Ought to Pass, Vote 6-0.
Senator D'Allesandro for the committee.

HEALTH, EDUCATION AND HUMAN SERVICES

HB 159, requiring patriotic exercises in public schools on federal Constitution Day.
Inexpedient to Legislate, Vote 3-1.
Senator Stiles for the committee.

HB 161, relative to school district policies on health and sex education.
Ought to Pass with Amendment, Vote 4-1.
Senator Gilmour for the committee.

HB 177, relative to licensing requirements for homestead food.
Ought to Pass with Amendment, Vote 4-0.
Senator Kelly for the committee.

HB 180, relative to the definitions of "student athlete" and "student sports" for the management of concussion and head injury.
Ought to Pass, Vote 4-0.
Senator Reagan for the committee.

HB 232, relative to the membership of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment.
Ought to Pass, Vote 4-0.
Senator Gilmour for the committee.

HB 261-FN, relative to the assistance program for 2-parent families with dependent children.
Ought to Pass, Vote 3-1.
Senator Reagan for the committee.

HB 293, relative to the adverse events reporting system.
Ought to Pass, Vote 5-0.
Senator Gilmour for the committee.

HB 370-FN, repealing the education tax credit program.
Inexpedient to Legislate, Vote 3-2.
Senator Stiles for the committee.

HB 418, establishing a committee to study a program to address children in need.
Ought to Pass, Vote 4-0.
Senator Kelly for the committee.

HB 482-FN, regarding infestation of bed bugs in rental housing.
Ought to Pass, Vote 5-0.
Senator Reagan for the committee.

HB 519, requiring the division of higher education to develop a policy on academic credit for a student's military occupation, military training, coursework, and experience.
Ought to Pass, Vote 5-0.
Senator Gilmour for the committee.

JUDICIARY

HB 247-FN, increasing compensation for wrongful incarceration.

Inexpedient to Legislate, Vote 4-0.

Senator Carson for the committee.

HB 327-FN, relative to payment of attorneys' fees for indigent parents in termination of parental rights cases.

Ought to Pass with Amendment, Vote 4-0.

Senator Soucy for the committee.

PUBLIC AND MUNICIPAL AFFAIRS

SB 196-FN, relative to the definition of push-polling.

Ought to Pass with Amendment, Vote 5-0.

Senator Pierce for the committee.

HB 138, permitting a town that has adopted official ballot voting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.

Ought to Pass with Amendment, Vote 4-0.

Senator Stiles for the committee.

HB 139, relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts.

Ought to Pass with Amendment, Vote 5-0.

Senator Stiles for the committee.

HB 183, relative to processing absentee ballots.

Ought to Pass with Amendment, Vote 4-0.

Senator Forrester for the committee.

HB 206, relative to political advertising.

Ought to Pass, Vote 4-0.

Senator Pierce for the committee.

HB 265, relative to procedures by absentee voters.

Ought to Pass, Vote 5-0.

Senator Stiles for the committee.

HB 308, relative to technical changes to election laws.

Ought to Pass with Amendment, Vote 4-0.

Senator Pierce for the committee.

HB 521, establishing a committee to study New Hampshire election laws and procedures.

Ought to Pass with Amendment, Vote 5-0.

Senator Pierce for the committee.

TRANSPORTATION

HB 112-FN, relative to reclamation trust funds.

Ought to Pass, Vote 5-0.

Senator Watters for the committee.

HB 146-FN, increasing the speed limit on a portion of I-93 to 70 miles per hour.

Ought to Pass, Vote 3-2.

Senator Boutin for the committee.

HB 242, relative to child passenger restraint requirements.

Ought to Pass with Amendment, Vote 5-0.

Senator Boutin for the committee.

WAYS AND MEANS

HB 488-FN, changing the definition of "cigarette" under the tobacco tax to match the definition of "cigarette" under the Master Settlement Agreement.

Ought to Pass with Amendment, Vote 5-0.

Senator D'Allesandro for the committee.

HB 598, relative to the reasonable compensation deduction under the business profits tax.
Ought to Pass, Vote 5-0.
Senator Hosmer for the committee.

HB 676-FN-A-L, extending the Coos county job creation tax credit.
Ought to Pass, Vote 5-0.
Senator Morse for the committee.

AMENDMENTS

Public and Municipal Affairs
April 10, 2013
2013-1258s
03/10

Amendment to SB 196-FN

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

1 Definitions; Push-Polling. Amend RSA 664:2, XVII(c) to read as follows:

(c) Conducting such calling ~~[in a manner which is likely to be construed by the voter to be a survey or poll to gather statistical data for entities or organizations which are acting independent of any particular political party, candidate, or interest group]~~ **as part of a series of like telephone calls that consist of 2,000 connected calls that last less than 2 minutes in presidential, gubernatorial, United States senatorial, or United States congressional elections; or conducting such calling as part of a series of like telephone calls that consist of 500 connected calls that last less than 2 minutes in executive council, state senate, state representative, city, town school district, or village district elections; and**

(d) Conducting such calling for purposes other than bona fide survey and opinion research.

2 New Paragraph; Definitions; Bona Fide Survey and Opinion Research. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraph:

XVIII. "Bona fide survey and opinion research" means the collection and analysis of data regarding opinions, needs, awareness, knowledge, views, experiences, and behaviors of a population, through the development and administration of surveys, interviews, focus groups, polls, observation, or other research methodologies, in which no sales, promotional, or marketing efforts are involved, and through which there is no attempt to influence a participant's attitudes or behavior. Bona fide survey and opinion research includes message testing, which is the study for research purposes of how individuals react to positive or negative information on a candidate, elected public official, or ballot question.

3 Push-Polling; Identification. Amend RSA 664:16-a, I to read as follows:

I. Any person who engages in push-polling, as defined in RSA 664:2, XVII, shall ~~[inform]~~, **prior to asking** any person contacted **a question relating to a candidate:**

(a) Inform the person that the telephone call is a "paid political advertisement;" and

(b) Identify the organization making the call and the organization paying for the call; and

(c) Provide a valid, current, publicly-listed telephone number for the organization making the call; and

(d) Identify that the telephone call is being made on behalf of, in support of, or in opposition to a particular candidate **or candidates** for public office[;] **and** identify that candidate **or candidates** by name[;] ~~and provide a telephone number from where the push-polling is conducted].~~

4 Effective Date. This act shall take effect January 1, 2014.

2013-1258s

AMENDED ANALYSIS

This bill modifies the definition of push-polling and the identification requirements for a person engaging in push-polling.

Public and Municipal Affairs
April 3, 2013
2013-1222s
06/01

Amendment to HB 138

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

AN ACT permitting a political subdivision that has adopted the official ballot referendum form of meeting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.

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

1 Use of Official Ballot; form of Warrant. Amend RSA 40:13, VI to read as follows:

VI. All warrant articles shall be placed on the official ballot for a final vote, including warrant articles as amended by the first session. All special warrant articles shall be accompanied on the ballot by recommendations as required by RSA 32:5, V, concerning any appropriation or appropriation as amended. ***For any article that proposes the adoption or amendment of an ordinance, a topical description of the substance of the ordinance or amendment, which shall be neutral in its language, may be placed on the official ballot instead of the full text of the ordinance or amendment, subject to the provisions of paragraphs VII-a and VIII-a. With respect to the adoption or amendment of a zoning ordinance, historic district ordinance, or building code, the provisions of RSA 675:3 shall govern to the extent they are inconsistent with anything contained in this paragraph or in paragraph VII-a or VIII-a.***

2 New Paragraph; Use of Official Ballot; Official Copies Placed on File. Amend RSA 40:13 by inserting after paragraph VII the following new paragraph:

VII-a. When a topical description of the substance of a proposed ordinance or amendment to an ordinance is to be placed on the official ballot, an official copy of the proposed ordinance or amendment, including any amendment to the proposal adopted the first session, shall be placed on file and made available to the public at the office of the clerk of the political subdivision not later than one week prior to the date of the second session of the annual meeting. An official copy of the proposed ordinance or amendment shall be on display for the voters at the meeting place on the date of the meeting.

3 New Paragraph; Use of Official Ballot; Ordinance Question Submitted. Amend RSA 40:13 by inserting after paragraph VIII the following new paragraph:

VIII-a. A question as to the adoption or amendment of an ordinance shall be in substantially the following form:

“Are you in favor of the adoption of (amendment to) the ordinance as proposed by the selectmen as follows: (here insert text or topical description of proposed ordinance or amendment)?” In the event that there shall be more than a single proposed amendment to an ordinance to be submitted to the voters at any given meeting, the issue as to the several amendments shall be put in the following manner: “Are you in favor of the adoption of Amendment No. __ to the ordinance as proposed by the selectmen as follows: (here insert text or topical description of proposed amendment)?”

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

2013-1222s

AMENDED ANALYSIS

This bill permits any political subdivision that has adopted the official ballot referendum form of meeting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.

Public and Municipal Affairs
April 10, 2013
2013-1257s
06/01

Amendment to HB 139

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

AN ACT relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts and ratifying the Greenland school district meeting held on March 11 and 12, 2013.

Amend the bill by replacing all after section 5 with the following:

6 Ratification of Greenland School District Meeting. All acts, notices, hearings, proceedings, and votes of the annual Greenland school district meeting and election held on March 11, 2013 and March 12, 2013, concerning warrant article 9 to adopt the provisions of RSA 40:13 to allow official ballot voting, which passed by the required 3/5 vote, are hereby legalized, ratified, and confirmed.

7 Effective Date.

I. Section 6 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

2013-1257s

AMENDED ANALYSIS

This bill extends the time towns that have adopted official ballot voting procedures have to:

I. Approve bonding in solid waste management districts; and

II. Withdraw from solid waste management districts.

This bill also ratifies the Greenland school district meeting and election held March 11 and 12, 2013.

Senate Executive Departments and Administration

March 27, 2013

2013-1146s

05/04

Amendment to HB 155

Amend the bill by replacing section 4 with the following:

4 Creation and Retention of Electronic Records and Conversion of Written Records by Governmental Agencies. Amend RSA 294-E:17 to read as follows:

294-E:17 Creation and Retention of Electronic Records and Conversion of Written Records by Governmental Agencies. The ***secretary of state in cooperation with the*** department of [administrative services, in cooperation with the secretary of state] ***information technology and the department of administrative services***, shall determine whether, and the extent to which, a governmental agency will create and retain electronic records and convert written records to electronic records.

Amend the bill by inserting after section 6 the following and renumbering the original sections 7-8 to read as 9-10, respectively:

7 Definition of State Agency. Amend RSA 21-R:10, IV to read as follows:

IV. "State agency" means any department, commission, board, institution, bureau, office, or other entity, by whatever name called[, ~~including the legislative branch of state government~~], established in the state constitution, statutes, or executive orders. The judicial branch, ***the secretary of state in performance of his or her constitutional duties, and the legislative branch*** of state government [is] ***are*** explicitly exempted from this definition.

8 Use of Open Source Software. Amend RSA 21-R:11, I(c) to read as follows:

(c) Provide a brief analysis of the purchase decision, including consideration of the cost factors in subparagraph (a), to the chief information officer[, ~~or the legislative equivalent for purchases by the legislative branch~~];

2013-1146s

AMENDED ANALYSIS

This bill:

I. Revises certain standards encouraging the use of open source software and open data formats by state agencies.

II. Includes the department of information technology in the uniform electronic transactions act.

III. Repeals the information practices act.

IV. Exempts the legislature and the secretary of state in performance of his or her constitutional duties from the requirements of RSA 21-R.

Health, Education and Human Services

April 9, 2013

2013-1237s

04/05

Amendment to HB 161

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

1 State Board of Education; Duties. Amend RSA 186:11, IX-c to read as follows:

IX-c. Require school districts to adopt a policy allowing an exception to specific course material, ***including a particular unit of health or sex education instruction***, based on a parent's or legal guardian's determination that the material is objectionable. Such policy shall include a provision requiring the parent or legal guardian to notify the school principal or designee in writing of the specific material to which they object and a provision requiring an alternative agreed upon by the school district and the parent, at the parent's expense, sufficient to enable the child to meet state requirements for education in the particular subject area. The name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the material shall not be public information and shall be excluded from access under RSA 91-A.

2 Repeal. RSA 186:11, IX-b, requiring a school district to adopt a policy allowing an exception to health or sex education instruction based on religious objections, is repealed.

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

2013-1237s

AMENDED ANALYSIS

This bill requires a school district to adopt a policy allowing an exception to a particular unit of health or sex education instruction based on a parent's or legal guardian's determination that the material is objectionable.

Senate Transportation

March 26, 2013

2013-1126s

03/04

Amendment to HB 174

Amend the bill by replacing section 2 with the following:

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

Health, Education and Human Services

April 9, 2013

2013-1239s

08/04

Amendment to HB 177

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

AN ACT relative to licensing requirements for homestead food and organic processor or handler certification.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 6:

3 Certification of Organic Products. Amend RSA 426:6-b to read as follows:

426:6-b Certification.

I. Any producer, processor, ***on-farm processor*** or handler of agricultural plant, animal, food, or fiber commodities that are sold, labeled, or represented as "100 percent organic," "organic," "made with organic," or similar terms, shall be enrolled in a certification program which includes an inspection made no less than annually, by a certifying agency accredited by the United States Department of Agriculture in accordance

with the Organic Foods Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR part 205, unless such producer, processor, or handler is exempted therein.

II. The commissioner may enter into a cooperative agreement with the United States Department of Agriculture to become an accredited certifying agency as provided for by the Organic Foods Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR part 205, and to implement the provisions thereof.

III. The commissioner may employ inspectors to certify agricultural producers, processors, ***on-farm processors*** and handlers in this state, and to determine whether or not agricultural plant, animal, food, or fiber commodities are marked, branded, or labeled in accordance with the labeling requirements set forth in this chapter and in the Organic Foods Production Act of 1990, Public Law 101-624, and the United States Department of Agriculture's National Organic Program, Final Rule, 7 CFR part 205.

IV, V. [Repealed.]

VI. For purposes of this chapter "on-farm processor" means a processor who uses products grown or raised on his or her own farm.

4 Rulemaking; Fees. Amend RSA 426:8 to read as follows:

426:8 Rulemaking; Fees. The commissioner may adopt rules, pursuant to RSA 541-A, for carrying out the provisions of this chapter[; ~~including the fixing of fees for inspections and certifications authorized by RSA 426:6-b and RSA 426:7. Such fees shall be credited to the general fund of the state~~].

5 New Section; Fees; Organic Farmers and Farm Processors. Amend RSA 426 by inserting after section 8 the following new section:

426:8-a Organic Processors and Handlers; Fees.

I. Each applicant under RSA 426:6-b shall pay a certification fee as follows:

(a) Processors and handlers which are not on-farm processors shall pay:

(1) A \$250 fee for the primary facility; and

(2) A \$100 fee for each additional processing or handling facility.

(b) On-farm processors shall pay a \$50 fee.

II. Each applicant for organic processor, handler, or on-farm processor certification shall pay an inspection fee calculated by the department as follows:

(a) A rate of \$35 per hour of inspection time, including travel time, by the department's inspectors; and

(b) Travel expenses to and from the applicant's facility at a rate of \$0.55 per mile.

(c) The inspection fee shall be calculated after the inspection visit is completed and a subsequent inspection report has been filed with the department.

(d) The inspection fee shall be payable within 30 days of the billing date.

III. Such fees shall be credited to the general fund of the state.

2013-1239s

AMENDED ANALYSIS

This bill requires homestead food operations exempt from licensure to label their food.

This bill also sets fees for organic on-farm processor or handler certification in statute.

Public and Municipal Affairs

April 3, 2013

2013-1224s

03/10

Amendment to HB 183

Amend the bill by replacing section 1 with the following:

1 Processing Absentee Ballots. Amend RSA 659:49 to read as follows:

659:49 Processing Absentee Ballots.

[E] Processing of previously received absentee ballots [shall] **may** begin [at 1:00 p.m.] **when the polls open**. The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed [at any time during the] **for the purpose of** processing of such ballots. Absentee ballots which are received after [1:00 p.m.] **the polls open** and prior to 5:00 p.m. [shall] **may** be processed as soon after receipt as possible. [Under no circumstances shall absentee ballots be counted prior to the closing of the polls.]

H. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election.]

Senate Transportation**February 19, 2013****2013-1215s****03/04****Amendment to HB 242**

Amend the bill by replacing section 1 with the following:

1 Rules of the Road; Child Restraint System. Amend RSA 265:107-a, I-b to read as follows:

I-b. No person shall drive a motor vehicle on any way while carrying as a passenger a person less than [6] **8** years of age unless such passenger is properly fastened and secured by a child restraint system which is in accordance with the safety standards approved by the United States Department of Transportation in 49 C.F.R. section 571.213. If the passenger is [55] **57** inches or more in height, the provisions of this paragraph shall not apply.

2013-1215s**AMENDED ANALYSIS**

This bill increases the height exception to the child restraint system requirement for motor vehicle operation and adds 6- and 7-year-old children to the requirement.

Commerce**April 5, 2013****2013-1231s****08/03****Amendment to HB 301**

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

1 Notice of Sale. Amend RSA 479:25, II and II-a to read as follows:

II.(a) A copy of said notice shall be served upon the mortgagor or sent by registered or certified mail to [his] **the mortgagor's** last known address or to such person as may be agreed upon in the mortgage at least 25 days before the sale. The term "mortgagor" shall include the mortgagor and any grantee, assignee, devisee, or heir of the mortgagor holding a recorded interest in the mortgaged premises subordinate to the lien of the mortgage, provided that such interest is recorded, at least 30 days before the date of the sale, in the registry of deeds for the county in which the mortgaged premises are situated. Like notice shall be sent to any person having a lien of record on the mortgaged premises, provided that the lien is recorded at least 30 days before the date of the sale in the registry of deeds. The notice shall be sent not less than 21 days before the sale. Such notice of sale shall be sufficient if it fully sets forth the date, time, and place of sale; the town, county, street or highway, and street number, if any, of the mortgaged premises; the date of the mortgage; the volume and page of the recording of the mortgage; and the terms of the sale. **Such notice shall also state that the mortgagor has a right to petition the superior court for the county in which the mortgaged premises is situated, with service upon the mortgagee, and upon such bond as the court may require, to enjoin the scheduled foreclosure sale. Failure to institute such petition and complete service upon the foreclosing party, or the foreclosing party's agent conducting the sale, prior to sale shall thereafter bar any action or right of action of the mortgagor based on the validity of the foreclosure.**

(b) Notice of the sale as served on or mailed to the mortgagor shall include the following language:

“YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO FILE A LAWSUIT TO STOP THIS SCHEDULED FORECLOSURE SALE. To stop the sale, however, you must file the lawsuit in the _____ County Superior Court [to be completed by mortgagee as the County in which the mortgaged premises is situated], and notify _____ (the foreclosing party) of the lawsuit in the manner directed by the Court, before the scheduled date of the foreclosure sale. If you fail to take either step before the foreclosure sale occurs, you will not be able to contest the foreclosure.”

II-a. Any mortgagor or record lienholder who refuses to accept or claim mailed or served notice or who frustrates attempts by the mortgagee to give notice of the sale by failing to give or leave a forwarding address or by other act or omission shall be deemed to be notified of the sale, provided that such mortgagee shall have made a good faith effort to provide such notice. ~~[Notice of the sale as served on or mailed to the mortgagor shall include the following language: “You are hereby notified that you have a right to petition the superior court for the county in which the mortgaged premises are situated, with service upon the mortgagee, and upon such bond as the court may require, to enjoin the scheduled foreclosure sale.” Failure to institute such petition and complete service upon the foreclosing party, or his agent, conducting the sale prior to sale shall thereafter bar any action or right of action of the mortgagor based on the validity of the foreclosure.]~~

~~H-a.]~~ **II-b.** No claim challenging the form of notice, manner of giving notice, or the conduct of the foreclosure sale shall be brought by the mortgagor or any record lienholder after one year and one day from the date of the recording of the foreclosure deed for such sale.

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

Public and Municipal Affairs

April 3, 2013

2013-1223s

03/10

Amendment to HB 308

Amend the bill by replacing section 4 with the following:

4 Reporting by Political Committee. Amend RSA 664:6, IV to read as follows:

IV. Any political committee whose receipts or expenditures do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts or expenditures for an election exceed \$500 the committee shall file a statement at the next reporting deadline, ***and shall continue to file at each reporting deadline.***

Senate Judiciary

April 2, 2013

2013-1214s

09/01

Amendment to HB 327-FN

Amend the amending language of section 2 of the bill by replacing it with the following:

2 Fees and Court Costs. Amend RSA 170-C:13, III to read as follows:

Senate Transportation

March 26, 2013

2013-1125s

06/05

Amendment to HB 391-FN

Amend paragraph II as inserted by section 1 of the bill by replacing it with the following:

II. The members of the committee shall be 5 members of the house of representatives, one of whom shall be a member of the public works and highways committee, appointed by the speaker of the house of representatives.

Senate Ways and Means

April 2, 2013

2013-1213s

09/01

Amendment to HB 488-FN

Amend the introductory paragraph of RSA 78:1, XVII(a) as inserted by section 1 of the bill by replacing it with the following:

XVII.(a) In conformity with RSA 541-C:2, IV, "cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains:

Public and Municipal Affairs

April 10, 2013

2013-1260s

03/05

Amendment to HB 521

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study all current New Hampshire election laws and procedures and review all options to increase participation including but not limited to solutions to limit lines and wait times in casting ballots and voter registration, public education related to election law, election procedures, early voting, and absentee voting. The committee shall consult with and solicit testimony from the public in the course of its duties.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

Public and Municipal Affairs

April 10, 2013

2013-1259s

08/03

Amendment to HB 522

Amend the introductory paragraph of RSA 41:29, I as inserted by section 1 of the bill by replacing it with the following:

I. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only *as follows*:

Health, Education and Human Services

April 2, 2013

2013-1212s

01/09

Amendment to HB 556

Amend paragraph I as inserted by section 2 of the bill by replacing it with the following:

I. The members of the committee shall be as follows:

(a) Five members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

Energy and Natural Resources

April 10, 2013

2013-1253s

10/04

Amendment to HB 574

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

1 ATV and Trail Bike Operation on State Lands; Size Limitations Increased. Amend RSA 215-A:43, IV to read as follows:

IV. No person shall operate an OHRV wider than 50 inches or over 1000 pounds on any state-owned trails, *except that no person shall operate an OHRV wider than 62 inches or over 1,700 pounds on:*

(a) Any state-owned trails in Coos county; and

(b) The Ammonoosuc recreational trail from Haverhill to Bethlehem and the Warren recreational trail in Warren, in Grafton county.

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

2013-1253s

AMENDED ANALYSIS

This bill increases the width and weight limitations for OHRVs that operate on state-owned trails in Coos county and certain trails in Grafton county.

HEARINGS

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

EXECUTIVE SESSION MAY FOLLOW

MONDAY, APRIL 15, 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.	Department of Treasury
10:30 a.m.	LCHIP
10:45 a.m.	Banking Department
11:15 a.m.	Joint Board of Licensure and Certification
12:00 p.m. to 1:00 p.m.	BREAK
1:00 p.m.	N.H. Retirement System

1:30 p.m. Department of Revenue Administration
 2:00 p.m. Insurance Department
 2:30 p.m. Department of Labor
EXECUTIVE SESSION MAY FOLLOW

TUESDAY, APRIL 16, 2013

CAPITAL BUDGET, Room 103, SH

Sen. Boutin (C), Sen. Larsen (VC), Sen. D'Allesandro, Sen. Morse, Sen. Rausch, Sen. Sanborn

9:00 a.m. **HB 221**, relative to the duty of the long range capital planning and utilization committee.
 9:15 a.m. **HB 607**, relative to construction projects for the adjutant general's department.
 9:30 a.m. **HB 25-FN-A**, making appropriations for capital improvements.
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 186**, relative to the authority of the department of state.
EXECUTIVE SESSION MAY FOLLOW

AGENCY PRESENTATIONS ON THE BUDGET AS PASSED BY THE HOUSE

1:30 p.m. Department of Employment Security
 1:45 p.m. Highway Safety
 2:00 p.m. Human Rights Commission
 2:15 p.m. Adjutant General

HEALTH, EDUCATION AND HUMAN SERVICES, Room 103, LOB

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

9:00 a.m. **HB 481-FN**, limiting the state's authority to seek reimbursement for public assistance.
 9:30 a.m. **HB 260-FN**, relative to the children in need of services (CHINS) program.
 10:00 a.m. **HB 636**, relative to the waitlist for community mental health services.
 Proposed non-germane amendment to HB 636, #2013-1233s.
 10:30 a.m. **HB 375**, requiring certain health care organizations to report to the department of health and human services regarding implementation of New Hampshire's 10-year mental health plan.
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 399-FN**, establishing the New Hampshire liberty act.
 9:20 a.m. **HB 652-FN**, relative to the judicial branch information technology fund.
EXECUTIVE SESSION MAY FOLLOW

WEDNESDAY, APRIL 17, 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 306**, relative to New Hampshire's regional greenhouse gas initiative.
 9:15 a.m. **HB 630-FN**, relative to the use of proceeds from the regional greenhouse gas initiative program.
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 316-FN**, relative to regulating alkaline hydrolysis for the disposal of human remains.9:20 a.m. **HB 252-FN**, consolidating the property appraisal division and the municipal services division of the department of revenue administration.**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 634**, relative to water resource management and protection plans in municipal master plans.9:30 a.m. **HB 655-FN**, relative to the collection of the amount of the property tax deferral for the elderly or disabled upon sale of the property.9:45 a.m. **HB 558**, relative to disclosure of information regarding charitable solicitations.**EXECUTIVE SESSION MAY FOLLOW*****TUESDAY, APRIL 23, 2013*****CAPITAL BUDGET**, Room 103, SH

Sen. Boutin (C), Sen. Larsen (VC), Sen. D'Allesandro, Sen. Morse, Sen. Rausch, Sen. Sanborn

AGENCY PRESENTATIONS

9:00 a.m. State Treasurer

9:15 a.m. Department of Corrections

10:45 a.m. Department of Health and Human Services

11:30 a.m. Department of Transportation

FRIDAY, APRIL 26, 2013**CAPITAL BUDGET**, Room 103, SH

Sen. Boutin (C), Sen. Larsen (VC), Sen. D'Allesandro, Sen. Morse, Sen. Rausch, Sen. Sanborn

AGENCY PRESENTATIONS

9:00 a.m. Adjutant General

9:15 a.m. Department of Agriculture

9:25 a.m. Department of Environmental Services

9:45 a.m. Department of Resources and Economic Development

10:15 a.m. Secretary of State

10:30 a.m. Veterans Home

10:45 a.m. Administrative Services

11:30 a.m. Department of Information Technology

12:00 p.m. **BREAK**

1:00 p.m. Department of Education

1:30 p.m. Judicial Branch

1:45 p.m. Department of Justice

2:00 p.m. Department of Safety

2:30 p.m. Liquor Commission

3:00 p.m. Community College System of NH

3:30 p.m. University System of NH

MEETINGS

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

CANNON MOUNTAIN ADVISORY COMMISSION (RSA 12-a:29-b)

10:00 a.m. Franconia Notch State Park Regular Meeting
Headquarters

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

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

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

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

2:00 p.m. Room 201, LOB Special Meeting - Community
College System of NH

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
10:30 a.m.	Rooms 210-211, LOB	Audits
		State of New Hampshire Management Letter Year Ended June 30, 2012
		State of New Hampshire Single Audit of Federal Financial Assistance Programs for the Year Ended June 30, 2012
		State of New Hampshire Department of Safety Division of Motor Vehicles Customer Service Performance Audit Report April 2013

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

11:00 a.m.	Room 202, LOB	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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NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g)

1:00 p.m.	Upham-Walker House 18 Park Street Concord, NH	Regular Meeting
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MONDAY, APRIL 22, 2013**OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)**

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

FRIDAY, MAY 17, 2013

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

1:00 p.m.

Room 101, LOB

Regular Meeting

MONDAY, MAY 20, 2013

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

9:00 a.m.

Room 305, LOB

Regular Meeting

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

10:00 a.m.

NH Higher Education Assistance Foundation Quarterly Meeting
4 Barrell Court
Concord, NH

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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, 194

HOUSE BILLS: 25, 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, 630, 655, 659, 664, 668, 676, 686

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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

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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MONDAY, APRIL 22, 2013

April is National Child Abuse Prevention Month. For the first time in American history, individuals in over 150 cities and 45 states will join together in walks to raise awareness of child abuse and crimes against children in the U.S. On Monday, April 22, 2013, from 11:00 a.m. to 5:00 p.m., there will be a Million March Against Child Abuse held in the Monadnock Region. Please join us outside the Jaffrey Peterborough District Court House, 84 Peterborough Street in Jaffrey, to lend your support. (The court house is located right across the street from McDonald's on Rt. 202.) We hope to see you there.

Senator Peggy Gilmour

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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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WEDNESDAY, APRIL 24, 2013

All legislators and staff are cordially invited to mingle with AFSCME Council 93, America Votes, Granite State Progress, League of Women Voters New Hampshire, NARAL Pro-Choice New Hampshire, NEA-NH, NH AFL-CIO, NH Alliance for Retired Americans, NH Citizen's Alliance for Action, NH Sierra Club, and others. Please join the diverse selection of NH's leading labor, environmental, social and citizen advocacy organizations on Wednesday, April 24th from 8:00 a.m. to 10:00 a.m. in the State House Cafeteria for a Legislative Breakfast Briefing. Staff and key leaders will be on hand to discuss issue priorities and legislative briefings on cross-over bills. A light breakfast and drinks will be served.

Senator Sylvia B. Larsen, Senate Minority Leader

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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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WEDNESDAY, MAY 22, 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 May 22nd 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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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. –

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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.

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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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