

August 15, 2013  
No. 30

# STATE OF NEW HAMPSHIRE

Web Site Address: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)



**First Year of the 163<sup>rd</sup> Session of the  
New Hampshire General Court  
Legislative**

## SENATE CALENDAR

## **2013 BILLS RE-REFERRED TO COMMITTEE**

### **COMMERCE**

**SB 70**, relative to the appointment of insurance agents and repealing a fee for insurance producers.

**SB 91**, relative to drug use not approved by the Food and Drug Administration.

**SB 149-FN**, relative to liquor samples.

**HB 200**, relative to an employer's burden of proof in unemployment compensation hearings.

**HB 230**, relative to administrative supervision of insurers.

**HB 346**, establishing a committee to study low-profit limited liability companies.

### **ENERGY AND NATURAL RESOURCES**

**SB 65-FN**, relative to energy efficiency plans of gas and electric distribution companies.

**SB 66-FN**, relative to the regional greenhouse gas initiative cap and trade program.

**SB 110**, directing the department of environmental services to adopt rules relative to its 2009 numeric nutrient criteria for the Great Bay Estuary.

**SB 154-FN-A-L**, establishing an energy conservation loan program and an energy conservation project fund.

### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**SB 141-FN**, establishing the Granite State farm to plate program.

**SB 181-FN-A**, relative to restitution payments to financial resources management lenders.

**HB 234**, relative to occupational and professional boards and commissions procedures concerning military service and occupational experience or training.

**HB 489-FN**, relative to the New Hampshire medical malpractice joint underwriting association.

**HB 591**, relative to an abusive work environment and the health and safety of public employees.

### **FINANCE**

**SB 125-FN-A**, restoring funding for the university system of New Hampshire and the community college system of New Hampshire.

**HB 186**, relative to the authority of the department of state.

**HB 624-FN**, waiving the residency requirement for in-state tuition rates for veterans attending the university system of New Hampshire.

### **HEALTH, EDUCATION AND HUMAN SERVICES**

**SB 193-FN**, relative to dental therapists and access to oral health care.

### **JUDICIARY**

**SB 151-FN**, relative to the payment of witness fees in criminal cases.

**HB 118**, providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event.

**HB 153**, prohibiting the designation of industrial hemp as a controlled substance.

**HB 426**, relative to payment of costs and fees in guardianship cases.

**HB 583**, relative to proceedings of medical injury claims screening panels.

### **PUBLIC AND MUNICIPAL AFFAIRS**

**SB 36-L**, relative to the property tax exemption for veterans who are totally and permanently disabled from service connection.

**SB 120-FN**, relative to political contributions and expenditures and relative to reporting by political committees.

**SB 183-FN**, relative to proof of identity by voters.

**SB 186**, relative to training of certain board officers of nonprofit corporations.

### **WAYS AND MEANS**

**SB 61-FN**, relative to table stakes poker.

**SB 118-FN-A**, increasing the annual limit on the new investment tax credit.

## **MEETINGS**

***FRIDAY, AUGUST 16, 2013***

### **COASTAL RISK AND HAZARDS COMMISSION (RSA 483-E:1)**

10:00 a.m.	Rooms 302-304, LOB	Organizational 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, AUGUST 19, 2013***

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

9:00 a.m.	NH Higher Education Assistance Foundation 4 Barrell Court Concord, NH	Investment Committee Meeting
10:00 a.m.	NH Higher Education Assistance Foundation 4 Barrell Court Concord, NH	Quarterly Meeting

### **COMMISSION TO STUDY BUSINESS TAXES (RSA 77-F)**

10:00 a.m.	Room 103, SH	Regular Meeting
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## ***TUESDAY, AUGUST 20, 2013***

### **COMMITTEE TO EXAMINE THE ISSUE OF STATUTORY AUTHORITY FOR ALL TERRAIN VEHICLES, OFF HIGHWAY RECREATIONAL VEHICLES, AND LOW SPEED UTILITY VEHICLES TO ACCESS PUBLIC HIGHWAYS FOR FOOD, FUEL, AND LODGING (SB 67, Chapter 128:1, Laws of 2013)**

10:00 a.m.	Room 101, LOB	Organizational Meeting
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### **COMMITTEE TO STUDY A PROGRAM TO ADDRESS CHILDREN IN NEED (HB 418, Chapter 44:1, Laws 2013)**

10:00 a.m.	Room 206, LOB	Regular Meeting
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### **LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2)**

10:00 a.m.	Room 104, LOB	Regular Meeting
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## ***WEDNESDAY, AUGUST 21, 2013***

### **COMMITTEE TO REVIEW THE HEARINGS OFFICER'S REPORT WITH REGARD TO THE NEW HAMPSHIRE LOCAL GOVERNMENT CENTER (HB 283, Chapter 208:1, Laws of 2013)**

10:00 a.m.	Room 302, LOB	Regular Meeting
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### **MEDICAID ENHANCEMENT TAX STUDY COMMISSION (RSA 84-A:13)**

10:00 a.m.	Rooms 210-211, LOB	Organizational Meeting
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## ***THURSDAY, AUGUST 22, 2013***

### **COMMISSION TO STUDY PERMANENT OPTIONS FOR FUNDING THE VETERINARY DIAGNOSTIC LABORATORY (RSA 436:92-A)**

10:00 a.m.	Room 303, LOB	Organizational Meeting
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### **HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)**

10:00 a.m.	Room 208, LOB	Subcommittee – Child and Family Services Regular Meeting Presentation by Terry Smith, Director, Division of Family Assistance, DHHS – focus on state and local cash assistance, housing, and food programs and how they have been effected by federal and state budget reductions.
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### **SHORELAND ADVISORY COMMITTEE (RSA 483-B:21)**

1:30 p.m.	Wolfeboro Library 259 S. Main Street Wolfeboro, NH	Regular Meeting
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## ***THURSDAY, AUGUST 29, 2013***

### **GAMING REGULATORY OVERSIGHT AUTHORITY (RSA 284-A:1)**

9:00 a.m.                      Rooms 210-211, LOB                      Regular Meeting

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

9:00 a.m.                      Room 306, LOB                      Subcommittee Meeting

10:00 a.m.                      Room 306, LOB                      Regular Meeting – Guest Speaker:  
Jeffrey Rose, Commissioner, DRED

### **COMMITTEE TO STUDY OPTIONS FOR MITIGATION OF DAMAGES ASSOCIATED WITH HIGH-WAY NOISE (HB 391, Chapter 122:1, Laws of 2013)**

10:00 a.m.                      Room 204, LOB                      Organizational Meeting

## ***MONDAY, SEPTEMBER 2, 2013***

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

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

## ***TUESDAY, SEPTEMBER 3, 2013***

### **COMMISSION ON MEDICAID LONG-TERM CARE FINANCING AND COSTS (RSA 151-E:19)**

1:00 p.m.                      Rooms 305-307, LOB                      Organizational Meeting

### **COMMISSION ON HOUSING POLICY AND REGULATION (RSA 19-N)**

2:00 p.m.                      Rooms 305-307, LOB                      Organizational Meeting

## ***WEDNESDAY, SEPTEMBER 4, 2013***

### **MEDICAL MALPRACTICE PANEL AND INSURANCE OVERSIGHT COMMITTEE (RSA 519-B:13)**

9:00 a.m.                      Room 100, SH                      Regular Meeting

### **COMMITTEE TO REVIEW THE HEARINGS OFFICER'S REPORT WITH REGARD TO THE NEW HAMPSHIRE LOCAL GOVERNMENT CENTER (HB 283, Chapter 208, Laws of 2013)**

10:00 a.m.                      Room 302, LOB                      Regular Meeting

## ***THURSDAY, SEPTEMBER 5, 2013***

### **JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)**

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

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

1:00 p.m.                      Room 204, LOB                      Regular Meeting

## ***MONDAY, SEPTEMBER 9, 2013***

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

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

## ***TUESDAY, SEPTEMBER 10, 2013***

### **STATE TRANSPARENCY WEBSITE OVERSIGHT COMMITTEE (RSA 9-F:2)**

1:00 p.m.                      Room 208, LOB                      Organizational Meeting

### ***WEDNESDAY, SEPTEMBER 11, 2013***

#### **ADVISORY COMMITTEE ON THE EDUCATION OF CHILDREN/STUDENTS WITH DISABILITIES (RSA 186-C:3-b)**

9:00 a.m.	Plymouth State University 2 Pillsbury Street Concord, NH	Regular Meeting
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#### **JOINT COMMITTEE ON EMPLOYEE CLASSIFICATION (RSA 14:14-c)**

10:00 a.m.	Room 306, LOB	Regular Meeting
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### ***THURSDAY, SEPTEMBER 12, 2013***

#### **EMERGENCY MANAGEMENT SYSTEM JOINT LEGISLATIVE OVERSIGHT COMMITTEE (RSA 21-P:51)**

10:00 a.m.	Room 204, LOB	Organizational Meeting
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### ***FRIDAY, SEPTEMBER 13, 2013***

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

9:00 a.m.	Room 307, LOB	Joint Meeting with Subcommittee
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#### **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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#### **FISCAL COMMITTEE OF THE GENERAL COURT (RSA 14:30-a)**

10:00 a.m.	Rooms 210-211, LOB	Regular Business
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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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### ***TUESDAY, SEPTEMBER 17, 2013***

#### **COMMITTEE TO STUDY NEW HAMPSHIRE ELECTION LAWS AND PROCEDURES (HB 521, Chapter 220, Laws of 2013)**

10:00 a.m.	Room 308, LOB	Regular Meeting
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### ***WEDNESDAY, SEPTEMBER 18, 2013***

#### **COMMITTEE TO REVIEW THE HEARINGS OFFICER'S REPORT WITH REGARD TO THE NEW HAMPSHIRE LOCAL GOVERNMENT CENTER (HB 283, Chapter 208, Laws of 2013)**

10:00 a.m.	Room 302, LOB	Regular Meeting
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### ***THURSDAY, SEPTEMBER 19, 2013***

#### **JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)**

9:00 a.m.	Rooms 305-307, LOB	Regular Meeting
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#### **COUNCIL FOR YOUTHS WITH CHRONIC CONDITIONS (RSA 126-J:1)**

9:30 a.m.	Crotched Mountain Rehabilitation Center 1 Verney Drive Greenfield, NH	Regular Meeting followed by a tour of the facility
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### ***FRIDAY, SEPTEMBER 20, 2013***

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

1:00 p.m.	Room 101, LOB	Regular Meeting
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## ***MONDAY, SEPTEMBER 23, 2013***

### **NH LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4)**

3:00 p.m.

NH State Library  
20 Park Street  
Concord, NH

Quarterly Meeting: Preliminary  
Report on Grant Applications

## ***WEDNESDAY, SEPTEMBER 25, 2013***

### **TELECOMMUNICATIONS OVERSIGHT COMMITTEE (RSA 374:22-h)**

10:00 a.m.

Room 103, SH

Regular Meeting

## ***THURSDAY, SEPTEMBER 26, 2013***

### **THERAPEUTIC USE OF CANNABIS ADVISORY COUNCIL (RSA 126-X:9)**

2:00 p.m.

Rooms 205-207, LOB

Organizational Meeting

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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: 3, 65, 66, 116, 120, 125, 141, 149, 151, 154, 180, 181, 190, 193, 196**

**HOUSE BILLS: 489, 624**

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## **NOTICES**

### **SENATE CALENDAR SUMMER SCHEDULE**

The Senate Calendar is going to adopt its summer schedule, and  
so will be published every two weeks until September.

The schedule for the Senate Calendar is as follows:

Thursday, 08/29/13

Thursday, 09/12/13

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### **WEDNESDAY, SEPTEMBER 11, 2013 & THURSDAY, SEPTEMBER 12, 2013**

Health Services is inviting you to be refreshed or trained in CPR for adult, child and infant, use of automated external defibrillator (AED) for adult and child, and basic first aid. Classes will be held in Room 308 of the LOB Wednesday, September 11th and Thursday, September 12th with two sessions available each day, one from 8:30 a.m. to 12:00 p.m. and one from 12:30 p.m. to 4:00 p.m.

Senator Nancy F. Stiles

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### **THURSDAY, SEPTEMBER 19, 2013**

The Council for Youths with Chronic Conditions invites Senators to tour Crotched Mountain Rehabilitation Center in Greenfield on Wednesday, September 19th starting at 10:30 a.m. and ending at 1:30 p.m. A light lunch will be included.

Senator Andy Sanborn  
Senator Jeff Woodburn

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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 2013-2 Response to a Request for an Advisory Opinion from Representative Frank V. Sapareto (August 2, 2013)

Representative Frank Sapareto has requested a “ruling on the \$30 plus E-Z Pass that is given as a gift to legislators.” The Committee takes this as a request for an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, it is permissible for New Hampshire Department of Transportation to offer without charge, and for legislators to accept, an E-ZPass transponder that enables legislators’ free passage through electronic tollgates.

Research on behalf of the Committee confirms that the price to the public for a regular E-ZPass transponder is either \$8.90 for a windshield tag or \$15.19 for a plate tag. The public is also required to make a minimum pre-paid toll deposit of \$30.00 to establish an E-ZPass account. The combined value of the transponder and prepayment exceeds \$24.99, and so would classify it as a gift that RSA 15-B:2 would prohibit legislators from receiving, unless exempted from that classification by applicable provision of law.

However, according to further research on behalf of the Committee, the complimentary transponders offered to legislators are not the same as regular E-ZPass transponders. They are classified by NHDOT as “non-revenue transponders” which are not valid for use outside NH, and are valid in NH only when used in a vehicle eligible for toll-free use of New Hampshire Turnpikes, as authorized by statute. See NHDOT *Work Instructions*, “Exemptions from Tolls” dated May 7, 2008.

Citing NH RSA 237:12, Paragraph 4.0 of that document recites:

**“4.0 PROCEDURE:** The following categories comprise the list of approved toll-free vehicles. Note: vehicles are granted toll exemption, drivers and occupants are not.

**“4.1 Motor Vehicles** that shall receive toll-free use of NH Turnpikes

A) Motor vehicles bearing plates with the State Seal (legislative ID cards may also be displayed) as authorized under RSA 261:90 to include:

1. NH Legislators (Senate and House of Representatives)

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**“4.4 All of the above agencies can obtain a Non-Revenue E-ZPass account through the Bureau of Turnpikes per the Toll Collection Business Rules.”**

In addition to legislators, the Work Instructions (citing RSA 261:90) authorize issuance of non-revenue E-ZPass transponders to New Hampshire’s U.S. Senators and Representatives, the Governor, Members of the Governor’s Council, the Attorney General, the Secretary of State, and the State Treasurer. Citing other RSA sections, the Work Instructions also authorize such issuance to all vehicles with permanent plates as authorized under RSA 261:92; military vehicles, U.S. Government vehicles, and General Services Administration vehicles; emergency vehicles going to and returning from an emergency; unmarked law enforcement vehicles; and certain employees of the Department of Transportation and Liquor Commission going to and from work.

Those provisions plainly and directly follow the legislative mandate in RSA 237:12, I, which prescribes the motor vehicles “that *shall be* granted toll-free use of any section of the New Hampshire turnpike system,” as well as RSA 261:90, which authorizes production and distribution of “cover plates” bearing the State seal to legislators, among others.

Thus, the transponders merely expedite the free toll gate passage for legislators mandated by statute, rather than providing anything else of value. This is especially true because the non-revenue transponders may be used only in eligible vehicles, and do not work except in New Hampshire. Unlike the free ski pass program we addressed in AO 2011-4, non-revenue transponders add nothing of value that is not directly authorized by statute. To treat them as “gifts” prohibited by RSA 15-B:3, would disregard that authority.



Accordingly we advise that the non-revenue transponders issued to legislators, when used in vehicles bearing legislative plates, are not prohibited gifts.

Martin L. Gross, Chairman  
 Representative Janet G. Wall, Vice Chairman  
 Representative Jordan G. Ulery  
 Senator Jim Rausch  
 Senator Martha Fuller Clark  
 Attorney Wilfred L. Sanders, Jr.  
 Mr. David A. Welch

For the Committee,  
 Martin L. Gross  
 Chairman

*[Vote: 7-0]*

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## SENATE SCHEDULE

Monday, September 02, 2013	Labor Day (State Holiday)
Monday, September 30, 2013	First day to file legislation for 2014 Senate session.
Friday, October 25, 2013, 4:00 p.m.	Deadline for the Office of Legislative Services to accept drafting of a Senate Bill, Senate Concurrent Resolution, or Senate Joint Resolution with complete information for the 2014 Session.
Monday, November 11, 2013	Veterans' Day (State Holiday)
Friday, November 15, 2013, 4:00 p.m.	Deadline for prime sponsors to sign off on legislation.
Friday, November 22, 2013, 4:00 p.m.	Deadline for co-sponsors to sign off on legislation.
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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