

August 29, 2013  
No. 31

# 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

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**THE SENATE WILL MEET IN SESSION ON  
TUESDAY, SEPTEMBER 3, 2013 AT 10:00 A.M.**

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**LAI D ON THE TABLE**

**SB 4-FN-A**, 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-FN-A-L**, 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**

**HB 135**, relative to physical force in defense of a person and relative to the definition of non-deadly force. **05/23/13, pending motion Inexpedient to Legislate, Judiciary, SJ 12**

**HB 301**, relative to notice of sale in foreclosure proceedings. **04/18/13, pending motion Committee Amendment 1231s, Commerce, SJ 10, pg. 272**

**HB 370-FN**, repealing the education tax credit program. **04/18/13, pending motion Inexpedient to Legislate, Health, Education & Human Services, SJ 10, pg. 264**

**HB 373**, establishing a right of discovery to a carrier's investigation of claims in workers' compensation cases. **05/23/13, pending motion Inexpedient to Legislate, Commerce SJ 12**

**HB 520**, establishing a committee to study implementing Keno in New Hampshire. **05/30/13, pending motion Committee Amendment 1862s, Ways & Means, SJ 13**

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

## 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.

## EXECUTIVE SESSIONS AND WORK SESSIONS

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

**PUBLIC AND MUNICIPAL AFFAIRS**, Room 102, LOB

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

**EXECUTIVE SESSION ON THE FOLLOWING RE-REFERRED BILLS**

10:00 a.m. **SB 36-L**, relative to the property tax exemption for veterans who are totally and permanently disabled from service connection.

11:00 a.m. **SB 186**, relative to training of certain board officers of nonprofit corporations.

1:00 p.m. **SB 120-FN**, relative to political contributions and expenditures and relative to reporting by political committees.

2:00 p.m. **SB 183-FN**, relative to proof of identity by voters.

**MEETINGS*****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 TO STUDY EXPANSION OF MEDICAID ELIGIBILITY (RSA 126-A:66)**

1:00 p.m. Rooms 210-211, LOB Regular 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

**RENEWABLE PORTFOLIO STANDARDS STUDY COMMITTEE (HB 542, Chapter 279:10, Laws of 2013)**

11:00 a.m. Room 100, SH Organizational Meeting

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

12:30 p.m. Room 302, LOB Regular Meeting

**COMMITTEE TO STUDY THE REGULATION OF PHARMACY BENEFITS MANAGERS (SB 117, Chapter 182:1, Laws 2013)**

1:00 p.m. Room 303, LOB Regular Meeting

**MEDICAID ENHANCEMENT TAX STUDY COMMISSION (RSA 84-A:13)**

1:00 p.m. Rooms 210-211, LOB Regular Meeting  
Presentation by the Hospital Association

**NEW HAMPSHIRE STATE ENERGY ADVISORY COUNCIL (RSA 4-E:2)**

2:00 p.m. Room 304, LOB Organizational Meeting

**COMMITTEE TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009)**

3:30 p.m. Room 202, 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

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

10:00 a.m. Room 301, LOB Regular Meeting

**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 Regular Meeting

**JUVENILE JUSTICE ADVISORY BOARD (RSA 621-A:9)**

10:00 a.m. Room 303, LOB Regular 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

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

10:00 a.m. Room 103, SH Regular Meeting

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

10:00 a.m. Institute on Disability Regular Meeting  
56 Old Suncook Road  
Concord, NH

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

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

**ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21)**

3:00 p.m. Room 100, SH Regular Meeting

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

**COMMITTEE TO STUDY EXISTING DEBT COLLECTION LAWS AND PRACTICES (HB 339, Chapter 28, Laws of 2013)**

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

**COMMITTEE TO STUDY OPTIONS FOR MITIGATION OF DAMAGES ASSOCIATED WITH HIGHWAY NOISE (HB 391, Chapter 122, Laws of 2013)**

10:30 a.m. Room 204, LOB Regular Meeting

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

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

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

**MEDICAID ENHANCEMENT TAX STUDY COMMISSION (RSA 84-A:13)**

8:30 a.m. Rooms 210-211, LOB Regular Meeting  
Presentations by: DHHS & Department of Revenue  
Administration

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

9:00 a.m. Plymouth State University Regular Meeting  
2 Pillsbury Street  
Concord, NH

**COMMITTEE TO STUDY THE RESOLUTION OF BARRIERS TO THE USE OF TELEHEALTH TECHNOLOGY IN NEW HAMPSHIRE (HB 556, Chapter 112, Laws of 2013)**

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

**JOINT COMMITTEE ON EMPLOYEE CLASSIFICATION (RSA 14:14-c)**

10:00 a.m. Room 306, LOB Regular Meeting

**COMMITTEE TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009)**

3:30 p.m. Room 202, LOB Regular Meeting

***THURSDAY, SEPTEMBER 12, 2013*****ASSESSING STANDARDS BOARD (RSA 21-J:14-a)**

9:30 a.m. NH Department of Revenue Administration Regular Board Meeting  
109 Pleasant Street  
Concord, NH

**COMMISSION TO STUDY PALLIATIVE CARE AND ASSOCIATED QUALITY OF LIFE INITIATIVES (RSA 126-W:1)**

10:00 a.m. Room 303, LOB Organizational Meeting

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

10:00 a.m. Room 305, LOB Regular Meeting

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

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

***FRIDAY, SEPTEMBER 13, 2013*****WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62)**

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

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

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

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

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

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

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

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

1:00 p.m. Room 206, LOB Subcommittee Work Session on  
Lyme Disease and other Tick Borne  
Diseases

***TUESDAY, SEPTEMBER 17, 2013*****COMMITTEE TO STUDY DEVELOPING A POLICY FOR VETERAN PREFERENCE IN GOVERNMENT HIRING (SB 90, Chapter 229:1, Laws of 2013)**

10:00 a.m. Room 103, SH Regular Meeting

**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

**COMMITTEE TO STUDY THE CONSTRUCTION OF A PERMANENT MEMORIAL TO GOVERNOR JOHN GILBERT WINANT ON STATE PROPERTY OTHER THAN THE STATE HOUSE GROUNDS (HB 262, Chapter 120, Laws of 2013)**

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

### ***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

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

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

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

#### **COUNCIL FOR YOUTHS WITH CHRONIC CONDITIONS (RSA 126-J:1)**

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

#### **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, SEPTEMBER 20, 2013***

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

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

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

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

### ***MONDAY, SEPTEMBER 23, 2013***

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

9:00 a.m.                      Room 305, LOB                      Regular Meeting, Rulemaking  
Hearing for OBD 204 & OBD 207

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

3:00 p.m.                      NH State Library                      Quarterly Meeting: Preliminary  
20 Park Street                      Report on Grant Applications  
Concord, NH

### ***TUESDAY, SEPTEMBER 24, 2013***

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

10:30 a.m.                      Room 204, LOB                      Regular Meeting

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

#### **MEDICAID ENHANCEMENT TAX STUDY COMMISSION (RSA 84-A:13)**

8:30 a.m.                      Rooms 210-211, LOB                      Regular Meeting

#### **COMMITTEE TO STUDY THE REGULATION OF PHARMACY BENEFITS MANAGERS (SB 117, Chapter 182:1, Laws of 2013)**

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

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

10:00 a.m.                      Room 103, SH                      Regular Meeting

#### **COMMITTEE TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009)**

3:30 p.m.                      Room 202, LOB                      Regular Meeting

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

#### **COMMITTEE TO STUDY THE APPORTIONMENT FORMULA FOR COOPERATIVE SCHOOL DISTRICTS FOR TOWNS WITH ELECTRIC GENERATION FACILITIES (HB 305, Chapter 103, Laws of 2013)**

1:00 p.m. Room 301, LOB Regular Meeting

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

2:00 p.m. Rooms 205-207, LOB Organizational Meeting

### ***FRIDAY, SEPTEMBER 27, 2013***

#### **NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)**

10:00 a.m. Room 203, LOB Regular Meeting

### ***MONDAY, SEPTEMBER 30, 2013***

#### **MEDICAID ENHANCEMENT TAX STUDY COMMISSION (RSA 84-A:13)**

8:30 a.m. Rooms 210-211, LOB Regular Meeting

### ***TUESDAY, OCTOBER 1, 2013***

#### **COMMITTEE TO STUDY THE ESTABLISHMENT OF A STATE INFRASTRUCTURE BANK (SB 192, Chapter 133:1, Laws of 2013)**

10:00 a.m. Room 103, SH Regular Meeting

### ***MONDAY, OCTOBER 7, 2013***

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

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

### ***WEDNESDAY, OCTOBER 9, 2013***

#### **COMMITTEE TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009)**

3:30 p.m. Room 202, LOB Regular Meeting

### ***WEDNESDAY, OCTOBER 16, 2013***

#### **COMMITTEE TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009)**

3:30 p.m. Room 202, LOB Regular Meeting

### ***WEDNESDAY, OCTOBER 23, 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

#### **COMMITTEE TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009)**

3:30 p.m. Room 202, LOB Regular Meeting

### ***WEDNESDAY, OCTOBER 30, 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



**COMMITTEE TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009)**

3:30 p.m.

Room 202, LOB

Regular Meeting

***MONDAY, NOVEMBER 4, 2013***

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

10:00 a.m.

DHHS, Brown Building  
129 Pleasant Street  
Concord, NH

Regular 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, 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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### **WEDNESDAY, OCTOBER 2, 2013**

Health Services is pleased to inform you of a blood drive on Wednesday, October 2nd from 9:00 a.m. to 3:00 p.m. The blood mobile will be stationed in front of the archway. In order to avoid any inconvenience

to you and to avoid long lines, we are scheduling drawings every 15 minutes. If you're planning to donate blood, please call ext. 2757 to set up a time. The day of the blood drive, you will need to plan for a few extra minutes to do the paperwork; this will be done in the basement hallway at the Park St. entrance. Positive ID is required. If you have any questions, feel free to call health Services, ext. 2757.

Senator Nancy F. Stiles

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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)

\*\*\*\*\*

**"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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### **Legislative Ethics Committee**

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

#### **INTERPRETIVE RULING 2013-1**

RSA 15-B:2, IV, V(b)(11), VI; RSA 15-B:5, 6 and 7

(August 20, 2013)

#### **Payments to Legislators for Sponsored Travel and Services— What’s Allowed and What Isn’t**

Questions have arisen about what payments or other items of value legislators may lawfully accept in connection with their participation in travel paid for by third persons. This Ruling interprets RSA 15-B:2, IV, V(b)(11), VI; RSA 15-B:5, 6 and 7, to address and explain the circumstances in which legislators are allowed to accept:

(a) Payment or reimbursement from third persons, for attendance at events by legislators in their capacity as such. It does not address circumstances where attendance at the event is fully paid for solely by the legislator, or where attendance at the event is purely personal and unrelated to the legislator’s status as such; and

(b) Payment from third persons for certain services performed by legislators, associated with legislative activity. It does not address payments for services unrelated to legislative activity.

I. Prohibition. Under RSA 15-B:3, “Gifts” to legislators are generally prohibited, unless specifically exempted by law. Unless specifically exempted, money payments to legislators by third persons are prohibited. Also prohibited are transfers by third persons to legislators of items of value other than money, unless the item is worth less than \$25.00, or otherwise qualifies for a specific statutory exemption from the definition of “gift.”

II. Available Exemptions. Legislators may accept payment for travel to and attendance at an event if the payment qualifies as an “expense reimbursement.” Legislators may also accept payment as an “honorarium” for certain services, as defined by law. These two categories have differing characteristics.

A. Expense Reimbursement. This exemption allows legislators to accept payment for the costs of travel to and attendance at an event, for example, fares, meals, accommodation, registration or attendance fees. The exemption applies only where the event is a *bona fide* conference, meeting, seminar, or educational or informational program that relates to the legislator’s duties. In this context, a “bona fide” event is taken to mean

an event that is primarily focused on communicating information relating to matters of legislative concern to New Hampshire legislators, rather than directed at providing opportunity for tourism, entertainment, or recreation. Reimbursement for “junkets” or “see the sites” trips as part of a legislative group doesn’t qualify for the exemption—the event must offer, as a genuine and central element, organized learning about subjects that are or may become the focus of legislative activity in New Hampshire.

Also, this exemption does not require payment directly to the legislator, or that the expenses be pre-paid by the legislator. The exemption is also available for costs that are waived, forgiven, reduced, or prepaid by a third party.

*B. Honorariums.* This exemption is not directed at costs of attending an event, but rather at allowing legislators to accept payment from third parties for performance of certain services related to the legislator’s duties or position as such. It allows legislators to receive payment for an appearance, speech, written article or other document, service as a consultant or advisor, or participation in a discussion group or similar activities related to legislative matters. A qualifying service must actually be performed, but need not be performed at an event, and a trip need not be made to perform them.

*III. Reporting Requirement.* Subject to limited exceptions, to qualify for exemption, both Expense Reimbursements and Honorariums must be reported in writing on a form provided by and filed with the Secretary of State no later than the last day of the month following the month in which the honorarium or expense reimbursement was received. The name of the recipient must be identified, as well as the name, address and other information identifying the donor. However, there are some differences in the information that must be reported.

*A. Reporting Expense Reimbursements.* Reports are not required for reimbursement made by an organization to which the state pays dues, when the reimbursement is provided because of the dues paid (for example, National Conference of State Legislatures). For other events, reports must include:

- 1) The value of the reimbursement;
- 2) A brief description of the event that gave rise to the reimbursement; and
- 3) A copy of the agenda or an equivalent document which discloses the subjects addressed and the time schedule of all activities at the event.

*B. Reporting Honorariums.* Reports are not required where payment has been made by the state, a county, or the United States of America. For other honorariums, reports must include:

- 1) The value of the honorarium; and
- 2) A brief description of the service that gave rise to the honorarium.

*IV. Acceptance of items of value other than a permitted expense reimbursement or honorarium.* Items of value received other than as permitted reimbursement for event expenses or permitted payment for services, are exempt only if they qualify for some other specific exemption. For example, if legislators attending an event are offered souvenirs or other items to mark their attendance, such items with value under \$25.00 would be permitted, but items worth \$25.00 or more would be prohibited gifts, unless qualifying for some specific exemption under RSA 15-B:2, V(b) or other statute.

The same rule applies to acceptance of meals and entertainment paid for by third persons (for example, lobbyists) which are not an official part of an event that qualifies for expense reimbursement. Unless qualifying for a specific exemption under RSA 15-B:2, V(b) or other statute, such meals or entertainment would be prohibited gifts if worth \$25.00 or more.

This Ruling also applies to payments to legislative officers and employees. In specific cases, if there is doubt about whether a proposed payment qualifies as a permissible expense reimbursement or an honorarium, a legislator, legislative officer, or employee should request an Advisory Opinion from the Committee. RSA 14-B:3, I (c).

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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