

October 17, 2013
No. 37

STATE OF NEW HAMPSHIRE

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



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

SENATE CALENDAR

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

WEDNESDAY, NOVEMBER 6, 2013

PUBLIC AND MUNICIPAL AFFAIRS, Room 102, LOB

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

9:30 a.m.

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

MEETINGS

FRIDAY, OCTOBER 18, 2013

ASSESSING STANDARDS BOARD (RSA 21-J:14-a)

9:00 a.m.	NH Department of Revenue Administration 109 Pleasant Street Concord, NH	Equalization Subcommittee Meeting
9:30 a.m.	NH Department of Revenue Administration 109 Pleasant Street Concord, NH	Regular Board Meeting

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

10:00 a.m.	Great Bay Discovery Center in the Hugh Gregg Coastal Conservation Center 89 Depot Road Greenland, NH	Regular Meeting
------------	---	-----------------

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

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

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

11:00 a.m.	Room 101, LOB	Non-Public Session of the Complaint Review Committee
1:00 p.m.	Room 101, LOB	Regular Meeting

MONDAY, OCTOBER 21, 2013

EXOTIC AQUATIC WEEDS AND SPECIES COMMITTEE (RSA 487:30)

10:00 a.m.	Room 307, LOB	Regular Meeting
------------	---------------	-----------------

NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q)

1:30 p.m.	Room 205, LOB	Regular Meeting
-----------	---------------	-----------------

TUESDAY, OCTOBER 22, 2013

COMMISSION TO STUDY OPPORTUNITIES AND OPTIONS TO IMPROVE THE SUSTAINABILITY OF THE FISH AND GAME DEPARTMENT (RSA 206:1-a)

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

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2)

10:00 a.m.	Room 201, LOB	Regular Business
------------	---------------	------------------

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

11:00 a.m.	Room 201, LOB	Regular Business
------------	---------------	------------------

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

1:00 p.m.	Room 208, 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 THE REGULATION OF PHARMACY BENEFITS MANAGERS (SB 117, Chapter 182:1, Laws of 2013)

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

COMMISSION TO STUDY GENERAL COURT POLICIES AND PROCEDURES RELATED TO PERSONS WITH DISABILITIES (RSA 19-M)

10:30 a.m. Room 209, LOB Organizational Meeting

COMMITTEE TO STUDY A PROGRAM TO ADDRESS CHILDREN IN NEED (HB 418, Chapter 44, Laws 2013)

1:00 p.m. Room 206, 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, OCTOBER 24, 2013

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

9:00 a.m. Room 202, LOB Regular Meeting

COMMITTEE TO STUDY THE RESOLUTION OF BARRIERS TO THE USE OF TELEHEALTH TECHNOLOGY IN NEW HAMPSHIRE (HB 556, Chapter 112:1, Laws of 2013)

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

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

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

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

1:00 p.m. Room 103, SH Regular Meeting

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

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

1:30 p.m. Room 202, LOB Regular Meeting

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

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

FRIDAY, OCTOBER 25, 2013

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

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

COMMISSION TO OVERSEE THE CONSTRUCTION OF THE ISLES OF SHOALS 400TH ANNIVERSARY MEMORIAL (HB 25, Chapter 195:45, Laws of 2013)

1:30 p.m. Rye Harbor Regular Meeting and Site Visit
Home of Rep. Sherman
296 Harbor Road
Rye, NH

MONDAY, OCTOBER 28, 2013

CURRENT USE BOARD (RSA 79-A:3)

9:00 a.m. NH Department of Revenue Administration Regular Board Meeting
109 Pleasant Street
Concord, NH

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c)

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

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

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

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

1:00 p.m. Room 307, LOB Regular Meeting

TUESDAY, OCTOBER 29, 2013**COMMISSION TO STUDY OPPORTUNITIES AND OPTIONS TO IMPROVE THE SUSTAINABILITY OF THE FISH AND GAME DEPARTMENT (RSA 206:1-a)**

9:00 a.m. Room 307, LOB Regular Meeting

COMMISSION TO STUDY GENERAL COURT POLICIES AND PROCEDURES RELATED TO PERSONS WITH DISABILITIES (RSA 19-M)

10:30 a.m. Room 209, LOB Regular Meeting

WEDNESDAY, OCTOBER 30, 2013**COMMISSION TO STUDY PERMANENT OPTIONS FOR FUNDING THE VETERINARY DIAGNOSTIC LABORATORY (RSA 436:92-a)**

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

ELECTRIC UTILITY RESTRUCTURING LEGISLATIVE OVERSIGHT COMMITTEE (RSA 374-F:5)

10:00 a.m. Room 304, LOB Regular Meeting

NEW HAMPSHIRE CONSERVATION NUMBER PLATE ADVISORY COMMITTEE (RSA 261:97-d)

10:00 a.m. Room 207, 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)

1:00 p.m. St. Paul's School Regular Meeting
Rector's Conference Room
325 Pleasant Street
Concord, NH

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, OCTOBER 31, 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

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

10:00 a.m. Room 205, LOB Long Term Care Subcommittee Meeting

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

10:00 a.m. Room 208, LOB Regular Meeting

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

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

COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T)

2:00 p.m. NH Medical Society Regular Meeting
7 North State Street
Concord, NH

MONDAY, NOVEMBER 4, 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
-----------	--	-----------------

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

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

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

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

TUESDAY, NOVEMBER 5, 2013

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

10:00 a.m.	Room 208, LOB	Regular Meeting
------------	---------------	-----------------

WEDNESDAY, NOVEMBER 6, 2013

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

1:00 p.m.	Room 202, LOB	Regular Meeting
-----------	---------------	-----------------

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

4:30 p.m.	NH Department of Education Londergan Hall, Room 15 101 Pleasant Street Concord, NH	Regular Meeting
-----------	---	-----------------

THURSDAY, NOVEMBER 7, 2013

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

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

OBD II TESTING ADVISORY COMMITTEE (RSA 266:59-b,VII(a))

1:00 p.m.	Room 203, LOB	Regular Meeting
-----------	---------------	-----------------

FRIDAY, NOVEMBER 8, 2013

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

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

TUESDAY, NOVEMBER 12, 2013

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

10:00 a.m.	Room 208, LOB	Regular Meeting
------------	---------------	-----------------

FRIDAY, NOVEMBER 15, 2013

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

11:00 a.m.	Room 205, LOB	Regular Meeting
------------	---------------	-----------------

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

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

MONDAY, NOVEMBER 18, 2013

SHORELAND ADVISORY COMMITTEE (RSA 483-B:21)

9:00 a.m. NH Department of Environmental Services Regular Meeting
 29 Hazen Drive
 Concord, NH

NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q)

1:30 p.m. Room 205, LOB Regular Meeting

THURSDAY, NOVEMBER 21, 2013

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

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

FRIDAY, NOVEMBER 22, 2013

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

9:00 a.m. Room 202, LOB Regular Meeting

MONDAY, NOVEMBER 25, 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

TUESDAY, NOVEMBER 26, 2013

COMMISSION TO STUDY AND UPDATE THE RULES AND PROCEDURES OF THE LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:11)

3:00 p.m. Room 104, LOB Regular Meeting

* * * * *

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

* * * * *

NOTICES

FRIDAY, OCTOBER 18, 2013 - SUNDAY, OCTOBER 20, 2013

NHADA is pleased to offer two tickets per legislator to attend this year's NH Auto Show. Tickets (valued at \$5 each) must be picked up at the NHADA offices at 507 South Street in Bow, NH. This is the first ever statewide NH Auto Show and will be held October 18-20 at the NH Sportsplex in Bedford, NH (68 Technology Drive). Attendees experience the convenience of viewing more than 150 new models from more than 20 manufacturers all in one location. Since it is a non-selling show, attendees are invited to sit in the driver's seats, inspect engines and compare legroom on a host of new vehicles without the pressure to buy.

Senator Sylvia B. Larsen, Senate Minority Leader
 Senator Andy Sanborn

* * * * *

TUESDAY, OCTOBER 29, 2013

All legislators (House and Senate) are invited to attend a forum entitled “Perspectives on Education Reform and Meeting the Demands of the 21st Century” with Dr. Marc Tucker, President of the National Center on Education and the Economy (NCEE). Dr. Tucker also established the National Institute for School Leadership, America’s Choice, Inc. and the Commission on Skills of the American Workforce. The forum will be held on Tuesday, October 29, 2013 in Rooms 210-211 in the Legislative Office Building beginning at 9:00 a.m. Dr. Tucker’s presentation will be followed by a panel of professionals representing NH education and business who will discuss the strengths and challenges of implementing NH’s Career and College ready Standards (NHCCRS). In the afternoon, consultants from the National Conference for State Legislatures (NCSL) will provide an update on what states across the nation are doing, to be followed by work sessions on assessment and reform activities from a teacher and parent perspective. This is an opportunity to be fully informed of the status of changes and new programs in NH education.

Senator Molly M. Kelly

* * * * *

All legislators are invited to attend one in a series of manufacturing plant tours hosted by the Business and Industry Association of New Hampshire (BIA). These events are designed to familiarize legislators with the leading role that manufacturing plays in New Hampshire’s economy. Legislators will have the opportunity to discuss economic issues with some of our state’s top employers and receive current information on the state and national economy from noted economist, Dennis Delay of the NH Center for Public Policy Studies.

November 8th – 9:00 a.m. - 11:30 a.m., Sturm, Ruger & Co., Inc., 411 Sunapee Street, Newport, NH 03773

November 13th – 9:00 a.m. - 11:30 a.m., Globe Manufacturing, 37 Loudon Road, Pittsfield, NH 03263

November 14th – 1:00 p.m. - 3:30 p.m., Lindt & Sprüngli (USA) Inc., 1 Fine Chocolate Place, Stratham, NH 03885

November 15th – 9:00 a.m. - 11:30 a.m., Anheuser-Busch, 221 DW Highway, Merrimack, NH 03054

There is no cost to attend a Legislative Plant Tour, but advance registration is requested. Please register through the BIA’s online registration system **www.BIAofNH.com**, click on events, go to the calendar and click on the date of the plant tour you wish to attend, or call 224-5388, ext. 100. Light refreshments will be served.

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

* * * * *

LEGISLATIVE ETHICS COMMITTEE

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

Advisory Opinion 2013-3 Response to a Request for an Advisory Opinion from Representative Susan W. Almy (October 2, 2013)

Pursuant to RSA 14-B:3, I (c), Representative Susan Almy has requested an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, she may accept a complimentary invitation from the Business and Industry Association of New Hampshire (BIA) to attend its Annual Dinner.

Facts

According to information provided to the Committee by Rep. Almy, she and certain other members of the General Court have received such invitations to the Dinner, to be held October 23, 2013. Her Request states that “such invitations have been extended to chairs, vice chairs and senior minority members of key committees related to the BIA’s work.” Her Request further states that the “Commerce and Ways & Means committees in both houses regularly deal with [BIA], that it holds an annual meeting with considerable networking and with what I would consider celebratory goals in that it honors key people, business and other, around the state, this year being the NH Charitable Foundation, Donna Sytek, and a rural industry in my county.”

Further information about the event has been furnished on BIA's behalf, in response to the Committee's request. BIA's response states that tickets to the event are regularly priced at \$125.00. BIA describes itself as classified under the federal Internal Revenue Code as a 501(c) (6) organization. BIA also states that it

"routinely invites all members of the New Hampshire Senate to the annual dinner, in their official capacities and regardless of party or position on issues. It also invites the chairs of various House committees and leadership, regardless of party or position on issues, in their official capacities. Due to the size of the dinner location, and the size of the New Hampshire House of Representatives, it is impossible to invite the entire House membership."

BIA further states that the Dinner

"has evolved from one that mixed business with pleasure, to a celebration of business accomplishments in New Hampshire, especially recognizing a business leader each year with the BIA's Lifetime Achievement Award,"

that the Dinner has also recognized distinguished members of the bar, governmental, community, and not-for-profit leaders, and that the New Hampshire Advantage Award is presented annually at the Dinner, "recognizing organizations that have added to the strength of New Hampshire."

Relevant Provisions of Applicable Law:

RSA 15-B:3, RSA 15-B:2, V(a), and (b) (9) and (10) (see text attached).

Analysis

Under RSA 15-B:3, "Gifts" to legislators are generally prohibited, unless specifically exempted by law. Transfers by third persons to legislators of non-monetary items of value are prohibited, unless the item is worth less than \$25.00, or otherwise qualifies for a specific statutory exemption from the definition of "gift." Since BIA has confirmed that the value of Annual Dinner tickets is \$125.00, the question becomes whether its complimentary invitations somehow qualify for a specific exemption.

BIA claims that its complimentary invitations to the Dinner should qualify for the following specific exemptions:

- (1) RSA 15-B:2,V(b)(10)(A), meals associated with attendance at ceremonial or celebratory event, public, open to any member of the public purchasing a ticket, and if by invitation, planned to have an attendance of more than 50 people;
- (2) RSA 15-B:2,V(b)(10)(B), meals associated with attendance by legislators invited in their official capacities, as representatives of the state or legislative bodies;
- (3) RSA 15-B:2,V(b)(9), free admission to a qualifying "ceremonial event."

However, on the facts presented, the statutory requirements for exemptions (2) and (3) are not met.

RSA 15-B:2,V(b)(10)(B) specifies that legislative invitees be "attending in an official capacity, **representing the state and/or the senate [or] house....**" (emphasis added). In the context of direct invitations to the BIA Annual Dinner, we have presumed that the Senate President is representing the Senate when attending the event in an official capacity. (AO 2011-3). The same presumption would apply to the Speaker of the House. However, merely because other legislators might be invited to attend in their official capacity does not satisfy the additional requirement that in attending, they be "representing" the body they belong to, unless they have been granted specific authority to do so.

As to RSA 15-B:2,V(b)(9), while the exemption applies to a "ceremonial" event, there are additional requirements:

(A) The proceeds of the event are subject to the political contributions and expenditure reporting law, RSA 664; or

(B) The event is sponsored by a charitable organization that is registered with the division of charitable trusts, department of justice, or which is a charitable organization pursuant to section 501(c)(3) of the federal tax code; or

(C) The event is published as an event open for attendance by any member of the general court in the calendar of the senate or the house.

None of these additional requirements appear to be satisfied. In particular, the proceeds of the Dinner are not subject to RSA 664, BIA is not a charitable organization that is registered with the division of charitable trusts, nor a 501(c)(3) organization; nor is the Dinner published as an event open for attendance by any member of the general court in the calendar of the Senate or the House.

The remaining question is whether the invitation would qualify for exemption under RSA 15-B:2, V(b)(10)(A). The issue here is whether the “primary significance” of the BIA Annual Dinner is “ceremonial or celebratory.” These terms are not defined in the statute, and we have not previously interpreted or applied them in specific situations.

“*Ceremonial*” In common usage, the adjective “ceremonial” has been defined as “relating to or used for formal events of a religious or public nature.” (See *Oxford Dictionary of American English*, On-line Edition). Since the BIA dinner is not a religious event, is sponsored by a private organization, and is open only to ticket purchasers and special invitees, we conclude that it is not a “ceremonial” event within the meaning of the statute.

“*Celebratory*” In common usage, among other definitions, the adjective “celebratory” relates to an event which “honors or praises publicly.” (See definition of “celebrate” in *Oxford Dictionary of American English*, On-line Edition). This is a very broad definition which should be interpreted in light of the purpose of RSA 15-B, as stated in RSA 15-B:1: “to ensure that the performance of official duties does not give rise to a conflict of interest, by prohibiting certain gifts....” To apply the term “celebratory” to any event which “honors or praises publicly,” so long as it is open to the public or more than 50 invitees, would not serve that purpose, but would permit any sponsoring person or organization to claim the exemption, regardless of who is being honored or praised, or how closely the event relates to influencing the performance of legislative duties in the sponsor’s favor.

BIA makes no secret that it is a preeminent lobbying organization. It employs full time personnel whose task is to monitor and influence legislation of interest to the organization and its members. It provides weekly status reports to its members about such legislation. Any effective lobbying effort includes cultivating cordial relationships with legislators. There is little doubt that its Annual Dinner invitations to legislators are part of that effort. If BIA had no interest in legislation, there would be no point in offering free admission to legislators. Clearly, one of the purposes of the Dinner and the free invitations is to advance BIA’s legislative agenda.

But the “celebratory” exception does not necessarily exclude such events. It merely requires that the “primary significance” of such events be “celebratory.” To give that provision proper effect requires that the event primarily celebrate someone or something other than the organization itself, or its members, or its own accomplishments, or sitting legislators, legislative officers or legislative staff.

On the facts presented in Rep. Almy’s request and BIA’s response, this criterion appears to be met. No BIA business is conducted at the dinner. The program appears to include no discussion of BIA’s own legislative positions or accomplishments, but more generally seeks to be “a celebration of business accomplishments in New Hampshire,” publicly honoring not only leaders of business, but other community leaders and organizations as well.

Accordingly, as long as this remains the primary focus of BIA’s Annual Dinner, we advise that the event can reasonably be characterized as “primarily celebratory,” that as such, complimentary invitations to the event extended directly by BIA to legislators qualify for the exemption in RSA 15-B:2, V(b)(10)(A), and that therefore, such invitations are not gifts prohibited by RSA 15-B: 3.

We appreciate the opportunity to be of assistance.

Martin L. Gross, Chairman

Representative Janet G. Wall, Vice Chairman

Representative Jordan G. Ulery

Senator Jim Rausch

Senator Martha Fuller Clark (not participating)

Attorney Wilfred L. Sanders, Jr.

Mr. David A. Welch

For the Committee,
Martin L. Gross
Chairman

[Vote: 6-0]

AO 2013-3—Applicable Law

15-B:1 Purpose. – The purpose of this chapter is to ensure that the performance of official duties does not give rise to a conflict of interest, by prohibiting certain gifts and by requiring certain persons to file with the secretary of state a report of any honorariums or expense reimbursements received. This chapter shall be liberally construed to effect this purpose

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: ***

(9) Tickets or free admission to a charitable, ceremonial, or political event provided that:

(A) The proceeds of the event are subject to the political contributions and expenditure reporting law, RSA 664; or

(B) The event is sponsored by a charitable organization that is registered with the division of charitable trusts, department of justice, or which is a charitable organization pursuant to section 501(c)(3) of the federal tax code; or

(C) The event is published as an event open for attendance by any member of the general court in the calendar of the senate or the house.

(10) Meals, beverages, lodging, or transportation associated with attendance at:

(A) Any event for which the primary significance is ceremonial or celebratory, provided the event is public or, if by invitation only, is planned to have an attendance greater than 50 people; or

(B) Any event where the person is attending in an official capacity representing the state and/or the senate, house, or the agency of which the person is a member.

15-B:3 Prohibition on Gifts. –

I. It shall be unlawful to knowingly give any gift as defined in this chapter, directly or indirectly, to any elected official, public official, public employee, constitutional official, or legislative employee.

II. It shall be unlawful to knowingly give any gift as defined in this chapter, directly or indirectly, to any family member, as defined in this chapter, of any elected official, public official, public employee, constitutional official, or legislative employee, with a purpose of influencing or affecting the official conduct of such official or employee.

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.

* * * * *

SENATE SCHEDULE

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)

* * * * *