

November 14, 2013
No. 41

STATE OF NEW HAMPSHIRE

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



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

SENATE CALENDAR

**THE SENATE WILL MEET IN SPECIAL SESSION ON
THURSDAY, NOVEMBER 21, 2013 AT 10:00 A.M.**

SPECIAL SESSION REPORT

COMMITTEE ON SPECIAL SESSION LEGISLATION

SS SB 1-FN-A, relative to access to health insurance coverage.

Ought to Pass with Amendment, Vote 4-2.

Senator Stiles for the committee.

AMENDMENT

Committee on Special Session Legislation

November 14, 2013

2013-2417s

01/04

Amendment to SS SB 1-FN-A

Amend RSA 126-A:5, XXIV(a) as inserted by section 2 of the bill by replacing it with the following:

XXIV.(a) There is hereby established the bridge to marketplace premium assistance program. This will be a voluntary premium assistance program for Medicaid eligible childless adults from 0 – 133 percent of the federal poverty level (FPL) and parents from 53 – 133 percent of FPL who are ineligible for the HIPP program until December 31, 2014 or one year after the program described in this paragraph commences and shall be administered by department of health and human services. The New Hampshire health protection trust shall provide premium assistance to support the purchase of health insurance coverage using federal funds under the Act, as defined in RSA 420-N:2, I. In order to receive assistance, Medicaid eligible childless adults from 0 – 133 percent of FPL and parents from 53 – 133 percent of FPL shall choose health care insurance coverage either from insurance products offered on the federally-facilitated exchange or an alternative benefit plan (ABP) offered by the managed care organizations awarded contracts as vendors to implement Medicaid managed care under RSA 126-A:5, XIX(a). Alternative benefit plans shall reimburse at rates that are sufficient to ensure improved access to and quality of care. Provider payments shall be in an amount no less than before the effect date of this paragraph. The department shall seek any necessary waivers or submit a state plan amendment to implement the provisions of this paragraph, including provisions to address individuals determined to be medically frail after completion of a health questionnaire screening process. The program shall not begin until such waivers or state plan amendments have been approved. Any costs to implement voluntary premium assistance shall be paid from federal funds awarded. For the purposes of this section, alternative benefit plan is defined as the Medicaid benchmark or benchmark equivalent coverage in section 1937 of the Social Security Act. Insurance products offered by the managed care organizations shall be decertified at the conclusion of the bridge to marketplace premium assistance program.

Amend RSA 126-A:5, XXV(a) as inserted by section 2 of the bill by replacing it with the following:

XXV.(a) There is hereby established the marketplace premium assistance program. This will be a premium assistance program for Medicaid eligible childless adults from 0-133 percent of the federal poverty level (FPL) and parents from 53 – 133 percent of FPL who are ineligible for the HIPP Program until December 31, 2016 and shall be administered by department of health and human services. The New Hampshire health protection trust shall provide premium assistance to support the purchase of health insurance coverage from qualified health plans (QHPs) offered in the federally-facilitated exchange using federal funds. In order to receive assistance, Medicaid eligible childless adults from 0 – 133 percent of the FPL and parents from 53 – 133 percent of FPL who are ineligible for the HIPP Program shall choose health care insurance coverage from insurance products offered on the federally-facilitated exchange. Plans available on the exchange shall reimburse at rates that are sufficient to ensure improved access to and quality of care. Provider payments shall be no less than before the effective date of this paragraph. On or before May 1, 2014, the commissioner shall submit a comprehensive statewide section 1115 demonstration waiver to implement the provisions of this paragraph, including provisions to address individuals determined to be medically frail after completion of a health questionnaire screening process. The program shall not begin until such waivers have been approved. Any costs to implement

the premium assistance program shall be paid from federal funds awarded. The comprehensive statewide section 1115 waiver demonstration shall also request state fiscal relief in the form of federal matching funds for designated state and local health programs as prepared by the commission established by RSA 126-A:5-b. The waiver shall be approved by the Centers for Medicare and Medicaid Services by October 1, 2014.

Amend the introductory paragraph of RSA 126-A:5, XXV(d) as inserted by section 2 of the bill by replacing it with the following:

(d) The New Hampshire marketplace premium assistance program under this paragraph shall be implemented commencing after the conclusion of the bridge to marketplace premium assistance program, established in paragraph XXIV, or as soon thereafter as is practicable; provided that no eligibility changes shall be taken until:

Amend RSA 126-A:5 as inserted by section 2 of the bill by inserting after paragraph XXVII the following new paragraph:

XXVIII. Each health plan offered on a federally-facilitated or state based exchange shall, as a condition of participation in such exchange, (1) offer to each federally-qualified health center, as defined in section 1905(l)(2)(B) of the Social Security Act, 42 U.S.C. section 1396d(l)(2)(B), providing services in geographic areas served by the plan, the opportunity to contract with such plan to provide to the plan's enrollees all ambulatory services that are covered by the plan that the center offers to provide and (2) reimburse each such center for such services as provided in section 1302(g) of the Patient Protection and Affordable Care Act, Public Law 111-148, as added by section 10104(b)(2) of such Act. For purposes of this section "ambulatory services" means health care services provided on an outpatient basis.

Amend RSA 126-A:5-b as inserted by section 3 of the bill by replacing paragraph V with the following:

V. The commission may solicit information from any source the commission deems relevant to the waiver, including:

- (a) The New Hampshire Nurses' Association.
- (b) The New Hampshire Community Behavioral Health Association.
- (c) Planned Parenthood of Northern New England.
- (d) Community mental health centers.
- (e) The Bi-State Primary Care Association.
- (f) AARP.
- (g) Families First Health Center.

VI. On or before January 31, 2014, the commission shall make an initial report on the status of its work to the fiscal committee of the general court. On or before September 1, 2014, the commission shall make a final report of its findings and activities, including the form and status of the application for a section 1115 waiver, to the governor, senate president, and the speaker of the house of representatives.

Amend RSA 420-O:1, II(e) as inserted by section 4 of the bill by replacing it with the following:

(e) One member of the public, nominated by the board of directors of the New Hampshire Community Behavioral Health Association and appointed by the speaker of the house of representatives.

Amend RSA 420-O:3 as inserted by section 4 of the bill by inserting after paragraph V the following new paragraph:

VI. Solicit information from any source deemed relevant to the mission of the trust, including:

- (a) The New Hampshire Nurses' Association.
- (b) The New Hampshire Community Behavioral Health Association.
- (c) Planned Parenthood of Northern New England.
- (d) Community mental health centers.
- (e) The Bi-State Primary Care Association.

(f) AARP.

(g) Families First Health Center.

Amend the bill by replacing section 7 with the following:

7 Department of Health and Human Services; Medicaid Breast and Cervical Cancer Program. Enrollment in the Medicaid breast and cervical cancer program, under 42 U.S.C. section 1396a(aa), shall be suspended effective December 31, 2013 or upon the approval of any waivers or state plan amendments necessary to implement RSA 126-A:5, XXIII and XXIV whichever is later. Any individual covered under the Medicaid breast and cervical cancer program prior to the date the program is suspended shall continue to be covered for the program unless his or her medical treatment has concluded, or until the next redetermination of his or her eligibility by the department, whichever event occurs later. After the date the program is suspended the individual's eligibility for assistance shall be determined by the department pursuant to RSA 126-A:5, XXIII-XXV. Commencing on the date the program is suspended, administrative rule He-W 641.09 shall be limited in its application to only those individuals enrolled in the Medicaid breast and cervical cancer program receiving treatment prior to the date the program is suspended. If, at any time after December 31, 2013, the assistance authorized in RSA 126-A:5, XXIII-XXV is no longer offered or fails to gain the necessary federal approvals, then the commissioner of the department of health and human services shall reinstate Medicaid coverage and open enrollment for those individuals eligible under this program.

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

TUESDAY, NOVEMBER 26, 2013

FINANCE, Room 103, SH

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

1:00 p.m.

EXECUTIVE SESSION ON THE FOLLOWING RE-REFERRED BILLS

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.

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

MEETINGS

FRIDAY, NOVEMBER 15, 2013

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

10:00 a.m.

Exeter Public Library Meeting Room
4 Chestnut Street
Exeter, NH

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
29 Hazen Drive
Concord, NH

Regular Meeting

COMMISSION TO STUDY BUSINESS TAXES (RSA 77-F)

10:00 a.m.

Room 103, SH

Regular Meeting

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

10:00 a.m.

Room 305, LOB

Regular Meeting

JOINT LEGISLATIVE HISTORICAL COMMITTEE (RSA 17-I:1)

10:00 a.m.

Room 103, SH

Regular Meeting

CURRENT USE BOARD (RSA 79-A:3)

6:00 p.m.	Keene City Hall City Council Chamber 2nd Floor 3 Washington Street Keene, NH	Public Forum
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TUESDAY, NOVEMBER 19, 2013**JOINT COMMITTEE ON LEGISLATIVE FACILITIES (RSA 17-E:1)**

10:00 a.m.	Room 100, SH	Regular Meeting
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MEDICAL MALPRACTICE PANEL AND INSURANCE OVERSIGHT COMMITTEE (RSA 519-B:13)

10:00 a.m.	Room 208, LOB	Regular Meeting
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WEDNESDAY, NOVEMBER 20, 2013**CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2)**

1:00 p.m.	Room 201, LOB	Regular Meeting
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LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1)

1:30 p.m.	Room 201, LOB	Regular Business
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THURSDAY, NOVEMBER 21, 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)**

2:00 p.m.	Room 203, LOB	Regular Meeting
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FRIDAY, NOVEMBER 22, 2013**CURRENT USE BOARD (RSA 79-A:3)**

9:00 a.m.	NH Department of Revenue Administration 109 Pleasant Street Concord, NH	Public Forum, Followed by a Regular Meeting
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GAMING REGULATORY OVERSIGHT AUTHORITY (RSA 284-A:1)

9:00 a.m.	Room 202, LOB	Regular Meeting
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JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m.	Rooms 305-307, LOB	Regular Meeting
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FISCAL COMMITTEE OF THE GENERAL COURT (RSA 14:30-a)

9:30 a.m.	Rooms 210-211, LOB	Regular Business
10:00 a.m.	Rooms 210-211, LOB	Audits State of New Hampshire Department of Education Internal Control over Adequate Education Aid Calculations November 2013 State of New Hampshire Department of Correction Transitional Housing and Work Release Program Performance Audit Report November 2013

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

11:00 a.m.	Room 205, LOB	Regular Meeting
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HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)

1:00 p.m. Room 206, LOB Lyme Disease Subcommittee Meeting

MONDAY, NOVEMBER 25, 2013**OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)**

9:00 a.m. Room 305, LOB Public Hearing on Rule making
change to ODB 209, Followed by
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

MONDAY, DECEMBER 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, DECEMBER 3, 2013**ELECTRIC UTILITY RESTRUCTURING LEGISLATIVE OVERSIGHT COMMITTEE (RSA 374-F:5)**

1:00 p.m. Room 304, LOB Regular Meeting

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

WEDNESDAY, DECEMBER 4, 2013**TELECOMMUNICATIONS OVERSIGHT COMMITTEE (RSA 374:22-h)**

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

NH BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2)

2:00 p.m. Walker Building, Room 100 Regular Meeting
21 South Fruit Street
Concord, NH

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

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

THURSDAY, DECEMBER 5, 2013**JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)**

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

FRIDAY, DECEMBER 6, 2013**CANNON MOUNTAIN ADVISORY COMMISSION (RSA 12-A:29-b)**

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

TUESDAY, DECEMBER 10, 2013

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

1:15 p.m. Rooms 302-304, LOB Regular Meeting

THURSDAY, DECEMBER 12, 2013

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

1:00 p.m. Room 206, LOB Lyme Disease Subcommittee Meeting

FRIDAY, DECEMBER 13, 2013

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

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

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

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

MONDAY, DECEMBER 16, 2013

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

8:30 a.m. NH Department of Fish & Game Grant Selection Day
11 Hazen Drive
Concord, NH

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

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

TUESDAY, DECEMBER 17, 2013

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. Room 201, LOB Regular Meeting

THURSDAY, DECEMBER 19, 2013

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

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

FRIDAY, DECEMBER 20, 2013

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

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

1:00 p.m. Room 101, LOB 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

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 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

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FRIDAY, NOVEMBER 15, 2013

Join the New Hampshire Coalition Against Domestic and Sexual Violence for the Fourth Annual Hall of Fame Luncheon. This year's event will be held at the beautiful LaBelle Winery in Amherst, NH. The event honors people who have gone above and beyond in their efforts to support survivors. This year's inductees include: State Senator Lou D'Allesandro, Earl Sweeney, Assistant Commissioner of the NH Department of Safety, and The Prevention Innovations Team at UNH.

The event will take place on Friday, November 15th from 11:30 a.m. – 2:00 p.m. The following is an e-copy of the invitation, which includes links to buy tickets: **<http://bit.ly/1b1QXV1>**. If you have questions, call 603-224-8893 x320.

Senator Sylvia B. Larsen, Senate Minority Leader

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TUESDAY, NOVEMBER 19, 2013

The Council for Youths with Chronic Conditions will celebrate Childhood Chronic Health Conditions Awareness week from November 17th - 23rd. There will be a kick off lunch on Tuesday, November 19th at 11:00 a.m. at the Concord Holiday Inn. Several children will be honored at this event.

Senator Andrew Hosmer

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SATURDAY, NOVEMBER 23, 2013

Please join the Town of Newport in celebrating the 150th anniversary of the establishment of Thanksgiving. In 1863, President Abraham Lincoln proclaimed a national day of thanksgiving. This was the result of years of effort by Sarah Josepha Hale (1788-1879), a Newport native. She was a prolific poet and novelist; editor of Godey's Lady's Magazine; and authored the immortal "Mary's Lamb." Sarah will be honored with the dedication of a new memorial sculptor park in her honor, on Saturday, November 23, 2013. The celebration will be at 3:00 p.m. at the Richards Free Library, 54 North Main Street, Newport, NH. After the dedication, please join us for pie inside the library. You may find out more about the park and get directions at **www.newportlib.nh.us**

Senator Bob Odell

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SATURDAY, DECEMBER 14, 2013

The Official Raymond S. Burton Memorial Service will take place December 14th at 1:00 p.m. at the Plymouth State University Student Union Building Located on High Street in Plymouth.

Senator Jeanie L. Forrester

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SENATE SCHEDULE

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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SPECIAL SESSION SENATE SCHEDULE

Thursday, November 21, 2013 at 5:00 p.m.	Deadline to ACT on all bills.
Thursday, November 21, 2013 at 5:00 p.m.	Deadline to ACT on Committee of Conference Reports.