

December 17, 2015
No. 49

STATE OF NEW HAMPSHIRE

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**First Year of the 164th Session of the
New Hampshire General Court**

SENATE CALENDAR

THE SENATE WILL CONVENE ON WEDNESDAY, JANUARY 6, 2016 AT 10:00 A.M.

Pursuant to Part 2, Article 3 of the New Hampshire Constitution, the Senate “shall assemble annually on the first Wednesday following the first Tuesday in January.”

PROPOSED AMENDMENT TO SENATE RULE 7-1

Amend Senate Rule 7-1 by inserting after (o) with the following:

7-1 Deadlines

- (p) Monday, February 22, 2016 – Friday, February 26, 2016: SENATE BREAK.
- (q) Thursday, March 03, 2016 – Deadline for Policy Committees to ACT on all Senate bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-5.
- (r) Thursday, March 24, 2016 – CROSSOVER – Deadline to ACT on all Senate bills.
- (s) Thursday, April 21, 2016 – Deadline for Policy Committees to ACT on all House bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-5.
- (t) Thursday, May 12, 2016 – Deadline to ACT on all House bills.
- (u) Thursday, May 19, 2016 – Deadline to FORM Committees of Conference.
- (v) Thursday, May 26, 2016 – Deadline to SIGN Committee of Conference Reports.
- (w) Thursday, June 02, 2016 – Deadline to ACT on Committee of Conference Reports.

LAI D ON THE TABLE

HB 227, relative to eminent domain on public lands. **04/30/2015, pending motion, Inexpedient to Legislate, Public and Municipal Affairs, SJ 12, pg. 359**

HB 276, providing that school districts shall not be required to adopt the common core standards. **05/07/2015, pending motion, Inexpedient to Legislate, Education, SJ 13, pg. 384**

HB 403-FN, repealing the law relative to providing certain parameters for access to reproductive health care facilities. **05/14/2015, No Pending Motion, Judiciary, SJ 14, pg. 403**

HB 411, prohibiting the payment of subminimum wages to persons with disabilities. **04/30/2015, pending motion, OT3rdg, Commerce, SJ 12, pg. 348**

HB 563-FN, relative to funding for chartered public school pupils. **05/14/2015, pending motion, OT3rdg, Education, SJ 14, pg. 397**

HB 618-FN, relative to penalties for the possession of marijuana. **06/04/2015, pending motion, Ought to Pass, Judiciary, SJ 17. Pg. 588**

HB 658-FN, prohibiting collective bargaining agreements that require employees to join a labor union. **04/30/2015, pending motion, Ought to Pass, Finance, SJ 12, pg. 358**

SB 1-FN-A, reducing the rate of the business profits tax. **03/19/2015, pending motion, OT3rdg, Finance, SJ 9, pg. 203**

SB 2-FN-A, reducing the rate of the business enterprise tax. **03/19/2015, pending motion, OT3rdg, Finance, SJ 9, pg. 203**

SB 6-FN-A, increasing the research and development tax credit against the business profits tax. **02/19/2015, pending motion, OT3rdg, Ways and Means, SJ 6, pg. 81**

SB 34-FN-L, establishing a voluntary tax disclosure program and a tax amnesty program in the department of revenue administration. **03/12/2015, pending motion, Refer to Finance Rule 4-5, Ways and Means, SJ 8, pg. 180**

SB 37, limiting the requirements for live testimony by medical professionals in civil actions. **03/26/2015, pending motion, Committee Amendment 0992s, Judiciary, SJ 10, pg. 303**

SB 42, relative to employee notification of contraceptive coverage. **03/05/2015, pending motion, Ought to Pass, Commerce, SJ 7 pg. 95**

SB 79, relative to appointment of inspectors of election. **02/12/2015, pending motion, Committee Amendment 0107s, Public and Municipal Affairs, SJ 5, pg. 69**

SB 87, relative to wake on a certain area of the Piscataqua River. **02/19/2015, pending motion, Inexpedient to Legislate, Transportation, SJ 6, pg. 82**

SB 95, relative to the authority of the department of state. **03/05/2015, pending motion, Re-refer to committee, Finance, SJ 7, pg. 99**

SB 107-FN, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union. **03/05/2015, no pending motion, Commerce, SJ 7, pg. 97**

SB 130, relative to participation in the immunization registry. **03/19/2015, pending motion, Re-refer to committee, Health and Human Services, SJ 9, pg. 205**

SB 156-FN, prohibiting discrimination against employees who are victims of domestic violence, sexual assault, or stalking. **03/05/2015, pending motion, Ought to Pass, Commerce, SJ 7, pg. 97**

SB 185-FN, extending the New Hampshire health protection program. **03/12/2015, pending motion, Inexpedient to Legislate, Health and Human Services, SJ 8, pg. 168**

SB 196-FN-A-L, appropriating funds to the department of environmental services for the purpose of funding eligible water supply land protection costs under the state aid grant program. **02/12/2015, pending motion, OT3rdg, Energy and Natural Resources, SJ 5, pg. 64**

SB 201-FN-A, increasing the annual limit on the new investment tax credit. **03/05/2015, pending motion, OT3rdg, Ways and Means, SJ 7, pg. 105**

SB 205-FN, relative to the governor's office and the legislature under the electioneering law. **03/12/2015, pending motion, Ought to Pass as Amended, Judiciary, SJ 8, pg. 173**

SB 212-FN, relative to the membership and duties of the juvenile justice advisory board and the Sununu Youth Services Center. **03/12/2015, pending motion, OT3rdg, Health and Human Services, SJ 8, pg. 168**

SB 215-FN-A, establishing an option to rebate the research and development tax credit against business profits taxes. **03/05/2015, pending motion, OT3rdg, Ways and Means, SJ 7, pg. 105**

SB 217-FN, establishing a job creation tax credit against business enterprise taxes. **03/05/2015, pending motion, OT3rdg, Ways and Means, SJ 7, pg. 106**

SB 220-FN-A, establishing a tax amnesty program and making an appropriation therefor. **03/12/2015, pending motion, Inexpedient to Legislate, Ways and Means, SJ 8, pg. 182**

SB 228-FN-L, relative to the maximum total education grant, adjustment of stabilization grants, and adequate education funding for full-day kindergarten pupils. **03/05/2015, pending motion, OT3rdg, Education, SJ 7, pg. 98**

SB 229-FN-A, appropriating funds to the department of environmental services for the purpose of restoring and protecting waters of the southeast watershed in accordance with EPA guidelines. **02/12/2015, pending motion, OT3rdg, Energy and Natural Resources, SJ 5, pg. 65**

SB 233-FN-A, relative to state revenue and expenditures for fiscal year 2015. **03/05/2015, pending motion, Inexpedient to Legislate, Finance, SJ 7, pg. 100**

SB 253, relative to the enactment of ordinances by municipalities permitting an assessment on hotel occupancy for the use of municipal services. **03/26/2015, pending motion, Re-refer to committee, Public and Municipal Affairs, SJ 10, pg. 311**

CONSENT CALENDAR REPORTS

COMMERCE

SB 18, prohibiting the use of PVC piping as a flue material for venting combustion gases.

Interim Study, Vote 5-0.

Senator Prescott for the committee.

Senate Bill 18 would prohibit using PVC piping as a flue material for venting combustion gases. The committee recommends Interim Study to allow for further work and consideration by the interested parties.

SB 128-FN, relative to pharmacy benefit managers paying claims.

Interim Study, Vote 5-0.

Senator Cataldo for the committee.

Senate Bill 128 would establish certain procedures for pharmacy benefit managers when paying claims. The committee received testimony that this bill needs additional work before passage, therefore the committee supports the motion of Interim Study.

SB 177, relative to tip pooling.

Interim Study, Vote 5-0.

Senator Bradley for the committee.

This bill would allow for tip pooling if it is approved by a vote of the tipped employees. The committee received an amendment that would allow tip pooling and tip sharing if it is approved by agreement of the tipped employees. While the stake holders have worked together on this language, there is still disagreement between the restaurant industry and the Department of Labor. The committee supports the motion of interim study to allow the possibility of a compromise.

ENERGY AND NATURAL RESOURCES

SB 26-FN, relative to the electric renewable portfolio standard.

Inexpedient to Legislate, Vote 5-0.

Senator Bradley for the committee.

As introduced, this bill would require the public utilities commission to establish a low-income home weatherization program and to suspend funding for certain projects if price increases in default services exceed 25 percent. Although this bill would have been an effort to lower electric rates, the committee believes that given the change in status of the renewable energy fund, this bill should be deemed as Inexpedient to Legislate.

SB 260-FN, relative to the authority of the public utilities commission to regulate telecommunications service providers.

Inexpedient to Legislate, Vote 5-0.

Senator Bradley for the committee.

This bill would permit the public utilities commission to regulate certain incumbent local exchange carriers. With the approval of the prime sponsor, the committee believes that this bill is best deemed as Inexpedient to Legislate.

PUBLIC AND MUNICIPAL AFFAIRS

SB 175, relative to the regulation of blighted property.

Inexpedient to Legislate, Vote 5-0.

Senator Birdsell for the committee.

This bill would have authorized municipalities to enact ordinances that address blighted property. The committee determined that it was unnecessary to change the current statute at this point in time.

HB 529, relative to party conventions.

Inexpedient to Legislate, Vote 5-0.

Senator Birdsell for the committee.

This bill would have eliminated certain meeting requirements for state conventions of political parties and allowed a party to fill a vacancy in the office of delegate to a state party convention as provided in its constitution or bylaws. The committee believes this bill is not appropriate to bring forward at this time.

HB 689, relative to adoption of a default budget.

Interim Study, Vote 5-0.

Senator Stiles for the committee.

This bill would have permitted political subdivisions to require the default budget to be placed on the ballot as a separate contingent warrant article if the operating budget is defeated and would have permitted a revised operating budget to be voted on if both the operating budget and the contingent default budget are defeated. The committee is aware that this issue is being discussed in other avenues in the Legislature and therefore, believes the bill should move to interim study at this time.

REGULAR CALENDAR REPORTS

CAPITAL BUDGET

SB 206-FN-A, making a capital appropriation for a facility in Milford for a circuit court and a division of motor vehicles office.

Inexpedient to Legislate, Vote 4-0.

Senator Daniels for the committee.

SB 224-FN-A, making a capital appropriation for the Valley Regional Hospital in Claremont to construct an involuntary commitment mental health facility.

Inexpedient to Legislate, Vote 5-0.

Senator D'Allesandro for the committee.

COMMERCE

SB 3-FN, relative to payment for reasonable value of services.

Interim Study, Vote 4-0.

Senator Bradley for the committee.

SB 131-FN, authorizing individuals and certain businesses to purchase health insurance from out-of-state companies.

Inexpedient to Legislate, Vote 4-1.

Senator Prescott for the committee.

SB 158, relative to notice required prior to foreclosure.

Inexpedient to Legislate, Vote 4-0.

Senator Pierce for the committee.

HB 353, relative to the governance of condominium unit owners' associations.

Ought to Pass with Amendment, Vote 4-1.

Senator Bradley for the committee.

EDUCATION

SB 25-FN, relative to epinephrine administered in schools.

Ought to Pass with Amendment, Vote 4-0.

Senator Stiles for the committee.

SB 152, requiring the state police to disclose the results of a criminal records check to school officials.

Ought to Pass with Amendment, Vote 4-0.

Senator Kelly for the committee.

SB 246, relative to the definition of "teacher" for the purpose of renomination or reelection.

Inexpedient to Legislate, Vote 4-0.

Senator Stiles for the committee.

HB 346, relative to criminal history records checks for school employees and volunteers.

Inexpedient to Legislate, Vote 4-0.

Senator Kelly for the committee.

HB 555, relative to participation of chartered public school students in school district co-curricular activities.

Ought to Pass, Vote 4-0.

Senator Reagan for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 66, naming the lobby of the legislative office building after former speaker of the house George Roberts.
Ought to Pass with Amendment, Vote 4-0.
Senator Carson for the committee.

SB 150, exempting certain waste disposal system installer work from licensure and regulation by the electricians' board.
Inexpedient to Legislate, Vote 4-0.
Senator Carson for the committee.

SB 165, establishing the social innovation financing trust fund.
Inexpedient to Legislate, Vote 4-0.
Senator Carson for the committee.

HB 427, relative to the definition of the New Hampshire fire code.
Ought to Pass with Amendment, Vote 4-0.
Senator Carson for the committee.

HB 463, relative to state agency communications.
Inexpedient to Legislate, Vote 4-0.
Senator Carson for the committee.

PUBLIC AND MUNICIPAL AFFAIRS

SB 198-FN-L, allowing all voters to vote by absentee ballot.
Inexpedient to Legislate, Vote 3-2.
Senator Birdsell for the committee.

HB 331, relative to absences among selectmen on election day.
Ought to Pass, Vote 4-1.
Senator Boutin for the committee.

HB 502, relative to petitions for verification of checklists.
Ought to Pass, Vote 4-1.
Senator Stiles for the committee.

WAYS AND MEANS

SB 89, relative to the revenue of cigar bars.
Inexpedient to Legislate, Vote 5-0.
Senator D'Allesandro for the committee.

SB 121-FN-L, relative to definitions used for purposes of current use taxation.
Ought to Pass, Vote 5-0.
Senator Feltes for the committee.

AMENDMENTS

Senate Education
September 22, 2015
2015-2411s
04/10

Amendment to SB 25-FN

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

AN ACT relative to the administration of epinephrine.

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

1 New Subdivision; Administration of Epinephrine. Amend RSA 126-A by inserting after section 68 the following new subdivision:

Administration of Epinephrine

126-A:69 Definitions.

I. “Administer” means the direct application of an epinephrine auto-injector to the body of an individual.

II. “Authorized entity” means any entity or organization in which allergens capable of causing anaphylaxis may be present, including recreation camps and day care facilities. Authorized entity shall not include an elementary or secondary school or a postsecondary educational institution eligible to establish policies and guidelines for the emergency administration of epinephrine under RSA 200-N.

III. “Epinephrine auto-injector” means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body.

IV. “Health care practitioner” means a person who is lawfully entitled to prescribe, administer, dispense, or distribute controlled drugs.

V. “Provide” means to furnish one or more epinephrine auto-injectors to an individual.

126-A:70 Administration of Epinephrine.

I. A health care practitioner may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this subdivision, and pharmacists and health care practitioners may dispense epinephrine auto-injectors pursuant to a prescription issued in the name of an authorized entity.

II. An authorized entity may acquire and maintain a supply of epinephrine auto-injectors pursuant to a prescription issued in accordance with this subdivision. Such epinephrine auto-injectors shall be stored in a location readily accessible in an emergency and in accordance with the instructions for use, and any additional requirements that may be established by the department of health and human services. An authorized entity shall designate employees or agents who have completed the training required by paragraph IV to be responsible for the storage, maintenance, control, and general oversight of epinephrine auto-injectors acquired by the authorized entity.

III. An employee or agent of an authorized entity, or other individual, who has completed the training required by paragraph IV may use epinephrine auto-injectors prescribed pursuant to this section to:

(a) Provide an epinephrine auto-injector to any individual who the employee agent or other individual believes in good faith is experiencing anaphylaxis, or the parent, guardian, or caregiver of such individual, for immediate administration, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

(b) Administer an epinephrine auto-injector to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

IV.(a) An employee, agent, or other individual described in paragraph III shall complete an anaphylaxis training program at least every 2 years, following completion of the initial anaphylaxis training program. Such training shall be conducted by a nationally-recognized organization experienced in training unlicensed persons in emergency health care treatment or an entity or individual approved by the department of health and human services. Training may be conducted online or in person and, at a minimum, shall cover:

- (1) How to recognize signs and symptoms of severe allergic reactions, including anaphylaxis;
- (2) Standards and procedures for the storage and administration of an epinephrine auto-injector; and
- (3) Emergency follow-up procedures.

(b) The entity or individual that conducts the training shall issue a certificate, on a form developed or approved by the department of health and human services, to each person who successfully completes the anaphylaxis training program.

V. No authorized entity that possesses and makes available epinephrine auto-injectors and its employees, agents, and other individuals, or health care practitioner that prescribes or dispenses epinephrine auto-injectors to an authorized entity, or pharmacist or health care practitioner that dispenses epinephrine auto-injectors to an authorized entity, or individual or entity that conducts the training described in paragraph IV, shall be liable for any injuries or related damages that result from any act or omission pursuant to this section, unless such injury or damage is the result of willful or wanton misconduct. The administration of an epinephrine auto-injector in accordance with this section shall not be considered to be the practice of

medicine or any other profession that otherwise requires licensure. This section shall not be construed to eliminate, limit, or reduce any other immunity or defense that may be available under state law. An entity located in this state shall not be liable for any injuries or related damages that result from the provision or administration of an epinephrine auto-injector outside of this state if the entity would not have been liable for such injuries or related damages had the provision or administration occurred within this state, or is not liable for such injuries or related damages under the law of the state in which such provision or administration occurred.

VI. An authorized entity that possesses and makes available epinephrine auto-injectors shall submit to the department of health and human services, on a form developed by the department of health and human services, a report of each incident on the authorized entity's premises that involves the administration of an epinephrine auto injector pursuant to paragraph III. The department of health and human services shall annually publish a report on the department's website that summarizes and analyzes all reports submitted to it under this section.

2 New Section; Pupil Use of Epinephrine Auto-Injectors; Training. Amend RSA 200 by inserting after section 44 the following new section:

200:44-a Anaphylaxis Training Required.

I.(a) Designated assistive personnel shall complete an anaphylaxis training program prior to providing or administering an epinephrine auto-injector at least every 2 years following completion of the initial anaphylaxis training program. Such training shall be conducted based on resources provided by the National Association of School Nurses, the Food and Allergy Anaphylaxis Network, or the New Hampshire School Nurses Association. Training shall be conducted online or in person and, at a minimum, shall cover:

- (1) Techniques on how to recognize symptoms of severe allergic reactions, including anaphylaxis.
- (2) Standards and procedures for the storage and administration of an epinephrine auto-injector.
- (3) Emergency follow-up procedures.

(b) The school nurse conducting the anaphylaxis training shall maintain a list of individuals who have successfully completed the anaphylaxis training program.

II. Not later than January 1, 2017, the department of education, in consultation with the New Hampshire School Nurse Association, shall develop and make available to all schools guidelines for the management of students with life-threatening allergies. The guidelines shall include, but not be limited to implementation of the following by a school nurse: education and training for designated unlicensed assistive personnel on the management of students with life-threatening allergies, including training related to the administration of an epinephrine auto-injector; procedures for responding to life-threatening allergic reactions; the development of individualized health care plans and allergy action plans for every student with a known life-threatening allergy; and protocols to prevent exposure to allergens. Not later than September 1, 2017, each school district, under the direction of a school nurse, shall implement a plan based on the guidelines developed pursuant to this section for the management of students with life-threatening allergies enrolled in the schools under its jurisdiction, and make such plan available to the public.

3 Pupil Use of Epinephrine Auto-injectors. Amend RSA 200:45 to read as follows:

200:45 Immunity.

I. No school district, member of a school board, or school district employee shall be liable in a suit for damages as a result of any act or omission related to a pupil's use of an epinephrine auto-injector *pursuant to RSA 200:43*, if the provisions of RSA 200:42 have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an epinephrine auto-injector by a pupil.

II. No school that possesses and makes available epinephrine auto-injectors, member of its school board, school nurse, school district employee, agents or volunteers, no health care practitioner that prescribes epinephrine auto-injectors to a school, and no person that conducts the training described in RSA 200:44-a shall be liable for damages as a result of the administration or self-administration of an epinephrine auto-injector, the failure to administer an epinephrine auto-injector, or any other act or omission related to the possession or use of an epinephrine auto-injector, unless the damages were caused by willful or wanton misconduct.

III. The administration of an epinephrine auto-injector by designated school personnel pursuant to the provisions of this subdivision shall not require licensure.

IV. This section shall not be construed to eliminate, limit, or reduce any other immunity or defense that may be available under state law.

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

2015-2411s

AMENDED ANALYSIS

This bill establishes procedures for the administration of epinephrine by certain authorized entities. The bill also provides immunity to school personnel relating to a pupil's administration of epinephrine and requires that designated school personnel participate in an anaphylaxis training program.

Senate Executive Departments and Administration

December 9, 2015

2015-3020s

10/04

Amendment to SB 66

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

AN ACT relative to the naming of areas of the state house complex.

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

1 New Section; Joint Legislative Facilities Committee; Naming of Areas of State House Complex. Amend RSA 17-E by inserting after section 7 the following new section:

17-E:8 Naming of Areas of State House Complex. No area within the state house complex, including buildings, interior rooms, and grounds shall be named or renamed unless the proposed name is recommended for approval by the joint legislative historical committee under RSA 17-I and approved by the joint committee on legislative facilities.

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

2015-3020s

AMENDED ANALYSIS

This bill requires that naming of areas of the state house complex be approved by the joint legislative historical committee and the joint committee on legislative facilities.

Senate Education

September 22, 2015

2015-2412s

04/03

Amendment to SB 152

Amend RSA 189:13-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The school administrative unit, school district, chartered public school, or public academy shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. ~~[The state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, chartered public school, or public academy, and shall report the presence or absence of any such crime to the school administrative unit, school district, chartered public school, or public academy. Under no circumstances shall the criminal records be released to the school administrative unit, school district, chartered public school, or public academy.]~~ ***Upon completion of the criminal records check, the division of state police shall release a copy of the records check to the school administrative unit, school district, chartered public school, or public academy.*** The school administrative unit, school district, chartered public school, or public academy shall maintain the confidentiality of all criminal history records information received ~~[pursuant to this paragraph]~~. If the criminal history records information indicates no criminal record, the school

administrative unit, school district, chartered public school, or public academy shall destroy the information received immediately following its review of the information. If ~~[the criminal history records information indicates that]~~ the applicant has been convicted of a ~~[felony or has been charged pending disposition for or convicted of a]~~ crime listed in paragraph V, the school administrative unit, school district, chartered public school, or public academy shall review the information for a hiring decision, and the division of state police shall notify the department of education of any such charges pending disposition or convictions. The school administrative unit, school district, chartered public school, or public academy shall destroy any criminal history record information that indicates a criminal record within 30 days of receiving such information.

Commerce

October 27, 2015

2015-2540s

05/04

Amendment to HB 353

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

1 Contents of Bylaws. RSA 356-B:35 is repealed and reenacted to read as follows:

356-B:35 Contents of the Bylaws.

I. There shall be recorded simultaneously with the declaration a set of bylaws providing for the self-government of the condominium by an association of all the unit owners. The unit owners' association may be incorporated.

II. The bylaws shall provide the means by which the association shall elect a board of directors. The bylaws shall specify the powers and responsibilities of the same and the number and terms of its members. The bylaws may delegate to such board, among other things, any of the powers and responsibilities assigned by this chapter to the unit owners' association. The bylaws shall also specify which, if any, of its powers and responsibilities the unit owners' association or its board may delegate to a managing agent. The board of directors shall have a fiduciary relationship to members of the unit owners' association.

III. The bylaws shall provide for election by the board of directors or, if the declaration requires, by the association members, of a president, treasurer, secretary, and any other officers of the association the bylaws specify.

IV. The bylaws shall specify the qualifications, powers and duties, terms of office, and manner of electing and removing board members and officers and filling vacancies.

V. The bylaws shall specify the officers who may prepare, execute, certify, and record amendments to the declaration on behalf of the association.

VI. The bylaws shall specify a method for the association members to amend the bylaws.

VII. The bylaws shall provide that the unit owners' association shall act on behalf of each unit owner in condemnation proceedings against the common areas of the condominium.

VIII. The bylaws shall contain any provision necessary to satisfy requirements of this chapter or the declaration concerning meetings, voting, quorums, and other activities of the association.

IX. The bylaws shall provide for any matter required by laws of this state other than this chapter to appear in the bylaws of organizations of the same type as the association.

X. Subject to the declaration and this chapter, the bylaws may provide for any other necessary or appropriate matters, including matters that may be adopted as rules.

XI. In any case where an amendment to the declaration is required by RSA 356-B:18, II, III, or IV, the person or persons required to execute the same shall also prepare and execute, and record simultaneously with such amendment, an amendment to the bylaws. The amendment to the bylaws shall allocate votes in the unit owners' association to new units on the same basis as was used for the allocation of such votes to the units depicted on site plans and floor plans recorded pursuant to RSA 356-B:20, I and II, or shall abolish the votes appertaining to former units, as the case may be. The amendment to the bylaws shall also reallocate rights to future common profits, and liabilities for future common expenses not specially assessed, in proportion to relative voting strengths as reflected by the said amendment.

2 Meetings, Voting Procedures, Executive Board Members and Officers. RSA 356-B:37 through 40 are repealed and reenacted to read as follows:

356-B:37 Meetings.

I. Meetings of the unit owners' association shall be held in accordance with the provisions of the condominium instruments at least once each year after the formation of the association. The bylaws shall specify an officer who shall, at least 21 days in advance of any annual or regularly scheduled meeting, and at least 7 days in advance of any other meeting, provide to each unit owner notice of the time, place, and purpose or purposes of such meeting in conformity with RSA 356-B:37-a. The minimum time to give notice may be reduced or waived for a meeting called to deal with an emergency. Purposes of the meeting shall include any budget changes or proposal to remove an officer or member of the board of directors. The secretary or other duly authorized officer of the unit owners' association, who shall also be a member of the board of directors of the unit owners' association, shall prepare an affidavit which shall be accompanied by a list of the addresses of all unit owners currently on file with the association and shall attest that notice of the association meeting was provided to all unit owners on that list in a manner conforming to RSA 356-B:37-a. A copy of the affidavit and unit owners list shall be available at the noticed meeting for inspection by all owners then in attendance and shall be retained with the minutes of that meeting. The affidavit required in this section shall be available for inspection by unit owners for at least 3 years after the date of the subject meeting.

II. An association shall hold a special meeting of unit owners to address any matter affecting the unit owners or the association if its president, a majority of the board of directors, or unit owners having at least 33 percent, or any lower percentage specified in the bylaws, of the votes in the association request that the secretary call the meeting. If the association does not notify unit owners of a special meeting within 30 days after the requisite number or percentage of unit owners request the secretary to do so, the requesting members may directly notify all the unit owners of an informational meeting, the purpose of which shall be to present the issue to fellow residents and unit owners. Only matters described in the meeting notice required by RSA 356-B:37-a may be considered at a special meeting.

III. Except as otherwise provided in the bylaws, meetings of the association shall be conducted in accordance with the most recent edition of Roberts' Rules of Order Newly Revised.

IV. Unit owners shall be given a reasonable opportunity at any meeting to comment regarding any matter affecting the association.

V. The declaration or bylaws may allow for meetings of unit owners to be conducted by telephonic, video, or other conferencing process, as provided in RSA 356-B:37-b.

VI. The board of directors shall make copies of the minutes of all meetings available to the unit owners within 60 days of the meeting or 15 days of the date such minutes are approved by the board, whichever occurs first. The association may opt to provide the minutes electronically or publish them on the association website, in which case the owners shall be informed of the web address.

356-B:37-a Notice to Unit Owners. An association shall deliver any notice required to be given by the association under this chapter to any mailing or electronic mail address a unit owner designates. If the unit owner does not designate an address, the association shall deliver notices by hand delivery, United States mail postage paid, or commercially reasonable delivery service to the mailing address of each unit.

356-B:37-b Meetings by Telephonic, Video, or Other Conferencing Process. When the declaration or bylaws provides, the association, committees thereof, and the board of directors may meet by telephonic, video, or other conferencing process, provided that the requirements of RSA 356B:37-c are also met.

356-B:37-c Meetings of the Board of Directors and Committees of the Association. The following requirements apply to meetings of the board of directors and committees of the association authorized to act for the association:

I. For purposes of this section, a gathering of board members at which the board members do not conduct association business is not a meeting of the board of directors. The board of directors and its members may not use incidental or social gatherings of board members or any other method to evade the open meeting requirements of this section.

II. Not less than once each quarter, and at such additional times as may be specified in the condominium bylaws, the board of directors shall hold an open meeting during which unit owners shall be afforded a reasonable opportunity to comment on any matter affecting the association.

III. Unless the meeting is included in a schedule given to the unit owners or the meeting is called to deal with an emergency, the secretary or other officer specified in the bylaws shall give notice of each meeting of the board of directors to each board member and to the unit owners. The notice shall be given at least 10 days before the meeting and shall state the time, date, place, and agenda of the meeting.

IV. If any materials are distributed to the board of directors before the meeting, the board of directors at the same time shall make copies of those materials reasonably available to unit owners, except that the board of directors need not make available copies of unapproved minutes or matters that are to be considered in executive session.

V. In the case of self-managed community associations, meetings of the board of directors or committees expressly for purposes of implementation of decisions made in open meetings shall be exempt from the requirements of RSA 356-B:37, 356-B:37-a, and this section.

356-B:37-d Executive Session. The board of directors and association committees may hold an executive session only during a regular or special meeting of the board or a committee. No final vote or action may be taken during an executive session. An executive session may be held only to:

I. Consult with the association's attorney.

II. Discuss existing or potential litigation or mediation, arbitration, or administrative proceedings.

III. Discuss labor or personnel matters.

IV. Discuss contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated, including the review of bids or proposals, if premature general knowledge of those matters would place the association at a disadvantage or prevent public knowledge of the matter to be discussed if the board of directors or a committee determines that public knowledge would violate the privacy of any person.

356-B:38 Quorums.

I. Unless the condominium instruments otherwise provide, a quorum shall be deemed to be present throughout any meeting of the unit owners' association until adjourned if persons entitled to cast more than 33 1/3 percent of the votes are present at the beginning of such meeting. The bylaws may provide for a smaller percentage, not less than 25 percent, or for a larger percentage for associations having fewer than 25 units.

II. Unless the condominium instruments specify a larger majority, a quorum shall be deemed to be present throughout any meeting of the board of directors if persons entitled to cast more than 1/2 of the votes in that body are present at the beginning of such meeting.

III. If a quorum is not met for an annual meeting, the board shall reschedule the meeting within 60 days and provide proper notice and proxies.

356-B:39 Voting.

I. The bylaws may allocate to each unit depicted on site plans and floor plans that comply with RSA 356-B:20, I and II, a number of votes in the unit owners' association proportionate to the undivided interest in the common areas appertaining to each such unit.

II. Otherwise, the bylaws shall allocate to each such unit an equal number of votes in the unit owners' association, subject to the following exception: each convertible space so depicted shall be allocated a number of votes in the unit owners' association proportionate to the size of each such space, vis-a-vis the aggregate size of all units so depicted, while the remaining votes in the unit owners' association shall be allocated equally to the other units so depicted.

III. Since a unit owner may be more than one person, if only one of such persons is present at a meeting of the unit owners' association, that person shall be entitled to cast the votes appertaining to that unit. But if more than one of such persons is present, the vote appertaining to that unit shall be cast only in accordance with agreement of a majority in interest of the owners unless the condominium instruments expressly provide otherwise, and such consent shall be conclusively presumed if any one of them purports to cast the votes appertaining to that unit without protest being made forthwith by any of the others to the person presiding over the meeting. Since a person need not be a natural person, the word "person" shall be deemed for the purposes of this paragraph to include, without limitation, any natural person having authority to execute deeds on behalf of any person, excluding natural persons, which is, either alone or in conjunction with another person or persons, a unit owner.

IV.(a) The votes appertaining to any unit may be cast pursuant to a proxy or proxies duly executed by or on behalf of the unit owner, or, in cases where the unit owner is more than one person, by or on behalf of all such persons. The proxy or proxies shall list the name of the person who is to vote. No such proxy shall be revocable except by actual notice to the person presiding over the meeting, by the unit owner or by any of such persons, that it be revoked. Any proxy shall be void if it is not dated or if it purports to be revocable without the required notice. The proxy of any person shall be void if not signed by a person having authority, at the time of the execution thereof, to execute deeds on behalf of that person. Any proxy shall terminate automatically upon the adjournment of the first meeting held on or after the date of that proxy. The board of directors shall deliver to the unit owners, together with their notice of meeting and agenda, proxy forms bearing a control number which the board of directors shall correlate to the list of all unit owners then entitled to vote. At the noticed meeting, the board of directors shall recover all proxies and compare them to the control list maintained for that purpose. Any proxies which are on a form other than that provided by the board of directors or which do not correlate with the control list maintained by the board of directors shall be disregarded for purposes of determining whether a quorum was present at the meeting and for purposes of casting any vote at that meeting.

(b) The board of directors shall retain all proxies delivered to the board of directors and all independent written confirmation of any such proxies for inspection by the unit owners for a period of not less than 3 years from the date of the unit owners' association meeting.

V. If 50 percent or more of the votes in the unit owners' association appertain to 25 percent or less of the units, then in any case where a majority vote is required by the condominium instruments or by this chapter, the requirement for such a majority shall be deemed to include, in addition to the specified majority of the votes, assent by the unit owners of a like majority of the units.

VI. If more than 50 percent of the votes are acquired by a single person after developer control is terminated, a 2/3 majority shall be required to change bylaws, budgets, and any contracted property management.

356-B:39-a Voting Without a Meeting. Unless prohibited or limited by the declaration or bylaws, an association may conduct a vote without a meeting. In that event, the following requirements apply:

I. The association shall notify the unit owners that the vote will be taken by ballot in the manner prescribed by RSA 356-B:37-a, and deliver a paper or electronic ballot to every unit owner entitled to vote on the matter.

II. The ballot shall:

- (a) Set forth each proposed action and provide an opportunity to vote for or against the action.
- (b) Indicate the number of responses needed to meet the quorum requirements.
- (c) State the percent of votes necessary to approve each matter other than election of directors.
- (d) Specify the time and date by which a ballot must be delivered to the association to be counted, which time and date may not be fewer than 10 days after the date the association delivers the ballot.
- (e) Describe the time, date, and manner by which unit owners wishing to deliver information to all unit owners regarding the subject of the vote may do so.

III. Except as otherwise provided in the declaration or bylaws, a ballot is not revoked after delivery to the association by death or disability or attempted revocation by the person that cast that vote.

IV. Approval by ballot pursuant to this section is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

356-B:40 Members of the Board of Directors and Officers.

I. Except as provided in the declaration, the bylaws, paragraph II, or other provisions of this chapter, the board of directors acts on behalf of the association. In the performance of their duties, officers and members of the board of directors appointed by the declarant shall exercise the degree of care and loyalty to the association required of a trustee. Officers and members of the board of directors not appointed by the declarant shall exercise the degree of care and loyalty to the association required of an officer or director of a corporation organized under RSA 292, and are subject to the conflict of interest rules governing directors and officers under RSA 292. The standards of care and loyalty described in this paragraph apply regardless of the form in which the association is organized.

II. The board of directors shall not:

- (a) Amend the declaration except as otherwise provided in this chapter.
- (b) Amend the bylaws.
- (c) Terminate the unit owners' association.

(d) Elect members of the board of directors but may fill vacancies in its membership for the unexpired portion of any term or, if earlier, until the next regularly scheduled election of executive board members.

(e) Determine the qualifications, powers, and duties, or terms of office of members of the board of directors.

II-a. An officer shall not directly receive any salary or compensation from the association for the performance of duties as an officer or board member and shall not in any other way benefit financially from service to the association.

II-b. If annually approved by a 2/3 majority of the voting interests present at a properly called meeting of the association, the association may waive the requirements of paragraph II-a.

III. The board of directors shall adopt budgets as provided in RSA 356-B:40-c.

IV. Subject to the provisions of paragraph V, the declaration may provide for a period of declarant control of the association, during which a declarant, or persons designated by the declarant, may appoint and remove the officers and members of the board of directors. A declarant may voluntarily surrender the right to appoint and remove officers and members of the board of directors before the period ends. In that event, the declarant may require during the remainder of the period that specified actions of the association or board of directors, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective. Regardless of the period provided in the declaration, and except as provided in RSA 356-B:36, a period of declarant control terminates no later than the earliest of:

- (a) Sixty days after conveyance of 60 percent of the units that may be created to unit owners other than a declarant;
- (b) Two years after all declarants have ceased to offer units for sale in the ordinary course of business;
- (c) Two years after any right to add new units was last exercised; or
- (d) The date the declarant, after giving notice in a record to unit owners, records an instrument voluntarily surrendering all rights to control activities of the association.

V. Not later than 60 days after conveyance of 1/4 of the units that may be created to unit owners other than a declarant, at least one member and not less than 25 percent of the members of the board of directors shall be elected by unit owners other than the declarant. Not later than 60 days after conveyance of 1/2 of the units that may be created to unit owners other than a declarant, not less than 1/2 of the members of the board of directors shall be elected by unit owners other than the declarant.

VI. Not later than the termination of any period of declarant control, the unit owners shall elect a board of directors with at least 3 members, a majority of whom shall be unit owners. Unless the declaration provides for the election of officers by the unit owners, the board of directors shall elect the officers. The members of the board of directors and officers shall take office upon election or appointment.

VII. If the condominium instruments provide that any officer or officers must be unit owners, then any such officer who disposes of all of his or her units in fee or for a term or terms of more than one year shall be deemed disqualified from continuing in office unless the condominium instruments otherwise provide, or unless the officer acquires or contracts to acquire another unit in the condominium under terms giving the officer a right of occupancy thereto effective on or before the termination of the right of occupancy under such disposition or dispositions.

VIII. If the condominium instruments provide that any officer or officers must be unit owners, then notwithstanding the provisions of RSA 356-B:12, I, the term "unit owner" in such context shall, unless the condominium instruments otherwise provide, be deemed to include, without limitation, any director, officer, partner in, or trustee of any person which is, either alone or in conjunction with another person or persons, a unit owner. Any officer who would not be eligible to serve as such were he or she not director, officer, partner in, or trustee of such a person shall be deemed disqualified from continuing in office if the officer ceases to have any such affiliation with that person, or if that person would itself have been deemed to have disqualified itself from continuing in such office under paragraph I were it a natural person holding such office.

IX. Any officer is a suitable person to receive service of process in any proceeding against the association.

X. For the purpose of receipt of notification by a municipality of a local land use board hearing, the officers shall be responsible for serving as agents of the unit owners' association.

356-B:40-a Managing Agent and Contractors; Disclosure of Fees; Qualifications.

I. If the unit owners' association or the board of directors has delegated certain powers and duties to a managing agent, the managing agent shall disclose any referral fees received from contract work performed on behalf of the association to the board of directors prior to the next regularly scheduled board meeting, unless the terms of any referral fees are disclosed in the managing agent's contract with the unit owners' association, in which case disclosure of fees actually received shall not be required.

II. The managing agent also shall disclose to the board of directors the amount and purpose of any fees, other than maintenance fees, received from a unit owner, unless the terms of any such fees are disclosed in the managing agent's contract with the unit owners' association, in which case disclosure of fees actually received shall not be required.

III. Any contractor licensed by the state of New Hampshire who performs work for a unit owner shall disclose on the bill any referral fee charged by the contractor.

IV. Each employee of a managing agent or condominium association shall complete a background check prior to employment. The cost of the background check shall be borne by the managing agent or the association.

356-B:40-b Qualifications of Board Members and Managing Agents; Penalty for Violation.

I. No individual shall serve on the board of a condominium or homeowners association, or act as a property manager, managing agent, or management company owner if the individual has been convicted of a felony, or has had a professional license terminated or has been disbarred from the practice of law for the misappropriation or misapplication of client funds or any other financial malfeasance.

II. Any person who violates this section shall be guilty of a class A misdemeanor.

356-B:40-c Removal of Officers and Directors.

I. Notwithstanding any provision of the declaration or bylaws to the contrary, unit owners present in person or by proxy at any meeting of the unit owners at which a quorum is present, may remove any member of the board of directors and any officer elected by the unit owners, with or without cause, if the number of votes cast in favor of removal exceeds the number of votes cast in opposition to removal, provided that:

(a) A member appointed by the declarant may not be removed by a unit owner vote during the period of declarant control.

(b) The unit owners may not consider whether to remove a member of the board of directors or an officer elected by the unit owners at a meeting of the unit owners unless that subject was listed in the notice of the meeting.

II. At any meeting at which a vote to remove a member of the board of directors or an officer is to be taken, the member or officer being considered for removal shall have a reasonable opportunity to speak before the vote.

356-B:40-d Adoption of Budgets and Special Assessments.

I. The board of directors, at least annually, shall adopt a proposed budget for the unit owners' association for consideration by the unit owners. The budget shall be ratified at the annual meeting unless the bylaws provide that the board of directors may enact the budget without unit owner approval. Not later than 30 days after adoption of a proposed budget, the board of directors shall provide to all the unit owners a summary of the budget, including any reserves, and a statement of the basis on which any reserves are calculated and funded. If the budget requires ratification by the unit owners, unless 2/3 of all unit owners or any larger number specified in the declaration reject the budget, the budget is ratified, whether or not a quorum is present. If a proposed budget is rejected, the budget last ratified by the unit owners continues until the unit owners ratify a subsequent budget.

II. The board of directors, at any time, may propose a special assessment. Except as otherwise provided in paragraph III, the assessment is effective only if the board of directors follows the procedures for ratification of a budget described in paragraph I and the unit owners do not reject the proposed assessment.

III. If the board of directors determines by a 2/3 vote that a special assessment is necessary to respond to an emergency:

(a) The special assessment becomes effective immediately in accordance with the terms of the vote.

(b) Notice of the special assessment shall be provided promptly to all unit owners.

(c) The board of directors may spend the funds paid on account of the special assessment only for the purposes described in the vote.

3 Insurance; Reference Change; Insurance or Bond Required. Amend RSA 356-B:43, II to read as follows:

II. When any policy of insurance has been obtained by or on behalf of the unit owners' association, written notice of the obtainment thereof and of any subsequent changes therein or termination thereof shall be promptly furnished to each unit owner by the officer required to send notices of meetings of the unit owners' association. Such notices shall be sent in accordance with ~~[the provisions of the last sentence of RSA 356-B:37]~~ **RSA 356-B:37-a.**

4 Applicability.

I. A unit owners association shall have 2 years from the effective date of this act to amend or revise its bylaws and condominium instruments to comply with the requirements of this act. Any bylaws, condominium instruments, or amendments thereto, adopted after January 1, 2016 shall comply with the requirements of this act.

II. A unit owners association may amend or revise the condominium documents to comply with the requirements of RSA 356-B as amended by this act without the need to obtain mortgagee approval if the changes do not affect the mortgagee's equity or security interest in the property.

5 Effective Date. This act shall take effect January 1, 2017.

2015-2540s

AMENDED ANALYSIS

This bill revises statutes governing the contents of condominium bylaws, meetings of the unit owners' association, and the qualifications and duties of board members.

Senate Executive Departments and Administration

November 17, 2015

2015-2564s

05/01

Amendment to HB 427

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

AN ACT relative to the definition of the New Hampshire fire code and establishing a committee to study the 2015 edition of the Uniform Fire Code NFPA 1.

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

1 New Hampshire Fire Code. Amend RSA 153:1, VI-a to read as follows:

VI-a. "New Hampshire fire code" or "state fire code" means the adoption by reference of the Life Safety Code [2009] **2015** edition and the Uniform Fire Code NFPA 1, 2009 edition, as published by the National Fire Protection Association and as amended by the state board of fire control and ratified by the general court pursuant to RSA 153:5; ***provided that the adoption by reference of the 2015 edition of the Life Safety Code shall not apply to structures built before January 1, 2017 unless 50 percent or more of the building is being renovated or rehabilitated.*** The provisions of any other national code, model code, or standard referred to within a code listed in this definition shall be included in the state fire code unless amended in accordance with RSA 153:5.

2 Committee Established. There is established a committee to study the 2015 edition of the Uniform Fire Code NFPA1.

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

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

(b) Four members of the house executive departments and administration committee, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study the Uniform Fire Code NFPA 1, 2015 edition, as published by the National Fire Protection Association, and make recommendations to the legislature for adoption.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2016.

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 2017.

II. The remainder of this act shall take effect upon its passage.

2015-2564s

AMENDED ANALYSIS

This bill revises the definition of the New Hampshire fire code to include the adoption by reference of the Life Safety Code, 2015 edition, with certain exemptions for existing structures. The bill also establishes a committee to study the 2015 edition of the Uniform Fire Code NFPA 1.

HEARINGS

TUESDAY, DECEMBER 22, 2015

FINANCE, Room 103, SH

Sen. Forrester (C), Sen. Little (VC), Sen. Morse, Sen. Reagan, Sen. D'Allesandro, Sen. Hosmer

1:00 p.m.

EXECUTIVE SESSION ON THE FOLLOWING RE-REFERRED BILLS

HB 216-FN, relative to recovery of certain investigatory costs by regulatory boards and commissions, and applying certain general administration provisions to the mechanical licensing board.

HB 521, relative to the size of the pool of the workers' compensation appeals board.

SB 27-FN, relative to the department of corrections industries inventory account.

SB 61-FN-A, relative to funding for the New Hampshire agricultural lands program.

SB 138-FN, relative to claims arising from clinical services provided to the department of corrections.

SB 256-FN, authorizing certain expenditures by the department of transportation.

THURSDAY, JANUARY 7, 2016

RULES, ENROLLED BILLS AND INTERNAL AFFAIRS, Room 100, SH

Sen. Prescott (C), Sen. Avard (VC), Sen. Bradley, Sen. Soucy, Sen. Fuller Clark

10:00 a.m.

The committee will meet for the introduction of late bills.

10:15 a.m.

EXECUTIVE SESSION ON THE FOLLOWING RE-REFERRED BILL

HB 458, revising the legislative ethics laws and the guidelines of the legislative ethics committee.

TUESDAY, JANUARY 12, 2016

WAYS AND MEANS, Room 103, SH

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

9:30 a.m.

EXECUTIVE SESSION ON THE FOLLOWING RE-REFERRED BILLS

HB 192, relative to the valuation of utility property.

SB 239-FN, relative to application of the Internal Revenue Code to provisions of the business profits tax.

MEETINGS

FRIDAY, DECEMBER 18, 2015

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

9:00 a.m.

Room 307, LOB

Regular Meeting

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, TREATMENT, AND RECOVERY (RSA 12-J:1)

9:30 a.m.

Rooms 301-303, LOB

Regular Meeting

COMMISSION TO STUDY MENTAL HEALTH IMPLEMENTATION IN NEW HAMPSHIRE (RSA 135-C:63-b)

10:00 a.m.

Room 305, LOB

Regular Meeting – Presentation by Dr. Robert MacLeod, CEO, NH Hospital, regarding current status of the Children's Unit at NH Hospital

11:00 a.m.

NH Hospital
36 Clinton Street
Concord, NH

Tour of NH Hospital
Transportation Provided

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

10:00 a.m.

Rooms 210-211, LOB

Regular Business

MONDAY, DECEMBER 21, 2015

NEW HAMPSHIRE VETERANS HOME BOARD OF MANAGERS (RSA 119:3-a)

9:00 a.m.

NH Veterans Home
Tarr South Conference Room
139 Winter Street
Tilton, NH

Regular Meeting

INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E:2)

1:30 p.m.

Room 304, LOB

Regular Meeting

TUESDAY, DECEMBER 22, 2015

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

9:30 a.m.

Room 304, LOB

Subcommittee Meeting

COMMISSION TO STUDY THE ECONOMIC IMPACT OF THE ARTS AND CULTURE IN NEW HAMPSHIRE (RSA 19-A:14)

2:00 p.m.

Room 303, LOB

Regular Meeting

TUESDAY, DECEMBER 29, 2015

COMMISSION TO REVIEW CHILD ABUSE FATALITIES (RSA 169-C:39-k)

9:30 a.m. Room 102, LOB Regular Meeting

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

9:30 a.m. Room 304, LOB Subcommittee Meeting

MONDAY, JANUARY 4, 2016

COMMISSION TO REVIEW AND CONSIDER ALCOHOLIC BEVERAGE MANUFACTURING PROCESSES AND RETAIL SALES AT MANUFACTURING FACILITIES (RSA 175:10)

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

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

10:00 a.m. DHHS, Brown Building, Room 232 Regular Meeting
129 Pleasant Street
Concord, NH

TUESDAY, JANUARY 5, 2016

JOINT TASK FORCE FOR THE RESPONSE TO THE HEROIN AND OPIOID EPIDEMIC IN NEW HAMPSHIRE

FULL TASK FORCE

9:00 a.m. Rooms 210-211, LOB Public Hearing

FRIDAY, JANUARY 8, 2016

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

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

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

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

TELECOMMUNICATIONS PLANNING AND DEVELOPMENT ADVISORY COMMITTEE (RSA 12-A:46)

10:00 a.m. NH Department of Resources & Quarterly Meeting
Economic Development
172 Pembroke Road
Concord, NH

MONDAY, JANUARY 11, 2016

ADVISORY COUNCIL ON CAREER AND TECHNICAL EDUCATION (RSA 188-E:10-b)

10:00 a.m. Room 100, SH Regular Meeting

NH COURT ACCREDITATION COMMISSION (RSA 490:5-a)

1:00 p.m. NH Supreme Court Regular Meeting
One Charles Doe Drive
Concord, NH

TASK FORCE ON WORK AND FAMILY (RSA 276-B:2, I)

1:15 p.m. Room 207, LOB Regular Meeting

COMMISSION TO STUDY THE ECONOMIC IMPACT OF THE ARTS AND CULTURE IN NEW HAMPSHIRE (RSA 19-A:14)

2:00 p.m. Room 303, LOB Regular Meeting

THURSDAY, JANUARY 14, 2016

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

1:00 p.m.	Room 104, LOB	Subcommittee on Food Services Performance Audit Review Committee
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FRIDAY, JANUARY 15, 2016

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

9:00 a.m.	Rooms 305-307, LOB	Regular Meeting
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COMMISSION ON RURAL AFFAIRS (RSA 9-A:5)

1:00 p.m.	Rooms 303, LOB	Regular Meeting
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FRIDAY, JANUARY 22, 2016

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

10:00 a.m.	Room 201, LOB	Regular Meeting
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MONDAY, JANUARY 25, 2016

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

1:30 p.m.	Room 205, LOB	Regular Meeting
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2015 REREFERRED BILLS IN COMMITTEE:

SENATE BILLS: 4, 27, 59, 61, 100, 109, 127, 129, 138, 140, 147, 184, 193, 197, 210, 226, 237, 239, 256, 257, 263

HOUSE BILLS: 141, 192, 195, 216, 285, 380, 383, 458, 521, 560, 593, 606, 613, 628, 645

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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 2015 BILLS:

SENATE BILLS: 25, 115, 138, 157, 203, 210, 214, 227, 238, 239, 256, 260, 265

HOUSE BILLS: 216, 380, 521, 593, 628

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NOTICES

WEDNESDAY, JANUARY 6, 2016

Sheehan Phinney Capitol Group will be hosting the annual Welcome Back Reception for all House and Senate members and staff on Wednesday, January 6th, at Tandy's Top Shelf Restaurant, One Eagle Square (directly across the street from the State House) following the close of session, or at 3:00 p.m. should the session end early.

Senator Jeb Bradley, Senate Majority Leader
Senator Jeff Woodburn, Senate Minority Leader

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FRIDAY, JANUARY 15, 2016

Copies of the "2016 Financial Disclosure Form," are being mailed to each member of the Senate. Members may fill out and file the paper form or file electronically with the Financial Disclosure E-Form available at the following link: http://gencourt.state.nh.us/ethics/Financial_Disclosure/disclosureEForm.aspx, where you will find instructions on how to fill out the form and how to return it. If you choose to use the hard copy, please return your form to Rich Lambert in Room 112 of the State House. All legislators and legislative officers are required to complete and file a hard copy or E-Form with the Legislative Ethics Committee no later than January 15th.

Senator Sharon M. Carson

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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 2015-4
Response to a Request for an Advisory Opinion
from Senate Legal Counsel Richard J. Lehmann
on Behalf of Senator Gary L. Daniels
(December 1, 2015)**

Senate Legal Counsel Richard J. Lehmann has submitted a request for an Advisory Opinion on behalf of Senator Gary L. Daniels about whether, consistent with applicable statutes and the Ethics Guidelines, Senator Daniels may accept payment of the costs of travel, lodging, and meals related to attendance at an event.

According to the information submitted by Attorney Lehmann, Senator Daniels has been invited to attend an event in Philadelphia on December 11-13, 2015, which will be focused on policies that governments and corporations can use to attract and retain veterans of the United States armed forces as employees. The event will consist of seminars concerning these topics, as well as a tour of the Technology Lab at the Comcast Center.

Based on the information provided by Attorney Lehmann about the event's purpose and activities, the event, as described, qualifies as a *bona fide* conference, meeting, seminar or educational program. See Interpretive Ruling 2013-1.

Accordingly, the Committee advises that acceptance of payment for expenses associated with attendance at the event qualifies for the exemption from the prohibition on "Gifts" under RSA 15-B:3, as "Expense Reimbursement" under RSA 15-B:5.

Senator Daniels must report his acceptance of the complimentary travel, lodging, and meals in accordance with RSA 15-B:6.

We appreciate the opportunity to be of assistance.

Honorable Donna Sytek, Chairman
Senator Sharon M. Carson, Vice Chairman
Representative Janet G. Wall
Senator Martha Fuller Clark
Representative David A. Welch
Honorable John A. Graham
Attorney David H. Bradley

For the Committee,
Honorable Donna Sytek
Chairman

[Vote: 7-0]

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SENATE SCHEDULE

Friday, December 25, 2015	Christmas Day (State Holiday)
Friday, January 01, 2016	New Year's Day (State Holiday)
Wednesday, January 06, 2016	Convening Day
Monday, January 18, 2016	Martin Luther King Jr./Civil Rights Day (State Holiday)
Monday, February 15, 2016	Presidents' Day (State Holiday)
Monday, May 30, 2016	Memorial Day (State Holiday)
Monday, July 04, 2016	Independence Day (State Holiday)
Monday, September 05, 2016	Labor Day (State Holiday)
Friday, November 11, 2016	Veterans' Day (State Holiday)
Thursday, November 24, 2016	Thanksgiving Day (State Holiday)
Friday, November 25, 2016	Day after Thanksgiving (State Holiday)
Monday, December 26, 2016	Christmas Day (State Holiday)