

Bill as Introduced

SB 440 - AS AMENDED BY THE SENATE

03/24/10 1115s

2010 SESSION

10-2868

05/10

SENATE BILL **440**

AN ACT relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

SPONSORS: Sen. Merrill, Dist 21; Sen. Roberge, Dist 9; Rep. Wall, Straf 7

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill:

I. Revises certain voting, quorum, and complaint procedures of the executive branch ethics committee.

II. Establishes a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Executive Branch; Ethics Committee; Restrictions on Member Activities. Amend RSA 21-
2 G:29, VI to read as follows:

3 VI. Committee members shall serve terms of 3 years and until their successors are
4 appointed and qualified. However, initially, the governor shall nominate one member for a one-year
5 term, one member for a 2-year term and one member for a 3-year term; the secretary of state shall
6 nominate one member for a 2-year term, and one member for a 3-year term; the treasurer shall
7 nominate one member for a one-year term and one member for a 2-year term. Initial nominations to
8 the committee shall be made no later than 90 days after the effective date of this section. The initial
9 appointments shall begin on July 1, 2006 and end on June 30 of the appropriate year. Vacancies
10 shall be filled for the remainder of any unexpired term. During their term of appointment, members
11 may not hold or campaign for elective office, serve as an officer of any political party or political
12 committee, permit their names to be used in support of or in opposition to any *state or local*
13 candidate or proposition, participate in any way in any *state or local* election campaign, make a
14 contribution as defined in RSA 664:2 to any *state or local* candidate for office or political committee,
15 or act as or assist a lobbyist required to be registered under RSA 15:1.

16 2 Duties of Executive Branch Ethics Committee; *Voting Procedure*. Amend RSA 21-G:30, II to
17 read as follows:

18 II. All actions of the committee shall require an affirmative vote of 4 or more members of the
19 committee before becoming effective, except that a vote to summarily dismiss a complaint shall be *by*
20 *unanimous vote of all members present for the meeting*, and a vote to dismiss a complaint after
21 only an internal review and no investigation shall be by an affirmative vote of no less than 5
22 members of the committee and a vote pursuant to RSA 21-G:31, VII shall require only a majority of
23 the members present and voting. The committee shall request to meet with the legislative ethics
24 committee established under RSA 14-B at least twice yearly to facilitate uniformity in the
25 interpretation of statutory provisions.

26 3 Executive Branch Ethics; Complaints. Amend the introductory paragraph of RSA 21-G:31, I
27 and RSA 21-G:31, I(a) to read as follows:

28 I. Each complaint shall be submitted in writing and signed under oath by the complainant.
29 The sworn complaint shall be filed confidentially with the committee and shall contain the name and

1 address of the complainant. *After first examination by the committee, and unless the*
2 *complaint is discharged under subparagraph (a)*, before any other action is taken by the
3 committee, the executive branch official complained against shall be furnished with a copy of the
4 complaint and a copy shall be sent to each member of the committee for review. The committee may
5 initiate a complaint on its own motion against any individual the committee has reason to believe
6 has violated any law, guideline, rule, or regulation within the committee's jurisdiction. The
7 committee shall promptly examine each sworn complaint and:

8 (a) Upon first examination, if by a unanimous vote *of all members present for the*
9 *meeting*, it determines that a complaint is frivolous, scurrilous, retaliatory in nature, or plainly not
10 within the committee's jurisdiction, the committee may summarily discharge the complaint without
11 further meeting or proceeding. The committee shall notify the respondent and complainant in
12 writing of its action.

13 4 Executive Branch Ethics Committee; Quorum in Certain Cases. Amend RSA 21-G:31, VII to
14 read as follows:

15 VII. Any member of the committee who is directly or indirectly involved in any complaint
16 before the committee or who otherwise has personal knowledge of facts material to the determination
17 of the complaint shall not participate in any proceedings regarding the complaint. In the event that
18 recusals under this paragraph reduce the number of participating members to fewer than [4] 5, the
19 remaining participating members shall designate an alternate or alternates sufficient to increase the
20 committee to [4] 5 members, to serve on the committee for that case only.

21 5 Committee Established. There is established a committee to study the impact of
22 implementing a 10-hour per day, 4-day week for state employees.

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

24 (a) Two members of the senate, appointed by the president of the senate.

25 (b) Four members of the house of representatives, appointed by the speaker of the house
26 of representatives.

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

29 III. The committee shall study the impact of implementing a 10-hour per day, 4-day week for
30 state employees. The committee shall solicit information and testimony from agencies and
31 individuals with experience and expertise that may be of assistance to the committee in the
32 performance of its study.

33 IV. On or before September 1, 2010, the commissioner of the department of administrative
34 services, the commissioner of the department of safety, the commissioner of the department of
35 corrections, the commissioner of the department of environmental services, and the commissioner of
36 the department of health and human services shall report to the committee on the feasibility,
37 potential advantages, and disadvantages of implementing a 10-hour per day, 4-day week for the

1 employees of their respective departments.

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

6 VI. The committee shall report its findings and any recommendations for proposed
7 legislation to the president of the senate, the speaker of the house of representatives, the
8 chairpersons of the house and senate executive departments and administration committees, the
9 chairpersons of the house and senate finance committees, the house clerk, the governor, and the
10 state library on or before November 1, 2010.

11 6 Effective Date.

12 I. Sections 1-4 of this act shall take effect 60 days after its passage.

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

Amendments

Amendment to SB 440

1 Amend RSA 21-G:29, VI as inserted by section 1 of the bill by replacing it with the following:

2

3 VI. Committee members shall serve terms of 3 years and until their successors are
4 appointed and qualified. [~~However, initially, the governor shall nominate one member for a one-year
5 term, one member for a 2-year term and one member for a 3-year term; the secretary of state shall
6 nominate one member for a 2-year term, and one member for a 3-year term; the treasurer shall
7 nominate one member for a one-year term and one member for a 2-year term. Initial nominations to
8 the committee shall be made no later than 90 days after the effective date of this section. The initial
9 appointments shall begin on July 1, 2006 and end on June 30 of the appropriate year.~~] Vacancies
10 shall be filled for the remainder of any unexpired term. During their term of appointment, members
11 may not hold or campaign for elective office, serve as an officer of any political party or political
12 committee, permit their names to be used in support of or in opposition to any *state or local*
13 candidate or proposition, participate in any way in any *state or local* election campaign, make a
14 contribution as defined in RSA 664:2 to any *state or local* candidate for office or political committee,
15 or act as or assist a lobbyist required to be registered under RSA 15:1.

16

17 Amend the introductory paragraph of RSA 21-G:31, I as inserted by section 3 of the bill by replacing
18 it with the following:

19

20 I. Each complaint shall be submitted in writing and signed under oath by the complainant.
21 The sworn complaint shall be filed confidentially with the committee and shall contain the name and
22 address of the complainant. *After first examination by the committee, and unless the
23 complaint is discharged under subparagraph (a),* before any other action is taken by the
24 committee, the executive branch official complained against shall be furnished with a copy of the
25 complaint and a copy shall be sent to each member of the committee for review. *All information
26 identifying the complaint shall be removed.* The committee may initiate a complaint on its own
27 motion against any individual the committee has reason to believe has violated any law, guideline,
28 rule, or regulation within the committee's jurisdiction. The committee shall promptly examine each
29 sworn complaint and:

30

31 Amend paragraph IV of section 5 of the bill by replacing it with the following:

32

Amendment to SB 440

- Page 2 -

1 IV. On or before September 1, 2010, the commissioner of the department of administrative
2 services, the commissioner of the department of safety, the commissioner of the department of
3 corrections, the commissioner of the department of environmental services, the commissioner of the
4 department of resources and economic development, the commissioner of revenue administration,
5 the commissioner of transportation, and the commissioner of the department of health and human
6 services shall report to the committee on the feasibility, potential advantages, and disadvantages of
7 implementing a 10-hour per day, 4-day week for the employees of their respective departments.

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON SB 440

BILL TITLE: (New Title) relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

DATE: April 8, 2010

LOB ROOM: 306 **Time Public Hearing Called to Order:** 1:00 pm

Time Adjourned: 1:50 pm

(please circle if present)

Committee Members: Reps. Harding, Houde-Quimby, Pilotte, P. McMahon, Jeudy, Schmidt, Beck, D. Sullivan, D. Petterson, Flurey, S. Harvey, Hawkins, R. Day, Reagan, K. Gould, S. Scamman, McGuire, C. Pratt, D. Ryder and Vita.

Bill Sponsors: Sen. Merrill, Dist 21; Sen. Roberge, Dist 9; Rep. Wall, Straf 7

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sen. Merrill, prime sponsor, introduced bill.

- Four day week – amendment by Sen. Cilley
- Original bill – ethics committee
- Section 1 – prohibition on members of ethics committee. Members are not allowed to vote on state and local elections but are allowed to work for federal candidates or propositions
- Section 2 – Clarify requirements for number of members voting
- Possible discharge of complaint
- Section 4 – Change number of members

Sen. Cilley, co-sponsor.

- Explained section 5 of the bill – 4 day week
- Utah has a 4 day work week
- In Utah – improved efficiency
Savings in energy (shut buildings)
- Will make available to committee a report of the Utah initiative
- Some downsides – IT available for some constituent needs, e.g. license renewal application available on line
- Utah saw 30% decrease of overtime and significant decrease of sick time
- If a four day week is to be implemented, it must be mandatory that all but essential services be shut down

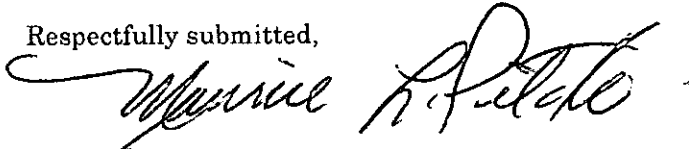
Richard Head, representing Dept. of Justice.

- Supports sections 1-4 of the bill (ethics committee)
- No position on 4 day work week

SB 440
Page 2
April 8, 2010

- Bill sponsored at the request of Executive Ethics Committee
- Response to complaints – 4 different levels
 1. Summary dismissal – unanimous members present appointed
 2. Initial review – 5 members
 3. Preliminary investigation – 4 members
 4. Full hearing – 4 members

Respectfully submitted,

A handwritten signature in cursive script, reading "Maurice L. Pilotte". The signature is written in black ink and is positioned to the right of the typed name.

Rep. Maurice L. Pilotte, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON SB 440

BILL TITLE: (New Title) relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

DATE: April 8, 2010

LOB ROOM: 306

Time Public Hearing Called to Order: 1:00

Time Adjourned: 1:50

(please circle if present)

Committee Members: Reps. Harding, Houde-Quimby, Pilotte, P. McMahon, Judy, Schmidt, Beck, D. Sullivan, D. Petterson, Flurey, S. Harvey, Hawkins, R. Day, Reagan, K. Gould, S. Scamman, McGuire, C. Pratt, D. Ryder and Vita.

Bill Sponsors: Sen. Merrill, Dist 21; Sen. Roberge, Dist 9; Rep. Wall, Straf 7

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- 1 Sen. Merrill — introduced
- 4 day week — amendment by Sen. Cilley
 - Original bill — ethics committee
 - Section 1 — prohibition of ~~or~~ members of ethics committee cannot vote on state + local elections but allows work on ~~national~~ ^{Federal} Candidates or propositions.
 - Section 2 — Clarify requirements for #5 of members voting
 - Re — possible of discharge of complaint
 - Section 4 — Change # of members
- Sen. Cilley — co-sponsor
- Explained Section 5 of the bill — 4 day week
 - Utah has a 4 day work week —
 - In Utah — improved efficiency
 - savings in energy (~~cost~~ shut buildings)

Sen. Cillley →

- Will make available to committee a report of the Utah initiative.
- Some downsides - IT. available for constituent needs eg. license renewal application available line.
- Utah saw 30% decrease of overtime & significant decrease of sick time.
- If a 4 day week is to be implemented it must be mandatory that all but essential services be shut down.

Richard Head - Dept of Justice - Atty Gen Office

- Supports sections 1-4 of the bill (ethics committee)
- No position on 4 day week.
- Bill sponsored at request of Spec Ethics Committee
- Response to complaints, 4 different levels
 - 1) Summary Dismissal - unanimous members appointed.
 - 2) ~~Initial~~ ^{Special} Review - 5 members.
 - 3) Preliminary investigation - 4 members
 - 4) Full hearing. 4 members.

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on SB 440

BILL TITLE: (New Title) relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

DATE: April 13, 2010

LOB ROOM: 306

Amendments:

Sponsor: Rep. Ryder OLS Document #: 2010 1309h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Ryder

Seconded by Rep. Beck

Vote: 17-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, PTL, Interim Study (Please circle one.)

Moved by Rep. Ryder

Seconded by Rep. Hawkins

Vote: 17-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 17-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stella Scamman, Acting Clerk



HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on SB 440

BILL TITLE: (New Title) relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

DATE: 4/13

LOB ROOM: 306

Amendments: 2010-1309h
Sponsor: Rep. Don Ryder

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Don Ryder

Seconded by Rep. Beck

Vote: 17-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Ryder

Seconded by Rep. Hawkins

Vote: 17-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Maurice L. Pilotte, Clerk

Rep. Stella Grammar

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: SB 440 Title: rel. to executive branch ethics and establishing a committee to study the impact of implementing a 10 hour per day 4 day week for
 PH Date: 4 18 10 Exec Session Date: 4 13 10
 Motion: Amend 1309 h OTP's rate employees. Amendment #: 1309 h

MEMBER	YEAS	NAYS
Harding, Laurie, Chairman	✓	
Houde-Quimby, Charlotte, V Chairman	✓	
Pilotte, Maurice L, Clerk AB		
McMahon, Patricia M AB		
Jeudy, Jean L	✓	
Schmidt, Peter B	✓	
Beck, Catriona D	✓	
Sullivan, Daniel J	✓	
Petterson, Don	✓	
Harvey, Suzanne AB		
Flurey, Joan S	✓	
Hawkins, Ken	✓	
Day, Russell C	✓	
Reagan, John M	✓	
Gould, Kenneth H	✓	
Scamman, Stella	✓	
McGuire, Carol M	✓	
Pratt, Calvin D	✓	
Ryder, Donald F	✓	
Vita, Carol M	✓	
	17	0
TOTAL VOTE:		

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: SB. 440 Title: rel. to precutture branch ethics and establishing a committee to study the impact of implementing a 10 hour per day 4 day week for state employees
 PH Date: 4/8/10 Exec Session Date: 4/13/10
 Motion: OTP/A Amendment #:

MEMBER	YEAS	NAYS
Harding, Laurie, Chairman	✓	
Houde-Quimby, Charlotte, V Chairman	✓	
Pilotte, Maurice L, Clerk <i>AB</i>		
McMahon, Patricia M <i>AB</i>		
Jeudy, Jean L	✓	
Schmidt, Peter B	✓	
Beck, Catriona D	✓	
Sullivan, Daniel J	✓	
Petterson, Don	✓	
Harvey, Suzanne <i>AB</i>		
Flurey, Joan S	✓	
Hawkins, Ken	✓	
Day, Russell C	✓	
Reagan, John M	✓	
Gould, Kenneth H	✓	
Scamman, Stella	✓	
McGuire, Carol M	✓	
Pratt, Calvin D	✓	
Ryder, Donald F	✓	
Vita, Carol M	✓	
	17	0
TOTAL VOTE:		

Committee Report

CONSENT CALENDAR

April 14, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on EXECUTIVE DEPARTMENTS AND ADMINISTRATION to which was referred SB440,

AN ACT (New Title) relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Donald F Ryder

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	EXECUTIVE DEPARTMENTS AND ADMINISTRATION
Bill Number:	SB440
Title:	(New Title) relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4- day week for state employees.
Date:	April 14, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill addresses two subjects. The first is the removal of restrictions on members of the executive ethics committee from participation in national political activities. The bill retains the prohibition from local and state political activities. The bill requires unanimous vote of all present members to dismiss a complaint. It further requires a copy of the complaint with the identity of the complainant removed be sent to the individual under investigation. The bill increases the quorum requirement from four to five with alternates appointed if needed. Secondly it establishes a committee to study the impact of a 4-day work week for numerous departments within state government.

Vote 17-0.

Rep. Donald F Ryder
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB440, (New Title) relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald F Ryder for EXECUTIVE DEPARTMENTS AND ADMINISTRATION. This bill addresses two subjects. The first is the removal of restrictions on members of the executive ethics committee from participation in national political activities. The bill retains the prohibition from local and state political activities. The bill requires unanimous vote of all present members to dismiss a complaint. It further requires a copy of the complaint with the identity of the complainant removed be sent to the individual under investigation. The bill increases the quorum requirement from four to five with alternates appointed if needed. Secondly it establishes a committee to study the impact of a 4-day work week for numerous departments within state government. **Vote 17-0.**

Original: House Clerk
Cc: Committee Bill File

ED&A
SB 440

 **DRAFT**

This bill addresses two subjects. The first is the removal of restrictions on members of the executive ethics committee from participation in national political ^{activities} events, ^{The bill} but retains the prohibition from local and state ^{political activities} events. The bill requires unanimous vote of all present members to dismiss a complaint. It further requires a copy of the complaint with the identity of the complainant removed be sent to the individual under investigation. The bill increases the quorum requirement from four to five with alternates appointed if needed. Secondly it establishes a committee to study the impact of a 4-day work week for numerous departments within state government.

Rep. Ryder

Louise Harding

Rep. Harding, Chair

Welch, Gail

From: dryder2706@aol.com
Sent: Tuesday, April 13, 2010 4:02 PM
To: Welch, Gail
Subject: blurb SB 440

SB 440

SB 440 addresses two subjects. The first is the removal of restrictions on members of the Executive Ethics Committee from participation in national political events but retains the prohibition from local and state events. The bill requires unanimous vote of all present members to dismiss a complaint. It further requires a copy of the complaint with the identity of the complainant removed be sent to the individual under investigation. The bill increases the quorum requirement from four to five with alternates appointed if needed. Secondly it establishes a committee to study the impact of a 4-day work week for numerous departments within state government.

Amendment # 2010-1309h

OTP/A 17-0

Rep Don Ryder for ED&A

4/13/2010