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No. 32

# STATE OF NEW HAMPSHIRE

Web Site Address: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)



**First Year of the 162<sup>nd</sup> Session of the  
New Hampshire General Court  
Legislative**

## SENATE CALENDAR

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## THE SENATE IS IN RECESS TO THE CALL OF THE CHAIR

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### VETO'S

#### Governor's Veto Message Regarding SB 3

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 15, 2011, I vetoed SB 3, making comprehensive changes to the state retirement system.

Even as this bill sits on my desk with a deadline of today, members of the ongoing conference committee on HB 1 and HB 2 have publicly announced that they will consider substantive changes to this legislation, a version of which is already included in HB 2. Those changes include potentially addressing decisions made yesterday by the Board of the Retirement System that could impact the budgets of the state and local communities.

Given the legislature's stated intent to change this legislation further, and my responsibility to review the legislation in its full and final form, I am vetoing Senate Bill 3 and will assess the legislature's final product.

Respectfully submitted,  
John H. Lynch  
Governor

Date: June 15, 2011

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#### Governor Lynch's Veto Message Regarding SB 57

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 6, 2011, I vetoed SB 57, relative to regulation of title loan lenders.

I am vetoing this legislation because legalizing excessive interest rates for title loans – rates of 300 percent APR – would be detrimental to our families, our communities, and to our economy.

Thirty-one other states – including all the other New England states – ban these types of excessive interest rates. In 2006, Congress passed and former President George W. Bush signed federal legislation capping the interest rate on title loans to members of the military at 36 percent APR. In addition, SB 57 was strongly opposed by large numbers of Republicans and Democrats in the legislature, the New Hampshire Local Welfare Administrator's Association, AARP, the Banking Department, the Department of Justice, the New Hampshire Community Loan Fund and New Hampshire Legal Assistance.

In 2008, bipartisan legislation supported by the Banking Department, the former Attorney General, communities and many others, capped interest rates on title and payday loans at 36 percent APR. That change was reasonable and well thought-out. There is no evidence that reversing that law would benefit New Hampshire. On the contrary, there is significant evidence that it would harm our state and families.

New Hampshire currently caps interest rates for title loans at 36 percent APR. This legislation would have allowed significantly higher interest rates for loans made against the title of a car. For example, under this bill, a family who took out a \$500 loan against their car would pay \$1,187 in principal and interest over the maximum 10-month life of the loan. At the same time, companies would be allowed to loan without any inquiry into a borrower's ability to repay the loan and would even be allowed to loan to people receiving local welfare assistance.

Failure to repay a loan could lead to seizure of the family car, which is often essential for family members to maintain employment.

For vulnerable families, these excessive interest charges could force them further into a cycle of debt, and potentially onto public assistance. The New Hampshire Local Welfare Administrator's Association said the "temporary relief" that may come from a title loan "often comes at the cost of enslaving recipients in a cycle of increasing debt for basic needs, causing an ultimate crash and the need to come to the legal welfare office." Frequently, the welfare administrators said, families end up worse off than before they took out the loan.

That cycle of debt hurts our families, hurts our local communities, and ultimately our economy. Therefore, I am vetoing SB 57.

Respectfully submitted,  
John H. Lynch  
Governor

Date: July 6, 2011

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### **Governor's Veto Message Regarding SB 129**

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 27, 2011, I vetoed SB 129.

The right to vote is a fundamental right that is guaranteed to all citizens of this State under the United States and New Hampshire Constitutions. An eligible voter who goes to the polls to vote on Election Day should be able to have his or her vote count on Election Day. SB 129 creates a real risk that New Hampshire voters will be denied their right to vote.

Voter turnout in New Hampshire is among the highest in the nation, election after election. There is no voter fraud problem in New Hampshire. We already have strong elections laws that are effective in regulating our elections.

SB 129 requires a voter to present photo identification in order to cast a ballot in any municipal, state or federal election in New Hampshire. The photo identification must be one that is issued by the United States government or the State of New Hampshire, or a driver's license from another state. Without that type of photo identification, the voter can only cast a "provisional" ballot, requiring the voter to return to their city or town clerk's office no later than 2 ½ days after the election with a valid photo ID, a waiver from the Secretary of State, or an affidavit of religious exemption.

Seniors, students, those who are disabled or do not drive, and those who do not already have a state-issued or federal-issued photo ID, may not be able to arrange to obtain a valid photo ID within the tight 2 ½ day timeframe. Many town offices are closed or have only limited hours on Wednesday, Thursday and Friday, when those voters who received a provisional ballot would be expected to return to produce a photo ID and have their vote counted. Voters in areas of the state where DMV offices have been consolidated will also be disadvantaged. Traveling to Concord or Manchester is not an option for everyone. These circumstances will present real hardships, especially for our seniors and disabled voters.

The New Hampshire City and Town Clerks Association, AARP, the League of Women Voters, and the Secretary of State have all opposed provisions of this bill. The bill's provisions for the length of time to produce a valid photo ID after an election and the types of photo IDs allowed are among the most restrictive voter identification provisions in the nation despite any evidence that current law is insufficient protection against voter fraud.

If SB 129 were to take effect, New Hampshire would have a different and more lenient standard to register to vote than to cast a vote. Under current law, a person registering to vote prior to Election Day can execute an affidavit and does not need to produce a photo ID. When a voter chooses to use a photo ID to register, he or she may use any photo ID deemed to be legitimate by the local official, not just a State of New Hampshire or US Government issued ID.

But SB 129 goes even further and actually discriminates between state and federal workers on one hand and municipal and private employees on the other. Under SB 129, a State Trooper can use his or her state photo ID to vote, but a municipal police officer cannot use his or her municipal issued photo ID. State employees can use their agency-issued photo ID's to vote, but employees at private companies may not use their company-issued photo IDs. SB 129 would also allow a person to use a Massachusetts or Maine driver's license as a valid photo ID to vote, even though a municipal photo ID issued by Raymond or Londonderry would not be a valid photo ID. Creating a two-tiered system of photo IDs for registering and voting makes no sense. It will only cause confusion and frustration at the polls that is bound to result in preventing some voters from casting their vote on Election Day.

There is also no provision made in SB 129 to guarantee the confidentiality of those that cast a provisional ballot. Unlike current election law, which protects from public disclosure the names of those persons who

request and cast an absentee ballot during the election process, there is no comparable provision guaranteeing confidentiality to those who are issued and cast a provisional ballot. Ballot secrecy is fundamental to our voting system, and SB 129 fails to preserve ballot secrecy for all voters.

The provisional ballot provision of SB 129 may also impact the State's responsibility to conclude its state primary elections in a timeframe that will allow the general election ballots to be prepared and sent to military and other overseas voters in compliance with federal law. Many of the states that have adopted the use of provisional ballots with photo ID have primaries in the spring or early summer months, much earlier than New Hampshire's state primary. There is also a risk that challenges to election results over the validity of provisional ballots will impact the Secretary of State's ability to meet federal requirements for supplying general election ballots to overseas voters.

For all these reasons, I am vetoing SB 129.

Respectfully submitted,  
John H. Lynch  
Governor

Date: June 27, 2011

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### **Governor Lynch's Veto Message Regarding SB 154**

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 6, 2011, I vetoed SB154, repealing New Hampshire's participation in the Regional Greenhouse Gas Initiative.

RGGI was created as a bipartisan initiative in New Hampshire, and across the Northeast, to address shared economic and environmental concerns. Here in New Hampshire, Republicans, Democrats and Independents worked together to develop a two-part strategy: help families and businesses reduce their energy use through RGGI and increase our supplies of homegrown renewable energy through the Renewable Portfolio Standard.

I am vetoing this legislation because it will cost our citizens jobs, both now and into the future, hinder our economic recovery, and damage our state's long-term economic competitiveness.

According to an independent assessment of the program conducted by the University of New Hampshire, the cumulative impact of the initiative through the end of 2010 has been a net benefit of over \$16 million in allowance revenue. These are funds that have been invested directly in helping New Hampshire families, businesses and local governments become more energy efficient, reduce costs, and create jobs.

This bill would have ended those energy efficiency efforts – eliminating jobs today and eliminating efforts to help businesses and families cut their energy use. Given that energy is a major cost factor for businesses, ending our energy efficiency programs would also hurt our efforts to bring new companies and jobs to New Hampshire.

In addition, because New Hampshire is part of a regional electricity system, if this legislation were to become law, New Hampshire ratepayers would continue to pay part of the cost of the Regional Greenhouse Gas Initiative, but would no longer receive any benefit from the allowance auction revenue. SB 154 would effectively cause New Hampshire ratepayers to pay higher electric rates to subsidize efforts to reduce energy costs in other states.

RGGI continues to have bipartisan support today because it is helping to reduce our dependence on foreign oil, creating jobs, and helping our businesses save money and become more competitive. I believe that we should continue that progress. Therefore, I am vetoing this legislation.

As originally drafted, this legislation also contained important changes to New Hampshire's Comprehensive Shoreland Protection Law. These changes, which enjoyed widespread support among stakeholders and bi-partisan support in the legislature, were ultimately included in HB 2 and have already become law.

Respectfully submitted,  
John H. Lynch  
Governor

Date: July 6, 2011

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## LAID ON THE TABLE

**SB 14-FN**, relative to the brandishing of a firearm. **3/16/11, pending motion Re-refer to committee, Judiciary, SJ 9, pg. 136**

**SB 24-FN-L**, exempting the Unity school district from the moratorium on school building aid. **3/9/11, pending motion Ought to Pass, Finance, SJ 8, pg. 89**

**SB 61**, relative to capital appropriations to the liquor commission. **3/30/11, pending motion OT3rdg, Capital Budget, SJ 11, pg. 195**

**SB 103**, requiring the commissioner of administrative services to develop a plan to consolidate the human resource functions within state government. **2/16/11, pending motion OT3rdg, Finance, SJ 6, pg. 56**

**SB 114**, prohibiting assessing teacher performance based solely on assessment scores. **3/30/11, pending motion Committee Amendment (1215s), Education, SJ 11, pg. 209**

**SB 126-FN**, relative to net operating loss carryovers under the business profits tax. **3/23/11, pending motion OT3rdg, Finance, SJ 10, pg. 176**

**SB 136-FN**, relative to games of chance. **3/23/11, pending motion OT3rdg, Finance, SJ 10, pg. 186**

**SB 164**, relative to the personal needs allowance of residents of nursing homes. **3/9/11, pending motion OT3rdg, Health and Human Services, SJ 8, pg. 90**

**SB 165-FN**, relative to the Medicaid uncompensated care fund and the Medicaid enhancement tax. **3/30/11, pending motion OT3rdg, Finance, SJ 11, pg. 226**

**SB 178**, establishing a commission to study long-term sustainable funding for school building aid and the establishment of eligibility criteria for school building aid in order to ensure that all school age children in every part of the state have access to a safe, healthy, and academic environment for learning. **3/9/11, pending motion Inexpedient to Legislate, Education, SJ 8, pg. 87**

**HB 36-FN-L**, reducing the fee for copies of birth certificates. **4/13/11, pending motion OT3rdg, Ways and Means, SJ 12, pg. 253**

**HB 42**, relative to the appropriate officials with whom to file for a primary. **3/30/11, pending motion Ought to Pass, Public and Municipal Affairs, SJ 11, pg. 232**

**HB 89**, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act. **5/4/11, pending motion Committee Amendment (1585s), Commerce, SJ 15, pg. 297**

**HB 113**, prohibiting the use of state funds for New Hampshire public television. **5/11/11, pending motion Inexpedient to Legislate, Finance, SJ 16, pg. 328**

**HB 156-FN-A**, reducing the rates of the tobacco tax. **4/27/11, pending motion Inexpedient to Legislate, Ways and Means, SJ 14, pg. 281**

**HB 164**, requiring legislative approval for the adoption of the common core state standards in New Hampshire. **6/1/11, pending motion Committee Amendment (2160s), Education, SJ 19, pg. 513**

**HB 305**, relative to the homestead right. **5/25/11, pending motion Inexpedient to Legislate, Judiciary, SJ 18, pg. 385**

**HB 335-FN-A**, establishing multi-use number plates. **5/4/11, pending motion Committee Amendment (1658s), Transportation, SJ 15, pg. 310**

**HB 341**, relative to local spending caps. **5/18/11, pending motion Ought to Pass, Public and Municipal Affairs, SJ 17, pg. 354**

**HB 369-FN-L**, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school. **4/13/11, pending motion Inexpedient to Legislate, Education, SJ 12, pg. 246**

**HB 442-FN**, relative to the use of marijuana for medicinal purposes. **5/11/11, pending motion Committee Amendment (1778s), Health and Human Services, SJ 16, pg. 331**

**HB 451-FN**, relative to prerecorded political messages. **4/20/11, pending motion Ought to Pass, Public and Municipal Affairs, SJ 13, pg. 267**

**HB 557-FN-A**, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships. **5/18/11, pending motion OT3rdg, Finance, SJ 17, pg. 348**

**HB 614**, requiring a performance audit of the guardian ad litem board and guardian ad litem services. **5/11/11, pending motion Ought to Pass, Judiciary, SJ 16, pg. 334**

**HB 617**, repealing the prohibitions on Sunday business activities. **5/11/11, pending motion Committee Amendment (1723s), Commerce, SJ 16, pg. 321**

**HB 634-FN**, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent. **5/11/11, pending motion Committee Amendment (1784s), Judiciary, SJ 16, pg. 336**

**HCR 6**, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties. **5/18/11, pending motion Committee Amendment (1885s), Internal Affairs, SJ 17, pg. 352**

**HCR 11**, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces. **5/18/11, pending motion Committee Amendment (1884s), Internal Affairs, SJ 17, pg. 353**

**HCR 12**, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement. **5/18/11, pending motion Inexpedient to Legislate, Internal Affairs, SJ 17, pg. 353**

**HCR 19**, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. **5/25/11, pending motion Re-refer to committee, Internal Affairs, SJ 18, pg. 385**

**HJR 4**, prohibiting the implementation of certain rules of the board of medicine. **5/25/11, pending motion Re-refer to committee, Health and Human Services, SJ 18, pg. 384**

## MEETINGS

### *FRIDAY, JULY 8, 2011*

#### **ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128)**

9:00 a.m.	NH Employment Security 32 South Main Street Concord, NH	Subcommittee Meeting on Seasonal Employment
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#### **STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1, I)**

9:30 a.m.	Room 101, LOB	Regular Meeting
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#### **HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)**

10:00 a.m.	Rooms 210-211, LOB	Regular Meeting
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#### **NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q)**

1:00 p.m.	Supreme Court Conference Room One Charles Doe Drive Concord, NH	Regular Meeting
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### *MONDAY, JULY 11, 2011*

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

1:00 p.m.	Room 101, LOB	Regular Meeting
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### *TUESDAY, JULY 12, 2011*

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

10:00 a.m.	Room 101, LOB	Subcommittee Meeting
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## ***WEDNESDAY, JULY 13, 2011***

### **CURRENT USE BOARD (RSA 79-A:3)**

10:00 a.m.	New Hampshire Department of Revenue Administration 109 Pleasant Street Concord, NH	Regular Meeting
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## ***THURSDAY, JULY 14, 2011***

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

1:00 p.m.	NH Hospital Association Building Airport Road Concord, NH	Medical Sharps Subcommittee Meeting
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## ***FRIDAY, JULY 15, 2011***

### **CHILD CARE ADVISORY COMMITTEE (RSA 126-A:17)**

9:00 a.m.	Health and Human Services Dolloff Building, 4 <sup>th</sup> Floor 117 Pleasant Street Concord, NH	Regular Meeting
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### **FISCAL COMMITTEE OF THE GENERAL COURT (RSA 14:30-a)**

10:00 a.m.	Rooms 210-211, LOB	Regular Business
10:30 a.m.	Rooms 210-211, LOB	Audits  State of New Hampshire Department of Resources and Economic Development Bureau of Trails Financial Audit Report For the Nine Months Ended March 31, 2011

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

10:00 a.m.	Church Landing Meredith, NH	Regular Meeting
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## ***THURSDAY, JULY 21, 2011***

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

9:00 a.m.	Rooms 305-307, LOB	Regular Meeting
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## ***FRIDAY, JULY 22, 2011***

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

9:00 a.m.	Rooms 305-307, LOB	Regular Meeting
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### **NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)**

10:00 a.m.	Room 201, LOB	Regular Meeting
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## ***MONDAY, JULY 25, 2011***

### **NH COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2)**

9:00 a.m.	NH Higher Education Assistance Foundation 4 Barrell Court Concord, NH	Investment Committee
10:00 a.m.	NH Higher Education Assistance Foundation 4 Barrell Court Concord, NH	Regular Meeting

### ***MONDAY, AUGUST 1, 2011***

#### **COMMITTEE TO STUDY THE 2009 NEW HAMPSHIRE CHILD SUPPORT GUIDELINES REVIEW AND RECOMMENDATIONS (HB 1193, Chapter 26:2, Laws of 2010)**

10:00 a.m. Room 206, LOB Regular Meeting

#### **COMMISSION RELATIVE TO CHILDREN'S HEALTH INSURANCE (RSA 126-H:10)**

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

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

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

### ***TUESDAY, AUGUST 2, 2011***

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

1:00 p.m. Room 205, LOB Health Information Exchange  
Subcommittee Organizational  
Meeting

### ***THURSDAY, AUGUST 4, 2011***

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

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

### ***FRIDAY, AUGUST 5, 2011***

#### **ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128)**

9:00 a.m. NH Employment Security Quarterly Meeting  
32 South Main Street  
Concord, NH

### ***MONDAY, AUGUST 8, 2011***

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

10:30 a.m. Room 308, LOB Regular Meeting

### ***FRIDAY, AUGUST 12, 2011***

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

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

### ***TUESDAY, AUGUST 16, 2011***

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

9:00 a.m. Room 205, LOB Children Youth and Family  
Oversight Subcommittee Work  
Session

### ***THURSDAY, AUGUST 18, 2011***

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

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

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

1:00 p.m. Room 205, LOB Medical Sharps Subcommittee  
Meeting

### ***FRIDAY, AUGUST 19, 2011***

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

2:30 p.m. Rooms 302-304, LOB Regular Meeting



### ***THURSDAY, AUGUST 25, 2011***

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

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

### ***FRIDAY, AUGUST 26, 2011***

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

10:00 a.m.                      Room 201, LOB                      Regular Meeting

### ***THURSDAY, SEPTEMBER 1, 2011***

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

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

### ***FRIDAY, SEPTEMBER 9, 2011***

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

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

### ***THURSDAY, SEPTEMBER 15, 2011***

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

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

### ***FRIDAY, SEPTEMBER 16, 2011***

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

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

### ***THURSDAY, SEPTEMBER 22, 2011***

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

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

### ***FRIDAY, SEPTEMBER 23, 2011***

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

10:00 a.m.                      Room 201, LOB                      Regular Meeting

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#### **ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2011 BILLS:**

**SENATE BILLS:** 2, 3, 26, 30, 35, 50, 51, 52, 53, 63, 81, 86, 88, 89, 97, 116, 120, 147, 148, 156, 174, 189

**HOUSE BILLS:** 1, 2, 25, 26, 35, 44, 55, 86, 130, 132, 142, 175, 191, 246, 248, 262, 284, 288, 291, 313, 337, 339, 348, 381, 390, 398, 426, 489, 490, 532, 571, 585, 609, 621, HCR 9

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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 2011 BILLS:**

**SENATE BILLS:** 1, 3, 12, 20, 21, 22, 33, 35, 40, 53, 56, 58, 66, 70, 71, 72, 74, 75, 76, 81, 82, 83, 125, 128, 129, 130, 131, 132, 133, 136, 138, 139, 142, 145, 147, 148, 151, 152, 154, 155, 156, 157, 159, 160, 161, 162, 163, 165, 168, 170, 172, 183, 185, 186, 188

**HOUSE BILLS:** 26, 35, 72, 186, 205, 206, 210, 229, 231, 284, 289, 299, 330, 337, 411, 419, 444, 462, 468, 488, 489, 519, 528, 542, 557, 571, 601, 609, 621, 642

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## NOTICES

The LOB garage will be closed for essential repairs beginning July 5<sup>th</sup> and ending November 11<sup>th</sup>. Storrs Street garage will be open to all employees and legislators who will be displaced during the repairs. Thank you.

Senator Peter Bragdon, Senate President

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### SUNDAY, JULY 10, 2011

The New Hampshire Liberty Alliance, publisher of the Gold Standard, invites all members to attend our annual Liberty Dinner. The NHLA Legislator of the Year award will be announced and the annual Liberty Rating legislative report card will be distributed. Date and time: Sunday, July 10<sup>th</sup> at the Chateau Restaurant, 201 Hanover Street in Manchester, 5:00 p.m. Reception and 6:00 p.m. Dinner. Legislators receive a discounted price of only \$25, which may be paid at the door. RSVP to [info@nhliberty.org](mailto:info@nhliberty.org). More details at [nhliberty.org](http://nhliberty.org).

Senator James R. Forsythe

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### LEGISLATIVE ETHICS COMMITTEE

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

#### INTERPRETIVE RULING 2011-#1

(June 17, 2011)

#### Obligations of Legislators in Connection with Proposed Petitions for the Redress of Grievances

Questions have arisen regarding the obligations of legislators who receive requests from members of the public to present petitions for redress of grievances on their behalf. Specifically, the questions are (1) Whether legislators are obliged to "present" (*i.e.* sponsor) a petition simply at the request of a member of the public; and (2) Whether legislators are obliged to keep the content of a proposed petition confidential prior to its presentation. The Committee has reviewed applicable provisions of the New Hampshire Constitution, statutes, rules, and Ethics Guidelines governing the conduct of legislators in the performance of their duties as such, and interprets them as follows.

1. Obligation to present a petition. No such governing provision requires a legislator to "present" a petition simply because the legislator was requested to do so by a member of the public. On the contrary, as with any matter a legislator may be asked to sponsor, legislators must be free to exercise their best judgment about sponsoring it. As Edmund Burke, a great English legislator of the 18th Century put it: "Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion."

2. Obligation to keep confidential the content of a proposed petition. No such governing provision requires a legislator to keep confidential the content of petitions or other legislation the legislator is asked to sponsor by a member of the public, prior to its presentation. In the absence of express agreement by the legislator to hold the information confidential, there is no reasonable expectation that the content of a proposed petition will remain confidential. On the contrary, as with other proposed legislation, legislators should be free to pursue appropriate due diligence to evaluate the merits of a proposal before sponsoring it, which may well involve consultation with third parties about the relevant facts and other considerations.

For the Committee,  
Martin L. Gross  
Chairman

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### **LEGISLATIVE ETHICS COMMITTEE**

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

**Advisory Opinion 2011-1**  
**Response to a Request for an Advisory Opinion**  
**From Greg Moore, Policy Director,**  
**NH House of Representatives**  
**(June 24, 2011)**

By letter dated June 21, 2011, Greg Moore, Policy Director, NH House of Representatives has requested an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, it would be permissible for him to accept invitations tendered by New Hampshire Motor Speedway in Loudon NH, to attend events at the Speedway on July 16 and 17, 2011.

According to information provided to the Committee by Mr. Moore, on June 20 he received the invitations, copies of which are available for inspection on the Committee's website. They invite his attendance, along with a guest, at races to be held at the Speedway on July 16 and 17, 2011, and to view the races from the "Main Grandstand Luxury Suite 2," with lunch to be served at noon. Since the invitations specify no admission price associated with attendance at the events, presumably they extend an offer for attendance on a complimentary basis.

Specifically, Mr. Moore asks for the Committee's opinion on his accepting the invitations, as well as to provide him with clarification for offers such as this that he might receive in the future. The question presented is whether the invitations may be accepted in light of the restriction on acceptance of gifts imposed under RSA Chapter 15-B.

Relevant provisions of applicable statute and the Ethics Guidelines are:

RSA 15-B:2, V(a) "Gift" means:

(1) \*\*\*\*

(2) Any ... tangible thing, intangible thing, service, or the use thereof having more than insignificant economic value. Any such item with a value of less than \$25 is presumed to be of insignificant economic value.

RSA 15-B:2, V(b) "Gift" shall not include:

(1) A political contribution as defined in RSA 664.

(2) A commercially reasonable loan, made in the ordinary course of business.

(3) Repayment to an elected official, public official, public employee, constitutional official, or legislative employee of a bona fide loan made by such a person.

(4) A ceremonial plaque, award, or other commemorative object, which is personally inscribed to the recipient and which has inconsequential economic value. A ceremonial object or award with a value of \$150 or less is presumed to be of inconsequential economic value.

(5) Objects or services which primarily serve an informational purpose provided in the ordinary course of business, such as reports, books, maps, or charts.

(6) Money in any form, an object, or any tangible or intangible thing or service of economic value, where the donor's act of giving is purely private and personal in nature and the money, object, or tangible or intangible thing or service of economic value would have been given and received even if the person were not an elected official, public official, public employee, constitutional official, or legislative employee.

(7) Wages, salary, benefits, mileage, or payment for expenses received by the person in his or her regular course of employment or business which is unrelated to the government position held.

(8) Wages, salary, benefits, mileage, or payment for expenses paid to the person by the state, a county, or the United States of America related to performance of official duties.

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

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

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

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

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

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

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

(11) Expense reimbursement or an honorarium.

(12) Meals and beverages consumed at a meeting or event, the purpose of which is to discuss official business.

(13) Monetary or non-monetary awards or recognition issued under the suggestion and extraordinary service award program under RSA 99-E.

RSA 15-B:3, III prohibits knowing acceptance of gifts by legislators, legislative officers or staff. Violation of RSA 15-B is also a prohibited act by legislators under the Ethics Guidelines, Section 4, Paragraph I(g), and in the case of legislative employees, Section 6, Paragraph III (a).

We advise as follows: It appears from the available facts that the economic value of the invitations is \$25.00 or more. RSA 15-B:2, XI defines "value" as "the amount at which property or services would change hands between a willing buyer and a willing seller when neither is under any compulsion to buy or sell and both have reasonable knowledge of the relevant facts." According to information publicly available on the Speedway's website, the price of general admission to the track on July 16 is \$40.00, and on July 17 is \$39.00. Furthermore, there can be no doubt that the value of accommodation in "Main Grandstand Luxury Suite 2" (which is an enclosed, air conditioned, sound insulated sky box with lunch and beverages provided) would substantially exceed the price of general admission, if it were offered to the public.

Accordingly, even if it were only complimentary general admission that was being offered, the value of the invitations would fall within the statutory definition of "gift" in RSA 15-B:2, V(a) unless excluded from that category by one of exceptions listed in RSA 15-B:2, V(b). Accommodation in "Luxury Suite 2" clearly involves additional value which in itself would likely constitute a gift. Based on information available to the Committee, none of the exceptions listed in RSA 15-B:2, V(b) would appear to apply.

The Committee therefore concludes that acceptance of the invitations would constitute acceptance of a gift prohibited by RSA 15-B:3, III, as well as the cited provisions of the Ethics Guidelines. Violation of RSA 15-B would be punishable as a misdemeanor. RSA 15-B:9.

The same conclusion would apply to any other invitation of similar value, unless qualifying for any of the listed exceptions.

We appreciate the opportunity to be of assistance.

Martin L. Gross, Chairman  
For the Committee

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## SENATE SCHEDULE

Monday, September 5, 2011	Labor Day (State Holiday)
Monday, October 10, 2011	First day to file legislation for 2012 Senate Session
Friday, October 21, 2011 at 4:00 p.m.	Last day for the Office of Legislative Services to accept drafting of a Senate Bill or Resolution with complete information for the 2012 Session.
Thursday, November 10, 2011 at 4:00 p.m.	Deadline for sponsor to sign off on legislation.
Friday, November 11, 2011	Veterans' Day (State Holiday)
Tuesday, November 22, 2011 at 4:00 p.m.	Deadline for co-sponsors to sign off on legislation.
Thursday, November 24, 2011	Thanksgiving Day (State Holiday)
Friday, November 25, 2011	Day after Thanksgiving (State Holiday)
Monday, December 26, 2011	Christmas Day (State Holiday)

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