

March 29, 2012  
No. 13

# STATE OF NEW HAMPSHIRE

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



**Second 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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### LAID ON THE TABLE

**CACR 33**, relating to biennial legislative sessions. Providing that the general court shall meet biennially. **03/28/12, Internal Affairs, SJ 8, pg. TBA**

**SB 74-FN**, relative to the life settlements act. **01/25/12, pending motion Inexpedient to Legislate, Commerce, SJ 3, pg. 80**

**SB 163-FN**, relative to the New Hampshire health benefit exchange. **01/18/12, pending motion Committee Amendment (0164s), Commerce, SJ 2, pg. 36**

**SB 279-FN**, establishing registers of probate as clerks of the probate division of the circuit court. **03/07/12, pending motion Inexpedient to Legislate, Judiciary, SJ 6, pg. 164**

**SB 292-FN**, relative to property taxation of certain manufactured housing. **03/21/12, pending motion Committee Amendment (1217s), Ways and Means, SJ 7, pg. TBA**

**SB 293-FN**, relative to notice requirements and payment of interest by the department of revenue administration for overpayments and underpayments of tax. **03/21/12, pending motion Inexpedient to Legislate, Finance, SJ 7, pg. TBA**

**SB 341**, authorizing electronic payment of payroll. **03/28/12, pending motion Inexpedient to Legislate, Commerce SJ 8, pg. TBA**

**SB 355**, clarifying the exemption for attorneys from licensing requirements for mortgage brokers or bankers. **02/15/12, pending motion Ought to Pass, Commerce, SJ 5, pg. 129**

**SB 377-FN**, relative to unemployment compensation eligibility for participants in the return to work program. **02/15/12, pending motion Committee Amendment (0655s), Commerce, SJ 5, pg. 130**

**HB 518-FN-A**, changing the prospective repeal date for the research and development tax credit. **03/21/12, pending motion Ought to Pass, Ways and Means SJ 7, pg. TBA**

**HB 1221**, relative to the credit for the business enterprise tax against the business profits tax. **03/28/12, pending motion Ought to Pass, Ways and Means SJ 8, pg. TBA**

### HEARINGS

***TUESDAY, APRIL 3, 2012***

**CAPITAL BUDGET**, Room 100, SH

Sen. Boutin (C), Sen. Sanborn (VC), Sen. Larsen, Sen. Morse, Sen. Odell, Sen. Rausch

1:00 p.m. **HB 1203**, relative to the membership of the capital budget overview committee.

**EXECUTIVE SESSION MAY FOLLOW**

**COMMERCE**, Room 102, LOB

Sen. Prescott (C), Sen. Sanborn (VC), Sen. De Blois, Sen. Houde, Sen. White

9:00 a.m. **HB 351-FN**, relative to insurance reimbursement for doctors of naturopathic medicine.

9:20 a.m. **HB 1587**, relative to employer safety programs.

9:40 a.m. **HB 1370**, making technical changes to the New Hampshire real estate practice act.

10:00 a.m. **HB 1480**, relative to requiring sprinklers in certain buildings.

10:20 a.m. **HB 1409**, relative to definitions under the Uniform Securities Act.

10:40 a.m. **HB 581**, regulating guaranteed price plans and prepaid contracts for petroleum.

**EXECUTIVE SESSION MAY FOLLOW**

**EDUCATION**, Room 103, LOB

Sen. Stiles (C), Sen. Forsythe (VC), Sen. Carson, Sen. Kelly, Sen. Prescott

1:00 p.m. **HB 1703-FN**, requiring the school board to develop and implement a policy that incorporates the foundations of financial literacy into the school curriculum and instruction.

1:15 p.m. **HB 219**, restricting the rulemaking authority of the state board of education and establishing a legislative oversight committee to review the rulemaking authority of the state board of education.

2:00 p.m. **HB 1383**, relative to residency status for the purpose of receiving in-state tuition status within the university system of New Hampshire.

**EXECUTIVE SESSION MAY FOLLOW**

**PUBLIC AND MUNICIPAL AFFAIRS**, Room 101, LOB

Sen. Barnes (C), Sen. Forrester (VC), Sen. Boutin, Sen. Merrill, Sen. Stiles

9:00 a.m. **HB 1563**, relative to Greenland's water rights.

9:15 a.m. **HB 1357**, relative to the membership of mosquito control districts.

9:35 a.m. **HB 1266**, requiring the assessing standards board to recommend standards rather than guidelines.

9:55 a.m. **HB 1136**, relative to special state elections.

10:15 a.m. **HB 1301**, relative to challenges to voters.

10:30 a.m. **HB 1371**, relative to conflicts of interest of county government officials.

**EXECUTIVE SESSION MAY FOLLOW**

***WEDNESDAY, APRIL 4, 2012***

**COMMERCE**, Room 100, SH

Sen. Prescott (C), Sen. Sanborn (VC), Sen. De Blois, Sen. Houde, Sen. White

9:00 a.m. **HB 1645-FN**, relative to decertification of a bargaining unit.

9:30 a.m. **HB 1677-FN**, relative to choice as to whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

**EXECUTIVE SESSION MAY FOLLOW**

**INTERNAL AFFAIRS**, Room 100, SH

Sen. Prescott (C), Sen. Lambert (VC), Sen. Bradley, Sen. Bragdon, Sen. Larsen

1:00 p.m. **HB 1672**, apportioning delegates to state party conventions.

1:10 p.m. **CACR 13**, relating to prohibiting any new tax on personal income. Providing that no new tax on personal income shall be levied by the state of New Hampshire.

**EXECUTIVE SESSION MAY FOLLOW**

**JUDICIARY**, Room 101, LOB

Sen. Houde (C), Sen. Carson (VC), Sen. Groen, Sen. Luther, Sen. Forsythe

1:00 p.m. **HB 1168**, requiring the removal of electronic records and information upon entry of an order of annulment.

1:15 p.m. **HB 1259-FN**, relative to payment of medical expenses for individuals who surrender themselves to law enforcement or corrections officials.

1:30 p.m. **HB 1312**, relative to the statute of limitations for violations involving a motor vehicle accident resulting in death or serious bodily injury.

1:45 p.m. **HB 1184**, relative to the use of video evidence to support an arrest for willful concealment of merchandise.

2:00 p.m. **HB 1367**, relative to the issuance of administrative inspection warrants.

**EXECUTIVE SESSION MAY FOLLOW**

## ***THURSDAY, APRIL 5, 2012***

### **ENERGY AND NATURAL RESOURCES, Room 102, LOB**

Sen. Odell (C), Sen. Gallus (VC), Sen. Bradley, Sen. Lambert, Sen. Merrill

- 9:00 a.m.                    **HB 1231**, removing the prohibition on the sale, gift, or display of certain young birds.
- 9:15 a.m.                    **HB 1244**, relative to firearms possession while trapping.
- 9:30 a.m.                    **HB 1333**, establishing a committee to study the establishment of a point system for violations of hunting and fishing laws and regulations enforced by the fish and game department.
- 9:45 a.m.                    **HB 1336**, relative to reciprocity for nonresident trainers of hunting dogs.

#### **EXECUTIVE SESSION MAY FOLLOW**

### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, SH**

Sen. Carson (C), Sen. Groen (VC), Sen. Larsen, Sen. Luther, Sen. White

- 9:00 a.m.                    **HB 383**, prohibiting the collection of certain agency fees from state employees who are not members of the state employees' association.
- 9:30 a.m.                    **HB 1150**, relative to examinations for licensure as a professional engineer or land surveyor.
- 9:45 a.m.                    **HB 1155**, relative to the regulation of dentists by the board of dental examiners.
- 10:10 a.m.                  **HB 1448**, requiring public access to any document and Internet content which is incorporated by reference in administrative rules.

#### **EXECUTIVE SESSION MAY FOLLOW**

### **FINANCE, Room 103, SH**

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

- 1:00 p.m.                    **HB 269-FN**, relative to the authority of departments to transfer funds among budget accounting units.
- 1:15 p.m.                    **HB 1687-FN**, relative to state employee information available on the state transparency website.
- 1:30 p.m.                    **HB 1662-FN**, relative to preparation of fiscal notes.
- 2:00 p.m.                    **HB 350-FN**, updating laws relative to the fiscal committee of the general court.

#### **EXECUTIVE SESSION MAY FOLLOW**

### **HEALTH AND HUMAN SERVICES, Room 100, SH**

Sen. Bradley (C), Sen. De Blois (VC), Sen. Kelly, Sen. Lambert, Sen. Sanborn

- 1:00 p.m.                    **HB 228-FN**, prohibiting the use of public funds for abortion services.

#### **EXECUTIVE SESSION MAY FOLLOW**

### **JUDICIARY, Room 101, LOB**

Sen. Houde (C), Sen. Carson (VC), Sen. Groen, Sen. Luther, Sen. Forsythe

- 1:00 p.m.                    **HB 283-FN**, relative to impaired drivers.
- 1:15 p.m.                    **HB 486-FN**, relative to penalties for alcohol ignition interlock circumvention.
- 1:30 p.m.                    **HB 1240**, relative to license suspensions for refusal to consent to an alcohol test.
- 1:45 p.m.                    **HB 1699-FN**, relative to driving under the influence of drugs.

#### **EXECUTIVE SESSION MAY FOLLOW**

### **TRANSPORTATION, Room 306-308, LOB**

Sen. Rausch (C), Sen. Boutin (VC), Sen. Forsythe, Sen. Kelly, Sen. Stiles

- 9:00 a.m.                    **HB 1442**, relative to motorcycle noise emission regulation.
- 10:30 a.m.                  **HB 1440**, relative to driver education.

#### **EXECUTIVE SESSION MAY FOLLOW**

## ***THURSDAY, APRIL 12, 2012***

### **JUDICIARY**, Room 101, LOB

Sen. Houde (C), Sen. Carson (VC), Sen. Groen, Sen. Luther, Sen. Forsythe

1:00 p.m.                      **HB 1290**, relative to self-storage facility liens.  
 1:15 p.m.                      **HB 1535-FN**, relative to arrest records under the right-to-know law.  
 1:30 p.m.                      **HB 1223-FN**, relative to remedies under the right-to-know law.  
 1:45 p.m.                      **HB 127-FN**, relative to the definition of oral communication.

**EXECUTIVE SESSION MAY FOLLOW**

## **MEETINGS**

### ***FRIDAY, MARCH 30, 2012***

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

9:00 a.m.                      Room 103, SH                      Regular Meeting

### ***MONDAY, APRIL 2, 2012***

#### **MEDICAL MALPRACTICE PANEL AND INSURANCE OVERSIGHT COMMITTEE (RSA 519-B:11)**

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

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

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

### ***TUESDAY, APRIL 3, 2012***

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

2:30 p.m.                      Room 201, LOB                      Regular Business

#### **ECONOMIC STRATEGIC COMMISSION TO REVIEW THE RELATIONSHIP BETWEEN NEW HAMPSHIRE BUSINESSES AND STATE GOVERNMENT (RSA 359-K:2)**

3:30 p.m.                      Administrative Offices of Auto Fair                      Subcommittee Meeting  
    1477 South Willow Street  
    Manchester, NH

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

3:30 p.m.                      Room 201, LOB                      Regular Business

### ***WEDNESDAY, APRIL 4, 2012***

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

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

### ***FRIDAY, APRIL 6, 2012***

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

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

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

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

***MONDAY, APRIL 9, 2012***

**ECONOMIC STRATEGIC COMMISSION TO REVIEW THE RELATIONSHIP BETWEEN NEW HAMPSHIRE BUSINESSES AND STATE GOVERNMENT (RSA 359-K:2)**

10:00 a.m.                      Room 305-307, LOB                      Regular Meeting

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

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

***THURSDAY, APRIL 12, 2012***

**INDUSTRIAL TECHNOLOGY RESEARCH AND INNOVATION CENTER OVERSIGHT COMMITTEE (RSA 187-A:32)**

2:00 p.m.                      UNH School of Law                      Regular Meeting  
    The Franklin Center Board Room  
    Room 175  
    2 White Street  
    Concord, NH

***FRIDAY, APRIL 13, 2012***

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

9:00 a.m.                      Room 303, LOB                      Regular Meeting

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

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

***MONDAY, APRIL 16, 2012***

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

1:00 p.m.                      Room 201, LOB                      Regular Meeting

**COMMITTEE TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009)**

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

***THURSDAY, APRIL 19, 2012***

**SHORELAND ADVISORY COMMITTEE (RSA 483-B:21)**

9:00 a.m.                      Department of Environmental                      Regular Meeting  
    Services, Room 214  
    29 Hazen Drive  
    Concord, NH

***FRIDAY, APRIL 20, 2012***

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

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

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

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

***MONDAY, APRIL 23, 2012***

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

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

***FRIDAY, APRIL 27, 2012***

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

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

### ***WEDNESDAY, MAY 2, 2012***

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

4:30 p.m.	NH Department of Education Londergan Hall, Room 15 101 Pleasant Street Concord, NH	Regular Meeting
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### ***FRIDAY, MAY 4, 2012***

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

9:00 a.m.	Rooms 305-307, LOB	Continued Meeting
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### ***MONDAY, MAY 7, 2012***

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

10:00 a.m.	DHHS, Brown Building 129 Pleasant Street Concord, NH	Regular Meeting
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### ***MONDAY, MAY 14, 2012***

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

10:00 a.m.	NH Higher Education Assistance Foundation 4 Barrell Court Concord, NH	Quarterly Meeting
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### ***FRIDAY, MAY 18, 2012***

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

9:00 a.m.	Rooms 305-307, LOB	Regular Meeting
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#### **GUARDIAN AD LITEM BOARD (RSA 490-C:1)**

1:00 p.m.	Room 101, LOB	Regular Meeting
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## **SENATE BILLS AMENDED BY THE HOUSE**

**SB 49**, relative to tip pooling arrangements.

**SB 152-FN**, relative to participation in state employees' group insurance by members of the general court.

**SB 153-FN**, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board.

**SB 188-FN**, establishing a committee to study establishing an office of the inspector general.

**SB 190**, relative to the duties and membership of the executive branch ethics committee.

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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 2012 BILLS:**

**SENATE BILLS:** 19, 48, 71, 74, 83, 84, 132, 142, 152, 153, 155, 159, 160, 163, 168, 185, 186, 188, 198, 203, 212, 217, 219, 225, 227, 234, 239, 244, 247, 266, 271, 272, 275, 276, 279, 285, 289, 294, 302, 303, 305, 307, 309, 311, 312, 313, 320, 321, 324, 326, 330, 338, 343, 347, 348, 358, 366, 369, 370, 372, 375, 381, 383, 392, 399, 405, 407, 409

**HOUSE BILLS: 72, 110, 186, 210, 222, 225, 228, 242, 247, 263, 269, 325, 330, 351, 378, 420, 449, 466, 479, 508, 518, 520, 528, 602, 652, 654, 1155, 1185, 1204, 1251, 1302, 1230, 1251, 1366, 1383, 1418, 1455, 1483, 1495, 1505, 1510, 1526, 1534, 1593, 1611, 1644, 1698, 1721**

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**ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2012 BILLS:**

**HOUSE BILLS: 648**

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## **NOTICES**

### **STATE HOUSE COMPLEX DISPOSAL BOXES**

The General Court is exploring the issue of the disposal of dirty syringes, needles, and any other sharps into the proper disposal boxes.

During the first phase of exploration, we will have a sharps box for collection in the Health Services Department to place all sharps in. This will assist us in planning if there is any viability of placing like containers in the complex.

Senator Jeb Bradley, Senate Majority Leader

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The components of the NH Dental Society will be inviting legislators to events in their area in order to share information regarding oral health issues in New Hampshire. Please watch for invitations in the mail.

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

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### **SATURDAY, MARCH 31, 2012**

All members of the Senate are invited to the 4<sup>th</sup> Annual Local Energy Solutions Conference set for Saturday, March 31, 2012 from 8:30 a.m. to 4:15 p.m. at the Merrimack Valley High School in Penacook. Registration is free to members of the NH General Court. Keynote speaker is Mike Breen, Vice President with the Truman National Security Project. Originally from New Hampshire, Mr. Breen is an expert voice on America's security challenges and has appeared in numerous national and regional media outlets on a wide range of issues, particularly energy security, counterinsurgency, and counterterrorism. Mr. Breen will speak about energy use in the United States and at a local level and how that has direct and serious impact on the national security challenges we face abroad. In addition, more than 250 attendees, instructional workshops on energy solutions for local government, and peer-to-peer networking make this conference a "don't miss" event. For a complete listing of workshop sessions and speakers, go to [2012 Local Energy Solutions Conference](#). An RSVP would be appreciated.

Senator Gary E. Lambert

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### **THURSDAY, APRIL 12, 2012**

The City and Town Clerks Association would like to invite all Senators to breakfast on Thursday, April 12<sup>th</sup> from 8:00 a.m. to 9:30 a.m. in the cafeteria. Come and meet your clerk.

Senator Jeb Bradley, Senate Majority Leader

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### WEDNESDAY, APRIL 18, 2012

Members of the General Court and staff are invited to join UNH President Mark W. Huddleston on Wednesday, April 18<sup>th</sup> from 12:00 p.m. to 1:30 p.m. at St. Paul's Church, 21 Centre Street, to learn how the University of New Hampshire is driving research and innovation in New Hampshire and forging job-creating partnerships with New Hampshire businesses. Please register by April 11<sup>th</sup> at [www.unh.edu/universityevents](http://www.unh.edu/universityevents) or call (603) 862-3660. Brown bag lunches will be provided.

Senator Amanda Merrill

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### WEDNESDAY, APRIL 25, 2012

"Banding Together for Oral Health" – All Senators and their staff are invited to join the NH Oral Health Coalition for breakfast and displays in the State House Cafeteria on Wednesday, April 25<sup>th</sup> from 7:30 a.m. to 9:00 a.m. Breakfast will be served starting at 7:30 a.m. and will be provided by Elizabeth's at the State House. We hope to see you there! RSVP to: [gbrown@nhoralhealth.org](mailto:gbrown@nhoralhealth.org)

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

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### THURSDAY, APRIL 26, 2012

All Legislators and staff are invited to the Biennial Legislative Health Screening Day presented by Health Services. This event will be held on Thursday, April 26<sup>th</sup> on the 3<sup>rd</sup> floor of the LOB from 12:00 p.m. to 4:00 p.m. There will be blood pressure screenings, blood sugar screenings, glaucoma screenings, fall prevention/balance screenings, even a chair massage by Hesser College, and lots more! Got questions? Bring them to our participating professionals - including medical doctors, dentists, pharmacists, and ophthalmologists - for quick and up-to-date information. Contact State House Health Services at 271-2757 for more information.

Senator Jeb Bradley, Senate Majority Leader

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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 2012-2 Response to a Request for an Advisory Opinion from Representative Kenneth Kreis (March 16, 2012)**

Pursuant to RSA 14-B:3, I (c), Rep. Kenneth Kreis has requested an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, he may participate in official activities regarding 2012 HB 1219, relative to the definition of wildlife for purposes of regulation by the Fish and Game Department.

According to information provided to the Committee by Rep. Kreis, he is licensed as a "wildlife propagator" by the Fish and Game Department, for which he pays a fee of \$35.00. In that capacity, he has assisted friends in preparing farmed red deer and elk for market. Rep. Kreis has stated that neither he nor any family member has received any compensation of any kind for such activity. HB 1219 would redefine "wildlife" to exclude farmed red deer and elk from that category.

Specifically, Rep. Kreis asks whether on the basis of this information, he would have a reportable financial interest or conflict of interest that would bear on his ability to participate in official activities regarding HB 1219, or similar legislation.

Relevant provisions of applicable law are:

### Ethics Guidelines

- 1 Principles of Public Service, Paragraphs I and II
- 2 Definitions, Paragraphs II. "Conflict Of Interest", V. "Financial Interest", and X. "Official Activities"
- 3 Legislator's Financial Disclosure Form, Introduction and Paragraph 2
- 4 Prohibited Activities, Paragraphs II, III. and V.
- 5 Conflict of Interest Procedure (all)

(See full text set out in Appendix)

We advise as follows:

Based on Rep. Kreis's representations, we assume that his purpose in proposing legislation involving the Fish and Game Department is not to pursue any private interest that would be incompatible with the public good. If that were otherwise, his participation in official activity concerning the Bill, and other legislation involving the Department, could implicate *Guidelines*, Section 1, Principles of Public Service, Paragraph I, which prohibits legislators from using the powers and resources of public office to attain personal benefits or pursue any other private interest incompatible with the public good. See also *Guidelines* Section 4, Prohibited Activities, Paragraphs II and III.

Rep. Kreis has given assurances that neither he nor any family member has received any financial benefit or effect from his activities as a licensed wildlife propagator, and therefore none from the potential enactment of HB 1219. Based on these assurances, we conclude that there would be no "conflict of interest" within the meaning of the specific financial conflict of interest provisions of the Guidelines that would affect his participation in official activity concerning the Bill.

However, because Rep. Kreis pays a fee for his license as a wildlife propagator, he might well have a reportable financial interest in future legislation that would change the licensing fee. To avoid violation of the Guidelines that might result from his participation in official activity in connection with such a bill, he should list his position as wildlife propagator under Item II(a) in the Financial Disclosure Form required of legislators by Section 3 of the Guidelines.

Because the questions raised by Rep. Kreis's request may be of general interest to legislators beyond the specific facts provided by Rep. Kreis, we offer the following observations to promote better understanding of the relevant provisions of the Guidelines.

Principle I of the Guidelines requires legislators generally to use the powers and resources of public office only to advance public interests, and not to obtain personal benefits or pursue *any other private interest* incompatible with the public good. Similarly, Principle II of the Guidelines requires legislators to decide all matters on the merits free from conflicts of interest and both *real and apparent improper influences*. These are principles of public service that legislators should always bear in mind and abide by, in addition to the specific provisions of the Guidelines relating to financial conflict of interest. Also, the Prohibited Acts set forth in Section 4 of the Guidelines broadly proscribe official activity that is motivated by pursuit of personal or private benefit, financial or otherwise. See this Committee's *Special Report to the Speaker Regarding Complaint 97-1, (re Rep. Roland Hemon)* decided July 1, 1997. <http://gencourt.state.nh.us/ethics/Complaints/priordecisions/1997-1%20Special%20Report.pdf>

Those broad prohibitions on pursuit of private interest are distinct from the specific financial conflict of interest provisions of the Guidelines, which are triggered only by the presence of financial interest in the outcome of an official activity. As the Guidelines definitions state:

II. "Conflict Of Interest" is the condition in which a legislator has a financial interest in any official activity. \* \* \*

V. "Financial Interest" is a reasonably foreseeable direct material financial effect which is greater on the legislator, legislative officer, legislative employee, or a family member than on the general public. \* \* \*

[Emphasis added].

Furthermore, even where a legislator may have a financial interest in an official activity (and therefore a conflict of interest as defined), the financial conflict of interest provisions of the Guidelines do not require a legislator to recuse, or decline to participate in the matter, or authorize anyone else to require the legislator to do so. In this respect, the Guidelines are patterned after the traditional British Parliamentary standard, recognizing that in a citizen legislature, members must earn a living and therefore may have private financial

interests of one kind or another that may be affected by legislation. Accordingly, instead of disqualification, in the case of financial conflict of interest what the Guidelines require is disclosure, so that the legislator's colleagues and the voters can be made aware of the legislator's potential motivations, and respond accordingly.

The Guidelines provide two specific mechanisms for disclosure:

(1) Annually filing the Financial Disclosure Form specified by Section 3, which requires disclosure of the legislator's primary sources of substantial income, as well as membership in groups that may be specially affected by legislation; and

(2) where the Financial Disclosure Form may not adequately disclose a special interest with respect to a specific official activity, filing a Declaration of Intent Form disclosing the interest as specified in Section 5 of the Guidelines, and stating whether the legislator will either participate, or not participate, in the official activity in question. The decision to participate or recuse is for the legislator to make, not others. In the succinct words of the Guidelines, the point of the Declaration is to "permit clear public awareness and understanding of the nature and extent of the conflict," thereby allowing colleagues and the electorate to judge the legislator's conduct accordingly.

Where a legislator is aware that he or she has a reportable conflict but is uncertain whether to file a Declaration of Intent Form, the better practice would be to file the form, because it will better serve the purpose of disclosure. Similarly, filing a Declaration of Intent form is also appropriate where a legislator might reasonably be thought to have a special, private but non-financial interest influencing the official activity. See Advisory Opinion 2010-5, *Request of Rep. Alida Millham*, September 20, 2010 (membership on board of directors of not-for-profit organization specially affected by proposed official activity requires filing Declaration of Intent). [http://gencourt.state.nh.us/ethics/Advisory\\_Opinions/2010-5.pdf](http://gencourt.state.nh.us/ethics/Advisory_Opinions/2010-5.pdf). The Ethics Committee's Executive Administrator is available to assist legislators in filing the form.

We appreciate the opportunity to be of assistance.

For the Committee,  
Martin L. Gross  
Chairman

[Vote: 7 - 0]

{The full texts of relevant provisions of the Ethics Guidelines are set forth in an Appendix to this Advisory Opinion, available at [http://gencourt.state.nh.us/ethics/Advisory\\_Opinions/AO\\_Blurbs.htm](http://gencourt.state.nh.us/ethics/Advisory_Opinions/AO_Blurbs.htm) }

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## SENATE SCHEDULE

Thursday, May 03, 2012	Deadline for Policy Committees to ACT on all House bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-3 (b).
Thursday, May 17, 2012	Last Day to ACT on all House bills.
Thursday, May 24, 2012	Last Day to FORM Committees of Conference.
Monday, May 28, 2012	Memorial Day (State Holiday)
Thursday, May 31, 2012	Last Day to SIGN Committee of Conference Reports.
Thursday, June 07, 2012	Last Day to ACT on Committee of Conference Reports.
Wednesday, July 04, 2012	Independence Day (State Holiday)
Monday, September 03, 2012	Labor Day (State Holiday)
Monday, November 12, 2012	Veterans' Day (State Holiday)
Thursday, November 22, 2012	Thanksgiving Day (State Holiday)
Friday, November 23, 2012	Day after Thanksgiving (State Holiday)
Tuesday, December 25, 2012	Christmas Day (State Holiday)
Tuesday, January 01, 2013	New Year's Day (State Holiday)

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## ***VISITORS' CENTER SCHEDULE – MARCH & APRIL***

### **State House Visitation Schedule**

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in 2012. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the school year and subject to changes.

Please contact the Visitors' Center concerning school tour booking information. Legislators planning to meet with students should notify the Visitors' Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director

Deborah Rivers, Public Information Administrator

<b><i>DATE</i></b>	<b><i>TIME</i></b>	<b><i>GROUP</i></b>	<b><i>Group#/Grade</i></b>
March 30	9:30	Trinity Christian School – Keene	10/4
March 30	9:30/11:00 SH/F&G	Symonds School – Keene	60/4
April 2	9:30	Maple Ave. School – Goffstown	50/4
April 2	11:00	Paul School – Sanbornville/Wakefield	45/4
April 2	1:00	Brain Injury Assoc. of NH	25
April 3	9:30/11:00 SH/HM	Maple Ave. School – Goffstown	75/4
April 3	11:30	Sapulding High School – Rochester	15/HS
April 4	10:00/11:30	Newmarket Elementary School	80/4
April 4	1:30	Active Outdoor Adults – Wolfeboro	30/Srs
April 5	9:00	Stevens High School German Exchange students – Claremont	25/HS
April 5	10:00	East Kingston Elementary School	40/4
April 5	11:30	North Hampton Elementary School	45/4
April 6	12:00	Merrimack Valley Middle School	10/MS
April 6	10:00/11:15	Paul Smith School – Franklin	100/4
April 6	11:45	Goshen-Lempster Cooperative School	22/4
April 6	11:45	Russell Elementary School – Rumney	8/4
April 6	1:30	Fire Academy Trainees	25
April 9	9:15	Chichester Elementary School	34/4
April 9	10:00/11:30 SH/HM	Nottingham West School – Hudson	70/4
April 9	3:00	Teen Pact	
April 10	9:15	Green Valley Montessori School – Pembroke	12/4,5,6
April 10	10:00/11:30 SH/HM	Nottingham West School – Hudson	70/4
April 11	10:15/11:30 SH/HM	Crescent Lake School – Wolfeboro	80/4
April 11	9:15	Holy Family Academy – Manchester	24/7&8
April 11	1:00	Alvirne High School – French Exchange	40/HS
April 12	9:30/11:00 SH/HM	Hillsboro-Deering School	90/4
April 13	9:30/10:30 SH/HM	DAR	100
April 13	11:00	Thornton Ferry School – Merrimack	50/4
April 13	12:30	Teen Pact Family Day	
April 16	9:45/11:00 SH/HM	Richards Elementary School – Newport	80/4
April 16	1:00	Beaver Meadow School – Concord	24/4
April 17	9:00	Henniker Community School	43/4
April 17	10:00/11:30 SH/HM	Garrison School – Dover	100/4
April 17	12:30	Hopkinton High School French Exchange students	30/HS
April 18	9:45/11:00 SH/HM	Horne St. School – Dover	80/4
April 19	9:30	Epsom Central School	50/4
April 19	11:00	Gilmanton Elementary School	50/4
April 20	9:30/11:00 SH/SC	Thornton Ferry School – Merrimack	100/4
April 23	1:00	Hampton Christian Home School	25
April 25	10:00	Fuller School – Keene	53/4
April 25	11:00	Derry Girl Scouts	20
April 26	9:30	Lisbon Regional School	26/4
April 26	11:15	Lancaster Elementary School	28/4
April 27	10:00	Ray School – Hanover	45/4
April 30	9:30/11:00	Seabrook Middle School	68/4