

July 5, 2012
No. 24

STATE OF NEW HAMPSHIRE

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



**Second Year of the 162nd Session of the
New Hampshire General Court
Legislative**

SENATE CALENDAR

MEETINGS

MONDAY, JULY 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 303, LOB Regular Meeting

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

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

WEDNESDAY, JULY 11, 2012

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

8:30 a.m. Room 206, LOB Process Subcommittee Meeting

LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2)

10:00 a.m. Room 104, LOB Regular Meeting

LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2) AND EXECUTIVE BRANCH ETHICS COMMITTEE (RSA 21-G:29)

10:30 a.m. Room 104, LOB Joint Meeting

COMMITTEE TO STUDY THE CONTINUATION OF PAYMENTS TO LONG-TERM CARE FACILITIES (SB 321, Chapter 20:1, Laws of 2012)

1:30 p.m. Room 103, SH Organizational Meeting

THURSDAY, JULY 19, 2012

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

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

SHORELAND ADVISORY COMMITTEE (RSA 483-B:21)

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

COMMITTEE TO STUDY THE LAWS RELATING TO CONDOMINIUM AND HOMEOWNERS' ASSOCIATIONS (RSA 356-B:70)

11:00 a.m. Room 305, LOB Regular Meeting

COMMISSION TO STUDY THE EFFECTS OF SERVICE-CONNECTED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY SUFFERED IN THE LINE OF DUTY BY MEMBERS OF THE ARMED FORCES AND VETERANS (RSA 115-D:1)

2:30 p.m. Room 203, LOB Regular Meeting

FRIDAY, JULY 20, 2012

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

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

MONDAY, JULY 23, 2012

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

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

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

11:00 a.m. Room 205, LOB Regular Meeting

TUESDAY, JULY 24, 2012

COUNTY-STATE FINANCE COMMISSION (RSA 28-B:1)

10:00 a.m.	Primex Bldg. Training Room 46 Donovan Street Concord, NH	Regular Meeting
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WEDNESDAY, JULY 25, 2012

JOINT HEALTH CARE REFORM OVERSIGHT COMMITTEE (RSA 420-N:3)

10:00 a.m.	Room 302, LOB	Regular Meeting
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THURSDAY, AUGUST 2, 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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HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)

1:00 p.m.	Room 205, LOB	Medical Sharps Subcommittee Meeting
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MONDAY, AUGUST 6, 2012

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

FRIDAY, AUGUST 10, 2012

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

9:00 a.m.	Room 307, LOB	Regular Meeting
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MONDAY, AUGUST 13, 2012

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

3:00 p.m.	Room 100, SH	Regular Meeting
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THURSDAY, AUGUST 16, 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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COMMISSION TO STUDY THE EFFECTS OF SERVICE-CONNECTED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY SUFFERED IN THE LINE OF DUTY BY MEMBERS OF THE ARMED FORCES AND VETERANS (RSA 115-D:1)

2:30 p.m.	Room 203, LOB	Regular Meeting
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FRIDAY, AUGUST 17, 2012

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

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

SENATE CALENDAR SUMMER SCHEDULE

The Senate Calendar is going to adopt its summer schedule, and so will be published every two weeks until September. The schedule for the Senate Calendar is as follows:

Thursday, 07/05/12

Thursday, 07/19/12

Thursday, 08/02/12

Thursday, 08/16/12

Thursday, 08/30/12

Thursday, 09/06/12

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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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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 2012-#2

(June 28, 2012)

RSA 15-B:2 and 3

Bulk Gifts to Legislative Offices Intended for Redistribution to Legislators or Employees

Greg Moore, House Chief of Staff, has requested a ruling based on the following information he submitted to the Committee:

“Recently, the House of Representatives received an estimated 400 tickets [to forthcoming circus performances]. Enclosed with the tickets is a notification, stating, ‘Dear Employer: Enclosed is a supply of FREE TICKETS for your employees.’ Presumably, the intent of the mailing is to encourage each House member to have access to a free ticket to the circus. On each ticket, the pass indicates a value of \$7.50 for a total estimated value of \$3,000.

“I would ask for a ruling as to whether it would be permissible for the House to distribute these tickets to members or employees. Further, I would also ask if it would be permissible to give each member/employee access to up to three tickets, as the aggregate value would still be less than \$25.”

The reference to “a value of \$7.50” derives from recitations on the ticket that it is a “Free Ticket—Admit one child 13 years or under” and “\$7.50 value.” In addition, the copy of the promotional material transmitted with the tickets was good for a “Free Guest Pass—Admit One Adult” as “our way of saying thank you” to the “employer” for distributing the tickets. According to the circus’s recorded telephone message, the price of an adult ticket is \$32. This suggests that in addition to the total value of the children’s tickets, the bulk donation also included the value of a free adult ticket, \$32, bringing the total value of the 401 tickets to \$3032.

The Committee responds as follows:

Relevant Provisions of Law

RSA 15-B:2, V(a)(2); RSA 15-B:3, I and III

The gist of the issue presented is whether a bulk donation to a legislative office of tickets to an event, with a total value well in excess of \$25, constitutes a prohibited gift, even though the individual value of the ticket may be less than \$25.

The full value of the bulk donation described in Mr. Moore's request would be \$25 or more, and would plainly fall within the definition of "gift" in RSA 15-B:2, V(a) (2):

"(2) Any other 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."

The conditions for the exception in RSA 15-B:2, V(b)(9) for "Tickets or free admission to a charitable, ceremonial, or political event" would not appear to be met, and no other exception in RSA 15-B:2, V(b) would appear to apply.

It follows that even if the value of the individual tickets were less than \$25, the value of the bulk donation of tickets, if \$25 or more, to a legislative office for redistribution to members or employees, would appear to be a prohibited gift.

Nothing in RSA 15-B or the Ethics Guidelines distinguishes between gifts to individual legislators and legislative offices, even where the intent of the donor is redistribution to individual legislators or employees. On the contrary, to create such a distinction would open up a new loophole in the law, whereby donors could use substantial gifts to curry favor, merely by enlisting a legislative official, officer or employee to receive the bulk donation, and then act as intermediary for distribution of tickets in amounts less than \$25 to individual legislators and employees. This would also require the official or employee to put a value on the individual ticket, and to police distribution so that no individual would receive tickets in excess of that amount. It would also create the appearance of a patronage opportunity for the recipient of the bulk gift.

RSA 15:3, I and III provide:

15-B:3 Prohibition on Gifts.-

I. It shall be unlawful to knowingly give any gift as defined in this chapter, directly or indirectly, to any elected official, public official, public employee, constitutional official, or legislative employee.

III. No elected official, public official, public employee, constitutional official, or legislative employee shall knowingly accept, directly or indirectly, any gift, as defined in this chapter.

Accordingly, RSA 15-B:2, V(a)(2) and RSA 15-B:3 are interpreted as prohibiting the making or acceptance of bulk donations of event tickets to a legislative office for redistribution to individual legislators or employees, as well as redistribution of such donations to legislators or employees, unless the value of the bulk donation is less than \$25, or the donation otherwise qualifies for a specific exception under RSA 15-B:2, V(b).

For the Committee,
Martin L. Gross
Chairman

[Vote 7-0]

SENATE SCHEDULE

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)
