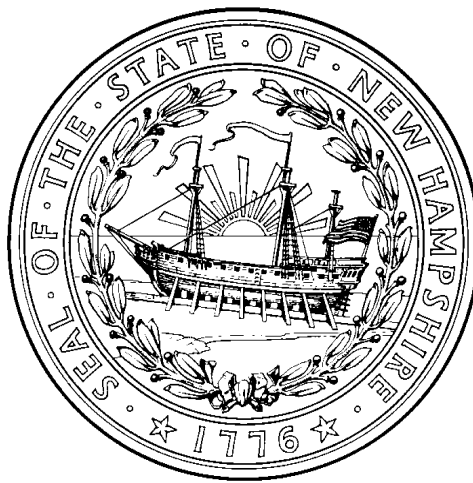


May 12, 2016  
No. 19

# STATE OF NEW HAMPSHIRE

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



**Second Year of the 164<sup>th</sup> Session of the  
New Hampshire General Court**

## SENATE CALENDAR

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**THE SENATE WILL MEET IN SESSION ON  
THURSDAY, MAY 19, 2016 AT 10:00 A.M.**

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**VETO MESSAGE**

May 3, 2016

Governor's Veto Message Regarding Senate Bill 446

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on May 3, 2016, I have vetoed Senate Bill 446, relative to requirements of the state building code.

Ensuring that buildings are safe is critical to public safety and our economy, and we must always work to ensure that our families and businesses have the safe environment necessary for them to grow and thrive. By placing an arbitrary restriction on the rules that can be adopted by the State Building Code Review Board and limiting the ability of building inspectors to request relevant information prior to issuing permits, this bill could lead to less safe buildings and is a potential threat to public safety.

Senate Bill 446 unnecessarily ties the hands of local officials, limiting their ability to gather the information necessary to determine the scope of work, what code needs to be applied and the cost of the permit. As a result, it will be more difficult for building inspectors to properly vet projects and ensure that applicants meet the necessary requirements to keep the public safe. Furthermore, the proposed legislation would have set a vague and ambiguous standard, which could lead to an increase in litigation.

The New Hampshire Association of Fire Chiefs and the New Hampshire Planners Association oppose Senate Bill 446, and these changes were not recommended by the State Building Code Review Board, which is composed of a broad cross-section of people involved in planning and development, including home builders, engineers, electricians, plumbers, fire chiefs and municipal officials. No evidence was presented during hearings on this legislation that suggest there is currently an unnecessary burden on applicants, or that this bill would represent a solution as opposed to creating new problems.

This bill makes it more difficult for local officials to effectively do their jobs and ensure that buildings meet the uniform standard necessary to ensure public safety, and it is opposed by many of New Hampshire's foremost experts on building safety. Therefore, I have vetoed Senate Bill 446.

Respectfully submitted,

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Margaret Wood Hassan  
Governor

**LAI D ON THE TABLE**

**HB 629-FN**, relative to induced termination of pregnancy statistics. **05/05/2016, No pending motion, Health and Human Services, SJ 16**

**HB 1153**, prohibiting a political subdivision from adopting residency restrictions on sex offenders. **05/05/2016, pending motion, Inexpedient to Legislate, Judiciary, SJ 16**

**HB 1156**, relative to interference with traffic devices. **04/14/2016, pending motion, Ought to Pass, Transportation, SJ 13, pg. 413**

**HB 1231**, relative to school district policy regarding objectionable course material. **04/21/2016, No pending motion, Education SJ 14, pg. 435**

**HB 1247**, relative to poker in private residences. **04/14/2016, pending motion, Inexpedient to Legislate, Ways and Means, SJ 13, pg. 416**

**HB 1252**, permitting employers to pay wages to employees weekly or biweekly. **05/05/2016, No pending motion, Commerce, SJ 16**

**HB 1356**, relative to construction of the terms “resident,” “inhabitant,” “residence,” and “residency.” **05/12/2016, No pending motion, Public and Municipal Affairs, SJ 17**

**HB 1570-FN**, repealing the law governing access to reproductive health care facilities. **05/05/2016, No pending motion, Health and Human Services, SJ 16**

**SB 27-FN**, relative to the department of corrections industries inventory account. **01/14/2016, No pending motion, Finance, SJ 2, pg. 55**

**SB 131-FN**, authorizing individuals and certain businesses to purchase health insurance from out-of-state companies. **02/04/2016, pending motion, Ought to Pass, Commerce, SJ 4, pg. 102**

**SB 304**, prohibiting corporate advertising and marketing on school property. **02/18/2016, pending motion, Committee Amendment 0489s, Commerce, SJ 6, pg. 152**

**SB 338**, relative to the right of crime victims to make statements to the parole board. **03/24/2016, pending motion, Committee Amendment 1032s, Judiciary, SJ 10, pg. 368**

**SB 346-FN-L**, relative to hours of polling. **03/10/2016, pending motion, Ought to Pass, Public and Municipal Affairs, SJ 8, pg. 228**

**SB 351**, establishing a commission to study the feasibility of implementing a clearinghouse model for political expenditures and contributions. **03/10/2016, No pending motion, Public and Municipal Affairs, SJ 8, pg. 228**

**SB 365**, relative to traffic control measures. **03/24/2016, pending motion, Inexpedient to Legislate, Energy and Natural Resources, SJ 10, pg. 299**

**SB 382**, relative to the authority of a federal law enforcement officer to make arrests in New Hampshire. **03/24/2016, pending motion, Sen. Pierce Floor Amendment 1163s, Judiciary, SJ 10, pg. 379**

**SB 408-FN-A**, relative to funding for the children’s savings account program. **03/24/2016, pending motion, Inexpedient to Legislate, Finance, SJ 10, pg. 303**

**SB 413**, relative to employment rights of persons with criminal records. **03/17/2016, pending motion, Sen. Feltes Floor Amendment 1084s, Commerce, SJ 9, pg. 247**

**SB 445-FN-L**, suspending the registration fee for the sale of municipal bonds in New Hampshire for 2 years. **03/03/2016, pending motion, Ought to Pass, Ways and Means, SJ 7, pg. 195**

**SB 455-FN**, relative to immunity from the possession or use of a firearm by an employee or official of a political subdivision. **03/03/2016, pending motion, Committee Amendment 0397s, Public and Municipal Affairs, SJ 7, pg. 191**

**SB 463-FN**, suspending the imposition of the death penalty. **03/03/2016, pending motion, Ought to Pass, Judiciary, SJ 7, pg. 171**

**SB 470**, relative to eligibility of school district employees for Family and Medical Leave Act coverage. **03/17/2016, pending motion, Sen. Soucy Floor Amendment 1094s, Education, SJ 9, pg. 248**

**SB 473-FN-A-L**, repealing the cap on adequate education grant payments and making an appropriation therefor. **03/03/2016, pending motion, Ought to Pass, Education, SJ 7, pg. 175**

**SB 476-FN**, relative to the certification of school nurses. **03/10/2016, pending motion, Ought to Pass, Executive Departments and Administration, SJ 8, pg. 217**

**SB 504-FN**, relative to hunting and fishing licenses for disabled veterans. **02/18/2016, pending motion, Interim Study, Energy and Natural Resources, SJ 6, pg. 154**

**SB 520-FN**, relative to the form of drivers’ licenses and identification cards. **03/24/2016, pending motion, Interim Study, Transportation, SJ 10, pg. 357**

**SB 531-FN**, extending the New Hampshire health protection act. **03/10/2016, pending motion, Inexpedient to Legislate, Health and Human Services, SJ 8, pg. 219**

**SB 542-FN**, relative to criminal interference with health services. **03/03/2016, No pending motion, Health and Human Services, SJ 7, pg. 180**

**SB 551-FN-A-L**, establishing video lottery and table gaming at one location. **03/24/2016, No pending motion, Finance, SJ 10, pg. 354**

# MEETINGS

## ***FRIDAY, MAY 13, 2016***

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

9:00 a.m. Room 101, LOB Regular Meeting

### **NEW HAMPSHIRE STATE HOUSE BICENTENNIAL COMMISSION (RSA 17-R:1)**

10:00 a.m. Room 308, LOB Regular Meeting

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

1:00 p.m. Room 307, LOB Regular Meeting

## ***SUNDAY, MAY 15, 2016***

### **LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K:1)**

1:00 p.m. NHTI Community College Regular Meeting  
Marty Hunt Conference Room  
Student Center 225  
Concord, NH

## ***MONDAY, MAY 16, 2016***

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

9:00 a.m. NH Veterans Home Regular Meeting  
Tarr South Conference Room  
139 Winter Street  
Tilton, NH

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

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

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

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

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

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

10:00 a.m. Room 101, LOB Regular Meeting

### **CHILDREN'S SAVINGS ACCOUNT PROGRAM COMMISSION (RSA 195-J:1)**

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

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

1:30 p.m. Room 204, LOB Regular Meeting

## ***TUESDAY, MAY 17, 2016***

### **PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:28-a)**

10:00 a.m. Room 207, LOB Regular Meeting

**COMMISSION ON RURAL AFFAIRS (RSA 9-A:5)**

2:30 p.m.	Plymouth State University Heritage Commons Samuel Read Hall Highland Street Plymouth, NH	Regular Meeting
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**COUNCIL FOR YOUTHS WITH CHRONIC CONDITIONS (RSA 126-J:1)**

6:00 p.m.	Upham-Walker House 18 Park Street Concord, NH	Regular Meeting
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***THURSDAY, MAY 19, 2016*****COMMISSION ON POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D)**

2:30 p.m.	Walker Building, Room 100 21 South Fruit Street Concord, NH	Regular Meeting
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***FRIDAY, MAY 20, 2016*****JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)**

9:00 a.m.	Rooms 306-308, LOB	Regular Meeting
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**COMMISSION ON HISTORIC BURYING GROUNDS (RSA 227-C:12-a)**

10:00 a.m.	Room 101, LOB	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
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**COMMISSION TO REVIEW CHILD ABUSE FATALITIES (RSA 169-C:39-k)**

2:30 p.m.	Room 102, LOB	Subcommittee Meeting
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***MONDAY, MAY 23, 2016*****OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)**

9:00 a.m.	NH Department of Environmental Services Room 208C 29 Hazen Drive Concord, NH	Regular Meeting
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**COMMISSION TO REVIEW CHILD ABUSE FATALITIES (RSA 169-C:39-k)**

9:30 a.m.	Room 102, LOB	Regular Meeting
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**CHILDHOOD LEAD POISONING PREVENTION AND SCREENING COMMISSION (RSA 130-A:19)**

10:00 a.m.	NH Department of Health and Human Services Rooms 213-214 129 Pleasant Street Concord, NH	Subcommittee Meeting on Prevention
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**COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND EXOTIC AQUATIC SPECIES OF WILDLIFE IN THE STATE OF NEW HAMPSHIRE (RSA 487:30)**

11:00 a.m.	NH Department of Environmental Services Room 112 29 Hazen Drive Concord, NH	Regular Meeting
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**COMMISSION TO STUDY THE ECONOMIC IMPACT OF THE ARTS AND CULTURE IN NEW HAMPSHIRE (RSA 19-A:14)**

2:00 p.m.                      NH Institute of Art                      Regular Meeting  
    148 Concord Street  
    Manchester, NH

***THURSDAY, MAY 26, 2016***

**COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T)**

2:30 p.m.                      NH Medical Society                      Regular Meeting  
    7 North State Street  
    Concord, NH

***FRIDAY, JUNE 3, 2016***

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

9:00 a.m.                      Room 203, LOB                      Regular Meeting

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

1:00 p.m.                      Room 307, LOB                      Regular Meeting

***MONDAY, JUNE 6, 2016***

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

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

***TUESDAY, JUNE 7, 2016***

**NH BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2)**

6:00 p.m.                      Monadnock Community Hospital                      Public Hearing  
    452 Old Street Road  
    Peterborough, NH

***FRIDAY, JUNE 10, 2016***

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

9:00 a.m.                      Room 307, LOB                      Regular Meeting

**NEW HAMPSHIRE STATE HOUSE BICENTENNIAL COMMISSION (RSA 17-R:1)**

10:00 a.m.                      Room 308, LOB                      Regular Meeting

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

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

***MONDAY, JUNE 13, 2016***

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

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

***TUESDAY, JUNE 14, 2016***

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

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

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

10:30 a.m.                      Room 201, LOB                      Regular Business

***FRIDAY, JUNE 17, 2016***

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

11:00 a.m.

Room 205, LOB

Regular Meeting

***FRIDAY, JUNE 24, 2016***

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

9:30 a.m.

Rooms 301-303, LOB

Regular Meeting

***MONDAY, JUNE 27, 2016***

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

1:30 p.m.

Room 205, LOB

Regular Meeting

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**FISCAL NOTE ADDITIONS AND UPDATES HAVE BEEN AMENDED TO THE BILLS ON THE WEB SITE AND ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR THE FOLLOWING 2015-2016 BILLS:**

**SENATE BILLS:** 64, 127, 129, 138, 155, 157, 193, 203, 210, 227, 238, 239, 256, 265, 302, 319, 330, 332, 339, 342, 344, 356, 369, 376, 389, 401, 406, 409, 441, 447, 452, 461, 464, 465, 466, 467, 468, 480, 481, 482, 483, 485, 488, 491, 494, 495, 496, 503, 510, 515, 521, 522, 523, 527, 530, 532, 533, 534, 535, 540, 549, 550, 551, 552

**HOUSE BILLS:** 197, 216, 280, 353, 380, 466, 521, 535, 593, 628, 636, 661, 668, 1116, 1154, 1175, 1182, 1198, 1219, 1245, 1246, 1266, 1272, 1349, 1357, 1381, 1385, 1423, 1426, 1428, 1430, 1527, 1547, 1568, 1586, 1589, 1590, 1591, 1595, 1599, 1608, 1616, 1628, 1633, 1637, 1644, 1654, 1655, 1661, 1664, 1680, 1695, 1696, 1697

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**ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2016 BILLS:**

**SENATE BILLS:** 25, 110, 144, 146, 238, 265, 312, 330, 332, 370, 378, 380, 386, 453, 543, 576

**HOUSE BILLS:** 377, 1116, 1165, 1195, 1197, 1208, 1239, 1245, 1283, 1289, 1331, 1332, 1349, 1388, 1553, 1616, 1618, 1665, 1696

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## NOTICES

**MONDAY, MAY 16, 2016**

All legislators and members of the public are invited to join in the unveiling ceremony for the new portrait of famed suffragist Marilla Ricker on Monday, May 16<sup>th</sup> at 3:30 pm in the corridor near the north rear entrance of the State House. The ceremony will be followed by a simple reception on the State House Plaza sponsored by the NH League of Women Voters and the NH Woman's Bar Association.

Senator Martha Fuller Clark  
Senator David Watters

\* \* \* \* \*

**TUESDAY, MAY 17, 2016****USNH Legislative Alumni Gathering**

Please join us Tuesday, May 17<sup>th</sup> from 3:00 p.m. to 4:00 p.m. in the Upham Walker House, 18 Park Street, Concord. We are proud to say we have 70+ University of New Hampshire, Keene State College, Plymouth State University and Granite State College alumni serving in the state legislature. We welcome you to join us in celebrating your alma maters, hear from some of our newest alums and take part in a group photo to commemorate the occasion. Refreshments to be served. Please RSVP to Pat Waldvogel at (603) 387-1037.

Senator Chuck Morse, Senate President

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**WEDNESDAY, MAY 18, 2016**

All Senators and staff are invited to the Biennial Legislative Health Screening Day presented by Health Services. This event will be held on Wednesday, May 18<sup>th</sup> on the 3<sup>rd</sup> floor of the LOB from 9:00 a.m. to 1:00 p.m. There will be screenings for blood pressure, blood sugar, glaucoma and fall prevention balance. Chair massages, nutritional counseling and many more organizations will be available. Got questions? Bring them to our participating professionals including dentist, pharmacists and optometrist for quick and up to date information. I'm looking forward to seeing all of you and having you obtain knowledge in a relaxed fun way. There will be door prizes and refreshments.

Senator Nancy F. Stiles

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**THURSDAY, MAY 19, 2016**

Please join us and UNH Cooperative Extension staff and volunteers Thursday, May 19<sup>th</sup> from 7:30 a.m. to 10:00 a.m. in the State House Cafeteria as they host a full breakfast for New Hampshire Legislators and staff. Extension's Dean, Dr. Ken LaValley, and specialists will be available to discuss recent initiatives with state agencies that have had a positive impact on our State. Featured initiatives include food safety legislation and training for NH poultry and rabbit processors, pesticide safety education and recertification programming, stakeholder facilitation for the NH Wildlife Action Plan and the Balsams Resort development, K-12 STEM programming, and opportunities from UNH Professional Development and Education to help develop NH's workforce.

Senator David R. Boutin

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**MONDAY, MAY 23, 2016**

Legislators and friends are cordially invited to the New Hampshire Federation of Republican Women's 2016 Lilac Luncheon & State Primary Straw Poll on Monday, May 23<sup>rd</sup> at the Holiday Inn Concord, 172 N. Main, Concord, NH. A VIP reception starts at 11:00 a.m. with the luncheon at noon. The Keynote Speaker is Charlie Arlinghaus, President of the Josiah Bartlett Center for Public Policy. For event and ticket information, contact Representative Jeanine Notter [jeanine.notter@leg.state.nh.us](mailto:jeanine.notter@leg.state.nh.us) Representative Barbara Biggie [barbara.biggie@leg.state.nh.us](mailto:barbara.biggie@leg.state.nh.us) or [www.NHFRW.org](http://www.NHFRW.org).

Senator Sharon M. Carson  
Senator Jeanie L. Forrester

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### THURSDAY, MAY 26, 2016

The Propane Gas Association of New England is hosting its annual Outdoor Living Safety Day on the State House lawn on Thursday, May 26<sup>th</sup>, from 9:00 a.m. to 2:00 p.m. 12 NH propane companies will be grilling and discussing propane safety for the summer season. The Governor and State Fire Marshal have been invited. All are welcome to stop by and visit!

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

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### WEDNESDAY, JUNE 1, 2016

The members of the NH Snowmobile Association cordially invite all Legislators and staff to a reception in the State House cafeteria on Wednesday, June 1<sup>st</sup>, from 7:30 a.m. to 9:30 a.m. where a breakfast will be served. The breakfast has been rescheduled from an earlier date. Please be sure to take notice of this change. We look forward to seeing you there.

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

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### Legislative Ethics Committee

The Legislative Ethics Committee, at its April 25, 2016 meeting approved letters of admonishment for Representative Guy Comtois, Representative Bart Fromuth, and Representative Shawn Sweeney for their failure to file a Financial Disclosure Form in a timely manner, as required by RSA 14-B:8. In addition to admonishing the members, the Committee's letters expressed the expectation that the members will be mindful of their responsibilities to comply with the financial disclosure filing requirements as long as they serve in the General Court.

The letters may be viewed by visiting the Committee's website, which can be accessed from the website of the General Court, or directly at: <http://gencourt.state.nh.us/ethics/default.htm>

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### Legislative Ethics Committee

#### Retirement Gifts

Questions have arisen about what limits the ethics gift law (RSA 15-B) places on the giving and accepting of retirement gifts given by legislators to other legislators.

For your information, this notice sets forth the following relevant provisions of applicable law:

**15-B:2 Definitions.** – For the purposes of this chapter: \*\*\*

V. (a) "Gift" means:

(1) Money in any amount, whether in the form of cash, check or any other negotiable or non-negotiable instrumentality for the transfer of money.

(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.

(b) Notwithstanding subparagraph (a), "gift" shall not include: \*\*\*

(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.

### 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.

II. It shall be unlawful to knowingly give any gift as defined in this chapter, directly or indirectly, to any family member, as defined in this chapter, of any elected official, public official, public employee, constitutional official, or legislative employee, with a purpose of influencing or affecting the official conduct of such official or 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.

What these provisions mean for legislators and staff is that they may give a colleague a gift and the recipient may accept it, provided it has a value of less than \$25. This provision may not be circumvented by giving the gift to a family member of the legislator.

The law provides an exception to the \$25 limit for ceremonial items such as plaques and other objects that are inscribed with the recipient's name and have a value of \$150 or less. Thus, a clock or print or similar memento worth up to \$150 would be permissible if it bears the name of the recipient. However, merely adding personalization does not negate the requirement that the item also be presumed to have inconsequential economic value (not more than \$150). So an engraved pewter mug would be permissible, but an engraved iPad would not.

\* \* \* \* \*

### Legislative Ethics Committee

#### INTERPRETIVE RULING 2016-3

(May 6, 2016)

New Hampshire Constitution Part II, Article 7  
Ethics Guidelines Section 1, Principles of Public Service  
Ethics Guidelines Section 5, Conflict of Interest Procedure

Representative Shawn N. Jasper, Speaker of the House, has requested an Interpretive Ruling on the following questions:

“Is Part II, Article 7 of the New Hampshire Constitution or Ethics Guidelines, Section 1, Principles of Public Service, violated by a legislator who attempts to separate himself or herself from his or her office by identifying himself or herself as a representative of a public interest group while presenting testimony in advocacy of the group's position on a bill at a hearing before a legislative committee?

Is the legislator required to disclose a conflict of interest in accordance with Ethics Guidelines Section 5?”

The Committee responds as follows:

#### Relevant Provisions of the NH Constitution and the Ethics Guidelines

**[Art.] 7. [Members of Legislature Not to Take Fees or Act as Counsel.]** No member of the general court shall take fees, be of counsel, or act as advocate, in any cause before either branch of the legislature; and upon due proof thereof, such member shall forfeit his seat in the legislature.

*September 5, 1792*

#### **1 Principles of Public Service.**

##### **I. Public Office as a Public Trust**

Legislators should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

##### **II. Principle of Independent Objective Judgment**

Legislators should employ independent objective judgment in performing their duties, deciding all matters on the merits free from conflicts of interest and both real and apparent improper influences.

##### **III. Principle of Accountability**

Legislators should assure that government is conducted openly, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.

## 5 Conflict of Interest Procedure.

I. No declaration shall be required if no benefit or detriment could reasonably be expected to accrue to the legislator or the legislator's family member as a member of a business, profession, occupation, or other group, to any greater extent than to any other member of such business, profession, occupation, or other group, provided that disclosure of the legislator's or family member's membership is made in the Financial Disclosure Form pursuant to section 3 of the Ethics Guidelines. For purposes of these guidelines, groups shall be limited to ones generally recognized and of a substantial size.

II. When a legislator becomes aware that a conflict of interest exists or may exist and the conditions set forth in paragraph I are not met, the legislator shall proceed in accordance with either subparagraph (a) or (b):

(a) Declare that the legislator will not participate in any official activity associated with the issue.

(b) Declare that the legislator intends to participate in the official activity and will provide a description of the conflict of interest including:

(1) names of all entities, both public and private, which might be affected;

(2) the nature of any benefit which may accrue to the legislator or legislator's family member;

(3) the nature of any financial interest in the issue;

(4) the nature of any relationship which existed, exists or may exist between the legislator and

(5) any person or entity which might be affected;

(6) such additional information as may be required to permit clear public awareness and understanding of the nature and extent of the conflict.

III. The declaration required in subparagraphs II (a) and (b) of this procedure shall be publicly announced prior to the legislator's initial participation in the official activity. The information required in subparagraph (b) shall be filed with the clerk of the member's respective body within 24 hours of the time of the official activity and be made available for public inspection during normal business hours.

### Committee Analysis

An examination of the historical context in which Part II, Article 7 of the New Hampshire Constitution was adopted in 1792, indicates the article was intended to prohibit members of the General Court who were attorneys from taking fees or acting as counsel or advocate in cases pending in the General Court. By way of background, it is useful to note that when the article was adopted, members of the legislature who were also attorneys frequently represented citizens in petitions submitted to the legislature seeking redress of various grievances. From New Hampshire's provincial period, through early statehood and into the nineteenth century, the state's legislature (or "General Court") spent a great deal of its time considering and acting upon petitions from its citizens. During this period, when there were no standing committees in the legislature or bureaucratic agencies in the executive branch to directly address the needs or grievances of individuals or groups of citizens, many pieces of legislation derived from petitions. It was a common practice for litigants in civil cases to petition the legislature seeking new trials, or appeals or reversals of decisions in the courts. Until the practice was ruled unconstitutional by the New Hampshire Supreme Court in the case of Merrill v. Sherburne in 1818, the state's laws were replete with examples of interference by the legislature in individual court cases. It was the practice of lawyer-members acting as counsel to the parties submitting petitions to the legislature, and the participation of the lawyer-members in the drafting of the bills resulting from the petitions and in the debates and votes on the bills before the legislature, that led to the adoption of the article.

Additionally, the language used in Part II, Article 7 supports the interpretation that the article was meant to apply to court cases brought before the general court. In late 18<sup>th</sup> Century America, the term "cause" was defined as "a subject of litigation," meaning the same as the term "case," and an advocate was defined as someone who "pleads the cause of another in a court of judicature."

**Accordingly, the Committee determined the constitutional article would not prohibit a legislator from identifying as a representative of a public interest group and advocating the group's position on general legislation at a hearing before a legislative committee.**

The second part of the Speaker's question relating to a legislator representing a public interest group is not so easily decided. While the Ethics Guidelines provide extensive regulation and reporting of activities that involve a financial benefit or detriment to a legislator or family member, there are circumstances that may raise ethical concerns even when there is no financial effect entailed.

Clearly, if the legislator were being paid to advocate for a public interest group, that would be lobbying and is prohibited under Section 4, Prohibited Activities of the Guidelines. However, legislators are often involved as volunteers in organizations whose mission they support and advocate for before legislative committees. In the absence of specific provisions in the Guidelines for such circumstances we turn to the general principles that provide the framework for ethical conduct.

Ethics Guidelines, Section 1, Principles of Public Service, declares that legislators should use the powers and resources of public office to advance public interests and not pursue any “private interest incompatible with the public good,” and “employ independent objective judgment in performing their duties, deciding all matters on the merits free from conflicts of interest and both real and apparent improper influences.”

**The Committee determined that legislators may wear two hats: first as an elected official, and also as representative of an advocacy group, as the long as the private interest is not incompatible with the public good.** Recognizing that there may be a difference of opinion about “public good” and “improper influences” the Committee relied on Ethics Guidelines, Section 1, Paragraph III, Principle of Accountability, which requires that government be “conducted openly, equitably and honorably” and “permits the citizenry to make informed judgments and hold government officials accountable.” To achieve this transparency, **the Committee advises that legislators representing an organization must file a declaration of intent under Section 5, Conflict of Interest Procedure of the Guidelines,** indicating that they will participate in official action on a particular bill. While the form is designed for financial conflicts of interest, the Committee believes disclosure of a legislator’s dual role as elected official and unpaid representative of an advocacy group will allow the public and his or her constituents to decide if such participation is compatible with the public good.

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

For the Committee,  
 Donna Sytek  
 Chairman

*[Vote: 6-1]*

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## SENATE SCHEDULE

Thursday, May 19, 2016	Deadline to FORM Committees of Conference.
Thursday, May 26, 2016	Deadline to SIGN Committee of Conference Reports.
Monday, May 30, 2016	Memorial Day (State Holiday)
Thursday, June 02, 2016	Deadline to ACT on Committee of Conference Reports.
Monday, July 04, 2016	Independence Day (State Holiday)
Monday, September 05, 2016	Labor Day (State Holiday)
Friday, November 11, 2016	Veterans’ Day (State Holiday)
Thursday, November 24, 2016	Thanksgiving Day (State Holiday)
Friday, November 25, 2016	Day after Thanksgiving (State Holiday)
Monday, December 26, 2016	Christmas Day (State Holiday)