

December 1, 2016
No. 42

STATE OF NEW HAMPSHIRE

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



**Second Year of the 164th Session of the
New Hampshire General Court**

SENATE CALENDAR

**THE SENATE WILL MEET IN SESSION FOR ORGANIZATION DAY ON
WEDNESDAY, DECEMBER 7, 2016 AT 10:00 A.M.**

**THE SENATE WILL MEET IN SESSION FOR CONVENING DAY ON
WEDNESDAY, JANUARY 4, 2017 AND WILL MEET IN JOINT CONVENTION
WITH THE HOUSE OF REPRESENTATIVES**

**THE SENATE WILL MEET IN SESSION FOR INAUGURATION DAY ON
THURSDAY, JANUARY 5, 2017 AND WILL MEET IN JOINT CONVENTION
WITH THE HOUSE OF REPRESENTATIVES**

PROPOSED RULE CHANGES FOR ORGANIZATION DAY

AMENDMENT TO SENATE RULES:

1. Amend Senate Rule 4-7 as follows:

4-7 Standing Committees - The standing committees of the Senate shall be as follows: the Committee on Capital Budget, the Committee on Commerce, the Committee on Education, ***the Committee on Election Law and Internal Affairs***, the Committee on Energy and Natural Resources, the Committee on Executive Departments and Administration, the Committee on Finance, the Committee on Health and Human Services, the Committee on Judiciary, the Committee on Public and Municipal Affairs, ***the Committee on Rules and Enrolled Bills***, the Committee on Transportation, and the Committee on Ways and Means.

2. Amend Senate Rule 7-1 as follows:

7-1 Deadlines

- (a) Tuesday, December 13, 2016 – Deadline for the Office of Legislative Services to accept drafting of a Senate Bill, Senate Concurrent Resolution, or Senate Joint Resolution with complete information for the 2017 Session.
- (b) Friday, January 06, 2017 – Deadline for prime sponsors to sign off on legislation.
- (c) Friday, January 13, 2017 – Deadline for co-sponsors to sign off on legislation.
- (d) Monday, February 27, 2017 – Friday, March 03, 2017: SENATE BREAK.
- (e) Thursday, March 09, 2017 – Deadline for Policy Committees to ACT on all Senate bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-5.
- (f) Thursday, March 30, 2017 – CROSSOVER – Deadline to ACT on all Senate bills.
- (g) Thursday, May 11, 2017 – Deadline for Policy Committees to ACT on all House bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-5.
- (h) Thursday, June 01, 2017 – Deadline to ACT on all House bills.
- (i) Thursday, June 08, 2017 – Deadline to FORM Committees of Conference.
- (j) Thursday, June 15, 2017 – Deadline to SIGN Committee of Conference Reports.
- (k) Thursday, June 22, 2017 – Deadline to ACT on Committee of Conference Reports.

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MEETINGS

MONDAY, DECEMBER 5, 2016

DAIRY FARMERS TASK FORCE

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

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

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

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

10:00 a.m. DHHS, Brown Building Regular Meeting
2nd Floor Conference Room
129 Pleasant Street
Concord, NH

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

2:00 p.m. Walker Building, Room 100 Advisory Meeting
21 South Fruit Street
Concord, NH

TUESDAY, DECEMBER 6, 2016

COMMISSION TO STUDY AND RECOMMEND IMPROVEMENTS TO THE NEW HAMPSHIRE HIKING TRAILS NETWORK (RSA 216-F:7)

2:00 p.m. Room 100, SH Regular Meeting

COMMISSION TO DEVELOP A LAND CONSERVATION PLAN (RSA 162-C:12)

3:00 p.m. Room 103, SH Regular Meeting

STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2)

5:00 p.m. NH National Guard Air Facility Regular Meeting
26 Regional Drive
Concord, NH

WEDNESDAY, DECEMBER 7, 2016

COMMISSION TO REVIEW CHILD ABUSE FATALITIES (RSA 169-C:39-k)

1:00 p.m. Room 100, SH Subcommittee Work Session Meeting

THURSDAY, DECEMBER 8, 2016

COMMISSION TO REVIEW CHILD ABUSE FATALITIES (RSA 169-C:39-k)

1:00 p.m. Room 103, SH Subcommittee Work Session Meeting

FRIDAY, DECEMBER 9, 2016

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

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

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

10:00 a.m. Room 302, LOB Regular Meeting

IMPLEMENTATION OF THE MEDICAID MANAGED CARE PLAN WORKING GROUP (SB 553, Chapter 204:2, Laws of 2016)

10:30 a.m. Rooms 210-211, LOB Regular Meeting

MONDAY, DECEMBER 12, 2016

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

9:00 a.m.	NH Veterans Home Tarr South Conference Room 139 Winter Street Tilton, NH	Regular Meeting
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ASSESSING STANDARDS BOARD (RSA 21-J:14-a)

9:30 a.m.	NH DRA 109 Pleasant Street Concord, NH	Regular Meeting
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ADVISORY COUNCIL ON CAREER AND TECHNICAL EDUCATION (RSA 188-E:10-b)

10:00 a.m.	Room 101, LOB	Regular Meeting
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COMMISSION TO EVALUATE THE EFFECTIVENESS AND FUTURE OF THE PREMIUM ASSISTANCE PROGRAM (RSA 126-A:5-e)

1:00 p.m.	Room 100, SH	Regular Meeting
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NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q)

1:30 p.m.	Room 205, LOB	Regular Meeting
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COMMISSION TO STUDY VOLUNTEER HEALTH CARE SERVICES (RSA 126-A:72)

2:30 p.m.	Room 103, SH	Regular Meeting
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TUESDAY, DECEMBER 13, 2016

COMMITTEE TO STUDY RSA 461-A, RELATIVE TO PARENTAL RIGHTS AND RESPONSIBILITIES (HB 378, Chapter 281:1, Laws of 2016)

9:00 a.m.	Room 205, LOB	Regular Meeting
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CURRENT USE BOARD (RSA 79-A:3)

1:30 p.m.	NH DRA 109 Pleasant Street Concord, NH	Regular Meeting
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WEDNESDAY, DECEMBER 14, 2016

COMMISSION TO DEVELOP A LAND CONSERVATION PLAN (RSA 162-C:12)

3:00 p.m.	Room 103, SH	Regular Meeting
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THURSDAY, DECEMBER 15, 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 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, DECEMBER 16, 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
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MONDAY, DECEMBER 19, 2016

COMMISSION TO REVIEW CHILD ABUSE FATALITIES (RSA 169-C:39-k)

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

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

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

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

1:00 p.m. Room 303, LOB Regular Meeting

TUESDAY, JANUARY 3, 2017

STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2)

5:00 p.m. NH National Guard Air Facility Regular Meeting
26 Regional Drive
Concord, NH

THURSDAY, JANUARY 12, 2017

HOME EDUCATION ADVISORY COUNCIL (RSA 193-A:10)

3:30 p.m. NH Department of Education Regular Meeting
Londergan Hall, Room 15
101 Pleasant Street
Concord, NH

FRIDAY, JANUARY 13, 2017

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

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

TELECOMMUNICATIONS PLANNING AND DEVELOPMENT ADVISORY COMMITTEE (RSA 12-A:46)

10:00 a.m. NH DRA Regular Meeting
172 Pembroke Road
Concord, NH

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NOTICES

MONDAY, DECEMBER 5, 2016 – FRIDAY, DECEMBER 16, 2016

Open enrollment for senators to enroll or make changes to medical and/or dental insurance through the State health care program will be held from 12/05/16 to 12/16/16 with an effective date of 01/01/17. Senators who are already enrolled in the program, but wish to make changes should do so during the open enrollment period. Information, rates and enrollment forms are available in the Office of Legislative Accounting, State House Room 113 or by calling 271.2481 or 271.3162.

Senator Jeb Bradley, Senate Majority Leader

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TUESDAY, DECEMBER 6, 2016

The New England Ratepayers Association (NERA) is hosting a Telecommunications Policy Forum presented in association with the Federal Communications Bar Association (FCBA). The forum and complimentary luncheon will be held on Tuesday, December 6th at the Wentworth by the Sea Hotel and Resort in New Castle and will include Federal Communications Commissioner Mike O'Rielly as keynote speaker as well as special guests former Vermont Governor Jim Douglas and former U.S. Senator John E. Sununu. Please e-mail info@neratepayers.org to RSVP.

Senator Jeb Bradley, Senate Majority Leader

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WEDNESDAY, DECEMBER 7, 2016

Sheehan Phinney Capitol Group cordially invites all House and Senate members and staff to their annual Welcome Back Reception on Wednesday, December 7th, at Tandy's Top Shelf Restaurant, One Eagle Square (directly across the street from the State House) following the close of session, or at 3:00 p.m. should the session end early.

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

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Legislative Ethics Committee

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

INTERPRETIVE RULING 2016-4 (October 3, 2016)

Dinners, Receptions, Sponsored Travel and Services— What's Allowed, What Isn't, What Needs to be Reported

Questions have arisen about compliance with the requirements of our new ethics law, RSA 14-C, including the propriety of, and reporting requirements relating to, the acceptance of free admission or tickets to events sponsored by various organizations and entities, or the acceptance of payment for the cost of registration, travel, lodging, or meals and/or other underwriting for certain types of programs and events.

Under RSA 14-C:3, "gifts" to legislators and legislative employees are generally prohibited, unless specifically exempted by law. Unless specifically exempted, money payments to legislators by third persons are prohibited. Also prohibited are transfers by third persons to legislators of items of value other than money, unless the item is worth \$50 or less, or otherwise qualifies for a specific statutory exemption from the definition of "gift."

In response to the following specific scenarios, the Committee issues the following interpretive rulings.

1. Complimentary admission to dinners, receptions or other events at which food and beverages are provided and/or a registration or admission fee is otherwise charged.

Example A: A political event. You are offered a ticket worth more than \$50 to attend a "Lincoln-Reagan Dinner" sponsored by the Rockingham County Republican Committee.

Response: A legislator or legislative employee may accept the ticket from any source (i.e. from the sponsoring organization or a third party) if the proceeds from this event are subject to the political expenditure reporting law (RSA 664) or the Federal Election Campaign Act of 1971 as amended. The recipient must file a report with the Secretary of State no later than the last day of the month following the month during which ticket was received. RSA 14-C:4, I. Acceptance of tickets or free admission is limited to \$250 in the aggregate from any single source during any calendar year. RSA 14-C:2, IV(b)(9)(A).

Allowed?—Yes Report if over \$50?—Yes

Example B: A charitable event. You are offered a ticket worth more than \$50 to attend an annual dinner sponsored by City Year, a charitable organization.

Response: Complimentary admission from any source may be accepted by a legislator or a legislative employee, even if the value of the admission is greater than \$50, if the event is sponsored by a charitable organization that is registered with the Division of Charitable Trusts of the NH Department of Justice, or is qualified as charitable under Section 501(c)(3) of the Internal Revenue Code. As in the example above, the recipient must report the ticket with the Secretary of State no later than the last day of the month following the month during which the ticket was received. RSA 14-C:4, I. Acceptance of tickets or free admission is limited to \$250 in the aggregate from any single source during any calendar year. RSA 14-C:2, IV(b)(9)(B).

Allowed?—Yes Report if over \$50?—Yes

Example C: A ceremonial or celebratory event. A registered lobbyist offers you a free ticket worth more than \$50 to attend the Annual Mackey S. Loeb First Amendment Awards.

Response: Because the event is primarily ceremonial or celebratory in nature and is public or, if by invitation only, it is planned to have an attendance greater than 50 people, you may accept the free ticket from the lobbyist or any other source. Acceptance of tickets or free admission is limited to \$250 in the aggregate from any single source during any calendar year. RSA 14-C:2, IV(b)(9)(C).

Allowed?—Yes Report if over \$50?—Yes

Example D: An invitation in the legislative calendars. There is a notice in the House and Senate calendars inviting all legislators and legislative employees to a reception sponsored by Delta Dental where free appetizers and drinks will be provided.

Response: Attendance and consumption of complimentary food and beverages at this event does not involve a prohibited gift because the reception qualifies for exemption from the gift prohibition as a political, charitable, or ceremonial event which is published as an event open for attendance by any legislator or legislative employee in the calendar of the Senate or the House. RSA 14-C:2, IV(b)(9)(D). There is no requirement to report your attendance; however, the limit of \$250 in the aggregate from any single source during any calendar year applies.

Allowed?—Yes Report?—No

Example E: Complimentary admission to sporting or performing arts events. A lobbyist invites you attend the home opener at Fenway Park for a Red Sox game offering you a ticket to a seat costing \$75.

Response: Because the value of the ticket is more than \$50 and no exemption appears to apply, it would be a prohibited gift. The baseball game does not appear to be a “charitable, ceremonial or political” event, and so it is not qualified for exemption under RSA 14-C:2, IV(b)(9).

Allowed?—No Report if over \$50?—N/A

2. A legislator has a private breakfast, lunch or dinner meeting with individuals interested in issues before the legislature, at which they discuss these issues.

Example A: The Nashua Chamber of Commerce invites you to a complimentary dinner to present their legislative priorities.

Example B: A lobbyist treats you to lunch at which you discuss a bill that is before your committee.

Response to Examples A and B: If the meal is consumed at a meeting or event, the purpose of which is to discuss “official business,” the meal would not be a prohibited gift, however, it would have to be reported if the value of the meal exceeded \$50. “Official business” is construed to mean that the purpose of the meeting or event is the discussion or transaction of legislative business, that is, any official action or non-action with regard to any pending or existing legislation, report or study, any matter pending or proposed in a committee or in either house of the general court, or any other matter which is within the official jurisdiction or cognizance of the general court. The legislator or legislative employee must file a report with the Secretary of State no later than 10 days following the meeting or event and the prohibition which establishes a \$250 annual limit from any given source during any calendar year applies. RSA 14-C:2, IV(b)(12).

Allowed?—Yes Report if over \$50?—Yes (must be reported within 10 days)

3. Expense reimbursements and honorariums.

Example A: An expense reimbursement. You are asked by House Leadership whether you would like to attend the National Conference of State Legislatures’ Annual Legislative Summit. Your attendance would involve acceptance of payment for the costs of travel, lodging, meals, beverages, and registration associated with the event.

Example B: An expense reimbursement. You are invited to attend a two-day conference on education policy sponsored by the Heartland Institute, which offers to pay for your travel, lodging, and meals at the conference.

Response to Examples A and B: A legislator or legislative employee may accept payment related to attendance at an event if the payment qualifies as an “expense reimbursement.” This exemption allows legislators and legislative employees to accept payment for the costs of travel to and attendance at an event, for example, fares, meals, accommodation, registration or attendance fees. The exemption applies only where the

event is a *bona fide* conference, meeting, seminar, or educational or informational program that relates to the legislator's duties. In this context, a "bona fide" event is taken to mean an event that is primarily focused on communicating information relating to matters of legislative concern to New Hampshire legislators, rather than directed at providing opportunity for tourism, entertainment, or recreation. Reimbursement for "junkets" or "see the sights" trips as part of a legislative group doesn't qualify for the exemption—the event must offer, as a genuine and central element, organized learning about subjects that are or may become the focus of legislative activity in New Hampshire. See *Interpretive Ruling 2013-1*, which is available on the committee's website at: <http://www.gencourt.state.nh.us/ethics/default.htm>.

Allowed?—Yes Report if over \$50?—Yes

Legislators and legislative employees must report receipt of all expense reimbursements – whether the source is a private entity, the State of New Hampshire or a political subdivision, the federal government, or an organization to which the state pays dues — on the "Honorarium or Expense Reimbursement Report," which must be filed with the Secretary of State's office no later than the last day of the month following the month in which the expense reimbursement was received. RSA 14-C:4, I.

Example C: An honorarium. You are offered a scholarship from the Carsey Institute at the University of New Hampshire to attend a policy leadership conference that includes your participation in discussion groups on public policy issues.

Response: This event qualifies as an honorarium. This exception allows a legislator to accept payment from third parties for performance of certain services related to the legislator's or legislative employee's duties or position as such. It allows receipt of payment for an appearance, speech, written article or other document, service as a consultant or advisor, or participation in a discussion group or similar activities related to legislative matters. A qualifying service must actually be performed, but need not be performed at an event, and a trip need not be made to perform them.

Allowed?—Yes Report if over \$50?—Yes

Legislators and legislative employees must report the receipt of honorariums no later than the last day of the month following the month in which the honorarium or expense reimbursement was received. RSA 14-C:4, I.

- 4. Invitations to House or Senate committees by an interested party to a site-visit to view a particular business, government facility, location, hospital, natural area or park that is related to an issue upon which they are or will be deliberating, where the committee may be provided with transportation and a meal or refreshments as part of the site-visit. These site-visits are generally noticed in the calendar of the applicable legislative body.**

Example: The House Committee on Resources, Recreation, and Development is invited to Jericho Mountain State Park in Berlin to inspect the park's ATV trails.

Response: When an entire committee is invited to participate in a site-visit on an issue that is relevant to the committee's business, they may accept the free transportation and meals provided. The site-visit by the committee constitutes an event where the members are attending in their official committee capacity representing the house or senate. As such the meals and transportation are not prohibited gifts. This is an "expense reimbursement" within the meaning of the statute and, therefore, must be reported. RSA 14-C:2, III.

Allowed?—Yes Report if over \$50?—Yes

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: 6-0]

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Legislative Ethics Committee

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

INTERPRETIVE RULING 2016-5

(October 3, 2016)

Conflicts of Interests – Declaration of Intent Forms and Verbal Disclosure

This interpretive ruling is intended to provide guidance for legislators for complying with the requirements of the Ethics Guidelines relating to filing a Declaration of Intent Form and making a verbal disclosure of a conflict of interest.

A “**conflict of interest**,” as defined for legislators in Ethics Guidelines Section 2, is *the condition in which a legislator has a “special interest” in any matter which could directly or indirectly affect or influence the performance of the legislator’s official activities*. A “special interest” is defined as “any financial or personal interest in the outcome of a matter that is the subject of official activity, distinct from and greater than the interests of the public at large.”

There are two types of special interest: 1) A “**financial interest**” which exists when a legislator or household member could stand to gain or lose anything of value as a result of the official activity; and 2) A “**personal interest**” which exists when a legislator or household member could otherwise be affected by the outcome of such activity, or when a legislator has a responsibility for the welfare of an organization and where that welfare could be affected by the outcome of such activity.

It is the responsibility of legislators to recognize when a conflict of interest exists and to act accordingly through the use of the appropriate disclosure procedure.

When is a Declaration of Intent Required?

Every legislator is required to file a Financial Disclosure Form with the Legislative Ethics Committee annually on or before the third Friday of January. (See RSA 14-B:8 and Ethics Guidelines Section 5.) Although disclosure of financial interests on this form would satisfy the Ethics Guidelines’ requirements for disclosure of conflicts of interest in many circumstances, it will not relieve a legislator from the requirement of filing a specific Declaration of Intent Form and from making a verbal disclosure in the following circumstances:

- 1) Whenever a **financial interest** could reasonably be expected to produce greater benefit or detriment to the legislator or the legislator’s household member than would accrue to any other member of a business, profession, occupation, or other group listed by the legislator in the financial disclosure form; or
- 2) Whenever a legislator or a legislator’s household member has a **personal interest** in the outcome of a matter that is the subject of official activity, distinct from and greater than the interests of the public at large.

The Declaration of Intent Form

On the form, a legislator must declare his or her decision to either participate in or not participate in the particular official activity described on the form. If a legislator elects to declare an intention to participate in the activity, the legislator is required to detail the nature of the conflict of interest on the form.

It is important to remember that a legislator’s decision to participate or not participate applies to participation in all matters relating to the official activity. A legislator cannot participate in some activities (for example, introducing a bill or testifying on it before a committee) and then file a declaration opting to not participate in a later activity (such as voting on the same bill on the House or Senate floor).

Verbal Disclosure

A legislator must verbally disclose the nature of the conflict of interest if: 1) the legislator has filed a Declaration of Intent Form; and 2) the legislator has declared on the form an intent to participate in the official activity.

The verbal disclosures must be made in the following circumstances and manner:

- (a) When **testifying** before a legislative committee or state agency regarding a bill or other matter in which the legislator has a special interest, the legislator shall make the disclosure prior to testifying.
- (b) When **serving as a member of a committee** considering a bill in which the legislator has a special interest, the disclosure shall be made prior to discussing the bill in executive session and voting.
- (c) When **appointed to a subcommittee** working on a bill in which the legislator has a special interest, the disclosure shall be made upon appointment to the subcommittee and at the initial subcommittee work session.

(d) When **addressing the full House or Senate** on a bill in which the legislator has a special interest, the disclosure shall be made prior to speaking. **If the legislator does not speak on the bill and has filed a declaration, the legislator is not required to make a verbal disclosure.**

(e) When **appointed as a member of a Committee of Conference** on a bill in which the legislator has a special interest, the disclosure shall be made to the Speaker or Senate President upon appointment to the committee and at the first meeting of the Committee of Conference.

(f) When otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation, or any state agency in which the legislator has a special interest, the disclosure shall be made to all participants prior to engaging in any official business on the matter.

Hypothetical examples

The Committee believes that the following hypothetical examples may be helpful in understanding the conflict of interest disclosure procedure and knowing when filing a Declaration of Intent Form and making a verbal disclosure are required.

(1) A legislator is a member or beneficiary of the **New Hampshire Retirement System** and has disclosed this financial interest in checklist category “(g) New Hampshire Retirement System” on the Financial Disclosure Form. The Committee has previously held that membership in or receiving a benefit from the System constitutes a conflict of interest with respect to any proposed legislation, or other official activity, which would affect the amount or timing of benefits payable by the System to the legislator or the legislator’s family member or the amount or timing of contributions required to be made to the System by the legislator or the legislator’s family member. (Advisory Opinion 1992-3). In this hypothetical example, the legislature is considering a bill to increase the state’s contribution to the System for all members or affected group members or beneficiaries. The legislator stands to derive a direct financial benefit from passage of this legislation; however, **this benefit would presumably be no greater than the benefit derived by the many other members of the System throughout the state.** Therefore, in this example the legislator’s disclosure of membership in or being a beneficiary of the System on the Financial Disclosure Form would satisfy the requirements of the Ethics Guidelines’ disclosure provisions and the legislator would **not be required to file a Declaration of Intent Form or make a verbal disclosure.**

(2) The legislator’s spouse is a beneficiary of the **New Hampshire Retirement System** and the legislator has disclosed this financial interest in checklist category “(g) New Hampshire Retirement System” on the Financial Disclosure Form. In this hypothetical example, there is a bill to provide a cost of living adjustment in benefits only for certain members of group I of the System who retired as teachers prior to 1987. The legislator’s spouse would qualify to receive the cost of living adjustment provided in the bill. Because the legislator’s family member stands to **benefit directly from this specific legislation which affects only a small group**, or subset, of System beneficiaries, the legislator’s generic disclosure on the checklist form is inadequate. The legislator in this example must **file a specific Declaration of Intent Form and make a verbal disclosure.**

(3) The legislator is a developer and has disclosed this financial interest in checklist category “(d) Real estate, including brokers, agents, developers, and landlords.” There is a bill to construct a new exit ramp off of a state highway. The legislator owns a parcel of land the value of which would be directly affected by construction of the exit ramp. Because the legislator stands to benefit directly from this specific legislation, the legislator’s generic disclosure on the checklist form is inadequate. The legislator in this example **must file a specific Declaration of Intent and make a verbal disclosure.**

(4) The legislator attends a county delegation meeting where there is a budget proposal to appropriate county funds to a **nonprofit agency on which the legislator serves as a board member.** Because the legislator serves on the governing board of the nonprofit entity and presumably has a responsibility for the welfare of that entity, the legislator has a personal interest in whether the county appropriates funds to it. Accordingly, even if the legislator had no financial interest in the entity, the legislator **must file a specific Declaration of Intent Form and make a verbal disclosure.**

(5) The legislator’s spouse is a **public member of the pharmacy board**, which has requested a bill to allow pharmacists to administer vaccines. He has not disclosed her membership on the checklist because there is no financial interest involved. Because the board is advocating for this bill, however, there is a **personal interest.** The legislator in this example **must file a Declaration of Intent Form and make a verbal disclosure.**

Timing of Declaration of Intent filing

The requirement for filing a declaration of intent is triggered immediately when a legislator becomes aware that a conflict of interest exists or may exist with respect to any official activity the legislator is

about to undertake. An “official activity” is defined as any activity which relates to official responsibilities, including the introduction of legislation, testifying before any legislative committee or state agency, voting in committee or in house or senate session or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency. For purposes of introducing a bill, the declaration must be made prior to signing off as a sponsor or co-sponsor of a particular piece of legislation. The declaration of intent form must be filed with the clerk of the member’s respective body prior to the time of the official action.

The Committee recognizes that the application of any guideline to individual circumstances may pose questions not easily addressed in an interpretive ruling, which is general in nature. The Committee is available to provide advice with respect to specific situations as they arise.

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: 6-0]

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SENATE SCHEDULE

Wednesday, December 7, 2016	Organization Day
Monday, December 26, 2016	Christmas Day (State Holiday)
Monday, January 2, 2016	New Year’s Day (State Holiday)
Wednesday, January 4, 2017	Convening Day
Thursday, January 5, 2017	Inauguration Day
Monday, January 16, 2017	Martin Luther King Jr./Civil Rights Day (State Holiday)