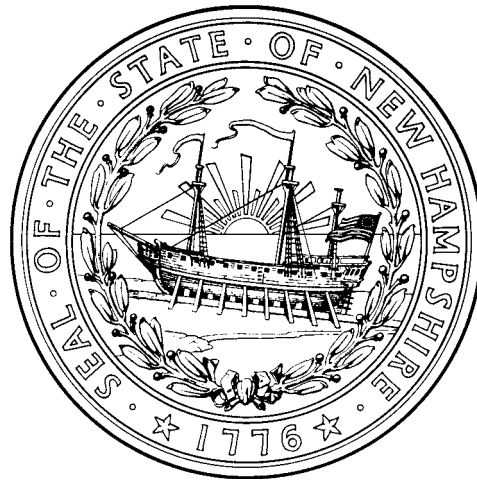


May 6, 2009
Nos. 13-14

STATE OF NEW HAMPSHIRE

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



161st Session of the New Hampshire General Court

Legislative Proceedings

SENATE JOURNAL

ADJOURNMENT – APRIL 29, 2009 SESSION

COMMENCEMENT – MAY 6, 2009 SESSION

SENATE JOURNAL 13 *(continued)*

April 29, 2009

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 45, extending the commission to review New Hampshire's statutes on human immunodeficiency virus education, prevention, and control.

SB 66-FN, relative to repealing the joint health council and changing the title of ARNPs.

SB 111, authorizing the governor to appoint a public member to the rail transit authority.

SB 127, making renewable energy facilities eligible for certain bonds issued by municipalities and business and industrial development authorities.

SB 165-FN, relative to fire equipment service certification.

SB 199, establishing a committee to study the training of public safety officials to respond to persons with mental illness.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 105, relative to voting machines for the counting of ballots.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

CACR 9, relating to term of office. Providing that beginning with the 2012 general election, there shall be a 4-year term of office for governor.

SB 82-FN, eliminating fees for plates and registration for certain veterans and authorizing purple heart special number plates for veterans on active duty.

SB 100-FN, relative to home improvement contracts.

SB 145-FN, relative to service on the retirement system board of trustees for certain board members.

INTRODUCTION OF HOUSE BILL

Sen. Hassan offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Resolution adopted.

First and Second Reading and Referral

HB 520, establishing a commission to study the death penalty in New Hampshire. (Judiciary)

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill:

SB 28, relative to annual dam registration fees for non-menace dams and notification to dam owners of downstream development.

HB 35, eliminating the office of vice-president from the presidential primary ballot.

HB 77, relative to continuing education requirements for licensed architects.

HB 93, relative to the minimum age for fighting sports competitions.

HB 116, relative to the membership of the legislative youth advisory council.

HB 141, authorizing towns and cities to accept any form of electronic payment.

HB 144, relative to title insurance.

HB 243, authorizing the designation of special assistant attorneys general.

HB 316, relative to expenditures by boards and commissions for costs of examinations of applicants.

HB 339, ratifying changes to the state building code adopted by the state building code review board and revising the definition of the state building code.

HB 497, relative to the automated external defibrillator advisory commission.

HB 544, relative to data collected by health care facilities.

HB 622, amending the hearing dates of the ballot law commission.

Sen. D'Allesandro moved adoption of Report of Committee on Enrolled Bills.

Report of Committee on Enrolled Bills adopted.

April 24, 2009

2009-1407-EBA

03/09

Enrolled Bill Amendment to SB 37

The Committee on Enrolled Bills to which was referred SB 37

AN ACT relative to release of a defendant pending trial.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 37

This enrolled bill amendment makes gender neutral revisions.

Enrolled Bill Amendment to SB 37

Amend RSA 597:2, II as inserted by section 1 of the bill by replacing lines 1-3 with the following:

II. The court or justice shall order the prearrestment or pretrial release of the person on his *or her* personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, subject to the condition that the person not commit a crime during the period of his *or her*

Adopted.

April 24, 2009

2009-1406-EBA

06/09

Enrolled Bill Amendment to SB 93

The Committee on Enrolled Bills to which was referred SB 93

AN ACT relative to the exemption from subsequent local land use regulation where substantial development has begun on an approved plan.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 93

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 93

Amend RSA 674:39, V as inserted by section 1 of the bill by replacing line 4 with the following:

building as described in subparagraph I(a) and every subdivision plat and site plan approved by the

Adopted.

April 14, 2009
2009-1324-EBA
05/10

Enrolled Bill Amendment to HB 483

The Committee on Enrolled Bills to which was referred HB 483

AN ACT establishing the developmental services quality council.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 483

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 483

Amend RSA 171-A:33, I(g) as inserted by section 1 of the bill by replacing line 1 with the following:

(g) Three representatives of local Family Support Councils, appointed by the state Family

Adopted.

April 13, 2009
2009-1321-EBA
05/09

Enrolled Bill Amendment to HB 545-FN

The Committee on Enrolled Bills to which was referred HB 545-FN

AN ACT relative to the wildlife damage control program in the fish and game department.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 545-FN

This enrolled bill amendment makes a technical correction to a session law reference.

Enrolled Bill Amendment to HB 545-FN

Amend section 4 of the bill by replacing line 1 with the following:

4 Repeal. 1999, 344:11 and 344:12, I, relative to the prospective repeal of the wildlife

Adopted.

Out of Recess.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Hassan moved that the Senate adjourn from the Late Session.

Motion adopted.

Adjournment from the Late Session.

SENATE JOURNAL 14

May 6, 2009

The Senate reconvened at 1 p.m., a quorum being present.

The Reverend Canon Charles Lafond, chaplain to the Senate, offered the following meditative thoughts and prayer:

In my opinion, of all the things in our culture with which we should be concerned, at the top, at least for me, rests individualism. When we cast off the “we” in exchange for the “I,” we begin to undermine what it means to be human and to share this relatively small planet in this relatively large cosmos. We know from

the flight of geese that when a leader tires, it rotates to the back of the formation; meanwhile the geese from the rear of the formation honk to encourage those at the front. Your affirmation of each other, your being community to each other – staff and Senate alike – will be your greatest antidote to exhaustion, fatigue and frustration. Let us pray:

God of all love, gently coax us out of our determination to do life alone and to do life successfully. Instead, gather us together so that with gentle smiles and a touch and a kind word we can exchange our individual expectations for our collective hopes. Amen

Sen. Gatsas led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Hassan introduced guests from Families in Transition: President Maureen Beauregard, the Reverend Gail Murphy, staff member Robin Abbott, and program family member four-year-old Riley, whereupon a presentation was made to President Sylvia Larsen by Families in Transition in honor and celebration of her dedicated service and support to individuals and children who are homeless in Concord, whereby the children's room at the Bicentennial Concord Program of Families in Transition shall be named the "Senate President Sylvia Larsen Children's Room," occasioned with an inscribed plaque and floral arrangement.

Sen. Gilmour introduced Sara Dillingham and David Stewart from Nashua High School North who are serving as Senate Pages for today's session.

President Larsen noted the presence of her husband, Bob Larsen.

COMMITTEE REPORTS

FINANCE REPORT

Sen. D'Allesandro reported that HB 467 and HB 658 will be reviewed by Finance Committee; HB 86, HB 211, HB 310, HB 423, HB 424, HB 585 and HB 600 will not be reviewed by Finance Committee. Finance review is also waived on HB 226.

HB 338, relative to definitions of electronic waste. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Merrill for the committee.

Energy, Environment and Economic Development

April 30, 2009

2009-1465s

08/09

Amendment to HB 338

Amend the bill by replacing sections 3-4 with the following:

3 Refuse Reduction; Certain Electronic Media Prohibited. Amend RSA 149-M:27, IV to read as follows:

IV.(a) No person shall dispose of any video display device, ***central processing unit of a computer, or non-mobile video display media recorder/player*** in any solid waste landfill or incinerator in New Hampshire after July 1, 2007.

(b) Owners or operators of such facilities shall not be found to have knowingly disposed of a video display device, ***central processing unit of a computer, or non-mobile video display media recorder/player*** if the facility has implemented mechanisms to avoid such disposal which shall include, at a minimum, posting of signs at the facility or providing written notification to, or agreements with, the facility's customers concerning the disposal prohibition.

4 Effective Date. This act shall take effect upon its passage.

2009-1465s

AMENDED ANALYSIS

This bill adds video display media recorder/players, and computers to the list of items that may not be placed in a landfill or incinerated.

This bill is a request of the commission to study electronic waste.

The question is on the adoption of Committee Amendment 1465s.

Committee Amendment 1465s adopted.**The question is on the motion of Ought to Pass with Amendment on HB 338.****Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.**

HB 423-FN-A-L, (New Title) requiring the department of environmental services to develop an outreach campaign to disseminate information on recycling materials, including electronic waste. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Merrill for the committee.

Energy, Environment and Economic Development**April 30, 2009****2009-1466s****08/09****Amendment to HB 423-FN-A-LOCAL**

Amend RSA 149-M:4,VIII-a as inserted by section 1 of the bill by replacing it with the following:

VIII-a. *“Electronic waste” includes computer monitors containing a cathode ray tube, laptop computers, liquid crystal display (LCD) computer monitors, plasma and LCD televisions, printers, cell phones, copiers, fax machines, and video display media recorder/players.*

The question is on the adoption of Committee Amendment 1466s.**Committee Amendment 1466s adopted.****The question is on the motion of Ought to Pass with Amendment on HB 423-FN-A-L.****Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.**

(Sen. Roberge suggested and prompted an expression of appreciation by the body for Chaplain Lafond’s providing dessert for the Senators during last session.)

HB 424-FN-A, relative to the land use change tax. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Cilley for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 424-FN-A.**Motion of Ought to Pass adopted, bill ordered to Third Reading.**

HB 585-FN, relative to outdoor lighting efficiency. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Energy, Environment and Economic Development**April 30, 2009****2009-1464s****08/05****Amendment to HB 585-FN**

Amend RSA 9-D:2, III(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The governing body of a municipality may waive the provisions of subparagraphs (a) and (b) when, after written notice from the public utility company 30 days prior to the installation or replacement of the luminaire, the governing body determines that a waiver is necessary for the lighting application. Such notice shall be in such form as the governing body shall prescribe and may include a description of the lighting plan and a description of the efforts that have been made to comply with the provisions of RSA 9-D:3. The governing body may consider design safety, costs, and other factors deemed appropriate by the governing body.

Amend RSA 9-D:4 as inserted by section 1 of the bill by replacing it with the following:

9-D:4 Part-Night Rate for Roadway and Area Lighting. To encourage cost savings and energy conservation, the public utilities commission shall, subject to its ratemaking authority under RSA 378, develop a rate for part-night or midnight service for unmetered street or area lighting. Such a rate shall be revenue neutral with respect to utility distribution revenue.

2009-1464s**AMENDED ANALYSIS**

This bill:

I. Establishes requirements for the state and municipal purchase of outdoor lighting systems.

II. Establishes the “New Hampshire dark skies” policy to encourage outdoor lighting efficiency at the municipal level.

III. Requires the public utilities commission to establish requirements for an electric utility rate for partial night use of outdoor lighting systems.

IV. Requires the department of transportation to review criteria for roadway lighting to maximize efficiency and cost savings.

The question is on the adoption of Committee Amendment 1464s.

Committee Amendment 1464s adopted.

The question is on the motion of Ought to Pass with Amendment on HB 585-FN.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 85-FN-A, establishing the women, infants and children program fund. Finance Committee. Ought to Pass, Vote 6-0. Senator Hassan for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 85-FN-A.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 403, clarifying the intent of a transfer of general funds to the highway fund. Finance Committee. Ought to Pass, Vote 6-0. Senator Janeway for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 403.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 671-FN, amending the motorist service signing program to allow the department of transportation to charge a fee for attraction signs. Finance Committee. Ought to Pass, Vote 6-0. Senator Janeway for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 671-FN.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 467-FN, relative to the review and adjustment of child support orders. Health & Human Services Committee. Ought to Pass, Vote 4-1. Senator Downing for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 467-FN.

Motion of Ought to Pass adopted, bill ordered to Committee on Finance (Rule 26).

HB 501, relative to recovery of assistance by the department of health and human services. Health & Human Services Committee. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

MOTION TO TABLE

Sen. Gilmour moved HB 501 be laid on the table.

The question is on the motion to table HB 501.

Motion adopted.

LAID ON THE TABLE

HB 501, relative to recovery of assistance by the department of health and human services.

HB 658-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF). Health & Human Services Committee. Ought to Pass, Vote 4-1. Senator Kelly for the committee.

MOTION TO TABLE

Sen. Kelly moved HB 658-FN be laid on the table.

The question is on the motion to table HB 658-FN.

Motion adopted.

LAID ON THE TABLE

HB 658-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF).

Recess/Out of Recess.

HB 310-FN, relative to reimbursement of mileage for judges and marital masters. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Reynolds for the committee.

Sen. Reynolds offered a floor amendment.

Sen. Reynolds, Dist. 2

Sen. Hassan, Dist. 23

May 6, 2009

2009-1523s

03/09

Floor Amendment to HB 310-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to reimbursement of mileage for judges and marital masters and relative to civil marriage and civil unions.

Amend the bill by replacing all after section 5 with the following:

6 New Section; Solemnization of Marriage; Applicability. Amend RSA 457 by inserting after section 31-a the following new section:

457:31-b Solemnization of Marriage; Applicability.

I. Nothing contained in this chapter shall affect the right of Jewish Rabbis residing in this state, or of the people called Friends or Quakers, to solemnize marriages in the way usually practiced among them, and all marriages so solemnized shall be valid. Jewish Rabbis residing out of the state may obtain a special license as provided by RSA 457:32.

II. Nothing in this chapter shall be construed to prohibit a person authorized to solemnize a marriage in a religious ceremony from solemnizing a marriage in a civil ceremony.

7 Affirmation of Freedom of Religion in Marriage. Amend RSA 457:37 to read as follows:

457:37 Affirmation of Freedom of Religion in Marriage.

I. Members of the clergy as described in RSA 457:31 or other persons otherwise authorized under law to solemnize a marriage shall not be obligated or otherwise required by law to officiate at any particular civil marriage or religious rite of marriage in violation of their right to free exercise of religion protected by the First Amendment to the United States Constitution or by part I, article 5 of the New Hampshire constitution.

II. No religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, shall be required to participate in a ceremony solemnizing marriage in violation of the religious beliefs of such organization, association, or society.

8 Contingency. If HB 436-FN-LOCAL of the 2009 regular legislative session becomes law, sections 6 and 7 of this act shall take effect January 1, 2010 at 12:01 a.m. and section 9 of HB 436-FN-LOCAL, relative to the repeal of civil unions, shall, notwithstanding section 10 of HB 436-FN-LOCAL, take effect January 1, 2011. If HB 436-FN-LOCAL of the 2009 regular legislative session does not become law, sections 6 and 7 of this act shall not take effect.

9 Effective Date.

I. Sections 1-5 of this act shall take effect 60 days after its passage.

II. Sections 6-7 of this act shall take effect as provided in section 8 of this act.

III. The remainder of this act shall take effect upon its passage.

The question is on the adoption of Floor Amendment 1523s.

A roll call was requested by Sen. Barnes, seconded by Sen. Bragdon.

The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 10

Floor Amendment 1523s adopted.

Sen. Bragdon moved to divide the question; the Chair ruled the question divisible.

The question is on the motion of Ought to Pass as Amended, sections 1-5, on HB 310-FN.

A roll call was requested by Sen. Gatsas, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Reynolds, Bradley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Motion of Ought to Pass as Amended, Sections 1-5, adopted, on HB 310-FN.

The question is on the motion of Ought to Pass as Amended, sections 6-9, on HB 310-FN.

A roll call was requested by Sen. Barnes, seconded by Sen. Bragdon.

The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 10

Motion of Ought to Pass as Amended, Sections 6-9, adopted, on HB 310-FN.

Bill ordered to Third Reading.

HB 86, (New Title) allowing towns to issue citations and accept pleas by mail for local ordinance violations. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator Houde for the committee.

Public and Municipal Affairs

April 30, 2009

2009-1459s

10/05

Amendment to HB 86

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Powers of Towns; Enforcement of Ordinances. Amend RSA 31 by inserting after section 39-b the following new sections:

31:39-c Administrative Enforcement of Ordinances. Notwithstanding any other provision of law, a town may use the following provisions in the enforcement of its ordinances and regulations:

I. Any town may establish, by ordinance adopted by the legislative body, a system for the administrative enforcement of violations of any municipal code, ordinance, bylaw, or regulation and for the collection of penalties, to be used prior to the service of a formal summons and complaint. Such a system may be administered by a police department or other municipal agency. The system may include opportunities for persons who do not wish to contest violations to pay such penalties by mail. The system may also provide for a schedule of enhanced penalties the longer such penalties remain unpaid; provided, however, that the penalty for any separate offense shall in no case exceed the maximum penalty for a violation as set forth in RSA 31:39, III.

II. A written notice of violation containing a description of the offense and any applicable schedule of penalties, delivered in person or by first-class mail to the last-known address of the offender, shall be deemed adequate service of process for purposes of any administrative enforcement system established under paragraph I.

III. If the administrative enforcement system established under paragraph II is unsuccessful at resolving alleged violations, or in the case of a town that has not established such a system, a summons may be issued as otherwise provided by law, including use of the procedure for plea by mail set forth in RSA 31:39-d.

31:39-d Local Ordinance Citations; Pleas by Mail. In addition to any other enforcement procedure authorized by law, and regardless of whether a town has adopted an administrative enforcement procedure under RSA 31:39-c, a local official with authority to prosecute an offense under any municipal code, ordinance, bylaw, or regulation, if such offense is classified as a violation under applicable law, may issue and serve

upon the defendant, in addition to a summons to appear in the district court, a local ordinance citation as set forth in this section. The defendant receiving such a citation may plead guilty or nolo contendere by mail by entering that plea as provided herein. If such a plea is accepted by the district court and the prescribed fine is paid with the plea by mail, the defendant shall not be required to appear personally or by counsel; otherwise the defendant shall appear as directed by the court. The following procedure shall be used:

I. Notwithstanding any other provision of law, a complaint and summons may be served upon the defendant by postpaid certified mail, return receipt requested. Return receipt showing that the defendant has received the complaint and summons shall constitute an essential part of the service. If service cannot be effected by certified mail, then the court may direct that service on the defendant be completed as in other violation complaints.

II. The local ordinance citation shall contain:

- (a) The caption: "Local Ordinance Citation, Town (City) of _____".
- (b) The name of the offender, and address if known to the prosecuting official.
- (c) The code, ordinance, bylaw, or regulation the offender is charged with violating.
- (d) The act or circumstances constituting the violation.
- (e) The place of the violation.
- (f) The date, if any, upon which the offender received written notice of the violation by the municipality.
- (g) The time and date, if any, upon which any further violation or continuing violation was witnessed subsequent to such written notice.
- (h) The amount of the penalty that is payable by the offender. If the offense is a continuing one for which a penalty is assessed for each day the offense continues, the amount of the penalty shall be based on the number of days the violation has continued since the time notice was given to the offender, up to a maximum of 10 days' violation charged in one citation.
- (i) Instructions informing the defendant that the defendant may answer the citation by mail or may personally appear in court upon the date on the summons, and instructing the defendant how to enter a plea by mail, together with either the amount of the penalty specified in the citation, or a request for a trial.
- (j) The address of the clerk of the district court where the plea by mail may be entered.
- (k) A warning to the defendant that failure to respond to the citation on or before the date on the summons may result in the defendant's arrest as provided in paragraph V.
- (l) The signature of the prosecuting official.

III. Defendants who are issued a summons and local ordinance citation and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the civil penalty, as set forth in the citation, to the clerk of the court prior to the arraignment date, or shall appear in court on the date of arraignment.

IV. Civil penalties collected by the district court under this section shall be remitted to the municipality issuing the citation. Whenever a defendant (a) does not enter a plea by mail prior to the arraignment day and does not appear personally or by counsel on or before that date or move for a continuance; or (b) otherwise fails to appear for a scheduled court appearance in connection with a summons for any offense, the defendant shall be defaulted and the court shall determine what the civil penalty would be upon a plea of guilty or nolo contendere and shall impose an administrative processing fee in addition to the civil penalty. Such fee shall be the same as the administrative processing fee under RSA 502-A:19-b, and shall be retained by the court for the benefit of the state.

V. The court may, in its discretion, issue a bench warrant for the arrest of any defendant who:

- (a) Is defaulted in accordance with the provisions of paragraph IV of this section;
- (b) Fails to pay a fine or other penalty imposed in connection with a conviction for a violation of a local code, ordinance, bylaw, or regulation which a court has determined the defendant is able to pay, or issues a bad check in payment of a fine or other penalty; or
- (c) Fails to comply with a similar order on any matter within the court's discretion.

VI. For cause, the court in its discretion may refuse to accept a plea by mail and may impose a fine or penalty other than that stated in the local ordinance citation. The court may order the defendant to appear personally in court for the disposition of the defendant's case.

VII. The prosecuting official may serve additional local ordinance citations, without giving additional written notice or appeal opportunity under paragraph I, if the facts or circumstances constituting the violation continue beyond the date or dates of any prior citation. A plea of guilty or nolo contendere to the prior citation shall not affect the rights of the defendant with respect to a subsequent citation.

VIII. Forms and rules for the local ordinance citation and summons shall be developed and adopted by the New Hampshire supreme court.

IX. This section is not intended in any way to abrogate other enforcement actions or remedies in the district or superior court, nor to require written notice as a prerequisite to other types of actions or remedies for violations of local codes, ordinances, bylaws, or regulations.

X. This section shall not apply to offenses that are subject to enforcement under RSA 676, or to motor vehicle offenses under title XXI or any local law enacted thereunder.

2 Powers of City Councils; Bylaws and Ordinances. Amend the introductory paragraph of RSA 47:17 to read as follows:

47:17 Bylaws and Ordinances. The city councils shall have power to make all such salutary and needful bylaws as towns and the police officers of towns and engineers or firewards by law have power to make and to annex penalties, not exceeding \$1,000, for the breach thereof; and may make, establish, publish, alter, modify, amend and repeal ordinances, rules, regulations, and bylaws for the [following] purposes ***stated in this section. Provisions in this section granting authority to establish and collect fines for certain violations shall not be interpreted to limit the authority hereunder to establish and collect fines for any other violations:***

3 Powers of City Councils; Bylaws and Ordinances; Nuisances; Garbage. Amend RSA 47:17, XIV to read as follows:

XIV. NUISANCES. To abate and remove nuisances; to regulate the location and construction of slaughterhouses, tallow chandlers' shops, soap factories, tanneries, stables, barns, privies, sewers, and other unwholesome or nauseous buildings or places, and the abatement, removal or purification of the same by the owner or occupant; to prohibit any person from bringing, depositing, or having within the city any dead carcass or other unwholesome substance; to provide for the removal or destruction, by any person who shall have the same upon or near such person's premises, of any such substance, or any putrid or unsound beef, pork, fish, hides, or skins, and, on such person's default, to authorize the removal or destruction thereof by some officer of the city; to authorize and provide for the collection, removal, and destruction of garbage and other waste material, to make necessary regulations relative thereto, and to provide for payment therefor by assessment, or appropriation, or both. ***A municipality may create fines for violations related to garbage and other waste material regulations and a procedure for the administrative enforcement of such violations and collection of penalties as provided in RSA 48-A:8, VI, or in any other manner authorized by law.***

4 New Section; Powers of City Councils; Bylaws and Ordinances; Enforcement. Amend RSA 47 by inserting after section 17-a the following new section:

47:17-b Enforcement of Bylaws and Ordinances. In addition to any other enforcement procedure authorized by law, any city code, ordinance, bylaw, or regulation may be enforced pursuant to the procedures established in RSA 31:39-c, RSA 31:39-d, or both, subject to the provisions and limitations thereof.

5 New Paragraph; Housing Standards; Ordinances, Codes, or Bylaws; Penalties for Violations. Amend RSA 48-A:8, IV and V to read as follows:

IV. To appoint and fix the duties of such officers, agents and employees as deemed necessary to carry out the purposes of such ordinance, code or bylaw; [and]

V. To delegate any of its functions under such ordinance to such officers as it may designate[-]; ***and***

VI. To establish penalties for violations of such ordinance, code, or bylaw, which shall be in addition to any other remedies provided under this chapter. The penalty for any separate offense shall not exceed the maximum penalty permitted under RSA 47:17, and may be enforced pursuant to the procedure established in RSA 31:39-c, RSA 31:39-d, or both, subject to the provisions and limitations thereof, or in any other manner authorized by law. For purposes of any fines imposed hereunder, each day that a violation of the ordinance, code, or bylaw continues shall be considered a separate offense.

6 Effective Date. This act shall take effect January 1, 2010.

The question is on the adoption of Committee Amendment 1459s.

Committee Amendment 1459s adopted.

The question is on the motion of Ought to Pass with Amendment on HB 86.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 88, prohibiting filing with the registry of deeds a document that includes an individual's armed forces service number. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Houde for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 88.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 156-L, authorizing planning boards to require third party review and inspection. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 156-L.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 320-L, relative to agreements between central business service districts and municipalities for infrastructure improvements. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator DeVries for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 320-L.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 211-FN, relative to drivers' licenses and relative to the definition of "drivers' school." Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 211-FN.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 515, (New Title) establishing a commission to study alternate fuel vehicles. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 4-0. Senator Letourneau for the committee.

Transportation and Interstate Cooperation

April 30, 2009

2009-1463s

03/01

Amendment to HB 515

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) The commissioner of transportation, or designee.

(d) The commissioner of safety, or designee.

(e) The commissioner of environmental services, or designee.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

The question is on the adoption of Committee Amendment 1463s.

Committee Amendment 1463s adopted.

The question is on the motion of Ought to Pass with Amendment on HB 515.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

HB 170, relative to reporting requirements for certain dedicated funds in the department of safety. Ways and Means Committee. Ought to Pass, Vote 7-0. Senator Reynolds for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 170.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

HB 600-FN, relative to dedicated funds maintained by the state treasurer. Ways and Means. Ought to Pass, Vote 7-0. Senator Janeway for the committee.

The question is on the adoption of committee recommendation of Ought to Pass on HB 600-FN.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

**MOTION OF ADOPTION
OF PROPOSED AMENDMENTS TO LEGISLATURE'S ETHICS GUIDELINES**

Sen. Merrill moved to adopt the proposed amendments to the NH Legislature's Ethics Guidelines:

LEGISLATIVE ETHICS COMMITTEE

PROPOSED AMENDMENTS TO THE ETHICS GUIDELINES

Following a public hearing on April 13, 2009, the Legislative Ethics Committee unanimously voted to adopt recommendations for changes to the Legislature's Ethics Guidelines, and to distribute the recommendations to the membership of New Hampshire's Senate and House of Representatives.

The Legislature's Ethics Guidelines have been in force since 1992. The Committee is charged by law with recommending changes to the Guidelines, which are then put to approval votes in the House and Senate.

Changes currently recommended by the Committee are designed to harmonize the Guidelines with laws adopted by the Legislature in recent sessions regulating acceptance of gifts, honoraria and expense reimbursements. Those laws generally prohibit legislators from accepting gifts in connection with their official duties, subject to certain specific exceptions. They also limit legislators' acceptance of other payments in the form of honoraria or reimbursement of expenses.

Previously, the Guidelines regulated acceptance of gifts and other payments in more general terms. Incorporating the recent, more specific statutory provisions into the Guidelines is designed to reduce potential for confusion and to make the Guidelines a handy single source of information for legislators and the public.

Specifically, Committee's recommended changes include:

- adopting statutory definitions of "expense reimbursement," "family member," "gift," "honorarium," and "official business;"
- incorporating statutory requirements for reporting acceptance of expense reimbursements, honoraria, and meals with a value greater than \$25 consumed at meetings for discussion of official business; and imposing on such meals an annual aggregate limit of \$250 from a single source;
- simplifying the definition of "financial interest;"
- simplifying the form for financial disclosure by legislators, (which may be further simplified by currently pending legislation).

In accordance with RSA 14-B:3, II, the Committee respectfully requests that the Senate and House vote to approve the proposed amendments.

Legislative Ethics Committee

Explanation: Matter added to the current guidelines appears in ***bold italics***.

Matter removed from the current guidelines appears ~~[in brackets and struckthrough]~~.

ETHICS GUIDELINES

SECTION 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.

SECTION 2 DEFINITIONS

I. "Anything Of Value" includes but is not limited to the following:

- (a) A pecuniary item, including money, or a bank bill or note;
- (b) A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
- (c) A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
- (d) A stock, bond, note, or other investment interest in an entity;
- (e) A receipt given for the payment of money or other property;
- (f) A cause of action;
- (g) A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
- (h) A loan or forgiveness of indebtedness;
- (i) A work of art, antique, or collectible;
- (j) An automobile or other means of personal transportation;
- (k) Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
- (l) A promise of employment or continued employment;
- (m) A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as a public official or public employee, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public.

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

III. "Expense Reimbursement" shall mean any price, charge, fee, expense, or other cost which is waived, forgiven, reduced, prepaid, or reimbursed in any form for the reasonable expenses of attendance, registration, travel, meals, or lodging related to a bona fide conference, meeting, seminar or educational or informational program, when the source of such reimbursement is other than the state, a county, or the United States of America.

IV. "Family Member" shall mean any person related to and living in the same domicile as a legislator, legislative officer, or legislative employee who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.

~~HH.~~ V. "Financial Interest" is a reasonably foreseeable direct material financial effect ~~[, distinguished from its effect on the public generally, on the legislator or his or her spouse]~~ **which is greater on the legislator, legislative officer, legislative employee, or a family member than on the general public.**

VI. (a) "Gift" shall mean:

(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 mean:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) Expense reimbursement or an honorarium.

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

VII. "Honorarium" means a payment in any form to a legislator, legislative officer, or legislative employee for an appearance, speech, written article or other document, service as a consultant or advisor, or participation in a discussion group or similar activities. Honorarium does not include a payment for such activities for which the person is being compensated by the state, a county, the United States of America, or by any other employer or client, where the activity giving rise to the honorarium is not related to or associated with any public office or government employment.

~~IV.~~ **VIII.** "Immediate Family" includes a spouse, guardian, parent, sibling, child or dependent.

~~[V.]~~ IX. "Legislation" is a bill, resolution or constitutional amendment.

~~[VI.]~~ X. "Official Activities" is the conduct of activities which relate 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.

XI. "Official Business" means, for legislators, legislative officers, and legislative employees, the discussion or transaction of legislative business, namely, any official action or non-action with regard to any potential pending or existing bill, resolution, amendment, report, or study, any other matter pending or proposed in a committee or in either house of the general court, or an issue of public policy which is or may be the subject of legislative attention, or any other matter which is within the official jurisdiction or cognizance of the general court.

SECTION 3

LEGISLATOR'S FINANCIAL DISCLOSURE FORM

{NOTE: IF 2009, SB155 BECOMES LAW, THE FORM PRESCRIBED IN THIS SECTION SHALL BE REPLACED IN ITS ENTIRETY WITH THE FINANCIAL DISCLOSURE FORM PRESCRIBED BY SB155}

Every representative, senator, and officer of the House and Senate, shall file with the Legislative Ethics Committee the following financial disclosure form ~~[on or before January 31 of each year]~~ **annually no later than the third Friday in January.**

FINANCIAL DISCLOSURE FORM FOR STATE SENATORS, STATE REPRESENTATIVES AND OFFICERS OF THE GENERAL COURT

Required by the Legislative Ethics Committee (RSA 14-B)

Name of Legislator/Officer _____
(print name)

Address _____
street town/city zip code

Office _____ County/District _____ Telephone Number _____

I. Sources of Income

Identify below the name, address, and type of any professional, business, or other organization (including any unit of government) in which you **or a family member** are or were an **employee**, officer, director, associate, partner, proprietor, ~~[employee,]~~ or member, or served in any **professional or** advisory capacity, from which you **or a family member** derived any income (including retirement benefits other than federal retirement and/or disability benefits) in excess of \$10,000 during the preceding calendar year. **For purposes of this form a "family member" means a person related to you and living in the same domicile as you and who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.**

1) a) Name of organization _____

b) Address of organization _____

c) Type of organization _____

2) a) Name of organization _____

b) Address of organization _____

c) Type of organization _____

3) a) Name of organization _____

b) Address of organization _____

c) Type of organization _____

(attach additional sheets if necessary)

[Please note: every State Senator, State Representative, and Officer of the General Court is required to file this form. If you feel that your income during the preceding calendar year does not qualify for disclosure according to the criteria stated above, signify by checking on the line below.]

If you or a family member had no qualifying income, indicate by writing your initials on the following statement.

[My income does not qualify _____]

My or my family member's income does not qualify -----.

~~[H. COMPLETION OF THIS SECTION IS OPTIONAL.]~~

~~[Disclosure and description below of your financial interest may eliminate the need to follow the conflict of interest procedure established in Section 5 of the Ethics Guidelines. If your participation in an official activity creates a conflict of interest not disclosed by the information on this form, you must complete and file a Declaration of Intent Form in accordance with Section 5 of the Ethics Guidelines. See Section 5 of the Ethics Guidelines for information regarding particular conflicts of interest that you may have.]~~

~~[FOR THIS SECTION, "FINANCIAL INTEREST" MEANS THAT A CHANGE IN THE LAW DEALING WITH ANY OF THESE SUBJECTS LISTED BELOW WOULD POTENTIALLY HAVE A GREATER FINANCIAL EFFECT ON YOU OR YOUR SPOUSE THAN IT WOULD ON THE GENERAL PUBLIC.]~~

II. Disclosure of Financial Interests

Identify and describe below any financial interest you or a family member may have. An individual has a reportable financial interest in a business, profession, occupation, group or matter listed in this section if a change in law, administrative rule, or other official action by the general court affecting the listed business, profession, occupation, group, or matter would potentially have a greater financial effect on the individual reporting the financial interest or that individual's family member than it would on the general public.

Please note: If your participation in an official activity creates a conflict of interest not disclosed by the information on this form, you must complete and file a Declaration of Intent Form in accordance with section 5 of the Ethics Guidelines. See section 5 of the Ethics Guidelines for information regarding particular conflicts of interest you may have.

Do you or [your spouse] ***a family member*** have a financial interest, as defined above, in any of the following businesses, professions, occupations, groups, or matters? ***For purposes of this form a "family member" means a person related to you and living in the same domicile as you and who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.*** Check any of the following which apply and describe the nature of your or your [spouse's] ***family member's*** financial interest:

☐ (a) any profession, occupation, or business licensed or certified by the State of New Hampshire

☐ (b) health care

☐ (c) insurance

☐ (d) real estate, including brokers, agents, developers, and landlords

☐ (e) banking or financial services

- ☐ (f) State of New Hampshire, county or municipal employment

- ☐ (g) the New Hampshire Retirement System

- ☐ (h) the current use land assessment program

- ☐ (i) restaurants and lodging

- ☐ (j) the sale and distribution of alcoholic beverages

- ☐ (k) the practice of law

- ☐ (l) any business regulated by the Public Utilities Commission

- ☐ (m) horse or dog racing, or other legal forms of gambling

- ☐ (n) education

- ☐ (o) water resources

- ☐ (p) agriculture

- ☐ (q) New Hampshire taxes: ☐ Business Profits Tax, ☐ Business Enterprise Tax,
☐ Interest and Dividends Tax

- ☐ (r) other

I hereby swear or affirm that [T]the foregoing information is true ***and complete*** to the best of my knowledge and belief.

Signature of Legislator/Officer

Complete and return to the Legislative Ethics Committee no later than ~~[January 31, _____]~~ ***the third Friday in January.***

{NOTE: If Senate Bill 155 of the 2009 legislative session becomes law, then section 3 of these guidelines shall be replaced with the following:}

SECTION 3 LEGISLATOR'S FINANCIAL DISCLOSURE FORM

Every representative, senator, and officer of the House and Senate, shall file with the Legislative Ethics Committee ~~{the following}~~ **a financial disclosure form *pursuant to RSA 14-B:8 annually* ~~[on or before January 31 of each year]~~ *no later than the third Friday in January.***

{NEW FORM TO BE SET FORTH IN FULL IN THIS SECTION FOR CONVENIENT REFERENCE}

SECTION 4 PROHIBITED ACTIVITIES

I. Legislators shall not solicit, accept, or agree to accept anything of value from another for themselves or other persons, if the legislator receives such thing of value:

(a) Knowing or believing the other's purpose to be the influencing of an action, decision, opinion, recommendation, or other official activity.

(b) Knowing or believing that the giver is or is likely to become subject to or interested in any matter or action pending before or contemplated by the ~~[giver or another member of the legislature]~~ ***legislator or the General Court.***

(c) In return for advice or other assistance relating to a legislator's official activities.

(d) In return for introducing 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.

(e) In return for an endorsement, nomination, appointment, approval or disapproval of any person for a position as, or advancement of, a public servant.

(f) In return for having given a decision, opinion, recommendation, nomination, vote, or other official activity.

(g) In violation of RSA 15-B.

II. Legislators shall not:

(a) Reveal information which the legislator has obtained confidentially in the course of his official activities.

(b) Reveal information about state agency operations or decisions which the legislator would not reveal to any member of the general public requesting such information.

(c) Threaten reprisals or promise inducements of any kind to influence another so as to obtain special personal benefits for the legislator, the legislator's immediate family, or for certain constituents which would not be available to others under similar conditions.

(d) Conduct private negotiations with any governmental agency in an attempt to obtain a decision on a pending matter which would result in special personal benefit to the legislator, to the legislator's immediate family, or to certain constituents which would not be available to others under similar conditions.

III. Legislators shall not use their public position or office to obtain anything of value for the private benefit of the legislator or the legislator's immediate family.

IV. Legislators shall not use state-provided services or facilities for private gain.

V. Legislators shall not become involved in any official activity without complying with the conflict of interest procedure set forth in this document.

VI. Legislators shall not engage in conduct that constitutes sexual harassment as defined in RSA 14-B:1.

VII. Nothing in this section on prohibited activities should be construed to prohibit the following:

(a) The giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign.

(b) Assistance to constituents in their dealings with state agencies.

(c) Advocacy of a particular outcome on matters pending before a state agency when the legislator believes such a decision would benefit the general public or the legislator's constituents generally.

(d) Submission by a legislator of recommendations or references on behalf of a candidate for state employment when the legislator believes the candidate is qualified to be a suitable public employee.

~~[(e) Acceptance of awards, prizes or other honors of a minimal value.]~~

~~[(f) Acceptance of anything of value the receipt of which would otherwise be a violation of this section where the value is less than \$250.00 in aggregate from any single source during any calendar year.]~~

~~[(g)]~~ (e) Acceptance of **expense** reimbursement ~~[or underwriting of actual]~~ **for the reasonable** expenses for **attendance**, registration, travel, **meals, and** lodging~~[-, and subsistence directly]~~ related to ~~[attendance at]~~ a bona fide **conference, meeting, seminar, or educational or** informational ~~[or educational conference, seminar, or meeting.]~~ **program related to the legislator's office** so long as disclosure of any such reimbursement ~~[or underwriting, including the identity of the primary sponsor or sponsors and including financial contributors,]~~ is made ~~[within 15 calendar days of the legislator's return from such conference (if expenses are underwritten) or, within 15 calendar days of reimbursement]~~ **no later than the last day of the month following the month during which the expense reimbursement was received.** This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B. **This provision shall not be construed to require reporting of an expense reimbursement made by an organization to which the general court pays dues, when the prepayment, underwriting or reimbursement is provided because of the dues paid.**

(f) **Acceptance of an honorarium so long as disclosure is made no later than the last day of the month following the month during which the honorarium was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.**

(g) **Acceptance of meals or beverages with a value of greater than \$25 consumed at a meeting or event the purpose of which is to discuss official business so long as disclosure is made no later than ten (10) days following the meeting or event at which the meals or beverages were consumed. This disclosure shall be filed in a report in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.**

(h) **Acceptance of anything permitted to be accepted pursuant to RSA 15-B, except that acceptance of meals or beverages as permitted by subparagraph (g) shall be limited to \$250 in the aggregate from any single source during any calendar year.**

SECTION 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.

SECTION 6

LEGISLATIVE EMPLOYEE CODE OF CONDUCT

I. General Principles of Conduct.

(a) A legislative employee or officer should view his or her work for the General Court as a public service and should strive to promote the common good of the citizens of the State of New Hampshire through the devotion of his or her professional talents and energies to the support of the General Court in its mission as the representative of the citizens of this state.

(b) A legislative employee or officer should act in a way that makes him or her worthy of the trust the General Court places in staff members and officers.

(c) A legislative employee or officer should provide objective advice, information, and alternatives to legislators, independent of the employee's or officer's personal beliefs or interests or the interests of third parties. A legislative employee or officer should avoid activities that conflict with this objectivity or give the appearance of conflict.

(d) A legislative employee or officer should treat all legislators with dignity and respect, and provide services of equal quality to the employee's or officer's appropriate legislative clientele.

II. Definitions.

(a) "Legislative Employee" includes all house, senate, and joint staff whether employed on a part-time, full-time, permanent or temporary basis.

(b) "Legislative Officer" includes those employees of the House and Senate who are elected by members of the General Court.

III. Prohibited Activities.

(a) A legislative employee or officer shall not violate the provisions of RSA 15-B.

~~{(a)}~~ ***(b)*** A legislative employee or officer shall not accept any gift from givers who wish to influence the work activities of the employee or officer.

(c) A legislative employee or officer shall not accept any employment or serve in any position, in addition to legislative employment, which would impair the employee's or officer's independence of judgment.

(d) Except within the scope of employment, a legislative employee or officer shall not provide any service to a lobbyist or any other person with a direct personal interest in any matter or action pending before the General Court.

(e) Nothing in this paragraph should be construed to prohibit the following:

- (1) Acceptance of awards, prizes, honors, or gifts of a minimal value.
- (2) Acceptance of informational material relevant to the employee's or officer's official function, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.
- (3) Acceptance of ***expense*** reimbursement ~~{or underwriting of actual}~~ ***for the reasonable*** expenses for ***attendance***, registration, travel, ***meals, and*** lodging~~[-, and subsistence directly]~~ related to ~~[attendance at]~~ a bona fide ***conference, meeting, seminar, or educational or*** informational ~~[or educational conference, seminar, or meeting,]~~ ***program related to the legislative employee's or officer's employment*** so long

as disclosure of any such reimbursement [~~or underwriting, including the identity of the primary sponsor or sponsors and including financial contributors,~~] is made [~~to the joint committee on legislative facilities or the fiscal committee of the general court as appropriate within 15 calendar days of the employee's or officer's return from such conference (if expenses are underwritten) or within 15 calendar days of reimbursement~~] ***no later than the last day of the month following the month during which the expense reimbursement was received.*** This disclosure shall be ***filed in the Office of the Secretary of State and shall be*** in a form prescribed [~~by the above-cited committees and shall be made available to the public upon request~~] ***in RSA 15-B. This provision shall not be construed to require reporting of an expense reimbursement made by an organization to which the general court pays dues, when the prepayment, underwriting or reimbursement is provided because of the dues paid.***

(4) Acceptance of an honorarium so long as disclosure is made no later than the last day of the month following the month during which the honorarium was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.

(5) Acceptance of meals or beverages with a value of greater than \$25 consumed at a meeting or event the purpose of which is to discuss official business so long as disclosure is made no later than ten (10) days following the meeting or event at which the meals or beverages were consumed. This disclosure shall be filed in a report in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.

(6) Acceptance of anything permitted to be accepted pursuant to RSA 15-B, except that acceptance of meals or beverages as permitted by subparagraph (e)(5) shall be limited to \$250 in the aggregate from any single source during any calendar year.

~~[(b)]~~ ***(f)*** A legislative employee or officer shall not use or attempt to use the employee's or officer's official position to (a) personally obtain any privilege, exemption, special treatment or any other thing of value, or (b) obtain any such benefit for others except as required to perform duties within the scope of employment.

~~[(c)]~~ ***(g)*** A legislative employee or officer shall not accept or solicit anything of value for the private benefit of the employee or officer or the employee's or officer's immediate family under circumstances in which it can be reasonably inferred that the legislative employee's or officer's independence of judgment is impaired or is intended as a reward for any official action.

~~[(d)]~~ ***(h)*** A legislative employee or officer shall not use state-provided services or facilities for private gain.

~~[(e)]~~ ***(i)*** A legislative employee or officer shall not disclose confidential information acquired by reason of the employee's or officer's official position to any person or group not entitled to receive such information, nor shall the employee or officer use such information for personal gain or benefit or for the benefit of others.

~~[(f)]~~ ***(j)*** A legislative employee or officer shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the employee's or officer's supervisory officer.

IV. Disclosure Procedure. When a legislative employee or officer becomes aware that his or her participation in a particular activity presents a conflict of interest or conflicts with his or her objectivity or gives the appearance of a conflict, the employee or officer shall immediately make disclosure of this fact to his or her supervisory officer. All such reports shall be forwarded to the Chief of Staff of the House, the Chief of Staff of the Senate, the Director of the Office of Legislative Services, or Legislative Budget Assistant, as appropriate.

The question is on the adoption of the proposed amendments to NH Legislature's Ethics Guidelines.

Motion adopted.

(UNH and PSU Senate Interns for the 2009 Session were recognized by President Larsen, presenting each with a gift of appreciation and good wishes to all: Dan Bayley, Dan Callahan, Stacy Clark, Lindsey Dupont, Noah Hertzler, Ryan Harrington and Gene Martin.)

("Happy Birthday" sung by the body in observance of Sen. Gilmour's birthday.)

Recess/Out of Recess.

HOUSE MESSAGE

The Clerk read the following Message from the House:

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 153, relative to business practices between motor vehicle manufacturers, distributors, and dealers.

SENATE CONCURRENCE WITH HOUSE AMENDMENT ON SB 153

Sen. Hassan recommends Senate concurrence with House Amendment 1512h to SB 153.

The question is concurrence with House Amendment 1512h on SB 153.

Motion to concur adopted, SB 153 adopted.

(Visiting auto dealership personnel were recognized and welcomed as visitors in the gallery.)

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Hassan moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Motion adopted.

Adjournment from the Early Session.

LATE SESSION**Third Reading and Final Passage**

HB 85-FN-A, establishing the women, infants and children program fund.

HB 86, allowing towns to issue citations and accept pleas by mail for local ordinance violations.

HB 88, prohibiting filing with the registry of deeds a document that includes an individual's armed forces service number.

HB 156-L, authorizing planning boards to require third party review and inspection.

HB 170, relative to reporting requirements for certain dedicated funds in the department of safety.

HB 211-FN, relative to drivers' licenses and relative to the definition of "drivers' school."

HB 310-FN, relative to reimbursement of mileage for judges and marital masters and relative to civil marriage and civil unions.

HB 320-L, relative to agreements between central business service districts and municipalities for infrastructure improvements.

HB 338, relative to definitions of electronic waste.

HB 403, clarifying the intent of a transfer of general funds to the highway fund.

HB 423-FN-A-L, requiring the department of environmental services to develop an outreach campaign to disseminate information on recycling materials, including electronic waste.

HB 424-FN-A, relative to the land use change tax.

HB 515, establishing a commission to study alternate fuel vehicles.

HB 585-FN, relative to outdoor lighting efficiency.

HB 600-FN, relative to dedicated funds maintained by the state treasurer.

HB 671-FN, amending the motorist service signing program to allow the department of transportation to charge a fee for attraction signs.

ANNOUNCEMENTS

PRESIDENT LARSEN (Rule 44): In the past week there have been some e-mails which have been unfortunate, and I regret if any online comments of my own have offended some. My intent, in my online comments weekly and in this particular case, was to make an historical reference to the difficulties of changing laws and public

opinion, not to malign anyone or their religious conviction. I personally have the deepest respect for people's religious beliefs and religious tradition. That is why we work – that is why, both in our work last week and once again today, we have worked to affirm and clarify the rights and freedoms of religion and marriage for the citizens of this great state. Thank you for this moment of personal privilege.

President Larsen, without objection, moved that all Rule 44's shall be entered into the permanent *Journal of the Senate*.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Hassan moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments.

Motion adopted.

The Senate is in recess to the Call of the Chair.