

State of New Hampshire

HOUSE RECORD

Second Year of the 161st General Court Calendar and Journal of the 2010 Session

Vol. 32 Concord, N.H. Friday, June 25, 2010 No. 48
Contains: Legislative Ethics Committee Advisory Opinions, Meetings and Notices.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

There will be no legislative activity in July with the exception of statutory committees that have meeting requirements. Interim study work, ad hoc groups and caucuses, and chapter study committees chaired by the House will not be scheduled in July and **mileage will not be paid**.

In August, legislative activity may be conducted on Tuesdays, Wednesdays and Thursdays only.

Due to necessary maintenance work, the LOB is not available for meetings in July. Later in the summer, work is expected to be done on the Storrs Street and LOB parking garages. You will receive more information as the schedule of work becomes available.

There will be no House Calendar next week. Please note that the Clerk's Office will be publishing the House Calendar every other week during the summer months. The deadline for notices will be on Wednesdays and Calendars will be mailed on Thursdays.

House members will receive their individual voting record summaries this week. If you have any questions, please contact the Clerk's Office.

I wish you a safe and happy Fourth of July and a restful summer!

Terie Norelli, Speaker

NOTICE

There will be NO House Calendar next week.

During the summer months the House Calendar will be published every two weeks. Members and staff who need to schedule meetings should make arrangements with the Clerk's Office for room availability and publication of meeting notices. Please note Calendar **will close on Wednesdays**.

CLOSES NOON WEDNESDAY:

July 7
July 21

TO BE MAILED THURSDAY:

July 8
July 22

August 4
August 18
September 1
September 15

August 5
August 19
September 2
September 16

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES

Wednesday, September 15, 2010	First day for House incumbents running for reelection to file LSRs with complete information
Friday, October 1, 2010 (3:00 p.m.)	Last day prior to the General election for House incumbents running for reelection to file LSRs with complete information
Monday, November 1, 2010	Last day to file Interim Study reports
Monday, November 15, 2010	First day for all Representatives to file LSRs with complete information. 10 day sign off period begins
Friday, December 3, 2010 (3:00 p.m.)	Last day to file House LSRs with complete information
Wednesday, January 12, 2011 (noon)	Last day to sign off all House LSRs, including petitions, other than petitions involving the election or qualifications of a member to serve in the House
Wednesday, February 2, 2011	Last day to introduce HBs etc. and amend House Rules by majority vote.

NOTICE

LEGISLATIVE ETHICS COMMITTEE

At its meeting on May 17, 2010, the Legislative Ethics Committee voted to issue the following advisory opinions, which are printed below in their entirety.

ADVISORY OPINION 2010-1 (MAY 17, 2010)

A representative has requested an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, it would be permissible for him to accept a prize he won at a raffle conducted at an event to which he was invited as a legislator, and attended in that capacity.

According to the facts supplied by the representative and other facts elicited by the Committee, the event was the 8th Annual St. Patrick's Day Roast, sponsored by a lobbying group for the benefit of a charitable hospital. The event was attended by legislators and others. Legislators were invited to attend admission free, through notices published in legislative Calendars. Members of the public attending the event were charged an admission fee.

At the event, raffle tickets were offered to all attendees, at a separate charge of \$5.00 each. Raffle prizes had been donated by various sponsors. All proceeds of the raffle were donated to the charitable beneficiary. Raffle ticket purchase was optional. The representative purchased a ticket and, at the drawing, won a computer valued at \$300.00.

The Committee responds as follows.

Relevant provisions of statute and the Ethics Guidelines are:

RSA 15-B:3, III which provides in part: "III. No elected official...shall knowingly accept, directly or indirectly, any gift, as defined in this chapter."

RSA 15-B:2, V(a)(2) which includes in the definition of "gift," "Any other tangible thing...having more than insignificant economic value. Any such item with a value of less than

\$25 is presumed to be of insignificant economic value.”

Ethics Guidelines, Section 4, Prohibited Activities, Paragraph I, which states in part: “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*** (g) In violation of RSA 15-B.”

The Committee advises that under the specific circumstances of this case, the raffle prize won by the representative is not a prohibited gift. He paid substantial consideration to participate in the raffle in which participation was optional and open to all attendees, legislators and non-legislators alike, on the same basis. The raffle was conducted for the benefit of a charitable beneficiary in accordance with RSA 287-A.

While the free admission to the event accorded to the representative by the sponsors was not a prohibited gift pursuant to RSA 15-B:2, V(b)(9)(C), that fact does not determine whether a prize from a raffle conducted at the event is not a prohibited gift. Rather, the Committee has previously interpreted the relevant statutes as prohibiting legislators’ acceptance of “door prizes” having significant economic value, awarded by lot or otherwise at such events. See *Interpretive Ruling 2007-1* (October 29, 2007), Issue C. In context, that ruling assumed that eligibility for a door prize was part of a free or reduced price admission accorded to legislators, which does not appear to be the case here.

To be clear, the Committee’s conclusion here is based on the following facts:
The raffle in question was open to all attendees at the event, legislators and non-legislators alike;
Participation in the raffle was optional, and separate substantial consideration was required of all participants, at the same price;

The raffle was conducted in accordance with RSA 287-A.

We appreciate the opportunity to be of assistance.

Martin L. Gross, Chairman
For the Committee

ADVISORY OPINION 2010-2 (MAY 17, 2010)

A senator has requested an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, it would be permissible for her to accept from a third party a free ticket with a face value of \$50.00 to attend a political event.

According to the facts supplied by the senator, the event was the Lincoln-Reagan Dinner sponsored by the Manchester Republican Committee, and proceeds from the event would be reported by the Manchester Republican Committee to the Secretary of State.

Relevant provisions of statute and the Ethics Guidelines are:

RSA 15-B:3, III which provides in part: “III. No elected official...shall knowingly accept, directly or indirectly, any gift, as defined in this chapter.”

RSA 15-B:2, V(a)(2) which includes in the definition of “gift,” “Any other tangible thing...having more than insignificant economic value. Any such item with a value of less than \$25 is presumed to be of insignificant economic value.”

RSA 15-B:2, V(b) which states in part: “Notwithstanding subparagraph (a), ‘gift’ shall not include*** (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****.”

Ethics Guidelines, Section 4, Prohibited Activities, Paragraph VII, which states in part: “Nothing in this section on prohibited activities should be construed to prohibit the following*** (h) Acceptance of anything permitted to be accepted pursuant to RSA 15-B, except that [exception not applicable here].”

We advise as follows: The ticket the senator has described is not itself a prohibited “gift,” because based on the facts the senator has supplied, it qualifies for the exemption provided under RSA 15-B:2, V(b)(9)(A), and is therefore permitted to be accepted under RSA 15-B.

We appreciate the opportunity to be of assistance.

Martin L. Gross, Chairman
For the Committee

**ADVISORY OPINION 2010-3
(MAY 17, 2010)**

A representative has requested an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, it would be permissible for him to accept an award of hotel accommodations and airline tickets as a result of a drawing for which he qualified in attending an event at a commercial sports facility.

According to information provided to the Committee by the representative, the event he attended was at New Hampshire Motor Speedway and he attended as a general admission patron, not as a legislator or in connection with any legislative event.

Relevant provisions of statute and the Ethics Guidelines are:

RSA 15-B: 3, III which provides in part: "III. No elected official... shall knowingly accept, directly or indirectly, any gift, as defined in this chapter."

RSA 15-B:2, V(a)(2) which includes in the definition of "gift," "Any other tangible thing... having more than insignificant economic value. Any such item with a value of less than \$25 is presumed to be of insignificant economic value."

RSA 15-B:2, V(b) which states in part: "Notwithstanding subparagraph (a), 'gift' shall not include*** (6) *** any tangible or intangible thing or service of economic value, where the donor's act of giving is purely private and personal in nature and the ... tangible or intangible thing or service of economic value would have been given and received even if the person were not an elected official****."

Ethics Guidelines, Section 4, Prohibited Activities, Paragraph VII, which states in part: "Nothing in this section on prohibited activities should be construed to prohibit the following*** (h) Acceptance of anything permitted to be accepted pursuant to RSA 15-B, except that [exception not applicable here]."

We advise as follows: Under the circumstances the representative has described, accepting the items would not constitute acceptance of a prohibited "gift." On the facts, he was attending the event as a private citizen, was a paid general admission patron, and qualified for the award under the same circumstances as any other patron of the event would have qualified. Proceeds of the drawing he has described would not be a prohibited "gift," because based on the facts he supplied, they would qualify for the exemption provided under RSA 15-B:2, V(b)(6) and therefore are permitted to be accepted under RSA 15-B.

We appreciate the opportunity to be of assistance.

Martin L. Gross, Chairman
For the Committee

COMMITTEE MEETINGS

MONDAY, JUNE 28

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB

1:00 p.m. Regular meeting.

COMMISSION TO STUDY THE ISSUE OF STORMWATER MANAGEMENT (HB 1295, Chapter 71:1, Laws of 2008), Room 305, LOB

12:00 p.m. Funding subcommittee meeting.

1:00 p.m. Regular meeting.

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB

9:00 a.m. Regular meeting.

TUESDAY, JUNE 29

ELECTRIC UTILITY RESTRUCTURING OVERSIGHT COMMITTEE (RSA 374-F:5), Room 304, LOB

8:45 a.m. Meeting to receive a report from PSNH regarding progress on the scrubber project at the Bow coal-fired generation plan, and any other matters the committee may wish to take up.

ENVIRONMENT AND AGRICULTURE, Room 308, LOB

10:00 a.m. Interim study full committee work session on *HB 1388*, establishing a cause of action for farmers sustaining damage from the use of genetically modified seeds or plants, *HB 1172*, relative to the labeling of genetically modified seeds.

1:00 p.m. Interim study full committee work session on *HB 1456*, establishing a committee to study the use of pesticides, herbicides and their alternatives in residential neighborhoods, school properties, playgrounds and other places children congregate.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

1:00 p.m. Interim study subcommittee work session on *HB 1631-FN*, relative to the state fire code and the state building code.

2:00 p.m. Interim study subcommittee work session on *HB 218-FN*, relative to the state park fund.

2:30 p.m. Interim study subcommittee work session on *SB 414*, relative to the Mount Washington commission.

WAYS AND MEANS, Room 202, LOB

10:30 a.m. Interim study subcommittee work session on *HB 1460-FN-A*, establishing a credit for gambling losses against the tax on gambling winnings.

WEDNESDAY, JUNE 30

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

1:00 p.m. Interim study subcommittee work session on *HB 607-FN*, relative to residential pharmaceutical waste.

COMMISSION TO STUDY AUTOMOBILE RECYCLING ISSUES (HB 54, Chapter 273:1, Laws of 2007), NH Automobile Dealers Association, 507 South Street, Concord

1:00 p.m. Regular meeting.

FINANCE, Room 212, LOB

11:00 a.m. Interim study subcommittee work session on *HB 140-FN*, making charter schools eligible for grants for leased space.

HOUSE LEGISLATIVE FACILITIES SUBCOMMITTEE (RSA 17-E:2), Room 103, State House

11:00 a.m. Regular meeting.

JOINT COMMITTEE ON EMPLOYEE RELATIONS (RSA 273-A:9,V), Rooms 210-211, LOB

11:30 a.m. Regular meeting.

JOINT LEGISLATIVE FACILITIES (RSA 17-E:2), Room 100, State House

11:10 a.m. Regular meeting.

THURSDAY, JULY 8

COMMISSION TO DEVELOP ALTERNATIVES TO THE DISPOSAL OF MEDICAL

**SHARPS IN HOUSEHOLD WASTE (HB 1502, Chapter 259:2, Laws of 2008), Room 103,
State House**
1:30 p.m. Regular meeting.

FRIDAY, JULY 9

**ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), Public
Utilities Commission, Hearing Room A, Suite 10, 21 South Fruit Street, Concord**
9:00 a.m. Regular meeting.

**STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD PROGRAM (RSA 99-
E), Room 101, LOB**
9:30 a.m. Regular meeting.

MONDAY, JULY 12

**ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21),
Department of Education, Walker Building, Room 100, 21 South Fruit Street, Concord**
3:00 p.m. Regular meeting.

THURSDAY, JULY 15

**COMMISSION TO EVALUATE LONG-TERM USES OF LAKES REGION FACILITY
LOCATED IN LACONIA (HB 2, Chapter 144:281, Laws of 2009), Room 100, State House**
3:00 p.m. Regular meeting.

MONDAY, JULY 19

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB
1:00 p.m. Regular meeting.

TUESDAY, JULY 20

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB
9:00 a.m. Regular business.

MONDAY, JULY 26

**COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), NH
Higher Education Assistance Foundation, 4 Barrell Court, Concord**
9:00 a.m. Investment committee meeting.
10:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Rockingham County Executive Committee will meet for the second quarter budget review on Monday, **August 9** (please note date change) at 9:30 a.m. at the Hilton Auditorium, Rockingham County Nursing Home, Brentwood.

Rep. David A. Welch, Clerk
Rockingham County Executive Committee

MEMBERS' NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or legislative social activities and political meetings or events. Publication should not be construed as support for either the events listed or the views espoused by the individual or organization sponsoring the event.

The Legislative Youth Advisory Council is looking for recommendations for new appointments. The council has openings for nine secondary students, preferably those who will be juniors so they can serve a two year term. The appointments are made by the Governor, the President of the Senate, the Speaker of the House and the Secretary of State. The council meets a minimum of four times a year and conducts two public forums on issues of concern to youth. Its purpose is to advise the legislature on these issues. There is a requirement that every county be represented. Currently there are vacancies in Belknap, Carroll, Cheshire and Rockingham counties; however there are openings for students from other counties as well. Recommendations will be passed on to the appointers. Please send names to co-chair of the council, Rep. Carolyn Gargasz, cgargasz@cs.com, 465-7463.

Rep. Carolyn Gargasz

Note that on Saturday, **July 10th**, Lebanon Airport will hold a "Lebanon Airport Awareness Day and Young Eagles Rally" from 10:00 a.m. to 3:00 p.m. There will be fly over's, aircraft displays and free flights for kids (ages 8-17). For more information, visit www.flyleb.com or contact Rep, Chris Nevins at 603-926-3736. Be sure to bring your grandkids.

Rep. Chris Nevins

All members of the Republican caucus are invited to the House Republican Alliance's meetings. The HRA will meet every other Tuesday at 8:30 a.m. at the Upham Walker House, Park Street, Concord. The schedule is: June 29, July 13 & 27, August 10 & 24, September 7 & 21.

Reps. Pamela Z. Tucker, Robert D. Mead and William L. O'Brien