

STATE OF NEW HAMPSHIRE

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161st Session of the New Hampshire General Court

Legislative

SENATE CALENDAR

**REPORTS, AMENDMENTS, HEARINGS,
MEETINGS AND NOTICES**

THE SENATE WILL MEET IN SESSION ON WEDNESDAY, MAY 6, 2009 AT 1:00 P.M.

LAI D ON THE TABLE

CACR 11, relating to funding of public education. Providing that the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities. **4/01/09, pending motion ITL, Education, SJ 10, pg. 162**

SB 21, enabling certain persons to vote in primaries prior to turning 18 years of age. **3/25/09, pending motion OTP, Election Law and Veterans' Affairs, SJ 9, pg. 138**

SB 34, providing that registers of probate be present at the probate office in accordance with personnel rules established by the supreme court. **2/18/09, pending motion OTP, Judiciary, SJ 5, pg. 58**

SB 83, establishing a committee to study net loss carry forward provisions under the business taxes. **3/25/09, pending motion OTP, Ways & Means, SJ 9, pg. 153**

SB 84, relative to the unused prescription drug program. **4/01/09, pending motion ITL, Judiciary, SJ 10, pg. 173**

SB 136-FN, relative to the motor vehicle registration fee supporting a municipal and transportation improvement fund. **3/4/09, pending motion ITL, Public and Municipal Affairs, SJ 6, pg. 79**

SB 146-FN-A, relative to liquor profits deposited into the alcohol abuse prevention and treatment fund. **3/25/09, pending motion OTP, Ways & Means, SJ 9, pg. 145**

SB 164-FN-A, relative to the expansion and funding of northern New Hampshire's electrical transmission system, and establishing the northern New Hampshire electrical transmission system improvement fund. **3/11/09, pending motion ITL, Energy, Environment and Economic Development, SJ 7, pg. 104**

SB 169-FN, relative to games of chance and establishing a gaming oversight authority and video lottery gaming. **3/11/09, pending motion ITL, Ways & Means, SJ 7, pg. 114**

SB 179-FN-A-L, providing for the recovery of horse racing, and expanding gaming operations in the north country and at pari-mutuel locations. **3/11/09, pending motion OTP, Ways & Means, SJ 7, pg. 114**

HB 383, relative to passenger restraints. **4/29/09, pending motion OTP, Transportation & Interstate Cooperation SJ 13, pg. TBA**

HB 556-FN, repealing the death penalty. **4/29/09, pending motion Committee Amendment (1405s), Judiciary, SJ 13, pg. TBA**

REPORTS

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT

HB 338, relative to definitions of electronic waste.

Ought to Pass with Amendment, Vote 5-0.

Senator Merrill for the committee.

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.

Ought to Pass with Amendment, Vote 5-0.

Senator Merrill for the committee.

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

Ought to Pass, Vote 5-0.

Senator Cilley for the committee.

HB 585-FN, relative to outdoor lighting efficiency.

Ought to Pass with Amendment, Vote 5-0.

Senator Fuller Clark for the committee.

FINANCE

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

Ought to Pass, Vote 6-0.

Senator Sgambati for the committee.

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

Ought to Pass, Vote 6-0.

Senator Janeway for the committee.

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

Ought to Pass, Vote 6-0.

Senator D'Allesandro for the committee.

HEALTH AND HUMAN SERVICES

HB 467-FN, relative to the review and adjustment of child support orders.

Ought to Pass, Vote 4-1.

Senator Downing for the committee.

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

Ought to Pass, Vote 5-0.

Senator Gilmour for the committee.

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

Ought to Pass, Vote 4-1.

Senator Kelly for the committee.

JUDICIARY

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

Ought to Pass, Vote 5-0.

Senator Letourneau for the committee.

PUBLIC AND MUNICIPAL AFFAIRS

HB 86, (New Title) allowing towns to issues citations and accept pleas by mail for local ordinance violations.

Ought to Pass with Amendment, Vote 4-0.

Senator Houde for the committee.

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

Ought to Pass, Vote 4-0.

Senator Houde for the committee.

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

Ought to Pass, Vote 4-0.

Senator Barnes for the committee.

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

Ought to Pass, Vote 4-0.

Senator DeVries for the committee.

TRANSPORTATION AND INTERSTATE COOPERATION

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

Ought to Pass, Vote 4-0.

Senator Letourneau for the committee.

HB 515, (New Title) establishing a commission to study alternate fuel vehicles.

Ought to Pass with Amendment, Vote 4-0.

Senator Letourneau for the committee.

WAYS AND MEANS

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

Ought to Pass, Vote 7-0.

Senator Janeway for the committee.

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

Ought to Pass, Vote 7-0.

Senator Janeway for the committee.

AMENDMENTS

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:

□ 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.

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.

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.*

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.

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.

HEARINGS
FRIDAY, MAY 1, 2009

FINANCE, Room 100, SH
Sen. Janeway (C), Sen. Gallus
DIVISION II WORK SESSION:

- 10:00 a.m. DEPARTMENT OF SAFETY
- 11:30 a.m. UNIVERSITY SYSTEM OF NEW HAMPSHIRE

MONDAY, MAY 4, 2009

CAPITAL BUDGET, Room 100, SH
Sen. Janeway (C), Sen. Hassan (VC), Sen. D'Allesandro, Sen. Kelly, Sen. Gatsas, Sen. Downing
AGENCY PRESENTATIONS:

- 9:00 a.m. LIQUOR COMMISSION
- 9:30 a.m. DEPARTMENT OF REVENUE ADMINISTRATION
- 10:00 a.m. COMMUNITY COLLEGE SYSTEM
- 10:30 a.m. DEPARTMENT OF RESOURCES & ECONOMIC DEVELOPMENT
- 10:45 a.m. VETERANS' HOME

HEALTH AND HUMAN SERVICES, Room 103, SH
Sen. Sgambati (C), Sen. Gilmour (VC), Sen. Kelly, Sen. Gallus, Sen. Downing

- 12:00 p.m. **HB 250**, relative to access to information in the abuse and neglect of adults registry and relative to persons providing child care or child placing services who are charged with a crime.
- 12:10 p.m. **HB 433-FN-A**, (New Title) relative to funding the law requiring reporting of hospital infections.
- 12:20 p.m. **HB 529-FN**, relative to the healthy kids program.
- 12:30 p.m. **HB 580-FN**, relative to health information and patient rights.

EXECUTIVE SESSION MAY FOLLOW

FINANCE, Room 101, LOB
Sen. Sgambati (C), Sen. Odell
DIVISION III WORK SESSION:

- 9:00 a.m. DIVISION OF CHILDREN, YOUTH, AND THEIR FAMILIES
- 10:30 a.m. DIVISION FOR JUVENILE JUSTICE SERVICES

TUESDAY, MAY 5, 2009

COMMERCE, LABOR AND CONSUMER PROTECTION, Room 102, LOB

Sen. Hassan (C), Sen. DeVries (VC), Sen. Reynolds, Sen. Cilley, Sen. Bragdon, Sen. Roberge

- 8:30 a.m. **HB 90-FN**, relative to the employment of veterans on Veterans' Day.
- 9:00 a.m. **HB 392-FN**, (New Title) establishing an on-premises cigar, beverage, and liquor license.
- 9:30 a.m. **HB 199**, (New Title) relative to the warning accompanying a document tendered to settle bodily injury claims subject to certain automobile insurance coverage.

EXECUTIVE SESSION MAY FOLLOW

EDUCATION, Room 103, LOB

Sen. Kelly (C), Sen. Merrill (VC), Sen. Fuller Clark, Sen. Lasky, Sen. Bragdon, Sen. Letourneau

- 10:15 a.m. **HB 688**, relative to the chartered public school approval process and relative to open enrollment schools.
- 11:00 a.m. **HCR 7**, in support of teen dating violence education.
- 11:20 a.m. **HB 225**, relative to room and board scholarships for children of firefighters and police officers.

EXECUTIVE SESSION MAY FOLLOW

ELECTION LAW AND VETERANS' AFFAIRS, Room 101, LOB

Sen. Lasky (C), Sen. Houde (VC), Sen. Merrill, Sen. Barnes, Sen. Carson

- 8:30 a.m. **HB 614**, relative to domicile of students for voting purposes.

EXECUTIVE SESSION MAY FOLLOW

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 101, LOB

Sen. Cilley (C), Sen. Fuller Clark (VC), Sen. DeVries, Sen. Downing, Sen. Carson

- 2:00 p.m. **HB 420-FN**, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system.
- 2:20 p.m. **HB 532-FN**, excluding extra or special duty pay from earnable compensation in the retirement system.
- 2:50 p.m. **HB 590-FN**, relative to the retirement age for group II members.
- 3:20 p.m. **HB 641-FN-L**, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

EXECUTIVE SESSION MAY FOLLOW

FINANCE, Room 100, SH

Sen. Hassan, (C), Sen. Larsen

DIVISION I WORK SESSION:

- 2:30 p.m. **DEPARTMENT OF CORRECTIONS**
- 3:30 p.m. **LIQUOR COMMISSION**

FINANCE, Room 102, LOB

Sen. Sgambati (C), Sen. Odell

DIVISION III WORK SESSION:

- 2:00 p.m. **BUREAU OF BEHAVIORAL HEALTH**
- 3:30 p.m. **BUREAU OF ELDERLY AND ADULT SERVICES**

HEALTH AND HUMAN SERVICES, Room 103, SH

Sen. Sgambati (C), Sen. Gilmour (VC), Sen. Kelly, Sen. Gallus, Sen. Downing

- 8:30 a.m. **HB 378-FN-A**, (New Title) relative to fees for methadone detoxification and maintenance programs.
- 8:40 a.m. **HB 592-FN**, (New Title) relative to “adverse events” in hospitals and ambulatory surgical centers.

EXECUTIVE SESSION MAY FOLLOW

JUDICIARY, Room 103, SH

Sen. Reynolds (C), Sen. Lasky (VC), Sen. Houde, Sen. Roberge, Sen. Letourneau

- 2:00 p.m. **HB 430-FN**, removing the statute of limitations on certain crimes committed in furtherance of murder.
- 2:15 p.m. **HB 471-FN**, (New Title) relative to willful concealment and fraudulent retail transactions.
- 2:30 p.m. **HB 572-FN**, (New Title) relative to proceedings of medical injury claims screening panels.
- 2:45 p.m. **HB 601-FN**, relative to claims for compensation from the victims' assistance fund.

3:00 p.m. **HB 449-FN**, increasing the penalty for unlawful possession or release of criminal records.

EXECUTIVE SESSION MAY FOLLOW

WAYS AND MEANS, Room 100, SH

Sen. Odell (C), Sen. D'Allesandro (VC), Sen. Janeway, Sen. Reynolds, Sen. Gilmour, Sen. Downing

10:15 a.m. **REVENUE HEARING AND PROJECTIONS WILL TAKE PLACE**

10:45 a.m. **HB 193-FN**, establishing a fee for certification of reduced ignition propensity cigarettes.

10:50 a.m. **HB 437**, relative to the operation of the Chesterfield welcome and information center.

10:55 a.m. **HB 654-FN**, (New Title) relative to the dam maintenance revolving fund.

11:00 a.m. **HB 696-FN-L**, relative to fees for registration of criminal offenders.

11:05 a.m. **HB 97**, relative to the lottery commission's ability to make rules concerning the Multi-State Lottery Association.

EXECUTIVE SESSION MAY FOLLOW

WILDLIFE, FISH AND GAME AND AGRICULTURE, Room 103, LOB

Sen. Gallus (C), Sen. Janeway (VC), Sen. Merrill, Sen. Gilmour, Sen. Gatsas

2:00 p.m. **HB 48**, establishing a committee on agriculture in the classroom.

2:05 p.m. **HB 407-FN**, establishing a lobster and crab landing license, and increasing the fee for the nonresident commercial salt water license.

2:10 p.m. **HB 481-FN-A**, establishing a recreational saltwater license for taking finfish in coastal and estuarine waters.

2:15 p.m. **HB 63**, relative to the use of the term "farmers' markets" in corporation names.

2:20 p.m. **HB 635**, relative to raw milk yogurt.

EXECUTIVE SESSION MAY FOLLOW

WEDNESDAY, MAY 6, 2009

COMMERCE, LABOR AND CONSUMER PROTECTION, Room 102, LOB

Sen. Hassan (C), Sen. DeVries (VC), Sen. Reynolds, Sen. Cilley, Sen. Bragdon, Sen. Roberge

Immediately following the senate session. **EXECUTIVE SESSION ON PENDING LEGISLATION**

JUDICIARY, Room 103, SH

Sen. Reynolds (C), Sen. Lasky (VC), Sen. Houde, Sen. Roberge, Sen. Letourneau

9:00 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

THURSDAY, MAY 7, 2009

CAPITAL BUDGET, Room 100, SH

Sen. Janeway (C), Sen. Hassan (VC), Sen. D'Allesandro, Sen. Kelly, Sen. Gatsas, Sen. Downing

8:30 a.m. **HB 391**, (2nd New Title) authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, providing for the maintenance and funding of a portion of the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling.

EXECUTIVE SESSION MAY FOLLOW

AGENCY PRESENTATIONS:

9:00 a.m. **DEPARTMENT OF TRANSPORTATION**

9:30 a.m. **DEPARTMENT OF EDUCATION**

10:00 a.m. **ADMINISTRATIVE SERVICES**

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT, Room 102, LOB

Sen. Fuller Clark (C), Sen. Merrill (VC), Sen. Cilley, Sen. Lasky, Sen. Odell, Sen. Carson

8:30 a.m. **HB 293**, amending the Hampton Beach area commission.

8:45 a.m. **HB 502**, modifying the definition of "dam."

EXECUTIVE SESSION MAY FOLLOW

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 101, LOB

Sen. Cilley (C), Sen. Fuller Clark (VC), Sen. DeVries, Sen. Downing, Sen. Carson

- 2:00 p.m. **HB 460**, relative to the system of visitor centers.
- 2:15 p.m. **HB 476-FN**, (New Title) relative to modifying the quorum requirement and relative to filing fees for eminent domain proceedings before the board of tax and land appeals.

EXECUTIVE SESSION ON PENDING LEGISLATION

FINANCE, Room 101, LOB

Sen. Sgambati (C), Sen. Odell

DIVISION III WORK SESSION:

8:30 a.m. **DIVISION OF PUBLIC HEALTH SERVICES**

FINANCE, Room 100, SH

Sen. D'Allesandro (C), Sen. Janeway (VC), Sen. Larsen, Sen. Hassan, Sen. Sgambati, Sen. Gallus, Sen. Odell

10:30 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

PUBLIC AND MUNICIPAL AFFAIRS, Room 103, LOB

Sen. DeVries (C), Sen. Houde (VC), Sen. Sgambati, Sen. Roberge, Sen. Barnes

- 8:30 a.m. **HB 315**, clarifying a law relative to junkyards within industrial areas.
- 8:45 a.m. **HB 115**, relative to licenses for the operation of motor vehicle recycling yards and junk yards.
- 9:00 a.m. **HB 183**, (New Title) relative to removal of town officers.
- 9:15 a.m. **HB 107**, making technical corrections to the law on taxation of farm structures and land under farm structures.

EXECUTIVE SESSION MAY FOLLOW

TRANSPORTATION AND INTERSTATE COOPERATION, Room 101, LOB

Sen. Letourneau (C), Sen. Gilmour (VC), Sen. Fuller Clark, Sen. Kelly, Sen. Gatsas

- 10:30 a.m. **HB 518**, relative to driver's license application forms.
- 10:45 a.m. **HB 215**, making technical corrections to certain OHRV and snowmobile laws.
- 11:00 a.m. **HB 186**, (New Title) relative to rulemaking concerning rafts on public waters and prohibiting the rental of a motorized watercraft to a person who does not have a certificate of boating safety education.

EXECUTIVE SESSION MAY FOLLOW

WAYS AND MEANS, Room 100, SH

Sen. Odell (C), Sen. D'Allesandro (VC), Sen. Janeway, Sen. Reynolds, Sen. Gilmour, Sen. Downing

12:30 p.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

FRIDAY, MAY 8, 2009

FINANCE, Room 100, SH

Sen. Hassan (C), Sen. Larsen

DIVISION I WORK SESSION:

- 9:00 a.m. **DEPARTMENT OF ENVIRONMENTAL SERVICES**
- 10:00 a.m. **DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT**
- 12:00 p.m. **DEPARTMENT OF INFORMATION TECHNOLOGY**

FINANCE, Room 102, LOB

Sen. Sgambati (C), Sen. Odell

DIVISION III WORK SESSION:

- 9:00 a.m. **DIVISION OF FAMILY ASSISTANCE**
- 9:45 a.m. **DIVISION OF CHILD SUPPORT SERVICES**
- 10:30 a.m. **NEW HAMPSHIRE HOSPITAL**

MONDAY, MAY 11, 2009

FINANCE, Room 100, SH

Sen. Hassan, (C), Sen. Larsen

DIVISION I WORK SESSION:

- 2:30 p.m. **JUDICIAL BRANCH**

3:30 p.m. DEPARTMENT OF JUSTICE

THURSDAY, MAY 14, 2009

PUBLIC AND MUNICIPAL AFFAIRS, Room 103, LOB
Sen. DeVries (C), Sen. Houde (VC), Sen. Sgambati, Sen. Roberge, Sen. Barnes

- 8:30 a.m. **HB 319**, (New Title) authorizing the Concord school district to amend its charter without prior legislative approval.
 - 8:45 a.m. **HB 247**, relative to the assistance of the state veterinarian with the investigation and enforcement of animal abuse laws.
 - 9:00 a.m. **HB 43**, relative to subdivision and site plan regulation waivers.
 - 9:15 a.m. **HB 446**, defining "unnecessary hardship" for purposes of zoning variances.
- EXECUTIVE SESSION MAY FOLLOW**

MEETINGS

FRIDAY, MAY 1, 2009

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

- | | | |
|-----------|--------------------|-------------------|
| Cancelled | Rooms 306-308, LOB | Continued Meeting |
|-----------|--------------------|-------------------|
- ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION** (RSA 282-A:128)
- | | | |
|------------|---|--|
| 10:00 a.m. | NH Employment Security
32 South Main Street
Concord, NH | Subcommittee on Negative Balanced
Employers |
|------------|---|--|

COMMISSION TO STUDY REQUIREMENTS FOR SAFE AND SECURE LANDFILLS (HB 672, Chapter 252:1, Laws of 2007)

- | | | |
|-----------|---------------|-----------------|
| 1:00 p.m. | Room 304, LOB | Regular Meeting |
|-----------|---------------|-----------------|

MONDAY, MAY 4, 2009

CITIZENS TRADE POLICY COMMISSION (RSA 19-L:1)

- | | | |
|-----------|---------------|-----------------|
| 9:00 a.m. | Room 307, LOB | Regular Meeting |
|-----------|---------------|-----------------|
- COMMISSION TO STUDY AIR QUALITY ISSUES IN PUBLIC SCHOOL BUILDINGS** (HB 1171, Chapter 242:1, Laws of 2008)
- | | | |
|------------|---|-----------------|
| 10:00 a.m. | Department of Education
101 Pleasant Street
Concord, NH | Regular Meeting |
|------------|---|-----------------|

COMMISSION TO STUDY THE PREVENTION OF CHILDHOOD OBESITY (HB 1422, Chapter 219:1, Laws of 2008)

- | | | |
|------------|---------------|-----------------|
| 10:00 a.m. | Room 205, LOB | Regular Meeting |
|------------|---------------|-----------------|
- COMMISSION TO STUDY ISSUES RELATING TO STORMWATER** (HB 1295, Chapter 71:1, Laws of 2008)
- | | | |
|-----------|---------------|-----------------|
| 1:00 p.m. | Room 305, LOB | Regular Meeting |
|-----------|---------------|-----------------|

TUESDAY, MAY 5, 2009

STATEWIDE EDUCATION IMPROVEMENT & ASSESSMENT PROGRAM LEGISLATIVE OVERSIGHT (RSA 193-C:7)

- | | | |
|------------|---------------|---|
| 10:00 a.m. | Room 207, LOB | Department of Education Report to Oversight Committee |
|------------|---------------|---|

WEDNESDAY, MAY 6, 2009

ADVISORY COMMITTEE ON EDUCATION OF CHILDREN/STUDENTS WITH DISABILITIES (RSA 186-C:3-b)

- | | | |
|-----------|----------------------------|-----------------|
| 4:00 p.m. | NH Department of Education | Regular Meeting |
|-----------|----------------------------|-----------------|

Londergan Hall, Room 15
101 Pleasant Street
Concord, NH

FRIDAY, MAY 8, 2009

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a)

9:00 a.m. NH Public Utilities Commission Regular Meeting
Hearing Room A, Suite 10
21 South Fruit Street
Concord, NH

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

9:30 a.m. Room 101, LOB Regular Meeting
**COMMISSION TO RECOMMEND POLICIES AND PROGRAMS RELATED TO INCREASING THE NUMBER OF
NEW HAMPSHIRE INDIVIDUALS IN HEALTH PROFESSIONS SERVICING NEW HAMPSHIRE'S RURAL AND
UNDERSERVED AREAS WITH FOCUS ON PRIMARY CARE (HB 1615, Chapter 367:3, Laws of 2008)**

10:00 a.m. Room 205, LOB Regular Meeting
COMPREHENSIVE CANCER PLAN OVERSIGHT BOARD (RSA 126-A:65)

12:00 p.m. Foundation for Healthy Communities Regular Meeting
125 Airport Road, Room 1A
Concord, NH

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

1:00 p.m. Room 102, LOB Regular Meeting
NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q)
1:30 p.m. Room 205, LOB Regular Meeting

TUESDAY, MAY 12, 2009

OVERSIGHT COMMISSION ON MOTOR VEHICLE FINES (RSA 262:45)

11:00 a.m. Room 202, LOB Organizational Meeting

THURSDAY, MAY 14, 2009

IMPACT OF WATER WITHDRAWALS ON INSTREAM FLOWS STUDY COMMITTEE (SB 330, Chapter 242:1, Laws of 2000)

3:00 p.m. Room 101, LOB Regular Meeting

FRIDAY, MAY 15, 2009

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

9:00 a.m. Rooms 210-211, LOB Regular Business Meeting

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

9:00 a.m. Rooms 306-308, LOB Regular Meeting

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

9:00 a.m. Room 303, LOB Regular Meeting

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

1:00 p.m. Room 201, LOB Complaint Hearing

MONDAY, MAY 18, 2009

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c)

9:00 a.m. Room 100, SH Regular Meeting

OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)

9:00 a.m. Room 305, LOB Regular Meeting

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

10:00 a.m. New Hampshire Higher Education Regular Meeting

 Assistance Foundation

 4 Barrell Court

 Concord, NH

INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E)

1:30 p.m. Administrative Office of the Courts Regular Meeting

 2 Charles Doe Drive

 Concord, NH

TUESDAY, MAY 19, 2009

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

3:00 p.m. Room 201, LOB Regular Business Meeting

THURSDAY, MAY 21, 2009

PUBLIC HEALTH IMPROVEMENT SERVICES COUNCIL (HB 491, Chapter 250:2, Laws of 2007)

2:00 p.m. Department of Health & Regular Meeting

 Human Services, Room 312

 29 Hazen Drive

 Concord, NH

FRIDAY, MAY 22, 2009

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

9:30 a.m. NH Department of Revenue Regular Meeting

 Administration

 Medical & Surgical Building

 109 Pleasant Street

 Concord, NH

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

10:00 a.m. Rooms 201-203, LOB Regular Meeting

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

1:30 p.m. NH Department of Revenue Low Income Housing Subcommittee

 Administration

 Medical & Surgical Building

 109 Pleasant Street

 Concord, NH

TUESDAY, MAY 26, 2009

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

3:00 p.m. Upham-Walker House Regular Meeting

 18 Park Street

 Concord, NH

MONDAY, JUNE 1, 2009

CITIZENS TRADE POLICY COMMISSION (RSA 19-L:1)

9:00 a.m.	Room 307, LOB	Regular Meeting
JOINT LEGISLATIVE COMMITTEE ON ELDERLY AFFAIRS (RSA 17-H:2)		
10:00 a.m.	Rooms 205-207, LOB	Regular Meeting
HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)		
1:00 p.m.	Room 205, LOB	Regular Meeting

WEDNESDAY, JUNE 3, 2009

ADVISORY COMMITTEE ON EDUCATION OF CHILDREN/STUDENTS WITH DISABILITIES (RSA 186-C:3-b)

4:00 p.m.	NH Department of Education	Regular Meeting
	Londergan Hall, Room 15	
	101 Pleasant Street	
	Concord, NH	

FRIDAY, JUNE 5, 2009

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

9:00 a.m.	Rooms 306-308, LOB	Continued Meeting
ASSESSING STANDARDS BOARD (RSA 21-J:14-a)		
9:30 a.m.	NH Department of Revenue	Regular Meeting
	Administration	
	Medical & Surgical Building	
	109 Pleasant Street	
	Concord, NH	

FRIDAY, JUNE 12, 2009

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a)

9:00 a.m.	NH Public Utilities Commission	Regular Meeting
	Hearing Room A, Suite 10	
	21 South Fruit Street	
	Concord, NH	

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

9:30 a.m.	Room 101, LOB	Regular Meeting
GUARDIAN AD LITEM BOARD (RSA 490-C:1)		
1:00 p.m.	Room 102, LOB	Regular Meeting

MONDAY, JUNE 15, 2009

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

9:30 a.m.	NH Department of Revenue	Regular Meeting
	Administration	
	Medical & Surgical Building	
	109 Pleasant Street	
	Concord, NH	

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

1:30 p.m.	NH Department of Revenue	Low Income Housing Subcommittee
	Administration	
	Medical & Surgical Building	
	109 Pleasant Street	
	Concord, NH	

FRIDAY, JUNE 19, 2009

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

9:00 a.m. Rooms 306-308, LOB Regular Meeting

MONDAY, JUNE 22, 2009

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c)

9:00 a.m. Room 100, SH Regular Meeting

EQUALIZATION STANDARDS BOARD (RSA 21-J:14-c)

1:00 p.m. NH Department of Revenue Regular Meeting
Administration
Medical & Surgical Building
109 Pleasant Street
Concord, NH

FRIDAY, JUNE 26, 2009

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

9:00 a.m. Rooms 306-308, LOB Continued Meeting

SENATE BILLS AMENDED BY THE HOUSE

- SB 30,** (2nd New Title) relative to notice of rights under the manufactured housing law.
- SB 49,** relative to the board of barbering, cosmetology, and esthetics.
- SB 58,** relative to the use of alternating flashing lights on highway maintenance vehicles.
- SB 60,** (New Title) establishing a commission to study water infrastructure sustainability funding.
- SB 95,** (New Title) relative to criminal records checks for volunteers.
- SB133-FN,** authorizing purple heart special number plates for veterans still on active duty.
- SB 155,** relative to financial disclosure by legislators.
- SB160-FN,** relative to benefits of dependents of a group II retirement system member who is killed or dies in the performance of duty.
- SB 189,** relative to decisions of local land use boards.

ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2009 BILLS:

SENATE BILLS: 37, 93.

HOUSE BILLS: 483, 545.

FISCAL NOTE ADDITIONS AND UPDATES HAVE BEEN AMENDED TO THE BILLS ON THE WEB SITE AND ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR THE FOLLOWING 2009 BILLS:

SENATE BILLS: 5, 10, 25, 28, 39, 65, 67, 68, 69, 79, 82, 89, 90, 99, 100, 103, 106, 107, 114, 134, 135, 137, 139, 141, 144, 145, 146, 149, 157, 159, 163, 165, 167, 169, 170, 174, 175, 176, 177, 178, 179, 180, 182, 185, 192, 200, 201, 202.

HOUSE BILLS: 30, 41, 52, 56, 64, 86, 90, 112, 120, 193, 216, 223, 240, 250, 256, 279, 296, 302, 313, 334, 345, 378, 384, 392, 395, 408, 423, 424, 429, 433, 437, 460, 464, 481, 530, 570, 578, 580, 585, 587, 592, 600, 602, 671, 685.

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.**
- III. "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.**
- ~~III.]~~ 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:
 - a. names of all entities, both public and private, which might be affected;
 - b. the nature of any benefit which may accrue to the legislator **or legislator's family member**;
 - c. the nature of any financial interest in the issue;
 - d. the nature of any relationship which existed, exists or may exist between the legislator and
 - e. any person or entity which might be affected;
 - f. 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 ~~for 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.

NOTICES

FRIDAY, MAY 1, 2009

All legislators are invited to attend the Fifth Dartmouth Symposium on Substance Use on Friday, May 1, 8:30 a.m. - 4:30 p.m. at Alumni Hall, Hopkins Center, Hanover, New Hampshire. The program will examine the US Minimum Legal Drinking Age (MLDA), both for and against lowering the age to 18 years. Top public health researchers will present available public health data on this topic. This will be of particular interest to New Hampshire and Vermont legislators as bills related to MLDA have been presented in both states this year. The program is free for all legislators.

Register on-line at www.dartmouth.edu/~dcare. Contact Rep. Beth Rodd for more information.

Senator Lou D'Allesandro

FRIDAY, MAY 8, 2009

In recognition of your support, the *New Hampshire Law Enforcement Officers Memorial Committee* cordially invites all legislators and staff to the *17th Annual New Hampshire Law Enforcement Officers Memorial Ceremony*. The ceremony will be held on Friday, May 8, 2009, beginning promptly at 10:00 a.m., on the memorial site in front of the Legislative Office Building. The ceremony will proceed rain or shine. Please do not hesitate to contact either Major Timothy J. Acerno of Fish and Game at 271-3129 or Chief Timothy Russell of the Henniker Department at 428-3213, if you have any questions.

Sylvia B. Larsen, Senate President

MONDAY, MAY 11, 2009

Unitil would like to invite all legislators and staff to the re-opening of our Portsmouth offices. The celebration will begin at 5:00 p.m. on Monday, May 11, at 325 West Avenue, Portsmouth, NH. Please RSVP to Cynthia at huyghue@unitil.com or (603) 773-6467.

Senator Margaret Wood Hassan, Majority Leader

TUESDAY, MAY 12, 2009

"Coos Goes South," Tuesday May 12th, 2009, 9:00 a.m. to 4:00 p.m., Statehouse Lawn. Join the people of Coos County to learn how adaptation, collaboration and ingenuity are transforming tourism, education, healthcare, arts & culture, telecommunications, wood & energy, and entrepreneurship. The Grand Resorts have joined with other local businesses to give you a taste of North Country Hospitality. Tour the Ways of the Woods, an 18-wheel traveling history of the woods, presented by the Northern Forest Center, and learn how technology has changed timber harvesting in the Great North Woods. An agenda of presentations will be available on May 12th.

Sylvia B. Larsen, Senate President

SENATE SCHEDULE

Thursday, May 07, 2009 exempted pursuant to Senate Rule 26(b).	Deadline for Policy Committees to ACT on all House money bills, except bills
Monday, May 25, 2009	Memorial Day (State Holiday).
Thursday, June 04, 2009	Last day to ACT on all remaining House bills.
Wednesday, June 10, 2009	Last day to FORM Committees of Conference.
Thursday, June 18, 2009, at 12:00 p.m.	Last day to SIGN Committee of Conference Reports.
Thursday, June 25, 2009	Last day to ACT on Committee of Conference Reports.
Friday, July 3, 2009	Fourth of July (State Holiday).
Monday, September 7, 2009	Labor Day (State Holiday).
Wednesday, November 11, 2009	Veterans Day (State Holiday).
Thursday, November 26, 2009	Thanksgiving Day (State Holiday).
Friday, November 27, 2009	Day after Thanksgiving (State Holiday).
Friday, December 25, 2009	Christmas Day (State Holiday).

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2009-0251, Request for an Opinion of the Justices (Voting Age in Primary Elections II), the court on April 8, 2009, issued the following order:

The following request of the senate for an opinion of the justices was adopted on April 1, 2009, and filed with the supreme court on April 3, 2009:

SENATE RESOLUTION 1

Whereas, SB 21, "An act enabling certain persons to vote in primaries prior to turning 18 years of age," is presently pending in the senate; and

Whereas, SB 21 would provide that a person who is 17 years of age and who otherwise meets voter eligibility requirements may vote at a state primary election or a presidential primary election preceding a general election at which the person will be 18 years of age;

and

Whereas, in Opinion of the Justices (Voting Age in Primaries) issued by the Court on May 19, 2008 in response to the request of the House of Representatives in HR 32 adopted on April 23, 2008, the Court answered in the affirmative the question of whether SB 436 would violate Part I, Article 11 of the New Hampshire Constitution; and

Whereas, in the same Opinion of the Justices, the Court noted that it had not been asked and therefore did not opine upon whether SB 436 would infringe upon the associational rights of political parties guaranteed by the First Amendment to the United States Constitution; and

Whereas, the provisions of SB 21 are identical to SB 436; and

Whereas, the United States Supreme Court has recognized that the freedom of association protected by the First and Fourteenth Amendments to the United States Constitution includes partisan political organization; and

Whereas, a question has arisen as to whether the First and Fourteenth Amendments to the United States Constitution provide greater protection than do Part I, Article 11 and Part I, Article 32 of the New Hampshire Constitution of the associational rights of any political party such that the legislature may allow an otherwise qualified 17-year-old person to vote in a state or presidential primary that precedes a general election at which the person will be 18 years of age, in order to permit such persons to participate in choosing the party's nominee for the general election; and

Whereas, it is important that this constitutional question be settled before the bill is enacted; now, therefore, be it

Resolved by the Senate:

That the justices of the supreme court be respectfully requested to give their opinion upon the following questions of law:

1. Would enactment of SB 21 to allow voting in a state primary and presidential primary election by 17-year-old persons who will be 18 years of age at the next general election, in order to allow such persons to participate in choosing the party's nominee for the general election, infringe upon the associational rights guaranteed to political parties under the First and Fourteenth Amendments to the United States Constitution?

2. Do the First and Fourteenth Amendments to the United States Constitution provide greater protection than do Part I, Article 11 and Part I, Article 32 of the New Hampshire Constitution of the associational rights of political parties such that the legislature may allow an otherwise qualified 17-year-old person to vote in a state or presidential primary that precedes a general election at which the person will be 18 years of age, as would be permitted under SB 21?

3. If the Court answers the second question in the affirmative, would SB 21 be constitutional notwithstanding the Opinion of the Justices, No. 2008-292, issued on May 19, 2008?

That the clerk of the senate transmit copies of this resolution and SB 21 to the Justices of the New Hampshire Supreme Court.

Typewritten memoranda on the questions presented by the request may be furnished by any legislator, attorney, organization, interested party, or member of the public on or before April 22, 2009. An original and eight copies of any memorandum must be filed with the clerk's office.

This order is entered by a single justice (Broderick, C.J.). See Rule 21(7).

**Eileen Fox,
Clerk**

Distribution:
Tammy L. Wright, Clerk of the Senate
File

VISITORS' CENTER SCHEDULE - may
State House Visitation Schedule

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in **May 2009**. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the remainder of the school year and subject to changes. **Please contact the Visitors' Center concerning school tour booking information.** Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director Deborah Rivers, Public Information Administrator

DATE	TIME	GROUP	Group#/Grade
May 1	9:30	Epsom Central School	42/4
May 1	11:00	Seminary Hill School – West Lebanon	45/4
May 1	11:30	St. Catherine’s Home School-Pelham	10
May 4	9:30	Edward Fenn Elementary School – Gorham	40/4
May 4	10:00	Dr. Lewis Soule School – Salem	58/4
May 4	11:00	Hancock Elementary School	10/4
May 5	9:30/11:00 SH/HM	Bristol Elementary School	55/4
May 5	12:00	Sacred Heart School – Hampton	45/4
May 6	9:30	Campton Elementary School	35/4
May 6	11:00	Bridgewater Hebron School	21/4
May 6	1:30	Village Coop Home School – Goffstown	15/4
May 7	9:30	Ashland Elementary School	35/4&6
May 7	10:30	Henniker Community School	45/4
May 7	11:00	Infant Jesus School – Nashua	35/4
May 8	9:00	Sutton Elementary School	17/4
May 8	9:00	Simon School – Warner	30/4
May 8	10:15/11:30 SH/SC	Peterborough Elementary School	84/4
May 11	9:30	Lamprey River School – Raymond	60/4
May 11	10:00/11:30 SH/HM	Maple Ave School – Claremont	65/4
May 12	9:00	Concord Christian Academy	16/4
May 12	10:00/11:30 SH/HM	William T. Barron School – Salem	85/4
May 12	1:00	Salem Christian School	16/4

May 13	9:30	Gossler Park School – Manchester	50/4
May 13	11:00	Westmoreland School	28/4&5
May 13	12:00	Presentation of Mary Academy – Hudson	48/4
May 13	1:30	Alton Cub Scouts	12
May 14	9:00	Middle School at Parkside _Manchester	48/HS
May 14	10:00/11:30 SH/HM	Richards Elementary School – Newport	80/4
May 15	10:00	Antrim Elementary School	39/4
May 15	11:30	Hopkinton High School	40/HS
May 15	12:30	Pierce School – Bennington	23/4
May 18	9:30	Villa Augustina School – Goffstown	15/4
May 18	11:00	Bakersville Elementary School – Manchester	50/4
May 18	12:00	Dunbarton School	28/4
May 19	9:00	Merrimack Middle School	50/8
May 19	10:30/12:00 SH/HM	Hampstead Central School	110/4
May 20	9:00	Merrimack Middle School	50/4
May 20	10:00	Lamprey River School – Raymond	60/4
May 20	11:00	Newfields Elementary School	33/4
May 21	9:30	Bartlett Elementary School – Goffstown	50/4
May 21	10:00	Pleasant Street School – Laconia	54/4
May 21	1:00	Plainfield School	30/4
May 22	9:00	Conant School – Concord	65/4
May 22	10:00	Gilmanton Elementary School	40/4
May 22	11:00	Linwood School – Lincoln	30/4
May 26	9:00	Sutton Central Elementary School	20/4
May 26	10:00	Enfield Elementary School	45/4
May 26	11:00	Plymouth Elementary School	45/4
May 27	11:00	Madison Elementary School	21/4
May 27	11:00	Mountain Shadows School – Dublin	5/6
May 27	12:00	Saint Elizabeth of Seton School – Rochester	18/4
May 28	9:15	Jennie D. Blake Elementary - Hill	10/4
May 28	10:30/12:00 SH/HM	Auburn Village School	75/4
May 29	10:00	Bernice A. Ray School – Hanover	45/4
May 29	11:00	Mt. Pleasant Elementary School – Nashua	65/4
May 29	1:00	Holderness Central School	28/4