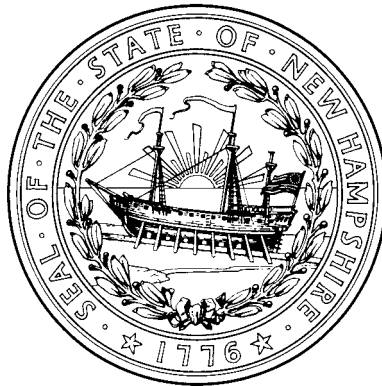


**New Hampshire
GENERAL COURT**

ETHICS BOOKLET



ETHICS GUIDELINES

**ETHICS STATUTES
AND
PROCEDURAL RULES**

DECEMBER 2016 EDITION

Introduction

This booklet contains the statutes, guidelines, and rules relating to the New Hampshire General Court's Legislative Ethics Committee. The Legislative Ethics Committee is a statutory committee established in 1991 to develop and administer ethical standards for members, officers, and employees of the New Hampshire General Court. It provides advisory opinions and interpretive rulings regarding the standards of conduct contained in the statutes and guidelines, and it investigates complaints alleging improper conduct involving legislators, legislative officers, and legislative employees.

This booklet is divided into four parts. Part One contains the Ethics Guidelines. These guidelines have been issued by the Committee and approved by the General Court in accordance with the provisions of RSA 14-B:3. The Ethics Guidelines are followed by 3 sample forms: "Declaration of Intent," "Honorarium or Expense Reimbursement Report," and "Complaint Form."

Part Two contains the statute which governs the Committee's work, RSA 14-B, Legislative Ethics Committee.

Part Three contains RSA 14-C, Gifts, Honorariums, and Expense Reimbursements Requirements for Legislators and Legislative Employees. This statute prohibits gifts to legislators, legislative officers, and legislative employees and requires legislators, legislative officers, and legislative employees to file with the secretary of state a report of any honorariums, expense reimbursements, tickets or free admission to political, charitable, or ceremonial events, or meals or beverages consumed at a meeting or event the purpose of which is official business, with a value greater than \$50.

Part Four contains the Procedural Rules of the Legislative Ethics Committee. These rules, promulgated by the Committee under RSA 14-B:5, govern the conduct of business at Committee meetings and establish procedures with respect to complaints filed with the Committee.

In addition to the statutes, guidelines and rules contained in this booklet, the Ethics Committee's website contains the text of the Committee's advisory opinions and interpretive rulings. The website can be accessed from the website of the New Hampshire General Court.

**Compiled and edited by Richard M. Lambert
for the Legislative Ethics Committee
Published by the Office of Legislative Services**

TABLE OF CONTENTS

	Page
PART ONE	ETHICS GUIDELINES
Section 1	Principles of Public Service 1
Section 2	Definitions 1
Section 3	Prohibited Activities 3
Section 4	Permitted Activities; Permitted Gifts 5
Section 5	Legislator's Financial Disclosure Form 7
Section 6	Conflict of Interest Procedure 10
Section 7	Verbal Disclosure of Conflicts of Interest 12
Section 8	Legislative Employee Code of Conduct 13
Sample Forms	
	Declaration of Intent 16
	Honorarium or Expense Reimbursement Report 18
	Legislative Ethics Committee Complaint Form 20
PART TWO	RSA 14-B, LEGISLATIVE ETHICS COMMITTEE
14-B:1	Definitions 21
14-B:2	Committee Established; Membership 22
14-B:3	Duties 23
14-B:4	Complaints; Procedures 24
14-B:4-a	Penalty for Unauthorized Disclosure 26
14-B:5	Rules; Procedures and Standards 27
14-B:6	Publication and Retention of Records 27
14-B:7	Financial Disclosure Form [Repealed] 27
14-B:8	Financial Disclosure Form 27
14-B:9	Filing With Secretary of State 29
14-B:10	Penalty 29
14-B:11	Commission to Study and Update the Rules and Procedures of the Legislative Ethics Committee Under RSA 14-B and the Laws Governing Legislative Ethics Under RSA 15-B [Repealed] 29
PART THREE	RSA 14-C, GIFTS, HONORARIUMS, AND EXPENSE REIMBURSEMENTS REQUIREMENTS FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES
14-C:1	Purpose 30
14-C:2	Definitions 30

PART THREE (CONT.)

14-C:3 Prohibition on Gifts; Duty to Report 32

14-C:4 Duty to Report and Reporting Deadlines 33

14-C:5 Form Established by the Secretary of State 33

14-C:6 Forms; Place of Filing..... 34

14-C:7 Penalty..... 34

14-C:8 Examination of Reports 34

14-C:9 Limitations 34

14-C:10 Severability 35

**PART FOUR PROCEDURAL RULES OF THE LEGISLATIVE
ETHICS COMMITTEE**

Section 1 Applicability and Definitions..... 36

Section 2 Meetings, Conduct of Business, Staff,
Quorum, and Disqualification 36

Section 3 Confidentiality of Proceedings..... 37

Section 4 Initial Review of Complaints..... 38

Section 5 Response to Complaint 39

Section 6 Preliminary Investigation 40

Section 7 Statement of Formal Charges,
Notice of Hearing, and Answer 40

Section 8 Discovery and Subpoena Powers..... 42

Section 9 Conduct of Hearing..... 42

Section 10 Dispositions Following Hearing 43

Section 11 Use of Closed Files..... 45

APPENDIX

Interpretive Ruling 2016-4..... 46

Interpretive Ruling 2016-5..... 50

PART ONE

ETHICS GUIDELINES

1

1 PRINCIPLES OF PUBLIC SERVICE.

I. Public Office as a Public Trust

Legislators shall 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 shall 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 shall ensure that government is conducted openly, equitably and honorably in a manner that permits the citizenry to make informed judgments, have confidence in the integrity of the legislature, and hold government officials accountable.

IV. Principle of Conduct

Legislators shall treat each other, legislative employees, and the public with dignity and respect.

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; and
 - (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 special interest in any matter which could directly or indirectly affect or influence the performance of the legislator's official activities.
- 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, cultural, or informational program.
- IV. "Gift" shall mean:
- (a) Money in any amount, whether in the form of cash, check, or any other negotiable or non-negotiable instrumentality for the transfer of money.
 - (b) Any other tangible thing, intangible thing, service, or the use thereof having an individual value of greater than \$50.
 - (c) Multiple tangible things, intangible things, services, or the use thereof having an individual value \$50 or less with an aggregate value greater than \$250 from any single source during any calendar year.
- V. "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 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.
- VI. "Household Member" shall mean any person 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 parent.
- VII. "Immediate Family" includes a spouse, guardian, parent, sibling, child, or dependent.
- VIII. "Legislation" is a bill, resolution, or constitutional amendment.

- IX. "Legislative Employee" includes all house, senate, and joint staff whether employed on a part-time, full-time, permanent, or temporary basis.
- X. "Legislative Officer" includes those employees of the House and Senate who are elected by members of the General Court.
- XI. "Official Activities" are 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.
- XII. "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.
- XIII. "Special Interest" means any financial or personal interest in the outcome of a matter that is the subject of official activity, distinct from and greater than the interests of the public at large. A financial interest exists where a legislator or household member could stand to gain or lose anything of value as a result of the official activity. A personal interest exists where a legislator or household member could otherwise be affected by the outcome of such activity, or when a legislator has a responsibility for the welfare of an organization and where that welfare could be affected by the outcome of such activity.

3 PROHIBITED ACTIVITIES.

- I. The activities listed in this section are prohibited. Filing a declaration in compliance with section 6 of these Guidelines does not excuse or absolve legislators from compliance with the provisions of this section or the provisions of RSA 14-C:3 prohibiting certain activities.
- II. 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 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 14-C.

III. Legislators shall not:

- (a) Reveal information which the legislator has obtained confidentially in the course of his or her 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 household member, 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 household member, or to certain constituents which would not be available to others under similar conditions.
- (e) Use their public position or office to obtain anything of value for the private benefit of the legislator, a member of the legislator's immediate family, or a household member.
- (f) Use state-provided services or facilities for private gain.
- (g) Engage in conduct that constitutes sexual harassment as defined in RSA 14-B:1, IV.
- (h) Violate any policy or rule adopted by the House or Senate relating to the conduct of individuals in the performance of their duties as members of the legislature.

4 PERMITTED ACTIVITIES; PERMITTED GIFTS.

I. Nothing in section 3, Prohibited Activities, shall be construed to prohibit the following:

- (a) Giving or receiving campaign contributions made for the purpose of defraying the costs of a political campaign in compliance with RSA 664 or the Federal Election Campaign Act of 1971, as amended.
- (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 and suitable for such employment.
- (e) Acceptance of expense reimbursement for the reasonable expenses for attendance, registration, travel, meals, and lodging related to a bona fide conference, meeting, seminar, or educational, cultural, or informational program related to the legislator's office so long as disclosure of any such reimbursement is made 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 14-C.
- (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 14-C.
- (g) Acceptance of meals or beverages with a value of greater than \$50 consumed at a meeting or event the purpose of which is to discuss official business so long as disclosure is made no later than 10 days following the meeting or event at which the meals or beverages were consumed. Meals or beverages accepted under this subparagraph shall be limited to \$250 in the aggregate from any single source during any calendar year. Disclosure shall be filed in a report in the Office of the Secretary of State and shall be in the form prescribed in RSA 14-C.
- (h) Acceptance of anything permitted to be accepted pursuant to RSA 14-C.

II. The following shall not be considered gifts for the purposes of these Guidelines:

- (a) A political contribution as defined in RSA 664.

- (b) A commercially reasonable loan, made in the ordinary course of business.
- (c) Repayment to an elected official, public official, public employee, constitutional official, or legislative employee of a bona fide loan made by such a person.
- (d) A ceremonial plaque, award, or other commemorative object, which is personally inscribed to the recipient and which has a value of \$150 or less.
- (e) Objects which primarily serve an informational purpose provided in the ordinary course of business, such as reports, books, maps, or charts.
- (f) 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.
- (g) 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.
- (h) Wages, salary, benefits, mileage, or payment for expenses paid to the person by the state, a political subdivision of the state, or the United States of America related to performance of official duties.
- (i) Tickets or free admission from any source to a political, charitable, or ceremonial event provided that acceptance of any tickets or free admission as permitted by this subparagraph shall be limited to \$250 in the aggregate from any single source during any calendar year and:
 - (1) The proceeds of the event are subject to the political contributions and expenditure reporting law, RSA 664, or the Federal Election Campaign Act of 1971 as amended, provided that the recipient reports the source of the tickets or free admission pursuant to RSA 14-C:4; or
 - (2) 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, provided that the recipient reports the source of the tickets or free admission pursuant to RSA 14-C:4; or
 - (3) The event is primarily ceremonial or celebratory in nature and is public or, if by invitation only, is planned to have an attendance greater than 50 people, provided that the recipient reports the source of the tickets or free admission pursuant to RSA 14-C:4; or

- (4) The event is published as an event open for attendance by any member or employee of the general court in the calendar of the senate or the house.
- (j) An expense reimbursement.
- (k) An honorarium.
- (l) Meals and beverages having a value of more than \$50 consumed at a meeting or event, the purpose of which is to discuss official business, provided that acceptance of such meals and beverages as permitted by this subparagraph shall be reported pursuant to RSA 14-C:4 and limited to \$250 in the aggregate from any single source during any calendar year.
- (m) Monetary or non-monetary awards or recognition issued under the suggestion and extraordinary service award program under RSA 99-E.

5 LEGISLATOR'S FINANCIAL DISCLOSURE FORM.

Every representative, senator, and officer of the House and Senate, shall file with the Legislative Ethics Committee a financial interest disclosure form pursuant to RSA 14-B:8 annually no later than the third Friday in January. If the legislator's or officer's financial circumstances change, he or she shall file a new financial interest disclosure form prior to participation in any official activity which would have been affected by the change.

The form shall be in substantially the following form:

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

As prescribed by RSA 14-B:8

Name of Legislator/Officer _____
(CIRCLE ONE) (PRINT NAME)

Address _____
(STREET) (TOWN/CITY) (ZIP CODE)

Office held _____ County/District _____

Telephone Number _____

I. Sources of Income

Identify below the name, address, and type of any business, profession, or other organization (including any unit of government) in which you or a household member served as an employee, officer, director, associate, partner, or proprietor, or in any other professional or advisory capacity, from which you or a household 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 “household member” means any person 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 parent.

- 1) a) Name of business, profession, or other organization _____
 b) Address of organization _____
 c) Type of organization _____
- 2) a) Name of business, profession, or other organization _____
 b) Address of organization _____
 c) Type of organization _____
- 3) a) Name of business, profession, or other organization _____
 b) Address of organization _____
 c) Type of organization _____
- 4) a) Name of business, profession, or other organization _____
 b) Address of organization _____
 c) Type of organization _____

(attach additional sheets if necessary)

If you or a household member had no qualifying income, indicate by INSERTING your initials after the following statement.

My or my household member’s income does not qualify _____.

II. Disclosure of Financial Interests

Identify and describe below any financial interest you or a household member may have. You have a “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 financial effect on you or a household member that is distinct from and greater than the interests of the public at large.

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 6 of the Ethics Guidelines. Also, if such activity could reasonably have a greater benefit or detriment to you or a household member than other members of a group identified in this form, a Declaration of Intent Form is required. See section 6 of the Ethics Guidelines for information regarding particular conflicts of interest you may have.

Do you or a household member have a financial interest, as defined above, in any of the following businesses, professions, occupations, groups, or matters? Check any of the following which apply and describe the nature of your or your household member's financial interest:

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

List each such profession, occupation, or category of business.

- ☐ (b) Health Care

Describe: _____

- ☐ (c) Insurance

Describe: _____

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

Describe: _____

- ☐ (e) Banking or financial services

Describe: _____

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

Describe: _____

- ☐ (g) New Hampshire Retirement System

Describe: _____

- ☐ (h) Current use land assessment program

Describe: _____

- ☐ (i) Restaurants and lodging

Describe: _____

- ☐ (j) Sale and distribution of alcoholic beverages

Describe: _____

- ☐ (k) Practice of law

Describe: _____

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

Describe: _____

- ☐ (m) Legal forms of gambling or charitable gaming

Describe: _____

- ☐ (n) Education

Describe: _____

- ☐ (o) Water resources

Describe: _____

- ☐ (p) Agriculture

Describe: _____

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

- ☐ (r) Other

Describe: _____

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

Notice to electronic filers: Typing your first and last name states your intent to sign this form electronically, in accordance with RSA 294-E:2, VIII.

 SIGNATURE OR TYPED FIRST AND LAST NAME OF LEGISLATOR/OFFICER

 DATE

RSA 14-B:10 Penalty. Any representative, senator, or officer of the House of Representatives or Senate who knowingly fails to file the form required under RSA 14-B:8 or who knowingly files a false statement on such form shall be guilty of a misdemeanor. *(This penalty applies whether the form is signed personally or electronically.)*

***Complete and return to the Legislative Ethics Committee,
 State House Room 112,
 no later than the third Friday in January.***

6 CONFLICT OF INTEREST PROCEDURE.

- I. No legislator having a conflict of interest shall participate in any official activity associated with the matter without complying with the procedure set forth in this section.
- II. A declaration of intent form shall be filed by a legislator whenever a financial interest could reasonably be expected to produce greater benefit to the legislator or the legislator's household member than would accrue to any other member of a business, profession, occupation, or other group listed by the legislator in the financial disclosure form.
- III. A declaration of intent form shall also be filed whenever a legislator or a legislator's household member has a personal interest in the outcome of a matter that is the subject of official activity, distinct from and greater than the interests of the public at large. A "personal interest" exists where a legislator or household member could otherwise be affected by the outcome of such activity, or when a legislator has a responsibility for the welfare of an organization and where that welfare could be affected by the outcome of such activity.

IV. In such cases, the legislator shall either:

- (a) Declare that the legislator will not participate in any official activity associated with the issue; or
- (b) Declare that the legislator intends to participate in the official activity and provide a description of the conflict of interest.

New Hampshire General Court
House/Senate Clerk's Office
DECLARATION OF INTENT

Legislators are required to file this form whenever:

- 1) A legislator or a legislator's household member has a **financial interest** that could reasonably be expected to have a greater financial impact on a legislator or a legislator's household member than would accrue to any other member of the business, profession, occupation, or other group which the legislator listed in the Financial Disclosure Form; or
- 2) A legislator or a legislator's household member has a **personal interest** in the outcome of a matter that is the subject of official activity, distinct from and greater than the interests of the public at large. A "personal interest" exists where a legislator or a legislator's household member could otherwise be affected by the outcome of such activity, or when a legislator or a legislator's household member has a responsibility for the welfare of an organization and where that welfare could be affected by the outcome of such activity.

Name of Legislator: _____

Date Filed: _____

District/County: _____

Bill or other issue creating conflict of interest: _____

Subject matter of the bill or issue: _____

☐ **WILL NOT PARTICIPATE**

I will not participate in action on the above-mentioned bill or issue.

Signature: _____

☐ **WILL PARTICIPATE**

I intend to participate in action on the above-mentioned bill or issue and am providing the following additional information:

Description of Conflict of Interest

Identify and describe below the conflict of interest you or a household member may have with this bill or issue. A household member is any person living in the same domicile as you who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parent.

This bill or issue creates a: ☐ financial interest ☐ personal interest

Nature of effect on Legislator or household member:

Nature of relationship between Legislator and any affected household member:

Public or private entities affected:

Nature of relationship between Legislator or household member and any affected person or entity:

Additional information:

Signature:

- V. The declaration required in subparagraphs IV(a) and (b) of this procedure shall be publicly announced prior to any participation by the legislator in the official activity in accordance with section 7 of these Guidelines. The declaration of intent form shall be filed with the clerk of the member's respective body prior to the time of the official activity and be made available for public inspection during normal business hours.

7 VERBAL DISCLOSURE OF CONFLICTS OF INTEREST.

- I. A legislator who has filed a declaration of intent form and has indicated on the form an intent to participate in an official activity, shall verbally disclose and describe the nature of the conflict of interest prior to any participation in the official activity.
- II. The disclosures required pursuant to paragraph I of this section shall be made in the following manner:
 - (a) When testifying before a legislative committee or state agency regarding a bill or other matter in which the legislator has a special interest, the legislator shall make the disclosure prior to testifying.
 - (b) When appointed to a subcommittee working on a bill in which the legislator has a special interest, the disclosure shall be made upon appointment to the subcommittee and at the initial subcommittee work session.

- (c) When serving as a member of a committee considering a bill in which the legislator has a special interest, the disclosure shall be made prior to discussing the bill in executive session and voting.
- (d) When addressing a bill in which the legislator has a special interest before the full House or Senate, the disclosure shall be made prior to speaking.
- (e) When appointed as a member of a Committee of Conference on a bill in which the legislator has a special interest, the disclosure shall be made to the Speaker or Senate President upon appointment to the committee and at the first meeting of the Committee of Conference.
- (f) When otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation, or any state agency in which the legislator has a special interest, the disclosure shall be made to all participants prior to engaging in any official business on the matter.

8 LEGISLATIVE EMPLOYEE CODE OF CONDUCT.

I. General Principles of Conduct.

- (a) A legislative employee or officer shall view his or her work for the General Court as a public service and shall 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 shall 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 shall 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 shall avoid activities that conflict with this objectivity or give the appearance of conflict.
- (d) A legislative employee or officer shall treat all legislators with dignity and respect, and provide services of equal quality to the employee's or officer's appropriate legislative clientele.

II. Prohibited Activities.

- (a) The activities listed in this paragraph are prohibited. Making disclosure in compliance with paragraph IV of this section does not excuse or absolve legislative officers or employees from compliance with the provisions of this paragraph or the provisions of RSA 14-C:3 prohibiting certain activities.

- (b) A legislative employee or officer shall not violate the provisions of RSA 14-C.
- (c) A legislative employee or officer shall not accept any gift from givers who wish to influence the work activities of the employee or officer.
- (d) 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.
- (e) Except within the scope of employment, a legislative employee or officer shall not provide any service to a lobbyist or any other person in any matter or action pending before the General Court.
- (f) A legislative employee or officer shall not use or attempt to use the employee's or officer's official position to (1) personally obtain any privilege, exemption, special treatment, or any other thing of value, or (2) obtain any such benefit for others except as required to perform duties within the scope of employment.
- (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 or household member 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.
- (h) A legislative employee or officer shall not use state-provided services or facilities for private gain.
- (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.
- (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.

III. Permitted Activities. The activities listed in this paragraph are permitted.

- (a) Acceptance of awards, prizes, honors, or gifts of a minimal value.
- (b) 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, visual, or digital format.

- (c) Acceptance of expense reimbursement for the reasonable expenses for attendance, registration, travel, meals, and lodging related to a bona fide conference, meeting, seminar, or educational, cultural, or informational program related to the legislative employee's or officer's employment so long as disclosure of any such reimbursement is made 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 in RSA 14-C.
 - (d) 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 14-C.
 - (e) Acceptance of meals or beverages with a value of \$50 or more consumed at a meeting or event the purpose of which is to discuss official business so long as disclosure is made no later than 10 days following the meeting or event at which the meals or beverages were consumed. Meals or beverages accepted under this subparagraph shall be limited to \$250 in the aggregate from any single source during any calendar year. Disclosure shall be filed in a report in the Office of the Secretary of State and shall be in the form prescribed in RSA 14-C.
 - (f) Acceptance of anything permitted to be accepted pursuant to RSA 14-C.
- 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, or the Chief of Staff of the Senate, or the Director of the Office of Legislative Services, or the Legislative Budget Assistant, as appropriate.

SAMPLE FORMS

New Hampshire General Court House/Senate Clerk's Office

DECLARATION OF INTENT

Legislators are required to file this form whenever:

- 1) A legislator or a legislator's household member has a **financial interest** that could reasonably be expected to have a greater financial impact (either beneficial or detrimental) on a legislator or a legislator's household member than would accrue to any other member of the business, profession, occupation, or other group which the legislator listed in the Financial Disclosure Form; or
- 2) A legislator or a legislator's household member has a **personal interest** in the outcome of a matter that is the subject of official activity, distinct from and greater than the interests of the public at large. A "personal interest" exists where a legislator or a legislator's household member could otherwise be affected by the outcome of such activity, or when a legislator or a legislator's household member has a responsibility for the welfare of an organization and where that welfare could be affected by the outcome of such activity.

Name of Legislator: _____

Date Filed: _____

District/County: _____

Bill or other issue creating conflict of interest: _____

Subject matter of the bill or issue: _____

☐ WILL NOT PARTICIPATE

I will not participate in action on the above-mentioned bill or issue.

Nature of effect on Legislator or household member: _____

Signature: _____

☐ WILL PARTICIPATE

I intend to participate in action on the above-mentioned bill or issue and am providing the following additional information:

Description of Conflict of Interest

Identify and describe below the conflict of interest you or a household member may have with this bill or issue. A household member is any person living in the same domicile as you who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parent.

This bill or issue creates a: ☐ **financial interest** ☐ **personal interest**

Nature of effect on Legislator or household member: _____

Nature of relationship between Legislator and any affected household member:

Public or private entities affected: _____

Nature of relationship between Legislator or household member and any affected person or entity: _____

Additional information: _____

Signature: _____

Please note: This declaration shall be publicly announced prior to any participation by the legislator in the official activity and the Declaration of Intent form shall be filed with the clerk of the member’s respective body prior to the time of the official activity and be made available for public inspection during normal business hours.

For Legislators and Legislative Employees

Type or Print all Information Clearly:

Name: _____

FIRST MIDDLE LAST

Work Phone No.:_____

Work Address: _____

Office/Appointment/Employment held: _____

List the full name, post office address, occupation, and principal place of business, if any, of the **source** of any reportable honorarium, expense reimbursement, ticket or free admission to a political, charitable, or ceremonial event, or meals or beverages consumed at a meeting or event, the purpose of which is to discuss official business, with a value greater than \$50.

Source of Honorarium, Expense Reimbursement, Ticket or Free Admission, or Meals and/or Beverages:

Name of Source: _____

FIRST	MIDDLE	LAST

Post Office Address: _____

Occupation: _____

Principal Place of Business: _____

If the source is a Corporation or other Entity:

Name of Corporation or Entity: _____

Name of Person Representing the Corporation/Entity: _____

Work Address of Person Representing the Corporation/Entity: _____

I am reporting:

- ☐ A ticket or free admission received pursuant to RSA 14-C:4, I **with value over \$50.00.**
- ☐ Meals and/or beverages consumed pursuant to RSA 14-C:4, II **with value over \$50.00.**
- ☐ An Honorarium **with value over \$50.00.**

Value of Honorarium: _____ Date Received: _____ *If exact value is unknown, provide an estimate of the value of the gift or honorarium and identify the value as an estimate.* ☐ Exact ☐ Estimate

☐ An Expense Reimbursement **with value over \$50.00.**

Value of Expense Reimbursement: _____

Date Received: _____ *If exact value is unknown, provide an estimate of the value of the gift or honorarium and identify the value as an estimate.* ☐ Exact ☐ Estimate

For a report relating to an honorarium or expense reimbursement, you are required to attach a copy of the agenda or an equivalent document which addresses the subjects addressed and the time schedule of all activities at the event. Indicate below the names of the sponsors of activities in cases where they are not indicated on the agenda or equivalent document.

Provide a brief description of the service or event that gave rise to this Honorarium, Expense Reimbursement, ticket or free admission to a political, charitable, or celebratory event, or meals or beverages:

“I have read RSA 14-C and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief.”

SIGNATURE OF FILER

DATE FILED

RSA 14-C:7 Penalty. Any person who knowingly fails to comply with the provisions of this chapter or knowingly files a false report shall be guilty of a misdemeanor.

Return to: Secretary of State’s Office
State House Room 204
Concord, NH 03301

Please provide the following information about the person filing this report.
This information will not be made public:

Home Phone: _____

Home Address: _____
STREET TOWN/CITY ZIP

Mailing Address if different: _____

E-mail Address: _____

NEW HAMPSHIRE GENERAL COURT LEGISLATIVE ETHICS COMMITTEE COMPLAINT FORM

I, the undersigned, do allege that, in my personal knowledge, the following individual(s): _____, who hold(s) the position of _____ did commit a violation of law, or of a guideline, rule or regulation of the General Court. In support of my complaint, I offer the following statement of facts. I understand that the filing of this complaint is **confidential** and that the initial review and preliminary investigation of this complaint shall be conducted in nonpublic session unless otherwise requested by the individual(s) complained against. I further understand that unauthorized disclosure of confidential matters or materials contrary to RSA 14-B:4, is punishable in accordance with RSA 14-B:4-a.

STATEMENT (May include reference to the provision(s) allegedly violated):

Signed,

Printed name: _____

Address: _____

On this the _____ day of _____, 20_____, before me, _____, the undersigned officer, the above-named signatory/signatories personally appeared and took oath that the foregoing document by him/her/them subscribed is true.

TITLE OF OFFICER

PART TWO
NEW HAMPSHIRE REVISED STATUTES ANNOTATED
CHAPTER 14-B
LEGISLATIVE ETHICS COMMITTEE

14-B:1 Definitions. – In this chapter:

I. “Conflict of interest” means the condition in which a legislator has a special interest in any matter which could directly or indirectly affect or influence the performance of the legislator’s official activities.

II. “Household member” means any person living in the same domicile as the representative, senator, or officer of the house of representatives or senate who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.

III. “Jurisdiction of the committee” means those actions which allege a violation of law, guideline, rule, or regulation and relate to the conduct of individuals in the performance of their duties as members, officers, or employees of the legislature.

IV. (a) “Sexual harassment” means an unwelcome sexual advance, a request for a sexual favor, or other verbal or physical conduct of a sexual nature, provided, that:

(1) Submission to such conduct is made either explicitly or implicitly a term of the individual’s employment;

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(3) Such conduct is so pervasive or severe that it creates an intimidating, hostile, or offensive working environment.

(b) As used in subparagraph (a), verbal or physical conduct of a sexual nature may include:

(1) Verbal abuse of a sexual nature;

(2) Unwelcome offensive sexual flirtation;

(3) Unwelcome graphic verbal comments about an individual’s body;

(4) Sexually degrading words to describe an individual;

(5) Unwelcome brushing, touching, patting, or pinching an individual’s body;

(6) Sexually explicit gestures;

(7) The display in the state house complex of sexually suggestive, sexually demeaning, or pornographic objects, pictures, posters, or cartoons; or

(8) Unwelcome inquiry or comment about sexual conduct, sexual orientation, or preference.

V. “Special interest” means any financial or personal interest in the outcome of a matter that is the subject of official activity, distinct from and greater than the interests of the public at large. A financial interest exists where a legislator or household member could stand to gain or lose anything of value as a result of the official activity. A personal interest exists where a legislator or household member could otherwise be affected by the outcome of such activity, or when a legislator has a responsibility for the welfare of an organization and where that welfare could be affected by the outcome of such activity.

VI. “Sworn complaint” means a statement of facts within the personal knowledge of the complainant alleging a violation of law, guideline, rule, or regulation of the legislature and relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the legislature.

Source. 1991, 105:1. 1994, 329:1. 2004, 234:2. 2009, 261:5. 2016, 328:1, eff. December 7, 2016.

14-B:2 Committee Established; Membership. –

I. There is hereby established a legislative ethics committee to develop standards for legislative ethics and resolve, through procedures established in this chapter, issues, questions or complaints involving legislators and legislative staff and officers. The committee shall have the power to investigate allegations of improper conduct as set forth in this chapter. The committee shall consist of the following members, at least one of whom shall be an attorney who is a member of the New Hampshire bar:

- (a) One house member, appointed by the speaker of the house.
- (b) One house member, appointed by the house minority leader.
- (c) One public member, appointed by the speaker of the house.
- (d) One senator, appointed by the senate president.
- (e) One senator, appointed by the senate minority leader.
- (f) One public member, appointed by the senate president.
- (g) [Repealed.]

(h) One public member, appointed jointly by the speaker of the house, the house minority leader, the senate president, and the senate minority leader.

II. No person registered with the secretary of state as a lobbyist under RSA 15 shall serve as a member of the legislative ethics committee or for 6 months following the expiration of such registration.

III. Appointments to the committee shall be made by December 31 prior to the first legislative session of the biennium. A committee meeting shall be called no later than February 1 in the first legislative session of the biennium. Prior to the first committee meeting, the speaker of the house of representatives and the senate president shall jointly select from the members of the committee a chairperson and vice-chairperson. The members shall serve for the biennium and shall not be removed from the committee for any reason except for good cause by unanimous vote of the remaining committee members. Members shall receive no compensation, except that legislative members

shall receive mileage at the legislative rate and public members shall receive mileage at the state employee rate. The committee shall provide the executive branch ethics committee with copies of all publicly issued guidelines, procedures, decisions, and opinions.

Source. 1991, 103:2; 105:1. 1994, 329:2, 5, 6. 1997, 113:1. 2001, 215:1, 2. 2004, 86:1. 2006, 21:5, eff. June 2, 2006.

14-B:3 Duties. –

I. The committee shall be authorized to:

(a) Issue guidelines to elucidate proper and appropriate conduct for individuals relating to the performance of their duties as members, officers, or employees of the legislature. Such guidelines shall be consistent with statute.

(b) Issue interpretative rulings explaining and clarifying any law, guideline, rule or regulation within the jurisdiction of the committee.

(c) Render an advisory opinion, in writing within a reasonable time, in response to a written request by a member, officer, or employee, concerning the application of any law, guideline, rule, or regulation within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion. Any advisory opinion concerning any person subject to the provisions of this chapter who acted in reliance thereon, shall be binding upon the committee, and it shall be an absolute defense in any complaint brought under this chapter or prosecution under RSA 15-A or RSA 14-C that the person complained against acted in reliance upon such advisory opinion.

(d) Receive sworn complaints, and investigate allegations of improper conduct, including sexual harassment against members or retaliation against employees who make good faith allegations of sexual harassment, which may reflect upon the legislature, relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the legislature, and make appropriate findings of fact and conclusions with respect to such conduct. Deliberations on such sworn complaints shall be conducted in non-public session and in accordance with procedures set forth in RSA 14-B:4 and established by the committee under RSA 14-B:5. The committee shall consider any sworn complaint and shall conduct its initial review of each complaint in a confidential manner, unless otherwise requested by the legislator, officer, or employee complained against.

(e) Investigate any unauthorized disclosure of information by any committee member or employee of the committee and report to the legislature concerning any allegation which it finds to be substantiated.

II. Before guidelines or amendments thereto become effective, the committee shall distribute such guidelines or amendments to the members of the senate and the house of representatives. Specific guidelines or amendments shall be brought to a vote and approved by a majority vote of both houses within a period of 3 legislative days after distribution before they shall become effective.

III. All actions of the committee shall require an affirmative vote of 4 or more members of the committee before becoming effective.

IV. The committee shall review all financial disclosure forms required by RSA 14-B:8 and shall place the completed forms on file in the office of the secretary of state for purposes of the requirements of RSA 15-A, in accordance with the filing deadlines established under RSA 14-B:8 and RSA 14-B:9. The filing of a financial disclosure form in accordance with RSA 14-B:8 by a representative, senator, or officer of the house of representatives or senate shall satisfy the requirement of filing a statement of financial interest pursuant to RSA 15-A.

Source. 1991, 105:1. 1994, 329:3. 1995, 196:1, 2. 2001, 215:3. 2004, 234:3. 2007, 194:1. 2009, 261:1. 2016, 328:2, eff. December 7, 2016.

14-B:4 Complaints; Procedures. –

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. The legislator, officer, or employee of the legislature complained against shall be furnished with a copy of the complaint and a copy shall be sent to each member of the committee for review. The committee shall initiate a complaint on its own motion against any individual the committee determines has not complied with the provisions of RSA 14-B:8. The committee shall promptly examine each sworn complaint and:

(a) If by an affirmative vote of at least 4 members it determines that a complaint is frivolous, scurrilous, or retaliatory in nature, fails to allege conduct which is contrary to the law, ethics guidelines, rules, or regulations, or is otherwise plainly not within the committee's jurisdiction, the committee may summarily discharge the complaint without the benefit of a meeting or further proceeding. The committee shall notify the respondent and complainant in writing of its action.

(b) For any complaint not discharged, the committee shall conduct an initial review to ascertain whether the committee has jurisdiction to consider the complaint or whether the complaint is without merit or is unfounded.

II. Any person who knowingly and willfully swears falsely to a sworn complaint does so under penalty of perjury, and the committee may refer any such case to the attorney general for prosecution.

III. Except as provided in this chapter, all proceedings, information, communications, materials, papers, files, and transcripts, written or oral, received or developed by the committee in the course of its work, shall be confidential. Any violation of these provisions relating to confidentiality may result in action by the committee, at the request of the non-violating party or on its own motion, to terminate the proceedings with or without public comment.

IV. Upon completion of its preliminary investigation of a complaint and determination to resolve the complaint through an informal resolution or to initiate a formal hearing, the committee shall make available for public

inspection all records, other than its work product and internal memoranda, relating to any complaint it does not dismiss, and shall conduct any subsequent proceedings, other than its deliberations, in public session.

IV-a. [Repealed]

V. If, after receiving a sworn complaint, the committee concludes by a recorded vote that the alleged conduct is not within the committee's jurisdiction or is without merit or is unfounded, the committee shall dismiss the complaint and shall report such conclusion to the complainant and to the legislator, the officer, or the employee of the legislature together with an explanation of the basis of such determination.

VI. If the committee concludes that the complaint is within its jurisdiction and has merit, then by recorded vote, the committee may conduct a preliminary investigation.

VII. Upon completion of its preliminary investigation, the committee shall conclude by recorded vote that:

(a) No action is appropriate because no improper conduct occurred;

(b) The matter does not merit the presentation of formal charges and hearing and shall be resolved with the consent of the respondent by an informal method. Such informal resolution may take the form of written advice or admonishment, the requirement of remedial action, or the imposition of conditions, or any combination thereof; or

(c) The conduct complained of is of a serious nature and formal proceedings should be instituted to inquire further into the complaint. The committee shall then make a statement of formal charges and hold a hearing on the complaint.

VIII. Upon completion of the hearing, the committee shall conclude by recorded vote that:

(a) No action is appropriate because no improper conduct occurred; or

(b) No action is appropriate because there is not clear and convincing evidence that improper conduct occurred; or

(c) There was improper conduct based upon clear and convincing evidence, but such conduct does not justify formal disciplinary action and should be resolved by informal methods; or

(d) (1) There was improper conduct based upon clear and convincing evidence, and the improper conduct was of a serious nature so as to warrant formal disciplinary action by the general court in the case of a legislator or officer of the legislature, or formal disciplinary action by the joint committee on legislative facilities in the case of an employee of the legislature, except in the case of an employee of the legislature employed by the legislative budget assistant, in which case the formal disciplinary action shall be taken by the fiscal committee of the general court. The committee shall submit to the speaker of the house and senate president in the case of a legislator or officer of the legislature, to the joint committee on legislative facilities in the case of an employee of the legislature, or to the fiscal committee of the general court in the case of an employee of the legislature employed by the legislative budget

assistant, a summary report of the deliberations regarding the complaint and of its findings. The report shall contain any specific recommendations concerning disciplinary actions to be imposed. With respect to any recommendations for disciplinary actions against a legislator, the committee may recommend one or more of the following:

(A) Reprimand.

(B) Censure.

(C) Expulsion from the senate or house of representatives.

(D) Denial or limitation of any right, power, privilege, or immunity of the legislator that the constitution of New Hampshire permits the general court to deny or limit.

(2) Before any disciplinary action may be taken against a legislator or against an officer of the legislature, the report shall be ratified by the legislator's or by the officer's respective body of the general court. Such ratification need not occur during the biennium in which the complaint was submitted, but may be considered and acted upon by the general court in the next succeeding session; provided that no action shall be taken against an individual who is no longer a member of the general court.

(3) In a case involving an employee of the legislature, the joint committee on legislative facilities shall determine what disciplinary action shall be taken against the employee. In a case involving an employee of the legislature who is employed by the legislative budget assistant, the fiscal committee of the general court shall determine what disciplinary action shall be taken against the employee. In making its determination, the joint committee on legislative facilities or the fiscal committee of the general court as appropriate may use any of the specific recommendations concerning disciplinary actions which are contained in the report which it receives.

IX. In processing complaints filed under this chapter, the committee shall have subpoena powers. If the legislator, the officer, or the employee of the legislature refuses to participate in the proceedings, the committee may refer the complaint to the attorney general for appropriate action.

X. Any member of the legislative ethics committee who is directly or indirectly involved in any complaint before the committee shall not participate in any proceedings regarding the complaint. In the event that a member does not participate in a particular case, the appointing authority shall designate an alternate to serve on the committee for that case only.

Source. 1991, 105:1. 1994, 329:4. 1995, 196:3. 2001, 215:4. 2004, 86:2. 2004, 234:4. 21:6. 2016, 328:3-6, eff. December 7, 2016.

14-B:4-a Penalty for Unauthorized Disclosure. – Any person who knowingly or willfully makes unauthorized disclosure of confidential matters or materials contrary to RSA 14-B:4, shall be guilty of a misdemeanor, and may be subject to disciplinary action as provided in this chapter and other applicable law.

Source. 2008, 132:1, eff. January 1, 2009.

14-B:5 Rules; Procedures and Guidelines. – The committee shall adopt, publish, and make available to the public rules governing its procedures as well as guidelines referred to in RSA 14-B:3, II consistent with the procedures set forth in RSA 541-A.

Source. 1991, 105:1. 2004, 234:5. 2016, 328:7, eff. December 7, 2016.

14-B:6 Publication and Retention of Records. – All records required to be filed or placed on file with the secretary of state under the provisions of this chapter, or with the clerk of the senate or the clerk of the house of representatives under the rules or guidelines adopted in accordance with RSA 14-B:5, shall be made available on the website maintained by the committee in a timely manner. Records maintained by the office of the secretary of state shall be retained for a period of 6 years, after which time they may be destroyed.

Source. 2001, 215:5. 2004, 86:3. 2009, 261:2. 2012, 126:1, eff. Aug. 4, 2012.

14-B:7 Financial Disclosure Form. – [Repealed 2006, 21:10, I, eff. June 2, 2006.]

14-B:8 Financial Disclosure Form. – Every representative, senator, and officer of the house of representatives and the senate, shall file with the legislative ethics committee a financial disclosure form annually no later than the third Friday of January. If the legislator's or legislative officer's financial circumstances change, he or she shall file a new financial disclosure form prior to participation in any official activity which would have been affected by the change. The financial disclosure form shall include the following information:

I. The name, address, office, county or district, and telephone number of the reporting individual.

II. The name, address, and type of any business, profession, or other organization (including any unit of government) in which the reporting individual or reporting individual's household member was an employee, officer, director, associate, partner, or proprietor, or served in any other professional or advisory capacity, and from which any income in excess of \$10,000 was derived during the preceding calendar year. Sources of retirement benefits other than federal retirement and/or disability benefits shall be included. If the individual filing the financial interest statement or that individual's household member has no qualifying income he or she shall report this by writing his or her initials following the statement: "My or my household member's income does not qualify _____."

III. A statement of whether the reporting individual or reporting individual's household member has a financial interest in any of the businesses, professions, occupations, groups, or matters listed in this paragraph and a place on the form where the nature of the financial interest shall be described for each matter, as applicable.

(a) Any profession, occupation, or business licensed or certified by the state of New Hampshire, listing each such profession, occupation, or category of business.

- (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) Legal forms of gambling or charitable gaming.
- (n) Education.
- (o) Water resources.
- (p) Agriculture.
- (q) New Hampshire taxes, specifying if business profits tax, business enterprise tax, or interest and dividends tax.
- (r) A place where the reporting individual may, but is not required by this chapter to, specify any other area for which he or she or a household member has a financial interest.

IV. The following statement regarding the disclosure of financial interest: “You have a 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 financial effect on you or a household member that is distinct from and greater than the interests of the public at large.”

V. The following statement regarding the filing of a declaration of intent form: “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 6 of the Ethics Guidelines. Also, if such activity could reasonably have greater benefit or detriment to you or a household member than other members of a group identified in this form, a Declaration of Intent Form is required. See section 6 of the Ethics Guidelines for information regarding particular conflicts of interest you may have.”

VI. The following statement followed by a line for the person filing the form to sign and date the form: “I hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief.”

VII. The full text of RSA 14-B:10.

14-B:9 Filing With Secretary of State. - All forms filed under RSA 14-B:8 shall be on file with the secretary of state on or before February 15.

Source. 2009, 261:3, eff. Sept. 14, 2009.

14-B:10 Penalty. - Any representative, senator, or officer of the house of representatives or senate who knowingly fails to file the form required under RSA 14-B:8 or who knowingly files a false statement on such form shall be guilty of a misdemeanor.

Source. 2009, 261:3, eff. Sept. 14, 2009.

14-B:11 Commission to Study and Update the Rules and Procedures of the Legislative Ethics Committee Under RSA 14-B and the Laws Governing Legislative Ethics Under RSA 15-B. - [Repealed 2013, 211:2, eff. December 2, 2014.]

PART THREE
NEW HAMPSHIRE REVISED STATUTES ANNOTATED
CHAPTER 14-C
GIFTS, HONORARIUMS, AND EXPENSE
REIMBURSEMENTS
REQUIREMENTS FOR LEGISLATORS AND
LEGISLATIVE EMPLOYEES

14-C:1 Purpose. – The purpose of this chapter is to ensure that persons charged with carrying out the duties and activities of the legislative branch of state government do so in an atmosphere that supports the independent judgment of such persons and minimizes the opportunity for inappropriate influence by persons or organizations subject to or likely to become subject to or interested in any matter or action pending in the legislative branch. To that end, this chapter defines gifts that may not be given to, solicited by, or accepted by persons subject to the provisions of the chapter and establishes requirements for the reporting of honorariums, expense reimbursements, and certain other receipts. This chapter shall be liberally construed to effect this purpose.

Source. 2016, 328:9, eff. December 7, 2016.

14-C:2 Definitions. – In this chapter:

I. “Ceremonial event” means an event held by a recognized civic organization to present awards.

II. “Charitable event” means an event 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 Internal Revenue Code held for the purpose of raising charitable donations.

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, cultural, or informational program, or an event to which the recipient is invited in his or her official capacity as a representative of the senate or the house of representatives of which the recipient is a member.

IV. (a) “Gift” means:

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

(2) Any other tangible thing, intangible thing, service, or the use thereof having an individual value of greater than \$50.

(3) Multiple tangible things, intangible things, services, or the use thereof having an individual value \$50 or less with an aggregate value greater than \$250 from any single source during any calendar year.

(b) Notwithstanding subparagraph (a), “gift” shall not include:

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

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

(3) Repayment to a legislator 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 a value of \$150 or less.

(5) Objects or services 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 or service of economic value, where the donor’s act of giving is purely private and personal in nature and the money, object, or tangible or intangible thing or service of economic value would have been given and received even if the person were not a legislator 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 legislative 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 from any source to a political, charitable, or ceremonial event provided that acceptance of any tickets or free admission as permitted by this subparagraph shall be limited to \$250 in the aggregate from any single source during any calendar year and:

(A) The proceeds of the event are subject to the political contributions and expenditure reporting law, RSA 664, or the Federal Election Campaign Act of 1971 as amended, provided that the recipient reports the source of the tickets or free admission pursuant to RSA 14-C:4; 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 Internal Revenue Code, provided that the recipient reports the source of the tickets or free admission pursuant to RSA 14-C:4; or

(C) The event is primarily ceremonial or celebratory in nature and is public or, if by invitation only, is planned to have an attendance greater than 50 people, provided that the recipient reports the source of the tickets or free admission pursuant to RSA 14-C:4; or

(D) The event is published as an event open for attendance by any legislator or legislative employee in the calendar of the senate or the house of representatives.

(10) An expense reimbursement.

(11) An honorarium.

(12) Meals and beverages having a value of more than \$50 consumed at a meeting or event, the purpose of which is to discuss official business, provided that acceptance of such meals and beverages as permitted by this subparagraph shall be reported pursuant to RSA 14-C:4 and limited to \$250 in the aggregate from any single source during any calendar year.

(13) Monetary or non-monetary awards or recognition issued under the suggestion and extraordinary service award program under RSA 99-E.

V. “Honorarium” means a payment in any form to a legislator 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 any other employer or client, where the activity giving rise to the honorarium is not related to or associated with any legislative office or employment.

VI. “Household member” shall mean any person living in the same domicile as the legislator or legislative employee, who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parent.

VII. “Legislative employee” means any person employed by the legislative branch.

VIII. “Legislator” means a member of the general court.

IX. “Official business” means 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 body 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.

X. “Political event” means an event of any kind or nature including, but not limited to, receptions, breakfasts, luncheons, dinners, dances, testimonials, or picnics, held for the sole purpose of raising political contributions.

XI. “Value” means the amount at which property or services would change hands between a willing buyer and a willing seller when neither is under any compulsion to buy or sell and both have reasonable knowledge of the relevant facts.

Source. 2016, 328:9, eff. December 7, 2016.

14-C:3 Prohibition on Gifts; Duty to Report. –

I. It shall be unlawful to knowingly give any gift as defined in this chapter, directly or indirectly, to any legislator or legislative employee.

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

III. It shall be unlawful for any legislator or legislative employee to solicit or to knowingly accept, directly or indirectly, any gift, as defined in this chapter, or to fail to meet the reporting requirements of this chapter.

IV. Under no circumstances shall the prohibitions in this section be nullified by filing an honorarium or expense reimbursement report pursuant to RSA 14-C:4 or a declaration of intent under the guidelines enforced by the legislative ethics committee.

Source. 2016, 328:9, eff. December 7, 2016.

14-C:4 Duty to Report and Reporting Deadlines. –

I. A legislator or legislative employee who receives an honorarium, expense reimbursement, or tickets or free admission with a value of greater than \$50 to a political, charitable, or ceremonial event under RSA 14-C:2, IV(b)(9)(A), (B), or (C) shall file a report with the secretary of state no later than the last day of the month following the month during which the honorarium or expense reimbursement or tickets or free admission was received.

II. A legislator or legislative employee who consumes meals or beverages with a value of greater than \$50 at a meeting or event the purpose of which is to discuss official business pursuant to RSA 14-C:2, IV(b)(12) shall file a report with the secretary of state no later than 10 days following the meeting or event at which the meals or beverages were consumed, which report shall be established by the secretary of state, shall be public, and shall contain the same information and affirmations required under RSA 14-C:5.

Source. 2016, 328:9, eff. December 7, 2016.

14-C:5 Form Established by the Secretary of State. – The secretary of state shall establish a form for reporting of receipt of an honorarium or expense reimbursement, or other such report required by this chapter, which may be in paper or electronic form.

I. The report shall include at a minimum the following information, which shall be public:

(a) The full name, work address, work phone number, and office, appointment, or employment held by the person subject to the reporting requirement.

(b) The full name, post office address, occupation, and principal place of business, if any, of the source of any reportable honorarium or expense reimbursement. When the source is a corporation or other entity, the name and work address of the person representing the corporation or entity in making the honorarium or expense reimbursement shall be provided in addition to the name of the corporation or entity.

(c) The value of the honorarium or expense reimbursement. When the exact value is unknown, the person filing the report shall provide an estimate of the value of the gift or honorarium and identify the value as an estimate.

(d) A brief description of the service or event that gave rise to the honorarium or expense reimbursement. Reports of expense reimbursement or honorariums shall include a copy of the agenda or an equivalent document

which addresses the subjects addressed and the time schedule of all activities at the event. To the extent practicable, the recipient shall report the names of the sponsors of activities in cases where they are not indicated on the agenda or equivalent document.

(e) The date on which the honorarium or expense reimbursement was received.

(f) The following statement followed by a line for the person filing the form to sign and date the form: "I have read RSA 14-C and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief."

II. The secretary of state may also require information such as home phone numbers, home addresses, and other information helpful to the administration and enforcement of laws relating to honorariums or expense reimbursements. The information provided under this paragraph shall be nonpublic and shall not be subject to the provisions of RSA 91-A.

Source. 2016, 328:9, eff. December 7, 2016.

14-C:6 Forms; Place of Filing. – The secretary of state shall furnish all forms required under this chapter. All persons filing a report under this chapter shall file with the secretary of state. The reports shall be held in the original form for 6 years from the date of filing, after which time they may be destroyed. The public information on the forms shall be available to the public in the form of a photocopy or an electronic record. The secretary of state shall, as soon as is practical, implement an electronic record keeping system that makes the public information in the reports required by this chapter available to the public through the Internet.

Source. 2016, 328:9, eff. December 7, 2016.

14-C:7 Penalty. – Any person who knowingly fails to comply with the provisions of this chapter or knowingly files a false report shall be guilty of a misdemeanor. It shall be an absolute defense in any prosecution under this chapter that the person acted in reliance upon an advisory opinion on the subject issued under RSA 14-B:3, I(c).

Source. 2016, 328:9, eff. December 7, 2016.

14-C:8 Examination of Reports. – It shall be the duty of the attorney general to examine the reports which are made under this chapter to the secretary of state and to compel such returns be made to comply with the law.

Source. 2016, 328:9, eff. December 7, 2016.

14-C:9 Limitations. – This chapter shall not be construed to:

I. Prevent receptions, breakfasts, luncheons, dinners, dances, or picnics or like events from being held for the sole purpose of raising political contributions, provided such contributions comply with and are reported as required by RSA 664 or the Federal Election Campaign Act of 1971, as amended.

II. Prohibit gifts or expense reimbursements made to the state of New Hampshire and accepted in accordance with the law.

Source. 2016, 328:9, eff. December 7, 2016.

14-C:10 Severability. – If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Source. 2016, 328:9, eff. December 7, 2016.

PART FOUR

PROCEDURAL RULES OF THE LEGISLATIVE ETHICS COMMITTEE

1 APPLICABILITY AND DEFINITIONS.

- I. All business of the legislative ethics committee, created by RSA 14-B, shall be governed by these rules.
- II. As used herein, the following terms shall have the following meanings:
 - (a) "Hearing" is that procedure which follows a statement of formal charges.
 - (b) "Legislative employee" includes all house, senate, and joint staff whether employed on a part-time, full-time, permanent, or temporary basis.
 - (c) "Legislative officer" includes those employees of the House and Senate who are elected by members of the General Court.
 - (d) "Legislator" includes representatives and senators.
 - (e) "Proceeding" includes each step taken or which may be taken under these rules with respect to a complaint filed with the committee alleging violation of law, guideline, rule, or regulation and relating to the conduct of an individual in the performance of the individual's duties as a legislator, legislative officer, or legislative employee.
 - (f) "Respondent" means a legislator, legislative officer, or legislative employee against whom a complaint has been filed.

2 MEETINGS, CONDUCT OF BUSINESS, STAFF, QUORUM, AND DISQUALIFICATION.

- I. The committee may, by vote, establish regular or stated meeting dates. In addition, special meetings of the committee may be called by the chairperson or the vice-chairperson, or at the written request of three members of the committee.
- II. The business of the committee may be transacted by telephone, exchange of correspondence, including correspondence by electronic means, or other informal poll of members, unless one or more members object; provided, however, that no formal charges shall be instituted or formal proceedings ordered or unfavorable action taken against a legislator except upon deliberation and the affirmative vote of at least 4 members at a meeting of the committee.
- III. Members of the committee may participate in a meeting of the committee by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by these means shall constitute presence in person at a meeting.

- IV. Any business conducted outside of a meeting shall be ratified at the next meeting of the committee
- V. A quorum for the transaction of business by the committee shall be four members. No action of the committee shall be valid unless concurred in by four of its members, except as otherwise provided in these rules.
- VI. No member of the committee shall participate in any business in which his or her impartiality might reasonably be questioned.

3 CONFIDENTIALITY OF PROCEEDINGS.

- I. Except as provided in this section, all proceedings before the committee, and all information, communications, materials, papers, files, and transcripts, written or oral, received or developed by the committee in the course of the proceeding, shall be confidential. No member of the committee or its staff and no employee of the committee shall disclose such proceedings, information, communications, materials, papers, files, and transcripts, except in the course of official duty or as otherwise authorized in this section.
- II. A respondent may waive his or her right to confidentiality and request the committee to conduct its initial review of the complaint publicly. In such case, all proceedings related to the committee's initial review of the complaint, other than its deliberations, shall be open to the public and the committee shall make available for public inspection all records other than its work product and internal memoranda. The respondent must notify the committee of the respondent's decision to waive confidentiality within 7 days of the date on the notice sent by the committee with the complaint. The notice of complaint shall include notice of this deadline and explain that a person who knowingly or willfully makes unauthorized disclosure of confidential matters or materials may be subject to a criminal penalty and disciplinary action. The committee shall promptly notify the complainant of any waiver of confidentiality and no proceeding may take place prior to 7 calendar days of the date of the notice sent by the committee.
- III. Upon completion of its preliminary investigation of a complaint and determining to resolve the complaint through an informal resolution or to initiate a formal hearing, the committee shall make available for public inspection all records, other than its work product and internal memoranda, relating to any the complaint and shall conduct any subsequent proceedings, other than its deliberations, in public session.
- IV. If a legislator, legislative officer, or legislative employee is publicly accused, through independent sources, of involvement in a proceeding before the committee, or publicly accused of conduct likely to become the subject of a proceeding, the committee may, at the request or with the consent of the legislator, legislative officer, or legislative employee

involved, issue brief public statements as it deems appropriate in order to confirm or deny the pendency of the proceeding, to clarify the procedural aspects thereof, and to explain the right of the legislator, legislative officer, or legislative employee to a fair hearing without prejudgment.

- V. If the pendency of a proceeding before the committee is generally known to the public, through independent sources, and the subject matter thereof is of broad public interest or speculation, and public confidence in the administration of the ethics guidelines may be threatened because of lack of information concerning the status of the proceeding and the requirements of due process, the committee may, on its own motion, issue brief statements as it may deem appropriate in order to confirm the existence of the investigation, to clarify the procedural aspects of the proceeding, and to explain that the respondent is entitled to due process.
- VI. If the committee, at any stage of a proceeding, dismisses a complaint or formal charges, whether from insufficiency of the complaint or because there is insufficient cause to proceed further with the matter or for other reason, the committee shall inform the complainant of such disposition. In addition, the committee may, at the request or with the consent of the respondent, issue a short explanatory statement to the public.
- VII. Any violation of these provisions relating to confidentiality shall constitute a violation of RSA 14-B and these rules. The committee may enforce these provisions by appropriate proceedings. The committee may, at the request of the non-violating party or on its own motion, terminate the proceedings with or without public comment. Notwithstanding the provisions of this rule, the committee may disclose to an appropriate law enforcement authority any matter that comes before it.

4 INITIAL REVIEW OF COMPLAINTS.

- I. Any individual may submit a complaint alleging that a legislator, legislative officer, or legislative employee has violated a law, guideline, rule, or regulation of the General Court.
- II. The committee shall initiate a complaint on its own motion against any individual the committee determines has not complied with the provisions of RSA 14-B:8, regarding the filing of a financial disclosure form.
- III. Each complaint shall be submitted in writing and signed under oath by the complainant. The respondent shall be furnished with a copy of the complaint, and a copy shall be sent to each member of the committee for review.
- IV. The committee shall promptly examine each sworn complaint. The committee may summarily discharge the complaint without a meet-

ing or further proceeding, in accordance with paragraph II of section 2 of these rules, if the committee determines by an affirmative vote of at least 4 members that the complaint is frivolous, scurrilous, or retaliatory in nature, fails to allege conduct which is contrary to the law, ethics guidelines, rules or regulations, or is otherwise plainly not within the committee's jurisdiction.

- V. The committee shall conduct an initial review of each complaint it does not discharge. The committee shall dismiss a complaint after determining:
 - (a) That the committee does not have jurisdiction to consider it under RSA 14-B;
 - (b) It is obviously without merit; or
 - (c) It is obviously unfounded.
- VI. The committee shall dismiss any complaint arising out of acts or omissions occurring more than 2 years prior to the receipt of the complaint. However, when the last episode of an alleged pattern of recurring legislative conduct arises within the 2-year period, the committee may consider all prior acts or omissions alleged to be a part of such pattern.
- VII. Receipt by the committee of a complaint which is repetitive of a prior complaint, whether from the same or a different source, following disposition of the initial complaint, shall be acknowledged, but the committee shall take no further action thereon.
- VIII. Any complaint which appears to have merit, but which is defective in some respect so that the committee cannot act thereon, or requires clarification, may be returned to the complainant for clarification and resubmission.
- IX. The committee may invite the respondent, the complainant, and any other individual or individuals the committee deems appropriate, to appear before the committee to testify or to submit written evidence.
- X. The respondent and complainant shall be notified promptly in writing of any action taken by the committee pursuant to this section.

5 RESPONSE TO COMPLAINT.

- I. Except where the complaint has been discharged or dismissed pursuant to paragraphs IV, V, VI, VII, and VIII of section 4 of these rules, the respondent shall respond in writing to the merits of the complaint within 14 days of the date the committee notifies the parties that it is opening a preliminary investigation. Such response shall be filed with the committee which shall ensure that the complainant receives a copy of the response.
- II. In addition to such required response, the respondent may submit to the committee other relevant materials.

6 PRELIMINARY INVESTIGATION.

- I. The committee may order an investigation of any complaint properly before it, upon the affirmative vote of 4 or more members of the committee taken at a meeting thereof. Such investigation shall be conducted under the direction of the chairperson and in such manner as the chairperson may determine.
- II. The committee may retain an outside investigator to assist in an investigation after obtaining the approval of the fiscal committee of the general court. The investigator's duties may include interviewing individuals identified as having personal knowledge of the facts alleged, affording such individuals an opportunity to submit information to the committee, and the collection of evidence relevant to the complaint.
- III. The respondent shall be notified of the investigation, and afforded a reasonable opportunity to present such relevant matters as he or she may choose.
- IV. In conducting an investigation, the chairperson or investigator retained by the committee may require that any statement or written information furnished to the committee be given under oath or affirmation subject to the penalties for perjury or false swearing in official proceedings pursuant to RSA 641.
- V. If the investigation does not disclose sufficient cause to warrant further proceedings, the committee shall dismiss the complaint, and shall promptly notify the respondent and the complainant in writing of such dismissal. In other cases not thought found to merit the presentation of formal charges and hearing, the committee may informally resolve the matter with the consent of the respondent. Such informal resolution may take the form of written advice or admonishment, the requirement of remedial action, or the imposition of conditions, or any combination thereof. The consent of the respondent to informal resolution of the matter shall constitute a waiver of his or her right to a hearing.

7 STATEMENT OF FORMAL CHARGES, NOTICE OF HEARING, AND ANSWER.

- I. If, after preliminary investigation the committee concludes, by the affirmative vote of 4 or more members taken at a meeting, that formal proceedings should be instituted to inquire into any complaint, it shall prepare and file a formal statement of charges and shall set a time and place of hearing. The committee shall promptly serve the respondent by certified mail, postage prepaid, with a copy of the formal statement of charges together with a notice of hearing.
- II. The formal statement of charges shall (1) contain a clear summary of the allegations against the claims forming the basis of such allegations (including facts developed by the investigation), (2) identify and cite

those provisions of the law, ethics guidelines, rules or regulations alleged to have been violated, and (3) advise the respondent of his or her duty to answer as provided in paragraph VI.

- III. The formal statement of charges together with the notice of hearing shall be served on the respondent at least 21 days prior to the hearing date assigned.
- IV. The notice of hearing shall include the following:
 - (a) the date, time, and place of the hearing;
 - (b) the fact that both the committee and the respondent may be represented by counsel at the hearing, may secure the attendance of witnesses and the production of documents by subpoena, and may examine and cross-examine witnesses;
 - (c) the identity of any special counsel for the committee; and
 - (d) the fact that all further notices concerning the hearing, including any adjournments thereof, shall be given by the chairperson or pursuant to his or her direction.
- V. The committee shall give notice to the complainant of the date, time, and place of the hearing. The complainant shall be entitled to attend the hearing as an observer, and may be required to attend and participate therein as a witness, but shall have no other function or right with respect to the hearing.
- VI. Within 14 days after receipt of the formal statement of charges, the respondent shall file an answer with the committee, setting forth all denials, affirmative defenses, mitigating circumstances and other matters which the respondent intends to raise at the hearing. The answer shall be in writing and signed by the respondent.
- VII. At any time prior to final decision, the committee may allow or require an amendment of the formal statement of charges, and may allow an amendment of the answer. When an amendment is made to the formal statement of charges, whether before or after commencement of the hearing, the respondent shall be afforded a reasonable opportunity to answer the matters newly charged, as determined by the chairperson, and shall answer such matters within the time allowed. In any such case, the respondent shall also be afforded a reasonable time, as determined by the chairperson, in which to prepare his or her defense to the matters newly alleged.
- VIII. For good cause shown, the chairperson may extend the time within which the respondent is required to file his or her answer, and may grant a continuance of the scheduled hearing, but no such extension or continuance shall be for a period longer than 30 days without the concurrence of the committee.

- IX. The committee may terminate the proceeding and dismiss the complaint and formal statement of charges following the answer by the respondent or at any time thereafter, and shall in that event give notice to the respondent and the complainant that it has found insufficient cause to proceed.

8 DISCOVERY AND SUBPOENA POWERS.

- I. At any time after the filing of a formal statement of charges, the respondent or his or her counsel shall, upon written request, be entitled, as a matter of course:
- (a) to obtain the names and addresses of all persons known to the committee to have relevant information; and
 - (b) to examine and copy any of the following:
 - (1) statements of the complainant;
 - (2) statements of persons claiming to have knowledge of the acts, omissions or events underlying the formal proceeding;
 - (3) investigative reports made by or for the committee in connection with the proceeding; and
 - (4) any other writing or item which is relevant to the proceeding, or which appears likely to lead to relevant information.
- II. The respondent shall make available to the committee, as a matter of course, upon the written request of the chairperson, or special counsel, any specified material which would be discoverable in civil proceedings in this state.
- III. Nothing in this section shall authorize access to any information, writing, or other item which is privileged by law, or which is protected as an attorney's work product.
- IV. The committee shall have the power to subpoena witnesses, compel their attendance and testimony, and require the production of books, records, documents, or other evidence or material deemed relevant to the investigation or hearing. Such subpoena powers may be exercised for the committee by the chairperson.
- V. The subpoena powers of the committee shall be exercised on behalf of the respondent upon his or her written request or the written request of his or her counsel. The chairperson shall determine whether the request is relevant to the investigation or hearing.

9 CONDUCT OF HEARING.

- I. The hearing shall be open to the public. No hearing shall be held without a quorum of members physically present. The deliberations of the committee shall be conducted in nonpublic session.

- II. The committee may proceed with the hearing at the time and place fixed, whether or not the respondent has filed an answer or appears for the hearing. The committee may draw an unfavorable inference from the failure of the respondent to answer or appear; but no such failure, standing alone, shall be sufficient to meet the standard of proof.
- III. A violation of the law, ethics guidelines, rule, or regulation shall be established by clear and convincing evidence. The respondent shall not be required to testify or present affirmative evidence in his or her own behalf.
- IV. The respondent shall be entitled to counsel of his or her choice, and shall have the right to adduce evidence, produce and cross-examine witnesses, and present all relevant arguments.
- V. The committee shall not be bound by the technical rules of evidence, and may admit evidence which it considers to be reliable, material, and relevant. The chairperson shall rule on objections to the receipt of evidence, subject to being overruled by a majority of the committee present at the hearing. The chairperson may defer ruling on an objection to the receipt of evidence, and admit evidence subject to later ruling thereon.
- VI. The hearing shall be recorded verbatim by stenographic, electronic, or other means approved by the committee. A free transcript of the hearing shall be provided to the respondent and the complainant upon request, who may also tape record the hearing.
- VII. The decision of the committee shall be based solely on the record evidence presented to the committee at the hearing, but shall not be based solely on hearsay evidence. The committee shall exclude from its consideration any information reviewed in earlier stages of the proceeding, unless such information is received in evidence at the hearing so as to become a part of the record.
- VIII. The decision of the committee shall be based solely on the record evidence presented to the committee at the hearing, but shall not be based solely on hearsay evidence. The committee shall exclude from its consideration any information reviewed in earlier stages of the proceeding, unless such information is received in evidence at the hearing so as to become a part of the record.

10 DISPOSITIONS FOLLOWING HEARING.

- I. The committee shall issue its decision within 14 days after the hearing. If a majority of committee members feel that more time is necessary to reach a decision, this time period may be extended by up to an additional 14 days.

- II. If the committee decides that a violation of the law, ethics guidelines, rules, or regulations has not been established, the complaint shall be dismissed, and the respondent and the complainant shall be so notified.
- III. If the committee determines that there has been a violation of the law, ethics guidelines, rules, or regulations but that the violation is not of a sufficiently serious nature to warrant the imposition of formal discipline by the Legislature, it shall dispose of the matter by informal resolution. Such disposition may take the form of written advice or private admonishment, requirement of corrective action, direction of professional counseling or assistance, imposition of conditions on the specified conduct, or other similar remedial action, or any combination of the foregoing. All admonishments, reprimands, and other informal adjustments shall be reduced to writing.
- IV. If the committee determines that there was improper conduct based upon clear and convincing evidence and the improper conduct was of a serious nature so as to warrant formal disciplinary action it shall prepare a summary report of the deliberations regarding the complaint and of its findings. The report shall contain any specific recommendations concerning disciplinary actions to be imposed.
 - (a) In cases involving a legislator, or officer of the legislature, the committee shall submit its report to the speaker of the house of representatives and senate president. The report may recommend one or more of the following disciplinary actions: reprimand, censure, expulsion, or denial or limitation of any right, power, privilege, or immunity of the legislator that the constitution of New Hampshire permits the general court to deny or limit. Before any disciplinary action may be taken against a legislator or against an officer of the legislature, the report shall be ratified by the legislator's or by the officer's respective body of the general court.
 - (b) In cases involving an employee of the legislature, except in cases involving an employee of the legislature employed by the legislative budget assistant, the committee shall submit its report to the joint committee on legislative facilities. In cases involving an employee of the legislature employed by the legislative budget assistant, the committee shall submit its report to the fiscal committee of the general court. The joint committee on legislative facilities, or the fiscal committee of the general court, shall determine what disciplinary action shall be taken against the employee. In making its determination, the joint committee on legislative facilities or the fiscal committee of the general court as appropriate may use any of the specific recommendations concerning disciplinary actions which are contained in the report which it receives.
- V. Any member who dissents from the determination of the committee may prepare a minority opinion which shall be appended to the report of the committee.

- VI. The committee shall also prepare a record of the proceeding, which shall include the committee's formal statement of charges, the answer of the respondent, any other pleadings, and a transcript of the hearing. The committee's report shall be filed with the clerk of the appropriate body of the legislature. Contemporaneously with such filing, copies shall be served on the respondent.
- VII. If the respondent resigns from office or employment or reaches the end of his or her term of office while an investigation is pending or prior to the issuance of a final ruling by the committee, the committee may issue a finding on the complaint. The finding shall not constitute a formal action but shall become part of the committee records. The finding may be considered when determining whether there is a pattern of recurring legislative conduct if the respondent serves as a legislator, legislative officer, or legislative employee in subsequent years.

11 USE OF CLOSED FILES.

A closed file may be referred to by the committee in subsequent proceedings in the following circumstances:

- I. Where a complaint or formal charges have been dismissed for any reason or there has been a finding of insufficient cause to proceed, and the subsequent proceeding raises similar allegations against the respondent or is based upon a similar occurrence or factual situation, the closed file may be used to exonerate the respondent or may be made a part of the investigation of the new complaint; or
- II. Where, after the disposition of a prior proceeding by informal resolution, the respondent fails to refrain from acting in the manner that caused the prior complaint to be filed and a subsequent complaint is filed alleging similar conduct which is established or proven, the closed file may be used as evidence tending to show that the problem is a continuing one; or
- III. Where, following the hearing of subsequent related or unrelated charges, the committee determines that a violation of the law, ethics guidelines, rule or regulation has occurred, the closed file may be referred to in connection with the decision as to the nature of the informal resolution to be imposed by the committee or as to the disciplinary action to be recommended to the Legislature.

Adopted: April 27, 1992

Amended: May 18, 1994

Amended: May 22, 2002

Amended: May 20, 2004

Amended: December 7, 2016

APPENDIX

The two interpretive rulings below are provided for your convenience. All of the Committee's advisory opinions and interpretive rulings are available on the Legislative Ethics Committee's website at: <http://www.gencourt.state.nh.us/ethics/default.htm>.

INTERPRETIVE RULING 2016-4

October 3, 2016

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

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

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

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

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

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

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

Allowed? — Yes

Report if over \$50? — Yes

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

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

Allowed? — Yes

Report if over \$50? — Yes

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

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

Allowed? — Yes

Report if over \$50? — Yes

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

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

Allowed? — Yes

Report? — No

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

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

Allowed? — No

Report if over \$50? — N/A

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

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

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

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

Allowed? — Yes

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

3. Expense reimbursements and honorariums.

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

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

Response to Examples A and B: A legislator or legislative employee may accept payment related to attendance at an event if the payment qualifies as an “expense reimbursement.” This exemption allows legislators and legislative employees to accept payment for the costs of travel to and attendance at an event, for example, fares, meals, accommodation, registration or attendance fees. The exemption applies only where the event is a *bona fide* conference, meeting, seminar, or educational or informational program that relates to the legislator’s duties. In this context, a “bona fide” event is taken to mean an event that is primarily focused on communicating information relating to matters of legislative concern to New Hampshire legislators, rather than directed at providing opportunity for tourism, entertainment, or recreation. Reimbursement for “junkets” or “see the sights” trips as part of a legislative group doesn’t qualify for the exemption—the event must offer, as a genuine and central element, organized learning about subjects that are or may become the focus of legislative activity in New Hampshire. See *Interpretive Ruling 2013-1*, which is available on the committee’s website at: <http://www.gencourt.state.nh.us/ethics/default.htm>.

Allowed? — Yes

Report if over \$50? — Yes

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

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

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

Allowed? — Yes

Report if over \$50? — Yes

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

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

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

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

Allowed? — Yes

Report if over \$50? — Yes

[Vote: 6-0]

INTERPRETIVE RULING 2016-5

October 3, 2016

Conflicts of Interests –

Declaration of Intent Forms and Verbal Disclosure

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

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

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

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

When is a Declaration of Intent Required?

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

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

The Declaration of Intent Form

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

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

Verbal Disclosure

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

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

- (a) When **testifying** before a legislative committee or state agency regarding a bill or other matter in which the legislator has a special interest, the legislator shall make the disclosure prior to testifying.
- (b) When **serving as a member of a committee** considering a bill in which the legislator has a special interest, the disclosure shall be made prior to discussing the bill in executive session and voting.
- (c) When **appointed to a subcommittee** working on a bill in which the legislator has a special interest, the disclosure shall be made upon appointment to the subcommittee and at the initial subcommittee work session.
- (d) When **addressing the full House or Senate** on a bill in which the legislator has a special interest, the disclosure shall be made prior to speaking. **If the legislator does not speak on the bill and has filed a declaration, the legislator is not required to make a verbal disclosure.**
- (e) When **appointed as a member of a Committee of Conference** on a bill in which the legislator has a special interest, the disclosure shall be made to the Speaker or Senate President upon appointment to the committee and at the first meeting of the Committee of Conference.
- (f) When otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation, or any state agency in which the legislator has a special interest, the disclosure shall be made to all participants prior to engaging in any official business on the matter.

Hypothetical examples

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

- (1) A legislator is a member or beneficiary of the **New Hampshire Retirement System** and has disclosed this financial interest in checklist category “(g) New Hampshire Retirement System” on the Financial Disclosure Form. The Committee has previously held that membership in or receiving a benefit from the System constitutes a conflict of interest with respect to any proposed legislation, or other official activity, which would affect the amount or timing of benefits payable by the System to the legislator or the legislator’s family member or the amount or timing of contributions required to be made to the System by the legislator or the legislator’s family member.

(Advisory Opinion 1992-3). In this hypothetical example, the legislature is considering a bill to increase the state's contribution to the System for all members or affected group members or beneficiaries. The legislator stands to derive a direct financial benefit from passage of this legislation; however, **this benefit would presumably be no greater than the benefit derived by the many other members of the System throughout the state.** Therefore, in this example the legislator's disclosure of membership in or being a beneficiary of the System on the Financial Disclosure Form would satisfy the requirements of the Ethics Guidelines' disclosure provisions and the legislator would **not be required to file a Declaration of Intent Form or make a verbal disclosure.**

- (2) The legislator's spouse is a beneficiary of the **New Hampshire Retirement System** and the legislator has disclosed this financial interest in checklist category "(g) New Hampshire Retirement System" on the Financial Disclosure Form. In this hypothetical example, there is a bill to provide a cost of living adjustment in benefits only for certain members of group I of the System who retired as teachers prior to 1987. The legislator's spouse would qualify to receive the cost of living adjustment provided in the bill. Because the legislator's family member stands to benefit directly from this specific legislation which affects only a small group, or subset, of System beneficiaries, the legislator's generic disclosure on the checklist form is inadequate. The legislator in this example must file a specific Declaration of Intent Form and make a verbal disclosure.
- (3) The legislator is a developer and has disclosed this financial interest in checklist category "(d) Real estate, including brokers, agents, developers, and landlords." There is a bill to construct a new exit ramp off of a state highway. The legislator owns a parcel of land the value of which would be directly affected by construction of the exit ramp. Because the legislator stands to benefit directly from this specific legislation, the legislator's generic disclosure on the checklist form is inadequate. The legislator in this example must file a specific Declaration of Intent and make a verbal disclosure.
- (4) The legislator attends a county delegation meeting where there is a budget proposal to appropriate county funds to a nonprofit agency on which the legislator serves as a board member. Because the legislator serves on the governing board of the nonprofit entity and presumably has a responsibility for the welfare of that entity, the legislator has a personal interest in whether the county appropriates funds to it. Accordingly, even if the legislator had no financial interest in the entity, the legislator **must file a specific Declaration of Intent Form and make a verbal disclosure.**

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

Timing of Declaration of Intent filing

The requirement for filing a declaration of intent is triggered immediately when a legislator becomes aware that a conflict of interest exists or may exist with respect to any official activity the legislator is about to undertake. An "official activity" is defined as any activity which relates to official responsibilities, including the introduction of legislation, testifying before any legislative committee or state agency, voting in committee or in house or senate session or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency. For purposes of introducing a bill, the declaration must be made prior to signing off as a sponsor or co-sponsor of a particular piece of legislation. The declaration of intent form must be filed with the clerk of the member's respective body prior to the time of the official action.

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

[Vote: 6-0]