

SB 190 – AS AMENDED BY THE HOUSE

03/23/11 0990s
4Jan2012... 2804h

2011 SESSION

11-1076
05/10

SENATE BILL **190**

AN ACT relative to the duties and membership of the executive branch ethics committee.

SPONSORS: Sen. D'Allesandro, Dist 20

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill:

I. Removes obsolete references to the initial staggered terms of members of the executive branch ethics committee.

II. Requires a unanimous vote of all members present at a meeting to summarily dismiss a complaint.

III. Increases the quorum from 4 to 5 in cases for which a recused member has appointed an alternate.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to the duties and membership of the executive branch ethics committee.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Executive Branch Ethics Committee; Terms of Initial Members. Amend RSA 21-G:29, VI to
2 read as follows:

3 VI. Committee members shall serve terms of 3 years and until their successors are
4 appointed and qualified. [~~However, initially, the governor shall nominate one member for a one year
5 term, one member for a 2 year term and one member for a 3 year term; the secretary of state shall
6 nominate one member for a 2 year term, and one member for a 3 year term; the treasurer shall
7 nominate one member for a one year term and one member for a 2 year term. Initial nominations to
8 the committee shall be made no later than 90 days after the effective date of this section. The initial
9 appointments shall begin on July 1, 2006 and end on June 30 of the appropriate year.~~] Vacancies
10 shall be filled for the remainder of any unexpired term. During their term of appointment, members
11 may not hold or campaign for elective office, serve as an officer of any political party or political
12 committee, permit their names to be used in support of or in opposition to any candidate or
13 proposition, participate in any way in any election campaign, make a contribution as defined in
14 RSA 664:2 to any candidate for office or political committee, or act as or assist a lobbyist required to
15 be registered under RSA 15:1.

16 2 Executive Branch Ethics Committee; Voting Procedure. Amend RSA 21-G:30, II to read as
17 follows:

18 II. All actions of the committee shall require an affirmative vote of 4 or more members of the
19 committee before becoming effective, except that a vote to summarily dismiss a complaint shall be **by**
20 unanimous **vote of all members present for the meeting**, and a vote to dismiss a complaint after
21 only an internal review and no investigation shall be by an affirmative vote of no less than
22 5 members of the committee, and a vote pursuant to RSA 21-G:31, VII shall require only a majority
23 of the members present and voting. The committee shall request to meet with the legislative ethics
24 committee established under RSA 14-B at least twice yearly to facilitate uniformity in the
25 interpretation of statutory provisions.

26 3 Executive Branch Ethics Committee; Complaints. Amend RSA 21-G:31, I(a) to read as follows:

27 (a) Upon first examination, if by a unanimous vote **of all members present for the**
28 **meeting**, it determines that a complaint is frivolous, scurrilous, retaliatory in nature, or plainly not
29 within the committee's jurisdiction, the committee may summarily discharge the complaint without

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1 further meeting or proceeding. The committee shall notify the respondent and complainant in
2 writing of its action.

3 4 Executive Branch Ethics Committee; Quorum in Certain Cases. Amend RSA 21-G:31, VII to
4 read as follows:

5 VII. Any member of the committee who is directly or indirectly involved in any complaint
6 before the committee or who otherwise has personal knowledge of facts material to the determination
7 of the complaint shall not participate in any proceedings regarding the complaint. In the event that
8 recusals under this paragraph reduce the number of participating members to fewer than [~~4~~] 5, the
9 remaining participating members shall designate an alternate or alternates sufficient to increase the
10 committee to [~~4~~] 5 members, to serve on the committee for that case only.

11 5 Effective Date. This act shall take effect 60 days after its passage.