

HB 415 – AS INTRODUCED

2013 SESSION

13-0507
10/09

HOUSE BILL **415**

AN ACT relative to ethics requirements for members of the general court.

SPONSORS: Rep. Gionet, Graf 5; Rep. Ulery, Hills 37

COMMITTEE: Legislative Administration

ANALYSIS

This bill revises the requirements for members of the general court related to acceptance of gifts. The bill also requires the legislative ethics committee to select a chairperson and vice-chairperson from among the members.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to ethics requirements for members of the general court.

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

1 1 Definition of Gift. Amend RSA 15-B:2, V(a) to read as follows:

2 (a) “Gift” means:

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

5 (2) Any other tangible thing, intangible thing, service, or the use thereof having more
6 than insignificant economic value.

7 ***(A) For elected officials except members of the general court,***
8 ***constitutional officials, public officials, and public employees,*** any such item with a value of
9 less than \$25 is presumed to be of insignificant economic value.

10 ***(B) For members of the general court and legislative employees, any such***
11 ***item where the value is less than \$100 in aggregate from any single source during the***
12 ***calendar year is presumed to be of insignificant economic value.***

13 2 Prohibition on Gifts; General Court. Amend RSA 15-B:3, III to read as follows:

14 III. No elected official ***who is not a member of general court***, public official, public
15 employee, constitutional official, or legislative employee shall knowingly accept, directly or
16 indirectly, any gift, as defined in this chapter.

17 ***IV. A member of the general court shall not solicit, accept, or agree to accept a gift***
18 ***or thing of value from another for themselves or other persons, if the legislator receives***
19 ***such gift or thing of value:***

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

22 ***(b) Knowing or believing that the giver is or is likely to become subject to or***
23 ***interested in any matter or action pending before or contemplated by the giver or another***
24 ***member of the legislature.***

25 ***(c) In return for advice or other assistance relating to a legislator’s official***
26 ***activities.***

27 ***(d) In return for introducing legislation, testifying before any legislative***
28 ***committee or state agency, voting in committee or in House or Senate session, or otherwise***
29 ***participating in, influencing, or attempting to influence any decision of the legislature,***
30 ***county delegation or any state agency.***

31 ***(e) In return for an endorsement, nomination, appointment, approval, or***

1 *disapproval of any person for a position as, or advancement of, a public servant.*

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

4 3 Duty to Report. Amend RSA 15-B:6 to read as follows:

5 15-B:6 Duty to Report.

6 I. An elected official ***except for a member of the general court***, public official, ***or*** public
7 employee~~[-, or legislative employee]~~ who receives an~~[,]~~ honorarium or expense reimbursement shall
8 file a report with the secretary of state no later than the last day of the month following the month
9 during which the~~[,]~~ honorarium or expense reimbursement was received.

10 II. An elected member of the general court or legislative employee who ***receives an***
11 ***honorarium or expense reimbursement or who*** consumes meals or beverages ~~[with a value of~~
12 ~~greater than \$25]~~ at a meeting or event pertaining to official business pursuant to RSA 15-B:2,
13 V(b)(12) shall file a report ***annually*** with the secretary of state no later than ~~[10 days following the~~
14 ~~meeting or event at which the meals or beverages were consumed]~~ ***June 15 for the preceding 12***
15 ***months ending June 1***, which report shall be established by the secretary of state, shall be public,
16 and shall contain the same information and affirmations required under RSA 15-B:7.

17 4 New Paragraph; Limitations; General Court Members. Amend RSA 15-B:11 by inserting after
18 paragraph II the following new paragraph:

19 III. Prohibit a member of the general court from the following:

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

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

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

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

29 (e) Acceptance of reimbursement or underwriting of actual expenses for registration,
30 travel, lodging, and subsistence directly related to attendance at a bona fide informational or
31 educational conference, seminar, or meeting, so long as disclosure of any such reimbursement or
32 underwriting, including the identity of the primary sponsor or sponsors and including financial
33 contributors, is made within 15 calendar days of the legislator's return from such conference (if
34 expenses are underwritten) or, within 15 calendar days of reimbursement. This disclosure shall be
35 filed in the office of the secretary of state and shall be in the form prescribed in this chapter.

36 5 Legislative Ethics Committee; Chairperson and Vice-Chairperson. Amend RSA 14-B:2, III to
37 read as follows:

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1 III. Appointments to the committee shall be made by December 31 prior to the first
2 legislative session of the biennium. A committee meeting shall be called no later than February 1 in
3 the first legislative session of the biennium. [~~Prior to the first committee meeting, the speaker of the~~
4 ~~house of representatives and the senate president shall jointly select from the members of the~~
5 ~~committee a chairperson and vice chairperson.] ***The members shall select a chairperson and***
6 ***vice-chairperson at this meeting.*** The members shall serve for the biennium and shall not be
7 removed from the committee for any reason except for good cause by unanimous vote of the
8 remaining committee members. Members shall receive no compensation, except that legislative
9 members shall receive mileage at the legislative rate and public members shall receive mileage at
10 the state employee rate. The committee shall provide the executive branch ethics committee with
11 copies of all publicly issued guidelines, procedures, decisions, and opinions.~~

12 6 Effective Date. This act shall take effect 60 days after its passage.