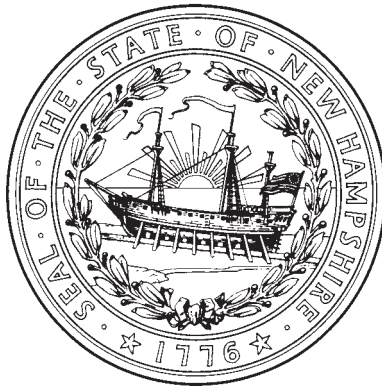


**New Hampshire
GENERAL COURT**

ETHICS BOOKLET



**ETHICS GUIDELINES
ETHICS STATUTES
AND
PROCEDURAL RULES**

OCTOBER 2009 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 interpretative 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 the text of the "Filing Procedure for Declaration of Intent" and 3 sample forms: "Declaration of Intent," "Honorarium or Expense Reimbursement Report," and "Complaint Form."

Part Two contains RSA 15-B, Gifts, Honorariums, and Expense Reimbursements. This statute prohibits gifts to certain persons, including 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 or expense reimbursements received, or meals or beverages with a value greater than \$25 consumed at a meeting or event the purpose of which is official business.

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

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 interpretative 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	Legislator's Financial Disclosure Form	4
Section 4	Prohibited Activities	7
Section 5	Conflict of Interest Procedure	9
Section 6	Legislative Employee Code of Conduct.....	10
	Filing Procedure.....	13
	Sample Forms	14
	Declaration of Intent	14
	Honorarium or Expense Reimbursement Report.....	15
	Legislative Ethics Committee Complaint Form.....	17

PART TWO

RSA 15-B, GIFTS, HONORARIUMS, AND EXPENSE REIMBURSEMENTS

15-B:1	Purpose	19
15-B:2	Definitions	19
15-B:3	Prohibition on Gifts	21
15-B:4	Limitation on Receipt of an Honorarium	22
15-B:5	Expense Reimbursement	22
15-B:6	Duty to Report	22
15-B:7	Honorarium, or Expense Reimbursement Report.....	22
15-B:8	Forms; Place of Filing.....	23
15-B:9	Penalty.....	23
15-B:10	Examination of Reports	23
15-B:11	Limitations	24
15-B:12	Severability	24

PART THREE

RSA 14-B, LEGISLATIVE ETHICS COMMITTEE

14-B:1	Definitions	25
14-B:2	Committee Established; Membership.....	26
14-B:3	Duties	26
14-B:4	Complaints; Procedures	28
14-B:4-a	Penalty for Unauthorized Disclosure.....	30

PART THREE (CONT.)

14-B:5	Rules; Procedures and Standards	30
14-B:6	Retention of Records	31
14-B:7	Financial Disclosure Form [Repealed].....	31
14-B:8	Financial Disclosure Form	31
14-B:9	Filing With Secretary of State	32
14-B:10	Penalty.....	32

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

Section 1	Applicability and Definitions.....	33
Section 2	Meetings, Conduct of Business, Staff, Quorum, and Disqualification	33
Section 3	Confidentiality of Proceedings.....	34
Section 4	Initial Review of Complaints.....	36
Section 5	Response by Legislator, Legislative Officer, or Legislative Employee	37
Section 6	Preliminary Investigation	38
Section 7	Statement of Formal Charges, Notice of Hearing, and Answer	38
Section 8	Discovery and Subpoena Powers.....	40
Section 9	Conduct of Hearing.....	41
Section 10	Dispositions Following Hearing	42
Section 11	Use of Closed Files.....	43

PART ONE

ETHICS GUIDELINES

[As amended by the Legislative Ethics Committee on April 13, 2009, and approved by the House of Representatives on April 29, 2009, and the Senate on May 6, 2009]

1 PRINCIPLES OF PUBLIC SERVICE.

I. Public Office As A Public Trust

Legislators should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

II. Principle Of Independent Objective Judgment

Legislators should employ independent objective judgment in performing their duties, deciding all matters on the merits free from conflicts of interest and both real and apparent improper influences.

III. Principle Of Accountability

Legislators should assure that government is conducted openly, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.

2 DEFINITIONS.

I. "Anything Of Value" includes but is not limited to the following:

- (a) A pecuniary item, including money, or a bank bill or note;
- (b) A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
- (c) A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
- (d) A stock, bond, note, or other investment interest in an entity;
- (e) A receipt given for the payment of money or other property;
- (f) A cause of action;
- (g) A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
- (h) A loan or forgiveness of indebtedness;
- (i) A work of art, antique, or collectible;
- (j) An automobile or other means of personal transportation;
- (k) Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
- (l) A promise of employment or continued employment;

- (m) A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as a public official or public employee, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public.
- II. "Conflict Of Interest" is the condition in which a legislator has a financial interest in any official activity.
- III. "Expense Reimbursement" shall mean any price, charge, fee, expense, or other cost which is waived, forgiven, reduced, prepaid, or reimbursed in any form for the reasonable expenses of attendance, registration, travel, meals, or lodging related to a bona fide conference, meeting, seminar or educational or informational program, when the source of such reimbursement is other than the state, a county, or the United States of America.
- IV. "Family Member" shall mean any person related to and living in the same domicile as a legislator, legislative officer, or legislative employee who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.
- V. "Financial Interest" is a reasonably foreseeable direct material financial effect which is greater on the legislator, legislative officer, legislative employee, or a family member than on the general public.
- VI. (a) "Gift" shall mean:
- (1) Money in any amount, whether in the form of cash, check or any other negotiable or non-negotiable instrumentality for the transfer of money.
 - (2) Any other tangible thing, intangible thing, service, or the use thereof having more than insignificant economic value. Any such item with a value of less than \$25 is presumed to be of insignificant economic value.
- (b) Notwithstanding subparagraph (a), "gift" shall not mean:
- (1) A political contribution as defined in RSA 664.
 - (2) A commercially reasonable loan, made in the ordinary course of business.
 - (3) Repayment to an elected official, public official, public employee, constitutional official, or legislative employee of a bona fide loan made by such a person.
 - (4) A ceremonial plaque, award, or other commemorative object, which is personally inscribed to the recipient and which has inconsequential economic value. A ceremonial object or award with a value of \$150 or less is presumed to be of inconsequential economic value.

- (5) Objects which primarily serve an informational purpose provided in the ordinary course of business, such as reports, books, maps, or charts.
- (6) Money in any form, an object, or any tangible or intangible thing of economic value, where the donor's act of giving is purely private and personal in nature and the money, object, or thing of economic value would have been given and received even if the person were not an elected official, public official, public employee, constitutional official, or legislative employee.
- (7) Wages, salary, benefits, mileage, or payment for expenses received by the person in his or her regular course of employment or business which is unrelated to the government position held.
- (8) Wages, salary, benefits, mileage, or payment for expenses paid to the person by the state, a county, or the United States of America related to performance of official duties.
- (9) Tickets or free admission to a charitable, ceremonial, or political event provided that:
 - (A) The proceeds of the event are subject to the political contributions and expenditure reporting law, RSA 664; or
 - (B) The event is sponsored by a charitable organization that is registered with the division of charitable trusts, department of justice, or which is a charitable organization pursuant to section 501(c)(3) of the federal tax code; or
 - (C) The event is published as an event open for attendance by any member of the general court in the calendar of the senate or the house.
- (10) Meals, beverages, lodging, or transportation associated with attendance at:
 - (A) Any event for which the primary significance is ceremonial or celebratory, provided the event is public or, if by invitation only, is planned to have an attendance greater than 50 people; or
 - (B) Any event where the person is attending in an official capacity representing the state and/or the senate, house, or the agency of which the person is a member.
- (11) Expense reimbursement or an honorarium.
- (12) Meals and beverages consumed at a meeting or event, the purpose of which is to discuss official business.

- VII. "Honorarium" means a payment in any form to a legislator, legislative officer, or legislative employee for an appearance, speech, written article or other document, service as a consultant or advisor, or participation in a discussion group or similar activities. Honorarium does not include a payment for such activities for which the person is being compensated by the state, a county, the United States of America, or by any other employer or client, where the activity giving rise to the honorarium is not related to or associated with any public office or government employment.
- VIII. "Immediate Family" includes a spouse, guardian, parent, sibling, child or dependent.
- IX. "Legislation" is a bill, resolution or constitutional amendment.
- X. "Official Activities" is the conduct of activities which relate to official responsibilities including the introduction of legislation, testifying before any legislative committee or state agency, voting in committee or in house or senate session or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency.
- XI. "Official Business" means, for legislators, legislative officers, and legislative employees, the discussion or transaction of legislative business, namely, any official action or non-action with regard to any potential pending or existing bill, resolution, amendment, report, or study, any other matter pending or proposed in a committee or in either house of the general court, or an issue of public policy which is or may be the subject of legislative attention, or any other matter which is within the official jurisdiction or cognizance of the general court.

3 LEGISLATOR'S FINANCIAL DISCLOSURE FORM.

Every representative, senator, and officer of the House and Senate, shall file with the Legislative Ethics Committee a financial disclosure form pursuant to RSA 14-B:8 annually no later than the third Friday in January.

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 family member was an employee, officer, director, associate, partner, or proprietor, or served in any other professional or advisory capacity, from which you or a member family derived any income (including retirement benefits other than federal retirement and/or disability benefits) in excess of \$10,000 during the preceding calendar year.

For purposes of this form a “family member” means any person related to you and living in the same domicile as you and who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.

- 1) a) Name of 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 _____

(attach additional sheets if necessary)

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

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

II. Disclosure of Financial Interests

Identify and describe below any reportable financial interest you or a family member may have. You have a reportable financial interest in a business, profession, occupation, group or matter listed in this section if a change in law, administrative rule, or other official action by the General Court affecting the listed business, profession, occupation, group, or matter would potentially have a greater financial effect on you or a family member than it would on the general public.

Please note: If your participation in an official activity creates a conflict of interest not disclosed by the information on this form, you must complete and file a Declaration of Intent Form in accordance with section 5 of the Ethics Guidelines. See section 5 of the Ethics Guidelines for information regarding particular conflicts of interest you may have. Even if you disclose a financial interest on this form, you may still have to file a separate Declaration of Intent Form on a particular bill.

Do you or a family 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 family 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

- (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) New Hampshire Retirement System

- (h) Current use land assessment program

- (i) Restaurants and lodging

- (j) Sale and distribution of alcoholic beverages

- (k) Practice of law

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

- (m) Horse or dog racing, or other legal forms of gambling

- (n) Education

- (o) Water resources

(p) Agriculture

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

(r) Other

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

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.

SIGNATURE OF LEGISLATOR/OFFICER

DATE

***Complete and return to the Legislative Ethics Committee
no later than the third Friday in January.***

4 PROHIBITED ACTIVITIES.

- I. Legislators shall not solicit, accept, or agree to accept anything of value from another for themselves or other persons, if the legislator receives such thing of value:
 - (a) Knowing or believing the other's purpose to be the influencing of an action, decision, opinion, recommendation, or other official activity.
 - (b) Knowing or believing that the giver is or is likely to become subject to or interested in any matter or action pending before or contemplated by the legislator or the General Court.
 - (c) In return for advice or other assistance relating to a legislator's official activities.
 - (d) In return for introducing legislation, testifying before any legislative committee or state agency, voting in committee or in House or Senate session, or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency.
 - (e) In return for an endorsement, nomination, appointment, approval or disapproval of any person for a position as, or advancement of, a public servant.
 - (f) In return for having given a decision, opinion, recommendation, nomination, vote, or other official activity.
 - (g) In violation of RSA 15-B.

-
- II. Legislators shall not:
- (a) Reveal information which the legislator has obtained confidentially in the course of his official activities.
 - (b) Reveal information about state agency operations or decisions which the legislator would not reveal to any member of the general public requesting such information.
 - (c) Threaten reprisals or promise inducements of any kind to influence another so as to obtain special personal benefits for the legislator, the legislator's immediate family, or for certain constituents which would not be available to others under similar conditions.
 - (d) Conduct private negotiations with any governmental agency in an attempt to obtain a decision on a pending matter which would result in special personal benefit to the legislator, to the legislator's immediate family, or to certain constituents which would not be available to others under similar conditions.
- III. Legislators shall not use their public position or office to obtain anything of value for the private benefit of the legislator or the legislator's immediate family.
- IV. Legislators shall not use state-provided services or facilities for private gain.
- V. Legislators shall not become involved in any official activity without complying with the conflict of interest procedure set forth in this document.
- VI. Legislators shall not engage in conduct that constitutes sexual harassment as defined in RSA 14-B:1.
- VII. Nothing in this section on prohibited activities should be construed to prohibit the following:
- (a) The giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign.
 - (b) Assistance to constituents in their dealings with state agencies.
 - (c) Advocacy of a particular outcome on matters pending before a state agency when the legislator believes such a decision would benefit the general public or the legislator's constituents generally.
 - (d) Submission by a legislator of recommendations or references on behalf of a candidate for state employment when the legislator believes the candidate is qualified to be a suitable public employee.
 - (e) Acceptance of expense reimbursement for the reasonable expenses for attendance, registration, travel, meals, and lodging related to a bona fide conference, meeting, seminar, or educational 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 15-B. This provision shall not be construed to require reporting of an expense reimbursement made by an organization to which the general court pays dues, when the prepayment, underwriting or reimbursement is provided because of the dues paid.

- (f) Acceptance of an honorarium so long as disclosure is made no later than the last day of the month following the month during which the honorarium was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.
- (g) Acceptance of meals or beverages with a value of greater than \$25 consumed at a meeting or event the purpose of which is to discuss official business so long as disclosure is made no later than ten (10) days following the meeting or event at which the meals or beverages were consumed. This disclosure shall be filed in a report in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.
- (h) Acceptance of anything permitted to be accepted pursuant to RSA 15-B, except that acceptance of meals or beverages as permitted by subparagraph (g) shall be limited to \$250 in the aggregate from any single source during any calendar year.

5 CONFLICT OF INTEREST PROCEDURE.

- I. No declaration shall be required if no benefit or detriment could reasonably be expected to accrue to the legislator or the legislator's family member as a member of a business, profession, occupation, or other group, to any greater extent than to any other member of such business, profession, occupation, or other group, provided that disclosure of the legislator's or family member's membership is made in the Financial Disclosure Form pursuant to section 3 of the Ethics Guidelines. For purposes of these guidelines, groups shall be limited to ones generally recognized and of a substantial size.
- II. When a legislator becomes aware that a conflict of interest exists or may exist and the conditions set forth in paragraph I are not met, the legislator shall proceed in accordance with either subparagraph (a) or (b):
 - (a) Declare that the legislator will not participate in any official activity associated with the issue.
 - (b) Declare that the legislator intends to participate in the official activity and will provide a description of the conflict of interest including:

- (1) names of all entities, both public and private, which might be affected;
- (2) the nature of any benefit which may accrue to the legislator or legislator's family member;
- (3) the nature of any financial interest in the issue;
- (4) the nature of any relationship which existed, exists or may exist between the legislator and
- (5) any person or entity which might be affected;
- (6) such additional information as may be required to permit clear public awareness and understanding of the nature and extent of the conflict.

III. The declaration required in subparagraphs II (a) and (b) of this procedure shall be publicly announced prior to the legislator's initial participation in the official activity. The information required in subparagraph (b) shall be filed with the clerk of the member's respective body within 24 hours of the time of the official activity and be made available for public inspection during normal business hours.

6 LEGISLATIVE EMPLOYEE CODE OF CONDUCT.

I. General Principles of Conduct.

- (a) A legislative employee or officer should view his or her work for the General Court as a public service and should strive to promote the common good of the citizens of the State of New Hampshire through the devotion of his or her professional talents and energies to the support of the General Court in its mission as the representative of the citizens of this state.
- (b) A legislative employee or officer should act in a way that makes him or her worthy of the trust the General Court places in staff members and officers.
- (c) A legislative employee or officer should provide objective advice, information, and alternatives to legislators, independent of the employee's or officer's personal beliefs or interests or the interests of third parties. A legislative employee or officer should avoid activities that conflict with this objectivity or give the appearance of conflict.
- (d) A legislative employee or officer should treat all legislators with dignity and respect, and provide services of equal quality to the employee's or officer's appropriate legislative clientele.

II. Definitions.

- (a) “Legislative Employee” includes all house, senate, and joint staff whether employed on a part-time, full-time, permanent or temporary basis.
- (b) “Legislative Officer” includes those employees of the House and Senate who are elected by members of the General Court.

III. Prohibited Activities.

- (a) A legislative employee or officer shall not violate the provisions of RSA 15-B.
- (b) A legislative employee or officer shall not accept any gift from givers who wish to influence the work activities of the employee or officer.
- (c) A legislative employee or officer shall not accept any employment or serve in any position, in addition to legislative employment, which would impair the employee’s or officer’s independence of judgment.
- (d) Except within the scope of employment, a legislative employee or officer shall not provide any service to a lobbyist or any other person with a direct personal interest in any matter or action pending before the General Court.
- (e) Nothing in this paragraph should be construed to prohibit the following:
 - (1) Acceptance of awards, prizes, honors, or gifts of a minimal value.
 - (2) Acceptance of informational material relevant to the employee’s or officer’s official function, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.
 - (3) Acceptance of expense reimbursement for the reasonable expenses for attendance, registration, travel, meals, and lodging related to a bona fide conference, meeting, seminar, or educational 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 15-B. This provision shall not be construed to require reporting of an expense reimbursement made by an organization to which the general court pays dues, when the prepayment, underwriting or reimbursement is provided because of the dues paid.

- (4) Acceptance of an honorarium so long as disclosure is made no later than the last day of the month following the month during which the honorarium was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.
- (5) Acceptance of meals or beverages with a value of greater than \$25 consumed at a meeting or event the purpose of which is to discuss official business so long as disclosure is made no later than ten (10) days following the meeting or event at which the meals or beverages were consumed. This disclosure shall be filed in a report in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.
- (6) Acceptance of anything permitted to be accepted pursuant to RSA 15-B, except that acceptance of meals or beverages as permitted by subparagraph (e)(5) shall be limited to \$250 in the aggregate from any single source during any calendar year.
- (f) A legislative employee or officer shall not use or attempt to use the employee's or officer's official position to (a) personally obtain any privilege, exemption, special treatment or any other thing of value, or (b) obtain any such benefit for others except as required to perform duties within the scope of employment.
- (g) A legislative employee or officer shall not accept or solicit anything of value for the private benefit of the employee or officer or the employee's or officer's immediate family under circumstances in which it can be reasonably inferred that the legislative employee's or officer's independence of judgment is impaired or is intended as a reward for any official action.
- (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.

- IV. Disclosure Procedure. When a legislative employee or officer becomes aware that his or her participation in a particular activity presents a conflict of interest or conflicts with his or her objectivity or gives the appearance of a conflict, the employee or officer shall immediately make disclosure of this fact to his or her supervisory officer. All such reports shall be forwarded to the Chief of Staff of the House, the Chief of Staff of the Senate, the Director of the Office of Legislative Services, or Legislative Budget Assistant, as appropriate.

FILING PROCEDURE FOR DECLARATION OF INTENT

- 1) The requirement for filing a declaration of intent is triggered when a Representative or Senator makes a “public announcement” either prior to or at the time the legislator undertakes any “official activity.” An official activity is defined as the conduct of a legislator during the performance of his/her duties. This includes, but is not limited to, introducing legislation, testifying before a committee, voting in committee or in the House or Senate, supporting or opposing legislation, etc. Such a public announcement could be the simple act of telling a newspaper reporter or telling the House or Senate clerk, or making a public statement to someone else about the official activity.
- 2) Each declaration of intent **HAS TO BE FILED** with the House clerk or Senate clerk within 24 hours of the announcement. The forms are available from each clerk, either in the clerk’s office or in the respective chambers.
- 3) Each clerk keeps a file of all signed declaration of intent forms.
- 4) Declarations of intent will be recorded in the House Journal or Senate Journal on roll call votes only, unless otherwise requested.

SAMPLE FORMS

NEW HAMPSHIRE GENERAL COURT DECLARATION OF INTENT

Date _____

Name _____ County/District _____

Bill(s) or activity in question _____

I WILL participate _____

I WILL NOT participate _____

**NOTE: If you have chosen NOT to participate,
no other information is necessary.**

Public or private entities affected _____

Nature of benefit to Legislator _____

Nature of financial interest in the issue _____

Nature of relationship between Legislator and any affected person or entity

Additional information _____

Signature _____

STATE OF NEW HAMPSHIRE

Honorarium or Expense Reimbursement Report (RSA 15-B)

Type or Print all Information Clearly:

Name: _____ Work Phone No.: _____
 FIRST MIDDLE LAST

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 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 must be provided in addition to the name of the corporation or entity.

Source of Honorarium or Expense Reimbursement:

Name of source: _____
 FIRST MIDDLE LAST

Post Office Address: _____

Occupation: _____

Principal Place of Business: _____

If source is a Corporation or other Entity:

Name of Corporation or Entity: _____

Name of Corporate/Entity Representative: _____

Work Address of Representative: _____

Food and/or beverages consumed pursuant to RSA 15-B:6, II **with value over \$25.00**

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

Value of Expense Reimbursement: _____ Date Received: _____

A copy of the agenda or an equivalent document must be attached to this filing.

Exact Estimate

Briefly describe the service or event this Honorarium or Expense Reimbursement relates to: _____

“I have read RSA 15-B 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

9/07

RSA 15-B:9 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 of this complaint shall be conducted in nonpublic session unless otherwise requested by the individual(s) complained against. I also understand that if this complaint alleges sexual harassment, all proceedings shall be conducted in nonpublic session. 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 15-B

GIFTS, HONORARIUMS, AND EXPENSE REIMBURSEMENTS

15-B:1 Purpose. – The purpose of this chapter is to ensure that the performance of official duties does not give rise to a conflict of interest, by prohibiting certain gifts and by requiring certain persons to file with the secretary of state a report of any honorariums or expense reimbursements received. This chapter shall be liberally construed to effect this purpose.

Source. 2006, 21:9, eff. June 2, 2006.

15-B:2 Definitions. – For the purposes of this chapter:

I. “Agency” means the executive branch and any department, division, board, commission, or equivalent entity of the executive branch.

II. “Constitutional official” means the secretary of state, the state treasurer, their deputies, assistants, and all employees of their departments.

III. “Elected official” means the governor, members of the executive council, members of the general court, county commissioners, county sheriffs, county treasurers, county attorneys, registers of deeds, and registers of probate.

IV. “Expense reimbursement” shall mean any price, charge, fee, expense, or other cost which is waived, forgiven, reduced, prepaid, or reimbursed in any form for the reasonable expenses of attendance, registration, travel, meals, or lodging related to a bona fide conference, meeting, seminar or educational or informational program, when the source of such reimbursement is other than the state, a county, or the United States of America.

V. (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 more than insignificant economic value. Any such item with a value of less than \$25 is presumed to be of insignificant economic value.

(b) Notwithstanding subparagraph (a), “gift” shall not 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 an elected official, public official, public employee, constitutional official, or legislative employee of a bona fide loan made by such a person.

(4) A ceremonial plaque, award, or other commemorative object, which is personally inscribed to the recipient and which has inconsequential economic value. A ceremonial object or award with a value of \$150 or less is presumed to be of inconsequential economic value.

(5) Objects 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 an elected official, public official, public employee, constitutional official, or legislative employee.

(7) Wages, salary, benefits, mileage, or payment for expenses received by the person in his or her regular course of employment or business which is unrelated to the government position held.

(8) Wages, salary, benefits, mileage, or payment for expenses paid to the person by the state, a county, or the United States of America related to performance of official duties.

(9) Tickets or free admission to a charitable, ceremonial, or political event provided that:

(A) The proceeds of the event are subject to the political contributions and expenditure reporting law, RSA 664; or

(B) The event is sponsored by a charitable organization that is registered with the division of charitable trusts, department of justice, or which is a charitable organization pursuant to section 501(c)(3) of the federal tax code; or

(C) The event is published as an event open for attendance by any member of the general court in the calendar of the senate or the house.

(10) Meals, beverages, lodging, or transportation associated with attendance at:

(A) Any event for which the primary significance is ceremonial or celebratory, provided the event is public or, if by invitation only, is planned to have an attendance greater than 50 people; or

(B) Any event where the person is attending in an official capacity representing the state and/or the senate, house, or the agency of which the person is a member.

(11) Expense reimbursement or an honorarium.

(12) Meals and beverages consumed at a meeting or event, the purpose of which is to discuss official business.

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

VI. "Honorarium" means a payment in any form to an elected official, public official, public employee, constitutional official, or legislative employee for an appearance, speech, written article or other document, service as a consultant or advisor, or participation in a discussion group or similar activities. Honorarium does not include a payment for such activities for which the person is being

compensated by the state, a county, the United States of America, or by any other employer or client, where the activity giving rise to the honorarium is not related to or associated with any public office or government employment.

VII. “Family member” shall mean any person related to and living in the same domicile as the elected official, public official, public employee, constitutional official, or legislative employee, who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.

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

VIII-a. “Official business” means, for elected members of the general court 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.

IX. “Public employee” means any person, including but not limited to a classified or non-classified employee or volunteer, who conducts state business on behalf of the governor, any executive branch official, agency, or the general court.

X. “Public official” means a commissioned, unclassified, or nonclassified executive branch employee, but shall not include any commissioned, unclassified, or nonclassified employee elected by the legislature.

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. 2006, 21:9, eff. June 2, 2006. 2007, 354:2-4, eff. Sept. 15, 2007. 2008, 89:1, eff. July 20, 2008. 2009, 203:6, eff. Sept. 13, 2009.

15-B:3 Prohibition on Gifts. –

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

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

III. No elected official, public official, public employee, constitutional official, or legislative employee shall knowingly accept, directly or indirectly, any gift, as defined in this chapter.

Source. 2006, 21:9, eff. June 2, 2006.

15-B:4 Limitation on Receipt of an Honorarium. – No public official or public employee shall accept an honorarium from a person who is subject to or likely to become subject to or interested in any matter or action pending before, or contemplated by, the public official, public employee, or the governmental body with which that person is affiliated.

Source. 2006, 21:9, eff. June 2, 2006.

15-B:5 Expense Reimbursement. – An elected official, public official, public employee, constitutional official, or legislative employee may accept expense reimbursement for the reasonable expenses for attendance, registration, travel, meals, and lodging for a bona fide conference, meeting, seminar, or educational or informational program which the person attends and that is related to the office, position, or employment held with the state or county, provided that the person attaches to the disclosure report a copy of the agenda or an equivalent document which discloses the subjects addressed and the time schedule of all activities at the event. This provision shall not be construed to require reporting of an expense reimbursement made by an organization to which the state or county pays dues, when the prepayment, underwriting or reimbursement is provided because of the dues paid.

Source. 2006, 21:9, eff. June 2, 2006. 2007, 354:5, eff. Sept. 15, 2007.

15-B:6 Duty to Report. –

I. An elected official, public official, public employee, or legislative employee who receives an, honorarium or expense reimbursement 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 was received.

II. An elected member of the general court or legislative employee who consumes meals or beverages with a value of greater than \$25 at a meeting or event pertaining to official business pursuant to RSA 15-B:2, V(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 15-B:7.

Source. 2006, 21:9, eff. June 2, 2006. 2007, 354:6, eff. Sept. 15, 2007.

15-B:7 Honorarium, or Expense Reimbursement Report. – The secretary of state shall establish a uniform report of receipt of an honorarium or expense reimbursement, 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, the office, appointment, or employment held by 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 must 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 must include a copy of the agenda or an 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 15-B 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. This information shall be non-public and shall not be subject to the provisions of RSA 91-A.

Source. 2006, 21:9, eff. June 2, 2006.

15-B:8 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. 2006, 21:9, eff. June 2, 2006.

15-B:9 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) or RSA 21-G:30, I(c).

Source. 2006, 21:9, eff. June 2, 2006. 2007, 194:3, eff. Jan. 1, 2008.

15-B:10 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. 2006, 21:9, eff. June 2, 2006.

15-B:11 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.

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

Source. 2006, 21:9, eff. June 2, 2006.

15-B:12 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. 2006, 21:9, eff. June 2, 2006.

PART THREE

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

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

I. “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.

I-a. (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.

II. “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.

III. “Family member” means any person related to and living in the same domicile as the representative, senator, and 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.

Source. 1991, 105:1. 1994, 329:1, eff. Aug. 7, 1994. 2004, 234:2, eff. June 11, 2004. 2009, 261:5, eff. Sept. 14, 2009.

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, eff. Aug. 7, 1994. 1997, 113:1, eff. July 1, 1997. 2001, 215:1, 2, eff. July 11, 2001. 2004, 86:1, eff. May 7, 2004. 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 15-B 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.

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 15-A and RSA 15-B. The committee shall promptly examine each sworn complaint and:

(a) If by a unanimous affirmative vote it determines that a complaint is frivolous, scurrilous, or retaliatory in nature, the committee may 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 initial review of a complaint, 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. In the case of sexual harassment complaints, all work product and committee proceedings shall be nonpublic. Upon a finding that a member has engaged in sexual harassment, the committee shall make available for public inspection all records relating to the complaint. The committee shall not disclose its work product, internal memoranda, or any other documentation or information that would be considered confidential under RSA 91-A or any other law, except pursuant to a court order.

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 violation is inadvertent, technical or of a de minimis nature and shall be addressed by informal methods; 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, eff. Aug. 7, 1994. 1995, 196:3, eff. Aug. 11, 1995. 2001, 215:4, eff. July 11, 2001. 2004, 86:2, eff. May 7, 2004; 234:4, eff. June 11, 2004. 2006, 21:6, eff. June 2, 2006.

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 Standards. – The committee shall adopt, publish, and make available to the public rules governing its procedures, including rules specifically related to sexual harassment complaints, 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, eff. July 1, 1991. 2004, 234:5, eff. June 11, 2004.

14-B:6 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 the rules or guidelines adopted in accordance with RSA 14-B:5, shall be maintained by the office of the secretary of state for a period of 6 years, after which time they may be destroyed.

Source. 2001, 215:5, eff. July 11, 2001. 2004, 86:3, eff. May 7, 2004. 2009, 261:2, eff. Sept. 14, 2009.

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. 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 family 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 family member has no qualifying income he or she shall report this by writing his or her initials following the statement: "My or my family member's income does not qualify _____."

III. A statement of whether the reporting individual or reporting individual's family 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) Horse or dog racing, or other legal forms of gambling.

(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 family member has a financial interest.

IV. The following statement regarding the disclosure of financial interest: “An individual has a reportable financial interest in a business, profession, occupation, group, or matter listed in this section if a change in law, administrative rule, or other official action by the general court affecting the listed business, profession, occupation, group, or matter would potentially have a greater financial effect on the individual reporting the financial interest or that individual’s family member than it would on the general public.”

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 5 of the Ethics Guidelines. See section 5 of the Ethics Guidelines for information regarding particular conflicts of interest you may have. Even if you disclose a financial interest on this form, you may still have to file a separate Declaration of Intent Form on a particular bill.”

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.

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

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.

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.

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, 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 four 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. Any business conducted outside of a meeting shall be ratified at the next meeting of the committee.

- IV. 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.
- V. 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. Except in complaints relating to sexual harassment, a legislator, legislative officer, or legislative employee against whom a complaint has been filed 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 within 7 days of the date on the notice sent by the committee with the complaint of the respondent's decision to waive confidentiality. 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 initial review of a complaint, 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. In the case of complaints alleging sexual harassment, all committee work product and internal memoranda shall be confidential, and all proceedings shall be conducted in nonpublic session. Upon a finding that a member has engaged in sexual harassment, the committee shall make available for public inspection all records relating to the sexual harassment complaint other than its work product, internal memoranda, or any other documentation or information that would be considered confidential under RSA 91-A or any other law, except pursuant to a court order.

- V. If a legislator, legislative officer, or legislative employee is publicly charged, through independent sources, with involvement in a proceeding before the committee, or publicly charged with 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, to explain the right of the legislator, legislative officer, or legislative employee to a fair hearing without prejudgment, and to state that the legislator, legislative officer, or legislative employee denies the allegations.
- VI. 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, to explain that the legislator, legislative officer, or legislative employee is entitled to due process, and to state that the legislator, legislative officer, or legislative employee denies the allegations.
- VII. 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 legislator, legislative officer, or legislative employee concerned, issue a short explanatory statement to the public.
- VIII. If the committee, prior to completion of its initial review, disposes of a complaint by written reprimand or by other informal resolution, it shall inform the complainant that it has taken appropriate remedial action (but shall not disclose the details of such action unless the legislator, legislative officer, or legislative employee complained against so consents).
- IX. This section shall not be construed to prohibit the committee from preparing and releasing to the public materials which are not related to any particular proceeding or situation. Such materials may include explanations of:
- (a) The jurisdiction of the committee and the limitations upon its powers and authority;
 - (b) The procedure for filing complaints; and

(c) The internal procedures of the committee.

In addition, the committee may release periodic statistical reports of its work which do not identify or permit the identification of any person involved in any proceeding before the committee.

- X. Nothing herein shall prevent the committee from responding to unjustified public criticism of a legislator, legislative officer, or legislative employee which is not the subject of a proceeding, and the committee may so respond in appropriate cases upon deliberation and the affirmative vote of at least four members at a meeting of the committee.
- XI. 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. Each complaint shall be submitted in writing and signed under oath by the complainant. The legislator, legislative officer, or legislative employee 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.
- II. The committee shall promptly examine each sworn complaint. If the committee determines by a unanimous affirmative vote that the complaint is frivolous, scurrilous, or retaliatory in nature, the committee may discharge the complaint without the benefit of a meeting or further proceeding, in accordance with paragraph II of section 2 of these rules. The committee shall notify the respondent and complainant in writing of its action.
- III. 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:7, regarding the filing of a financial disclosure form.
- IV. The committee shall conduct an initial review of each complaint it does not discharge to ascertain whether the committee has jurisdiction to consider the same under RSA 14-B. If it clearly appears on the face of the complaint or from preliminary inquiries by the committee that the complaint does not allege conduct on the part of the legislator, legislative officer, or legislative employee which, if established, would be contrary to the law, ethics guidelines, rules

or regulations, the committee shall dismiss the complaint, and shall notify the complainant in writing that the matter raised is outside the committee's jurisdiction, assigning the reason therefor.

- V. The committee may invite the legislator, legislative officer, or legislative employee complained against, the complainant, and any other individual or individuals the committee deems appropriate, to appear before the committee to testify or to submit written evidence.
- VI. If the committee determines, upon completion of its initial review, that a complaint is obviously without merit or is obviously unfounded, it shall dismiss the complaint and advise the complainant in writing of such action.
- VII. The committee shall dismiss any complaint arising out of acts or omissions occurring more than two years prior to the receipt of the complaint, and the complainant shall be so advised in writing. 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.
- VIII. 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.
- IX. 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.
- X. The individual who is the subject of the complaint shall be notified promptly in writing of any action taken by the committee pursuant to this section.

5 RESPONSE BY LEGISLATOR, LEGISLATIVE OFFICER, OR LEGISLATIVE EMPLOYEE.

- I. Except where the complaint has been discharged or dismissed pursuant to paragraph II, IV, VI or VII of section 4 of these rules, the legislator, legislative officer, or legislative employee complained against shall respond in writing to the merits of the complaint within 14 days of the date of the notice sent by the committee. Such response shall be filed with the committee which shall send a copy of the response to the complainant.
- II. In addition to such required response, the legislator, legislative officer, or legislative employee 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 four 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. In the case of a complaint alleging sexual harassment or retaliation against any person who has made a good faith allegation of sexual harassment, the committee may retain an outside investigator to assist in the investigation. 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 legislator, legislative officer, or legislative employee 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. In the case of complaints relating to sexual harassment, the committee shall inform persons contacted for information of their obligation to maintain confidentiality.
- VI. If the investigation does not disclose sufficient cause to warrant further proceedings, the committee shall dismiss the complaint, and shall promptly notify the legislator, legislative officer, or legislative employee and the complainant in writing of such dismissal. In other cases not thought to merit the presentation of formal charges and hearing, the committee may informally resolve the matter with the consent of the legislator, legislative officer, or legislative employee. 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 legislator, legislative officer, or legislative employee 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 four 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 before itself. The committee shall promptly serve the legislator, legislative officer, or legislative employee by registered or 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 legislator, legislative officer, or legislative employee and of the alleged facts 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 legislator, legislative officer, or legislative employee of his or her duty to answer as provided in paragraph VI of this section.
- III. The formal statement of charges together with the notice of hearing shall be served on the legislator, legislative officer, or legislative employee 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 legislator, legislative officer, or legislative employee 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 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 legislator, legislative officer, or legislative employee shall file an answer with the committee, setting forth all denials, affirmative defenses, mitigating circumstances and other matters which the legislator, legislative officer, or legislative employee intends to raise at the hearing. The answer shall be in writing and signed by the legislator, legislative officer, or legislative employee.
- 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 legislator, legislative officer, or legislative employee 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 legislator, legislative officer, or legislative employee 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 legislator, legislative officer, or legislative employee 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 legislator, legislative officer, or legislative employee or at any time thereafter, and shall in that event give notice to the legislator, legislative officer, or legislative employee 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 legislator, legislative officer, or legislative employee 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;
 - (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.
 - (c) anything in this section to the contrary notwithstanding, the committee shall not be required to disclose to the legislator, legislative officer, or legislative employee the identity of any informant who will not be called as a witness in support of the charges, and who has declined to sign a written complaint, unless the alleged misconduct was directed at the informant.

- II. The legislator, legislative officer, or legislative employee 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 or special counsel to the committee.
- V. The subpoena powers of the committee shall be exercised in behalf of the legislator, legislative officer, or legislative employee 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, except in the case of complaints alleging sexual harassment or retaliation against persons who have made good faith allegations of sexual harassment. 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 legislator, legislative officer, or legislative employee has filed an answer or appears for the hearing. The committee may draw an unfavorable inference from the failure of the legislator, legislative officer, or legislative employee 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 must be established by clear and convincing evidence. The legislator, legislative officer, or legislative employee shall not be required to testify or present affirmative evidence in his or her own behalf.
- IV. The legislator, legislative officer, or legislative employee 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 legislator, legislative officer, or legislative employee, 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. At any time after the hearing is closed but prior to final decision, the committee may reopen the hearing for the taking of additional evidence. The legislator, legislative officer, or legislative employee and the complainant shall be given such notice of any supplemental session as the circumstances may reasonably require.

10 DISPOSITIONS FOLLOWING HEARING.

- I. The committee shall issue its decision within 30 days after the hearing.
- II. If the committee decides that a violation of the law, ethics guidelines, rules, or regulations has not been established, the proceeding shall be dismissed, and the legislator, legislative officer, or legislative employee and the complainant shall be so notified.
- III. If the committee determines, by the affirmative vote of at least four of its members, 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. Prior to deciding upon such disposition, the committee may afford the legislator, legislative officer, or legislative employee an opportunity to meet with it or its designated member or members to discuss the matter. All private admonishments, reprimands and other informal adjustments shall be reduced to writing.
- IV. If the committee determines, by the affirmative vote of at least four of its members, 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 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. The committee shall also prepare a record of the proceeding, which shall include the committee's formal statement of charges, the answer of the legislator, legislative officer or legislative employee, any other pleadings, and a transcript of the hearing. The committee's report shall be filed with the clerk of the appropriate house of the legislature. Contemporaneously with such filing, copies shall be served on the legislator, legislative officer, or legislative employee.

11 USE OF CLOSED FILES.

- I. A closed file may be referred to by the committee in subsequent proceedings in the following circumstances:
 - (a) 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 legislator, legislative officer, or legislative employee or is based upon a similar occurrence or factual situation, the closed file may be used to exonerate the legislator, legislative officer, or legislative employee or may be made a part of the investigation of the new complaint; or

- (b) Where, after the disposition of a prior proceeding by informal resolution, the legislator, legislative officer, or legislative employee 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
- (c) 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