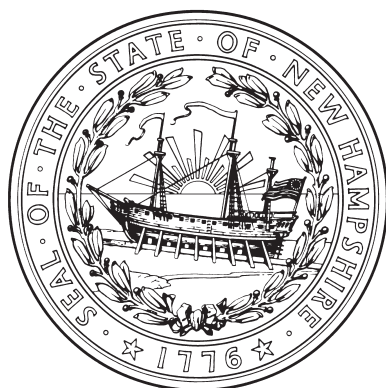


**New Hampshire
GENERAL COURT**

ETHICS BOOKLET



**ETHICS GUIDELINES
ETHICS STATUTES
AND
PROCEDURAL RULES**

MARCH 2020 EDITION

Introduction

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

This booklet is divided into five 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 4 sample forms: "Declaration of Intent," "General Disclosure of Non-Financial Personal Interests Form," "Honorarium or Expense Reimbursement Report," and "Complaint Form."

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

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

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.

Part Five contains the General Court of New Hampshire Policy Against Sexual and Other Unlawful Harassment and Discrimination.

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

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

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PART ONE

ETHICS GUIDELINES

1 PRINCIPLES OF PUBLIC SERVICE.

I. Public Office as a Public Trust

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

II. Principle of Independent Objective Judgment

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

III. Principle of Accountability

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

IV. Principle of Conduct

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

2 DEFINITIONS.

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

- (a) A pecuniary item, including money, or a bank bill or note;
- (b) A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
- (c) A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
- (d) A stock, bond, note, or other investment interest in an entity;
- (e) A receipt given for the payment of money or other property;
- (f) A cause of action;
- (g) A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
- (h) A loan or forgiveness of indebtedness;
- (i) A work of art, antique, or collectible;
- (j) An automobile or other means of personal transportation;

- (k) Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
 - (l) A promise of employment or continued employment; and
 - (m) A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as a public official or public employee, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public.
- II. "Conflict of Interest" is the condition in which a legislator has a special interest in any matter which could directly or indirectly affect or influence the performance of the legislator's official activities.
- III. "Expense Reimbursement" shall mean any price, charge, fee, expense, or other cost which is waived, forgiven, reduced, prepaid, or reimbursed in any form for the reasonable expenses of attendance, registration, travel, meals, or lodging related to a bona fide conference, meeting, seminar, or educational, cultural, or informational program. "Expense reimbursement" shall not include any expense reimbursement made by the general court to a legislator, legislative officer, or legislative employee.
- IV. "Gift" shall mean:
- (a) Money in any amount, whether in the form of cash, check, or any other negotiable or non-negotiable instrumentality for the transfer of money.
 - (b) Any other tangible thing, intangible thing, service, or the use thereof having an individual value of greater than \$50. For purposes of this section, "service" shall not include acceptance of legal services on an individual basis when the legislator enters into an attorney-client relationship with the attorney for the purposes of addressing a complaint or petition if the attorney is not a registered lobbyist.
 - (c) Multiple tangible things, intangible things, services, or the use thereof having an individual value \$50 or less with an aggregate value greater than \$250 from any single source during any calendar year.
- V. "Honorarium" means a payment in any form to a legislator, legislative officer, or legislative employee for an appearance, speech, written article or other document, service as a consultant or advisor, or participation in a discussion group or similar activities. Honorarium does not include a payment for such activities for which the person is being compensated by the state, a county, the United States of

America, or any other employer or client, where the activity giving rise to the honorarium is not related to or associated with any public office or government employment.

- VI. "Household Member" shall mean any person living in the same domicile as a legislator, legislative officer, or legislative employee who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parent.
- VII. "Immediate Family" includes a spouse, guardian, parent, sibling, child, or dependent.
- VIII. "Legislation" is a bill, resolution, or constitutional amendment.
- IX. "Legislative Employee" includes all house, senate, and joint staff whether employed on a part-time, full-time, permanent, or temporary basis.
- X. "Legislative Officer" includes those employees of the House and Senate who are elected by members of the General Court.
- XI. "Official Activities" are activities which relate to official responsibilities including the introduction of legislation, testifying before any legislative committee or state agency, voting in committee or in house or senate session or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency.
- XII. "Official Business" means, for legislators, legislative officers, and legislative employees, the discussion or transaction of legislative business, namely, any official action or non-action with regard to any potential pending or existing bill, resolution, amendment, report, or study, any other matter pending or proposed in a committee or in either house of the general court, or an issue of public policy which is or may be the subject of legislative attention, or any other matter which is within the official jurisdiction or cognizance of the general court.
- XIII. "Special Interest" means any financial or non-financial personal interest in the outcome of a matter that is the subject of official activity, distinct from and greater than the interests of the public at large.
 - (a) A financial interest exists where a legislator or household member could stand to gain or lose anything of material value as a result of the official activity.
 - (b) A non-financial personal interest exists where a legislator or household member has a responsibility for the welfare of an organization by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.
- XIV. "Verbal Advocacy" means an attempt by a legislator to influence his or her colleagues on a matter that is the subject of official activity in a meeting of the general court or county delegation through public

verbal communication. “Verbal advocacy” does not include casting a vote in executive session of a committee or in a full session of the House or Senate.

3 PROHIBITED ACTIVITIES.

- I. The activities listed in this section are prohibited. Filing a declaration in compliance with section 6 of these Guidelines does not excuse or absolve legislators from compliance with the provisions of this section or the provisions of RSA 14-C:3 prohibiting certain activities.
- II. Legislators shall not solicit, accept, or agree to accept anything of value from another for themselves or other persons, if the legislator receives such thing of value:
 - (a) Knowing or believing the other’s purpose to be the influencing of an action, decision, opinion, recommendation, or other official activity.
 - (b) Knowing or believing that the giver is or is likely to become subject to or interested in any matter or action pending before or contemplated by the legislator or the General Court.
 - (c) In return for advice or other assistance relating to a legislator’s official activities.
 - (d) In return for introducing legislation, testifying before any legislative committee or state agency, voting in committee or in House or Senate session, or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation, or any state agency.
 - (e) In return for an endorsement, nomination, appointment, approval or disapproval of any person for a position as, or advancement of, a public servant.
 - (f) In return for having given a decision, opinion, recommendation, nomination, vote, or other official activity.
 - (g) In violation of RSA 14-C.
- III. Legislators shall not:
 - (a) Reveal information which the legislator has obtained confidentially in the course of his or her official activities.
 - (b) Reveal information about state agency operations or decisions which the legislator would not reveal to any member of the general public requesting such information.
 - (c) Threaten reprisals or promise inducements of any kind to influence another so as to obtain special personal benefits for the legislator, the legislator’s immediate family or household member, or for certain constituents which would not be available to others under similar conditions.

- (d) Conduct private negotiations with any governmental agency in an attempt to obtain a decision on a pending matter which would result in special personal benefit to the legislator, to the legislator's immediate family or household member, or to certain constituents which would not be available to others under similar conditions.
- (e) Use their public position or office to obtain anything of value for the private benefit of the legislator, a member of the legislator's immediate family, or a household member.
- (f) Use state-provided services or facilities for private gain.
- (g) Engage in conduct that constitutes sexual harassment as defined in RSA 14-B:1, IV.
- (h) Violate any policy or rule adopted by the House or Senate relating to the conduct of individuals in the performance of their duties as members of the legislature. "Rule" means any rule adopted pursuant to RSA 14-B and shall not include any rule of proceeding adopted by the house of representatives or the senate.

4 PERMITTED ACTIVITIES; PERMITTED GIFTS.

- I. Nothing in section 3, Prohibited Activities, shall be construed to prohibit the following:
 - (a) Giving or receiving campaign contributions made for the purpose of defraying the costs of a political campaign in compliance with RSA 664 or the Federal Election Campaign Act of 1971, as amended.
 - (b) Assistance to constituents in their dealings with state agencies.
 - (c) Advocacy of a particular outcome on matters pending before a state agency when the legislator believes such a decision would benefit the general public or the legislator's constituents generally.
 - (d) Submission by a legislator of recommendations or references on behalf of a candidate for state employment when the legislator believes the candidate is qualified and suitable for such employment.
 - (e) Acceptance of expense reimbursement for the reasonable expenses for attendance, registration, travel, meals, and lodging related to a bona fide conference, meeting, seminar, or educational, cultural, or informational program related to the legislator's office so long as disclosure of any such reimbursement is made no later than the last day of the month following the month during which the expense reimbursement was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 14-C. This provision shall not be construed to require reporting of an expense reimbursement made by the general court to a legislator.

- (f) Acceptance of an honorarium so long as disclosure is made no later than the last day of the month following the month during which the honorarium was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 14-C.
 - (g) Acceptance of meals or beverages with a value of greater than \$50 consumed at a meeting or event, the purpose of which is to discuss official business so long as disclosure is made no later than 10 days following the meeting or event at which the meals or beverages were consumed. Meals or beverages accepted under this subparagraph shall be limited to \$250 in the aggregate from any single source during any calendar year. Disclosure shall be filed in a report in the Office of the Secretary of State and shall be in the form prescribed in RSA 14-C.
 - (h) Acceptance of anything permitted to be accepted pursuant to RSA 14-C.
- II. The following shall not be considered gifts for the purposes of these Guidelines:
- (a) A political contribution as defined in RSA 664.
 - (b) A commercially reasonable loan made in the ordinary course of business.
 - (c) Repayment to an elected official, public official, public employee, constitutional official, or legislative employee of a bona fide loan made by such a person.
 - (d) A ceremonial plaque, award, or other commemorative object, which is personally inscribed to the recipient and which has a value of \$150 or less.
 - (e) Objects which primarily serve an informational purpose provided in the ordinary course of business, such as reports, books, maps, or charts.
 - (f) Money in any form, an object, or any tangible or intangible thing of economic value, where the donor's act of giving is purely private and personal in nature and the money, object, or thing of economic value would have been given and received even if the person were not an elected official, public official, public employee, constitutional official, or legislative employee.
 - (g) Wages, salary, benefits, mileage, or payment for expenses received by the person in his or her regular course of employment or business which is unrelated to the government position held.
 - (h) Wages, salary, benefits, mileage, or payment for expenses paid to the person by the state, a political subdivision of the state, or the United States of America related to performance of official duties.

- (i) Tickets or free admission from any source to a political, charitable, or ceremonial event provided that acceptance of any tickets or free admission as permitted by this subparagraph shall be limited to \$250 in the aggregate from any single source during any calendar year and:
 - (1) The proceeds of the event are subject to the political contributions and expenditure reporting law, RSA 664, or the Federal Election Campaign Act of 1971 as amended, provided that the recipient reports the source of the tickets or free admission pursuant to RSA 14-C:4; or
 - (2) The event is sponsored by a charitable organization that is registered with the division of charitable trusts, department of justice, or which is a charitable organization pursuant to section 501(c)(3) of the federal tax code, provided that the recipient reports the source of the tickets or free admission pursuant to RSA 14-C:4; or
 - (3) The event is primarily ceremonial or celebratory in nature and is public or, if by invitation only, is planned to have an attendance greater than 50 people, provided that the recipient reports the source of the tickets or free admission pursuant to RSA 14-C:4; or
 - (4) The event is published as an event open for attendance by any member or employee of the general court in the calendar of the senate or the house.
- (j) An expense reimbursement, including any expense reimbursement made by the general court to a legislator, legislative officer, or legislative employee.
- (k) An honorarium.
- (l) Meals and beverages having a value of more than \$50 consumed at a meeting or event, the purpose of which is to discuss official business, provided that acceptance of such meals and beverages as permitted by this subparagraph shall be reported pursuant to RSA 14-C:4 and limited to \$250 in the aggregate from any single source during any calendar year.

5 DISCLOSURE FORMS.

I. LEGISLATOR'S FINANCIAL DISCLOSURE FORM.

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

The form shall read substantially as follows:

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

As prescribed by RSA 14-B:8

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

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

Office held _____ County/District _____

Telephone Number _____

I. Sources of Income

Identify below the name, address, and type of any business, profession, or other organization (including any unit of government) in which you or a household member served as an employee, member, officer, director, associate, partner, or proprietor, or in any other professional or advisory capacity, from which you or a household member derived any income in excess of \$10,000 during the preceding calendar year. Sources of retirement benefits from any business, professional, or other organization must be included. Social Security, federal retirement and/or federal disability benefits do not need to be included.

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

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

(attach additional sheets if necessary)

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

My or my household member's income does not qualify _____

II. Disclosure of Financial Interests

Identify and describe below any financial interest you or a household member may have. You have a "financial interest" in a business, profession, occupation, group, or matter listed in this section if a change in law, administrative rule, or other official action by the General Court affecting the listed business, profession, occupation, group, or matter would potentially have a financial effect on you or a household member that is distinct from and greater than the interests of the public at large.

Please note: If your participation in an official activity creates a conflict of interest **not disclosed** by the information on this form, **you must complete and file** a Declaration of Intent Form in accordance with section 6 of the Ethics Guidelines. Also, if such activity could reasonably have a greater benefit or detriment to you or a household member than other members of a group identified in this form, a Declaration of Intent Form is required. See section 6 of the Ethics Guidelines for information regarding particular conflicts of interest you may have.

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

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

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

- (b) Health Care

Describe: _____

- (c) Insurance

Describe: _____

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

Describe: _____

- (e) Banking or financial services

Describe: _____

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

Describe: _____

- (g) New Hampshire Retirement System

Describe: _____

- (h) Current use land assessment program
Describe: _____
- (i) Restaurants and lodging
Describe: _____
- (j) Sale and distribution of alcoholic beverages
Describe: _____
- (k) Practice of law
Describe: _____
- (l) Any business regulated by the Public Utilities Commission
Describe: _____
- (m) Legal forms of gambling or charitable gaming
Describe: _____
- (n) Education
Describe: _____
- (o) Water resources
Describe: _____
- (p) Agriculture
Describe: _____
- (q) New Hampshire taxes: Business Profits Tax,
 Business Enterprise Tax, Interest and Dividends Tax
- (r) Other
Describe: _____

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

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

SIGNATURE OR TYPED FIRST AND LAST NAME OF LEGISLATOR/OFFICER

DATE

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

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

II. LEGISLATOR'S NON-FINANCIAL PERSONAL INTERESTS DISCLOSURE FORM.

A legislator who has a non-financial personal interest may file with the Legislative Ethics Committee a general disclosure of non-financial personal interests form. If participation in an official activity creates a conflict of interest not disclosed by the information on the general disclosure of non-financial personal interests form, a legislator must complete and file a Declaration of Intent Form in accordance with section 6 of the Ethics Guidelines.

The form shall read substantially as follows:

GENERAL DISCLOSURE OF NON-FINANCIAL PERSONAL INTERESTS FORM

A “non-financial personal interest” exists where a legislator or household member has a responsibility for the welfare of an organization by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.

Description of Non-Financial Personal Interest

Identify and describe below the non-financial personal interest you or a household member may have. A “household member” is any person living in the same domicile as you who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parent.

Please identify each “non-financial personal interest.”

NAME OF LEGISLATOR: _____

LIST ORGANIZATIONS AND YOUR POSITION:

NAME OF HOUSEHOLD MEMBER AND RELATIONSHIP TO YOU:

LIST ORGANIZATIONS AND POSITION:

 Signature

 Date

 Printed Name of Legislator

6 CONFLICT OF INTEREST PROCEDURE.

- I. No legislator having a conflict of interest shall participate in any official activity associated with the matter without complying with the procedure set forth in this section.
- II. No declaration of intent form shall be required if no benefit or detriment could reasonably be expected to accrue to the legislator or the legislator's household 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 household member's membership is made in the Financial Disclosure Form pursuant to section 5 of the Ethics Guidelines. For purposes of these guidelines, groups shall be limited to those generally recognized and of a substantial size.
- III. No declaration of intent form shall be required if a legislator discloses a non-financial personal interest of the legislator or legislator's household member on the General Disclosure of Non-Financial Personal Interests Form.
- IV. When a legislator becomes aware that a conflict of interest exists or may exist and the conditions set forth in paragraphs II and III 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; or
 - (b) Declare that the legislator intends to participate in the official activity and provide a description of the conflict of interest.
- V. The declaration required in subparagraphs IV (a) and (b) of this procedure shall be publicly announced prior to any participation by the legislator in the official activity in accordance with section 7 of these Guidelines. The declaration of intent form shall be filed with the clerk of the member's respective body prior to the time of the official activity and be made available for public inspection during normal business hours.

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

Legislators are required to file this form whenever:

- 1) A legislator or a legislator's household member has a **financial interest** that could reasonably be expected to have a greater financial impact on a legislator or a legislator's household member than would accrue to any other member of the business, profession, occupation, or other group which the legislator listed in the Financial Disclosure Form; or

2) A legislator or a legislator's household member has a **non-financial personal interest** distinct from and greater than the public at large in the outcome of a matter that is the subject of official activity and the legislator has not made this disclosure in the General Disclosure of Non-Financial Personal Interests Form.

Name of Legislator: _____

Date Filed: _____

District/County: _____

Bill or other issue creating conflict of interest: _____

Subject matter of the bill or issue: _____

WILL NOT PARTICIPATE

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

WILL PARTICIPATE

Description of Conflict of Interest

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

This bill or issue creates a: financial interest

non-financial personal interest

Nature of effect on legislator, household member, or organization:

Additional information: _____

Signature: _____

7 VERBAL DISCLOSURE OF CONFLICTS OF INTEREST.

- I. A legislator who becomes aware of a financial or non-financial personal interest in the outcome of a matter shall make a verbal disclosure prior to engaging in verbal advocacy at any meeting of the general court or county delegation. The verbal disclosure shall consist of a short statement that identifies the financial interest or non-financial personal interest.

- II. The disclosures required pursuant to paragraph I of this section shall be made in the following manner:
- (a) When testifying before a legislative committee regarding a bill or other matter in which the legislator has a special interest, the legislator shall make the disclosure prior to testifying.
 - (b) When appointed to a subcommittee working on a bill in which the legislator has a special interest, the disclosure shall be made upon appointment to the subcommittee and at the initial subcommittee work session.
 - (c) When serving as a member of a committee considering a bill in which the legislator has a special interest, the disclosure shall be made prior to engaging in verbal advocacy.
 - (d) When addressing a bill in which the legislator has a special interest before the full House or Senate, the disclosure shall be made prior to engaging in verbal advocacy. If the legislator does not speak on the bill, the legislator is not required to make a verbal disclosure.
 - (e) When appointed as a member of a Committee of Conference on a bill in which the legislator has a special interest, the disclosure shall be made at the initial meeting of the Committee of Conference.
 - (f) When serving as a member of a county delegation considering a matter in which the legislator has a special interest, the disclosure shall be made to all participants prior to engaging in verbal advocacy.

8 LEGISLATIVE EMPLOYEE CODE OF CONDUCT.

I. General Principles of Conduct.

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

- (d) A legislative employee or officer shall treat all legislators with dignity and respect and provide services of equal quality to the employee's or officer's appropriate legislative clientele.

II. Prohibited Activities.

- (a) The activities listed in this paragraph are prohibited. Making disclosure in compliance with paragraph IV of this section does not excuse or absolve legislative officers or employees from compliance with the provisions of this paragraph or the provisions of RSA 14-C:3 prohibiting certain activities.
- (b) A legislative employee or officer shall not violate the provisions of RSA 14-C.
- (c) A legislative employee or officer shall not accept any gift from givers who wish to influence the work activities of the employee or officer.
- (d) A legislative employee or officer shall not accept any employment or serve in any position, in addition to legislative employment, which would impair the employee's or officer's independence of judgment.
- (e) Except within the scope of employment, a legislative employee or officer shall not provide any service to a lobbyist or any other person in any matter or action pending before the General Court.
- (f) A legislative employee or officer shall not use or attempt to use the employee's or officer's official position to (1) personally obtain any privilege, exemption, special treatment, or any other thing of value, or (2) obtain any such benefit for others except as required to perform duties within the scope of employment.
- (g) A legislative employee or officer shall not accept or solicit anything of value for the private benefit of the employee or officer, or the employee's or officer's immediate family or household member under circumstances in which it can be reasonably inferred that the legislative employee's or officer's independence of judgment is impaired or is intended as a reward for any official action.
- (h) A legislative employee or officer shall not use state-provided services or facilities for private gain.
- (i) A legislative employee or officer shall not disclose confidential information acquired by reason of the employee's or officer's official position to any person or group not entitled to receive such information, nor shall the employee or officer use such information for personal gain or benefit or for the benefit of others.
- (j) A legislative employee or officer shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding;

except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the employee's or officer's supervisory officer.

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

- (a) Acceptance of awards, prizes, honors, or gifts of a minimal value.
- (b) Acceptance of informational material relevant to the employee's or officer's official function, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, visual, or digital format.
- (c) Acceptance of expense reimbursement for the reasonable expenses for attendance, registration, travel, meals, and lodging related to a bona fide conference, meeting, seminar, or educational, cultural, or informational program related to the legislative employee's or officer's employment so long as disclosure of any such reimbursement is made no later than the last day of the month following the month during which the expense reimbursement was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in a form prescribed in RSA 14-C. This provision shall not be construed to require reporting of an expense reimbursement made by the general court to a legislative employee or officer.
- (d) Acceptance of an honorarium so long as disclosure is made no later than the last day of the month following the month during which the honorarium was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 14-C.
- (e) Acceptance of meals or beverages with a value of \$50 or more consumed at a meeting or event the purpose of which is to discuss official business so long as disclosure is made no later than 10 days following the meeting or event at which the meals or beverages were consumed. Meals or beverages accepted under this subparagraph shall be limited to \$250 in the aggregate from any single source during any calendar year. Disclosure shall be filed in a report in the Office of the Secretary of State and shall be in the form prescribed in RSA 14-C.
- (f) Solicitation or acceptance of gifts, grants, or donations on behalf of an official meeting, conference, or event held within the state of New Hampshire of a state or national legislative association to which the general court pays dues and which includes among its membership the New Hampshire general court, officers, or staff. Any legislative employee or officer who receives gifts, grants, or donations pursuant to this subparagraph shall disclose the source and amount of any gift, grant, or donation to the Office of the Secretary of State and shall be in the form prescribed in RSA 14-C.

(g) Acceptance of anything permitted to be accepted pursuant to RSA 14-C.

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

SAMPLE FORMS

New Hampshire General Court House/Senate Clerk's Office

DECLARATION OF INTENT

Legislators are required to file this form whenever:

- 1) A legislator or a legislator's household member has a **financial interest** that could reasonably be expected to have a greater financial impact (either beneficial or detrimental) on a legislator or a legislator's household member than would accrue to any other member of the business, profession, occupation, or other group which the legislator listed in the Financial Disclosure Form; or
- 2) A legislator or a legislator's household member has a **non-financial personal interest** distinct from and greater than the public at large in the outcome of a matter that is the subject of official activity and the legislator has not made this disclosure in the General Disclosure of Non-Financial Personal Interests Form.

Name of Legislator: _____

Date Filed: _____

District/County: _____

Bill or other issue creating conflict of interest: _____

Subject matter of the bill or issue: _____

WILL NOT PARTICIPATE

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

Nature of effect on legislator, household member, or organization: _____

Signature: _____

WILL PARTICIPATE

I **will participate** in action on the above-mentioned bill or issue.

Description of Conflict of Interest

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

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

non-financial personal interest

Nature of effect on legislator, household member, or organization: _____

Additional information: _____

Signature: _____

**GENERAL DISCLOSURE OF
NON-FINANCIAL PERSONAL INTERESTS FORM**

A “non-financial personal interest” exists where a legislator or household member has a responsibility for the welfare of an organization by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.

Description of Non-Financial Personal Interest

Identify and describe below the non-financial personal interest you or a household member may have. A “household member” is any person living in the same domicile as you who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parent.

Please identify each “non-financial personal interest.”

NAME OF LEGISLATOR: _____

LIST ORGANIZATIONS AND YOUR POSITION:

NAME OF HOUSEHOLD MEMBER AND RELATIONSHIP TO YOU:

LIST ORGANIZATIONS AND POSITION:

Signature

Date

Printed Name of Legislator

Complete and return to: Legislative Ethics Committee, State House Room 112

STATE OF NEW HAMPSHIRE

Honorarium or Expense Reimbursement Report (RSA 14-C)

For Legislators and Legislative Employees

Type or Print all Information Clearly:Name: _____
FIRST MIDDLE LAST

Work Phone No.: _____

Work Address: _____

Office/Appointment/Employment held: _____

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

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

If the source is an Individual:Name of Source: _____
FIRST MIDDLE LAST

Post Office Address: _____

Occupation: _____

Principal Place of Business: _____

If the source is a Corporation or other Entity:

Name of Corporation or Entity: _____

Name of Person Representing the Corporation/Entity: _____

Work Address of Person Representing the Corporation/Entity: _____

I am reporting:

- An Expense Reimbursement with value over \$50.00. (For costs that are waived, forgiven, reduced, prepaid, or reimbursed by a third party (other than the General Court) for attendance at a qualified event, pursuant RSA 14-C:2, III.)

Value of Expense Reimbursement: _____ Date Received: _____

If exact value is unknown, provide an estimate of the value of the gift or honorarium and identify the value as an estimate.

- Exact Estimate

- An Honorarium with value over \$50.00. (For payment from third parties for an appearance, speech, written article or other document, service as a consultant or advisor, or participation in a discussion group or similar activities related to legislative matters, pursuant to RSA 14-C:2, V.)

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

- A ticket or free admission to a political, charitable, or ceremonial event **with value over \$50.00**. (Pursuant to RSA 14-C:4, I.)

- Meals and/or beverages consumed at a meeting or event the purpose of which is to discuss official business **with value over \$50.00**. (Pursuant to RSA 14-C:4, II.)

- A Donation to a State or National Legislative Association Event. (Pursuant to RSA 14-C:2, IV(b)(15).)

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

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

Source of a Donation to a State or National Legislative Association Event

Provide an itemized report of all individuals, corporations, or other entities from whom you received a donation on behalf of a state or national legislative association event.

Full Name of Donator Post Office Address Value of Donation Date Received Name of Legislative Association

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

SIGNATURE OF FILER

DATE FILED

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

Return to:

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

**NEW HAMPSHIRE GENERAL COURT
LEGISLATIVE ETHICS COMMITTEE
COMPLAINT FORM**

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

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

Signed,

Printed name: _____

Address: _____

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

TITLE OF OFFICER

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

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

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

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

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

III-a. “Rule” means any rule adopted pursuant to this chapter and shall not include any rule of proceeding adopted by the house of representatives or the senate.

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

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

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

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

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

(1) Verbal abuse of a sexual nature;

(2) Unwelcome offensive sexual flirtation;

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

(4) Sexually degrading words to describe an individual;

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

(6) Sexually explicit gestures;

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

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

V. “Special interest” means any financial or non-financial personal interest in the outcome of a matter that is the subject of official activity, distinct from and greater than the interests of the public at large.

(a) A financial interest exists where a legislator or household member could stand to gain or lose anything of material value as a result of the official activity.

(b) A non-financial personal interest exists where a legislator or household member has a responsibility for the welfare of an organization by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.

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

Source. 1991, 105:1. 1994, 329:1. 2004, 234:2. 2009, 261:5. 2016, 328:1. 2017, 250:1. 2018, 314:1, eff. August 24, 2018.

14-B:2 Committee Established; Membership. –

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

(a) One house member, appointed by the speaker of the house.

(b) One house member, appointed by the house minority leader.

(c) One public member, appointed by the speaker of the house.

(d) One senator, appointed by the senate president.

(e) One senator, appointed by the senate minority leader.

(f) One public member, appointed by the senate president.

(g) [Repealed.]

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

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

III. Appointments to the committee shall be made by December 31 prior to the first legislative session of the biennium. A committee meeting shall be called no later than February 1 in the first legislative session of the biennium. Prior to the first committee meeting, the speaker of the house of representatives and the senate president shall jointly select from the members of the committee a chairperson and vice-chairperson. The members shall serve for

the biennium and shall not be removed from the committee for any reason except for good cause by unanimous vote of the remaining committee members. Members shall receive no compensation, except that legislative members shall receive mileage at the legislative rate and public members shall receive mileage at the state employee rate. The committee shall provide the executive branch ethics committee with copies of all publicly issued guidelines, procedures, decisions, and opinions.

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

14-B:3 Duties. –

I. The committee shall be authorized to:

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

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

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

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

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

II. Before guidelines or amendments thereto become effective, the committee shall distribute such guidelines or amendments to the members of the senate and the house of representatives. Specific guidelines or amend-

ments shall be brought to a vote and approved by a majority vote of both houses within a period of 3 legislative days after distribution before they shall become effective.

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

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

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

14-B:4 Complaints; Procedures. –

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

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

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

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

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

IV. Upon completion of its preliminary investigation of a complaint and determination to resolve the complaint through an informal resolution or to initiate a formal hearing, the committee shall make available for public inspection all records, other than its work product and internal memoranda, relating to any complaint it does not dismiss, and shall conduct any subsequent proceedings, other than its deliberations, in public session.

IV-a. [Repealed]

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

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

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

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

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

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

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

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

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

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

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

mittee 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.

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

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

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

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

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

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

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

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

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

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

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

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

(b) Health care.

(c) Insurance.

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

(e) Banking or financial services.

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

(g) The New Hampshire retirement system.

(h) The current use land assessment program.

(i) Restaurants and lodging.

(j) The sale and distribution of alcoholic beverages.

(k) The practice of law.

(l) Any business regulated by the public utilities commission.

(m) Legal forms of gambling or charitable gaming.

(n) Education.

(o) Water resources.

(p) Agriculture.

(q) New Hampshire taxes, specifying if business profits tax, business enterprise tax, or interest and dividends tax.

(r) A place where the reporting individual may, but is not required by this chapter to, specify any other area for which he or she or a household member has a financial interest.

IV. The following statement regarding the disclosure of financial interest: “You have a financial interest in a business, profession, occupation, group, or matter listed in this section if a change in law, administrative rule, or other official action by the general court affecting the listed business, profession, occupation, group, or matter would potentially have a financial effect on you or a household member that is distinct from and greater than the interests of the public at large.”

V. The following statement regarding the filing of a declaration of intent form: “If your participation in an official activity creates a conflict of interest not disclosed by the information on this form, you must complete and file a Declaration of Intent Form in accordance with section 6 of the Ethics Guidelines. Also, if such activity could reasonably have greater benefit or detriment to you or a household member than other members of a group identified in this form, a Declaration of Intent Form is required. See section 6 of the Ethics Guidelines for information regarding particular conflicts of interest you may have.”

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

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

Source. 2009, 261:3. 2016, 328:8, eff. December 7, 2016.

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

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

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

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

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

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

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

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

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

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

II. “Charitable event” means an event sponsored by a charitable organization that is registered with the division of charitable trusts, department of justice, or which is a charitable organization pursuant to section 501(c)(3) of the Internal Revenue Code held for the purpose of raising charitable donations.

III. “Expense reimbursement” shall mean any price, charge, fee, expense, or other cost which is waived, forgiven, reduced, prepaid, or reimbursed in any form for the reasonable expenses of attendance, registration, travel, meals, or lodging related to a bona fide conference, meeting, seminar, or educational, cultural, or informational program, or an event to which the recipient is invited in his or her official capacity as a representative of the senate or the house of representatives of which the recipient is a member. “Expense reimbursement” shall not include any expense reimbursement made by the general court to a legislator, legislative officer, or legislative employee.

IV. (a) “Gift” means:

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

(2) Any other tangible thing, intangible thing, service, or the use thereof having an individual value of greater than \$50. For purposes of this section, “service” shall not include acceptance of legal services on an individual basis

when the legislator enters into an attorney-client relationship with the attorney for the purposes of addressing a complaint or petition if the attorney is not a registered lobbyist.

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

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

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

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

(3) Repayment to a legislator or legislative employee of a bona fide loan made by such a person.

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

(5) Objects or services which primarily serve an informational purpose provided in the ordinary course of business, such as reports, books, maps, or charts.

(6) Money in any form, an object, or any tangible or intangible thing or service of economic value, where the donor’s act of giving is purely private and personal in nature and the money, object, or tangible or intangible thing or service of economic value would have been given and received even if the person were not a legislator or legislative employee.

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

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

(9) Tickets or free admission from any source to a political, charitable, or ceremonial event provided that acceptance of any tickets or free admission as permitted by this subparagraph shall be limited to \$250 in the aggregate from any single source during any calendar year and:

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

(B) The event is sponsored by a charitable organization that is registered with the division of charitable trusts, department of justice, or which is a charitable organization pursuant to section 501(c)(3) of the Internal Revenue Code, provided that the recipient reports the source of the tickets or free admission pursuant to RSA 14-C:4; or

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

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

(10) An expense reimbursement.

(11) An honorarium.

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

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

(14) Any expense reimbursements made by the general court to a legislator, legislative officer, or legislative employee.

(15) Gifts, grants, or donations to legislative employees or legislative officers for the underwriting of expenses associated with an official meeting, conference, or event of a state or national legislative association to which the general court pays dues and which includes among its membership the New Hampshire general court, officers, or staff.

V. "Honorarium" means a payment in any form to a legislator or legislative employee for an appearance, speech, written article or other document, service as a consultant or advisor, or participation in a discussion group or similar activities. Honorarium does not include a payment for such activities for which the person is being compensated by the state, a county, the United States of America, or any other employer or client, where the activity giving rise to the honorarium is not related to or associated with any legislative office or employment.

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

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

VIII. "Legislator" means a member of the general court.

IX. "Official business" means the discussion or transaction of legislative business, namely, any official action or non-action with regard to any potential pending or existing bill, resolution, amendment, report, or study, any other matter pending or proposed in a committee or in either body of the general court, or an issue of public policy which is or may be the subject of legislative attention, or any other matter which is within the official jurisdiction or cognizance of the general court.

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

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

Source. 2016, 328:9. 2018, 314:2-4. 2019, 206:1, eff. July 12, 2019.

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

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

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

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

(b) The prohibition in subparagraph (a) shall not apply to legislative employees or officers who solicit or accept gifts, grants, or donations on behalf of an official meeting, conference, or event held within the state of New Hampshire of a state or national legislative association to which the general court pays dues and which includes among its membership the New Hampshire general court, officers, or staff. Any legislative employee or officer who receives gifts, grants, or donations pursuant to this subparagraph shall disclose the source and amount of any gift, grant, or donation to the office of the secretary of state.

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

Source. 2016, 328:9. 2019, 206:2, eff. July 12, 2019.

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

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

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

III. A legislative employee or legislative officer who solicits or accepts gifts, grants, or donations for the underwriting of expenses associated with holding an official meeting, conference, or event of a state or national legislative association to which the general court pays dues, and which includes among its membership the New Hampshire general court, officers, or staff, under RSA 14-C:2, IV(b)(15), shall file a report with the secretary of state no later than the last day of the month following the month during which the official meeting, conference, or event was held. Such report shall include an itemized listing of all individuals, corporations, or other entities from whom the legislative employee or legislative officer received a donation, the value of the donation, date received, and name of the legislative association benefiting from the donation. The report shall be established by the secretary of state, shall be public, and shall contain the same information and affirmations required under RSA 14-C:5.

Source. 2016, 328:9. 2019, 206:3, eff. July 12, 2019.

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

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

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

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

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

(d) A brief description of the service or event that gave rise to the honorarium or expense reimbursement. Reports of expense reimbursement or honorariums shall include a copy of the agenda or an equivalent document which addresses the subjects addressed and the time schedule of all activities at the event. To the extent practicable, the recipient shall report the names of the sponsors of activities in cases where they are not indicated on the agenda or equivalent document.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART FOUR

PROCEDURAL RULES OF THE LEGISLATIVE ETHICS COMMITTEE

1 APPLICABILITY AND DEFINITIONS.

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

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

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

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

3 CONFIDENTIALITY OF PROCEEDINGS.

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

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

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

4 INITIAL REVIEW OF COMPLAINTS.

- I. Any individual may submit a complaint alleging that a legislator, legislative officer, or legislative employee has violated a law, guideline, rule, or regulation of the General Court.
- II. The committee shall initiate a complaint on its own motion against any individual the committee determines has not complied with the provisions of RSA 14-B:8, regarding the filing of a financial disclosure form. The chairperson shall file the complaint on behalf of the committee and is not required to recuse from participation in any subsequent proceedings regarding the complaint.
- III. Each complaint shall be submitted in writing and signed under oath by the complainant. The respondent shall be furnished with a copy of the complaint, and a copy shall be sent to each member of the committee for review.

- IV. Upon receipt of written notification from the attorney general that the attorney general has undertaken an investigation into matters relating to any complaint filed with the committee, the committee shall coordinate its proceedings with respect to the complaint with the attorney general and shall suspend its proceedings upon the request of the attorney general until completion of the investigation.
- V. The committee shall promptly examine each sworn complaint. The committee may summarily discharge the complaint without a meeting or further proceeding, in accordance with paragraph II of section 2 of these rules, if the committee determines by an affirmative vote of at least 4 members that the complaint is frivolous, scurrilous, or retaliatory in nature, fails to allege conduct which is contrary to the law, ethics guidelines, rules or regulations, or is otherwise plainly not within the committee's jurisdiction.
- VI. The committee shall conduct an initial review of each complaint it does not discharge. The committee shall dismiss a complaint after determining:
 - (a) That the committee does not have jurisdiction to consider it under RSA 14-B;
 - (b) It is obviously without merit; or
 - (c) It is obviously unfounded.
- VII. The committee shall dismiss any complaint arising out of acts or omissions occurring more than 2 years prior to the receipt of the complaint. However, when the last episode of an alleged pattern of recurring legislative conduct arises within the 2-year period, the committee may consider all prior acts or omissions alleged to be a part of such pattern.
- 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 committee may invite the respondent, the complainant, and any other individual or individuals the committee deems appropriate, to appear before the committee to testify or to submit written evidence.
- XI. The respondent and complainant shall be notified promptly in writing of any action taken by the committee pursuant to this section.

5 RESPONSE TO COMPLAINT.

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

6 PRELIMINARY INVESTIGATION.

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

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

- I. If, after preliminary investigation the committee concludes, by the affirmative vote of 4 or more members taken at a meeting, that formal proceedings should be instituted to inquire into any complaint, it shall prepare and file a formal statement of charges and shall set a time and place of hearing. The committee shall promptly serve the respondent by certified mail, postage prepaid, with a copy of the formal statement of charges together with a notice of hearing.
- II. The formal statement of charges shall (1) contain a clear summary of the allegations against the claims forming the basis of such allegations (including facts developed by the investigation), (2) identify and cite those provisions of the law, ethics guidelines, rules or regulations alleged to have been violated, and (3) advise the respondent of his or her duty to answer as provided in paragraph VI.
- III. The formal statement of charges together with the notice of hearing shall be served on the respondent at least 21 days prior to the hearing date assigned.
- IV. The notice of hearing shall include the following:
 - (a) the date, time, and place of the hearing;
 - (b) the fact that both the committee and the respondent may be represented by counsel at the hearing, may secure the attendance of witnesses and the production of documents by subpoena, and may examine and cross-examine witnesses;
 - (c) the identity of any special counsel for the committee; and
 - (d) the fact that all further notices concerning the hearing, including any adjournments thereof, shall be given by the chairperson or pursuant to his or her direction.
- V. The committee shall give notice to the complainant of the date, time, and place of the hearing. The complainant shall be entitled to attend the hearing as an observer, and may be required to attend and participate therein as a witness, but shall have no other function or right with respect to the hearing.
- VI. Within 14 days after receipt of the formal statement of charges, the respondent shall file an answer with the committee, setting forth all denials, affirmative defenses, mitigating circumstances and other matters which the respondent intends to raise at the hearing. The answer shall be in writing and signed by the respondent.
- VII. At any time prior to final decision, the committee may allow or require an amendment of the formal statement of charges, and may allow an amendment of the answer. When an amendment is made to the formal statement of charges, whether before or after commencement

of the hearing, the respondent shall be afforded a reasonable opportunity to answer the matters newly charged, as determined by the chairperson, and shall answer such matters within the time allowed. In any such case, the respondent shall also be afforded a reasonable time, as determined by the chairperson, in which to prepare his or her defense to the matters newly alleged.

- VIII. For good cause shown, the chairperson may extend the time within which the respondent is required to file his or her answer, and may grant a continuance of the scheduled hearing, but no such extension or continuance shall be for a period longer than 30 days without the concurrence of the committee.
- IX. The committee may terminate the proceeding and dismiss the complaint and formal statement of charges following the answer by the respondent or at any time thereafter, and shall in that event give notice to the respondent and the complainant that it has found insufficient cause to proceed.

8 DISCOVERY AND SUBPOENA POWERS.

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

- V. The subpoena powers of the committee shall be exercised on behalf of the respondent upon his or her written request or the written request of his or her counsel. The chairperson shall determine whether the request is relevant to the investigation or hearing.

9 CONDUCT OF HEARING.

- I. The hearing shall be open to the public. No hearing shall be held without a quorum of members physically present. The deliberations of the committee shall be conducted in nonpublic session.
- II. The committee may proceed with the hearing at the time and place fixed, whether or not the respondent has filed an answer or appears for the hearing. The committee may draw an unfavorable inference from the failure of the respondent to answer or appear; but no such failure, standing alone, shall be sufficient to meet the standard of proof.
- III. A violation of the law, ethics guidelines, rule, or regulation shall be established by clear and convincing evidence. The respondent shall not be required to testify or present affirmative evidence in his or her own behalf.
- IV. The respondent shall be entitled to counsel of his or her choice, and shall have the right to adduce evidence, produce and cross-examine witnesses, and present all relevant arguments.
- V. The committee shall not be bound by the technical rules of evidence, and may admit evidence which it considers to be reliable, material, and relevant. The chairperson shall rule on objections to the receipt of evidence, subject to being overruled by a majority of the committee present at the hearing. The chairperson may defer ruling on an objection to the receipt of evidence, and admit evidence subject to later ruling thereon.
- VI. The hearing shall be recorded verbatim by stenographic, electronic, or other means approved by the committee. A free transcript of the hearing shall be provided to the respondent and the complainant upon request, who may also tape record the hearing.
- VII. The decision of the committee shall be based solely on the record evidence presented to the committee at the hearing, but shall not be based solely on hearsay evidence. The committee shall exclude from its consideration any information reviewed in earlier stages of the proceeding, unless such information is received in evidence at the hearing so as to become a part of the record.
- VIII. The decision of the committee shall be based solely on the record evidence presented to the committee at the hearing, but shall not be based solely on hearsay evidence. The committee shall exclude

from its consideration any information reviewed in earlier stages of the proceeding, unless such information is received in evidence at the hearing so as to become a part of the record.

10 DISPOSITIONS FOLLOWING HEARING.

- I. The committee shall issue its decision within 14 days after the hearing. If a majority of committee members feel that more time is necessary to reach a decision, this time period may be extended by up to an additional 14 days.
- II. If the committee decides that a violation of the law, ethics guidelines, rules, or regulations has not been established, the complaint shall be dismissed, and the respondent and the complainant shall be so notified.
- III. If the committee determines that there has been a violation of the law, ethics guidelines, rules, or regulations but that the violation is not of a sufficiently serious nature to warrant the imposition of formal discipline by the Legislature, it shall dispose of the matter by informal resolution. Such disposition may take the form of written advice or private admonishment, requirement of corrective action, direction of professional counseling or assistance, imposition of conditions on the specified conduct, or other similar remedial action, or any combination of the foregoing. All admonishments, reprimands, and other informal adjustments shall be reduced to writing.
- IV. If the committee determines that there was improper conduct based upon clear and convincing evidence and the improper conduct was of a serious nature so as to warrant formal disciplinary action it shall prepare a summary report of the deliberations regarding the complaint and of its findings. The report shall contain any specific recommendations concerning disciplinary actions to be imposed.
 - (a) In cases involving a legislator, or officer of the legislature, the committee shall submit its report to the speaker of the house of representatives and senate president. The report may recommend one or more of the following disciplinary actions: reprimand, censure, expulsion, or denial or limitation of any right, power, privilege, or immunity of the legislator that the constitution of New Hampshire permits the general court to deny or limit. Before any disciplinary action may be taken against a legislator or against an officer of the legislature, the report shall be ratified by the legislator's or by the officer's respective body of the general court.
 - (b) In cases involving an employee of the legislature, except in cases involving an employee of the legislature employed by the legislative budget assistant, the committee shall submit its report to the joint committee on legislative facilities. In cases involving an employee of the legislature employed by the legislative budget assistant, the committee shall submit its report to the fiscal committee of

the general court. The joint committee on legislative facilities, or the fiscal committee of the general court, shall determine what disciplinary action shall be taken against the employee. In making its determination, the joint committee on legislative facilities or the fiscal committee of the general court as appropriate may use any of the specific recommendations concerning disciplinary actions which are contained in the report which it receives.

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

11 USE OF CLOSED FILES.

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

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

ics guidelines, rule or regulation has occurred, the closed file may be referred to in connection with the decision as to the nature of the informal resolution to be imposed by the committee or as to the disciplinary action to be recommended to the Legislature.

Adopted: April 27, 1992

Amended: May 18, 1994

Amended: May 22, 2002

Amended: May 20, 2004

Amended: December 7, 2016

Amended: August 29, 2018

PART FIVE

POLICY AGAINST SEXUAL AND OTHER UNLAWFUL HARASSMENT AND DISCRIMINATION

Statement of Purpose: The New Hampshire General Court is committed to creating and maintaining a work environment that is pleasant, healthy, comfortable, and in which all legislative employees and elected members are free from intimidation, hostility or other offenses that might interfere with work performance.

Policy: It is the policy of the New Hampshire General Court to provide all of its employees and members with a work environment that is free from any form of unlawful discrimination or harassment. Retaliation for reporting discrimination or harassment is also prohibited. Discrimination, harassment, and retaliation for reporting discrimination or harassment are serious offenses of the General Court's work rules and will subject employees to discipline, up to and including termination. Corrective action against non-employees (including elected members) will depend on the amount of control the General Court has over the non-employee and the Constitutional requirements or limitations that are applicable to the General Court.

Definitions: For purposes of this Policy, "employee" shall mean any permanent, full-time, part-time, or temporary legislative employee. "Member" shall mean elected members of the House and Senate. Non-employees also covered by this Policy include, but are not limited to, lobbyists registered under RSA 15, members of the media to whom a press badge has been issued, state officials or employees of the executive and judicial branches, and all other persons present for any reason in the legislative facilities.

Characteristics Covered: This Policy specifically prohibits harassment or discrimination based on the following characteristics: (1) age, (2) race, (3) color, (4) national origin, (5) religion, (6) sex, (7) sexual orientation, (8) marital status, (9) pregnancy, (10) physical or mental disability, (11) genetic information, and (12) veteran or military status.

For purposes of this Policy, harassment refers to conduct or behavior which is personally offensive or threatening, impairs morale or interferes with the work effectiveness of employees or members. Harassment based on a prohibited characteristic that is unwelcome, whether or not it is severe or pervasive, may subject the General Court and the individuals engaged in the harassment to liability. The General Court intends to prohibit and address conduct that violates this policy, regardless of whether the behavior rises to the level of illegal conduct or is severe or pervasive.

The General Court will not tolerate harassment or discrimination against an employee or member on the basis of sex or any of the other eleven characteristics referenced above. From this point forward in this policy "sexual harassment or discrimination" is used as the primary example solely for a reference point. All of the other eleven characteristics protected from harassment or

discrimination as set forth above may be substituted hereafter as equally applicable where appropriate in the same manner as is sexual harassment or discrimination described hereafter.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal, physical, and nonphysical conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting that individual or for awarding or withholding a favorable employment opportunity, evaluation, or assistance; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work, or creates an intimidating, hostile or offensive work environment.

Sexual harassment can include behavior by individuals of the same gender, as well as behavior by individuals of opposite gender, including harassment directed at a person because of his/her sex or sexual orientation.

Examples: Examples of prohibited harassment include, but are not limited to, conduct or comments that threaten physical violence; offensive, unsolicited remarks; unwelcome gestures or physical contact that relates to any of the characteristics listed above; display or circulation of degrading written or electronic materials, cartoons or images; and verbal abuse or insults.

Prohibited sexual harassment includes a wide range of behavior from the actual coercion of sexual relations to include unwelcome offensive comments, jokes, innuendo and other sexually oriented statements and unwelcome behavior emphasizing sexual identity. Indirect or unintentional conduct may violate this policy as well.

This Policy prohibits all of the activities discussed above, whether engaged in by an employee, member or non-employee who is on General Court premises or who comes in contact with the General Court's employees or members.

The purpose of this Policy is to ensure that in the workplace, no employee or member is subjected to harassment or discrimination. Harassment may be indirect and even unintentional. Violations of this Policy, whether intended or not, will not be permitted. The conduct prohibited by this Policy includes conduct in any form including but not limited to e-mail, voicemail, chat rooms, internet use or history, text messages, pictures, images, writings, words or gestures including personal one-on-one contacts.

Employees and members need to be concerned not only with the intent of their actions, but also the effects of their actions on the receiver. Even unintentional conduct (including conduct that is intended as a "joke") can be a violation of this Policy.

Addressing and Reporting Harassment: The types of harassment discussed above are violations of the General Court's Policy and are prohibited

by state and federal law. Any employee or member who believes that he/she has experienced conduct in violation of this Policy must report the incident in accordance with the Reporting Procedure set forth below. Supervisors, managers and all other management-level employees who become aware of discriminating or harassing conduct and/or of a complaint of discrimination or harassment are required to report such conduct or complaint using this procedure. Any matters reported through this procedure will be promptly investigated and the General Court will promptly take corrective action, which may include disciplinary action up to and including termination of employment.

No Retaliation: Retaliation against an employee or member who in good faith complains or participates in an investigation about sexual or other unlawful harassment is a violation of the General Court's Policy and is prohibited by state and federal law. Retaliation is a form of harassment and will be handled in the same manner as other forms of harassment. Any employee or member who believes that he/she has experienced retaliation must report it using the reporting procedure described below. Supervisors, managers and all other management-level employees who become aware of retaliatory conduct are also required to report such conduct or complaint using this procedure.

REPORTING PROCEDURE FOR HARASSMENT AND DISCRIMINATION

Complaint and Investigation Procedures: Any employee or member who feels that he/she has experienced harassment, discrimination or retaliation in violation of this Policy must immediately report such actions in accordance with the following procedure. Supervisors, managers and all other management-level employees who become aware of discrimination or harassing conduct and/or of a complaint of discrimination or harassment are also required to report such conduct or complaint using this procedure. All oral and written complaints reported through this procedure will be promptly and thoroughly investigated. Employees of the General Court may file a complaint regarding harassment, discrimination or retaliation with the Legislative Ethics Committee under the procedure established in RSA 14-B. This Policy provides an alternative complaint process to the procedure under RSA 14-B for complaints concerning members, officers or employees of the General Court. Any person who has made a complaint under this Policy, that subsequently makes a complaint to the Legislative Ethics Committee, shall advise the Chief of Staff of the House or Senate, Director of the Office of the Legislative Budget Assistant, Speaker of the House or President, as appropriate, that they have elected to pursue their complaint under RSA 14-B. To the extent that an investigation has been initiated or completed at the time that such an election is made, the Chief of Staff, Director, Speaker or President, as appropriate, shall provide any information obtained, and findings made, to the Legislative Ethics Committee, and in the case of a complaint against a member, shall not continue to conduct an investigation under the Policy. The Chief of Staff, Director, Speaker or President, as appropriate, will take such action as is

within his or her authority and is reasonably calculated to prevent further harassment from occurring during the pendency of the investigation by the Legislative Ethics Committee.

Complaints Concerning Employee Conduct: Complaints of harassment, discrimination or retaliation regarding employees of the General Court shall be made, either in writing or verbally, to the House or Senate Chief of Staff, as appropriate. Employees of the Office of the Legislative Budget Assistant (“LBA”) shall make complaints to their appropriate Director. Complaints may also be made to a supervisor, who shall then refer the complaint to the appropriate Chief of Staff or Director. The Chief of Staff or Director may designate an investigator to conduct the investigation. If an investigator is designated, he or she shall report his or her findings and recommendations to the Chief of Staff or Director of the LBA used herein “Chief of Staff” shall refer to the person to whom a complaint of harassment, discrimination or retaliation has been made according to the terms of the Policy and may include the House or Senate Chief of Staff; the appropriate Director of the Office of the Legislative Budget Assistant; the Speaker of the House; or the President of the Senate. In the case of joint legislative employees, the investigation shall be carried out jointly unless the Chiefs of Staff agree in writing that only one of them will lead the investigation.

Complaints made against a Chief of Staff shall be made directly to the Senate President or Speaker of the House, who may conduct the investigation or appoint a member to do so. In all such cases the person conducting the investigation shall have the assistance of the Legal Counsel for the body.

All complaints shall be investigated as thoroughly and as expeditiously as is reasonably possible. The Chief of Staff shall take such action as is within his or her authority and is reasonably calculated to prevent further harassment from occurring during the pendency of the investigation.

The General Court will conduct all investigations in a discrete manner. All complaints will be considered confidential, and disclosure will be limited to those with a need to know in order to investigate the complaint or take remedial action.

Employees and members about whom a complaint has been made will not be assumed to have violated the policy. Conclusions will be reached only after the investigation is completed. Investigations will typically involve interviews with the employee(s)/member(s) making the complaint, the employee(s)/member(s) alleged to have violated the policy, and witnesses who may have relevant information.

Any employee who has engaged in harassment or discrimination or otherwise violated this Policy will be subject to appropriate disciplinary action, up to and including immediate discharge. The complainant shall be informed of the outcome of the investigation.

Any employee, including the complaining employee, who participates in good faith in any investigation under this Policy, is hereby assured that no reprisals will be taken as a result of a complaint or participation in the investigation, but not necessarily the specific action taken as to an employee, which is confidential personnel information.

The Chief of Staff shall make a finding regarding whether the conduct complained of has been sufficiently proven and whether it constitutes harassment, discrimination, retaliation or other inappropriate conduct under this Policy. If a violation of this Policy is found to have occurred, the complainant will be advised that appropriate corrective action will be taken. Any recommendation for corrective action shall be based on the severity of the offense, which shall be determined according to the totality of the circumstances. The intensity, frequency, and duration of the prohibited conduct shall be considered. Other factors may include the extent to which the misconduct, however minor, may serve to isolate, limit, intimidate or otherwise increase the difficulties of job performance or atmosphere in the workplace for the complainant.

Complaints Concerning Member and Non-Employee Conduct: Complaints of harassment, discrimination or retaliation regarding members and/or non-employees shall be made either in writing or verbally to the Chief of Staff. If the complaint involves a member, the Chief of Staff shall meet with the complainant and ask the employee whether the employee wants the complaint to be addressed under this Policy, which provides more confidentiality but does not provide the option of formal discipline, or under the legislative complaint process under RSA 14-B. Complaints and investigations outside of the complaint process under RSA 14-B shall be handled as confidentially as possible with information being shared only with those who have a need to know and as may be required by the General Court's obligation to comply with the law.

Deference shall be given to the employee's preference regarding confidentiality unless it is determined by the Speaker of the House or the President of the Senate that the conduct of the member is so egregious that further action or reporting is required in order to ensure the safety and well-being of the complainant or other legislative members, officers or employees. If the Speaker of the House or the President of the Senate determines that disciplinary or other action not within their authority is required, they shall refer the matter to the Legislative Ethics Committee under RSA 14-B.

If the employee is not satisfied with the result obtained by the confidential method described above, the employee may at any time decide to file a complaint with the Legislative Ethics Committee under RSA 14-B.

A. Complaints Against Executive or Judicial Branch Employees

If the complaint is against a state official or employee of the executive branch or judiciary, the Chief of Staff shall obtain the complaint in writing or orally. The written and/or oral complaint shall be provided to the Director of the Division of Personnel, Department of Administrative Services or to the Administrative Office of the Courts, as appropriate. It is expected that the executive or judiciary branch that employs the alleged harasser will handle the complaint under the policy regarding sexual harassment adopted by the respective branch of government. In light of the separation of powers limitations applicable to state government, the General Court will defer to the authority of the executive or judiciary over their respective employees and will take no further action to investigate or take corrective action. Notwithstanding the foregoing, the Chief of Staff shall take such action as is within his or

her authority and is reasonably calculated to prevent further harassment. Action may include temporarily denying the alleged harasser access to the complainant's workspace, and if appropriate and desired by the complainant, providing additional protective services to the complainant or temporarily changing the employee's work assignment.

B. Members

1. Confidentiality Requested: The Chief of Staff, or his/his designee, shall obtain a detailed account of the allegations from the employee. The Speaker or President or an appropriate member of the leadership of the House or Senate, as designated by the Speaker or President, or a member of the House and Senate staff designated by the Speaker or President shall meet with the member, who shall be advised of the nature of the allegations and requested to respond. The Speaker and President and any member of leadership and staff shall respect the confidentiality and privacy of the individuals reporting or accused of harassment to the extent reasonably possible. Based on the information available, the Speaker and President, in consultation with the designated member of the leadership of the House or Senate and staff, shall determine whether conduct in violation of the Policy has occurred.

Corrective action and confidentiality regarding members may be constitutionally limited with regard to formal discipline such as reprimand, censure or expulsion. Appropriate corrective action and/or counseling will attempt to stop the inappropriate behavior.

If the employee is not satisfied with the result obtained by the confidential method described above, the employee may at any time decide to file a complaint with the Legislative Ethics Committee under RSA 14-B.

2. No Confidentiality Requested: The Chief of Staff shall provide the complaining employee with a copy of RSA 14-B and the Legislative Ethics Rules. The employee shall submit the complaint in writing and signed under oath as required by RSA 14-B:4 to the Chief of Staff. The Chief of Staff shall then submit the complaint to the Legislative Ethics Committee, which shall handle the matter thereafter in accordance with the statutes and rules governing complaints under RSA 14-B. The employee may submit the complaint directly to the Legislative Ethics Committee if desired. The Chief of Staff shall take such action as is within his or her authority and is reasonably calculated to prevent further harassment from occurring during the pendency of the investigation. Action may include temporarily denying access to the complainant's workspace to the alleged harasser, and if appropriate and desired by the complainant, providing additional protective services to the complainant or temporarily changing the employee's work assignment.

3. If the complaint is against the Chief of Staff then the Speaker or President shall be substituted in the above policies in place of the words Chief of Staff.

C. Lobbyists and Press

The Chief of Staff or his or her designee shall investigate the complaint as thoroughly and expeditiously as is reasonably possible in the same manner provided

for investigating complaints regarding employees. During the investigation and upon determination that a complaint is founded, the Chief of Staff shall take such action as is within his or her authority and is reasonably calculated to prevent further harassment from occurring. Action may include temporarily denying access to the complainant's workspace to the alleged harasser, and if appropriate and desired by the complainant, providing additional protective services to the complainant or temporarily changing the employee's work assignment.

If a complaint is determined to be founded, in addition to any other action taken, up to and including expulsion from the General Court, notice of the finding, redacted to protect the identity of the complainant, shall be sent to the employers of any lobbyist identified in the most recent filing with the Secretary of State under RSA 15:1 or with the media employer of any member of the press.

D. General Public

The Chief of Staff or his/her designee, shall investigate the complaint as thoroughly and expeditiously as is reasonably possible in the same manner provided for investigating complaints regarding employees. During the investigation and upon determination that a complaint is founded, the Chief of Staff shall take such action as is within his or her authority and is reasonably calculated to prevent further harassment from occurring. Action may include temporarily denying access to the complainant's workspace by the alleged harasser, and if appropriate and desired by the complainant, providing additional protective services to the complainant or temporarily changing the employee's work assignment. Discipline is not generally available in regard to the general public.

EDUCATION AND TRAINING

This Policy shall be communicated to all employees and members. Periodic training shall be conducted to inform employees and members of the Policy and the complaint and investigation procedures set forth herein.

All employees and members shall be given a copy of this Policy and shall be requested to read it and sign a statement acknowledging receipt of the Policy and that they have read it.

This Policy shall be provided at the beginning of the biennium to all members and at any other time that it is readopted or updated by the Joint Facilities Committee. The Policy shall be available upon request to registered lobbyists, the press, and the general public. The orientation provided to new members shall inform them of the Policy and the complaint and the investigation procedures set forth herein.

Approved January 5, 2016
by the Joint Legislative Facilities Committee

General Court Of New Hampshire Policy Against Sexual And Other Unlawful Harassment And Discrimination

Addendum
January 1, 2020

Statement of Purpose

The purpose of this Addendum is to update, modify, and amend the Policy Against Sexual and Other Unlawful Harassment and Discrimination (“Policy”) to reflect the provisions of SB 235, Chapter 311, Laws of 2019. The provisions of this Addendum shall supersede and prevail over any provisions contained within the Policy which may conflict with or be contrary to this Addendum.

Establishment of General Court Administrative Office

There shall be a General Court Administrative Office in the State House under a Director who may employ and contract for such additional professional, technical, clerical, or other employees necessary to perform the functions and duties of the office.

Designation and Duties of Independent Human Resources Professional

The Director shall designate a person as an Independent Human Resources Professional (“Professional”) who has had or will receive training or certification in sexual harassment investigations. The Professional shall carry out obligations as set forth in the Policy, including but not limited to, the receipt, investigation, and processing of verbal or written complaints from legislative staff, members of the public, or other members of the General Court concerning current members of the General Court, or members of the General Court whose service ceased within 2 years prior to the complaint. Consistent with the Policy, persons covered by the Policy may report incidents of harassment, discrimination, or retaliation to any other person, including supervisory authorities. Such reports may thereafter be reported to the Professional for appropriate action.

Confidentiality of Complaints

A sexual harassment complaint filed with the General Court Administrative Office shall be confidential and not subject to disclosure to any third party, including but not limited to the Attorney General’s Office; provided that the complainant may waive such confidentiality protections with informed, written consent. Nothing in this paragraph shall prevent the Professional from consulting with any person reasonably necessary to conduct an investigation.

Authority of Presiding Officers

Neither the Office of the Senate President nor the Office of the Speaker of the House of Representatives shall have any oversight or responsibility for any complaints involving sexual harassment submitted to the Professional.

Duties of the Joint Committee on Legislative Facilities

Prior to the beginning of each biennium, the Joint Committee on Legislative Facilities shall review sexual harassment policies of other jurisdictions and legislatures and adopt a sexual harassment policy consistent with best practices, which shall include procedures for the Professional to address sexual harassment complaints and ensure independence from the Office of the Senate President and the Office of the Speaker of the House of Representatives. Prior to the beginning of each biennium, the committee shall determine whether to propose to the Senate and House of Representatives that each body shall propose by rule that all legislators, legislative officers, and legislative staff shall attend in-person education and training regarding sexual and other unlawful discrimination and harassment. The Policy shall be posted online and shall be included in the ethics guidelines, statutes, and procedural rules booklet.

Approved February 4, 2020
by the Joint Legislative Facilities Committee

APPENDIX

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

INTERPRETIVE RULING 2016-4

Revised: August 29, 2018

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

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

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

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

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

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

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

Allowed? — Yes

Report if over \$50? — Yes

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

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

Allowed? — Yes

Report if over \$50? — Yes

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

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

Allowed? — Yes

Report if over \$50? — Yes

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

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

Allowed? — Yes

Report? — No

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

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

Allowed? — No

Report if over \$50? — N/A

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

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

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

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

Allowed? — Yes

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

3. Expense reimbursements and honorariums.

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

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

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

Allowed? — Yes

Report if over \$50? — Yes

Legislators and legislative employees must report receipt of all expense reimbursements – whether the source is a private entity, the State of New Hampshire or a political subdivision, the federal government, or an organization to which the state pays dues — on the “Honorarium or Expense Reimbursement Report,” which must be filed with the Secretary of State’s office no later than the last day of the month following the month in which the expense reimbursement was received. RSA 14-C:4, I. Expense reimbursements made by the general court to a legislator, legislative officer, or legislative employee are not considered “gifts” under the statute or guidelines and do not have to be reported.

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

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

Allowed? — Yes

Report if over \$50? — Yes

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

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

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

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

Allowed? — Yes

Report if over \$50? — Yes

INTERPRETIVE RULING 2016-5

Revised: September 13, 2017

Conflicts of Interests -

Disclosure Forms and Verbal Disclosure

This interpretive ruling is intended to provide guidance for legislators for complying with the requirements of the Ethics Guidelines relating to filing required disclosure forms and making a verbal disclosure of conflicts of interest.

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

There are two types of "special interest":

- 1) A "**financial interest**" which exists when a legislator or household member could stand to gain or lose anything of material value as a result of the official activity; and

- 2) A **“non-financial personal interest”** which exists when a legislator or household member has a responsibility for the welfare of an organization by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.

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

There are three forms for disclosing conflicts of interest:

Financial Disclosure Form

General Disclosure of Non-Financial Personal Interests Form

Declaration of Intent Form

Financial Disclosure Form

Every legislator is required to file a Financial Disclosure Form with the Legislative Ethics Committee annually on or before the third Friday of January. (See RSA 14-B:8 and Ethics Guidelines Section 5.) The form consists of two sections:

Section 1, “Sources of Income,” requires legislators to identify sources from which a legislator or a household member (not just family members), received income in excess of \$10,000 during the prior calendar year. The sources of income a legislator is required to report DO NOT include securities, such as stocks, bonds, and similar financial instruments.

Section 2, “Disclosure of Financial Interests,” requires legislators to identify and describe any financial interest a legislator or a household member may have in certain businesses, professions, occupations, groups, or matters.

Although disclosure of financial interests on this form would satisfy the Ethics Guidelines’ requirements for disclosure of conflicts of interest in many circumstances, it will not relieve a legislator from the requirement of filing a specific Declaration of Intent Form in certain circumstances and from making a verbal disclosure.

General Disclosure of Non-Financial Personal Interests Form

A legislator who has a non-financial personal interest may choose to file a General Disclosure of Non-Financial Personal Interests Form. This form allows the legislator to identify and describe any non-financial personal interests the legislator or legislator’s household member may have. A legislator who completes and files this form is NOT REQUIRED to file a Declaration of Intent Form to disclose the non-financial personal interest.

Declaration of Intent Form

A legislator is REQUIRED to file this form:

- 1) Whenever a **financial interest** could reasonably be expected to produce greater benefit or detriment to the legislator or the legislator’s household

member than would accrue to any other member of a business, profession, occupation, or other group listed by the legislator in the financial disclosure form; or

2) Whenever a legislator or a legislator's household member has a **non-financial personal interest** in the outcome of a matter that is the subject of official activity, distinct from and greater than the interests of the public at large and the legislator has NOT made the disclosure on the General Disclosure of Non-Financial Personal Interests Form.

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

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

Timing of Declaration of Intent filing

The requirement for filing a declaration of intent is triggered immediately when a legislator becomes aware that a conflict of interest exists or may exist with respect to any official activity the legislator is about to undertake. An "official activity" is defined as any activity which relates to official responsibilities, including the introduction of legislation, testifying before any legislative committee or state agency, voting in committee or in house or senate session or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency.

For purposes of introducing a bill, the declaration must be made prior to signing off as a sponsor or co-sponsor of a particular piece of legislation. The declaration of intent form must be filed with the clerk of the member's respective body prior to the time of the official action.

Verbal Disclosure

When a legislator becomes aware of a **financial interest** or a **non-financial personal interest** in the outcome of a matter the legislator is required to make a verbal disclosure prior to engaging in verbal advocacy at any meeting of the general court or county delegation. "Verbal Advocacy" means an attempt by a legislator to influence his or her colleagues on a matter that is the subject of official activity in a meeting of the general court or county delegation through public verbal communication. Verbal advocacy does not include casting a vote in executive session of a committee or in a full session of the House or Senate. The verbal disclosure shall consist of a short statement that identifies the financial interest or non-financial personal interest.

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

- (a) When **testifying** before a legislative committee regarding a bill or other matter in which the legislator has a special interest, the legislator shall make the disclosure prior to testifying.
- (b) When **appointed to a subcommittee** working on a bill in which the legislator has a special interest, the disclosure shall be made upon appointment to the subcommittee and at the initial subcommittee work session.
- (c) When **serving as a member of a committee** considering a bill in which the legislator has a special interest, the disclosure shall be made prior to engaging in verbal advocacy.
- (d) When **addressing the full House or Senate** on a bill in which the legislator has a special interest, the disclosure shall be made prior to engaging in verbal advocacy. **If the legislator does not speak on the bill, the legislator is not required to make a verbal disclosure.**
- (e) When **appointed as a member of a Committee of Conference** on a bill in which the legislator has a special interest, the disclosure shall be made at the initial meeting of the Committee of Conference.
- (f) When **serving as a member of a county delegation** considering a matter in which the legislator has a special interest, the disclosure shall be made to all participants prior to engaging in verbal advocacy.

Hypothetical examples

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

(1) A legislator is a member or beneficiary of the **New Hampshire Retirement System** and has disclosed this financial interest in checklist category “(g) New Hampshire Retirement System” on the Financial Disclosure Form. In this hypothetical example, the legislature is considering a bill to increase the state’s contribution to the System for all members or affected group members or beneficiaries. The legislator stands to derive a direct financial benefit from passage of this legislation; however, **this benefit would presumably be no greater than the benefit derived by the many other members of the System throughout the state.** Therefore, in this example the legislator’s disclosure of membership in or being a beneficiary of the System on the Financial Disclosure Form would satisfy the requirements of the Ethics Guidelines’ disclosure provisions.

Declaration of Intent required? – No Verbal Disclosure required? – Yes

(2) The legislator’s spouse is a beneficiary of the **New Hampshire Retirement System** and the legislator has disclosed this financial interest in checklist category “(g) New Hampshire Retirement System” on the Financial Disclosure Form. In this hypothetical example, there is a bill to provide a cost of living adjustment in benefits only for certain members of group I of the System who retired as teachers prior to 1987. The legislator’s spouse would qualify to receive the cost of living adjustment provided in the bill. Because the legislator’s family member stands to **benefit directly from this specific legislation which affects only a small group**, or subset, of System beneficiaries, the legislator’s generic disclosure on the checklist form is inadequate.

Declaration of Intent required? – Yes Verbal Disclosure required? – Yes

(3) The legislator is a **developer** and has disclosed this financial interest in checklist category “(d) Real estate, including brokers, agents, developers, and landlords.” There is a bill to construct a new exit ramp off of a state highway. The legislator owns a parcel of land the value of which would be directly affected by construction of the exit ramp. Because the legislator stands to benefit directly from this specific legislation, the legislator’s generic disclosure on the checklist form is inadequate.

Declaration of Intent required? – Yes Verbal Disclosure required? – Yes

(4) The legislator attends a county delegation meeting where there is a budget proposal to appropriate county funds to a **nonprofit agency on which the legislator serves as a board member**. Because the legislator serves on the governing board of the nonprofit entity and presumably has a **fiduciary** responsibility for the welfare of that entity, the legislator has a **non-financial personal interest** in whether the county appropriates funds to it. The legislator could have disclosed this non-financial personal interest on the General Disclosure of Non-Financial Personal Interests Form, however in this example the legislator had not.

Declaration of Intent required? – Yes Verbal Disclosure required? – Yes

If the legislator had disclosed this non-financial personal interest on the General Disclosure of Non-Financial Personal Interests Form:

Declaration of Intent required? – No Verbal Disclosure required? – Yes

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