

**CHAPTER 250**  
**SB 35 - FINAL VERSION**

03/23/2017 0894s  
03/23/2017 1021s  
1Jun2017... 1828h  
06/22/2017 2349CofC

2017 SESSION

17-0889  
05/10

SENATE BILL           **35**

AN ACT               relative to the guidelines of the legislative ethics committee.

SPONSORS:          Sen. Giuda, Dist 2

COMMITTEE:       Rules and Enrolled Bills

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AMENDED ANALYSIS

      This bill revises the definition of special interest in RSA 14-B and the legislative ethics guidelines.

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                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT                    relative to the guidelines of the legislative ethics committee.

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

1            250:1 Legislative Ethics Committee; Definition of Special Interest. RSA 14-B:1, V is repealed  
2 and reenacted to read as follows:

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

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

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

11           250:2 Legislative Ethics Guidelines; Definition of Special Interest. Upon the effective date of  
12 this act, the definition of special interest in paragraph XIII of section 2 of the legislative ethics  
13 guidelines is repealed and reenacted to read as follows:

14           XIII. "Special interest" means any financial or non-financial personal interest in the  
15 outcome of a matter that is the subject of official activity, distinct from and greater than the  
16 interests of the public at large.

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

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

22           250:3 Legislative Ethics Guidelines; Legislator's Non-Financial Personal Interests Disclosure  
23 Form. Upon the effective date of this act, the legislator's non-financial personal interests disclosure  
24 form provided in section 5 of the legislative ethics guidelines shall be amended to read as follows:

GENERAL DISCLOSURE OF

NON-FINANCIAL PERSONAL INTERESTS FORM

27 A "non-financial personal interest" exists where a legislator or household member ~~[is a member of a~~  
28 ~~public body, or]~~ has a responsibility for the welfare of an organization~~[- A legislator or household~~

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~~member has a responsibility for the welfare of an organization when the legislator or household member holds]~~ ***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 [~~PUBLIC BODIES AND/OR~~] ORGANIZATIONS AND YOUR POSITION:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAME OF HOUSEHOLD MEMBER AND RELATIONSHIP TO YOU:

\_\_\_\_\_

LIST [~~PUBLIC BODIES AND/OR~~] ORGANIZATIONS AND POSITION:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature

Date

\_\_\_\_\_

Printed Name of Legislator

250:4 Legislative Ethics Guidelines; Conflict of Interest Procedure. Upon the effective date of this act, the conflict of interest procedures provided in section 6 of the legislative ethics guidelines shall be amended to read as follows:

**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.

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~~II. A declaration of intent form shall be filed by a legislator whenever a financial interest could reasonably be expected to produce a materially 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.~~

~~III. A declaration of intent form shall also be filed whenever 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 not disclosed by the legislator in the General Disclosure of NonFinancial Personal Interests Form.~~

~~IV. In such cases, the legislator shall either:~~

~~(a) Declare that the legislator will not participate in any official activity associated with the issue; or~~

~~(b) Declare that the legislator intends to participate in the official activity and provide a description of the conflict of interest.]~~

***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.**

250:5 Legislative Ethics Guidelines; Declaration of Intent. Upon the effective date of this act,

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1 subparagraph 2) preceding the declaration of intent form provided in the legislative ethics  
2 guidelines shall be amended to read as follows:

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

250:6 Effective Date. This act shall take effect upon its passage.

Approved: July 18, 2017

Effective Date: July 18, 2017