

Floor Amendment to SB 35

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to the guidelines of the legislative ethics committee.
4

5 Amend the bill by replacing all after the enacting clause with the following:

6
7 1 Legislative Ethics Guidelines; Conflict of Interest Procedure. Upon the effective date of this
8 act, section 6 of the legislative ethics guidelines, relative to the conflict of interest procedure, is
9 amended to read as follows:

10 6 CONFLICT OF INTEREST PROCEDURE.

11 I. No legislator having a conflict of interest shall participate in any official activity
12 associated with the matter without complying with the procedure set forth in this section.

13 II. A declaration of intent form shall be filed by a legislator whenever a financial interest
14 could reasonably be expected to produce a materially greater benefit or detriment to the legislator
15 or the legislator's household member than would accrue to any other member of a business,
16 profession, occupation, or other group listed by the legislator in the Financial Disclosure Form.

17 III. A declaration of intent form shall also be filed whenever a legislator or a legislator's
18 household member has a non-financial personal interest ~~[distinct from and greater than the public~~
19 ~~at large in]~~ **that would be affected in a materially greater way than other similar entities**
20 **by** the outcome of a matter that is the subject of official activity **and that was** not disclosed by the
21 legislator in the General Disclosure of Non-Financial Personal Interests Form.

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

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

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

27 V. The declaration required in subparagraphs IV(a) and (b) of this procedure shall be
28 ~~[publicly announced prior to any participation by the legislator in the official activity in accordance~~
29 ~~with section 7 of these Guidelines. The declaration of intent form shall be]~~ filed with the clerk of
30 the member's respective body prior to the time of the official activity ~~[and]~~ **or as soon as the**
31 **existence of a conflict of interest becomes apparent. Such filings shall** be made available for
32 public inspection during normal business hours.

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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}~~ **that would be affected in a materially greater way than other similar entities by** the outcome of a matter that is the subject of official activity **and that was** not disclosed by the legislator 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, public body, or organization:

Additional information: _____

Signature: _____

2 Repeal. The following are repealed:

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1 I. Section 2, paragraph XIV of the legislative ethics guidelines, relative to the definition of
2 verbal advocacy.

3 II. Section 7 of the legislative ethics guidelines, relative to verbal disclosure of conflicts of
4 interest.

5 3 Definition of Special Interest. RSA 14-B:1, V is repealed and reenacted to read as follows:

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

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

11 (b) A "non-financial personal interest" exists where a legislator or household member:

12 (1) Is a member of a public body as defined in RSA 91-A:1-a, VI; or

13 (2) Has a responsibility for the welfare of an organization. A legislator or household
14 member has a responsibility for the welfare of an organization when the legislator or household
15 member holds a position with a fiduciary responsibility, such as a board member, trustee, or
16 director.

17 4 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill revises certain provisions in the legislative ethics guidelines regarding the disclosure of a conflict of interest. The bill also deletes the definition of verbal advocacy and section 7, relative to verbal disclosure of a conflict of interest, from the guidelines.