

Committee of Conference Report on SB 35, relative to the guidelines of the legislative ethics committee.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Legislative Ethics Guidelines; Legislator's Non-Financial Personal Interests Disclosure Form. Upon the effective date of this act, the legislator's non-financial personal interests disclosure 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

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

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NAME OF HOUSEHOLD MEMBER AND RELATIONSHIP TO YOU:

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

Signature

Date

Printed Name of Legislator

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 6:

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.

~~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

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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.

5 Legislative Ethics Guidelines; Declaration of Intent. Upon the effective date of this act, subparagraph 2) preceding the declaration of intent form provided in the legislative ethics guidelines shall be amended to read as follows:

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 ~~[not disclosed by the legislator]~~ **and the legislator has not made this disclosure** in the General Disclosure of Non-Financial Personal Interests Form.

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The signatures below attest to the authenticity of this Report on SB 35, relative to the guidelines of the legislative ethics committee.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Avard, Dist. 12

Rep. Packard, Rock. 5

Sen. Sanborn, Dist. 9

Rep. Hoelzel, Rock. 3

Sen. Woodburn, Dist. 1

Rep. Schuett, Merr. 20

Rep. Nigrello, Rock. 16