

ETHICS GUIDELINES

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

1 PRINCIPLES OF PUBLIC SERVICE.

I. Public Office As A Public Trust

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

II. Principle Of Independent Objective Judgment

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

III. Principle Of Accountability

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

2 DEFINITIONS.

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

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

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

person were not an elected official, public official, public employee, constitutional official, or legislative employee.

- (7) Wages, salary, benefits, mileage, or payment for expenses received by the person in his or her regular course of employment or business which is unrelated to the government position held.
- (8) Wages, salary, benefits, mileage, or payment for expenses paid to the person by the state, a county, or the United States of America related to performance of official duties.
- (9) Tickets or free admission to a charitable, ceremonial, or political event provided that:
 - (A) The proceeds of the event are subject to the political contributions and expenditure reporting law, RSA 664; or
 - (B) The event is sponsored by a charitable organization that is registered with the division of charitable trusts, department of justice, or which is a charitable organization pursuant to section 501(c)(3) of the federal tax code; or
 - (C) The event is published as an event open for attendance by any member of the general court in the calendar of the senate or the house.
- (10) Meals, beverages, lodging, or transportation associated with attendance at:
 - (A) Any event for which the primary significance is ceremonial or celebratory, provided the event is public or, if by invitation only, is planned to have an attendance greater than 50 people; or
 - (B) Any event where the person is attending in an official capacity representing the state and/or the senate, house, or the agency of which the person is a member.
- (11) Expense reimbursement or an honorarium.
- (12) Meals and beverages consumed at a meeting or event, the purpose of which is to discuss official business.

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

VIII. "Immediate Family" includes a spouse, guardian, parent, sibling, child or dependent.

IX. "Legislation" is a bill, resolution or constitutional amendment.

X. "Official Activities" is the conduct of activities which relate to official responsibilities including the introduction of legislation, testifying before any legislative committee or state agency, voting in committee or in house or senate session or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency.

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

3 LEGISLATOR'S FINANCIAL DISCLOSURE FORM.

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

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

As prescribed by RSA 14-B:8

Name of Legislator/Officer _____
(circle one) (print name)

Address _____
(street) (town/city) (zip code)

Office held _____ County/District _____ Telephone Number _____

I. Sources of Income

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

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

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

(attach additional sheets if necessary)

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

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

II. Disclosure of Financial Interests

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

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

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

- ☐ (a) Any profession, occupation, or business licensed or certified by the State of New Hampshire.
List each such profession, occupation, or category of business.

- ☐ (b) Health Care

- ☐ (c) Insurance

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

- ☐ (e) Banking or financial services

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

- ☐ (g) New Hampshire Retirement System

- ☐ (h) Current use land assessment program

- ☐ (i) Restaurants and lodging

- ☐ (j) Sale and distribution of alcoholic beverages

- ☐ (k) Practice of law

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

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

- ☐ (n) Education

- ☐ (o) Water resources

- ☐ (p) Agriculture

- ☐ (q) New Hampshire taxes: ☐ Business Profits Tax, ☐ Business Enterprise Tax,
☐ Interest and Dividends Tax
- ☐ (r) Other

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

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

Signature of Legislator/Officer

Date

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

4 PROHIBITED ACTIVITIES.

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

- (c) Threaten reprisals or promise inducements of any kind to influence another so as to obtain special personal benefits for the legislator, the legislator's immediate family, or for certain constituents which would not be available to others under similar conditions.
 - (d) Conduct private negotiations with any governmental agency in an attempt to obtain a decision on a pending matter which would result in special personal benefit to the legislator, to the legislator's immediate family, or to certain constituents which would not be available to others under similar conditions.
- III. Legislators shall not use their public position or office to obtain anything of value for the private benefit of the legislator or the legislator's immediate family.
- IV. Legislators shall not use state-provided services or facilities for private gain.
- V. Legislators shall not become involved in any official activity without complying with the conflict of interest procedure set forth in this document.
- VI. Legislators shall not engage in conduct that constitutes sexual harassment as defined in RSA 14-B:1.
- VII. Nothing in this section on prohibited activities should be construed to prohibit the following:
 - (a) The giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign.
 - (b) Assistance to constituents in their dealings with state agencies.
 - (c) Advocacy of a particular outcome on matters pending before a state agency when the legislator believes such a decision would benefit the general public or the legislator's constituents generally.
 - (d) Submission by a legislator of recommendations or references on behalf of a candidate for state employment when the legislator believes the candidate is qualified to be a suitable public employee.
 - (e) Acceptance of expense reimbursement for the reasonable expenses for attendance, registration, travel, meals, and lodging related to a bona fide conference, meeting, seminar, or educational or informational program related to the legislator's office so long as disclosure of any such reimbursement is made no later than the last day of the month following the month during which the expense reimbursement was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B. This provision shall not be construed to require reporting of an expense reimbursement made by an organization to which the general court pays dues, when the prepayment, underwriting or reimbursement is provided because of the dues paid.
 - (f) Acceptance of an honorarium so long as disclosure is made no later than the last day of the month following the month during which the honorarium was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.

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

5 CONFLICT OF INTEREST PROCEDURE.

- I. No declaration shall be required if no benefit or detriment could reasonably be expected to accrue to the legislator or the legislator's family member as a member of a business, profession, occupation, or other group, to any greater extent than to any other member of such business, profession, occupation, or other group, provided that disclosure of the legislator's or family member's membership is made in the Financial Disclosure Form pursuant to section 3 of the Ethics Guidelines. For purposes of these guidelines, groups shall be limited to ones generally recognized and of a substantial size.
- II. When a legislator becomes aware that a conflict of interest exists or may exist and the conditions set forth in paragraph I are not met, the legislator shall proceed in accordance with either subparagraph (a) or (b):
 - (a) Declare that the legislator will not participate in any official activity associated with the issue.
 - (b) Declare that the legislator intends to participate in the official activity and will provide a description of the conflict of interest including:
 - (1) names of all entities, both public and private, which might be affected;
 - (2) the nature of any benefit which may accrue to the legislator or legislator's family member;
 - (3) the nature of any financial interest in the issue;
 - (4) the nature of any relationship which existed, exists or may exist between the legislator and
 - (5) any person or entity which might be affected;
 - (6) such additional information as may be required to permit clear public awareness and understanding of the nature and extent of the conflict.
- III. The declaration required in subparagraphs II (a) and (b) of this procedure shall be publicly announced prior to the legislator's initial participation in the official activity. The information required in subparagraph (b) shall be filed with the clerk of the member's respective body within 24 hours of the time of the official activity and be made available for public inspection during normal business hours.

6 LEGISLATIVE EMPLOYEE CODE OF CONDUCT.

I. General Principles of Conduct.

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

II. Definitions.

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

III. Prohibited Activities.

- (a) A legislative employee or officer shall not violate the provisions of RSA 15-B.
- (b) A legislative employee or officer shall not accept any gift from givers who wish to influence the work activities of the employee or officer.
- (c) A legislative employee or officer shall not accept any employment or serve in any position, in addition to legislative employment, which would impair the employee's or officer's independence of judgment.
- (d) Except within the scope of employment, a legislative employee or officer shall not provide any service to a lobbyist or any other person with a direct personal interest in any matter or action pending before the General Court.
- (e) Nothing in this paragraph should be construed to prohibit the following:
 - (1) Acceptance of awards, prizes, honors, or gifts of a minimal value.
 - (2) Acceptance of informational material relevant to the employee's or officer's official function, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.

- (3) Acceptance of expense reimbursement for the reasonable expenses for attendance, registration, travel, meals, and lodging related to a bona fide conference, meeting, seminar, or educational or informational program related to the legislative employee's or officer's employment so long as disclosure of any such reimbursement is made no later than the last day of the month following the month during which the expense reimbursement was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in a form prescribed in RSA 15-B. This provision shall not be construed to require reporting of an expense reimbursement made by an organization to which the general court pays dues, when the prepayment, underwriting or reimbursement is provided because of the dues paid.
- (4) Acceptance of an honorarium so long as disclosure is made no later than the last day of the month following the month during which the honorarium was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.
- (5) Acceptance of meals or beverages with a value of greater than \$25 consumed at a meeting or event the purpose of which is to discuss official business so long as disclosure is made no later than ten (10) days following the meeting or event at which the meals or beverages were consumed. This disclosure shall be filed in a report in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.
- (6) Acceptance of anything permitted to be accepted pursuant to RSA 15-B, except that acceptance of meals or beverages as permitted by subparagraph (e)(5) shall be limited to \$250 in the aggregate from any single source during any calendar year.
- (f) A legislative employee or officer shall not use or attempt to use the employee's or officer's official position to (a) personally obtain any privilege, exemption, special treatment or any other thing of value, or (b) obtain any such benefit for others except as required to perform duties within the scope of employment.
- (g) A legislative employee or officer shall not accept or solicit anything of value for the private benefit of the employee or officer or the employee's or officer's immediate family under circumstances in which it can be reasonably inferred that the legislative employee's or officer's independence of judgment is impaired or is intended as a reward for any official action.
- (h) A legislative employee or officer shall not use state-provided services or facilities for private gain.
- (i) A legislative employee or officer shall not disclose confidential information acquired by reason of the employee's or officer's official position to any person or group not entitled to receive such information, nor shall the employee or officer use such information for personal gain or benefit or for the benefit of others.
- (j) A legislative employee or officer shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding;

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

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