Bill as Introduced

HB 1220 – AS INTRODUCED

2000 SESSION

00-2116
05/10

HOUSE BILL ***1220***

AN ACT establishing a New Hampshire conflict of interest law.

SPONSORS: Rep. Marple, Merr 11

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes a state conflicts of interest law in the administration of government.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1220 – AS INTRODUCED

00-2116
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT establishing a New Hampshire conflict of interest law.

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

1 Intent. In recognition of New Hampshire's ratification of the proposed 13th amendment to the United States Constitution on December 19, 1812, the general court hereby acknowledges its commitment to safeguarding against conflicts of interest and unfair voting advantage which may arise among citizens interacting with the state in law and education.

2 New Chapter; The State and its Government; Conflicts of Interest. Amend RSA by inserting after chapter 20-A the following new chapter:

CHAPTER 20-B

CONFLICTS OF INTEREST

20-B:1 Prosecution of Conflicts. No person employed or personally rewarded by a position in law or education shall have the authority to make, write, propose to amend, or vote on any law, or judge or rule on its interpretation, where it is believed, in good faith, that the person may be enriched personally or financially through those dealings. Any citizen may petition the relevant law enforcement authority having jurisdiction to remove the person subject to the conflict of interest from a proceeding.

3 Effective Date. This act shall take effect January 1, 2001.

Amendments

Rep. Marple, Merr. 11
February 8, 2000
2000-3351h
05/10

Amendment to HB 1220

Amend the bill by replacing section 1 with the following:

1 Intent. In recognition of New Hampshire's ratification of the proposed 13th amendment to the United States Constitution on December 9, 1812, which states: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, 2/3 of both houses concurring, that the following section be submitted to the legislatures of the several states, which, when ratified by the legislatures of ¾ of the states, shall be valid and binding, as a part of the constitution of the United States. If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any Emperor, King, Prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them," the general court hereby reaffirms the state's vote and recognizes the original 13th amendment's adoption and binding effect.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1220 Date 2-8-2000

Committee ~~[redacted]~~ ED+A

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con
Rep. David Hall			Grafton 13	✓	
Sue Davidek	Box 15	Hillsboro	03244	✓	
Ida Davidek	P.O Box #12	Hillsboro,	03244	✓	

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1220

BILL TITLE: establishing a New Hampshire conflict of interest law

DATE: February 8, 2000

LOB ROOM: 202 **Time Public Hearing Called to Order:** 11:55 AM

Time Adjourned: 12:40 PM

(please circle if present)

Committee Members: Reps. Mercer, Goulet, Dyer, Langer, Holley, B. Moore, Dickinson, Stickney, Sapareto, Hamel, Millham, O'Neil, Poulin, Zolla, Murphy, Reidy, Virtue, Batchelder, Burkush, Courchesne, Landers and Lent.

Bill Sponsors: Rep. Marple, Merr11

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

*Rep. Marple, sponsor. Distributed the 13th amendment and an amendment to this bill which reaffirms and celebrates NH's ability to ratify the 13th amendment on Dec. 9, 1812, when it became the 13th state to ratify.
Rep. Christenson, supports bill. Speaking on the bill's part dealing with conflict of interest but I couldn't follow him. No wonder. There are two bills here. Part one deals with the ratification of the 13th amendment recognition. Part II deals with a conflict of interest of certain individuals who are in positions that allow them to profit by such a decision.
John MacIntosh, representing NH Bar Association, 24 Montgomery St., Concord, 225-1188. Opposes bill. There are a number of things opposed here. Even 1st amendments ---
Robert Nichols, 364 Dustin Rd., Contoocook, 746-3587. Supports bill. Spoke about things being "free, complete and prompt" in court and by the legal professions.
Dr. Andrew Tempelman, 24 Maple St., Milford, NH 654-6440. Supports bill. Has a couple of groups that enjoy a power to write bills which became laws. This is an attempt to eliminate the writing of laws by lawyers! The other group is the teachers who always out vote the non-teachers profession. His comment is that if there is something involving him, he should not expect you to pay for it.

Respectfully submitted,

Rep. Ray Langer, Clerk

Sub-Committee Actions

HB 1220 – AS INTRODUCED

2000 SESSION

00-2116
05/10

HOUSE BILL ***1220***

AN ACT establishing a New Hampshire conflict of interest law.

SPONSORS: Rep. Marple, Merr 11

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes a state conflicts of interest law in the administration of government.

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

Subcommittee Report (2-14-00):
Rep. Folda moved ITL, seconded by Rep. Warren. Discussion followed. Vote 3-0 in favor of the motion.

My Report: While the Committee understands the Speaker's concern with the subject of conflict of interest problems, the work of the Legislative Ethics Committee, the Professional Conduct Committee and the Judicial Conduct Committee adequately oversee such issues. To authorize the practices described in HB1220 would encourage anarchy and endless litigation far exceeding present experience.

Testimony

the same be committed to the committee appointed on that part of his Excellency's communication which relates to agriculture, and that they report thereon.

Voted, that Messrs. Wilson, of Peterborough, D. L. Morrill and Appleton, with such as the Senate may join, be a committee to consider of the expediency of repealing a law, passed Dec. 22, 1808, for the encouragement of sundry manufactures, and report thereon by bill or otherwise.

On reading and considering the petition of Rebecca H. Footman, voted, that the petitioner be heard on the subject of her petition, before the General Court on the first Tuesday of the next session, and that she give notice thereof by causing Joseph Smith, Esquire, the petitionee, to be served with a copy of the petition and order of Court thereon, six weeks prior to said day of hearing, that he may then appear, and shew cause, if any he have, why the prayer thereof may not be granted.

The committee appointed to take into consideration the laws of this State relative to strays and lost goods, reported, that it is inexpedient, at this time, to make any alteration therein.

Which report was accepted.

Voted, that Messrs. Healey, Parrott, Shannon, Leighton, P. Woodbury, Thayer, Eph. Brown, Weeks, W. Webster and Joseph Merrill be a committee to take into consideration the memorial of Peyton Randolph Freeman, and a report of a committee thereon, and that they be requested to ascertain and report to this House a statement of facts relative to the subject of said memorial.

The committee appointed at the last session of the General Court with power to report at that or the present session, on the petition of Jonathan Payson, Esquire, postmaster, praying the exemption of two clerks from military duty, reported, that the petitioner have leave to withdraw his petition.

Which report was accepted.

Voted, that the account of Eber Carpenter be referred to the committee on the account of Seth King, and that they report thereon.

Voted, that Messrs. Parrott, Carr, P. Woodbury, Henderson and A. Merrill be a committee to nominate and report a committee of ten persons, two from a county, to consider the expediency of districting anew the State of New-Hampshire for the choice of Senators.

Adjourned to nine o'clock tomorrow morning.

WEDNESDAY, DEC. 9, 1812.

The House met according to adjournment.

Voted, that Messrs. Cilley, Leighton, Osgood, D. Chase and Blaisdell, be a committee to take into consideration a bill, entitled, "An act in addition to an act, entitled, an act for arranging, forming and regulating the militia within this State, and for repealing all laws heretofore made for that purpose, passed Dec. 22, A. D. 1808," and to report such alterations and amendments as they may judge necessary.

The committee on the account of Eber Carpenter reported that he have leave to withdraw his account.

Which report was accepted.

Voted that Messrs. Richardson, P. Merrill, Waldron, M. Hodgdon, Paige, Wilson of Peterborough, E. Brown, Henderson, S. P. Webster and Young, with such as the Senate may join, be a committee to take into consideration the memorial of Philip Carrigain, Esq. and the papers accompanying the same, and report thereon.

A bill entitled, "An act to incorporate sundry persons by the name of the Episcopal Church in New Holderness," having had three several readings, passed to be enacted.

A bill, entitled "An act to incorporate certain persons by the name of the Proprietors of Alton Social Library," having had three several readings, passed to be enacted.

The committee appointed on the petition of the proprietors of Pemigewassett Bridge, praying to have their toll raised, reported, that the prayer of the petition be granted with the proposed amendments, and that they have leave to bring in a bill accordingly.

Which report was accepted.

Voted that the accounts of Israel Bartlett be referred to the committee on the account of Capt. Jonathan Clark, and that they report thereon.

Voted, that the account of William Tarlton, Esquire, be referred to the committee on the account of Josiah Butler, Esq. and that they report thereon.

The committee appointed to take into consideration certain laws and resolutions passed by the legislatures of Georgia, North Carolina, Tennessee, Virginia and Vermont, and other documents accompanying the same,

communicated by His Excellency the Governor at the last session, reported the resolves exhibited; and further reported that it is, in their opinion, not expedient to adopt or approve the other proposed amendments to the Constitution of the United States.

Which report was accepted.

Whereas His Excellency the Governor of this State has laid before the General Court a resolution passed by the Congress of the United States, in the words following, (to wit)

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both houses concurring, that the following section be submitted to the legislatures of the several States, which, when ratified by the legislatures of three-fourths of the States, shall be valid and binding, as a part of the constitution of the United States:"

"If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any Emperor, King, Prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them."

Therefore,

Resolved, by the Senate and House of Representatives in General Court convened, That the foregoing amendment proposed by Congress to the Constitution of the United States be, and the same is, hereby, on the part of this State, agreed to, ratified and confirmed.

And be it further resolved, That His Excellency the Governor be requested to transmit copies of the foregoing resolution to the President of the Senate and Speaker of the House of Representatives of the United States, and to each of our Senators and Representatives in Congress, and to each of the Governors of the several States.

Voted that Messrs. Pattee, I. Shepard and Dame, with such as the Senate may join, be a committee to consider the petition of David Atwood, and others, praying for a tax of three cents per acre on each acre of land in the town of Alexandria, and report thereon.

Voted, that a bill, entitled "An act restoring the town of Westmoreland to their law in a certain case," be recommitted for further consideration.

Voted, that W. Webster, E. Colby & Jn. Kimball, Esq'rs. be a committee to view, in the recess of the Legislature, the lands and roads in the vicinity of Pemigewassett river, and the mouth of Newfound pond river, where Central bridge is proposed to be erected; that the committee attend to the said business, at the expense of the petitioners for said bridge, and report at the next session of the Legislature.

Adjourned to nine o'clock to-morrow morning.

THURSDAY, DEC. 10, 1812.

The House met according to adjournment.

The committee on the petition of President Wheelock and T. W. Thompson, Esquire, reported, that the

prayer of said petition be so far granted, that the trustees of Dartmouth College have leave to raise by lottery the sum of dollars for the benefit of the institution under their superintendance; provided they obtain liberty to sell the tickets and draw the lottery in Massachusetts.

Which report was not accepted.

A bill entitled "An act to alter the respective names of Dudley Barry, Bildad Farrar and William Wilmarth," having had three several readings, passed to be enacted.

A bill entitled "An act to incorporate certain persons by the name of the Congregational Society in Tamworth," having had three several readings, passed to be enacted.

A bill, entitled "An act to incorporate the Bath Allum Company," having had three several readings, passed to be enacted.

A bill entitled "An act for the relief of Jacob Trussel," having had three several readings, passed to be enacted.

A bill entitled "An act prescribing the mode of attaching on mesne process, and selling on execution shares in incorporated companies and pews in meeting houses, and other places of public worship," having had three several readings, passed to be enacted.

A bill entitled "An act to establish the tolls of Wells river bridge, Haverhill bridge and Bedel's bridge," having had three several readings, passed to be enacted.

On reading and considering the petition of Elisha Locke and others, and the report of a committee thereon, voted that the petitioners be heard thereon before the General Court on the first Tuesday of their next

A vote granting the prayer of the petition of Richard H. Ayer and others, with liberty to bring in a bill, was brought up, read and concurred.

A vote that the account of David Barker, Eſq. be referred to the committee on the account of Thomas Bellows, Eſq. and that they report thereon, was brought up, read and concurred.

A vote granting a day of hearing on the petition of S. Buckminſter and others, before the General Court on the firſt Tueſday of their next ſeſſion, was brought up, read and concurred.

A vote granting a day of hearing on the petition of Aſahel Hunt, before the General Court on the firſt Tueſday of their next ſeſſion, was brought up, read and concurred.

A vote for a committee, to make enquiry into the ſtate of the ſmall arms belonging to the State of New-Hampſhire, and the accoutrements belonging to the ſame; alſo, whether the State of New-Hampſhire has received its proportion of the appropriations of the United States for arming the Militia, and report thereon, was brought up, read and concurred:

Mr. Quarles joined.

The following communication was received from His Excellency the Governor, by the Secretary.

To the Senate and House of Representatives.

I herewith communicate to the Legiſlature for their conſideration, certain laws and reſolutions paſſed by the Legiſlatures of Georgia, North-Carolina, Tenneſſee Virginia and Vermont, upon the ſubject of amendments of the Conſtitution of the United States, together with letters from the executive officers of thoſe States.

WILLIAM PLUMER.

June 12, 1812.

Voted, That Meſſrs. Kimball and Ham, with ſuch as the Houſe of Repreſentatives may join, be a committee to take into conſideration certain laws and reſolutions paſſed by the Legiſlatures of Georgia, North-Carolina, Tenneſſee, Virginia and Vermont, and other documents accompanying the ſame, communicated this day by His Excellency the Governor, and report thereon. Sent down for concurrence.

A vote for a committee to conſider what alterations are neceſſary to be made in the manner of tranſacting County buſineſs, and of examining and allowing County accounts, and that they report thereon, was brought up, read and concurred.

Meſſrs. Voſe and Plumer joined.

A vote for a committee to conſider the account of Samuel Sparhawk, Eſq. and that they report thereon, was brought up, read and concurred:

Mr. Folſom joined.

A reſolve, that Levi Willard, Eſq. be allowed twenty five dollars in full of his account, and that ſaid ſum be paid him out of the Treaſury, was brought up read and concurred.

Preſented and approved.

A reſolve, that William Tarlton, Eſq. be allowed eighteen dollars in full of his account, and that ſaid ſum be paid him out of the Treaſury, was brought up, read and concurred.

Preſented and approved.

A reſolve, that Benjamin Peirce, Eſq. be allowed eighteen dollars in full of his account, and that ſaid ſum be paid him out of the Treaſury, was brought up, read and concurred.

Preſented and approved.

A reſolve, that David Barker, Eſq. be allowed ſixteen dollars in full of his account, and that ſaid ſum be

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1220

BILL TITLE: **establishing a New Hampshire conflict of interest law.**

DATE: March 21, 2000

LOB ROOM: 202

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Dickinson

Seconded by Rep. Murphy

Vote: 14-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 14-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Ray F. Langer, Clerk

OFFICE OF THE HOUSE CLERK 2000 SESSION

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB 1220 **Title:** _____

PH Date: ___/___/___ **Exec Session Date:** 3/21/00

Motion: ITL **Amendment #:** _____

MEMBER	YEAS	NAYS
Mercer, Robert S, Chairman		
Goulet, Maurice E, V Chairman	1	
Dyer, Merton S		
Langer, Ray F, Clerk	2	
Holley, Sylvia A	3	
Moore, Benjamin E		
Dickinson, Howard C	4	
Stickney, Nancy C	5	
Sapareto, Frank V		
Hamel, Albert W	6	
Millham, Alida I	7	
O'Neil, Michael		
Poulin, Dave G	8	
Zolla, William R	9	
Murphy, Robert E	10	
Reidy, Frank J	11	
Virtue, Carolyn A	12	
Batchelder, Robert C	13	
Burkush, James A		
Courchesne, Judy A		
Landers, Dana L		
Lent, Donald R	14	
	14	0
TOTAL VOTE:		

Printed: 12/30/1999

Committee Report

COMMITTEE REPORT

COMMITTEE: **Executive Departments and Administration**

BILL NUMBER: **HB 1220**

TITLE: establishing a New Hampshire conflict of interest law.

DATE: March 22, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

HB 1220 proposes to reaffirm and codify the principles set forth in the 13th amendment of the U.S. Constitution concerning the subject of conflict of interest. While the committee understands the sponsor's intent in the subject, the legislature ethics committee, the professional conduct committee of the New Hampshire Bar and the judicial conduct committee, when functioning properly, offer adequate protection against conflicts of interest abuse.

Vote 14-0.

Rep. Howard C. Dickinson
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Executive Departments and Administration

HB 1220, establishing a New Hampshire conflict of interest law. INEXPEDIENT TO LEGISLATE Rep. Howard C. Dickinson for Executive Departments and Administration: HB 1220 proposes to reaffirm and codify the principles set forth in the 13th amendment of the U.S. Constitution concerning the subject of conflict of interest. While the committee understands the sponsor's intent in the subject, the legislature ethics committee, the professional conduct committee of the New Hampshire Bar and the judicial conduct committee, when functioning properly, offer adequate protection against conflicts of interest abuse. Vote 14-0.

HB1220

HB1220 proposes to reaffirm & codify the principles set forth in the 13th Amendment of the U.S. Constitution concerning the subject of Conflict of interest. ~~The Committee~~ ~~[illegible]~~ Outside the Committee understands the sponsors interest in the subject, the Legislative Ethics Committee, the Professional Conduct Committee of the NH Bar and the Judicial conduct Committee, when functioning properly, offer adequate protection against [redacted] conflicts of interest abuse.