LEGISLATIVE COMMITTEE MINUTES

SB42

Bill as Introduced

2021 SESSION

21-0272
05/10

SENATE BILL ***42***

AN ACT restricting public officers from engaging in certain private dealings.

SPONSORS: Sen. Reagan, Dist 17; Sen. Carson, Dist 14; Sen. French, Dist 7; Sen. Kahn, Dist 10; Sen. Watters, Dist 4; Sen. Sherman, Dist 24; Sen. Prentiss, Dist 5; Sen. Gray, Dist 6; Sen. Giuda, Dist 2; Sen. Hennessey, Dist 1; Sen. D'Allesandro, Dist 20; Sen. Ward, Dist 8; Rep. Tudor, Rock. 1; Rep. Spillane, Rock. 2; Rep. McGuire, Merr. 29

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill prohibits a public official from providing services valued at more than $200 to the state or political subdivision in which he or she holds office unless the contract is obtained through open competitive bidding.

- - - -

21-0272
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT restricting public officers from engaging in certain private dealings.

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

1 Public Officials Barred from Certain Private Dealings. Amend RSA 95:1 to read as follows:

95:1 Public Officials Barred From Certain Private Dealings. No person holding a public office, as such, in state or any political subdivision governmental service shall, by contract or otherwise, except by open competitive bidding, buy real estate, sell or buy goods, commodities, or other personal property***, or provide services,*** of a value in excess of $200 at any one sale to or from the state or political subdivision under which he ***or she*** holds [~~his~~] public office.

2 Effective Date. This act shall take effect 60 days after its passage.

SB 42 - AS AMENDED BY THE HOUSE

3Jun2021... 1281h

2021 SESSION

21-0272
05/10

SENATE BILL ***42***

AN ACT restricting public officers from engaging in certain private dealings.

SPONSORS: Sen. Reagan, Dist 17; Sen. Carson, Dist 14; Sen. French, Dist 7; Sen. Kahn, Dist 10; Sen. Watters, Dist 4; Sen. Sherman, Dist 24; Sen. Prentiss, Dist 5; Sen. Gray, Dist 6; Sen. Giuda, Dist 2; Sen. Hennessey, Dist 1; Sen. D'Allesandro, Dist 20; Sen. Ward, Dist 8; Rep. Tudor, Rock. 1; Rep. Spillane, Rock. 2; Rep. McGuire, Merr. 29

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill prohibits a public official from contracting with the state or a political subdivision for goods or services valued at more than $1000 unless the contract is obtained through open competitive bidding.

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.

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95:1 Public Officials Barred From Certain Private Dealings. No person holding a public office, as such, in state or any political subdivision governmental service shall, by contract or otherwise, except by open competitive bidding, buy real estate, sell or buy goods, commodities, or other personal property of a value in excess of [~~$200~~] ***$1000*** at any one sale***, or provide services of a value in excess of $1000 in any one year,*** to or from the state or political subdivision under which he ***or she*** holds [~~his~~] public office.

2 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Sharon Carson, Chair
Sen John Reagan, Vice Chair
Sen Denise Ricciardi, Member
Sen Kevin Cavanaugh, Member
Sen Suzanne Prentiss, Member

Date: January 13, 2021

HEARINGS

Wednesday	01/20/2021
(Day)	(Date)

Executive Departments and Administration	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)

9:00 a.m.	**SB 32**	relative to the fallen state troopers' memorial.
9:20 a.m.	**SB 33**	relative to Native American name restoration.
9:40 a.m.	**SB 42**	restricting public officers from engaging in certain private dealings.

EXECUTIVE SESSION MAY FOLLOW

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: https://www.zoom.us/j/97863251200
2. To listen via telephone: Dial(for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: 19292056099,,97863251200# or 13017158592,,97863251200#
4. Webinar ID: 978 6325 1200
5. To view/listen to this hearing on YouTube, use this link: https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: http://gencourt.state.nh.us/remotecommittee/senate.aspx

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

Cameron Lapine 271-3093

Sharon M Carson
Chairman

Sponsors:

SB 32

Sen. Birdsell	Sen. D'Allesandro	Sen. Carson	Sen. Cavanaugh

SB 33

Sen. Watters	Sen. Ward	Sen. Perkins Kwoka	Sen. Kahn
Rep. Sofikitis	Rep. Schultz	Rep. P. Schmidt	Rep. Horrigan

SB 42

Sen. Reagan	Sen. Carson	Sen. French	Sen. Kahn
Sen. Watters	Sen. Sherman	Sen. Prentiss	Sen. Gray
Sen. Giuda	Sen. Hennessey	Sen. D'Allesandro	Sen. Ward
Rep. Tudor	Rep. Spillane	Rep. McGuire	

Senate Executive Departments and Administration Committee

Cameron Lapine 271-2104

SB 42, restricting public officers from engaging in certain private dealings.

Hearing Date: January 20, 2021

Time Opened: 9:48 a.m. **Time Closed:** 9:51 a.m.

Members of the Committee Present: Senators Carson, Reagan, Ricciardi, Cavanaugh and Prentiss

Members of the Committee Absent : None

Bill Analysis: This bill prohibits a public official from providing services valued at more than $200 to the state or political subdivision in which he or she holds office unless the contract is obtained through open competitive bidding.

Sponsors:

Sen. Reagan	Sen. Carson	Sen. French
Sen. Kahn	Sen. Watters	Sen. Sherman
Sen. Prentiss	Sen. Gray	Sen. Giuda
Sen. Hennessey	Sen. D'Allesandro	Sen. Ward
Rep. Tudor	Rep. Spillane	Rep. McGuire

Who supports the bill: Senator Bob Giuda (Senate District 2), Senator John Reagan (Senate District 17), Senator Harold French (Senate District 7), Senator Ruth Ward (Senate District 8), Senator Erin Hennessey (Senate District 1), Senator David Watters (Senate District 4), Senator Sharon Carson (Senate District 14), Senator Tom Sherman (Senate District 24), and Alvin See.

Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Senator John Reagan

Senate District 17

- Senator Reagan said that SB 42 was a constituent request. He said that it came about from a community that was abused by a selectperson, who gave their own business work at the

expense of the town.

- Senator Reagan said that most of the provisions of SB 42 have been in effect, but it adds that services in excess of $200 need to go through competitive bidding.
- Senator Reagan said that the bill has broad, bipartisan support.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

cml
Date Hearing Report completed: January 21, 2021

Speakers

Name	Title	Representing	Position	Testifing
Reagan Senator John	An Elected Official	Myself	Support	Yes
French Senator Harold	An Elected Official	Myself	Support	No
Watters Senator David	An Elected Official	Myself (SD 4)	Support	No
See Alvin	A Member of the Public	Myself	Support	No
Giuda Bob	An Elected Official	NH Senate District 2	Support	No
Ward Senator Ruth	An Elected Official	Senate District 8	Support	No
Hennessey Sen. Erin	An Elected Official	SD1	Support	No
Carson Sharon	An Elected Official	Myself	Support	No
Sherman Senator Tom	An Elected Official	SB 24	Support	No

Voting Sheets

Senate Executive Departments and Administration Committee

EXECUTIVE SESSION RECORD

2021 Session

Bill # SB 42

Hearing date: 1-20-21

Executive Session date: 1-20-21

Motion of: OTP **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	X			X	
Sen. Reagan, Vice Chair	X			X	
Sen. Ricciardi	X			X	
Sen. Cavanaugh	X	X		X	
Sen. Prentiss	X		X	X	

Motion of: Consent **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	X			X	
Sen. Reagan, Vice Chair	X			X	
Sen. Ricciardi	X			X	
Sen. Cavanaugh	X		X	X	
Sen. Prentiss	X	X		X	

Motion of: _____ **Vote:** _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair					
Sen. Reagan, Vice Chair					
Sen. Ricciardi					
Sen. Cavanaugh					
Sen. Prentiss					

Reported out by: Sen. Reagan

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, January 20, 2021

THE COMMITTEE ON Executive Departments and Administration

to which was referred **SB 42**

AN ACT restricting public officers from engaging in certain private dealings.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator John Reagan
For the Committee

This bill prohibits a public official from providing services valued at more than $200 to the state or political subdivision in which he or she holds office unless the contract is obtained through open competitive bidding. This is an extension and reinforcement of our existing laws to close loopholes in our ethics guidelines. This will help ensure that public officials conduct themselves appropriately.

Cameron Lapine 271-2104

FOR THE CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 42, restricting public officers from engaging in certain private dealings.
Ought to Pass, Vote 5-0.
Senator John Reagan for the committee.

This bill prohibits a public official from providing services valued at more than $200 to the state or political subdivision in which he or she holds office unless the contract is obtained through open competitive bidding. This is an extension and reinforcement of our existing laws to close loopholes in our ethics guidelines. This will help ensure that public officials conduct themselves appropriately.

General Court of New Hampshire - Bill Status System

Docket of SB42

Docket Abbreviations

Bill Title: restricting public officers from engaging in certain private dealings.

Official Docket of **SB42.**:

Date	Body	Description
1/12/2021	S	**Introduced** 01/06/2021 and Referred to Executive Departments and Administration; **SJ 3**
1/13/2021	S	Remote **Hearing:** 01/20/2021, 09:40 am; Links to join the hearing can be found in the Senate Calendar; **SC 7**
1/20/2021	S	Committee Report: Ought to Pass, 02/04/2021; Vote 5-0; CC; **SC 9**
2/4/2021	S	**Ought to Pass**: **RC** 23Y-1N, MA; OT3rdg; 02/04/2021; **SJ 3**
3/10/2021	H	Introduced (in recess of) 02/25/2021 and referred to Executive Departments and Administration **HJ 4** P. 48
3/24/2021	H	Public Hearing: 03/24/2021 01:15 pm Please click the link below to join the webinar: https://zoom.us/j/97152965622 Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/24/2021	H	Committee Report: Ought to Pass with Amendment **#2021-1281h** (Vote 19-0; CC) **HC 26** P. 6
6/3/2021	H	Amendment **#2021-1281h**: AA VV 06/03/2021
6/3/2021	H	**Ought to Pass with Amendment** 2021-1281h: MA VV 06/03/2021
6/10/2021	S	Sen. Carson Moved Nonconcur with the House Amendment; Requests C of C, MA, VV; 06/10/2021; **SJ 19**
6/10/2021	S	President Appoints: Senators Carson, Reagan, Cavanaugh; 06/10/2021; **SJ 19**
6/10/2021	H	House Accedes to Senate Request for CofC (Rep. McGuire): MA VV 06/10/2021
6/10/2021	H	Speaker Appoints: Reps. Alliegro, Roy, Yakubovich, Fellows 06/10/2021
6/11/2021	S	Conferee Change; Senator Prentiss Replaces Senator Cavanaugh; **SJ 20**
6/14/2021	S	Committee of Conference Meeting: 06/14/2021, 09:00 am, Room 100, SH
6/11/2021	S	Conferee Change; Senator Cavanaugh Replaces Senator Prentiss; **SJ 20**
6/22/2021	H	Conference Committee Report: Not Filed

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 42 **Senate Committee:** ED+A

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee
X All Calendar Notices
X Hearing Sign-up sheet(s)
N/A Prepared testimony, presentations, & other submissions handed in at the public hearing
X Hearing Report
N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment #_____ ___ - amendment #_____
___ - amendment #_____ ___ - amendment #_____

X Executive Session Sheet
X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment #_____ ___ - amendment #_____
___ - amendment #_____ ___ - amendment #_____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
___ Enrolled Bill Amendment(s)
___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house
___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Cameron M. Tapline 7/16/19
Committee Aide **Date**

Senate Clerk's Office