

Senate Executive Departments and Administration Committee

Kevin Condict 271-7875

AMENDMENT # 2025-1647s, relative to notice and update requirements regarding state employee investigations and relative to legislative ethics requirements. to HB 248, relative to notice and update requirements regarding state employee investigations.

Hearing Date: April 23, 2025

Time Opened: 10:05 a.m.

Time Closed: 10:23 a.m.

Members of the Committee Present: Senators McGough, Gannon, Altschiller and Reardon

Members of the Committee Absent : Senator Pearl

Bill Analysis: This bill:

I. Outlines procedures for handling the suspension of state employees by providing written notice.

II. Defines certain terms including public at large, direct benefit, and special interest for purposes of legislative ethics and recusal requirements.

Sponsors:
Rep. Flanagan

Who supports the amendment: Rep. Jack Flanagan (Hills. 45)

Who opposes the amendment: None.

Who is neutral on the amendment: Rep. Greg Hill (Merr. 2).

Summary of testimony presented:

Senator Tim McGough, Senate District 11

- Sen. McGough introduced non-germane amendment 2025-1467s to House Bill 248.

Representative Greg Hill, Merrimack 2

- Rep. Hill explained that he is the Chair of the House Legislative Administration Committee which crafted the legislative ethics bill for three and a half years. He stated that he has no position on the underlying bill.
- Rep. Hill explained that his committee had ongoing discussions with the Ethics Committee to craft the recusal section. He had his committee's researcher do research into all states' ethics statutes.
- Rep. Hill said ethics is a difficult area to draft and amend. He said this is because so much is specific to the legislation that is coming before a particular committee.
- Rep. Hill said that conflicts arise, but not all are financial in nature. He said the committee would invariably get into a mare's nest of discussion of "what if" questions. He said the specifics of the legislation must be dealt with first.
- Rep. Hill asked that this non-germane amendment be re-referred. He said the way to handle this is the way the process is currently working, with individuals filing inquiries with the Ethics Committee about how certain situations should be handled.
- The House Legislative Administration Committee looked at this from the standpoint of how to guide legislators who are not lawyers, who may be sitting in a committee and feel they may have a conflict with a piece of legislation. He said they looked at recusal from the standpoint of a safe harbor. They looked at it as a situation where if you think you might have a conflict then the safe harbor would be to recuse yourself. If someone chooses not to recuse themselves then they need to be aware that they are opening themselves up to potential questions.
- Rep. Hill pointed to line 12 of the amendment, dealing with the definition of the public at large. He stated his belief that this weakens his committee's work and the law that was passed last year.
- He said "public at large" is defined as your profession or your occupation. He said there could be a situation where emergency medical technicians (EMTs) could receive a raise, and it would be alright for a legislator EMT to vote on the bill because every EMT would be getting a raise. He said they tried to look at it from the perspective of the public; the public only cares if a voting member is getting a raise.
- Rep. Hill pointed out an issue with Section III-c regarding "direct benefit" and "direct detriment". He said the use of "public at large" was his only issue with that language.
- Rep. Hill said there was an ethics complaint at the end of last session regarding when a legislator is related, or in a household with, a lobbyist. He said the way to fix these things is through ethics inquiries, not through legislation.
- Rep. Hill said that making a correction before the new law has had time to percolate is misguided. He said issues should be handled through the inquiry process, not changing the statute.

- Rep. Hill stressed that New Hampshire has citizen legislators, and all legislators are affected by what the legislature does. He recommended that the Committee re-refer the amendment and discuss this over the summer.

Representative Jack Flanagan, Hillsborough 45

- Rep. Flanagan said that if Rep. Hill's request for a re-refer motion was accepted then the amendment would not be officially attached to the bill.
- Sen. McGough noted that the Committee could not re-refer an amendment, and that Rep. Hill was essentially asking the Committee not to adopt the amendment.

KC

Date Hearing Report completed: April 25, 2025