HB 1368 - AS INTRODUCED

2022 SESSION

22-2824
08/10

HOUSE BILL ***1368***

AN ACT relative to recusal by members of the general court for conflicts of interest.

SPONSORS: Rep. Gordon, Graf. 9; Rep. Wall, Straf. 6

COMMITTEE: Legislative Administration

ANALYSIS

This bill requires a legislator to recuse himself or herself from participation in a legislative activity when the legislator or the legislator's household member has a conflict of interest in an official legislative activity. The bill also amends certain applicable definitions.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to recusal by members of the general court for conflicts of interest.

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

1 Findings; Purpose. The general hereby finds:

I. That part II, article 7 of the New Hampshire constitution states: "No member of the general court shall take fees, be of counsel, or act as advocate, in any cause before either branch of the Legislature; and upon due proof thereof, such member shall forfeit his seat in the Legislature."

II. That the general court has adopted principles of public service including the principle requiring "independent, objective judgment in performing a legislator's duties and deciding all matters on the merits free from conflicts of interest and both real and apparent improper influences."

III. That the New Hampshire general court, consistent with RSA 14-B:3, has adopted guidelines prohibiting legislators from engaging in certain activities.

IV. That in order to comply with New Hampshire's constitutional requirements, to satisfy statutory requirements, and to maintain the confidence of the New Hampshire citizenry, recusal from participation in legislative matters when there is a conflict of interest is sometimes required.

2 Chapter Title. Amend the chapter title of RSA 14-C to read as follows:

CHAPTER 14-C

GIFTS, HONORARIUMS, AND EXPENSE REIMBURSEMENTS REQUIREMENTS FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES

AND CONFLICTS OF INTEREST FOR LEGISLATORS

3 New Section; Recusal for Conflicts of Interest. Amend RSA 14-C by inserting after section 4 the following new section:

14-C:4-a Recusal for Conflicts of Interest. A legislator shall recuse himself or herself from participation in any official legislative activity when the legislator or the legislator's household member:

I. Has a special interest in the official legislative activity.

II. Is receiving remuneration from an employer which has a special interest in the official legislative activity.

III. Is acting as counsel or serving as an attorney for any party which has a special interest in the official legislative activity.

IV. Serves in any official capacity in an organization whether nonprofit or for profit which is the subject of the official legislative activity.

4 Legislative Ethics; Definition; Conflict of Interest. Amend RSA 14-B:1, I to read as follows:

I. "Conflict of interest" means the condition in which a legislator has a [~~special~~] ***financial*** interest ***or a non-financial personal interest*** in any matter which could directly or indirectly affect or influence the performance of the legislator's official activities. ***For this definition:***

(a) A financial interest exists where a legislator or household member could stand to gain or lose anything of material value as a result of the official activity.

(b) A non-financial personal interest exists where a legislator or household member has a responsibility for the welfare of an organization by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.

5 Legislative Ethics; Definition; Special Interest. Amend RSA 14-B:1, V to read as follows:

V. "Special interest" means any financial or non-financial personal interest in the outcome of a matter that is the subject of official ***legislative*** activity, [~~distinct from and greater than the interests of the public at large~~] ***which could reasonably be expected to produce a direct benefit or detriment to the legislator or a legislator's household member or to produce a benefit or detriment to a business, client, or organization, by whom the legislator or a legislator's household member is employed or holds a position of authority, which is substantially greater than the benefit or detriment which would accrue to businesses, clients, or organizations in general***.

6 Effective Date. This act shall take effect 30 days after its passage.