

Amendment to SB 400

1 Amend the bill by replacing section 8 with the following:

2
3 8 Executive Branch Ethics Committee; Jurisdiction. Amend RSA 21-G:29, I and II to read as
4 follows:

5 I. There is hereby established an executive branch ethics committee to issue guidelines,
6 interpretive rulings, and advisory opinions relative to standards for ethical conduct in the executive
7 branch and to resolve, through procedures established under RSA 21-G:32, issues, questions, or
8 complaints involving executive branch officials ~~[who are not classified employees]~~.

9 II. The jurisdiction of the committee shall consist of matters arising under the executive
10 branch code of ethics, RSA 21-G:21-27, RSA 15-A, RSA 15-B, and rules or guidelines adopted
11 thereunder, as applied to current or former executive branch officials ~~[who are not classified~~
12 ~~employees]~~, provided that the committee may only consider a complaint against a former executive
13 branch official if the complaint is filed no later than 180 days after the day the official resigned,
14 retired, or otherwise left his or her position.

15
16 Amend the bill by replacing section 10 with the following:

17
18 10 Duties; Ethics Committee. Amend RSA 21-G:30, I to read as follows:

19 I. The committee shall be authorized to:

20 (a) Issue guidelines consistent with the executive branch code of ethics, RSA 21-G:21-
21 27, RSA 15-A, and RSA 15-B, relative to proper and appropriate conduct for individuals relating to
22 the performance of their duties as executive branch officials. Such guidelines shall be consistent
23 with statute.

24 (b) Issue interpretative rulings explaining and clarifying any law, guideline, ~~or~~ rule~~[-or~~
25 ~~regulation]~~ within the jurisdiction of the committee.

26 (c) Render ~~[an]~~ advisory ~~[opinion, in writing within a reasonable time, in response to a~~
27 ~~written request by a person subject to any law, guideline, rule, or regulation concerning the~~
28 ~~application of any law, guideline, rule, or regulation within the committee's jurisdiction to a specific~~
29 ~~factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory~~
30 ~~opinion. Any advisory opinion concerning any person subject to the provisions of this subdivision~~
31 ~~who acted in reliance thereon, shall be binding upon the committee, and it shall be an absolute~~
32 ~~defense in any complaint brought under this subdivision or prosecution under RSA 15-A or RSA 15-~~

Amendment to SB 400
- Page 2 -

~~B that the person complained against acted in reliance upon such advisory opinion. The name of the person seeking an advisory opinion and any information in the opinion that would identify such person shall be nonpublic. A redacted version of the advisory opinion shall be public]~~ **opinions in accordance with RSA 21-G:31-a.**

(d) Receive sworn complaints, investigate allegations of violations of this subdivision ~~[or guidelines adopted thereunder]~~ by executive branch officials and make appropriate findings of fact and conclusions with respect to such conduct.

(e) Investigate any unauthorized disclosure of information by any committee member or assistant and report to the appropriate authority any allegation which it finds to be substantiated.

Amend the bill by replacing section 12 with the following:

12 New Sections; Advisory Opinions; Interpretive Rulings. Amend RSA 21-G by inserting after section 31 the following new sections:

21-G:31-a Advisory Opinions; Procedure.

I. Any executive branch official may request, in writing, an advisory opinion regarding the application of any law, guideline, or rule within the committee's jurisdiction to a specific factual situation pertinent to the requester's conduct or proposed conduct. Notwithstanding any other provision of law, all proceedings, information, communications, materials, papers, files, and transcripts, written or oral, received or developed by the committee in the course of its work in response to a request for an advisory opinion, except for the opinion itself, shall be confidential. The advisory opinion shall be made public but the name of the person seeking the opinion and any information in the opinion that would identify such person shall be nonpublic.

II. Any advisory opinion concerning any person subject to the provisions of this subdivision who acted in reliance thereon, shall be binding upon the committee, and it shall be an absolute defense in any complaint brought under this subdivision or prosecution under RSA 15-A or RSA 15-B that the person complained against acted in reliance upon such advisory opinion.

21-G:31-b Interpretive Rulings; Procedure. The committee may initiate or any person may request an interpretive ruling explaining or clarifying a law, guideline, or rule of general applicability within the committee's jurisdiction. If the committee determines that a requested interpretive ruling will be helpful to those individuals under the committee's jurisdiction, it shall take up the request in public, receive testimony and other information that it deems helpful on the issue, and render a public ruling.