

Amendment to HB 248

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to notice requirements regarding state employee investigations and relative
4 to legislative ethics requirements.

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6 Amend the bill by replacing all after the enacting clause with the following:

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8 1 New Section; Department of Administrative Services; Personnel; Suspension Notice and
9 Investigation Updates. Amend RSA 21-I by inserting after section 42 the following new section:

10 21-I:42-a Suspension Notice and Investigation Updates. If any state employee is suspended
11 with pay from duty, they shall receive written notice detailing the reasons for the suspension within
12 7 days of the suspension date. This section shall not apply to employees covered under collective
13 bargaining agreements.

14 2 New Paragraph; Legislative Ethics Committee; Definition of Public at Large. Amend RSA 14-
15 B:1 by inserting after paragraph III-b the following new paragraph:

16 III-c. "Public at large" means any reasonably large group of individuals or organizations that
17 is similarly situated and likely to incur similar benefits or detriments as a result of legislation,
18 including but not limited to, professions or occupations, owners of widely held forms of property, or
19 participants in a commercial marketplace.

20 3 Legislative Ethics Committee; Definition of Special Interest. Amend RSA 14-B:1, V(a) to read
21 as follows:

22 (a) A financial interest exists where a legislator or household member ***is an employee***
23 ***of, or receives compensation from, an individual or organization which*** could stand to gain
24 or lose anything of material value as a result of the official activity.

25 4 New Paragraph; Gifts, Honorariums, and Expense Reimbursement Requirements for
26 Legislators and Legislative Employees; Definition of Direct Benefit. Amend RSA 14-C:2 by inserting
27 after paragraph II the following new paragraph:

28 II-a. "Direct benefit" or "direct detriment" means a financial benefit that flows to the
29 legislator or household member without any intervening action by an independent actor, consumer,
30 or other instrumentality or action that is not under the control of the legislator or household
31 member. A "direct benefit" or "direct detriment" does not include a benefit or detriment that affects

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1 a marketplace or program in which the legislator or household member participates as a member of
2 the public at large.

3 5 New Paragraph; Recusal for Conflicts of Interest; Definition of Organization. Amend RSA 14-
4 C:4-a by inserting after paragraph II the following new paragraph:

5 III. For the purposes of this section:

6 (a) The "organization" is the client and not the person, partnership, firm, or corporation
7 acting as lobbyist.

8 (b) A person who registers as a lobbyist pursuant to RSA 15:1 does not exercise
9 substantial influence over the affairs of the organization unless he or she also satisfies the test set
10 forth in RSA 14-C:4-c through 14-C:4-e.

11 6 Effective Date. This act shall take effect 90 days after its passage.

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AMENDED 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.