

Amendment to SB 570

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

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3 AN ACT relative to legislative ethics.

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

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7 1 New Paragraph; Legislative Ethics; Recusal for Conflicts of Interest. Amend RSA 14-C:4-a by  
8 inserting after paragraph II the following new paragraph:

9 III. For purposes of this section:

10 (a) A “direct benefit” exists when a legislator or household member will receive a  
11 financial benefit as the result of the enactment of legislation, unless the decision whether the benefit  
12 will be received by the legislator or household member is subject to the discretion of an unrelated  
13 third party. A direct benefit exists only when a legislator advocates or votes in a manner to obtain  
14 the positive impact of the legislation.

15 (b) A “direct detriment” exists when a legislator or household member will experience a  
16 negative impact on their financial interests as the result of the enactment of the legislation, unless  
17 the decision whether the detriment will be applied to the legislator or household member is subject  
18 to the discretion of an unrelated third party. A direct detriment exists only when a legislator  
19 advocates or votes in a manner to avoid the negative impact of the legislation.

20 (c) “Official legislative activity” is any activity that relates to official responsibilities,  
21 including the introduction of legislation, testifying before any legislative committee or state agency,  
22 voting in committee or in house or senate session, or otherwise participating in any decision of the  
23 legislature, county delegation, or any state agency.

24 (d) A legislator who has recused from participation in any official legislative activity  
25 pursuant to paragraph I or paragraph II of this section may testify before a legislative committee on  
26 the legislation from which the legislator has recused, provided that the legislator makes a written  
27 disclosure by filing a declaration of intent and makes a verbal disclosure identifying the conflict of  
28 interest before testifying.

29 2 Legislative Ethics; Exceptions to Recusal for Conflicts of Interest. Amend RSA 14-C:4-b to  
30 read as follows:

31 14-C:4-b Exceptions to Recusal for Conflicts of Interest. A legislator shall not be required to  
32 recuse themselves from participation in any official legislative activity regarding preparation,

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1 review, or approval or disapproval of the state *operating* budget, *state capital budget, trailer*  
2 *bill*, or general revenue bills *that involve business taxes, meals and rooms tax, tobacco tax,*  
3 *interest and dividends tax, real estate transfer tax, communications services tax, current*  
4 *use tax, statewide property tax, road tolls, income tax, sales tax, capital gains tax, or*  
5 *inheritance tax. This exception from recusal shall not apply to participation in any*  
6 *official legislative activity regarding amendments to the trailer bill when the amendment*  
7 *concerns solely subject matters as to which the legislator has a conflict of interest.*

8       3 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill adds definitions related to determining conflicts of interests for legislators and adds additional budget-related bills, subject to certain limitations, to the list of exceptions to the recusal requirements.