

SB 440 - VERSION ADOPTED BY BOTH BODIES

03/24/10 1115s

21Apr2010... 1497h

06/02/10 2190CofC

2010 SESSION

10-2868

05/10

SENATE BILL **440**

AN ACT relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

SPONSORS: Sen. Merrill, Dist 21; Sen. Roberge, Dist 9; Rep. Wall, Straf 7

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill:

- I. Revises certain voting, quorum, and complaint procedures of the executive branch ethics committee.
- II. Establishes a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

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

1 Executive Branch; Ethics Committee; Restrictions on Member Activities. Amend RSA 21-G:29, VI to read as follows:

VI. Committee members shall serve terms of 3 years and until their successors are appointed and qualified. [However, initially, the governor shall nominate one member for a one year term, one member for a 2 year term and one member for a 3-year term; the secretary of state shall nominate one member for a 2-year term, and one member for a 3 year term; the treasurer shall nominate one member for a one year term and one member for a 2 year term. Initial nominations to the committee shall be made no later than 90 days after the effective date of this section. The initial appointments shall begin on July 1, 2006 and end on June 30 of the appropriate year.] Vacancies shall be filled for the remainder of any unexpired term. During their term of appointment, members may not hold or campaign for elective office, serve as an officer of any political party or political committee, permit their names to be used in support of or in opposition to any **state or local** candidate or proposition, participate in any way in any **state or local** election campaign, make a contribution as defined in RSA 664:2 to any **state or local** candidate for office or political committee, or act as or assist a lobbyist required to be registered under RSA 15:1.

2 Duties of Executive Branch Ethics Committee; **Voting Procedure**. Amend RSA 21-G:30, II to read as follows:

II. All actions of the committee shall require an affirmative vote of 4 or more members of the committee before becoming effective, except that a vote to summarily dismiss a complaint shall be **by unanimous vote of all members present for the meeting**, and a vote to dismiss a complaint after only an internal review and no investigation shall be by an affirmative vote of no less than 5 members of the committee and a vote pursuant to RSA 21-G:31, VII shall require only a majority of the members present and voting. The committee shall request to meet with the legislative ethics committee established under RSA 14-B at least twice yearly to facilitate uniformity in the interpretation of statutory provisions.

3 Executive Branch Ethics; Complaints. Amend the introductory paragraph of RSA 21-G:31, I and RSA 21-G:31, I(a) to read as follows:

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. **After first examination by the committee, and unless the complaint is discharged under subparagraph (a)**, before any other action is taken by the committee, the executive branch official complained against shall be furnished with a copy of the complaint [and a copy shall be sent to each member of the committee for review]. **All information identifying the complainant shall be removed before it is furnished to the executive branch official complained against.** The committee may initiate a complaint on its own motion against any individual the committee has reason to believe has violated any law, guideline, rule, or regulation within the committee's jurisdiction. The committee shall promptly examine each sworn complaint and:

(a) Upon first examination, if by a unanimous vote **of all members present for the meeting**, it determines that a complaint is frivolous, scurrilous, retaliatory in nature, or plainly not within the committee's jurisdiction, the committee may

summarily discharge the complaint without further meeting or proceeding. The committee shall notify the respondent and complainant in writing of its action.

4 Executive Branch Ethics Committee; Quorum in Certain Cases. Amend RSA 21-G:31, VII to read as follows:

VII. Any member of the committee who is directly or indirectly involved in any complaint before the committee or who otherwise has personal knowledge of facts material to the determination of the complaint shall not participate in any proceedings regarding the complaint. In the event that recusals under this paragraph reduce the number of participating members to fewer than [4] **5**, the remaining participating members shall designate an alternate or alternates sufficient to increase the committee to [4] **5** members, to serve on the committee for that case only.

5 Committee Established. There is established a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

I. The members of the committee shall be as follows:

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Four members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study the impact of implementing a 10-hour per day, 4-day week for state employees. The committee shall solicit information and testimony from agencies and individuals with experience and expertise that may be of assistance to the committee in the performance of its study.

IV. On or before September 1, 2010, the commissioner of the department of administrative services, the commissioner of the department of safety, the commissioner of the department of corrections, the commissioner of the department of environmental services, the commissioner of the department of resources and economic development, the commissioner of revenue administration, the commissioner of transportation, and the commissioner of the department of health and human services shall report to the committee on the feasibility, potential advantages, and disadvantages of implementing a 10-hour per day, 4-day week for the employees of their respective departments.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the chairpersons of the house and senate executive departments and administration committees, the chairpersons of the house and senate finance committees, the house clerk, the governor, and the state library on or before

November 1, 2010.

6 Effective Date.

I. Sections 1-4 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.