

**INTERPRETIVE RULING 2025-4**  
**Defining Substantial**  
**(April 7, 2025)**

The Legislative Ethics Committee has received several inquiries regarding the application of HB 1388 which was enacted in 2024. This legislation requires recusal from participation in legislative activities under certain circumstances. Those circumstances are set forth in RSA 14-C:4-a. In response to the inquiries, the Committee has issued and published Advisory Opinions and Interpretive Rulings in order to assist legislators in their compliance with the new provisions.

The statute has two parts, Part I and Part II. Part II addresses conflicts arising from the employment of the legislator, or a member of the legislator's household. Part I involves a legislator, or a member of the legislator's household, who has a personal conflict of interest and "could reasonably be expected to incur a direct and **substantial** financial benefit or detriment as a result." (emphasis added) The word "substantial" was not defined by the legislation and seems to be subject to different interpretations. What may appear substantial to one person may seem insignificant to another. There clearly needs to be some standard for this provision to be enforceable.

In order to address this dilemma, the Committee has looked to the prior actions of the legislature for direction. The legislature previously enacted 14-C:2, IV, (a) (3) which places a limit on gifts which may be received by a legislator to \$250 in a calendar year. This appears to be what the legislature believed was the break point at which a legislator's judgment might be compromised.

While the Committee has no authority to legislate, it does have the responsibility to interpret and apply the new recusal provisions. To do so, the Committee will adopt the prior standard set by the legislature in applying the term "substantial". Any yearly amount under \$250 shall be presumed non-substantial. Anything over \$250 shall be presumed to be substantial as applied to the recusal statute. ***The Committee emphasizes that this is a presumptive standard and is subject to the facts and circumstances of any specific case.*** If the General Court finds it warranted, it may further define "substantial."

Please note that this interpretive ruling applies for the purpose of recusal. It does not change current requirements regarding disclosure of conflicts.

For the Committee,  
Edward M. Gordon  
Chairman