

MINUTES  
LEGISLATIVE ETHICS COMMITTEE  
MAY 1, 2018 MEETING  
{Approved: May 22, 2018}

The Legislative Ethics Committee (RSA 14-B:2) met on Tuesday, May 1, 2018, at 1:00 P.M. in Room 104 of the Legislative Office Building.

The following members were present: the Honorable Donna Sytek, Chairman, Senator Sharon M. Carson, Vice Chairman, Senator Martha Fuller Clark, Representative Janet G. Wall, Representative David A. Welch, and Attorney David H. Bradley. The Honorable David W. Hess was unable to attend. Also present: Richard M. Lambert, Executive Administrator.

The Committee's meeting consisted of the following items:

ITEM#1

Consideration of the draft *Minutes* from the Committee's meeting held on March 19, 2018.

Following review, Representative Welch moved to approve the March 19, 2018 *Minutes* as presented. Representative Wall seconded the motion and the Committee voted 5 to 0 to approve the *Minutes*.

ITEM #2

Initial Review of *Complaint 2018-4*. {Confidential}

Senator Carson moved to enter nonpublic session pursuant to RSA 14-B:3, I(d) to conduct an Initial Review of *Complaint 2018-4*. Representative Wall seconded the motion and the Committee voted as follows:

Attorney Bradley	Yea
Senator Fuller Clark	Yea
Chairman Sytek	Yea
Senator Carson	Yea
Representative Wall	Yea
Representative Welch	Yea

{MOTION ADOPTED}

{NONPUBLIC SESSION}

Senator Fuller Clark moved to exit nonpublic session. Senator Carson seconded the motion and the Committee voted as follows:

Attorney Bradley	Yea
Senator Fuller Clark	Yea
Chairman Sytek	Yea
Senator Carson	Yea
Representative Wall	Yea
Representative Welch	Yea

{MOTION ADOPTED}

Chairman Sytek announced: "During the nonpublic session following Initial Review we voted to commence a Preliminary Investigation on *Complaint 2018-4*."

ITEM #3

Update on the status of 2018 Senate Bill 343, “An Act relative to legislative ethics guidelines.” {House Chief of Staff Terry Pfaff, House Legal Counsel James Cianci, and House Clerk Paul Smith were in attendance during this part of the meeting. }

Senator Carson informed the Committee that the Senate would probably vote to request a committee of conference on the bill.

Chairman Sytek expressed concerns about the approach taken in the House-passed version which amended the purpose section of RSA 14-C to say that the purpose of the section is to minimize “the opportunity for inappropriate influence by persons or organizations *outside the legislative branch,*” and amended the definition of “gift” to exclude “Any gifts, honorariums, expense reimbursements, or any other receipt made by the general court to a legislator, legislative officer, or legislative employee.” She suggested a narrow change to the definition of a gift to say that you don’t have to report anything where the legislature or state pays or you’re a member of an organization like NCSL or CSG, as the law stated prior to the 2016 ethics bill.

Mr. Pfaff agreed that the suggestion would resolve the issue better.

Mr. Pfaff asked about the process for amending the Committee’s Procedural Rules. He read RSA 14-B:5, which states:

**14-B:5 Rules; Procedures and Guidelines.** – The committee shall adopt, publish, and make available to the public rules governing its procedures as well as guidelines referred to in RSA 14-B:3, II consistent with the procedures set forth in RSA 541-A.

Mr. Pfaff then asked if the Committee goes before JLCAR (the Joint Legislative Committee on Administrative Rules) when it amends the procedural rules.

Chairman Sytek said it does not.

Mr. Lambert provided background information, saying that former State Senator Charles Bass, who was the prime sponsor of the legislation that established the Committee in 1991 and its first chairman, did not want the Committee’s rules to go before JLCAR. Instead he proposed a process that would be consistent with RSA 541-A in which the Committee would hold a hearing and a work session, adopt amendments to the rules, and then publish them in the calendars.

After further brief discussion, Chairman Sytek pointed out that if SB 343 is enacted the Guidelines would not be consistent with the statute, so the Committee would have to issue new Guidelines which the House and Senate would have to approve.

Mr. Lambert said that it would be good if that could be done sometime before Legislator Orientation in November so a new Ethics Booklet could be printed that would include Ethics Guidelines that would be consistent with statute.

Mr. Smith said that a possible “Veto Day” session in September would be an opportunity for the House and Senate to take a proposed amendment to the Ethics Guidelines.

ITEM #4

Preliminary Investigation of *Complaint 2018-1*. {Confidential}

Representative Welch moved to enter nonpublic session pursuant to RSA 14-B:3, I(d) to conduct a Preliminary Investigation of *Complaint 2018-1*. Senator Fuller Clark seconded the motion and the Committee voted as follows:

Attorney Bradley	Yea
Senator Fuller Clark	Yea
Chairman Sytek	(recused from <i>Complaint 2018-1</i> )
Senator Carson	(recused from <i>Complaint 2018-1</i> )
Representative Wall	Yea
Representative Welch	Yea

{MOTION ADOPTED}

{NONPUBLIC SESSION}

{Chairman Sytek and Vice Chairman Carson recused from participation in *Complaint 2018-1* and were not present during the nonpublic session.}

Senator Fuller Clark moved to exit nonpublic session. Attorney Bradley seconded the motion and the Committee voted as follows:

Attorney Bradley	Yea	
Senator Fuller Clark	Yea	
Chairman Sytek		(recused)
Senator Carson		(recused)
Representative Wall	Yea	
Representative Welch	Yea	

{MOTION ADOPTED}

Senator Fuller Clark announced that the Committee in its nonpublic session completed its Preliminary Investigation of *Complaint 2018-1* and made the decision to refer the matter to the Attorney General's Office.

ITEM #5

Preliminary Investigation of *Complaint 2018-2*. {Confidential}

Representative Welch moved to enter nonpublic session pursuant to RSA 14-B:3, I(d) to conduct a Preliminary Investigation of *Complaint 2018-2*. Representative Wall seconded the motion and the Committee voted as follows:

Attorney Bradley	Yea	
Senator Fuller Clark	Yea	
Chairman Sytek		(recused from <i>Complaint 2018-2</i> )
Senator Carson	Yea	
Representative Wall	Yea	
Representative Welch	Yea	

{MOTION ADOPTED}

{NONPUBLIC SESSION}

{Chairman Sytek recused from participation in *Complaint 2018-2* and were not present during the nonpublic session.}

Representative Welch moved to exit nonpublic session. Senator Fuller Clark seconded the motion and the Committee voted as follows:

Attorney Bradley	Yea	
Senator Fuller Clark	Yea	
Chairman Sytek		(recused)
Senator Carson	Yea	
Representative Wall	Yea	
Representative Welch	Yea	

{MOTION ADOPTED}

{The Committee in its nonpublic session completed its Preliminary Investigation of *Complaint 2018-2* and will notify the respondent by letter of its decision.}

ITEM #6

New/Other Business.

{There was no new or other business.}

ITEM #7

Scheduling of the next meeting.

The Committee scheduled its next meeting on Tuesday, May 22, 2018, at 10:30 A.M.

The Committee's meeting adjourned at approximately 2:45 P.M.

{Prepared by: Richard M. Lambert, Executive Administrator}