

MINUTES
LEGISLATIVE ETHICS COMMITTEE
MARCH 21, 2016 MEETING
{ Approved: April 25, 2016 }

The Legislative Ethics Committee (RSA 14-B:2) met on Monday, March 21, 2016, at 1:00 P.M. in Room 104 of the Legislative Office Building.

The following members were present: the Honorable Donna Sytek, Chairman, Representative Janet G. Wall, Representative David A. Welch, the Honorable John A. Graham, and Attorney David H. Bradley. Senator Sharon M. Carson, Vice Chairman, and Senator Martha Fuller Clark were 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 February 18, 2016.

Following review, Representative Wall moved to approve the *Minutes*. Mr. Graham seconded the motion and the Committee voted 5 to 0 to approve the *Minutes*.

ITEM #2

Initial Review of *Complaint 2016-2*, *Complaint 2016-3*, and *Complaint 2016-4* {Confidential}.

Representative Welch moved to enter nonpublic session pursuant to RSA 14-B:3, I(d) to conduct an Initial Review of *Complaint 2016-2*, *Complaint 2016-3*, and *Complaint 2016-4*. Mr. Graham seconded the motion and the Committee voted as follows:

Attorney Bradley	Yea
Chairman Sytek	Yea
Representative Wall	Yea
Representative Welch	Yea
Mr. Graham	Yea
{MOTION ADOPTED}	

{Nonpublic Session}

Representative Welch moved to exit nonpublic session. Attorney Bradley seconded the motion and the Committee voted as follows:

Attorney Bradley	Yea
Chairman Sytek	Yea
Representative Wall	Yea
Representative Welch	Yea
Mr. Graham	Yea
{MOTION ADOPTED}	

Chairman Sytek announced that the Committee, in its nonpublic session, conducted an Initial Review of *Complaint #2016-2*, *Complaint 2016-3*, and *Complaint 2016-4*, and voted to proceed to a Preliminary Investigation with respect to each complaint.

ITEM #3

Consideration of an Interpretive Ruling concerning when legislators are required to file Declaration of Intent Forms.

Chairman Sytek said that it has been interesting to see that the Senate has filed numerous declarations of intent during the 2016 session, while only about a half a dozen House members have filed declarations. She said she also heard that during a recent House session a House member questioned whether another House member should have filed a declaration in relation to debate and voting on a bill. So she said she asked Mr. Lambert if the Committee had issued any opinions in the past to help explain the conflict of interest disclosure process, and she said she had recalled seeing one. Mr. Lambert, she said, provided her with a copy of the opinion she had been thinking of, Advisory Opinion 1998-2, and after seeing it, she thought it would be helpful to members for the Committee to revise and reissue it as an interpretive ruling.

Mr. Graham noted that the Committee will have to revise the ruling again if 2016 HB 458 is enacted because of the extensive changes the bill would make to the Ethics Guidelines. After brief discussion, the Committee agreed that it would be worthwhile to issue the ruling, while acknowledging that the ruling will need to be revised when the law is enacted.

The Committee then went through the draft, made a few revisions, and voted 5 to 0 to issue the interpretive ruling. The Committee agreed the revised draft should be circulated to Senator Carson and Senator Fuller Clark for their consideration and possible approval.

ITEM #4

Discussion about a follow-up inquiry relating to Interpretive Ruling 2016-1.

The Committee discussed an inquiry from Representative Timothy Smith which asked what a legislator should do with an unsolicited item valued at over the \$25 gift limit in RSA 15-B. He asked if the preferred course of action would be to simply throw it away, or if the legislator is required to document the item's disposal, donation, or destruction.

The Committee reached consensus that a legislator should not have to incur any expense by returning an unsolicited gift to the giver. After further discussion, the Committee agreed to revise Interpretive Ruling 2016-1 to add language stating that the legislator can discard the item, give it back to the giver (but the legislator is not required to spend any money to do so) or donate the item (as long as there is no benefit to the legislator resulting from the donation).

Representative Welch moved to revise Interpretive Ruling 2016-1 by adding the new language. Attorney Bradley seconded the motion, and the Committee voted 5 to 0 in favor of the motion. The Committee agreed that the revised draft should be circulated to Senator Carson and Senator Fuller Clark for their consideration and possible approval.

ITEM #5

Consideration of a request for an Advisory Opinion from Representative Katherine Rogers.

The Committee discussed Representative Rogers' request concerning a conference entitled, "Combating Elder Financial Exploitation in New Hampshire." The event would be held on April 20, 2016, at the Grappone Conference Center in Concord, NH and sponsored by the Coalition Against Later Life Abuse (CALLA).

According to Representative Rogers, the sponsors proposed inviting a number of legislators to attend as guests of CALLA, waiving the \$60 registration fee. Representative Rogers would present welcoming remarks.

Representative Rogers asked if the event could qualify as an exemption as discussed in the Committee's Interpretive Ruling 2013-1 "Payments to Legislators for Sponsored Travel and Services - What's Allowed and What Isn't?" as an expense reimbursement for the invited guests and as an honorarium for her.

After discussion, the Committee agreed the event, as described, would be a "bona fide conference meant to communicate information relating to matters of legislative concern to New Hampshire Legislators" and as such would qualify for exemption as an expense reimbursement for the invited legislators, and as an honorarium for Representative Rogers. The waived registration fee would have to be reported under RSA 15-B:6.

Representative Wall moved to issue an Advisory Opinion. Mr. Graham seconded the motion and the Committee voted 5 to 0 in favor of the motion. The Committee agreed that the opinion should be circulated to Senator Carson and Senator Fuller Clark for their consideration and possible approval.

ITEM #6

Update on the Status of 2015 House Bill 458, "An Act revising the legislative ethics laws and the guidelines of the legislative ethics committee."

The Committee noted that the bill was going to a committee of conference for consideration of a couple of minor changes and that the committee of conference had not yet been scheduled.

ITEM #7

New/Other Business.

There was no new/other business.

ITEM #8

Scheduling of next meeting.

The Committee tentatively scheduled a meeting on Monday, April 25, 2016.

The Committee's meeting adjourned at 2:50 P.M.

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