

MINUTES
LEGISLATIVE ETHICS COMMITTEE
AUGUST 29, 2017 MEETING
{ Approved: September 13, 2017 }

The Legislative Ethics Committee (RSA 14-B:2) met on Tuesday, August 29, 2017, at 11:00 A.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, Representative Janet G. Wall, Senator Martha Fuller Clark, Representative David A. Welch, Attorney David H. Bradley, and the Honorable David W. Hess. Also present: Richard J. Lehmann, Esq., Senate Legal Counsel, and 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 July 5, 2017.

Following review, Representative Wall moved to approve the *Minutes* as presented. Senator Carson seconded the motion and the Committee voted 6 to 0 to approve the *Minutes*.

ITEM #2

Consideration of a request for an Interpretive Ruling from Shawn N. Jasper, Speaker of the House, regarding whether it is permissible for legislators to accept free legal services in relation to certain matters pending before legislative committees.

The Committee reviewed a draft ruling that had been distributed to them. Following a lengthy discussion, the Committee asked Senate Legal Counsel Richard Lehmann to prepare a new draft for consideration at their next meeting incorporating language they had tentatively agreed upon.

ITEM #3

Discussion of the definition of "official duties" in RSA 14-C:2, IV(b)(8) and what constitutes acting in one's "official capacity as a representative of the senate ... or house" in RSA 14-C:2, III.

The Committee considered a request for guidance from Joyce Phinney, Manager, Legislative Accounting, on whether legislative employees must report the acceptance of reimbursement they receive from the General Court for costs associated with attendance at continuing education courses related to their profession and their position with the legislature. In her request, Ms. Phinney asked if such reimbursements would fall under the exception to "gift" set forth in RSA 14-C:2, IV(b)(8) [which states: "(b) Notwithstanding subparagraph (a), "gift" shall not include **** (8) Wages, salary, benefits, mileage, or payment for expenses paid to the person by the state, a county, or the United States of America related to performance of official duties"].

Attorney Lehmann referred the Committee to *Ethics Guidelines* Section 8, III(c). Following discussion, Attorney Bradley suggested that the Committee should issue an Interpretive Ruling stating that the Committee determined that a legislative employee may accept reimbursement from the General Court for the costs associated with attendance at continuing education courses related to their profession as an "expense reimbursement," pursuant to *Ethics Guidelines* Section 8, III(c), and that the recipient must report the reimbursement on the "Honorarium or Expense Reimbursement Report,"

pursuant to RSA 14-C:4. There was consensus on this suggested response and Chairman Sytek asked Mr. Lambert to prepare a draft ruling and circulate it to the Committee for their final approval.

The Committee postponed further discussion of definition of “official duties” and “official capacity as a representative of the senate ... or house” until its next meeting.

ITEM #4

Consideration of adoption of revised versions of the *Declaration of Intent* and *General Disclosure of Non-Financial Personal Interests* forms.

The Committee reviewed drafts of the two forms that had been distributed to them. Chairman Sytek explained that Senate Bill 35/Chapter 250 of the 2017 NH Laws, the recently-enacted law that made changes to the *Ethics Guidelines*, included changes to the two forms. She further explained that in the draft *Declaration of Intent* form she suggested the addition of a line under the option “Will not Participate” where legislators could describe the nature of the effect on the legislator, household member, or organization.

After brief discussion, Senator Fuller Clark moved to adopt the two revised forms. Representative Welch seconded the motion and the Committee voted 5 to 0 to adopt the forms.

ITEM #5

New/Other Business.

There was no new/other business.

ITEM #6

Scheduling of the next meeting.

The Committee scheduled its next meeting for Wednesday, September 13, 2017 at 2:30 P.M.

The Committee’s meeting adjourned at approximately 12:55 P.M.

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