

MINUTES  
LEGISLATIVE ETHICS COMMITTEE  
JANUARY 26, 2017 MEETING  
{Approved: February 6, 2017}

The Legislative Ethics Committee (RSA 14-B:2) met on Thursday, January 26, 2017, at 2:00 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, Attorney David H. Bradley, and the Honorable David W. Hess. Also present: Richard M. Lambert, Executive Administrator.

The Committee's meeting consisted of the following items:

ITEM#1

Review of 2017 Financial Disclosure Forms. Vote on accepting filings and transmittal to the Secretary of State.

The Committee reviewed a report from Mr. Lambert, which indicated the following:

- All 24 members of the Senate filed a form by the January 20, 2017 filing deadline.
- All Senate and House officers filed a form by the January 20, 2017 filing deadline.
- 386 members of the House, out of the 398 who were qualified to serve in the House, filed a form by the January 20, 2017 filing deadline, while 11 additional House members filed a form after the deadline.
- 1 House members had not filed a form.
- 9 House members filed forms that were incomplete.

The Committee discussed whether there may have been any extenuating circumstances involving the only House members who had not filed. Mr. Lambert reported that he had been told by the Speaker's Office and the House Clerk's Office that the member had been seriously ill all session and had not been sworn into office. Following brief discussion, the Committee agreed it would take no action against the member who had not filed.

The Committee discussed whether to take any action regarding the 11 House members who filed after the deadline. Chairman Sytek pointed out that the late filings were received within 6 days of the deadline. Following brief discussion, the Committee agreed it would take no action against the late filers.

The Committee instructed Mr. Lambert to contact the 9 members who filed incomplete forms to request that they make appropriate corrections to their forms.

Senator Fuller Clark moved to accept the forms and to transmit them to the Secretary of State, pursuant to RSA 14-B:3, IV and RSA 14-B:9. Representative Welch seconded the motion and the Committee voted 6 to 0 in favor of the motion.

The Committee thanked Mr. Lambert for his efforts in administering and processing the filings of the form. Mr. Lambert said that several other staff members should be given credit for their efforts in contacting legislators to remind them to file, including: Senate Chief of Staff Kristy Merrill, House Chief of Staff Terry Pfaff, Sandy Guinan, Executive Assistant of the Speaker's Office, Ryan Mahoney of the Senate Minority Office, Aaron Goulette and Megan Stone of the House Majority Office, and Eileen Kelly and Dan Mason of the House Minority Office.

## ITEM #2

Consideration of the draft *Minutes* from the Committee's meeting held on October 3, 2016.

Following review, Attorney Bradley moved to approve the *Minutes* following correction of a typographical error. Senator Carson seconded the motion and the Committee voted 4 to 0, with 2 abstentions, to approve the *Minutes*, as corrected.

## ITEM #3

Discussion of matters relating to “personal interest” and “verbal disclosure.”

The Committee held a lengthy discussion relating to questions and concerns raised by many legislators about the new provisions of the Ethics Guidelines relating to personal interest and verbal disclosure.

Senate Legal Counsel Richard J. Lehmann addressed the Committee and presented suggestions for possible amendments to the Ethics Guidelines and language for a possible interpretive ruling. The Committee discussed a possible new general form that would allow legislators to list public and private organizations where they or a family member may have a personal interest. Considerable consensus was reached on the general shape of possible changes and the Committee agreed to meet on February 6 to consider specific draft proposals.

a) An inquiry from Rep. Howard C. Pearl:

Representative Pearl contacted the Committee about the requirements to file a Declaration of Intent Form and make a verbal disclosure. He informed that he is a member of the House Committee on Environment and Agriculture and also is on the board of directors and serves as treasurer of the NH Farm Bureau. He asked if he has a personal interest in every bill the Farm Bureau takes a position on.

After brief discussion, the Committee agreed that based on the information presented Representative Pearl does have a personal interest in any bill on which the NH Farm Bureau takes a position and would have to comply with the requirements set forth in Ethics Guidelines Sections 6 and 7.

b) Two inquiries from Rep. Laurie Sanborn:

Representative Sanborn informed that there were bills heading to the House Fish and Game Committee that she might want to sign in on as being for or against. She asked if she would have a personal interest/conflict of interest due to having a NH Hunting/Fishing license and membership in a fish and game club.

After brief discussion, the Committee agreed that based on the information presented she would not have a personal interest as a hunting/fishing license holder or as a rank and file member of a fish and game club.

Representative Sanborn also asked for guidance regarding a scenario in which she would sign a “House blue sheet” before a public hearing and indicate support of or opposition to a bill but not testify on the bill. She asked if she were to file a declaration of intent form because of a conflict of interest, would she then be required to make a verbal disclosure as required by Ethics Guidelines Section 7.

After brief discussion, the Committee agreed that while Guidelines Section 7 would appear to require a verbal disclosure in the scenario described, as a practical matter, it is not clear to whom such disclosure would be made. Accordingly, the Committee advised that no verbal disclosure would be required. The Committee also agreed that this is an area of the Ethics Guidelines requiring more clarity.

ITEM #4

Consideration of a request for an Advisory Opinion from Representative Amanda Gourgue.

After a brief discussion, the Committee agreed that they would request more information from Representative Gourgue in order to address her inquiry.

ITEM #5

New/Other Business.

There was no new/other business.

ITEM #6

Scheduling of next meeting.

The Committee scheduled its next meeting on February 6, 2017, at 1:00 P.M.

The Committee's meeting adjourned at 4:56 P.M.

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