

MINUTES
LEGISLATIVE ETHICS COMMITTEE
JUNE 6, 2018 MEETING
{Approved: August 2, 2018}

The Legislative Ethics Committee (RSA 14-B:2) met on Wednesday, June 6, 2018, at 10:30 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, Representative David A. Welch, and Attorney David H. Bradley. Senator Martha Fuller Clark and the Honorable David W. Hess 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 May 22, 2018.

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

ITEM #2

Preliminary Investigation of *Complaint 2018-4*. {Confidential}

Representative Welch moved to enter nonpublic session pursuant to RSA 14-B:3, I(d) to deliberate on *Complaint 2018-4*. Representative Wall seconded the motion and the Committee voted as follows:

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

{MOTION ADOPTED}

{NONPUBLIC SESSION}

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

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

{MOTION ADOPTED}

Chairman Sytek announced that the Committee during its nonpublic session voted to resolve *Complaint 2018-4* by Informal Resolution with written advice, with the consent of the respondent. She also announced that the Committee had voted to make materials related to the complaint available on the Legislative Ethics Committee's website, but not to publish them in the House or Senate calendars.

ITEM #3

New/Other Business.

Senator Carson said the Committee should discuss the use of social media by legislators. She said that it has become a problem when legislators use social media to attack other legislators, or other people, and suggested that our current ethics laws are not really clear about what is acceptable. She asked whether there should be any guidelines to address legislators making inappropriate comments.

Chairman Sytek noted that House Chief of Staff Terry Pfaff, when he recently spoke to the Committee, said that House leadership was working on an amendment to House Rules to address that sort of “outside the legislature” activity.

Senator Carson said she didn’t know whether the behavior comes under decorum, civility, or something else, but asked if we need to make a very strong statement about how legislators are to behave against each other.

Representative Welch observed that everybody in the country has problems with civility. Public discourse, he said, is at such a low level it doesn’t even make sense to engage in it.

Representative Wall referenced the Ethics Guidelines’ Principles of Public Service, particularly paragraph IV (“Principle of Conduct, Legislators shall treat each other, legislative employees, and the public with dignity and respect”).

Attorney Bradley asked “What could we do other than be more specific?”

Senator Carson asked, “What do you do when the behavior rises to the level that it deserves attention? Should it should be left to the House or the Senate to take care of, or should there be a more formal process through the ethics committee?...If we attack each other on social media, is that something that rises to the level that the ethics committee needs to take a look at it?”

Mr. Lambert said the Committee’s ability to do that has been limited by Senate Bill 343 and the change to the definition of rule relative to the Committee’s jurisdiction. He said if the House or Senate adopts rules for “member conduct”, as Mr. Pfaff described, then a complaint involving a violation of those rules would be handled in the House or Senate.

Chairman Sytek again referenced the broader authority in the Principles of Pubic Service and suggested that it isn’t clear at this point how it will all work out.

After further discussion, Senator Carson said she would ask Senate Research to look into how other state legislatures handle the issue. The Committee agreed to resume its discussion at a future meeting.

ITEM #4

Scheduling of the next meeting.

The Committee’s next meeting will be at the call of the chair.

The Committee’s meeting adjourned at approximately 11:25 A.M.

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