

MINUTES
LEGISLATIVE ETHICS COMMITTEE
FEBRUARY 4, 2019 MEETING
{Approved: April 19, 2019}

The Legislative Ethics Committee (RSA 14-B:2) met on Monday, February 4, 2019, at 2:00 P.M. in Room 104 of the Legislative Office Building.

The following members were appointed for the 2019-2020 biennium:
Representative Edward M. Gordon, designated a Chairman
Honorable Donna Sytek, Public Member, designated as Vice Chairman
Senator Martha Fuller Clark
Senator Sharon M. Carson
Representative Janet G. Wall
Attorney David H. Bradley, Public Member
Honorable David W. Hess, Public Member

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

Chairman Gordon noted for the record that the Committee's meeting was required by statute, which states that the Committee is required to call a meeting by the 1st of February. {RSA 14-B:2, III.} He then asked each Committee member to introduce his or herself.

The Committee's meeting consisted of the following items:

ITEM#1

Consideration of the draft *Minutes* from the Committee's meeting held on November 14, 2018.

Following review, Senator Fuller Clark moved to approve the *Minutes* as presented. Mr. Hess seconded the motion and the Committee voted 6 to 0, with 1 abstention, to approve the *Minutes*.

ITEM#2

Review of 2019 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:

- Senate
 - All 24 members of the Senate filed a form by the January 18, 2019 deadline.
- House
 - All 400 members of the House filed a form by the January 18, 2019 deadline.
- Officers
 - The Senate Clerk, the House Clerk, and the House Sergeant-at-Arms filed their forms by the January 18, 2019 deadline.

Following a brief discussion, Senator Fuller Clark moved to accept the completed forms and to transfer them to the Secretary of State. Senator Carson seconded the motion and the Committee voted 7-0 in favor of the motion.

ITEM #3

New/Other Business.

1) A discussion of 2019 House Bill 122, “An Act allowing gifts, grants, and donations on behalf of state and national legislative association events.” The bill, according to its amended analysis, “excludes from legislative prohibitions and reporting requirements the solicitation and acceptance of gifts, grants, or donations on behalf of certain official state and national legislative association events.”

Representative Wall, who is chairman of the House Committee on Legislative Administration, said that her committee held a hearing on the bill and that House Clerk Paul Smith was among those who testified in support of the bill.

Vice Chairman Sytek pointed out that, if the bill becomes law, the Ethics Guidelines would have to be amended.

Senator Carson, who is a co-sponsor of the bill, recalled that the Committee had previously issued an advisory opinion (*Advisory Opinion 2007-4*) which said staff could solicit and accept contributions from lobbyists and other third parties to underwrite a conference that was scheduled to be held in New Hampshire. She said the bill would codify that and apply it to legislators as well.

Senator Fuller Clark asked if anyone was concerned that the bill included no limitation of any kind on the dollar amount of the gifts, grants, or donations that could be accepted.

Mr. Hess said if there is such a concern the Senate can consider putting some restriction to that effect.

Vice Chairman Sytek asked the Committee to consider a “worst-case scenario” in which the National Conference of State Legislatures (NCSL) decided to have their annual meeting in New Hampshire and the majority leader, Speaker, or Senate President is an officer in NCSL. She asked, “So you go to Big Pharma and you say, ‘Can you give us \$15,000?’ and they take it. How do you feel about that? When you host a conference, you’ve got to raise a ton of money and it’s not for yourself personally, it’s for the expenses of the conference. I’m worried about a legislator who is in a position to be helpful to a lobbyist, who might make a big contribution, would be compromised by this. That’s my concern.” She said that she doesn’t mind staff accepting the donations as much as she minds legislators doing it “because that’s where the conflict might arise.”

Senator Fuller Clark asked if the “gifts, grants, or donations” received would have to be made public. She said, “the bill doesn’t say, so you could be getting money to underwrite a conference and you haven’t told anyone where the money came from.” She said that disclosure is important.

Chairman Gordon suggested that the bill could be amended to add language such as “as long as contributions and their amounts are disclosed.” He then asked if the Committee would like to take any position on the legislation. (No one saw a need for that.)

Senator Carson said that as the bill makes its way into the Senate, “it’s certainly a discussion worth having and we’ll watch for it as it comes.”

2) Mr. Joseph S. Haas addressed the Committee. He said that he wanted to “put the two House members and the two Senate members (of the Legislative Ethics Committee) on notice” that he would appreciate it if they didn’t “go for the con” when the State Treasurer issues them a

check at the beginning of their terms. He said they should hold off on acceptance of their money until it actually becomes a debt due at the end of the session, and they should then be paid in gold or silver coin.

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 2:30 P.M.

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