

MINUTES
LEGISLATIVE ETHICS COMMITTEE
APRIL 19, 2019 MEETING
{ Approved: May 13, 2019 }

The Legislative Ethics Committee (RSA 14-B:2) met on Friday, April 19, 2019, at 11:30 A.M. in Room 104 of the Legislative Office Building.

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.

The Committee's meeting consisted of the following items:

ITEM#1

Consideration of the draft *Minutes* from the Committee's meeting held on February 4, 2019.

Following review, Vice Chairman Sytek moved to approve the *Minutes* as presented. Senator Carson seconded the motion and the Committee voted 7 to 0 to approve the *Minutes*.

ITEM#2

A discussion of the status of 2019 House Bill 122, "An Act allowing gifts, grants, and donations on behalf of state and national legislative association events."

House Clerk Paul Smith addressed the Committee and provided a brief background summary on the bill. He said that last fall he worked with House Legal Counsel James Cianci to try to come up with some potential language to codify an opinion issued by the Committee {*Advisory Opinion 2007-4*}, which allowed for staff to raise funds for National Conference of State Legislatures (NCSL) events. Mr. Smith recounted how he came before the Committee in October 2018 to discuss the proposed 2019 legislation and that the Committee suggested some changes and the changes were subsequently incorporated into the bill. That led to a bill introduced by Representative Diane Schuett and Senator Sharon Carson {HB 122}. Following the hearing on the bill in the House, it was amended further to clarify and strengthen the language providing that money can only be raised for organizations to which the legislature pays dues, essentially NCSL and the Council of State Governments (CSG). The bill then passed the House on the consent calendar.

Mr. Smith said he decided to come to the Committee's meeting when he saw the Committee's February 4 *Minutes* to address a couple of things that were discussed. He referenced a concern expressed by Vice Chairman Sytek about a "worst-case scenario" in which NCSL wanted to hold a national meeting in NH. He said he "wanted to briefly explain what that would entail" and described how an NCSL annual summit involves over 6000 attendees and said, "there is no place in NH capable of hosting an NCSL of that size." He added, "So, I wanted to address that because this type of worst-case scenario really wasn't applicable, to be frank."

Vice Chairman Sytek noted that the Committee’s advisory opinion only applied to staff solicitations and the bill applies to legislators as well. She said, “Okay, and while NCSL might not have a summit here, CSG has twice held an Eastern Regional Conference in NH, so the same concerns apply.” She pointed out that there were suggestions at the Committee’s February meeting that there should be disclosure for any funds that are collected.

Mr. Smith pointed out that NCSL does list all their donors, “so I don’t see that that would be a problem.”

Senator Fuller Clark noted that in the February 4 *Minutes*, Chairman Gordon recommended adding language into the bill that would say, “as long as contributions and their amounts are disclosed.” She said, “I think that is a very good idea and I think we will bring that to the (Senate committee) hearing.” She then asked Mr. Smith if he had any problems with adding that language.

Mr. Smith said, “I personally don’t, but the question is where...I’m just curious where you would create these sorts of filings, how you would administer them, whether you would put these forms into statute. So that’s my only question. I think if you get that specific, you need to address those as well.”

Senator Fuller Clark said, “If it were disclosed by the organization that received the money, to whom? It would be listed in their program or whatever it is. I’m just thinking if you want to really have great transparency, I think maybe it should be to some government entity.”

Vice Chairman Sytek asked, “Should it be the Secretary of State?”

Mr. Smith asked, “And who would be ultimately responsible? Would it be myself?”

Senator Fuller Clark said, “I would think it would be the Secretary of State by the solicitor. I just wrote, ‘Amounts are disclosed by the solicitor to the Secretary of State and kept on file.’”

Mr. Smith said, “My only suggestion is obviously we’d have to have a conversation with the Secretary of State unless you are going to put the specifics of the form, as you did with other forms, in the statute itself. I think that needs a little bit of time to develop the form and the process, so that might need an effective date later on.”

Chairman Gordon said, “My concern as a matter of policy, I don’t really have an issue with the underlying concept, my concern is with transparency. The issue is if, in fact, we’re going to have legislators or employees of the legislature soliciting funds, there ought to be some type of disclosure and some type of limit.”

ITEM #3

Examination of *Complaint 2019-1*, Initial Review of *Complaint 2019-2*, and Initial Review of *Complaint 2019-3*. {Confidential}

Senator Carson moved to enter nonpublic session pursuant to RSA 14-B:3, I(d) to conduct an Examination of *Complaint 2019-1*, an Initial Review of *Complaint 2019-2*, and an Initial Review of *Complaint 2019-3*. Senator Fuller Clark seconded the motion and the Committee voted as follows:

Attorney Bradley	Yea
Vice Chairman Sytek	Yea
Senator Fuller Clark	Yea
Chairman Gordon	Yea
Senator Carson	Yea
Representative Wall	Yea
Mr. Hess	Yea

{MOTION ADOPTED}

{NONPUBLIC SESSION}

{Representative Wall recused from participation in the examination of *Complaint 2019-1* and left the room during that part of the Committee’s nonpublic session.}

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

Attorney Bradley	Yea
Vice Chairman Sytek	Yea
Senator Fuller Clark	Yea
Chairman Gordon	Yea
Senator Carson	Yea
Representative Wall	Yea

Mr. Hess

Absent (had left the nonpublic session prior to the Initial Review of *Complaint 2019-3*)

{MOTION ADOPTED}

Chairman Gordon announced that the Committee during its nonpublic session, “addressed three complaints, with regard to *Complaint 2019-1*, the Committee voted 6 to 0 to discharge the complaint, with regard to *Complaint 2019-2*, the Committee voted to continue its Initial Review, and with regard to *Complaint 2019-3*, the Committee voted to dismiss with an admonishment and with notice to both parties.”

ITEM #4

New/Other Business.

{There was no new or other business.}

ITEM #5

Scheduling of the next meeting.

The Committee scheduled its next meeting on Monday, May 13, at 10:30 A.M.

The Committee’s meeting adjourned at approximately 1:10 P.M.

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