

MINUTES  
LEGISLATIVE ETHICS COMMITTEE  
SEPTEMBER 15, 2016 MEETING  
{Approved: October 3, 2016}

The Legislative Ethics Committee (RSA 14-B:2) met on Thursday, September 15, 2016, at 10:00 A.M. in Room 104 of the Legislative Office Building.

The following members were present: the Honorable Donna Sytek, Chairman, Representative Janet G. Wall, Representative David A. Welch, the Honorable John A. Graham, and Attorney David H. Bradley. Sharon M. Carson, Vice Chairman, and Senator Martha Fuller Clark 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 June 3, 2016.

Following review, Mr. Graham moved to approve the *Minutes*. Representative Welch seconded the motion and the Committee voted 5 to 0 to approve the *Minutes*.

ITEM #2

Consideration of the draft *Minutes* from the Committee's conference call held on August 22, 2016.

Following review, Mr. Graham moved to approve the *Minutes*. Representative Wall seconded the motion and the Committee voted 5 to 0 to approve the *Minutes*.

ITEM #3

Ratification of *Advisory Opinion 2016-3*, issued on August 22, 2016.

Chairman Sytek explained that the Committee adopted the opinion during the telephone conference call held on August 22<sup>nd</sup> (the minutes of which the Committee approved in Item #2). She explained that, under the Committee's rules, it needed to ratify the opinion at the succeeding meeting. {Procedural Rule 2, III}.

Following brief discussion, Mr. Graham moved to ratify *Advisory Opinion 2016-3*. Representative Welch seconded the motion and the Committee voted 5 to 0 in favor of the motion.

ITEM #4

Review of Advisory Opinions and Interpretive Rulings in light of the enactment of 2016 House Bill 458, "An Act revising the legislative ethics laws and the guidelines of the legislative ethics committee."

The Committee reviewed a report relating to the Committee's previously-issued advisory opinions and interpretive rulings which made recommendations as to whether changes made in the ethics statutes and guidelines would necessitate revisions or removal of the opinions and rulings from the Committee's website. Chairman Sytek explained that

the report made 4 recommendations: 1) **Remove** because the opinion is obsolete or requires too many changes; 2) **Post as is or with non-substantive changes**. Add notation that only references have been updated; 3) **Flag for committee review** to determine if we want to keep or remove; and 4) **Consider for possible revision and reissue**. Copies of the opinions and rulings were enclosed with each specific recommendation.

Chairman Sytek asked the members if they agreed that it would be a useful exercise to conduct the review and subsequently remove or revise the opinions and rulings. Following a brief discussion, there was agreement that it would be useful. The Committee then took up each of the recommendations.

1. **Remove**. Following discussion, Mr. Graham moved to remove the opinions and rulings pursuant to the recommendation. Representative Wall seconded the nomination and the Committee voted 5 to 0 in favor.
2. **Post as is or with non-substantive changes**. Following discussion, Representative Wall moved to post the opinions and rulings as recommended. Attorney Bradley seconded the motion and the Committee voted 5 to 0 in favor.
3. **Flagged for review**. The Committee reviewed *Advisory Opinion 2007-4*. Following discussion, Representative Welch moved to keep the opinion. Representative Wall seconded the motion and the Committee voted 4 to 1 in favor. The Committee reviewed *Advisory Opinion 2009-3*. Following discussion, Representative Welch voted to remove the opinion. Mr. Graham seconded the motion and the Committee voted 5 to 0 in favor. The Committee reviewed *Advisory Opinion 2010-1*. Following discussion, Mr. Graham moved to keep the opinion. Representative Wall seconded the motion and the Committee voted 5 to 0 in favor.
4. **Consideration of revision and reissue** The Committee reviewed *Interpretive Ruling 2007-1* and *Interpretive Ruling 2016-2*. Following discussion, there was agreement that the rulings should be withdrawn and revised to reflect changes made by the new law. The Committee agreed to consider issuing a new ruling or rulings at its next meeting.

#### ITEM #5

Consideration of adoption of the following revised forms:

- a) Declaration of Intent  
Following review, Attorney Bradley moved to approve the revised form. Representative Welch seconded the motion and the Committee voted 5 to 0 in favor.
- b) Financial Disclosure Form  
Following review, Representative Wall suggested capitalizing the word “inserting” in Section 1 where legislators and legislative officers are asked to insert their initials to indicate there is no qualifying income to report. She explained that over the years numerous forms have been submitted with either a check mark, “x”, or nothing in place of the required initials. She suggested that the change could help draw

members' attention to the requirement. Chairman Sytek then pointed out a typo in Section 2 of the form under item "g" where there were quotation marks instead of a colon. Mr. Graham moved to approve the revised form with the two changes. Representative Welch seconded the motion and the Committee voted 5 to 0 in favor.

- c) Honorarium or Expense Reimbursement Report  
Following review, Mr. Graham moved to approve the revised form. Representative Welch seconded the motion and the Committee voted 5 to 0 in favor.
- d) Complaint Form  
Following review, Mr. Graham moved to approve the revised form. Representative Welch seconded the motion and the Committee voted 5 to 0 in favor.

ITEM#6

Consideration of the publication of a new edition of the *Ethics Booklet*.

Following a brief discussion, the Committee agreed to consider the matter at its next meeting.

ITEM #7

New/Other Business.

There was no new/other business.

ITEM #8

Scheduling of next meeting.

The Committee tentatively scheduled a meeting on October 3, 2016, at 1:00 P.M.

The Committee's meeting adjourned at 11:44 A.M.

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