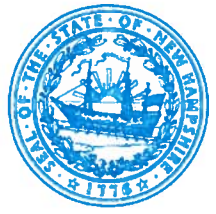




The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 7, 2019

The Honorable Jeffrey Goley
Chair, House Executive Departments and Administration Committee
Legislative Office Building, Room 306
Concord, NH 03301

RE: HB 150-FN – An act relative to the penalty for failure to file the financial disclosure form required under RSA 15-A.

Dear Chair Goley and Members of the Committee:

Thank you for the opportunity to comment on HB 150-FN. This bill would add a penalty of up to \$5,000 as well as late fees for anyone who fails to file a statement of financial interest under RSA 15-A by the annual deadline. The Department has concerns with this bill as introduced.

The statement of financial interest form authorized by RSA 15-A, intended to make any potential conflict of interest public information, applies not only to candidates for state or county office and state agency commissioners, but also those appointed to advisory councils, boards, commissions, and committees. These appointments can be made by the governor, governor and council, or other legislative bodies as well as by state agency heads. Many of the representatives appointed to these boards, committees, and commissions, however, are unpaid volunteers that have no decision-making authority and are responsible only for making recommendations to state agencies. HB 150 currently proposes to make these unpaid volunteers subject to penalties. These committees only function due to the generosity and hard work that these volunteers provide on behalf of New Hampshire. Given the concerns regarding this bill that we have heard from volunteers, we are worried that this bill could result in these volunteer committees being unable to recruit enough members to meet their quorum requirements.

Among the many committees that would be impacted by this legislation are the Rivers Management Advisory Committee (RMAC) and the 18 local river management advisory committees (LAC) authorized under RSA 483 as well as the Lakes Management Advisory Committee authorized under RSA 483-A. The value of the work conducted by these volunteers between 1988 and 2016 is estimated at \$1.4 million. Should this legislation pass and subject these volunteers to penalties for not filling out a form, many of the members of these groups have indicated that they will resign. This will leave undone all of the valuable outreach, education, oversight, water quality monitoring, river clean up, and other activities that these groups do on behalf of the state.

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The Honorable Jeffrey Goley
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Page 2

Of particular concern for this bill are the approximately 170 members of the 18 LACs authorized under RSA 483:8-a. These volunteers are nominated by their municipalities and appointed by the NHDES Commissioner to give municipalities a voice in the management of the river that connects their communities. The advisory committees report to me and to the RMAC, a Governor and Council appointed committee, on issues and concerns that impact the health of the rivers designated into the Rivers Management and Protection Program.

Given NHDES' concerns over the detrimental impacts on volunteer advisory group participation, we suggest amending HB 150 to make it clear that the requirement to file would not extend to those unpaid advisory committee members who are appointed solely by agency heads. This could be accomplished by making the following change to RSA 15-A:3 (Persons Required to File):

RSA15-A:3,I (e) Any public official designated, due to the responsibilities of the position, by the agency head, *excluding committee members appointed under RSA 483:8-a*.

NHDES is available to provide background and technical information to assist the committee as needed. Please feel free to contact Tracie Sales, Rivers and Lakes Programs Manager, at tracie.sales@des.nh.gov or 271- 2959, or me at robert.scott@des.nh.gov or 271-2958 if you have any questions or need additional information.

Sincerely,



Robert R. Scott
Commissioner

cc: Sponsors of HB 150-FN: Rep. W. Horn, Rep. J. Spillane