

MINUTES
LEGISLATIVE ETHICS COMMITTEE
JANUARY 29, 2009 MEETING
{Approved: March 23, 2009}

The Legislative Ethics Committee (RSA 14-B:2) met on Thursday, January 29, 2009, at 11:00 a.m. in the House Clerk's Conference Room in the State House.

The following members were appointed for the 2009-2010 biennium:

Senator Sheila Roberge
Senator Amanda A. Merrill
Representative Janet G. Wall
Representative Stella Scamman
Attorney Kimon S. Zachos, Public Member
Attorney Martin L. Gross, Public Member
Attorney Richard L. Russman, Public Member

The following members were present: Representative Janet G. Wall, Vice Chairman, Senator Sheila Roberge, Senator Amanda A. Merrill, and Representative Stella Scamman. Attorney Kimon S. Zachos, Attorney Martin L. Gross, and Attorney Richard L. Russman were unable to attend. Vice Chairman Wall chaired the meeting. The Committee's Executive Administrator, Richard M. Lambert, was also present. The Committee's meeting consisted of the following items:

ITEM #1

Consideration of the draft *Minutes* from the Committee's meeting held on November 18, 2008.

Vice Chairman Wall suggested that the Committee postpone consideration of the draft *Minutes* until its next meeting because only 2 members of the Committee who had attended the November 18 meeting were present. The Committee agreed.

ITEM #2

Report on the filings of the Financial Disclosure Form due by January 31, 2009.

Vice Chairman Wall asked Mr. Lambert to report on the filing of the forms by House and Senate members. She pointed out that, with the deadline for filing falling on a Saturday, the actual deadline would be extended to Monday, February 2.

Mr. Lambert distributed a table listing the names of House members, Senate members, and House and Senate officers that indicated who had filed and who had not. He said that at the time of the Committee's meeting there were 37 House members and 4 Senators who had not filed the form.

Vice Chairman Wall asked how it usually worked when the Committee arrives at the deadline and people have not filed.

Mr. Lambert said the Committee in the last 3 years has sent a letter to the presiding officer listing the names of those who have not filed and pointing out the provision that requires them to file and left it up to the House leadership to pursue the matter further. He added that there used to be a provision in the statute requiring the Committee to file a complaint on its own motion against those who had not filed the Ethics Guidelines form, but that requirement had been eliminated when the provision was amended by 2006 Senate Bill 206.

Vice Chairman Wall said that she could report from the House side that House Speaker Terie Norelli has announced regularly at the Chairman and Vice Chairman meetings that committee chairmen and vice chairmen should remind their committee members to file their forms.

Mr. Lambert said that he had been sending regular updates to both the Senate Chief of Staff and the House Chief of Staff and that both the Senate leadership and the House leadership had been very active in contacting non-filers and urging them to file.

Vice Chairman Wall said that she hoped that some of the problems with getting members to file would be remedied by the bill that Senator Merrill has sponsored, and she and Senator Roberge have co-sponsored.

Senator Merrill briefly described the bill {Senate Bill 155} and said it would consolidate the filings so that, instead of having to file both the Ethics Guidelines form and the 15-A form, legislators only have to file one form.

Mr. Lambert passed out 2 draft letters for the Committee to review and said that the Committee's practice has been to review the completed forms and then place them on file with the Secretary of State. One of the draft letters, he said, was a transmittal letter.

Following review and discussion, Representative Scamman moved to accept the transmittal letter to the Secretary of State. Senator Roberge seconded the motion and the Committee voted 4 to 0 to adopt the motion.

The Committee then reviewed the second letter: a letter to the Speaker of the House and, if necessary, to the President of the Senate, listing the names of members who had not filed a Financial Disclosure Form. Senator Roberge moved to send the letter. Representative Scamman seconded the motion and the Committee voted 4 to 0 in favor of the motion.

ITEM #3

New/Other Business.

Mr. Lambert reminded the Committee that it still owes Representative Michael O'Brien a written response to his request for an advisory opinion regarding the use of letterhead for a letter of recommendation for a constituent {see Item #2, November 18, 2008 *Minutes*}. He said he had informed Representative O'Brien verbally about the Committee's response immediately after the Committee's November 18, 2009 meeting and Representative O'Brien said there was no rush to send the formal written response because he had decided not to send the letter of recommendation on General Court letterhead, but was happy that the Committee had taken up the matter so the issue would be resolved for the future.

ITEM #4

Discussion about scheduling a joint meeting with the Executive Branch Ethics Committee (EBEC).

Vice Chairman Wall asked Mr. Lambert to explain for the benefit of the new Committee members why the 2 committees must meet.

Mr. Lambert said that 2006 Senate Bill 206 requires the 2 committees to meet jointly at least twice a year and that they had been able to meet only once in 2008 due to various circumstances.

Vice Chairman Wall said the concern in the House is that members will be very busy with their committees on Tuesdays, Wednesdays, and Thursdays right up until "Crossover" in April, so she suggested meeting on a Monday or Friday morning. Senator Merrill and Senator Roberge agreed that a Monday or a Friday would be better for them.

After further discussion, the Committee agreed to contact the EBEC and suggest three possible meeting dates: March, 23, 27, and 30.

The Committee's meeting adjourned at approximately 11:40 a.m.

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