

MINUTES  
LEGISLATIVE ETHICS COMMITTEE  
March 12, 2013 Meeting  
{Approved: August 20, 2013}

The Legislative Ethics Committee (RSA 14-B:2) met on Tuesday, March 12, 2013, at 10:00 A.M. in Room 104 of the Legislative Office Building.

The following members were appointed for the 2013-2014 biennium:  
Attorney Martin L. Gross, Public Member, designated as Chairman  
Representative Janet G. Wall, designated as Vice Chairman  
Representative Jordan G. Ulery  
Senator Jim Rausch  
Senator Martha Fuller Clark  
Mr. David A. Welch, Public Member  
Attorney Wilfred L. Sanders, Jr., Public Member

The following members were present: Representative Janet G. Wall, Vice Chairman, Representative Jordan Ulery, Senator Jim Rausch, Senator Martha Fuller Clark, Mr. David A. Welch, and Attorney Wilfred L. Sanders, Jr. Attorney Martin L. Gross, Chairman, was unable to attend. Also present: Richard M. Lambert, Executive Administrator. In the absence of Chairman Gross, Vice Chairman Wall chaired the meeting, which consisted of the following items:

ITEM #1

Consideration and Adoption of *Agenda*.

Representative Ulery moved to adopt the proposed *Agenda*. Attorney Sanders seconded the motion and the Committee voted 6 to 0 in favor of the motion.

ITEM #2

Consideration of the draft *Minutes* from the Committee's meeting held on October 11, 2012.

Vice Chairman Wall noted that because only 1 member of the Committee was present who was also present at the October 11, 2012 meeting, there would not be 4 members who could vouch for the accuracy of the *Minutes* as is required for Committee actions. Therefore, she suggested the Committee should vote to "accept and enter by consensus" the *Minutes* instead of approving them. The Committee voted 6 to 0 to accept and enter the *Minutes*.

ITEM #3

Review of 2013 Financial Disclosure Forms. Vote on accepting the filings and transmitting them to the Secretary of State.

The Committee reviewed a report from Mr. Lambert, which indicated the following:

- All 24 members of the Senate filed a form by the January 18, 2013 filing deadline.
- All Senate and House officers filed a form by the January 18, 2013 filing deadline.
- 384 members of the House, out of the 398 who were qualified to serve in the House, filed a form by the January 18, 2013 filing deadline.
- 13 additional House members filed a form, but did so after the January 18, 2013 filing deadline.
- 1 House member did not file a form, however, he resigned from the House on February 14, 2013.

The Committee held an in-depth discussion regarding the process for distributing, collecting, and processing the forms. Vice Chairman Wall asked Mr. Lambert to explain the process used each year. He said that the forms are mailed to each legislator's home around the middle of December with a cover letter that emphasizes the filing deadline, where to return the forms, and the penalty for failure to file. He said there are notices placed in the House and Senate calendars each week for at least a month that remind members of their responsibility to file. Regular reports on the status of

the filings are sent to the Senate President's and House Speaker's offices. The Senate and House chiefs of staff see to it that members are contacted directly with reminders as the filing deadline nears. Mr. Lambert said that he sits in the House anteroom on House session days and assists members in completing their forms. Announcements are made by House leadership during House sessions and at the weekly House "Chairmen and Vice Chairmen Meeting" to remind members to file. In sum, he said, all possible efforts are made to try to achieve timely compliance.

After review of the filed forms, Senator Fuller Clark moved to transmit the forms to the Secretary of State. Mr. Welch seconded the motion and the Committee voted 6 to 0 in favor of the motion.

Vice Chairman Wall asked Mr. Lambert to summarize the penalties for not complying with the filing requirement. He responded that failure to file is a potential misdemeanor and potential violation of the Ethics Guidelines.

Vice Chairman Wall said that "despite the best efforts we nevertheless have about 10-12 House members each year who fail to meet the filing deadline."

After further discussion, Senator Fuller Clark moved to send a letter to each of the 13 House members who filed a form after the required deadline. Senator Rausch seconded the motion and the Committee voted 6 to 0 in favor of the motion.

#### ITEM #4

Old Business.

a) Update on status of compliance with Chapter 126 of the NH Laws of 2012.

Mr. Lambert provided the Committee with an update on the status of compliance with the law, which requires posting of the Declaration of Intent Forms that are filed with the House and Senate Clerks' offices on the Committee's website in a timely manner. He informed the Committee that the Senate Clerk's Office had taken steps to make the forms accessible in an electronic format for posting in an efficient manner, while the House Clerk's Office has refused to do likewise.

#### ITEM #5

New Business.

a) Notice of the filing of *Complaint #2013-1*, *Complaint #2013-2*, and *Advisory Opinion Request 2013-#1*.

b) Representative Ulery expressed his concern about executive branch agency personnel allegedly lobbying legislators.

c) Senator Rausch and other new members of the Committee asked about Chairman Martin L. Gross and his background. Attorney Sanders and Representative Wall said they have known Martin Gross for decades and they remarked on his laudable legal career and extensive background with the legislature, as well as his outstanding work in public service. Other members agreed. Vice Chairman Wall said "we are most fortunate that Chairman Gross is willing to commit substantial time and effort to our Committee."

#### ITEM #6

Scheduling of next meeting.

The Committee will meet next at the call of the Chair.

The Committee's meeting adjourned at approximately 11:12 A.M.

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