

Voting Members:

**Michele L. Tremblay**  
Chair  
Conservation  
Community

**Larry T. Spencer**  
Vice Chair  
Conservation  
Commissions

**Edna Feighner**  
Historic/Archeological  
Interests

**Christopher Hodgdon**  
NH Fish & Game  
Commission

**Mark Lombardi**  
Granite State  
Hydropower  
Association

**Frederick J. McNeill**  
Municipal Officer

**Allan G. Palmer**  
Business & Industry  
Association

**Norman Sims**  
Recreational Interests

**Ruth Ward**  
Local River Management  
Advisory Committees

**Donald L. Ware**  
Public Water Suppliers

**Vacant**  
Agricultural Community

Non-Voting Members:

**Jennifer Gilbert**  
NH Office of  
Strategic Initiatives

**Mark Hemmerlein**  
NH Department of  
Transportation

**Kayla Henderson**  
NH Department of  
Safety (Interim)

**John Magee**  
NH Fish & Game  
Department

**Gail McWilliam Jellie**  
NH Department of  
Agriculture,  
Markets & Food

**Vacant**  
NH Department of  
Natural and Cultural  
Resources

Staff:

**Tracie Sales**  
Program Manager

**Jen Drociak**  
Watershed Coordinator

**Mariah Mitchell**  
Program Assistant

N.H. Rivers Management and Protection Program

# N.H. Rivers Management Advisory Committee

April 4, 2019

The Honorable Sharon Carson, Chair  
Senate Executive Departments and Administration Committee  
Legislative Office Building, Room 101  
Concord, NH 03301

**RE: HB 150** *An act relative to statements of financial interests filed by state officials.*

Dear Chair Carson and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) appreciates the opportunity to comment on House Bill 150 as amended, which adds an administrative fine of \$50 for anyone who fails to file the conflict of interest form under RSA 15-A. The RMAC has concerns about the impact of this bill on volunteer members of boards, committees, and commissions.

While some of the individuals required to complete the RSA 15-A financial disclosure form are state employees, the majority are unpaid volunteers who are members of advisory councils, boards, commissions, and committees. Many of these groups, including the RMAC, have no decision-making authority and only make recommendations to state agencies or the legislature, such as this letter of testimony.

Rivers Management Advisory Committee representatives are appointed to their positions by the Governor and Executive Council and are required to complete the financial interest form, and have no objection to doing so. However, representatives should not be monetarily penalized for caring about the management of New Hampshire's rivers simply because they may have forgotten to complete an annual form, which cannot currently be submitted electronically. The RMAC's interest in protecting the state's rivers is clearly stated in any recommendation we make, and any comment we submit is LESS likely to contain bias than that of the average citizen because of the wide array of interests we represent.

Similarly, Local River Management Advisory Committee members appointed by the Commissioner of the New Hampshire Department of Environmental Services (NHDES) are also subject to the requirements of RSA 15-A. These volunteers contribute thousands of hours each year to the protection of the rivers that flow through their communities, yet many of them have promised to resign should this legislation pass, as they cannot afford the threat of these fines. This will leave undone all of the valuable outreach, education, oversight, clean up, and other activities that these groups do on behalf of the state.

HB 150 proposes to penalize volunteerism in New Hampshire. Instead, the RMAC suggests that the language is amended to exclude volunteer members of advisory boards, committees, and commissions from the administrative fine. It has a chilling and prohibitive effect on the volunteerism on which New Hampshire thrives.

The existing language in RSA 15-A:6 “No person required to file a statement of financial interest pursuant to RSA 15-A:3, I, shall be eligible to serve in his or her appointed capacity prior to filing a statement in accordance with this section” already serves to penalize the committee as a whole, since those members who have not submitted their form cannot be included in a decision-making quorum. As a result, the chair of a committee with members who fail to file their financial interest forms will proactively seek to replace these members with representatives who will complete the forms. The financial penalty is unnecessary.

The RMAC is a legislatively created body charged to work with NHDES to administer RSA 483, the Rivers Management and Protection Program. The Governor and Council appointed Committee is comprised of members from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged with reviewing legislation relevant to the Program and with advising the NHDES Commissioner on the merits of such legislation.

In conclusion, the RMAC has concerns with HB 150 as amended, and recommends that volunteer members of advisory councils, boards, commissions, and committees be excluded from the administrative fee.

Should you have any questions regarding our testimony, please feel free to contact me at 603.796.2615 or [MLT@naturesource.net](mailto:MLT@naturesource.net).

Sincerely,



Michele L. Tremblay  
RMAC Chair

cc: Rep. Werner Horn  
Rep. James Spillane  
RMAC Representatives  
Robert R. Scott, Commissioner, NHDES  
Tom O'Donovan, Director, Water Division, NHDES  
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES  
Tracie Sales, Rivers and Lakes Programs Manager, NHDES  
Local River Management Advisory Committee Chairs