

State of
New Hampshire
HOUSE RECORD

First Year of the 155th Session of the General Court
Calendar and Journal of the 1997 Session

Vol. 19 Concord N.H. Friday, December 19, 1997 No. 101

Contains: Hearings, Notices, Work Sessions, Ethics Proposed Advisory Opinion and Amendment Proposed by the Rules Committee

HOUSE CALENDAR NOTICE

MEMBERS OF THE HOUSE:

As you begin your planning for our next legislative session, please remember that House policy committees will be scheduling meetings on January 6th. Both parties will also meet in caucus on that Tuesday.

We begin our first day of the 1998 session at 10:00 a.m. on Wednesday, January 7th. I do not expect that we will finish the calendar that day and have tentatively scheduled January 15th as our next session day.

During this holiday season, I would like to wish all of you peace and happiness. I look forward to seeing you all when we return to take up the issues of our 1998 session.

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Tuesday, January 6 at 11:00 a.m. in Representatives Hall.

Rep. Robert L. Wheeler, Majority Leader

NOTICE

There will be a Democratic Caucus on Tuesday, January 6 from 11:30 a.m. to 1:30 p.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

NOTICE

DECEMBER CALENDAR DEADLINES

Calendar Closes at NOON: Mailed:

Tues. Dec 23 Wed. Dec 24

Tues. Dec 30 Wed. Dec 31

Karen O. Wadsworth, Clerk of the House

NOTICE

DEADLINES FOR FILING 1998 BILLS

- SEPTEMBER 2** - Tuesday First day that requests for drafting of bills for introduction in the second-year session may be filed with the Office of Legislative Services.
- OCTOBER 1** - Wednesday Last day to file bill drafting requests.
- NOVEMBER 3** - Monday Last day to report all re-referred bills from the first-year session.
- NOVEMBER 7** - Friday Last day to file legislation relating to subject matter of study committees.
- NOVEMBER 21** - Friday Last day to sign off all bills requiring fiscal notes (FNs) and study committee bills. Sign- off shall be 10 calendar days after receipt by the sponsor of the draft legislation, or November 21, whichever day is earlier.
- DECEMBER 5** - Friday Last day to sign off all other bills. Sign-off shall be 10 calendar days after receipt by the sponsor of the draft legislation, or December 5, whichever day is earlier.- Monday Availability of chairmen's copies of all bills and resolutions.

1998-0219h

AMENDMENT TO HOUSE RULES 51, 52, AND 64

PROPOSED BY THE COMMITTEE ON RULES

Amend House Rule 51 to read as follows:

51. ~~[The Speaker may designate any legislative day as a Consent Calendar day by giving two days printed notice in the House Calendar.]~~ No bill shall be on a Consent Calendar unless the committee to which the bill was referred approves its placement on the Consent Calendar by a unanimous vote in executive session. Any member may request removal of any bill listed on the Consent Calendar. Any bill removed from the Consent Calendar shall be taken up at the conclusion of the Regular Calendar. All matters remaining on the Consent Calendar shall be acted upon without debate.

Amend house rule 52 to read as follows:

52. No standing rule of the House shall be suspended unless two-thirds of the members present vote in favor thereof. *A motion to suspend the rules is debatable.*

Amend House Rule 64 by deleting the entire rule and replacing it with the following:

64. Legislative action in the second-year session shall be subject to the following deadlines:

January 7, 1998, Wednesday	Opening day
January 29, 1998, Thursday	Last day to act on remaining re-referred bills not in second committee
February 4, 1998, Wednesday	Last day to report re-referred bills from a second committee
February 11, 1998, Wednesday	Last day to report House bills going to a second committee
February 12, 1998, Thursday	Last day to act on remaining re-referred bills from a second committee
February 19, 1998, Thursday	Last day to act on all House bills going to a second committee

February 20, 1998, Friday	Last day to report remaining House bills not in a second committee
February 23, 1998, Monday -	
February 27, 1998, Friday	Break
March 18, 1998, Wednesday	Last day to report all House bills from a second committee
March 26, 1998, Thursday-CROSSOVER	Last day to act on all remaining House bills
April 8, 1998, Wednesday	Last day to report all Senate bills going to a second committee
April 15, 1998, Wednesday	Last day to report all Senate bills which have not been referred to a second committee - except Finance
April 29, 1998, Wednesday	Last day to report all remaining Senate bills
May 7, 1998, Thursday	Last day to act on remaining Senate bills
May 14, 1998, Thursday	Last day to form Committees of Conference
May 21, 1998, Thursday	Last day to file Committee of Conference reports
May 26, 1998, Tuesday	Committee of Conference reports available
May 28, 1998, Thursday	Last day to act on Committee of Conference reports
June 3, 1998, Wednesday	All bills to the Governor

NOTICE

LEGISLATIVE ETHICS COMMITTEE

The Legislative Ethics Committee will hold a public hearing on Wednesday, January 21, 1998, at 3:00 p.m. in Room 304, LOB on a proposed Advisory Opinion. The proposed Advisory Opinion is printed below in its entirety.

Representative Jeb E. Bradley,
Chairman
Senator Richard L. Russman,
Vice-Chairman
Senator John A. King
Representative Sarah K.
Bonneau
Shawn N. Jasper
Peter C. Scott

PROPOSED

ADVISORY OPINION

The Legislative Ethics Committee has received and reviewed a request for an Advisory Opinion regarding the application of the conflict of interest disclosure procedure of the Guidelines as it may pertain to members of the General Court who own land subject to current use assessment. The

Committee was asked whether a legislator who has filed a general disclosure of ownership of land in current use assessment at the beginning of a legislative session must also file a Declaration of Intent Form for each individual bill the legislator votes upon which relates to the current use assessment and tax system.

The Committee has addressed the issue of current use land ownership previously. In Advisory Opinion 1996-1, the Committee ruled:

The current use tax system, unlike a tax of general application, is available and applies to a limited number of landowners, and accordingly, constitutes a financial interest, and therefore a potential conflict of interest, with respect to any official activity pertaining to the current use tax system. Therefore, a legislator who owns (or whose spouse owns) land in current use must file a conflict of interest disclosure form with the clerk with respect to any official activity which may affect the financial benefits or burdens of such ownership. (emphasis added)

Ethics Guidelines Section 2, VI defines "official activities" as:

...the conduct of activities which relate to official responsibilities including the introduction of legislation, testifying before any legislative committee or state agency, voting in committee or in house or senate session or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency.

Ethics Guidelines Section 5, Conflict of Interest Procedure, requires a legislator to file a Declaration of Intent Form with the clerk of the member's respective body "within 24 hours" of the time of the legislator's participation in any official activity in which the legislator has a potential conflict of interest. Although the Ethics Committee is currently considering a process which would allow legislators to file a general disclosure form at the beginning of the session, that process has not yet been adopted by the House and the Senate.

Accordingly, the Committee concluded that the Ethics Guidelines require a legislator with land in current use to file a Declaration of Intent Form for each bill for which the legislator has a potential conflict of interest.

COMMITTEE HEARINGS MONDAY, DECEMBER 22

COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), Room 207, LOB

1:30 p.m. Regular meeting.

TUESDAY, DECEMBER 23

COMMITTEE TO STUDY ACTIONS AND ALL INVESTIGATIONS OF THE LATE JOHN C. FAIRBANKS AND OTHER MEMBERS OF THE LEGAL PROFESSION (HB 688, Chapter 340, Laws of 1997), Room 208, LOB

10:00 a.m. Regular meeting.

TUESDAY, DECEMBER 30

COMMITTEE TO STUDY ACTIONS AND ALL INVESTIGATIONS OF THE LATE JOHN C. FAIRBANKS AND OTHER MEMBERS OF THE LEGAL PROFESSION (HB 688, Chapter 340, Laws of 1997), Room 208, LOB

10:00 a.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. Prison siting subcommittee meeting.

TUESDAY, JANUARY 6, 1998

MOUNT SUNAPEE AND CANNON MOUNTAIN PROPOSALS STUDY (HB 628, Chapter 119, Laws of 1997), Rooms 305-307, LOB

4:00 p.m. Regular meeting.

6:00 p.m. Public hearing on draft proposal.

SCIENCE, TECHNOLOGY AND ENERGY, Rooms 302-304, LOB

9:00 a.m. Rescheduled informational meeting to hear presentation on electric metering equipment by Enron Corporation.

STATEWIDE EDUCATION IMPROVEMENT AND ASSESSMENT PROGRAM LEGISLATIVE OVERSIGHT COMMITTEE (RSA 193-C:7), Rooms 205-207, LOB

7:00 p.m. Continuation of the public forum. Committee work session to follow.

FRIDAY, JANUARY 9

ACCESS TO DATA CONCERNING PHYSICIANS AND SURGEONS LICENSED UNDER RSA 329 STUDY, (SB 159, Chapter 233, Laws of 1997), Room 102, LOB

10:30 a.m. Regular meeting.

MONDAY, JANUARY 12

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19), Room 101, LOB

9:00 a.m. Regular meeting.

TUESDAY, JANUARY 13

NEW HAMPSHIRE COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN FOLKLIFE (SJR 20, Chapter 204, Laws of 1996), Room 307, LOB

3:00 p.m. Regular meeting.

WEDNESDAY, JANUARY 14

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB

9:00 a.m. Regular business.

9:30 a.m. Audits:

Comprehensive Annual Financial Report of the New Hampshire Retirement System for the Fiscal Year ended June 30, 1997.

State of New Hampshire Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 1997

New Hampshire Turnpike System Audited Financial Statements June 30, 1997.

FRIDAY, JANUARY 16

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular meeting.

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3), Room 103, LOB

10:00 a.m. Regular meeting.

WEDNESDAY, JANUARY 21

LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2), Room 304, LOB

3:00 p.m. Public hearing on a proposed Advisory Opinion regarding the requirement that a legislator file a Declaration of Intent Form for individual bills when a legislator has a potential conflict of interest.

Public hearing on a proposed amendment to the Ethics Guidelines for the 1999 session to allow a general disclosure of potential conflicts of interest.

(Amendment to be printed in the January 9 Calendar.)

Regular meeting.

FRIDAY, JANUARY 23

VEHICLE EMISSIONS ADVISORY (RSA 268:20,I), Room 304, LOB

10:00 a.m. Regular meeting.

MONDAY, JANUARY 26

BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Room 205, LOB

2:00 p.m. Regular meeting.

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB

9:30 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Strafford County Delegation will meet January 28 at 7:00 p.m. in Superior Courtroom 2 for a public hearing on the 1998 budget.

Rep. Deborah F. Merritt, Chairman

Strafford County Delegation

Mail slots are full! If you requested all bills last year you are automatically receiving them this year. Please empty mail slots weekly so that distribution may continue uninterrupted. Thank you.

Rob Johnson, Sergeant-at-Arms

House Continuing Education sessions will resume in mid-January, 1998. They will be held, as before, in Room 100, State House beginning at noon. A box lunch will be available for purchase there from the House Cafeteria staff. Members who attended these presentations in past years are urged to get in touch with us for two reasons: 1. To provide us with critiques of previous sessions; and 2. To provide us with your ideas as to appropriate subjects for the coming session. The schedule is filling up rapidly, so we would welcome your prompt responses. Please reflect your ideas either to me at Tel: 539-2001, Fax 539-2070, or email: ggh@worldpath.net, or to Ann FitzGerald at Tel: 271-3312, Fax: 271-6689, or email: ann.fitzgerald@leg.state.nh.us. Thank you.

Rep. Godfrey Howard

Pursuant to 1996 HR 62, the Finance Committee has prepared a report dated November 1, 1997, of its study of alternatives to fund public, primary and secondary education. Copies of the report are available from the Sergeant-at-Arms office. Members will find it both interesting and enlightening.

Rep. Neal M. Kurk, Chairman

Finance Committee

When the House Clerk is aware of House Members who are hospitalized or homebound by serious illness, it will publish a list of names and addresses so that their colleagues who so desire may send cards and greetings

George F. Brown, 13 Grove Street, Rochester, New Hampshire 03839-5511

Robert W. Foster, PO Box 602, Moultonborough, New Hampshire 03254-0602

Paul W. Taylor, 214 Harris Road, Nashua, New Hampshire 03060-3708

Karen O. Wadsworth, Clerk of the House

*****MEMBERS' NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or social activities and political meetings or events. Publication should not be construed as support for either the events listed or the view espoused by the individual or organization sponsoring the event.

NH Senators and Representatives may receive complimentary ski privileges for themselves and one guest upon presentation of proper credentials at the ticket window. The elected official must be present to personally present the credentials, unless prior arrangement has been made with Commissioner Thomson. *(Lift tickets are to be picked up at Guest Services at Sunapee; and at Guest Services or the Ticket Window at Cannon.)*

Rep. Gene G. Chandler

The Manchester Delegation will be meeting with Mayor Raymond Wiezorek on December 22 at 10:00 a.m. in the Conference Room of the Manchester Airport.

Rep. Lou D'Allesandro

The LSR 98-2732 Study Group (formerly called Family Resource Center Study Group) will meet Monday, December 29 at 1:00 p.m. in Room 205, LOB.

Rep. Barbara C. French

Legislators for Limited Spending will meet on Monday, January 5 at 9:00 a.m. in the Upham Walker House. Upcoming legislation will be discussed.

Rep. Frances L. Riley

The Legislative Caucus for Young Children will hold a forum on access to health care for young children on January 6 from 8:30 to 9:45 a.m. in the Upham Walker House. The program will include an informational presentation and a discussion of relevant pending legislation. All legislators are welcome.

Reps. Julie M. Brown, Iris W. Estabrook, Mary Stuart Gile and James P. Pilliod

AARP Welcoming Breakfast will be held January 7 from 8:00 to 10:00 a.m. in St. Paul's Church basement. All legislators are welcome.

Rep. Marian E. Lovejoy

The Greater Concord Chamber of Commerce cordially invites the Merrimack County Delegation and Leadership of the House to a legislative reception on Thursday, January 29 from 8:00 to 9:30 a.m. at the Historical Society at 30 Park Street, across from the LOB.

Rep. Miriam D. Dunn

The final public hearing for the Manchester Airport Access Road will be held at 6:30 p.m. Thursday, January 8, 1998, at the Manchester Armory on Canal Street. Executive Councilor Jim Normand will chair the formal meeting during which the Department of Transportation will present its final proposal for the access road layout. Representatives of the Army Corps of Engineers will be on hand. Members of the public will be afforded the opportunity to voice their comments at the hearing and will be given an additional 10 days to submit written comments. At a 2:00 p.m. session on January 8, display plans for the road will be available, and explanations will be offered to individuals whose property stands to be impacted by the road.

Rep. Steve Vaillancourt

The Department of Transportation will hold the following meetings:

Dec 22 - Pembroke Town Hall, 311 Pembroke Street, Pembroke, 7:00 p.m. Selectmen's meeting, Pembroke, reconstruction and signalization of US Route 3 and Broadway intersection and the US Route 3 and Academy Road intersection.

Jan 8 - National Guard Armory, 771 Canal Street, Manchester, plans displayed from 2-5 p.m., hearing presentation at 6:30 p.m. Joint public hearing NHDOT layout/Corps of Engineers-NEPA 404 permit, Bedford-Manchester-Londonderry-Litchfield-Merrimack, Manchester Airport Access.

Jan 13 - Southern NH Regional Planning Commission, 438 Dubuque Street, Manchester, 3:00 p.m. Committee meeting. Transportation Enhancement (TE) Advisory Committee.

Jan 20 - Southern NH Regional Planning Commission, 438 Dubuque Street, Manchester, 3:00 p.m. Committee meeting. Congestion Mitigation and Air Quality (CMAQ) Advisory Committee.

Jan 21 - Exeter Town Office Building, Nowak Room, 10 Front Street, Exeter, 7:00 p.m. Public hearing (Commission), Exeter NH Route 108.

Jan 29 - Chesterfield Elementary School Gymnasium, 535 Old Chesterfield Road, Chesterfield, 7:00 p.m. Public hearing (Special Committee), Chesterfield, NH - Brattleboro, VT, NH Route 9.

Rep. Gene G. Chandler, Chairman

Public Works and Highways

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of school groups visiting the State House in December 1997. These listings will replace individual notifications in an effort to reduce paper usage and to ensure all members will be notified in a timely manner. Please contact the Visitors' Center for further information. Thank you for your continued participation with our School Visitation Program.

Kenneth Leidner, Director

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>CLASS/Size</i>
Dec. 30	11:00	Meredith Senior Center	Senior citizens