

State of New Hampshire HOUSE RECORD

Second Year of the 157th Session of the General Court Calendar and Journal of the 2002 Session

Vol. 24 Concord N.H. Friday, March 1, 2002 No. 19

Contains: **Regular Calendar Reports for Thursday, March 7**, Hearing Schedule, Committee Meetings, Work Sessions and Notices

HOUSE CALENDAR

NOTICE

Members of the House:

The House will meet in session on the following dates at 10:00 a.m.: Wednesday, March 6; Thursday, March 7; Thursday, March 21; Thursday, April 4; Wednesday, April 17; and Thursday, May 2. April 11, 18, and 25 are also tentative dates.

We have scheduled sessions on Wednesday, March 6 and Wednesday, April 17, because they fall the day before a House deadline. Considering the amount of work we have to do to meet those deadlines, I am hopeful that we will avoid some very late nights by getting started a day early.

Chairmen and Vice Chairmen will meet on Tuesday, March 5, at 9:00 a.m. in Room 201, LOB.

Gene G. Chandler, Speaker

NOTICE

There will be Republican Caucuses on Wednesday, March 6 and Thursday, March 7 at 9:00 a.m. in Representatives Hall.

Rep. David M. Scanlan, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, March 6 at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building and on Thursday, March 7 at 9:00 a.m. in Rooms 306-308 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

NOTICE

As you remember we conducted a food drive just before the holidays which was a great success and very much appreciated by the NH Food Bank. All members and staff are invited to participate in another drive to benefit the NH Food Bank on March 6 and 7. Please bring non-perishable food items to the back of Representatives Hall and place them in the food drive receptacles.

Gene G. Chandler, Speaker

HOUSE DEADLINES

Thursday, January 24, 2002	Last day to report retained bills and supplemental House bills being referred to a second committee.
Thursday, January 31, 2002	Last day to act on retained bills and supplemental House bills being referred to a second committee.
Thursday, February 21, 2002	Last day to report all remaining retained bills and supplemental House bills.
Thursday, March 7, 2002	CROSSOVER. Last day to act on all remaining retained bills and supplemental House bills.
Thursday, March 21, 2002	Last day to introduce Senate bills.
Thursday, April 18, 2002	Last day to act on Senate bills.
Thursday, April 25, 2002	Last day to form committees of conference.
Friday, May 3, 2002	Last day to act on committee of conference reports.

LAID ON TABLE

CACR 7, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education. (Pending question is the adoption of the majority committee amendment.)

HB 730, establishing a committee to study the transfer of the Goffstown district court to a new location. (Pending question is adoption of the committee report of Ought to Pass with Amendment.)

THURSDAY, MARCH 7

REGULAR CALENDAR

EDUCATION

HB 1346, relative to participation in certain health education programs. **MAJORITY: OUGHT TO PASS WITH**

AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. P. Judith Sullivan for the **Majority** of Education: Due to the sensitive nature of teaching sexuality in our public schools, the majority of the Education Committee believes it is important that we provide the opportunity for the individual parents or legal guardian to decide if they want their child to participate in the sexuality component of the health curriculum. This bill, as amended, simply requires that the school district provide the parents or legal guardian with a clear outline of the sexuality component of the program and grant permission for their child to participate. **Vote 9-6.**

Rep. Iris W. Estabrook for the **Minority** of Education: The minority believes local school boards should retain authority over parental approval procedures for student participation in health education programs. We also see logistical problems in implementing this proposed law, especially in large school districts, such as Manchester. Additionally, in such districts the significant costs of implementation are mandated by this bill, raising 28-a issues.

HB 1446, relative to the recitation of the pledge of allegiance in the public schools. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Bruce L. Dearborn for the **Majority** of Education: This bill would require school districts to authorize a period of time during the day for the recitation of the pledge of allegiance and would require all pupils to stand during the recitation while retaining the voluntary nature of the recitation. The Committee thoroughly debated the merits and implications of the bill as well as possible amendments. The majority of the Committee continues to support the rationale stated in the original blurb on February 21st. The members of the Committee unanimously share the sense of pride and patriotism expressed by those who testified in favor of this legislation. But while the intent of the sponsors is clear, its practical impact is not. Some members were concerned that the bill, having no penalties for non-compliance, would have no binding effect. Other members were concerned that, if school districts were sued for non-compliance, court-imposed penalties could include fines or worse. Even schools that comply may face legal costs if they are sued on a Constitutional challenge to the mandate in the bill that all children must stand for the pledge. Some members were concerned that the bill amends existing statute that essentially codifies the Lord's Prayer and leaves it on the books as the prayer of "our pilgrim fathers" although New Hampshire is a state of many religious faiths. Many members believed that it is inconsistent to force children to honor freedom. The sense of the committee was that patriotism is best expressed freely from the heart, not mandated by government. **Vote 9-8.**

Rep. Stephen L'Heureux for the **Minority** of Education: Some members who voted with the minority feel that patriotism is borne from the heart and this legislation may not have the desired effect of the sponsor. However, those same members did recognize that daily recitation of the Pledge of Allegiance may lay the foundation for a lifetime of patriotism leading into adulthood and this solid foundation should begin in our elementary, formative years. The minority of the committee shares some of the concerns of the majority about the bill's workability and constitutional implications, but still believes that HB 1446 Ought To Pass.

FINANCE

CACR 30, relating to the legislature's authority to define and fund education, education taxes, and delegation of power to local school districts. Providing that the legislature shall have the authority to determine the content, extent, beneficiaries, and funding of education or to delegate that authority to local school districts; and it shall have the authority to determine the proportion of taxes necessary to fund public education which shall be provided by state and local taxes and judicial review of the legislative determination shall be limited to whether the legislature has a rational basis for its decision. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert L. Wheeler for the **Majority** of Finance: This CACR returns to the people, through their elected representatives, the power to determine the content, extent, beneficiaries, and funding of public elementary and secondary education. It allows the legislature to delegate that authority to local school districts, and it allows the legislature to determine the proportion of taxes necessary to fund public education that will be provided by the state and by its municipalities. The CACR also restores the rational basis test as the standard by which the courts judge the constitutionality of education legislation. This CACR does not change the duty of the state to provide and pay for an adequate public elementary and secondary education. Rather, it enhances the legislature's ability to craft the best possible education and education funding policies for our state. The Committee believes that it is the legislature that is best designed to perform this function. The CACR preserves our traditional separation of powers doctrine; it doesn't limit or remove the power of the court to review legislation. Rather, it clarifies that the court does have that power and establishes the extent of that authority. As a result, the people of this state will continue to have constitutional protection against unequal treatment in the access to or quality of public elementary and secondary education. **Vote 10-9.**

Rep. Elizabeth S. Hager for the **Minority** of Finance: The purpose of this amendment is to limit the power of the courts to review legislation concerning education. It does this by inserting into the constitution limitations that would require the courts to use the lowest possible standard of judicial scrutiny. This significant constitutional change in the power of the judiciary has been proposed, not by the Judiciary Committee, but by the Finance Committee. This amendment closely resembles CACR 7, except that it also provides for delegation of the legislature's powers and responsibility to fund education to local school districts, cities and towns. If CACR 30 makes it through the process by which the citizens of New Hampshire amend the constitution, it would mean that, as a practical matter, the people of New Hampshire would no longer be able to look to the New Hampshire Constitution as a protection against unequal treatment in the access to or quality of education, as well as the manner in which it is funded. Passage would also mean injury, if not death, to the principles of judicial review that have governed this nation and this state for two hundred years. The concept of the separation of powers of each of the three branches is central to our government. So too, however, is the right, indeed the obligation, or the judicial branch to review and resolve questions concerning the actions of the legislative and executive branches. This concept reflects the core values of our founding fathers. The federal case establishing these principles is *Marbury v. Madison*. In New Hampshire, Levi Woodbury, one of the state's most distinguished jurists, articulated the same principles in *Merrill v. Sherburne* in 1818. Justice Woodbury quotes Mr. Madison and Mr. Jefferson when he states, "...in the distinct and separate existence of the judicial power consists one main preservative of the public liberty; that indeed 'there is no liberty, if the power of judging be not' separated from the legislative and executive powers." Woodbury states, "One prominent reason for creating the judicial, distinct from the legislative department, was that the former might determine when laws were thus 'repugnant,' and so operate a check upon the latter." A review of every state constitution has uncovered very few references to judicial review. In two states – Georgia and North Dakota – there are express provisions granting courts the power of judicial review. Michigan's constitution makes reference to limiting judicial involvement in the recall process for elected officers. California limits the power of the courts in certain criminal matters – something that we in New Hampshire have accomplished through statute, without tampering with our constitution. Should we be tampering with our constitution because some of us didn't like a particular decision made by a particular court, confronting a particular set of circumstances? No state, nor the United States, has put into its constitution a standard, named but not defined, of judicial scrutiny. No state, nor the United States, has effectively removed the power of the judiciary to review acts of the legislature that directly affect the lives – and the fortunes – of every citizen. New Hampshire should not be the first.

HB 672, relative to insurance coverage for mental and nervous conditions and for treatment for chemical dependency. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: The sponsor of this bill informed the Committee that there was no fiscal impact on either the state or counties, or local municipalities. In reality, it was found that the cost impact on the general fund would be at least \$105,000, and the estimated revenue impact on the general fund would be about \$15,000. The additional county, local and long-range effects of this bill would increase health insurance plan costs, absent any other changes municipalities may pursue, by between 0.15% and 0.40%. The Committee believes this is not the time to increase financial burdens on the state, counties, cities and towns, or indeed, on employers and employees – our constituents – who will have to pay higher health insurance premiums if this bill becomes law. **Vote 13-8.**

HB 1259-FN-L, relative to the base cost for calculating adequate education grants. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth L. Weyler for the **Majority** of Finance: This bill adopts the Northeast Regional Consumer Price Index for adjusting the base cost for calculating education grants. The amendment spells out that the figure is only used once in the biennium, thus the annual rate must be doubled to make the proper adjustment. The rate is also an average of four years to promote stability by eliminating large fluctuations. The CPI is a reflection of the costs that drive up wages, the major cost of school spending. The committee is hopeful that, by using this standard, education grants will more accurately reflect the true cost of providing an adequate education. Both state and local budgeting should benefit by having more predictable funding levels. **Vote 12-6.**

Rep. Linda T. Foster for the **Minority** of Finance: The majority argues that capping the Adequate Education Grants will keep them from spiraling out of control. The minority does not believe that the CPI reflects the true costs associated with education. Moreover, the minority knows that the result of this bill will simply raise costs for the local property tax payers.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1242, relative to the required vote for approving school district bond articles. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Brundige for the **Majority** of Municipal and County Government: The original bill would have changed a vote for school district bond articles in traditional town meeting form of government, from 2/3% to ¾% of the voters present and voting at an annual or special meeting called for that purpose. The committee rejected that proposal unanimously. Subsequently, several amendments were reviewed and rejected each changing the percentage required from 2/3 to something else. Traditionally, all bond articles have required a 2/3% vote. In 1999 the General Court voted to lower the percentage needed to pass bond articles in SB 2 towns from 2/3 to 3/5. The majority of the committee voted for the amendment to reestablish the historic requirement of 2/3% vote for all bond issues, whether for a school district or municipality in all forms of governance, so that the bond articles which have a life of 10, 15, or 20 years has significant support from the taxpayers in SB 2 communities. Passage of this bill would negate the need for the current court case and free the affected SB 2 communities to reconsider all bond articles which are currently blocked by the court action. **Vote 12-5.**

Rep. William G. Johnson for the **Minority** of Municipal and County Government: Recognizing substantial differences in the voting methods between the ballot law towns (SB 2) towns and towns governed by town meeting, the General Court voted in 1999 to lower the percentage needed to pass bond articles in SB 2 towns from 2/3 to 3/5. Although challenged in the courts, judicial decisions to date have supported the constitutionality of this legislation. HB 1242 would eliminate that differential by requiring a 2/3 vote in SB towns. The minority of the committee agrees with the overwhelming testimony heard before the committee in opposition to HB 1242. Based on historical evidence, the passing of school bond articles in SB2 towns would become almost impossible at a time when New Hampshire schools have significant capital needs. The bill would allow an even smaller minority to thwart the will of a vast majority, creating minority rule. The easier voting process under SB 2 warrants a lower voting threshold. In comparison, the state legislature adopts bonds by only a majority vote. Furthermore, this would establish a state mandate where it is not needed. If SB 2 towns or school districts want to adopt a 2/3 % requirement, they can adopt a charter form of official ballot voting. The minority finds no valid reason to change the status quo. For the sake of our children's education, we urge that the majority's recommendation be overturned and that HB 1242 be voted "Inexpedient to Legislate".

WAYS AND MEANS

CACR 35, relating to property taxation for education funding. Providing that the state shall not impose a real property tax to fund public education that requires the taxpayers in any political subdivision to provide funds in excess of the amount required to support the cost of public education for pupils in such political subdivision, nor shall the state require any political subdivision to impose, collect, or remit such a tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey D. Gilbert for the **Majority** of Ways and Means: Under current law, all New Hampshire municipalities are required to assess and collect the Education Property Tax (EPT). The EPT is a major source of revenue for funding the state's "adequate education grants" to municipalities. The EPT is imposed at a uniform rate throughout the state. As a result, some municipalities are required to collect more EPT than is needed to fund the State's "adequate education grants" to them, and must transfer the excess to the State. Current law refers to these transferred funds as the "Excess Education Property Tax payment." The Excess Education Property Tax payment is what has created the so-called "Donor Town" problem. Over the past 3 years, 55 New Hampshire communities have been required to collect and transfer to the State nearly \$85 million from their property taxpayers. The projected transfer for the current fiscal year is another \$35 million. This \$120 million has been collected from donor town taxpayers without regard to their ability to pay, and is no longer available to support local projects. Because of the formula for calculating adequate education grants, low/moderate income homeowners in donor towns wind up paying additional property taxes to lower the taxes of well-to-do taxpayers in receiver towns. The result of this has injected an unjust, highly divisive element into the way the state supports public education. CACR 35 will prohibit collection of the "Excess Education Property Tax". Under the Committee amendment, the CACR would modify Part 2, Article 5 of the New Hampshire Constitution to provide that if the State uses the EPT as a source of revenue for meeting its adequate education funding responsibility, the State cannot collect or require a municipality to collect more EPT than the state contributes to support the cost of adequate education for its pupils. A constitutional amendment is needed to do this because of a decision of the New Hampshire Supreme Court in *Opinion of the Justices (School Financing)*, 142 N.H. 892 (1998) ("ABC Plan") which struck down property tax abatements that would have avoided the current problem. If adopted by the voters, CACR 35 would modify that court decision. This CACR would also nullify the current statute which requires municipalities to remit Excess Education Property Tax payments to the State. CACR 35 would not prohibit the State from continuing to use the EPT as a source of funds for adequate education grants, nor would it require that the EPT be set at any particular rate. Also, the CACR would not affect any other education funding relationships, such as funding arrangements among municipalities participating in cooperative school districts. CACR 35 would apply only, as the language states, to a real property tax used by the State to fund public

education, and then only would limit the collection of such a tax in a city or town to the amount contributed by the state to support the cost of public education in that city or town. CACR 35 would modify the "proportionality" principle only in relation to the EPT, and then only to the extent needed to eliminate the Excess Education Property Tax payment. In the past, voters have approved other modifications to strict "proportionality" for good public purposes, such as the timber tax amendment and the current use amendment, which are now parts of the state constitution. If adopted by the voters, CACR 35 would apply to tax years beginning on and after April 1, 2003, which would delay its fiscal impact until the State's biennium that begins July 1, 2003. CACR 35 would not add to any deficit in the current biennium. **Vote 9-7.**

Rep. Frank V. Sapareto for the **Minority** of Ways and Means: The minority of the committee would love to give property tax decreases to those who truly need it. This bill fails to do that. The effect of this bill would allow those communities who already have the lowest property tax rates to further reduce them at over a \$32 million cost to towns that have the highest tax rates in the state. The minority believes that if we take the drastic step to change our Constitution to help aggrieved taxpayers, we should be helping taxpayers who need it the most. Unfortunately, this bill only raises those taxes for those paying stratospheric tax rates while further reducing the lowest tax rate in the state.

HB 1462-FN-A-LOCAL, eliminating the statewide education property tax as a source of funding adequate education. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. David W. Hess for the **Majority** of Ways and Means: If passed in its current form, this bill would repeal the statewide education property tax without in any way revising or reducing the state's current obligation to fund an adequate education. This would create a revenue shortfall of almost \$500 million without any provision for replacing that revenue. In fact, the only possible source for such a huge sum is a state income tax. A majority of the committee voted to send this bill to interim study after an original deadlock vote of 8-8. Interim study will allow the Ways and Means Committee to do precisely what the minority wants – consider and act on the information which should become available from the Charles River tax modeling software. But with interim study, the committee could start the process six months earlier than it could if this bill were passed. In fact, interim study will give the Ways and Means Committee nine months to study this issue and propose fiscally responsible legislation rather than just three months. A statewide property tax has been an essential component of every single proposal to fund education over the last four years, including "ABC", "Excel", "Hager-Below", and all other income, sales and consumption tax proposals. A total repeal of this tax without deliberate study and without specifying an alternate revenue source is the height of fiscal irresponsibility and will place the state's credit rating at extremely great risk. **Vote 10-6.**

Rep. John S. Langone for the **Minority** of Ways and Means: When we first passed the statewide property tax, we promised the citizens of New Hampshire that the tax was a temporary solution that would sunset in 2003. Last year the legislature broke that promise. The statewide property tax sets the poorest among us against the common goal. Donor towns are hit doubly hard. The decision to make the statewide property tax a permanent tax was made without the benefit of information that should be available this year from the Charles River tax modeling software. Those models will provide objective information on the offset of this tax or other taxes on the New Hampshire economy. By sunsetting the statewide property tax now, we give the legislature the opportunity to take the next year and a half and come up with an equitable, long-lasting and fiscally responsible solution.

COMMITTEE MEETINGS

MONDAY, MARCH 4

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Room 301, LOB

2:00 p.m. Regular meeting.

COMMISSION TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (HB 1390, Chapter 114:2, Laws of 2000), Room 205, LOB

10:00 a.m. Regular meeting.

DEVELOPMENTAL DISABILITY WAITLIST FUND ALLOCATION OVERSIGHT COMMITTEE, (RSA 171-A:1-b), Room 205, LOB

1:00 p.m. Regular meeting.

FISCAL COMMITTEE (RSA 14:30-a), Room 212, LOB

1:00 p.m. Subcommittee on Tax Simulation and Forecasting Models – Charles River Associates (CRA) status report..

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 203, LOB

11:00 a.m. Subcommittee work session on ***HB 1464-FN***, prohibiting human cloning in New Hampshire.

Room 205, LOB

12:30 p.m. Subcommittee work session on ***HB 1478-FN-A***, relative to public health emergency preparation and response.

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), CDFA Boardroom, 10 Dixon Avenue, Concord

8:30 a.m. Regular meeting.

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

9:00 a.m. Hearing and regular meeting.

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3), Room 102, LOB

9:30 a.m. Subcommittee work session.

TUESDAY, MARCH 5

ADMINISTRATIVE RULES (RSA 541-A:2), Room 301, LOB

Noon Work session.

COMMERCE, Room 302, LOB

10:00 a.m. ***SB 52***, relative to liquor liability insurance coverage.

10:30 a.m. ***SB 313***, relative to penalties for misrepresenting age for the purpose of procuring liquor or beverage.

11:00 a.m. ***SB 362***, relative to the membership and duties of the New Hampshire film and television commission.

1:15 p.m. ***SB 392***, establishing a committee to study certification of mortgage loan originators.

1:45 p.m. ***SB 394***, relative to the duties of the advisory committee on international trade.

2:30 p.m. ***SB 399***, regulating demand drafts under the New Hampshire Uniform Commercial Code.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. ***SB 186-FN***, relative to the powers and classification for criminal justice and consumer protection investigators of the department of justice and for county attorney investigators.

11:00 a.m. ***SB 386***, relative to automated external defibrillators.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EDUCATION, Room 207, LOB

10:00 a.m. **HB 1483**, relative to filling vacancies occurring on school boards.

11:00 a.m. **SB 395**, making certain changes to the laws pertaining to special education.

1:00 p.m. **SB 352**, establishing a committee to study alternative regional public school programs for children who are at-risk.

2:00 p.m. **SB 34**, relative to the process for nonrenewal of teacher contracts.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. **HB 1482-FN-A**, re-authorizing the motor oil discharge cleanup fund established under RSA 146-F, and establishing new positions at the department of environmental services and making appropriations therefor.

11:00 a.m. **SB 353**, relative to the definition of "sugar orchard" for purposes of the timber yield tax.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 105A, State House

9:00 a.m. Subcommittee work session on **HB 1470-FN**, transferring tobacco products sales licensing authority to the liquor commission and increasing tobacco products sales license fees.

Room 100, State House

9:00 a.m. Subcommittee work session on **HB 1461-FN**, transferring the office of emergency management to the department of safety, division of fire safety.

10:00 a.m. **SB 331-FN**, relative to the purchase of certain prior service credit by members of the retirement system.

11:00 a.m. **SB 330**, relative to the administration of a patient's own prescription by emergency medical care providers.

1:30 p.m. **SB 324**, urging a study of the operating efficiency of state government.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FINANCE, Rooms 210-211, LOB

10:00 a.m. **SB 425-FN-L**, revising the formula used to calculate the cost of an adequate education.

Executive session on pending legislation may be held time permitting, throughout the day, from the time the committee is initially convened.

FINANCE - (DIVISION I), Room 209, LOB

Work and executive session on the following bills:

9:30 a.m. **HB 1102**, establishing a hazardous waste coordinator certificate program and making an appropriation therefor.

11:00 a.m. **HB 1305-FN**, relative to the pollution prevention program.

FINANCE - (DIVISION II), ROOM 212, LOB

Work and executive session on the following bill:

11:00 a.m. **HB 1440-FN-A-L**, establishing a New Hampshire local government records management improvement program and fund and making an appropriation therefor.

FINANCE - (DIVISION III), ROOM 210-211, LOB

Work and executive session on the following bill:

11:00 a.m. **HB 1100-FN-A**, requiring review of judges by the judicial conduct commission and relative to staffing of the judicial conduct commission and making an appropriation therefor.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

10:00 a.m. **SB 320**, establishing a study committee to review independent living retirement communities.

11:15 a.m. **SB 400**, establishing a committee to study issues concerning the Poison Information and Control Center.

1:30 p.m. **SB 342**, relative to the purpose of the certificate of need law.

2:30 p.m. **SB 413**, establishing a committee to study background checks for nursing home employees.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:15 a.m. **HB 1481-FN-LOCAL**, relative to a highway construction project in Nashua.

11:15 a.m. **SB 380**, establishing a committee to study the space needs of the division of safety services within the department of safety.

1:15 p.m. **SB 414**, relative to the committee allowing the use of business logo signing on the mainline of limited access and divided highways.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. Subcommittee work session on **HB 1449-A**, relative to the New Hampshire rivers management and protection program and making an appropriation therefor.

1:30 p.m. Executive session on pending legislation.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. **SB 301**, relative to an innovation initiative within the division of economic development.

10:45 a.m. **SB 361-FN**, establishing a committee to study developing computerized emergency warning systems that use the enhanced 911 data base to provide telephone subscribers with a telephone warning of an emergency situation.

11:30 a.m. **SB 366**, relative to the biennial reports of the public utilities commission.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

1:00 p.m. Full committee work session on **HB 1447**, establishing a committee to study methods of supporting the continued operation of wood-fired electrical generating facilities.

WEDNESDAY, MARCH 6

ADEQUATE EDUCATION AND EDUCATION FINANCING COMMISSION (RSA 198:49), Room 105A, State House

2:30 p.m. All House and Senate Education members are invited to an informational meeting on Federal Bill HR 1, no child shall be left behind. The informational meeting is presented by Commissioner Nicholas Donohue.

THURSDAY, MARCH 7

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

Immediately following the House session, subcommittee work session on *HB 1464-FN*, prohibiting human cloning in New Hampshire.

FRIDAY, MARCH 8

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB

1:00 p.m. Complaint hearings.

COMMISSION ON THE STATUS OF COMMUNITY-TECHNICAL EDUCATION (SB 503, Chapter 272:35, Laws of 1998), New Hampshire Technical Institute, Student Senate Room, Second Floor, Wellness Center, College Drive, Concord

10:00 a.m. New Hampshire Community Technical College System will host the regular meeting at the New Hampshire Technical Institute, Concord

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

9:00 a.m. Subcommittee work session on *HB 1478-FN-A*, relative to public health emergency preparation and response.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 306, LOB

9:00 a.m. Regular meeting.

MONDAY, MARCH 11

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Room 301, LOB

2:00 p.m. Regular meeting.

CERTIFICATE OF NEED TASK FORCE (RSA 151-C:16), Room 203, LOB

10:00 a.m. Regular meeting.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 205, LOB

1:00 p.m. Regular meeting.

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

9:30 a.m. Regular meeting.

WEDNESDAY, MARCH 13

211 COMMISSION (HB 707, Chapter 258:1, Laws of 2001), Room 304, LOB

2:00 p.m. Regular meeting.

ELECTION LAW, Rooms 306-308, LOB

10:00 a.m. **SB 3**, apportioning congressional districts.

10:30 a.m. **SB 1**, apportioning state senate districts.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

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

9:00 a.m. Regular business.

9:30 a.m. Audits: management letter for the State of New Hampshire for the year ended June 30, 2001.

State of New Hampshire, Department of Environmental Services. Performance –based budgeting audit report March 2002.

JUDICIARY, Room 208, LOB

10:00 a.m. **SB 368**, granting probate courts the power to issue attachments and levies of execution.

10:30 a.m. **SB 369**, relative to compensation of guardians and conservators for administrative expenses.

11:00 a.m. **SB 383**, relative to the location of district courts within judicial districts and changing the names of certain judicial districts.

1:00 p.m. **SB 306**, extending the reporting date of the commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

LEGISLATIVE ADMINISTRATION, Room 307, LOB

1:00 p.m. **SB 411**, extending the reporting dates of certain study committees.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Informational session on TIFs (Tax Increment Financing).

1:00 p.m. Rescheduled public hearing on **SB 177-FN-L**, relative to computation of tax increments in municipal economic development and revitalization districts.

2:00 p.m. Rescheduled public hearing on **SB 351**, establishing a commission to study the expansion of projects eligible for financial assistance under RSA 486-A.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. **SB 419**, relative to notification of groundwater contamination.

11:00 a.m. **SB 398-FN**, authorizing an increase in admission fees for the Seacoast Science Center at Odiorne Point state park in Rye, New Hampshire.

1:00 p.m. ***SB 317***, establishing a committee to study boat registration fees and eradication of milfoil and other exotic weeds.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FRIDAY, MARCH 15

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

9:00 a.m. Regular meeting.

COMMISSION ON THE EDUCATION OF THE DEAF (HB 1283, Chapter 43:2, Laws of 2000), Room 205, LOB

10:00 a.m. Regular meeting.

TASK FORCE TO STUDY PRIVACY ISSUES AS THEY PERTAIN TO FEDERAL LAW (HB 702, Chapter 256:8, Laws of 2001), Rooms 210-211, LOB

9:00 a.m. Rescheduled regular meeting.

MONDAY, MARCH 18

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Room 301, LOB

2:00 p.m. Regular meeting.

CIVIL WAR MEMORIALS COMMISSION (RSA 21-K:18), Room 203, LOB

2:00 p.m. Regular meeting.

ELDERLY AFFAIRS (RSA 17-H:2), Room 205, LOB

10:00 a.m. Regular meeting.

WEDNESDAY, MARCH 20

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB

9:00 a.m. Regular meeting.

RESOURCES, RECREATION AND DEVELOPMENT, Rooms 305-307, LOB

10:00 a.m. ***SB 410***, relative to large groundwater withdrawals.

Room 305, LOB

1:30 p.m. ***SB 356***, relative to naming a certain body of water in Lake Winnepesaukee in the town of Meredith.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FRIDAY, MARCH 22

LONG-TERM CARE RATE ADVISORY COMMITTEE (RSA 151-E:6-a), Room 100, State House

1:00 p.m. Regular meeting.

MONDAY, MARCH 25

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Room 301, LOB

2:00 p.m. Regular meeting.

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

2:00 p.m. Regular meeting.

FRIDAY, MARCH 29

EQUALIZATION STANDARDS BOARD (RSA 21-J:14-c), Room 301, LOB

10:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

The Merrimack County Delegation will hold a public hearing on Wednesday, March 20 at 7:00 p.m. in the lower level conference room of the Merrimack County McDonnell Administration Building, 4 Court Street, Concord. A delegation meeting will follow after the public hearing. The purpose for this meeting is to discuss and vote on the 2002 Merrimack County Budget.

Rep. William E. Leber, Chairman

Merrimack County Delegation

Copies of the Final Disposition of Bills for 2001 are available from the Sergeant-at-Arms Office.

Karen O. Wadsworth, Clerk of the House

Pursuant to RSA 326-B:12, the Joint Health Council will meet at the NH Board of Nursing, Room 17, 78 Regional Drive, Building 2, Concord, on Monday, March 4 at 6:00 p.m.

Karen O. Wadsworth, Clerk of the House

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs 179, 212, 213, 285, 295, 298, 329, 353, 392, 439, 463, 556, 557, 567, 589, 592, 650, 656, 672, 675, 718, 744, 1192, 1236, 1260, 1264, 1266, 1268, 1270, 1271, 1275, 1319, 1352, 1353, 1355, 1358, 1359, 1360, 1362, 1363, 1364, 1365, 1366, 1367, 1369, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1379, 1380, 1381, 1382, 1411, 1422, 1425, 1426, 1428, 1436, 1438, 1440, 1450, 1451, 1455, 1463, 1466, 1469 and 1479.

Karen O. Wadsworth, Clerk of the House

When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses as requested.

Thomas I. Arnold, 10 Milford Street, Brookline, New Hampshire 03033-2446

Natalie S. Flanagan, PO Box 959, Atkinson, New Hampshire 03811-0959

Colleagues who so desire may send cards and greetings to the address listed above.

Karen O. Wadsworth, Clerk of the House
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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.

From time to time the Speaker receives reports and audits from various committees, commissions, and departments. On the chance that some of these reports might be of interest to a member, he will periodically list the reports that are received in the Speaker's office and available for viewing.

Reports most recently received include:

State of NH 2001 Tax Expenditure Report, prepared by the Dept. of Revenue

Gene G. Chandler, Speaker

Members of the NH House are encouraged to utilize the complimentary ski privileges afforded them. Upon presentation of proper credentials at the ticket window, legislative members may receive a lift ticket for their personal use and one for a guest. The elected official must be present to personally present the credentials unless prior arrangement is made with Commissioner Bald. (***Lift tickets are to be picked up at Guest Services or the Ticket Window at Cannon.***)

Gene G. Chandler, Speaker

Legislators and staff are invited to attend a presentation entitled "Personal Privacy in Cyberspace" on Monday, March 4th at 6:30 p.m. in the New Hampshire Technical Institute Library in Concord. The presentation will feature Herman J. Tavani, Chair of the Philosophy Department at Rivier College, and will explore the ethical and policy dilemmas arising from the increasing use of information technology in American life. Efforts to address this issue through legislation will be explored, as well as the conflict between the desire for efficiency and the need for privacy. For information call the NHTI Public Information Office at 271-7735.

Rep. Tara G. Reardon

The Business and Industry Association of New Hampshire is hosting a series of regional morning "get-togethers" to allow legislators to meet and chat with business people from across the state. Tours of the host facilities will be given and a continental breakfast will be served. There is no cost to attend these events, but an RSVP is requested. If you would like to attend one or more of these meetings, please call the BIA at (800) 540-5388. **March 4** from 9:00 to 11:00 at Hypotherm , Etna Road, Hanover. **March 18** from 9:00 to 11:00 a.m. at UNITIL, 6 Liberty Lane West, Hampton. **April 8** from 9:00 to 11:00 a.m. at Markem Corporation, 150 Congress Street, Keene.

Rep. David W. Hess

The House Republican Alliance will meet at the Upham Walker House (Park Street across from the State House) at 8:30 a.m. on the following Wednesdays: March 6 and March 20. They will also meet at 11:30 a.m. on the following Wednesdays: March 13 and March 27.

Rep. Paul M. Mirski

The Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention and Treatment will be holding public forums during February, March and April to obtain feedback from the citizens of New Hampshire on alcohol and drug issues in their communities and the draft state plan. The Commission is interested in learning: what the issues are; what programs are working; what programs are not working and what additional prevention, intervention, and treatment programs or assistance are needed. Copies of the draft state plan will be available in early January in public libraries throughout the state. For more information on the public forums or the state plan, call Dorothy Leavitt, Research and Policy Analyst at the New Hampshire Division of Alcohol and Drug Abuse Prevention and Recovery, at (603) 271-5564 or toll free at 1-800-852-3345, Extension 5564.

The following public forums will be held in February and March:

Portsmouth Community Campus, Wednesday, March 6, 6:30 –8:30 p.m.

Keene City Council Chambers, Keene City Hall, Tuesday, March 19, 6:30 –8:30 p.m.

Laconia NH Community Technical College, Room 200A, Wednesday, March 20, 6:30-8:30 p.m.

Nashua Southern NH Medical Center, Health and Education Building Conference Room, Basement Level, Thursday, March 21, 6:30-8:30 p.m.

Concord Concord Hospital, Conrad Conference Center (Main Building), 250 Pleasant Street, Concord, Monday, April 1, 6:30 to 8:30 p.m.

Rep. William E. Leber

Lunch and Social Event for House Democrats – House Democrats: come join your caucus colleagues for good food and lively conversation at the lunch break during the House session on Wednesday, March 6th at the Upham Walker House. Sandwiches, snacks, beverages and desserts will be provided.

Rep. Sharon L. Nordgren

All legislators and legislative staff are cordially invited to attend the New Hampshire Automobile Dealers Association "Crossover" Legislative Reception to be held on March 6, immediately following session at NHADA Headquarters, 507 South Street, Bow.

Rep. Michael D. Whalley

The New Hampshire School Food Service Association will host a Breakfast for the New Hampshire State Legislators in celebration of National School Breakfast Week. Please join us on Thursday, March 7 in the State House Cafeteria between 8:00 a.m. and 10:30 a.m.

Rep. Russell D. Bridle

The 10th Annual Legislative Ski Day will be at Waterville Valley Ski Area on Sunday March 10 and Monday, March 11. Free skiing will be available for legislators and details on overnight packages, including meals, will be available shortly. Ski New Hampshire looks forward to hosting legislators again and to raising funds for the NH Automobile Dealers Association charitable foundation, KEEP KIDS SAFE.

Rep. Michael D. Whalley

Southern NH University, Manchester, is hosting the 50th anniversary celebration of NH's first-in-the-nation presidential primary on Monday, March 11, from 9:00 a.m. to 5:00 p.m. in the Walker Auditorium in Robert Frost Hall. Exhibits and displays of political campaign memorabilia, which will depict the 50-year history of the state's modern day presidential primary, will be on display. All legislators are invited. Admission is free.

Gene G. Chandler, Speaker

The Retail Merchants Association of NH invites all legislators and staff to their annual legislative reception and "Legislator of the Year" award ceremony on Wednesday, March 13th at 4:30 p.m. at the Holiday Inn in Concord. Last year's event was so successful that they booked a bigger room this year. Enjoy food and drink with fellow legislators and help the members of RMANH congratulate their "Legislator of the Year."

Reps. David M. Scanlan and Peter H. Burling

The American Red Cross cordially invites Legislative members and staff to their annual legislative breakfast on Thursday, March 14, 8:30 a.m. to 10:00 a.m. in the State House Cafeteria. NH Red Cross disaster volunteers who helped in the relief efforts in NY City following the September 11 terrorist attack will be present. The new "blood donation bus" will be parked on the city plaza in front of the State House from 9:00 a.m. to 4:00 p.m. to give legislators and staff an opportunity to donate blood.

For more information contact State House Health Services, ext 2757.

Gene G. Chandler, Speaker

Legislators for Limited Spending will meet on Thursday, March 14 at the Upham Walker House at noon. Bring your own lunch, coffee and dessert will be provided. On the agenda: Report on the February 14th breakfast; a look at the Senate Bills coming to our committees; forming an alumni group. Alumni are invited as always.

Rep. Kenneth L. Weyler

Belknap County Republicans Lincoln Day Dinner will be held on March 15 at the Pheasant Ridge Country Club in Gilford. Cocktails 6:00 p.m. Dinner 7:00 p.m. Tickets are \$25 per person and can be purchased from any Belknap County Republican.

Rep. Thomas Rice

The Annual Bobby Stephen's 24th St. Patrick's Day Celebration will be held on Saturday, March 16 at the Executive Court Banquet Facility, Manchester. Doors open at 4:30 p.m. The cost is \$30 per person. All proceeds benefit Jobs for New Hampshire's Graduates.

Rep. Robert E. Clegg

President Don Wharton would like to invite all members of the General Court to the Annual Plymouth State College Breakfast on Thursday, March 21st at the Capitol Grille Restaurant (directly across from the State House). Breakfast begins at 7:30 a.m. A short program will be held at 8:00 a.m. followed by an opportunity for questions and answers. Adjournment is at 8:45 a.m. Please join us to learn more about this excellent North Country Institution.

Reps. Debra A. Naro and Mary R. Cooney

Following my work last year with the Earthquake Relief Mission, I will be returning to El Salvador to attend the Bilateral Trade Ceremony on March 24th. While there, I would like to make a donation of disposable diapers to the Abandoned Children's Unit. If you wish to assist in this effort, please call me at 647-2855 or voice mail at 661-6141. Thank you.

Rep. Rob Thompson

We will be celebrating New Hampshire Tartan Day on Thursday, April 4 during the House session. All members are asked to wear the "Tartan" that day. New Hampshire tartan ties and scarves are available in the Gift Shop on the first floor.

The Department of Transportation will hold the following meeting:

Mar 5 – Northwood Town Offices, Northwood, 6:00 p.m. Selectmen’s meeting, Northwood-Nottingham, intersection of US 4 and NH 152.

Mar 13 – Woodsville Elementary School, 206 Central Street, Woodsville, 7:00 p.m. Public hearing special committee, Haverhill-Bath, reconstruct US 302 for NH 10 northerly approximately 1.8 miles.

Mar 14 – City Council Chambers, 37 Green Street, Concord, 7:00 p.m. Combined public officials/informational meeting, Concord-Pembroke, rehabilitation of I-393 pavement, 7 bridges and replacement of high-mast lighting and guardrails.

Mar 14 – Kingston Town Hall, 163 Main Street, Kingston, 7:00 p.m. Public officials meeting, Kingston, reconstruction of the NH Route 125 intersection with Newton Junction Road and Hunt Road.

Mar 18 – NHDOT, Rooms 112-113, JOM Building, Concord, 2:00 p.m. Public hearing, Congestion Mitigation and Air Quality (CMAQ) Advisory Committee Meeting.

Mar 21 – Pembroke Academy Cafeteria, Academy Road, Pembroke, 7:00 p.m. Public informational meeting, Allenstown-Pembroke, replacement of the US 3(double decker) bridge.

Mar 25 - NHDOT, Rooms 112-113, JOM Building, Concord, 2:00-5:00 p.m. and 6:00-8:00 p.m.. Public hearing, Transportation Enhancement (TE) Advisory Committee Meeting.

Apr 3 – NHDOT, Rooms 112-113, JOM Building, Concord, 2:00 p.m. Congestion Mitigation and Air Quality (CMAQ) Advisory Committee Meeting.

Apr 15 - NHDOT, Rooms 112-113, JOM Building, Concord, 3:00 p.m. Transportation Enhancement (TE) Advisory Committee Meeting.

Rep. Edwin O. Smith, Chairman

Public Works and Highways Committee
