

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, May 17, 2002 No. 41

Contains: Governor's Veto Messages, Committee Meetings, Work Sessions and Notices

HOUSE CALENDAR

NOTICE

Members of the House:

The House will meet in session on Wednesday, May 22, 2002 at 10:00 a.m. to take up gubernatorial vetoes. We will first take up House bills that have been vetoed. If the Senate overrides any vetoes on Senate bills we will then act on those.

Thank you to all members for serving the state and your constituents in your capacity as state representative. I very much appreciate all the cooperation and teamwork over the last two years that has allowed us to accomplish many great things. I wish you all a relaxing and restful summer.

Gene G. Chandler, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, May 22 at 9:15 a.m. in Representatives Hall.

Rep. David M. Scanlan, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, May 22 at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

NOTICE

SERGEANT-AT-ARMS

"BUFFALO" BARBECUE

Wednesday, May 22 following the House session

Bear Brook State Park

Tickets: \$10.00

To order tickets contact Sergeant-at-Arms Office (271-3315)

Deborah A. Nielsen

Sergeant-at-Arms

HOUSE DEADLINES

Monday, September 16, 2002	First day for incumbents running for re-election to file LSR's with complete information.
Friday, October 4, 2002	Last day for incumbents running for re-election to file LSR's with complete information.
Friday, November 1, 2002	Last day to file 2002 Interim Study reports.
Wednesday, November 13, 2002	First day for all Representatives-elect to file LSR's with complete information. 15-day sign-off period begins.
Friday, December 13, 2002, 3:00 p.m.	Last day to file LSR's with complete information.
Friday, January 17, 2003, 12:00 p.m.	Last day to sign-off on all House bills, including redraft requests.
Thursday, January 30, 2003	Last day to introduce all House bills.

GOVERNOR'S VETO MESSAGE ON hb 298

May 15, 2002

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 298, an Act relative to charter schools.

As a state senator, I voted for New Hampshire's existing charter school law and I believe that well designed and operated charter schools can complement the education now provided in our public school systems. Unfortunately, House Bill 298 is not a constructive step toward the goal of opening charter schools in New Hampshire.

By cutting local voters out of the approval process for charter schools, H.B. 298 violates our long tradition of local control of public schools. By draining money from our existing public schools, H.B. 298 jeopardizes the progress our communities are making in improving their schools. Moreover, as drafted, H.B. 298 may violate part I, article 28-a of the New Hampshire Constitution, which prohibits the imposition by the State of unfunded mandates on local governments. And, by repealing the statutory right of citizens to bring complaints about the operations of a charter school to the State Board of Education, H.B. 298 leaves aggrieved parents and taxpayers without any effective remedy.

Most of the bill's problems stem from the removal of local voters from the charter school approval process. Under our existing charter school law and under H.B. 298, most of the money that will support a charter school comes from the transfer of funds from local school districts to the charter school. Under current law, before such a school is created, the voters in the charter school's community have to vote to approve the school's plans. Under H.B. 298, however, local voters are cut out of the process

completely. Charter school applicants can bypass local voters and proceed directly to the State Board of Education for approval. Furthermore, the State Board of Education is not required under H.B. 298 to notify the local school board of a charter school application, and the local school board is not given an opportunity to participate in any hearings on an application pending before the State Board.

The bill's supporters have argued that the money being transferred to a charter school under H.B. 298 is the State's "adequacy" money, not money raised by local tax dollars, and, therefore, local voters are not entitled to have a role. I disagree. Removing a student from a school's rolls does not automatically lower a school's operating costs. While there may be modest savings in supplies, such as paper and pencils, most of the school's fixed costs will stay the same. The reallocation of adequacy money to a charter school will force school districts to choose between increasing local school property taxes or decreasing the resources available to their existing public schools.

It is one thing to establish a charter school that has these types of financial implications for local school districts if the local voters approve the charter school. It is quite another to impose such a school on local property taxpayers without giving them any say at all. I simply cannot support such a complete subversion of local control.

Because local school districts have no say in the approval of charter schools under H.B. 298, two sections of the bill may violate part I, article 28-a of the New Hampshire Constitution, which prohibits the imposition by the State of unfunded mandates on local governments.

While the bill's supporters assert that the transfer of funds from the local school district to the charter school will be limited to the State's per pupil adequacy allocation, the language in H.B. 298 actually would allow the State Board of Education to approve a charter school's request that the local school districts pay a higher amount to the charter school. This language reads: "the pupil's resident district shall pay to such [charter] school tuition in an amount *not less than* the base cost per pupil as determined in RSA 198:40 as adjusted for grade level weights as determined in RSA 198:38." Any "tuition" approved by the State Board *greater than* the adequacy cost would be paid from local property taxes.

The second constitutional defect in H.B. 298 centers on its requirement that a local school district pay the special education costs for a student attending a charter school. This puts local school districts in the position of being forced to duplicate costly special education programs.

Finally, H.B. 298 eliminates the right of a parent or taxpayer to bring a complaint about the operations of a charter school to the State Board of Education. Under H.B. 298, a person dissatisfied with a charter school is limited to bringing a complaint to the charter school's "board of trustees." While many charter schools that have been established in other states have been successful, unfortunately, there also have been many instances of financial and operational mismanagement of charter schools. The extremely limited grievance process provided for in H.B. 298 is unacceptable in matters involving the education of our children and the expenditure of taxpayers' dollars.

I am today signing House Bill 1281, which establishes a commission to study public educational choice initiatives. I hope that this commission will develop a proposal that will encourage the creation of charter schools without the serious flaws contained in H.B. 298.

Respectfully submitted,

Jeanne Shaheen

Governor

GOVERNOR'S VETO MESSAGE ON hb 420

April 3, 2002

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 420, an act apportioning state representative districts.

I am vetoing this bill because it grossly deviates from the constitutional requirement that districts be as equal in population as possible; it is internally inconsistent in its treatment of different areas in the state; and it unnecessarily changes the form and

boundaries of existing districts.

House Bill 420 violates Part II, Article 9 of the New Hampshire Constitution, which requires districts in the House of Representatives to "be as equal as circumstances shall admit." For citizens in a representative democracy like ours, the right to vote is a precious right, but that right is empty unless we ensure that each vote is counted and counted equally. Unfortunately, H.B. 420 sets up districts that are far from any measure of equality and thus are unconstitutional.

The population of the State is 1,235,786 according to the census conducted in 2000. A straight division of the State into 400 single-member districts would have each district contain 3,089 people. H.B. 420 would create a redistricting scheme of House districts that vary in population to such a degree that they would represent serious threats to the voting rights of thousands of New Hampshire citizens. Far from creating districts in which each member of the House would represent 3,089 people, H.B. 420 would create districts with large differences in the number of people represented by each House member. The smallest of H.B. 420's districts falls 14.4% below the ideal and the largest exceeds the ideal by 8%.

The difference between the high and low is called the "range of deviation" and the 22.4% range of deviation created by H.B. 420 is unacceptably high. It is substantially higher than the 14.5% total range of deviation in the current House redistricting statute at the time it was adopted ten years ago. It is also significantly higher than the ranges of deviation for alternative plans that were presented to the House Redistricting Committee and the House Election Law Committee, as well as an amendment offered on the floor of the Senate. Unfortunately, the majority party rejected all of the lower-deviation alternatives.

The United States Supreme Court has, on more than one occasion, held that redistricting plans with deviations of greater than ten percent represent prima facie cases of unconstitutional voting rights violations, unless the deviations are required by the need to advance rational state policies. There is no legitimate state policy that requires deviations of such magnitude. Indeed, as stated above, there are a number of alternative plans that would create districts with much smaller ranges of deviation.

Floterial districts lie at the heart of many of the problems with H.B. 420. A floterial district is one that crosses municipal or ward lines and allows one community to share representation with one or more contiguous places. In some counties, H.B. 420 creates unnecessary floterial districts. In others, House Bill 420 fails to create floterial districts where they clearly are warranted. There are 32 floterial districts in current law and H.B. 420 would increase that number to 43. In one extreme example, H.B. 420 lays a floterial district on top of the entire City of Nashua, creating a district in which one House member will have more than 86,000 constituents. Thus, that single House district is one-and-one-half times greater in size than the population of a state senate district.

H.B. 420 unnecessarily treats similar situations in different parts of the State quite differently. For example, under H.B. 420 the citizens of the cities of Claremont and Laconia will be under-represented because those two cities are treated differently than similarly situated towns. Claremont, with a population of 13,151, is given four representatives in H.B. 420, despite the fact Claremont's population is 795 above the ideal population for four representatives. Laconia, with a population of 16,411, is given five representatives, despite the fact its population is 966 above the ideal population for five representatives. H.B. 420 creates no floterial districts to deal with those two clear situations of under-representation, despite the fact that the majority created floterial districts for similarly situated citizens in Hollis and Raymond. Nor can the majority party's rationale for denying full representation to the citizens of Claremont and Laconia withstand any objective scrutiny. The majority contended that Claremont and Laconia would dominate surrounding smaller towns in a floterial district. However, H.B. 420 places the following large towns in floterial districts with much smaller neighbors: Milford (population 13,535 in a floterial with a total of 18,575); Goffstown (16,929 out of 24,705); Amherst (10,769 out of 12,803); and Londonderry (23,236 out of 33,945).

H.B. 420 unnecessarily changes the form and boundaries of existing districts. This is especially a problem in Cheshire County. Despite the fact that population shifts over the last 10 years only cause Cheshire County to lose one seat in the House of Representatives, H.B. 420 changes the representation of every single community in Cheshire County, with new combinations in every multi-town and floterial district.

Moreover, H.B. 420 targets certain incumbents, despite the fact one of the criteria for redistricting set forth in the House Redistricting Committee was to avoid altering incumbent districts if possible. For example, H.B. 420 targets a member of House Democratic Leadership and one of the only four Democrats in the Hillsborough County delegation outside of the cities of Manchester and Nashua by placing her home town of Mont Vernon in two overlapping floterial districts – one with the town of Amherst, which is five times the size of Mont Vernon; the other with the towns of New Boston and Lyndeborough.

The creation of this particular overlapping floterial district was done despite the fact there were better alternatives and despite the fact the Republican leadership of the House Redistricting Committee on more than one occasion questioned the

constitutionality of overlapping floterial districts. Indeed, the House Redistricting Committee rejected a proposal for overlapping floterial districts in the City of Laconia and a proposal for overlapping floterial districts in the City of Claremont, both offered by members of the minority party. Such inconsistency in redistricting is unacceptable. It highlights the willingness of the majority to bend a supposed rule when it suits the purpose of limiting minority party representation.

In Coos County, despite the fact that that there is a sufficient number of people to support a single-member district in greater Northumberland ("Groveton") and a single-member district in Lancaster, H.B. 420 would combine Groveton with Lancaster in a two-seat district. This combination is designed to force a Democratic incumbent to run against two Republican incumbents.

Because H.B. 420 is unconstitutional, fundamentally unfair, and internally inconsistent, I am compelled to veto this legislation.

I urge the House to take up my veto quickly. Alternatives that would satisfy the requirement for equal representation and fairness have been presented, and can be considered once again. There is still time before the June candidate filing period to pass redistricting legislation that will preserve the voting rights of all New Hampshire citizens.

Respectfully submitted,

Jeanne Shaheen

Governor

GOVERNOR'S VETO MESSAGE ON hb 622

March 26, 2002

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 622, an act relative to the time period for the Executive Council to confirm nominees to the supreme court.

I have vetoed H.B. 622 because I believe it violates the New Hampshire Constitution's specific provision concerning the nomination and appointment of judges, Part II, Article 46, as well as the separation of powers provision in our state Constitution, Part I, Article 37. I note that this veto of H.B. 622 is made with the approval of its sole sponsor, who is a strong proponent of the Constitution's careful separation of powers between the three branches.

Under Part II, Article 46 of the New Hampshire Constitution, the authority to nominate judges is granted exclusively to the Governor and the authority to confirm judges is granted exclusively to the Executive Council: "All judicial officers ... shall be nominated and appointed by the governor and council; and every such nomination shall be made at least three days prior to such appointment." *See Opinion of the Justices*, 117 N.H. 398 (1977).

H.B. 622 would encroach on the powers granted by our Constitution exclusively to the Executive Council by requiring the Council to wait at least 60 days and to hold two public hearings before confirming a nominee to the Supreme Court.

I strongly support the holding of thorough and open public hearings on judicial nominees and believe the members of the Executive Council should take whatever time they deem necessary to consider a Governor's nomination to the Supreme Court. However, under our Constitution, it is the members of the Council, and not the legislature, who should determine how many hearings the Council should hold and the appropriate waiting period before acting on any judicial nominee.

The separation of powers provided for in our State Constitution is an important check on the powers of any one branch. It is a principle that must be protected. Thus, regardless of the public policy merits of H.B. 622, I am compelled to veto this bill.

Respectfully submitted,

Jeanne Shaheen

Governor

NOTICE

Following a public hearing held on Wednesday, May 8, 2002, the Legislative Ethics Committee revised the proposed amendment to the "Procedural Rules of the Legislative Ethics Committee." The Committee invites further comment regarding the revised proposed amendment, which is printed below in its entirety.

Rep. Jeb E. Bradley, Chairman

Legislative Ethics Committee

**Procedural Rules
of the
Legislative Ethics Committee**

1 Applicability and Definitions.

- I. All business of the legislative ethics committee, created by RSA 14-B, shall be governed by these rules.
- II. As used herein, the following terms shall have the following meanings:
 - a. "Hearing" is that procedure which follows a statement of formal charges.
 - b. "Legislative employee" includes all house, senate, and joint staff whether employed on a part-time, full-time, permanent or temporary basis.
 - c. "Legislative officer" includes those employees of the House and Senate who are elected by members of the General Court.
 - d. "Legislator" includes representatives and senators.
 - e. "Proceeding" includes each step taken or which may be taken under these rules with respect to a complaint filed with the committee alleging violation of the ethics guidelines by a legislator, **legislative officer, or legislative employee.**

2 Meetings, Conduct of Business, Staff, Quorum, and Disqualification.

- I. The committee may, by vote, establish regular or stated meeting dates. In addition, special meetings of the committee may be called by the chairperson or the vice-chairperson, or at the written request of three members of the committee.
- II. The business of the committee may be transacted by telephone, exchange of correspondence, or other informal poll of members, unless one or more members object; provided, however, that no formal charges shall be instituted or formal proceedings ordered or unfavorable action taken against a legislator except upon deliberation and the affirmative vote of at least four members at a meeting of the committee.

Members of the committee may participate in a meeting of the committee by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by these means shall constitute presence in person at a meeting.

- I. A quorum for the transaction of business by the committee shall be four members. No action of the committee shall be valid unless concurred in by four of its members, except as otherwise provided in these rules.
- II. No member of the committee shall participate in any business in which his or her impartiality might reasonably be questioned.

3 Confidentiality of Proceedings.

- I. Except as provided in this section, all proceedings before the committee, and all information, communications, materials, papers, files and transcripts, written or oral, received or developed by the committee in the course of the proceeding, shall be confidential. No member of the committee or its staff and no employee of the committee shall

disclose such proceedings, information, communications, materials, papers, files and transcripts, except in the course of official duty or as otherwise authorized in this section.

~~[H. A complainant in any proceeding not resulting in formal charges being filed with the Legislature shall be required to take an oath that any information divulged by the committee regarding the disposition of the complaint (except a disposition described in paragraph VII of this section), shall remain confidential unless the legislator, legislative officer, or legislative employee concerned has waived his or her right to confidentiality.]~~

~~[III.]~~ **II.** A legislator, legislative officer, or legislative employee against whom a ~~[proceeding is pending]~~ **complaint has been filed** may **waive his or her right to confidentiality and** request the committee to conduct ~~[the proceeding]~~ **its initial review of the complaint** publicly. In such case, ~~[any hearing conducted by the committee in the proceeding]~~ **all proceedings related to the committee's initial review of the complaint, other than its deliberations,** shall be open to the public and the committee ~~[may disclose such information about the proceeding as it deems appropriate]~~ **shall make available for public inspection all records other than its work product and internal memoranda. The committee shall promptly notify the complainant of any waiver of confidentiality and no proceeding may take place prior to 7 calendar days of the date of the notice sent by the committee.**

- I. Upon completion of its initial review of a complaint, the committee shall make available for public inspection all records, other than its work product and internal memoranda, relating to any complaint it does not dismiss, and shall conduct any subsequent proceedings, other than its deliberations, in public session.**
- II. If a legislator, legislative officer, or legislative employee is publicly charged, through independent sources, with involvement in a proceeding before the committee, or publicly charged with conduct likely to become the subject of a proceeding, the committee may, at the request or with the consent of the legislator, legislative officer, or legislative employee involved, issue brief public statements as it deems appropriate in order to confirm or deny the pendency of the proceeding, to clarify the procedural aspects thereof, to explain the right of the legislator, legislative officer, or legislative employee to a fair hearing without prejudgment, and to state that the legislator, legislative officer, or legislative employee denies the allegations.
- III. If the pendency of a proceeding before the committee is generally known to the public, through independent sources, and the subject matter thereof is of broad public interest or speculation, and public confidence in the administration of the ethics guidelines may be threatened because of lack of information concerning the status of the proceeding and the requirements of due process, the committee may, on its own motion, issue brief statements as it may deem appropriate in order to confirm the existence of the investigation, to clarify the procedural aspects of the proceeding, to explain that the legislator, legislative officer, or legislative employee is entitled to due process, and to state that the legislator, legislative officer, or legislative employee denies the allegations.
- IV. If the committee, at any stage of a proceeding, dismisses a complaint or formal charges, whether from insufficiency of the complaint or because there is insufficient cause to proceed further with the matter or for other reason, the committee shall inform the complainant of such disposition. In addition, the committee may, at the request or with the consent of the legislator, legislative officer, or legislative employee concerned, issue a short explanatory statement to the public.
- I. If the committee, **prior to completion of its initial review,** disposes of a complaint by written reprimand or by other informal resolution, it shall inform the complainant that it has taken appropriate remedial action (but shall not disclose the details of such action unless the legislator, legislative officer, or legislative employee complained against so consents).
- II. This section shall not be construed to prohibit the committee from preparing and releasing to the public materials which are not related to any particular proceeding or situation. Such materials may include explanations of:
 - a. The jurisdiction of the committee and the limitations upon its powers and authority;
 - b. The procedure for filing complaints; and

c. The internal procedures of the committee.

In addition, the committee may release periodic statistical reports of its work which do not identify or permit the identification of any person involved in any proceeding before the committee.

- I. Nothing herein shall prevent the committee from responding to unjustified public criticism of a legislator, legislative officer, or legislative employee which is not the subject of a proceeding, and the committee may so respond in appropriate cases upon deliberation and the affirmative vote of at least four members at a meeting of the committee.
- II. Any violation of these provisions relating to confidentiality shall constitute a violation of RSA 14-B and these rules. The committee may enforce these provisions by appropriate proceedings. **The committee may, at the request of the non-violating party or on its own motion, terminate the proceedings with or without public comment.** Notwithstanding the provisions of this rule, the committee may disclose to an appropriate law enforcement authority any matter that comes before it.

4 Initial Review of Complaints.

- I. Each complaint shall be submitted in writing and signed under oath by the complainant. The legislator, legislative officer, or legislative employee complained against shall be furnished with a copy of the complaint, and a copy shall be sent to each member of the committee for review.
- II. The committee shall ~~evaluate~~ **conduct an initial review** of each complaint promptly after receipt to ascertain whether the committee has jurisdiction to consider the same under RSA 14-B. **The committee may invite the legislator, legislative officer, or legislative employee complained against, the complainant, and any other individual or individuals the committee deems appropriate, to appear before the committee to testify or to submit written evidence.** If it clearly appears on the face of the complaint or from preliminary inquiries by the committee that the complaint does not allege conduct on the part of the legislator, legislative officer, or legislative employee which, if established, would be contrary to the law, ethics guidelines, rules or regulations, the committee shall dismiss the complaint, and shall notify the complainant in writing that the matter raised is outside the committee's jurisdiction, assigning the reason therefor.
- III. If the committee determines, upon ~~preliminary~~ **completion of its initial** review, that a complaint is obviously without merit or is obviously unfounded, it shall dismiss the complaint and advise the complainant in writing of such action.
 - I. The committee shall dismiss any complaint arising out of acts or omissions occurring more than two years prior to the receipt of the complaint, and the complainant shall be so advised in writing. However, when the last episode of an alleged pattern of recurring legislative conduct arises within the 2-year period, the committee may consider all prior acts or omissions alleged to be a part of such pattern.
 - II. Receipt by the committee of a complaint which is repetitive of a prior complaint, whether from the same or a different source, following disposition of the initial complaint, shall be acknowledged, but the committee shall take no further action thereon.
- III. Any complaint which appears to have merit, but which is defective in some respect so that the committee cannot act thereon, or requires clarification, may be returned to the complainant for clarification and resubmission.
- IV. The individual who is the subject of the complaint shall be notified promptly in writing of any action taken by the committee pursuant to this section.

5 Response by Legislator, Legislative Officer, or Legislative Employee.

- I. Except where the complaint has been dismissed pursuant to paragraph II, III, or IV of section 4 of these rules, the legislator, legislative officer, or legislative employee complained against shall respond in writing to the merits of the complaint within 20 days of the date of the notice sent by the committee. Such response shall be filed with the committee which shall send a copy of the response to the complainant.
- II. In addition to such required response, the legislator, legislative officer, or legislative employee may submit to the committee other relevant materials.

6 Preliminary Investigation.

- I. The committee may order an investigation of any complaint properly before it, upon the affirmative vote of four or more members of the committee taken at a meeting thereof. Such investigation shall be conducted under the direction of the chairperson and in such manner as the chairperson may determine.
- II. The legislator, legislative officer, or legislative employee shall be notified of the investigation, and afforded a reasonable opportunity to present such relevant matters as he or she may choose.
- III. In conducting an investigation, the chairperson may require that any statement or written information furnished to the committee be given under oath or affirmation subject to the penalties for perjury or false swearing in official proceedings pursuant to RSA 641.
- IV. Persons contacted for information shall be informed of their obligation to maintain confidentiality.
 - V. If the investigation does not disclose sufficient cause to warrant further proceedings, the committee shall dismiss the complaint, and shall promptly notify the legislator, legislative officer, or legislative employee and the complainant in writing of such dismissal. In other cases not thought to merit the presentation of formal charges and hearing, the committee may informally resolve the matter with the consent of the legislator, legislative officer, or legislative employee. Such informal resolution may take the form of written advice or admonishment, the requirement of remedial action, or the imposition of conditions, or any combination thereof. The consent of the legislator, legislative officer, or legislative employee to informal resolution of the matter shall constitute a waiver of his or her right to a hearing.

7 Statement of Formal Charges, Notice of Hearing, and Answer.

- I. If, after preliminary investigation the committee concludes, by the affirmative vote of four or more members taken at a meeting, that formal proceedings should be instituted to inquire into any complaint, it shall prepare and file a formal statement of charges and shall set a time and place of hearing before itself. The committee shall promptly serve the legislator, legislative officer, or legislative employee by registered or certified mail, postage prepaid, with a copy of the formal statement of charges together with a notice of hearing.
- II. The formal statement of charges shall (1) contain a clear summary of the allegations against the legislator, legislative officer, or legislative employee and of the alleged facts forming the basis of such allegations (including facts developed by the investigation), (2) identify and cite those provisions of the law, ethics guidelines, rules or regulations alleged to have been violated, and (3) advise the legislator, legislative officer, or legislative employee of his or her duty to answer as provided in paragraph VI of this section.
- III. The formal statement of charges together with the notice of hearing shall be served on the legislator, legislative officer, or legislative employee at least 21 days prior to the hearing date assigned.
- IV. The notice of hearing shall include the following:
 - a. the date, time and place of the hearing;
 - b. the fact that both the committee and the legislator, legislative officer, or legislative employee may be represented by counsel at the hearing, may secure the attendance of witnesses and the production of documents by subpoena, and may examine and cross-examine witnesses;
 - c. the identity of any special counsel for the committee; and
 - d. the fact that all further notices concerning the hearing, including any adjournments thereof, shall be given by the chairperson or pursuant to his direction.
- I. The committee shall give notice to the complainant of the date, time and place of the hearing. The complainant shall be entitled to attend the hearing as an observer, and may be required to attend and participate therein as a witness, but shall have no other function or right with respect to the hearing.
- I. Within 14 days after receipt of the formal statement of charges, the legislator, legislative officer, or legislative employee shall file an answer with the committee, setting forth all denials, affirmative defenses, mitigating

circumstances and other matters which the legislator, legislative officer, or legislative employee intends to raise at the hearing.

- VII. At any time prior to final decision, the committee may allow or require an amendment of the formal statement of charges, and may allow an amendment of the answer. When an amendment is made to the formal statement of charges, whether before or after commencement of the hearing, the legislator, legislative officer, or legislative employee shall be afforded a reasonable opportunity to answer the matters newly charged, as determined by the chairperson, and shall answer such matters within the time allowed. In any such case, the legislator, legislative officer, or legislative employee shall also be afforded a reasonable time, as determined by the chairperson, in which to prepare his or her defense to the matters newly alleged.
- VIII. For good cause shown, the chairperson may extend the time within which the legislator, legislative officer, or legislative employee is required to file his or her answer, and may grant a continuance of the scheduled hearing, but no such extension or continuance shall be for a period longer than 30 days without the concurrence of the committee.
- IX. The committee may terminate the proceeding and dismiss the complaint and formal statement of charges following the answer by the legislator, legislative officer, or legislative employee or at any time thereafter, and shall in that event give notice to the legislator, legislative officer, or legislative employee and the complainant that it has found insufficient cause to proceed.

8 Discovery and Subpoena Powers.

- I. At any time after the filing of a formal statement of charges, the legislator, legislative officer, or legislative employee or his or her counsel shall, upon written request, be entitled, as a matter of course:
 - a. to obtain the names and addresses of all persons known to the committee to have relevant information;
 - b. to examine and copy any of the following:
 - 1. statements of the complainant;
 - 2. statements of persons claiming to have knowledge of the acts, omissions or events underlying the formal proceeding;
 - 3. investigative reports made by or for the committee in connection with the proceeding; and
 - 4. any other writing or item which is relevant to the proceeding, or which appears likely to lead to relevant information.
- a. anything in this section to the contrary notwithstanding, the committee shall not be required to disclose to the legislator, legislative officer, or legislative employee the identity of any informant who will not be called as a witness in support of the charges, and who has declined to sign a written complaint, unless the alleged misconduct was directed at the informant.
- I. The legislator, legislative officer, or legislative employee shall make available to the committee, as a matter of course, upon the written request of the chairperson, or special counsel, any specified material which would be discoverable in civil proceedings in this State.
- II. Nothing in this section shall authorize access to any information, writing or other item which is privileged by law, or which is protected as an attorney's work product.
- III. The committee shall have the power to subpoena witnesses, compel their attendance and testimony, and require the production of books, records, documents or other evidence or material deemed relevant to the investigation or hearing. Such subpoena powers may be exercised for the committee by the chairperson or special counsel to the committee.
- IV. The subpoena powers of the committee shall be exercised in behalf of the legislator, legislative officer, or legislative employee upon his or her written request or the written request of his or her counsel.

9 Conduct of Hearing.

- I. The hearing shall ~~[not]~~ be open to the public ~~[unless the legislator, legislative officer, or legislative employee so requests]~~. **The deliberations of the committee shall be conducted in nonpublic session.**
- II. The committee may proceed with the hearing at the time and place fixed, whether or not the legislator, legislative officer, or legislative employee has filed an answer or appears for the hearing. The committee may draw an unfavorable inference from the failure of the legislator, legislative officer, or legislative employee to answer or appear; but no such failure, standing alone, shall be sufficient to meet the standard of proof.
- III. A violation of the law, ethics guidelines, rule or regulation must be established by clear and convincing evidence. The legislator, legislative officer, or legislative employee shall not be required to testify or present affirmative evidence in his or her own behalf.
- IV. The legislator, legislative officer, or legislative employee shall be entitled to counsel of his or her choice, and shall have the right to adduce evidence, produce and cross-examine witnesses, and present all relevant arguments.
- V. The committee shall not be bound by the technical rules of evidence, and may admit evidence which it considers to be reliable, material, and relevant. The chairperson shall rule on objections to the receipt of evidence, subject to being overruled by a majority of the committee present at the hearing. The chairperson may defer ruling on an objection to the receipt of evidence, and admit evidence subject to later ruling thereon.
- I. The hearing shall be recorded verbatim by stenographic, electronic or other means approved by the committee. A free transcript of the hearing shall be provided to the legislator, legislative officer, or legislative employee, who may also tape record the hearing ~~[with the permission of the committee]~~.
- III. The decision of the committee shall be based solely on the record evidence presented to the committee at the hearing, but shall not be based solely on hearsay evidence. The committee shall exclude from its consideration any information reviewed in earlier stages of the proceeding, unless such information is received in evidence at the hearing so as to become a part of the record.
- IV. At any time after the hearing is closed but prior to final decision, the committee may reopen the hearing for the taking of additional evidence. The legislator, legislative officer, or legislative employee and the complainant shall be given such notice of any supplemental session as the circumstances may reasonably require.

10 Dispositions Following Hearing.

- I. The committee shall issue its decision within 30 days after the hearing.
- II. If the committee decides that a violation of the law, ethics guidelines, rules, or regulations has not been established, the proceeding shall be dismissed, and the legislator, legislative officer, or legislative employee and the complainant shall be so notified.
- III. If the committee determines, by the affirmative vote of at least four of its members, that there has been a violation of the law, ethics guidelines, rules, or regulations but that the violation is not of a sufficiently serious nature to warrant the imposition of formal discipline by the Legislature, it shall dispose of the matter by informal resolution. Such disposition may take the form of written advice or private admonishment, requirement of corrective action, direction of professional counseling or assistance, imposition of conditions on the specified conduct, or other similar remedial action, or any combination of the foregoing. Prior to deciding upon such disposition, the committee may afford the legislator, legislative officer, or legislative employee an opportunity to meet with it or its designated member or members to discuss the matter. All private admonishments, reprimands and other informal adjustments shall be reduced to writing.
- IV. If the committee determines, by the affirmative vote of at least four of its members, that there was improper conduct based upon clear and convincing evidence and the improper conduct was of a serious nature so as to warrant formal disciplinary action it shall prepare a summary report of the deliberations regarding the complaint and of its findings. The report shall contain any specific recommendations concerning disciplinary actions to be imposed.
 - a. In cases involving a legislator, or officer of the legislature, the committee shall submit its report to the speaker of the house and senate president. The report may ~~[contain]~~ recommend~~[ations]~~ **[for] one or more of the following**

disciplinary actions: reprimand, censure [~~or~~], expulsion, **or denial or limitation of any right, power, privilege, or immunity of the legislator that the constitution of New Hampshire permits the general court to deny or limit.** Before any disciplinary action may be taken against a legislator or against an officer of the legislature, the report shall be ratified by the legislator's or by the officer's respective body of the general court.

- b. In cases involving an employee of the legislature, **except in cases involving an employee of the legislature employed by the legislative budget assistant**, the committee shall submit its report to the joint committee on legislative facilities. **In cases involving an employee of the legislature employed by the legislative budget assistant, the committee shall submit its report to the fiscal committee of the general court.** The joint committee on legislative facilities, **or the fiscal committee of the general court**, shall determine what disciplinary action ~~may~~ **shall** be taken against the employee. **In making its determination, the joint committee on legislative facilities or the fiscal committee of the general court as appropriate may use any of the specific recommendations concerning disciplinary actions which are contained in the report which it receives.**
- I. Any member who dissents from the determination of the committee may prepare a minority opinion which shall be appended to the report of the committee. The committee shall also prepare a record of the proceeding, which shall include the committee's formal statement of charges, the answer of the legislator, legislative officer or legislative employee, any other pleadings, and a transcript of the hearing. The committee's report shall be filed with the clerk of the appropriate house of the legislature. Contemporaneously with such filing, copies shall be served on the legislator, legislative officer, or legislative employee.

11 Use of Closed Files.

- I. A closed file may be referred to by the committee in subsequent proceedings in the following circumstances:
 - a. Where a complaint or formal charges have been dismissed for any reason or there has been a finding of insufficient cause to proceed, and the subsequent proceeding raises similar allegations against the legislator, legislative officer, or legislative employee or is based upon a similar occurrence or factual situation, the closed file may be used to exonerate the legislator, legislative officer, or legislative employee or may be made a part of the investigation of the new complaint; or
 - b. Where, after the disposition of a prior proceeding by informal resolution, the legislator, legislative officer, or legislative employee fails to refrain from acting in the manner that caused the prior complaint to be filed and a subsequent complaint is filed alleging similar conduct which is established or proven, the closed file may be used as evidence tending to show that the problem is a continuing one; or
 - c. Where, following the hearing of subsequent related or unrelated charges, the committee determines that a violation of the law, ethics guidelines, rule or regulation has occurred, the closed file may be referred to in connection with the decision as to the nature of the informal resolution to be imposed by the committee or as to the disciplinary action to be recommended to the Legislature.

Adopted: April 27, 1992

Amended: May 18, 1994

Amended:

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.)

HR 24, affirming revenue estimates for fiscal years 2002 and 2003. (Pending question is adoption of Ought to Pass with

Amendment.)

COMMITTEE MEETINGS

monday, may 20

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

4:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

TUESDAY, MAY 21

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

9:00 a.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Interim study subcommittee work session on **HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system, **HB 1206-FN**, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty, **SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system, **SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members, **SB 332-FN**, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty and **SB 396-FN**, relative to group II retirement status for criminalists employed by the department of safety.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Full committee work session on Revenue Estimates.

WEDNESDAY, MAY 22

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

Noon Rescheduled regular meeting.

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

8:00 a.m. Regular meeting.

TOBACCO USE ADVISORY COMMITTEE (RSA 126-K:19), Department of Education, 101 Pleasant Street, Landergan Hall, Room 12, Concord

2:30 p.m. Regular meeting.

thursday, may 23

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Interim study subcommittee work session on **HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system, **HB**

1206-FN, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty, **SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system, **SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members, **SB 332-FN**, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty and **SB 396-FN**, relative to group II retirement status for criminalists employed by the department of safety.

12:30 p.m. Interim study subcommittee work session on **SB 420-FN-A**, making an appropriation for the purpose of hiring a recreational ride and lift investigator.

FINANCE - (DIVISION I), Room 209, LOB

10:00 a.m. Interim study subcommittee work session on **SB 16-FN-A**, relative to state financial aid for state fairs, and making an appropriation therefor.

FRIDAY, MAY 24

COMMISSION ON DEVELOPING A STATEWIDE PROTOCOL FOR INTERVIEWING VICTIMS OF SEXUAL ASSAULT CRIMES (HB 475, Chapter 245:1, Laws of 2001), Room 204, LOB

10:00 a.m. Regular meeting.

TUESDAY, MAY 28

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Interim study subcommittee work session on **HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system, **HB 1206-FN**, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty, **SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system, **SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members, **SB 332-FN**, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty and **SB 396-FN**, relative to group II retirement status for criminalists employed by the department of safety.

WEDNESDAY, MAY 29

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

9:30 a.m. Regular business.

Update on Department of Safety Construction Projects.

THURSDAY, MAY 30

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Interim study subcommittee work session on **HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system, **HB 1206-FN**, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty, **SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system, **SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members, **SB 332-FN**, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty and **SB 396-FN**, relative to

group II retirement status for criminalists employed by the department of safety.

FRIDAY, MAY 31

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

9:00 a.m. Regular meeting.

MONDAY, jUNE 3

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

2:00 p.m. Regular meeting.

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

9:30 a.m. Subcommittee work session.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. Subcommittee work session on the State Hospital grounds.

TUESDAY, JUNE 4

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

9:00 a.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Interim study subcommittee work session on **HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system, **HB 1206-FN**, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty, **SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system, **SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members, **SB 332-FN**, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty and **SB 396-FN**, relative to group II retirement status for criminalists employed by the department of safety.

WEDNESDAY, JUNE 5

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:00 a.m. Interim study subcommittee work session on **HB 1418**, establishing a committee to study the cost of telephone calls from state prison inmates to their families.

10:30 a.m. Interim study subcommittee work session on **HB 1454-FN**, requiring hepatitis testing and vaccination of department of corrections' employees and inmates in the state prison system.

1:00 p.m. Full committee meeting to receive a presentation on the Criminal Justice Information System from Director Peter Croteau of the Department of Safety.

Flynn Fire Academy Auditorium, Route 106, Concord

7:00 p.m. Fire Standards and Training Commission, Joint Hearing with the Criminal Justice and Public Safety Committee. Volunteer firefighters will meet to discuss funding for firefighter training programs.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

10:00 a.m. Interim study subcommittee work session on **HB 1452-FN**, establishing the New Hampshire homeland defense service ribbon.

THURSDAY, JUNE 6

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Interim study subcommittee work session on **HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system, **HB 1206-FN**, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty, **SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system, **SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members, **SB 332-FN**, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty and **SB 396-FN**, relative to group II retirement status for criminalists employed by the department of safety.

MONDAY, JUNE 10

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

1:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

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

9:30 a.m. Regular meeting.

TUESDAY, JUNE 11

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Interim study subcommittee work session on **HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system, **HB 1206-FN**, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty, **SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system, **SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members, **SB 332-FN**, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty and **SB 396-FN**, relative to group II retirement status for criminalists employed by the department of safety.

WEDNESDAY, JUNE 12

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00.a.m. Full committee meeting to receive quarterly report from the Department of Corrections.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Recycling subcommittee work session.

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

9:00 a.m. Regular business.

THURSDAY, JUNE 13

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Interim study subcommittee work session on **HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system, **HB 1206-FN**, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty, **SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system, **SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members, **SB 332-FN**, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty and **SB 396-FN**, relative to group II retirement status for criminalists employed by the department of safety.

MONDAY, JUNE 17

COMMISSION TO STUDY THE RELATIONSHIP BETWEEN POSTSECONDARY EDUCATION AND RECIPIENTS OF TEMPORARY ASSISTANCE TO NEEDY FAMILIES (SB 313, Chapter 122:2, Laws of 2000), Room 205, LOB

10:00 a.m. Organizational meeting.

TUESDAY, JUNE 18

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

9:00 a.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Interim study subcommittee work session on **HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system, **HB 1206-FN**, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty, **SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system, **SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members, **SB 332-FN**, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty and **SB 396-FN**, relative to group II retirement status for criminalists employed by the department of safety.

THURSDAY, JUNE 20

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

9:00 a.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Interim study subcommittee work session on **HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system, **HB 1206-FN**, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty, **SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement

system, **SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members, **SB 332-FN**, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty and **SB 396-FN**, relative to group II retirement status for criminalists employed by the department of safety.

FRIDAY, JUNE 21

LONG-TERM CARE RATE ADVISORY COMMITTEE (RSA 151-E:6-a), Room 103, State House

1:00 p.m. Regular meeting.

TUESDAY, JUNE 25

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Rooms 301-303, LOB

10:00 a.m. Informational meeting for the 2003 certification towns.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Interim study subcommittee work session on **HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system, **HB 1206-FN**, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty, **SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system, **SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members, **SB 332-FN**, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty and **SB 396-FN**, relative to group II retirement status for criminalists employed by the department of safety.

WEDNESDAY, JUNE 26

TOBACCO USE ADVISORY COMMITTEE (RSA 126-K:19), Department of Education, 101 Pleasant Street, Landergan Hall, Room 12, Concord

2:30 p.m. Regular meeting.

THURSDAY, JUNE 27

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Interim study subcommittee work session on **HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system, **HB 1206-FN**, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II permanent firemen member in the performance of duty, **SB 159-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system, **SB 194-FN**, relative to retirement allowances for certain surviving spouses of group II retirement system members, **SB 332-FN**, relative to the payment of medical benefits costs for certain group II permanent firemen members injured in the performance of duty and **SB 396-FN**, relative to group II retirement status for criminalists employed by the department of safety.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will meet on **June 3** at 7:00 p.m. at the Belknap County Office Complex to approve elected officials salaries that were voted by the executive committee. The Delegation will also meet on **June 10th** at 7:30 p.m. at the Belknap

County Office Complex. Subject: The Gunstock financial report.

Rep. Gordon E. Bartlett, Chairman

Belknap County Delegation

COUNTY DELEGATION NOTICE

Carroll County Delegation will meet in Room 301, LOB immediately after session on **May 22nd** to complete its recessed meeting.

Rep. Betsey L. Patten, Chairman

Carroll County Delegation

The Sergeant-at-Arms Buffalo Barbecue featuring bison burgers and dogs will be held Wednesday, **May 22**, immediately following the House session, at Bear Brook State Park, Allenstown. Tickets are \$10 each and directions will follow in a future House calendar.

Deborah A. Nielsen, Sergeant-at-Arms

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs 134, 179, 202, 212, 213, 253, 284, 285, 295, 298, 329, 353, 392, 439, 463, 498, 556, 557, 560, 567, 581, 587, 589, 592, 650, 656, 672, 675, 686, 706, 718, 744, 757, 768, 1000, 1100, 1102, 1106, 1148, 1192, 1231, 1236, 1259, 1260, 1264, 1266, 1268, 1270, 1271, 1273, 1275, 1298, 1302, 1305, 1317, 1319, 1336, 1343, 1349, 1352, 1353, 1355, 1358, 1359, 1360, 1362, 1363, 1364, 1365, 1366, 1367, 1369, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1379, 1380, 1381, 1382, 1393, 1409, 1411, 1422, 1425, 1426, 1428, 1436, 1437, 1438, 1440, 1450, 1451, 1455, 1456, 1460, 1461, 1462, 1463, 1464, 1466, 1467, 1468, 1469, 1470, 1472, 1478, 1479, 1481 and 1482.

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, **June 3rd** at 6:00 p.m.

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.

Jane P. Kelley, PO Box 1, Hampton, 03843-0001.

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

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.

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, I will periodically list the reports that are received in the Speaker's office and available for viewing.

Reports most recently received include:

Statewide Strategic Information Technology Plan

Department of Transportation Bureau of Mechanical Service Fuel Distribution

Financial and Compliance Audit Report for the year ended June 30, 2001

Gene G. Chandler, Speaker

All representatives are cordially invited to attend the 2002 Annual Legislative Firearms Day to be held at the Nashua Fish and Game Association, Al Paul Lane, Merrimack. The date is Monday, **May 20th**, 9:00 a.m. to 4:00 p.m. Complimentary breakfast and lunch provided. RSVP to 20may@nfga.org or call (877) 777-6960.

Rep. Fran Wendelboe

The Governor's Office of Energy and Community Services (ECS) is holding public hearings throughout the State this Spring to seek input from citizens about planning for our energy future. The New Hampshire Energy Plan (NHEP) initiative is the result of HB 443, enacted last year, which directs ECS to develop a State energy plan to be presented to the Legislature in November. The next public hearing will be held on Tuesday, **May 21st** at 7pm at the Belmont Mill in Belmont. More information and directions to the hearing are available at the ECS website, www.nhecs.org. For more information on public forums or the NHEP, contact Meredith Hatfield at the Governor's Office of Energy and Community Services at (603) 271-2611 or by email at mhatfield@gov.state.nh.us.

Rep. John Thomas

The 2001 Assembly, the bipartisan group composed of all members of the 2001-2002 freshman class of legislators will take a TEAM PHOTO on **May 22**. All freshmen legislators are asked to report to the east steps of the State House immediately after the session. This will not interfere with plans to attend the Sgt.-at-Arms barbecue. Copies of the photo will be emailed to all that want them and will also be posted in neighboring post offices.

Rep. Ted Leach

The House Republican Alliance will meet at the Upham Walker House (Park Street across from the State House) at 11:30 a.m. on Wednesday, **May 22**.

Rep. Paul M. Mirski

The State of New Hampshire Equalization Standards Board will be conducting the last of a series of four public forums in Brentwood. These forums are intended to solicit public comments on the process of equalizing property values for the purpose of apportioning state education, county and cooperative school district taxes.

The Equalization Standards Board was created by the legislature in 2001 in response to issues raised in the case of *Sirrell v State of New Hampshire* regarding the administration of the property tax. The Board is required to annually review the ratio studies conducted by the NH Department of Revenue Administration and to adopt standards and recommendations for improving the ratio studies for the forthcoming property tax year.

During the past six months, the Board has focused on the report and recommendations prepared by Ronald Wasserstein and Peter Davis, independent consultants hired by the Department of Revenue Administration to review the state's equalization process. A copy of this report, along with a summary of the Board's recommendations to be discussed at the forums, is available by contacting April Rollins at (603) 271-3397 or 271-2687 and at www.state.nh.us/revenue/property_tax/wasserstein_davis_rpt.htm

Equalization Public Forum Schedule

May 23 - Town of Brentwood Fire House, 148 Crawley Falls Road, Brentwood, from 7:00 p.m.-9:00 p.m.

Rep. Betsey L. Patten

The New Hampshire Elder Rights Coalition and the State Committee on Aging invite legislators to hear Cheryl Rivers, Director of the Northeast Legislative Association on Prescription Drug Prices. Her presentation will be held from 10:00 a.m. to noon, Thursday, **May 23** in Rooms 201-203, LOB. She will describe how states can form a large purchasing group in the state or region to leverage the best market prices.

Rep. Peter H. Burling

All interested members are invited to participate in the UNH Ski Team 4 Person Scramble Golf Tournament on Friday, **May 24** at the Pease Golf Course in Portsmouth. For more information or to sign up please call Cory Schwartz, Head Ski Coach, at 862-3837 or corys@cisunix.unh.edu.

Gene G. Chandler, Speaker

All Republican candidates have agreed to participate in the Manchester Republicans First Congressional District Forum, organized and hosted by the Honorable Leona Dykstra, Wednesday, **June 5**, at the Executive Court, 1199 South Mammoth Road in Manchester. A buffet will be served at 6:00 p.m. followed by the forum at 7:00 p.m. Tickets are \$30 per person and may be purchased from Leona at 622-6294, Rep. Carlos Gonzalez at 645-4375, or Rep. Steve Vaillancourt at 627-9047.

Rep. Steve Vaillancourt

The Republican Party Advisory Committee on Education will sponsor a symposium, "Legislative Proposals for School Reform in New Hampshire" on Saturday, **June 15th**, 1:00 – 5:00 p.m. at the Courtyard Marriott (Grappone Conference Center) off Exit 15 , I-93. The public is welcome and there is no fee for the symposium. A number of speakers will be present, including those from the New Hampshire Business Council, National Council on Teacher Quality, Milton Friedman Foundation, Children’s Scholarship Fund and Center for Market-Based Education.

To attend the reception following the symposium, send check for \$14 per person payable to "Republican State Committee" to Simone Maloney, 171 Russell Street, Manchester 03104. For further information call 786-9562 or 225-9341.

Rep. John R. M. Alger

The Belknap County Republican Committee will hold the annual barbecue at Smith Meeting House, Gilmanton, Saturday, **June 22nd**, from 11:00 a.m. – 4:00 p.m. Tickets at \$15 are available from any Belknap County Republican.

Rep. Thomas Rice, Jr.

The Democratic Leadership Council will hold its 2002 National Convention from **July 28-July 30** in New York City. Democratic legislators and staff are invited to attend and help build a New Democrat agenda based on community, responsibility, opportunity and empowerment. Anyone interested in attending may contact Rep. Peter Sullivan at 647-5453 for more information.

Rep. Peter M. Sullivan

The Department of Transportation will hold the following meeting:

- May 20 – Auburn Town Hall, 334 Chester Road, Auburn. Meeting with Auburn Board of Selectmen. Manchester-Auburn, NH Route 101-Exit 1.
- May 21 – Willing Workers Hall, NH Route 25, Glencliff, 7:00 p.m. Public hearing (special committee), Warren-Benton, NH Route 25.
- May 21 – NHDOT, 1 Hazen Drive, Rooms 112 & 113, Concord, Commission meeting, Franklin, NH Route 11 & NH Route 3A.
- May 23- City Hall, Council Chambers, 3rd floor, 51 North Park Street, Lebanon 7:00 p.m. Combined Public Officials/Informational Meeting – Lebanon 13444 Reconstruct the Northbound Weigh Station 500’ north of existing location and upgrade the Southbound Weigh Station at its present location.
- May 24 – Balsams Hotel, 9:30 a.m., Trio Presentation, Governor’s Tourism Conference.
- May 28 – Lancaster Town Hall, 25 Main Street, Lancaster 10:00 a.m. NHDOT/NHDOS. Regional Safety Conference.
- May 28 – Haverhill Town Hall, Main Street, Haverhill, 2:00 p.m. NHDOT/NHDOS. Regional Safety Conference.

- May 29 – Ossipee Central Elementary School Cafeteria, 68 Main Street, Ossipee, 7:00 p.m. Public informational meeting, Ossipee, rehabilitation of the existing roadway and the widening of NH 16 and to provide two 12 feet wide lanes and two 10 feet wide shoulders.
- May 30 – Alton Town Hall, 1 Monument Square, Alton 7:00 p.m. Combined Public Officials/Informational Meeting --Alton 12894, Repaving of Route 28, 4.0 miles ending 200’ north of Route 28-A.
- May 30 – Plaistow (to be announced) 6:30 p.m. Advisory Task Force, Plaistow-Kingston, NH 125 reconstruction.
- May 30 – Keene Recreation Center, 312 Washington Street, Keene, 10:00 a.m. NHDOT/NHDOS. Regional Safety Conference.
- May 30 – Sugar River Savings Bank, 10 North Main Street, Newport, 2:00 p.m. NHDOT/NHDOS. Regional Safety Conference.
- June 4 – Berlin City Hall, 168 Main Street, Berlin, 10:00 a.m. NHDOT/NHDOS. Regional Safety Conference.
- June 4 – Ossipee Town Hall, 55 Main Street, Ossipee, 2:00 p.m. NHDOT/NHDOS. Regional Safety Conference.
- June 11 – Nashua Public Library, 2 Court Street, Nashua, 10:00 a.m. NHDOT/NHDOS. Regional Safety Conference.
- June 13 – Exeter Town Hall, 10 Front Street, Exeter, 10:00 a.m. NHDOT/NHDOS. Regional Safety Conference.
- June 18 – Laconia City Hall, 45 Beacon Street East, Laconia, 10:00 a.m. NHDOT/NHDOS. Regional Safety Conference.
- June 18 – Concord City Council, 35 Green Street, Concord, 2:00 p.m. NHDOT/NHDOS. Regional Safety Conference.
- June 19 – Whitefield School, 34 Twin Mountain Road, US Route 3, Whitefield 7:00 p.m. Public Hearing Commission -- Whitefield P2953 US Route 3 Reconstruction from Carroll T/L northerly 2.0 miles to NH Route 116.
- June 20 – Dover City Hall, 288 Central Avenue, Dover, 10:00 a.m. NHDOT/NHDOS. Regional Safety Conference.
- June 27 – Salem High School, 44 Geremonty Drive, Salem 7:00 p.m. Public informational meeting, Salem-Manchester, I-93 widening

Rep. Edwin O. Smith, Chairman
Public Works and Highways Committee

As a convenience to the members of the NH General Court, the Visitors’ Center offers the following schedule of schools and other groups visiting the State House in **May 2002**. 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. Our schedule is tightly booked for the remainder of the school year. Please contact the Visitors’ Center concerning school tour booking information. Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

DATE	TIME	GROUP	Grade/Size
May 20	8:15	Kimball Elem. School – Concord	4/25
May 20	10:00	Pollard Elem. School – Plaistow	4/50
May 20	11:00 & 12:00	Peterborough Elem. School	4/40
May 21	8:15	Kimball Elem. School – Concord	4/25
May 21	10:00	Plymouth Elementary School	4/40
May 21	11:00	Acworth Elem. School	3&4/20

May 21	11:00 & 12:00	Peterborough Elementary School	4/40
May 22	9:00	Broken Ground Elem. School – Concord	4/25
May 22	10:00	Pollard Elem. School – Plaistow	4/50
May 22	11:00 & 12:00	Disnard Elem. School – Claremont	4/45
May 22	1:15	Bartlett Elem. School – Berlin	4/45
May 23	8:15	Kimball Elem. School – Concord	4/25
May 23	10:00	Russell Elem. School – Rumney	4/26
May 23	10:00	Waterville Valley Elem. School	3&4/10
May 23	11:00	New Hampton Community School	4/30
May 23	12:30 & 1:45	Stratham Memorial Elem. School	4/65
May 24	9:30	So. Merrimack Christian School	4/20
May 24	9:30	Salem Christian School	4/15
May 24	11:00	Campton Elem. School	4/40
May 24	12:30 & 1:45	Stratham Memorial Elem. School	4/65
May 28	9:00	Broken Ground Elem. School-Concord	4/25
May 28	9:30 & 11:00	St. Anthony’s School- Manchester	4/70
May 29	9:00	Broken Ground Elem. School-Concord	4/25
May 29	9:30 & 11:00	Seabrook Elementary	4/55
May 29	1:00	Mont Vernon School	4/44
May 30	9:00	Broken Ground Elem. School- Concord	4/25
May 30	9:30 & 11:00	Green Acres Elementary-Manchester	4/50
May 30	11:00	Mountain Shadows School – Dublin	6/8
May 31	9:00	Broken Ground Elem. School – Concord	4/25
May 31	9:30 & 11:00	Seabrook Elementary School	4/55
May 31	11:30	Sandwich Central School	4/19
May 31	11:30	Simonds Elem. School – Warner	4/11

***** NOTICE *****

29th Annual Bill White Memorial Legislative Golf Tournament

The 29th Annual Bill White Memorial Legislative Golf Tournament is scheduled for Friday, **June 7, 2002** at the Pheasant Ridge Country Club, Gilford, NH. The entry fee for this annual tournament is \$60.00 per person which includes greens fee, cart, dinner and prizes.

A shotgun start is scheduled for 9:00 a.m. The format is "Captain and Crew".

Sign-up as a foursome or sign-up by yourself in order to be placed in a foursome.

A maximum of 120 players will be allowed.

Please return your entry and payment no later than May 31st to Sandy Wheeler at the LOB Lobby Desk. Please make checks payable to David S. Saltmarsh.

Rep. David
Scanlan

Rep. Peter
Burling

!

29th Annual Bill White Memorial Golf Tournament
Pheasant Ridge Country Club
Gilford, NH

Name: 1. _____

2. _____

3. _____

4. _____

Telephone: _____ Amount Enclosed: _____