September 20, 2000

No. 49

STATE OF NEW HAMPSHIRE

Legislative

SENATE CALENDAR

MEETINGS & NOTICES

MEETINGS

THURSDAY, SEPTEMBER 21, 2000

MISCONDUCT, MISUSE OR ABUSE OF DRIVING PRIVILEGES (HB 1617, Chapter 234, Laws of 2000) Room 203, LOB

9:00 a.m. Regular Meeting

RECORDING LEGISLATIVE PROCEEDINGS (HB 730, Chapter 22, Laws of 2000) Room 205, LOB

10:00 a.m. Regular Meeting

PAID FAMILY & MEDICAL LEAVE (HB 1512, Chapter 83, Laws of 2000) Room 307, LOB

10:00 a.m. Regular Meeting

SELF-INSURING STATE EMPLOYEES (HB 1282, Chapter 92, Laws of 2000) Room 212, LOB

10:00 a.m. Regular Meeting

KEROSENE, GASOLINE, DIESEL & HOME HEATING FUEL PRICES STUDY (HB1318, Chapter 58, Laws of 2000) Room 305, LOB

11:00 a.m. Regular Meeting

STATUS OF MEN (HB 553, Chapter 272, Laws of 2000) Room 304, LOB

11:00 a.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION (Warren-Benton 13209, Pavement rehabilitation and addition of shoulders along NH 25 through Glencliff Village and the reconstruction of NH 25 south of the village) Warren Town Hall, Waters Street, Warren, NH

7:00 p.m. Public Officials

FRIDAY, SEPTEMBER 22, 2000

WORKERS' COMPENSATION ADVISORY (RSA 281-A:62) Room 307, LOB

9:00 a.m. Regular Meeting

EARLY CHILDHOOD EDUCATION COMMISSION (HB 532, Chapter, 135, Laws of 1999) Room 207, LOB

9:30 a.m. Regular Meeting

MONDAY, SEPTEMBER 25, 2000

EARLY CHILDHOOD EDUCATION COMMISSION (HB 532, Chapter 135, Laws of 1999) Room 207, LOB

9:00 a.m. Field trip to Dame Family Center, Parent -Child Center 7 Children's Place (all in Concord)

2:00 - 4:00 p.m. Regular Meeting of Full Commission

PUBLIC HEALTH & ENVIRONMENT COMMISSION (HB 1390, Chapter 114, Laws of 2000) Room 205, LOB

10:00 a.m. Regular Meeting

TUESDAY, SEPTEMBER 26, 2000

- **PLEASE NOTE THE FOLLOWING MEETING HAS BEEN RESCHEDULED FROM SEPTEMBER 18TH. ALSO THIS MEETING HAS A TIME CHANGE FROM 9:30 A.M. TO 10:00 A.M.**

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

10:00 a.m. Regular Meeting

COMMITTEE TO STUDY THE ISSUE OF UPDATING NEW HAMPSHIRE LAWS RELATED TO FENCES (HB 1154, Chapter 62, Laws of 1998) Room 303, LOB

10:00 a.m. Regular Meeting

ATECH SERVICES GENERAL OPERATIONS (SB 176, Chapter 3, Laws of 2000) Room 304, LOB

1:00 p.m. Regular Meeting

LEGISLATOR ORIENTATION (RSA 17-C:2) Room 103, SH

1:00 p.m. Regular Meeting

- **PLEASE NOTE THE FOLLOWING MEETING HAS A TIME CHANGE FROM 10:00 A.M. TO 2:00 P.M.**

STATE RECORDS PRESERVATION OR DISPOSAL (HB 1404, Chapter 138, Laws of 2000) Room 303, LOB

2:00 p.m. Regular Meeting

SULLIVAN COUNTY REGIONAL REFUSE DISPOSAL DISTRICT STUDY (HB 379, Chapter 201, Laws of 1999) Room 301, LOB

2:00 p.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION (Haverhill-Bath 10436, Reconstruction of US 302 and NH 10 in the Town of Haverhill and continuing northerly approx. 1.8 miles ending in the Town of Bath.) JRM Municipal Building Route 10, North Haverhill NH

7:00 p.m. Public Officials

NH DEPARTMENT OF TRANSPORTATION (Newington 11238-C, Improvements to the safety of access to the Spaulding Turnpike at River Road and Nimble Hill Road also elimination of the Exit 4N turnaround) Town Hall, 205 Nimble Hill Road, Newington, NH

7:00 p.m. Public Officials

WEDNESDAY, SEPTEMBER 27, 2000

PAID FAMILY & MEDICAL LEAVE (HB 1512, Chapter 83, Laws of 2000) Room 303, LOB

10:00 a.m. Regular Meeting

SALARY STRUCTURE FOR UNCLASSIFIED STATE OFFICERS (HB 1223, Chapter 26, Laws of 2000) Room 304, LOB

1:00 p.m. Organizational Meeting

THURSDAY, SEPTEMBER 28, 2000

COMMITTEE TO STUDY ALL ASPECTS OF THE CONDOMINIUM ACT ESTABLISHED UNDER RSA 356-B (HB 1457, Chapter 186, Laws of 2000) Room 304, LOB

10:00 a.m. Regular Meeting

SELF-INSURING STATE EMPLOYEES (HB 1282, Chapter 92, Laws of 2000) Room 212, LOB

10:00 a.m. Regular Meeting

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE BOARD OF DIRECTORS (RSA 227-M:4) Room 305, LOB

3:00 - 5:00 p.m. Regular Meeting

MONDAY, OCTOBER 2, 2000

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

1:00-4:00 p.m. Regular Meeting and Public Hearing

TUESDAY, OCTOBER 3, 2000

TELECOMMUNICATIONS OVERSIGHT (RSA 374:22-h) Room 304, LOB

10:00 a.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION (Keen-Swanzey 10309) Keen Public Library, 60 Winter Street, Keene, NH

6:30 p.m. Final Design Advisory Task Force Meeting

NH DEPARTMENT OF TRANSPORTATION (Northwood-Nottingham, 10429E, US 4/NH 152 Intersection) Nottingham School Cafeteria, 245 Stage Rd. (NH 152) Nottingham, NH

7:00 p.m. Public Hearing Commission

WEDNESDAY, OCTOBER 4, 2000

INVOLUNTARY EMERGENCY ADMISSION HEARINGS UNDER RSA 135-C (HB 1139, Chapter 221, Laws of 2000) Room 303, LOB

9:30 a.m. Regular Meeting

NON-CONVENTIONAL VETERINARY PROCEDURES FOR DOMESTIC ANIMALS (HB 1483, Chapter 139, Laws of 2000) Room 205, LOB

9:00 a.m. Regular Meeting

STATE AERONAUTICS LAWS REVISIONS (HB 1161, Chapter 105:3, Laws of 2000) Room 307, LOB

9:30 a.m. - 12:00p.m. Regular Meeting

CONCORD TO LEBANON & LAWRENCE MA TO MANCHESTER PASSENGER RAIL SERVICE Room 304, LOB

10:00 a.m. Regular Meeting

NEWBURYPORT MA TO KITTERY ME EASTERN RAIL LINE (HB 1378, Chapter 45, Laws of 2000) Room 304, LOB

11:00 a.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION (Swanzey 12775, NH Route 32 over South Branch Ashuelot River) Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

7:00 p.m. Public Hearing Commission

THURSDAY, OCTOBER 5, 2000

AFFORDABLE HOUSING FUNDING (HB 1199, Chapter 74, Laws of 2000) Room 205, LOB

10:00 a.m. Regular Meeting

RIGHT TO KNOW LAW CHANGING METHODOLOGY OF COMMUNICATIONS (HB 1435, Chapter 60, Laws of 2000) Room 301, LOB

10:00 a.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION (Candia 13310 NH Route 27/NH Route 43) Candia Town Office, 74 High Street, Candia, NH

7:00 p.m. Public Hearing Commission

FRIDAY, OCTOBER 6, 2000

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES Rooms 305-307, LOB

9:00 a.m. Special Meeting

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3) Room 205, LOB

9:00-11:00 a.m. Regular Meeting

MONDAY, OCTOBER 9, 2000

COMMITTEE TO STUDY AND IDENTIFY THE DUTIES OF THE FISH AND GAME COMMISSION (SB 356, Chapter 30:1, Laws of 2000) Room 102, LOB

10:00 a.m. Regular Meeting

TUESDAY, OCTOBER 10, 2000

COMMITTEE TO STUDY PRESCRIPTION DRUG ACCESS (SB 367, Chapter 208:2, Laws of 2000) Room 205, LOB

10:00 a.m. Regular Meeting

WEDNESDAY, OCTOBER 11, 2000

FISCAL COMMITTEE OF GENERAL COURT Rooms 210-211, LOB

9:00 a.m. Regular Business

9:30 a.m. Audits: State of New Hampshire Department of Sfety Revenues Collected By the Division of Motor Vehicles Financial and Compliance Audit Report For the Year Ended June 30, 1999

State of New Hampshire treasury Department Abandoned Property Division Financial and Compliance Audit Report For the Year Ended June 30, 1999

PRIORITY & FUNDING OF TRANSPORTATION 10 –YEAR PLAN PROJECTS (HB 2000, Chapter 45, Laws of 2000) Room 201, LOB

9:30 a.m. Regular Meeting

INVOLUNTARY EMERGENCY ADMISSION HEARINGS UNDER RSA 135-C (HB 1139, Chapter 221, Laws of 2000) Room 303, LOB

10:00 a.m. Regular Meeting

NEW HAMPSHIRE TASK FORCE ON DEAFNESS AND HEARING LOSS (HB 1602, Chapter 234, Laws of 2000) Room 306, LOB

10:00 a.m. Regular Meeting

WELLNESS & PRIMARY PREVENTION COUNCIL (RSA 126-M:3) Room 205, LOB

10:00 a.m. Regular Meeting

MENTAL HEALTH CARE TREATMENT UNDER MANAGED CARE (HB 1134, Chapter 39:1, Laws of 2000) Room 302, LOB

1:00 p.m. Regular Meeting

TOBACCO USE ADVISORY (RSA 126-K:19) Room 307, LOB

3:00 - 5:00 p.m. Regular Meeting

THURSDAY, OCTOBER 12, 2000

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE BOARD OF DIRECTORS (RSA 227-M:4) Room 305, LOB

3:00 - 5:00 p.m. Regular Meeting

MONDAY, OCTOBER 16, 2000

- **PLEASE NOTE THE FOLLOWING MEETING HAS BEEN CANCELLED**

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

Cancelled Regular Meeting

WEDNESDAY, OCTOBER 18, 2000

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE Room 201, LOB

9:30 a.m. Regular Meeting

CONCORD TO LEBANON & LAWRENCE MA TO MANCHESTER PASSENGER RAIL SERVICE Room 304, LOB

10:00 a.m. Regular Meeting

NEWBURYPORT MA TO KITTERY ME EASTERN RAIL LINE (HB 1378, Chapter 45, Laws of 2000) Room 304, LOB

11:00 a.m. Regular Meeting

THURSDAY, OCTOBER 19, 2000

AFFORDABLE HOUSING FUNDING (HB 1199, Chapter 74, Laws of 2000) Room 205, LOB

10:00 a.m. Regular Meeting

FRIDAY, OCTOBER 20, 2000

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES Rooms 306-308, LOB

9:00 a.m. Regular Meeting

MONDAY, OCTOBER 23, 2000

PUBLIC HEALTH & ENVIRONMENT COMMISSION (HB 1390, Chapter 114, Laws of 2000) Room 205, LOB

10:00 a.m. Regular Meeting

COMMITTEE TO STUDY THE STATE SUBSTANCE ABUSE TREATMENT DELIVERY SYSTEM (SB 19, Chapter 38, Laws of 1999) Room 102, LOB

1:30 p.m. Regular Meeting

WEDNESDAY, OCTOBER 25, 2000

COMMITTEE TO STUDY THE LICENSURE OF RADIOLOGIC TECHNOLOGISTS (SB 341, Chapter 49, Laws of 2000) Room 102, LOB

10:00 a.m. Regular Meeting

THURSDAY, OCTOBER 26, 2000

NEW HAMPSHIRE COUNCIL ON APPLIED TECHNOLOGY & INNOVATION ESTABLISHED (RSA 12-h:1) Room 304, LOB

1:00 p.m. Regular Meeting

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE BOARD OF DIRECTORS (RSA 227-M:4) Room 305, LOB

3:00 - 5:00 p.m. Regular Meeting

MONDAY, OCTOBER 30, 2000

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

9:00 a.m. Regular Meeting

FRIDAY, NOVEMBER 3, 2000

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3) Room 205, LOB

9:00-11:00 a.m. Regular Meeting

WEDNESDAY, NOVEMBER 8, 2000

TOBACCO USE ADVISORY (RSA 126-K:19) Room 307, LOB

3:00 - 5:00 p.m. Regular Meeting

THURSDAY, NOVEMBER 9, 2000

NUCLEAR DECOMMISSIONING FINANCING COMMITTEE (RSA 162-F:15) Room 302-304, LOB

10:00 a.m. Purpose of the meeting is to discuss possible changes to RSA 162-F

MONDAY, NOVEMBER 13, 2000

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

9:00 a.m. Regular Meeting

TUESDAY, NOVEMBER 14, 2000

WELLNESS & PRIMARY PREVENTION COUNCIL (RSA 126-M:3) Room 207, LOB

10:00 a.m. Regular Meeting

IMPACT OF WATER WITHDRAWALS ON INSTREAM FLOWS (SB 330, Chapter 242, Laws of 2000) Rooms 305-307, LOB

1:00 p.m. Regular Meeting

FRIDAY, NOVEMBER 17, 2000

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES, Rooms 306-308, LOB

9:00 a.m. Regular Meeting

MONDAY, NOVEMBER 27, 2000

NEW HAMPSHIRE COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2) Room 103, SH

9:00 a.m. Investment Subcommittee Meeting

10:00 a.m. Regular Meeting

MONDAY, DECEMBER 11, 2000

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

9:00 a.m. Regular Meeting

TUESDAY, DECEMBER 12, 2000

WELLNESS & PRIMARY PREVENTION COUNCIL (RSA 126-M:3) Room 207, LOB

10:00 a.m. Regular Meeting

WEDNESDAY, DECEMBER 13, 2000

TOBACCO USE ADVISORY (RSA 126-K:19) Room 307, LOB

3:00 - 5:00 p.m. Regular Meeting

FRIDAY, DECEMBER 15, 2000

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES Rooms 306-308, LOB

9:00 a.m. Regular Meeting

NOTICES

STATE OF NEW HAMPSHIRE

SUPREME COURT

2000-179, OPINION OF THE JUSTICES

(reformed public school financing system)

O R D E R

The following request of the senate for an opinion of the justices was adopted on March 23, 2000, and filed with the supreme court on March 27, 2000. By letter dated May 31, 2000, the court asked the senate if it desires the court to respond to the request even if the answer is returned after the adjournment of this legislative session. On June 8, 2000, the senate responded in the affirmative.

SENATE RESOLUTION 13

Whereas, there is presently pending before the senate SB 462-FN-A-LOCAL, "An act establishing a reformed public school financing system for ensuring educational adequacy for all children; establishing a state public education assistance system funded solely with state tax revenues, and making an appropriation therefor"; and

Whereas, SB 462-FN-A-LOCAL would establish a comprehensive system for financing public schools within the state, including state aid through "baseline adequacy assistance" and through "adequacy guarantee aid," along with local resources raised through property taxes administered through local democratic decision-making (hereinafter, the "financing program"); and

Whereas, SB 462-FN-A-LOCAL would distribute $750 million of state financial aid to school districts in the first fiscal year ending July 31, 2001, with $550 million distributed through the "baseline assistance" method on a weighted per pupil basis and $200 million distributed through the "adequacy guarantee assistance" method based on a foundation aid formula that assesses the relative financial needs of each community using several factors including per capita income, local property valuations, and measures of local tax "effort"; and

Whereas, SB 462-FN-A-LOCAL's total appropriation of $750 million of state financial aid would be funded by the following state-imposed taxes and revenues: (i) $409 million of revenues raised by a state property tax imposed at a uniform rate of $6.10 per $1,000 of equalized valuation of non-public utility real property throughout the state, and (ii) $341 million of revenues raised by other state taxes and general fund sources; and

Whereas, the balance of the public education costs throughout the state over the state assistance of $750 million would be funded with revenues raised by local real property taxes that

would be established in each community through local democratic processes; and

Whereas, under this integrated financing program, direct state appropriations would account for approximately half of the total dollars spent on public elementary and secondary education, ranking New Hampshire much higher than the following states (based on U.S. Department of Education data for School Year 1996-1997):

State	Local	State	Federal
Connecticut	59.4%	37.1%	3.5%
Massachusetts	55.3%	39.9%	4.8%
New York	54.8%	39.8%	5.4%
Pennsylvania	55.2%	39.3%	5.5%
Rhode Island	54.0%	40.6%	5.4%

Whereas, SB 462-FN-A-LOCAL would reflect a legislative determination that the provision of an adequate education is not a static concept, but is best accomplished through the establishment of a process that encourages local communities to evaluate on an annual basis the costs and structure of local public education; and

Whereas, SB 462-FN-A-LOCAL would further reflect a legislative determination that incorporation of significant local resources in such a manner that vests local parental and academic resources in the local public school system is the best means of providing an adequate public education for all children throughout the state; and

Whereas, SB 462-FN-A-LOCAL would further reflect a legislative determination that such reliance on local resources, while producing vibrant and excellent education systems in most communities throughout the state, would present the possibility in certain needy communities that local resources could be insufficient to ensure the provision of an adequate public education; and

Whereas, to address directly this possibility, SB 462-FN-A-LOCAL would implement a state financial assistance program that would substantially increase state aid to public education over the level that was in place prior to 1999; and

Whereas, SB 462-FN-A-LOCAL would distribute such state aid among communities based on the foundation aid formula in accordance with legislative determinations assessing the relative needs of various recipient communities, based on several factors including per capita income, local property valuations, and measures of local tax "effort"; and

Whereas, as a result of these determinations of need, the level of state aid distributed among communities would differ greatly, with no community receiving the same amount of state aid per pupil as any other community; rather such state aid would be distributed in a manner intended to satisfy the state's obligation to guarantee funding to ensure that all children are provided with an adequate education; and

Whereas, all of such state aid would be funded with state revenues that are administered in a manner that is proportional and reasonable throughout the state; and

Whereas, a question has been raised whether SB 462-FN-A-LOCAL satisfies the New Hampshire
Constitution; and

Whereas, some believe that this court's decision in *Claremont School District v. Governor*,

142 N.H. 462 (1997)("*Claremont II ")* mandates that the general court must, first establish and define
"adequate education" on a dollar cost basis throughout the state, and, second, pay for all of the resulting adequate education dollar costs using a common formula throughout the state, regardless of the relative needs of various communities; and

Whereas, such a construction of the court's *Claremont II* decision has led to the enactment of Chapter 17 and Chapter 65 of 1999 New Hampshire Laws, which distribute state financial assistance among every community throughout the state on a strict weighted per pupil basis, regardless of the quality of the local public school system or the capacity of the local community to provide funds through local resources; and

Whereas, in contrast, SB 462-FN-A-LOCAL treats "adequate education" as a quality that is not definable by any common formula applied throughout the state on a dollar cost basis, provides for an adequate education throughout the state through a comprehensive mix of local and state funding similar to that reflected in other New England states, and incorporates within the funding mix a state aid distribution formula that is designed to allocate limited state aid to communities that are most in need in a manner that guarantees funding to ensure that all children receive an adequate education throughout the state; and

Whereas, the approach in SB 462-FN-A-LOCAL appears consistent with the ultimate constitutional requirement that it is "the State's duty to provide a constitutionally adequate education and to guarantee adequate funding" (emphasis added); and

Whereas, the senate respectfully requests expeditious review of this resolution by the court because SB 462-FN-A-LOCAL is intended to become effective on July 1, 2000, and because enactment of public school financing legislation that fails to satisfy the constitutional requirements of the Claremont II decision could present the risk that local and state governments might be required to refund substantial amounts of local property tax revenues; now therefore be it

Resolved by the Senate:

That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following important questions of law:

(a) Would the enactment of SB 462-FN-A-LOCAL satisfy the requirements of part II, articles 5, 6, and 83 of the New Hampshire constitution?

(b) Would the enactment of SB 462-FN-A-LOCAL violate any other provisions of the New Hampshire constitution?

That the senate clerk transmit copies of this resolution and SB 462-FN-A-LOCAL to the justices of the supreme court.

Typewritten memoranda on the questions presented by the request may be furnished by any legislator, attorney, organization, interested party, or member of the public on or before

October 2, 2000. An original and twelve copies of any memorandum must be filed with the clerk's office.

Brock, C.J., did not participate.

DATE: August 18, 2000 **ATTEST: Howard J. Zibel Clerk**

LEGISLATIVE ETHICS COMMITTEE

At its meeting on September 13, 2000, the Legislative Ethics Committee unanimously voted to adopt the following Advisory Opinion, which is printed below in its entirety.

Representative Jeb E. Bradley, Chairman

Senator Richard L. Russman, Vice Chairman

Senator John A. King

Representative Janet G. Wall

Mr. Shawn N. Jasper

Attorney Peter C. Scott

ADVISORY OPINION 2000 - #1
(September 13, 2000)

The Legislative Ethics Committee received a request for an interpretation as to the application of Section 4, VI (c) of the Ethics Guidelines as it applies to a legislator's participation in discussions before a state agency regarding a matter which affects the legislator's constituents generally and which could also affect the legislator's personal financial interests. The Committee held a public hearing to receive input on July 31, 2000, and issues the following opinion.

The Ethics Guidelines prohibit a legislator from threatening a state agency or its employees with reprisals or promised inducements of any kind in an attempt to influence agency decisions so as to obtain special personal benefits for the legislator, the legislator's immediate family, or certain constituents, which would not be available to

others under similar circumstances (Section 4, II (c)). The Guidelines also prohibit a legislator from using his or her public position or office to obtain anything of value for the private benefit of the legislator or the legislator's immediate family (Section 4, III).

These prohibited activities, however, must be read in conjunction with Section 4, VI (c) which states that a legislator is not prohibited from advocating for a particular outcome on matters pending before a state agency when the legislator believes such a decision would benefit the general public or the legislator's constituents generally.

The inquiry to the Committee related to the legislator's participation in discussions involving the Department of Transportation over possible alterations to a highway along which the legislator's house is located. The participation has included attendance at meetings held by the state agency to solicit comment from area residents in association with a safety study requested by the legislator's town. The conclusions reached by the safety study could determine whether there are alterations to the segment of the highway located in the town, including the area immediately abutting the legislator's property, thus potentially affecting the value of the property.

In view of the above-referenced guideline provisions, the Committee concludes that, generally, whenever a legislator advocates on behalf of an issue that primarily benefits the general public, or the legislator's constituents, and which only incidentally benefits the legislator, there is no violation of the Guidelines. In any advocacy before a state agency, however, there can be no directly or indirectly implied threat against the agency. If there are issues with respect to the direct financial interests of the legislator arising from the legislator's official activities, the legislator must make an appropriate disclosure. The legislator should be particularly mindful of Section 4, II (d) of the Ethics Guidelines which states that legislators shall not "conduct private negotiations with a state agency in an attempt to obtain a decision on a pending matter which would result in special personal benefit to the legislator, to the legislator's immediate family, or to certain constituents which would not be available to others under similar conditions." Under no circumstances may a legislator use his or her position to obtain any greater value for the legislator's private benefit than a member of the public could normally obtain.