May 16, 2002
No. 30

STATE OF NEW HAMPSHIRE

Legislative

SENATE CALENDAR

VETO MESSAGES, MEETINGS, NOTICES

THE SENATE WILL MEET IN SESSION ON WEDNESDAY, MAY 22, 2002 AT 10:15 A.M.

VETO MESSAGE

March 29, 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 Senate Bill 1, an act apportioning state senate districts.

Since January, I repeatedly have said I would veto legislation reapportioning state senate districts if the legislation violates the New Hampshire Constitution's requirement that senate districts be "as nearly equal as may be in population;" splits apart strong historic, economic and social communities of interest; and is designed to give one party unfair political advantage over another. I have repeatedly urged the majority party in the senate to work with the members of the minority party to craft bipartisan redistricting legislation.

Unfortunately, the members of the majority party in the senate have chosen to send me legislation containing a redistricting scheme that violates Part II, Article 26 of the New Hampshire Constitution; violates the principle of one person, one vote; splits apart strong communities of interest; and favors one party over another.

S.B. 1 unnecessarily breaks apart strong historic, economic and social communities of interest. The City of Rochester, for example, is torn away from the City of Somersworth, with which it shares a common border and similar social and economic characteristics. The cities of Rochester and Somersworth have been in the same senate district for 210 years. Under S.B. 1 Rochester instead would be thrust into a senate district with the Lakes Region community of Wolfeboro.

S.B. 1 slices Portsmouth away from New Castle and Rye. It splits apart Dover and Durham.

Part II, Article 26 requires that senate districts be "as nearly equal as may be in population, each consisting of contiguous towns, city wards and unincorporated places, without dividing any town, city ward or unincorporated place." There is no question that S.B. 1 demonstrably violates the constitutional requirement that districts be "as nearly equal as may be in population." The record shows that alternative senate redistricting plans more equal in population were presented by the minority party, and rejected by the majority party.

Moreover, S.B. 1 creates at least one senate district that stretches the meaning of the word "contiguous" as used in Part II, Article 26. As created under S.B. 1, senate district 5 is a classic case of partisan gerrymandering at its worst. This district would consist of two distinct geographical areas, the only physical connection being that the northernmost corner of the Town of Wilmot touches the southernmost corner of the Town of Grafton. There is no legitimate justification for the creation of this figure-eight district.

Crafted behind closed doors by the members of one party, the redistricting scheme contained in S.B. 1 was made public only one hour before it was passed by the senate in a strictly partisan vote.

It is clear from the senate record that that there is a wide gap between what the citizens of this state have said they wanted in senate districts and the redistricting scheme contained in S.B. 1.

For example, the Mayor of Rochester, in a January 17, 2002 letter addressed to the Senate Redistricting Committee, pleaded with the senate to "continue to group Rochester with similar Seacoast cities, like Somersworth or Dover" and not put "Rochester in the same district as Wolfeboro way up in the Lakes Region."

A letter from the three Rye selectmen to the Senate Internal Affairs Committee implored the senate not to split Rye apart from Portsmouth, pointing out that Rye students attend Portsmouth High School and that "[o]ne has to drive through Portsmouth to get to Rye….We never heard of a district which basically has one community jumping over another almost entirely contiguous community. Yes, we guess you can walk in a small stretch of marshland to get from New Castle to Rye, but that is truly a stretch." Similar pleas were made in letters submitted by the Mayor of Portsmouth and the chairman of the New Castle selectmen.

A University of New Hampshire history professor and long-time resident of Dover testified about the historical, economic and cultural ties between Dover and Durham at the January 10, 2002 Senate Internal Affairs Committee hearing on redistricting. "If you go back three hundred years, you find that people in Durham and Dover worked with each other and worshipped with each other," he testified.

Why were these pleas from citizens, including local community leaders, to keep together strong communities of interest ignored by the majority party in the senate? Solely to give their party unfair political advantage over the other. S.B. 1 would make at least 16 out of the 24 state senate districts safely Republican. The majority party has disregarded the State Constitution, 200 years of history and tradition, and the views of citizens to guarantee its control over the senate chamber.

Because S.B. 1 is both unconstitutional and fundamentally unfair, I am compelled to veto this legislation.

I urge the senate to take up my veto quickly and then get down to the business of the people. It is not yet too late for the Senate Republicans to work with the Senate Democrats to craft redistricting legislation that is fair to both parties, minimizes the deviation in the size of districts, and keeps together strong communities of interest.

I know the state senate can do better by the people of this state than it has to date. Now is the time to do so. The June candidate-filing period is fast approaching.

Respectfully submitted,

Jeanne Shaheen
Governor

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May 10, 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 Senate Bill 112, an Act relative to election day registration.

Senate Bill 112 is poorly crafted and confusing, but its basic purpose is clear: it is designed to intimidate citizens from exercising their right to register to vote on election day, putting at risk New Hampshire's exemption from the federal "Motor Voter" law. Senate Bill 112 invites discrimination by local election officials. It also purports to redefine "domicile" in a way that would disenfranchise citizens who are in the process of moving from one town to another. S.B. 112 is a bad bill that should not become law.

Under current law, a New Hampshire citizen may register to vote on election day by completing the standard voter registration application required of all new registrants and by signing, under penalty of perjury, a straight-forward, plain-English affidavit certifying that the person is a qualified voter and has not voted and will not vote at any other polling place that election day.

Under S.B. 112, local election officials would be given the unfettered discretion to require a person seeking to register to vote at the polls to either sign the existing straight-forward, plain-English affidavit or to sign a poorly drafted, lengthy, confusing and vaguely threatening affidavit.

Local election officials are given no guidance on which affidavit to use. I expect that our local election officials would use common sense and not discriminate, but S.B. 112 creates the possibility that a person who is new to a community will feel aggrieved by the imposition of this onerous affidavit. It is an invitation to unnecessary acrimony and costly litigation. If S.B. 112 becomes law, local election officials will have to defend themselves against charges that they discriminated against individuals based on the color of their skin, their ethnic origin or their age, violations of the equal protection provisions of Part 1, Articles 1, 2 and 11 of the New Hampshire Constitution and the Fourteenth Amendment to the United States Constitution.

In addition, this new affidavit sets forth a requirement for voting which does not exist in New Hampshire law: current residency. Thus, under the language of S.B. 112, certain New Hampshire citizens will be told they are ineligible to vote simply because they are in the process of moving from one town to another. For example, if a voter is building a new house in "Town A" with the intention of moving there permanently, but is living in "Town B" while the house is being built, under the "domicile" language of S.B. 112 that voter is not eligible to vote in *either* town.

Incorporating so-called domicile language into a new voter registration affidavit makes no sense when the legislature has determined that the term is so ambiguous and confusing it

deserves its own legislative study committee. On March 29, 2002 I signed into law H.B. 137, establishing a committee to study the definition of domicile for voting purposes. Indeed, the issue of "domicile" is apparently so difficult to comprehend that the legislation to establish the special committee was itself studied for a year by the House Election Law Committee. In voting 18-0 to recommend that the full legislature form a special committee to study the term domicile, the House Election Law Committee wrote: "Given the vagueness of the definition of the term `domicile' contained in RSA 654:1, and the controversy such vagueness has engendered, a study committee should be formed to revise, clarify and tighten the definition of the term `domicile' for voting purposes." House Record, Vol. 24, No. 3, December 28, 2001. This special committee to study the term domicile has until November 1, 2002 to report its findings.

Moreover, the new affidavit language in S.B. 112 broadly threatens same-day registrants with the forfeiture of unspecified benefits and rights in other states: "In declaring myself a New Hampshire resident, I realize that I may be forfeiting benefits or rights, including the right to vote, in another state." The affidavit also suggests to the voter that he or she must obtain a New Hampshire driver's license in order to be eligible to vote in New Hampshire, even if the person does not drive. Such threatening and confusing language will only serve to intimidate and discourage same-day registrants from exercising their right to vote.

This assault on our model same day voter registration law could call into question the validity of New Hampshire's exemption from the federal National Voter Registration Act of 1993. Because New Hampshire enacted a simple, same day voter registration law, New Hampshire was expressly exempted from the federal National Voter Registration Act of 1993. The National Voter Registration Act of 1993 imposes extensive voter registration requirements on states. For example, it requires states to allow people to register to vote at the same time they apply for or renew a motor vehicle driver's license. It requires states to allow people to register by mail. It places limitations on the removal of voters from registration lists, specifically prohibiting purges for not voting. Our Congressional delegation in 1996 succeeded in exempting New Hampshire from the rigorous provisions of the National Voter Registration Act of 1993 because, they could argue credibly, New Hampshire's same day registration laws permit every eligible citizen to vote with ease. This no longer would be true if S.B. 112 became law.

Almost one-third of all registered voters in New Hampshire did not vote in the November 2000 general election, an election at which we were choosing the next President of the United States. While New Hampshire's voter turnout percentage compares well with the rest of the country, it is troubling that one-third of our voters last year did not exercise their franchise. Rather than erecting new barriers to voting, lawmakers should instead investigate why so many of our fellow citizens do not vote and develop public policies that encourage every eligible citizen to exercise this precious and fundamental right.

For all of the above reasons, I am today vetoing Senate Bill 112.

Respectfully submitted,

Jeanne Shaheen
Governor

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February 7, 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 Senate Bill 141, an Act relative to proof of qualifications for voter registration.

The right to vote is a fundamental right. Restrictions should be placed on that right if, and only if, there is a compelling need. S.B. 141, which is identical to legislation I vetoed last year, does not meet that test.

While the proponents of S.B. 141 say the purpose of this legislation is to protect our elections from fraud, there is no evidence that voter fraud is a problem in New Hampshire. That is, in large part, because our laws already provide protection from voter fraud. Our statutory requirement that the checklists be purged on a regular basis prevents "graveyard" voting. Our laws permit any voter to challenge the identity and eligibility of any other voter, with any so challenged voter required to sign an affidavit under penalty of perjury before being permitted to vote. Moreover, anyone registering to vote on election day is required to sign a form swearing, under penalty of perjury, that he or she is a qualified voter.

In order to be eligible to vote in New Hampshire, one must be a citizen of the United States, be 18 years of age or older, and be domiciled where he or she intends to vote. Under current New Hampshire law, supervisors of the checklist and town or city clerks may ask an applicant to provide proof of citizenship, age and domicile. If Senate Bill 141 became law, voting registration officials would be required to demand this proof.

S.B. 141 would have the effect of discouraging eligible voters from exercising their right to vote. Not all voters carry proof of their age with them, and in our country, few citizens carry proof of their citizenship. No discretion is given to supervisors of the checklist and town and city clerks under S.B. 141. No matter how well the supervisor of the checklist or town or city clerk knows the voter, he or she must still demand proof of age and citizenship. This would potentially cause lengthy delays for all voters.

While New Hampshire's voter turnout percentage compares well with the rest of the country, it is troubling that one-third of our registered voters did not exercise their franchise in the 2000 general election, an election to choose the President of the United States. Rather than erecting new barriers to voting, lawmakers should instead investigate

why so many of our fellow citizens do not vote and develop public policy to encourage every eligible citizen to exercise this precious and fundamental right.

For all of the above reasons, I am today vetoing Senate Bill 141.

Respectfully submitted,

Jeanne Shaheen
Governor

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May 2, 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 Senate Bill 336, an act establishing a committee to study campaign finance reform and apportioning state representative districts.

Unfortunately, the House redistricting scheme contained in Senate Bill 336 retains the same fundamental flaws that caused me to veto House Bill 420 on April 3, 2002. The House redistricting scheme in S.B. 336 excessively deviates from the constitutional requirement that districts be as equal in population as possible; is internally inconsistent in its treatment of different areas in the state; and unnecessarily changes the form and boundaries of existing districts.

As with H.B. 420, this senate bill 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, S.B. 336 sets up districts that are so far from any measure of equality that it would destroy the cherished belief that the New Hampshire House is the model of representative democracy in the free world.

A straight division of the State into 400 single-member districts would have each district contain 3,089 people.

However, only 17 of the 400 House seats created by S.B. 336 contain a population even within five percent of the ideal of 3,089 people. In fact, under S.B. 336, on average each House member would represent 11,699 people, more than three times the number of people that would reside in a district that meets the constitutional requirement of one person, one vote.

As with H.B. 420, floterial and multi-member districts lie at the heart of many of the problems with S.B. 336. Floterial and multi-member districts have become a crutch for the current architects of House redistricting. Rather than take the time and make the effort to create as many single-member districts as possible that approximate the ideal 3,089 people in size, the architects of S.B. 336 rely heavily on gargantuan districts. Under S.B. 336, a full 272 of the 400 seats in the New Hampshire House are in floterial and multi-member districts.

Of the several specific concerns I raised in my veto message for H.B. 420, the crafters of the redistricting scheme embodied in S.B. 336 admit that it only attempts to address two: the overlapping floterial districts in Hillsborough County and the excessive deviation from the one person, one vote constitutional principle created by one Coos County district. While S.B. 336 does eliminate the overlapping floterial in Hillsborough County, its cure for the Coos County district is worse than the disease.

S.B. 336 creates a monstrous floterial district in Coos County that encompasses 20,956 people, almost two-thirds of the county's total population. The district covers 541 square miles, an area larger than either Strafford County or Belknap County.

As with H.B. 420, this bill unnecessarily treats similar situations in different parts of the State quite differently and unnecessarily changes the form and boundaries of existing districts. This redistricting scheme is unconstitutional, fundamentally unfair, and internally inconsistent.

For all of the above reasons, I am today vetoing Senate Bill 336.

Respectfully submitted,

Jeanne Shaheen
Governor

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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 Senate Bill 419, an act relative to notification of groundwater contamination and repealing certain MtBE notification requirements for public water systems.

Senate Bill 419 would reduce notification to the public of contamination from the gasoline additive MtBE. S.B. 419 repeals an existing MtBE notification law, RSA 485:16-a, II, that requires public water suppliers to notify their customers whenever the water they are providing has tested positive for MtBE at levels greater than 5 parts per billion (ppb). Repeal of this provision is the wrong direction for the State to be moving in. I remain deeply concerned about MtBE contamination of our water supplies. New Hampshire citizens join me in this concern. With my veto of S.B. 419, we will maintain the statutory requirement that public water suppliers must notify their customers when MtBE is detected at levels greater than 5 ppb.

Other provisions of S.B. 419 represent small steps in the right direction. As passed by the legislature, the bill mandates that the Department of Environmental Services provide notification to abutters of any wells that show groundwater contamination in excess of public drinking water standards. I agree that abutters of all contaminated groundwater supplies should be notified, but I believe that the notification for MtBE contamination should remain at the more stringent 5 ppb threshold, rather than the 13 ppb drinking water standard required by S.B. 419. In addition, S.B. 419 requires notification of public water suppliers when the groundwater contamination falls within the wellhead protection area of the public water supply, and of the health officer of any municipality in which a contaminated groundwater supply is detected, or in which abutting property to the contaminated groundwater supply is located. Again, I agree with the intent of these provisions, but believe MtBE notification should be required at the 5ppb threshold.

Therefore, today I am issuing Executive Order 2002-4 directing the Department of Environmental Services to notify abutters, public water supply systems, and the local health officer of any well that tests positive for MtBE above 5 ppb. This executive order also directs DES to notify abutters, public water supply systems, and the local health officer when other water contaminants are detected at levels that exceed drinking water standards. This order will ensure consistency in notification practices for MtBE contamination of any drinking water supply, and ensure all affected parties are notified when MtBE or other contaminants are detected.

Sixty percent of New Hampshire citizens rely on groundwater for their drinking water. As we continue to make every effort to protect New Hampshire's water resources, it is critical that we keep our citizens informed of any threats to their drinking water supplies. Today, by vetoing S.B. 419 and issuing Executive Order 2002-4, we achieve that goal.

Respectfully submitted,

Jeanne Shaheen
Governor

LAID ON THE TABLE

SB 29, relative to amending warrant articles by political subdivisions that have adopted the official ballot referendum form of meeting.
SB 87, relative to permissible campaign contributions by business organizations and labor unions.
SB 105, relative to instream flow plan requirements.
SB 146, relative to personal watercraft.
SB 173-FN-A, creating a business profits tax credit for certain donations made for science and technology equipment and facilities to the university system of New Hampshire or any of its component institutions.
SB 325, establishing a committee to study the use of state vehicles.
SB 335, relative to prohibited political contributions.
SB 382, relative to display of flags on condominium units.
SB 401-FN-A, relative to long-term care funding and making an appropriation therefor.
SB 407-FN, requiring restroom facilities in certain state buildings.
SB 421-FN-A, authorizing the Berlin campus of the New Hampshire regional community-technical college system to upgrade and modernize its equipment and programs and authorizing manufacturing technology training in the town of Littleton, and making an appropriation therefor.
SB 428, changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee.
HB 157, (New Title) clarifying the immunity from liability of persons providing emergency care.
HB 193, establishing a committee to study state payments for court-ordered placements of special education pupils.
HB 325-FN, relative to certain acts of sexual assault.
HB 466, relative to the selection of replacement justices for supreme court justices who are disqualified to hear cases.

HB 586, excluding stepchildren from the definition of "child" in the context of support orders.
HB 679, establishing a commission to examine models of out-of-school care for children in kindergarten through grade 12.
HB 686, relative to the scope of discovery in abuse and neglect cases.
HB 722, (New Title) relative to town, village district, and school district elections.
HB 748-FN-A-L, (2nd New Title) revising the definition of an adequate education and revising the weighted pupil formula used to calculate the cost of an adequate education.
HB 1221, relative to coordinating certain town and school district meetings.

MEETINGS

FRIDAY, MAY 17, 2002

• PLEASE NOTE THE FOLLOWING MEETING HAS BEEN CANCELLED AND RESCHEDULED FOR MAY 22ND

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

Cancelled Regular Meeting

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3) Room 206, LOB

9:00 a.m. Regular Meeting

COMMISSION ON EDUCATION OF DEAF AND HARD OF HEARING PERSONS IN NEW HAMPSHIRE (HB 1283, Chapter 43, Laws of 2000) Room 205, LOB

10:00 a.m. - 12:00 p.m. Regular Meeting

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

1:00 p.m. Regular Meeting

MONDAY, MAY 20, 2002

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

9:00 a.m. Regular Meeting

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

4:00 p.m. Regular Meeting

TUESDAY, MAY 21, 2002

ASSESSING STANDARDS BOARD (RSA 21-J:14-a) Room 301, LOB
9:00 a.m. - 3:00 p.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION (Franklin 12938, NH Route 11 & NH Route 3A) NHDOT, 1 Hazen Dr. Rooms 112 & 113, Concord NH

10:00 a.m. Commission Meeting

NH DEPARTMENT OF TRANSPORTATION (Warren-Benton 13209, NH Route 25) Willing Workers Hall, NH Route 25, Glencliff, NH

7:00 p.m. Public Hearing (Special Committee)

WEDNESDAY, MAY 22, 2002

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

8:00 a.m. Regular Meeting

- **PLEASE NOTE THE FOLLOWING MEETING HAS BEEN RESCHEDULED FROM MAY 17TH**

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

12:00 p.m. Regular Meeting

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

2:30 p.m. - 4:30 p.m. Regular Meeting

THURSDAY, MAY 23, 2002

EQUALIZATION STANDARDS BOARD (RSA 21-J:14-c) Fire House, Town of Brentwood, 148 Crawley Falls Rd. Brentwood, NH

7:00 p.m. Public Forum

NH DEPARTMENT OF TRANSPORTATION Lebanon 13444, Reconstruct the Northbound Weigh Station 500' north of existing location and upgrade the southbound weigh station at its present location (City hall Councilors Chambers 51 North Park Street 3rd Floor Lebanon, NH

7:00 p.m. Combined Public Officials/Informational Meeting

NH DEPARTMENT OF TRANSPORTATION AND NH DEPARTMENT OF SAFETY 2002 REGIONAL SAFETY CONFERENCES Hillsboro County #1 - Manchester Southern NH Planning Commission, 438 Dubuque Street, Manchester

10:00 a.m. Regional Conference

FRIDAY, MAY 24, 2002

NH DEPARTMENT OF TRANSPORTATION (Governor's Tourism Conference) Balsams Hotel

9:30 a.m. Trio Presentation

COMMISSION ON DEVELOPMENT OF 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, 2002

NH DEPARTMENT OF TRANSPORTATION AND NH DEPARTMENT OF SAFETY 2002 REGIONAL SAFETY CONFERENCES Coos County #1 - Lancaster Town Hall, 25 Main Street Lancaster

10:00 a.m. Regional Conference

NH DEPARTMENT OF TRANSPORTATION AND NH DEPARTMENT OF SAFETY 2002 REGIONAL SAFETY CONFERENCES Grafton County- Haverhill Town Hall, Main Street, Haverhill

2:00 p.m. Regional Conference

WEDNESDAY, MAY 29, 2002

CAPITAL BUDGET OVERVIEW COMMITTEE Room 201, LOB

9:30 a.m. Regular Business

Update on Department of Safety Construction Projects

NH DEPARTMENT OF TRANSPORTATION (Ossipee 10431 Rehabilitation of the existing roadway and the widening of NH 16 and to provide two 12 ft. wide lanes and two 10 ft. wide shoulders) Ossipee Central Elementary School Cafeteria, 68 Main Street, Ossipee, NH

7:00 p.m. Public Informational Meeting

THURSDAY, MAY 30, 2002

NH DEPARTMENT OF TRANSPORTATION AND NH DEPARTMENT OF SAFETY 2002 REGIONAL SAFETY CONFERENCES Cheshire County -Keene Recreation Center, 312 Washington Street, Keene

10:00 a.m. Regional Conference

NH DEPARTMENT OF TRANSPORTATION AND NH DEPARTMENT OF SAFETY 2002 REGIONAL SAFETY CONFERENCES Sullivan County - Newport Sugar River Savings Bank Community Room, 10 North Main Street, Newport

2:00 p.m. Regional Conference

NH DEPARTMENT OF TRANSPORTATION (Plaistow-Kingston, 10044-B NH 125, Reconstruction) Plaistow TO BE ANNOUNCED

6:30 p.m. Advisory Task Force

NH DEPARTMENT OF TRANSPORTATION (Alton 12894, Repaving of Rte. 28 4.0 miles. Ending 200 feet north of Rte 28-A & upgrades) Alton Town Hall, 1 Monument Square, Alton, NH

7:00 p.m. Combined Public Officials/ Informational Meeting

FRIDAY, MAY 31, 2002

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

9:00 a.m. Regular Meeting

MONDAY, JUNE 3, 2002

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

9:30 a.m. Regular Meeting

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

2:00 p.m. Regular Meeting

JOINT HEALTH COUNCIL (Pursuant RSA 326-B:12) NH Board of Nursing, Room 17, 78 regional DR. Bldg 2, Concord NH

6:00 p.m. Regular Meeting

TUESDAY, JUNE 4, 2002

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

9:00 a.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION AND NH DEPARTMENT OF SAFETY 2002 REGIONAL SAFETY CONFERENCES Coos County #2 - Berlin City Hall, 168 Main Street, Berlin

10:00 a.m. Regional Conference

NH DEPARTMENT OF TRANSPORTATION AND NH DEPARTMENT OF SAFETY 2002 REGIONAL SAFETY CONFERENCES Carroll County - Ossipee Town Hall, 55 Main Street, Ossipee

2:00 p.m. Regional Conference

MONDAY, JUNE 10, 2002

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

1:00 p.m. Regular Meeting

TUESDAY, JUNE 11, 2002

NH DEPARTMENT OF TRANSPORTATION AND NH DEPARTMENT OF SAFETY 2002 REGIONAL SAFETY CONFERENCES Hillsboro County #2 - Nashua Public Library, 2 Court Street, Nashua

10:00 a.m. Regional Conference

WEDNESDAY, JUNE 12, 2002

FISCAL COMMITTEE OF THE GENERAL COURT Room 210-211, LOB
9:00 a.m. Regular Business

THURSDAY, JUNE 13, 2002

NH DEPARTMENT OF TRANSPORTATION AND NH DEPARTMENT OF SAFETY 2002 REGIONAL SAFETY CONFERENCES Rockingham County - Exeter Town Hall, 10 Front Street, Exeter

10:00 a.m. Regional Conference

MONDAY, JUNE 17, 2002

POSTSECONDARY EDUCATION AND TEMPORARY ASSISTANCE RECIPIENTS RELATIONSHIP COMMISSION (SB 313, Chapter 122:2, Laws of 2000 Extended by SB 411, Chapter 50:3, Laws of 2002) Room 205, LOB

10:00 a.m. Organizational Meeting

TUESDAY, JUNE 18, 2002

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

9:00 a.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION AND NH DEPARTMENT OF SAFETY 2002 REGIONAL SAFETY CONFERENCES Belknap County - Laconia City Hall, 45 Beacon Street East, Laconia

10:00 a.m. Regional Conference

NH DEPARTMENT OF TRANSPORTATION AND NH DEPARTMENT OF SAFETY 2002 REGIONAL SAFETY CONFERENCES Merrimack County - Concord City Council, 35 Green Street, Concord

2:00 p.m. Regional Conference

WEDNESDAY, JUNE 19, 2002

NH DEPARTMENT OF TRANSPORTATION (Whitefield, P2953, US Route 3, Reconstruction from Carroll T/L northerly 2.0 Miles to NH Rte 116 (Whitefield School, 34 Twin Mountain Road, US Route 3, Whitefield. NH
7:00 p.m. Public Hearing Commission

THURSDAY, JUNE 20, 2002

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

9:00 a.m. Regular Meeting

NH DEPARTMENT OF TRANSPORTATION AND NH DEPARTMENT OF SAFETY 2002 REGIONAL SAFETY CONFERENCES Strafford County - Dover City Hall, 288 Central Avenue, Dover

10:00 a.m. Regional Conference

FRIDAY, JUNE 21, 2002

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

1:00 p.m. Regular Meeting

TUESDAY, JUNE 25, 2002

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

10:00 a.m. Informational Meeting for 2003 Certification Towns

MONDAY, JULY 8, 2002

COMMISSION ON THE STATUS OF COMMUNITY-TECHNICAL EDUCATION (SB 503, Chapter 272:35, Laws of 1998 Extended by SB 15, Chapter 43, Laws of 2001) NH Community Technical College - Claremont Campus

10:00 a.m. - 12:00 p.m. Regular Meeting

TUESDAY, JULY 16, 2002

SOURCES THAT BURN VIRGIN PETROLEUM OR COAL TO COMPLY WITH AIR TOXIC CONTROL ACT (RSA 125-I), STUDY OF PUBLIC HEATH AND ENVIRONMENTAL BENEFITS (SB 93, Chapter 88, Laws or 2001) Room 102, LOB

10:00 a.m. Regular Meeting

MONDAY, JULY 22, 2002

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

9:00 a.m. Investment Committee

10:00 a.m. Regular Meeting

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FISCAL NOTES ARE AVAILABLE IN THE SENATE CLERK'S OFFICE:

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NOTICES

FRIDAY, MAY 17, 2002

In recognition of your support, the NH Law Enforcement Officers Memorial Committee cordially invites all Senators to the 10th Annual New Hampshire Law Enforcement Officers' Memorial Ceremony. The Ceremony will be held on Friday, May 17, 2002 at 10:00 a.m. at the memorial site in front of the LOB. The ceremony will proceed rain or shine. Please contact Captain Timothy J. Acerno of Fish and Game (271-3129) with any questions.

Senator Arthur P. Klemm Jr.
President of the Senate

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THURSDAY, MAY 23, 2002

The NH Elder Rights Coalition and the state Committee on Aging invite you to a presentation on "How NH can use its market power to lower prescription drug prices." Cheryl Rivers, Director of the Northeast Legislative Association on Prescription Drug Prices will be the guest speaker. She will speak about, how the states can form a large purchasing group to leverage the best market prices. Please make plans to attend on Thursday, May 23rd at 10:00 a.m. to Noon in Rooms 201-203, Legislative Office Building.

Senator Sylvia B. Larsen

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FRIDAY, JUNE 7, 2002

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.

Senator Arthur P. Klemm Jr.
Senator Beverly A. Hollingworth

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

Name: 1. _____

2. _____

3. _____

4. _____

Telephone: _____ Amount Enclosed: _____

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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.

Senator Ned Gordon

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.

III. 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.

IV. 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.

[~~II. 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.

III. **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.**

IV. 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.

V. 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.

VI. 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.

VII. 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).

VIII. 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.

IX. 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.

X. 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.

IV. 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.

V. 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.

VI. 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.

VII. 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.

V. 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.

VI. 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.

(c) 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.

II. 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.

III. 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.

IV. 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.

V. 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.

VI. 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~~].

VII. 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.

VIII. 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.**

V. 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:

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SENATE DEADLINES 2002 SESSION

JANUARY 2, 2002	CONVENING DAY INTRODUCTION OF SENATE BILLS (Calendar with all hearing published)
FEBRUARY 21, 2002	LAST DAY TO ACT ON SENATE BILLS
FEBRUARY 24, 2002 - MARCH 5, 2002	VACATION WEEK
APRIL 18, 2002	LAST DAY TO ACT ON ALL BILLS FROM OTHER BODY
APRIL 25, 2002	LAST DAY TO FORM COMMITTEE OF CONFERENCES
APRIL 30, 2002 - 12:00P.M.	LAST DAY TO SIGN COMMITTEE OF CONFERENCE REPORTS
MAY 2, 2002	LAST DAY TO ACT ON COMMITTEE OF CONFERENCE REPORTS
MAY 22, 2002	VETO DAY

VISITORS CENTER SCHEDULE - MAY

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 17	10:00	St. Elizabeth Seton School – Rochester	4/40
May 17	11:30	New Franklin Elem. School – Portsmouth	4/36
May 17	12:30 & 2:00	Greenland Central School	4/55
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