

State of New Hampshire HOUSE RECORD

Second Year of the 158th General Court
Calendar and Journal of the 2004 Session

Vol. 26

Concord N.H.

Friday, May 28, 2004

No. 41

Contains: Governor's Veto Messages, Order Form for the 2003 and 2004 Permanent Journals, Meetings and Notices

HOUSE CALENDAR

A MESSAGE FROM THE SPEAKER

MEMBERS OF THE HOUSE:

The House will meet in session on Thursday, June 17, at 10:00 a.m. to take up gubernatorial vetoes.

I hope you have a relaxing and reflective holiday weekend as we consider the ultimate sacrifices made by men and women of the armed forces over the generations defending our freedoms.

Speaker Gene G. Chandler

NOTICE

The Statement of Financial Interests for Gifts, Testimonials and Honorariums (RSA 15-B) is in each member's mail slot. This statement must be signed and submitted to the Secretary of State's Office by **June 15, 2004**. A statement must be submitted even if the member has not received any gifts, testimonials or honorariums in the last year.

William M. Gardner
Secretary of State

GOVERNOR'S VETO MESSAGE ON HB 503

April 26th, 2004

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 vetoed House Bill 503, an Act relative to septic system construction permits.

HB 503 requires municipalities to provide, or assure access to, Department of Environmental Services approved septage storage facilities for residents. While I agree providing for the proper disposal of domestic septage at New Hampshire facilities is becoming increasingly difficult for septage haulers serving residents who continue to rely on septic systems, I do not believe HB 503 is the proper solution.

HB 503 can have unintended consequences which must be considered. The bill prohibits the NH Department of Environmental Services from issuing any new septic system construction permit until a municipality is in compliance with the law. The legislative purpose outlined in the bill states “The act is intended to...further restrict development that generates additional sewage...”. Almost all development generates additional sewage, therefore a municipality could use HB 503 as a tool to limit growth and encourage “snob” zoning. Simply by not complying with the provisions of HB 503 a municipality could prevent any new construction, and place the blame on the State.

In addition, the reference to “a department approved alternative option for its residents” will lead to uncertainty and may provide a loophole for municipalities to circumvent the legislature’s intent.

The State should be looking at financial incentives and disincentives to encourage municipalities and property owners to address the growing concerns of septage storage. Prohibiting new construction will not only limit the State’s economic potential, but could limit individual’s property rights.

For these reasons I have vetoed HB 503.

Respectfully submitted,
Craig R. Benson
Governor

GOVERNOR’S VETO MESSAGE ON HB 520

May 17th, 2004

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 vetoed House Bill 520, an Act relative to maintaining records of greyhounds used in pari-mutuel racing.

HB 520 requires the pari-mutuel commission to maintain statistics and records regarding the disposition of all racing greyhounds and health records of greyhounds.

The pari-mutuel commission has stated this bill will increase state expenditures. We simply cannot afford new spending at this time. In addition, many supporters of the bill seek to put an end to greyhound racing in New Hampshire. We should be concerned about the potential loss of jobs associated with the closing down of the state’s greyhound industry.

The bill creates a penalty of a Class A misdemeanor, punishable with up to a year in prison, for falsifying a disposition form or failing to record an injury more than once. This penalty applies to the smallest of injuries that may not even be related to racing activities. The penalty provisions in this bill are simply unfair.

The racing industry is subject to enough regulation as it is. Each greyhound track in NH is currently required to have a licensed state veterinarian on duty, and the New Hampshire Dept. of Agriculture inspects facilities. The commission recently adopted new racing rules and regulations that will help ensure the safety of animals.

Finally, I recently created, by executive order, the Humane Treatment of Animals task force to examine issues related to animal abuse, including greyhounds, in New Hampshire.

For these reasons I have vetoed HB 520.

Respectfully submitted,
Craig R. Benson
Governor

GOVERNOR’S VETO MESSAGE ON HB 1134

May 10th, 2004

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 vetoed House Bill 1134, an Act relative to the appointment of the Chief Justice of the Supreme Court.

HB 1134 limits the term of the chief justice to 5 years. It also returns the nomination and appointment of the chief justice to the governor and council.

On April 28th, 2004 the New Hampshire Supreme Court found that RSA 490:1 violates the New Hampshire Constitution. The court noted that the statute violated the separation of powers doctrine. They ruled the chief justice position is a discrete judicial office and as such is subject to the constitutional provisions for executive nomination and appointment. In addition, the court ruled that to limit the term of a chief justice divests the chief justice of the constitutional right to lifetime tenure (subject to the age limitations set forth in Part II, Article 78). The legislature may not, by statute, alter the tenure or appointment of the chief justice.

The court decision renders HB 1134 moot. The only available action to the legislature is a constitutional amendment.

For these reasons I have vetoed HB 1134.

Respectfully submitted,
Craig R. Benson
Governor

HOUSE DEADLINES

Monday, September 20, 2004	First day for incumbents running for re-election to file LSRs with complete information.
Friday, October 8, 2004	Last day for incumbents running for re-election to file LSRs with complete information.
Monday, November 1, 2004	Last day to file 2004 Interim Study reports.
Wednesday, November 10, 2004	First day for all representatives-elect to file LSRs with complete information. 15-day sign off period begins.
Wednesday, December 8, 2004, 3:00 p.m.	Last day for all representatives-elect to file LSRs with complete information.

LAIID ON TABLE

HB 220, creating a committee to study amending the constitution to require that government decisions affecting the environment reflect consideration of the welfare of future generations. (Pending question is ought to pass)

HB 359, establishing a procedure for apportioning state senate and representative districts. (Pending question is inexpedient to legislate.)

HB 760-FN-A, establishing the New Hampshire healthy families trust fund, increasing the tobacco tax, and making an appropriation therefor. (Pending question is on the adoption of the majority committee report of inexpedient to legislate.)

HB 1425, relative to food safety in restaurants. (Pending question is the adoption of the committee amendment.)

SB 390, relative to liability of third person under workers' compensation. (Pending question is Ought To Pass)

COMMITTEE MEETINGS

TUESDAY, JUNE 1

SETBACK REQUIREMENTS FOR SEPTAGE, BIOSOLIDS AND SHORT PAPER FIBERS STUDY (SB 87, Chapter 302:1, Laws of 2003), Room 303, LOB

9:00 a.m. Regular meeting.

STATE VETERANS' ADVISORY COMMITTEE (RSA 115-A:2), American Legion Post 79, Manchester

5:00 p.m. Regular meeting.

WEDNESDAY, JUNE 2

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

10:00 a.m. Ad hoc committee on medical errors and resident hours.

WATER RESOURCES STUDY COMMITTEE RSA (481:1-b), Room 103, State House

10:00 a.m. Regular meeting.

THURSDAY, JUNE 3

CRIMINAL JUSTICE AND PUBLIC SAFETY, Fire Academy, Sheep Davis Road, Concord

7:00 p.m. Meeting with Fire Standards and Training Commission.

TASK FORCE ON DEAFNESS AND HEARING LOSS (HB 225, Chapter 117:2, Laws of 2003), Police Standards and Training, 17 Institute Drive, Concord

1:00 p.m. Regular meeting.

FRIDAY, JUNE 4

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

9:00 a.m. Continued regular meeting.

COMMISSION TO IDENTIFY MEDICAL ERRORS AND THEIR CAUSES (HB 287, Chapter 255:6, Laws of 2003), Room 208, LOB

1:00 p.m. Prioritization subcommittee meeting.

COMMISSION TO STUDY THE RIGHT-TO-KNOW LAW (HB 606, Chapter 287:3, Laws of 2003), Room 304, LOB

10:00 a.m. Regular meeting.

FINANCIAL EXPLOITATION OF THE ELDERLY AND PERSONS WITH DISABILITIES (HB 461, Chapter 227:2, Laws of 2003), Room 205, LOB

1:00 p.m. Regular meeting.

MONDAY, JUNE 7

COMMISSION ON THE EDUCATION OF THE DEAF (HB 1283, Chapter 43:2, Laws of 2000), Room 103, State House

10:00 a.m. Subcommittee meeting.

SETBACK REQUIREMENTS FOR SEPTAGE, BIOSOLIDS AND SHORT PAPER FIBERS STUDY (SB 87, Chapter 302:1, Laws of 2003), Room 303, LOB

9:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

FRIDAY, JUNE 11

TASK FORCE ON FAMILY LAW (HB 447, Chapter 250:1, Laws of 2002), Rooms 206-208, LOB

2:00 p.m. Regular meeting.

MONDAY, JUNE 14

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 203, LOB

10:00 a.m. Subcommittee work session on Rules.

TUESDAY, JUNE 15

COMMISSION TO STUDY CHILD SUPPORT AND RELATED CHILD CUSTODY ISSUES (HB 310, Chapter 277:1, Laws of 2003), Room 206, LOB

3:00 p.m. Rescheduled regular meeting.

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 105A, State House (Please note room

change.)

10:00 a.m. Regular meeting.

WEDNESDAY, JUNE 16

COMMISSION TO IDENTIFY MEDICAL ERRORS AND THEIR CAUSES (HB 287, Chapter 255:6, Laws of 2003), Room 205, LOB

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular business.

9:30 a.m. Audits: State of New Hampshire, Fish and Game Fund, financial and compliance audit report for the fiscal year ended June 30, 2003.

THURSDAY, JUNE 17

TASK FORCE ON DEAFNESS AND HEARING LOSS (HB 225, Chapter 117:2, Laws of 2003), Police Standards and Training, 17 Institute Drive, Concord

1:00 p.m. Regular meeting.

FRIDAY, JUNE 18

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

9:00 a.m. Regular meeting.

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

1:00 p.m. Complaint hearing.

COMMISSION TO STUDY THE RIGHT-TO-KNOW LAW (HB 606, Chapter 287:3, Laws of 2003), Room 304, LOB

10:00 a.m. Regular meeting.

MONDAY, JUNE 21

COMMISSION ON THE EDUCATION OF THE DEAF (HB 1283, Chapter 43:2, Laws of 2000), Room 103, State House

10:00 a.m. Regular meeting.

COMMISSION TO STUDY ISSUES RELATIVE TO GROUNDWATER WITHDRAWALS (SB 155, Chapter 305:1, Laws of 2003), Room 201, LOB

10:00 a.m. Subcommittee meeting.

WEDNESDAY, JUNE 23

TASK FORCE ON FAMILY LAW (HB 447, Chapter 250:1, Laws of 2002), Rooms 206-208, LOB

2:00 p.m. Regular meeting.

MONDAY, JUNE 28

BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Room 105A, State House

2:00 p.m. Regular meeting.

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

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

The **Grafton County Delegation** will meet at 10:00 a.m. in the basement of the County Corrections facility on **June 28** to

deliberate and vote on the County budget for fiscal year 2005 (July 1, 2004-June 30, 2005). Please attend.

Rep. John R.M. Alger, Chairman
Grafton County Delegation

NOTICE

Last Call

Anyone who was a member of the House or Senate during the 2001 and/or 2002 Sessions and has not already done so is encouraged to pick up a complimentary copy of the House Permanent Journal. The House Clerk's Office still has many copies available from 2001 and more from 2002. These are hardbound volumes and have been indexed for easy reference.

Agencies that have not received one are also encouraged to pick one up. One copy is complimentary to each state agency. Copies will be available until supplies run out, or **June 4**, 2004. Please contact the House Clerk's Office to obtain your copy.

Eric W. Fowler, Assistant Clerk

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 7** at 6:00 p.m.

Karen O. Wadsworth, Clerk of the House

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs 65, 85, 176, 243, 258, 369, 440, 444, 511, 516, 520, 612, 618, 620, 622, 640, 643, 645, 651, 652, 656, 698, 712, 713, 727, 729, 730, 781, 803, 1136, 1148, 1153, 1162, 1188, 1202, 1207, 1213, 1225, 1241, 1254, 1248, 1251, 1276, 1290, 1308, 1311, 1317, 1325, 1339, 1344, 1345, 1348, 1352, 1353, 1365, 1378, 1380, 1387, 1388, 1399, 1401, 1411, 1413, 1416, 1418, 1421, 1423, 1424, 1426, 1428 and 2004. SBs 126, 205, 303, 312, 329, 338, 348, 361, 367, 376, 383, 401, 407, 411, 419, 429, 430, 433, 442, 448, 450, 463, 478, 494, 498, 500, 503, 505, 509, 510, 525, 532 and 534.

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.

Joseph D. Harris, 43 Ridge Avenue, Claremont, New Hampshire 03743-3166.

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

Members, staff and friends of Representative Sandy Harris may bring cards and notes of good wishes to the Speaker's office where they will be collected for delivery to her.

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 views 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 report that are received in the Speaker's office and available for viewing.

Reports most recently received include:

NH Veterans Advisory Committee Biannual Report, May 2004

Gene G. Chandler, Speaker

The House Republican Alliance will meet each Wednesday at 8:30 a.m. at the Upham Walker House, Park Street (across from the State House).

Rep. Michael A. Balboni

All members are invited to participate in the City of Concord Memorial Day Parade on Monday, **May 31**. Interested members should gather at 8:30 a.m. in the Ames parking lot on Storrs Street. Parade marshals will be on hand to direct you. If you have any questions, please contact Micheal Geary, President of the Concord Veterans Council at 225-0876. In case of rain, a ceremony will be held in the Hall of Flags at 9:00 a.m.

Gene G. Chandler, Speaker

The Healthcare Decisions Coalition will meet on Friday, **June 4** in Room 205, LOB from 9:00 a.m. to 11:00 a.m. to discuss the End-of-Life Care bill being drafted for presentation to the legislature in 2005.

Rep. Hilda W. Sokol

The Legislative Caucus for Young Children (LCYC) will meet Wednesday, **June 9** at 10:00 a.m. in Room 206, LOB. Senator Richard Green will discuss the change process as it relates to future planning. All members of the House and Senate are welcome.

Rep. Deanna S. Rollo

Strafford County Delegation: Come join your NRA members and supporters for a fun filled evening the whole family will enjoy, at the 7th Annual Seacoast Friends of NRA Banquet and Auction on Saturday, **June 12th** at 5:00 p.m. at the American Legion Post 7, Rochester. Prime rib or lobster stuffed chicken will be served for \$35 per person. See Rep. Cataldo for tickets.

Rep. Sam Cataldo

Pursuant to RSA 9:3-a, III the Governor's Capital Budget Hearings will be held in Room 103, State House on the following dates:

Monday, June 14 from 9:00 a.m. to 2:30 p.m.

Tuesday, June 15 from 9:00 a.m. to noon.

Rep. Edwin O. Smith

The Department of Transportation will hold the following meeting:

June 2 – Ossipee Town Hall, 55 Main Street, Ossipee, 7:00 p.m. Public officials/public informational meeting, Ossipee-Effingham, pavement overlay, upgrading existing guardrail and bridge deck replacement along NH 25 from NH 16/NH 25 interchange east 6.4 miles to the NH 25/School Street intersection.

June 9 – Conway Police Department 39 East Conway Road, Conway, 7:00 p.m. Public officials/public informational meeting, Conway, widening of River Road, provide 4' shoulders for bikes, road surface rehab/drainage improvements 500 feet west of intersection Route 16 approximately 1.5 miles west to intersection of River and West Side Road.

June 10 – Londonderry High School, Room 221, 295 Mammoth Road, Londonderry, 7:00 p.m. Public hearing (Commission), Londonderry, alterations to NH Route 128.

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 **JUNE 2004**. 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. Thank you for your continued participation with

your School Visitation Program.

Kenneth Leidner, Director

6-1-04	9:30 & 11:00 SH/HM	Green Acres School – Manchester	4/55
6-2-04	9:30 & 11:00 SH/HM	Green Acres School – Manchester	4/55
6-3-04	11:00 & 12:30 SH/P	Lakeway Elem – Littleton	4/78
6-4-04	9:30	Holderness Elem- Plymouth	4/20
6-4-04	11:00	Jonathon Daniels School – Keene	4/34
6-7-04	8:30	Florence Rideout Elem School – Wilton	4/41
6-7-04	10:00	Kensington Elementary School	4/36
6-7-04	11:30	Mont Vernon School	4/40
6-8-04	10:00 & 11:00 SH/HM Store	Pelham Elementary School	4/50
6-9-04	10:00 & 11:00 SH/HM Store	Pelham Elementary School	4/50
6-10-04	10:00 & 11:00 SH/HM Store	Pelham Elementary School	4/50

NOTICE

The House Clerk's Office is now accepting orders for both the 2003 and 2004 hardcover Permanent House Journals. The 2003 Journal is being readied for the printer. Work on the 2004 Journal will begin once the session has been adjourned.

Upon request, members of the Legislature for the year in question, and all state agencies are entitled to one Journal at no charge. There will be a charge for additional copies ordered by legislators and agencies, as well as any others who would like a copy. We estimate this cost to be approximately \$50 each, plus any applicable mailing expenses. Those who order paid copies will be notified *and billed* when the Journals are ready for distribution. **DO NOT** send any money now.

In an effort to contain costs, the number of Journals printed will be determined by the number of advance orders received. Please do not order a Journal if you have no intention of claiming it.

Please clip this form and return it in person or via mail to:

Office of the House Clerk
Room 317, State House
107 North Main Street
Concord, NH 03301

*****Please Print*****

REP/SEN/NAME _____

AGENCY/BUSINESS _____

CONTACT _____

PHONE/EXT. _____

ADDRESS _____

CITY/STATE/ZIP _____

2003 _____ COPY(IES)

2004 _____ COPY(IES)

SIGNED _____