

HOUSE RECORD

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

Vol. 26	Concord N.H.	Friday, June 11, 2004	No. 43
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.

Speaker Gene G. Chandler

NOTICE

There will be a Republican Caucus on Thursday, June 17 at 9:15 a.m. in Representatives Hall.
Rep. David W. Hess, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, June 17 at 9:00 a.m. in Rooms 306-308 of the Legislative Office Building.
Rep. Peter H. Burling, Democratic Leader

NOTICE

During the summer the House Calendar will be published every two weeks. Members and staff who need to schedule meetings should make arrangements with the Clerk's Office for room availability and publication of meeting notices. Please note Calendar will close on **Wednesdays**.

CLOSES NOON *WEDNESDAY*:

- June 23
- July 7
- July 21
- August 4
- August 18

TO BE MAILED *THURSDAY*:

- June 24
- July 8
- July 22
- August 5
- August 19

September 1

September 2

Karen O. Wadsworth
Clerk of the House

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
with complete

First day for incumbents running for re- election to file LSRs
information.

Friday, October 8, 2004
with complete

Last day for incumbents running for re- election to file LSRs
information.

Monday, November 1, 2004

Last day to file 2004 Interim Study reports.

Wednesday, November 10, 2004
complete information. 15-day sign

First day for all representatives-elect to file LSRs with
off period begins.

Wednesday, December 8, 2004, 3:00 p.m.
information.

Last day for all representatives-elect to file LSRs with complete

LAID 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

MONDAY, JUNE 14

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

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

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

4:00 p.m. Prioritization subcommittee meeting.

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.

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.

JUDICIARY, Room 208, LOB

10:00 a.m. Interim study subcommittee work session on **HB 1247-FN**, relative to a statewide law library network.

LEGISLATOR ORIENTATION (RSA 17-C:2), Room 100, State House

1:00 p.m. Regular meeting.

METHODS OF SAFELY REDUCING THE PRISON POPULATION OF THE STATE (HB 825, Chapter 157:1, Laws of 2003), Room 204, LOB

10:00 a.m. Regular meeting.

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.

CONSENSUS REVENUE ESTIMATING PANEL (RSA 17-Q), Room 202, 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.

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:25-a), Room 207, LOB

10:00 a.m. Regular meeting.

TUESDAY, JUNE 22

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

Noon Ad hoc committee on medical errors and resident hours.

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

Noon Regular meeting.

WEDNESDAY, JUNE 23

METHODS OF SAFELY REDUCING THE PRISON POPULATION OF THE STATE (HB 825, Chapter 157:1, Laws of 2003), Room 204, LOB

10:00 a.m. Regular meeting.

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

2:00 p.m. Regular meeting.

THURSDAY, JUNE 24

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 103, State House

10:00 a.m. Rescheduled regular meeting.

FRIDAY, JUNE 25

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), NH Department of Revenue Administration, Training Room, Community Services Division

9:30 a.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.

WEDNESDAY, JUNE 30

METHODS OF SAFELY REDUCING THE PRISON POPULATION OF THE STATE (HB 825, Chapter 157:1, Laws of 2003), Room 204, LOB

10:00 a.m. Regular meeting.

FRIDAY, JULY 2

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.

FRIDAY, JULY 9

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Rooms 201-203, LOB

9:30 a.m. Regular meeting.

TUESDAY, JULY 13

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

1:00 p.m. Subcommittee on the State Office Park South.

WEDNESDAY, JULY 14

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

9:30 a.m. Regular meeting.

THURSDAY, JULY 15

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

9:00 a.m. Regular meeting.

FRIDAY, JULY 16

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, JULY 19

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.

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

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:

Report from the Department of Environmental Services on progress to opt out of the reformulated gasoline program

Report on the current status of the State Bridge Aid Program

Gene G. Chandler, Speaker

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

Rep. Michael A. Balboni

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

All members are invited to participate in the “New Hampshire Supports Our Troops Rally” on Friday, **June 25** at noon on the State House Plaza, Concord.

Rep. Pamela D. Coughlin

The Commission on the Status of Men will meet Wednesday, June 30, at 1:00 p.m. in Room 208 of the Legislative Office Building. Professor Murray Straus, PhD., expert on domestic violence and Director of the Family Research Lab at UNH, will address the commission on the Causes and Consequences of Domestic Violence. The public is invited.

Rep. David A. Bickford

The Wolfeboro-Tuftonboro Republican Committee will host its annual July 4th Pre-Parade Luncheon on Sunday, **July 4** starting at 10:45 a.m. at the Wolfeboro Inn, 90 North Main Street, Wolfeboro. The parade starts at 1:00 p.m. Tickets are \$25 per person and may be purchased from Dave Knox (569-2530), Fergus Cullen (569-9084) or Rep. Mark Derby (569-0145). Confirmed guests include US Senator John Sununu and US Representative Jeb Bradley. Come enjoy lunch with Republicans and stay for the Lakes Region’s biggest and best July 4th parade.

Rep. Mark S. Derby

Members and the public are welcome to attend the next meeting of the **Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention and Treatment** to be held on **July 9, 2004** from 9:30 a.m. to 11:30 a.m. in Rooms 201-203, LOB. The agenda will include further discussion announcement of the statewide grants and future programs. Reports from the grantees on the programs that were funded last year. Members are encouraged to take the opportunity to attend and provide input to the State Plan to prevent or overcome the addiction problems in our communities.

Rep. William E. Leber

On **July 15, 16 and 17**, Concord Community TV will present a multi-media musical, “Let Freedom Sing!”, at the Concord City Auditorium. This exciting musical, starring talented local artists, celebrates our freedom Broadway style. Each song is cleverly and uniquely connected to the 27 amendments to the US Constitution. I would urge all members of the House to attend this patriotic celebration. Curtain time is 7:30 p.m., all three nights. Tickets are \$12/\$10 seniors/students, and are available by calling CCTV at 226-8872.

Rep. Elizabeth Blanchard

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

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