

State of New Hampshire

HOUSE RECORD

First Year of the 160th General Court

Calendar and Journal of the 2007 Session

Vol. 29 Concord, NH Thursday, July 12, 2007 No. 52

Contains: Governor's Veto Message on HB 143, Meetings and Notices

HOUSE CALENDAR

NOTICE

The Legislative Office Building is the site for the administration of the New Hampshire Bar Exam later this month. For that reason, committee rooms and offices will be unavailable for use from **Monday, July 23rd** through **Wednesday, July 25th**.
Karen O. Wadsworth, Clerk of the House

NOTICE

The next House Calendar will close on **Wednesday, July 25th** at noon for mailing **Thursday, July 26th**. During July and August, 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 <i>WEDNESDAY</i>:	TO BE MAILED <i>THURSDAY</i>:
July 25	July 26
August 8	August 9
August 22	August 23

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES

Monday, September 10, 2007	First day to file legislation for 2008 Session
Friday, September 21, 2007 at 4:00 p.m.	Last day to file legislation for 2008 Session
Friday, November 2, 2007 at 4:00 p.m.	Last day to sign off 2008 legislation
Friday, November 16, 2007	Last day to report retained bills
Wednesday, January 2, 2008	Last day to introduce House bills for 2008

GOVERNOR'S VETO MESSAGE ON HB 143

By the authority vested in me, pursuant to part II, article 44 of the New Hampshire Constitution, on July 2, 2007, I vetoed HB 143, an act relative to the apportionment of damages in civil cases.

New Hampshire's system of comparative fault is a hybrid system that works to balance the interests of injured plaintiffs with those of defendants bearing relatively low percentages of fault for causing damages. When multiple individuals or entities are responsible for causing harm, the New Hampshire approach is to ensure that injured plaintiffs receive just compensation, and that the degree of negligence of all responsible parties is appropriately weighed when apportioning damages among the negligent parties. Injured victims should be compensated fairly, but not at the disproportionate expense of those bearing

relatively minor fault.

Under New Hampshire law, for the purpose of apportioning damages in a civil case, the jury is instructed to determine the amount of damages to be awarded to each plaintiff and then allocate fault in proportionate share to anyone who contributed to the incident giving rise to the plaintiff's injuries. Fault may be apportioned against any individual or entity who was negligent and whose conduct was a substantial factor in causing the harm – including persons or entities that are parties to the lawsuit, parties who previously settled their lawsuits, or are immune from liability, or are not otherwise before the court.

HB 143 would change existing law and allow the jury to allocate fault only between those individuals or entities that remain parties to the lawsuit at the conclusion of the trial. This change in law would prohibit the jury from apportioning fault to certain individuals or entities who carry significant degrees of fault for the plaintiff's injuries, but who either settled claims prior to conclusion of the lawsuit, or who are not parties to a particular lawsuit for other reasons. I cannot support this change in the law because it is unfair for a defendant with a low degree of fault to have to pay a disproportionately large share of the damages.

The attorney general has testified that the passage of HB 143 will result in increased litigation costs and higher judgments borne by the taxpayers of the State of New Hampshire. I believe these concerns warrant further study.

There may be steps that we can take to better ensure that injured victims are fully compensated under the law. I remain open to considering improvements to our existing statutory system of comparative fault, apportionment of liability and contribution laws. I encourage those interested in this bill to communicate closely with one another and to continue their work next session.

Respectfully submitted,
John H. Lynch
Governor
Date: July 2, 2007

COMMITTEE MEETINGS

FRIDAY, JULY 13

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB

1:00 p.m. Regular meeting.

TUESDAY, JULY 17

COMMISSION ON THE USE OF RADIO FREQUENCY TECHNOLOGY (HB 203-FN, Chapter 165:1, Laws of 2006), Room 303 LOB

10:00 a.m. Regular meeting.

WEDNESDAY, JULY 18

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

9:00 a.m. Regular meeting.

THURSDAY, JULY 19

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

9:00 a.m. Regular meeting.

MONDAY, JULY 23

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 100, State House

1:00 p.m. Regular meeting.

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c), Room 100, State House

9:00 a.m. Regular meeting.

TUESDAY, JULY 24

AIR POLLUTION ADVISORY COMMITTEE (RSA 125-J:11), Room 103, State House
11:00 a.m. Regular meeting.

FISCAL COMMITTEE (RSA 14:30-a), Room 100, State House
9:00 a.m. Regular business.

JOINT LEGISLATIVE COMMITTEE ON ELDERLY AFFAIRS (RSA 17-H:2), Room 103, State House
9:30 a.m. Regular meeting.

THURSDAY, JULY 26

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), New Hampshire Department of Revenue Administration Training Room, 57 Regional Drive, Concord
1:00 p.m. Assessing Reference Manual subcommittee meeting.

COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND SPECIES (RSA 487:30) Room 308, LOB
10:00 a.m. Regular meeting

THURSDAY, AUGUST 2

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB
9:00 a.m. Continued meeting.

TUESDAY, AUGUST 7

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB
10:00 a.m. Subcommittee work session on retained **HB 159**, establishing a committee to study the need for a classification system for criminal offenders, **HB 589-FN**, relative to the calculation of concurrent and consecutive terms of imprisonment, and **HB 595-FN**, establishing a sentence reduction method for state prisoners.
1:00 p.m. Subcommittee work session on retained **HB 404-L**, prohibiting state and local law enforcement agencies from enforcing federal immigration laws.

ENERGY POLICY COMMITTEE (HB 1146 Chapter 257, Laws of 2006), Room 304, LOB
1:00 p.m. Regular meeting.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB
9:30 a.m. Subcommittee work session on retained **SB 102-FN**, relative to the powers of state government in the event of an incident or outbreak of communicable disease.

JOINT COMMITTEE ON EMPLOYEE CLASSIFICATION (RSA 14:14-c), Room 306, LOB
1:00 p.m. Regular meeting.

TELECOMMUNICATIONS OVERSIGHT COMMITTEE (RSA 374:22-h), Room 304, LOB
10:00 a.m. Regular meeting.

WEDNESDAY, AUGUST 8

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB
10:00 a.m. Subcommittee work session on retained **HB 159**, establishing a committee to study the need for a classification system for criminal offenders, **HB 589-FN**, relative to the calculation of concurrent and consecutive terms of imprisonment, and **HB 595-FN**, establishing a sentence reduction method for state prisoners.

FRIDAY, AUGUST 10

EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51), Division of Homeland Security and Emergency Management, 110 Smokey Bear Blvd., Concord.
10:00 a.m. Regular meeting

GUARDIAN AD LITEM BOARD (RSA 490-C:1), Room 102, LOB

1:00 p.m. Regular meeting.

TUESDAY, AUGUST 14

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. Subcommittee work session on retained **HB 159**, establishing a committee to study the need for a classification system for criminal offenders, **HB 589-FN**, relative to the calculation of concurrent and consecutive terms of imprisonment, and **HB 595-FN**, establishing a sentence reduction method for state prisoners.
- 1:00 p.m. Subcommittee work session on retained **HB 404-L**, prohibiting state and local law enforcement agencies from enforcing federal immigration laws.

WAYS AND MEANS, Room 202, LOB

- 9:00 a.m. Sales tax subcommittee work session on retained **HB 145**, establishing an education funding study committee.
- 10:00 a.m. Subcommittee work session on retained **HB 912-FN-A-L**, establishing the New Hampshire homestead plan, and Income Tax subcommittee work session on retained **HB 145**, establishing an education funding study committee.
- 1:00 p.m. Casino subcommittee work session on retained **HB 145**, establishing an education funding study committee. Subcommittee work session on retained **HB 925-FN-A**, relative to state and local taxes.

WEDNESDAY, AUGUST 15

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. Subcommittee work session on retained **HB 159**, establishing a committee to study the need for a classification system for criminal offenders, **HB 589-FN**, relative to the calculation of concurrent and consecutive terms of imprisonment, and **HB 595-FN**, establishing a sentence reduction method for state prisoners.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. Exemptions subcommittee work session on retained **HB 617-FN-L**, establishing a property tax relief program and fund and making an appropriation therefore, **HB 270**, allowing municipalities to adopt a homestead exemption for property tax assessments on a person’s principal place of residence, **SB 85**, relative to eligibility for the property tax exemption for the disabled, and **HB 474**, excluding septic and sewage treatment facilities from the tax exemption for water and air pollution control facilities.
- 1:30 p.m. Land Use subcommittee work session on retained **HB 717**, allowing municipalities to establish local community services and care planning boards, **HB 331**, relative to the withholding of building permits in certain cases, **HB 335**, defining “unnecessary hardship” for purposes of zoning variances, and **HB 255**, establishing a committee to study the implementation and use of growth management ordinances.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Subcommittee work session on retained **HB 283**, allocating a portion of unrefunded road tolls to the dam maintenance fund.

THURSDAY, AUGUST 16

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

- 9:00 a.m. Regular meeting.

RIGHT TO KNOW OVERSIGHT COMMISSION (RSA 91-A:11), Room 304, LOB

- 10:00 a.m. Regular meeting.

MONDAY, AUGUST 20

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c), Room 100, State House

- 9:00 a.m. Regular meeting.

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

- 9:00 a.m. Regular meeting.

TUESDAY, AUGUST 21

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Subcommittee work session on retained **HB 159**, establishing a committee to study the need for a classification system for criminal offenders, **HB 589-FN**, relative to the calculation of concurrent and consecutive terms of imprisonment and **HB 595-FN**, establishing a sentence reduction method for state prisoners.

WAYS AND MEANS, Room 202, LOB

1:00 p.m. Subcommittee work session on retained **HB 925-FN-A**, relative to state and local taxes. Sales tax subcommittee work session on retained **HB 145**, establishing an education funding study committee.

WEDNESDAY, AUGUST 22

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Subcommittee work session on retained **HB 159**, establishing a committee to study the need for a classification system for criminal offenders, **HB 589-FN**, relative to the calculation of concurrent and consecutive terms of imprisonment and **HB 595-FN**, establishing a sentence reduction method for state prisoners.

TUESDAY, AUGUST 28

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Subcommittee work session on retained **HB 159**, establishing a committee to study the need for a classification system for criminal offenders, **HB 589-FN**, relative to the calculation of concurrent and consecutive terms of imprisonment and **HB 595-FN**, establishing a sentence reduction method for state prisoners.

ETHICS COMMITTEE (RSA 14-B:2), Room 100, State House

10:00 a.m. Regular meeting.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Exemptions subcommittee work session on retained **HB 617-FN-L**, establishing a property tax relief program and fund and making an appropriation therefor, **HB 270**, allowing municipalities to adopt a homestead exemption for property tax assessments on a person’s principal place of residence, **SB 85**, relative to eligibility for the property tax exemption for the disabled, and **HB 474**, excluding septic and sewage treatment facilities from the tax exemption for water and air pollution control facilities.

1:30 p.m. Subcommittee work session on retained **HB 255**, establishing a committee to study the implementation and use of growth management ordinances **HB 331** relative to the withholding of building permits in certain cases. **HB 335**, defining “unnecessary hardship” for purposes of zoning variances. **HB 717**, allowing municipalities to establish local community services and care planning boards.

WEDNESDAY, AUGUST 29

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Subcommittee work session on retained **HB 159**, establishing a committee to study the need for a classification system for criminal offenders, **HB 589-FN**, relative to the calculation of concurrent and consecutive terms of imprisonment and **HB 595-FN**, establishing a sentence reduction method for state prisoners.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. Subcommittee work session on retained **HB 65**, relative to the appointment of the director of the division of ports and harbors.

11:00 a.m. Subcommittee work session on retained **SB 166-FN**, relative to port moorings.

TUESDAY, SEPTEMBER 4

WAYS AND MEANS, Room 202, LOB

1:00 p.m. Subcommittee work session on retained **HB 145**, establishing an education funding study committee, **HB 925-FN-A**, relative to state and local taxes.

MONDAY, SEPTEMBER 10

EDUCATION, Room 207, LOB

9:00 a.m. Subcommittee work session on retained **HB 678-FN**, revising the special education program approval and monitoring process.

TUESDAY, SEPTEMBER 11

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

10:00 a.m. Organizational meeting.

SCHOOL ADMINISTRATIVE UNIT SYSTEM LEGISLATIVE OVERSIGHT COMMITTEE (RSA 194-C:11), Room 207, LOB

1:00 p.m. Organizational meeting.

WEDNESDAY, SEPTEMBER 12

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. Subcommittee work session on retained **HB 776-FN**, establishing the licensure and regulation of private investigators.

THURSDAY, SEPTEMBER 13

ELECTRIC UTILITY RESTRUCTURING OVERSIGHT COMMITTEE (RSA 374-F:5), Room 304, LOB

10:00 a.m. Regular meeting.

STATE ENERGY POLICY COMMISSION (HB 1146, Chapter 257:1, Laws of 2006), Room 304, LOB

1:00 p.m. Regular meeting.

FRIDAY, SEPTEMBER 14

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB

1:00 p.m. Regular meeting.

TUESDAY, SEPTEMBER 18

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

10:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

The Rockingham County Executive Committee will meet on **Friday, July 20th** at 9:30 a.m. in the Hilton Auditorium at the Rockingham County Nursing Home in Brentwood for the Second Quarter Budget Review meeting.

Rep. David A. Welch, Clerk
Rockingham County Executive Committee

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs 2, 25, 43, 46, 64, 74, 95, 102, 118, 169, 173, 198, 228, 239, 243, 247, 256, 272, 273, 283, 385, 407, 417, 426, 440, 451, 471, 472, 488, 493, 498, 501, 502, 504, 523, 547, 553, 561, 566, 568, 571, 567, 572, 574, 576, 577, 579, 580, 581, 582, 584, 585, 588, 589, 590, 591, 592, 593, 595, 596, 597, 598, 599, 601, 602, 604, 608, 613, 614, 615, 616, 618, 619, 622, 624, 626, 627, 628, 629, 630, 631, 632, 635, 636, 637, 638, 641, 642, 643, 644, 645, 646, 653, 656, 657, 659, 661, 663, 664, 669, 677, 678, 679, 685, 696, 704, 714, 718, 726, 727, 733, 740, 749, 752, 755, 760, 765, 771, 776, 777, 778, 779, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 793, 799, 805, 813, 815, 820, 824, 826, 828, 834, 838, 843, 857, 861, 864, 865, 867, 870, 872, 873, 874, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 889, 890, 891, 892, 893, 894, 895, 897, 899, 903, 904, 905, 907, 908, 911, 912, 913, 921, 922, 924, 925, 927.

SBs 35, 65, 67, 68, 74, 82, 92, 93, 98, 101, 117, 128, 131, 133, 134, 148, 166, 168, 169, 170, 178, 179, 183, 191, 200, 217, 219, 226, 232, 235, 243, 263.

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 legislative 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.

The Nashua Area Republican City Committee is having our annual summer luncheon, formerly the "Steakout", on **Sunday, July 22** from noon to 3:00 p.m. at the Nashua Crowne Plaza. The guest speaker is Governor Mitt Romney. Tickets are \$35 and are available from either Reps. Pam Price or Casey Crane. All are welcome.

Reps. Pamela G. Price and Casey Crane

The 2007 Purple Heart Day ceremony will be held on Sunday, **August 5th** at 2:00 p.m. on the Memorial Walkway in the New Hampshire State Veterans Cemetery, Boscawen. The program is to be focused on New Hampshire casualties in the War on Terror; both combat wounded and killed. All State Representatives, and State Senators are most welcome. Please encourage any families in your Districts, that have sustained losses, to also attend. If you have questions, please call Rep. David L. Smith at 882-9091

Rep. David L. Smith

The Legislative Caucus for Young Children (LCYC) will meet on Tuesday, **August 14th** and Wednesday, **August 29th** from 10:00 a.m. to noon in Room 206, LOB.

Rep. Mary Stuart Gile

The Strafford County Republican Picnic to be held, rain or shine, on **August 18th** from noon to 5:00 p.m. at Payne Drive, Farmington. The Honorable Jeb Bradley will be the guest speaker. Tickets are \$20.

Rep. Julie M. Brown

All representatives are invited to attend "New Hampshire Supports Our Troops Rally" at the State House Plaza on Friday, **August 24th** at noon. This rally is to thank and honor our deployed soldiers, those soldiers who have recently returned from deployment, and to service members who have given their lives in the line of duty. Everyone is encouraged to attend and support our troops.

Rep. Pamela D. Coughlin

Join your colleagues in a special forum for legislators. Is religion becoming more influential in determining American public policy? Conflicting but deeply-held values affect public policies that range from waging war to the right to die, from same sex marriage to faith-based initiatives. While the media generates great heat about American values and the shifting relationship between Church and State, not much light emerges. The New Hampshire Humanities Council wishes to invite you and your colleagues to a special exercise in "civic reflection," to get beyond the headlines, to reflect, learn, and cultivate a deeper understanding of your own and others' views.

The Shifting Ground forum is a six-week seminar for legislators that meets Tuesday afternoons from 2:00 to 4:00 p.m. at the LOB beginning on **September 25**. These open conversations are based in provocative stories and readings sent to you in advance. The purpose of this forum is to establish a comfortable, neutral space where you can discover new insights about the relationship between religion and politics, learn more about the implications of your beliefs and values, and engage in personal reflection and respectful discussion.

The sessions are led by a team of trained facilitators and your former colleagues, Donna Sytek, former Speaker of the NH House, and James Squires, MD, former NH State Senator.

The cost to participate is \$10 for the six week session which covers the cost of materials. Readings will be mailed to you in late August. Space is limited to 25 so register early. Download a registration form from the Humanities Council's website at <http://nhhc.org/forms/register.pdf> or call project director Kathy Smith at 224-4071 for more information.

Reps. Maureen C. Mooney and Mary Stuart Gile