

HOUSE RECORD

First Year of the 162nd General Court Calendar and Journal of the 2011 Session

Vol. 33 Concord, N.H.

Friday, December 16, 2011

No. 75

Contains: Notice of Reconsideration, Governor's Veto Messages on HB 218 and HB 380,
Hearings, Meetings and Notices.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will be in Session on **Wednesday, January 4, 2012 at 9:00 a.m.** to finish our 2011 Session work. When it is completed, we will officially begin the 2012 Session pursuant to Part II, Article 3 of the New Hampshire Constitution. It is expected that we will deal with retained bill reports on Wednesday, January 4th and Thursday, January 5th.

I'm sure that all members join with me in extending condolences to the family of Representative Sean Cox, who passed away suddenly last week. Please keep Lori and their two boys in your thoughts and prayers. Let us not forget this reminder of how precious are the years we are given, nor how fragile our lives, as we work with each other on legislation this upcoming second half of the term.

Committee Chairmen have begun to receive the 2012 House Bills assigned to their committees. These bills are available on-line as the distribution occurs.

To aid you in your personal planning, please note that the House will take a winter break from business the week of February 27 – March 2, 2012.

In an attempt to keep spending down, **House Calendars are no longer being mailed.** Printed copies will continue to be available at the State House. If you cannot access the Calendar via the website or do not have an email account, please notify the Clerk's office immediately. All members who have internet access are requested to hold down costs by accessing the Calendar online.

For the remainder of calendar year 2011, the limitation on mileage reimbursement for travel to Concord for legislative business will remain the same: Tuesdays through Thursdays. Mileage will not be paid on Mondays and Fridays except for statutory committees or as otherwise permitted by exception. Chairmen of legislative committees and subcommittees are required to limit their work to Tuesdays, Wednesdays and Thursdays of each week.

You are reminded that material is not to be placed in members' mailboxes in the anteroom behind the Chamber unless and until it has been approved for such distribution by the House Chief of Staff.

There will be no House Calendar next week.

Merry Christmas and a Happy New Year to all of you.

William L. O'Brien, Speaker

NOTICE OF RECONSIDERATION

This day, November 30, 2011, at 1:35 p.m. Rep. Neal Kurk, having voted on the prevailing side, served notice of reconsideration on the vote whereby the House sustained the Governor's veto on **HB 542-FN**, *relative to exceptions for objectionable material in public school courses*. The roll call was 244-130 and lacked the necessary 2/3 vote required to override the veto.

Karen O. Wadsworth
Clerk of the House

NOTICE

The House Calendar closes **at noon on Thursdays**. Please be sure to do your scheduling in order to meet that deadline. There will be **NO** House Calendar the week of December 19.

CLOSES NOON THURSDAY:

December 29

AVAILABLE FRIDAY:

December 30

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES FOR 2012 SESSION

Wednesday, January 11, 2012

Last day to introduce HBs for 2012 session.

LAIID ON TABLE

CACR 5, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money. (Pending question: OTP.)

HB 37-FN-A, reestablishing the initial monthly gross charge exemption to the communications services tax. (Pending question: OTP – third reading.)

HB 154-FN-A, increasing a threshold amount for taxation under the business enterprise tax. (Pending question: OTP/A – third reading.)

HB 166-FN-A-L, reducing the rate of the meals and rooms tax. (Pending question: OTP – third reading.)

HB 213-FN-A, reducing the rate of the business profits tax. (Pending question: OTP/A – third reading.)

HB 292-FN, relative to securities regulation. (Pending question: adoption of majority committee amendment.)

HB 343-FN, establishing a permanent state defense force. (Pending question: adoption of majority committee report of inexpedient to legislate.)

HB 421, relative to candidates for United States senator. (Pending question: adoption of committee report of inexpedient to legislate.)

HB 484-FN, requiring random drug testing of food stamp program participants. (Pending question: adoption of committee report of inexpedient to legislate.)

HB 485-FN, relative to requiring photo identification for food stamp program participants. (Pending question: adoption of committee report of inexpedient to legislate.)

HB 573, relative to the administration of certain pain relief medications by a school nurse. (Pending question: adoption of committee report of inexpedient to legislate.)

HB 577, relative to the use of foreign languages by retail establishments. (Pending question: adoption of committee report of inexpedient to legislate.)

HCR 13, urging the New Hampshire delegation to support HR 459 and S. 202 requiring a

comprehensive audit of the Federal Reserve.

HCR 15, urging our federal senators to vote against the Law of the Sea Convention.
(Pending question: adoption of committee report of ought to pass with amendment.)

SB 3-FN-A-L, making comprehensive changes to the state retirement system.
(Notwithstanding the Governor's veto shall SB 3 become law.)

SB 55-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. (Pending question: adoption of the committee report of inexpedient to legislate.)

SB 88, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense. (Floor Amendment 2011-2235h)

SB 133-FN, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits. (Pending question: ought to pass.)

GOVERNOR'S VETO MESSAGE REGARDING HB 218

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 15, 2011, I vetoed HB 218, relative to the New Hampshire rail transit authority.

I am vetoing this legislation because business leaders, particularly in Nashua and Manchester, has clearly said that this bill will hurt their efforts to grow their businesses, to create jobs and to attract new companies to New Hampshire.

The New Hampshire business community has made a clear statement that it sees rail, in the words of the Greater Manchester Chamber of Commerce, as "a proven economic catalyst that will spur economic development and create jobs." Several major companies have made clear that they believe rail will improve their ability to attract workers, access their markets, attract additional customers and grow their businesses in New Hampshire. In addition, the Manchester and Nashua chambers of commerce both believe that developing the state's rail infrastructure will assist their efforts to attract new businesses and jobs to the state. That is one reason both chambers have asked me to veto this legislation. The Merrimack Town Council, the Bedford Town Council, and the Nashua Board of Aldermen have also passed resolutions expressing support for expanded rail service and the benefits it would bring to their communities.

The support of the business community is validated by an independent study that concluded that the development of rail in the capital corridor could result in more than \$2.4 billion in new business sales and nearly 1,000 new jobs created and sustained in New Hampshire in the first twenty years of operation.

HB 218 makes substantial changes to New Hampshire Rail Transit Authority that will reduce its ability to fully consider all transit options for the state. New Hampshire businesses banded together to raise \$120,000 to fund the Rail Authority's grant application without any state funds because they believe a full consideration of rail is important to New Hampshire's economic future. Going back on our commitment to the businesses who contributed funds to pay for grant applications sends the wrong signal to the private sector about state government's willingness to stand by its commitments. We should see the study through to its conclusion with a fully functioning Rail Authority so that we can make informed policy choices about the best way forward for our state.

Concerns about specific provisions in the Rail Authority statute could have been addressed through much more narrowly drafted language that would leave intact important functions of the rail authority. As currently written, this legislation takes away the rail authority's ability to enter into contracts with partner organizations, to accept gifts and to work with the private sector on economic development projects adjacent to potential rail sites.

Given the strong concerns among New Hampshire business leaders that this legislation will jeopardize their efforts to grow their businesses and create new jobs, I am vetoing House Bill 218.

Respectfully submitted,
John H. Lynch
Governor

Date: June 15, 2011

GOVERNOR'S VETO MESSAGE REGARDING HB 380

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 13, 2011, I vetoed HB 380, which would have exempted the Commission on the Status of Men from repeal on June 30, 2011.

The Commission on the Status of Men was established by the New Hampshire Legislature in 2002, with a mission to examine cultural biases and stereotyping affecting men, men's physical and mental health problems, and promote policies, initiatives and programs to improve the ability of men to be productive and responsible citizens and fathers.

The New Hampshire Legislature established the Commission on the Status of Women in 1969 with a mission to identify and seek to remedy historical and institutional discrimination against women; to enhance women's opportunities in education and training, business and employment; and to honor women for their contributions to the state and the nation.

The impetus to create a Commission on the Status of Men was driven at least in part by a perception by some that issues impacting men were deserving of commission level status and review that had been afforded to women.

To help make state government more efficient, reduce cost, and eliminate waste and duplication, the Legislature in 2009 established a process to review and sunset certain non-regulatory boards and commissions. As a result of that process, dozens of boards and commissions were recommended for repeal, including both the Commission on the Status of Women and the Commission on the Status of Men.

With the enactment of HB 390, the Commission on the Status of Women has ceased its existence as a state entity. Its work and mission will be merged with and carried on by a private non-profit organization.

At the same time the Legislature repealed the existence of the Commission on the Status of Women, it also passed HB 380, which extended the life of the Commission on the Status of Men by two years, added two new members appointed by the Legislature, and expanded the mission of the Commission to include studying the economic and social costs of the absence of fathers from the home.

People may in good conscience disagree and debate the relative merits of the two commissions. But there can be little disagreement that eliminating the Commission on the Status of Women while extending the Commission on the Status of Men makes little sense. If the Commission on the Status of Men wishes to continue its work and mission, it should do so in the same way as the Commission on the Status of Women, as part of private or non-profit organization.

For these reasons, I am vetoing HB 380.

Respectfully submitted,
John H. Lynch
Governor

Date: July 13, 2011

COMMITTEE MEETINGS

FRIDAY, DECEMBER 16

**GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION,
INTERVENTION, AND TREATMENT (RSA 12-J), Rooms 302-304, LOB**

2:30 p.m. Regular meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 101, LOB

10:00 a.m. Non-public session of the Complaint Review Committee.

1:00 p.m. Regular meeting.

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 201, LOB

10:00 a.m. Regular meeting.

MONDAY, DECEMBER 19

COMMISSION TO STUDY BUSINESS TAXES (RSA 77-F:1), Room 202, LOB

10:00 a.m. Regular meeting.

TUESDAY, DECEMBER 20

HOUSE SELECT COMMITTEE TO STUDY ISSUES REGARDING THE NEW HAMPSHIRE LOCAL GOVERNMENT CENTER, Room 202, LOB

1:00 p.m. Work session.

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 212, LOB

10:00 a.m. Regular business.

SPECIAL COMMITTEE ON REDISTRICTING, Rooms 306-308, LOB

10:30 a.m. Executive session on ***HB 592***, apportioning state representative districts, congressional districts, executive council districts, and county commissioner districts, ***HCO 1***, relative to implementing an election pursuant to representative districts established in the order.

WEDNESDAY, DECEMBER 28

HEALTH INFORMATION ORGANIZATION BOARD (RSA 332-I:8), 125 Airport Road, Concord

8:00 a.m. Regular meeting.

WEDNESDAY, JANUARY 4

EDUCATION OF CHILDREN WITH DISABILITIES ADVISORY COMMITTEE (RSA 186-C:3-b), Department of Education, Londergan Hall, Room 15, 101 Pleasant Street, Concord

4:30 p.m. Regular meeting (Snow date January 11).

FRIDAY, JANUARY 6

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 205-207, LOB

9:00 a.m. Continued regular meeting.

ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128), Employment Security, 32 South Main Street, Concord

9:00 a.m. Regular meeting.

MONDAY, JANUARY 9

COMMISSION TO STUDY BUSINESS TAXES (RSA 77-F:1), Room 202, LOB

10:00 a.m. Public hearing on draft final report.

**ECONOMIC STRATEGIC COMMISSION TO STUDY THE RELATIONSHIP
BETWEEN NEW HAMPSHIRE BUSINESSES AND STATE GOVERNMENT (RSA
359-K:2), Rooms 301-303, LOB**

10:00 a.m. Organizational meeting.

**EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51),
Room 205, LOB**

10:00 a.m. Regular meeting.

**STATE COMMITTEE ON AGING (RSA 161-F:7), Department of Health and Human
Services, Brown Building , Pleasant Street, Concord**

10:00 a.m. Regular meeting.

TUESDAY, JANUARY 10

**COUNTY-STATE FINANCE COMMISSION (RSA 28-B:1), Primex Building Training
Room, 46 Donovan Street, Concord**

1:00 p.m. Regular meeting.

WEDNESDAY, JANUARY 11

**ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-
E:21), Room 101, LOB**

3:00 p.m. Regular meeting.

FRIDAY, JANUARY 13

**CHARTER SCHOOLS AND OPEN ENROLLMENT LEGISLATIVE OVERSIGHT
COMMITTEE (RSA 194-B:21), Room 103, LOB**

9:00 a.m. Regular meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 101, LOB

1:00 p.m. Regular meeting.

**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13),
Room 205, LOB**

10:00 a.m. Regular meeting.

THURSDAY, JANUARY 19

**COMMISSION TO STUDY THE EFFECTS OF SERVICE-CONNECTED POST-
TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-
D:1), Room 203, LOB**

2:30 p.m. Regular meeting.

**SHORELAND ADVISORY COMMITTEE (RSA 483-B:21, V), Department of
Environmental Services, 29 Hazen Drive, Concord**

9:00 a.m. Regular meeting.

FRIDAY, JANUARY 20

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

1:00 p.m.. Regular meeting.

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

10:00 a.m. Regular business.

MONDAY, JANUARY 23

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

Higher Education Assistance Foundation, 4 Barrell Court, Concord

9:00 a.m. Investment committee meeting.

10:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICES

Cheshire County Delegation will hold a public hearing on Monday, **December 19, 2011**, 7:00 p.m. in the Jury Assembly Room at the Cheshire County Courthouse, 12 Court Street, Keene, NH. The purpose of this meeting is for the following:

1. To receive public comment and to Review the Cheshire County Commissioners' proposed budget for 2012;
2. To authorize the Register of Deeds to expend Surcharge Account funds;
3. To address any other matters that may come before the Delegation.

Rep. Lucy Weber, Chairman
Cheshire County Delegation

Cheshire County Executive Committee will meet on Monday, **December 19, 2011**, immediately following the public hearing, in the Jury Assembly Room at the Cheshire County Courthouse, 12 Court Street, Keene, NH. The purpose of this meeting is for the following:

1. To authorize the Treasurer to borrow in anticipation of taxes,
2. To establish budget review dates,
3. To address any other matters that may come before the Committee.

Rep. John Hunt, Chairman
Cheshire County Executive Committee

REVISED FISCAL NOTES

The following House and Senate Bills have a revised fiscal note: HBs 25, 26, 35, 37, 49, 72, 110, 131, 136, 147, 154, 186, 187, 205, 206, 213, 222, 224, 225, 228, 229, 231, 232, 234, 238, 242, 256, 261, 262, 263, 264, 265, 266, 268, 269, 270, 274, 276, 277, 284, 288, 292, 293, 299, 302, 303, 309, 310, 311, 325, 329, 330, 332, 333, 335, 337, 340, 343, 344, 345, 347, 348, 350, 353, 356, 365, 368, 369, 377, 378, 388, 394, 411, 418, 419, 420, 439, 440, 441, 444, 447, 448, 449, 451, 452, 453, 454, 455, 456, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 470, 471, 472, 476, 477, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 502, 504, 505, 506, 507, 508, 509, 515, 517, 518, 519, 520, 522, 523, 528, 529, 536, 537, 539, 542, 557, 569, 571, 580, 593, 601, 602, 609, 618, 619, 621, 622, 626, 627, 628, 629, 634, 636, 637, 638, 639, 640, 641, 642, 645, 646, 650, 654. SBs 1, 3, 20, 21, 22, 53, 58, 72, 75, 81, 129, 147, 152, 154, 156, 157, 161, 162, 170.

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.
Rep. Frank G. Case, 44 Beach Head Road, Nottingham, New Hampshire 03290-4921.
Rep. Susan Emerson, Fisher House #5, Room 109, 24 Stokes Road, Bethesda, MD 20814.
Rep. James F. Powers, 3 Curriers Cove, Portsmouth, New Hampshire 03801-5565.
Colleagues who so desire may send cards and greetings to the address listed above.

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 General Court is exploring the issue of the disposal of used syringes, needles and any other sharps into proper disposal boxes. During the first phase of exploration, we will have a sharps box for all legislators and employees use on top of the refrigerator in Health Services department to place all sharps in. This will assist us in planning to see if there is any viability for placing other containers in the complex. Please help make this study possible by bringing all your sharps to Health Services.

Rep. J. David Knox

All legislators are invited to attend the following manufacturing plant tour hosted by the Business and Industry Association. This event is designed to familiarize legislators with the leading role that manufacturing plays in New Hampshire's economy. Legislators will have the opportunity to discuss economic issues with some of our state's top employers and receive current information on the state and national economy from noted economist, Dennis Delay of the NH Center for Public Policy Studies.

Monday, December 19: GE Aviation, 31 Industrial Park Dr., Hooksett. 9:00 a.m.-11:00 a.m. There is no cost to attend a Legislative Plant Tour, but advance registration is requested. Please register through the BIA's online registration system at www.nhbia.org, click on events, go to the calendar and click on the date of the plant tour. Or call 224-5388, ext. 113. Light refreshments will be served.

Rep. John Cebrowski

The Legislative Anti-Gambling Caucus invites all legislators to a luncheon presentation and Q&A on Wednesday, **January 4** (a session day) on the key features and economics of HB 593, the casino bill to come to the House floor for debate in early January. The legislative luncheon will take place at the Holiday Inn ballroom (diagonally across North Main Street from the State House). A free buffet lunch will be served at session lunch break (if no break, at the conclusion of session).

Reps. David W. Hess and Mary Jane Wallner

Sheehan Phinney Capitol Group will be hosting the annual Welcome Back Reception for all House and Senate members and staff on Wednesday, **January 4, 2012**, at Tandy's Top Shelf Restaurant located directly across the street from the State House at 1 Eagle Square, following the close of session (or 3:00 p.m. should the session end early).

Reps. DJ Bettencourt and Terie Norelli

The Sullivan County Republican Committee will have a Debate Watch Party, **January 7, 2012**, Saturday evening, 7:30 p.m., at our office, 12 Main Street, Newport, NH. The televised debate begins at 9:00 p.m. and ends at 11:00 p.m. We will start with a one hour "surrogate debate". Representatives of the various candidates will be present to answer your questions prior to the WMUR debate. Of course there will be pizza, soft drinks, cheering, booing and camaraderie. Come and have a good time. Admission is \$10 and we are limited to 50 attendees. Contact Chairman Steve Cunningham @ 763-4359 or DrSteveC@live.com to register.

Rep. Steven L. Cunningham

All members of the NH House of Representatives are invited to attend the annual Legislative and Business Breakfast sponsored by Bi-State Primary Care Association and New Hampshire's Community Health Centers on Wednesday, **February 1, 2012** (snow date February 2, 2012) from 7:30 a.m. – 9 a.m. at the Holiday Inn, 272 North Main Street, Concord. A delicious hot breakfast buffet will be served followed by a short program.

Rep. John Reagan

The Main Street Republicans will meet every Tuesday, prior to a Wednesday session, at 9:00 a.m. in Room 209, LOB. All Republican House members are welcome.

Reps. David H. Kidder and Rick M. Ladd

STATE HOUSE VISITATION SCHEDULE

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 **2011**. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the school year and subject to changes.

Please contact the Visitor Center concerning school tour booking information. Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director
Deborah Rivers, Public Information Administrator

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>Group#/Grade</i>
Dec. 16	9:15/10:30 SH/SC	Memorial School – Bedford	100/4
Dec. 16	9:45	The Nature Conservancy	10/Adults
Dec. 19	11:00	Surveillance & Utilization Review Unit Office of Improvement & Integrity	
Dec. 20	9:00	Concord Christian School	17/4
Dec. 23	10:00	West High School – Manchester	25/HS
Dec. 30	2:00	Beacon Resort	30/SRS