July 16, 2009
No. 32

STATE OF NEW HAMPSHIRE

WEB SITE ADDRESS:
www.gencourt.state.nh.us

161st Session of the New Hampshire General Court

Legislative

SENATE CALENDAR

VETO MESSAGE, MEETINGS AND NOTICES

THE SENATE IS IN RECESS TO THE CALL OF THE CHAIR

VETO

Veto Message of Governor John H. Lynch
Regarding Senate Bill 88

By the authority vested in me, pursuant to part II, article 44 of the New Hampshire Constitution, on July 1, 2009, I vetoed Senate Bill 88, an act relative to the recommendations of marital masters.

I am vetoing Senate Bill 88 because marital masters are not judicial officers within the meaning of the State Constitution and I believe this bill would vest marital masters with the characteristics of a judicial officer.

In 2007, the Supreme Court requested the introduction of Senate Bill 112 to allow the recommendations of marital masters to become final absent review and signature by a judge, unless a party requested review of the decision by a judge within 10 days. The Senate questioned the constitutionality of the Supreme Court's proposed legislation and passed a resolution asking the Supreme Court to issue an advisory opinion addressing the constitutionality of SB 112. The Supreme Court ruled that SB 112 was unconstitutional because marital masters are not judicial officers within the meaning of the State Constitution and are only authorized to make recommendations that have no binding force upon the court. *Opinion of the Justices, 155 NH 524 (2007).*

In its decision, the Supreme Court stated that it would not opine on whether the constitutional infirmity of SB 112 could be cured if parties to the case consented in advance to marital masters entering final judgment without the participation of a judge. Then, during this session, the Supreme Court requested the introduction of SB 88. This bill would allow marital masters to enter final judgment absent approval by a judge if the parties to the case consented in advance to the arrangement. The general court did not ask the Supreme Court to opine on the constitutionality of SB 88.

If marital masters are not judicial officers under the State Constitution and cannot make recommendations that have binding force upon the court, I question why the advance consent of parties to a case can override the requirements of the State Constitution. I also question the wisdom of asking our citizens to assume the additional responsibility and potential burden, during stressful cases in the family division, of deciding whether to allow a marital master to act as a judge.

Presently, under state law, the administrative judge of the judicial branch family division, with the concurrence of the supreme court, nominates marital masters for appointment by governor and council. Under the State Constitution, judges are nominated and appointed by the governor and council. If the desire is to have marital masters enter final judgments in court, the appropriate remedy would be to have them nominated and confirmed as judicial officers are appointed.

Respectfully submitted,

_____
Governor

Dated: July 1, 2009

****

LAID ON THE TABLE

CACR 11, relating to funding of public education. Providing that the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities. **4/01/09, pending motion ITL, Education, SJ 10, pg. 162**

SB 21, enabling certain persons to vote in primaries prior to turning 18 years of age. **3/25/09, pending motion OTP, Election Law and Veterans' Affairs, SJ 9, pg. 138**

SB 34, providing that registers of probate be present at the probate office in accordance with personnel rules established by the supreme court. **2/18/09, pending motion OTP, Judiciary, SJ 5, pg. 58**

SB 83, establishing a committee to study net loss carry forward provisions under the business taxes. **3/25/09, pending motion OTP, Ways & Means, SJ 9, pg. 153**

SB 84, relative to the unused prescription drug program. **4/01/09, pending motion ITL, Judiciary, SJ 10, pg. 173**

SB 136-FN, relative to the motor vehicle registration fee supporting a municipal and transportation improvement fund. **3/4/09, pending motion ITL, Public and Municipal Affairs, SJ 6, pg. 79**

SB 146-FN-A, relative to liquor profits deposited into the alcohol abuse prevention and treatment fund. **3/25/09, pending motion OTP, Ways & Means, SJ 9, pg. 145**

SB 164-FN-A, relative to the expansion and funding of northern New Hampshire's electrical transmission system, and establishing the northern New Hampshire electrical transmission system improvement fund. **3/11/09, pending motion ITL, Energy, Environment and Economic Development, SJ 7, pg. 104**

SB 169-FN, relative to games of chance and establishing a gaming oversight authority and video lottery gaming. **3/11/09, pending motion ITL, Ways & Means, SJ 7, pg. 114**

SB 179-FN-A-L, providing for the recovery of horse racing, and expanding gaming operations in the north country and at pari-mutuel locations. **3/11/09, pending motion OTP, Ways & Means, SJ 7, pg. 114**

HB 250, relative to access to information in the abuse and neglect of adults registry and relative to persons providing child care or child placing services who are charged with a crime. **5/20/09, pending motion ITL, Health & Human Services, SJ 16, pg. 354**

HB 383, relative to passenger restraints. **4/29/09, pending motion OTP, Transportation & Interstate Cooperation, SJ 13, pg. 261**

HB 411, relative to the safety of retirement accounts. **5/27/09, pending motion ITL, Commerce, Labor & Consumer Protection, SJ 17, pg. 366**

HB 468-FN-L, relative to caps on total billings by the state to the counties for nursing home care. **5/20/09, pending motion Committee Amendment (1661s), Finance, SJ 16, pg. 354**

HB 556-FN, repealing the death penalty.**4/29/09, pending motion Committee Amendment (1405s), Judiciary, SJ 13, pg. 260**

HB 574-FN-L, authorizing liens for unpaid building code violations and requiring landlord agents for restricted rental property. **5/13/09, pending motion OTP, Judiciary, SJ 15, pg. 331**

HB 694, adopting the uniform child abduction prevention act. **6/03/09 pending motion ITL, Judiciary, SJ 18 pg. 505**

2009 BILLS RE-REFERRED TO COMMITTEE

COMMERCE, LABOR AND CONSUMER PROTECTION

SB 61, relative to consumer credit report of satisfied debts.

SB 94, relative to the creation of express trusts for payment of claims for materials and services rendered in building projects.

SB 141-FN, relative to a life settlements model act.
SB 194, relative to the negotiation of payroll checks.
HB 216-FN, relative to fees for legal services rendered to workers' compensation claimants.
HB 602-FN-A, relative to costs associated with cashing payroll checks.

EDUCATION
HB 143, relative to procedures for requesting a change of school for a child.
HB 154, relative to truancy.
HB 509, requiring parental consent for psychological evaluations by school districts.

ELECTION LAW AND VETERANS' AFFAIRS
HB 276-FN, relative to challenges of voters.

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT
SB 56, relative to financial responsibility for large groundwater withdrawals.
SB 73-FN, requiring state departments to reduce energy consumption and to make an annual report on their energy consumption reduction efforts.
SB 166-FN, relative to mineral extraction, mining, and reclamation in New Hampshire.
HB 314-L, (New Title) relative to the assessment of certain costs associated with proposed large groundwater withdrawals from wells.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 72-FN-L, consolidating cemetery boards of trustees in Nashua.
HB 360, relative to members of the general court participating in the state group health insurance plan.
HB 514, establishing a New Hampshire other post-employment benefits (OPEB) trust and enabling political subdivisions to create or participate in OPEB trusts.
HB 598-FN, relative to the regulation of auctioneers by the state board of auctioneers.
HB 651-FN, relative to regulation of private investigative agencies and security services.

FINANCE
HB 174-FN, establishing a performance measurement system for state agencies.
HB 587-FN, establishing an information and analysis center within the department of safety.

HEALTH AND HUMAN SERVICES
HB 658-FN, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF).

JUDICIARY
SB 120, relative to nonemergency involuntary admissions and permitted condition of conditional discharge from a mental health facility.
HB 230, relative to the burden of proof for a finding of abuse in domestic violence cases.
HB 621, (New Title) relative to establishing procedures for identifying criminal defendants who may have a mental illness.
HB 686, relative to complaint procedures in cases before the commission for human rights.

PUBLIC AND MUNICIPAL AFFAIRS
SB 128, allowing municipalities to grant a property tax credit for low income persons owning residential property.
HB 446, defining "unnecessary hardship" for purposes of zoning variances.

TRANSPORTATION AND INTERSTATE COOPERATION
SB 150, relative to the definition of "neighborhood electric vehicle."
SB 154, naming a certain portion of route 18 in the town of Franconia in honor of Corporal Bruce McKay.
HB 450, relative to the state 10-year transportation improvement program.

WAYS AND MEANS
SB 181-FN-A, relative to the liquor commission and alcoholic beverages.

MEETINGS

FRIDAY, JULY 17, 2009

COMMISSION TO RECOMMEND POLICIES AND PROGRAMS RELATED TO INCREASING THE NUMBER OF NEW HAMPSHIRE INDIVIDUALS IN HEALTH PROFESSIONS SERVICING NEW HAMPSHIRE'S RURAL AND UNDERSERVED AREAS WITH A FOCUS ON PRIMARY CARE (HB 1615, Chapter 367:3, Laws of 2008)

10:00 a.m. Room 205, LOB Regular Meeting

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3)

10:00 a.m. Room 207, LOB Regular Meeting

MONDAY, JULY 20, 2009

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c)

9:00 a.m. Room 100, SH Regular Meeting

COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS AND THE EFFECTS OF LAND DEVELOPMENT WITHIN UPLAND AREAS THAT MAY AFFECT WETLANDS AND SURFACE WATERS OF THE STATE (HB 1579, Chapter 294:1, Laws of 2008)

1:00 p.m. Mount Washington Resort Regular Meeting
Bretton Woods, NH

THURSDAY, JULY 23, 2009

COMMISSION TO DEVELOP ALTERNATIVES TO THE DISPOSAL OF MEDICAL SHARPS IN HOUSEHOLD WASTE (HB 1502, Chapter 259:2, Laws of 2008)

1:00 p.m. Room 304, LOB Regular Meeting

FRIDAY, JULY 24, 2009

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)

10:00 a.m. Room 201, LOB Regular Meeting

MONDAY, JULY 27, 2009

GUARDIAN AD LITEM BOARD (RSA 490-C:1)

11:00 a.m. Room 102, LOB Regular Meeting and Workshop

WEDNESDAY, JULY 29, 2009

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62)

9:00 a.m. Room 305, LOB Regular Meeting

THURSDAY, JULY 30, 2009

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Rooms 306-308, LOB Continued Meeting

MONDAY, AUGUST 3, 2009

COMMISSION TO STUDY AIR QUALITY ISSUES IN PUBLIC SCHOOL BUILDINGS (HB 1171, Chapter 242:1, Laws of 2008)

10:00 a.m. Room 207, LOB Regular Meeting

COMMISSION TO STUDY THE PREVENTION OF CHILDHOOD OBESITY (HB 1422, Chapter 219:1, Laws of 2008)

10:00 a.m. Room 205, LOB Regular Meeting

COMMISSION TO STUDY ISSUES RELATING TO STORMWATER (HB 1295, Chapter 71:1, Laws of 2008)

12:00 p.m. Room 305, LOB Regular Meeting

WEDNESDAY, AUGUST 5, 2009

IMPACT OF WATER WITHDRAWALS ON INSTREAM FLOWS STUDY COMMITTEE (SB 330, Chapter 242:1, Laws of 2000)

9:30 a.m.	Room 102, LOB	Regular Meeting

THURSDAY, AUGUST 6, 2009

CURRENT USE BOARD (RSA 79-A:3)

9:00 a.m.	NH Department of Revenue Administration Medical & Surgical Building 109 Pleasant Street Concord, NH	Forestry Model Subcommittee Meeting

CURRENT USE BOARD (RSA 79-A:3)

1:00 p.m.	NH Department of Revenue Administration Medical & Surgical Building 109 Pleasant Street Concord, NH	Land Use Change Tax Subcommittee Meeting

MONDAY, AUGUST 10, 2009

TASK FORCE ON WORK AND FAMILY (HB 306, Chapter 373:2, Laws of 2007)

1:15 p.m.	Room 206, LOB	Regular Meeting

COMMISSION TO STUDY INCENTIVES FOR PROVIDERS OF HOME AND COMMUNITY-BASED CARE (SB 496, Chapter 226:2, Laws of 2008)

Cancelled	Room 103, SH	Regular Meeting

THURSDAY, AUGUST 13, 2009

ASSESSING STANDARDS BOARD (RSA 21-J:14-a)

9:30 a.m.	NH Department of Revenue Administration Medical & Surgical Building 109 Pleasant Street Concord, NH	Regular Meeting

ASSESSING STANDARDS BOARD (RSA 21-J:14-a)

2:00 p.m.	NH Department of Revenue Administration Medical & Surgical Building 109 Pleasant Street Concord, NH	Low Income Housing Subcommittee Meeting

FRIDAY, AUGUST 14, 2009

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1,I)

9:30 a.m.	Room 101, LOB	Regular Meeting

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)

10:00 a.m.	Room 201, LOB	Regular Meeting

MONDAY, AUGUST 17, 2009

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c)

9:00 a.m.	Room 100, SH	Regular Meeting

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)

10:00 a.m.	Room 205, LOB	Regular Meeting

TUESDAY, AUGUST 18, 2009

TASK FORCE ON HOMELESS TEENAGERS (HB 537, Chapter 273:1, Laws of 2008)

10:00 a.m.	Room 207, LOB	Regular Meeting

DEVELOPMENTAL DISABILITY AND ACQUIRED BRAIN DISORDER WAITLIST AND SERVICES FUND ALLOCATION OVERSIGHT COMMITTEE (RSA 171-A:1-c)

2:00 p.m.	Room 205, LOB	Regular Meeting

THURSDAY, AUGUST 20, 2009

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m.	Rooms 306-308, LOB	Regular Meeting

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K:1)

1:00 p.m.	Representatives' Hall	Annual Seminar
3:00 p.m.	Room 206, LOB	Annual Seminar

MONDAY, AUGUST 24, 2009

OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)

9:00 a.m.	Room 305, LOB	Regular Meeting

TUESDAY, AUGUST 25, 2009

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21)

3:00 p.m.	Room 103, SH	Regular Meeting

THURSDAY, AUGUST 27, 2009

FISCAL COMMITTEE OF THE GENERAL COURT (RSA 14:30-a)

9:00 a.m.	Rooms 210-211, LOB	Regular Business

FRIDAY, AUGUST 28, 2009

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)

10:00 a.m.	Room 201, LOB	Regular Meeting

COMMISSION TO STUDY REQUIREMENTS FOR SAFE AND SECURE LANDFILLS (HB 672, Chapter 252:1, Laws of 2007)

1:00 p.m.	Room 304, LOB	Subcommittee Meeting

WEDNESDAY, SEPTEMBER 2, 2009

CURRENT USE BOARD (RSA 79-A:3)

9:00 a.m.	NH Department of Revenue Administration Medical & Surgical Building 109 Pleasant Street Concord, NH	Forestry Model Subcommittee Meeting

CURRENT USE BOARD (RSA 79-A:3)

1:00 p.m.	NH Department of Revenue Administration Medical & Surgical Building 109 Pleasant Street Concord, NH	Land use Change Tax Subcommittee Meeting

THURSDAY, SEPTEMBER 3, 2009

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m.	Rooms 306-308, LOB	Continued Meeting

FRIDAY, SEPTEMBER 11, 2009

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1,I)

9:30 a.m.	Room 101, LOB	Regular Meeting

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)

10:00 a.m.	Room 201, LOB	Regular Meeting

COMMISSION TO STUDY REQUIREMENTS FOR SAFE AND SECURE LANDFILLS (HB 672, Chapter 252:1, Laws of 2007)

1:00 p.m.	Room 304, LOB	Regular Meeting

MONDAY, SEPTEMBER 14, 2009

JOINT LEGISLATIVE COMMITTEE ON ELDERLY AFFAIRS (RSA 17-H:2)

10:00 a.m.	Rooms 206-208, LOB	Regular Meeting

COMMISSION TO STUDY ISSUES RELATING TO STORMWATER (HB 1295, Chapter 71:1, Laws of 2008)

12:00 p.m.	Room 305, LOB	Regular Meeting

COMMISSION TO STUDY INCENTIVES FOR PROVIDERS OF HOME AND COMMUNITY-BASED CARE (SB 496, Chapter 226:2, Laws of 2008)

2:00 p.m.	Room 103, SH	Regular Meeting

TUESDAY, SEPTEMBER 15, 2009

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1)

10:00 a.m.	Room 201, LOB	Regular Business

EQUALIZATION STANDARDS BOARD (RSA 21-J:14-c)

1:00 p.m.	NH Department of Revenue Administration Medical & Surgical Building 109 Pleasant Street Concord, NH	Regular Meeting

THURSDAY, SEPTEMBER 17, 2009

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m.	Rooms 306-308, LOB	Regular Meeting

FRIDAY, SEPTEMBER 18, 2009

CURRENT USE BOARD (RSA 79-A:3)

9:30 a.m.	NH Department of Revenue Administration	Regular Meeting

Medical & Surgical Building
109 Pleasant Street
Concord, NH

MONDAY, SEPTEMBER 21, 2009

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c)

9:00 a.m. Room 100, SH Regular Meeting

FRIDAY, SEPTEMBER 25, 2009

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)

10:00 a.m. Room 201, LOB Regular Meeting

MONDAY, SEPTEMBER 28, 2009

OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)

9:00 a.m. Room 305, LOB Regular Meeting

****

ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2009 BILLS:
SENATE BILLS: 5, 37, 40, 52, 60, 65, 89, 93, 108, 117, 119, 129, 133, 134, 142, 144, 147, 153, 155, 159, 167, 168, 180, 189, 201, 203.
HOUSE BILLS: 2, 25, 63, 76, 78, 84, 86, 96, 102, 105, 148, 167, 189, 215 245, 251, 253, 256, 279, 292, 310, 315, 330, 345, 378, 391, 408, 441, 443, 459, 464, 471, 473, 474, 483, 519, 529, 530, 545, 552 570, 585, 592, 600, 610, 619, 623, 648, 680, 688.

****

FISCAL NOTE ADDITIONS AND UPDATES HAVE BEEN AMENDED TO THE BILLS ON THE WEB SITE AND ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR THE FOLLOWING 2009 BILLS:
SENATE BILLS: 5, 10, 25, 28, 39, 65, 67, 68, 69, 79, 82, 89, 90, 99, 100, 103, 106, 107, 114, 133, 134, 135, 137, 139, 141, 144, 145, 146, 149, 157, 159, 163, 165, 167, 169, 170, 174, 175, 176, 177, 178, 179, 180, 182, 185, 192, 200, 201, 202.
HOUSE BILLS: 2, 30, 41, 52, 56, 64, 86, 90, 112, 120, 193, 216, 223, 240, 250, 256, 279, 296, 302, 313, 334, 345, 378, 384, 392, 395, 408, 423, 424, 429, 433, 437, 460, 464, 468, 481, 530, 570, 578, 580, 585, 587, 592, 600, 601, 602, 610, 641, 671, 685.

****

NOTICES

I am looking for young people to recommend for a position on the Legislative Youth Advisory Council. They need to be between the ages of 15 and 22 and attending school in NH. The council mission is to advise the Legislature on issues of concern to youth. If you know someone in secondary or post secondary school you would recommend to serve on this council I will pass on names to the appointers - the Governor, the President of the Senate, the Speaker of the House and the Secretary of State. Please contact Representative Carolyn Gargasz at cgargasz@cs.com or 465-7463.

Senator Deborah R. Reynolds

****

FRIDAY, SEPTEMBER 18, 2009

The 36th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Legislative Golf Tournament for the benefit of the **American Heart Association** is scheduled for **Friday, September 18, 2009** at the Beaver Meadow Golf Club, Concord, NH. The entry fee for this annual tournament is $50.00 per legislator and legislative staff and $100 for all others **if paid by June 30, 2009**. The entry fee increases to $75.00 per legislator and legislative staff and $125 for all others if paid from July 01, 2009 to September 04, 2009. A continental breakfast and barbeque lunch will be provided. There are prizes for the top-place finishers, and a raffle.

Registration begins at 7:15 a.m. and the shotgun start is scheduled for 8:30 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.

Please note that, for planning purposes, payment must be made no later than September 4th. There will be no exceptions to this rule! Cancellation must occur two weeks prior to the tournament date to receive a refund.

Return your entry and payment no later than June 30, 2009 to Bob Blaisdell to receive the discounted rate and reserve your spot or no later than September 4th to reserve your spot at the regular rate. Checks should be made payable to: **NH Legislative Golf Committee.**
Mailed to: **Bob Blaisdell, The Demers Group, 72 North Main Street, Suite 301, Concord, NH 03301**

Senator Michael W. Downing

!

36th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Golf Tournament
Beaver Meadow Golf Course
Concord, NH

Name: 1. _____

2. _____

3. _____

4. _____

Telephone: _____ Amount Enclosed: _____

****

SENATE SCHEDULE

Monday, September 7, 2009	Labor Day (State Holiday).
Wednesday, November 11, 2009	Veterans Day (State Holiday).
Thursday, November 26, 2009	Thanksgiving Day (State Holiday).
Friday, November 27, 2009	Day after Thanksgiving (State Holiday).
Friday, December 25, 2009	Christmas Day (State Holiday).

****