

July 30, 2003
No. 34

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



Legislative

SENATE CALENDAR

VETO MESSAGES, MEETINGS & NOTICES

THE SENATE WILL MEET IN SESSION AT THE CALL OF THE CHAIR

GOVERNOR'S VETO MESSAGE ON SB 145

June 5, 2003

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 Senate Bill 145, an Act relative to the duties of the board of trustees of the department of regional community-technical colleges.

S.B. 145 would allow the board of trustees of the department of regional community-technical colleges to disburse non-general fund revenue from each of the colleges to the community-technical college foundation. My objection to S.B. 145 arises not from a lack of confidence in the board of trustees, but from a belief that the decision to disburse such funds should be subject to statutory limitation or subject to additional oversight. Because S.B. 145 does not clearly establish sufficient limitation or oversight, I have vetoed it.

Currently, the department maintains a non-lapsing account, funds from which can be used for limited purposes. See RSA 188:14-c. Funds in this account may be disbursed only with the prior approval of the fiscal committee and with the approval of the governor and council. I think that there should be no less oversight for the disbursement of funds contemplated in S.B. 145. Not only does it appear that S.B. 145 would allow the transfer of any non-general-fund revenue out of the colleges and into the foundation, but it does so without the requirement for governor and council approval. In addition, S.B. 145 does not make it sufficiently clear that prior fiscal committee approval is still required before funds may be disbursed.

Although the bill provides that the presidents of the regional community-technical colleges may make "recommendations to the board of trustees" about the disbursement of the funds, S.B. 145 would not require that the board follow the recommendation of the presidents. S.B. 145 would allow the board of trustees to move funds from the regional community-technical colleges even if some, most or even all of the presidents of the regional community-technical colleges object. The power of the board of trustees under S.B. 145 would be unfettered.

Finally, the purpose of the foundation is to raise money from private sources. Money raised by the foundation should be flowing to the colleges to support their programs, not the other way around. If the foundation raises funds as promised, there should be no need to transfer money from the colleges into the foundation. The operating expenses of the foundation should be a small percentage of the private donations received by the foundation. If the purpose of S.B. 145 is to pay the initial operating expenses of the foundation using non-general-fund revenue, then the better approach would be for the department to justify this expenditure and seek legislative approval in the usual manner, rather than to delegate such broad and unchecked authority to the board of trustees. Because S.B. 145 chose the latter approach and does not contain sufficient safeguards, limitations or oversight, I have vetoed S.B. 145.

Respectfully submitted,

Craig R. Benson
Governor

GOVERNOR'S VETO MESSAGE ON SB 179

June 24, 2003

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 Senate Bill 179, an act establishing 14 new positions in the banking department.

I have vetoed this bill because I believe that we should be very cautious prior to expanding State government during these difficult economic times. This bill adds 14 new positions to the Department of Banking representing a 50% increase in the number of employees in that department. Rather than adding positions, I believe that we should be looking at ways to reduce government and to use existing resources to meet our needs.

I also note that this bill is duplicative. I understand that these positions are included in the committee of conference budget that is currently being considered by both Houses. If those positions are added through the budget, both Houses and the Governor will have an opportunity to reconsider whether those positions are necessary during the formulation of the budget in the next biennium.

Respectfully submitted,

Craig R. Benson
Governor

LAID ON THE TABLE

CACR 14, relating to the funding of public education. Providing that the state shall fund an amount not less than 30 percent of the total average statewide expenditure for public education for kindergarten through grade 12 during the previous biennium and that the general court shall have the power to apportion this amount by statute; that the state shall assure the opportunity for an adequate public education for all pupils in the state in grades kindergarten through 12; and that no tax in any form on the value of real property shall be used to fund the state's obligation to cherish and support public education. **4/03/03, pending motion Re-refer to committee, Education, SJ 11, pg. 232**

SB 12-FN-A-L, establishing a property tax relief program for low income homeowners. **3/27/03, pending motion Re-refer to committee, Way & Means, SJ 10, pg. 203**

SB 27, extending the kindergarten construction program. **4/03/03, pending motion OTP with committee amendment failed, Finance, SJ 11 pg. 240**

SB 37-FN, increasing the amount paid to the firemen's relief fund from insurance department revenues. **3/27/03, pending motion OTP, Insurance, SJ 10 pg. 175**

SB 38-FN-A-L, (New Title) authorizing special number plates for firefighters. **4/03/03, pending motion ITL, Finance, SJ 11, pg. 240**

SB 102-FN, relative to the computation of tax on certain telecommunications services under the communications services tax. **3/20/203, pending motion committee amendment (0715s), Ways & Means, SJ 9, pg. 134**

SB 106, relative to the operation of personal watercraft. **4/03/03, pending motion ITL, Wildlife & Recreation, SJ 11, pg. 264**

SB 144-FN, relative to the lease agreement between the department of regional community-technical colleges and Pease development authority. **4/10/03, pending motion OTP, Finance, SJ 12, pg. 291**

SB 151-FN-A-L, relative to the taxation of telecommunications poles and conduits. **3/27/03, pending motion Re-refer to committee, Energy and Economic Development, SJ 10, pg. 147**

SB 160-FN-A, making a capital appropriation to continue construction of the vocational center in Nashua. **4/03/03, pending motion Re-refer to committee, Capital Budget, SJ 11, pg. 231**

SB 189, relative to certain automobile accidents. **4/10/03, pending motion Re-refer to committee, Insurance, SJ 12, pg. 302**

SB 203-FN, requiring the New Hampshire court system to automate mental health records to comply with federal law prohibiting possession of firearms by certain persons. **3/27/03, pending motion ITL, Judiciary, SJ 10, pg. 179**

SB 208-FN, establishing a property tax cap and abatement program. **3/27/03, pending motion Re-refer to committee, Ways & Means, SJ 10, pg. 209**

SB 209, relative to permissible campaign contributions by business organizations and labor unions. **4/03/03, pending motion Re-refer to committee, Internal Affairs, SJ 11, pg. 254**

SB 214-FN-A, establishing new positions in the department of health and human services and making an appropriation therefor. **4/10/03, pending motion OTP, Finance, SJ 12, pg. 294**

SB 216-FN-A, relative to the developmental services priority waiting list and making an appropriation therefor. **4/03/03, pending motion OTP, Finance, SJ 11, pg. 243**

SB 217-FN, relative to the calculation of average daily membership in residence for the purpose of calculating the cost of an adequate education. **4/10/03, pending motion ITL, Finance, SJ 12, pg. 294**

SB 224-FN-A-L, relative to the education property tax and needs-based targeted education aid and reducing the rates of the business enterprise tax and the business profits tax. **3/27/03, pending motion Re-refer to committee, Ways & Means, SJ 10, pg. 209**

SCR 1, urging a study of the operating efficiency of state government. **3/13/03, pending motion OTP, Internal Affairs, SJ 8, pg. 82**

HB 162, relative to remedies and penalties for injuries to domestic animals caused by dogs. **5/29/03, pending motion committee amendment (1723s), Wildlife & Recreation, SJ 18, pg. 515**

HB 177, excluding stepchildren from the definition of "child" in the context of support orders. **5/29/03, pending motion ITL, Judiciary, SJ 18, pg. 508**

HB 213, relative to reporting requirements for dedicated funds. **5/22/03, pending motion ITL, Executive Departments & Administration, SJ 17, pg. 441**

HB 222, specifying the term for physicians and dentists at the department of corrections and relative to the special school district within the department of corrections. **6/5/03, pending motion Floor Amendment (1464), Executive Departments & Administration, SJ 19, pg. 595**

HB 293, establishing a commission to identify medical errors and their causes. **5/15/03, pending motion OTPA, Executive Departments & Administration, SJ 16, pg. 374**

HB 311, (New Title) repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus. **5/29/03, pending motion OTP, Public Affairs, SJ 18, pg. 509**

HB 327, establishing a committee to study the use of state vehicles. **4/17/03, pending motion ITL, Transportation, SJ 13, pg. 325**

HB 364-FN, relative to the use of automatic telephone dialing systems for political advocacy. **5/22/03, pending motion OTP, Internal Affairs SJ 17, pg. 453**

HB 419, establishing a committee to study issues related to the management of railroads operating with leases on state property. **5/15/03, pending motion OTPA, Transportation, SJ 16 pg. 384**

HB 424, (New Title) relative to a net asset qualification for the elderly property tax exemption, and clarifying certain references in property tax exemptions. **6/5/03, pending motion ITL, Ways & Means, SJ 19, pg. 638**

HB 455, relative to residency requirements for disabled persons applying for a tax deferral of property taxes. **6/5/03, pending motion ITL, Ways & Means, SJ 19, pg. 638**

HB 466, relative to the adoption procedure for property tax exemptions and credits. **6/5/03, pending motion ITL, Ways & Means, SJ 19, pg. 638**

HB 467, (New Title) allowing towns or cities to increase the property tax credit for service-connected total disability, and relative to the date for filing for exemptions and tax credits. **5/6/03 pending motion ITL, Ways & Means, SJ 19, pg. 638**

HB 495, relative to unauthorized access to a wireless computer network. **6/5/03, pending motion ITL, Judiciary, SJ 19, pg. 634**

HB 528, establishing a commission to study computer standards used in public schools in New Hampshire. **5/29/03, pending motion ITL, Education, SJ 18, pg. 498**

HB 638-FN, increasing the oil import license fee, changing the rate of interest assessed on overdue oil import fees, and repealing underground storage facility permit fees. **5/22/03, pending motion Re-refer to committee, Transportation, SJ 17, pg. 476**

HB 676-FN, relative to lake level investigations. **4/24/03, pending motion OTP, Environment, SJ 14, pg. 334**

HB 720-FN-L, extending the kindergarten aid program. **6/5/03, pending motion OTP, Finance, SJ 19, pg. 600**

HB 735-FN, relative to prescription drugs and medicaid best practices. **5/22/03, pending motion ITL, Public Institutions, Health & Human Services, SJ 17, pg. 475**

HB 776, relative to emergency medical care for pregnant women. **6/5/03, pending motion ITL, Insurance, SJ 19, pg. 628**

HB 786-FN-L, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001. **5/22/03, pending motion OTPA (committee amendment adopted), Education, SJ 17, pg. 437**

HCR 9, urging the President and the Joint Chiefs of Staff to abandon the Total Information Awareness Initiative. **6/5/03, pending motion OTP, Interstate Cooperation, SJ 19, pg. 629**

BILLS RE-REFERRED TO COMMITTEE

BANKS

SB 207, relative to transactions exempt from the consumer protection act.

CAPITAL BUDGET

HB 326, relative to establishing a 6-year capital budget.

EDUCATION

HB 499, expanding opportunities for teacher certification.

SB 61, relative to collective bargaining units at charter schools.

SB 108-FN-L, relative to charter schools.

SB 118-FN-A, establishing a ladders to literacy program and making an appropriation therefor.

ENERGY & ECONOMIC DEVELOPMENT

SB 105-FN, establishing state appliance and equipment energy efficiency standards.

SB 230, relative to transition service and relative to the sale of PSNH generation assets.

ENVIRONMENT

SB 205-FN, authorizing the state to accept the title of the dam and dikes at Smith Pond, Enfield, New Hampshire.

EXECUTIVE DEPARTMENTS & ADMINISTRATION

HB 258, relative to the community-technical college system.

FINANCE

HB 304-A, relative to state acquisition of certain acreage in the Connecticut Lakes headwaters tract and making an appropriation therefor.

SB 117-FN-A-L, (New Title) authorizing video lottery administered by a gaming oversight authority, and establishing a pharmacy benefit program.

INSURANCE

SB 84-FN, relative to eligibility for payment of medical benefits by the retirement system.

INTERNAL AFFAIRS

HB 829, relative to ward boundaries in Manchester and Nashua to be used in state elections.

INTERSTATE COOPERATION

SB 186-FN, relative to sale of tobacco products.

JUDICIARY

HB 121, relative to grounds for modification of a permanent child custody order.

HB 134-FN, relative to recommendations, appointments, and qualifications of marital masters and procedures for cases heard by marital masters.

HB 167, relative to complaints against judges.

HB 299, removing judicial discretion to order a divorced parent to contribute to an adult child's college expenses.

HB 384, (New Title) relative to financial affidavits in domestic relations cases.

HB 464-FN, establishing a criminal penalty for facilitating a drug or underage alcohol house party.

HB 620-FN, providing a right to counsel for indigent parents and other protections in cases involving the guardianship of minors.

HB 630-FN, (New Title) relative to enhanced penalties for assault on law enforcement officers, firefighters, emergency medical care providers, and national guard members.

HB 749, (New Title) relative to the description in a criminal complaint of the party accused.

SB 109, adopting the model Drug Dealer Liability Act.

SB 204, relative to bail recovery agents.

SB 220, repealing the professional malpractice claims panel.

PUBLIC AFFAIRS

SB 20, relative to the qualifications for the property tax exemption for the disabled.

SB 112-FN-L, relative to state use of domestic steel.

SB 126-FN-A, exempting certain transfers of title from the real estate transfer tax.

SB 228, relative to the preservation of historic barns and similar historic agricultural structures by municipalities.

PUBLIC INSTITUTIONS, HEALTH & HUMAN SERVICES

SB 153, adopting the nurse licensure compact.

WAYS & MEANS

HB 107, relative to bingo.

HB 108, (New Title) relative to the adoption of an optional veterans' property tax credit.

MEETINGS

THURSDAY, JULY 31, 2003

COMMISSION ON EDUCATION OF DEAF AND HARD OF HEARING PERSONS IN NEW HAMPSHIRE (HB 1283, Chapter 43:1, Laws of 2000)

10:00 a.m. - 12:00 p.m. Room 103, SH Peer Orientation/Regular Meeting

STATE HERITAGE COLLECTIONS COMMITTEE (RSA 227-C:18)

11:00 a.m. NH National Guard Regular Meeting
 State Headquarters
 Adjutant General's Conference Room
 Corner of Airport Rd. & Loudon Rd.
 Concord, NH

TASK FORCE ON FAMILY LAW (HB 447, Chapter 250:1, Laws of 2002)

3:00 p.m. Training Room A Regular Meeting
 Administration Office of the Courts
 Noble Dr., Concord

FRIDAY, AUGUST 1, 2003

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

9:30 a.m. NH Department of Revenue Administration, Regular Meeting
Community Services Division in the Training Room

TUESDAY, AUGUST 5, 2003

REGULATION OF GIFT CERTIFICATES UNDER CONSUMER PROTECTION ACT (HB 259, Chapter 193:3, Laws of 2003)

10:00 a.m. Room 105-A, SH Organizational Meeting

WEDNESDAY, AUGUST 6, 2003

SAFELY REDUCING THE PRISON POPULATION IN THE STATE (HB 825, Chapter 157:1, Laws of 2003)

10:00 a.m. Room 206, LOB Regular Meeting

VESTING OF DEVELOPMENT RIGHTS AND THE PLANNING BOARD'S AUTHORITY TO REQUIRE OFF-SITE IMPROVEMENTS (SB 157, Chapter 179:1, Laws of 2003)

10:00 a.m. Room 103, LOB Organizational Meeting

WATER RESOURCES COMMITTEE (SB 162, Chapter 162:1, Laws of 2003)

1:00 p.m. Room 103, SH Organizational Meeting

MONDAY, AUGUST 11, 2003

ASSESS THE OPERATION EFFICIENCY OF STATE GOVERNMENT (HB 171, Chapter 1:1, Laws of 2003)

1:00 p.m. Room 100, SH Regular Meeting

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

1:00 p.m. Room 102, LOB Regular Meeting

TUESDAY, AUGUST 12, 2003

LANDOWNER LIABILITY FOR PROVIDING PUBLIC ACCESS TO SNOWMOBILE TRAILS (HB 244, Chapter 77:1, Laws of 2003)

10:00 a.m. Room 208, LOB Organizational Meeting

METHODS TO CREATE MENTORING INCENTIVES FOR BEGINNING TEACHERS STUDY (SB 166, Chapter 72:1, Laws of 2003)

10:00 a.m. Room 101, LOB Organizational Meeting

WEDNESDAY, AUGUST 13, 2003

SAFELY REDUCING THE PRISON POPULATION IN THE STATE (HB 825, Chapter 157:1, Laws of 2003)

10:00 a.m. Room 206, LOB Regular Meeting

METHODS TO PREVENT OR REDUCE HIGH SCHOOL DROPOUT RATE (SB 116, Chapter 160:1, Laws of 2003)

11:30 a.m. Room 103, LOB Organizational Meeting

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

1:00 p.m. Rooms 210-211, LOB Regular Meeting

THURSDAY, AUGUST 14, 2003

IMPLEMENTING A RECOMMENDATION OF THE NH ESTUARIES PROJECT MANAGEMENT PLAN (SB 70, Chapter 236:1, Laws of 2003)

10:00 a.m. Room 103, SH Organizational Meeting

FRIDAY, AUGUST 15, 2003

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

9:30 a.m. NH Department of Revenue Administration, Regular Meeting
Community Services Division in the Training Room

MONDAY, AUGUST 18, 2003

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25)

Cancelled Room 201, LOB Full Board Work Session

THURSDAY, AUGUST 21, 2003

ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Rooms 201-203, LOB Regular Meeting

TASK FORCE ON FAMILY LAW (HB 447, Chapter 250:1, Laws of 2002)

3:00 p.m. Room 208, LOB Regular Meeting

FRIDAY, AUGUST 22, 2003

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25)

1:00 p.m. Room 201, LOB Complaint Hearings

MONDAY, AUGUST 25, 2003

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

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

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

1:00 p.m. Room 102, LOB Regular Meeting

FRIDAY, AUGUST 29, 2003

BREATH ANALYZER MACHINES ADVISORY COMMITTEE (RSA 106-G:1)

10:00 a.m. - 12:00 p.m. Department of Safety Regular Meeting
State Police Conference Room 3rd Floor
Concord, NH

FRIDAY, SEPTEMBER 5, 2003

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

9:30 a.m. NH Department of Revenue Administration, Regular Meeting
Community Services Division in the Training Room

MONDAY, SEPTEMBER 8, 2003

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

1:00 p.m. Room 102, LOB Regular Meeting

JOINT HEALTH COUNCIL (Pursuant to RSA 326-B:10-a)

6:00 p.m. NH Board of Nursing, Room 17 Regular Meeting
78 Regional Dr. Bldg. 2
Concord, NH

WEDNESDAY, SEPTEMBER 10, 2003

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2)

9:30 a.m. Room 201, LOB Regular Meeting

THURSDAY, SEPTEMBER 18, 2003

NH DEPARTMENT OF TRANSPORTATION (Route 16 Corridor)

7:00 p.m. - 9:00 p.m.

Albany Town Hall
Route 16
Albany, NH

Advisory Committee Meeting

FRIDAY, SEPTEMBER 19, 2003

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

9:30 a.m.

NH Department of Revenue Administration, Regular Meeting
Community Services Division in the Training Room

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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 2003 SENATE BILLS: 14, 15, 16, 19, 23, 29, 34, 35, 36, 38, 41, 44, 46, 47, 51, 54, 56, 57, 58, 59, 63, 64, 66, 69, 70, 71, 74, 78, 79, 80, 85, 88, 90, 92, 94, 95, 96, 97, 98, 101, 102, 103, 105, 107, 115, 117, 118, 120, 124, 126, 127, 128, 130, 132, 138, 140, 141, 142, 144, 145, 148, 149, 151, 152, 159, 161, 163, 169, 179, 184, 186, 190, 192, 197, 202, 205, 208, 210, 212, 214, 215, 216, 217, 221, 222, 223, 224. HOUSE BILLS: 25, 104, 109, 112, 135, 205, 210, 302, 304, 387, 447, 521, 524, 528, 533, 543, 593, 598, 608, 619, 620, 621, 638, 646, 654, 669, 671, 674, 680, 703, 705, 711, 717, 720, 735, 737, 738, 758, 787, 788, 791, 816, 828

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NOTICES

Senate Calendar Publishing Schedule

Following this calendar, Senate calendars will be published every other week. The House will publish calendars on the alternate weeks. All meeting notices will be published in both calendars and therefore on a weekly basis.

Steve Winter
Clerk of the Senate

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THURSDAY, AUGUST 7, 2003

The Joint Budget Advisory Group will meet at 9:30 a.m. in Room 100 State House.

Thomas R. Eaton
President of the Senate

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SENATE SCHEDULE 2003 SESSION

Monday, September 1, 2003

Labor Day (State Holiday)

Monday, October 20, 2003

Filing period for legislation to be acted on in the second half of the biennium, beginning January 2004, will commence.

Tuesday, November 11, 2003

Veteran's Day (State Holiday)

Friday, November 14, 2003, 3:00 p.m.

The office of Legislative Services shall not draft a Senate bill or joint resolution, unless a request by a member for drafting with complete information has been received.

Thursday, November 27, 2003

Thanksgiving Day (State Holiday)

Friday, November 28, 2003

Day after Thanksgiving (State Employee Holiday)

Friday, December 19, 2003, 3:00 p.m.

Last day to sign-off legislation for the January 2004 session.

Thursday, December 25, 2003

Christmas Day (State Holiday)