

May 21, 2004  
No. 21

# STATE OF NEW HAMPSHIRE

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Legislative

## SENATE CALENDAR

VETO MESSAGES, MEETINGS & NOTICES

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**THE SENATE WILL MEET IN SESSION ON  
TUESDAY, MAY 25, 2004 AT 10:00 A.M.**

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## **GOVERNOR'S VETO MESSAGE ON SB 513**

May 10<sup>th</sup>, 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 Senate Bill 513, an Act relative to the Death Penalty.**

SB 513 prohibits any person who is under the age of 18 at the time an offense was committed from facing the death penalty. Currently, in New Hampshire, a person the age of 17 is considered an adult and subject to all penalties for all crimes.

New Hampshire, along with 18 other states, allows for the death penalty to be sought for anyone age 17 or over. New Hampshire's death penalty is relatively limited in scope. One crime subject to capital murder is the killing of a law enforcement officer in the line of duty. Anyone who murders an officer in the line of duty should be held accountable for his or her crime. As Governor, I will not support any attempts to weaken this or any protection for those who protect us daily.

Under the changes proposed in SB 513 a terrorist would not be subject to the death penalty if he or she were age 17. Similarly, a person who has committed a heinous and heartless crime, like the Washington DC area sniper, could carry out their crime without concern for their own execution. Surely, in a state where we hold our police officers in such high regard and where we share moral convictions regarding bringing offenders to justice, situations such as these are unacceptable.

New Hampshire law does not require a person convicted of capital murder be put to death. RSA 630:5 requires a jury to consider mitigating factors when determining whether a sentence of death is to be imposed. Among these mitigating factors are whether or not the defendant was youthful, and whether other factors in the defendant's background or character mitigate against the imposition of the death sentence.

For these reasons I have vetoed SB 513.

Respectfully submitted,

Craig R. Benson  
Governor

## **LAI D ON THE TABLE**

**SB 20**, relative to the qualifications for the property tax exemption for the disabled. **(Re-referred from 2003)** 1/7/04, **pending motion committee amendment (2560s), Public Affairs, SJ 1, pg. 24**

**SB 112-FN-L**, relative to state use of domestic steel. **(Re-referred from 2003)** 1/7/04, **pending motion Interim Study, Public Affairs, SJ 1, pg. 24**

**SB 327**, relative to the scope of the administrative review or hearing following suspension or revocation. 2/5/04, **pending motion OTP, Judiciary, SJ 4, pg. 57**

**SB 394-FN**, relative to children's product safety. 2/19/04, **pending motion Interim Study, Interstate Cooperation, SJ 6, pg. 97**

**SB 396-FN**, relative to farm tractor registrations. 2/19/04, **pending motion ITL, Transportation, SJ 6, pg. 104**

**SB 398**, relative to residency requirements for Medicaid recipients in nursing homes. 3/17/04, **pending motion OTP, Public Institutions, Health & Human Services, SJ 9, pg. 229**

**SB 405-FN**, relative to standards for comprehensive physical rehabilitation service areas. **3/04/04, pending motion OTP, Public Institutions, Health & Human Services, SJ 7, pg. 133**

**SB 422-FN**, relative to the use of Route 28 in Derry and establishing a penalty for violating weight control designations made by the commissioner of the department of transportation. **2/19/04, pending motion ITL, Transportation, SJ 6 pg. 105**

**SB 435-FN**, relative to accessible housing for persons of all abilities. **2/12/04, pending motion ITL, Executive Departments & Administration, SJ 5, pg. 70**

**SB 468**, relative to solid waste management. **3/17/04, pending motion committee amendment (0822s), Environment, SJ 9, pg. 187**

**SB 474-L**, exempting property owned by a private secondary or postsecondary educational institution from the education property tax. **3/17/04, pending motion OTP, Ways & Means, SJ 9, pg. 218**

**SB 485-FN**, relative to video stalking. **2/12/04, pending motion ITL, Judiciary, SJ 5, pg. 74**

**SB 486**, prohibiting floatplanes on Pickerel Pond. **2/5/04, pending motion ITL, Environment, SJ 4, pg. 60**

**SB 501**, establishing a committee to study a certain parcel of land along the Baker river. **2/5/04, pending motion OTP, Environment, SJ 4, pg. 60**

**SB 507**, establishing a committee to study the application of advanced information technology in certain state agencies. **2/5/04, pending motion ITL, Internal Affairs, SJ 4, pg. 62**

**SB 516-FN**, relative to special needs trusts. **3/04/04, pending motion Interim Study, Judiciary, SJ 7, pg. 126**

**HB 107**, relative to bingo. **(Re-referred from 2003) 1/7/04, pending motion OTP, Ways & Means, SJ 1, pg. 24**

**HB 108**, (New Title) relative to the adoption of an optional veterans' property tax credit. **(Re-referred from 2003) 1/7/04, pending motion ITL, Ways & Means, SJ 1, pg. 24-25**

**HB 499**, expanding opportunities for teacher certification. **(Re-referred from 2003) 1/22/04, pending motion Interim Study, Education, SJ 2, pg. 34**

**HB 829**, relative to ward boundaries in Manchester and Nashua to be used in state elections. **(Re-referred from 2003) 1/22/04, pending motion committee amendment (0068s), Internal Affairs, SJ 2, pg. 37**

**HB 1290**, (New Title) establishing a study committee to examine time limits on eligibility for Temporary Assistance for Needy Families. **4/01/04, pending motion ITL, Public Institutions, Health & Human Services, SJ 10, pg. 247**

**HB 1376**, (New Title) relative to agency fees assessed pursuant to public employer collective bargaining agreements. **4/29/04, pending motion OTP, Public Affairs, SJ 14, 363**

**HB 1424-FN-A**, (New Title) establishing a pharmaceutical study commission to study direct purchasing of prescription medication by the state. **4/22/04, pending motion ITL, Interstate Cooperation, SJ 13, pg. 324**

## MEETINGS

### *MONDAY, MAY 24, 2004*

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

9:00 a.m.

Room 305, LOB

Regular Meeting

### *THURSDAY, MAY 27, 2004*

#### **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

### ***FRIDAY, MAY 28, 2004***

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

Cancelled                      Room 205, LOB                      Regular Meeting

**EMERGENCY MANAGEMENT SYSTEM JOINT LEGISLATIVE OVERSIGHT COMMITTEE** (RSA 21-P:51)

1:00 p.m.                      Room 205, LOB                      Regular Meeting

### ***TUESDAY, JUNE 1, 2004***

**COMMISSION ON SETBACK REQUIREMENTS FOR LAND APPLICATION OF SEPTAGE, BIOSOLIDS AND SHORT PAPER FIBERS** (SB 87, Chapter 302:1, Laws of 2003)

9:00 a.m.                      Room 303, LOB                      Regular Meeting

**STATE VETERANS ADVISORY COMMITTEE** (RSA 115-A:2, VI)

5:00 p.m.                      American Legion Post 79                      Regular Meeting  
35 W Brook St.  
Manchester, NH

### ***WEDNESDAY, JUNE 2, 2004***

**WATER RESOURCES COMMITTEE** (RSA 481:1-b)

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

**NH DEPARTMENT OF TRANSPORTATION** (Ossipee-Effingham 13332, Pavement overlay, upgrading existing guardrail & bridge deck replacement along NH 25 from NH 16/ NH 25 interchange east 6.4 miles to the NH 25 / School Street intersection)

7:00 p.m.                      Ossipee Town Hall                      Public Officials/  
55 Main Street                      Public Informational Meeting  
Ossipee, NH

### ***FRIDAY, JUNE 4, 2004***

**COMMISSION TO STUDY THE RIGHT-TO-KNOW LAW** (HB 606, Chapter 287:2, Laws of 2003)

10:00 a.m.                      Room 304, LOB                      Regular Meeting

**COMMISSION TO STUDY FINANCIAL EXPLOITATION OF THE ELDERLY AND PERSONS WITH DISABILITIES** (HB 461, Chapter 227:2, Laws of 2003)

1:00 p.m.                      Room 205, LOB                      Regular Meeting

### ***MONDAY, JUNE 7, 2004***

**COMMISSION ON SETBACK REQUIREMENTS FOR LAND APPLICATION OF SEPTAGE BIOSOLIDS AND SHORT PAPER FIBERS** (SB 87, Chapter 302:1, Laws of 2003)

9:00 a.m.                      Room 303, LOB                      Regular Meeting

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

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

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

1:00 p.m.                      Room 205, LOB                      Regular Meeting

### ***TUESDAY, JUNE 8, 2004***

**COMMISSION TO STUDY CHILD SUPPORT AND RELATED CHILD CUSTODY ISSUES** (HB 310, Chapter 277:1, Laws of 2003)

3:00 p.m.                      Room 206, LOB                      Regular Meeting

### ***WEDNESDAY, JUNE 9, 2004***

**NH DEPARTMENT OF TRANSPORTATION** (Conway, 13078 Widening of River Road, provide 4' shoulders for bikes, road surface rehab/drainage improve 500 ft west of intersection Rte 16 approximately 1.5 miles west to intersection of River and West Side Rd.)

7:00 p.m.	Conway Police Department 39 East Conway Road Conway, NH	Public Officials/Public Informational Meeting
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### ***THURSDAY, JUNE 10, 2004***

**NH DEPARTMENT OF TRANSPORTATION** (Londonderry 13015, Alterations to NH Route 128)

7:00 p.m.	Londonderry High School Room 221 295 Mammoth Road Londonderry, NH	Public Hearing (Commission)
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### ***FRIDAY, JUNE 11, 2004***

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

2:00 p.m.	Rooms 206-208, LOB	Regular Meeting
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### ***MONDAY, JUNE 14, 2004***

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

10:00 a.m.	Room 203, LOB	Subcommittee Work Session on Rules
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**GUARDIAN AD LITEM BOARD** (RSA 490-C:1)

1:00 p.m.	Room 102, LOB	Regular Meeting
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### ***TUESDAY, JUNE 15, 2004***

**JOINT LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE** (RSA 17-N:1)

10:00 a.m.	Room 103, SH	Regular Meeting
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### ***FRIDAY, JUNE 18, 2004***

**COMMISSION TO STUDY THE RIGHT-TO-KNOW LAW** (HB 606, Chapter 287:2, Laws of 2003)

10:00 a.m.	Room 304, LOB	Regular Meeting
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**BOARD OF MANUFACTURED HOUSING** (RSA 205-A:25)

1:00 p.m.	Room 201, LOB	Complaint Hearing
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### ***MONDAY, JUNE 21, 2004***

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

10:00 a.m.	Room 103, SH	Regular Meeting
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**COMMISSION TO STUDY ISSUES RELATIVE TO GROUND WATER WITHDRAWALS** (SB 155, Chapter 305:1, Laws of 2003)

10:00 a.m.	Room 201, LOB	Subcommittee Meeting
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### ***WEDNESDAY, JUNE 23, 2004***

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

2:00 p.m.	Rooms 206-208, LOB	Regular Meeting
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### ***MONDAY, JUNE 28, 2004***

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

1:00 p.m.	Room 102, LOB	Work Session
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**NH BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2)**

2:00 p.m.

Room 105-A, SH

Regular Meeting

***MONDAY, JULY 12, 2004*****GUARDIAN AD LITEM BOARD (RSA 490-C:1)**

1:00 p.m.

Room 102, LOB

Regular Meeting

***WEDNESDAY, JULY 14, 2004*****CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2)**

9:30 a.m.

Room 201, LOB

Regular Meeting

***FRIDAY, JULY 16, 2004*****COMMISSION TO IDENTIFY MEDICAL ERRORS AND THEIR CAUSES (HB 287, Chapter 255:6, Laws of 2003)**

1:00 p.m.

Room 205, LOB

Regular Meeting

***MONDAY, JULY 26, 2004*****GUARDIAN AD LITEM BOARD (RSA 490-C:1)**

1:00 p.m.

Room 102, LOB

Work Session

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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 2004 SENATE BILLS: 126, 128, 205, 301, 303, 312, 313, 324, 325, 326, 329, 331, 333, 338, 347, 348, 353, 361, 365, 366, 367, 375, 376, 381, 383, 384, 388, 396, 397, 401, 407, 409, 411, 413, 414, 415, 419, 422, 424, 429, 430, 432, 433, 435, 436, 442, 444, 448, 450, 454, 469, 470 471, 473, 478, 481, 485, 490, 491, 494, 495, 498, 500, 503, 504, 505, 508, 509, 510, 511, 512, 515, 516, 518, 523, 525, 532, 534, HOUSE BILLS: 85, 369, 618, 643, 651, 698, 713, 730, 803, 1188, 1162, 1207, 1225, 1241, 1248, 1254, 1276, 1308, 1325, 1348, 1380, 1416, 1426, 1424, 2004**

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**NOTICES****MONDAY, JUNE 7 2004**

Pursuant to RSA 326-B:10a, the Joint Health Council will meet at the NH Board of Nursing, Room 17, 78 Regional Dr., Bldg. 2, Concord, NH, on Monday, June 7, 2004 at 6:00 p.m.

Senator Andre A. Martel

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**LEGISLATIVE ETHICS COMMITTEE****Proposed Amendments to Ethics Guidelines**

At its meeting on May 20, 2004, the Committee unanimously voted to amend Ethics Guidelines Sections 3 and 4, subject to approval by the General Court in accordance with RSA 14-B:3, II. The amendments, in their entirety, are printed below.

Senator Jane E. O'Hearn

Senator Joseph A. Foster



## ETHICS GUIDELINES

### 3 LEGISLATOR'S FINANCIAL DISCLOSURE FORM.

Amend the introductory paragraph to read as follows:

Every representative, ~~[representative-elect,]~~ senator, ~~[senator-elect,]~~ and officer of the House and Senate, shall file with the ~~[Secretary of State]~~ **Legislative Ethics Committee** the following financial disclosure form on or before January 31 of each year.

Amend the last paragraph to read as follows:

Complete and return to the ~~[Office of Secretary of State]~~ **Legislative Ethics Committee** no later than January 31, \_\_\_\_\_

## ETHICS GUIDELINES

### 4 PROHIBITED ACTIVITIES.

I. Legislators shall not solicit, accept, or agree to accept anything of value from another for themselves or other persons, if the legislator receives such thing of value:

(a) Knowing or believing the other's purpose to be the influencing of an action, decision, opinion, recommendation, or other official activity.

(b) Knowing or believing that the giver is or is likely to become subject to or interested in any matter or action pending before or contemplated by the giver or another member of the legislature.

(c) In return for advice or other assistance relating to a legislator's official activities.

(d) In return for introducing legislation, testifying before any legislative committee or state agency, voting in committee or in House or Senate session, or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency.

(e) In return for an endorsement, nomination, appointment, approval or disapproval of any person for a position as, or advancement of, a public servant.

(f) In return for having given a decision, opinion, recommendation, nomination, vote, or other official activity.

II. ~~[In dealing with state agencies,]~~ **/I/** Legislators shall not:

(a) ~~[Provide]~~ **Reveal** information ~~[about a state agency]~~ which the legislator has obtained confidentially in the course of his official activities.

(b) Reveal information about state agency operations or decisions which the legislator would not reveal to any member of the general public requesting such information.

(c) Threaten ~~[a state agency or its employees with]~~ reprisals or promise~~d~~ inducements of any kind to influence ~~[agency decisions]~~ **another** so as to obtain special personal benefits for the legislator, the legislator's immediate family, or for certain constituents which would not be available to others under similar conditions.

(d) Conduct private negotiations with ~~[a state]~~ **any governmental** agency in an attempt to obtain a decision on a pending matter which would result in special personal benefit to the legislator, to the legislator's immediate family, or to certain constituents which would not be available to others under similar conditions.

III. Legislators shall not use their public position or office to obtain anything of value for the private benefit of the legislator or the legislator's immediate family.

**VI. Legislators shall not engage in conduct that constitutes sexual harassment as defined in RSA 14-B:1.**

~~[VI.]~~ **VII.**

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## SENATE SCHEDULE 2004 SESSION

Monday, May 31, 2004	Memorial Day State Holiday
Thursday, June 17, 2004	Veto Day
Monday, July 5, 2004	Independence Day State Holiday (Taken on Monday)
Monday, September 6, 2004	Labor Day State Holiday
Thursday, November 11, 2004	Veteran's Day State Holiday
Thursday, November 25, 2004	Thanksgiving Day State Holiday
Friday, November 26, 2004	Day after Thanksgiving State Employee Holiday
Friday, December 24, 2004	Christmas Day State Holiday (Taken on Friday)

### ***VISITORS CENTER SCHEDULE - MAY & JUNE***

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 **MAY & JUNE 2004**. These listings will replace individual notifications in an effort to reduce paper usage and to ensure all members will be notified in a timely manner. **Our schedule is full for the remainder of the year.** Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

<b><i>DATE</i></b>	<b><i>TIME</i></b>	<b><i>GROUP</i></b>	<b><i>CLASS/Size</i></b>
5-24-04	10:00 & 11:00 SH & ?	Lincoln-Akerman School – Hampton	3&4/45
5-24-04	11:00	Acworth School	4/8
5-24-04	10:00	Russell School – Rumney	4/20
5-25-04	9:30 & 11:00 SH/HM	St. Anthony's School – Manchester	4/50
5-25-04	10:45	Charlestown Primary School	
		Rescheduled From March 17	4/46
5-26-04	10:30 & 12:00 SH/FG	Enfield Village School	4/40
5-26-04	9:00	Fall Mountain High –Langdon	HS/40
5-26-04	10:30	The Well School –Peterborough	4/11
5-27-04	9:00	Andover Elementary	4/34
5-27-04	10:30	Mtn.Shadows School – Dublin	6/8
5-27-04	10:30 & 12:00 SH/FG	Enfield Village School	4/40
5-28-04	9:30 & 11:00 SH/HM	Gossler Park School – Manchester	4/75
5-28-04	12:30	Bethlehem Elementary School	4/22
6-1-04	9:30 & 11:00 SH/HM	Green Acres School – Manchester	4/55
6-2-04	9:30 & 11:00 SH/HM	Green Acres School – Manchester	4/55
6-3-04	11:00 & 12:30 SH/P	Lakeway Elem – Littleton	4/78
6-4-04	9:30	Holderness Elem –Plymouth	4/20
6-4-04	11:00	Jonathon Daniels School – Keene	4/34
6-7-04	8:30	Florence Rideout Elem School – Wilton	4/41
6-7-04	10:00	Kensington Elementary School	4/36
6-7-04	11:30	Mont Vernon School	4/40
6-8-04	10:00 & 11:00 SH/HM Store	Pelham Elementary School	4/50
6-9-04	10:00 & 11:00 SH/HM Store	Pelham Elementary School	4/50
6-10-04	10:00 & 11:00 SH/HM Store	Pelham Elementary School	4/50