

HOUSE RECORD

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Wednesday, May 22, 2002

No. 44

HOUSE JOURNAL No. 14 (cont.)

Thursday, May 2, 2002

RECESS

(Rep. Pilliod in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 134, 439, 556, 587, 672, 718, 1147, 1156, 1218, 1231, 1299, 1318, 1366, 1388, 1423, 1446, 1449, 1467 and 1472, and Senate Bills numbered 360, 392, 403 and 451.

Rep. Nowe, Sen. D'Allesandro for the Committee

enrolled bill amendments

HB 447, establishing a task force on family law; clarifying that the judicial council is responsible for payment of indigent defense expenses; and relative to the judicial conduct commission and making an appropriation therefor.

Amendment (3788-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a task force on family law; clarifying that the judicial council is responsible for payment of indigent defense expenses; establishing a committee to study issues related to shorthand court reporting; and relative to the judicial conduct commission and making an appropriation therefor

Adopted.

HB 465, relative to membership of attorneys in the New Hampshire Bar Association.

Amendment (3778-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to lobbying activities of the New Hampshire Bar Association, establishing a committee to study issues related to the unified bar, and requiring the association to poll its members on the question of de-unification.

Amend RSA 311:7-g, II as inserted by section 1 of the bill by replacing line 1 with the following:

 II. Nothing in this section shall prevent officers and members of the New Hampshire Bar

Adopted.

HB 559-FN, relative to the procedures for assignment of income from child or spousal support orders.

Amendment (3791-EBA)

Amend RSA 458-B:2, I(a) as inserted by section 1 of the bill by replacing line 1 with the following:

 (a) Where there is a written agreement between the obligor and obligee and such agreement is approved by the

Adopted.

HB 712-FN, relative to the coordination of state, regional, and local planning efforts.

Amendment (3796-EBA)

Amend section 5 of the bill by replacing line 2 with the following:

RSA 9-A:2 by inserting after paragraph III the following new paragraph:

Amend RSA 9-B:6, V as inserted by section 7 of the bill by replacing line 1 with the following:

V. An assessment of how state agencies are complying with the goals and objectives

Adopted.

HB 1210, relative to training to be an esthetician and an advanced esthetician.

Amendment (3794-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to barbering, cosmetology, and esthetics.

Amend RSA 313-A:1, VIII as inserted by section 1 of the bill by replacing lines 7-10 with the following:

of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams; **or**

(d) Providing pedicure services, including therapeutic skin and nail care treatments for the foot, beautifying the foot, and massaging, cleansing, or stimulating the foot by means of the hands, devices, apparatus, or appliances, with the use of cosmetic

Amend RSA 313-A:13 as inserted by section 2 of the bill by replacing line 9 with the following:

Credit towards **the** hours requirement for esthetician training may be given to a licensed cosmetologist

Adopted.

HB 1235, relative to operation of motorized vessels and safe boater education and relative to fill and dredge in wetlands.

Amendment (3792-EBA)

Amend line 2 of section 14 of the bill by replacing it with the following:

RSA 482-A:2 by inserting after paragraph VII the following new paragraphs:

Amend line 1 of RSA 482-A:2, VIII (b), as inserted by section 14 of the bill, by replacing it with the following:

(b) On water bodies of 10,000 acres or less, a volume of water 20 feet long, 6 feet wide,

Amend line 4 of RSA 482-A:2, IX, as inserted by section 14 of the bill, by replacing it with the following:

landings, or stairs are installed, erected, or constructed without regrading or recontouring of the

Amend line 1 of RSA 482-A:3, IV-a (h), as inserted by section 15, of the bill by replacing it with the following:

(h) Installed in a manner which requires no modification, regrading, or recontouring of

Amend line 1 of section 16 of the bill by replacing it with the following:

16 Fill and Dredge of Wetlands; Dwellings Over Water; Existing Dwellings. Amend RSA 482-A:26,

Adopted.

HB 1270-FN, making technical corrections due to the repeal of the legacies and succession tax, relative to the exception from the meals and rooms tax for gratuities, and relative to appeals for redetermination or reconsideration of assessments or demands for payment made by the department of revenue administration.

Amendment (3789-EBA)

Amend RSA 87:27 as inserted by section 1 of the bill by replacing line 2 with the following:

the court, but the certificate of the department of revenue administration, as provided in RSA 87:26,

Adopted.

HB 1273-FN, relative to planning and procedures for state-owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles.

Amendment (3795-EBA)

Amend RSA 215-A:3, IX as inserted by section 5 of the bill by replacing lines 6-8 with the following:

~~[and to] the [chairperson]~~ **chairpersons** of the wildlife and recreation committee, ***the ways and means committee, and any other appropriate committee*** of the senate, ***and the state library*** which details their ~~[agency's performance]~~ **agencies' activities** relating to OHRV programs during the previous year. ***Such***

Amend RSA 215-A:19, VIII as inserted by section 6 of the bill by replacing lines 2-3 with the following:

successfully completes an OHRV training program, at that person's own expense, shall have his or her \$200 refunded to him or her from the fish and game fund by the executive director.

Amend RSA 215-A:23, III as inserted by section 8 of the bill by replacing lines 1-2 with the following:

III. Individual nonresident registration-~~[\$36]~~ **\$61** for each 2-wheeled trail bike registration, \$60 for each snow traveling vehicle registration, or ~~[\$45]~~ **\$70** for each other OHRV registration.

Amend RSA 215-A:23, VI(b) as inserted by section 9 of the bill by replacing lines 5-9 with the following:

~~be open to the general public.] Notwithstanding the provisions of this subparagraph, a landowner who grants permission for a grant-in-aid trail to be located on his **or her** property shall retain the right to establish the inclusive dates during which OHRV operation shall be permitted. [The private landowner shall also retain the right to post any grant-in-aid trail located on his property against trespass by any specific activity or specific type of OHRV.] **Use of trails on private land shall**~~

Amend RSA 215-A:24 as inserted by section 12 of the bill by replacing lines 2-5 with the following:

his **or her** duly authorized agents, such agent shall collect from the registrant a fee of ~~[\$1]~~ **\$2** in addition to the fee prescribed by RSA 215-A:23. Each application for registration of an OHRV shall have printed thereon the words and figures, "agent's fee ~~[\$1]~~ **\$2**." Such agent shall retain the additional fee as compensation for his **or her** services in connection with the issuance of such registration, except that, if the

Amend section 14 of the bill by replacing line 2 with the following:

RSA 215-A:29, II(a) to read as follows:

Amend section 15 of the bill by replacing line 2 with the following:

215-A:29, V and VI to read as follows:

Amend section 16 of the bill by replacing line 1 with the following:

16 New Subdivision; Off Highway Recreational Vehicles and Trails; ATV and Trail Bike

Amend RSA 215-A:42, II(c) as inserted by section 16 of the bill by replacing line 2 with the following:

to subparagraph I(b) require such closure.

Amend section 17 of the bill by replacing line 1 with the following:

17 Liability Insurance. Amend RSA 260:61, II to read as follows:

Amend section 21 of the bill by replacing lines 1-3 with the following:

21 State-Owned ATV and Trail Bike Trail. Within 90 days of the effective date of this section, the commissioner of the department of resources and economic development shall select, using the coarse filter criteria of RSA 215-A:43, I, one site on state public lands that is suitable for

Amend paragraph I of section 22 of the bill by replacing line 3 with the following:

plan shall be updated every 5 years thereafter. The plan shall emphasize development of self-

Amend section 24 of the bill by replacing line 2 with the following:

department of fish and game the position of contract administrator who

Amend the bill by replacing all after section 28 with the following:

29 Contingency. If HB 1348 of the 2002 legislative session becomes law, sections 7 and 8 of this act shall not take effect. If HB 1348 of the 2002 legislative session does not become law, sections 7 and 8 of this act shall take effect July 1, 2002.

30 Effective Date.

I. Sections 7 and 8 of this act shall take effect as provided in section 29 of this act.

II. The remainder of this act shall take effect July 1, 2002.

Adopted.

HB 1344-L, establishing a village plan alternative subdivision in zoning and land use planning laws.

Amendment (3786)

Amend RSA 674:21, VI(a) as inserted by section 2 of the bill by replacing line 8 with the following:

community growth occurs; and finally, to provide owners of private property with a method for

Amend RSA 674:21, VI (c) as inserted by section 2 of the bill by replacing line 12 with the following:

original lot unless provisions contained within the political subdivision's land use regulations provide a

Amend section 4 of the bill by replacing lines 2 and 3 with the following:

Amend RSA 674:36, II by inserting after subparagraph (k) the following new subparagraph:

(l) Provide for efficient and compact subdivision development which promotes retention

Adopted.

HB 1406, permitting the nomination of a guardian for the children of activated members of the armed services or for incapacitated persons for whom the activated member is the guardian, creating a committee to study the New Hampshire national guard education assistance act, and relative to the capital appropriation for the renovation and expansion of state armories.

Amendment (3793-EBA)

Amend RSA 463:18-a, IV(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Name and address of the person nominated the guardian.

Amend subparagraphs II(a) of (5) and (6) section 4 of the bill by replacing them with the following:

(5) One member to represent the university system of New Hampshire, appointed by that organization.

(6) One member to represent the department of regional community-technical colleges, appointed by that organization

Adopted.

HB 1426-FN, relative to the availability of information on the registration of certain sexual offenders, and requiring certain sexual offenders and offenders against children to report any changes to such person's place of employment or schooling.

Amendment (3790)

Amend RSA 651-B:6, II as inserted by section 2 of the bill by replacing line 3 with the following:

RSA 633:3[.] **or** 645:2, I [~~or 649-A:3, III~~], or of an equivalent offense in an out-of-state jurisdiction,

Amend RSA 651-B:5, III as inserted by section 4 of the bill by replacing lines 10-11 with the following:

employment or schooling, or the appropriate out-of-state law enforcement agency if the new place of employment or schooling is outside New Hampshire, and shall include such changes in the

Adopted.

HB 1433, prohibiting intoxication and constructive possession of alcohol by minors.

Amendment (3782-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting intoxication from consumption of alcoholic beverages by minors.

Adopted.

SB 161, relative to specialized treatment for certain individuals and making an appropriation therefor. (Amendment printed SJ 05/02/02)

Adopted.

SB 182-FN-A, establishing a brain injury program and making an appropriation therefor. (Amendment printed SJ 05/02/02)

Adopted.

SB 442-FN, establishing a committee to study revising the statutes relative to the state militia and the state guard, making certain technical changes to the militia statutes, and creating 2 fund.s.
(Amendment printed SJ 05/02/02)

Adopted.

RECESS

(Rep. Clegg in the Chair)

enrolled bill amendment

HB 1461-FN, transferring the office of emergency management to the department of safety, division of fire safety and emergency management.

Amendment (3797-EBA)

Amend the introductory paragraph of RSA 21-P:12 as inserted by section 1 of this act by replacing line 14 with the following:

functions, in accordance with applicable law:

Amend RSA 4:45, III(d) as inserted by section 4 of this act by replacing lines 3-4 with the following:

shall be upon charges after service upon such person of a copy of such charges and after giving him or her an opportunity to be heard in his or her defense. Pending the preparation and disposition of charges, the

Amend section 8 of the bill by replacing line 1 with the following:

8 Transportation of High-Level Radioactive Waste; Coordination with Other Agencies;

Amend the bill by deleting section 10 and renumbering the original sections 11-16 to read as sections 10-15, respectively.

Amend section 13 of the bill by replacing line 1 with the following:

13 Salary; Coordinator of Emergency Management. Amend RSA 94:1-a, I(b) by inserting in grade

Amend 21-P:41, II as inserted by section 7 of this act by replacing line 3 with the following:

his or her duties as such, practice such professional, mechanical, or other skill during an emergency.

Adopted.

RECESS

(Rep. Thomas in the Chair)

enrolled bill amendments

HB 1478-FN-A, relative to public health emergency preparation and response.

Amendment (3798 -EBA)

Amend RSA 107-C:17, V as inserted by section 3 of the bill by replacing line 3 with the following:

investigation pursuant to paragraph IV. Such care may include immunization of individuals as

Amend RSA 141-C:11, I as inserted by section 20 of the bill by replacing line 12 with the following:

isolation and quarantine as ~~he~~ **the commissioner** may deem best for protecting the health of the public.

Amend the bill by replacing section 22 with the following:

22 New Section; Decontamination. Amend RSA 141-C by inserting after section 16 the following new section:

141-C:16-a Decontamination. The commissioner may close, direct and compel the evacuation of or decontamination of any facility where there is reasonable cause to believe that there is a danger to the public health. The commissioner may also decontaminate, or cause to be decontaminated, or destroy any material of which there is reasonable cause to believe may present imminent danger to the public health. Destruction of any material under this chapter shall be considered a taking of private property and shall be subject to the compensation provisions of RSA 4:46.

23 New Subdivision; Public Health Powers and Duties; Safe Disposal of Corpses; Oversight Committee. Amend RSA 21-P by inserting after section 48 the following new subdivision:

Public Health Emergency Management Powers; Oversight Committee

21-P:49 Public Health Powers and Duties. During the existence of a state of emergency under this chapter, the commissioner of health and human services shall have the following powers and duties which are in addition to those set forth in RSA 141-C; provided, that such powers and duties shall be limited to the specific nature of the emergency, its geographic limits, and the conditions that brought it about, as specified in the declaration of the state of emergency:

I. Subject to the direction and control of the governor, the commissioner shall have the responsibility and authority to carry out all public health activities within the state in cooperation and collaboration with the office of emergency management.

II. The commissioner may, with or without the approval of the governor's council, purchase and distribute anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents that the commissioner deems to be in the interest of public health.

III. If there is a statewide or regional shortage or threatened shortage of any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, the commissioner may control, restrict and ration the use, sale, dispensing, distribution, or transportation of such products as necessary to best protect the health, safety, and welfare of the people of this state. In making rationing or other supply and distribution decisions, the

commissioner may give preference to health care providers, disaster response personnel, and mortuary staff.

IV. The commissioner may investigate any incident or imminent threat of any disease or health condition that may be caused by a natural disaster, radiation or chemical exposure, or the intentional use of any microorganism, infectious substance, or naturally occurring or manufactured biological product, that poses a risk of a significant number of human fatalities or incidents of permanent or long-term disability. Such investigations may include requiring information from any health care provider or other person affected by or having information related to the incident or threat, inspections of buildings and conveyances and their contents, laboratory analysis of samples collected during the course of such inspections, and requiring a physical examination and the provision of specimens of body secretions, excretions, fluids and discharges for laboratory examination of any person having a disease or health condition that necessitates an investigation under this paragraph.

V. The commissioner may order a person to undergo such medical care as may be necessary to treat or prevent an incident or threat of disease or other health condition prompting an investigation pursuant to paragraph IV. Such care may include immunization of individuals as necessary to prevent the spread of contagious disease.

VI. Any order compelling an investigation, physical examination, the provision of specimens, medical treatment or care, or immunization, and any other order of the commissioner under this chapter, shall be subject to the due process requirements of RSA 141-C:14-a.

VII. The department of health and human services shall acquire and retain only the minimum amount of information, specimens, and samples relating to individuals necessary to carry out its obligations under this section. Any genetic testing of specimens and samples shall be limited to the viruses, bacteria, fungi, or other micro-organisms therein.

21-P:50 Safe Disposal of Corpses. The commissioner of health and human services, with the assistance of the chief medical examiner, may exercise the following powers relative to the safe disposal of corpses:

I. Adopt and enforce such measures to provide for the safe disposal of corpses as may be necessary for emergency response.

II. Take possession and control of any corpse and direct the embalming, burial, cremation, interment, disinterment, transportation, and disposal of corpses.

III. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state to accept any corpse or provide the use of its business or facility if such actions are necessary for emergency response.

IV. Procure, by condemnation or otherwise, any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses as may be necessary for emergency response.

V. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state to clearly label any corpse with all available information necessary to identify the decedent and the cause of death.

VI. Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state having custody of a corpse of a person known or believed to have had an infectious disease to clearly label the corpse with a tag indicating that the corpse is so infected and indicating, if known, the infectious disease.

VII. Compel every person in charge of disposing of any corpse to maintain a written record of each corpse and all available information to identify the decedent.

21-P:51 Joint Legislative Oversight Committee.

I. A joint legislative oversight committee on the emergency management system is hereby established.

II. The committee shall consist of 9 members:

(a) Six members of the house of representatives, 2 of whom shall be from the health, human services and elderly affairs committee and one of whom shall be from the science, technology and energy committee, appointed by the speaker of the house.

(b) Three senators, appointed by the senate president.

III. The committee shall elect from its membership a chairperson, a vice-chairperson and a clerk. All members shall be appointed to serve on the committee for a term coterminous with the term of their elected legislative office, and may be reappointed if reelected to the same office. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall:

(a) Provide legislative oversight and serve as the legislative liaison for the emergency management system.

(b) Develop, with the assistance of the department of health and human services and other appropriate agencies, a grid which outlines a gradation of emergency conditions and describes the powers authorized for each level of emergency.

(c) Conduct a continuing study of the major problems and concerns regarding planning, testing, and implementation of states of emergency.

(d) Hold such public hearings as may be necessary on matters pertaining to the emergency management system.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1 of each year, beginning November 1 of 2003.

24 Repeals. The following are repealed:

I. RSA 21-P:49, relative to public health powers and duties.

II. RSA 21-P:50, relative to safe disposal of corpses.

25 Contingency.

I. If HB 1461-FN of the 2002 legislative session becomes law, sections 2, 3, 18, and 21 of this act shall not take effect, and sections 22 and 23 of this act shall take effect July 1, 2002 at 12:01 a.m. and section 24 of this act shall take effect July 1, 2004.

II. If HB 1461-FN of the 2002 legislative session does not become law, sections 22-24 of this act shall not take effect, and sections 2, 3 and 18 of this act shall take effect July 1, 2002 and section 21 of this act shall take effect July 1, 2004.

26 Effective Date.

I. Sections 2, 3, 18 and 21-24 of this act shall take effect as provided in section 25 of this act.

II. Section 25 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 2002.

Adopted.

HB 617, relative to additional exceptions to junk yard regulation.

Amendment (3780-EBA)

Amend section 1 of the bill by deleting line 3.

Amend the bill by replacing line 4 of section 1 with the following:

I. Except as provided by ~~paragraph~~ **paragraphs II and III**, the provisions of this subdivision shall apply

Adopted.

RECESS

(Rep. Guay in the Chair)

enrolled bill amendment

HB 1364-FN, requiring an accounting of dedicated funds in the budgetary process.

Amendment (3799-EBA)

Amend RSA 6:12, I(nnnn) as inserted by section 2 of the bill by replacing it with the following:

(nnnn) Moneys deposited in the court facilities escrow fund under RSA 490:26-c.

Amend RSA 6:12, I(tttt) as inserted by section 2 of the bill by replacing it with the following:

(tttt) Moneys deposited in the Pease Development Authority Airport Fund under RSA 12-G:36.

Amend RSA 6:12, I(uuuuu) as inserted by section 2 of the bill by replacing line 2 with the following:
endowment trust fund under RSA 6:38.

Amend RSA 6:12, I(vvvvv) as inserted by section 2 of the bill by replacing it with the following:

(vvvvv) Moneys deposited in the trust fund for the New Hampshire land and community heritage investment trust program under RSA 227-M:7.

Amend RSA 6:12, I(xxxxx) as inserted by section 2 of the bill by replacing it with the following:

(xxxxx) Moneys deposited in the nuclear decommissioning financing fund under RSA 162-F:19.

Amend RSA 6:12, I(jjjjj) as inserted by section 2 of the bill by replacing it with the following:

(jjjjj) Moneys deposited in the water pollution control and drinking water revolving loan fund under RSA 486:14.

Amend RSA 6:12, I(nnnnnn) as inserted by section 2 of the bill by replacing it with the following:

(nnnnnn) Moneys deposited in the Benjamin Thompson trust fund under RSA 11:6.

Amend RSA 6:12, I(bbbbbbb) as inserted by section 2 of the bill by replacing line 2 with the following:

RSA 422:6.

Amend RSA 6:12, I(ggggggg) as inserted by section 2 of the bill by replacing it with the following:

(ggggggg) Moneys deposited in the Cheshire bridge toll account under 1988, 251:4-a, as inserted by 1991, 318:5 and amended by 2000, 69:2.

Amend RSA 6:12, I(ccccccc) as inserted by section 2 of the bill by replacing line 1 with the following:

(ccccccc) Moneys deposited in the alcoholism and alcohol abuse account

Amend RSA 6:12, I(ccccccc) as inserted by section 2 of the bill by replacing it with the following:

(ccccccc) Moneys deposited in the electricians' board account under RSA 319-C:11.

Amend the bill by replacing all after section 5 with the following:

6 Authorization for Contingent Renumbering. If any other act of the 2002 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any RSA sections inserted by this or any other act as necessary to conform said sections to proper RSA format. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 2002 session laws.

7 State Treasurer and State Accounts; Guardian Ad Litem Fund. RSA 6:12, I (mmmm) is repealed and reenacted to read as follows:

(mmmm) Moneys deposited in the mediator and guardian ad litem fund under RSA 458:17-b.

8 Contingency. If HB 706 of the 2002 legislative session becomes law, section 7 of this act shall take effect July 1, 2003. If HB 706 of the 2002 legislative session does not become law, section 7 of this act shall not take effect.

9 Effective Date.

I. Section 7 of this act shall take effect as provided in section 8 of this act.

II. The remainder of this act shall take effect July 1, 2002.

Adopted.

RECESS

(Rep. Francoeur in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 180, 447, 465, 559, 1106, 1134, 1264, 1270, 1298, 1311, 1344, 1348, 1365, 1377, 1396, 1406, 1413, 1426, 1429, 1433 and 2000 and Senate Bills numbered 140, 161, 182, 300, 301, 318 and 366.

Rep. Nowe, Sen. D'Allesandro for the Committee

RECESS

(Rep. Patten in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 213, 617, 712, 1210, 1235, 1273, 1364, 1461 and 1478 and Senate Bills numbered 124 and 442.

Rep. Nordgren, Sen. D'Allesandro for the Committee

RECESS

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 15

Wednesday, May 22, 2002

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

O eternal God, bless all schools, colleges and universities within the borders of our beloved New Hampshire that they may be lively centers for sound learning, new discovery, and the pursuit of wisdom. Grant to all who graduate into the next step of their lives and careers this year the grace to follow their dreams and to become productive and compassionate citizens.

We especially thank You for all teachers and support staff who create an environment of learning for all who seek the truth wherever it may lead. We thank You for those who risk their lives daily to defend the freedoms we cherish. May we never forget their willing sacrifice nor our responsibility to seek justice and peace for all people.

Please bless the work of this honorable House and all those who serve here in democracy's noble cause. Amen.

Rep. Perley E. Davis led the Pledge of Allegiance.

Reps. Gorman and Sapareto led the House in singing The National Anthem.

LEAVES OF ABSENCE

Reps. Belanger, Crosby, Frank Davis, Feuerstein, Langer, Pepino and Seldin, the day, illness.

Reps. Akins, Arndt, Vivian Clark, Desrosiers, Dunlap, Edwards, Donald Flanders, Golding, Ham, Harrington, Stephen L'Heureux, Marshall, McHugh, McKinney, Moran, Norelli, O'Keefe, Rodeschin, Rosen, Rozek, Teschner, Tholl, Burton Williams and Woodward, the day, important business.

Rep. Berube, the day, death in the family.

INTRODUCTION OF GUESTS

Kathy Scanlan and Carole Darraugh, wife and mother-in-law of Rep. Scanlan. Petty Officer 1st Class J. Kyle Carlson, son of Rep. Carlson. Larry Ross, guest of Rep. Leach. John Chamberlin, guest of the Hanover delegation. George Andosca and Barbara Ritch, husband and guest of Rep. Andosca. Charlene Kane, daughter of Rep. Cecelia Kane. Robert Duhaime, Fichard Freeman, Gordon Kemp and James Lawn, guests of Rep. Dyer.

communication

May 15, 2002

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Merrimack 13, Robert O. Ouellette, r, Franklin, (5-B Orchard Street) 03235

William M. Gardner, Secretary of State

governor's veto message on house bill 298

May 15, 2002

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 this day vetoed House Bill 298, an Act relative to charter schools.

As a state senator, I voted for New Hampshire's existing charter school law and I believe that well designed and operated charter schools can complement the education now provided in our public school systems. Unfortunately, House Bill 298 is not a constructive step toward the goal of opening charter schools in New Hampshire.

By cutting local voters out of the approval process for charter schools, H.B. 298 violates our long tradition of local control of public schools. By draining money from our existing public schools, H.B. 298 jeopardizes the progress our communities are making in improving their schools. Moreover, as drafted, H.B. 298 may violate part I, article 28-a of the New Hampshire Constitution, which prohibits the imposition by the State of unfunded mandates on local governments. And, by repealing the statutory right of citizens to bring complaints about the operations of a charter school to the State Board of Education, H.B. 298 leaves aggrieved parents and taxpayers without any effective remedy.

Most of the bill's problems stem from the removal of local voters from the charter school approval process. Under our existing charter school law and under H.B. 298, most of the money that will

support a charter school comes from the transfer of funds from local school districts to the charter school. Under current law, before such a school is created, the voters in the charter school's community have to vote to approve the school's plans. Under H.B. 298, however, local voters are cut out of the process completely. Charter school applicants can bypass local voters and proceed directly to the State Board of Education for approval. Furthermore, the State Board of Education is not required under H.B. 298 to notify the local school board of a charter school application, and the local school board is not given an opportunity to participate in any hearings on an application pending before the State Board.

The bill's supporters have argued that the money being transferred to a charter school under H.B. 298 is the State's "adequacy" money, not money raised by local tax dollars, and, therefore, local voters are not entitled to have a role. I disagree. Removing a student from a school's rolls does not automatically lower a school's operating costs. While there may be modest savings in supplies, such as paper and pencils, most of the school's fixed costs will stay the same. The reallocation of adequacy money to a charter school will force school districts to choose between increasing local school property taxes or decreasing the resources available to their existing public schools.

It is one thing to establish a charter school that has these types of financial implications for local school districts if the local voters approve the charter school. It is quite another to impose such a school on local property taxpayers without giving them any say at all. I simply cannot support such a complete subversion of local control.

Because local school districts have no say in the approval of charter schools under H.B. 298, two sections of the bill may violate part I, article 28-a of the New Hampshire Constitution, which prohibits the imposition by the State of unfunded mandates on local governments.

While the bill's supporters assert that the transfer of funds from the local school district to the charter school will be limited to the State's per pupil adequacy allocation, the language in H.B. 298 actually would allow the State Board of Education to approve a charter school's request that the local school districts pay a higher amount to the charter school. This language reads: "the pupil's resident district shall pay to such [charter] school tuition in an amount *not less than* the base cost per pupil as determined in RSA 198:40 as adjusted for grade level weights as determined in RSA 198:38." Any "tuition" approved by the State Board *greater than* the adequacy cost would be paid from local property taxes.

The second constitutional defect in H.B. 298 centers on its requirement that a local school district pay the special education costs for a student attending a charter school. This puts local school districts in the position of being forced to duplicate costly special education programs.

Finally, H.B. 298 eliminates the right of a parent or taxpayer to bring a complaint about the operations of a charter school to the State Board of Education. Under H.B. 298, a person dissatisfied with a charter school is limited to bringing a complaint to the charter school's "board of trustees." While many charter schools that have been established in other states have been successful, unfortunately, there also have been many instances of financial and operational mismanagement of charter schools. The extremely limited grievance process provided for in H.B. 298 is unacceptable in matters involving the education of our children and the expenditure of taxpayers' dollars.

I am today signing House Bill 1281, which establishes a commission to study public educational choice initiatives. I hope that this commission will develop a proposal that will encourage the creation of charter schools without the serious flaws contained in H.B. 298.

Respectfully submitted, Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 298**, relative to charter schools, become law?

Reps. Hunt and Henderson spoke in favor.

As required by the State constitution, a roll call was taken.

YEAS 184 NAYS 145

YEAS 184

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Holbrook, Robert	Johnson, William	Lawton, David	Millham, Alida
Nedeau, Stephen	Rice, Thomas Jr	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Phillbrick, Donald
Quimby, Lee	Stevens, Stanley	Sullivan, P Judith	Torressen, Gary

CHESHIRE

Avery, Stephen	Dexter, Judson	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Liebl, George	Manning, Joseph	Roberts, William
Royce, H Charles	Smith, Edwin		

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
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GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Mirski, Paul	Scanlan, David	Sova, Charles	Ward, Brien

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Bouchard, David	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Furman, Christine
Gargas, Carolyn	Gleneck, David	Goulet, Maurice	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Holden, Randolph
Hopper, Gary	Jean, Loren	Kurk, Neal	L'Heureux, Robert
Lessard, Rudy	Martel, Andre	Mercer, Robert	Milligan, Robert
Pappas, Marc	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Spiess, Paul	Sullivan, Peter
Tate, Joan	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert

MERRIMACK

Anderson, Eric	Colcord, J D	Cummings, Raymond	Dunne, Christopher
Fraser, Leo Jr	Hutchinson, John	Kennedy, Richard	Leber, William
MacKay, James	Maxfield, Roy	Ouellette, Robert	Swindlehurst, John
Whalley, Michael	Winter, Steven		

ROCKINGHAM

Bishop, Franklin	Bowles, Raimond	Boynton, James	Bridle, Russell
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Holland, James Jr	Introne, Robert	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kelley, William
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Major, Norman
Moore, Benjamin	Morse, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Putnam, Ed II	Quandt, Marshall

Quandt, Matthew
Stritch, C Donald
Whittier, John

Rausch, James
Varrell, Thomas

Ruffner, Walter
Welch, David

Sloan, Stephen
Weyler, Kenneth

STRAFFORD

Albert, Russell
Reid, Christopher

Bickford, David
Twombly, James

Cossette, Larry
Woods, Phyllis

Musler, George

SULLIVAN

Jones, Constance

Leone, Richard

Odell, Bob

NAYS 145

BELKNAP

Pilliod, James

Salatiello, Thomas

CARROLL

None

CHESHIRE

Allen, Peter
McGuirk, Paul
Pratt, John

Batchelder, Robert
Meader, David
Richardson, Barbara

Burnham, Daniel
Mitchell, McKim
Weed, Charles

Espieffs, Peter
Pratt, Irene
Zerba, Roger

COOS

Bradley, Paula
Rodrigue, Robert

Davis, Perley
Stohl, Eric

Landers, Dana

Mears, Edgar

GRAFTON

Almy, Susan
Naro, Debra
Sokol, Hilda

Benn, Bernard
Nordgren, Sharon

Cooney, Mary
Pawlek, Marion

Lovett, Sid
Scovner, Nancy

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dionne, David	Drabinowicz, A Theresa
Dwyer, Paul	Dyer, Merton	Foster, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Graham, John	Hall, Betty
Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
LaRose, Richard	Lasky, Bette	Leach, Edward	Lefebvre, Roland
Leishman, Peter	Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold
Messier, Irene	Movsesian, Lori	Murphy, Robert	O'Connell, Timothy
Palangas, Eric	Panagopoulos, Nicholas	Schulze, Joan	Shaw, Barbara
Sweeney, Cynthia	Tahir, Saghir	White, John	Williams, Carol

MERRIMACK

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Daneault, Gabriel	Fraser, Marilyn	French, Barbara	Gile, Mary
Greco, Vincent	Jacobson, Alf	Lockwood, Priscilla	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Rodd, Beth
Rush, Deanna	Wallner, Mary Jane	Yeaton, Charles	

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha Fuller	Cooney, Richard	DiFruscia, Anthony
Downing, Michael	Hutchinson, Karen	Kane, Cecelia	Langone, John
McGuire, Robert	Micklton, Stephanie	Pitts, Jacqueline	Power, Lucille
Robertson, Carl	Sapareto, Frank	Shultis, Elizabeth	Splaine, James
Trueman, Raymond	Weatherspoon, Jacquelyne	Zolla, William	

STRAFFORD

Brennan, William	Brown, Julie	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	McCarthy, Gerald

Pelletier, Arthur	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Tsiros, William	Wall, Janet	Woodill, Rodney

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon Sr	Franklin, Peter	Harris, Joseph	Harris, Sandra
Phinizy, James	Robb, Amy		

and the veto was sustained, lacking the necessary two-thirds.

governor's veto message on house bill 420

April 3, 2002

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 this day vetoed House Bill 420, an act apportioning state representative districts.

I am vetoing this bill because it grossly deviates from the constitutional requirement that districts be as equal in population as possible; it is internally inconsistent in its treatment of different areas in the state; and it unnecessarily changes the form and boundaries of existing districts.

House Bill 420 violates Part II, Article 9 of the New Hampshire Constitution, which requires districts in the House of Representatives to "be as equal as circumstances shall admit." For citizens in a representative democracy like ours, the right to vote is a precious right, but that right is empty unless we ensure that each vote is counted and counted equally. Unfortunately, H.B. 420 sets up districts that are far from any measure of equality and thus are unconstitutional.

The population of the State is 1,235,786 according to the census conducted in 2000. A straight division of the State into 400 single-member districts would have each district contain 3,089 people. H.B. 420 would create a redistricting scheme of House districts that vary in population to such a degree that they would represent serious threats to the voting rights of thousands of New Hampshire citizens. Far from creating districts in which each member of the House would represent 3,089 people, H.B. 420 would create districts with large differences in the number of people represented by each House member. The smallest of H.B. 420's districts falls 14.4% below the ideal and the largest exceeds the ideal by 8%.

The difference between the high and low is called the "range of deviation" and the 22.4% range of deviation created by H.B. 420 is unacceptably high. It is substantially higher than the 14.5% total range of deviation in the current House redistricting statute at the time it was adopted ten years ago. It is also significantly higher than the ranges of deviation for alternative plans that were presented to the House Redistricting Committee and the House Election Law Committee, as well as an amendment offered on the floor of the Senate. Unfortunately, the majority party rejected all of the lower-deviation alternatives.

The United States Supreme Court has, on more than one occasion, held that redistricting plans with deviations of greater than ten percent represent prima facie cases of unconstitutional voting rights violations, unless the deviations are required by the need to advance rational state policies. There is no legitimate state policy that requires deviations of such magnitude. Indeed, as stated above, there are a number of alternative plans that would create districts with much smaller ranges of deviation.

Floterial districts lie at the heart of many of the problems with H.B. 420. A floterial district is one that crosses municipal or ward lines and allows one community to share representation with one or more contiguous places. In some counties, H.B. 420 creates unnecessary floterial districts. In others, House Bill 420 fails to create floterial districts where they clearly are warranted. There are 32 floterial districts in current law and H.B. 420 would increase that number to 43. In one extreme example, H.B. 420 lays a floterial district on top of the entire City of Nashua, creating a district in which one House member will have more than 86,000 constituents. Thus, that single House district is one-and-one-half times greater in size than the population of a state senate district.

H.B. 420 unnecessarily treats similar situations in different parts of the State quite differently. For example, under H.B. 420 the citizens of the cities of Claremont and Laconia will be under-represented because those two cities are treated differently than similarly situated towns. Claremont, with a population of 13,151, is given four representatives in H.B. 420, despite the fact Claremont's population is 795 above the ideal population for four representatives. Laconia, with a population of 16,411, is given five representatives, despite the fact its population is 966 above the ideal population for five representatives. H.B. 420 creates no floterial districts to deal with those two clear situations of under-representation, despite the fact that the majority created floterial districts for similarly situated citizens in Hollis and Raymond. Nor can the majority party's rationale for denying full representation to the citizens of Claremont and Laconia withstand any objective scrutiny. The majority contended that Claremont and Laconia would dominate surrounding smaller towns in a floterial district. However, H.B. 420 places the following large towns in floterial districts with much smaller neighbors: Milford (population 13,535 in a floterial with a total of 18,575); Goffstown (16,929 out of 24,705); Amherst (10,769 out of 12,803); and Londonderry (23,236 out of 33,945).

H.B. 420 unnecessarily changes the form and boundaries of existing districts. This is especially a problem in Cheshire County. Despite the fact that population shifts over the last 10 years only cause Cheshire County to lose one seat in the House of Representatives, H.B. 420 changes the representation of every single community in Cheshire County, with new combinations in every multi-town and floterial district.

Moreover, H.B. 420 targets certain incumbents, despite the fact one of the criteria for redistricting set forth in the House Redistricting Committee was to avoid altering incumbent districts if possible. For example, H.B. 420 targets a member of House Democratic Leadership and one of the only four Democrats in the Hillsborough County delegation outside of the cities of Manchester and Nashua by placing her home town of Mont Vernon in two overlapping floterial districts – one with the town of Amherst, which is five times the size of Mont Vernon; the other with the towns of New Boston and Lyndeborough.

The creation of this particular overlapping floterial district was done despite the fact there were better alternatives and despite the fact the Republican leadership of the House Redistricting Committee on more than one occasion questioned the constitutionality of overlapping floterial districts. Indeed, the House Redistricting Committee rejected a proposal for overlapping floterial districts in the City of Laconia and a proposal for overlapping floterial districts in the City of Claremont, both offered by members of the minority party. Such inconsistency in redistricting is unacceptable. It highlights the willingness of the majority to bend a supposed rule when it suits the purpose of limiting minority party representation.

In Coos County, despite the fact that that there is a sufficient number of people to support a single-member district in greater Northumberland ("Groveton") and a single-member district in Lancaster, H.B. 420 would combine Groveton with Lancaster in a two-seat district. This combination is designed to force a Democratic incumbent to run against two Republican incumbents.

Because H.B. 420 is unconstitutional, fundamentally unfair, and internally inconsistent, I am compelled to veto this legislation.

I urge the House to take up my veto quickly. Alternatives that would satisfy the requirement for equal representation and fairness have been presented, and can be considered once again. There is still time before the June candidate filing period to pass redistricting legislation that will preserve the voting rights of all New Hampshire citizens.

Respectfully submitted, Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 420**, apportioning state representative districts, become law?

Rep. Vaillancourt spoke in favor.

As required by the State constitution, a roll call was taken.

YEAS 208 NAYS 130

YEAS 208

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Lawton, David	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rice, Thomas Jr	Russell, David	Thomas, John	Wendelboe, Fran

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Sullivan, P Judith	Torressen, Gary

CHESHIRE

Avery, Stephen	Dexter, Judson	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Liebl, George	Manning, Joseph	Roberts, William
Royce, H Charles	Smith, Edwin		

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Pratt, Leighton	Stohl, Eric		

GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Mirski, Paul	Scanlan, David	Sova, Charles	Ward, Brien

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Bouchard, David	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela
Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard	Dyer, Merton
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard
Ford, Nancy	Furman, Christine	Gargasz, Carolyn	Gleneck, David
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Leach, Edward	Leishman, Peter	Lessard, Rudy
Martel, Andre	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	O'Connell, Timothy	Pappas, Marc	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Salts, Greg	Sargent, Maxwell
Souza, Kathleen	Spiess, Paul	Tahir, Saghir	Tate, Joan
Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Brewster, Richard	Colcord, J D	Cummings, Raymond
Dunne, Christopher	Hutchinson, John	Jacobson, Alf	Kennedy, Richard
Leber, William	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
Ouellette, Robert	Swindlehurst, John	Whalley, Michael	Winter, Steven

ROCKINGHAM

Bishop, Franklin	Bowles, Raimond	Boynton, James	Bridle, Russell
Camm, Kevin	Carson, Sharon	Chalbeck, Kevin	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Dumaine, Dudley	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	Moore, Benjamin
Morse, Charles	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Power, Lucille	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Rausch, James	Robertson, Carl	Ruffner, Walter
Sapareto, Frank	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

STRAFFORD

Albert, Russell	Bickford, David	Brown, Julie	Cossette, Larry
Musler, George	Reid, Christopher	Twombly, James	Woods, Phyllis

SULLIVAN

Flint, Gordon Sr	Jones, Constance	Leone, Richard	Odell, Bob
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NAYS 130

BELKNAP

Dewhirst, Glenn	Johnson, William	Salatiello, Thomas
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CARROLL

None

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espieffs, Peter
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Weed, Charles	Zerba, Roger

COOS

Bradley, Paula	Landers, Dana	Mears, Edgar	Rodrigue, Robert
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GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda			

HILLSBOROUGH

Andosca, Mary	Baroody, Benjamin	Bellavance, Paul	Buckley, Raymond
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dionne, David	Drabinowicz, A Theresa
Dwyer, Paul	Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Lasky, Bette	Lefebvre, Roland
Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold
Movsesian, Lori	Murphy, Robert	Palangas, Eric	Panagopoulos, Nicholas
Schulze, Joan	Shaw, Barbara	Sullivan, Peter	Sweeney, Cynthia
White, John	Williams, Carol		

MERRIMACK

Bouchard, Candace	Burney, Carol	Clarke, Claire	Daneault, Gabriel
Fraser, Leo Jr	Fraser, Marilyn	French, Barbara	Gile, Mary
Greco, Vincent	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Wallner, Mary Jane	Yeaton, Charles		

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha Fuller	Downing, Michael	Kane, Cecelia
Kelley, William	McGuire, Robert	Micklon, Stephanie	Pantelakos, Laura
Pitts, Jacqueline	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne			

STRAFFORD

Brennan, William	Callaghan, Frank	DeChane, Marlene	Estabrook, Iris
Ferland, Paul	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	Lent, Donald	McCarthy, Gerald	Pelletier, Arthur
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Tsiros, William	Wall, Janet	Woodill, Rodney

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James
Robb, Amy			

and the veto was sustained, lacking the necessary two-thirds.

governor's veto message on house bill 465

May 18, 2002

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 this day vetoed House Bill 465, an Act relative to lobbying activities of the New Hampshire Bar Association, establishing a committee to study issues related to the unified bar, and requiring the association to poll its members on the question of de-unification.

All attorneys who wish to practice law in New Hampshire must be members of the New Hampshire Bar Association pursuant to a 1972 decision of the New Hampshire Supreme Court, *In re Unified New Hampshire Bar*, and Supreme Court Rule 42A. In a majority of states attorneys are similarly required to be members of the state bar association. These types of bar associations are commonly referred to as unified bars.

Since the Supreme Court in 1968 first required membership in the Bar Association on a trial basis, the Supreme Court expressly has limited the New Hampshire Bar Association's legislative lobbying

activities to "legislation dealing with administration of justice, the operation of the courts, the practice of law, and the legal profession." The Supreme Court has shown that it is quite willing to enforce that limitation on legislative activity. For example, in 1986 the Supreme Court in its *Chapman* decision made it clear that the Bar Association's lobbying activity against so-called tort reform legislation was out of bounds.

House Bill 465 is an unnecessary, inappropriate and frivolous piece of legislation.

H.B. 465 requires that the Bar Association create a mechanism to allow members to opt out of paying that portion of their dues used for lobbying activities. It requires that by October 1 of this year the Bar Association must conduct a poll of Bar members on whether they think mandatory membership in the Bar Association should be continued. It further requires that the Bar Association count the ballots in public and that the ballots must be preserved so they can be physically examined by a study committee of the legislature.

The Bar Association's constitution and bylaws provide a democratic process for member directed reform, and I trust that lawyers are quite capable of protecting their own rights.

I know that there are some legislators who are unhappy with positions taken and statements made by some in the Bar Association leadership during the last few years. This legislation is motivated by a desire for revenge. It is petty. It is frivolous. It is beneath the House and Senate.

Respectfully submitted, Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 465**, relative to lobbying activities of the New Hampshire Bar Association, establishing a committee to study issues related to the unified bar, and requiring the association to poll its members on the question of de-unification, become law?

Rep. Reid spoke in favor.

As required by the State constitution, a roll call was taken.

YEAS 205 NAYS 134

YEAS 205

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Holbrook, Robert	Lawton, David	Nedeau, Stephen	Pilliod, James
Rice, Thomas Jr	Russell, David	Thomas, John	Wendelboe, Fran

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

Quimby, Lee	Stevens, Stanley	Sullivan, P Judith	Torressen, Gary
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CHESHIRE

Avery, Stephen	Dexter, Judson	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Liebl, George	Manning, Joseph	Roberts, William
Royce, H Charles	Smith, Edwin		

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Pratt, Leighton	Stohl, Eric		

GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Mirski, Paul	Scanlan, David	Sova, Charles	Ward, Brien

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Bouchard, David	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Dyer, Merton	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Ford, Nancy
Furman, Christine	Gargasz, Carolyn	Gleneck, David	Gonzalez, Carlos
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul
LaRose, Richard	Leach, Edward	Lessard, Rudy	Martel, Andre
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert
O'Connell, Timothy	Pappas, Marc	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Souza, Kathleen	Spieß, Paul
Sullivan, Peter	Tahir, Saghir	Tate, Joan	Thulander, O Alan
Vaillancourt, Steve	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Colcord, J D	Cummings, Raymond	Dunne, Christopher
Fraser, Leo Jr	Hutchinson, John	Jacobson, Alf	Kennedy, Richard
Leber, William	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
Ouellette, Robert	Soltani, Tony	Swindlehurst, John	Whalley, Michael
Winter, Steven			

ROCKINGHAM

Bishop, Franklin	Boynton, James	Bridle, Russell	Camm, Kevin
Carson, Sharon	Chalbeck, Kevin	Cooney, Richard	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hill, Jonathan
Holland, James Jr	Hutchinson, Karen	Introne, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	Moore, Benjamin	Morse, Charles	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Power, Lucille	Priestley, Anne
Putnam, Ed II	Quandt, Matthew	Rausch, James	Ruffner, Walter
Sapareto, Frank	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	McCarthy, Gerald
Musler, George	Reid, Christopher	Tsiros, William	Twombly, James
Woods, Phyllis			

SULLIVAN

Flint, Gordon Sr	Jones, Constance	Leone, Richard	Odell, Bob
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NAYS 134

BELKNAP

Johnson, William	Millham, Alida	Salatiello, Thomas
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CARROLL

None

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espieffs, Peter
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Weed, Charles	Zerba, Roger

COOS

Bradley, Paula	Landers, Dana	Mears, Edgar	Rodrigue, Robert
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GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Lovett, Sid
Naro, Debra	Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy
Sokol, Hilda			

HILLSBOROUGH

Andosca, Mary	Balcom, John	Baroody, Benjamin	Bellavance, Paul
Buckley, Raymond	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daigle, Robert	Dionne, David
Drabinowicz, A Theresa	Dwyer, Paul	Foster, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hall, Betty	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Lasky, Bette
Lefebvre, Roland	Leishman, Peter	Lynde, Harold	Martin, Mary Ellen
McDonough-Wallace, Alice	Melcher, Harold	Movsesian, Lori	Murphy, Robert
Palangas, Eric	Panagopoulos, Nicholas	Peterson, Andrew	Schulze, Joan
Shaw, Barbara	Sweeney, Cynthia	White, John	Williams, Carol

MERRIMACK

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Daneault, Gabriel	Fraser, Marilyn	French, Barbara	Gile, Mary
Greco, Vincent	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Wallner, Mary Jane	Yeaton, Charles		

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Clark, Martha Fuller	DiFruscia, Anthony
Downing, Michael	Johnson, Robert	Kane, Cecelia	McGuire, Robert
Micklon, Stephanie	Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne

STRAFFORD

Brennan, William	Brown, Julie	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Gilmore, Gary	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hughes, Christopher	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	Pelletier, Arthur
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James
Robb, Amy			

and the veto was sustained, lacking the necessary two-thirds.

governor's veto message on house bill 622

March 26, 2002

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 this day vetoed House Bill 622, an act relative to the time period for the Executive Council to confirm nominees to the supreme court.

I have vetoed H.B. 622 because I believe it violates the New Hampshire Constitution's specific provision concerning the nomination and appointment of judges, Part II, Article 46, as well as the separation of powers provision in our state Constitution, Part I, Article 37. I note that this veto of H.B. 622 is made with the approval of its sole sponsor, who is a strong proponent of the Constitution's careful separation of powers between the three branches.

Under Part II, Article 46 of the New Hampshire Constitution, the authority to nominate judges is granted exclusively to the Governor and the authority to confirm judges is granted exclusively to the Executive Council: "All judicial officers ... shall be nominated and appointed by the governor and council; and every such nomination shall be made at least three days prior to such appointment." *See Opinion of the Justices*, 117 N.H. 398 (1977).

H.B. 622 would encroach on the powers granted by our Constitution exclusively to the Executive Council by requiring the Council to wait at least 60 days and to hold two public hearings before confirming a nominee to the Supreme Court.

I strongly support the holding of thorough and open public hearings on judicial nominees and believe the members of the Executive Council should take whatever time they deem necessary to consider a Governor's nomination to the Supreme Court. However, under our Constitution, it is the members of the Council, and not the legislature, who should determine how many hearings the Council should hold and the appropriate waiting period before acting on any judicial nominee.

The separation of powers provided for in our State Constitution is an important check on the powers of any one branch. It is a principle that must be protected. Thus, regardless of the public policy merits of H.B. 622, I am compelled to veto this bill.

Respectfully submitted, Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 622**, relative to the time period for the Executive Council to confirm nominees to the supreme court, become law?

Rep. Splaine spoke against.

As required by the State constitution, a roll call was taken.

YEAS 175 NAYS 166

YEAS 175

BELKNAP

Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn	Holbrook, Robert
Lawton, David	Millham, Alida	Nedeau, Stephen	Rice, Thomas Jr
Russell, David	Thomas, John	Wendelboe, Fran	

CARROLL

Babson, David Jr	Dickinson, Howard	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Quimby, Lee
Stevens, Stanley	Sullivan, P Judith		

CHESHIRE

Avery, Stephen	Dexter, Judson	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Royce, H Charles	Smith, Edwin	

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Pratt, Leighton	Stohl, Eric		

GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Giuda, Robert	Scanlan, David
Sova, Charles	Ward, Brien		

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balcom, John	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Bouchard, David	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dionne, Kimberley	Dokmo, Cynthia
Drisko, Richard	Dyer, Merton	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Gargasz, Carolyn	Gleneck, David
Gonzalez, Carlos	Goulet, Maurice	Greenberg, Gary	Guinta, Frank
Hall, Charles	Herman, Keith	Holden, Randolph	Hopper, Gary
Jean, Loren	Kurk, Neal	LaFlamme, Paul	LaRose, Richard
Leach, Edward	Lessard, Rudy	Martel, Andre	McRae, Karen
Mercer, Robert	Milligan, Robert	Pappas, Marc	Reeves, Sandra
Rowe, Robert	Salts, Greg	Sargent, Maxwell	Souza, Kathleen

Tate, Joan

Thulander, O Alan

Wheeler, Robert

MERRIMACK

Anderson, Eric

Colcord, J D

Cummings, Raymond

Dunne, Christopher

Hutchinson, John

Jacobson, Alf

Kennedy, Richard

Leber, William

MacKay, James

Maxfield, Roy

Ouellette, Robert

Swindlehurst, John

Whalley, Michael

Winter, Steven

ROCKINGHAM

Bishop, Franklin

Boynton, James

Bridle, Russell

Carson, Sharon

Chalbeck, Kevin

Cooney, Richard

Cox, Russell

Dalrymple, Janeen

DiFruscia, Anthony

Dowling, Patricia

Dumaine, Dudley

Flanagan, Natalie

Flanders, John Sr

Francoeur, Sheila

Gilbert, Jeffrey

Gilbert, Karl

Giordano, Ronald

Gleason, John

Griffin, Mary

Hamel, Albert

Henderson, Warren

Holland, James Jr

Hutchinson, Karen

Introne, Robert

Itse, Daniel

Johnson, Rogers

Katsakiores, George

Katsakiores, Phyllis

Kelley, Jane

Kelley, William

Langone, John

Letourneau, Robert

Major, Norman

Moore, Benjamin

Morse, Charles

Nowe, Ronald

O'Neil, Michael

Packard, Sherman

Power, Lucille

Priestley, Anne

Putnam, Ed II

Rausch, James

Ruffner, Walter

Sapareto, Frank

Sloan, Stephen

Stone, Joseph

Stritch, C Donald

Varrell, Thomas

Welch, David

Weyler, Kenneth

Whittier, John

Zolla, William

STRAFFORD

Albert, Russell

Cossette, Larry

Musler, George

Reid, Christopher

Tsiros, William

Twombly, James

Woods, Phyllis

SULLIVAN

Flint, Gordon Sr

Leone, Richard

Odell, Bob

NAYS 166

BELKNAP

Bartlett, Gordon

Johnson, William

Pilliod, James

Salatiello, Thomas

CARROLL

Bradley, Jeb

Torressen, Gary

CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

Espieffs, Peter

Liebl, George

Manning, Joseph

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Roberts, William

Weed, Charles

Zerba, Roger

COOS

Bradley, Paula

Landers, Dana

Mears, Edgar

Rodrigue, Robert

GRAFTON

Almy, Susan

Benn, Bernard

Cooney, Mary

Gabler, William

Lovett, Sid

Mirski, Paul

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

HILLSBOROUGH

Andosca, Mary

Balboni, Michael

Baroody, Benjamin

Bellavance, Paul

Buckley, Raymond

Chabot, Robert

Clayton, William

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daigle, Robert

Dionne, David

Drabinowicz, A Theresa

Dwyer, Paul

Ford, Nancy

Foster, Linda

Furman, Christine

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Graham, John

Hall, Betty

Jean, Claudette

Johnson, Lionel

Kacavas, John

Keye, Harvey

L'Heureux, Robert

Lasky, Bette

Lefebvre, Roland

Leishman, Peter

Lynde, Harold

Martin, Mary Ellen

McDonough-Wallace,
Alice

Melcher, Harold

Messier, Irene

Movsesian, Lori

Murphy, Robert

O'Connell, Timothy

Palangas, Eric

Panagopoulos, Nicholas

Peterson, Andrew

Schulze, Joan

Shaw, Barbara

Spieess, Paul

Sullivan, Peter

Sweeney, Cynthia

Tahir, Saghir

Vaillancourt, Steve

White, John

Williams, Carol

MERRIMACK

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Daneault, Gabriel	Fraser, Leo Jr	Fraser, Marilyn	French, Barbara
Gile, Mary	Greco, Vincent	Lockwood, Priscilla	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Soltani, Tony	Wallner, Mary Jane
Yeaton, Charles			

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Camm, Kevin	Clark, Martha Fuller
Dearborn, Bruce	Downing, Michael	Fesh, Bob	Hill, Jonathan
Johnson, Robert	Kane, Cecelia	Kobel, Rudolph	Langley, Jane
McGuire, Robert	Micklon, Stephanie	Pantelakos, Laura	Pitts, Jacqueline
Quandt, Marshall	Quandt, Matthew	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	

STRAFFORD

Bickford, David	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Estabrook, Iris	Ferland, Paul	Gilmore, Gary
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	Lent, Donald
McCarthy, Gerald	Pelletier, Arthur	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet
Woodill, Rodney			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Jones, Constance
Phinizy, James	Robb, Amy		

and the veto was sustained, lacking the necessary two-thirds.

governor's veto message on house bill 1366

May 18, 2002

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 House Bill 1366, an Act establishing a state employee recognition and award program.

House Bill 1366 replaces the existing state employee incentive awards program with an overly bureaucratic program that interjects members of the Legislative Branch in an inherently Executive Branch function in violation of Part I, Article 37, Part II, Article 41 and Part II, Article 62 of the New Hampshire Constitution. Because I believe strongly in the separation of powers principles that underlie our government, I am vetoing H.B. 1366.

If H.B. 1366 became law, a committee that would include two members of the Legislature would be given the discretion to decide 1) which employees of the Executive Branch would receive monetary bonuses for suggestions to improve the operations of the Executive Branch and 2) which employees of the Executive Branch would receive special recognition for a "suggestion or service which is outside or beyond the employee's regular responsibilities or performance standards."

It is a well established principle of constitutional law in this state that, pursuant to Part II, Articles 41 and 62 of the New Hampshire Constitution, "it is the inherent power of the Governor and Council to direct and regulate the internal workings of the executive department." *Opinion of the Justices*, 116 N.H. 406, 360 A.2d 116 (1976). Including legislators in performance reviews of Executive Branch employees and in decision-making on which Executive Branch employees should receive discretionary financial bonuses and other forms of recognition flagrantly violates Part II, Articles 41 and 62 of our Constitution and the separation of powers doctrine established in Part I, Article 37.

In addition, H.B. 1366 would create an overly bureaucratic process for implementing an incentive awards program. Indeed, even the Office of Legislative Budget Assistant acknowledged in the fiscal note to H.B. 1366 that "there may be a reduction of hours available to audit state agency operations if audit time is diverted to reviewing cost saving suggestions."

At the Senate hearing on H.B. 1366, Executive Branch employees suggested amendments to the bill that were designed to improve the existing employee incentive awards program. Unfortunately, the Senate rejected those amendments and instead amended the House version of the bill in a way that is clearly unconstitutional.

I acknowledge that the existing employee incentive awards program was dormant under the administrations of Governors Sununu, Gregg, and Merrill and my administration until this year. This legislation has served the purpose of reinvigorating the program. A new rules framework will move forward after the Legislature takes up my veto of this bill.

But I take exception to the suggestion of certain members of the Legislature that our underpaid and hard-working state employees require special financial incentives to motivate them to bring forward and implement ideas to improve the efficiency of state government. State employees went four years without receiving even cost-of-living salary adjustments before I took office as Governor. I am proud that in each of my three terms as Governor we successfully reached collective bargaining agreements with the State Employees Association that provided our state employees with modest raises. I am particularly proud that last year we reached agreement on a revised career ladder structure that will

help retain experienced employees in state service. Our state employees day-in and day-out are creative in providing quality services to the people of New Hampshire. Special recognition of individual state employees for service above and beyond their normal duties is a good thing – but it is not necessary to motivate them.

For all of the above reasons, I am vetoing House Bill 1366.

Respectfully submitted, Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1366**, establishing a state employee recognition and award program, become law?

Rep. Peterson spoke in favor.

As required by the State constitution, a roll call was taken.

YEAS 203 NAYS 137

YEAS 203

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Holbrook, Robert	Lawton, David	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rice, Thomas Jr	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Sullivan, P Judith	Torressen, Gary

CHESHIRE

Avery, Stephen	Dexter, Judson	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Liebl, George	Manning, Joseph	Roberts, William
Royce, H Charles	Smith, Edwin		

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
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Pratt, Leighton

Stohl, Eric

GRAFTON

Alger, John

Barker, Robert

Cobb, John

Dudley, Terri

Eaton, Stephanie

Gabler, William

Gilman, G Michael

Giuda, Robert

Naro, Debra

Scanlan, David

Sova, Charles

Ward, Brien

HILLSBOROUGH

Allan, Nelson

Alukonis, David

Arnold, Thomas Jr

Artz, Lawrence

Balboni, Michael

Balcom, John

Batula, Peter

Bergeron, Jean-Guy

Bergin, Peter

Bouchard, David

Bragdon, Peter

Brundige, Robert

Bruno, Pierre

Calawa, Leon Jr

Carlson, Donald

Chabot, Robert

Christensen, D L Chris

Christiansen, Lars

Clegg, Robert Jr

Coughlin, Pamela

Dionne, Kimberley

Dokmo, Cynthia

Drisko, Richard

Dyer, Merton

Elliott, Larry

Emerton, Lawrence Sr

Fields, Dennis

Fletcher, Richard

Ford, Nancy

Furman, Christine

Gargasz, Carolyn

Gleneck, David

Gonzalez, Carlos

Goulet, Maurice

Graham, John

Greenberg, Gary

Guinta, Frank

Hall, Charles

Herman, Keith

Holden, Randolph

Hopper, Gary

Jean, Loren

Kurk, Neal

L'Heureux, Robert

LaFlamme, Paul

LaRose, Richard

Leach, Edward

Leishman, Peter

Lessard, Rudy

Martel, Andre

McRae, Karen

Mercer, Robert

Messier, Irene

Milligan, Robert

O'Connell, Timothy

Pappas, Marc

Peterson, Andrew

Reeves, Sandra

Rowe, Robert

Salts, Greg

Sargent, Maxwell

Souza, Kathleen

Spiess, Paul

Tate, Joan

Thulander, O Alan

Wheeler, Robert

MERRIMACK

Anderson, Eric

Brewster, Richard

Colcord, J D

Dunne, Christopher

Fraser, Leo Jr

Hutchinson, John

Jacobson, Alf

Kennedy, Richard

Leber, William

Lockwood, Priscilla

MacKay, James

Ouellette, Robert

Swindlehurst, John

Whalley, Michael

Winter, Steven

ROCKINGHAM

Bishop, Franklin

Bowles, Raimond

Boynnton, James

Bridle, Russell

Camm, Kevin	Carson, Sharon	Cooney, Richard	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia
Dumaine, Dudley	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Langley, Jane	Letourneau, Robert
Major, Norman	Moore, Benjamin	Morse, Charles	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Palermo, Diane	Power, Lucille
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Robertson, Carl	Ruffner, Walter	Sloan, Stephen
Stone, Joseph	Stritch, C Donald	Varrell, Thomas	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	

STRAFFORD

Albert, Russell	Bickford, David	Brown, Julie	Cossette, Larry
Kaen, Naida	Musler, George	Reid, Christopher	Tsiros, William
Twombly, James	Woods, Phyllis		

SULLIVAN

Flint, Gordon Sr	Jones, Constance	Leone, Richard	Odell, Bob
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NAYS 137

BELKNAP

Johnson, William	Salatiello, Thomas
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CARROLL

None

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	Espiefs, Peter
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene

Pratt, John

Richardson, Barbara

Weed, Charles

Zerba, Roger

COOS

Bradley, Paula

Landers, Dana

Mears, Edgar

Rodrigue, Robert

GRAFTON

Almy, Susan

Benn, Bernard

Cooney, Mary

Lovett, Sid

Mirski, Paul

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

HILLSBOROUGH

Andosca, Mary

Baroody, Benjamin

Bellavance, Paul

Buckley, Raymond

Clayton, William

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daigle, Robert

Dionne, David

Drabinowicz, A Theresa

Dwyer, Paul

Foster, Linda

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Hall, Betty

Jean, Claudette

Johnson, Lionel

Kacavas, John

Keye, Harvey

Lasky, Bette

Lefebvre, Roland

Lynde, Harold

Martin, Mary Ellen

McDonough-Wallace,
Alice

Melcher, Harold

Movsesian, Lori

Murphy, Robert

Palangas, Eric

Panagopoulos, Nicholas

Schulze, Joan

Shaw, Barbara

Sullivan, Peter

Sweeney, Cynthia

Tahir, Saghir

Vaillancourt, Steve

White, John

Williams, Carol

MERRIMACK

Bouchard, Candace

Burney, Carol

Clarke, Claire

Cummings, Raymond

Daneault, Gabriel

Fraser, Marilyn

French, Barbara

Gile, Mary

Greco, Vincent

Maxfield, Roy

Moore, Carol

Owen, Derek

Perkins, Randy

Potter, Frances

Reardon, Tara

Rodd, Beth

Rush, Deanna

Soltani, Tony

Wallner, Mary Jane

Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn

Chalbeck, Kevin

Clark, Martha Fuller

Downing, Michael

Fesh, Bob

Hill, Jonathan

Hutchinson, Karen

Kane, Cecelia

Kelley, William

Kobel, Rudolph

Langone, John

McGuire, Robert

Micklon, Stephanie	Pantelakos, Laura	Pitts, Jacqueline	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	

STRAFFORD

Brennan, William	Callaghan, Frank	DeChane, Marlene	Estabrook, Iris
Ferland, Paul	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Knowles, William
Lent, Donald	McCarthy, Gerald	Pelletier, Arthur	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James
Robb, Amy			

and the veto was sustained, lacking the necessary two-thirds.

governor's veto message on house bill 1393

May 17, 2002

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 this day vetoed House Bill 1393, an Act relative to business replacement costs resulting from government program displacement.

Under current law, a business whose property is taken by eminent domain for a state, county, municipal or school district public works project is entitled to be paid fair market value for its property and up to \$20,000 in relocation costs. Under the ambiguous and poorly crafted language in House Bill 1393, a business would be entitled to receive full replacement costs for its property, "including but not limited to" the cost of building a "comparable" facility or buying a "comparable" facility.

H.B. 1393 would significantly increase the cost of public works projects across the state. Any project involving state or federal funds, including those at the local level, could see dramatic additional costs as a result of this legislation. The ambiguous and subjective language contained in the bill will lead to frequent litigation, resulting in even higher costs and delays in public works projects. In addition, H.B. 1393 is inconsistent with displaced business payment programs in every other state. While I

appreciate the concerns expressed by some in the business community that the statutory cap on relocation costs in current law is low, H.B. 1393 is not the way to address this situation.

The Department of Transportation estimates that costs to DOT projects would increase by approximately \$10 million each year – the equivalent of one year's worth of projects in the 10-year highway plan – under H.B. 1393. To address this additional cost, the State would have to choose among three unattractive options – significantly increasing the gasoline tax, delaying much needed projects already approved by the legislature in the 10-year plan, or reducing the State support available to other local projects through programs such as the State Bridge Aid Program.

Counties, municipalities and school districts would also face millions of dollars in additional costs. Contrary to the information provided by the proponents of H.B. 1393 during the legislative process, H.B. 1393 does apply to local government projects. H.B. 1393 applies to any local government project that receives any state or federal funds of any amount. Thus, for example, additional costs for Nashua's Broad Street Parkway project could be as much as \$6 million. In Manchester, plans to expand an existing high school would be jeopardized if H.B. 1393 became law because of the costs the City would incur in "replacing" old apartment buildings that would be displaced by the school's expansion.

Without new funding to cover these additional costs to counties, school districts and municipalities, H.B. 1393 may violate part I, article 28-a of the New Hampshire Constitution, which prohibits the imposition by the State of unfunded mandates on local governments.

The language in H.B. 1393 governing how replacement costs would be determined is ambiguous and open to multiple interpretations, which, undoubtedly, will lead to costly litigation. H.B. 1393 states that "replacement costs shall mean the present value cost," which, in the appraisal industry, means the cost of new construction. The bill then contains a confusing and elusive provision that requires a displacement payment to "include *but not be limited to* the lesser of the following":

- (a) The costs associated with the design and construction of any new buildings which are reasonably suitable for the continuation of the business in a fashion as close as possible to the operation of the business prior to the displacement; or
- (b) The costs associated with the purchase and renovation of any building which is reasonably comparable to the displaced property, is in a reasonably similar location, and is reasonably suitable for the continuation of the business in a fashion as close as possible to the operation of the business prior to the displacement.

As worded, the "lesser of" provision in H.B. 1393 has no meaning. Moreover, what is meant by "reasonably suitable"? Or "reasonably comparable"? Or "reasonably similar"? It is not hard to imagine the lawsuits that could result from the conflicting opinions this language will engender. And, the litigation resulting from this poorly crafted bill will further drive up the cost of public works projects.

If enacted, H.B. 1393 could result in windfall payments to some business owners. For example, it is possible that a business operating in a 20-year old building with a failing roof and sagging floor would be entitled to payment from the state or local governments equal to what is needed to build a brand new facility.

Another problem with H.B. 1393 is that it assures more favorable treatment for businesses being relocated than for displaced homeowners. For example, a person who owns an apartment building with four units, and who lives in one of the units and rents out the other three, would be covered by

the business replacement provisions of H.B. 1393. However, the single-family homeowner living in the house next door, who also is being displaced, is not eligible for the same replacement cost benefits.

During the legislature's consideration of H.B. 1393, the Department of Transportation put forward an alternative proposal in a good faith effort to address concerns that the statutory cap on the compensation currently offered to businesses that must be relocated is low. Unfortunately the language now contained in H.B. 1393 was adopted rather than the DOT proposal.

According to the bill's statement of intent, "displacement of businesses by eminent domain takings can result in the closure of those businesses." While that result is possible, the Department of Transportation has reviewed the last five years of its projects and reports that there were 47 businesses that were displaced during that period. Of those, 44 were successfully relocated, one consolidated its business into another location five miles away, one consolidated its operations at its headquarters in New Jersey, and one closed. That record does not support amending existing law in the sweeping way H.B. 1393 does.

New Hampshire's program for compensating displaced businesses is comparable to that offered by other states around the country because most, including ours, are based on a uniform federal law. Currently a federal inter-agency task force is reviewing the track record of that law and its impact on businesses, and this fall will be holding hearings around the country to get input on what, if any, changes should be made. In addition, I recently signed Senate Bill 187, which created a committee to study the fairness, effectiveness, and public perception of the eminent domain process. The committee is to issue its report by November 1, 2002. Enacting H.B. 1393 and the dramatic new costs it entails for the state and local governments is premature in light of both the ongoing federal review process and the S.B. 187 study.

For all of the above reasons, I am today vetoing House Bill 1393

Respectfully submitted, Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1393**, relative to business replacement costs resulting from government program displacement, become law?

Rep. Bowles spoke against.

Reps. Wendelboe and Mirski spoke in favor.

Reps. DiFruscia and Gleneck spoke in favor and yielded to questions.

As required by the State constitution, a roll call was taken.

YEAS 182 NAYS 161

YEAS 182

BELKNAP

Bartlett, Gordon

Boyce, Laurie

Czech, Stanley

Dewhirst, Glenn

Holbrook, Robert
Rice, Thomas Jr

Johnson, William
Russell, David

Millham, Alida
Thomas, John

Pilliod, James
Wendelboe, Fran

CARROLL

Babson, David Jr
Lyman, L Randy
Quimby, Lee

Bradley, Jeb
Mock, Henry
Stevens, Stanley

Dickinson, Howard
Patten, Betsey
Sullivan, P Judith

Kenney, Joseph
Philbrick, Donald
Torressen, Gary

CHESHIRE

Dexter, Judson
Liebl, George
Royce, H Charles

Emerson, Susan
Manning, Joseph

Fairbanks, Chandler
Meader, David

Hunt, John
Roberts, William

COOS

Davis, Perley
Stohl, Eric

Gallus, John

Guay, Lawrence

Horton, Lynn

GRAFTON

Alger, John
Dudley, Terri
Giuda, Robert
Sova, Charles

Barker, Robert
Eaton, Stephanie
Mirski, Paul
Ward, Brien

Cobb, John
Gabler, William
Naro, Debra

Cooney, Mary
Gilman, G Michael
Scanlan, David

HILLSBOROUGH

Alukonis, David
Balcom, John
Bouchard, David
Carlson, Donald
Clegg, Robert Jr
Drisko, Richard
Fields, Dennis
Gleneck, David
Greenberg, Gary

Arnold, Thomas Jr
Baroody, Benjamin
Bragdon, Peter
Chabot, Robert
Coughlin, Pamela
Dyer, Merton
Fletcher, Richard
Gonzalez, Carlos
Guinta, Frank

Artz, Lawrence
Batula, Peter
Brundige, Robert
Christensen, D L Chris
Dionne, Kimberley
Elliott, Larry
Furman, Christine
Goulet, Maurice
Hall, Charles

Balboni, Michael
Bergeron, Jean-Guy
Bruno, Pierre
Christiansen, Lars
Dokmo, Cynthia
Emerton, Lawrence Sr
Gargasz, Carolyn
Graham, John
Herman, Keith

Holden, Randolph	Hopper, Gary	Jean, Loren	L'Heureux, Robert
LaFlamme, Paul	LaRose, Richard	Leach, Edward	Lessard, Rudy
Martel, Andre	McRae, Karen	Mercer, Robert	Pappas, Marc
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Salts, Greg
Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir	Vaillancourt, Steve

MERRIMACK

Anderson, Eric	Colcord, J D	Dunne, Christopher	Hutchinson, John
Jacobson, Alf	Kennedy, Richard	MacKay, James	Ouellette, Robert
Soltani, Tony	Swindlehurst, John	Whalley, Michael	Winter, Steven

ROCKINGHAM

Bishop, Franklin	Boynnton, James	Bridle, Russell	Camm, Kevin
Carson, Sharon	Chalbeck, Kevin	Cooney, Richard	Dalrymple, Janeen
DiFruscia, Anthony	Downing, Michael	Dumaine, Dudley	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Kelley, Jane
Kelley, William	Kobel, Rudolph	Letourneau, Robert	Major, Norman
McGuire, Robert	Moore, Benjamin	Morse, Charles	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Palermo, Diane	Power, Lucille
Priestley, Anne	Putnam, Ed II	Sapareto, Frank	Sloan, Stephen
Stritch, C Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

STRAFFORD

Albert, Russell	Bickford, David	Cossette, Larry	Kaen, Naida
Musler, George	Reid, Christopher	Tsiros, William	Twombly, James
Woods, Phyllis			

SULLIVAN

Jones, Constance	Leone, Richard	Odell, Bob
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NAYS 161

BELKNAP

Lawton, David	Nedeau, Stephen	Salatiello, Thomas
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CARROLL

None

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Burnham, Daniel
Espiefs, Peter	McGuirk, Paul	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Slack, Pamela Russell	Smith, Edwin
Weed, Charles	Zerba, Roger		

COOS

Bradley, Paula	Landers, Dana	Mears, Edgar	Pratt, Leighton
Rodrigue, Robert			

GRAFTON

Almy, Susan	Benn, Bernard	Lovett, Sid	Nordgren, Sharon
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Bellavance, Paul	Bergin, Peter
Buckley, Raymond	Calawa, Leon Jr	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Dionne, David	Drabinowicz, A Theresa	Dwyer, Paul	Ford, Nancy
Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hall, Betty	Jean, Claudette	Johnson, Lionel	Kacavas, John
Keye, Harvey	Kurk, Neal	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice

Melcher, Harold	Messier, Irene	Milligan, Robert	Movsesian, Lori
Murphy, Robert	O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas
Schulze, Joan	Shaw, Barbara	Spiess, Paul	Sullivan, Peter
Sweeney, Cynthia	Tate, Joan	Thulander, O Alan	Wheeler, Robert
White, John	Williams, Carol		

MERRIMACK

Bouchard, Candace	Brewster, Richard	Burney, Carol	Clarke, Claire
Cummings, Raymond	Daneault, Gabriel	Fraser, Leo Jr	Fraser, Marilyn
French, Barbara	Gile, Mary	Greco, Vincent	Leber, William
Lockwood, Priscilla	Maxfield, Roy	Moore, Carol	Owen, Derek
Perkins, Randy	Potter, Frances	Reardon, Tara	Rodd, Beth
Rush, Deanna	Wallner, Mary Jane	Yeaton, Charles	

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Clark, Martha Fuller	Cox, Russell
Dearborn, Bruce	Dowling, Patricia	Fesh, Bob	Holland, James Jr
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane
Langone, John	Micklon, Stephanie	Pantelakos, Laura	Pitts, Jacqueline
Quandt, Marshall	Quandt, Matthew	Rausch, James	Robertson, Carl
Ruffner, Walter	Shultis, Elizabeth	Splaine, James	Stone, Joseph
Trueman, Raymond	Weatherspoon, Jacquelyne		

STRAFFORD

Brennan, William	Brown, Julie	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Ferland, Paul	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Knowles, William
Lent, Donald	McCarthy, Gerald	Pelletier, Arthur	Pelletier, Marsha
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
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Flint, Gordon Sr
Phinizy, James

Franklin, Peter
Robb, Amy

Harris, Joseph

Harris, Sandra

and the veto was sustained, lacking the necessary two-thirds.

removed from the table

Rep. Alukonis moved that **HR 24**, affirming revenue estimates for fiscal years 2002 and 2003, be removed from the table.

Adopted.

Rep. Alukonis offered a floor amendment (3801h).

Floor Amendment (3801h)

Amend the resolution by replacing all after the title with the following:

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2002 and 2003 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2002 and 2003.

Committee estimates are based on current rates.

	(A)	(B)	(C)	(D)
	FY 2002	FY 2002	FY 2003	FY 2003
GEN'L & ED TRUST FUNDS:	Official	Committee	Official	Committee
(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
Business Profits Tax	\$275.900	\$243.900	\$267.600	\$242.537
Business Enterprise Tax	168.000	150.000	162.000	149.000
Subtotal	\$443.900	\$393.900	\$429.600	\$391.537
Meals & Rooms Tax	\$176.000	172.000	193.400	189.400
Liquor Sales	\$93.000	95.250	96.500	98.750

Interest & Dividends Tax	77.000	72.000	79.000	75.000
Insurance Tax	62.000	74.000	63.000	76.000
Tobacco Tax	86.000	86.000	85.000	87.000
Other	46.000	45.500	46.000	48.500
Communications Tax	67.700	63.700	70.900	65.600
Estate & Legacy Tax	58.000	61.000	54.800	56.000
Real Estate Transfer Tax	99.500	98.500	102.500	115.000
Court Fines & Fees	23.700	25.000	24.400	26.000
Utility Tax	5.400	5.900	5.500	6.100
Securities Revenue	27.500	26.100	28.500	26.100
Board & Care Revenue	10.400	10.205	10.800	10.601
Beer Tax	12.112	12.112	12.212	12.212
Horse Racing	2.600	2.625	2.700	2.725
Dog Racing	1.200	1.375	1.200	1.425
Tobacco Settlement Funds	44.000	45.395	44.400	44.500
SUBTOTAL	\$1,336.012	\$1,290.562	\$1,350.412	\$1,332.450
Other Medicaid Enhancement	13.400	16.263	13.400	16.200
Net Medicaid Enhance. Revenue	95.000	100.528	94.000	104.495
Utility Property Tax	18.800	18.800	20.500	21.500
State Property Tax -Not Retained Local	29.100	29.100	32.680	32.680

State Property Tax – Retained Locally	454.000	454.000	453.045	453.045
Transfers from Sweepstakes	64.000	65.500	66.000	67.500
TOTAL	\$2,010.312	\$1,974.753	\$2,030.037	\$2,027.870
HIGHWAY FUNDS:	Official	Committee	Official	Committee
(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
Road Toll - Gross Total	\$144.600	\$140.772	\$149.220	\$144.500
Less Betterment	(\$20.600)	(\$20.444)	(\$21.220)	(\$21.500)
Road Toll - Net Total	\$124.000	\$120.328	\$128.000	\$123.000
Motor Vehicle Fees	84.357	84.857	86.626	88.400
Miscellaneous	8.400	6.500	8.900	6.500
TOTAL HIGHWAY FUNDS	\$216.757	\$211.685	\$223.526	\$217.900
FISH & GAME FUNDS:				
(Dollars in Millions)				
Fish & Game Licenses	\$7.681	\$7.897	\$9.094	\$9.094
Miscellaneous	1.564	1.153	1.591	1.391
TOTAL FISH & GAME FUNDS	\$9.245	\$9.050	\$10.685	\$10.485

Rep. Alukonis spoke in favor.

Adopted.

HR 24 adopted and ordered to third reading.

senate messages

The Senate has voted to sustain the Governor's vetoes on the following bills:

SB 1, apportioning state senate districts.

SB 112, relative to election day registration.

SB 141, relative to proof qualifications for voter registration.

SB 336, establishing a committee to study campaign finance reform and apportioning state representative districts.

SB 419, relative to notification of groundwater contamination and repealing certain MTBe notification requirements for public water systems.

personal privilege

Rep. Giordano addressed the House.

unanimous consent

Rep. Cobb addressed the House.

Rep. Avery moved that Rep. Cobb's remarks be printed in the Journal.

Adopted.

Rep. Cobb: Thank you, Mr. Speaker. Members of this honorable House, in a few days we will be honoring those men and women who served our nation in harm's way. I would like to speak to that courage. Back in 1942, my mother and father had hanging in the window of their home a three-star flag in honor of their three sons serving during that time. One served with the Merchant Marines on a liberty ship sailing through the treacherous waters of the North Atlantic supplying Europe with war supplies. The second son served with the Third Army and was awarded the Bronze Star with valor and the Purple Heart. Later, he served in the Korean conflict and was awarded another Purple Heart and still later in 1968, he served in Vietnam and was awarded his life. The third son was a navigator on a B-17 and went down at sea, never to return.

Today, I have a couple of stories about others who served. The first is a dialogue between two United States Senators. This is a record of an exchange of words between Senators John Glenn and Howard Metzenbaum. Not only is it a pretty impressive impromptu speech, but it's also a good example of one man's explanation of why men and women in uniform services do what they do for a living and an example of what those who have never served think of their military.

Senator Metzenbaum: "How could you run for the Senate when you've never held a real job?"

Senator Glenn: "I served 23 years in the United States Marine Corps. I served through two wars, I flew 149 missions, my plane was hit by anti-aircraft on 12 different occasions. I was in the Space Program. It wasn't my checkbook, it was my life on the line. It was not that 9 to 5 job where I took time off to take the daily cash receipts to the bank. I ask you to go with me, as I went the other day, to the Veterans' Hospital and look at those men with their mangled bodies in the eye and tell them they didn't hold a job. You go with me to the Space Program and go as I have gone to the widows and ...orphans of Ed White, Gus Grissom and Roger Chaffee and look those kids in the eye and tell them their dad didn't hold a job. You go with me on Memorial Day and you stand in Arlington National Cemetery, where I have more friends that I'd like to remember, and you watch those waving flags.

You stand there and you think about this nation and you tell me that those people didn't have a job. I tell you Howard Metzenbaum, you should be on your knees every day of your life thanking God that there were some men, some men who held a job. They required a dedication to purpose and love of country, and a dedication to duty that is more important than life itself. Their self-sacrifice is what made this country possible. I have held a job, Howard. How about you?"

The next short story pays homage to veterans (and this was written prior to 9/11.

As the years go by, the rank of veterans among us are thinning at a rapid rate. I'm not talking about the former servicemen who never saw a shot fired in anger. I'm referring to those veterans of combat where lives were at stake and often taken. Recent conflicts such as Desert Storm and the Balkan Conflict were indeed serious events where people died or were maimed. But when you compare the lightening fast military operation to the late 20th century to those earlier engagements of Vietnam, Korea or World War II which all lasted years, well, there is a difference. We lost a handful of personnel in the Balkans, 100 or so in Desert Storm, but those statistics pale when you compare them with the 55,000 casualties of Vietnam, 54,000 in Korea and more than half a million in World War II. Returning veterans from the great wars of the 20th century were people whose lives were defined by years they gave in service to their country.

On Memorial Day, we take a few moments to reflect on the many sacrifices of our surviving veterans. Younger people find it hard to relate to the fierce combat that their grandfathers endured on Iwo Jima, Okinawa, Guadalcanal, Wake Island, Pearl Harbor, Normandy, Angio, Sicily, Bataan or Bastogne. More youngsters remember hearing about Vietnam, a war that created more questions than answers. There weren't many questions about World War II, and just one answer. If we didn't win, our way of life would have been snuffed out. That same argument was used for Korea which began the debate over the validity of the domino theory. That debate eventually led us to Vietnam. No one seems to play that game anymore. Author Studs Terkel dared to call World War II, the "good" war. It was a definite fight for good against evil. All the wars we've fought since 1945 haven't been quite so clear in mission. When you meet a combat veteran today, thank him for the service to his country. That's what today is all about. Thanking the survivors. Then, on Memorial Day, pay homage to our fallen veterans in the cemeteries and say a prayer. I thank you for you time.

Reps. Francoeur, Stephanie Eaton, Henderson, Peterson, Scanlan, Burling, Bruno and Jeb Bradley addressed the House.

senate message

The Senate has voted to sustain the Governor's veto on the following bill:

SB 425, revising the formula used to calculate the cost of an adequate education.

RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House recesses today it be to meet at the Call of the Chair.

Adopted.

LATE SESSION

Third reading and final passage

HR 24, affirming revenue estimates for fiscal years 2002 and 2003.

RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purpose of receiving Senate messages only.

Adopted.

The House recessed at 12:50 p.m.