

HOUSE RECORD

Second Year of the 158th General Court Calendar and Journal of the 2004 Session

Vol. 26

Concord, N.H.

Thursday, June 17, 2004

No. 46

HOUSE JOURNAL No. 17 (cont.)

Tuesday, May 25, 2004

Rep. Hess moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 18

Thursday, June 17, 2004

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.

Divine Creator, maker of all things seen and unseen, we have heard that politics is like making sausage, and if that is so, we pray today for the following political recipe:

Grant each member of this honorable House an open heart to hear the concerns of those they serve.

Grant each a listening ear, an open mind and a healthy measure of compassion.

Grant each a spirit of discernment with the wisdom and the will to act courageously.

Remove the fat and gristle that stall progress and erode trust.

Add the proper seasonings of dedication, sacrifice and thanksgiving.

So that, when our political sausage is placed in the frying pan of public opinion, all the citizens of our beloved New Hampshire may smell the sweet aroma of work well done with Your blessing and

grace.

As always, we ask for Your protection to be with those who serve this country at home and in far away places to protect our lives, our communities and our precious freedom. Amen.

Rep. Alf E. Jacobson led the Pledge of Allegiance.

The National Anthem was sung by The Reverend Robert H. Thompson, Phelps Minister for Phillips Church, Phillips Exeter Academy.

Rep. Robert G. Holbrook accompanied and led the House in the singing "God Bless America".

LEAVES OF ABSENCE

Reps. Julie Brown, Brundige, Flanagan, Karl Gilbert, Joseph Harris, Sandra Harris, Heon, Hinkle and King, the day, illness.

Reps. Barker, Barry, Chabot, Chris Christensen, Duffy, Christopher Dunne, Gilman, Guay, Hager, Bonnie Ham, Hollinger, Hopper, Rous, Royce, Ruffner, Rush, Scott, Slack, Snyder, Souza, Robert Wheeler and Winchell, the day, important business.

Rep. Ford, the day, illness in the family.

INTRODUCTION OF GUESTS

Jonathan Whiteman, guest of Rep. Parkhurst. Betty Miller, wife of Rep. Miller. Rick Richardson, guest of Rep. Letourneau. J. David Knox and Chris Ahlgren, guests of Rep. Derby. Adrienne Sorg, daughter of Rep. Sorg. Barbara Browne, guest of Rep. Carolyn Brown. Helen Holbrook, Elaine Morrison and Janet Storey Clark, wife, daughter and guest of Rep. Holbrook. Paul Deschenes and Ellen Brutsch, guests of Rep. Timothy Richardson. Ted Bevan, grandson of Rep. Robert LaFlam. Katharina Khorrami, guest of Rep. Gile.

COMMUNICATIONS

May 26, 2004

Gene G. Chandler
Speaker of the House
Dear Mr. Speaker:

It is with mixed emotions that I herewith submit for your acceptance, my resignation as a member of the New Hampshire House of Representatives. I am moving out of District 37 and I am therefore no longer eligible to serve as their Representative.

I hasten to add, that everyday for the past 20 years that I have had the honor to serve the citizens of New Hampshire, has been a labor of love and certainly an experience I will never forget.

Rep. Leo W. Fraser, Jr., Merrimack County, District 37

May 26, 2004

Gene G. Chandler
Speaker of the House
Dear Mr. Speaker,

I hereby submit my resignation as a member of the New Hampshire House of Representatives. I am moving out of District 58 and am therefore no longer eligible to serve as their Representative.

For the past 22 years, I have had the honor to serve the citizens of New Hampshire and my district. This has been a fulfilling experience that I will never forget. I value the respect and trust that my constituents bestowed in me year after year.

Rep. Dennis H. Fields, Hillsborough County, District 58

The Speaker accepted the resignations with regret.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 28

Memorializing State Representative Lionel W. Johnson of Manchester

Whereas, we have learned with great sorrow of the death of our friend and colleague Lionel W. Johnson, who was in his eighth term of dedicated service in the House of Representatives; and

Whereas, while the name of his committee changed over the years, the focus of his interest did not, and Lionel Johnson served three terms as a member of the Committee on Children Youth and Juvenile Justice, two terms on Judiciary and Family Law, and three terms on children and Family Law; and

Whereas, Lionel Johnson was a gentleman and a gentle man, a warm and caring friend to all known for his engaging smile and infectious laughter; and

Whereas, Lionel Johnson, a World War II veteran born in Louisiana, came to Manchester's Grenier Field with the United States Army Air Corps and made Manchester his home – the city where he worked, lived and raised his family; and

Whereas, Lionel Johnson, who recently received a lifetime achievement award from the Manchester Pastoral Council, served his community in many ways – as a business owner, a founder of the Manchester chapter of the NAACP, as a Ward official, and as President of the Greater Manchester Black Scholarship Foundation; now, therefore, be it

Resolved, by the House of Representatives in Regular Session convened, that Lionel W. Johnson be granted the highest praise and accolades for his dedicated service to his community and his state; and be it further

Resolved, that expressions of heartfelt sympathy be extended to his family and that a suitable copy of this Resolution be prepared for presentation to them.

Unanimously adopted by a rising vote.

GOVERNOR'S VETO MESSAGE ON HB 503

April 26th, 2004

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed House Bill 503, an Act relative to septic system construction permits.

HB 503 requires municipalities to provide, or assure access to, Department of Environmental Services approved septage storage facilities for residents. While I agree providing for the proper disposal of domestic septage at New Hampshire facilities is becoming increasingly difficult for septage haulers serving residents who continue to rely on septic systems, I do not believe HB 503 is the proper solution.

HB 503 can have unintended consequences which must be considered. The bill prohibits the NH Department of Environmental Services from issuing any new septic system construction permit until a municipality is in compliance with the law. The legislative purpose outlined in the bill states "The act is intended to...further restrict development that generates additional sewage". Almost all development generates additional sewage, therefore a municipality could use HB 503 as a tool to limit growth and encourage "snob" zoning. Simply by not complying with the provisions of HB 503 a municipality could prevent any new construction, and place the blame on the State.

In addition, the reference to "a department approved alternative option for its residents" will lead to uncertainty and may provide a loophole for municipalities to circumvent the legislature's intent.

The State should be looking at financial incentives and disincentives to encourage municipalities and property owners to address the growing concerns of septage storage. Prohibiting new construction will not only limit the State's economic potential, but could limit individual's property rights.

For these reasons I have vetoed HB 503.

Respectfully submitted,
Craig R. Benson, Governor

The question being, notwithstanding the Governor's veto, shall **HB 503**, relative to septic system construction permits, become law?

Rep. Camm spoke against.

Reps. Philbrick, McEachern and Patten spoke in favor.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call requiring a two-thirds approval was taken.

YEAS 247 NAYS 88

YEAS 247

BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Clark, Charles
Flanders, Donald	Holbrook, Robert	Laflam, Robert	Nedeau, Stephen
Pilliod, James	Rice, Thomas	Russell, David	Thomas, John

CARROLL

Babson, David Jr	Brown, Carolyn	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Allen, Peter	Dunn, James	Eaton, Daniel	Espieffs, Peter
Hunt, John	Liebl, George	Manning, Joseph	Meador, David
Mitchell, McKim	Parkhurst, Henry	Pratt, Irene	Pratt, John
Richardson, Barbara	Robertson, Timothy	Smith, Edwin	Tilton, Anna
Webber, Amy	Weed, Charles		

COOS

Mears, Edgar	Poulin, Richard	Pratt, Leighton	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Densmore, Edward	Dudley, Terri	Hammond, Lee
Naro, Debra	Nordgren, Sharon	Scovner, Nancy	Sokol, Hilda
Solomon, Peter	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Allan, Nelson	Arnold, Thomas Jr	Balcom, John	Baroody, Benjamin
Batula, Peter	Bergin, Peter	Brassard, Paul	Buckley, Raymond
Carter, Jeffrey	Carter, Mark	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard	Emerton, Larry
Gargas, Carolyn	Gorman, Mary	Graham, John	Hagan, Barbara
Haley, Robert	Hall, Charles	Harrington, Paul	Haytayan, Harry Jr
Hunter, Bruce	Infantine, William	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Katsiantonis, Thomas	Kopka, Angeline	Kudalis, Debra
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Martin, Mary Ellen	McRae, Karen
Mercer, Robert	Messier, Irene	Michon, Stephen	Movsesian, Lori
O'Brien, Lori	Palangas, Eric	Pappas, Christopher	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Rowe, Robert	Scanlon, Michael
Schulze, Joan	Shaw, Barbara	Spiess, Paul	Sullivan, Francis
Sullivan, Jeffrey	Sullivan, Peter	Sweeney, Cynthia	

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
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Clarke, Claire
DeJoie, John
Hamm, Christine
Langer, Ray
Maxfield, Roy
Potter, Frances
Wallner, Mary Jane

Currier, David
DeStefano, Stephen
Hess, David
Leber, William
Osborne, Jessie
Reardon, Tara

Daniels, Eric
French, Barbara
Jacobson, Alf
Lockwood, Priscilla
Owen, Derek
Rodd, Beth

Davis, Frank
Gile, Mary
Kenison, Leon
MacKay, James
Perkins, Randy
Seldin, Gloria

ROCKINGHAM

Abbott, Dennis
Carson, Sharon
Dalrymple, Janeen
Dumaine, Dudley
Gilbert, Jeffrey
Griffin, Mary
Hughes, Daniel
Katsakiores, George
Langone, John
McKinney, Betsy
Packard, Sherman
Putnam, Ed II
Scamman, Stella
Stone, Joseph
Weare, E Albert
Wiley, Robert

Belanger, Ronald
Casey, Kimberley
DiFruscia, Anthony
Fesh, Bob
Gillick, Thomas
Hamel, Albert
Ingram, Russell
Katsakiores, Phyllis
Major, Norman
Norelli, Terie
Pantelakos, Laura
Rausch, James
Shultis, Elizabeth
Tufts, J Arthur
Welch, David

Blanchard, MaryAnn
Coes, Betsy
Dowd, John
Flanders, John Sr
Gleason, John
Headd, James
Johnson, Robert
Kelley, Jane
Manning, John
Noyes, Richard
Pitts, Jacqueline
Robertson, Carl
Smith, Paul
Vallone, Matthew
Weldy, Norman Jr

Bridle, Russell
Cooney, Richard
Doyle, Christopher
Francoeur, Sheila
Gould, Kenneth
Holland, James Jr
Johnson, Rogers
Langley, Jane
McEachern, Paul
O'Neil, Michael
Priestley, Anne
Roessner, Kurt
Splaine, James
Waterhouse, Kevin
Weyler, Kenneth

STRAFFORD

Albert, Russell
Creteau, Irene
Kaen, Naida
Musler, George
Smith, Marjorie
Twombly, James

Bemis, Alan
Dunlap, Patricia
Keans, Sandra
Pelletier, Arthur
Spang, Judith
Vachon, Dennis

Berube, Roger
Hofemann, Roland
Knowles, William
Rollo, Deanna
Taylor, Katherine
Wall, Janet

Callaghan, Frank
Johnson, Nancy
Miller, Joseph
Schmidt, Peter
Taylor, Kathleen

SULLIVAN

Allison, David
Ferland, Brenda
Leone, Richard

Burling, Peter
Flint, Gordon Sr
Phinizy, James

Cloutier, John
Franklin, Peter
Rodeschin, Beverly

Donovan, Thomas
Jones, Constance

NAYS 88

BELKNAP

Boyce, Laurie

Fitzgerald, James

Wendelboe, Fran

Whalley, Michael

CARROLL

Derby, Mark

Dickinson, Howard

Mock, Henry

CHESHIRE

Dexter, Judson

Fish, Douglas

Laurent, John

COOS

Brady, Mark

Woodward, David

GRAFTON

Alger, John
Giuda, Robert

Dorsett, Andrew
Ingbretson, Paul

Eaton, Stephanie
Maybeck, Margie

Gionet, Edmond

HILLSBOROUGH

Adams, Jarvis
Beaton, William

Allen, Timothy
Bergeron, Jean-Guy

Artz, Lawrence
Bruno, Pierre

Balboni, Michael
Buhlman, David

Cernota, Albert	Christiansen, Lars	Crane, Elenore Casey	Desmarais, Vivian
Elliott, Larry	Fletcher, Richard	Gibson, John	Gonzalez, Carlos
Goyette, Peter Jr	Greenberg, Gary	Hallyburton, Margaret	Hansen, Ryan
Hawkins, Ken	Lawrence, James	Lessard, Rudy	Luebker, Bernard
McElroy, Henry Jr	McHugh, Claire	Mooney, Maureen	Mosher, William
Ober, Russell III	Pappas, Marc	Ross, Lawrence	Slocum, Lee
Stepanek, Stephen	Tahir, Saghir	Tate, Joan	Vaillancourt, Steve
Wheeler, James			

MERRIMACK

Field, William	Foley, Albert	Kennedy, Richard	Marple, Richard
McCormick, Tom	Nutter, Edward	Oliver, James	Reed, Dennis
Soltani, Tony			

ROCKINGHAM

Allen, Mary	Bicknell, Elbert	Bishop, Franklin	Cady, Harriet
Camm, Kevin	Clark, Vivian	Dodge, Robert	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Kobel, Rudolph	Letourneau, Robert
McCann, Richard	McMahon, Charles	Quandt, Matthew	Smith, Donald
Varrell, Thomas	Zolla, William		

STRAFFORD

Cataldo, Sam	Easson, Timothy	Harrington, Michael	Newton, Clifford
Woods, Phyllis			

SULLIVAN

None

and the veto was overridden by the necessary two-thirds.

Rep. Pepino did not vote and wished to be recorded against.

GOVERNOR'S VETO MESSAGE ON HB 520

May 17th, 2004

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed House Bill 520, an Act relative to maintaining records of greyhounds used in pari-mutuel racing.

HB 520 requires the pari-mutuel commission to maintain statistics and records regarding the disposition of all racing greyhounds and health records of greyhounds.

The pari-mutuel commission has stated this bill will increase state expenditures. We simply cannot afford new spending at this time. In addition, many supporters of the bill seek to put an end to greyhound racing in New Hampshire. We should be concerned about the potential loss of jobs associated with the closing down of the state's greyhound industry.

The bill creates a penalty of a Class A misdemeanor, punishable with up to a year in prison, for falsifying a disposition form or failing to record an injury more than once. This penalty applies to the smallest of injuries that may not even be related to racing activities. The penalty provisions in this bill are simply unfair.

The racing industry is subject to enough regulation as it is. Each greyhound track in NH is currently required to have a licensed state veterinarian on duty, and the New Hampshire Dept. of Agriculture inspects facilities. The commission recently adopted new racing rules and regulations that will help ensure the safety of animals.

Finally, I recently created, by executive order, the Humane Treatment of Animals task force to examine issues related to animal abuse, including greyhounds, in New Hampshire.

For these reasons I have vetoed HB 520.

Respectfully submitted,

Craig R. Benson, Governor

The question being, notwithstanding the Governor's veto, shall **HB 520**, relative to maintaining records of greyhounds used in pari-mutuel racing, become law?

Rep. Michael Harrington spoke against.

Rep. Hughes spoke in favor.

Rep. Timothy Allen spoke in favor and yielded to questions.

Rep. Paul LaFlamme spoke in favor.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call requiring a two-thirds approval was taken.

YEAS 290 NAYS 52

YEAS 290

BELKNAP

Ahern, Omer Jr	Bartlett, Gordon	Clark, Charles	Fitzgerald, James
Flanders, Donald	Nedeau, Stephen	Pilliod, James	Rice, Thomas
Russell, David	Wendelboe, Fran		

CARROLL

Babson, David Jr	Brown, Carolyn	Kenney, Bettie	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Allen, Peter	Dunn, James	Eaton, Daniel	Espieffs, Peter
Fish, Douglas	Liebl, George	Manning, Joseph	Meador, David
Mitchell, McKim	Parkhurst, Henry	Pratt, Irene	Pratt, John
Richardson, Barbara	Robertson, Timothy	Tilton, Anna	Webber, Amy
Weed, Charles			

COOS

Brady, Mark	Mears, Edgar	Poulin, Richard	Pratt, Leighton
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr

GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Densmore, Edward	Dorsett, Andrew	Dudley, Terri
Gionet, Edmond	Hammond, Lee	Naro, Debra	Nordgren, Sharon
Scovner, Nancy	Sokol, Hilda	Solomon, Peter	Sorg, Gregory
Williams, Burton			

HILLSBOROUGH

Adams, Jarvis	Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr
Artz, Lawrence	Balcom, John	Baroody, Benjamin	Batula, Peter
Beaton, William	Bergeron, Jean-Guy	Bergin, Peter	Brassard, Paul
Bruno, Pierre	Buckley, Raymond	Carlson, Donald	Carter, Jeffrey
Carter, Mark	Cernota, Albert	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Crane, Elenore	Desmarais, Vivian	Dionne, Kimberley	Dokmo, Cynthia
Casey			
Drisko, Richard	Elliott, Larry	Emerton, Larry	Fletcher, Richard
Gargas, Carolyn	Gibson, John	Gonzalez, Carlos	Gorman, Mary
Goyette, Peter Jr	Graham, John	Greenberg, Gary	Hagan, Barbara
Haley, Robert	Hall, Charles	Hallyburton, Margaret	Harrington, Paul
Haytayan, Harry Jr	Holden, Randolph	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Katsiantonis, Thomas	Kopka, Angeline
Kudalis, Debra	L'Heureux, Robert	LaFlamme, Paul	Lasky, Bette

Leach, Edward
 Martin, Mary Ellen
 Messier, Irene
 Mosher, William
 Palangas, Eric
 Pilotte, Maurice
 Rowe, Robert
 Spiess, Paul
 Sullivan, Peter
 Vaillancourt, Steve

Lefebvre, Roland
 McElroy, Henry Jr
 Michon, Stephen
 Movsesian, Lori
 Pappas, Christopher
 Price, Pamela
 Scanlon, Michael
 Stepanek, Stephen
 Sweeney, Cynthia

Lessard, Rudy
 McHugh, Claire
 Mooney, Maureen
 O'Brien, Lori
 Pappas, Marc
 Reeves, Sandra
 Schulze, Joan
 Sullivan, Francis
 Tahir, Saghir

Luebker, Bernard
 Mercer, Robert
 Moran, Edward
 Ober, Russell III
 Pepino, Leo
 Ross, Lawrence
 Shaw, Barbara
 Sullivan, Jeffrey
 Tate, Joan

MERRIMACK

Anderson, Eric

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann,
 Donald

Clarke, Claire
 DeStefano, Stephen
 Hess, David
 Lockwood, Priscilla
 Nutter, Edward
 Potter, Frances
 Soltani, Tony

Daniels, Eric
 French, Barbara
 Jacobson, Alf
 MacKay, James
 Osborne, Jessie
 Reardon, Tara
 Wallner, Mary Jane

Davis, Frank
 Gile, Mary
 Kenison, Leon
 Maxfield, Roy
 Owen, Derek
 Rodd, Beth

DeJoie, John
 Hamm, Christine
 Langer, Ray
 McCormick, Tom
 Perkins, Randy
 Seldin, Gloria

ROCKINGHAM

Abbott, Dennis
 Bridle, Russell
 Casey, Kimberley
 DiFruscia, Anthony
 Dumaine, Dudley
 Gilbert, Jeffrey
 Griffin, Mary
 Hughes, Daniel
 Johnson, Rogers
 Kobel, Rudolph
 Major, Norman
 McKinney, Betsy
 O'Neil, Michael
 Priestley, Anne
 Robertson, Carl
 Smith, Paul
 Vallone, Matthew
 Weyler, Kenneth

Allen, Mary
 Cady, Harriet
 Coes, Betsy
 Dodge, Robert
 Fesh, Bob
 Gillick, Thomas
 Hamel, Albert
 Hutchinson, Karen
 Katsakiores, George
 Langley, Jane
 Manning, John
 McMahon, Charles
 Packard, Sherman
 Putnam, Ed II
 Roessner, Kurt
 Splaine, James
 Waterhouse, Kevin
 Wiley, Robert

Belanger, Ronald
 Camm, Kevin
 Cooney, Richard
 Dowd, John
 Flanders, John Sr
 Gleason, John
 Headd, James
 Ingram, Russell
 Katsakiores, Phyllis
 Langone, John
 McCann, Richard
 Norelli, Terie
 Pantelakos, Laura
 Quandt, Matthew
 Scamman, Stella
 Stone, Joseph
 Welch, David
 Zolla, William

Blanchard, MaryAnn
 Carson, Sharon
 Dalrymple, Janeen
 Doyle, Christopher
 Francoeur, Sheila
 Gould, Kenneth
 Holland, James Jr
 Introne, Robert
 Kelley, Jane
 Letourneau, Robert
 McEachern, Paul
 Noyes, Richard
 Pitts, Jacqueline
 Rausch, James
 Shultis, Elizabeth
 Tufts, J Arthur
 Weldy, Norman Jr

STRAFFORD

Albert, Russell
 Callaghan, Frank
 Hofemann, Roland
 Knowles, William
 Rollo, Deanna
 Taylor, Katherine
 Wall, Janet

Bemis, Alan
 Creteau, Irene
 Johnson, Nancy
 Miller, Joseph
 Schmidt, Peter
 Taylor, Kathleen
 Woods, Phyllis

Berube, Roger
 Dunlap, Patricia
 Kaen, Naida
 Musler, George
 Smith, Marjorie
 Twombly, James

Bickford, David
 Easson, Timothy
 Keans, Sandra
 Pelletier, Arthur
 Spang, Judith
 Vachon, Dennis

SULLIVAN

Allison, David
 Ferland, Brenda
 Leone, Richard

Burling, Peter
 Flint, Gordon Sr
 Phinizy, James

Cloutier, John
 Franklin, Peter
 Rodeschin, Beverly

Donovan, Thomas
 Jones, Constance

BELKNAP

Allen, Janet	Boyce, Laurie	Holbrook, Robert	Laflam, Robert
Thomas, John	Whalley, Michael		

CARROLL

Derby, Mark	Dickinson, Howard	McConkey, Mark	Mock, Henry
Stevens, Stanley			

CHESHIRE

Dexter, Judson	Hunt, John	Laurent, John	Smith, Edwin
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COOS

Woodward, David

GRAFTON

Alger, John	Eaton, Stephanie	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie			

HILLSBOROUGH

Balboni, Michael	Buhlman, David	Christiansen, Lars	Hansen, Ryan
Hawkins, Ken	Hunter, Bruce	Kurk, Neal	Lawrence, James
McRae, Karen	Slocum, Lee	Wheeler, James	

MERRIMACK

Currier, David	Field, William	Foley, Albert	Leber, William
Marple, Richard	Oliver, James	Reed, Dennis	

ROCKINGHAM

Bicknell, Elbert	Bishop, Franklin	Clark, Vivian	Itse, Daniel
Johnson, Robert	Morris, Richard	Smith, Donald	Varrell, Thomas
Weare, E Albert			

STRAFFORD

Campbell, W Packy	Cataldo, Sam	Harrington, Michael	Newton, Clifford
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SULLIVAN

None

and the veto was overridden by the necessary two-thirds.

GOVERNOR'S VETO MESSAGE ON HB 1134

May 10th, 2004

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed House Bill 1134, an Act relative to the appointment of the Chief Justice of the Supreme Court.

HB 1134 limits the term of the chief justice to 5 years. It also returns the nomination and appointment of the chief justice to the governor and council.

On April 28th, 2004 the New Hampshire Supreme Court found that RSA 490:1 violates the New Hampshire Constitution. The court noted that the statute violated the separation of powers doctrine. They ruled the chief justice position is a discrete judicial office and as such is subject to the constitutional provisions for executive nomination and appointment. In addition, the court ruled that to limit the term of a chief justice divests the chief justice of the constitutional right to lifetime tenure (subject to the age limitations set forth in Part II, Article 78). The legislature may not, by statute, alter the tenure or appointment of the chief justice.

The court decision renders HB 1134 moot. The only available action to the legislature is a constitutional amendment.

For these reasons I have vetoed HB 1134.

Respectfully submitted,
Craig R. Benson, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1134**, relative to the appointment of the Chief Justice of the Supreme Court, become law?

Rep. Rowe spoke against.

Rep. Sorg spoke in favor.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call requiring a two-thirds approval was taken.

YEAS 153 NAYS 190

YEAS 153

BELKNAP

Ahern, Omer Jr
Flanders, Donald

Bartlett, Gordon
Holbrook, Robert

Boyce, Laurie
Pilliod, James

Clark, Charles
Rice, Thomas

CARROLL

Kenney, Bettie

McConkey, Mark

Olimpio, J Lisbeth

Philbrick, Donald

CHESHIRE

Allen, Peter
Laurent, John
Tilton, Anna

Dunn, James
Mitchell, McKim
Webber, Amy

Fish, Douglas
Pratt, Irene

Hunt, John
Richardson, Barbara

COOS

Brady, Mark

Mears, Edgar

Pratt, Leighton

Richardson, Herbert

GRAFTON

Alger, John
Giuda, Robert
Scovner, Nancy

Dorsett, Andrew
Ingbretson, Paul
Solomon, Peter

Dudley, Terri
Naro, Debra
Sorg, Gregory

Gionet, Edmond
Nordgren, Sharon

HILLSBOROUGH

Adams, Jarvis
Balboni, Michael
Carlson, Donald
Desmarais, Vivian
Hagan, Barbara
Holden, Randolph
Kurk, Neal
Lefebvre, Roland
McElroy, Henry Jr
Mooney, Maureen
Shaw, Barbara
Sullivan, Jeffrey

Allan, Nelson
Bergeron, Jean-Guy
Carter, Jeffrey
Dionne, Kimberley
Haley, Robert
Infantine, William
LaFlamme, Paul
Lessard, Rudy
McHugh, Claire
Moran, Edward
Slocum, Lee
Sweeney, Cynthia

Allen, Timothy
Buckley, Raymond
Christiansen, Lars
Drisko, Richard
Hansen, Ryan
Jean, Claudette
Lawrence, James
Luebker, Bernard
McRae, Karen
O'Brien, Lori
Spiess, Paul
Tate, Joan

Artz, Lawrence
Cail, Kenneth
Coughlin, Pamela
Gibson, John
Harrington, Paul
Katsiantonis, Thomas
Leach, Edward
Martin, Mary Ellen
Messier, Irene
Rowe, Robert
Sullivan, Francis
Vaillancourt, Steve

MERRIMACK

Blanchard, Elizabeth
Gile, Mary
McCormick, Tom
Perkins, Randy

Bouchard, Candace
Jacobson, Alf
Nutter, Edward
Seldin, Gloria

Clarke, Claire
Kennedy, Richard
Osborne, Jessie
Soltani, Tony

French, Barbara
Marple, Richard
Owen, Derek
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Casey, Kimberley
Dumaine, Dudley
Hamel, Albert
Itse, Daniel

Bicknell, Elbert
DiFruscia, Anthony
Flanders, John Sr
Holland, James Jr
Katsakiores, George

Bridle, Russell
Dowd, John
Gleason, John
Hutchinson, Karen
Katsakiores, Phyllis

Cady, Harriet
Doyle, Christopher
Gould, Kenneth
Introne, Robert
Kelley, Jane

Kobel, Rudolph
McKinney, Betsy
Quandt, Matthew
Waterhouse, Kevin

Langone, John
McMahon, Charles
Robertson, Carl
Weldy, Norman Jr

Letourneau, Robert
Noyes, Richard
Smith, Donald
Weyler, Kenneth

McCann, Richard
Pitts, Jacqueline
Stone, Joseph
Wiley, Robert

STRAFFORD

Albert, Russell
Harrington, Michael

Bemis, Alan
Knowles, William

Cataldo, Sam
Miller, Joseph

Creteau, Irene
Woods, Phyllis

SULLIVAN

Allison, David
Flint, Gordon Sr

Burling, Peter
Jones, Constance

Donovan, Thomas
Leone, Richard

Ferland, Brenda
Phinizy, James

NAYS 190

BELKNAP

Allen, Janet
Russell, David

Fitzgerald, James
Thomas, John

Laflam, Robert
Wendelboe, Fran

Nedeau, Stephen
Whalley, Michael

CARROLL

Babson, David Jr
Morrow, Harry

Brown, Carolyn
Mock, Henry

Derby, Mark
Patten, Betsey

Dickinson, Howard
Stevens, Stanley

CHESHIRE

Dexter, Judson
Manning, Joseph
Robertson, Timothy

Eaton, Daniel
Meador, David
Smith, Edwin

Espieffs, Peter
Parkhurst, Henry
Weed, Charles

Liebl, George
Pratt, John

COOS

Poulin, Richard
Woodward, David

Stohl, Eric

Theberge, Robert

Tholl, John Jr

GRAFTON

Akins, Ralph
Cooney, Mary
Maybeck, Margie

Almy, Susan
Densmore, Edward
Sokol, Hilda

Benn, Bernard
Eaton, Stephanie
Williams, Burton

Bleyler, Ruth
Hammond, Lee

HILLSBOROUGH

Arnold, Thomas Jr
Beaton, William
Buhlman, David
Clemons, Jane
Crane, Elenore
Casey
Fletcher, Richard
Goyette, Peter Jr
Hallyburton, Margaret
Jasper, Shawn
Lasky, Bette
Movsesian, Lori
Pappas, Marc
Reeves, Sandra
Stepanek, Stephen

Balcom, John
Bergin, Peter
Carter, Mark
Cote, David
Dokmo, Cynthia
Gargasz, Carolyn
Graham, John
Haytayan, Harry Jr
Kopka, Angeline
Mercer, Robert
Ober, Russell III
Pepino, Leo
Ross, Lawrence
Sullivan, Peter

Baroody, Benjamin
Brassard, Paul
Cernota, Albert
Cote, Peter
Elliott, Larry
Gonzalez, Carlos
Greenberg, Gary
Hunter, Bruce
Kudalis, Debra
Michon, Stephen
Palangas, Eric
Pilotte, Maurice
Scanlon, Michael
Tahir, Saghir

Batula, Peter
Bruno, Pierre
Clayton, William
Craig, James
Emerton, Larry
Gorman, Mary
Hall, Charles
Irwin, Anne-Marie
L'Heureux, Robert
Mosher, William
Pappas, Christopher
Price, Pamela
Schulze, Joan
Wheeler, James

MERRIMACK

Anderson, Eric

Brueggemann,
Donald

Currier, David

Daniels, Eric

Davis, Frank
Foley, Albert
Langer, Ray

DeJoie, John
Hamm, Christine
Leber, William

DeStefano, Stephen
Hess, David
Lockwood, Priscilla

Field, William
Kenison, Leon
MacKay, James

Maxfield, Roy
Reed, Dennis

Oliver, James
Rodd, Beth

Potter, Frances

Reardon, Tara

ROCKINGHAM

Abbott, Dennis
Camm, Kevin
Cooney, Richard
Francoeur, Sheila
Headd, James
Johnson, Rogers
McEachern, Paul
Packard, Sherman
Rausch, James
Smith, Paul
Varrell, Thomas

Belanger, Ronald
Carson, Sharon
Dalrymple, Janeen
Gilbert, Jeffrey
Hughes, Daniel
Langley, Jane
Morris, Richard
Pantelakos, Laura
Roessner, Kurt
Splaine, James
Weare, E Albert

Bishop, Franklin
Clark, Vivian
Dodge, Robert
Gillick, Thomas
Ingram, Russell
Major, Norman
Norelli, Terie
Priestley, Anne
Scamman, Stella
Tufts, J Arthur
Welch, David

Blanchard, MaryAnn
Coes, Betsy
Fesh, Bob
Griffin, Mary
Johnson, Robert
Manning, John
O'Neil, Michael
Putnam, Ed II
Shultis, Elizabeth
Vallone, Matthew
Zolla, William

STRAFFORD

Berube, Roger
Dunlap, Patricia
Kaen, Naida
Pelletier, Arthur
Spang, Judith
Vachon, Dennis

Bickford, David
Easson, Timothy
Keans, Sandra
Rollo, Deanna
Taylor, Katherine
Wall, Janet

Callaghan, Frank
Hofemann, Roland
Musler, George
Schmidt, Peter
Taylor, Kathleen

Campbell, W Packy
Johnson, Nancy
Newton, Clifford
Smith, Marjorie
Twombly, James

SULLIVAN

Cloutier, John
Franklin, Peter
Rodeschin, Beverly
and the veto was sustained, lacking the necessary two-thirds.

GOVERNOR'S VETO MESSAGE ON HOUSE BILL 2004

June 15, 2004

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed HB 2004, an Act relative to the 10-year transportation improvement plan and making certain adjustments to turnpike funds.

HB 2004 is the 10-year plan. The legislature has failed to produce a plan that is fully funded. In section 1 of the bill the legislature acknowledges the revenue projected for the plan is inadequate to fund all the projects in the plan. The legislature failed to make the tough decisions to produce a balanced plan. It is irresponsible to the citizens and taxpayers of the state to promise a project knowing it may never be completed due to lack of funding. I proposed the use of GARVEE bonds to help reduce the construction time for the I93 widening project. The use of GARVEE's would have allowed the project to be completed as much as 4 years earlier than planned, thereby reducing the overall cost of the project. Finally, there remains great uncertainty regarding the State's allocation of Federal Highway funds. It is possible NH's share of federal funds is diminished. HB 2004 fails to account for this possibility.

For these reasons I have vetoed HB 2004.

Respectfully submitted,
Craig R. Benson, Governor

The question being, notwithstanding the Governor's veto, shall **HB 2004-FN-L**, relative to the 10-year transportation improvement plan and making certain adjustments to turnpike funds, become law?

Rep. Graham spoke in favor.

Rep. Edwin Smith spoke in favor and yielded to questions.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call requiring a two-thirds approval was taken.

YEAS 312 NAYS 31

YEAS 312

BELKNAP

Ahern, Omer Jr	Allen, Janet	Bartlett, Gordon	Boyce, Laurie
Clark, Charles	Fitzgerald, James	Flanders, Donald	Holbrook, Robert
Laflam, Robert	Nedeau, Stephen	Pilliod, James	Rice, Thomas
Russell, David	Thomas, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Babson, David Jr	Brown, Carolyn	Derby, Mark	Dickinson, Howard
Kenney, Bettie	McConkey, Mark	Merrow, Harry	Mock, Henry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Allen, Peter	Dexter, Judson	Dunn, James	Eaton, Daniel
Espiefs, Peter	Fish, Douglas	Hunt, John	Laurent, John
Liebl, George	Manning, Joseph	Meador, David	Mitchell, McKim
Parkhurst, Henry	Pratt, Irene	Pratt, John	Richardson, Barbara
Robertson, Timothy	Smith, Edwin	Tilton, Anna	Webber, Amy
Weed, Charles			

COOS

Brady, Mark	Mears, Edgar	Poulin, Richard	Pratt, Leighton
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr
Woodward, David			

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Densmore, Edward	Dudley, Terri
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Hammond, Lee
Ingbretson, Paul	Naro, Debra	Nordgren, Sharon	Scovner, Nancy
Sokol, Hilda	Solomon, Peter	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Allan, Nelson	Allen, Timothy	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Baroody, Benjamin	Batula, Peter	Beaton, William
Bergeron, Jean-Guy	Bergin, Peter	Brassard, Paul	Buckley, Raymond
Cail, Kenneth	Carlson, Donald	Carter, Jeffrey	Carter, Mark
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Desmarais, Vivian	Dionne, Kimberley
Dokmo, Cynthia	Drisko, Richard	Emerton, Larry	Fletcher, Richard
Gargas, Carolyn	Gibson, John	Gonzalez, Carlos	Gorman, Mary
Goyette, Peter Jr	Graham, John	Greenberg, Gary	Haley, Robert
Hall, Charles	Hallyburton, Margaret	Hansen, Ryan	Harrington, Paul
Haytayan, Harry Jr	Holden, Randolph	Hunter, Bruce	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Katsiantonis, Thomas
Kopka, Angeline	Kudalis, Debra	Kurk, Neal	LaFlamme, Paul
Lasky, Bette	Lawrence, James	Leach, Edward	Lefebvre, Roland
Lessard, Rudy	Luebker, Bernard	Martin, Mary Ellen	McHugh, Claire
McRae, Karen	Mercer, Robert	Messier, Irene	Michon, Stephen
Moran, Edward	Mosher, William	Movsesian, Lori	O'Brien, Lori
Ober, Russell III	Palangas, Eric	Pappas, Christopher	Pepino, Leo
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Ross, Lawrence

Rowe, Robert
Spiess, Paul
Sullivan, Peter
Vaillancourt, Steve

Scanlon, Michael
Stepanek, Stephen
Sweeney, Cynthia

Schulze, Joan
Sullivan, Francis
Tahir, Saghir

Shaw, Barbara
Sullivan, Jeffrey
Tate, Joan

MERRIMACK

Anderson, Eric

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire
DeJoie, John
Hamm, Christine
Lockwood, Priscilla
Osborne, Jessie
Reardon, Tara
Wallner, Mary Jane

Currier, David
DeStefano, Stephen
Hess, David
MacKay, James
Owen, Derek
Reed, Dennis

Daniels, Eric
French, Barbara
Jacobson, Alf
Maxfield, Roy
Perkins, Randy
Rodd, Beth

Davis, Frank
Gile, Mary
Kenison, Leon
McCormick, Tom
Potter, Frances
Seldin, Gloria

ROCKINGHAM

Abbott, Dennis
Blanchard, MaryAnn
Carson, Sharon
Cooney, Richard
Dowd, John
Flanders, John Sr
Gleason, John
Headd, James
Ingram, Russell
Johnson, Rogers
Kobel, Rudolph
Major, Norman
McKinney, Betsy
Packard, Sherman
Putnam, Ed II
Roessner, Kurt
Smith, Paul
Vallone, Matthew
Welch, David
Zolla, William

Allen, Mary
Bridle, Russell
Casey, Kimberley
Dalrymple, Janeen
Doyle, Christopher
Francoeur, Sheila
Gould, Kenneth
Holland, James Jr
Introne, Robert
Katsakiores, George
Langley, Jane
Manning, John
Norelli, Terie
Pantelakos, Laura
Quandt, Matthew
Scamman, Stella
Splaine, James
Varrell, Thomas
Weldy, Norman Jr

Belanger, Ronald
Cady, Harriet
Clark, Vivian
DiFruscia, Anthony
Dumaine, Dudley
Gilbert, Jeffrey
Griffin, Mary
Hughes, Daniel
Itse, Daniel
Katsakiores, Phyllis
Langone, John
McCann, Richard
Noyes, Richard
Pitts, Jacqueline
Rausch, James
Shultis, Elizabeth
Stone, Joseph
Waterhouse, Kevin
Weyler, Kenneth

Bishop, Franklin
Camm, Kevin
Coes, Betsy
Dodge, Robert
Fesh, Bob
Gillick, Thomas
Hamel, Albert
Hutchinson, Karen
Johnson, Robert
Kelley, Jane
Letourneau, Robert
McEachern, Paul
O'Neil, Michael
Priestley, Anne
Robertson, Carl
Smith, Donald
Tufts, J Arthur
Weare, E Albert
Wiley, Robert

STRAFFORD

Albert, Russell
Callaghan, Frank
Easson, Timothy
Kaen, Naida
Musler, George
Smith, Marjorie
Twombly, James

Bemis, Alan
Campbell, W Packy
Harrington, Michael
Keans, Sandra
Pelletier, Arthur
Spang, Judith
Vachon, Dennis

Berube, Roger
Creteau, Irene
Hofemann, Roland
Knowles, William
Rollo, Deanna
Taylor, Katherine
Wall, Janet

Bickford, David
Dunlap, Patricia
Johnson, Nancy
Miller, Joseph
Schmidt, Peter
Taylor, Kathleen
Woods, Phyllis

SULLIVAN

Allison, David
Ferland, Brenda
Leone, Richard

Burling, Peter
Flint, Gordon Sr
Phinizy, James

Cloutier, John
Franklin, Peter
Rodeschin, Beverly

Donovan, Thomas
Jones, Constance

NAYS 31

BELKNAP

None

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

Dorsett, Andrew

Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis
Cernota, Albert

Balcom, John
Christiansen, Lars

Bruno, Pierre
Crane, Elenore
Casey

Buhlman, David
Elliott, Larry

Hagan, Barbara
Pappas, Marc

L'Heureux, Robert
Slocum, Lee

McElroy, Henry Jr
Wheeler, James

Mooney, Maureen

MERRIMACK

Field, William
Leber, William
Soltani, Tony

Foley, Albert
Marple, Richard

Kennedy, Richard
Nutter, Edward

Langer, Ray
Oliver, James

ROCKINGHAM

Bicknell, Elbert

McMahon, Charles

Morris, Richard

STRAFFORD

Cataldo, Sam

Newton, Clifford

SULLIVAN

None

and the veto was overridden by the necessary two-thirds.

SENATE MESSAGE

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

SB 470-FN, relative to funding for the physician effectiveness program, and establishing a dedicated fund.

GOVERNOR'S VETO MESSAGE ON SB 470

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed Senate Bill 470, an Act Relative to Funding for the Physician Effectiveness Program, and Establishing a Dedicated Fund. SB 470 would increase the allocation from each physician license renewal from \$20 to \$30 and place that amount into a nonlapsing fund that would be kept distinct and different from all other funds.

There is insufficient justification for the increase in physician effectiveness program funds called for by this bill. Further, recent data confirms that there is no need to increase the fee, as the current fund balance is more than adequate for the need.

Creation of dedicated, nonlapsing, fund is contrary to the principles upon which I believe that state government should operate.

For these reasons, I have vetoed SB 470.

Sincerely,
Craig R. Benson

The question being, notwithstanding the Governor's veto, shall ***SB 470-FN***, relative to funding for the physician effectiveness program, and establishing a dedicated fund, become law?

Reps. O'Neil and Pilliod spoke in favor.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call requiring a two-thirds approval was taken.

YEAS 318 NAYS 25

YEAS 318

BELKNAP

Ahern, Omer Jr
Fitzgerald, James
Nedeau, Stephen
Thomas, John

Allen, Janet
Flanders, Donald
Pilliod, James
Wendelboe, Fran

Bartlett, Gordon
Holbrook, Robert
Rice, Thomas
Whalley, Michael

Clark, Charles
Laflam, Robert
Russell, David

CARROLL

Babson, David Jr
McConkey, Mark
Philbrick, Donald

Brown, Carolyn
Merrow, Harry
Stevens, Stanley

Dickinson, Howard
Olimpio, J Lisbeth

Kenney, Bettie
Patten, Betsey

CHESHIRE

Allen, Peter
Espiefs, Peter
Liebl, George
Parkhurst, Henry
Robertson, Timothy
Weed, Charles

Dexter, Judson
Fish, Douglas
Manning, Joseph
Pratt, Irene
Smith, Edwin

Dunn, James
Hunt, John
Meador, David
Pratt, John
Tilton, Anna

Eaton, Daniel
Laurent, John
Mitchell, McKim
Richardson, Barbara
Webber, Amy

COOS

Brady, Mark
Richardson, Herbert
Woodward, David

Mears, Edgar
Stohl, Eric

Poulin, Richard
Theberge, Robert

Pratt, Leighton
Tholl, John Jr

GRAFTON

Akins, Ralph
Bleyler, Ruth
Dudley, Terri
Hammond, Lee
Nordgren, Sharon
Sorg, Gregory

Alger, John
Cooney, Mary
Eaton, Stephanie
Ingbretson, Paul
Scovner, Nancy
Williams, Burton

Almy, Susan
Densmore, Edward
Gionet, Edmond
Maybeck, Margie
Sokol, Hilda

Benn, Bernard
Dorsett, Andrew
Giuda, Robert
Naro, Debra
Solomon, Peter

HILLSBOROUGH

Allan, Nelson
Balcom, John
Bergeron, Jean-Guy
Cail, Kenneth
Cernota, Albert
Cote, Peter
Dionne, Kimberley
Fletcher, Richard
Goyette, Peter Jr
Haley, Robert
Harrington, Paul
Infantine, William
Katsiantonis, Thomas
L'Heureux, Robert
Leach, Edward
Martin, Mary Ellen
Mercer, Robert
Mosher, William
Pappas, Christopher

Allen, Timothy
Baroody, Benjamin
Bergin, Peter
Carlson, Donald
Clayton, William
Coughlin, Pamela
Dokmo, Cynthia
Gargas, Carolyn
Graham, John
Hall, Charles
Haytayan, Harry Jr
Irwin, Anne-Marie
Kopka, Angeline
LaFlamme, Paul
Lefebvre, Roland
McElroy, Henry Jr
Messier, Irene
Movsesian, Lori
Pappas, Marc

Arnold, Thomas Jr
Batula, Peter
Brassard, Paul
Carter, Jeffrey
Clemons, Jane
Craig, James
Drisko, Richard
Gonzalez, Carlos
Greenberg, Gary
Hallyburton, Margaret
Holden, Randolph
Jasper, Shawn
Kudalis, Debra
Lasky, Bette
Lessard, Rudy
McHugh, Claire
Michon, Stephen
O'Brien, Lori
Pilotte, Maurice

Artz, Lawrence
Beaton, William
Buckley, Raymond
Carter, Mark
Cote, David
Desmarais, Vivian
Emerton, Larry
Gorman, Mary
Hagan, Barbara
Hansen, Ryan
Hunter, Bruce
Jean, Claudette
Kurk, Neal
Lawrence, James
Luebker, Bernard
McRae, Karen
Moran, Edward
Palangas, Eric
Price, Pamela

Reeves, Sandra
Shaw, Barbara
Sullivan, Jeffrey
Tate, Joan

Rowe, Robert
Spiess, Paul
Sullivan, Peter
Vaillancourt, Steve

Scanlon, Michael
Stepanek, Stephen
Sweeney, Cynthia

Schulze, Joan
Sullivan, Francis
Tahir, Saghir

MERRIMACK

Anderson, Eric

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann,
Donald

Clarke, Claire
DeJoie, John
Gile, Mary
Kenison, Leon
MacKay, James
Nutter, Edward
Potter, Frances
Soltani, Tony

Currier, David
DeStefano, Stephen
Hamm, Christine
Kennedy, Richard
Marple, Richard
Osborne, Jessie
Reardon, Tara
Wallner, Mary Jane

Daniels, Eric
Field, William
Hess, David
Leber, William
Maxfield, Roy
Owen, Derek
Rodd, Beth

Davis, Frank
French, Barbara
Jacobson, Alf
Lockwood, Priscilla
McCormick, Tom
Perkins, Randy
Seldin, Gloria

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin
Camm, Kevin
Coes, Betsy
Dodge, Robert
Fesh, Bob
Gillick, Thomas
Hamel, Albert
Hutchinson, Karen
Johnson, Robert
Kelley, Jane
Letourneau, Robert
McEachern, Paul
Noyes, Richard
Pitts, Jacqueline
Rausch, James
Shultis, Elizabeth
Stone, Joseph
Waterhouse, Kevin
Weyler, Kenneth

Allen, Mary
Blanchard, MaryAnn
Carson, Sharon
Cooney, Richard
Dowd, John
Flanders, John Sr
Gleason, John
Headd, James
Ingram, Russell
Johnson, Rogers
Kobel, Rudolph
Major, Norman
McKinney, Betsy
O'Neil, Michael
Priestley, Anne
Robertson, Carl
Smith, Donald
Tufts, J Arthur
Weare, E Albert
Wiley, Robert

Belanger, Ronald
Bridle, Russell
Casey, Kimberley
Dalrymple, Janeen
Doyle, Christopher
Francoeur, Sheila
Gould, Kenneth
Holland, James Jr
Introne, Robert
Katsakiores, George
Langley, Jane
Manning, John
McMahon, Charles
Packard, Sherman
Putnam, Ed II
Roessner, Kurt
Smith, Paul
Vallone, Matthew
Welch, David
Zolla, William

Bicknell, Elbert
Cady, Harriet
Clark, Vivian
DiFruscia, Anthony
Dumaine, Dudley
Gilbert, Jeffrey
Griffin, Mary
Hughes, Daniel
Itse, Daniel
Katsakiores, Phyllis
Langone, John
McCann, Richard
Norelli, Terie
Pantelakos, Laura
Quandt, Matthew
Scamman, Stella
Splaine, James
Varrell, Thomas
Weldy, Norman Jr

STRAFFORD

Albert, Russell
Callaghan, Frank
Dunlap, Patricia
Keans, Sandra
Newton, Clifford
Smith, Marjorie
Twombly, James

Bemis, Alan
Campbell, W Packy
Hofemann, Roland
Knowles, William
Pelletier, Arthur
Spang, Judith
Vachon, Dennis

Berube, Roger
Cataldo, Sam
Johnson, Nancy
Miller, Joseph
Rollo, Deanna
Taylor, Katherine
Wall, Janet

Bickford, David
Creteau, Irene
Kaen, Naida
Musler, George
Schmidt, Peter
Taylor, Kathleen

SULLIVAN

Allison, David
Ferland, Brenda
Leone, Richard

Burling, Peter
Flint, Gordon Sr
Phinizy, James

Cloutier, John
Franklin, Peter
Rodeschin, Beverly

Donovan, Thomas
Jones, Constance

NAYS 25

BELKNAP

Boyce, Laurie

CARROLL

Derby, Mark

Mock, Henry

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

Adams, Jarvis
Christiansen, Lars

Balboni, Michael
Crane, Elenore
Casey

Bruno, Pierre
Elliott, Larry

Buhlman, David
Gibson, John

Mooney, Maureen
Slocum, Lee

Ober, Russell III
Wheeler, James

Pepino, Leo

Ross, Lawrence

MERRIMACK

Foley, Albert

Langer, Ray

Oliver, James

Reed, Dennis

ROCKINGHAM

Morris, Richard

STRAFFORD

Easson, Timothy

Harrington, Michael

Woods, Phyllis

SULLIVAN

None

and the veto was overridden by the necessary two-thirds.

SENATE MESSAGES

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

SB 484, establishing the Collaborative Practice for Emergency Contraception Act.

SB 513, relative to the death penalty.

HB 503, relative to septic system construction permits.

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

HB 520-FN, relative to maintaining records of greyhounds used in pari-mutual racing.

ADJOURNMENT FROM EARLY SESSION

Rep. Hess moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, and when the House adjourns, it be to meet at the Call of the Chair.

Adopted.

PERSONAL PRIVILEGE

Rep. Francoeur addressed the House.

UNANIMOUS CONSENT

Reps. Jacobson, Hughes, Wendelboe, Itse and Rice addressed the House.

Rep. Hagan moved that the remarks of Reps. Jacobson and Rice be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Jacobson: Thank you, Mr. Speaker. Several people have asked me if I were going to

make a speech at my retirement. I did tell one person that I thought maybe I wouldn't and I would slip quietly into the mist of retirement. The response was, "You can't do that." And I said, "Why not?" "Because I won't let you!" So I'm here to make my retirement speech. Very simply, I want to thank all of you for the time of these past two years. Every one of you, including the staff, have contributed to my knowledge and to the enjoyment of the session. I have had a great experience in these 30 years and I want to thank all of the members, hundreds of them, with whom I've served over the past 30 years. It's been a great experience. I think that whatever may come, this form of local government is still a very good form of government. I leave with the satisfaction of having served as well as I could. I tried to understand the legislation that was before us and if I didn't, I then went and asked somebody for information and enlightenment.

Now, I can retire and I can stay home and enjoy the quiet life, and that's going to be fun. I do plan to write a book about 19th century New Hampshire, not about the big shots, but about ordinary people. Over the years I've collected hundreds of letters and documents and other material and I hope I will have the time and the energy to put it together. Again, thank you for having the opportunity to serve with you these years. Thank you.

Rep. Rice: Thank you, Mr. Speaker. Before I get to the reason I am here, which is to say goodbye, I have a couple of adverse comments that I wish to make. Over the years I have become more and more distressed about what I see as a growing lack of respect and decorum in this chamber. I sit and listen and frequently, as many of you who, like I do, wear hearing aids know, you can't hear what's going on because there's so much background noise. I see year after year the number of people who get up and leave when somebody is speaking that they do not want to listen to. This is wrong. It is disrespectful. It's possible that the people you are leaving because of may not be worthy of respect, but their position is. You should sit and listen to them. This morning I heard Mr. Speaker call the House to order, if I remember right, five or six times before it happened. I think that's wrong. I wish there were more decorum, more respect, more politeness in this chamber. And I also wish that I would be here next fall, which I won't be, so that I could make these same comments to the incoming group.

Now for the reason I'm here, after 18 years, half as long as Alf has been around, I'm leaving. One of the reasons I'm leaving is because my hearing has degenerated to the point where I frequently don't hear what I think I'm hearing which may be an advantage. I've had a lot of fun here, I've learned a lot, I think I've made a few friends, I hope so. Even over here, there are some who I prefer to call friends. Good bye. Godspeed.

Rep. Vaillancourt moved that Rep. Wendelboe's remarks be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Wendelboe: Thank you, Mr. Speaker. It pains me to stand before you today and talk about this issue. Some of you may know I recently returned from China and one of the first protocols that we were taught was that you never make an accusation and point blame at an individual. That you say there is a problem without making an accusation of how the problem occurred. And I stand before you as a group of legislators as one saying I feel that we have a problem. And I think there were many things that added up to this problem. The good member from New Castle just pointed out his concerns dealing with SB 302 and some of the right-to-know issues. You may recall that when this House acted on SB 302 and it went to the Senate, word came back that there had been an error discovered and that it wasn't quite right and that the Senate solution was that they were going to take the spreadsheet and introduce it into the Senate Journal and that it would be fixed in Enrolled Bills. Now had one further step been taken and had that been sent back to us, everything would have been copacetic, as they say. But that wasn't done and when it got to Enrolled Bills there

were changes made.

Now, there is statutory language that allows clerical type errors to be done, to be changed in Enrolled Bills. But that can only be if they are not material. And I'd like to read directly from *Mason's* as to the enrolling process. This is from Section 738. "An enrolled bill, in legislative parlance, is a reproduction or copy of the identical bill passed by both houses. After passage a bill is enrolled, authenticated by the signatures of the presiding officers and chief legislative officers of both houses and presented to the governor. The enrolling clerk or committee has no power or authority to modify in any respect a bill passed by the legislature, but a correction may be made by concurrent resolution prior to enrollment." That's the step I mentioned that we should have done. It then goes on to say, "A bill as enrolled and presented to the governor should be to the same effect as the bill passed by both houses of the legislature." And, I underscore, "A bill presented to the governor in a form different from that in which it was passed, if the change is material, is void even if signed. Correction of purely typographical errors or errors in form only apparently will not invalidate legislation." I have a very serious concern that if someone, and we well know that there are a number of communities who said they are going to go to court on 302, before they even get out of the box, all they have to do is say they want it declared null and void because of this particular section.

I started raising this issue last Friday and I have talked to many people in leadership and I was told, "Don't worry, it's fine, it's done all the time." Well, I am worried and I kept asking, "Show me in writing why it's OK." That has not been done and I am very concerned. My intent today was to ask the same parliamentary inquiry that the good member from Cornish asked and I was told I would be ruled out of order, because I gave them the courtesy of letting them know in advance. I had hoped that as part of that parliamentary inquiry that I could ask, "Is there a mechanism that we could fix this today, that we could introduce as special new piece of legislation by waving the rules to make statutory change showing that this House did vote on that change and take away the possibility of 302 being ruled as null and void." That opportunity, unfortunately, was not afforded.

There is an additional problem with 302. There's two different problems and you've been hearing and I think a lot of people are mixing the two. The one is the enrolling process. Mr. Hughes from New Castle has another problem with concerns on right-to-know. The third issue is as you may have heard recently is Senator Gatsas' concern that the language of the statute going back to 608 does not correlate to the number that the Department of Education came up with to base the distribution on. It's complex and it's hard to explain. When the Commissioner of Education was asked yesterday before Fiscal, "How did you reach this number?", he was very vague and he said that it was in a meeting of DRA and Department of Education and the Attorney General and that it was an oral meeting and that they knew what the legislature meant and they came up with a number based on what they thought the legislature meant. When I asked, "Show me in the language of the statute how you got to that number?", I was told that you really can't. The Commissioner was asked if there was anything in writing and he was very vague. Well, gee, I understand that something has appeared in writing. I've been asking for it but I haven't seen it. I'm looking forward to seeing it. I guess I will see it when everybody else sees it. But I still question what was nonspecific enough in the statute that a bunch of bureaucrats had to sit down and decide they were interpreting what the legislature meant.

In the recent court decision that came down from the court on the JCC and the unified bar, the court kind of took a side tour and very clearly made a statement that they are the final arbiter of legislative intent and that they never go into legislative intent unless the statutory language is not clear. I believe the language was very clear and that the number you come up with is, as Senator Gatsas says, to the tune of \$16 million more money, not only for '04 but also for '05. I feel that should have been addressed and it hasn't been.

So I think it's going to be a long, hot summer in court. I'm very disappointed but I feel that this House didn't have the opportunity to perhaps do the work it should have. I felt it was

important to ring this bell and to say that if its been the way that it's been done in the past, it's not the way it should be done in the future. I hope that it never happens again. Thank you.

SENATE MESSAGE

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

HB 2004-FN L, relative to the state 10-year transportation improvement plan and making certain adjustments to turnpike funds.

ADJOURNMENT MOTION

Rep. Hess moved that the House adjourn to the Call of the Chair.

Adopted.

The House adjourned at 12:40 p.m.