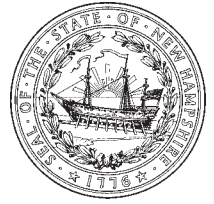


STATE OF NEW HAMPSHIRE

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

SENATE JOURNAL 22 (Cont.)



September 4, 2003

Out of Recess.

VETO MESSAGES

June 5, 2003

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed Senate Bill 145, an Act relative to the duties of the board of trustees of the department of regional community-technical colleges.

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

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

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

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

Respectfully submitted,

Craig R. Benson
Governor

Question is not withstanding the Governor's Veto, shall the bill become law?

A roll call is required.

A 2/3 vote is necessary.

The following Senators voted Yes: Kenney, Below.

The following Senators voted No: Gallus, Johnson, Boyce, Green, Flanders, Odell, Roberge, Eaton, Peterson, O'Hearn, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Sapareto, D'Allesandro, Estabrook, Morse, Prescott, Cohen.

Yeas: 2 - Nays: 22

Veto Sustained.

June 24, 2003

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed Senate Bill 179, an act establishing 14 new positions in the banking department.

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

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

Respectfully submitted,

Craig R. Benson
Governor

Question is not withstanding the Governor's Veto, shall the bill become law?

A roll call is required.

A 2/3 vote is necessary.

The following Senators voted Yes: Kenney, Below, Green, Flanders, Odell, Eaton, Peterson, O'Hearn, Foster, Clegg, Larsen, Martel, Sapareto, D'Allesandro, Estabrook, Morse, Prescott, Cohen.

The following Senators voted No: Gallus, Johnson, Boyce, Roberge, Gatsas, Barnes.

Yeas: 18 - Nays: 6

Veto override.

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

HB 724, extending the effective date of the Skyhaven airport transfer plan and the period for completing work under the wetlands permit.

GOVERNOR'S VETO MESSAGE ON HB 724

July 8, 2003

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have vetoed House Bill 724, an Act extending the effective date of the Skyhaven airport transfer plan and the period for completing work under the wetlands permit.

H.B. 724 extends for an additional three years the date by which Skyhaven airport will be transferred from the State. We could extend the deadline in three-year increments forever. Instead, we ought to signal to all involved that the time has come to transfer the airport. I object to H.B. 724 because it sends the opposite signal.

The FBO at the airport is now profitable. The operation of the airport uses resources of the Department of Transportation that could be used for other projects.

The State has lived up to its commitments. If Skyhaven provides a valuable service to the pilots who use it and to the local communities, then Skyhaven should be able to operate without State help. Because this bill would extend Skyhaven's dependence on the State for another three years, I have vetoed it.

Respectfully submitted,

Craig R. Benson
Governor

Question is not withstanding the Governor's Veto, shall the bill become law?

A roll call is required.

A 2/3 vote is necessary.

The following Senators voted Yes: Gallus, Johnson, Kenney, Below, Green, Flanders, Odell, Roberge, Eaton, Peterson, O'Hearn, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Sapareto, D'Allesandro, Estabrook, Morse, Prescott, Cohen.

The following Senators voted No: Boyce.

Yeas: 23 - Nays: 1

Veto override.

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bill(s):

HB 60, changing the name of the advisory committee on shore fisheries and relative to the definition of shellfish and a rulemaking exemption for certain rules relating to marine species.

HB 164, increasing the gross premium tax on insurance provided by certain unlicensed companies.

HB 278, reducing the crime of sexual assault from a class B felony to a class A misdemeanor in cases where the victim is between 13 and 15 years old and where the defendant is up to 4 years older than the victim.

HB 737, relative to the state conservation committee.

HB 796, relative to the taxation of manufactured housing and relative to the notice required prior to the sale of a recreational campground.

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bill(s):

SB 179-FN-A, relative to positions in the banking department.

HOUSE MESSAGE

The House of Representatives has adjourned from the 2003 Session.

RESOLUTION

Senator Clegg moved that the Senate adjourn from the 2003 annual session.

Adopted.

Adjourned.

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The following legislation, which remained on the table at the time of adjournment of the 2003 session, died on the table.

LAI D ON THE TABLE

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

SB 12-FN-A-L, establishing a property tax relief program for low income homeowners.

SB 27, extending the kindergarten construction program.

SB 37-FN, increasing the amount paid to the firemen's relief fund from insurance department revenues.

SB 38-FN-A-L, authorizing special number plates for firefighters.

SB 102-FN, relative to the computation of tax on certain telecommunications services under the communications services tax.

SB 106, relative to the operation of personal watercraft.

SB 144-FN, relative to the lease agreement between the department of regional community-technical colleges and Pease development authority.

SB 151-FN-A-L, relative to the taxation of telecommunications poles and conduits.

SB 160-FN-A, making a capital appropriation to continue construction of the vocational center in Nashua.

SB 189, relative to certain automobile accidents.

SB 203-FN, requiring the New Hampshire court system to automate mental health records to comply with federal law prohibiting possession of firearms by certain persons.

SB 208-FN, establishing a property tax cap and abatement program.

SB 209, relative to permissible campaign contributions by business organizations and labor unions.

SB 214-FN-A, establishing new positions in the department of health and human services and making an appropriation therefor.

SB 216-FN-A, relative to the developmental services priority waiting list and making an appropriation therefor.

SB 217-FN, relative to the calculation of average daily membership in residence for the purpose of calculating the cost of an adequate education.

SB 224-FN-A-L, relative to the education property tax and needs-based targeted education aid and reducing the rates of the business enterprise tax and the business profits tax.

SCR 1, urging a study of the operating efficiency of state government.

HB 162, relative to remedies and penalties for injuries to domestic animals caused by dogs.

HB 177, excluding stepchildren from the definition of "child" in the context of support orders.

HB 213, relative to reporting requirements for dedicated funds.

HB 222, specifying the term for physicians and dentists at the department of corrections and relative to the special school district within the department of corrections.

HB 293, establishing a commission to identify medical errors and their causes.

HB 311, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus.

HB 327, establishing a committee to study the use of state vehicles.

HB 364-FN, relative to the use of automatic telephone dialing systems for political advocacy.

HB 419, establishing a committee to study issues related to the management of railroads operating with leases on state property.

HB 424, relative to a net asset qualification for the elderly property tax exemption, and clarifying certain references in property tax exemptions.

HB 455, relative to residency requirements for disabled persons applying for a tax deferral of property taxes.

HB 466, relative to the adoption procedure for property tax exemptions and credits.

HB 467, allowing towns or cities to increase the property tax credit for service-connected total disability, and relative to the date for filing for exemptions and tax credits.

HB 495, relative to unauthorized access to a wireless computer network.

HB 528, establishing a commission to study computer standards used in public schools in New Hampshire.

HB 638-FN, increasing the oil import license fee, changing the rate of interest assessed on overdue oil import fees, and repealing underground storage facility permit fees.

HB 676-FN, relative to lake level investigations.

HB 720-FN-L, extending the kindergarten aid program.

HB 735-FN, relative to prescription drugs and medicaid best practices.

HB 776, relative to emergency medical care for pregnant women.

HB 786-FN-L, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

HCR 9, urging the President and the Joint Chiefs of Staff to abandon the Total Information Awareness Initiative.