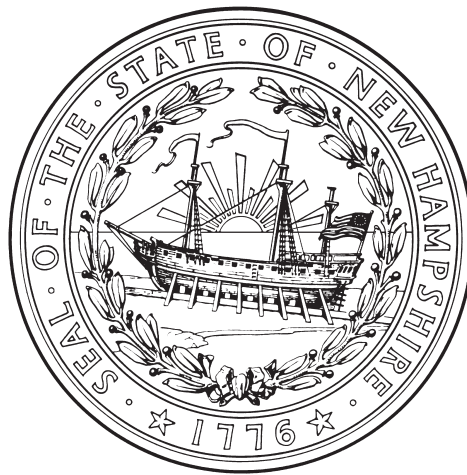


September 5, 2007
Nos. 24 - 25

STATE OF NEW HAMPSHIRE

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



Legislative

SENATE JOURNAL

ADJOURNMENT – JUNE 27, 2007 SESSION
COMMENCEMENT – SEPTEMBER 5, 2007 SESSION

SENATE JOURNAL 24 (*Cont.*)

June 27, 2007

Out of Recess.

LATE SESSION

Senator Foster moved that the Senate adjourn from the late session.

Adopted.

Adjournment.

SENATE JOURNAL 25

September 5, 2007

The Senate met at 9:30 a.m.

A quorum was present.

Linda Noel Fairbanks, Campus Minister at Bishop Brady High School, guest chaplain to the Senate, offered the prayer.

Lord God, You have called us to serve You in the midst of Your people. We pray that we may serve with energy and understanding hearts. Trusting in Your guidance, we reach out to You with our talents and our inadequacies. Strengthen us that we may do Your will. Gift us wisdom so that we may accomplish Your labors and let Your love make us compassionate servants of the people. Amen

Senator Gallus led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

SUSPENSION OF THE RULES

Senator Foster moved that the Senate suspend all rules necessary to allow for the consideration of **SB 266-FN-A** at the present time and, be by this motion, read a third time in the early session.

Adopted by the necessary 2/3 vote.

First and Second Reading

SB 266-FN-A, an act relative to a capital appropriation for the Laconia district court renovation. (Sponsors: Sen. Hassan, Dist 23; Sen. D'Allesandro, Dist 20; Sen. Clegg, Dist 14; Rep. Bouchard, Merr 11; Rep. Campbell, Hills 24; Rep. Gould, Rock 5; Rep. Graham, Hills 18)

SUSPENSION OF THE RULES

Senator Foster moved that the Senate suspend all rules necessary to allow for the consideration of **SB 267-FN** at the present time and, be by this motion, read a third time in the early session.

Senator Gottesman moved the question.

The question is on the adoption to suspend all rules necessary for the consideration of SB 267-FN.

A roll call was requested by Senator Estabrook.

Seconded by Senator Barnes.

The following Senators voted Yes: Reynolds, Sgambati, Burling, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Kenney, Odell, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 10

The necessary 2/3 vote was not obtained.

Motion failed.

SB 266-FN-A, an act relative to a capital appropriation for the Laconia district court renovation.

Senator Foster moved ought to pass.

Adopted.

Ordered to third reading.

THIRD READING RESOLUTION

Senator Foster moved that **SB 266-FN-A**, having been ordered to a third reading, be by this resolution, read a third time, its title be the same as adopted, and be passed at the present time.

Adopted.

VETO MESSAGES

Veto Message of Governor John H. Lynch Regarding Senate Bill 109

By the authority vested in me, pursuant to part II, article 44 of the New Hampshire Constitution, on July 17, 2007, I vetoed Senate Bill 109, an act relative to the emergency powers of the supreme court.

Based on my experiences during our flood disasters, I recognize the critical importance of maintaining clear and coordinated authority during emergencies. While I applaud the sponsors of this bill for their efforts to address emergency preparedness in our court system, I am vetoing SB 109 because the language of the bill is overbroad.

I support granting limited authority to the supreme court to extend statutory time deadlines in the courts during a declared state of emergency. If the court system were not available to the citizens because of an emergency, it is only fair that filing deadlines be suspended briefly. Current law does not authorize the supreme court to suspend certain time deadlines during an emergency. The bill's sponsors recognized this problem, and wisely acted to address it.

However, the final version of the bill grants authority to the supreme court to suspend time deadlines in other statutes that are unrelated to the court system. This language raises serious concerns about the separation of powers between our branches of government. It also undermines efforts to centralize decision-making during a state of emergency. For example, SB 109 would authorize the supreme court to suspend time deadlines in virtually any law, including those that do not impact existing or anticipated court cases, such as administrative licenses, the issuance of permits by state agencies, applications for benefits, the payment of fines, and the timing of administrative hearings. Those decisions, in particular during an emergency, should be made by the governor or the general court.

The Senate version of this bill contained specific language that covered only those time deadlines applicable to the courts, and did not raise concerns about the separation of powers. Unfortunately, that language was removed from the final version of the bill.

Respectfully submitted,

Governor

Date: July 17, 2007

The question is notwithstanding the Governor's Veto, shall SB 109 become law?

A roll call is required.

The following Senators voted Yes: None.

The following Senators voted No: Gallus, Reynolds, Kenney, Sgambati, Burling, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Estabrook, Downing, Hassan, Fuller Clark.

Yeas: 0 - Nays: 24

Veto sustained.

**Veto Message of Governor John H. Lynch
Regarding Senate Bill 213-FN-A**

By the authority vested in me, pursuant to part II, article 44 of the New Hampshire Constitution, on July 18, 2007, I vetoed Senate Bill 213-FN-A, an act establishing the comprehensive cancer plan fund, requiring master settlement agreement strategic contribution fund payments to be deposited in such fund, and establishing a comprehensive cancer plan oversight board.

I support the New Hampshire Comprehensive Cancer Plan Fund, and I signed it into law when I signed the state budget effective July 1, 2007. The general court incorporated the comprehensive cancer plan fund into HB 2, and stated its intention that "SB 213-FN-A of the 2007 legislative session shall not take effect." The sponsors of this bill have asked me to veto this bill so that it does not conflict with HB 2, and I am vetoing this bill to carry out the legislature's intent to adopt the New Hampshire Comprehensive Cancer Plan Fund as set forth in HB 2.

Respectfully submitted,

Governor

Date: July 18, 2007

The question is notwithstanding the Governor's Veto, shall SB 213-FN-A become law?

A roll call is required.

The following Senators voted Yes: None.

The following Senators voted No: Gallus, Reynolds, Kenney, Sgambati, Burling, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gottesman, Clegg, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Estabrook, Downing, Hassan, Fuller Clark.

Yeas: 0 - Nays: 23

Senator Foster Rule #42.

Veto sustained.

RESOLUTION

Senator Foster moved that the Senate adjourn from the early session, that the business of the late session be in order at the present time.

Adopted.

**LATE SESSION
ANNOUNCEMENTS**

Senator D'Allesandro Rule #44.

Senator Clegg Rule #44.

Senator Kenney Rule #44.

HOUSE MESSAGE

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

HB 143, relative to the apportionment of damages in civil actions.

RESOLUTION

Senator Foster moved that the Senate stand in recess for the sole purpose of sending and receiving messages and processing enrolled bill amendments and reports, after which the Senate will stand adjourned to the Call of the Chair.

Adopted.

In recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 266, relative to a capital appropriation for the Laconia district court renovation.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

SB 266, relative to a capital appropriation for the Laconia district court renovation.

Senator D'Allesandro moved adoption.

Adopted.

Adjourned to the Call of the Chair.