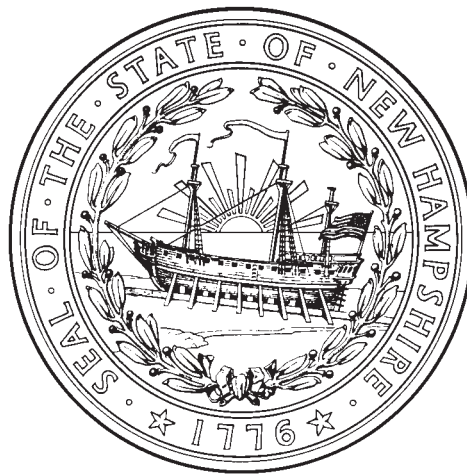


December 1, 2004

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ORGANIZATION DAY –
DECEMBER 1, 2004 SESSION

SENATE JOURNAL

December 1, 2004

ORGANIZATION DAY

The Clerk of the Senate, The Honorable Steven J. Winter, called the Senate to order at 10:00 a.m.

The Reverend David P. Jones, Chaplain to the Senate, offered the prayer.

Direct this gifted group, Gracious God, that with passion, wisdom and skill they may call forth the very best from one another and from us – for then, their music will change us all, and that would be a very good thing.
Amen

Senator Johnson led the Pledge of Allegiance.

The Clerk of the Senate called the Roll of the Senate for attendance.

There were 24 members present.

OATH OF OFFICE FOR SENATORS

The Honorable Craig R. Benson, Governor of the state of New Hampshire, accompanied by the honorable Governors Council, having come into the Senate Chamber, will now subscribe the oaths of office and witness the signing of the oath by each individual Senator, and verify that these are duly qualified as Senators agreeably to the provisions of the constitution: Craig R. Benson, Governor of the state of New Hampshire.

On behalf of the Executive Council, I would like to swear in the honorable Senate:

District No. 1	John T. Gallus
District No. 2	Carl R. Johnson
District No. 3	Joseph D. Kenney
District No. 4	Robert K. Boyce
District No. 5	Peter H. Burling
District No. 6	Richard P. Green
District No. 7	Robert B. Flanders
District No. 8	Bob Odell
District No. 9	Sheila Roberge
District No. 10	Thomas R. Eaton
District No. 11	Peter E. Bragdon
District No. 12	David M. Gottesman
District No. 13	Joseph A. Foster
District No. 14	Robert E. Clegg, Jr.
District No. 15	Sylvia B. Larsen
District No. 16	Theodore L. Gatsas
District No. 17	John S. Barnes, Jr.
District No. 18	André A. Martel
District No. 19	Robert J. Letourneau
District No. 20	Lou D'Allesandro
District No. 21	Iris W. Estabrook
District No. 22	Charles W. Morse
District No. 23	Margaret Wood Hassan
District No. 24	Martha Fuller Clark

NOMINATIONS

Nominations for Temporary Presiding Officer.

Senator Roberge nominated the Honorable Jane E. O'Hearn for Temporary Presiding Officer.

Senator Foster seconded the nomination.

No further nominations.

Adopted.

The Honorable Jane E. O'Hearn is elected Temporary Presiding Officer.

The Honorable Steven J. Winter, Clerk of the Senate, requested that Senators' Bragdon and Gottesman escort the Temporary Presiding Officer, the Honorable Jane E. O'Hearn to the rostrum.

Senator Larsen offered the following Resolution:

RESOLUTION

Senator Larsen moved that it be RESOLVED that the Rules of the 2003-2004 session be adopted as the rules of the 2005-2006 session, with the changes which have been provided here today, and be it further RESOLVED that these rules may be amended by majority vote for the next two legislative days.

Rule 14. Reconsideration, ~~motion for~~.

No vote shall be reconsidered, unless the motion for reconsideration ~~be~~ **is** made by a member who voted with the prevailing side. The notice of such motion for reconsideration shall be given to the Senate in open session prior to adjournment on the same day on which the vote ~~as~~ **was** passed, or to the clerk within 2 working business days of the vote. Any such notice of reconsideration shall be effective for three legislative days only and thereafter shall be null and void. Reconsideration of any bills subject to a ~~transfer date~~ **deadline** established by Senate rules must be acted upon on or before the Senate rule deadline, and thereafter shall be null and void.

Rule 17. Introduction of bills

All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced into the Senate shall be delivered or caused to be delivered to the Office of Legislative Services, which in turn will submit it to the sponsor for his signature, and then to the Clerk by Legislative Services. If requested by the sponsor, a proposed bill, resolution or petition shall not be made public, except by the sponsor, until signed by the sponsor. During any adjournment the President may receive bills and resolutions for printing and for reference to committee, provided that no bill shall have a public hearing until it is formally introduced into the Senate printed and available for distribution. ~~The President shall take up all bills and resolutions for introduction at the early session.~~

Rule 25. Amended bills, printed distributed and disposed of.

When a bill is reported favorably with an amendment, the report of the committee shall state the amendment, and then recite the section of the bill in full as amended. The amendment shall be printed in the ~~senate~~ **senate** calendar ~~of the Journal~~ on the date that the report is listed for action. If no action is taken on that day, then the amendment shall be printed on the day to which the bill has been referred. All bills reported shall be retained by the clerk and shall not be finally acted upon until the following legislative day, and a list of such bills with the report ~~of the committee~~ **of the committee** thereon shall be published in the ~~Journal~~ **senate calendar** for the day on which action shall be taken.

Rule 29. Standing committees

~~The standing committees of the Senate shall be as follows: The Committee on Finance, Committee on Capital Budget, Committee on Ways & Means, Committee on Banks, Committee on (present Economic Development) Energy and Economic Development, Committee on Education, Committee on Environment, Committee on Executive Departments & Administration, Committee on Wildlife & Recreation, Committee on Insurance, Committee on Internal Affairs, Committee on Interstate Cooperation, Committee on Judiciary, Committee on Public Affairs, Committee on Public Institutions Health & Human Services, Committee on Rules & Enrolled Bills, and the Committee on Transportation.~~

The standing committees of the Senate shall be as follows: The Committee on Banks and Insurance, the Committee on Capital Budget, the Committee on Energy and Economic Development, Committee on Education, the Committee on Environment and Wildlife, the Committee on Execu-

tive Departments and Administration, the Committee on Finance, the Committee on Health & Human Services, the Committee on Internal Affairs, the Committee on Judiciary, the Committee on Public and Municipal Affairs, the Committee on Rules & Enrolled Bills, the Committee on Transportation and Interstate Cooperation, and the Committee on Ways and Means.

Rule 18. Bills, drafting of.

~~(a) The filing period for legislation to be acted on in the first year session, beginning January 2005, will commence on Wednesday, November 10, 2004. The Office of Legislative Services shall not draft a Senate bill or resolution, unless a request by a member for drafting with complete information has been received not later than 3:00 p.m. on Wednesday, December 15, 2004.~~

~~(b) Every Senate bill and joint resolution in the first year session, except the general appropriations (budget) bill or capital budget bill, must be signed off in Legislative Services by 3:00 p.m. on Friday, January 14, 2005. The last day to act in the first year session on all Senate bills in the first body is April 7, 2005.~~

~~(c) Filing period for legislation to be acted on in the second half of the biennium, beginning January 2004, will commence on Monday, October 20, 2003. The office of Legislative Services shall not draft a Senate bill or Joint Resolution, unless a request by a member for drafting with complete information has been received not later than 3:00 p.m., Friday, November 14, 2003. Last day to sign-off legislation for the January 2004 session shall be Friday, December 19, 2003 at 3:00 p.m. The last day to act on all Senate Bills in the first body is Thursday, March 18, 2004.~~

Rule 19. Committees of Conference

~~(i) The last day to form Committee of Conference is Thursday, May 13, 2004. The deadline for Committee of Conference report sign-off is Wednesday, May 19, 2004, at 3:00 p.m.~~

Rule 24. Public hearings to be held and advertised.

~~(c) The last day to act on all House Bills in the second year session is Thursday, May 6, 2004.~~

Rule 48. Deadlines

a) The filing period for legislation to be acted on in the first year session, beginning January 2005, will commence on Wednesday, November 10, 2004.

b) The Office of Legislative Services shall not draft a Senate bill or resolution, unless a request by a member for drafting with complete information has been received not later than 3:00 p.m. on Wednesday, December 15, 2004.

c) Every Senate bill and joint resolution in the first year session must be signed off in Legislative Services by 3:00 p.m. on Friday, January 14, 2005.

d) The last day to act on all Senate bills in the first year session is April 7, 2005.

e) The last day to act on all House Bills in the first year session is Thursday, June 9, 2005.

f) The last day to form a Committee of Conference in the first year session is Thursday, June 16, 2005. The deadline for Committee of Conference report sign-off is Wednesday, June 22, 2005, at 3:00 p.m. The deadline for action on Committee of Conference reports is Wednesday, June 29, 2005.

Adopted.

NOMINATIONS FOR PRESIDENT OF THE SENATE

The Honorable Jane E. O'Hearn, Honorary Presiding Officer, asked for nominations for the President of the Senate.

Senator Johnson nominated Senator Thomas R. Eaton for the President of the Senate.

Senator D'Allesandro seconded the nomination.

No further nominations.

Adopted.

Senator Thomas R. Eaton is elected the President of the Senate.

The Honorable Jane E. O'Hearn, Temporary Presiding Officer, requested that Senators Roberge and Fuller Clark escort the President of the Senate, Senator Thomas R. Eaton, to the rostrum.

NOMINATIONS FOR CLERK OF THE SENATE

Senator Odell placed the name of Steven J. Winter in nomination for Clerk of the Senate.

Senator Larsen seconded the nomination.

No further nominations.

Adopted.

The Honorable Steven J. Winter is elected Clerk of the New Hampshire Senate.

NOMINATIONS FOR ASSISTANT CLERK OF THE SENATE

Senator Larsen moved to place the name of Tammy L. Wright in nomination for Assistant Clerk of the Senate.

Senator Gatsas seconded the nomination.

No further nominations.

Adopted.

Tammy L. Wright is elected Assistant Clerk of the Senate.

NOMINATIONS FOR SENATE SERGEANT-AT-ARMS

Senator Larsen moved that the name of Henry W. Wilson be placed in nomination for Sergeant-At-Arms.

Senator Flanders seconded the nomination.

No further nominations.

Adopted.

Henry W. Wilson is elected Sergeant-At-Arms.

NOMINATIONS FOR SENATE DOORKEEPER

Senator Clegg moved that the name of John J. Byrnes, Sr. be placed in nomination for Doorkeeper.

Senator Larsen seconded the nomination.

No further nominations.

Adopted.

John J. Byrnes, Sr. is elected Doorkeeper.

The President administered the oaths of office to the Senate Clerk, Assistant Clerk of the Senate, the Sergeant-At-Arms, and the Doorkeeper.

RESOLUTION

Senator Barnes offered the following Resolution:

RESOLVED, that the Secretary of State be requested to furnish the Senate with the official return of votes from the various Senatorial Districts.

Adopted.

The Honorable William M. Gardner, Secretary of State, appeared and presented the return of votes for the state Senators from the various Senatorial Districts, as returned to the Secretary of State's Office from the General Election held on November 2, 2004.

FIRST DISTRICT

John T. Gallus, r	15,822
Jerry Sorluccho, d	10,748
Plurality for Gallus	5,074

SECOND DISTRICT

Carl R. Johnson, r	15,407
Sid Lovett, d	13,229
Plurality for Johnson	2,178

THIRD DISTRICT

Joseph D. Kenney, r	17,044
William W. Farnum, d	<u>11,567</u>
Plurality for Kenney	5,477

FOURTH DISTRICT

Robert K. Boyce, r	14,106
Beth Arsenault, d	<u>12,687</u>
Plurality for Boyce	1,419

FIFTH DISTRICT

Peter Hoe Burling, d	15,388
James Dean, r	<u>11,143</u>
Plurality for Burling	4,245

SIXTH DISTRICT

Richard Green, r	14,954
Marlene M. DeChane, d	<u>10,134</u>
Plurality for Green	4,820

SEVENTH DISTRICT

Robert B. Flanders, r	14,131
Beth Rodd, d	<u>13,009</u>
Plurality for Flanders	1,122

EIGHTH DISTRICT

Bob Odell, r	16,395
Carroll D. French, d	<u>10,086</u>
Plurality for Odell	6,309

NINTH DISTRICT

Sheila Roberge, r	18,776
Rose H. Arthur, d	<u>10,629</u>
Plurality for Roberge	8,147

TENTH DISTRICT

Tom Eaton, r	13,717
McKim W. Mitchell, d	<u>12,775</u>
Plurality for Eaton	942

ELEVENTH DISTRICT

Peter Bragdon, r	14,970
Mark Fernald, d	<u>14,523</u>
Plurality for Bragdon	447

TWELFTH DISTRICT

David Gottesman, d	13,335
Harry Haytayan, r	<u>13,164</u>
Plurality for Gottesman	171

THIRTEENTH DISTRICT

Joseph A. Foster, d&r	15,843
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FOURTEENTH DISTRICT

Robert Clegg, r	15,279
John Knowles, d	<u>9,573</u>
Plurality for Clegg	5,706

FIFTEENTH DISTRICT

Sylvia B. Larsen, d	18,142
Jeff Newman, r	8,848
Plurality for Larsen	9,294

SIXTEENTH DISTRICT

Theodore Gatsas, r	16,885
Tom St. Martin, d	10,479
Plurality for Gatsas	6,406

SEVENTEENTH DISTRICT

John S. Barnes, Jr., r	16,437
Corey E. Corbin, d	10,416
Plurality for Barnes, Jr.	6,021

EIGHTEENTH DISTRICT

Andre A. Martel, r	11,095
Dave Gelinas, d	10,929
Plurality for Martel	166

NINETEENTH DISTRICT

Bob Letourneau, r	14,907
Grace L. Reisdorf, d	9,887
Plurality for Letourneau	5,020

TWENTIETH DISTRICT

Lou D'Allesandro, d	11,243
Joseph Kelly Levasseur, r	9,533
Plurality for D'Allesandro	1,710

TWENTY-FIRST DISTRICT

Iris W. Estabrook, d	14,657
Daniel J. Philbrick, r	12,352
Plurality for Estabrook	2,305

TWENTY-SECOND DISTRICT

Chuck Morse, r	16,590
Michael K. Garofalo, d	10,192
Plurality for Morse	6,398

TWENTY-THIRD DISTRICT

Maggie Wood Hassan, d	15,201
Russell Prescott, r	14,054
Plurality for Hassan	1,147

TWENTY-FOURTH DISTRICT

Martha Fuller Clark, d	16,791
John E. Lyons, Jr., r	15,494
Plurality for Clark	1,297

RESOLUTION

Senator Clegg offered the following Resolution:

RESOLVED, that the return of votes from the several senatorial districts be referred to a select committee of three with instructions to examine and count the same and report to the Senate where any vacancies or contest exists and if so, in what senatorial district.

Adopted.

The Chair appointed Senators: Flanders, Estabrook and Kenney to examine the vote totals.

Recess.**Out of recess.**

COMMITTEE REPORT

Senator Flanders reported that the select committee to which was referred the various return of votes for state Senators from the several districts, having attended to their duties and having examined the returns made to the Secretary of State, reports that it finds the state of the vote returned from the several districts to be correct.

Senator Martel moved to adopt the report.

Adopted.

RESOLUTION

Senator Gallus offered the following Resolution:

RESOLVED, that the biennium salary of the members of the Senate be paid in one undivided sum as early as practical after adoption of this resolution, and be it further RESOLVED, that the mileage of members of the Senate be paid every two weeks during the session.

Adopted.

INTRODUCTION OF GUESTS

Senator D'Allesandro Rule #44.

Senator Barnes Rule #44.

Senator Larsen Rule #44.

Senator Flanders #44.

Senator Burling #44.

HOUSE MESSAGE

The House of Representatives has organized and has elected its Speaker:

Speaker of the House: Representative W. Douglas Scamman, Jr.

HOUSE MESSAGE

The House of Representatives is ready to meet with the honorable Senate in Joint Convention for the purpose of electing a State Treasurer and a Secretary of State.

RESOLUTION

Senator Morse offered the following Resolution:

RESOLVED, that the Senate meet in Joint Convention for the purpose of electing the Secretary of State and the State Treasurer.

Adopted.

In recess for Joint Convention.

Out of recess.

RESOLUTION

Senator Clegg moved that the Senate now adjourn from the early session and that the business of the late session be in order at this time.

Adopted.

LATE SESSION**ANNOUNCEMENTS****RESOLUTION**

Senator Clegg moved that the Senate, having organized, and completed its business for the day, now adjourn to 10:00 a.m., on Wednesday, January 5, 2005 for Convening Day.

Adopted.

Adjournment.

SENATE RULES

As adopted 12-01-04

1. Determination of quorum; correction of Journal.
2. Members, decorum of.
3. Members, conduct when speaking.
4. Members not to speak more than twice.
5. President shall recognize whom.
6. Questions of order, appeal.
7. Member, absenting himself.
8. Motions, order of preference.
9. Questions postponed indefinitely not acted upon in same biennium.
10. Questions, when divided.
11. Objections to reading paper, how determined.
12. Roll Call, everyone must vote.
13. Galleries, clearing of.
14. Reconsideration.
15. Petitions, introduction of.
16. Bills; shall be numbered and expressed clearly.
17. Bills, introduction of.
18. Bills, drafting of.
19. Committees of Conference.
20. Resolutions to be treated as bills.
21. Bills shall have three readings; Progress of; time for second and third readings.
22. Bills, printing and distribution.
23. Bills amended only on second reading; filing of amendments.
24. Public hearings to be held and advertised.
25. Amended bills, printed distributed and disposed of.
26. Appropriating money, to whom referred.
27. President to sign bills, etc.
28. Committees, appointment of.
29. Standing Committees.
30. Messages sent to House.
31. Messages, when received.
32. Voting; division of Senate.
33. Visitors to Senate.
34. Hours of meeting.
35. Rules of Senate, how suspended.
36. Rules of Senate, how rescinded.
37. Committee of the whole.
38. President may name member to chair.
39. Senate staff; composition and duties.
40. Senate staff, days of employment.
41. Committees, reports and meetings.
42. Conflict of Interest.
43. Committee of Conference reports.
44. Personal privilege.
45. Appeal, presiding officer ruling.
46. Motions, no substitution under color of amendment.
47. Requisition Approval Required.
48. Deadlines

1. The President, having taken the chair, shall determine a quorum to be present. Any erroneous entry in the daily journal shall be corrected no later than the third succeeding legislative day, and the permanent journal corrected within one week after the permanent journal copy is placed in the hands of the Senate.

2. No member shall hold conversation with another while a member is speaking in debate, or use electronic devices, including but not limited to personal computers, and telephonic devices, without leave of the Senate.

3. Every member, wishing to speak, shall notify the President. When the member is recognized to speak he shall rise and address the President, and when he has finished shall then sit down.

4. No member shall speak more than twice on the same question on the same day without leave of the Senate President.

5. More than one member wishing to speak at the same time, the President shall decide who shall speak first.

6. The President shall preserve decorum and order. If any member transgresses the rules of the Senate, the President shall, or any member may, call him to order in which case the member so called to order shall immediately cease and desist, and the Senate, if appealed to, shall decide the case. But if there is no appeal, the decision of the President shall be conclusive.

7. No member shall absent himself without permission from the Senate.

8. When any question is under debate, no motion shall be received but first, to adjourn; second, to lay upon the table; third, for the previous question; fourth, to postpone to a certain day; fifth, to commit; sixth, to amend; and seventh, to postpone indefinitely; which several motions shall have precedence in the order in

which they are so arranged. Motions to adjourn, to lay upon the table, for the previous question, and to take from the table shall be decided without debate. Motions to postpone to a certain day shall be debatable both as to time and subject matter. No motion to postpone indefinitely, to postpone to a certain day, or to commit, being decided, shall be in order at the same stage of the bill or resolution, until after adjournment.

9. A question which is postponed indefinitely shall not be acted upon during the biennium except whenever two-thirds of the whole number of elected Senators shall on division taken, vote in favor thereof. Any bill which is indefinitely postponed shall not be reintroduced under cover of an amendment any bill, resolution, order, or committee of conference report. No motion to suspend this rule shall be permitted.

10. Any member may call for a division of the question when the sense will admit it. Unless otherwise specifically provided for, a majority of those present and voting shall be required to pass any vote.

11. When the reading of a paper or document is objected to by a member, the question shall be determined by a vote of the Senate; and without debate.

12. When the nays and yeas have been moved by a member and duly seconded by another member each member present shall declare his assent or dissent to the question, unless for special reason he be excused by the Senate. The names of the persons so making the motion and the second shall be recorded in the Journal. The President shall determine the order of the roll call. No member shall be required to vote in any case where he was not present when the question was put.

13. In case of any disturbance or disorderly conduct in the gallery, the President shall have the power to order the same to be cleared. The Chairman of the Committee of the Whole may restrict attendance to the duly elected Senators.

14. No vote shall be reconsidered, unless the motion for reconsideration is made by a member who voted with the prevailing side. The notice of such motion for reconsideration shall be given to the Senate in open session prior to adjournment on the same day on which the vote was passed, or to the clerk within 2 working business days of the vote. Any such notice of reconsideration shall be effective for three legislative days only and thereafter shall be null and void. Reconsideration of any bills subject to a deadline established by Senate rules must be acted upon on or before the Senate rule deadline, and thereafter shall be null and void.

15. Before any petition shall be received and read, a brief statement of the contents thereof shall be made by the member introducing the same.

16. All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced in the Senate, shall be endorsed with the name of the Senator presenting them, and with the subject matter of the same. Every bill shall be marked on the first page "Senate Bill" and numbered serially; every joint resolution shall be marked "Senate Joint Resolution" and numbered serially; every concurrent resolution proposing a constitutional amendment shall be marked "Concurrent Resolution Proposing a Constitutional Amendment" and numbered serially; and every other concurrent resolution shall be marked "Senate Concurrent Resolution" and numbered serially, as each bill or resolution is introduced into the Senate.

17. All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced into the Senate shall be delivered or caused to be delivered to the Office of Legislative Services, which in turn will submit it to the sponsor for his signature, and then to the Clerk by Legislative Services. If requested by the sponsor, a proposed bill, resolution or petition shall not be made public, except by the sponsor, until signed by the sponsor. During any adjournment the President may receive bills and resolutions for printing and for reference to committee, provided that no bill shall have a public hearing until it is formally introduced into the Senate, printed and available for distribution.

18. Drafting of Bills

(a) If a drafting request for a bill or resolution has been filed with the office of Legislative Services requiring a fiscal note as provided in RSA 14:44-47, the substance or a draft of the proposal may be provided to the legislative budget assistant for preparation of the required fiscal note without the specific consent of the sponsor of the proposal, provided that the identity of the sponsor shall not be disclosed.

(b) Notwithstanding the provisions of 17 (a), (b), and (c), a Senate bill, Senate joint resolutions, or Senate concurrent resolution may be accepted by Legislative Services for drafting and introduced into the Senate at any time prior to the deadline established by Senate Rules for the transfer of bills out of the first body if approved by either a majority of the Senate Rules Committee or a two-thirds vote on the floor.

(c) No bill the subject matter of which has been indefinitely postponed or made inexpedient to legislate in the Senate in the first-year session shall be admitted into the second-year session whether as a bill, an amendment, a committee of conference report or in any other manner.

(d) Legislation returned from the non-originating body, with an amendment, shall not be re-referred to Committee but shall have one of the following recommendations: Concur, Nonconcur, Nonconcur and Request a Committee of Conference. Adoption of a motion to Nonconcur kills the legislation.

19. Committees of Conference.

(a) Whenever there be any disagreement between the Senate and the House on the content of any bill or resolution, and whenever both bodies, voting separately, have agreed to establish a committee of conference, the President of the Senate shall appoint three members to the Senate conference committee on the bill and the Speaker of the House shall appoint four members to the House conference committee. Exceptions: (1) the House committee of conference on the operating budget shall consist of five members; (2) the number of the members of the committees of conference on any bill may increase or decrease if the President and the Speaker both agree. The two committees of conference on a bill shall meet jointly but vote separately while in conference. A unanimous vote by both committees of conference shall be necessary for an agreed report to the Senate and the House by the committees of conference.

(b) The first-named person from the body where the bill or resolution in disagreement originated shall have the authority to call the time and place for the first meeting of the committees of conference on said bill.

(c) The first-named person on a committee of conference shall be the chairman of that conference. The chairman of the committee of conference of the body where the bill or resolution in disagreement originated shall chair the joint meeting of the committees of conference.

(d) No action shall be taken in either body on any committee of conference report earlier than some subsequent day, after the report has been delivered to the seats or placed on a member's desk. A committee of conference may neither change the title of any bill submitted to it nor add amendments which are not germane to the subject matter of the bill as originally submitted to it.

(e) Conference Committees on Budget Bills. The report of each committee of conference on either the general appropriation bill, or the capital improvements bill shall be printed in the journal or a supplement thereto of the appropriate body before action on said report is taken on the floor. Non-germane amendments, sections and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances. Notwithstanding the general provisions of paragraph (h) of this section, the Conference Committee on general appropriations bill may propose new items for inclusion in said bill but no such item may be so included unless and until it shall have been returned to both the Senate and the House and adopted in identical form by a majority vote in each body.

(f) When both committees of conference on a concurrent resolution proposing an amendment to the constitution have agreed, the committee of conference from the body which acceded to a request for committees of conference shall file its report with the clerk of that body who shall print it in full in the journal or supplement of that body. The report shall be made a special order of business at the late session of a subsequent day. After said report has been adopted by the first body, a message shall be transmitted to the second body which shall then act upon the report of its committee of conference.

(g) The sponsor of any bill or joint resolution referred to committees of conference shall, upon his request, be granted a hearing before said committees prior to action thereon.

(h) No member of a committee of conference shall sign any report that contains non-germane amendments or subject matter that has been indefinitely postponed in either body. For the purposes of this rule, a non-germane amendment would be any subject matter not contained in either the House or the Senate version of the bill.

20. All resolutions which may require the signature of the Governor shall be treated in the same manner as bills.

21. Every bill shall have three readings in the Senate previous to its passage. The first and second readings shall be by title only which may be accomplished by a conglomerate resolution, after which the bill shall be referred by the President to the appropriate committee and shall be printed as provided in Rule 22, unless otherwise ordered by the Senate. No bill after it has been read a second time shall have a third reading until

after adjournment from the early session. The time assigned for the third reading of bills and resolutions shall be in the late session unless otherwise ordered by the Senate. The orders of the day for the reading of bills shall hold for every succeeding day until disposed of.

22. After every bill shall have been read a second time, and referred by the President to the appropriate committee, the Clerk shall procure a sufficient number of copies, printed on paper of uniform size, for the use of the legislature, and cause the same to be distributed to the members, and when printed the bill shall be immediately delivered to the committee to which it shall have been referred. Bills received from the House shall be printed at the same stage of their procedure unless they have been printed in the House and copies distributed in the Senate, in which case any amendment made by the House shall be duplicated and distributed in the Senate.

23. No amendment shall be made but upon the second reading of a bill; and all amendments to bills and resolutions shall be in writing, with the name of the Senator and the district he represents, or in the case of a committee amendment the name of the committee that recommended it, thereon. No amendment to any bill shall be proposed or allowed at any time or by any source, including a committee of conference, except it be germane. Amendments shall have been reviewed by the Office of Legislative Services for form, construction, statutory and chapter reference.

24. A hearing shall be held upon each bill referred to a committee, and notice of such hearing shall be advertised at least 4 days before hearing in the Senate Calendar. The Senate Calendar shall be available on the Internet for viewing as soon as it has been released for printing.

(a) All bills in the possession of committees shall be reported out with one of the following recommendations: ought to pass, ought to pass with amendment, re-refer to committee, inexpedient to legislate, or refer for interim study. Re-refer to committee shall be a committee report only in the first-year session. All re-referred bills shall be acted on by the third legislative day of the second year session. Refer for interim study shall be a committee report only in the second year session.

(b) Any legislation creating a chapter study committee shall have membership limited to members of the General Court.

25. When a bill is reported favorably with an amendment, the report of the committee shall state the amendment, and then recite the section of the bill in full as amended. The amendment shall be printed in the senate calendar on the date that the report is listed for action. If no action is taken on that day, then the amendment shall be printed on the day to which the bill has been referred. All bills reported shall be retained by the clerk and shall not be finally acted upon until the following legislative day, and a list of such bills with the report of the committee thereon shall be published in the senate calendar for the day on which action shall be taken.

26. Every bill and joint resolution appropriating money, which has been referred to another committee and favorably accepted by the Senate, shall be committed to the Finance Committee for review. If any such bills have been referred jointly to the Finance Committee and another standing committee, the Finance Committee may report separately and a further public hearing may be held at the discretion of the Finance Committee. All bills appropriating money, which are referred directly to the Finance Committee shall have a hearing.

27. All warrants, subpoenas and other processes issued by order of the Senate shall be under the hand and seal of the President attested by the Clerk.

28. All committees of the Senate, including Senate members on committees of conference, shall consist of members of both parties as nearly equal as possible, provided that on all committees, both parties shall be represented. The President shall appoint the members of all committees, after consulting with the minority leader.

29. The standing committees of the Senate shall be as follows: The Committee on Banks and Insurance, the Committee on Capital Budget, the Committee on Energy and Economic Development, the Committee on Education, the Committee on Environment and Wildlife, the Committee on Executive Departments and Administration, the Committee on Finance, the Committee on Health & Human Services, the Committee on Internal Affairs, the Committee on Judiciary, the Committee on Public and Municipal Affairs, the Committee on Rules & Enrolled Bills, the Committee on Transportation and Interstate Cooperation, and the Committee on Ways and Means.

30. Messages shall be sent to the House of Representatives by the Clerk of the Senate.

31. Messages from the Governor or House of Representatives may be received at all times, except when the Senate is engaged in putting the question, in calling the yeas and nays, or in counting the ballots.

32. All questions shall be put by the President, and each member of the Senate present shall signify his assent or dissent by voting yea or nay, or shall abstain from voting by reason of a conflict pursuant to rule 42. If the President doubts, or a division is called for, the Senate shall divide. Those in the affirmative on the question shall first rise from their seats and stand until they be counted. The President shall rise and state the decision of the Senate.

33. No person except members of the Senate and its officers, the Governor, Council members, the Secretary of State, the Treasurer, the Speaker of the House of Representatives and its officers and clerks, shall be admitted to the floor of the Senate while the Senate is in session, except by the invitation of the President, or some member with the President's consent.

34. The Senate shall adjourn to meet on the subsequent legislative day for the early session at the time mentioned in the adjournment motion. The late session shall immediately follow the early session unless the Senate shall otherwise order.

35. No standing rule of the Senate shall be suspended unless two-thirds of the members present and voting vote in favor thereof. This rule shall not apply to Senate Rule 9.

36. No rule shall be rescinded unless two days notice of the motion has been given and two-thirds of those present and voting vote therefore.

37. The Senate may resolve itself into a Committee of the Whole at any time on motion made for that purpose; and in forming a Committee of the Whole, the President shall leave the chair, and appoint a chairperson to preside in committee.

38. The President when performing the duties of the Chair may, at any time, name any member to perform the duties of the Chair.

39. The staff of the Senate shall be comprised of a clerk, an assistant clerk, a sergeant-at-arms, and a door-keeper who are to be elected by the Senate, and such other personnel as the President shall appoint. The President shall define the duties of all members of the Senate staff which are not fixed by statute or otherwise ordered by the Senate.

40. Each member of the staff of the Senate shall be available on call to carry out the work of the Senate.

41. The committees shall promptly consider and report on all matters referred to them. The President may authorize such committees having a heavy load of investigation, re-drafting, research or amendments to meet as needed on non-legislative days during the legislative session. The Clerk of the Senate shall prepare a list by number, title and sponsor of all Senate bills and resolutions in committee which have not been acted upon within one week before the deadline established for the transfer of bills and resolutions from the Senate to the House of Representatives, and he/she shall distribute this list to every member of the Senate as soon as it is prepared.

42. In all instances every member shall act in conformance with the duly adopted Ethical Guidelines and Opinions of the New Hampshire General Court.

43. Action on the floor of a report of the Committee on Finance or a Committee of Conference on either the general appropriations (budget) bill or the capital budget bill, shall not be taken by the Senate, until said report has been available from the Senate Clerk twenty-four hours in advance, in written form. Non-germane amendments and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances.

44. Personal Privilege: A Senator may, as a matter of personal privilege, defend his/her position on a bill, his/her integrity, his/her record, or his/her conduct, against unfair or unwarranted criticism, or may speak of an issue which relates to his/her rights, privileges or conveniences as a Senator; provided, however, the matters raised under personal privilege shall not be subject to questioning, answer, or debate, by another Senator. Personal Privilege remarks may be included in the Daily Journal if requested by the Senator, and in the Permanent Journal by vote of the Senate. A Senator may speak on other matters of his/her choosing and in such cases may be subject to questioning and/or answer according to the Rules of the Senate.

45. Any appeal from the ruling of the presiding officer shall be decided by majority vote of the members present and voting.

46. No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

47. No officer or employee of the Senate during the session or any adjournment thereof shall purchase or contract for the purchase, pay or promise to pay any sum of money on behalf of the Senate or issue any requisition or manifest without the approval of the Senate President.

48. Deadlines:

a) The filing period for legislation to be acted on in the first year session, beginning January 2005, will commence on Wednesday, November 10, 2004.

b) The Office of Legislative Services shall not draft a Senate bill or resolution, unless a request by a member for drafting with complete information has been received not later than 3:00 p.m. on Wednesday, December 15, 2004.

c) Every Senate bill and joint resolution in the first year session must be signed off in Legislative Services by 3:00 p.m. on Friday, January 14, 2005.

d) The last day to act on all Senate bills in the first year session is April 7, 2005.

e) The last day to act on all House Bills in the first year session is Thursday, June 9, 2005.

f) The last day to form a Committee of Conference in the first year session is Thursday, June 16, 2005. The deadline for Committee of Conference report sign-off is Wednesday, June 22, 2005, at 3:00 p.m. The deadline for action on Committee of Conference reports is Wednesday, June 29, 2005.