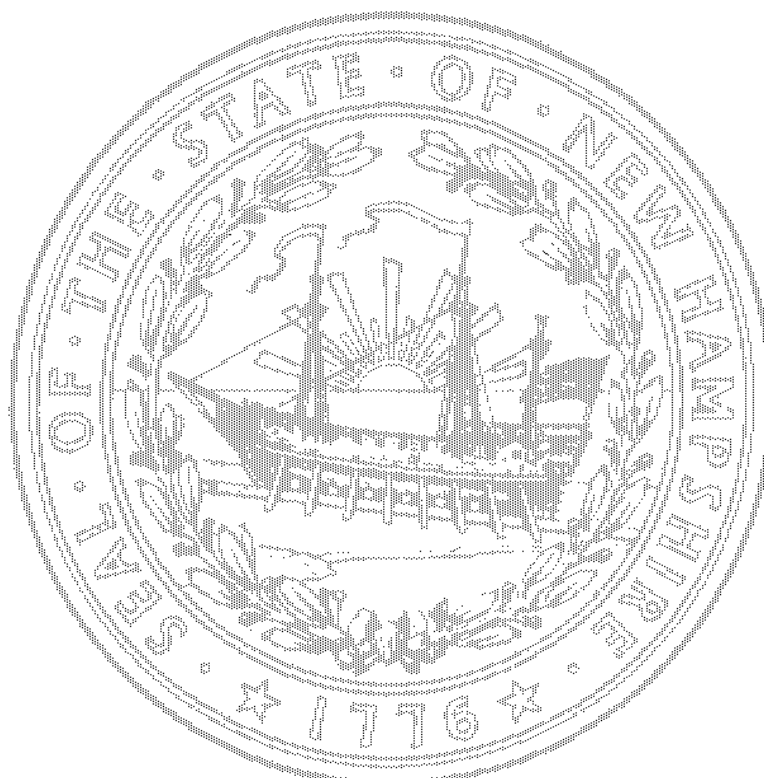


June 4, 2008
Special Session

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

SPECIAL SESSION – JUNE 4, 2008 SESSION

SENATE JOURNAL

SPECIAL SESSION

June 4, 2008

The Senate met at 11:50 p.m.

A quorum was present.

Senator Larsen moved that, without objection, the prayer from our chaplain and the Pledge of Allegiance be waived.

Senator Clegg is excused for the day.

INTRODUCTION OF GUESTS

PROCLAMATION MESSAGE FROM THE GOVERNOR AND COUNCIL

A Proclamation
By His Excellency John H. Lynch, Governor
With the Advice of the Honorable Executive Council
June 4, 2008

WHEREAS, the welfare of the people of the State of New Hampshire requires the convening of the General Court for the purpose of enacting legislation to ensure the State of New Hampshire continues to be responsive to the national economic downturn impacting the fiscal years beginning July 1, 2007 and July 1, 2008, and to ensure that the state budget remains balanced; and

WHEREAS, the Executive Department in calling such a session intends an agenda limited to the following five issues related to the state budget: (1) the bonding of school building aid payments by the state for the fiscal years 2008 and 2009; (2) the repayment of monies from the Pease Development Authority; (3) the sale of the New Hampshire Community College Stratham campus and renovation of its Pease campus; (4) retaining the authority of the Secretary of State to collect electronic filing fees; and (5) correcting the sources of funds for the Fish and Game Department;

NOW THEREFORE, the Governor, with the advice of the Council, on a motion duly seconded, hereby exercise their executive legislative authority under Part 2, Article 50 of the New Hampshire Constitution and summon the General Court to convene in Special Session

on Wednesday, June 4, 2008 following the adjournment of the regular session of the general court on said date.

Governor John H. Lynch

Date: June 4, 2008 at 6:42 p.m.

RESOLUTION

Senator Foster RESOLVED that, the House of Representatives be informed that under the authority of the call of the Special Session by the Governor and Council, the Senate has assembled and is now ready to precede with the business of the 2008 Special Session.

Adopted.

RESOLUTION

Senator Foster RESOLVED that, the 2008 Special Session Senate Rules be adopted by majority vote.

Adopted.

SENATE RULES

NEW HAMPSHIRE SENATE

Rules of the Special Session June 4, 2008

- | | |
|---|---|
| 1. Determination of quorum. | 21. Bills amended only on second reading; filing of Amendments. |
| 2. Members, decorum of. | 22. President to sign bills, etc. |
| 3. Members, conduct when speaking. | 23. Messages sent to House. |
| 4. Members not to speak more than twice. | 24. Messages, when received. |
| 5. President shall recognize whom. | 25. Voting; division of Senate. |
| 6. Questions of order, appeal. | 26. Visitors to Senate. |
| 7. Member, absenting himself. | 27. Hours of meeting. |
| 8. Motions, order of preference. | 28. Rules of Senate, how suspended. |
| 9. Questions postponed indefinitely not acted upon in same Special Session. | 29. Rules of Senate, how rescinded or amended. |
| 10. Questions, when divided. | 30. Committee of the whole. |
| 11. Objections to reading paper, how determined. | 31. President may name member to chair. |
| 12. Roll Call, everyone must vote. | 32. Senate staff; composition and duties. |
| 13. Galleries, clearing of. | 33. Senate staff, days of employment. |
| 14. Reconsideration. | 34. Conflict of Interest. |
| 15. Petitions, introduction of. | 35. Personal privilege. |
| 16. Bills, introduction of. | 36. Appeal, presiding officer ruling. |
| 17. Bills, drafting of. | 37. Motions, no substitution under color of amendment. |
| 18. Resolutions to be treated as bills. | 38. Requisition Approval Required. |
| 19. Bills shall have three readings; Progress of; time for second and third readings. | 39. Requests to the Legislative Budget Assistant. |
| 20. Bills, printing and distribution. | |

1. The President, having taken the chair, shall determine a quorum to be present in the Call for the Special Session and shall immediately call the members to order.
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.
9. A question which is postponed indefinitely shall not be acted upon during the special session 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 or order. 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. The question of whether two or more propositions are capable of division is to be determined by the Chair. Unless otherwise specifically provided for, each part of a divided question shall pass only upon majority vote of those members present and voting.
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 or to the Clerk in open special session prior to adjournment or recess to the call of the chair on the same day on which the vote was passed in special session. Reconsideration of any bills must be acted upon prior to the adjournment or recess to the call of the chair of the special session.

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 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.

17. Drafting of Bills

(a) Enactment of laws, as provided in the Proclamation which resulted in the special session, shall be by bill. No bill, bill amendment, order or resolution shall be introduced into the Senate the subject matter of which is not included in the Proclamation issued by the Governor and Executive Council for the special session.

(b) The Office of Legislative Services shall not accept a request to draft any bill, bill amendment, order or resolution the subject matter of which is not included in the Governor's Proclamation which resulted in the special session.

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

19. 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. 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.

20. After every bill shall have been read a second time, the Clerk shall procure a sufficient number of copies, printed on paper of uniform size, for the use of the senate, and cause the same to be distributed to the members. 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.

21. 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. No amendment to any bill shall be proposed or allowed at any time or by any source except it be germane. Amendments shall have been reviewed by the Office of Legislative Services for form, construction, statutory and chapter reference.

22. 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.

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

24. 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.

25. 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 34. 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.

26. 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.

27. The late session shall immediately follow the early session unless the Senate shall otherwise order.

28. No standing rule of the special session of the Senate shall be suspended unless a majority of the members present and voting vote in favor thereof. This rule shall not apply to Senate Rule 9.

29. No rule of the special session of the Senate shall be rescinded unless the motion has been made and a majority of those present and voting vote therefore. The rules of the special session shall not be amended unless the motion has been made and a majority of those present and voting vote therefore.

30. 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.

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

32. The staff of the Senate shall be comprised of a clerk, an assistant clerk, a sergeant-at-arms, and a doorkeeper who are currently 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.

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

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

35. 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.

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

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

38. 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.

39. Any Senate member may make a request of the office of the Legislative Budget Assistant budget division, for technical staff assistance in the areas of finance, accounting and budgeting. The budget division may respond to that request when doing so will not interfere with the budget division's principle responsibilities as outlined in RSA 14:31-b, as determined by the Legislative Budget Assistant.

HOUSE MESSAGE

The House of Representatives has passed Bill(s) with the following title(s), in the passage of which it asks the concurrence of the Senate:

SS HB 1-FN-A, relative to capital appropriations to the community college system, including the Pease campus renovation; relative to the bonding authority of the Pease development authority; relative to school building aid; relative to the secretary of state handling charge for electronic fee collection; and relative to certain fish and game programs and appropriations.

INTRODUCTION OF HOUSE BILL(S)

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered **SS HB 1-FN-A**, shall be by this resolution read a first and second time by the therein listed title(s).

Adopted.

First and Second Reading

SS HB 1-FN-A, relative to capital appropriations to the community college system, including the Pease campus renovation; relative to the bonding authority of the Pease development authority; relative to school building aid; relative to the secretary of state handling charge for electronic fee collection; and relative to certain fish and game programs and appropriations.

Senator Foster moved Ought to Pass.

Senator Burling moved the question.

Without objection, Senator Larsen moved to close debate.

Senator Gatsas offered a floor amendment.

Sen. Gatsas, Dist. 16
Sen. D'Allesandro, Dist. 20
June 4, 2008
2008-2146s
10/03

Floor Amendment to HB 1-FN-A

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

AN ACT relative to capital appropriations to the community college system, including the Pease campus renovation; relative to the bonding authority of the Pease development authority; relative to school building aid; relative to the secretary of state handling charge for electronic fee collection; relative to certain fish and game programs and appropriations; and relative to carrying beverages into motor vehicle racetracks.

Amend the bill by replacing all after section 14 with the following:

15 New Subparagraph; Race Track Cocktail Lounge Licenses. Amend RSA 178:22, V(n) by inserting after subparagraph (2) the following new subparagraph:

(3) Notwithstanding paragraph III, a commercial motor vehicle racetrack licensed under this section may allow patrons to carry beverages into the facility for on-premises consumption with approval of the commission.

16 Repeal. RSA 178:22, V(n)(3), relative to carrying beverages into commercial motor vehicle racetracks, is repealed.

17 Effective Date.

I. Sections 10-13 of this act shall take effect as provided in section 14 of this act.

II. Section 16 of this act shall take effect October 31, 2008.

III. The remainder of this act shall take effect upon its passage.

2008-2146s

AMENDED ANALYSIS

I. Makes an appropriation to the community college system for the renovation of the Pease campus and specifies that a portion of the bonded appropriation shall be reduced or redeemed by the sale of the Stratham campus.

II. Lapses the unencumbered balance of certain prior appropriations to the community college system.

III. Extends the date by which the Stratham campus shall be transferred to Pease.

IV. Increases the state bonding authority for the Pease development authority and requires the authority to repay the state for a portion of the principal on the outstanding bonds.

V. Authorizes bonding of a portion of the funds appropriated to the capital fund related to school building aid.

VI. Repeals the prospective repeal of the electronic fee handling charge of the secretary of state.

VII. Corrects fish and game department operating budget totals and sources of funds for programs appropriated additional sums by HB 1648-FN of the 2008 regular legislative session.

VIII. Permits the holder of a racetrack cocktail lounge license to carry beverages into the facility for on-premises consumption, until the provision is repealed October 31, 2008.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Kenney, Odell, Roberge, Bragdon, Gatsas, Barnes, Letourneau, Downing.

The following Senators voted No: Reynolds, Sgambati, Burling, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.

Yeas: 9 - Nays: 14

Floor amendment failed.

The question is on the motion of Ought to Pass.

Senator Barnes moved to divide the question.

The question is on the adoption of sections 1, 2, 3, 4, 5, 6 and 15.

Adopted.

The question is on the adoption of sections 9, 10, 11, 12, 13, 14 and 15.

Adopted.

Senator Estabrook moved the question.

Without objection, Senator Larsen moved to close debate.

The question is on the adoption of sections 7, 8 and 15.

A roll call was requested by Senator Gatsas.

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, Gatsas, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 9

Adopted.

Ordered to Third Reading.

INTRODUCTION OF SENATE BILL(S)

Senator D'Allesandro offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, Senate legislation numbered **SS SB 1**, shall be by this resolution read a first and second time by the therein listed title(s).

Adopted.

First and Second Reading

08-2933

SS SB 1, relative to temporary permitting carrying beverages into motor vehicle racetracks. (D'Allesandro, Dist 20; Barnes, Dist 17; Bragdon, Dist 11; Burling, Dist 5; Cilley, Dist 6;

DeVries, Dist 18; Downing, Dist 22; Estabrook, Dist 21; Foster, Dist 13; Fuller Clark, Dist 24; Gallus, Dist 1; Gatsas, Dist 16; Gottesman, Dist 12; Hassan, Dist 23; Janeway, Dist 7; Kelly, Dist 10; Kenney, Dist 3; Larsen, Dist 15; Letourneau, Dist 19; Odell, Dist 8; Reynolds, Dist 2; Roberge, Dist 9; Sgambati, Dist 4)

SS SB 1, relative to temporary permitting carrying beverages into motor vehicle racetracks.

Senator D'Allesandro moved Ought to Pass.

Senator D'Allesandro moved the question.

Without objection, Senator Larsen moved to close debate.

The question is on the motion of Ought to Pass.

A roll call was requested by Senator Barnes.

Seconded by Senator Gatsas.

The following Senators voted Yes: Gallus, Reynolds, Kenney, Sgambati, Burling, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gottesman, Foster, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Estabrook, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Ordered to Third Reading.

RESOLUTION

Senator Foster moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that all Special Session bills ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted and that they be passed at the present time.

Adopted.

LATE SPECIAL SESSION

Third Reading and Final Passage

SS SB 1, relative to temporary permitting carrying beverages into motor vehicle racetracks.

SS HB 1-FN-A, relative to capital appropriations to the community college system, including the Pease campus renovation; relative to the bonding authority of the Pease development authority; relative to school building aid; relative to the secretary of state handling charge for electronic fee collection; and relative to certain fish and game programs and appropriations.

RESOLUTION

Senator Foster moved that the Senate stand in recess for the sole purpose of sending and receiving messages, and the purpose of enrolling SS HB 1-FN-A and SS SB 1 and at the completion of which this Special Session of the Senate will stand adjourned.

Adopted.

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):

SS HB 1-FN-A, relative to capital appropriations to the community college system, including the Pease campus renovation; relative to the bonding authority of the Pease development authority; relative to school building aid; relative to the secretary of state handling charge for electronic fee collection; and relative to certain fish and game programs and appropriations.

Senator D'Allesandro moved adoption.

Adopted.

Adjourned.