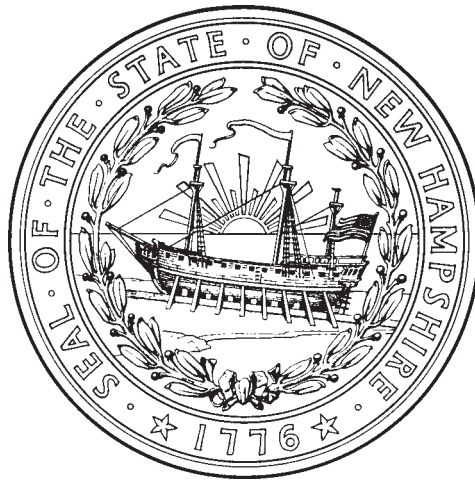


December 3, 2008

STATE OF NEW HAMPSHIRE

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



161st Session of the New Hampshire General Court

Legislative Proceedings

SENATE JOURNAL

ORGANIZATION DAY

DECEMBER 3, 2008 SESSION

SENATE JOURNAL

December 3, 2008

ORGANIZATION DAY

The Honorable Tammy L. Wright, Clerk of the Senate, called the Senate to order at 10:00 a.m.

The Reverend Canon Charles D. Lafond, chaplain to the Senate, offered the following remarks and prayer:

The church, like the state and the nation, will find the end of patriarchy very difficult and wonderfully freeing. As I look around this room at the mural on the wall, I can't help but notice that there are these big, burly, strident men, and this one woman prominently bent over, hiding her hands in her apron. But it is a new day, as we look around this room. And I would just say, as you strike into this day, remember how very powerful the ink is in your pen; those drops of ink can do great good and great harm. May God assist you with every stroke. Please pray with me:

God of the Universe, you seem always to be peeling back our pretenses and our pride so as to expose our love and our kindness. Guide this Senate and those who love and support them. Write your ink of love on their hearts.
Amen

Sen. Gallus led the Pledge of Allegiance.

The Honorable Tammy L. Wright, Clerk of the Senate, called the Roll of the Senate for attendance. There were 24 members present.

OATH OF OFFICE FOR SENATORS

The Honorable John H. Lynch, Governor of the State of New Hampshire, accompanied by the Honorable Governor's Council, having come into the Senate Chamber, duly administered the Oath of Office to the newly elected and re-elected Senators:

GOVERNOR JOHN H. LYNCH: Well, good morning. I'm delighted to be here to swear you in. First of all, let me congratulate you all on your elections and re-elections. I want to thank you for your service. We have a lot of challenging times ahead of us as a state, and I very much look forward to working with each and every one of you, to continue to make progress for the people of our great state. So thank you for your service.

With that, I'm going to ask you to raise your right hands, please, and repeat after me.

I, state your name, of the town or city in which you live, do solemnly swear that I will bear faith and true allegiance to the United States of America and the State of New Hampshire, and will support the Constitutions thereof, so help me God.

I, state your name, do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as state Senator, according to the best of my abilities, agreeably to the rules and regulations of this Constitution and Laws of the State of New Hampshire, so help me God.

WHEREUPON, the Governor and Council witnessed the signing of the oath by each of the following individual Senators, verifying that these are duly qualified as Senators pursuant to the provisions of the New Hampshire Constitution:

District No. 1, John T. Gallus; District No. 2, Deborah R. Reynolds; District No. 3, William P. Denley; District No. 4, Kathleen G. Sgambati; District No. 5, Matthew Houde; District No. 6, Jacalyn L. Cilley; District No. 7, Harold W. Janeway; District No. 8, Bob Odell; District No. 9, Sheila Roberge; District No. 10, Molly M. Kelly; District No. 11, Peter E. Bragdon; District No. 12, Peggy Gilmour; District No. 13, Bette R. Lasky; District No. 14, Sharon M. Carson; District No. 15, Sylvia B. Larsen; District No. 16, Theodore L. Gatsas; District No. 17, John S. Barnes, Jr.; District No. 18, Betsi DeVries; District No. 19, Robert J. Letourneau; District No. 20, Lou D'Allesandro; District No. 21, Amanda Merrill; District No. 22, Michael W. Downing; District No. 23, Margaret Wood Hassan; District No. 24, Martha Fuller Clark.

NOMINATIONS FOR TEMPORARY PRESIDING OFFICER

The Honorable Tammy L. Wright, Clerk of the Senate, asked for nominations for Temporary Presiding Officer. Sen. Larsen nominated the Honorable Joseph A. Foster for Temporary Presiding Officer.

Sen. Lasky seconded the nomination.

There were no further nominations.

Nomination adopted.

The Honorable Joseph A. Foster was elected Temporary Presiding Officer.

The Clerk of the Senate requested Senators Kelly and Houde to escort the Honorable Joseph A. Foster, Temporary Presiding Officer, to the rostrum.

RESOLUTION

The Honorable Joseph A. Foster, Temporary Presiding Officer, recognized Sen. Hassan for a Resolution.

Sen. Hassan offered the following Resolution:

RESOLVED, that the Rules of the 2007-2008 Session be adopted as the Rules of the 2009-2010 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 four legislative days.

PROPOSED CHANGES TO SENATE RULES

Amend Senate Rule 29 by replacing with the following:

Amendment to Senate Rule 29

The new language is bold, italicized, and underlined

29. The standing committees of the Senate shall be as follows: the Committee on Capital Budget, the Committee on Commerce, Labor and Consumer Protection, the Committee on Education, the Committee on Election Law and **Veterans'** Affairs, the Committee on Energy, Environment and Economic Development, the Committee on Executive Departments and Administration, the Committee on Finance, the Committee on Health and Human Services, the Committee on Judiciary, the Committee on Public and Municipal Affairs, the Committee on Rules and Enrolled Bills, the Committee on Transportation and Interstate Cooperation, the Committee on Ways and Means and the Committee on Wildlife, Fish and Game and Agriculture.

Amend Senate Rule 48 by replacing with the following:

Amendment to Senate Rule 48

48. Deadlines:

- (a) Friday, December 05, 2008, 4:00 p.m. - Last day for the Office of Legislative Services to accept drafting of a Senate Bill or Resolution with complete information for the 2009 Session.
- (b) Monday, January 12, 2009, at 4:00 p.m. - Last day to sign-off legislation for the above filing period.
- (c) Friday, January 16, 2009, at 4:00 p.m. - Last day to sign-off legislation for a Senate Bill recommended by a Study Committee or Commission created by a Senate Bill.
- (d) Monday, February 23, 2009 - Friday, February 27, 2009: SENATE BREAK.
- (e) Thursday, March 05, 2009 - Deadline for Policy Committees to ACT on all Senate money bills, except bills exempted pursuant to Senate Rule 26(b).
- (f) Wednesday, March 25, 2009 - CROSSOVER - Last day to ACT on all remaining Senate Bills.
- (g) Thursday, May 07, 2009 - Deadline for Policy Committees to ACT on all House money bills, except bills exempted pursuant to Senate Rule 26(b).
- (h) Wednesday, May 27, 2009 - Last day to ACT on all remaining House bills.
- (i) Wednesday, June 10, 2009 - Last day to FORM Committees of Conference.
- (j) Thursday, June 18, 2009 at 12:00 p.m. - Last day to SIGN Committee of Conference Reports.
- (k) Wednesday, June 24, 2009 - Last day to ACT on Committee of Conference Reports.

Resolution adopted.

NOMINATIONS FOR PRESIDENT OF THE SENATE

The Honorable Joseph A. Foster, Temporary Presiding Officer, asked for nominations for the President of the New Hampshire Senate.

Sen. Hassan nominated the Honorable Sylvia B. Larsen for the President of the New Hampshire Senate.

Sen. D'Allesandro seconded the nomination.

There were no further nominations.

Nomination adopted.

The Honorable Sylvia B. Larsen was elected President of the New Hampshire Senate.

The Honorable Joseph A. Foster, Temporary Presiding Officer requested Senators DeVries and Janeway to escort Sen. Sylvia B. Larsen, President of the New Hampshire Senate, to the rostrum.

SENATE PRESIDENT'S MESSAGE TO THE SENATE

PRESIDENT OF THE SENATE, SYLVIA B. LARSEN: So it's amazing to be back here, and thank you, thank you for this great honor. It's wonderful to see all of you returning Senators here today, and to welcome our new Senators. I'm honored by, and thank you for, the trust you have placed in me as the President of the New Hampshire Senate. I look forward to the challenges ahead, knowing we have so many smart and hard-working lawmakers here in this Chamber. As you know, the elections in November added several new women Senators to our ranks, making New Hampshire the first state in the nation with a legislative body that is a majority female. The fact has drawn considerable media attention, and today we have a TV crew from *Good Morning, America* attending our proceedings. Welcome.

A few weeks ago when we were interviewed on national television, one of our new Senators mentioned that New Hampshire's state pastime, or state hobby, is politics. I don't know if we need legislation now to make that official, placing it alongside of our new state fruit. (Laughter) But, official or not, politics has been our state hobby for a very long time. While the history of women being elected didn't start until the 1921 passage of voting rights for women, since then it's been a tradition that women in New Hampshire have increasingly embraced. As the first-in-the-nation Primary state, we are always glad to lead the way. We're also glad to mark this milestone for the nation today with our female majority. As we do so, I want to take a moment to honor those who have led the way. And for our male colleagues, I hope you will bear with us as we take a moment to acknowledge this achievement. While a millennium has passed full of "his" story, it wasn't until 1900s that "her" story, the story of half the human population, began to make its mark in politics.

In 1921, as soon as women won the right to vote, New Hampshire elected its first two women lawmakers to the House: Representatives Mary Louise Ralph Farnum of Boscawen, and

Ms. Jessie Doe of Rollinsford. Nine years later, in 1930, the New Hampshire elected its first woman to the Senate, Senator Maude Ferguson of Bristol, who came to this Chamber after serving two terms in the House. It wasn't until 1977 that the first woman was elected to the Executive Council: Dudley Dudley, Councilor Dudley Dudley. And of course, as we walk past the many bearded portraits of our male predecessors, we come to the portrait of the first female Senate President, outside this Senate Chambers: Senator Vesta Roy of Salem, chosen by her peers to lead this body in 1983. More recently, Congresswoman Carol Shea-Porter became our first female Congressional Representative in 2006, and Senator-Elect Jeanne Shaheen represents both our first U.S. Senator and former Governor. We offer them our thanks.

Today marks a first. And like all barriers being broken, it's a welcomed first that hopefully assists in further reducing the barriers of discrimination based on race, creed, color, sex or national origin. We owe thanks not only to those who came before us, but to those who made it possible for us to be here today. While it is festive to celebrate this historic occasion, true equality will come when electing women or persons of color is no longer a news story. To our families, our friends, and all of our campaign workers, we thank you for making this possible, for us to give our best. We also thank our constituents for their votes and for their ongoing interest in what happens in this building. You don't have to be elected in this state to share our "state hobby." New Hampshire citizens will continue to be active participants, testifying in committees and sharing their concerns with us, both inside and outside the building. Men and Women have long worked together on school boards, city councils, in state government, to bring the best of their ideas to improving our state and our communities. So when the voters went to the polls last month, they weren't looking to create the first female Senate majority; they were picking from a very talented slate of candidates, many of whom happened to be women. We've all come to share together our unique set of experiences, women and men, but we share a desire to contribute the best we have to this state. I fully expect public service will continue to be a way of life here in New Hampshire.

To my fellow Senators, I thank you for your effort and dedication, and I look forward to working together in the months to come. In the end, it will be our “agenda” for the state, not our “gender” that will make the difference for the good people of this state. Let us pledge to seek common ground, to listen, to persist and respect one another, remembering we are all here out of commitment to public service. Given this historic day, it is fitting that I end my remarks quoting Eleanor Roosevelt as she described public service: “In a democratic society we must living cooperatively and serve the community in which we live to the best of our ability. For our own successes to be real, it must contribute to the success of others.” In the difficult months ahead, may we remember that it is not only our own success that will be the mark we leave behind, but whether we have helped others, including future generations, to succeed. I believe we are up to the task. And I thank you for the honor of working with you to make this biennium a success. Thank you again.

NOMINATIONS FOR CLERK OF THE SENATE

President Larsen asked for nominations for Clerk of the Senate.

Sen. Sgambati nominated the Honorable Tammy L. Wright for Clerk of the Senate.

Sen. Bragdon seconded the nomination.

There were no further nominations.

Nomination adopted.

The Honorable Tammy L. Wright was elected Clerk of the New Hampshire Senate.

NOMINATIONS FOR ASSISTANT CLERK OF THE SENATE

President Larsen asked for nominations for Assistant Clerk of the Senate.

Sen. Hassan nominated the Honorable Robert M. Buchholz for Assistant Clerk of the Senate.

Sen. Roberge seconded the nomination.

There were no further nominations.

Nomination adopted.

The Honorable Robert M. Buchholz was elected Assistant Clerk of the New Hampshire Senate.

NOMINATIONS FOR SERGEANT-AT-ARMS OF THE SENATE

President Larsen asked for nominations for Sergeant-at-Arms of the Senate.

Sen. D'Allesandro nominated the Honorable Carleton K. Marshall for Sergeant-At-Arms of the Senate.

Sen. Kelly seconded the nomination.

There were no further nominations.

Nomination adopted.

The Honorable Carleton K. Marshall was elected Sergeant-At-Arms of the New Hampshire Senate.

OATH OF OFFICE FOR SENATE OFFICERS

President Larsen duly administered the Oath of Office to the Clerk of the Senate, Assistant Clerk of the Senate, and the Sergeant-At-Arms of the Senate:

PRESIDENT LARSEN: Please raise your right hand and where appropriate state your name and repeat after me:

I, (state your name), do solemnly swear that I will bear faith and true allegiance to the United States of America and the State of New Hampshire, and will support the Constitution thereof. So help me God.

I (state your name), do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as (state your position), according to the best of my abilities, agreeably to the rules and regulations of this Constitution and laws of the State of New Hampshire. So help me God.

RESOLUTION

Sen. Hassan 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.

Resolution 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 4, 2008:

COMMITTEE REPORT**FIRST DISTRICT**

John Gallus, r	13,395
Martha Stroup McLeod, d	<u>11,662</u>
Plurality for Gallus	1,733

SECOND DISTRICT

Deborah R. Reynolds, d	16,937
William B. Tobin, r	<u>12,322</u>
Plurality for Reynolds	4,615

THIRD DISTRICT

William P. Denley, r	14,281
Bud Martin, d	<u>13,755</u>
Plurality for Denley	526

FOURTH DISTRICT

Kathleen Sgambati, d	14,532
Gregory J. Knytych, r	<u>12,486</u>
Plurality for Sgambati	2,046

FIFTH DISTRICT

Matthew Houde, d	17,994
James W. Danforth, r	<u>9,140</u>
Plurality for Houde	8,854

SIXTH DISTRICT

Jackie Cilley, d	14,884
Fenton Groen, r	<u>11,415</u>
Plurality for Cilley	3,469

SEVENTH DISTRICT

Harold Janeway, d	14,153
Andy Sanborn, r	<u>13,076</u>
Plurality for Janeway	1,077

EIGHTH DISTRICT

Bob Odell, r	15,985
Jay Phinizy, d	<u>10,999</u>
Plurality for Odell	4,986

NINTH DISTRICT

Sheila Roberge, r	17,761
Michael Kaelin, d	<u>13,150</u>
Plurality for Roberge	4,611

TENTH DISTRICT

Molly Kelly, d	15,775
Thomas R. Eaton, r	<u>11,439</u>
Plurality for Kelly	4,336

ELEVENTH DISTRICT

Peter Bragdon, r	16,790
Steve Spratt, d	<u>12,330</u>
Plurality for Bragdon	4,460

TWELFTH DISTRICT

Peggy Gilmour, d	12,510
Paul G. LaFlamme, Jr., r	11,655
Betty B. Hall, ind. mod	<u>2,690</u>
Plurality for Gilmour	855

THIRTEENTH DISTRICT

Bette R. Lasky, d	10,381
Sandra L. Ziehm, r	<u>7,283</u>
Plurality for Lasky	3,098

FOURTEENTH DISTRICT

Sharon M. Carson, r	14,106
Sandy Amlaw, d	<u>9,902</u>
Plurality for Carson	4,204

FIFTEENTH DISTRICT

Sylvia B. Larsen, d	17,881
Kristie MacNeil, r	<u>8,625</u>
Plurality for Larsen	9,256

SIXTEENTH DISTRICT

Theodore L. Gatsas, r	16,116
Bob Backus, d	<u>12,241</u>
Plurality for Gatsas	3,875

SEVENTEENTH DISTRICT

John S. Barnes, Jr., r	17,470
Chaz Proulx, d	<u>10,212</u>
Plurality for Barnes, Jr.	7,258

EIGHTEENTH DISTRICT

Betsi DeVries, d	12,512
Doug Kruse, r	<u>10,547</u>
Plurality for DeVries	1,965

NINETEENTH DISTRICT

Bob Letourneau, r	15,516
Daphne Kenyon, d	<u>9,444</u>
Plurality for Letourneau	6,072

TWENTIETH DISTRICT

Lou D'Allesandro, d	13,461
Jason Sakellar, r	<u>6,950</u>
Plurality for D'Allesandro	6,511

TWENTY-FIRST DISTRICT

Amanda Merrill, d	17,970
Kelly Remick Halldorson, r	<u>8,726</u>
Plurality for Merrill	9,244

TWENTY-SECOND DISTRICT

Mike Downing, r	16,436
Paul L. Dadak, d	<u>10,313</u>
Plurality for Downing	6,123

TWENTY-THIRD DISTRICT

Maggie Wood Hassan, d	17,212
Marshall Quandt, r	<u>12,877</u>
Plurality for Hassan	4,335

TWENTY-FOURTH DISTRICT

Martha Fuller Clark, d	19,888
Christian Callahan, r	<u>12,128</u>
Plurality for Clark	7,760

RESOLUTION

Sen. Hassan 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.

Resolution adopted.

President Larsen appointed Senators Hassan, Fuller Clark and Bragdon to serve as the Select Committee to examine the vote totals.

Recess/Out of recess.**SELECT COMMITTEE REPORT**

Sen. Hassan 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 votes returned from the several districts to be correct.

Sen. Hassan moved to adopt the report.

Select Committee Report adopted.**RESOLUTION**

Sen. Hassan 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.

Resolution adopted.**INTRODUCTION OF GUESTS****HOUSE MESSAGE**

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

RESOLUTION

Sen. Hassan 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.

Resolution adopted.**In Recess for Joint Convention/Out of Recess.****ADJOURNMENT FROM THE EARLY SESSION**

Sen. Hassan moved that the Senate now adjourn from the Early Session and that the business of the Late Session be in order at this time.

Motion adopted.**Adjourned from the Early Session.**

LATE SESSION**ANNOUNCEMENTS****ADJOURNMENT TO CALL OF THE CHAIR**

Sen. Hassan moved that the Senate, having organized and completed its business for the day, now adjourn to the call of the Chair.

Motion adopted.

The Senate is adjourned to the Call of the Chair.

RULES OF THE SENATE 2009 – 2010

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|---|---|
| 1. Determination of quorum; correction of Journal. | 25. Amended bills, printed distributed and disposed of. |
| 2. Members, decorum of. | 26. Referral of Bills to Finance Committee. |
| 3. Members, conduct when speaking. | 27. President to sign bills, etc. |
| 4. Members not to speak more than twice. | 28. Committees, appointment of. |
| 5. President shall recognize whom. | 29. Standing Committees. |
| 6. Questions of order, appeal. | 30. Messages sent to House. |
| 7. Member, absenting himself. | 31. Messages, when received. |
| 8. Motions, order of preference. | 32. Voting; division of Senate. |
| 9. Questions postponed indefinitely not acted upon in same biennium. | 33. Visitors to Senate. |
| 10. Questions, when divided. | 34. Hours of meeting. |
| 11. Objections to reading paper, how determined. | 35. Rules of Senate, how suspended. |
| 12. Roll Call, everyone must vote. | 36. Rules of Senate, how rescinded. |
| 13. Galleries, clearing of. | 37. Committee of the whole. |
| 14. Reconsideration. | 38. President may name member to chair. |
| 15. Petitions, introduction of. | 39. Senate staff; composition and duties. |
| 16. Bills; shall be numbered and expressed clearly. | 40. Senate staff, days of employment. |
| 17. Bills, introduction of. | 41. Committees, reports and meetings. |
| 18. Bills, drafting of. | 42. Conflict of Interest. |
| 19. Committees of Conference. | 43. Committee of Conference reports. |
| 20. Resolutions to be treated as bills. | 44. Personal privilege. |
| 21. Bills shall have three readings; Progress of; time for second and third readings. | 45. Appeal, presiding officer ruling. |
| 22. Bills, printing and distribution. | 46. Motions, no substitution under color of amendment. |
| 23. Bills amended only on second reading; filing of amendments. | 47. Requisition Approval Required. |
| 24. Public hearings to be held and advertised. | 48. Deadlines |
| | 49. Requests to the Legislative Budget Assistant |

RULES OF THE SENATE 2009 – 2010

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 the 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 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 Senate bill, Senate joint resolution, 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, rerefer 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 rereferred 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. Referral of Bills to Finance Committee

(a). Every bill and joint resolution appropriating money, and every other bill which is accompanied by a fiscal note pursuant to RSA 14:44, which has been referred to another committee and favorably accepted by the Senate, shall be committed to the Finance Committee for review. All bills which are referred directly to the Finance Committee shall have a hearing.

(b). The Chair of a standing committee may request the Chair of the Finance Committee to exempt from review a bill that is subject to a fiscal note pursuant to RSA 14:44, but which the Chair of the Finance Committee believes has an undetermined or insignificant fiscal impact. The Chair of the Finance Committee shall announce on the floor all such bills exempted from review as soon as practicable after receipt of the request.

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 Capital Budget, the Committee on Commerce, Labor and Consumer Protection, the Committee on Education, the Committee on Election Law and Veterans' Affairs, the Committee on Energy, Environment and Economic Development, the Committee on Executive Departments and Administration, the Committee on Finance, the Committee on Health and Human Services, the Committee on Judiciary, the Committee on Public and Municipal Affairs, the Committee on Rules and Enrolled Bills, the Committee on Transportation and Interstate Cooperation, the Committee on Ways and Means and the Committee on Wildlife, Fish and Game and Agriculture.

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) Friday, December 05, 2008, 4:00 p.m. - Last day for the Office of Legislative Services to accept drafting of a Senate Bill or Resolution with complete information for the 2009 Session.

(b) Monday, January 12, 2009, at 4:00 p.m. - Last day to sign-off legislation for the above filing period.

(c) Friday, January 16, 2009, at 4:00 p.m. - Last day to sign-off legislation for a Senate Bill recommended by a Study Committee or Commission created by a Senate Bill.

(d) Monday, February 23, 2009 - Friday, February 27, 2009: SENATE BREAK.

(e) Thursday, March 05, 2009 - Deadline for Policy Committees to ACT on all Senate money bills, except bills exempted pursuant to Senate Rule 26(b).

(f) Wednesday, March 25, 2009 - CROSSOVER - Last day to ACT on all remaining Senate Bills.

(g) Thursday, May 07, 2009 - Deadline for Policy Committees to ACT on all House money bills, except bills exempted pursuant to Senate Rule 26(b).

(h) Wednesday, May 27, 2009 - Last Day to ACT on all remaining House bills.

(i) Wednesday, June 10, 2009 - Last Day to FORM Committees of Conference.

(j) Thursday, June 18, 2009 at 12:00 p.m. - Last day to SIGN Committee of Conference Reports.

(k) Wednesday, June 24, 2009 - Last day to ACT on Committee of Conference Reports.

49. 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.