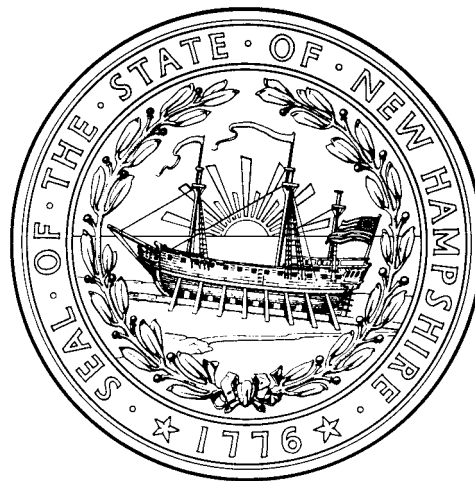


December 1, 2010

# **STATE OF NEW HAMPSHIRE**

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**162<sup>nd</sup> Session of the New Hampshire General Court**

**Legislative Proceedings**

## **SENATE JOURNAL**

**ORGANIZATION DAY**

**DECEMBER 1, 2010 SESSION**

# SENATE JOURNAL 1

*December 1, 2010*

## 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 LaFond, chaplain to the Senate, offered the following remarks and prayer:

I will let you in on a little theological secret that many people don't know about. Do you know those passages in scripture where everybody begats everybody else? Joseph begats Isaac and Isaac begats Jacob, and so on and so forth. And, people in the pews sort of sit there and start rolling their eyes, and the readers start muffling a snicker, and it goes on for ages. And, people wonder, 'What is that place for?' Those begats, those long lists of begats, mark a place; they're a place-marker. They say that whatever follows that is extremely important.

The reason I mention this is because that's how God works, by gathering together a group of people who are community – whether they're community through the past, or whether they're community in the present. You've been gathered together by the process through which you've been working, and now you're a community. And, the important thing now is to remember that as you work, and whatever religious tradition you're from, whatever God or force assists you, that you're being gathered together to work not as individuals, but as a body, working together, trusting and vulnerable with each other. Let us pray.

*God of all changelessness, be present in this new body and in this new potential for new leadership. Be present amongst us as we work to improve the lives of the people of New Hampshire, whom You love so desperately.*  
*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

At this time, on the first Wednesday in December, in the year of our Lord, two thousand and ten, being the day prescribed by the Constitution for the legislature of New Hampshire to assemble and the Honorable John H. Lynch, Governor of the State of New Hampshire, accompanied by the Honorable Executive 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.

GOVERNOR JOHN H. LYNCH: Thank you very much. Good morning, everybody. Could I ask everybody except the State Senators to please have a seat?

First of all, let me say to all of you, congratulations on your election or your reelection; I very much look forward to working with each of you. And, for those of you who don't know me, I'm very accessible; I'm around the State House a lot. So, I am here to help you any way I possibly can, and I mean that sincerely.

So, with that, I'd like to ask you all to raise your right hand.

*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 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 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.*

GOVERNOR JOHN H. LYNCH: Congratulations.

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, Jeanie Forrester  
District No. 3, Jeb Bradley  
District No. 4, Jim Forsythe  
District No. 5, Matthew Houde  
District No. 6, Fenton Groen  
District No. 7, Andy Sanborn  
District No. 8, Bob Odell  
District No. 9, Ray White  
District No. 10, Molly M. Kelly  
District No. 11, Peter E. Bragdon  
District No. 12, Jim Luther  
District No. 13, Gary Lambert  
District No. 14, Sharon M. Carson  
District No. 15, Sylvia B. Larsen  
District No. 16, David Boutin  
District No. 17, John S. Barnes, Jr.  
District No. 18, Tom De Blois  
District No. 19, Jim Rausch  
District No. 20, Lou D'Allesandro  
District No. 21, Amanda Merrill  
District No. 22, Chuck Morse  
District No. 23, Russell Prescott  
District No. 24, Nancy F. Stiles

#### **NOMINATIONS FOR TEMPORARY PRESIDING OFFICER**

The Honorable Tammy L. Wright, Clerk of the Senate, stated that nominations for Temporary Presiding Officer are in order.

Sen. Bragdon nominated the Honorable Former Chief Justice John T. Broderick, Jr. for Temporary Presiding Officer

Sen. Larsen seconded the nomination.

Sen. Rausch moved that the nominations for Temporary Presiding Officer be closed.

**Adopted.**

**The Former Chief Justice John T. Broderick, Jr. was elected Temporary Presiding Officer.**

The Clerk of the Senate requested Senators Prescott and Larsen to escort the Honorable Former Chief Justice John T. Broderick, Jr., Temporary Presiding Officer, to the rostrum.

#### **NOMINATIONS FOR PRESIDENT OF THE SENATE**

The Honorable Chief Justice John T. Broderick, Jr., Temporary Presiding Officer, stated that nominations for the President of the New Hampshire Senate are in order.

Sen. Barnes nominated the Honorable Peter E. Bragdon for the President of the New Hampshire Senate.

Sen. D'Allesandro seconded the nomination.

Sen. Forrester moved that the nominations for President of the Senate be closed.

**Adopted.**

**The Honorable Peter E. Bragdon was elected President of the New Hampshire Senate.**

The Honorable Chief Justice John T. Broderick, Jr., Temporary Presiding Officer, requested Senators Boutin and Gallus to escort Senator Peter E. Bragdon, President of the New Hampshire Senate, to the rostrum.

**SENATE PRESIDENT'S MESSAGE TO THE SENATE**

PRESIDENT OF THE SENATE, PETER E. BRAGDON: Thank you. Please be seated.

I'm honored today to stand before you, my fellow Senators and friends, to accept the position of Senate President. For this great honor and the opportunity to serve, I am thankful to all of you.

I would like to thank Governor Lynch and the Executive Council for taking time out of an extremely busy schedule this week to participate in today's events.

I would also like to thank Chief Justice Broderick for serving as our Presiding Officer today. As you know, he retired yesterday as Chief Justice of the New Hampshire Supreme Court, the highest position in the Judicial Branch of state government. Today, as presiding officer of the New Hampshire State Senate, he held, for a small window of time, the highest position in the Legislative Branch. Who knows? With a little luck tomorrow, perhaps Governor Lynch can help him get the hat trick.

Of course, I would be remiss if I did not also express my thanks and the thanks of us all to those of our friends and family who are able to join us today in these tight quarters. Your support for us in our endeavors has been crucial, and we ask for your continued support and encouragement over these next two years. Please take a moment and give a round of applause for those friends and supporters and families who are with us today.

My friends and colleagues, we face a very difficult financial challenge in the coming months. I do not think that's much of a matter of dispute. Although campaign season provided a very good opportunity to debate issues related to why we find ourselves in this situation, campaign season is over, thankfully. We must now focus our attention and our efforts on how to address this situation. We must work together to identify our challenges and work together to craft solutions. The people who elected each of us expect that from us. That is not to say we will always agree on all matters, nor that the people who elected us expect us to always agree on all matters. To paraphrase a former school board member I worked with, "If 24 of us agree with each other all the time, then 23 of us are unnecessary." Rather, the people who elected us expect us to discuss issues and possible solutions in a respectful manner, being willing to listen to our colleagues, those who hold opposing views, and respecting their convictions. After the final votes are cast, each side should know they had a fair chance to present their case. With that in mind, I would like to thank Senator Larsen for her leadership over the past four years. As Minority Leader for the last two years, I can say the minority always had the opportunity to present our case in a process that was fair and open. She has set an example I hope to be able to follow.

For a period of time, as many of you know, I ran a community newspaper in Milford. In my opinion section, I strongly encouraged writers to keep their op-ed pieces to around 600 words, because after that, it becomes hard for the reader to maintain the needed attention level. For the same reason, when I chair Senate committees, I encourage speakers to keep their remarks to three minutes or less. And, I hope the lobbyists are listening today. I see that I am in danger of exceeding both my 600-word limit and the three-minute mark, so I will close by saying this: Once again, thanks to you, my Senate colleagues, for allowing me to serve as your Senate President. The challenges before us are daunting, but that will give us even more satisfaction when we look back at all we've accomplished. Thank you very much.

**RESOLUTION NO. 1**

The Honorable Peter E. Bragdon, President of the New Hampshire Senate, recognized Sen. Bradley for a Resolution.

Sen. Bradley offered the following Resolution:

RESOLVED, that the Rules of the 2009-2010 Session be adopted as the Rules of the 2011-2012 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 three legislative days.

**PROPOSED CHANGES TO SENATE RULES****New Rules Format**

Senate Rules to appear in a new format.

**Amendment to Senate Rule 29**

29. Standing Committees.

Amend Senate Rule 29 by replacing with the following:

**New Language:**

29. The standing committees of the Senate shall be as follows: the Committee on Capital Budget, the Committee on Commerce, 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, the Committee on Ways and Means and the Committee on Wildlife, Fish and Game and Agriculture.

**Old Language:**

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.

**Amendment to Senate Rule 48**

Amend Senate Rule 48 by inserting (b) and (c) with the following:

**48. Deadlines:**

(b) The Office of Legislative Services shall not draft a Senate Bill, Senate Concurrent Resolution, or Senate Joint Resolution, unless a request by a member for drafting with complete information has been received not later than 2:00 p.m., Friday, December 10, 2010, for the 2011 Session.

(c) Tuesday, January 18, 2011, at 12:00 p.m. - The Last Day to sign-off legislation for the above filing period.

**Adopted.****NOMINATIONS FOR CLERK OF THE SENATE**

President Bragdon stated that nominations for Clerk of the Senate are in order.

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

Sen. Barnes seconded the nomination.

Sen. Bradley moved that the nominations for Clerk of the Senate be closed.

**Adopted.**

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

**OATH OF OFFICE FOR SENATE OFFICER**

President Bragdon duly administered the Oath of Office to the Clerk of the Senate:

PRESIDENT BRAGDON: 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 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 NO. 2**

Sen. Bradley 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 Gardner, Secretary of State, appeared and presented the return of votes for State Senators from the various Senatorial Districts, as returned to the Secretary of State's Office from the General Election held November 2, 2010.

### COMMITTEE REPORT

The selected committee to whom was referred the various returns 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 and the records in the office of said Secretary, report that they filed the state of the vote returned from the several districts as follows:

#### FIRST DISTRICT

John Gallus, r	11,021
Dorothy Solomon, d	<u>6,113</u>
Plurality for Gallus	<b>4,908</b>

#### SECOND DISTRICT

Jeanie Forrester, r	11,362
Deborah Reynolds, d	<u>9,414</u>
Plurality for Forrester	<b>1,948</b>

#### THIRD DISTRICT

Jeb Bradley, r	13,716
Beverly Woods, d	<u>7,405</u>
Plurality for Bradley	<b>6,311</b>

#### FOURTH DISTRICT

Jim Forsythe, r	11,737
Andrew J. Hosmer, d	<u>7,117</u>
Plurality for Forsythe	<b>4,620</b>

#### FIFTH DISTRICT

Matthew Houde, d	11,014
James W. Danforth, r	<u>7,465</u>
Plurality for Houde	<b>3,549</b>

#### SIXTH DISTRICT

Fenton Groen, r	9,345
Jackie Cilley, d	<u>7,854</u>
Plurality for Groen	<b>1,491</b>

#### SEVENTH DISTRICT

Andy Sanborn, r	10,816
Michele L. Tremblay, d	<u>8,887</u>
Plurality for Sanborn	<b>1,929</b>

#### EIGHTH DISTRICT

Bob Odell, r	12,631
Harold E. Perkins, d	<u>5,688</u>
Plurality for Odell	<b>6,943</b>

#### NINTH DISTRICT

Ray White, r	14,599
Bob Jones, d	<u>7,421</u>
Plurality for White	<b>7,178</b>

#### TENTH DISTRICT

Molly Kelly, d	9,042
Tom Eaton, r	<u>7,742</u>
Plurality for Kelly	<b>1,300</b>

**ELEVENTH DISTRICT**

Peter Bragdon, r	13,070
Roger H. Tilton, d	<u>7,319</u>
Plurality for Bragdon	<b>5,751</b>

**TWELFTH DISTRICT**

Jim Luther, r	9,876
Peggy Gilmour, d	<u>8,811</u>
Plurality for Luther	<b>1,065</b>

**THIRTEENTH DISTRICT**

Gary E. Lambert, r	5,886
Bette R. Lasky, d	<u>5,204</u>
Plurality for Lambert	<b>682</b>

**FOURTEENTH DISTRICT**

Sharon M. Carson, r	11,350
Tammy Marie Siekmann, d	<u>5,131</u>
Plurality for Carson	<b>6,219</b>

**FIFTEENTH DISTRICT**

Sylvia B. Larsen, d	12,069
Chris Wood, r	<u>7,496</u>
Plurality for Larsen	<b>4,573</b>

**SIXTEENTH DISTRICT**

David Boutin, r	11,678
Kathleen M. Kelley, d	<u>8,500</u>
Plurality for Boutin	<b>3,178</b>

**SEVENTEENTH DISTRICT**

Jack Barnes, Jr., r	13,254
Charles E. Proulx, Jr., d	<u>5,743</u>
Plurality for Barnes, Jr.	<b>7,511</b>

**EIGHTEENTH DISTRICT**

Tom DeBlois, r	8,439
Betsi DeVries, d	<u>6,450</u>
Plurality for DeBlois	<b>1,989</b>

**NINETEENTH DISTRICT**

Jim Rausch, r	11,309
Kristi St. Laurent, d	<u>5,365</u>
Plurality for Rausch	<b>5,944</b>

**TWENTIETH DISTRICT**

Lou D'Allesandro, d	6,656
Joseph Kelly Levasseur, r	<u>6,491</u>
Plurality for D'Allesandro	<b>165</b>

**TWENTY-FIRST DISTRICT**

Amanda Merrill, d	9,634
Peter Angerhofer, r	<u>7,931</u>
Plurality for Merrill	<b>1,703</b>

**TWENTY-SECOND DISTRICT**

Chuck Morse, r	12,325
Rebecca C. Fee, d	<u>4,594</u>
Plurality for Morse	<b>7,731</b>

**TWENTY-THIRD DISTRICT**

Russell Prescott, r	11,001
Maggie Wood Hassan, d	<u>9,606</u>
Plurality for Prescott	<b>1,395</b>

**TWENTY-FOURTH DISTRICT**

Nancy F. Stiles, r	11,594
Martha Fuller Clark, d	<u>11,056</u>
Plurality for Stiles	<b>538</b>

**RESOLUTION NO. 3**

Sen. Bradley 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.**

President Bragdon appointed Senators Bradley, Barnes and Larsen to serve as the Select Committee to examine the vote totals.

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

Sen. Bradley 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. Bradley moved to adopt the report.

**Adopted.****RESOLUTION NO. 4**

Sen. Bradley 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****RESOLUTION NO. 5**

Sen. Bradley offered the following Resolution:

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

**Adopted.****Recess. Out of Recess.****HOUSE MESSAGES**

The Clerk read the following House Messages:

**HOUSE MESSAGE**

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

Speaker of the House: William L. O'Brien of Mont Vernon

**HOUSE MESSAGE**



The House of Representatives has organized and elected its officers:

Clerk of the House: Karen O. Wadsworth of Bow

Sergeant-at-Arms: Walter Sword of Hopkinton

### **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.

**Recess. Out of Recess.**

### **ADJOURNMENT FROM THE EARLY SESSION**

Sen. Bradley moved that the Senate now adjourn from the Early Session, that the business of the Late Session be in order at the present time; and that when we adjourn, we adjourn to Wednesday, January 5, 2011.

**Adopted.**

**Adjourned from the Early Session.**

### **LATE SESSION ANNOUNCEMENTS**

#### **ADJOURNMENT TO CALL OF THE CHAIR**

Sen. Bradley moved that the Senate, having organized and completed its business for the day, that we adjourn to Wednesday, January 5, 2011.

**Adopted.**

**The Senate is adjourned to Wednesday, January 5, 2011.**

### **RULES OF THE SENATE 2011 – 2012**

#### **PART ONE**

#### **DUTIES OF THE SENATE PRESIDENT**

- 1-1 Determination of quorum; correction of Journal.
- 1-2 Members, conduct when speaking.
- 1-3 Members not to speak more than twice.
- 1-4 President shall recognize whom.
- 1-5 Questions of order, appeal.
- 1-6 Galleries, clearing of.
- 1-7 President to sign bills, etc.
- 1-8 President may name member to chair.

#### **PART TWO DECORUM AND DEBATE**

- 2-1 Members, decorum of.
- 2-2 Member, absence from Session.
- 2-3 Motions, order of preference.
- 2-4 Questions postponed indefinitely not acted upon in same biennium.
- 2-5 Questions, when divided.
- 2-6 Objections to reading paper, how determined.
- 2-7 Roll Call, everyone must vote.
- 2-8 Reconsideration.

- 2-9 Petitions, introduction of.
- 2-10 Voting; division of Senate.
- 2-11 Visitors to Senate.
- 2-12 Hours of meeting.
- 2-13 Rules of Senate, how suspended.
- 2-14 Rules of Senate, how rescinded.
- 2-15 Conflict of Interest.
- 2-16 Committee of Conference reports.
- 2-17 Personal privilege.
- 2-18 Appeal, presiding officer ruling.
- 2-19 Motions, no substitution under color of amendment.

### **PART THREE BILLS**

- 3-1 Bills; shall be numbered and expressed clearly.
- 3-2 Bills, introduction of.
- 3-3 Bills, drafting of.
- 3-4 Resolutions to be treated as bills.
- 3-5 Bills shall have three readings; Progress of; time for second and third readings.
- 3-6 Bills, printing and distribution.
- 3-7 Bills amended only on second reading; filing of amendments.
- 3-8 Messages sent to House.
- 3-9 Messages, when received.

### **PART FOUR COMMITTEES AND THEIR DUTIES**

- 4-1 Public hearings to be held and advertised.
- 4-2 Amended bills, printed distributed and disposed of.
- 4-3 Referral of Bills to Finance Committee.
- 4-4 Committees, appointment of.
- 4-5 Standing Committees.
- 4-6 Committees, reports and meetings.
- 4-7 Requests to the Legislative Budget Assistant.

### **PART FIVE COMMITTEE OF CONFERENCE**

- 5-1 Committees of Conference.

### **PART SIX COMMITTEE OF THE WHOLE**

- 6-1 Committee of the Whole.

### **PART SEVEN OFFICERS AND PERSONNEL**

- 7-1 Senate staff, composition and duties.
- 7-2 Senate staff, days of employment.
- 7-3 Requisition Approval Required.

## **PART EIGHT DEADLINES**

8-1 Deadlines.

### **PART ONE DUTIES OF THE SENATE PRESIDENT**

#### **1-1 Determination of quorum; correction of Journal.**

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.

#### **1-2 Members, conduct when speaking.**

Any 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.

#### **1-3 Members not to speak more than twice.**

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

#### **1-4 President shall recognize whom.**

When more than one member wishes to speak at the same time, the President shall decide who shall speak first.

#### **1-5 Questions of order, appeal.**

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.

#### **1-6 Galleries, clearing of.**

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.

#### **1-7 President to sign bills, etc.**

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.

#### **1-8 President may name member to chair.**

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

### **PART TWO DECORUM AND DEBATE**

#### **2-1 Members, decorum of.**

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.

#### **2-2 Member, absence from Session.**

No member shall absent himself without permission from the Senate.

#### **2-3 Motions, order of preference.**

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.

**2-4 Questions postponed indefinitely not acted upon in same biennium.**

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, bill, resolution, order, or committee of conference report. No motion to suspend this rule shall be permitted.

**2-5 Questions, when divided.**

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.

**2-6 Objections to reading paper, how determined.**

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.

**2-7 Roll Call, everyone must vote.**

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.

**2-8 Reconsideration.**

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 two 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.

**2-9 Petitions, introduction of.**

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

**2-10 Voting; division of Senate.**

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 Part Two, Senate Rule 2-15. 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.

**2-11 Visitors to Senate.**

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.

**2-12 Hours of meeting.**

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.

**2-13 Rules of Senate, how suspended.**

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 Part Two, Senate Rule 2-4.

**2-14 Rules of Senate, how rescinded.**

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.

**2-15 Conflict of Interest.**

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

**2-16 Committee of Conference reports.**

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.

**2-17 Personal privilege.**

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.

**2-18 Appeal, presiding officer ruling.**

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

**2-19 Motions, no substitution under color of amendment.**

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

**PART THREE****BILLS****3-1 Bills; shall be numbered and expressed clearly.**

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.

**3-2 Bills, introduction of.**

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.

**3-3 Bills, drafting of.****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 Part Three, Senate Rule 3-2, a Senate bill, Senate joint resolution, or Senate concurrent resolution may be accepted by the Office of 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.

### **3-4 Resolutions to be treated as bills.**

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

### **3-5 Bills shall have three readings; Progress of; time for second and third readings.**

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 Part Three, Senate Rule 3-6, 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.

### **3-6 Bills, printing and distribution.**

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.

### **3-7 Bills amended only on second reading; filing of amendments.**

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.

### **3-8 Messages sent to House.**

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

### **3-9 Messages, when received.**

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.

## **PART FOUR COMMITTEES AND THEIR DUTIES**

### **4-1 Public hearings to be held and advertised.**

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 fourth 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.

### **4-2 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 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.

**4-3 Referral of Bills to Finance Committee.****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.

**4-4 Committees, appointment of.**

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.

**4-5 Standing Committees.**

The standing committees of the Senate shall be as follows: the Committee on Capital Budget, the Committee on Commerce, 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, the Committee on Ways and Means and the Committee on Wildlife, Fish and Game and Agriculture.

**4-6 Committees, reports and meetings.**

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.

**4-7 Request to the Legislative Budget Assistant.**

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 principal responsibilities as outlined in RSA 14:31-b, as determined by the Legislative Budget Assistant.

**PART FIVE****COMMITTEE OF CONFERENCE****5-1 Committees of Conference.****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.

## **PART SIX COMMITTEE OF THE WHOLE**

### **6-1 Committee of the Whole.**

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.

## **PART SEVEN OFFICERS AND PERSONNEL**

### **7-1 Senate staff, composition and duties.**

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

### **7-2 Senate staff, days of employment.**

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

### **7-3 Requisition Approval Required.**

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.

## **PART EIGHT DEADLINES**

### **8-1 Deadlines.**

(a) Wednesday, October 13, 2010 – First day to file legislation for 2011 Senate Session.

(b) The Office of Legislative Services shall not draft a Senate Bill, Senate Concurrent Resolution, or Senate Joint Resolution, unless a request by a member for drafting with complete information has been received not later than 2:00 p.m., Friday, December 10, 2010, for the 2011 Session.

(c) Tuesday, January 18, 2011, at 12:00 p.m. - The Last Day to sign-off legislation for the above filing period.