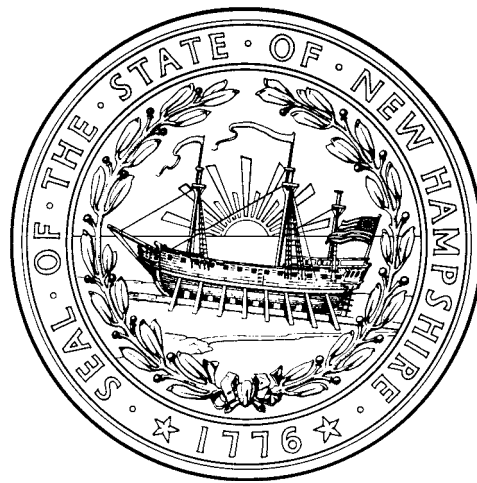


December 5, 2012

STATE OF NEW HAMPSHIRE

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



163rd Session of the New Hampshire General Court

Legislative Proceedings

SENATE JOURNAL

ORGANIZATION DAY

DECEMBER 5, 2012 SESSION

SENATE JOURNAL 1

December 5, 2012

ORGANIZATION DAY

The Honorable Tammy L. Wright, Clerk of the Senate, called the Senate to order at 10:30 a.m.

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following remarks and prayer:

The great spiritual traditions and the great thinking traditions seem to agree on one thing, and that tends to be an agreement on compassion. The word comes from two words: “com”, which means “together”, and “pati”, which means “to suffer”. So, compassion has come to become sympathy, but that’s just because that’s the Greek version. Real compassion is to groan, to suffer with the people with whom you work and the people for whom you work, and that is your job as you work towards the wellbeing of the State of New Hampshire. The key to the resulting leadership will rise or fall, however, on the “com” part of compassion; that is to say, the “together” part. May you do your work, feeling each other’s pain, seeking each other’s perspectives, and working well together to lead, wherever that takes you. Let us pray.

Blessed are You, Lord God of the Universe, for You give us the gift of life and the opportunity to lead. When we’re tempted to believe our own thoughts, or to believe the thoughts we think about other people’s thoughts, give us truth. Be our helper, so that before we speak, we always ask ourselves: Is it kind? Is it true? Does it improve on the silence?
Amen.

Sen. Woodburn 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 twelve, 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: Let me first, before I administer the oath, say to you: Congratulations. But I think, even more importantly, I want to thank you: Thank you for your service. We all recognize that you’re really volunteers, and you’re doing this because you care about New Hampshire and you love the people of New Hampshire and you want to keep New Hampshire the special state that it is. So, on behalf of all the people of New Hampshire: Thank you very much for your service, and I hope you have a wonderful session.

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.

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, Jeff Woodburn

District No. 2, Jeanie Forrester

District No. 3, Jeb Bradley

District No. 4, David H. Watters

District No. 5, David Pierce

District No. 6, Sam Cataldo

District No. 7, Andrew J. Hosmer
District No. 8, Bob Odell
District No. 9, Andy Sanborn
District No. 10, Molly Kelly
District No. 11, Peter 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, David Boutin
District No. 17, John Reagan
District No. 18, Donna M. Soucy
District No. 19, Jim Rausch
District No. 20, Lou D'Allesandro
District No. 21, Martha Fuller Clark
District No. 22, Chuck Morse
District No. 23, Russell Prescott
District No. 24, Nancy F. Stiles

ELECTION OF THE TEMPORARY PRESIDING OFFICER

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

Sen. Morse nominated Senator Odell for Temporary Presiding Officer.

Sen. D'Allesandro seconded the nomination.

Hearing no further nominations, the Clerk of the Senate declared nominations to be closed.

Adopted. Senator Odell was elected Temporary Presiding Officer.

The Clerk of the Senate requested Senators Prescott and Kelly to escort Senator Odell, Temporary Presiding Officer, to the rostrum.

ELECTION OF THE PRESIDENT OF THE SENATE

Senator Odell, Temporary Presiding Officer, stated that nominations for the President of the New Hampshire Senate are in order.

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

Sen. Larsen seconded the nomination.

Hearing no further nominations, Senator Odell declared nominations to be closed.

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

Senator Odell, Temporary Presiding Officer, requested Senators Gilmour and Forrester to escort The Honorable Peter Bragdon, President of the New Hampshire Senate, to the rostrum.

SENATE PRESIDENT'S MESSAGE TO THE SENATE

PRESIDENT OF THE SENATE, SENATOR PETER BRAGDON: Thank you all very much. Please be seated. I'd like to thank my fellow Senators and friends for the honor of serving as your Senate President again, serving you as your Senate President again for another two years. Thanks to Governor Lynch and the Executive Council for taking time out of their busy schedule to participate in the day's events. Thank you to Senator Odell for his flawless execution of the duties of the Presiding Officer. And thanks especially to our friends and families who are able to join us here today: It is your support and your encouragement that has helped us through the last months of campaigns and prior years of service, and your support and your encouragement will be essential in the next two years, as well as, I might say, your forbearance at times. But thank you very much for all that you have done for us.

My friends and colleagues: We have, the last two years, faced very difficult financial times in the state, and I do not think the road ahead this term is going to be a whole lot easier. Revenues are likely to grow relatively slowly, and there's a cloud of uncertainty over our finances that has drifted our way from down south in Washington.

Two years ago, we faced some very difficult decisions; let us not fool ourselves into thinking that the decisions this year will be any less difficult. Though there are certainly difficult decisions that we have to make, it is not only important what those decisions are, but how we arrive at them. All of us have spent the last several months on the campaign trail, and during the campaign it's really easy to blame the other side—the so-called “other side”—for whatever problems we deem at the time to be facing our state. But the time for campaigning has ended, and we see the results here before us: 24 Senators—13 Republicans, 11 Democrats. Those who elected us expect the finger-pointing that was prevalent during the campaign to stop, and they expect us to lead. They expect us to work together to identify solutions, identify our challenges, and identify solutions to those challenges. They do not expect us to agree all the time, but they do expect us to discuss issues and possible solutions in a respectful manner, being willing to listen to our colleagues who hold differing opinions, and respecting their convictions. And once the final votes have been cast and counted, each side should know that they had a fair chance to present their case. I believe the State Senate has lived up to that expectation in the past, and I will work to make sure we live up to it again in this next term. With that in mind, I would like to thank Senators Bradley and Larsen—not only for their wonderful and true words of nomination—but also for their work together over the last two years—both as Majority Leader and Minority Leader. It's been a pleasure working with them, and the attitudes and perspectives they bring have helped to make the Senate what it is. They have been essential components to the respectful manner of our work here in the Senate.

So, once again, thanks to you, my Senate colleagues, for allowing me to serve as your Senate President. There are many challenges that lie before us, but I'm confident we will be faithful to the trust placed in us by the voters of New Hampshire, and will be able to look back at the end of this term with satisfaction for our efforts. Thank you very much.

ELECTION OF THE 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. Bradley seconded the nomination.

Hearing no further nominations, President Bragdon declared nominations to 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. 1

RULES ADOPTION

Sen. Bradley offered the following Resolution:

RESOLVED, that the rules of the 2011-2012 session be adopted as the rules of the 2013- 2014 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.

AMENDMENT TO SENATE RULES:

1. Amend Senate Rule 3-7 as follows:

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. The prohibition on non-germane amendments shall not apply in the case of a measure previously passed by the Senate being added to a subsequent bill. Amendments shall have been reviewed by the Office of Legislative Services for form, construction, statutory and chapter reference.

2. Amend Senate Rule 4-5 as follows:

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 Energy and Natural Resources, the Committee on Executive Departments and Administration, the Committee on Finance, the Committee on Health, Education and Human Services, the Committee on Judiciary, the Committee on Public and Municipal Affairs, the Committee on Rules, Enrolled Bills and Internal Affairs, the Committee on Transportation, and the Committee on Ways and Means.

3. Amend Senate Rule 4-8 as follows:

4-8 Consent Calendar.

The Senate Calendar may have a Consent Calendar section containing reports on bills and resolutions believed to be non-controversial.

No bill or resolution shall appear on the Consent Calendar unless all of the following conditions are met:

- (a) All members of the committee to which the bill or resolution was referred vote in favor of the final committee recommendation in executive session.
- (b) All members of the committee to which the bill or resolution was referred vote in favor of placing it on the Consent Calendar.
- (c) A short explanation of the committee's recommendation, approved by the chairperson of the committee appears with the bill or resolution in the Consent Calendar.

No bill or resolution recommended for passage by the Committee on Finance shall be placed on the Consent Calendar.

Any member may request removal of any bill or resolution listed on the Consent Calendar. Any item removed from the Consent Calendar shall be taken up at the conclusion of the Regular Calendar. All items remaining on the Consent Calendar shall be acted upon without debate.

The following shall not appear on a Consent Calendar: Committee of Conference reports and Constitutional Amendment Concurrent Resolutions.

4. Replace Senate Rule 8-1 with the following:

8-1 Deadlines.

- (a) Thursday, December 20, 2012, 12:00 PM - Deadline for the Office of Legislative Services to accept drafting of a Senate Bill, Senate Concurrent Resolution, or Senate Joint Resolution with complete information for the 2013 Session.
- (a) Thursday, January 10, 2013, 4:00 PM - Deadline for prime sponsors to sign off on legislation.
- (a) Thursday, January 17, 2013, 4:00 PM - Deadline for co-sponsors to sign off on legislation.

Adopted.

**RESOLUTION NO. 2
OFFICIAL RETURN OF VOTES**

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 M. 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 6, 2012.

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

Jeff Woodburn, d	14,924
Debi Warner, r	<u>10,348</u>
Plurality for Woodburn	4,576

SECOND DISTRICT

Jeanie Forrester, r	14,943
Robert C. Lamb, Jr., d	<u>12,680</u>
Plurality for Forrester	2,263

THIRD DISTRICT

Jeb Bradley, r	18,152
Jeffery Ballard, d	<u>11,650</u>
Plurality for Bradley	6,502

FOURTH DISTRICT

David H. Watters, d	14,212
Phyllis Woods, r	<u>11,756</u>
Plurality for Watters	2,456

FIFTH DISTRICT

David Pierce, d	17,719
Joe Osgood, r	<u>9,940</u>
Plurality for Pierce	7,779

SIXTH DISTRICT

Sam Cataldo, r	12,764
Richard Leonard, d	<u>12,127</u>
Plurality for Cataldo	637

SEVENTH DISTRICT

Andrew J. Hosmer, d	15,573
Joshua F. Youssef, r	<u>10,768</u>
Plurality for Hosmer	4,805

EIGHTH DISTRICT

Bob Odell, r	17,709
Christopher Wallenstein, d	<u>11,138</u>
Plurality for Odell	6,571

NINTH DISTRICT

Andy Sanborn, r	15,454
Lee C. Nyquist, d	<u>15,241</u>
Plurality for Sanborn	213

TENTH DISTRICT

Molly Kelly, d	18,810
Richard A. Foote, r	<u>9,483</u>
Plurality for Kelly	9,327

ELEVENTH DISTRICT

Peter Bragdon, r	18,644
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TWELFTH DISTRICT

Peggy Gilmour, d	15,245
Jim Luther, r	<u>14,101</u>
Plurality for Gilmour	1,144

THIRTEENTH DISTRICT

Bette R. Lasky, d	15,314
Joseph F. Krasucki, r	<u>8,224</u>
Plurality for Lasky	7,090

FOURTEENTH DISTRICT

Sharon M. Carson, r	13,701
Katherine Messner, d	10,466
Richard B. Kahn, lib	<u>1,466</u>
Plurality for Carson	3,235

FIFTEENTH DISTRICT

Sylvia B. Larsen, d	19,385
Lydia Dube Harman, r	<u>8,382</u>
Plurality for Larsen	11,003

SIXTEENTH DISTRICT

David Boutin, r	13,876
Kathleen M. Kelley, d	13,480
Richard Tomasso, lib	<u>921</u>
Plurality for Boutin	396

SEVENTEENTH DISTRICT

John Reagan, r	14,672
Nancy R.B. Fraher, d	<u>13,138</u>
Plurality for Reagan	1,534

EIGHTEENTH DISTRICT

Donna M. Soucy, d	12,139
J. Gail Barry, r	8,024
Arthur J. Beaudry, ind	<u>3,378</u>
Plurality for Soucy	4,115

NINETEENTH DISTRICT

Jim Rausch, r	15,927
R. Christopher Reisdorf, d	<u>10,473</u>
Plurality for Rausch	5,454

TWENTIETH DISTRICT

Lou D'Allesandro, d	13,264
Phil Greazzo, r	<u>7,754</u>
Plurality for D'Allesandro	5,510

TWENTY-FIRST DISTRICT

Martha Fuller Clark, d	19,740
Peter Macdonald, r	<u>8,674</u>
Plurality for Clark	11,066

TWENTY-SECOND DISTRICT

Chuck Morse, r	16,972
Victoria Czaia, d	<u>9,781</u>
Plurality for Morse	7,191

TWENTY-THIRD DISTRICT

Russell Prescott, r	15,029
Carol E. Croteau, d	<u>13,076</u>
Plurality for Prescott	1,953

TWENTY-FOURTH DISTRICT

Nancy F. Stiles, r	17,110
Beverly Hollingworth, d	<u>15,488</u>
Plurality for Stiles	1,622

RESOLUTION NO. 3**SELECT COMMITTEE OF THREE**

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, Prescott 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 vote returned from the several districts to be correct, having made one correction.

Sen. Bradley moved to adopt the report. Adopted.

RESOLUTION NO. 4**SALARY AND MILEAGE PAYMENTS**

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**HOUSE MESSAGE**

The House of Representatives has organized and elected its officers:

Speaker of the House: Terie Norelli of Portsmouth

Clerk of the House: Karen O. Wadsworth of Bow

Sergeant-at-Arms: Walter N. 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.

RESOLUTION NO. 5**JOINT CONVENTION**

Sen. Bradley offered the following Resolution:

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

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 2, 2013. Adopted. Adjourned from the Early Session.

**LATE SESSION
ANNOUNCEMENTS****ADJOURNMENT**

Sen. Bradley moved that the Senate, having organized and completed its business for the day, that we adjourn to Wednesday, January 2, 2013. Adopted. The Senate is adjourned to Wednesday, January 2, 2013.

RULES OF THE SENATE**2013 – 2014****12/05/2012****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.

4-8 Consent Calendar.

PART FIVE COMMITTEES OF CONFERENCE

5-1 Formation of Committees of Conference.

5-2 Operation of Committees of Conference.

5-3 Chairperson of Committees of Conference.

5-4 Action on Committees of Conference Reports.

5-5 Non-Germane Amendments Prohibited.

5-6 Committees of Conference on Budget Bills.

5-7 Committees of Conference on CACRs.

5-8 Bill Sponsor Granted a Hearing.

5-9 Prohibitions.

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 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 Internal Affairs 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. The prohibition on non-germane amendments shall not apply in the case of a measure previously passed by the Senate being added to a subsequent bill. 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. In the event a committee is unable to reach a majority vote in favor of any recommendation, the bill shall be reported out of committee with a recommendation of inexpedient to legislate.

(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.

The membership of all committees of the Senate, including Senate conference committees, shall be divided between the political parties in a manner reasonably approximating each party's representation in the Senate as a whole, provided that on all committees both parties shall be represented. The President shall appoint the members of all committees after consultation 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 Energy and Natural Resources, the Committee on Executive Departments and Administration, the Committee on Finance, the Committee on Health, Education and Human Services, the Committee on Judiciary, the Committee on Public and Municipal Affairs, the Committee on Rules, Enrolled Bills and Internal Affairs, the Committee on Transportation, and the Committee on Ways and Means.

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 Requests 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.

4-8 Consent Calendar.

The Senate Calendar may have a Consent Calendar section containing reports on bills and resolutions believed to be non-controversial.

No bill or resolution shall appear on the Consent Calendar unless all of the following conditions are met:

- (a) All members of the committee to which the bill or resolution was referred vote in favor of the final committee recommendation in executive session.
- (b) All members of the committee to which the bill or resolution was referred vote in favor of placing it on the Consent Calendar.
- (c) A short explanation of the committee's recommendation, approved by the chairperson of the committee appears with the bill or resolution in the Consent Calendar.

No bill or resolution recommended for passage by the Committee on Finance shall be placed on the Consent Calendar.

Any member may request removal of any bill or resolution listed on the Consent Calendar. Any item removed from the Consent Calendar shall be taken up at the conclusion of the Regular Calendar. All items remaining on the Consent Calendar shall be acted upon without debate.

The following shall not appear on a Consent Calendar: Committee of Conference reports and Constitutional Amendment Concurrent Resolutions.

PART FIVE COMMITTEES OF CONFERENCE

5-1 Formation of Committees of Conference.

Whenever there is 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 committee of conference on the bill or resolution and the Speaker of the House shall appoint four members to the House committee of conference. Exceptions: (1) the House committee of conference on the operating budget shall consist of five members; (2) the number of members of any committee of conference may increase or decrease if the President and the Speaker both agree.

5-2 Operation of Committees of Conference.

The two committees of conference on a bill or resolution 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.

5-3 Chairperson of Committees of Conference.

The first-named person on a Senate committee of conference shall chair the committee. The chair of the committee of conference of the body where the bill or resolution originated shall chair the joint meeting of the committees of conference and shall have the authority to call the time and place for their first meeting.

5-4 Action on Committees of Conference Reports.

No action shall be taken by the Senate on any committee of conference report earlier than some subsequent day to the filing of the report, and after the report has been placed on a member's desk.

5-5 Non-Germane Amendments Prohibited.

A committee of conference may neither change the title of nor add any non-germane amendment to the bill or resolution submitted to it. For the purpose of this rule, a non-germane amendment is an amendment containing any subject matter not contained in either the House or Senate version of the bill.

5-6 Committees of Conference on Budget Bills.

The report of the committee of conference on either the general appropriation bill or the capital improvements bill shall be printed in the journal or a supplement thereto 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 5-9 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.

5-7 Committees of Conference on CACRs.

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.

5-8 Bill Sponsor Granted a Hearing.

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

5-9 Prohibitions.

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:

- (1) a clerk, who shall be elected by the Senate;
- (2) clerk's office staff, who shall be nominated by the clerk and appointed by the President; and
- (3) 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) Thursday, December 20, 2012, 12:00 PM - Deadline for the Office of Legislative Services to accept drafting of a Senate Bill, Senate Concurrent Resolution, or Senate Joint Resolution with complete information for the 2013 Session.
- b) Thursday, January 10, 2013, 4:00 PM - Deadline for prime sponsors to sign off on legislation.
- c) Thursday, January 17, 2013, 4:00 PM - Deadline for co-sponsors to sign off on legislation.