



New Hampshire Government Crash Course

RebuildNH.com

Branches of government



3 Branches of NH State Government

1

Judicial Branch

Judges are appointed by the Governor and confirmed by the Executive Council

2

Executive Branch

- Governor
- Executive Council

3

Legislative Branch

- Senate
- House of Representatives

Important Facts

- Elected officials include representatives, senators, governor, and executive council members.
- All elected positions at the state level have 2 year terms.
- The state is organized around those 2 year terms.

Executive Branch

GOVERNOR AND EXECUTIVE COUNCIL

Rebuild  NH

Executive Council (EC): Duties and Function

- There are 5 elected Executive Council members who **work together with the Governor to oversee the administration of the state.**
- All executive branch business is done **in public.**
- They must approve expenditures and receipts of **any funds** over \$10,000.
- They **approve the spending of the funds** allocated to them by the Legislature annually.
- They must **confirm any appointments** of judges, commissioners, notary public, justice of the peace, commissioners of deeds, and pardon requests.
- They oversee commissioners, infrastructure, and the state treasury.

Governor: Duties and Powers

- The NH governor is the **weakest governor** in the country because his power is shared by the Executive Council (EC).
- NH does not have a Lieutenant Governor. If the Governor dies, is impeached, incapacitated, etc., the Senate President becomes the acting governor.
- The governor's primary responsibility is to the **“faithful execution of the laws.”**
- The governor can sign and veto bills, nominate judges and commissioners, command military forces in the state, and pardon with the concurrence of the EC.
- The Governor doesn't have the power to line item veto or veto amendment of any bill, unlike other states.

Legislative Branch

HOW A BILL BECOMES A LAW IN NH

Rebuild  NH

Legislative Branch: Powers and Duties

- “The Supreme Legislative Power, within this State, shall be vested in the Senate and House of Representatives” [NH Constitution, Part 2, Article 2]
- The Constitution terms the legislature the “General Court.”
- The legislature has the power to: create courts; create laws; impose taxes, fines, and punishments.
- All localities derive their authority from the Legislature. Local governments may only exercise powers that the legislature expressly grants to them. New Hampshire is NOT a “home rule” state!

- Legislative Service Requests (LSR) are submitted in a limited window of time before the beginning of each new session. These LSRs are “pre-bills.”
- The House and the Senate have different, but narrow submission periods in the Fall.
- Sponsors have just a few weeks to work on their LSRs and redraft, if necessary, as well as find co-sponsors.
- LSRs are assigned a bill number and a committee.

- All bills **must** have a public hearing in committee.
- Committees can amend a bill. All amendments must be “germane,” meaning related to the topic of the bill. If a “non-germane” amendment is attempted, the committee must hold an extra hearing on that alone.
- After a bill’s hearing, the committee recommends to the full legislative body (House or Senate) either “Ought To Pass” (OTP) or “Inexpedient to Legislate” (ITL). This is done by a vote of the committee during an executive session.
 - In Year 1, committees can also vote to retain or recommit a bill.
- If the committee’s recommendation is the overwhelming consensus, the bill may be put on the “consent” calendar. Otherwise, the bill is put on the “regular” calendar.

- All bills **must** be voted on by the full House and Senate. This is done in two ways:
 - For bills that have been put on the “consent” calendar: All bills on the consent calendar are voted on by a single vote. In NH, most bills are agreed upon by both parties and placed on consent.
 - For bills on the “regular” calendar: These bills are voted on individually and often debated on the floor. For bills on the regular calendar, many bills do not go the way the committee recommended.

- Half-way through the session, the bills that were passed each chamber (House and Senate) are “crossed over” to the other body.
 - House bills are sent to the Senate; Senate bills are sent to the House.
 - The committee process begins again for these “crossed over” bills. Every bill gets assigned to a committee, has a hearing, has a committee recommendation, and has an up or down vote from the whole body.
- If either chamber votes down a bill at any point in the process thus far, the bill is dead. The same bill also cannot be reintroduced in the same biennium.

- The Senate and House must pass identical versions of a bill. If a bill was amended by either chamber, the opposite chamber has the opportunity to accept that version or go to Committee of Conference.
- In Committee of Conference, the House and the Senate negotiate a final bill they both agree to. If they can't agree, the bill dies.
- If they do agree, the resulting bill from the Committee of Conference goes back to each body for another vote.

- When a bill has passed both houses, it is sent to be enrolled. This special committee examines the bill for clerical errors or formal imperfections.
- Following enrollment, all final bills are sent to the Governor. The Governor has five days to veto, sign, or allow it to pass into law without signature. If he chooses not to sign the bill, the bill will automatically become law.
- Any bill vetoed by the Governor can be overturned by the Legislature by a two-thirds vote of both House and Senate.

Special Bills: Budget

- Year 1 of each biennium is budget year. The process begins with the Governor sending the House his proposed budget.
- All “money bills” must originate in the House. The Finance Committee crafts the proposed budget into two bills. The Public Works Committee crafts the improvement budget bill.
- The House budget bills go through the same bill process of committee hearings and votes. After the budget passes the House, the Senate has an opportunity to amend it, then they vote on it. The budget may go to Committee of Conference just like any other bill.

Special Bills: Redistricting

- Every 10 years, the legislature redistricts the state based on the latest federal census. The redistricting bills go through the same process as every other bill.

Administrative Rules

THE RULE-MAKING PROCESS

Rebuild  NH

Rules vs. Laws

- Laws are often vague and administrative rules are required to provide details for an executive branch agency procedure.
- Administrative rules are proposed by executive branch bureaucrats and then reviewed by the Joint Legislative Committee on Administrative Rules (JLCAR). JLCAR may approve, conditionally approve, or object to final proposals or proposed interim rules.
- JLCAR is composed of 5 members of the State Senate and 5 members of the House of Representatives.
- All rule changes must have a public hearing before the committee votes, and the public is given the opportunity to testify about any proposed or adopted rule on the agenda.