

# Senate Executive Departments and Administration Committee

*Kevin Condict 271-7875*

**HB 331**, relative to the secretary of state's procedures for enrolled bills.

**Hearing Date:** April 16, 2025

**Time Opened:** 9:02 a.m.

**Time Closed:** 9:27 a.m.

**Members of the Committee Present:** Senators Pearl, McGough, Gannon, Altschiller and Reardon

**Members of the Committee Absent :** None

**Bill Analysis:** This bill requires the secretary of state to publish the location of enrolled bills and resolutions on its public website.

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**Sponsors:**

Rep. Weber

Rep. Mooney

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**Who supports the bill:** In total, **110** individuals signed in in support of HB 331. The full sign in sheets are available upon request to the Legislative Aide, Kevin Condict ([kevin.condict@gc.nh.gov](mailto:kevin.condict@gc.nh.gov)).

**Who opposes the bill:** Heather Durant.

**Who is neutral on the bill:** Erin Hennessey (SOS).

**Summary of testimony presented:**

**Representative Lucy Weber, Cheshire 5**

- Rep. Weber introduced House Bill 331.
- Rep. Weber said that this bill is not new. She hoped that since there was personnel change in the Senate, a fresh look at the bill would be taken.
- The bill makes no changes to existing procedures or existing timelines for what happens to a bill after it's enrolled by the House or Senate.
- Rep. Weber stated that there are no timelines between the time that a bill is acted on by the second of the two chambers and before it arrives at the governor's desk.
- Rep. Weber said that the public interested in the bill ought to be able to go online and see the bill's status.

- Rep. Weber said she started by asking the House Clerk if they could add the current bill location to the docketing system, and the answer was no because it is not in the possession of the House or Senate Clerk.
- Rep. Weber said this information is not in any way confidential and does not need to be carefully monitored.
- Rep. Weber explained it could be on a freestanding website with a link to the Secretary of State's page.
- Rep. Weber said the bill is written this way because she wants the Secretary of State's office to be able to do it with the least amount of difficulty on their side.
- Rep. Weber said that to achieve better transparency going forward, the bill ought to be publicly facing from the time that it gets passed until it arrives at the governor's desk.
- She reiterated that she is not seeking to change the procedure in any way.
- Sen. Altschiller explained the process a bill follows through the docket and question why it is inappropriate for there to be a line at the bottom, after a final action has been taken by both chambers, that says "now sent to governor's office."
  - o Rep. Weber responded that she has been told that it cannot.
- She explained that whether a bill was signed or vetoed by the governor is entered into those dockets.
- Rep. Weber said that when a bill is vetoed by the Governor, it comes back to the House or Senate Clerk for further action. She said if that were the way to do it, she would have no difficulty with it.
- Sen. Reardon said it seems the term "it's in enrolled bills" is used for a whole series of actions. She asked if it is her vision that somebody looking at the website could tell where it is in that process.
  - o Rep. Weber answered that it gets enrolled by the House with the Office of Legislative Services (OLS), then it goes to the House Speaker for signature. It may stay with the House Speaker or Senate President for however long they deem it expedient to do so.
- Rep. Weber said this comes from her experience as Chair of the House Executive Departments and Administration Committee, where she had a bill that had to be enacted by July 1<sup>st</sup> because it was a matter of licensing and appraisers for transactions. She said the House passed it in January, but it had not reached the governor's desk as of two or three days before the deadline. She said she went to the Secretary of State's office, and they said it is at the Senate President's office. She said eventually a search discovered the bill on a chair.
- Rep. Weber said it is helpful to know exactly where the bills are.
- Sen. Reardon asked if there was someone who has the capability to update the online docket, or if that can be done from the House or Senate Clerk's office.

- She replied she was unsure but assumed that the clerk's offices updates the dockets regularly.
- Sen. McGough noted that Rep. Weber mentioned that either side wishing to advance or slow down their bill could make their case. He asked what form either of those parties should use to make their case.
  - Rep. Weber explained that would be a matter of contacting the office of either the House Speaker or Senate President, depending on where the bill is.

### **Erin Hennessy, Deputy Secretary of State**

- Ms. Hennessy explained that after a bill goes through the enrollment process at OLS, it then comes to the Secretary of State's office, then to the Enrolled Bills Committee, Speaker of the House, Senate President, and ultimately to the Governor's office.
- Ms. Hennessy said she understands that a legislative body's leaders may want to hold on to the bill for longer or shorter for various reasons.
- She said that despite this there is not currently a tracking mechanism other than a manual tracking mechanism.
- Ms. Hennessy said that if a member of the public would like to know the progress of a bill, they can walk into their office and ask someone at the front desk or call the office.
- Ms. Hennessy stated that an online tracking mechanism would have to be developed in an accessible format, and that there is currently a process to ensure that all statewide websites are available.
- Ms. Hennessy said she would like clarification on how this will be done. She said that there would likely be a fiscal impact.
- Sen. Altschiller asked if there was anything statutorily that restricts the docket from reflecting the bill status on the bottom.
  - Ms. Hennessy answered that she does not know; their office does not have access to the online docket system.
- Ms. Hennessy said she believes OLS, the Senate Clerk's office and the House Clerk's office have access to that information.
- Sen. Altschiller asked if there was anything in the secretary of state's office that would preclude the information saying whatever bill has been moved to the Secretary of State's office
  - Ms. Hennessy clarified that their office has no control over this process, and that it is a legislative decision.
- Sen. Altschiller asked if a description of a bill's journey would conflict with anything that Ms. Hennessy is doing.

- She said she did not believe so.

### **Paul Smith, House Clerk's Office**

- Mr. Smith said that several years ago, he and Representative Weber began discussing that during the legislative process, bills can get hung up.
- Mr. Smith said the simple fact is that by the time they wrap in June, they wait a while for the bills to pass through the enrolling office.
- Mr. Smith said there's a track record of their dockets of what's happening at that time because it is still in the legislature's possession, meaning that they know when an amendment was adopted, the date it was adopted, and when it was passed.
- Mr. Smith said after the bills pass through the legislature and goes to the Secretary of State's office the bills go into a "black hole," which can last for three or four months.
- Mr. Smith said that the public often calls him for updates on specific bills.
- Mr. Smith said the only way to find out is if you go to the Secretary of State's office, where the bill is tracked in their notebook; the bill is tracked in the old-fashioned way.
- Mr. Smith said when the bills are brought back to the presiding officer for their signature, they likewise have the Senate President's office sign for the possession of the bills.
- Mr. Smith explained that during the process, the Secretary of State's office keeps a spreadsheet that keeps track of when bills are delivered to the Governor. He said he believes a simple solution would be to post this spreadsheet on the website. He also noted that the spreadsheet details when the bill is returned to the clerk's office.
- Mr. Smith said this is the second biennium in a row that the House passed this unanimously on the consent calendar.
- Mr. Smith said this is about transparency, and he believes that this bill would not put an extra burden on the presiding officers.
- Mr. Smith stated that over the last several years, the Secretary of State's office has increased their technical capabilities quite significantly. He said there is currently a link on their website to the current House makeup.
- Mr. Smith said there are quite a lot of calls, especially in the summertime, about where certain bills are in the legislative process.
- Mr. Smith said he does not believe that this creates a burden in the senate president's office or the speaker's office if they're holding a bill.

- Senator Reardon asked if Mr. Smith sees an impediment to using the existing docket system as the place to store this information. She asked if Mr. Smith has the capacity to do that.
  - o Mr. Smith responded that the bills are not in his possession. He said he does not have control over what the governor does or does not do. He cannot keep track because he does not know when the bill is sent from the Secretary of State to the Governor.
- Sen. Reardon asked if that is something he could identify in the docket when he receives a bill from the Secretary of State's office and when he relinquishes it to the Senate Clerk's office.
  - o Mr. Smith answered that he doesn't have the information. He said if a bill is signed into law, the Secretary of State sends a spreadsheet explaining when the bill was signed, and when the effective date is. If it is vetoed, it is returned to the House Clerk's office, and they will update the docket then.
- Sen. Reardon asked if it could be noted on the docket that a bill is in the "black hole" portion of enrolled bills when the Secretary of State's office delivers the bill prior going to the Governor's office.
  - o Mr. Smith responded that he does not have that information.
- Sen. Reardon noted that Mr. Smith claimed he gets bills and then relinquishes them to the Senate for them to sign off on.
  - o Mr. Smith said that this only applies during the normal legislative process early on. He said that the Secretary of State's office brings them to the Speaker. Once the Enrolled Bills Committee has signed the bill, they bring it to the Speaker, who then brings it to the Secretary of State, who then brings it to the Senate President.
- Mr. Smith explained that the process is driven currently on a ten-year-old statute. Before that, the enrollment process was a memorandum between the Secretary of State and the leadership of the General Court, because the constitution states that a vetoed message should be returned directly to the body from where it came, not through an intermediary.
- Mr. Smith said there has been a time in the past when he sent a letter to the Secretary of State's office because he received notice of a vetoed bill well past the five constitutional days. His question was whether the bill should be considered law because it was not returned to the House in the proper five days.

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Date Hearing Report completed: April 22, 2025