



State of  
New Hampshire

# HOUSE RECORD

## First Year of the 168<sup>th</sup> General Court Calendar and Journal of the 2023 Session

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Concord, N.H.

Wednesday, March 22, 2023

No. 10

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## HOUSE JOURNAL NO. 9 (Cont'd)

Thursday, March 16, 2023

Rep. Osborne moved that the House adjourn.  
Motion was adopted.

## HOUSE JOURNAL NO. 10

Wednesday, March 22, 2023

The House assembled at 9:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Bob Stewart, Pastor of St. Paul's United Methodist Church in Manchester.

Good morning, friends. Let us be in a spirit of prayer. O spirit of the living God, fall afresh on this body of the House of Representatives as we gather to discuss the business that is presented before us this day. O spirit of the living God, fall afresh on us. Melt us, mold us, fill us, and use us to be Your hands and feet in this world. Guide us today as we make decisions for all the people of this great State of New Hampshire. Those that have put their trust in us, may You guide and lead us with Your wisdom. O spirit of the living God, fall afresh on all the leaders of this House from each party represented. I pray, O God of love that You keep Your loving and guiding hand upon each one and help them to be effective leaders. O spirit of the living God, fall afresh on us so that we can listen and hear each other. May we be respectful of each other when each of us speak. O God, melt us, mold us, fill us and use us to glorify You through the work we do today and every day. In Psalm 33:20-22, we hear these words, "We put our hope in the Lord. God is our help and our shield. In him our hearts rejoice, for we trust in his holy name. Let your unfailing love surround us, Lord, for our hope is in you alone." O spirit of the living God, fall afresh on us! Amen.

Representative James Horgan, member from Farmington, led the Pledge of Allegiance.

The National Anthem was performed by the member from Newmarket, Representative Michael Cahill.

### LEAVES OF ABSENCE

Reps. Bartlett, Guthrie, Hatch, Lewicke, McCarter and Stavis, the day, illness.

Reps. Crawford, William Dolan, Menear and Verville, the day, important business.

Rep. Schamberg, the day, illness in the family.

### INTRODUCTION OF GUESTS

Kyla Hubbell, guest of Rep. Yokela. Former House Sergeant-at-Arms, Deborah Nielsen, guest of Rep. Schuett. Bob Perry, guest of Rep. Howard.

### CONSENT CALENDAR

Rep. Osborne moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HR 14**, a resolution to urge the investigation of due process in family court cases, ordered by the Speaker.

**HB 648-FN**, relative to establishing a state bank of New Hampshire, removed by Reps. Horrigan, Tom Mannion, Read, Wheeler, Gerhard, Santonastaso, Sellers, Burnham, Hynes, and Diane Kelley.

**HB 277**, relative to patients' right to sterilization treatment, removed by Reps. Read, Spillane, Tom Mannion, Hynes, Gerhard, Diane Kelley, Wheeler, Popovici-Muller, Burnham, and Santonastaso.

Consent Calendar was adopted.

**HB 417-FN**, relative to the definition of child abuse. **INEXPEDIENT TO LEGISLATE.**

Rep. Lorie Ball for Children and Family Law. The majority of those testifying before the Child and Family Law Committee did not support this bill. It was brought to the attention of the committee that federal law prohibits gender-altering surgery before the age of 18. In addition, many committee members felt that parents seeking assistance from licensed health practitioners and physicians to address the mental health of their child did so in an effort to act in the best interest of their child, and not with criminal intent. Committee members also felt the premise of this bill, if appropriate, should be addressed within a different RSA and not within the definition of "child abuse." As a result of all of this taken together, the committee did not believe the definition of child abuse should be changed to include the content of this bill. Vote 16-0.

**HB 438-FN**, relative to the right of representation in family court. **INEXPEDIENT TO LEGISLATE.**

Rep. Heather Raymond for Children and Family Law. While the committee appreciated the intent of this bill and the testimony of its supporters, members had significant concerns about the impact of the bill on cases where there could be domestic violence or child abuse. Further, the language of the bill restricts judicial discretion when it comes to who is allowed to be in the courtroom during hearings concerning private family matters. The committee was not convinced this would be in the best interests of New Hampshire children and families. Vote 16-0.

**HB 583-FN**, relative to the termination of child support. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lorie Ball for Children and Family Law. As the law stands now, child support for a non-disabled child can go on indefinitely if the child does not graduate high school. This amendment closes that loophole and sets a maximum child support age at 19 plus two months provided the non-disabled child is enrolled in an elementary or secondary school. This termination of child support stipulation aligns with the US Social Security Survivors Benefits wording with regard to when government support for non-disabled children terminates. In addition, this amendment extends child support for children with disabilities to the age of 22 provided they are enrolled in a program approved by the state. This change aligns with the New Hampshire education law that extends special education services through the age of 22 years old for children with disabilities Vote 15-0.

**Amendment (0793h)**

Amend the bill by replacing section 1 with the following:

1 Parental Rights and Responsibilities; Support. Amend RSA 461-A:14, IV to read as follows:

IV. The amount of a child support obligation shall remain as stated in the order until the dependent child for whom support is ordered [~~completes his or her high school education or reaches the age of 18 years, whichever is later;~~] or marries, or becomes a member of the armed services, or is emancipated pursuant to an order of emancipation under RSA 461-B, ***or reaches the age of 18 years, unless the child is still a full-time student at a secondary or elementary school at age 18, then benefits will continue until the child graduates or until two months after the child becomes age 19, whichever is first,*** at which time the child support obligation, including all educational support obligations, [~~terminates~~] ***shall terminate*** without further legal action. If the parties have a child with disabilities, the court may initiate or continue the child support obligation after the child reaches the age of 18. No child support order for a child with disabilities which becomes effective after July 9, 2013 may continue after the child reaches age 21 ***unless the child is participating in a program approved by the state board of education, then through the child's 22nd birthday, at which point the child support obligation shall terminate.***

**AMENDED ANALYSIS**

This bill alters the time at which a child support obligation terminates.

**HB 42-FN**, relative to the operation of certain homeowners' associations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill, as amended, requires that no homeowners' association constituted under this chapter and approved by the planning board or similar land use body that has jurisdiction in the town or city in which the homeowners' association is located be dissolved pursuant to the procedure in RSA 292:9 or RSA 292:10-a prior to a hearing under RSA 676:2 before that same planning board or land use body. Vote 19-0.

**Amendment (0286h)**

Amend the bill by replacing section 1 with the following:

1 New Section; Voluntary Corporations and Associations; Homeowners' Associations. Amend RSA 292 by inserting after section 8-1 the following new section:

292:8-m Homeowners' Associations.

I. For any homeowners' association established under this chapter, except those associations that include ownership through timeshare, if more than 50 percent of the votes are acquired by a single person after developer control is terminated, a 2/3 majority shall be required to amend bylaws, budgets, and any contracted property management service.

II. No homeowners' association constituted under this chapter and approved by the planning board or similar land use body that has jurisdiction in the town or city in which the homeowners' association is located, shall be dissolved pursuant to the procedure in RSA 292:9 or RSA 292:10-a, prior to a hearing under RSA 676:2 before that same planning board or land use body.

**HB 210**, relative to fire insurance contracts. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill is a request of the New Hampshire Insurance Department. It revises certain requirements for combined insurance coverage against fire and other perils by removing the redundant sentence "either on an unspecified basis as to the coverage or for a single premium." Vote 19-0.

**HB 248**, relative to revenue from commemorative bottles of liquor. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill removes the requirement that revenue from commemorative bottles of liquor be used for certain projects. For years, the New Hampshire Liquor Commission has been permitted to enter into contracts for the manufacture and purchase of commemorative bottles of historic significance and pamphlets describing their historical significance. Under the current law, the proceeds are to be exclusively used for the preservation of the State House Hall of flags and the battle flags displayed there. The bill will create a historical fund with the oversight of the joint legislative historical committee. There are no preservation projects at this time, but the fund will be available in the future. Vote 19-0.

**HB 249**, establishing regulatory standards for the pet insurance industry. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Anita Burroughs for Commerce and Consumer Affairs. This bill establishes regulatory standards for the pet insurance industry. It is a bill that was at the request of the New Hampshire Insurance Department to protect consumers. The non-germane amendment was previously in the statute but evidently was accidentally replaced by the passage of a prior bill to allow patrons to bring their dogs to patio areas at a restaurant. The amendment allows owners of a restaurant to keep their own dog on the premises albeit out of the eating and food preparation area, with the stipulation that the dog be removed if a service dog comes into the establishment. Vote 18-1.

**Amendment (0750h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing regulatory standards for the pet insurance industry and allowing restaurant owners to keep their dog on the premises.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3: 2 New Paragraph; Restaurants and Food Stores; Dogs. Amend RSA 466:44 by inserting after paragraph II the following new paragraph:

III. A restaurant owner may allow his or her properly disciplined companion dog inside his or her place of business. Such dogs shall not be allowed in food preparation or production areas. A restaurant owner allowing his or her companion dog shall prominently display a sign at all public entrances advising patrons that his or her companion dog is allowed on the premises and that such dog shall be removed from any portion of the premises where members of the public are present in the event a patron with a service animal is present.

**AMENDED ANALYSIS**

This bill establishes regulatory standards for the sale of pet insurance. The bill also allows the restaurant owner to bring their companion dog to the restaurant premises.

**HB 280-FN**, relative to the sale of freeze-dried food. **INEXPEDIENT TO LEGISLATE.**

Rep. John Potucek for Commerce and Consumer Affairs. This bill would exclude freeze-dried fruits and vegetables from the definition of potentially hazardous food. The Commerce and Consumer Affairs Committee unanimously agreed that this bill, as law, would generate significant logistical and administrative problems for the small home-based businesses who might attempt to utilize this technology. Therefore, it is recommended Inexpedient to Legislate. Vote 16-2.

**HB 304-FN**, relative to advanced driver assistance system disclosures by auto glass repair or replacement facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Carry Spier for Commerce and Consumer Affairs. The main advanced driver assistance component affected by auto glass replacement is the camera located in the rearview mirror windshield mount. In addition to windshield replacement, investigation indicated that the camera could become misaligned if the suspension system or wheel alignment is changed, if an airbag deploys, if various collision repairs are performed, or if tire or ride height changes. If the bill were to be modified to be more comprehensive and cover all cases where the camera can become misaligned, it begins to take on the responsibility of the car manufacturer or dealer. A check of several owner's manuals for late model cars indicates the windshield should only be replaced at a qualified facility. It was brought out in the hearing that insurance companies often only cover the replacement

if the car is brought to an approved facility. And it is possible that with some modification, alignment may become automatic or not even be required in the future. The only presenters at the hearing for this bill were several independent auto glass replacement companies that have tools to perform the alignment. Vote 18-1.

**HB 389**, relative to consumer protection relating to hospital price transparency. **INEXPEDIENT TO LEGISLATE.**

Rep. Shaun Filiault for Commerce and Consumer Affairs. This bill would prohibit a hospital from pursuing a collection action for services rendered to a consumer if the hospital was not in material compliance with certain federal price transparency requirements that were included in the Patient Protection and Affordable Care Act of 2010. Although well-intentioned, this bill could pose problems in practice. Some health procedures are exceptionally rare, rendering cost estimates impossible. Further, testimony provided to the committee made evident that healthcare is rarely “one-size-fits-all” and estimated prices listed on facilities’ websites are, at best, a very rough cost guide. A consumer’s specific case may require products and services which cannot be anticipated by looking at a broad cost guide. This bill would render facilities responsible for not anticipating, in advance, on a generic public website, the precise products and services required by a consumer’s specific health needs. Vote 18-1.

**HB 407**, relative to regulations on alcohol. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill is a request of the New Hampshire Liquor Commission. It makes various changes to the statutes relative to the regulation of alcohol. The amendment covers the Felon Exception, Hearings Investigations, Direct to Consumer Shipments to New Hampshire Residents, and finally four repeals: 1) RSA 179:53, II, relative to prohibiting a licensee from altering premises to provide for both on sale and off sale on the same premises; 2) RSA 179:57, I(d), relative to prohibiting any person convicted of a felony from being designated as being in charge of the premises; 3) RSA 178:20, V, relative to the sale of alcohol in the town of Errol; and 4) RSA 178:21, II(a)(4), relative to the sale of alcohol in the towns of Newington, New Hampton, and Landaff. Vote 19-0.

#### **Amendment (0780h)**

Amend the bill by replacing section 2 with the following:

2 Alcoholic Beverages; Employment; Felon Exception. RSA 179:23, IV is repealed and reenacted to read as follows:

IV. Any corporate officer, member of a limited liability company, limited liability partnership, partnership or sole proprietor shall file an affidavit with the commission at the time of application or change of officers, attesting to the fact that they have not been convicted of a felony. Each licensee shall designate one or more persons to be in charge of the premises. For the purposes of this section, any corporate officer, member of a limited liability company, limited liability partnership, partnership or sole proprietor shall be deemed to be a person in charge of the licensed premises. For the purposes of this section, any designated person in charge of a licensee shall be considered so designated for all licenses held by the licensee. Licensees shall maintain records of all designated persons in charge and shall be made available to the commission upon request. The commission shall adopt rules, pursuant to RSA 541-A, relative to the procedures and criteria necessary for an employee to be designated as a person in charge.

Amend the bill by replacing all after section 4 with the following:

5 Hearings; Investigations. Amend RSA 179:56, III to read as follows:

III.(a) The commission shall adopt by rule under RSA 541-A a formal enforcement policy for licensees under its jurisdiction. This policy shall specify the disciplinary action which the commission shall take for violations of various laws under its jurisdiction. The enforcement policy shall also specify mitigating and aggravating factors which the commission shall consider in determining penalties for specific actions. ~~[Except as provided in subparagraph (c), the commission shall not suspend or revoke a license until the licensee has been provided a hearing under RSA 541-A.]~~

(b) In applying its enforcement policy, the liquor commission shall establish and enforce specific determinate penalties for specific offenses. The commission shall not apply penalties such as license suspensions for indefinite periods of time.

(c) **In addition to RSA 541-A:30, III**, the commission may suspend, for a period of not more than 24 hours **without a hearing**, any license issued under the provisions of this title, if a risk to public health, safety, or welfare constitutes an emergency requiring such suspension. Any such suspension shall be approved directly by at least one member of the commission before taking effect.

6 Direct to Consumer Shipments of Alcohol to New Hampshire Residents RSA 178:127-b is repealed and reenacted to read as follows:

178:27-b Direct to Consumer Shipments of Alcohol to New Hampshire Residents.

I.(a) Notwithstanding any other provision of law to the contrary, any business licensed under this chapter as a beverage manufacturer, nano brewery, brew pub, wine manufacturer, liquor manufacturer or beverage distributor may apply for a direct to consumer shipping permit from the commission. The permit shall autho-

alize the holder to sell and deliver alcoholic beverages to consumers 21 years of age or older located within the state of New Hampshire and businesses licensed by the commission for on-sale and off-sale of alcoholic beverages. The permit shall also authorize the licensee to deliver alcohol manufactured or distributed under their license to consumers 21 years of age or older residing in New Hampshire by means of vehicles registered to the New Hampshire licensee and holding a carrier license under RSA 178:14. There shall be no fee to obtain a shipping permit under this section. Nothing in this paragraph shall relieve the licensee of their obligation to comply with the record keeping and reporting requirements of this section when shipping products directly to legal age New Hampshire consumers by means of a third party holding a carrier license under RSA 178:14. Direct to consumer permittees or carriers shall not ship into areas of the state where alcoholic beverages may not be lawfully sold. Shipments of any other products shall be considered unlicensed shipments under the provisions of RSA 178:1, I.

(b) Any individual engaged in the delivery of alcoholic beverages pursuant to this section shall be an employee who regularly receives a W-2 from the licensee and is at least 21 years of age. During deliveries conducted under this section, the person making the delivery shall obtain a signed receipt from the consumer. Consumers who appear visibly intoxicated or who a reasonable and prudent person would know are intoxicated, who do not produce identification verifying the consumer's age, or who fail to sign a receipt shall not be entitled to his or her delivery of alcoholic beverages.

(c) No holder of a direct to consumer shipping permit shall deliver any alcoholic beverages to any college, university, or school, whether public or private, located within the state. No holder of a direct to consumer shipping permit shall deliver any alcoholic beverages to any public library, public playground, or public park.

II. Violations of this section shall be subject to the penalties contained in RSA 179:58.

7 Repeal. The following are repealed:

I. RSA 179:53, II, relative to prohibiting a licensee from altering premises to provide for both on sale and off sale on the same premises.

II. RSA 179:57, I(d), relative to prohibiting any person convicted of a felony from being designated as being in charge of the premises.

III. RSA 178:20, V, relative to the sale of alcohol in the town of Errol.

IV. RSA 178:21, II(a)(4), relative to the sale of alcohol in the towns of Newington, New Hampton, and Landaff.

8 Effective Date. This act shall take effect 60 days after its passage.

**HB 426**, relative to the regulation of pharmacists-in-charge and pharmacies. **OUGHT TO PASS.**

Rep. Karen Calabro for Commerce and Consumer Affairs. This bill is relative to the regulation of pharmacists-in-charge and pharmacies. This updates the licensing of a pharmacy as to who is the pharmacist-in-charge. At the time of the original writing of the law, pharmacists owned their own pharmacy. Today, most pharmacies are corporate-owned, and the pharmacist-in-charge is just an employee. This bill changes the "permittee" to "permit holder" which can be a non-person. The committee felt unanimously that these changes were prudent and clarified to whom responsibility for licensing should be bestowed. Vote 19-0.

**HB 479**, relative to administrative hearings, automation of electronic notices to insurance licensees, and insurance producer activities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. The bill is a request of the New Hampshire Insurance Department. It clarifies the department's administrative hearing procedures, establishes certain notice requirements regarding insurer assessments, and revises grounds for license revocation or denial. The amendment changes the administration fund assessment to be prima facie evidence that the notice has been provided when the notice has been emailed to the insurer's email address on file. Vote 19-0.

#### **Amendment (0206h)**

Amend the bill by replacing section 2 with the following:

2 Administration Fund. Amend RSA 400-A:39, VIII to read as follows:

VIII. The commissioner shall perform the calculations required by this section and notify each insurer of the insurer's assessment payable under this section as soon as practicable after July 1 of each year. ***The commissioner shall provide notice to the insurer by electronic means as specified by the commissioner. The notice shall be deemed to have been given when emailed to the insurer at the insurer's email address on file with the department. The copy of the email shall be prima facie evidence that notice has been provided.***

**HB 520**, relative to escrow accounts maintained by licensed nondepository mortgage bankers, brokers, and servicers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Ammon for Commerce and Consumer Affairs. This bill, as amended, fulfills a request from the New Hampshire Banking Department to align the interest rate credited to escrow accounts maintained by licensed nondepository mortgage bankers, brokers, and servicers with the rates credited to escrow accounts

held by depository banks. The bill would remove the Banking Commissioner's responsibility for setting interest rates on these escrow accounts and tie the minimum rate to the National Deposit Rate for Savings Accounts, as regularly published by the FDIC. The committee amendment also removes any interest caps or minimums. Vote 19-0.

**Amendment (0811h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Nondepository Mortgage Bankers, Brokers, and Servicers; Escrow Accounts. Amend RSA 397-A:9, IV to read as follows:

IV. Persons subject to this chapter that require or accept moneys for deposit in escrow accounts maintained for the payment of taxes or insurance premiums related to loans on single family homes secured by real estate mortgages on property located in New Hampshire shall ~~credit each such escrow account with interest on all existing and future escrow accounts at a rate set for a 6-month period by the commissioner on February 1 and August 1 of each year which shall be one percent below the mean interest rate paid by New Hampshire-chartered depository banks on regular savings accounts. The commissioner shall post the rate on the department's website]~~ **pay interest on the moneys so held in such accounts. During the six-month period beginning on April 1 of each year, such interest shall be paid at a rate of not less than the National Deposit Rate for Savings Accounts as published in the month of January of the same year by the Federal Deposit Insurance Corporation. During the six-month period beginning on October 1 of each year, such interest shall be paid at a rate of not less than the National Deposit Rate for Savings Accounts as published in the month of July of the same year by the Federal Deposit Insurance Corporation.**

2 Loans and Investments. Amend RSA 383-B:3-303, (a)(7)(E) to read as follows:

(E) Any depository bank which requires or accepts moneys for deposit in escrow accounts maintained for the payment of taxes or insurance premiums related to loans on property secured by real estate mortgages shall ~~credit each escrow account with interest at a rate no lower than the highest target federal funds interest rate in the range set by the Federal Open Market Committee, minus one percent]~~ **pay interest in the moneys so held in such accounts. During the six-month period beginning on April 1 of each year, such interest shall be paid at a rate of not less than the National Deposit Rate for Savings Accounts as published in the month of January of the same year by the Federal Deposit Insurance Corporation. During the six-month period beginning on October 1 of each year, such interest shall be paid at a rate of not less than the National Deposit Rate for Savings Accounts as published in the month of July of the same year by the Federal Deposit Insurance Corporation.**

3 Effective Date. This act shall take effect 60 days after its passage.

**HB 522-FN**, relative to money transmitters. **OUGHT TO PASS.**

Rep. Brian Cole for Commerce and Consumer Affairs. This bill adds exemptions from the Model Money Transmission Modernization Act to New Hampshire's money transmitter law. This bill follows model legislation for all 50 states which allows certain businesses to be exempt from this law. New Hampshire already has a money transmitter law, and this bill simply clarifies who is exempt. Vote 18-0.

**HB 595-FN**, relative to the oversight of the public deposit investment pool. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris McAleer for Commerce and Consumer Affairs. The committee recommends Ought to Pass on this bill to put the oversight of the Public Deposit Investment Pool under the jurisdiction of the State Treasury as opposed to the Banking Department where it currently exists. These funds consist of state funds as well as custodial funds held by other agencies and jurisdictions within the state. These funds will be managed by a private investment advisor as approved by the State Treasurer and an underlying Advisory Committee. Vote 19-0.

**Amendment (0808h)**

Amend RSA 6:45, V as inserted by section 1 of the bill by replacing it with the following:

V. The state treasurer shall charge the public deposit investment pool any actual costs incurred by the department for the operation of the pool as well as any expenses of department personnel assisting in the operation of the pool. The private investment advisor retained under paragraph II shall be responsible for processing any invoice submitted for the actual costs incurred by the department and the expenses of department personnel under this paragraph.

Amend the introductory paragraph of RSA 6:47, II as inserted by section 1 of the bill by replacing it with the following:

II. The advisory committee shall assist and advise the treasurer on the establishment and operation of the investment pool, including:

**HB 613-FN**, relative to regulation of the individual health insurance market under RSA 404-G. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill is a request of the New Hampshire Insurance Department. It makes various changes to RSA 404-G, relative to the individual health insurance market. The changes represent the current products and providers of health insurance in the state for the individual (non-group) health market. Vote 19-0.

**HB 107-FN**, relative to employment restrictions for registered sex offenders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis Mannion for Criminal Justice and Public Safety. This bill would close a loophole in current law. The bill expands on employment restrictions and would prohibit registered sex offenders from employing, managing, supervising, or working in a one-on-one capacity with a minor. Vote 20-0.

**Amendment (0586h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Sexual Assault and Related Offenses; Prohibition From Contact With a Minor. Amend RSA 632-A:10 to read as follows:

632-A:10 Prohibition From ~~[Child Care Service of Persons Convicted of Certain Offenses]~~ ***Employment in Businesses Providing Direct Services to Minors or Direct Supervision or Oversight of Minors.***

I. A person is guilty of a class A felony if, having been convicted in this or any other jurisdiction of any felonious offense involving child sexual abuse images, or of a felonious physical assault on a minor, or of any sexual assault, he or she knowingly ~~[undertakes]~~ ***engages in*** employment or volunteer service, ~~[involving the care, instruction or guidance of minor children, including, but not limited to, service as a teacher, a coach, or worker of any type in child athletics, a day care worker, a boy or girl scout master or leader or worker, a summer camp counselor or worker of any type, a guidance counselor, or a school administrator of any type]~~ ***either as the employer or provider of such service or as an employee or volunteer, that consists of acting as a public or private school teacher, school administrator, guidance counselor, coach, a worker of any kind in child athletics, a day care worker, a boy or girl scout master or leader or worker, a camp counselor, or any employment or volunteer activity that provides services exclusively or predominantly to minors, that involves direct supervision of minors, or that involves one on one work with minors, or any employment or volunteer service that involves the direct supervision of minors, or one on one work with other minor employees.***

II. A person is guilty of a class B felony if, having been convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section, he ***or she*** knowingly fails to provide information of such conviction when ~~[applying or volunteering for service or employment of any type involving the care, instruction, or guidance of minor children, including, but not limited to, the types of services set forth in paragraph I]~~ ***offering employment or volunteer service opportunities or applying for or engaging in employment or volunteer service of the kind specified in paragraph I.***

III. A person is guilty of a class B felony if, having been convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section, he ***or she*** knowingly fails to provide information of such conviction when making application for initial teacher certification in this state.

2 Effective Date. This act shall take effect January 1, 2024.

**HB 287**, removing testing equipment from the definition of drug paraphernalia in the controlled drug act. **OUGHT TO PASS.**

Rep. Karen Reid for Criminal Justice and Public Safety. This bill amends the definition of drug paraphernalia in the controlled drug act and repeals testing equipment from the definition of drug paraphernalia. The aim of this bill is to provide persons suffering from substance misuse disorder a harm reduction tool that may decrease the chance of a drug overdose. This bill exempts Fentanyl test strips from the definition of drug paraphernalia from the controlled drug act. Vote 20-0.

**HB 305**, relative to exceptions for violations related to Presidential Executive Orders governing the keeping or bearing of arms. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Tenczar for Criminal Justice and Public Safety. This bill would have amended RSA 159-E:2. It sought to strike "violation of" and replace it with "class A felony as defined in." A subcommittee work session was held with five members of the committee. The committee wished to give the prime sponsor additional time to further explain the bill as prior testimony was confusing. The sponsor noted that the current language in RSA 159-E:2 was too broad and would allow federal law enforcement officers the ability to enforce presidential executive orders governing the keeping or bearing of arms when any violation of New Hampshire law occurred. By restricting it to class A felonies only, it would prevent overreach by the federal government. While the committee agreed that the bill was filed with good intention and would reduce federal intrusion on a citizen's second amendment right, it was determined that the bill was being presented too soon. The prior bill, HB 1178 (2022), which was signed into law in 2022 by Governor Sununu, was a large undertaking that was heard through several channels and ultimately contains the present agreed upon language. Vote 20-0.

**HB 315**, prohibiting provocations based on a victim's actual or perceived gender, gender identity, gender expression, or sexual orientation from being used as a defense in a criminal case. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. After hearing testimony during the public hearing, the committee found that this bill should be ought to pass with amendment. The amendment, as in the original bill, makes it unlawful to use "panic" over a person's sexual orientation or gender as a defense to murder, but adds religion, race, national origin, or political affiliation as additional grounds that cannot be used as an objectively reasonable cause of extreme provocation in such a case. The majority found that while eliminating the so called "gay panic defense" is a laudable effort, it unintentionally left out other things that could be cited as having caused extreme provocation and that while a sponsor of a bill may focus on a certain group that are important to them, as a committee it is our job to ensure that all of the citizens of New Hampshire are protected equally. Vote 20-0.

**Amendment (0370h)**

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting provocation based on the defendant's religion, race, creed, sexual orientation, national origin, political beliefs or affiliation, sex, or gender identity.

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Homicide; Manslaughter; Certain Provocation Not Objectively Reasonable. Amend RSA 630:2 by inserting after paragraph III the following new paragraph:

IV. For the purpose of determining if the defendant was under the influence of extreme mental or emotional disturbance caused by extreme provocation pursuant to paragraph I, the provocation was not objectively reasonable if it resulted from the defendant's hostility to the decedent's religion, race, creed, sexual orientation as defined in RSA 21:49, national origin, political beliefs or affiliation, sex, or gender identity as defined in RSA 21:54.

**AMENDED ANALYSIS**

This bill prohibits provocation based on the defendant's religion, race, creed, sexual orientation, national origin, political beliefs or affiliation, sex, or gender identity.

**HB 400-FN**, relative to certain assault offenses, bail eligibility for commission of certain assault offenses, and making a false report to a law enforcement officer. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. After hearing testimony during the public hearing, the committee found that this bill should be ought to pass with amendment. It was discovered during the hearing the New Hampshire is the only state in the country that does not have a specific crime related to assault and battery on a police officer. The law enforcement in this country, now more than ever, are being held to a higher standard than any other public employee and are under a constant microscope. They are expected to carry out their duties in a professional and nonbiased manner, balancing the fear for their own safety against the rights of our citizens to be safe from unlawful use of force. There is zero tolerance for any violations from this standard. As such, we have a duty to offer them as much protection from harm as we demand that they not harm others. The committee agreed that an assault on the police is not just an assault on the individual officer but on our entire legal system. The police represent the rule of law and a person willing to assault an armed officer is likely willing to assault anyone and as such should be charged accordingly. Furthermore, the amendment includes all EMS workers in this new charge. An assault on a firefighter, ambulance crew member, or a police officer in the course of their duties is much more serious than a simple assault, as may be charged in a bar fight. We already recognize that not all assaults are the same as we do in our domestic violence and child safety laws. Our emergency services personnel have a duty to protect and serve in a safe and unbiased manner and we have a duty to protect them as well. Vote 19-0.

**Amendment (0602h)**

Amend RSA 631:1, 1(e)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) A law enforcement officer who has probable cause to believe that a person has violated this subparagraph may immediately arrest such person, without a warrant, and shall cause such person to be brought before a judge, either in person or otherwise, for a determination of bail.

Amend RSA 631:2, I(g)(2) as inserted by section 2 of the bill by replacing it with the following:

(2) A law enforcement officer who has probable cause to believe that a person has violated this subparagraph may immediately arrest such person, without a warrant, and shall cause such person to be brought before a judge, either in person or otherwise, for a determination of bail.

Amend RSA 631:2-a, I(d)(1) as inserted by section 3 of the bill by replacing it with the following:

(d)(1) After being warned to do so, and where physically possible, refuses to back away from and remain at a distance from a police officer as directed by the officer in the performance of their duty, where a reasonable officer would be in fear of their safety or the safety of a member of the public.



Amend RSA 641:4 as inserted by section 4 of the bill by replacing it with the following:

4 False Reports to Law Enforcement. Amend RSA 641:4 to read as follows:

641:4 False Reports to Law Enforcement.

**I.** A person is guilty of a misdemeanor if he *or she*:

[F:] **(a) Knowingly** gives or causes to be given false information to any law enforcement officer with the purpose of inducing such officer to believe that another has committed an offense; or

[H:] **(b) Knowingly** gives or causes to be given information to any law enforcement officer concerning the commission of an offense, or the danger from an explosive or other dangerous substance, knowing that the offense or danger did not occur or exist or knowing that he *or she* has no information relating to the offense or danger.

**II.** A person is guilty of a class A misdemeanor if he or she knowingly reports to a law enforcement officer or agency, by word or action, false or baseless information regarding an allegation of criminal misconduct by a law enforcement officer, firefighter, or emergency medical services worker in the performance of such officer's duty.

**III.** A person is guilty of a misdemeanor if he or she knowingly reports to a law enforcement officer or agency, by word or action, false or baseless information regarding an allegation of misconduct by a law enforcement officer, firefighter, or emergency medical services worker in the performance of such officer's duty.

**HB 503-FN**, relative to the rights afforded to a person accused of a crime. **INEXPEDIENT TO LEGISLATE.** Rep. Mark Proulx for Criminal Justice and Public Safety. After a public hearing, the committee recommends this bill as inexpedient to legislate. The committee heard testimony from the court that this bill would be unworkable without a significant increase in staffing which the bill does not provide for. Furthermore, the provisions of the bill with regard to so called "speedy trials" have already been addressed by both the United States and New Hampshire Supreme Courts. The inner workings of the court system are managed by the New Hampshire Supreme Court. They are the subject matter experts with regard to the constitutional obligations of the courts, prosecutors, and defense counsel. As such they operate a delicate balancing act, taking into account the resources of the court, the various county attorneys and, perhaps most relevant to this proposed bill, the public defenders. Reallocating resources due to legislative obligation causes them to pull them from somewhere else. We also heard testimony that there simply are not enough attorneys to impose the deadlines this bill proposes and that often delays in proceedings are at the request of the defense. Any bill attempting to dictate the inner workings of the court must be done very carefully with appropriate study and conversations with the involved stakeholders. They must also fund what they are demanding. None of these things occurred with this bill. No one from the court, attorney general's office, or the New Hampshire Defense bar was consulted for this bill and the only one testifying in support of it was the sponsor. Vote 20-0.

**HB 349**, relative to a special purpose school district for Bridgewater, Hebron, and Groton. **OUGHT TO PASS.** Rep. Rick Ladd for Education. In 1997, the New Hampshire General Court passed HB 436 that allowed the establishment of a special village district for the towns of Hebron and Bridgewater to construct, own, and maintain a public school facility with three elected commissioners to oversee the school facility and grounds. The village district then constructed and continues to own, debt free, the Bridgewater-Hebron Village school building, surrounding athletic fields and furnishings. It leases the school to the Newfound Area School District for \$1.00 per year. Teachers, staff, and curriculum management are provided by the Newfound Area School District. This bill is designed to expand Bridgewater's and Hebron's legal status as a village district, and explore, over a 4-year period, the establishment of a three-town special purpose school district. This is a very unique situation as Bridgewater and Hebron is the only village district that owns its own school but is not a school district. The goal of this bill is to reconfigure and structure the village district as a K-8 school district. Currently, the village school's education performance is outstanding and ranked among the top K-5 schools in the state. The current student count of Bridgewater, Hebron, and Groton accounts for about 15% of the Newfound Area School District student body and the corresponding budget contribution is roughly 16%. It is estimated that the reduction in middle school expenses coupled with SAU 4 gains in tuition and administrative revenue by the special village district also becoming a school district would result in little to no fiscal impact to SAU 4. It should also be noted that Bridgewater, Hebron, and Groton are located on the extreme northwest corner of the Newfound Area School District. This results in students having to ride on a school bus 2.5 hours per day, an excessively long daily bus journey. This bill will rectify that situation. The firm of Wadleigh, Starr, and Peters (Manchester Attorneys of Law) have stated that this bill applies to a local situation where a separate municipality owns the building in which the children are educated; it is not capable of repetition elsewhere in the state and represents a truly unique set of facts. Lastly, in a letter received by the Education Committee from Virginia Barry (former Commissioner of New Hampshire Department of Education, 2009-2017) states that she strongly supports the establishment of a special-purpose school district as proposed by the towns of Bridgewater, Hebron, and Groton. Vote 18-2.

**HB 446**, relative to participation in the education freedom accounts program by students with disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. This bill requires the scholarship organization administering the Education Freedom Accounts program to provide parents of students with disabilities an explanation of their rights under state and federal law for services specific to the education option in the program. The Department of Education Bureau of Special Education is to develop and maintain the explanation. Vote 19-1.

**Amendment (0777h)**

Amend RSA 194-B:4, III as inserted by section 1 of the bill by replacing it with the following:

III. The scholarship organization shall ensure that parents of students with disabilities receive ~~[notice that participation in the EFA program is a parental placement under 20 U.S.C. section 1412, Individuals with Disabilities Education Act (IDEA), along with an explanation of the rights that parentally placed students possess and waive under IDEA and any applicable state laws]~~ ***a written explanation of their rights to services pursuant to federal and state law specific to the education options available in the EFA program. The explanation shall be developed and maintained by the department of education, bureau of special education support.***

**HB 452**, relative to the department of education procedures for school building aid applications. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, revises the timelines and procedures for the Department of Education to review and approve applications for school building aid grants. The bill creates an annual application process. Current building aid process occurs every other year. The bill ranks projects after the state building aid appropriation is known. The current building aid process publishes a ranked list in January. The bill further allows for a more efficient construction schedule. The current building aid process approves projects in July/August, missing a key construction season (summer). Vote 20-0.

**Amendment (1017h)**

Amend RSA 198:15-b, I(b)(4) as inserted by section 1 of the bill by replacing it with the following:

(4) Funds received from federal grants or grants from other state programs shall be subtracted from total project costs when computing grants under this paragraph.

Amend RSA 198:15-c as inserted by section 1 of the bill by replacing it with the following:

198:15-c Approval of Plans; Specifications, and Costs of Construction or Purchase.

I.(a) A school district maintaining approved schools, desiring to avail itself of the grants herein provided shall submit schematic design plans, cost estimates, and other items determined by the department of education for an eligible school construction project prior to the start of the construction. Projects with approval from the school district's legislative body to construct, not subject to receiving building aid, are not eligible.

(b) Beginning January 1, 2025 and each year thereafter, to be considered for a school building aid grant, the complete building aid application shall be submitted no later than April 1 of the fiscal year that immediately precedes the fiscal year in which the school desires to seek the district's legislative body's approval for construction. The application shall include at a minimum, schematic design plans, cost estimates, educational needs assessment, existing facility conditions assessment including, but not limited to a review of the mechanical, electrical, plumbing, and structural components of the building, proof of an annual school budget to support good maintenance, and other documentation as required by the department and identified in the department's school building construction rules.

(c) As deemed appropriate, emergency projects that are recommended by the commissioner of education shall be addressed on a case-by-case basis by the state board of education at any time during the school year. A school construction project requiring the replacement of all or a significant portion of a school facility which is declared uninhabitable or is identified as an imminent danger or substantial risk by the state fire marshal or a state or federal agency, and which results from an unanticipated and sudden natural or human disaster, shall qualify as an emergency project.

II.(a) The commissioner shall accept school building aid grant applications based upon completeness and submit a preliminary school building aid grant list, with applications ranked in accordance with subparagraph II(b) and rules of the department, to the school building authority established pursuant to RSA 195-C by August 1 each year. The school building authority shall verify the ranking submitted by the commissioner and submit a list in descending rank order to the state board of education for approval. If the ranking submitted to the school building authority differs from the preliminary school building aid grant list, the school building authority shall justify the new ranking using the same criteria in subparagraph II(b) and in rules of the department. The school building authority shall submit the school building aid rank order listing with written report of findings to the state board no later than October 15, each year. The state board of education shall verify the ranking submitted by the school building authority. If the ranking submitted to the state board of education differs from the preliminary school building aid grant list submitted by the commissioner, the state board of education shall justify the new ranking using the same criteria in subparagraph II(b) and

rules of the department. The state board of education shall approve and publish the descending rank order list of approved eligible school construction projects by November 15 each year. School districts which have projects approved for funding shall be notified by the department of education of the projected amount to be funded within 10 days of approval. The project rating system and criteria used to rate project applications which shall include an administrative review process for appeal of a school district's project point rating, shall be developed by the department of education and approved by the state board of education.

(b) The commissioner of the department of education shall accept school building construction proposals based upon completeness. The department of education shall consider and score each proposal based on the following criteria:

(1) Unsafe conditions.

(2) Facilities not in compliance with the Americans With Disabilities Act, or obsolete, inefficient, or unsuitable facilities or mechanical and building systems.

(3) Overcrowding and associated influences to instructional areas and programming.

(4) Enrollment projections and population shifts.

(5) A school district's fiscal capacity based on measurable criteria such as the percentage of pupils eligible for free and reduced price meals.

(6) School security design and integration of security systems.

(7) The project contributes to operational cost efficiencies, consolidation, or reduced property taxes.

(8) High performance of design that provides environments that are energy and resource efficient. Energy and resource efficient designs are those that improve indoor air quality, air temperature, or water quality; reduce heating costs; provide better lighting; and increase average attendance.

(9) Any other criteria that the state board of education may determine are necessary.

(c) Except as provided in subparagraph (d), applications on the approved ranked list the previous fiscal year, including the school construction projects on the descending rank order list approved by the state board of education on November 10, 2022, but did not receive a grant due to insufficient funds in the previous fiscal year, shall be ranked ahead of any application that was not on the list in the previous fiscal year provided that construction of the project has not started.

(d) Applications with critical needs pursuant to subparagraph II(b) and substantial deficiencies, as defined by the department of education's school construction rules, may be ranked ahead of applications received in the prior fiscal year.

(e) Projects that did not receive approval from the school district's legislative body may resubmit those projects to the department for future consideration.

III. A school district that accepts school building aid for construction shall engage the services of a project manager for construction or reconstruction projects of \$1,000,000 or more, unless the commissioner waives such requirement as unnecessary. The school district's project manager shall have his or her own comprehensive liability and auto insurance, worker's compensation coverage, and professional liability coverage. The state board of education shall adopt rules pursuant to RSA 541-A relative to the required services, responsibilities, and qualifications for the school district's project manager.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-5 to read as 3-6, respectively:

2 New Paragraph; School Building Aid; Definition Added. Amend RSA 198:15-a by inserting after paragraph I the following new paragraph:

I-a. For purposes of this subdivision, "school district" means any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, any receiving district operating an area school as defined in RSA 195-A:1, or any receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22.

**HB 530-L**, relative to withdrawal from a cooperative school district. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. This bill unravels governance issues associated with the cooperative school district withdrawal process. Throughout the past 60 years, most New Hampshire towns have undergone significant change in regard to the number of school-age students enrolled in local schools and property valuation. Approximately one out of every three cooperative districts are experiencing significant representation and funding issues based upon communities no longer reflecting their past economic and population demographics as reflected in articles of agreement. The following example of the Town of Carroll's membership in the White Mountain Regional School District (WMRSD), a cooperative, best explains the issue. "In 1963, residents of Carroll, Dalton, Jefferson, Lancaster, and Whitefield voted to form a consolidated district with funding apportionment based on 60% Average Daily Membership (student enrollment) and 40% built upon equalized property valuation for each town. Nearly 60 years later, the apportionment formula remains unchanged. Carroll students account for 4.62% (59 students) of the WMRSD student population. Yet, Carroll pays a per pupil

tuition rate of \$46,035.00. The Dalton, Jefferson, Lancaster, and Whitefield districts pay \$9,190.00, \$14,762, \$5,715, and \$9,706, respectively.” In 2004 and 2021, Carroll requested a review of the 1963 apportionment formula and the district’s articles of agreement that remain in place. During the district’s annual 2022 March meeting, 70.6% of Carroll voters voted to withdraw from the WMRSD, but 80.9% of the remaining districts voted not to allow Carroll to withdraw from the district. The decision to allow a single district’s withdrawal requires a majority vote of the whole. Many who support and who have testified at House Education Committee public hearings, echo Carroll’s unhappiness in being bound to articles of agreement that are now unfair and burdensome. Accordingly, the State Board of Education on this matter, recommended: “(1) that the withdrawal process put in place by Carroll be terminated, and (2) that the districts that form the WMRSD continue to engage in constructive dialogue to boast a Cooperative School District where five, not four districts participate of their own volition.” This bill provides a fair solution; if a 3/5 supermajority of the voters present and voting in the preexisting district vote in the affirmative, in favor of the withdrawal, and subsequently a 3/5 supermajority of the voters present in the entire cooperative district vote to agree, the withdrawal process will move forward. If a district does withdraw from a cooperative, this bill also requires a plan to provide for the disposition of property held with the cooperative to include a statement of assumption of liabilities. The age-old withdrawal issue resultant from articles of agreement established 60 years ago needs to be unraveled. This bill will accomplish that end in a fair and equitable manner. Vote 20-0.

#### Amendment (1019h)

Amend the bill by replacing section 1 with the following:

1 Cooperative School Districts; Vote on Withdrawal. Amend RSA 195:29 to read as follows:

195:29 Vote on Withdrawal. If the state board approves the plan for withdrawal, the board shall cause the withdrawal plan to be published once in some newspaper generally circulated within the cooperative school district. Upon receipt of a written notice of the board’s approval of the withdrawal agreement, the school board of the cooperative district shall cause the withdrawal plan to be filed with the clerk of the cooperative school district and submitted to the voters of the district as soon as may reasonably be possible at an annual or special meeting called for the purpose, the voting to be by ballot with the use of the checklist, after reasonable opportunity for debate in open meeting. The article in the warrant for the district meeting and the question on the ballot to be used at the meeting shall be in substantially the following form:

“Shall the school district accept the provisions of RSA 195 (as amended) providing for the withdrawal of the preexisting district of \_\_\_\_\_ from the \_\_\_\_\_ cooperative school district in accordance with the provisions of the proposed withdrawal plan filed with the school district clerk?”

Yes \_\_\_\_\_ No \_\_\_\_\_

**I.** If a majority of voters present and voting in the withdrawing preexisting district vote *in the negative*, against withdrawal, then the withdrawal process is terminated.

**II.** If a majority of the voters present and voting in the withdrawing preexisting district shall vote in the affirmative, *in favor of withdrawal* and a majority of the voters present and voting in the entire cooperative district shall vote in the affirmative, *in favor of withdrawal*, the clerk of the cooperative school district shall forthwith send to the state board of education a certified copy of the warrant, certificate of posting, evidence of publication, and minutes of the meeting.

**III.** *If a 3/5 supermajority of the voters present and voting in the withdrawing preexisting district vote in the affirmative, in favor of the withdrawal, the clerk of the cooperative school district shall forthwith send to the state board of education a certified copy of the warrant, certificate of posting, evidence of publication, and minutes of the meeting unless a 3/5 supermajority of the voters present and voting in the entire cooperative district vote in the negative, against withdrawal.*

**IV.** If the *state board of education* finds that a majority of the voters present and voting, *in the withdrawing preexisting district and the entire cooperative district, or by the alternative supermajority vote under paragraph III*, have voted in favor of the withdrawal plan, it shall issue its certificate to that effect and such certificate shall be conclusive evidence of the withdrawal of the preexisting district and the continuation of the cooperative school district as of the date of its issuance, or the dissolution of a 2-district cooperative if the cooperative was formed by 2 preexisting districts[; ~~provided, however, that~~]. A withdrawal plan shall be prepared [~~for a 2-district cooperative~~] and it shall provide for the disposition of property held within the cooperative and a statement of assumption of liabilities. [~~If a majority of voters present and voting reject the plan, the withdrawing district shall have the right to appeal such vote to the state board of education. The state board shall upon receipt of such appeal investigate and report back to the district on its findings and recommendations; and this report may require that there will be another special meeting for a vote of reconsideration.~~]

**HB 550-FN**, relative to chartered public school dissolution. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. Amending language replaces the entire bill. The bill, as amended, establishes a committee to study the chartered public school dissolution process if the closure of a chartered public

school is required in order to ensure an orderly school closure that supports students, avoids insolvency, and reduces liability to the school and state. Chartered school assets may consist not only of assets received from the state, but also assets that may have been received from private, charitable resources. In general, when a charitable organization dissolves, its unrestricted charitable assets must be distributed in accordance with the dissolution clause in the organization's articles of agreement. This situation must be considered if a chartered school is faced with closure. Among other concerns, the committee is further tasked to study and present recommendations regarding matters of financial liability to the state, school districts, employees, boards, and parents as well as other non-financial issues related to the placement of student records and retention of student records. Vote 18-2.

#### Amendment (0624h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study chartered public school dissolution.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Chartered Public School Dissolution. There is established a committee to study the current chartered public school dissolution process and identify ways to ensure an orderly school closure that will support students, avoid insolvency, and reduce liability to the school and the state.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, at least 2 of whom are from the education committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

II.(a) The committee shall seek the expertise and advice from:

(1) A financial administrator (employee or contractor), preferably a CPA, for a charter school, nominated by the commissioner of education.

(2) The administrator of the department of education's chartered public school office.

(3) A representative of the charitable trust unit of the department of justice.

(4) The commissioner of the department of administrative services, or designee.

(5) Any other person or entity relevant to the duty of the committee.

(b) Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study the following issues related to the operation of chartered public schools, which are recognized by the state as both private non-profit organizations and public schools:

(a) Existing federal and state statutes and rules related to financial and risk management, and dissolution including the disposal of property, inventory and monetary assets.

(b) Identification of all state agencies that do, or should, have responsibilities related to the monitoring of financial status and practices, maintenance of fiscal solvency, and the dissolution process.

(c) Financial liability of the state, school districts, and the employees, boards, parents and volunteers of chartered schools.

(d) Current practices and best practices for schools and state agencies, related to maintenance of financial stability, risk management, and the dissolution process of chartered schools.

(e) Non-financial issues related to dissolution including, but not limited to, notification of closure, placement of students and retention of academic records.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the chairs of the education committees in both the house of representatives and senate, the house clerk, the senate clerk, the governor, and the state library on or before December 15, 2023.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

The bill establishes a committee to study the chartered public school dissolution process.

**HB 640**, relative to cost recovery for vocational rehabilitation programs. **OUGHT TO PASS.**

Rep. Katy Peternel for Education. This bill repeals the state's right to recover the cost of vocational rehabilitation service from an individual who receives third-party settlement or benefit award. According to the Department of Labor, issues related to workers' compensation claims have changed drastically over the years. The Department of Labor in New Hampshire has a small division of vocational rehabilitation counselors that work on workers' compensation cases. For reference, the administration rule can be found in RSA 281-A:23

for this program. Due to internal work that happens with the New Hampshire Department of Labor, this statutory language for the state vocational rehabilitation program is no longer needed, hence the request to repeal this section. Vote 17-2.

**HB 649-FN**, repealing the collection of the state education property tax. **INEXPEDIENT TO LEGISLATE.** Rep. Rick Ladd for Education. This bill repeals the Statewide Education Property Tax (SWEPT) and transfers that funding of adequate education costs to the general funds. This bill further removes the low- and moderate-income homeowners property tax relief program for relief from the SWEPT. Numerous comprehensive school funding reports have been completed since 2008: Joint Legislative Oversight Committee on the Costing for an Adequate Education (2008), Committee to Study Education Funding and the Cost of an Opportunity for an Adequate Education (2018) and most recently, the Commission to Study School Funding (2020). None of these studies recommended the repeal of the SWEPT. Any decision to repeal this section of law would absolutely require a comprehensive policy and financial impact study with recommendations and findings. Vote 20-0.

**HB 179**, relative to the definition of electioneering. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This bill attempts to alter the definition of electioneering by changing what is permissible to wear in the polling place. Last term the House passed a bill that created an exemption that would allow a person to wear whatever they pleased so long as they were in the process of voting and conducted no other activity within the polling location while wearing the otherwise prohibited clothing. This bill would weaken that and could be interpreted as allowing poll workers and observers to wear political clothing and other wearables inside the polling location. The committee did not approve of that. Vote 20-0.

**HB 195**, relative to the definition of political advocacy organization. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Connie Lane for Election Law. This bill changes the current law to require independent political organizations that spend \$2,500 or more in a calendar year for communication that advocates for or against a candidate, or a measure, to register as a political advocacy organization. The purpose of the bill is to make clear who is paying for the mailings, social media, or other communication that is often dumped on voters shortly before an election. Current New Hampshire law requires that independent political organizations involved in New Hampshire elections, but not associated with a candidate, must register with, and report their activities to the Secretary of State. The committee heard testimony that some organizations have avoided registration by claiming that their materials were related to political “issues” rather than to “candidates” – even where a candidate is named in the communication. This bill closes that distinction. The amendment deleted a requirement that the communication must be made within 60 days of the election to qualify for disclosure and revised language concerning the characterization of the communication. The majority believe that it is important for New Hampshire voters to know from where the political advocacy in their state is coming and support this effort to bring more transparency to the election process. Passing this bill will strengthen the integrity of political debate in New Hampshire and ensure accountability within the election process. This bill does not limit free speech, it only discloses who is speaking. Vote 19-0.

#### **Amendment (0986h)**

Amend the bill by replacing section 1 with the following:

1 Political Action Committee; Definitions. RSA 664:2, XXII is repealed and reenacted to read as follows:

XXII. “Political advocacy organization” means any entity that makes expenditures of \$2,500 or more in a calendar year for communication that is functionally equivalent to express advocacy such that, when taken as a whole, such communication is likely to be interpreted, all or in part, by a reasonable person as advocating the election or defeat of a candidate or candidates, or the success or defeat of a measure or measures, taking into account whether the communication involved mentions a candidacy, a political party, or takes a position on a candidate’s character, qualifications, or fitness for office.

**HB 244**, relative to the printing of the election day checklist. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert Wherry for Election Law. This bill changes the latest time that an absentee ballot may be requested to be mailed as 12:00 noon on the day before an election. The amendment removed certain requirements the original bill had proposed regarding printing of the checklists and clarifies that absentee ballots may be requested in-person up to 5:00 pm on the day before an election. Vote 19-0.

#### **Amendment (0957h)**

Amend RSA 657:15, I as inserted by section 1 of the bill by replacing it with the following:

I. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver, email, or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:8 or designate an assistant to deliver such materials to the applicant. The clerk’s option to email an absentee ballot to a voter shall apply only to absentee ballot applications from UOCAVA voters. The clerk shall ~~send~~ **mail** absentee ballots in response to verified absentee ballot requests ~~[until 5:00]~~ **that have been received by 12:00** p.m. on the day before the election. ***The clerk shall deliver an absentee ballot to any voter requesting an absentee ballot in person up***

**until 5:00 p.m. on the day before the election.** The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absentee ballots have been sent, and shall identify those official absentee ballots which have been returned to the clerk and shall record the absentee voter applicant information in the statewide centralized voter registration database. The lists shall not be available for public inspection at any time without a court order.

Amend the bill by deleting sections 2-3 and renumbering the original section 4 to read as 2.

#### AMENDED ANALYSIS

This bill changes the latest time that an absentee ballot may be requested.

**HB 402-FN**, relative to prohibiting false statements against candidates. **INEXPEDIENT TO LEGISLATE.** Rep. Stephen Kennedy for Election Law. Although the committee agreed with the sentiment that making false statements regarding a political opponent or their positions is reprehensible, there are strong First Amendment protections for political speech. For example, the Supreme Court has long considered political and ideological speech to be at the core of the First Amendment, including speech concerning "politics, nationalism, religion, or other matters of opinion." (*W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 1943). One can sue for defamation under current laws, but generally, speech that touches on matters of public concern is highly protected, especially where restricting such speech could have a chilling effect on future speech. Campaign speech is considered the epitome of speech regarding matters of public concern because it is the core of our political democracy. There are exceptions. For example, if a person makes a statement with actual malice (i.e., the statement is made with knowing or reckless disregard for the truth of the matter) then that statement may fall outside the protections of the First Amendment. The bill states 'false statements issued on the homepage of a candidate, political committee, or political party's website is evidence of their position on an issue and prima facie evidence of reckless disregard of the truth,' but this may not automatically constitute 'reckless disregard.' In addition, the penalties prescribed in the bill seemed vague, and could be extremely punitive. That is, "a violation of this section shall include damages of \$1 for each impression or for each recipient of a newspaper, radio, television, Internet, or similar media, or, \$500 for each physical political sign belonging to a candidate, political committee, or political party." Vote 19-0.

**HB 478**, relative to ballot order in the general election. **INEXPEDIENT TO LEGISLATE.** Rep. Ross Berry for Election Law. This bill attempts to change the ballot order for state representatives in multi-seat districts based on their performance in the primary. The bill does not properly address those who file by petition. Vote 19-0.

**HB 496**, relative to the delivery of ballots to nursing homes and elder care facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Clayton Wood for Election Law. This bill requires the clerk or assistant to deliver the absentee ballots to residents in nursing homes or elder care facilities accompanied by two absentee ballot observers, one from each party, after being appointed by the town. The committee believes this process is too complicated to deliver ballots and working with the residents is not outlined in the bill. This additional work may burden the local clerk's office which is already busy with the election process. Vote 17-2.

**HB 84**, relative to the emergency management powers of the department of transportation. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberly Abare for Executive Departments and Administration. The committee heard testimony that there are already resources in place for towns to gain support from other communities and from the state through their emergency management programs, as well as mutual aid programs that exist for every town. Adding more emergency powers on top of resources are not efficient or effective at this time. Vote 20-0.

**HB 457-FN**, relative to state treasury pension and insurance fund management. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew Simon for Executive Departments and Administration. This bill codifies the fiduciary responsibility of the Treasurer of New Hampshire in statute. It further requires the Treasurer and the New Hampshire Retirement System to make quarterly investment reports to the Legislative Budget Assistant for legislative oversight and accountability. The committee determined that this codification and increased transparency were common sense moves that will benefit the people of New Hampshire. Vote 20-0.

#### Amendment (0898h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Investment of Funds; State Treasurer; Conditions. Amend RSA 6:8, II by inserting after subparagraph (e) the following new subparagraph:

(f) Notwithstanding the other provisions of this paragraph, all investments and their management shall be governed by the fiduciary duty to maximize benefits for the state or the beneficiaries of the state's trust funds managed by the treasurer. The treasurer shall report on a quarterly basis to the office of legislative budget assistant regarding compliance with the duty to make investment decisions based upon the fiduciary duty to maximize short or long term financial benefits for the state. The report shall note the existence of any investment funds that may have mixed, rather than pure, fiduciary interest investment motivations.

2 Retirement System; Management of Funds. Amend RSA 100-A:15, VIII to read as follows:

VIII.(a) *The* management, investment, and reinvestment practices for the assets held in trust by the board pursuant to this section shall be subject to review by the legislature.

(b) *The independent investment committee and the board of trustees shall report on a quarterly basis to the office of legislative budget assistant regarding compliance with the duty to make all investment decisions solely in the interest of the participants and beneficiaries of the state retirement system. The report shall note the existence of any investment funds that may have mixed, rather than sole, interest investment motivations.*

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires the state treasurer and the retirement system to report quarterly on the motivations of funds, especially those that have environmental social, political, or ideological interests.

**HB 129-FN-L**, relative to menstrual hygiene products in schools. **OUGHT TO PASS WITH AMENDMENT.** Rep. Tracy Emerick for Finance. This bill modifies existing law by removing the specification of female hygiene products be available in girl's bathrooms to be available, leaving availability up to the school board. "Girls" is modified to menstruating students, to avoid future legal issues. The bill was determined not to be a 28A violation since the state sends over \$1 billion to school districts. Grade levels are dropped to un-restrict age of availability. Vote 22-3.

#### Amendment (0933h)

Amend the bill by replacing all after the enacting clause with the following:

1 School Districts; Menstrual Hygiene Products. Amend RSA 189:16-a, I to read as follows:

I. [~~The school district~~] *School districts* shall make menstrual *hygiene* products available at no cost [~~in all gender neutral bathrooms and bathrooms designated for females located in public middle and high schools~~] *to all menstruating students attending public schools.*

2 Effective Date. This act shall take effect August 1, 2023.

#### AMENDED ANALYSIS

This bill requires school districts to provide menstrual hygiene products to all menstruating students attending public schools.

**HB 207-FN**, relative to school district unanticipated funds. **OUGHT TO PASS.**

Rep. Tracy Emerick for Finance. For many years, a school board would have to hold a public hearing, if an item in the budget, either through an unexpected grant, or some cancellation, made some money available, where a decision to repurpose, it had to be made. The amount of \$5,000 was the trigger requiring holding a public hearing. In the 20 plus years since the \$5,000 trigger was set, the amount seems trivial. The bill increases the trigger to \$20,000, which seems more appropriate in these times. Vote 25-0.

**HB 555-FN-A**, appropriating state general fund surplus toward the retirement system unfunded accrued liability. **OUGHT TO PASS.**

Rep. Dan McGuire for Finance. When money is left over in the general fund at the end of a biennium it is automatically added to the Revenue Stabilization Reserve Account, better known as the rainy-day fund. This bill redirects 75% of this money to help pay off our retirement system's unfunded liability whenever the rainy-day fund already has a good cushion. Although we are not yet at that point, the state's strong economy could get us there before long. Reducing retirement debt is a smart thing to do because otherwise it effectively grows at 6.75%. Vote 25-0.

**CACR 8**, relating to a constitutional right to birth control. Providing that the constitution protects the right to access birth control. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa Mazur for Health, Human Services and Elderly Affairs. This bill was deemed unnecessary as no one is currently being denied birth control, therefore no problem exists. Only the bill sponsor and co-sponsor testified to it, so it didn't appear to have much support. It would also require a constitutional amendment, which the committee is not in favor of and, again, finds unnecessary. Vote 20-0.

**HB 136**, relative to the department of health and human services collaborating and holding a roll call vote on final proposal of rules with the advisory council prior to departmental rulemaking. **OUGHT TO PASS WITH AMENDMENT.**



Rep. Erica Layon for Health, Human Services and Elderly Affairs. The committee believes that the advisory council for the controlled drug prescription health and safety program established under RSA 126-A:96 should have the opportunity for a roll call vote on the final rules proposed by the Department of Health and Human Services (DHHS) and to work collaboratively with the department in the development of these rules. This bill, as amended, achieves this goal, and has the support of DHHS. Vote 20-0.

**Amendment (0949h)**

Amend the bill by replacing section 1 with the following:

1 Rulemaking. Amend the introductory paragraph RSA 126-A:95 to read as follows:

The department shall *work in collaboration with the advisory council established under RSA 126-A:96 to adopt rules pursuant to RSA 541-A, and prior to the department adopting any proposed rule, the department shall provide the council an opportunity to hold a roll call vote in support or opposition to any final proposed rule adopted* [adopt rules] pursuant to RSA 541-A, necessary to implement and maintain the program including:

**HB 215**, relative to the adoption of rules by the department of health and human services regarding medication administration by licensed nursing assistants. **OUGHT TO PASS.**

Rep. David Nagel for Health, Human Services and Elderly Affairs. It is the unanimous belief of the committee based on review of testimony and a review of current statute that there is a substantial labor shortage in our health care facilities which creates a problem with access to care for those in need of these services. Improving the efficiency of the provision of certain services within these facilities such as medication dispensing by licensed nursing assistants authorized to administer medication pursuant to RSA 326-B:14, II-a, with reimbursement for this service, can free up nurses and others to provide other needed services and improve both care within the facility and access to admission to these facilities. It is the unanimous belief of the committee that this bill is needed legislation that provides a strong and positive step towards achieving these efficiencies. Vote 20-0.

**HB 217**, establishing a committee to study the effects of fluoride on fetuses and children. **OUGHT TO PASS.**

Rep. Frances Nutter-Upham for Health, Human Services and Elderly Affairs. This bill would establish a committee to study the research on how fluoride in town water systems effects pregnant women and children. The committee shall study the effects of fluoride exposure, including neurotoxicity and other potential side-effects on fetuses, children and adolescents and will make appropriate recommendations. Vote 19-1.

**HB 323**, relative to establishing a committee on emerging medical technologies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. The committee believes that it would be beneficial to create a committee to address the concerns surrounding emerging medical technology including increasing access to clinical trials, removing barriers to access, staying informed about biomarkers, reviewing safety and the appropriate state response with the board of medicine and other stakeholders, and removing barriers to increased emerging medical technology companies to establish a presence in New Hampshire. This bill builds upon an effort by the late Rep. Katherine Rogers to increase access to therapies guided by biomarkers and honors her legacy. Vote 20-0.

**Amendment (0934h)**

Amend the bill by replacing section 2 with the following:

2 New Section; Committee on Emerging Medical Technologies. Amend RSA 126-A by inserting after section 15-a the following new section:

126-A:15-b Committee on Emerging Medical Technologies.

I. There is established the joint committee on emerging medical technologies.

II. The members of the committee shall be as follows:

(a) One member of the senate, appointed by the senate president. The senate president also shall appoint one alternate member.

(b) Two members of the house of representatives and 2 alternates, with one member and one alternate appointed by the speaker of the house of representatives and one member and one alternate appointed by the minority leader. If the speaker of the house of representatives is a member of the minority party, the second member and alternate shall be appointed by the majority leader.

(c) Alternate members may attend committee meetings but shall not serve as voting members or count toward the committee's quorum unless a regular member is not in attendance.

(d) A quorum shall be defined as 2 members and shall not be required except to vote on recommendations.

III. The committee shall solicit information and testimony from the public, state agencies, the attorney general, industry representatives with a special focus on medical and technical knowledge and challenges, health care providers and their associations, insurance companies, patient and consumer advocacy groups and any others who have an interest in emerging medical technologies.

IV. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

V. The committee shall:

(a) Review topics of public interest surrounding the availability of emerging medical technologies including but not limited to:

- (1) Expanding access to clinical trials in both academic and community settings;
- (2) The role of biomarkers;
- (3) Pursuing access through compassionate care programs for medically appropriate patients; and
- (4) Removing barriers to access for emerging medical technologies.

(b) Review safety of emerging medical technologies including but not limited to:

(1) Working with the board of medicine to find appropriate ways to identify safety risks of emerging technologies, and in particular implantable medical devices, including an early warning system for surgeons or interventionalists who experience higher than expected adverse events or implant failures in order to facilitate remediation or other efforts to protect the health and safety of the public;

(2) Identifying safety signals in available data which warrant investigation, and identification of the appropriate body to conduct such an investigation; and

(3) Policies, laws or administrative rules which impact the public disclosure or withholding of safety concerns surrounding emerging medical technologies.

(c) Study barriers to expanding the presence of emerging medical technology companies and their suppliers in New Hampshire.

(d) Other issues surrounding emerging medical technology, as deemed relevant by the committee.

(e) Make specific recommendations regarding legislation or investigation relative to emerging medical technologies. The committee may make such recommendations as needed.

VI. The first meeting of the committee shall be called by the first named representative. The first meeting of the committee shall be held within 60 days of the effective date of this section and the members of the committee shall elect a chairperson of committee from the members. The committee shall meet at least once a year and at such additional times as may be determined necessary by the chairperson.

VII. Beginning October 1, 2023 and annually thereafter, the committee shall report its findings and any recommendations for proposed legislation to the chairmen and vice chairmen of the house health human services and elderly affairs committee, the senate health and human services committee, the oversight committee on health and human services, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

**HB 408**, relative to foster children and vaccinations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim Kofalt for Health, Human Services and Elderly Affairs. The current administrative rule asserts that under certain conditions, household members in a foster home (except the foster children themselves) must receive the entire schedule of vaccines recommended by the Advisory Committee on Immunization Practices (ACIP), and that they may only be exempted for medical reasons. Under this legislation, household members would not be subjected to different immunization requirements than other people living in New Hampshire and would have the same exemptions available to them as any other person in the state, including the religious exemption. Vote 20-0.

**Amendment (0577h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Residential Care and Child-Placing Agency Licensing; Immunization Requirements for Foster Family Homes. Amend RSA 170-E by inserting after section 27-a the following new section:

170-E:27-b Immunization Requirements; Foster Family Homes. There shall be no vaccination or immunization requirements required of any children residing in a foster home that exceeds any vaccination or immunization requirements as required by RSA 141-C:20-a, either in type of vaccination or quantity of doses. All children residing in a foster home or household shall have the same rights to claim any exemption from a vaccination or immunization requirement as any other child in the state and the exemptions under 141-C:20-c shall apply to children of any age whose parents desire them irrespective of whether or not they are admitted or enrolled in any public or private school or child care agency. No provision of this subdivision, and no rule adopted by the department governing the licensing of a foster family home, shall impose any vaccination or immunization requirements on any adults residing in a foster family home or household.

2 Effective Date. This act shall take effect 60 days after its passage.

**HB 425-FN**, repealing the statute relative to medical freedom in immunizations. **INEXPEDIENT TO LEGISLATE.**

Rep. Leah Cushman for Health, Human Services and Elderly Affairs. This bill would repeal RSA 141-c:1-a, which provides that "Every person has the natural, essential, and inherent right to bodily integrity, free from any threat or compulsion by government to accept an immunization. Accordingly, no person may be compelled to receive an immunization for COVID-19 in order to secure, receive, or access any public facility, any public

benefit, or any public service from the state of New Hampshire, or any political subdivision thereof.” The law currently provides protection from over-reaching mandates by government on its people and the majority of the committee believes this law has served the state well with no negative consequences and should remain in effect. Vote 18-2.

**HB 431**, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use. **ought to pass with amendment.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. This bill, as amended, provides a framework for therapeutic cannabis patients or their caregivers to grow cannabis with restrictions. This bill addresses two major problems for this community – access and price. The closest Alternative Treatment Center (ATC) may be far away, and the cost of this product is high. Most therapeutic cannabis patients will continue to purchase their product from ATCs and those who choose to grow their own will be able to purchase seedlings from the ATC or grow from seeds according to their preference. This bill has broad support from stakeholders including patient representatives, ATCs and the department. Vote 19-1.

**Amendment (0755h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Use of Therapeutic Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, IV to read as follows:

IV. “Cultivation location” means a locked and enclosed site, under the control of an alternative treatment center where cannabis is cultivated, secured with one or more locks or other security devices in accordance with the provisions of this chapter, ***or under the control of a qualifying patient or designated caregiver where cannabis is cultivated and which meets the requirements of this chapter.***

2 Use of Therapeutic Cannabis; Definitions. Amend RSA 126-X:1, VI to read as follows:

VI. “Designated caregiver” means an individual who:

(a) Is at least 21 years of age;

(b) ***(1) Has*** agreed to assist with one or more (not to exceed 5) qualifying [patient’s] ***patients in the*** therapeutic use of cannabis, except if the qualifying patient and designated caregiver each live greater than 50 miles from the nearest alternative treatment center, ~~[in which case]~~ the designated caregiver may assist with the therapeutic use of cannabis for up to 9 qualifying patients; ***or***

***(2) Has agreed to cultivate cannabis for therapeutic use pursuant to this chapter for no more than one qualifying patient;***

(c) Has never been convicted of a felony or any felony drug-related offense; and

(d) Possesses a valid registry identification card issued pursuant to RSA 126-X:4.

3 New Paragraphs; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1 by inserting after paragraph VI-a the following new paragraphs:

VI-b. “Immature cannabis plant” means a cannabis plant that has not flowered and which does not have buds that may be observed by visual examination and which is at least 12 inches tall.

VI-c. “Mature cannabis plant” means a cannabis plant that has flowered and that has buds that may be observed by visual examination.

4 Use of Therapeutic Cannabis; Definitions. Amend RSA 126-X:1, XIII(c) to read as follows:

(c) Cultivation by a designated caregiver or qualifying patient, ***except as provided under RSA 126-X:2, II-a and II-b.***

5 New Paragraphs; Use of Therapeutic Cannabis Purposes; Protections. Amend RSA 126-X:2 by inserting after paragraph II the following new paragraphs:

II-a. Except as provided in RSA 126-X:3, VII(b), a qualifying patient or designated caregiver who has reported to the department a cultivation location that meets the requirements of this chapter, shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or denied any right or privilege for the therapeutic use of cannabis in accordance with this chapter, if, at the cultivation location, while transporting cannabis and cannabis plants and seedlings to a new cultivation location that has been reported to the department with the prior 21 days, or while transporting cannabis seedlings from an alternative treatment center to the cultivation location, the qualifying patient or designated caregiver possesses or cultivates an amount of cannabis that does not exceed the following:

(a) Eight ounces of usable cannabis;

(b) Any amount of unusable cannabis; and

(c) Three mature cannabis plants, 3 immature cannabis plants, and 12 seedlings.

II-b. A cultivation location under the control of a qualifying patient or designated caregiver shall meet the following requirements:

(a) It shall be at the qualifying patient’s or designated caregiver’s residence.

(b) It shall be reported to the department, except that either the qualifying patient or their designated caregiver, but not both, shall report a cultivation location to the department.

(c) It shall be locked and enclosed.

(d) The cannabis plants shall not be subject to public view, including from another private property, without the use of optical aids.

(e) It shall have a canopy of no more than 50 square feet, except that if more than one qualifying patient, designated caregiver, or both, share a cultivation location, the total canopy of all cannabis plants shall not exceed 100 square feet.

6 Use of Therapeutic Cannabis; Purposes; Protections. Amend RSA 126-X:2, III to read as follows:

III. A designated caregiver may receive compensation for costs, **not to exceed \$500 per calendar year**, not including labor, associated with assisting a qualifying patient who has designated the [designated] caregiver to assist him or her with the therapeutic use of cannabis. Such compensation shall not constitute the sale of [controlled substances] **a controlled drug pursuant to RSA 318-B.**

7 Use of Therapeutic Cannabis; Protections. Amend RSA 126-X:2, XV to read as follows:

XV. A laboratory, **and the employees thereof**, which conducts testing of cannabis [required under rules for] **delivered to it by** alternative treatment centers, [adopted under this chapter, and the employees thereof] **qualifying patients, or designated caregivers**, shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or search, for acting pursuant to this chapter and department rules to possess cannabis on the premises of the laboratory for the purposes of testing, and, in the case of a laboratory employee, denied any right or privilege for working for such a laboratory.

8 Use of Therapeutic Cannabis; Prohibitions and Limits. Amend RSA 126-X:3, I to read as follows:

I. A qualifying patient may use **and a qualifying patient or designated caregiver may cultivate** cannabis on privately-owned real property only with written permission of the property owner or, in the case of leased property, with the permission of the tenant in possession of the property, except that a tenant shall not allow a qualifying patient to smoke cannabis on rented property if smoking on the property violates the lease or the lessor's rental policies that apply to all tenants at the property. **A tenant or guest of a tenant shall not cultivate cannabis on rented property if the lessor has prohibited therapeutic cannabis cultivation.** However, a tenant may permit a qualifying patient to use cannabis on leased property by ingestion or inhalation through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of this chapter, vaporization shall mean the inhalation of cannabis without the combustion of the cannabis.

9 New Subparagraph; Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4, I by inserting after subparagraph (h) the following new subparagraph:

(i) The qualifying patient's cultivation location, if any.

10 New Subparagraph; Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4, II by inserting after subparagraph (h) the following new subparagraph:

(i) The designated caregiver's cultivation location, where he or she may cultivate cannabis on behalf of a single qualifying patient who has not reported a cultivation location.

11 Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4, IX(a) to read as follows:

IX.(a) A qualifying patient shall notify the department before changing his or her designated caregiver **or cultivation location. A designated caregiver shall notify the department before changing his or her cultivation location.**

12 Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4, XI to read as follows:

XI.(a) The department shall create and maintain a confidential registry of each individual who has applied for and received a registry identification card as a qualifying patient or a designated caregiver in accordance with the provisions of this chapter. Each entry in the registry shall contain the qualifying patient's or designated caregiver's name, mailing address, date of birth, date of registry identification card issuance, effective date of **the** registry identification **card**, date of registry identification card expiration, [and] random 10-digit identification number, **and cultivation location, if any.** The confidential registry and the information contained in it shall be exempt from disclosure under RSA 91-A.

(b)(1) Except as specifically provided in this chapter, no person shall have access to any information about qualifying patients or designated caregivers in the department's confidential registry, or any information otherwise maintained by the department about providers and alternative treatment centers, except for authorized employees of the department in the course of their official duties and local and state law enforcement personnel who have detained or arrested an individual who claims to be engaged in the therapeutic use of cannabis.

(2) If a local or state law enforcement officer submits a sworn affidavit to the department affirming that he or she has probable cause to believe cannabis is possessed **or cultivated** at a specific address, an authorized employee for the department may disclose whether the location is associated with a qualifying patient, designated caregiver, or cultivation location [~~of an alternative treatment center~~].

(3) If a local or state law enforcement officer submits a sworn affidavit to the department affirming that he or she has probable cause to believe a specific individual possesses **or cultivates** cannabis, an authorized employee for the department may disclose whether the person is a qualifying patient or a designated caregiver, provided that the law enforcement officer provides the person's name and address or name and date of birth.

(4) Requests by law enforcement officials under this section to the department pursuant to a sworn affidavit, search warrant, or court order, regardless of whether or not the name or address was found in the registry, shall be confidential under this chapter and exempt from disclosure under RSA 91-A. Aggregate data relative to such requests may be made public if it does not contain any identifying information regarding the specific law enforcement request.

(5) Counsel for the department may notify law enforcement officials about falsified or fraudulent information submitted to the department where counsel has reason to believe the information is false or falsified.

13 New Paragraph; Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4 by inserting after paragraph XII the following new paragraph:

XIII.(a) No later than December 1, 2023, the department shall allow existing and new qualifying patients and designated caregivers to report a cultivation location provided that:

(1) A qualifying patient may report a cultivation location only if he or she does not have a designated caregiver who has reported a cultivation location.

(2) A designated caregiver may report a cultivation location only if he or she does not have a qualifying patient who has reported a cultivation location.

(b) No individual shall report a cultivation location if such individual's permission to cultivate has been revoked pursuant to RSA 126-X:3, VIII(b).

14 Use of Therapeutic Cannabis; Affirmative Defense. Amend RSA 126-X:5, I to read as follows:

I. It shall be an affirmative defense for any person charged with manufacturing, possessing, having under his or her control, selling, purchasing, prescribing, administering, transporting, or possessing with intent to sell, dispense, or compound cannabis, cannabis analog, or any preparation containing cannabis, if:

(a) The actor is a qualifying patient who has been issued a valid registry identification card, was in possession of cannabis in a quantity and location permitted pursuant to this chapter, and was engaged in the therapeutic use of cannabis;

(b) The actor is a designated caregiver who has been issued a valid registry identification card, was in possession of cannabis in a quantity and location permitted pursuant to this chapter, and was engaged in the therapeutic use of cannabis on behalf of a qualifying patient; ~~or~~

(c) The actor is an employee of a laboratory conducting testing required for alternative treatment centers pursuant to rules adopted under this chapter ***or that tests cannabis provided to it by qualifying patients and designated caregivers; or***

***(d) The actor is a person with a qualifying medical condition who does not possess a registry identification card and, prior to the arrest, the actor submitted to the department a completed application to become a qualifying patient, including a written certification, but the actor had not yet received a registry identification card from the department, provided that the actor does not possess more than the amount of cannabis permitted under RSA 126-X:2, I.***

15 New Subparagraph; Use of Therapeutic Cannabis; Alternative Treatment Centers. Amend RSA 126-X:8, XIII by inserting after subparagraph (c) the following new subparagraph:

(d) A qualifying patient or designated caregiver shall not obtain from an alternative treatment center more than 12 seedlings during a 3-month period.

16 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limits. Amend RSA 126-X:3, VII to read as follows:

VII.(a) The department may revoke the registry identification card of a qualifying patient or designated caregiver for violation of rules adopted by the department or for violation of any other provision of this chapter, including for obtaining more than 2 ounces of cannabis in any 10-day period in violation of RSA 126-X:8, XIII(b), and the qualifying patient or designated caregiver shall be subject to any other penalties established in law for the violation.

***(b) The department may revoke a qualifying patient's or designated caregiver's permission to cultivate cannabis for a violation of the rules adopted by the department or for a violation of any provision of this chapter.***

17 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-X:8, XV(a) to read as follows:

XV.(a)(1) An alternative treatment center shall not possess or cultivate cannabis in excess of the following quantities:

~~(1)~~ (A) Eighty ***mature*** cannabis plants, 160 ~~[seedlings]~~ ***immature cannabis plants***, and 80 ounces of usable cannabis ~~[-or 6 ounces of usable cannabis per qualifying patient]; and~~

~~(2)~~ (B) Three mature cannabis plants, 12 ~~[seedlings]~~ ***immature cannabis plants***, and 6 ounces ***of usable cannabis*** for each qualifying patient registered ~~[as a qualifying patient]~~ under this chapter.

***(2) An alternative treatment center shall not be limited in the number of seedlings it can possess or cultivate.***

18 Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6, III(a)(15) to read as follows:

(15) Procedures for determining and enforcing the daily maximum amount of therapeutic cannabis which an alternative treatment center may cultivate or possess pursuant to RSA 126-X:8, XV(a)(1).

19 Effective Date. This act shall take effect July 1, 2023.

**HB 454**, relative to the membership and reporting responsibilities of the examining board of medicine. **OUGHT TO PASS.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. This bill will require two of the three public members of the Board of Medicine to not have professional or financial ties to medicine and requires one of the public members to be designated as the public transparency advocate. The public transparency advocate shall be a person who, through background or training and without conflicts of interest, is capable of exercising systems analysis and providing recommendations to improve public transparency of board responsibilities. This bill is one of several efforts to address recent concerns over lack of transparency regarding medical errors. Vote 20-0.

**HB 642-FN**, relative to prohibiting the department of health and human services from enforcing salary caps for direct care workers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Yury Polozov for Health, Human Services and Elderly Affairs. Persons with developmental disabilities receiving services from the Department of Health and Human Services (DHHS) receive an individualized budget for the services they need. Currently, there are two problems facing persons receiving services. First, the budgets do not get adjusted for inflation so someone who has been in the program for more than 24 months may need to have their budgets adjusted upwards to maintain the same level of service. Second, because of the shortage of workers, only about 60% of the budgeted positions are currently filled. The remainder of the budgeted and available funds are not being expended. As amended, this bill will allow DHHS the flexibility to reallocate the existing, unused budget allocations to either raise salaries for existing workers or to offer a higher wage to new hires, with a goal of retaining workers and filling some more of the empty positions. The adjustments are intended to be available, based on need, to both new service recipients and those with budgets over 24 months old. Finally, this provision will be repealed on July 1, 2027, by which time the proposed new delivery system should be in place and needed adjustments can be included in the budget process. Vote 20-0.

#### **Amendment (0940h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to wait list registry and budget flexibility for services for the developmentally disabled.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Services for the Developmentally Disabled; Wait List Registry and Budget Flexibility. Amend RSA 171-A by inserting after section 1-d the following new section:

171-A:1-e Wait List Registry and Budget Flexibility. In completing the wait list registry, area agencies may include budgets older than 24 months where funds may be needed to cover additional expenditures, such as cost-of-living or other wage and compensation increases. The department shall use existing budget appropriations to negotiate reasonable wages and appropriate service budgets with area agencies and service providers.

2 Prospective Repeal. RSA 172-A:1-e, relative to the wait list registry and budget flexibility for services for the developmentally disabled, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2027.

II. The remainder of this act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill expands the allowable budgets for agencies providing services to the developmentally disabled to include on their wait list registry application. This bill also mandates the department of health and human services use existing budget appropriations to negotiate reasonable wages and service budgets for services for the developmentally disabled.

**HB 346-FN**, relative to the right of any infant born alive to appropriate medical care and treatment. **INEX-PEDIENT TO LEGISLATE.**

Rep. Katelyn Kuttub for Judiciary. This bill establishes the Born Alive Infant Protection Act. It provides that medical care must be provided to any infant born alive. The committee heard testimony that if this bill were enacted, it would compel obstetricians and neonatologists to ignore their best medical judgment and administer futile, potentially painful, treatments against the wishes of the parents under the threat of a Class A felony. Infants born with fatal conditions or conditions incompatible with life, who have only a few moments, hours, or days would be taken out of the arms of their parents, hooked up to machines, and their parents would be denied the right to say how the last moments of their child's life will be spent. The majority of the committee strongly believes that physicians and parents should determine the appropriate medical care for their child. Physicians already have an obligation to provide appropriate medical care in order to maintain

their medical license, and they willingly honor that obligation. Moreover, unlike in the situation of a fetus that is aborted before birth, a medical professional who deliberately causes the death of a viable child after its birth is already subject to the penalties provided by existing law for homicide. The majority concluded that passage of this bill is not in the best interests of the citizens of New Hampshire. Vote 18-1.

**CA CR 3**, relating to recall elections. Providing that the general court may authorize recall elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Deborah Hobson for Legislative Administration. The majority of the committee recognized that this is at least the 14th separate legislative measure related to recall elections and that New Hampshire has one of the most responsive election processes in the United States. By and large, our elections are every two years. The majority felt even when the outcome is clearly beneficial, the suggestion of changing our constitution is never to be undertaken lightly. In this case, the outcome benefit was not so clear, and it was the sheer volume of unanswerable questions such as who would pay for the recall election? Which officers or positions would it apply to? How long would it take? That likely swayed the committee to recommend Inexpedient to Legislate. Vote 14-1.

**HB 141**, relative to dogs on hiking trails in state parks. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Vail for Resources, Recreation and Development. This bill would allow dogs off-leash in state parks, on hiking trails where motor vehicles are prohibited, if the dogs are under the physical and verbal control of their owner. The committee heard testimony that the Division of Parks and Recreation already allows dogs off-leash and under the control of their handler under certain administrative rules. The ability of the division to tailor administrative rules based on the park's visitors, features, needs for development, and natural resource management is critical to the consideration of all aspects of managing New Hampshire's state parks. The committee found the present rules appropriate. Vote 20-0.

**HB 174**, relative to the filing of notice of intent to cut timber. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Juliet Harvey-Bolia for Resources, Recreation and Development. This bill adds clarity to two parts of the timber harvest intent-to-cut/timber tax notification process. First, it sets the time a municipality has to provide a copy of the intent-to-cut form to the New Hampshire Department of Revenue Association (DRA) to 5 days (current laws states "immediately"). Second, this bill resolves the problem of towns failing to sign the intent-to-cut form within the 15-day statutory review period. Current law is silent on what happens after 15 days if the form is not signed. This bill will allow the timber harvest to begin without a signed intent-to-cut form after the 15-day review period, provided the intent-to-cut form is accurate and they do not owe back taxes. This adds scheduling surety for the landowner and their land managers (forester, logger) as they plan their forest management project. If the landowner missed something when filing their intent-to-cut form, the town still has the right to order the timber harvest stopped until the intent-to-cut form is corrected. This bill is a non-punitive way to address a problem while adding clarity to the intent-to-cut process. The amendment adds one more step before a timber harvest can begin: the timber-cutter must provide the DRA with a copy of the filed intent to cut form as well as the filing date. Vote 20-0.

#### **Amendment (0761h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Notice of Intent to Cut. Amend RSA 79:10, I to read as follows:

I.(a) Every owner, as defined in RSA 79:1, II, shall, prior to commencing each cutting operation and at the beginning of each new tax year into which the cutting operation shall continue, file with the proper assessing officials in the city, town, or unincorporated place where such cutting is to take place a notice of intent to cut **as** provided by the commissioner of revenue administration, stating the owner's name, residence, an estimate of the volume of each species to be cut, and such other information as may be required. Except when a bond is required pursuant to RSA 79:3-a or RSA 79:10-a, II, a supplemental notice of intent shall not be required when the total volume of the cut exceeds the total volume reported in the intent to cut by less than 25 percent. When required, the supplemental notice shall be filed in the same manner for any additional volume of wood or timber to be cut in excess of the original estimate and within the tax year.

(b) Any intent received by a city, town, or unincorporated place shall, within 15 days, be assigned a number in accordance with the guidelines provided by the commissioner of revenue administration, and be signed by the assessing officials if all conditions for approval have been met. Notwithstanding RSA 91-A, the assessing officials may sign the intent to cut outside a public meeting. When a notice is to be signed by the assessing officials outside a public meeting, public notice shall be posted by the municipality at least 24 hours, excluding Sundays and holidays, before it is signed. The notice shall be posted in the 2 places where the municipality regularly posts notices of its governing body meetings. If the conditions for approval have not been met, the assessing officials shall send a letter to the owner or the person responsible for cutting, explaining the reason for the intent not being signed. The assessing officials shall [immediately] forward any signed intent to the commissioner of revenue administration **within 5 business days** and shall also supply a copy to the owner [upon request]. Failure of the assessing officials to forward signed intent to cut forms to the department of revenue administration shall constitute a violation.

*(c) If the submitting owner has met all conditions for approval and the intent is not signed by the assessing officials within 15 days pursuant to subparagraph (b), and provided that the assessing officials have not communicated to the owner a reason why conditions for approval have not been met, the owner may commence the cutting operation after submitting a copy of the intent and providing the date of filing to the commissioner of revenue administration. If the assessing officials thereafter determine that the conditions for approval have not been met, the assessing officials shall notify the owner and the person responsible for the cutting explaining why the submitted intent does not meet the conditions for signature. Upon delivery of such notice, the cutting operation shall cease until such conditions are met and the intent is signed.*

[(e)] *(d)* The assessing officials shall, within 30 days of signing a notice of intent, notify the tax collector that an intent has been filed. The notice of intent shall serve as notice that the land is holden to taxes pursuant to RSA 79:6.

[(d)] *(e)* Upon receipt of an intent, the commissioner of revenue administration shall furnish, without cost to the owner, a certificate and a report of wood cut form. Such certificate shall be posted by the owner filing such intent in a conspicuous place within the area of cutting for each operation conducted within a city, town, or unincorporated place. An owner may start an operation upon posting the certificate or upon posting, in a water proof covering in the same place and manner that the certificate will be posted upon receipt, a copy of the intent to cut form that was signed by the assessing officials. In lieu of a signed intent to cut form, a copy of the form as submitted by the owner to the assessing officials may be substituted for posting purposes when the owner, or the person responsible for the cut, has been notified that the intent to cut form has been signed *or is proceeding with a cut in accordance with subparagraph(c)*. The owner, or the person responsible for the cut, shall clearly print on the form the number assigned to it pursuant to subparagraph (b), and the date, time, and name of the municipal official or employee who provided the notification *and the date the intent to cut form was filed with the city, town, or unincorporated place*.

[(e)] *(f) Starting* or continuing an operation while the required certificate or intent to cut form is not posted in accordance with this section shall constitute a violation by the owner or any other person doing the cutting, or both.

[(f)] *(g) Starting* an operation before the original notice of intent to cut or supplemental intent to cut has been filed with the city or town and signed by the appropriate municipal officials, *unless such operation is proceeding in accordance with subparagraph (c)*, shall constitute a violation by the owner or any other person doing the cutting, or both.

[(g)] *(h)* A copy of all intents received by the commissioner of revenue administration shall be forwarded to the division of forests and lands of the department of natural and cultural resources.

2 Notice of Intent to Cut and Report of Wood Cut. Amend RSA 227-J:5 to read as follows:

227-J:5 Notice of Intent to Cut and Report of Wood Cut. Pursuant to RSA 79:10 and 11, any owner, as defined in RSA 79:1, II, conducting a cutting operation shall file an intent to cut and a report of wood cut. Pursuant to RSA [79:10, I(d)] **79:10, I(e)**, the intent to cut form as signed or properly noted as being signed by the assessing officials [or] **completed in accordance with RSA 79:10, I(c)** or the certificate issued by the department of revenue administration shall be posted prior to starting a cutting operation. Failure to comply with these requirements and those contained in RSA 79 may result in penalties to the owner or any other person doing the cutting, or both, under RSA 79.

3 Effective Date. This act shall take effect 60 days after its passage.

**HB 448**, relative to Lake Winnepesaukee speed limitations. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Ryan for Resources, Recreation and Development. This bill would raise the daytime speed limit from 45 miles per hour to 65 miles per hour on Lake Winnepesaukee in a specifically defined area of the lake known on the charts as the Broads, and loosely defined in the bill by some charted navigational references. A similar version failed in a prior session with little support. The committee received over 700 personally written emails in opposition and direct testimony from Marine Patrol, several Coast Guard Captains, and dozens of testimony from lake residents, property owners, summer camps, marinas, Lake associations, and other interested parties on all aspects of this bill. The committee received testimony that the largest and fastest boats at the highest speeds are better suited for open waters of the ocean. No marinas or watercraft merchants spoke or otherwise testified in favor of this legislation. After thorough examination of the safety, recreational, environmental, and individual freedom aspects on both sides, the full committee unanimously felt the current regulations are sufficient and allow respectful, safe, and peaceful enjoyment of the lake by all and protect the users of this important natural resource and the citizens who enjoy the lake. Vote 18-0.

**HB 257**, relative to telephone carrier of last resort obligations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Troy Merner for Science, Technology and Energy. This bill allows legacy telephone companies in our state to apply for and receive permission to be relieved of their obligation to provide certain telephone services to customers. The Carrier of Last Resort or "COLR" obligation dates to the 1934 Communications Act when there were only regulated land line companies who had designated monopoly territories. Along with the obli-



gation to serve, the telephone companies received federal universal service funds to support the obligation to provide voice service to everyone, even in rural areas where the cost to do so was very high. A lot has changed since then. The 1996 Telecommunications Act opened the telecommunications market to competition. Telecommunications services are now provided by municipalities, electric cooperatives, cable companies, wireless providers, and providers of Voice over Internet Protocol (VoIP) and satellite. Today there is significant and robust competition in many areas of the state. Furthermore, the federal government has converted previous universal voice support programs to programs that expand broadband. As amended, this bill only allows the obligation to be removed in instances where there are at least two competitors in a market, a wireline provider serving 95% of a municipality and a wireless competitor serving at least 97% of the municipality, or in an area where another company is subsidized by the state to build broadband to an entire municipality. This strikes the appropriate balance of removing an inequitable mandate. Vote 20-0.

**Amendment (0924h)**

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Telephone Utilities; Carrier of Last Resort Service Obligations. Amend RSA 374:22-g by inserting after paragraph II the following new paragraphs:

II-a. An incumbent telephone utility may petition the department of energy to be relieved of its carrier of last resort obligation in one or more municipalities. The commissioner of the department of energy shall approve the petition if the department of energy finds that:

(a) There is at least one wireline-facilities-based voice network service provider other than the incumbent that offers service to at least 95 percent of the households in the municipality, and one or more mobile telecommunications service providers that offers, in the aggregate, mobile telecommunications services to at least 97 percent of the households in the municipality; or

(b) A provider or multiple providers, other than the incumbent utility, have received state, federal, or municipal funding to serve the entire municipality.

II-b. Beginning 30 days after the effective date of this paragraph and after the department of business and economic affairs has accepted a comprehensive New Hampshire broadband map, any incumbent telephone utility may petition the department of energy to be relieved of its carrier of last resort obligations in one or more town or municipality where:

(a) The most recent New Hampshire broadband map accepted by the department of business and economic affairs demonstrates that there is at least one wireline-facilities based voice network service provider other than the incumbent telephone utility that offers service to at least 95 percent of the households and mobile telecommunications service providers that offers, in the aggregate, mobile telecommunications services to at least 97 percent of the households in the town or municipality the incumbent telephone utility is asking to be relieved of its carrier of last resort obligations; or

(b) The incumbent telephone utility is able to demonstrate that when the New Hampshire broadband map is next updated and accepted by the department of business and economic affairs at least one wireline-facilities based voice service provider other than the incumbent telephone utility that offers service to at least 95 percent of the households and one or more mobile telecommunications service providers that offers, in the aggregate, mobile telecommunications services to at least 97 percent of the households in the town or municipality the incumbent telephone utility is asking to be relieved of its carrier of last resort obligations; or

(c) A provider or multiple providers, other than the incumbent telephone utility, have received municipal, state, or federal funding to serve the entire town or municipality where the incumbent telephone utility is asking to be relieved of its carrier of last resort obligations and a date to complete the installation of that service has been established.

II-c. The department of energy shall review petitions from incumbent telephone utilities seeking to be relieved of its carrier of last resort obligations in one or more town or municipality against the criteria laid out in paragraph II-b within 30 days of receipt of said petition. If the petition satisfies the criteria laid out in paragraph II-b, then department shall provide preliminary approval of incumbent telephone utility's petition.

II-d. Within 60 days of receiving preliminary approval from the department of energy, the incumbent telephone utility asking to be relieved of its carrier of last resort obligations shall hold a public meeting in each town or municipality affected by its petition to provide information to customers in each town or municipality about upcoming changes to service and alternative service options that will be available to customers. The incumbent telephone utility shall give advance notice of the hearing in a formal letter to the governing body of each affected town or municipality so that information can be posted on each town and municipality website, and notice to each customer in the town or municipality affected by its petition in its monthly billing statement, and publish the notice in a newspaper of general circulation in that town or municipality. Feedback obtained from each meeting shall be provided by the incumbent telephone utility to the department within 14 days of each meeting. The department shall consider all such feedback in its deliberations on whether to grant or deny the incumbent telephone utility's petition.

II-e. The department of energy shall issue a final order granting or denying a petition by an incumbent telephone utility to be relieved of its carrier of last resort obligations within 180 days of receiving such petition except that the department may extend this period for up to an additional 30 days. The effective date of the order shall be the date on which it is issued, except that in a town or municipality where the conditions of subparagraph II-b(c) apply, the effective date of the order shall be the date on which installation of the alternative service has been completed.

II-f. Upon receipt of a final order granting or denying a petition from the department of energy, the incumbent telephone utility shall within 60 days of the effective date of the final order give notice of the order in a formal letter to the appropriate governing body in each affected town and municipality so that information can be posted on each town and municipality website, and to all affected customers in their monthly billing statement, and published in a newspaper of general circulation in that town or municipality.

II-g. For a period of 6 months from the effective date of the order granting an incumbent telephone utility relief from its obligation to provide carrier of last resort service in a town or municipality, the incumbent telephone utility shall continue to provide each customer in that town or municipality to whom it was providing such service on the effective date of that order a telephone service with the same rates, terms, and conditions as it provides to other carrier of last resort service customers to whom it is obligated to provide carrier of last resort service.

II-h. During any 6-month transition period under paragraph II-g, the incumbent telephone utility whose petition for relief of last resort service has been granted shall make all best efforts to assist affected customers find alternative service to those they were receiving from said incumbent telephone utility. The department shall also post on its website a list of all known wireline, wireless, broadband, or other telecommunication service providers.

II-i. If, at the end of the 6-month transition period, there remain customers of the incumbent utility who do not have alternative service, to the extent technically and economically feasible, the incumbent utility shall make best efforts to continue providing service to such customers. If and when it no longer is technically or economically feasible and the incumbent utility must discontinue service to any such customer, the incumbent utility may do so after providing any remaining customer with a final advance warning of 30 days.

**HB 556-FN**, relative to the duties of the information technology council. **INEXPEDIENT TO LEGISLATE.** Rep. Thomas Cormen for Science, Technology and Energy. This bill directs the Information Technology (IT) Council to consider having state agencies use and support the development of free and open-source software (FOSS). The bill also directs the IT Council to advise the commissioner of the IT Department on the ethics of using artificial intelligence (AI) by state agencies. Although free and open-source software has its advantages over proprietary software, the committee believes that state agencies know their needs the best and should be allowed to select software products without the legislature or IT Council favoring one type. Furthermore, FOSS is often incompatible with existing products, training users in how to use FOSS can incur costs, FOSS software often lacks support, and some FOSS products introduce concerns about security. Regarding AI, we are at an inflection point, as machine learning and deep neural nets have tremendously accelerated the pace of progress in AI. As an example, six months ago ChatGPT was unavailable. Yet today, in mere seconds, it produced a serviceable version of this report. (This report is not the one produced by ChatGPT.) The IT Council meets at six-month intervals, which is not frequent enough to keep up with the dynamic changes occurring in AI. Vote 20-0.

## REGULAR CALENDAR

### MOTION TO SPECIAL ORDER

Rep. O'Hara moved that **HB 189**, renaming a portion of route 140 in Gilmanton in honor of Private First Class Nicholas Cournoyer, be made a Special Order as the first order of business.

Motion was adopted by the necessary three-fifths vote.

### SPECIAL ORDER

**HB 189**, renaming a portion of route 140 in Gilmanton in honor of Private First Class Nicholas Cournoyer. **OUGHT TO PASS.**

Rep. Sue Newman for Public Works and Highways. This bill would name the section of Route 140 in Gilmanton, from the Belmont Town Line to the intersection with Route 107, the Private First Class (PFC) Nicholas Cournoyer Highway. PFC Cournoyer was a son of New Hampshire, born in Concord, attended school in Gilmanton, and was a 2000 graduate of Gilford High School. He enlisted in the US Army in 2005 and was an Infantryman with the 10th Mountain Division. PFC Cournoyer died in Iraq during Operation Iraqi Freedom on May 18, 2006, at the age of 25, when an improvised explosive device (IED) detonated near his Humvee. PFC Cournoyer's awards and decorations include the Purple Heart, Army Achievement Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, and the Combat Infantryman Badge. Vote 13-0.

The question being adoption of the committee report of Ought to Pass.

Rep. Trottier spoke in favor and requested a roll call; sufficiently seconded.

**YEAS 377 - NAYS 0****YEAS - 377****BELKNAP**

Bean, Harry  
Comtois, Barbara  
O'Hara, Travis  
St. Clair, Charlie

Bogert, Steven  
Dumais, Russell  
Ploszaj, Tom  
Terry, Paul

Bordes, Mike  
Huot, David  
Beaudoin, Richard  
Trottier, Douglas

Coker, Matthew  
Harvey-Bolia, Juliet  
Smart, Lisa  
Varney, Peter

**CARROLL**

Avellani, Lino  
Cordelli, Glenn  
Smith, Jonathan  
Brown, Richard

Belcher, Mike  
Costable, Michael  
McAleer, Chris  
Woodcock, Stephen

Buco, Thomas  
Paige, David  
McConkey, Mark

Burroughs, Anita  
MacDonald, John  
Peternel, Katy

**CHESHIRE**

Abbott, Michael  
Eaton, Daniel  
Hunt, John  
Parshall, Lucius  
Schapiro, Joe  
Weber, Lucy

Ames, Richard  
Faulkner, Barry  
Jones, Philip  
Qualey, James  
Tatro, Bruce  
Nutting, Zachary

Harvey, Cathryn  
Filiault, Shaun  
Monteil, Renee  
Rhodes, Jennifer  
Thackston, Dick

Fox, Dru  
Germana, Nicholas  
Newell, Jodi  
Santonastaso, Matthew  
Toll, Amanda

**COOS**

Davis, Arnold  
Noël, Henry

Cascadden, Corinne  
Ouellet, Mike

Kelley, Eamon  
King, Seth

Merner, Troy  
Tierney, James

**GRAFTON**

Adjutant, Joshua  
Bolton, Bill  
Fellows, Sallie  
Murphy, James  
Massimilla, Linda  
Sellers, John

Almy, Susan  
Brown, Carroll  
Greeson, Jeffrey  
Sullivan, Jared  
Morse, Corinne  
Simon, Matthew

Baldwin, Heather  
Cormen, Thomas  
Hakken-Phillips, Mary  
Ladd, Rick  
Muirhead, Russell  
Stringham, Jerry

Berezny, Lex  
Coulon, Matthew  
Hoyt, Tommy  
Lovett, Peter  
Rocheftort, David  
Sykes, George

**HILLSBOROUGH**

Lekas, Alicia  
Alexander, Joe  
Beaulieu, Jane  
Bouchard, Donald  
Chretien, Jacqueline  
Cornell, Patricia  
Kelley, Diane  
Dutzy, Sherry  
Fedolfi, Jim  
Goley, Jeffrey  
Harriott-Gathright, Linda  
Infantine, William  
Juris, Louis  
Foxx, Loren  
Lascelles, Richard  
Lewicke, John  
Murray, Megan  
Mazur, Lisa  
Ming, Ben  
Murphy, Nancy  
O'Brien, Michael  
Petrigno, Peter  
Proulx, Mark  
Reid, Karen  
Ryan, Linda  
Sheehan, Vanessa  
Staub, Kathy  
Tellez, Trinidad  
Veilleux, Daniel  
Wilhelm, Matthew

Murray, Alistandra  
Ammon, Keith  
Berry, Ross  
Bouldin, Amanda  
Colcombe, Riché  
Creighton, Jim  
Darby, Will  
Elberger, Susan  
Freitas, Mary  
Gregg, Alicia  
Healey, Robert  
Jack, Martin  
Kennedy, Stephen  
Gould, Linda  
Leapley, Nicole  
Lloyd, Christal  
Perez, Maria  
McGhee, Kat  
Mooney, Maureen  
Noble, Kristin  
Panek, Sandra  
Plett, Fred  
Prout, Andrew  
Renzullo, Andrew  
Newman, Sue  
Sirois, Shane  
Lekas, Tony  
Tenczar, Jeffrey  
Thomas, Wendy

Nutting-Wong, Allison  
Boyd, Bill  
Boehm, Ralph  
Bradley, Amy  
Cole, Brian  
Cushman, Leah  
Devine, Shelley  
Erf, Keith  
Griffin, Gerald  
Grill, Jessica  
Heath, Mary  
Judy, Jean  
Kenny, Catherine  
Sanborn, Laurie  
LeClerc, Daniel  
Long, Patrick  
MacKenzie, Mark  
McGough, Tim  
Morton, Jennifer  
Notter, Jeanine  
Pauer, Diane  
Post, Lisa  
Newman, Ray  
Rombeau, Catherine  
Seibert, Christine  
Sofikitis, Catherine  
Mannion, Tom  
Ulery, Jordan  
Wheeler, Jonah

Abare, Kimberly  
King, Bill  
Booras, Efstathia  
Calabro, Karen  
Corcoran, Travis  
Ford, Damond  
DiSilvestro, Linda  
Davis, Fred  
Gagne, Larry  
Hamer, Heidi  
Herbert, Christopher  
Smith, Juliet  
Kofalt, Jim  
Lanza, Judi  
Leishman, Peter  
Howard, Molly  
Mangipudi, Latha  
McLean, Mark  
Moulton, Candace  
Nutter-Upham, Frances  
Pedersen, Michael  
Preece, David  
Raymond, Heather  
Rung, Rosemarie  
Seidel, Sheila  
Spier, Carry  
Telerski, Laura  
Vail, Suzanne  
Wherry, Robert

**MERRIMACK**

Turcotte, Alan  
Brennan, Angela

Andrus, Louise  
McGuire, Carol

Aures, Cyril  
Cambriels, Jose

Aylward, Deborah  
Caplan, Tony

Carey, Lorrie  
Gallager, Eric  
Hicks, Matthew  
Leavitt, John  
McWilliams, Rebecca  
Polozov, Yury  
Gould, Sherry  
Shurtleff, Steve  
Wallner, Mary Jane

McGuire, Dan  
Gerhard, Jason  
Hill, Gregory  
Luneau, David  
Moffett, Michael  
Richards, Beth  
Schuett, Dianne  
Soucy, Timothy  
Wolf, Dan

Ebel, Karen  
Gibbs, Merryl  
Hoell, J.R.  
MacKay, James  
Myler, Mel  
Roesener, James  
Seaworth, Brian  
Walsh, Thomas  
Wood, Clayton

Ellison, Arthur  
Hall, Muriel  
Lane, Connie  
Mason, James  
Payeur, Stephanie  
Boyd, Stephen  
See, Alvin  
Testerman, Dave

### ROCKINGHAM

Balboni, Peggy  
Mannion, Dennis  
Donnelly, Tanya  
Edgar, Michael  
Gilman, Julie  
Harb, Robert  
Nelson, Jodi  
Perez, Kristine  
Kuttab, Katelyn  
Lundgren, David  
Pearson, Mark  
McBeath, Rebecca  
Meuse, David  
Ford, Oliver  
Porcelli, Susan  
Quaratiello, Arlene  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
Vallone, Mark  
MacDonald, Wayne  
Yokela, Josh

Ball, Lorie  
Thomas, Douglas  
Doucette, Fred  
Edwards, Jess  
Grossman, Gaby  
Harley, Tina  
Janigian, John  
Katsakiores, Phyllis  
Walsh, Lilli  
Lynn, Bob  
Maggiore, Jim  
McDonnell, Valerie  
Milz, David  
Osborne, Jason  
Potucek, John  
Raynolds, Ned  
Simpson, Alexis  
Sytek, John  
True, Chris  
Vandecasteele, Susan  
Wallace, Scott

Bernardy, JD  
DeSimone, Debra  
Drago, Mike  
Emerick, Tracy  
Grote, Jaci  
Haskins, Linda  
Janvrin, Jason  
Khan, Aboul  
Layon, Erica  
Cahill, Michael  
Malloy, Dennis  
McMahon, Charles  
Muns, Chris  
Phillips, Emily  
Pratt, Kevin  
Read, Ellen  
Soti, Julius  
Cahill, Tim  
Tudor, Paul  
Vogt, Robin  
Ward, Gerald

Brouillard, Jacob  
DiLorenzo, Charlotte  
Dunn, Ron  
Foote, Charles  
Hamblet, Joan  
Hobson, Deb  
Murray, Kate  
Knab, Allison  
Love, David  
Paige, Mark  
Manos, Zoe  
Melvin, Charles  
O'Neil, Candice  
Piemonte, Tony  
Prudhomme-O'Brien, Katherine  
Roy, Terry  
Spillane, James  
Dolan, Tom  
Turer, Eric  
Vose, Michael  
Weyler, Kenneth

### STRAFFORD

Bailey, Glenn  
Burnham, Claudine  
Connor, James  
Grassie, Chuck  
Horrigan, Timothy  
Kenney, Cam  
Smith, Marjorie  
Phinney, Brandon  
Southworth, Thomas

Bay, Luz  
Rich, Cecilia  
Fitzpatrick, Daniel  
Howard, Heath  
Howland, Allan  
Turcotte, Len  
Newton, Clifford  
Pitre, Joseph  
Treleaven, Susan

Bickford, David  
Cannon, Gerri  
Smith, Geoffrey  
Harrington, Michael  
Rich, Jeffrey  
LaMontagne, Jessica  
Schmidt, Peter  
Potenza, Kelley  
Wall, Janet

Bixby, Peter  
Conlin, Bill  
Granger, Michael  
Horgan, James  
Kaczynski, Thomas  
Levesque, Cassandra  
Pare, Gail  
Selig, Loren

### SULLIVAN

Aron, Judy  
Drye, Margaret  
Smith, Steven  
Tanner, Linda

Sullivan, Brian  
Merchant, Gary  
Spilsbury, Walter

Cloutier, John  
Palmer, William  
Stapleton, Walter

Damon, Hope  
Rollins, Skip  
Stone, Jonathan

and the committee report was adopted unanimously, and the bill was ordered to third reading.

### MOTION TO PRINT DEBATE

Rep. Sweeney moved that the debate on **HB 189**, renaming a portion of route 140 in Gilmanton in honor of Private First Class Nicholas Cournoyer, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

### DEBATE ON HB 189

**Representative Trottier:** Thank you, Mister Speaker. Good morning my honorable colleagues. Today I rise before you in support of HB 189 in hopes of renaming a portion of Route 140 in the Town of Gilmanton in honor of Private First Class Nicholas Cournoyer. Nicholas Cournoyer was born in Concord, New Hampshire and was raised in the Town of Gilmanton. He was a graduate of the Gilford High School class of 2000. Private First Class Cournoyer enlisted in the US Army and trained in Fort Benning, Georgia to serve in the Infantry Division. Private First Class Cournoyer was assigned to deploy to Iraq with the 2<sup>nd</sup> Battalion 22<sup>nd</sup> Infantry First Brigade Combat Team, which is part of the 10<sup>th</sup> Mountain Division out of Fort Drum New York. On May 18, 2006, Private First Class Cournoyer made the ultimate sacrifice while serving his country and the people of New Hampshire in Iraq during a time of active war. Private Cournoyer died in Baghdad, Iraq from injuries he sustained when an improvised explosive devise

detonated next to his Humvee during active combat operations. I feel it is our obligation to honor this New Hampshire hero, his family and his community by renaming a portion of Route 140 in the Town of Gilmanton in memory of Private First Class Cournoyer for his service and ultimate sacrifice he made fighting for our freedom. I ask that each and every one of you press the green button and pass this bill to allow his legacy to live on in his community and the great State of New Hampshire. Mister Speaker, I ask for a roll call vote. Thank you.

**Speaker Packard:** A roll call has been requested. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members, please take your seats. The motion before us is Ought to Pass on HB 189. This is going to be a roll call vote. The Chair recognizes Rep. Sue Newman for a parliamentary inquiry.

**Representative Sue Newman:** Thank you, Mister Speaker. Good morning colleagues. It's good to see you all here and in the gallery. Mister Speaker, if I know that HB 189 had the unanimous support of the Public Works and Highways Committee and that the Selectboard in the Town of Gilmanton wrote that naming this highway section is appropriate for Private First Class Nicholas Cournoyer and will leave a lasting and visual memory of his exemplary service and honor his memory, would you please all press the green button and vote Ought to Pass on this bill? Thank you.

**Speaker Packard:** The motion before us is Ought to Pass on HB 189. This is a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. In a very rare occurrence, we have a unanimous vote.

### REGULAR CALENDAR CONT'D MOTION TO SPECIAL ORDER

Rep. Potucek moved that **HB 96**, recognizing May 3rd as Old Man of the Mountain Day, be made a Special Order as the next order of business.

Rep. Potucek spoke in favor.

Rep. Alissandra Murray requested a roll call; sufficiently seconded.

### YEAS 353 - NAYS 26

#### YEAS - 353

#### BELKNAP

Bean, Harry  
Comtois, Barbara  
O'Hara, Travis  
Terry, Paul

Bogert, Steven  
Dumais, Russell  
Ploszaj, Tom  
Trottier, Douglas

Bordes, Mike  
Huot, David  
Beaudoin, Richard

Coker, Matthew  
Harvey-Bolia, Juliet  
St. Clair, Charlie

#### CARROLL

Avellani, Lino  
Costable, Michael  
McAleer, Chris  
Woodcock, Stephen

Belcher, Mike  
Paige, David  
McConkey, Mark

Buco, Thomas  
MacDonald, John  
Peternel, Katy

Burroughs, Anita  
Smith, Jonathan  
Brown, Richard

#### CHESHIRE

Abbott, Michael  
Eaton, Daniel  
Jones, Philip  
Schapiro, Joe  
Weber, Lucy

Ames, Richard  
Faulkner, Barry  
Monteil, Renee  
Tatro, Bruce  
Nutting, Zachary

Harvey, Cathryn  
Filiault, Shaun  
Newell, Jodi  
Thackston, Dick

Fox, Dru  
Hunt, John  
Rhodes, Jennifer  
Toll, Amanda

#### COOS

Davis, Arnold  
Noël, Henry

Cascadden, Corinne  
Ouellet, Mike

Kelley, Eamon  
King, Seth

Merner, Troy  
Tierney, James

#### GRAFTON

Adjutant, Joshua  
Cormen, Thomas  
Hakken-Phillips, Mary  
Ladd, Rick  
Muirhead, Russell  
Sykes, George

Baldwin, Heather  
Coulon, Matthew  
Hoyt, Tommy  
Lovett, Peter  
Rochefort, David

Bolton, Bill  
Fellows, Sallie  
Murphy, James  
Massimilla, Linda  
Sellers, John

Brown, Carroll  
Greeson, Jeffrey  
Sullivan, Jared  
Morse, Corinne  
Stringham, Jerry

#### HILLSBOROUGH

Lekas, Alicia  
Alexander, Joe  
Beaulieu, Jane

Murray, Alissandra  
Ammon, Keith  
Berry, Ross

Nutting-Wong, Allison  
Boyd, Bill  
Booras, Efstathia

Abare, Kimberly  
King, Bill  
Bouchard, Donald

Bouldin, Amanda  
 Colcombe, Riché  
 Creighton, Jim  
 Darby, Will  
 Elberger, Susan  
 Freitas, Mary  
 Gregg, Alicia  
 Healey, Robert  
 Jack, Martin  
 Kennedy, Stephen  
 Gould, Linda  
 LeClerc, Daniel  
 Long, Patrick  
 MacKenzie, Mark  
 McGough, Tim  
 Morton, Jennifer  
 Nutter-Upham, Frances  
 Petrigno, Peter  
 Proulx, Mark  
 Renzullo, Andrew  
 Newman, Sue  
 Sofikitis, Catherine  
 Mannion, Tom  
 Ulery, Jordan  
 Wheeler, Jonah

Bradley, Amy  
 Cole, Brian  
 Cushman, Leah  
 Devine, Shelley  
 Erf, Keith  
 Griffin, Gerald  
 Grill, Jessica  
 Heath, Mary  
 Judy, Jean  
 Kenny, Catherine  
 Sanborn, Laurie  
 Leishman, Peter  
 Howard, Molly  
 Mangipudi, Latha  
 McLean, Mark  
 Moulton, Candace  
 O'Brien, Michael  
 Plett, Fred  
 Newman, Ray  
 Rombeau, Catherine  
 Seibert, Christine  
 Spier, Carry  
 Telerski, Laura  
 Vail, Suzanne  
 Wherry, Robert

Calabro, Karen  
 Corcoran, Travis  
 Ford, Damond  
 DiSilvestro, Linda  
 Davis, Fred  
 Gagne, Larry  
 Hamer, Heidi  
 Herbert, Christopher  
 Smith, Juliet  
 Kofalt, Jim  
 Lanza, Judi  
 Lewicke, John  
 Murray, Megan  
 Mazur, Lisa  
 Ming, Ben  
 Murphy, Nancy  
 Panek, Sandra  
 Post, Lisa  
 Raymond, Heather  
 Rung, Rosemarie  
 Seidel, Sheila  
 Staub, Kathy  
 Tellez, Trinidad  
 Veilleux, Daniel  
 Wilhelm, Matthew

Chretien, Jacqueline  
 Cornell, Patricia  
 Kelley, Diane  
 Dutzy, Sherry  
 Fedolfi, Jim  
 Goley, Jeffrey  
 Harriott-Gathright, Linda  
 Infantine, William  
 Juris, Louis  
 Foxx, Loren  
 Lascelles, Richard  
 Lloyd, Christal  
 Perez, Maria  
 McGhee, Kat  
 Mooney, Maureen  
 Notter, Jeanine  
 Pedersen, Michael  
 Preece, David  
 Reid, Karen  
 Ryan, Linda  
 Sheehan, Vanessa  
 Lekas, Tony  
 Tenczar, Jeffrey  
 Thomas, Wendy

Turcotte, Alan  
 Brennan, Angela  
 McGuire, Dan  
 Hall, Muriel  
 Lane, Connie  
 Mason, James  
 Payeur, Stephanie  
 Boyd, Stephen  
 See, Alvin  
 Testerman, Dave

Andrus, Louise  
 Cambrils, Jose  
 Ebel, Karen  
 Hicks, Matthew  
 Leavitt, John  
 McWilliams, Rebecca  
 Polozov, Yury  
 Gould, Sherry  
 Shurtleff, Steve  
 Wallner, Mary Jane

Aures, Cyril  
 Caplan, Tony  
 Gerhard, Jason  
 Hill, Gregory  
 Luneau, David  
 Moffett, Michael  
 Richards, Beth  
 Schuett, Dianne  
 Soucy, Timothy  
 Wood, Clayton

Aylward, Deborah  
 Carey, Lorrie  
 Gibbs, Merryl  
 Hoell, J.R.  
 MacKay, James  
 Myler, Mel  
 Roesener, James  
 Seaworth, Brian  
 Walsh, Thomas

### MERRIMACK

### ROCKINGHAM

Balboni, Peggy  
 Mannion, Dennis  
 Donnelly, Tanya  
 Edgar, Michael  
 Gilman, Julie  
 Harb, Robert  
 Nelson, Jodi  
 Perez, Kristine  
 Kuttab, Katelyn  
 Lundgren, David  
 Pearson, Mark  
 McBeath, Rebecca  
 Meuse, David  
 Osborne, Jason  
 Potucek, John  
 Reynolds, Ned  
 Simpson, Alexis  
 Cahill, Tim  
 Tudor, Paul  
 Vogt, Robin  
 Ward, Gerald

Ball, Lorie  
 Thomas, Douglas  
 Doucette, Fred  
 Edwards, Jess  
 Grossman, Gaby  
 Harley, Tina  
 Janigian, John  
 Katsakiores, Phyllis  
 Walsh, Lilli  
 Lynn, Bob  
 Maggiore, Jim  
 McDonnell, Valerie  
 Muns, Chris  
 Piemonte, Tony  
 Pratt, Kevin  
 Read, Ellen  
 Soti, Julius  
 Dolan, Tom  
 Turer, Eric  
 Vose, Michael  
 Weyler, Kenneth

Bernardy, JD  
 DeSimone, Debra  
 Drago, Mike  
 Emerick, Tracy  
 Grote, Jaci  
 Haskins, Linda  
 Janvrin, Jason  
 Khan, Aboul  
 Layon, Erica  
 Cahill, Michael  
 Malloy, Dennis  
 McMahan, Charles  
 O'Neil, Candice  
 Popovici-Muller, Daniel  
 Prudhomme-O'Brien, Katherine  
 Roy, Terry  
 Spillane, James  
 Tripp, Richard  
 Vallone, Mark  
 MacDonald, Wayne

Brouillard, Jacob  
 DiLorenzo, Charlotte  
 Dunn, Ron  
 Foote, Charles  
 Hamblet, Joan  
 Hobson, Deb  
 Murray, Kate  
 Knab, Allison  
 Love, David  
 Paigo, Mark  
 Manos, Zoe  
 Melvin, Charles  
 Ford, Oliver  
 Porcelli, Susan  
 Quaratiello, Arlene  
 Pearson, Stephen  
 Sweeney, Joe  
 True, Chris  
 Vandecasteele, Susan  
 Wallace, Scott

### STRAFFORD

Bailey, Glenn  
 Burnham, Claudine  
 Connor, James  
 Howard, Heath  
 Howland, Allan  
 LaMontagne, Jessica  
 Schmidt, Peter  
 Potenza, Kelley  
 Vincent, Kenneth

Bay, Luz  
 Rich, Cecilia  
 Smith, Geoffrey  
 Harrington, Michael  
 Rich, Jeffrey  
 Levesque, Cassandra  
 Pare, Gail  
 Selig, Loren  
 Wall, Janet

Bickford, David  
 Cannon, Gerri  
 Granger, Michael  
 Horgan, James  
 Kaczynski, Thomas  
 Smith, Marjorie  
 Phinney, Brandon  
 Southworth, Thomas

Bixby, Peter  
 Conlin, Bill  
 Grassie, Chuck  
 Horrigan, Timothy  
 Kenney, Cam  
 Newton, Clifford  
 Pitre, Joseph  
 Treleaven, Susan

Aron, Judy  
Drye, Margaret  
Smith, Steven  
Tanner, Linda

Sullivan, Brian  
Merchant, Gary  
Spilsbury, Walter

Cloutier, John  
Palmer, William  
Stapleton, Walter

Damon, Hope  
Rollins, Skip  
Stone, Jonathan

**SULLIVAN****NAYS - 26  
BELKNAP**

Smart, Lisa

Varney, Peter

**CARROLL**

Cordelli, Glenn

**CHESHIRE**

Germana, Nicholas

Parshall, Lucius

Qualey, James

Santonastaso, Matthew

**GRAFTON**

Almy, Susan

Berezhny, Lex

Simon, Matthew

**HILLSBOROUGH**

Boehm, Ralph  
Prout, Andrew

Leapley, Nicole  
Sirois, Shane

Noble, Kristin

Pauer, Diane

**MERRIMACK**

McGuire, Carol

Ellison, Arthur

Gallager, Eric

Wolf, Dan

**ROCKINGHAM**

Milz, David

Phillips, Emily

Sytek, John

Yokela, Josh

**STRAFFORD**

Fitzpatrick, Daniel

Turcotte, Len

and the motion was adopted by the necessary three-fifths vote.

**SPECIAL ORDER**

**HB 96**, recognizing May 3rd as Old Man of the Mountain Day. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Chris True for the Majority of Executive Departments and Administration. This bill would place into statute and have the governor issue an annual proclamation honoring the day the Old Man of the Mountain rock formation collapsed. The committee believes that simply placing the day into statute does not raise awareness of the former landmark. People are certainly free to organize a commemoration. There is a very nice memorial area that has been established at the site for anyone who wants to experience feeling of what looking at the Old Man of the Mountain would have been like. Vote 16-3.

Rep. Dianne Schuett for the Minority of Executive Departments and Administration. The committee has a philosophy of not frivolously endorsing so-called 'naming days.' However, the bipartisan minority of the committee believes that this bill, which would recognize the date of the demise of the Old Man of the Mountain, should be the exception. The iconic image, which is on our license plates and our state coin, and the historical importance of the 'Old Man' to all citizens of our state warrants statutory recognition and remembrance.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Reps. Tim Cahill, Potucek and Shurtleff spoke against.

Rep. True spoke in favor.

On a division vote, with 181 members having voted in the affirmative, and 198 in the negative, the majority committee report failed.

Rep. Shurtleff moved the minority committee report of Ought to Pass.

The minority committee report was adopted, and the bill was ordered to third reading.

**MOTION TO PRINT DEBATE**

Rep. Adjutant moved that the debate on **HB 96**, recognizing May 3rd as Old Man of the Mountain Day. be printed in the Permanent Journal.

Motion was adopted.

**DEBATE ON HB 96**

**Representative Tim Cahill:** Thank you, Mister Speaker. Honored colleagues, special guests and the citizens of New Hampshire. On May 3rd, 2023, it will mark the 20<sup>th</sup> year since the Old Man of the Mountain collapsed. I remember getting the news from home, Grama Grant called us to tell us the news. It was a sad day. I remember making the journey to see the Old Man when I was kid. My father took me there. Nothing

is more Granite State than the Old Man of the Mountain. Reading about a father and son team that worked to keep the Old Man together was an inspiring story when I was younger. They climbed out on the rocks and ledges, working to keep the Old Man of the Mountain together so that everyone could enjoy him. That was inspiring. For years David Nielsen and his father worked to preserve the Old Man every year. Risking their lives so that New Hampshire would still have its mascot: the Old Man of the Mountain so we the people could still have our iconic symbol. They embody the best of the Granite State. Live Free or Die. When the Old Man fell, then Governor Benson was right when he said, "So what do we do now?" The Old Man falling was akin to the Twin Towers for many in the Granite State and around the world. I was in DC on September 11th. I was also in DC on May 3rd. Soon after that I made up my mind I wanted to come back home to New Hampshire and today I am standing in these honored chambers before all of you, standing for the people. So, what do we do now? What an amazing way we could promote and remember the Granite State's iconic mascot, whose likeness appears everywhere and on everything in New Hampshire. From our money, our tee shirts, our bumper stickers, signs, and our license plates. The Old Man is everywhere. The Old Man is New Hampshire. This is the answer to Benson's question. This is what we do now. I ask you to vote Ought to Pass on HB 96 and join me in honoring the Old Man in the Mountain for generations to come. Thank you, Mister Speaker.

**Speaker Packard:** The Chair recognizes Rep. Potucek.

**Representative Potucek:** Thank you, Mister Speaker. Mister Speaker, the Old Man in the Mountain is the iconic symbol of New Hampshire. It was featured on a 3-cent stamp back in the 1950's. I have a collection of them because my dad was a stamp collector and there is a plate block of that same stamp down in the Visitor's Center for those of you who might want to look at it. It's also in the 2000 quarter. A bill which was sponsored by a good friend, HCR 13 in 1999, a resolution urging the selection of a final design of the New Hampshire commemorative quarter, which includes the state motto, Live Free or Die and nine stars representing New Hampshire as the ninth state to ratify the constitution and the Old Man of the Mountain. Had this bill not passed this body, the federal reserve would have put on the New Hampshire quarter whatever they wanted to. This bill, I believe, is needed because I proposed this bill and I thought about it for about two years. I talked to a bunch of people, and I selected four people to co-sponsor this bill, the Speaker, Rep. Shurtleff, the former Speaker, Jeb Bradley, excuse me, two people from the other side of the wall who are in leadership on both sides of the aisle. They agreed that it is about time that somebody recognized the Old Man of the Mountain and I've talked to so many people. I've gotten so many emails. I've talked to constituents in Derry, Londonderry, Windham and wherever I visit to do whatever I need to do, and they all said it's about time. We've let this sit for 20 years and I believe that the 20<sup>th</sup> anniversary should be a commemorative year. The bill itself, I don't know if you have read it, but the bill states Old Man of the Mountain Day, the Governor shall issue an annual proclamation calling for the proper observance of May 3<sup>rd</sup> as Old Man of the Mountain Day in honor of the day the iconic rock formation collapsed. It doesn't ask you to do anything. It doesn't require you to do anything. It's just a day of remembrance. Sometime during the day, stop and reflect on what the Old Man meant to you. So, I'm asking you to vote no on ITL. Thank you, my colleagues, and thank you, Mister Speaker.

**Speaker Packard:** The Chair recognizes Rep. Shurtleff.

**Representative Shurtleff:** Thank you, Mister Speaker. Mister Speaker, in a cabin in the White Mountains there are some days I feel like the Old Man in the Mountain. Mister Speaker, I understand that committees vote on this and ITLing and every session they get bills to recognize distinguished people from the Granite State with a permanent day, but this bill is somewhat unique in so far, we are not talking about a person. We are talking about a symbol. That is not just my opinion that the Old Man is a symbol. In 1945, legislators sitting in this hall voted to name the Old Man of the Mountain the official symbol of the Granite State and that's why today we still see the profile of the Old Man on Department of Transportation signs. I know we have a long day so I'm going to cut this short. I'm not going to talk about Nathaniel Hawthorne's wonderful book, *The Great Stone Face*. I'm not going to talk about Daniel Webster's outstanding quote about what the Man in the Mountain stands for and that symbolism. Let me tell you a story instead. Now the Old in the Mountain is recognized by both the Abenaki Indians and the Mohawk Indians with great reverence. There is a story in Abenaki lore about a great chief named Pemigewasset. He fell in love with a beautiful Native American woman by the name of Minerwa, whose father was a chief of the Mohawk tribe. They married and because of that union, for years there was peace between the warring Mohawks and the Abenakis. One day, Minerwa got a message from her father saying, "I'm dying of an illness. Going through the village. Please come and see me." She told Pemigewasset I will return just as quickly as I can. Chief Pemigewasset told her, every night that you are gone on top of what is now Cannon Mountain, I will light a bonfire so that when you return to our village, if you do so at nighttime, you will be able to find your way back to me. Every night Chief Pemigewasset climbed Cannon and lit that bonfire for his wife, Minerwa. One night his brother approached him, climbed the mountain and said, "I've got bad news. We've just learned that your wife died of the same disease that killed her father." As the brother started down the trail from Cannon, he turned around to see if Pemigewasset was following him. Where there had been a bonfire, there was now a great stone face,



the Old Man in the Mountain. The Great Spirit turned Pemigewasset into the Old Man and had him facing towards the trail that Minerwa would come back when she returned to Pemigewasset. On May 3<sup>rd</sup> in 2003, when I heard that the Old Man had fallen, I thought back to that story I heard years ago, and I wondered does this mean that Minerwa and Pemigewasset were finally reunited? The Old Man of the Mountain is a very iconic representation of the Granite State. It's important and I ask you to overturn the ITL so another motion can be made. I would like to see a permanent day dedicated to the Old Man of the Mountain so that future generations will stop and pause and think what the great stone face meant to us in the state, not just to the early settlers, but to our Native American population. I would ask you to please vote red on the ITL so another motion can be made. Thank you, Mister Speaker.

**Speaker Packard:** The Chair recognizes Rep. True.

**Representative True:** Thank you, Mister Speaker. Mister Speaker, the committee found HB 96 Inexpedient to Legislate because we do not believe that putting a day into statute is the proper way to memorialize any day, including the Old Man in the Mountain. This year is the 20<sup>th</sup> anniversary of the day the Old Man of the Mountain came tumbling down the mountain. Placing the day in statute will not memorialize the day. What will memorialize the day of the famous granite face is that New Hampshire's citizens will choose to gather and to celebrate and to honor the tradition. In closing, please allow me to quote from one of the greatest, British bohemians, disco bands of all time, Queen. Yes, that granite face was sadly caught in a landslide. I am asking you to press the green button and support the committee report of ITL because I do not believe that in New Hampshire we need a statute in the RSAs to remind us of when to celebrate. I remind everyone that without their being a statute in New Hampshire law, for anyone who wishes to keep alive the remembrance and the history of that iconic rock face, please attend the 20<sup>th</sup> anniversary this May 3<sup>rd</sup> at Profile Plaza in Franconia commemorating the memory of the Old Man in the Mountain. Thank you very much, Mister Speaker.

**Speaker Packard:** A division has been requested. Members take your seats. The motion before us is the majority committee report of Inexpedient to Legislate on HB 96. This is a division vote. The Chair recognizes Rep. Schuett for a parliamentary inquiry.

**Representative Schuett:** Thank you, Mister Speaker. If, as a long-time member of ED&A, a committee which is predisposed to deny codifying every person, day or critter that is brought to the legislature, I usually agree with that philosophy. But if I know a bipartisan minority of our committee, including myself, believes that this bill should be the exception to that standard. And if I know that certain dates like December 7th or 9-11 are dates that stand out in our national history and believe enacting this bill would be the surest way to ensure that May 3<sup>rd</sup> will be remembered by future generations in our state as the date we lost our most famous icon, would I then vote no on this ITL motion so that another motion may be brought forward? Thank you.

**Speaker Packard:** The Chair recognizes Rep. Goley for a parliamentary inquiry.

**Representative Goley:** Thank you, Mister Speaker. Mister Speaker, if I know the ED&A committee heard numerous bills already this year on naming days and ITL'd those bills and summarized that those individuals that came forward reach out to the Governor for their cause on a yearly basis to keep it going. And if I know just putting into statute where it will be with the other 28 days that I couldn't read off the top of my head that are in statute, then as a matter of fairness to those organizations that we have in this body said no to in naming days, would I do the same and support the committee report of Inexpedient to Legislate? Thank you.

**Speaker Packard:** The motion before us is the majority committee report of Inexpedient to Legislate on HB 96. This is a division vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 181 voting Yea, 198 voting Nay, the motion of Inexpedient to Legislate fails. For what reason does the member rise?

**Representative Shurtleff:** Thank you, Mister Speaker. I move the question and ask the body to vote Ought to Pass.

**Speaker Packard:** The motion before us now is Ought to Pass. Are you ready for the question? All those in favor, say Aye; those opposed, Nay. The Ayes have it and the Ought to Pass motion passes.

#### MOTION TO SPECIAL ORDER

Rep. Edwards moved that **HB 49-FN-A**, relative to postponing the closure of the Sununu Youth Services Center, be made a Special Order as the first order of business for March 23, 2023.

Rep. Edwards spoke in favor.

On a division vote, with 226 members having voted in the affirmative, and 153 in the negative, the motion failed lacking the necessary three-fifths vote.

(Rep. Sanborn in the Chair)

#### REGULAR CALENDAR CONT'D

**HB 10-FN**, establishing the parental bill of rights. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: Many years ago, the phrase, "It takes a village to raise a child" became popular. But it must then be asked "In a village, who is the mayor?" Historically, it

has been the child's parents or legal guardians. This bill seems to affirm that. Recent history in communist countries and in Germany in the 1930s has demonstrated how the state can usurp the ultimate role of the parents in the lives of their children. Those opposing this bill have raised objections but those who voted Ought to Pass believe those are easily addressed. First, it was asserted that parents have only limited rights regarding their children who attend private schools, not just those in public schools. Actually, it depends on the private school, and if a parent believes his or her rights would be overly restricted in a particular private school, the parent could always choose one where their rights were greater akin to what this bill seeks to do in all schools. Second, the assumption is being made that the child's secrets a teacher would divulge to parents would always be in what might be called liberal or progressive matters. Not so. A parent might want to know from a teacher if the child was evidencing white supremacist clothing, behavior or speech. Third, it was argued that if parents found out from school personnel that their child was using pronouns or clothing or self-identification different from how their child presents at home, the parents would beat the child. However, if parents were inclined to beat a child, they likely have done so already and that is a reportable offense. To assume parents would beat a child if a teacher told the parents some information sounds like the script of the 2002 movie "Minority Report" where a police unit apprehends people based on their likelihood to commit a crime. Fourth, if a child's speech or actions are not told to parents who ask but are observed by other children who then tell their parents, isn't it likely that one or more of those other parents would speak to the parents of the child whose speech or actions are protected by the school? Such informants might have the best interests of that child at heart. Or they might inform to ridicule. Wouldn't the parents want to know from a supportive teacher rather than from a neighbor, good or ill intended? Fifth, we learned that there are currently 21 New Hampshire School Districts that have Transgender/Gender non-conforming policies that openly state that district personnel can or should keep a student's transgender status hidden from parents. We wish to strengthen families rather than drive a wedge within them. We respectfully ask you to vote Ought to Pass with Amendment.

Rep. Mark Pearson

Statement in support of Inexpedient to Legislate: We affirm that parents have an inalienable right to direct the upbringing of their children and that those rights are well rooted in common law; however, we believe that this bill is unnecessary since the rights enumerated within already exist in federal and state statutes, in the Department of Education's directives and in school board policies. Parents already have the right to opt their children out of any aspect of the school experience, object to instructional materials, and review the course of study and the purpose of clubs. If such transparency is not happening in a particular school district, the matter should be resolved on the local level. Furthermore, parents may be inclined to file frivolous lawsuits which school districts will have to defend at the taxpayers' expense. It should be noted that in most instances, educators are parents too and as such would not be promoting school policies that would deny them their rights as parents. We take objection to the provisions which require teachers to respond to parent inquiries upon request. This is not an inalienable right, as no one has the right to compel someone else to do something against their will. As such, the bill would limit what a trusted adult at school may say for fear of disciplinary action. This is not about "keeping secrets." The Child Advocate testified that her office sees cases on a daily basis of children who are abused when they have disclosed their gender identity to their families. We question if this bill seeks to account for the lack of open dialogue that some children may have with their parents out of uncertainty or fear of abuse, especially in matters of gender related issues. We acknowledge that more than a list of parental rights, parents have the responsibility to raise their children to be good citizens in a diverse society.

Rep. Peter Petrigno

Rep. Mark Pearson moved Ought to Pass.  
Rep. Lynn offered floor amendment (1146h).

#### **Floor Amendment (1146h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Declaration of Purpose. The general court reaffirms United States Supreme Court and New Hampshire Supreme Court rulings when it finds that it is a fundamental right of parents to direct the upbringing, education, and care of their minor children. The general court further finds that important information relating to a minor child, including information relating to the minor child's health, wellbeing, and education, should not be withheld from the child's parents, either inadvertently or purposefully, unless there is a compelling reason to do so. The general court further finds it is necessary to establish a consistent mechanism for parents to be notified of information relating to the health and well-being of their minor children.

2 New Chapter; Parent's Bill of Rights. Amend RSA by inserting after chapter 169-H the following new chapter:

#### **CHAPTER 169-I PARENT'S BILL OF RIGHTS**

169-I:1 Short Title. This chapter may be cited as the Parent's Bill of Rights.

169-I:2 Definitions. In this chapter:

I. "Parent" means a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian, but such term shall not include a parent as to whom the parent-child relationship has been terminated by judicial decree or voluntary relinquishment.

II. "Minor" means a person under the age of 18 years.

III. "Compelling state interest" means a circumstance wherein the physical safety of the child has been harmed or is threatened with harm of such a grave nature by the actions or inactions of the child's parent or parents that the state or its agencies or instrumentalities are justified in acting to protect the child without the knowledge or consent of a parent or in withholding information about the child from the parent or parents. Potential or actual psychological or emotional injury to a child from a parent's actual, threatened, or anticipated reaction to learning information about his or her child, including emotions such as anger, disappointment, sadness, disapproval or other behaviors does not constitute a compelling state interest for withholding information about the child from a parent, but such injury, if sufficiently serious, may constitute grounds for taking action against the parent for abuse or neglect under RSA chapter 169-C. Although there are many circumstances in which a state actor, such as a teacher or a school, may act in loco parentis, the mere fact that such a state actor is acting in this capacity is not sufficient to establish a compelling state interest. To establish a compelling state interest a state actor must be able to demonstrate the existence of actual or threatened physical harm to the child by clear and convincing evidence based on specific, detailed, and reliable information. Even when a compelling state interest exists, a state actor must use the means for satisfying the interest that is the least infringing to the parental rights described in this chapter and must do so only for the minimum time necessary to accomplish its objective.

169-I:3 Infringement of Parental Rights Prohibited. The state; any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit; any other governmental entity; any other institution; or any agents or employees of any of the foregoing, shall not infringe upon or violate on the fundamental rights of a parent, as delineated in RSA 169-I:4 or other law, to direct the upbringing, education, health care, and mental health care of his or her minor child without demonstrating that such action is reasonable and necessary to achieve a compelling state interest as defined in RSA 169-I:2, III.

169-I:4 Parental Rights.

I. All parental rights are reserved to the parent of a minor child in this state without obstruction or interference from the state, any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit, any other governmental entity, or any other institution. Such parental rights include, but not limited to, all of the following rights of a parent of a minor child in this state:

(a) The right to direct the upbringing and the moral or religious training of their minor child.

(b) The right to direct the education of their minor child, including the right to choose to enroll their child in their assigned resident public school, a public charter school, an approved nonpublic school, home education program, or education freedom account program, per RSA 193:1 and RSA 194:F:1, et seq.

(c) The right to request their child be enrolled in a public school other than the public school assigned to them by their residence to avoid a manifest educational hardship, per RSA 193:3.

(d) The right to enroll their child in a private school, including a religious school, a home education program, or other available options, as authorized by law, as an alternative to public education, per RSA 193:1 and RSA 194:F-1, et seq.

(e) The right to obtain access for their child in public curricular courses and co-curricular programs offered by the local school district where the student resides while choosing to enroll their child in a non-public school, public charter school, home education or education freedom account program, per RSA 193:1-c; RSA 194-F:2, II (d).

(f) The right to inspect any instructional material used as part of the educational curriculum for the student. The procedures will provide reasonable access to instructional materials within a reasonable period of time after the request is received, per 20 U.S.C. section 1232h, (c)(1)(C).

(g) The right to exempt their minor child from immunizations per RSA 141-C:20-a and 141-C:20-c.

(h) The right to exempt their public-school student from participating in the required statewide assessments (English language arts, mathematics, and/or science), per RSA 193-C:6.

(i) The right to receive information regarding the level of achievement and academic growth of their child in each of the state academic assessments (English language arts, mathematics, and/or science), per Every Student Succeeds Act, Section 1112 (e)(1)(B)(i).

(j) The right to opt out of health or sex education under RSA 186:11, IX-b and any other objectionable material under RSA 186:11, IX-c.

(k) The right to access and review all education records relating to their minor children within 14 days after the day the school receives a request for access pursuant to RSA 189:66, IV and 34 C.F.R. section 99.5.

(l) The right to be promptly notified if a criminal offense has been committed against their minor child, unless the criminal activity was a simple assault involving students in kindergarten through grade 12, per RSA 193-D:4.

(m) The right to be notified whenever seclusion or restraint has been used on the child, per RSA 126-U:7.

(n) The right to be informed of the school district's policy regarding discipline policies and procedures, per RSA 193:13.

(o) The right to be advised of any non-academic survey or questionnaire to be administered to students and the requirement that the parent consent to a child completing such a survey or questionnaire and the right to opt their child out of the Youth Risk Behavior Survey developed by the Centers for Disease Control and Prevention, per RSA 186:11, IX-d.

(p) The right to make health care decisions for their minor child, unless otherwise prohibited by law. This right includes decisions pertaining to end-of-life treatments and care for a child with a terminal condition. Additionally, this right includes the right to obtain multiple medical opinions and select the appropriate course of treatment for their children.

(q) The right to be physically present at any health care facility licensed pursuant to RSA 151:2 at which their minor child is receiving hospital care.

(r) The right to access and review all medical records of his or her minor child, unless prohibited by law; if the parent has been convicted of any crime against the minor child; or if the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement agency has requested of the applicable court that the information not be released.

(s) The right to consent in writing before a biometric scan of their minor child is made, shared, or stored, pursuant to RSA 189:65 and RSA 189:68.

(t) The right to consent in writing before any record of their minor child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by law or authorized pursuant to a court order.

(u) The right to consent in writing before the state or any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit acting pursuant to the provisions of RSA 189:68, III- V, makes a video or voice recording of their minor child unless such recording is made during or as part of a court proceeding or is made as part of a forensic interview in a criminal or other investigation by the bureau of child protective services or is to be used solely for the purpose of a safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles.

(v) The right to be informed of, and provide consent to, any medical procedure to be performed on their minor child, except when allowed under RSA 132:34 or RSA 141-C:18, and notwithstanding any emergency medical treatment the child may have already received.

(w) The right to be informed, upon inquiry, if their child is being called by any name other than the name under which the child was enrolled in the school.

(x) The right to be informed, upon inquiry, if the child, at or before the time of inquiry, is being identified as having a gender or pronouns other than that which was recorded or used when the child was enrolled.

(y) The right to know, upon inquiry, what extracurricular activities, clubs, or organizations their child is participating in or has participated in at or before the time of inquiry.

II. Federal law provides for additional parent and family involvement for schools that are receiving Title I, Part A; Title I, Part C (migrant); and Title III, Part A (EL) funds, including:

(a) The right to receive information, including student reports, in an understandable and uniform format and to the extent practicable, in a language that parents can understand, per Sections 1112(e)(4); 1114(b)(4); 1116(e)(5); and 1116(f).

(b) Upon request of the parent, the right to receive information regarding state qualifications of the student's classroom teachers and paraprofessionals providing services to the child, per Section 1112(e)(1)(A)(i-ii).

(c) The right to receive an annual local educational agency report card that includes information on such agency as a whole and each school served by the agency, per Section 1111(h)(2)(A-B)(i-iii).

(d) The right to request that a student's name, address, and telephone number not be released to military recruiters without prior written consent by the parents.

III. This section does not:

(a) Authorize a parent of a minor child to engage in conduct that is unlawful or to abuse or neglect his or her minor child in violation of law;

(b) Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a government agency that is responsible for child welfare from acting in such person's official capacity within the reasonable and prudent scope of his or her authority, pursuant to RSA 186:11, IX-c.

IV. An employee of the state, any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit, or any other governmental entity that coerces a minor child to conceal a violation of this chapter from his or her parent shall be subject to disciplinary action.

V. The specific rights listed in this chapter do not comprise all of the inalienable parental rights possessed by the parent or parents of a minor child and nothing in this chapter shall be construed to restrict or limit any such rights that are not listed.

169-I:5 School Board Notification of Parent's Rights.

I. Each school board, school district, or school administrative unit shall, in consultation with parents, teachers, and administrators, develop, adopt and promulgate publicly a policy to promote parental involvement in the public school system. Such policy must include:

(a) A plan for parental participation in schools to improve parent and teacher cooperation in such areas as homework, school attendance, and discipline.

(b) A procedure for a parent to learn about his or her minor child's course of study, including the source of any supplemental education materials.

(c) Procedures for a parent to object to instructional materials and other materials used in the classroom. Such objections may be based on beliefs regarding morality, sex, and religion or the belief that such materials are harmful. For purposes of this section, the term "instructional materials" shall include, without limitation, all materials used in the classroom, including workbooks and worksheets, handouts, software, applications, and any digital media made available to students.

(d) Procedures for a parent to withdraw his or her minor child from any portion of the school district's health education program that relates to sex education or instruction in acquired immune deficiency syndrome or any instruction regarding sexuality if the parent provides a written objection to his or her minor child's participation. Such procedures must provide for a parent to be notified in advance of the content of such courses so that the parent may withdraw his or her minor child from those portions of the course.

(e) Procedures for a parent to learn about the nature and purpose of clubs and activities offered at his or her minor child's school, including those that are extracurricular or part of the school curriculum.

(f) Procedures for a parent to learn about parental rights and responsibilities under general law, including all of the following:

(1) The right to opt his or her minor child out of any portion of the school district's health education program that relates to sex education instruction in acquired immune deficiency syndrome education or any instruction regarding sexuality.

(2) The right of a parent to exempt his or her minor child from immunizations as per the provisions of RSA 141-C:20-a relative to immunizations.

(3) The right of a parent to receive statewide, standardized assessment results.

(4) The right of a parent to enroll his or her minor child in gifted or special education programs if the child qualifies for such programs.

(5) The right of a parent to inspect school district instructional materials.

(6) The right of a parent to access information relating to the school district's policies.

(7) The right of a parent to receive a school report card and be informed of his or her minor child's attendance requirements and compliance with such requirements.

(8) The right of a parent to access information relating to the state public education system, state standards, report card requirements, attendance requirements, and instructional materials requirements.

(9) The right of a parent to participate in parent-teacher associations and organizations that are sanctioned by a school board or the department of education.

(10) The right of a parent to opt out of any district-level data collection relating to his or her minor child not required by federal or state law.

II. A school board may provide the information required in this section electronically or post such information on its website. Additionally, at the beginning of each new school year a school board shall provide to parents a written copy a document which shall be titled, "Parents' Bill of Rights," which shall be consistent with this chapter, and which shall inform parents of the following:

(a) You have the right and expectation to question and address your child's school officials via letters, electronic communications, and in person meetings including elected school board meetings. You also have the right to attend publicly designated meetings with proper notice of the meetings provided.

(b) You have the right and expectation to question and review curriculum taught in your child's school by questioning your school board and school administrators during public comment periods at publicly designated meetings.

(c) You have the right and expectation that academic curriculum taught in your child's school aligns with New Hampshire and federal law.

(d) You have the right and expectation to participate in the selection and approval of academic standard for the State of New Hampshire.

(e) You have the right and expectation to access educational materials and curriculum taught to your child in the classroom and school.

(f) You have the right to run as a candidate for your local school board.

(g) You have the right to make decisions regarding vaccinations and immunizations for your child.

(h) You have the right and expectation to make medical decisions on behalf of your child.

(i) You have the right and expectation to receive your child's student health records.

(j) You have the right to receive special education services on behalf of your child with a disability.

III. A parent may request, in writing, from the district school superintendent the information required under this section pursuant to RSA 91-A.

169-I:6 Parental Consent for Health Care Services.

I. Except as otherwise provided by law or a court order, a health care practitioner or an individual employed by such health care practitioner may not provide or solicit or arrange to provide health care services, or prescribe or provide medicinal drugs to a minor child without first obtaining written parental consent.

II. Except as otherwise provided by law or a court order, a health care provider may not allow a medical procedure to be performed on a minor child in its facility without first obtaining written parental consent.

III. This section does not apply to services provided by a clinical laboratory, unless the services are delivered through a direct encounter with the minor at the clinical laboratory facility.

IV. This section does not apply to emergency services pursuant to RSA 153-A:18.

V. A health care practitioner or other person who violates this section is subject to disciplinary action.

169-I:7 Violations.

I. A knowing violation of any provision of this chapter by an individual shall constitute a class A misdemeanor.

II. Any parent claiming violation of any provision of this chapter may bring an action for injunctive relief and damages in the superior court against the state or any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit; any other governmental entity; or any physician, clinician, therapist, counselor, or other person alleged to be responsible for or to have caused the violation. Should the parent prevail in such action, in addition to ordering other remedies, the court may award to the parent his or her reasonable attorneys' fees and court costs, including such attorneys' fees and court costs incurred in connection with an appeal to the supreme court.

III. Any teacher or administrator with certification to teach found to have knowingly violated any section of this chapter may have his or her teaching credentials suspended by the state board of education for up to one year for a first offense, and may have his or her credentials revoked for a subsequent offense. A school employee that is not a teacher may be placed on unpaid leave by the school district for some or all of the remainder of the school year for a first offense, and may have his or her employment terminated for a subsequent offense. Any contractor or third party employed by a school that knowingly violates any section of this chapter may be ordered to pay a civil penalty of up to \$2,500 and be prohibited from working at all schools in the district for 1 year for a first violation, and may be ordered to pay a civil penalty of up to \$5,000 plus be permanently barred from working at all schools in the district for a subsequent offense. Proceedings to enforce the provisions of this paragraph shall be held before the state board of education, which shall ensure that before making any findings or imposing any sanctions provided for herein the person or entity complained against is afforded a hearing and all other requirements of due process of law. A contractor aggrieved by the decision of the state board of education and entitled to a jury trial under the constitution may appeal such decision to the superior court and obtain a jury trial in that forum.

IV. Any medical or mental health professional found guilty of knowingly violating any portion of this law may have his or her license suspended by the agency by which such person is licensed following such agency's usual disciplinary procedures for up to one year for a first offense and permanently revoked for a subsequent offense.

3 Effective Date. This act shall take effect 120 days after its passage.

Rep. Raymond spoke against.

Reps. Terry and Lynn spoke in favor.

On a division vote, with 190 members having voted in the affirmative, and 194 in the negative, floor amendment (1146h) failed.

The question being adoption of the motion of Ought to Pass.

Reps. Gregg and Petrigno spoke against.

Rep. Steven Smith spoke in favor.

Rep. Doucette requested a roll call; sufficiently seconded.

**YEAS 189 - NAYS 195**

**YEAS - 189**

**BELKNAP**

Bean, Harry  
Harvey-Bolia, Juliet  
Terry, Paul

Bogert, Steven  
Ploszaj, Tom  
Trottier, Douglas

Comtois, Barbara  
Beaudoin, Richard  
Varney, Peter

Dumais, Russell  
Smart, Lisa

**CARROLL**

Avellani, Lino  
MacDonald, John  
Brown, Richard

Belcher, Mike  
Smith, Jonathan

Cordelli, Glenn  
McConkey, Mark

Costable, Michael  
Peternel, Katy

**CHESHIRE**

Hunt, John  
Thackston, Dick

Qualey, James  
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

**COOS**

Davis, Arnold  
Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

**GRAFTON**

Berezhny, Lex  
Ladd, Rick

Brown, Carroll  
Rocheport, David

Coulon, Matthew  
Sellers, John

Greeson, Jeffrey  
Simon, Matthew

**HILLSBOROUGH**

Lekas, Alicia  
Boyd, Bill  
Colcombe, Riché  
Cushman, Leah  
Griffin, Gerald  
Infantine, William  
Gould, Linda  
McGough, Tim  
Notter, Jeanine  
Post, Lisa  
Seidel, Sheila  
Mannion, Tom

Abare, Kimberly  
King, Bill  
Cole, Brian  
Kelley, Diane  
Gagne, Larry  
Kennedy, Stephen  
Lascelles, Richard  
McLean, Mark  
PANEK, Sandra  
Prout, Andrew  
Sheehan, Vanessa  
Tenczar, Jeffrey

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Erf, Keith  
Healey, Robert  
Kenny, Catherine  
Lewicke, John  
Mooney, Maureen  
Pauer, Diane  
Reid, Karen  
Sirois, Shane  
Ulery, Jordan

Ammon, Keith  
Boehm, Ralph  
Creighton, Jim  
Fedolfi, Jim  
Hynes, Dan  
Kofalt, Jim  
Mazur, Lisa  
Noble, Kristin  
Plett, Fred  
Renzullo, Andrew  
Lekas, Tony  
Wherry, Robert

**MERRIMACK**

Andrus, Louise  
Cambriels, Jose  
Hoell, J.R.  
Polozov, Yury  
Walsh, Thomas

Aures, Cyril  
McGuire, Dan  
Leavitt, John  
Boyd, Stephen  
Testerman, Dave

Aylward, Deborah  
Gerhard, Jason  
Mason, James  
Seaworth, Brian  
Wood, Clayton

McGuire, Carol  
Hill, Gregory  
Moffett, Michael  
See, Alvin

**ROCKINGHAM**

Ball, Lorie  
Thomas, Douglas  
Drago, Mike  
Foote, Charles  
Nelson, Jodi  
Katsakiores, Phyllis  
Layon, Erica  
Pearson, Mark  
Milz, David  
Phillips, Emily  
Potucek, John  
Roy, Terry  
Summers, James  
Dolan, Tom  
Vandecasteele, Susan  
Weyler, Kenneth

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Harb, Robert  
Janigian, John  
Khan, Aboul  
Love, David  
McDonnell, Valerie  
Ford, Oliver  
Piemonte, Tony  
Pratt, Kevin  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
Vose, Michael  
Yokela, Josh

Brouillard, Jacob  
Donnelly, Tanya  
Edwards, Jess  
Harley, Tina  
Janvrin, Jason  
Kuttab, Katelyn  
Lundgren, David  
McMahon, Charles  
Osborne, Jason  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Sytek, John  
True, Chris  
MacDonald, Wayne

Mannion, Dennis  
Doucette, Fred  
Emerick, Tracy  
Hobson, Deb  
Perez, Kristine  
Walsh, Lilli  
Lynn, Bob  
Melvin, Charles  
Packard, Sherman  
Porcelli, Susan  
Quaratiello, Arlene  
Spillane, James  
Cahill, Tim  
Tudor, Paul  
Wallace, Scott

**STRAFFORD**

Ankarberg, Aidan  
Connor, James  
Kaczynski, Thomas  
Pitre, Joseph

Bailey, Glenn  
Granger, Michael  
Turcotte, Len  
Potenza, Kelley

Bickford, David  
Harrington, Michael  
Newton, Clifford

Burnham, Claudine  
Horgan, James  
Phinney, Brandon

**SULLIVAN**

Aron, Judy  
Spilsbury, Walter

Drye, Margaret  
Stapleton, Walter

Rollins, Skip  
Stone, Jonathan

Smith, Steven

**NAYS - 195****BELKNAP**

Bordes, Mike  
St. Clair, Charlie

Coker, Matthew

Huot, David

O'Hara, Travis

**CARROLL**

Buco, Thomas  
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

**CHESHIRE**

Abbott, Michael  
Eaton, Daniel  
Jones, Philip  
Schapiro, Joe

Ames, Richard  
Faulkner, Barry  
Monteil, Renee  
Tatro, Bruce

Harvey, Cathryn  
Filiault, Shaun  
Newell, Jodi  
Toll, Amanda

Fox, Dru  
Germana, Nicholas  
Parshall, Lucius  
Weber, Lucy

**COOS**

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

**GRAFTON**

Adjutant, Joshua  
Cormen, Thomas  
Murphy, James  
Morse, Corinne  
Sykes, George

Almy, Susan  
Fellows, Sallie  
Sullivan, Jared  
Muirhead, Russell

Baldwin, Heather  
Hakken-Phillips, Mary  
Lovett, Peter  
Nordgren, Sharon

Bolton, Bill  
Hoyt, Tommy  
Massimilla, Linda  
Stringham, Jerry

**HILLSBOROUGH**

Murray, Alissandra  
Bouchard, Donald  
Chretien, Jacqueline  
Devine, Shelley  
Davis, Fred  
Grill, Jessica  
Herbert, Christopher  
Juris, Louis  
LeClerc, Daniel  
Howard, Molly  
Mangipudi, Latha  
Moulton, Candace  
Pedersen, Michael  
Newman, Ray  
Ryan, Linda  
Spier, Carry  
Vail, Suzanne  
Wilhelm, Matthew

Nutting-Wong, Allison  
Bouldin, Amanda  
Cornell, Patricia  
DiSilvestro, Linda  
Freitas, Mary  
Hamer, Heidi  
Jack, Martin  
Foxy, Loren  
Leishman, Peter  
Murray, Megan  
McGhee, Kat  
Murphy, Nancy  
Petrigno, Peter  
Raymond, Heather  
Newman, Sue  
Staub, Kathy  
Veilleux, Daniel

Beaulieu, Jane  
Bradley, Amy  
Ford, Damond  
Dutzy, Sherry  
Goley, Jeffrey  
Harriott-Gathright, Linda  
Judy, Jean  
Lanza, Judi  
Lloyd, Christal  
Perez, Maria  
Ming, Ben  
Nutter-Upham, Frances  
Preece, David  
Rombeau, Catherine  
Seibert, Christine  
Telerski, Laura  
Thomas, Wendy

Booras, Efstathia  
Calabro, Karen  
Darby, Will  
Elberger, Susan  
Gregg, Alicia  
Heath, Mary  
Smith, Juliet  
Leapley, Nicole  
Long, Patrick  
MacKenzie, Mark  
Morton, Jennifer  
O'Brien, Michael  
Proulx, Mark  
Rung, Rosemarie  
Sofikitis, Catherine  
Tellez, Trinidad  
Wheeler, Jonah

**MERRIMACK**

Turcotte, Alan  
Ebel, Karen  
Hall, Muriel  
MacKay, James  
Richards, Beth  
Schultz, Kristina  
Wolf, Dan

Brennan, Angela  
Ellison, Arthur  
Hicks, Matthew  
McWilliams, Rebecca  
Roesener, James  
Shurtleff, Steve

Caplan, Tony  
Gallager, Eric  
Lane, Connie  
Myler, Mel  
Gould, Sherry  
Soucy, Timothy

Carey, Lorrie  
Gibbs, Merryll  
Luneau, David  
Payeur, Stephanie  
Schuett, Dianne  
Wallner, Mary Jane

**ROCKINGHAM**

Balboni, Peggy  
Grossman, Gaby  
Murray, Kate  
Maggiore, Jim  
Meuse, David  
Read, Ellen  
Vogt, Robin

DiLorenzo, Charlotte  
Grote, Jaci  
Knab, Allison  
Malloy, Dennis  
Muns, Chris  
Simpson, Alexis  
Ward, Gerald

Edgar, Michael  
Hamblet, Joan  
Cahill, Michael  
Manos, Zoe  
O'Neil, Candice  
Turer, Eric

Gilman, Julie  
Haskins, Linda  
Paige, Mark  
McBeath, Rebecca  
Raynolds, Ned  
Vallone, Mark

**STRAFFORD**

Bay, Luz  
Conlin, Bill  
Howard, Heath  
Kenney, Cam  
Schmidt, Peter  
Treleaven, Susan

Bixby, Peter  
Fitzpatrick, Daniel  
Horrigan, Timothy  
LaMontagne, Jessica  
Pare, Gail  
Vincent, Kenneth

Rich, Cecilia  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Selig, Loren  
Wall, Janet

Cannon, Gerri  
Grassie, Chuck  
Rich, Jeffrey  
Smith, Marjorie  
Southworth, Thomas

**SULLIVAN**

Sullivan, Brian  
Palmer, William

Cloutier, John  
Tanner, Linda

Damon, Hope

Merchant, Gary

and the motion of Ought to Pass failed.

Rep. Petrigno moved Inexpedient to Legislate.

**MOTION TO LAY ON THE TABLE**

Rep. Hoell moved that **HB 10-FN**, establishing the parental bill of rights, be laid on the table. On a division vote, with 193 members having voted in the affirmative, and 192 in the negative, the motion was adopted.



**CLERK'S NOTE**

The Speaker voted to break the tie, pursuant to House Rule 23, the motion passed.

**(Speaker Packard in the Chair)  
REGULAR CALENDAR CONT'D**

**HB 548-FN**, relative to the definition of compliance with a legal support order for child support payments. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Heather Raymond for the Majority of Children and Family Law. This bill seems to prevent federal and state agencies from denying passport and driver's license renewals for individuals whose child support payments are less than \$25 in arrears. Current federal guidelines state that one must be 60 days in arrears and owe at least \$550 before passport and/or driver's license renewals can be frozen. This bill has a significantly lower threshold than current law and thus will not have any effect on the issue of passport and driver's license renewals. Vote 9-7.

Rep. Mark Pearson for the Minority of Children and Family Law. The bill describes the unfortunate experience of an individual who was deemed to be in arrears of child support payments. This was because, due to a financial "rounding error," though he was but one cent short, he was still deemed in arrears. By allowing a grace amount of \$25, such unfortunate events would not happen in the future. The minority thought this was fair.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Spillane spoke against.

Rep. Raymond spoke in favor.

On a division vote, with 189 members having voted in the affirmative, and 187 in the negative, the majority committee report was adopted.

Rep. Moulton declared a conflict of interest and did not participate.

**HB 584**, relative to the Uniform Commercial Code's article on controllable electronic records. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Keith Ammon for the Majority of Commerce and Consumer Affairs. Article 12 of the Uniform Commercial Code (UCC) is a set of rules about "Controllable Electronic Records" (CERs), like cryptocurrencies, digital assets, or non-fungible tokens, and how they can be legally controlled and transferred. The rules define what it means to have control of an electronic record and who can get the rights to them. The rules also explain how debts can be paid using electronic records and which laws apply to them. These rules are designed to work with new technologies that may be created in the future. A near-complete draft of UCC Article 12 was adopted in 2022 with the passage of HB 1503. HB 584, as amended, would update our statutes to include some of the changes that the Uniform Law Commission has developed since the passage of HB 1503. Having a standardized set of rules around digital assets helps facilitate interstate commerce. Vote 19-1.

Rep. Christopher Herbert for the Minority of Commerce and Consumer Affairs. This amendment is attached to legislation passed during the last session by a 150 to 170 vote. The minority argued then that this movement seeks to create a private substitute for the dollar. Our monetary sovereign status comes from the dollar, a public asset owned by the people. To introduce a private currency threatens the nation's sovereignty. Congress has monopoly power over the dollar. It has been the case for centuries that whoever controls the money supply controls the nation and its economy. The view of the minority is that very few people have an understanding of what a sovereign currency is. This substitute, this private money (called crypto) has no intrinsic value. It needs to be legitimized in order to buy and sell legitimate assets -- in order to have what is known as "use value." It will compromise the dollar sovereignty.

**Majority Amendment (0993h)**

Amend the bill by deleting section 3 and renumbering the original sections 4-93 to read as 3-92, respectively. The majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

The majority committee report was adopted, and the bill was ordered to third reading.

**HB 135-FN**, prohibiting no-knock warrants. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. After hearing testimony during public hearing, the majority of the committee agreed the bill, as amended, should be found Ought to Pass. The amendment limited no knock search warrants, to only cases where there was a demonstrable need to do so for the preservation of human life. The amendment also added a requirement to obtain clearance from the head of whatever law enforcement agency is involved prior to such a warrant being sought, as well as a reporting requirement to the district county attorney or Attorney General after the warrant is served. The amendment adds the ability of the public to obtain a copy of the warrant after it has been executed. The majority believes that barring all no-knock warrants could actually lead to greater loss of life, as there are clearly incidents

that involve persons who, if warned, would take the opportunity to harm law enforcement or a person in the home. This is especially true in cases of domestic violence where abusers have shown a propensity for violence against their spouse and have threatened their life if they ever called the police. The bill allows for no knock warrants for the recovery of evidence only when such evidence is related to the preservation of human life. This might include computer files that may show where a missing or trafficked person is located or information about a possible terrorist threat. As with other such warrants, the chief law enforcement officer must first authorize it, and additionally, advanced authorization must be obtained from the District Attorney or Attorney General before such a warrant is applied for. The amended version of this bill is modeled after the current United States Department of Justice policy for no knock warrants for all federal law enforcement agencies. Vote 19-1.

Rep. Jonah Wheeler for the Minority of Criminal Justice and Public Safety. The minority of the committee feels the amendment which was added to the bill leaves the practice of no knock warrants up to the discretion of law enforcement. Leaving the practice open to discretion would mean that no knock warrants would still occur. The minority feels the practice of no-knock warrants has hurt the relationship between law enforcement and the community which they serve. The minority feels given the harm of the policy, it should be ended entirely and not left to the discretion of the department carrying out the warrant.

#### **Majority Amendment (0684h)**

Amend the bill by replacing section 1 with the following:

1 Search Warrants; Requisites of Warrant; No-Knock Warrants Prohibited. Amend RSA 595-A:2 to read as follows:

595-A:2 Requisites of Warrant.

*I. Search warrants shall designate or describe the person, building, vessel, or vehicle to be searched and shall particularly describe the property or articles to be searched for. They shall be substantially in the form prescribed in RSA 595-A:3 and shall be directed to a sheriff or his deputy or to a constable or police officer, commanding him to search in the daytime, or if the warrant so directs, in the night time, the person, building, vessel, or vehicle where the property or articles for which he is required to search are believed to be concealed, and to bring such property or articles when found, and the persons in whose possession they are found, before any circuit or superior court named therein.*

*II.(a) No law enforcement officer shall seek, execute, or participate in the execution of a no-knock search warrant. Any law enforcement officer involved in executing a search warrant shall be recognizable and identifiable as a uniformed law enforcement officer and provide audible notice of the officer's authority and purpose reasonably expected to be heard by occupants of such place to be searched prior to the execution of such search warrant. The executing officer shall, before entering the premises, give appropriate notice of the identity, authority, and purpose of the officer to the person to be searched, or to the person in apparent control of the premises to be searched. No evidence obtained from a search warrant in violation of this paragraph shall be admitted into evidence for the state in any prosecution. This paragraph shall apply to all circumstances with the exception of the following:*

*(1) If an officer has reasonable grounds to believe at the time the warrant is sought that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer and/or another person. Prior to seeking judicial authorization for a no-knock entry, an officer must first obtain written approval from the chief law enforcement officer or his or her designee in the municipality or, in the case of any state law enforcement agency, the chief law enforcement officer of the specific agency. The chief law enforcement officer in the municipality or state agency shall make a timely report of the use of any no-knock warrants by his or her agency or department to the head prosecutor for their jurisdiction. Such reports will become a public record once the warrant is returned to the court unless otherwise ordered by the court. Timely notification shall mean within 48 hours. Once judicial authorization is obtained, officers may proceed without knocking and announcing their presence unless they learn of facts that negate the circumstances that justified this exception to the knock and announce rule.*

*(2) If an officer did not anticipate the need for a no knock entry at the time the warrant was sought, the officer may conduct a no-knock entry only if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer and/or another person. If the officer relies on this exigent circumstances exception in executing the warrant, the officer shall immediately notify his or her chief law enforcement officer who shall provide written notice to the district or county attorney, attorney general, or their designee.*

*(3) If an exceptional circumstance arises, such as, but not limited to, a human trafficking or missing person case where computer evidence leading to the location of victims could be destroyed, where no imminent threat of physical violence is present but an officer believes the evidence*

*is so significant, and the risk of its destruction so pronounced, that a no-knock entry is warranted, judicial authorization for a no-knock warrant may be sought if approval is first obtained from the chief law enforcement officer or his or her designee and the district or county attorney, attorney general, or their designee.*

*(b) In this paragraph, a “no-knock search warrant” is a warrant authorizing a law enforcement officer to enter a premises to execute a warrant without first knocking or announcing his or her presence.*

#### AMENDED ANALYSIS

This bill prohibits a law enforcement officer from seeking, executing, or participating in the execution of a no-knock search warrant and exceptions thereto.

The question being adoption of majority committee amendment (0684h).

Rep. Wheeler spoke against.

Rep. Roy spoke in favor.

Rep. Santonastaso requested a roll call; sufficiently seconded.

#### YEAS 299 - NAYS 84

##### YEAS - 299

##### BELKNAP

Bogert, Steven  
Huot, David  
St. Clair, Charlie

Bordes, Mike  
Nagel, David  
Terry, Paul

Coker, Matthew  
O'Hara, Travis  
Trottier, Douglas

Dumais, Russell  
Smart, Lisa  
Varney, Peter

##### CARROLL

Buco, Thomas  
MacDonald, John  
Brown, Richard

Burroughs, Anita  
McAleer, Chris  
Woodcock, Stephen

Cordelli, Glenn  
McConkey, Mark

Paige, David  
Peternel, Katy

##### CHESHIRE

Abbott, Michael  
Eaton, Daniel  
Hunt, John  
Qualey, James  
Weber, Lucy

Ames, Richard  
Faulkner, Barry  
Jones, Philip  
Rhodes, Jennifer  
Nutting, Zachary

Harvey, Cathryn  
Filiault, Shaun  
Monteil, Renee  
Tatro, Bruce

Fox, Dru  
Germana, Nicholas  
Parshall, Lucius  
Thackston, Dick

##### COOS

Davis, Arnold  
Ouellet, Mike

Cascadden, Corinne  
King, Seth

Merner, Troy  
Tierney, James

Noël, Henry

##### GRAFTON

Almy, Susan  
Cormen, Thomas  
Hakken-Phillips, Mary  
Ladd, Rick  
Muirhead, Russell  
Stringham, Jerry

Baldwin, Heather  
Coulon, Matthew  
Hoyt, Tommy  
Lovett, Peter  
Nordgren, Sharon  
Sykes, George

Bolton, Bill  
Fellows, Sallie  
Murphy, James  
Massimilla, Linda  
Rocheport, David

Brown, Carroll  
Greeson, Jeffrey  
Sullivan, Jared  
Morse, Corinne  
Sellers, John

##### HILLSBOROUGH

Nutting-Wong, Allison  
Boyd, Bill  
Boehm, Ralph  
Chretien, Jacqueline  
Creighton, Jim  
Devine, Shelley  
Davis, Fred  
Gagne, Larry  
Hamer, Heidi  
Herbert, Christopher  
Smith, Juliet  
Sanborn, Laurie  
LeClerc, Daniel  
Howard, Molly  
Mangipudi, Latha  
Moulton, Candace  
Pedersen, Michael  
Preece, David  
Reid, Karen

Abare, Kimberly  
King, Bill  
Booras, Efstathia  
Colcombe, Riché  
Ford, Damond  
Dutzy, Sherry  
Fedolfi, Jim  
Goley, Jeffrey  
Harriott-Gathright, Linda  
Infantine, William  
Juris, Louis  
Lanza, Judi  
Leishman, Peter  
Murray, Megan  
McGhee, Kat  
Murphy, Nancy  
Petrigno, Peter  
Proulx, Mark  
Rombeau, Catherine

Alexander, Joe  
Beaulieu, Jane  
Bouchard, Donald  
Cole, Brian  
Kelley, Diane  
Elberger, Susan  
Freitas, Mary  
Gregg, Alicia  
Healey, Robert  
Jack, Martin  
Kenny, Catherine  
Lascelles, Richard  
Lewicke, John  
Perez, Maria  
Ming, Ben  
Notter, Jeanine  
Plett, Fred  
Newman, Ray  
Rung, Rosemarie

Ammon, Keith  
Berry, Ross  
Calabro, Karen  
Cornell, Patricia  
Darby, Will  
Erf, Keith  
Griffin, Gerald  
Grill, Jessica  
Heath, Mary  
Judy, Jean  
Foxy, Loren  
Leapley, Nicole  
Long, Patrick  
MacKenzie, Mark  
Mooney, Maureen  
O'Brien, Michael  
Post, Lisa  
Raymond, Heather  
Ryan, Linda

Newman, Sue  
Sofikitis, Catherine  
Tellez, Trinidad  
Veilleux, Daniel

Seidel, Sheila  
Spier, Carry  
Tenczar, Jeffrey  
Thomas, Wendy

Sheehan, Vanessa  
Staub, Kathy  
Ulery, Jordan  
Wherry, Robert

Sirois, Shane  
Telerski, Laura  
Vail, Suzanne  
Wilhelm, Matthew

### MERRIMACK

Turcotte, Alan  
Cambriels, Jose  
Ellison, Arthur  
Hill, Gregory  
Mason, James  
Payeur, Stephanie  
Shurtleff, Steve  
Wallner, Mary Jane

Andrus, Louise  
Caplan, Tony  
Gibbs, Merryl  
Lane, Connie  
McWilliams, Rebecca  
Richards, Beth  
Soucy, Timothy  
Wolf, Dan

Aylward, Deborah  
Carey, Lorrie  
Hall, Muriel  
Luneau, David  
Moffett, Michael  
Gould, Sherry  
Walsh, Thomas  
Wood, Clayton

Brennan, Angela  
Ebel, Karen  
Hicks, Matthew  
MacKay, James  
Myler, Mel  
Schuett, Dianne  
Testerman, Dave

### ROCKINGHAM

Balboni, Peggy  
Thomas, Douglas  
Drago, Mike  
Emerick, Tracy  
Grote, Jaci  
Hobson, Deb  
Murray, Kate  
Kuttab, Katelyn  
Cahill, Michael  
Malloy, Dennis  
McMahon, Charles  
O'Neil, Candice  
Porcelli, Susan  
Quaratiello, Arlene  
Simpson, Alexis  
Sytek, John  
Tudor, Paul  
Vose, Michael  
Weyler, Kenneth

Ball, Lorie  
DeSimone, Debra  
Dunn, Ron  
Foote, Charles  
Hamblet, Joan  
Nelson, Jodi  
Katsakiores, Phyllis  
Walsh, Lilli  
Paige, Mark  
Manos, Zoe  
Meuse, David  
Ford, Oliver  
Potucek, John  
Raynolds, Ned  
Spillane, James  
Cahill, Tim  
Turer, Eric  
MacDonald, Wayne

Brouillard, Jacob  
DiLorenzo, Charlotte  
Edgar, Michael  
Gilman, Julie  
Harley, Tina  
Janigian, John  
Khan, Aboul  
Lundgren, David  
Pearson, Mark  
McBeath, Rebecca  
Milz, David  
Osborne, Jason  
Pratt, Kevin  
Roy, Terry  
Summers, James  
Dolan, Tom  
Vallone, Mark  
Wallace, Scott

Mannion, Dennis  
Doucette, Fred  
Edwards, Jess  
Grossman, Gaby  
Haskins, Linda  
Janvrin, Jason  
Knab, Allison  
Lynn, Bob  
Maggiore, Jim  
McDonnell, Valerie  
Muns, Chris  
Piemonte, Tony  
Prudhomme-O'Brien, Katherine  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
Vandecasteele, Susan  
Ward, Gerald

### STRAFFORD

Bay, Luz  
Cannon, Gerri  
Grassie, Chuck  
Levesque, Cassandra  
Pare, Gail  
Wall, Janet

Bickford, David  
Conlin, Bill  
Howland, Allan  
Smith, Marjorie  
Southworth, Thomas

Bixby, Peter  
Connor, James  
Rich, Jeffrey  
Newton, Clifford  
Treleaven, Susan

Rich, Cecilia  
Fitzpatrick, Daniel  
LaMontagne, Jessica  
Schmidt, Peter  
Vincent, Kenneth

### SULLIVAN

Aron, Judy  
Drye, Margaret  
Smith, Steven  
Tanner, Linda

Sullivan, Brian  
Merchant, Gary  
Spilsbury, Walter

Cloutier, John  
Palmer, William  
Stapleton, Walter

Damon, Hope  
Rollins, Skip  
Stone, Jonathan

### NAYS - 84

### BELKNAP

Bean, Harry  
Beaudoin, Richard

Comtois, Barbara

Harvey-Bolia, Juliet

Ploszaj, Tom

### CARROLL

Avellani, Lino

Belcher, Mike

Costable, Michael

Smith, Jonathan

### CHESHIRE

Newell, Jodi

Santonastaso, Matthew

Schapiro, Joe

Toll, Amanda

### COOS

Kelley, Eamon

### GRAFTON

Adjutant, Joshua

Berezhny, Lex

Simon, Matthew

### HILLSBOROUGH

Lekas, Alicia  
Cushman, Leah  
Kofalt, Jim

Murray, Alissandra  
DiSilvestro, Linda  
Gould, Linda

Bradley, Amy  
Hynes, Dan  
Lloyd, Christal

Corcoran, Travis  
Kennedy, Stephen  
Mazur, Lisa

McGough, Tim  
Nutter-Upham, Frances  
Seibert, Christine

McLean, Mark  
Pauer, Diane  
Lekas, Tony

Morton, Jennifer  
Prout, Andrew  
Mannion, Tom

Noble, Kristin  
Renzullo, Andrew  
Wheeler, Jonah

### MERRIMACK

Aures, Cyril  
Gerhard, Jason  
Roesener, James  
See, Alvin

McGuire, Carol  
Hoell, J.R.  
Boyd, Stephen

McGuire, Dan  
Leavitt, John  
Schultz, Kristina

Gallager, Eric  
Polozov, Yury  
Seaworth, Brian

### ROCKINGHAM

Bernardy, JD  
Layon, Erica  
Popovici-Muller, Daniel  
Vogt, Robin

Donnelly, Tanya  
Love, David  
Read, Ellen  
Yokela, Josh

Harb, Robert  
Melvin, Charles  
Soti, Julius

Perez, Kristine  
Phillips, Emily  
True, Chris

### STRAFFORD

Ankarberg, Aidan  
Granger, Michael  
Horrigan, Timothy  
Phinney, Brandon

Bailey, Glenn  
Howard, Heath  
Kaczynski, Thomas  
Pitre, Joseph

Burnham, Claudine  
Harrington, Michael  
Kenney, Cam  
Potenza, Kelley

Smith, Geoffrey  
Horgan, James  
Turcotte, Len  
Selig, Loren

and the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.  
Rep. Santonastaso requested a roll call; sufficiently seconded.

### YEAS 374 - NAYS 9

#### YEAS - 374

#### BELKNAP

Bean, Harry  
Comtois, Barbara  
Nagel, David  
Smart, Lisa

Bogert, Steven  
Dumais, Russell  
O'Hara, Travis  
St. Clair, Charlie

Bordes, Mike  
Huot, David  
Ploszaj, Tom  
Terry, Paul

Coker, Matthew  
Harvey-Bolia, Juliet  
Beaudoin, Richard  
Varney, Peter

#### CARROLL

Avellani, Lino  
Cordelli, Glenn  
Smith, Jonathan  
Brown, Richard

Belcher, Mike  
Costable, Michael  
McAleer, Chris  
Woodcock, Stephen

Buco, Thomas  
Paige, David  
McConkey, Mark

Burroughs, Anita  
MacDonald, John  
Peternel, Katy

#### CHESHIRE

Abbott, Michael  
Eaton, Daniel  
Hunt, John  
Parshall, Lucius  
Schapiro, Joe  
Weber, Lucy

Ames, Richard  
Faulkner, Barry  
Jones, Philip  
Qualey, James  
Tatro, Bruce  
Nutting, Zachary

Harvey, Cathryn  
Filiault, Shaun  
Monteil, Renee  
Rhodes, Jennifer  
Thackston, Dick

Fox, Dru  
Germana, Nicholas  
Newell, Jodi  
Santonastaso, Matthew  
Toll, Amanda

#### COOS

Davis, Arnold  
Noël, Henry

Cascadden, Corinne  
Ouellet, Mike

Kelley, Eamon  
King, Seth

Merner, Troy  
Tierney, James

#### GRAFTON

Adjutant, Joshua  
Bolton, Bill  
Fellows, Sallie  
Murphy, James  
Massimilla, Linda  
Rocheftort, David  
Sykes, George

Almy, Susan  
Brown, Carroll  
Greeson, Jeffrey  
Sullivan, Jared  
Morse, Corinne  
Sellers, John

Baldwin, Heather  
Cormen, Thomas  
Hakken-Phillips, Mary  
Ladd, Rick  
Muirhead, Russell  
Simon, Matthew

Berezhny, Lex  
Coulon, Matthew  
Hoyt, Tommy  
Lovett, Peter  
Nordgren, Sharon  
Stringham, Jerry

#### HILLSBOROUGH

Lekas, Alicia  
Ammon, Keith  
Boehm, Ralph  
Chretien, Jacqueline  
Cornell, Patricia  
Kelley, Diane  
Elberger, Susan

Murray, Alissandra  
Boyd, Bill  
Booras, Efsthathia  
Colcombe, Riché  
Creighton, Jim  
Darby, Will  
Erf, Keith

Nutting-Wong, Allison  
King, Bill  
Bouchard, Donald  
Cole, Brian  
Cushman, Leah  
Devine, Shelley  
Davis, Fred

Abare, Kimberly  
Beaulieu, Jane  
Calabro, Karen  
Corcoran, Travis  
Ford, Damond  
Dutzy, Sherry  
Fedolffi, Jim

Freitas, Mary  
 Gregg, Alicia  
 Healey, Robert  
 Infantine, William  
 Juris, Louis  
 Foxx, Loren  
 Lascelles, Richard  
 Lewicke, John  
 Murray, Megan  
 Mazur, Lisa  
 Ming, Ben  
 Murphy, Nancy  
 O'Brien, Michael  
 Plett, Fred  
 Prout, Andrew  
 Rombeau, Catherine  
 Seibert, Christine  
 Sofikitis, Catherine  
 Mannion, Tom  
 Ulery, Jordan  
 Wherry, Robert

Griffin, Gerald  
 Grill, Jessica  
 Heath, Mary  
 Jack, Martin  
 Kennedy, Stephen  
 Gould, Linda  
 Leapley, Nicole  
 Lloyd, Christal  
 Perez, Maria  
 McGhee, Kat  
 Mooney, Maureen  
 Noble, Kristin  
 Pauer, Diane  
 Post, Lisa  
 Newman, Ray  
 Rung, Rosemarie  
 Seidel, Sheila  
 Spier, Carry  
 Telerski, Laura  
 Vail, Suzanne  
 Wilhelm, Matthew

Gagne, Larry  
 Hamer, Heidi  
 Herbert, Christopher  
 Jeudy, Jean  
 Kenny, Catherine  
 Sanborn, Laurie  
 LeClerc, Daniel  
 Long, Patrick  
 MacKenzie, Mark  
 McGough, Tim  
 Morton, Jennifer  
 Notter, Jeanine  
 Pedersen, Michael  
 Preece, David  
 Raymond, Heather  
 Ryan, Linda  
 Sheehan, Vanessa  
 Staub, Kathy  
 Tellez, Trinidad  
 Veilleux, Daniel

Goley, Jeffrey  
 Harriott-Gathright, Linda  
 Hynes, Dan  
 Smith, Juliet  
 Kofalt, Jim  
 Lanza, Judi  
 Leishman, Peter  
 Howard, Molly  
 Mangipudi, Latha  
 McLean, Mark  
 Moulton, Candace  
 Nutter-Upham, Frances  
 Petrigno, Peter  
 Proulx, Mark  
 Reid, Karen  
 Newman, Sue  
 Sirois, Shane  
 Lekas, Tony  
 Tenczar, Jeffrey  
 Thomas, Wendy

### MERRIMACK

Turcotte, Alan  
 Brennan, Angela  
 Carey, Lorrie  
 Gallagher, Eric  
 Hicks, Matthew  
 Luneau, David  
 Moffett, Michael  
 Richards, Beth  
 Schuett, Dianne  
 Shurtleff, Steve  
 Wallner, Mary Jane

Andrus, Louise  
 McGuire, Carol  
 McGuire, Dan  
 Gerhard, Jason  
 Hill, Gregory  
 MacKay, James  
 Myler, Mel  
 Roesener, James  
 Schultz, Kristina  
 Soucy, Timothy  
 Wolf, Dan

Aures, Cyril  
 Cambriels, Jose  
 Ebel, Karen  
 Gibbs, Merryl  
 Lane, Connie  
 Mason, James  
 Payeur, Stephanie  
 Boyd, Stephen  
 Seaworth, Brian  
 Walsh, Thomas  
 Wood, Clayton

Aylward, Deborah  
 Caplan, Tony  
 Ellison, Arthur  
 Hall, Muriel  
 Leavitt, John  
 McWilliams, Rebecca  
 Polozov, Yury  
 Gould, Sherry  
 See, Alvin  
 Testerman, Dave

### ROCKINGHAM

Balboni, Peggy  
 Mannion, Dennis  
 Donnelly, Tanya  
 Edgar, Michael  
 Gilman, Julie  
 Harb, Robert  
 Nelson, Jodi  
 Perez, Kristine  
 Kuttab, Katelyn  
 Lundgren, David  
 Pearson, Mark  
 McBeath, Rebecca  
 Milz, David  
 Osborne, Jason  
 Porcelli, Susan  
 Quaratiello, Arlene  
 Pearson, Stephen  
 Summers, James  
 Dolan, Tom  
 Turer, Eric  
 Vose, Michael  
 Weyler, Kenneth

Ball, Lorie  
 Thomas, Douglas  
 Doucette, Fred  
 Edwards, Jess  
 Grossman, Gaby  
 Harley, Tina  
 Janigian, John  
 Katsakiores, Phyllis  
 Walsh, Lilli  
 Lynn, Bob  
 Maggiore, Jim  
 McDonnell, Valerie  
 Muns, Chris  
 Phillips, Emily  
 Potucek, John  
 Reynolds, Ned  
 Simpson, Alexis  
 Sweeney, Joe  
 Tripp, Richard  
 Vallone, Mark  
 MacDonald, Wayne  
 Yokela, Josh

Bernardy, JD  
 DeSimone, Debra  
 Drago, Mike  
 Emerick, Tracy  
 Grote, Jaci  
 Haskins, Linda  
 Janvrin, Jason  
 Khan, Aboul  
 Layon, Erica  
 Cahill, Michael  
 Malloy, Dennis  
 McMahon, Charles  
 O'Neil, Candice  
 Piemonte, Tony  
 Pratt, Kevin  
 Read, Ellen  
 Soti, Julius  
 Sytek, John  
 True, Chris  
 Vandecasteele, Susan  
 Wallace, Scott

Brouillard, Jacob  
 DiLorenzo, Charlotte  
 Dunn, Ron  
 Foote, Charles  
 Hamblet, Joan  
 Hobson, Deb  
 Murray, Kate  
 Knab, Allison  
 Love, David  
 Paige, Mark  
 Manos, Zoe  
 Meuse, David  
 Ford, Oliver  
 Popovici-Muller, Daniel  
 Prudhomme-O'Brien, Katherine  
 Roy, Terry  
 Spillane, James  
 Cahill, Tim  
 Tudor, Paul  
 Vogt, Robin  
 Ward, Gerald

### STRAFFORD

Ankarberg, Aidan  
 Bixby, Peter  
 Conlin, Bill  
 Granger, Michael  
 Horgan, James  
 Kaczynski, Thomas  
 Levesque, Cassandra  
 Pare, Gail  
 Selig, Loren  
 Wall, Janet

Bailey, Glenn  
 Burnham, Claudine  
 Connor, James  
 Grassie, Chuck  
 Horgan, Timothy  
 Kenney, Cam  
 Smith, Marjorie  
 Phinney, Brandon  
 Southworth, Thomas

Bay, Luz  
 Rich, Cecilia  
 Fitzpatrick, Daniel  
 Howard, Heath  
 Howland, Allan  
 Turcotte, Len  
 Newton, Clifford  
 Pitre, Joseph  
 Treleaven, Susan

Bickford, David  
 Cannon, Gerri  
 Smith, Geoffrey  
 Harrington, Michael  
 Rich, Jeffrey  
 LaMontagne, Jessica  
 Schmidt, Peter  
 Potenza, Kelley  
 Vincent, Kenneth

**SULLIVAN**

Aron, Judy  
 Drye, Margaret  
 Smith, Steven  
 Tanner, Linda

Sullivan, Brian  
 Merchant, Gary  
 Spilsbury, Walter

Cloutier, John  
 Palmer, William  
 Stapleton, Walter

Damon, Hope  
 Rollins, Skip  
 Stone, Jonathan

**NAYS - 9  
 BELKNAP**

Trottier, Douglas

**HILLSBOROUGH**

Alexander, Joe  
 Renzullo, Andrew

Berry, Ross  
 Wheeler, Jonah

Bradley, Amy

DiSilvestro, Linda

**MERRIMACK**

Hoell, J.R.

**ROCKINGHAM**

Melvin, Charles

and the majority committee report was adopted, and the bill was ordered to third reading.

**MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. Hobson moved that the House reconsider its action whereby, on a Division vote 189-187, the House adopted the majority committee report of Inexpedient to Legislate on **HB 548-FN**, relative to the definition of compliance with a legal support order for child support payments.

Rep. Hobson spoke in favor.

On a division vote, with 189 members having voted in the affirmative, and 193 in the negative, the motion failed. Rep. Moulton declared a conflict of interest and did not participate.

**REGULAR CALENDAR CONT'D**

**HB 351-FN**, relative to the negligent storage of firearms and relative to firearm safety devices. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Meuse for the Majority of Criminal Justice and Public Safety. There are few tragedies greater than the negligent death or injury of a child as a result of a firearm being left unattended. Currently, incidents involving firearms are estimated to be the third-leading cause of injury-related death among American children 17 and under. The Centers for Disease Control and Prevention reports that each day in America, 8 children and teens are injured or killed in shootings involving an improperly stored or misused gun found in the home. Under existing New Hampshire law, a negligent person who leaves an unsecured firearm in a place where a child gains access to it can only be charged with an offense if the child threatens another person with the weapon, uses it to commit a crime, or discharges it recklessly. This bill would strengthen the current policy by broadening the circumstances constituting an offense to also include displaying the weapon to other children or bringing it into a public place, such as a school. The bill would also strengthen the penalty from a violation to a misdemeanor, or in cases where a child discharges the weapon resulting in the injury or death of the child or another person, the penalty may elevate to a class B felony. Vote 10-9.

Rep. Jonathan Stone for the Minority of Criminal Justice and Public Safety. The minority of the committee, after hearing testimony, decided that there was no compelling government interest provided by the sponsor or any other witness, for upgrading the penalty from a violation to a misdemeanor for the negligent storage of firearms. Federal law has required federal firearm licensees to sell every handgun with a secure gun storage or safety device since 2005. This bill seeks to micro-manage decisions by citizens about how they choose to store their firearms and ammunition. New Hampshire is routinely determined to be one of, if not the safest states in the country. New Hampshire citizens know how to safely store their firearms and be prepared to defend their homes at the same time without the government telling them how to. No one from New Hampshire law enforcement asked for this bill or any change in the current law.

**Majority Amendment (0592h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the negligent storage of firearms.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court finds that it is in the best interests of child protection and public safety to minimize the occurrence of incidents involving negligent storage of firearms and the corresponding risk of an unsecured weapon falling into the hands of a minor.

2 Negligent Storage of Firearms. Amend RSA 650-C:1 to read as follows:  
 650-C:1 Negligent Storage of Firearms.

I. Nothing in this section shall be construed to reduce or limit any existing right to purchase and own firearms or ammunition, or both, or to provide authority to any state or local agency to infringe upon the privacy of any family, home or business except by lawful warrant.

II. As used in this section, “child,” “juvenile” or “youth” shall mean any person under 16-years of age.

III. Any person who stores or leaves on premises under that person’s control a loaded firearm~~[-and who knows or reasonably should know that a child is likely to gain access to the firearm]~~ **or an unloaded firearm with unsecured compatible ammunition in such a manner that it is available to a child** without the **supervision or** permission of the child’s parent or guardian, is guilty of a ~~[violation]~~ **misdemeanor** if a child gains access to a firearm and:

- (a) The firearm is used in a reckless or threatening manner;
- (b) The firearm is used during the commission of any misdemeanor or felony; ~~[or]~~
- (c) The firearm is negligently or recklessly discharged;

**(d) The firearm is exhibited or displayed to other minor children who are not members of the child’s household or immediate family;**

**(e) The firearm is brought onto the grounds of any building or facility, public or private, accessible to members of the public where other people are present.**

IV. Any person who violates paragraph III shall be ~~[fined not more than \$1,000]~~ **guilty of a misdemeanor. If the child discharges a weapon obtained as a result of gross negligence resulting in the injury or death of the child or of another person, or uses it to commit a felony, such person may be charged with a class B felony.**

V. This section shall not apply whenever any of the following occurs:

(a) The child has completed firearm safety instructions by a certified firearms safety instructor or has successfully completed a certified hunter safety course.

(b) The child’s parent or guardian has given written permission to a certified firearms instructor to supervise the child while attending a firearms instruction course.

(c) The firearm is kept secured in a locked box, gun safe, or other secure locked space, or in a location which a reasonable person would believe to be secure, or is secured with a trigger lock or similar device that prevents the firearm from discharging.

(d) The firearm is carried on the person or within such a close proximity thereto so that the individual can readily retrieve and use the firearm as if carried on the person.

(e) The child obtains or obtains and discharges the firearm in a lawful act of self-defense or defense of another person.

(f) The person who keeps a loaded firearm on any premises which are under such person’s custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

(g) The child obtains the firearm as a result of an illegal entry of any premises by any person or an illegal taking of the firearm from the premises of the owner without permission of the owner.

VI. A parent or guardian of a child who is injured or who dies of an accidental shooting shall be prosecuted under this section only in those instances in which the parent or guardian behaved in a grossly negligent manner.

VII. Licensees shall conspicuously post at each purchase counter the following warning in bold type not less than one inch in height: “IT IS IMPORTANT THAT THE OWNER OF A FIREARM SEEK FIREARM SAFETY INSTRUCTIONS FROM A CERTIFIED FIREARMS INSTRUCTOR AND KEEP FIREARMS SECURED FROM UNAUTHORIZED USE.” A licensee failing to display this warning to the purchaser of a firearm shall be guilty of a violation.

3 Effective Date. This act shall take effect January 1, 2024.

#### AMENDED ANALYSIS

This bill expands the criminal penalties for negligent storage of firearms.

The question being adoption of majority committee amendment (0592h).

Rep. Roy spoke against.

Rep. Meuse spoke in favor.

Rep. Hoell requested a roll call; sufficiently seconded.

**YEAS 184 - NAYS 196**

**YEAS - 184  
BELKNAP**

Huot, David

St. Clair, Charlie

**CARROLL**

Buco, Thomas

Burroughs, Anita

Paige, David

McAleeer, Chris

Woodcock, Stephen



**CHESHIRE**

Abbott, Michael  
Eaton, Daniel  
Jones, Philip  
Schapiro, Joe

Ames, Richard  
Faulkner, Barry  
Monteil, Renee  
Tatro, Bruce

Harvey, Cathryn  
Filiault, Shaun  
Newell, Jodi  
Toll, Amanda

Fox, Dru  
Germana, Nicholas  
Parshall, Lucius  
Weber, Lucy

**COOS**

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

**GRAFTON**

Adjutant, Joshua  
Cormen, Thomas  
Murphy, James  
Morse, Corinne  
Sykes, George

Almy, Susan  
Fellows, Sallie  
Sullivan, Jared  
Muirhead, Russell

Baldwin, Heather  
Hakken-Phillips, Mary  
Lovett, Peter  
Nordgren, Sharon

Bolton, Bill  
Hoyt, Tommy  
Massimilla, Linda  
Stringham, Jerry

**HILLSBOROUGH**

Murray, Alissandra  
Bouchard, Donald  
Chretien, Jacqueline  
Devine, Shelley  
Davis, Fred  
Grill, Jessica  
Herbert, Christopher  
Juris, Louis  
Leishman, Peter  
Perez, Maria  
Ming, Ben  
Nutter-Upham, Frances  
Preece, David  
Ryan, Linda  
Spier, Carry  
Vail, Suzanne  
Wilhelm, Matthew

Nutting-Wong, Allison  
Bouldin, Amanda  
Cornell, Patricia  
DiSilvestro, Linda  
Freitas, Mary  
Hamer, Heidi  
Jack, Martin  
Lanza, Judi  
Lloyd, Christal  
MacKenzie, Mark  
Morton, Jennifer  
O'Brien, Michael  
Newman, Ray  
Newman, Sue  
Staub, Kathy  
Veilleux, Daniel

Beaulieu, Jane  
Bradley, Amy  
Ford, Damond  
Dutzy, Sherry  
Goley, Jeffrey  
Harriott-Gathright, Linda  
Judy, Jean  
Leapley, Nicole  
Howard, Molly  
Mangipudi, Latha  
Moulton, Candace  
Pedersen, Michael  
Rombeau, Catherine  
Seibert, Christine  
Telerski, Laura  
Thomas, Wendy

Booras, Efsthathia  
Calabro, Karen  
Darby, Will  
Elberger, Susan  
Gregg, Alicia  
Heath, Mary  
Smith, Juliet  
LeClerc, Daniel  
Murray, Megan  
McGhee, Kat  
Murphy, Nancy  
Petrigno, Peter  
Rung, Rosemarie  
Sofikitis, Catherine  
Tellez, Trinidad  
Wheeler, Jonah

**MERRIMACK**

Turcotte, Alan  
Ebel, Karen  
Hicks, Matthew  
McWilliams, Rebecca  
Roesener, James  
Soucy, Timothy

Brennan, Angela  
Ellison, Arthur  
Lane, Connie  
Myler, Mel  
Schuett, Dianne  
Wallner, Mary Jane

Caplan, Tony  
Gibbs, Merryl  
Luneau, David  
Payeur, Stephanie  
Schultz, Kristina  
Wolf, Dan

Carey, Lorrie  
Hall, Muriel  
MacKay, James  
Richards, Beth  
Shurtleff, Steve

**ROCKINGHAM**

Balboni, Peggy  
Grossman, Gaby  
Murray, Kate  
Maggiore, Jim  
Muns, Chris  
Simpson, Alexis  
Ward, Gerald

DiLorenzo, Charlotte  
Grote, Jaci  
Knab, Allison  
Malloy, Dennis  
O'Neil, Candice  
Turer, Eric

Edgar, Michael  
Hamblet, Joan  
Cahill, Michael  
Manos, Zoe  
Raynolds, Ned  
Vallone, Mark

Gilman, Julie  
Haskins, Linda  
Paige, Mark  
Meuse, David  
Read, Ellen  
Vogt, Robin

**STRAFFORD**

Bay, Luz  
Conlin, Bill  
Howard, Heath  
Kenney, Cam  
Schmidt, Peter  
Treleaven, Susan

Bixby, Peter  
Fitzpatrick, Daniel  
Horrigan, Timothy  
LaMontagne, Jessica  
Pare, Gail  
Vincent, Kenneth

Rich, Cecilia  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Selig, Loren  
Wall, Janet

Cannon, Gerri  
Grassie, Chuck  
Rich, Jeffrey  
Smith, Marjorie  
Southworth, Thomas

**SULLIVAN**

Sullivan, Brian  
Tanner, Linda

Cloutier, John

Damon, Hope

Palmer, William

**NAYS - 196****BELKNAP**

Bean, Harry  
Comtois, Barbara  
O'Hara, Travis  
Terry, Paul

Bogert, Steven  
Dumais, Russell  
Ploszaj, Tom  
Trottier, Douglas

Bordes, Mike  
Harvey-Bolia, Juliet  
Beaudoin, Richard  
Varney, Peter

Coker, Matthew  
Nagel, David  
Smart, Lisa

**CARROLL**

Avellani, Lino  
MacDonald, John  
Brown, Richard

Belcher, Mike  
Smith, Jonathan

Cordelli, Glenn  
McConkey, Mark

Costable, Michael  
Peternel, Katy

**CHESHIRE**

Hunt, John  
Thackston, Dick

Qualey, James  
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

**COOS**

Davis, Arnold  
Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

**GRAFTON**

Berezhny, Lex  
Ladd, Rick

Brown, Carroll  
Rocheport, David

Coulon, Matthew  
Sellers, John

Greeson, Jeffrey  
Simon, Matthew

**HILLSBOROUGH**

Lekas, Alicia  
Boyd, Bill  
Colcombe, Riché  
Cushman, Leah  
Griffin, Gerald  
Infantine, William  
Foxy, Loren  
Lewicke, John  
Mooney, Maureen  
Pauer, Diane  
Prout, Andrew  
Sheehan, Vanessa  
Tenczar, Jeffrey

Abare, Kimberly  
King, Bill  
Cole, Brian  
Kelley, Diane  
Gagne, Larry  
Kennedy, Stephen  
Gould, Linda  
Mazur, Lisa  
Noble, Kristin  
Plett, Fred  
Reid, Karen  
Sirois, Shane  
Ulery, Jordan

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Erf, Keith  
Healey, Robert  
Kenny, Catherine  
Sanborn, Laurie  
McGough, Tim  
Notter, Jeanine  
Post, Lisa  
Renzullo, Andrew  
Lekas, Tony  
Wherry, Robert

Ammon, Keith  
Boehm, Ralph  
Creighton, Jim  
Fedolfi, Jim  
Hynes, Dan  
Kofalt, Jim  
Lascelles, Richard  
McLean, Mark  
PANEK, Sandra  
Proulx, Mark  
Seidel, Sheila  
Mannion, Tom

**MERRIMACK**

Andrus, Louise  
Cambriis, Jose  
Hill, Gregory  
Moffett, Michael  
Seaworth, Brian  
Wood, Clayton

Aures, Cyril  
McGuire, Dan  
Hoell, J.R.  
Polozov, Yury  
See, Alvin

Aylward, Deborah  
Gallager, Eric  
Leavitt, John  
Boyd, Stephen  
Walsh, Thomas

McGuire, Carol  
Gerhard, Jason  
Mason, James  
Gould, Sherry  
Testerman, Dave

**ROCKINGHAM**

Ball, Lorie  
Thomas, Douglas  
Drago, Mike  
Foote, Charles  
Nelson, Jodi  
Katsakiores, Phyllis  
Layon, Erica  
Pearson, Mark  
Milz, David  
Piemonte, Tony  
Pratt, Kevin  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
Vose, Michael  
Yokela, Josh

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Harb, Robert  
Janigian, John  
Khan, Aboul  
Love, David  
McDonnell, Valerie  
Ford, Oliver  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Sytek, John  
True, Chris  
MacDonald, Wayne

Brouillard, Jacob  
Donnelly, Tanya  
Edwards, Jess  
Harley, Tina  
Janvrin, Jason  
Kuttab, Katelyn  
Lundgren, David  
McMahon, Charles  
Osborne, Jason  
Porcelli, Susan  
Quaratiello, Arlene  
Spillane, James  
Cahill, Tim  
Tudor, Paul  
Wallace, Scott

Mannion, Dennis  
Doucette, Fred  
Emerick, Tracy  
Hobson, Deb  
Perez, Kristine  
Walsh, Lilli  
Lynn, Bob  
Melvin, Charles  
Phillips, Emily  
Potucek, John  
Roy, Terry  
Summers, James  
Dolan, Tom  
Vandecasteele, Susan  
Weyler, Kenneth

**STRAFFORD**

Ankarberg, Aidan  
Connor, James  
Kaczynski, Thomas  
Pitre, Joseph

Bailey, Glenn  
Granger, Michael  
Turcotte, Len  
Potenza, Kelley

Bickford, David  
Harrington, Michael  
Newton, Clifford

Burnham, Claudine  
Horgan, James  
Phinney, Brandon

**SULLIVAN**

Aron, Judy  
Stapleton, Walter

Drye, Margaret  
Stone, Jonathan

Rollins, Skip

Spilsbury, Walter

and the majority committee amendment failed.

The question now being adoption of the motion of Ought to Pass.  
Rep. Rhodes spoke against.

Rep. Meuse spoke in favor.

Rep. Hoell requested a roll call; sufficiently seconded.

## YEAS 182 - NAYS 203

### YEAS - 182

#### BELKNAP

Huot, David

#### CARROLL

Buco, Thomas

Burroughs, Anita

Paige, David

McAleer, Chris

#### CHESHIRE

Abbott, Michael  
Eaton, Daniel  
Jones, Philip  
Schapiro, Joe

Ames, Richard  
Faulkner, Barry  
Monteil, Renee  
Tatro, Bruce

Harvey, Cathryn  
Filiault, Shaun  
Newell, Jodi  
Toll, Amanda

Fox, Dru  
Germana, Nicholas  
Parshall, Lucius  
Weber, Lucy

#### COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

#### GRAFTON

Adjutant, Joshua  
Cormen, Thomas  
Murphy, James  
Morse, Corinne  
Sykes, George

Almy, Susan  
Fellows, Sallie  
Sullivan, Jared  
Muirhead, Russell

Baldwin, Heather  
Hakken-Phillips, Mary  
Lovett, Peter  
Nordgren, Sharon

Bolton, Bill  
Hoyt, Tommy  
Massimilla, Linda  
Stringham, Jerry

#### HILLSBOROUGH

Murray, Alissandra  
Bouchard, Donald  
Chretien, Jacqueline  
Devine, Shelley  
Davis, Fred  
Hamer, Heidi  
Jack, Martin  
Foxx, Loren  
Leishman, Peter  
Murray, Megan  
Ming, Ben  
Nutter-Upham, Frances  
Preece, David  
Rung, Rosemarie  
Sofikitis, Catherine  
Tellez, Trinidad  
Wheeler, Jonah

Nutting-Wong, Allison  
Bouldin, Amanda  
Cornell, Patricia  
DiSilvestro, Linda  
Freitas, Mary  
Harriott-Gathright, Linda  
Judy, Jean  
Lanza, Judi  
Lloyd, Christal  
Perez, Maria  
Morton, Jennifer  
O'Brien, Michael  
Newman, Ray  
Ryan, Linda  
Spier, Carry  
Vail, Suzanne  
Wilhelm, Matthew

Beaulieu, Jane  
Bradley, Amy  
Ford, Damond  
Dutzy, Sherry  
Gregg, Alicia  
Heath, Mary  
Smith, Juliet  
Leapley, Nicole  
Long, Patrick  
MacKenzie, Mark  
Moulton, Candace  
Pedersen, Michael  
Raymond, Heather  
Newman, Sue  
Staub, Kathy  
Veilleux, Daniel

Booras, Efsthathia  
Calabro, Karen  
Darby, Will  
Elberger, Susan  
Grill, Jessica  
Herbert, Christopher  
Juris, Louis  
LeClerc, Daniel  
Howard, Molly  
Mangipudi, Latha  
Murphy, Nancy  
Petrigno, Peter  
Rombeau, Catherine  
Seibert, Christine  
Telerski, Laura  
Thomas, Wendy

#### MERRIMACK

Brennan, Angela  
Ellison, Arthur  
Hicks, Matthew  
McWilliams, Rebecca  
Roesener, James  
Wolf, Dan

Caplan, Tony  
Gallager, Eric  
Lane, Connie  
Myler, Mel  
Schultz, Kristina

Carey, Lorrie  
Gibbs, Merryl  
Luneau, David  
Payeur, Stephanie  
Shurtleff, Steve

Ebel, Karen  
Hall, Muriel  
MacKay, James  
Richards, Beth  
Wallner, Mary Jane

#### ROCKINGHAM

Balboni, Peggy  
Grossman, Gaby  
Knab, Allison  
Malloy, Dennis  
Muns, Chris  
Simpson, Alexis  
Ward, Gerald

DiLorenzo, Charlotte  
Hamblet, Joan  
Cahill, Michael  
Manos, Zoe  
O'Neil, Candice  
Turer, Eric

Edgar, Michael  
Haskins, Linda  
Paige, Mark  
McBeath, Rebecca  
Raynolds, Ned  
Vallone, Mark

Gilman, Julie  
Murray, Kate  
Maggiore, Jim  
Meuse, David  
Read, Ellen  
Vogt, Robin

#### STRAFFORD

Bay, Luz  
Conlin, Bill  
Horrigan, Timothy  
LaMontagne, Jessica  
Pare, Gail  
Treleaven, Susan

Bixby, Peter  
Fitzpatrick, Daniel  
Howland, Allan  
Levesque, Cassandra  
Pitre, Joseph  
Vincent, Kenneth

Rich, Cecilia  
Smith, Geoffrey  
Rich, Jeffrey  
Smith, Marjorie  
Selig, Loren  
Wall, Janet

Cannon, Gerri  
Grassie, Chuck  
Kenney, Cam  
Schmidt, Peter  
Southworth, Thomas

**SULLIVAN**

Sullivan, Brian  
Palmer, William

Cloutier, John  
Tanner, Linda

Damon, Hope

Merchant, Gary

**NAYS - 203****BELKNAP**

Bean, Harry  
Comtois, Barbara  
O'Hara, Travis  
St. Clair, Charlie

Bogert, Steven  
Dumais, Russell  
Ploszaj, Tom  
Terry, Paul

Bordes, Mike  
Harvey-Bolia, Juliet  
Beaudoin, Richard  
Trottier, Douglas

Coker, Matthew  
Nagel, David  
Smart, Lisa  
Varney, Peter

**CARROLL**

Avellani, Lino  
MacDonald, John  
Brown, Richard

Belcher, Mike  
Smith, Jonathan  
Woodcock, Stephen

Cordelli, Glenn  
McConkey, Mark

Costable, Michael  
Pernel, Katy

**CHESHIRE**

Hunt, John  
Thackston, Dick

Qualey, James  
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

**COOS**

Davis, Arnold  
Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

**GRAFTON**

Berezhny, Lex  
Ladd, Rick

Brown, Carroll  
Rochefort, David

Coulon, Matthew  
Sellers, John

Greeson, Jeffrey  
Simon, Matthew

**HILLSBOROUGH**

Lekas, Alicia  
Boyd, Bill  
Colcombe, Riché  
Cushman, Leah  
Griffin, Gerald  
Hynes, Dan  
Kofalt, Jim  
Lewicke, John  
McLean, Mark  
Panek, Sandra  
Proulx, Mark  
Seidel, Sheila  
Mannion, Tom

Abare, Kimberly  
King, Bill  
Cole, Brian  
Kelley, Diane  
Gagne, Larry  
Infantine, William  
Gould, Linda  
Mazur, Lisa  
Mooney, Maureen  
Pauer, Diane  
Prout, Andrew  
Sheehan, Vanessa  
Tenczar, Jeffrey

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Erf, Keith  
Goley, Jeffrey  
Kennedy, Stephen  
Sanborn, Laurie  
McGhee, Kat  
Noble, Kristin  
Plett, Fred  
Reid, Karen  
Sirois, Shane  
Ulery, Jordan

Ammon, Keith  
Boehm, Ralph  
Creighton, Jim  
Fedolfi, Jim  
Healey, Robert  
Kenny, Catherine  
Lascelles, Richard  
McGough, Tim  
Notter, Jeanine  
Post, Lisa  
Renzullo, Andrew  
Lekas, Tony  
Wherry, Robert

**MERRIMACK**

Turcotte, Alan  
McGuire, Carol  
Hill, Gregory  
Moffett, Michael  
Schuett, Dianne  
Walsh, Thomas

Andrus, Louise  
Cambriels, Jose  
Hoell, J.R.  
Polozov, Yury  
Seaworth, Brian  
Testerman, Dave

Aures, Cyril  
McGuire, Dan  
Leavitt, John  
Boyd, Stephen  
See, Alvin  
Wood, Clayton

Aylward, Deborah  
Gerhard, Jason  
Mason, James  
Gould, Sherry  
Soucy, Timothy

**ROCKINGHAM**

Ball, Lorie  
Thomas, Douglas  
Drago, Mike  
Foote, Charles  
Hobson, Deb  
Perez, Kristine  
Walsh, Lilli  
Lynn, Bob  
Melvin, Charles  
Phillips, Emily  
Potucek, John  
Roy, Terry  
Summers, James  
Dolan, Tom  
Vandecasteele, Susan  
Weyler, Kenneth

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Grote, Jaci  
Nelson, Jodi  
Katsakiores, Phyllis  
Layon, Erica  
Pearson, Mark  
Milz, David  
Piemonte, Tony  
Pratt, Kevin  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
Vose, Michael  
Yokela, Josh

Brouillard, Jacob  
Donnelly, Tanya  
Edwards, Jess  
Harb, Robert  
Janigian, John  
Khan, Aboul  
Love, David  
McDonnell, Valerie  
Ford, Oliver  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Sytek, John  
True, Chris  
MacDonald, Wayne

Mannion, Dennis  
Doucette, Fred  
Emerick, Tracy  
Harley, Tina  
Janvrin, Jason  
Kuttab, Katelyn  
Lundgren, David  
McMahon, Charles  
Osborne, Jason  
Porcelli, Susan  
Quaratiello, Arlene  
Spillane, James  
Cahill, Tim  
Tudor, Paul  
Wallace, Scott

**STRAFFORD**

Ankarberg, Aidan  
 Connor, James  
 Horgan, James  
 Phinney, Brandon

Bailey, Glenn  
 Granger, Michael  
 Kaczynski, Thomas  
 Potenza, Kelley

Bickford, David  
 Howard, Heath  
 Turcotte, Len

Burnham, Claudine  
 Harrington, Michael  
 Newton, Clifford

**SULLIVAN**

Aron, Judy  
 Spilsbury, Walter

Drye, Margaret  
 Stapleton, Walter

Rollins, Skip  
 Stone, Jonathan

Smith, Steven

and the motion failed.

Rep. Hoell moved the minority committee report of Inexpedient to Legislate.

**MOTON TO INDEFINITELY POSTPONE**

Rep. Janvrin moved that **HB 351-FN**, relative to the negligent storage of firearms and relative to firearm safety devices, be Indefinitely Postponed.

On a division vote, with 202 members having voted in the affirmative, and 183 in the negative, the motion was adopted.

**REGULAR CALENDAR CONT'D**

**HB 397**, relative to the prohibition of the possession of hypodermic needles by minors. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. After hearing testimony during the public hearing, the majority recommends this bill as ought to pass. This bill simply allows for a minor to be exempt from criminal prosecution for possessing a prescribed hypodermic syringe or needle when they are acting as an authorized agent, pursuant to RSA 318:42, of an adult and under their direct supervision. Currently, a minor holding a hypodermic syringe or needle with their parent's insulin could be subject to criminal prosecution and they would not be allowed to pick up such a prescription at the pharmacy for their parent. To be clear, this bill only allows for the minor to possess a syringe or needle pursuant to an active prescription from a doctor, whether for themselves or an adult for whom they are an authorized agent. An authorized agent is defined as "any person, including but not limited to a family member or caregiver, who has the intent to deliver the prescription drug to the person to whom the prescription drugs are lawfully prescribed." Vote 14-6. Rep. Jonathan Stone for the Minority of Criminal Justice and Public Safety. After hearing testimony in regard to this bill, no evidence was presented of a single case where a juvenile was prosecuted in New Hampshire for possession of an unused syringe. The proposed language would add the following "The recipient is acting as an authorized agent for another as defined in RSA 318:42, I, or the instrument is obtained through participation in a program authorized under RSA 318-B:43." If a minor is found in possession of a used syringe containing an illegal substance or residue, they could be charged for possession of the substance regardless of if this legislation is passed. This bill may have good intentions but seems problematic by allowing an excuse for minors to be in possession of syringes on behalf of another. The example of a minor possibly being charged for assisting a parent suffering from a medical emergency is not compelling as a legal defense of competing harms could be raised if even brought to a judicial proceeding.

The question being adoption of the majority committee report of Ought to Pass.

The majority committee report was adopted, and the bill was ordered to third reading.

**CACR 7**, relating to use of money raised by taxation for education. Providing that money raised by taxation may be applied for the use of religious educational institutions. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The Blaine amendment (Part 2 Article 83) in our constitution is a relic of the anti-Catholic and anti-immigrant mood of the nation in the mid-1800s. The public schools taught for a Protestant Bible which the Catholic immigrants objected to. James Blaine tried an amendment to the US Constitution to state that no public funds could be sent to religious schools (aka Catholic schools). It failed by one vote, but many states, including New Hampshire, put similar amendments in their state constitutions. There have been a series of US Supreme Court rulings in recent years finding that if states provide funds to private schools, to exclude religious schools would be discriminatory and violate the Establishment Clause. In fact, two cases in the past three years – *Espinosa v. Montana* and *Carson v. Makin (Maine)* found that "a neutral benefit program in which public funds flow to religious organizations through the independent choices of private benefit recipients does not offend the Establishment Clause." Our Blaine amendment is unconstitutional and a symbol of religious bigotry. It is a stain on our constitution and needs to be repealed.

Rep. Glenn Cordelli

Statement in support of Inexpedient to Legislate: Since its inception, the State of New Hampshire has been opposed to public tax dollars being devoted to a particular sect or denomination. The 1784 constitution confirmed this commitment. Allowing the use of revenue raised by taxation for the purposes of religious education would stand in stark contrast to 239 years of New Hampshire tradition. Our legislative ancestors further amended

the New Hampshire Constitution in 1877 to prevent the indoctrination of school-aged children by any religious organization. It prevented public money from being allocated to any non-secular school. Most of our constituents concur with the Jeffersonian belief that the concept of the “separation of church and state” guarantees that their tax dollars will not be used to support a particular sect whose beliefs do not align with their own. The only way to be certain that one denomination is not favored over another is to have each stand on its own. The practice of one’s faith is a private, personal matter. Our ancestors understood that. The New Hampshire Constitution also charges the state with the responsibility and obligation to provide an adequate public education to all of New Hampshire’s children through her public schools. Unfortunately, the legislature has yet to agree on how to adequately fund our community schools that has resulted in multiple lawsuits brought against the state. It stands to reason that allocating public funds to private and/or religious schools, without extenuating circumstances, would only further violate the foundational tenets of our state’s history and constitution.

Rep. Mel Myler

Rep. Cordelli moved Ought to Pass and spoke in favor.

Rep. Myler spoke against.

Rep. Santonastaso requested a roll call; sufficiently seconded.

### YEAS 192 - NAYS 191

#### YEAS - 192

##### BELKNAP

Bean, Harry  
Dumais, Russell  
Ploszaj, Tom  
Trottier, Douglas

Bogert, Steven  
Harvey-Bolia, Juliet  
Beaudoin, Richard  
Varney, Peter

Bordes, Mike  
Nagel, David  
Smart, Lisa

Comtois, Barbara  
O'Hara, Travis  
Terry, Paul

##### CARROLL

Avellani, Lino  
MacDonald, John  
Brown, Richard

Belcher, Mike  
Smith, Jonathan

Cordelli, Glenn  
McConkey, Mark

Costable, Michael  
Peternel, Katy

##### CHESHIRE

Hunt, John  
Thackston, Dick

Qualey, James  
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

##### COOS

Davis, Arnold  
Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

##### GRAFTON

Berezhny, Lex  
Ladd, Rick

Brown, Carroll  
Rocheport, David

Coulon, Matthew  
Sellers, John

Greeson, Jeffrey  
Simon, Matthew

##### HILLSBOROUGH

Lekas, Alicia  
Boyd, Bill  
Colcombe, Riché  
Cushman, Leah  
Griffin, Gerald  
Infantine, William  
Gould, Linda  
Mazur, Lisa  
Noble, Kristin  
Plett, Fred  
Reid, Karen  
Sirois, Shane  
Ulery, Jordan

Abare, Kimberly  
King, Bill  
Cole, Brian  
Kelley, Diane  
Gagne, Larry  
Kennedy, Stephen  
Sanborn, Laurie  
McGough, Tim  
Notter, Jeanine  
Post, Lisa  
Renzullo, Andrew  
Lekas, Tony  
Wherry, Robert

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Erf, Keith  
Healey, Robert  
Kenny, Catherine  
Lascelles, Richard  
McLean, Mark  
Panek, Sandra  
Proulx, Mark  
Seidel, Sheila  
Mannion, Tom

Ammon, Keith  
Boehm, Ralph  
Creighton, Jim  
Fedolfi, Jim  
Hynes, Dan  
Kofalt, Jim  
Lewicke, John  
Mooney, Maureen  
Pauer, Diane  
Prout, Andrew  
Sheehan, Vanessa  
Tenczar, Jeffrey

##### MERRIMACK

Andrus, Louise  
Cambriels, Jose  
Hoell, J.R.  
Polozov, Yury  
See, Alvin

Aures, Cyril  
McGuire, Dan  
Leavitt, John  
Boyd, Stephen  
Walsh, Thomas

Aylward, Deborah  
Gerhard, Jason  
Mason, James  
Gould, Sherry  
Testerman, Dave

McGuire, Carol  
Hill, Gregory  
Moffett, Michael  
Seaworth, Brian  
Wood, Clayton

##### ROCKINGHAM

Ball, Lorie  
Thomas, Douglas  
Drago, Mike  
Foote, Charles

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Harb, Robert

Brouillard, Jacob  
Donnelly, Tanya  
Edwards, Jess  
Harley, Tina

Mannion, Dennis  
Doucette, Fred  
Emerick, Tracy  
Hobson, Deb

Nelson, Jodi  
Katsakiores, Phyllis  
Layon, Erica  
Pearson, Mark  
Milz, David  
Piemonte, Tony  
Pratt, Kevin  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
MacDonald, Wayne

Janigian, John  
Khan, Aboul  
Love, David  
McDonnell, Valerie  
Ford, Oliver  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Sytek, John  
True, Chris  
Wallace, Scott

Janvrin, Jason  
Kuttab, Katelyn  
Lundgren, David  
McMahon, Charles  
Osborne, Jason  
Porcelli, Susan  
Quaratiello, Arlene  
Spillane, James  
Cahill, Tim  
Tudor, Paul  
Weyler, Kenneth

Perez, Kristine  
Walsh, Lilli  
Lynn, Bob  
Melvin, Charles  
Phillips, Emily  
Potucek, John  
Roy, Terry  
Summers, James  
Dolan, Tom  
Vose, Michael  
Yokela, Josh

**STRAFFORD**

Bailey, Glenn  
Granger, Michael  
Turcotte, Len

Bickford, David  
Harrington, Michael  
Newton, Clifford

Burnham, Claudine  
Horgan, James  
Pitre, Joseph

Connor, James  
Kaczynski, Thomas  
Potenza, Kelley

**SULLIVAN**

Aron, Judy  
Smith, Steven

Drye, Margaret  
Spilsbury, Walter

Merchant, Gary  
Stapleton, Walter

Rollins, Skip  
Stone, Jonathan

**NAYS - 191****BELKNAP**

Coker, Matthew

Huot, David

St. Clair, Charlie

**CARROLL**

Buco, Thomas  
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

**CHESHIRE**

Abbott, Michael  
Eaton, Daniel  
Jones, Philip  
Schapiro, Joe

Ames, Richard  
Faulkner, Barry  
Monteil, Renee  
Tatro, Bruce

Harvey, Cathryn  
Filiault, Shaun  
Newell, Jodi  
Toll, Amanda

Fox, Dru  
Germana, Nicholas  
Parshall, Lucius  
Weber, Lucy

**COOS**

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

**GRAFTON**

Adjutant, Joshua  
Cormen, Thomas  
Murphy, James  
Morse, Corinne  
Sykes, George

Almy, Susan  
Fellows, Sallie  
Sullivan, Jared  
Muirhead, Russell

Baldwin, Heather  
Hakken-Phillips, Mary  
Lovett, Peter  
Nordgren, Sharon

Bolton, Bill  
Hoyt, Tommy  
Massimilla, Linda  
Stringham, Jerry

**HILLSBOROUGH**

Murray, Alistandra  
Bouchard, Donald  
Chretien, Jacqueline  
Devine, Shelley  
Davis, Fred  
Grill, Jessica  
Herbert, Christopher  
Juris, Louis  
LeClerc, Daniel  
Howard, Molly  
Mangipudi, Latha  
Moulton, Candace  
Pedersen, Michael  
Raymond, Heather  
Newman, Sue  
Staub, Kathy  
Veilleux, Daniel

Nutting-Wong, Allison  
Bouldin, Amanda  
Cornell, Patricia  
DiSilvestro, Linda  
Freitas, Mary  
Hamer, Heidi  
Jack, Martin  
Foxx, Loren  
Leishman, Peter  
Murray, Megan  
McGhee, Kat  
Murphy, Nancy  
Petrigno, Peter  
Rombeau, Catherine  
Seibert, Christine  
Telerski, Laura  
Thomas, Wendy

Beaulieu, Jane  
Bradley, Amy  
Ford, Damond  
Dutzy, Sherry  
Goley, Jeffrey  
Harriott-Gathright, Linda  
Judy, Jean  
Lanza, Judi  
Lloyd, Christal  
Perez, Maria  
Ming, Ben  
Nutter-Upham, Frances  
Preece, David  
Rung, Rosemarie  
Sofikitis, Catherine  
Tellez, Trinidad  
Wheeler, Jonah

Booras, Efstathia  
Calabro, Karen  
Darby, Will  
Elberger, Susan  
Gregg, Alicia  
Heath, Mary  
Smith, Juliet  
Leapley, Nicole  
Long, Patrick  
MacKenzie, Mark  
Morton, Jennifer  
O'Brien, Michael  
Newman, Ray  
Ryan, Linda  
Spier, Carry  
Vail, Suzanne  
Wilhelm, Matthew

**MERRIMACK**

Turcotte, Alan  
Ebel, Karen  
Hall, Muriel  
McWilliams, Rebecca  
Roesener, James  
Soucy, Timothy

Brennan, Angela  
Ellison, Arthur  
Hicks, Matthew  
Myler, Mel  
Schuett, Dianne  
Wallner, Mary Jane

Caplan, Tony  
Gallager, Eric  
Lane, Connie  
Payeur, Stephanie  
Schultz, Kristina  
Wolf, Dan

Carey, Lorrie  
Gibbs, Merryll  
Luneau, David  
Richards, Beth  
Shurtleff, Steve

**ROCKINGHAM**

Balboni, Peggy  
Grossman, Gaby  
Murray, Kate  
Maggiore, Jim  
Meuse, David  
Read, Ellen  
Vogt, Robin

DiLorenzo, Charlotte  
Grote, Jaci  
Knab, Allison  
Malloy, Dennis  
Muns, Chris  
Simpson, Alexis  
Ward, Gerald

Edgar, Michael  
Hamblet, Joan  
Cahill, Michael  
Manos, Zoe  
O'Neil, Candice  
Turer, Eric

Gilman, Julie  
Haskins, Linda  
Paige, Mark  
McBeath, Rebecca  
Raynolds, Ned  
Vallone, Mark

**STRAFFORD**

Ankarberg, Aidan  
Cannon, Gerri  
Grassie, Chuck  
Rich, Jeffrey  
Smith, Marjorie  
Selig, Loren  
Wall, Janet

Bay, Luz  
Conlin, Bill  
Howard, Heath  
Kenney, Cam  
Schmidt, Peter  
Southworth, Thomas

Bixby, Peter  
Fitzpatrick, Daniel  
Horrigan, Timothy  
LaMontagne, Jessica  
Pare, Gail  
Treleaven, Susan

Rich, Cecilia  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Phinney, Brandon  
Vincent, Kenneth

**SULLIVAN**

Sullivan, Brian  
Tanner, Linda

Cloutier, John

Damon, Hope

Palmer, William

and the motion of Ought to Pass failed lacking the necessary three-fifths vote.

**HB 61**, relative to teaching on discrimination in the public schools and discrimination in public workplaces.  
**WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill would repeal RSA 193:40 and RSA 354-A:29-34, commonly referred to as the banned concepts laws. The proposed repeal addresses the consequences of passing a law without following the full legislative process and review. It acknowledges the widespread confusion about the parameters of a law based on an individual's perceptions. It acknowledges the vague language that has placed ill-defined limitations on classroom instruction and resulted in the intimidation of our teachers. The impact of RSA 193:40 and RSA 354-A has been well-documented through the public outcry our committee heard in the testimony offered during the hearing on this bill. Further, the repeal of RSA 193:40 will lift the cloud of suspicion of classroom teaching and rigorous debate of topical issues. The members of our committee in support of this bill believe that the majority of the citizens of New Hampshire do not support any initiatives designed to stifle intellectual inquiry, curtail respectful debate, or dismiss the lessons of the past.

Rep. Mel Myler

Statement in support of Inexpedient to Legislate: This bill seeks to repeal RSA 193:40, the law that prohibits educators from teaching that one group of people is inherently superior or inferior to another group based on characteristics such as race, sex, religion, national origin, etc. It also proposes the repeal of RSA 354-A:29 through RSA 354-A:34, laws which relate to the right to freedom from discrimination in public workplaces and education. To justify the repealing of a law, the most basic question that must be answered regards identifying what part of the written law is objectionable, but not a single one of the dozens of people who testified or any member of the Education Committee who supported this bill could satisfy this simple request. Instead, they argued that RSA 193:40, in particular, makes educators feel uncomfortable teaching about topics related to the groups that the law actually seeks to protect. This bill is misguided because laws must not be repealed on the sole basis of how they make citizens feel. Laws cannot be repealed because some citizens fear being falsely accused of breaking them. Although opponents have criticized RSA 193:40 as vague despite detailed guidelines provided by the Department of Education, it is as clear as Martin Luther King, Jr's "I Have a Dream" speech! So, if New Hampshire is truly to be a state in which people "will not be judged by the color of their skin but by the content of their character," this bill must be found Inexpedient to Legislate.

Rep. Arlene Quaratiello

**MOTION TO LAY ON THE TABLE**

Rep. Myler moved that **HB 61**, relative to teaching on discrimination in the public schools and discrimination in public workplaces, be laid on the table.  
Motion was adopted.

**REGULAR CALENDAR CONT'D**

**HB 204**, relative to non-academic surveys in schools. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The members supporting Ought to Pass believe that schools must remain educational institutions and not be transitioned into mental health institutions. It is totally within reason for healthy human relationships to develop between school government employees and children that lend towards an emotional understanding of students. It is wholly inappropriate to do data mining and generative themes based in surveying students for emotional responses, building out psychological profiles of students, mass-screening for mental health, direct, non-emergency psychological interventions, and so on in an



educational environment. It is further very dangerous to incorporate such things into cutting edge technology, such as many major education corporations are already doing, to generate individualized digital communication interfaces, and implementing psychological manipulations such as “nudge theory” to subtly ideologically shift students in a direction not approved by their parents. These matters enter into deeply ideological and controversial waters legitimately handled in the realm of political debate.

Rep. Mike Belcher

Statement in support of Inexpedient to Legislate: Those voting in favor of Inexpedient to Legislate believe that the restrictions placed on non-academic surveys by requiring a prior written parental authorization and restricting the use of questions that evoke an “emotional response” will significantly restrict a school’s ability to create programs to meet a student’s social, emotional, or mental health needs. For years, schools have successfully utilized the aggregated data from “climate or culture” type surveys. These results do not identify an individual student but rather identify school and/or school district trends of their student populations. Without this type of aggregated data, a school district’s hands will be tied in creating purposeful programs and may very well miss opportunities to improve a student’s well-being.

Rep. Stephen Woodcock

### MOTION TO LAY ON THE TABLE

Rep. Ladd moved that **HB 204**, relative to non-academic surveys in schools, be laid on the table.

On a division vote, with 320 members having voted in the affirmative, and 61 in the negative, the motion was adopted.

The House recessed at 11:55 a.m.

### RECESS

The House reconvened at 1:00 p.m.

(Rep. Steven Smith in the Chair)

### REGULAR CALENDAR CONT'D

**HB 275-L**, relative to schools approved for a school tuition program by a school board. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill, as amended, would allow parents to enroll students in a tuition school approved by the local school board whose tuition cost is above the district’s established tuition cost per pupil. Within this provision, the local board may require the parent to pay the tuition cost difference to a school whose tuition is above the sending school’s cap, as long as at least one other board-approved option is available that is free, without a cost to the parent. In the Upper Valley alone, Lyme, Croydon, Monroe, Landaff, Piermont, and Bath pay tuition for middle school level or secondary tuition students. Local school boards may create tuition contracts with other schools, public or private, provided the school’s tuition rate falls within the sending school’s approved tuition program. A district’s tuition program that involves multiple receiving tuition school contracts, may include an approved receiving school that exceeds the funding cap as long as one other board approved school that provides all the necessary requirements for the opportunity for an adequate education is available to the student at no cost. With this policy and provision in place, there is no discrimination; every student has the opportunity to receive the opportunity for an adequate education, without having to pay tuition. The New Hampshire tuition program has been in place for years, and with this successful program, parents of students in small K-8 schools currently have the opportunity to choose which surrounding schools they’d like their students to attend. To make such a decision, parents must consider: availability of academic programming, offered special education services, co-curricular activities, proximity to parents’ daily job/work, needed transportation, career technical education offerings at the receiving school, graduation rates, and more. Parents strongly consider moving into tuition option communities when locating and choosing a place to live.

Rep. Rick Ladd

Statement in support of Inexpedient to Legislate: This bill enables local school boards to approve, among the list of schools available for tuition purposes, schools whose costs per pupil is above the determined and approved tuition costs set by the local school board. This requires parents who choose a school with higher tuition rates than the approved list to pay the cost difference. This arrangement discriminates against the parents who are unable to pay the additional amount for certain schools. In addition, the state has a constitutional duty to provide an opportunity for a free and adequate education for every child through the public schools. In this bill, there is no requirement for the school board to provide full tuition for a public school option. Parents should be guaranteed a public school option without any additional payment. This bill needs more work to ensure equity and accessibility for all students.

Rep. Linda Tanner

Rep. Ladd moved Ought to Pass and offered amendment (0839h).

**Amendment (0839h)**

Amend the bill by replacing section 1 with the following:

1 Change of School or Assignment; School Tuition Program. Amend RSA 193:3, VI to read as follows:

VI. If there is no public school for the child's grade in the resident district, the school board may contract with another public school in another school district or with any private school that has been approved as a school tuition program by the school board, and may raise and appropriate money for the purposes of the contract, if the school district decides it is in the best interest of the pupil. The district may either assign all children to schools that have been approved as a school tuition program, or allow each child's parent to choose a school from among schools that have been approved as a school tuition program. *To enroll a child in a tuition school approved by the local school board whose tuition cost is above the district's established tuition cost per pupil as determined and approved by the board, the local board may require the parent to pay the tuition cost difference as long as at least one option does not require additional tuition payment from the parent.*

The question being adoption of amendment (0839h).

On a division vote, with 212 members having voted in the affirmative, and 158 in the negative, amendment (0839h) was adopted.

The question now being adoption of the motion of Ought to Pass with Amendment.

Rep. Tanner spoke against.

Rep. Ladd spoke in favor.

On a division vote, with 201 members having voted in the affirmative, and 181 in the negative, the motion of Ought to Pass with Amendment was adopted, and the bill was ordered to third reading.

**HB 331-FN-L**, relative to the income threshold for the education freedom account program. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill removes the household income criteria from eligibility for the Education Freedom Account (EFA) program. According to the Claremont decision, the responsibility for ensuring the provision of an adequate public education and an adequate level of resources for all students in New Hampshire lies with the state. What is a public education? Is it a specific government institution or is it an adequate education achieved via public funding? When the EFA program was first introduced it envisaged that the state adequacy money would follow every student. The vast majority of parents currently send their children to their traditional local public school. But, unfortunately for some children, they just can't learn adequately there. However, they are still New Hampshire children, and we are still responsible for providing them an opportunity for an adequate education. So, providing them the state adequacy grant just makes sense. We don't means test our traditional public schools and we should not means test our EFAs.

Rep. Alicia Lekas

Statement in support of Inexpedient to Legislate: The Education Freedom Account (EFA) school voucher program was created to provide students from low-income households with private alternatives to their public school. To be eligible, an EFA student's annual household income must be at or below 300% of the federal poverty guideline (currently \$90,000 for a family of four) at the time they apply to the program. Other bills seek to increase the income threshold to \$105,000 and even \$150,000. This bill completely removes the annual household income threshold so that any family, no matter their income, would be eligible to use taxpayer money to pay private school tuition bills. Taxpayer money to make these payments will come from taxes that many of us pay. Taxpayers across the state are bearing the burden of high property taxes. Many are retired and live on a fixed income. They are looking for relief, not a tuition bill. The fiscal note states the cost is indeterminable, but a realistic estimate would be \$75 million per year for the 16,000 students who currently enroll in private schools. A better use of tax revenue would be to fund our public schools in a way that is fair to students and taxpayers.

Rep. David Luneau

**MOTION TO LAY ON THE TABLE**

Rep. Cordelli moved that **HB 331-FN-L**, relative to the income threshold for the education freedom account program, be laid on the table.

Rep. Hoell requested a roll call; sufficiently seconded.

**YEAS 277 - NAYS 103**

**YEAS - 277**

**BELKNAP**

Bogert, Steven  
O'Hara, Travis  
Terry, Paul

Coker, Matthew  
Beaudoin, Richard  
Varney, Peter

Harvey-Bolia, Juliet  
Smart, Lisa

Nagel, David  
St. Clair, Charlie

**CARROLL**

Buco, Thomas  
McAlear, Chris

Burroughs, Anita  
Woodcock, Stephen

Paige, David

MacDonald, John

**CHESHIRE**

Abbott, Michael  
Eaton, Daniel  
Hunt, John  
Parshall, Lucius  
Tatro, Bruce  
Nutting, Zachary

Ames, Richard  
Faulkner, Barry  
Jones, Philip  
Qualey, James  
Thackston, Dick

Harvey, Cathryn  
Filiault, Shaun  
Monteil, Renee  
Rhodes, Jennifer  
Toll, Amanda

Fox, Dru  
Germana, Nicholas  
Newell, Jodi  
Schapiro, Joe  
Weber, Lucy

**COOS**

Cascadden, Corinne  
Ouellet, Mike

Kelley, Eamon  
King, Seth

Merner, Troy  
Tierney, James

Noël, Henry

**GRAFTON**

Adjutant, Joshua  
Cormen, Thomas  
Murphy, James  
Massimilla, Linda  
Stringham, Jerry

Almy, Susan  
Fellows, Sallie  
Sullivan, Jared  
Morse, Corinne  
Sykes, George

Baldwin, Heather  
Hakken-Phillips, Mary  
Ladd, Rick  
Muirhead, Russell

Bolton, Bill  
Hoyt, Tommy  
Lovett, Peter  
Nordgren, Sharon

**HILLSBOROUGH**

Murray, Alissandra  
King, Bill  
Bouchard, Donald  
Chretien, Jacqueline  
Ford, Damond  
Dutzy, Sherry  
Freitas, Mary  
Gregg, Alicia  
Heath, Mary  
Judy, Jean  
Kenny, Catherine  
Lanza, Judi  
Leishman, Peter  
Howard, Molly  
Mangipudi, Latha  
Morton, Jennifer  
O'Brien, Michael  
Post, Lisa  
Raymond, Heather  
Rung, Rosemarie  
Seidel, Sheila  
Telerski, Laura  
Thomas, Wendy

Nutting-Wong, Allison  
Beaulieu, Jane  
Bouldin, Amanda  
Colcombe, Riché  
Darby, Will  
Elberger, Susan  
Griffin, Gerald  
Grill, Jessica  
Herbert, Christopher  
Smith, Juliet  
Foxy, Loren  
Lascalles, Richard  
Lewicke, John  
Murray, Megan  
McGhee, Kat  
Moulton, Candace  
Pedersen, Michael  
Preece, David  
Reid, Karen  
Ryan, Linda  
Sofikitis, Catherine  
Tellez, Trinidad  
Wheeler, Jonah

Abare, Kimberly  
Boehm, Ralph  
Bradley, Amy  
Cornell, Patricia  
Devine, Shelley  
Davis, Fred  
Gagne, Larry  
Hamer, Heidi  
Infantine, William  
Juris, Louis  
Gould, Linda  
Leapley, Nicole  
Lloyd, Christal  
Perez, Maria  
McLean, Mark  
Murphy, Nancy  
Petrigno, Peter  
Proulx, Mark  
Renzullo, Andrew  
Newman, Sue  
Spier, Carry  
Vail, Suzanne  
Wherry, Robert

Boyd, Bill  
Booras, Efstathia  
Calabro, Karen  
Creighton, Jim  
DiSilvestro, Linda  
Fedolfi, Jim  
Goley, Jeffrey  
Harriott-Gathright, Linda  
Jack, Martin  
Kennedy, Stephen  
Sanborn, Laurie  
LeClerc, Daniel  
Long, Patrick  
MacKenzie, Mark  
Ming, Ben  
Nutter-Upham, Frances  
Plett, Fred  
Newman, Ray  
Rombeau, Catherine  
Seibert, Christine  
Staub, Kathy  
Veilleux, Daniel  
Wilhelm, Matthew

**MERRIMACK**

Turcotte, Alan  
Carey, Lorrie  
Gibbs, Merryl  
Luneau, David  
Myler, Mel  
Gould, Sherry  
Soucy, Timothy

Andrus, Louise  
Ebel, Karen  
Hall, Muriel  
MacKay, James  
Payeur, Stephanie  
Schultz, Kristina  
Wallner, Mary Jane

Brennan, Angela  
Ellison, Arthur  
Hicks, Matthew  
Mason, James  
Richards, Beth  
Seaworth, Brian  
Wolf, Dan

Caplan, Tony  
Gallager, Eric  
Lane, Connie  
McWilliams, Rebecca  
Roesener, James  
Shurtleff, Steve  
Wood, Clayton

**ROCKINGHAM**

Balboni, Peggy  
DeSimone, Debra  
Edgar, Michael  
Grossman, Gaby  
Harley, Tina  
Katsakiores, Phyllis  
Lundgren, David  
Maggiore, Jim  
McMahon, Charles  
Muns, Chris  
Porcelli, Susan  
Raynolds, Ned  
Sytek, John

Ball, Lorie  
DiLorenzo, Charlotte  
Edwards, Jess  
Grote, Jaci  
Haskins, Linda  
Khan, Aboul  
Lynn, Bob  
Malloy, Dennis  
Melvin, Charles  
O'Neil, Candice  
Potucek, John  
Read, Ellen  
Dolan, Tom

Brouillard, Jacob  
Donnelly, Tanya  
Emerick, Tracy  
Hamblet, Joan  
Janigian, John  
Knab, Allison  
Cahill, Michael  
Manos, Zoe  
Meuse, David  
Ford, Oliver  
Pratt, Kevin  
Roy, Terry  
Tripp, Richard

Thomas, Douglas  
Doucette, Fred  
Gilman, Julie  
Harb, Robert  
Murray, Kate  
Layon, Erica  
Paige, Mark  
McBeath, Rebecca  
Milz, David  
Piemonte, Tony  
Prudhomme-O'Brien, Katherine  
Simpson, Alexis  
True, Chris

Tudor, Paul  
Vose, Michael  
Weyler, Kenneth

Turer, Eric  
MacDonald, Wayne

Vallone, Mark  
Wallace, Scott

Vogt, Robin  
Ward, Gerald

### STRAFFORD

Bay, Luz  
Cannon, Gerri  
Grassie, Chuck  
Rich, Jeffrey  
Smith, Marjorie  
Selig, Loren  
Wall, Janet

Bickford, David  
Conlin, Bill  
Howard, Heath  
Kenney, Cam  
Schmidt, Peter  
Southworth, Thomas

Bixby, Peter  
Fitzpatrick, Daniel  
Horrigan, Timothy  
LaMontagne, Jessica  
Pare, Gail  
Treleven, Susan

Rich, Cecilia  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Pitre, Joseph  
Vincent, Kenneth

### SULLIVAN

Aron, Judy  
Drye, Margaret  
Tanner, Linda

Sullivan, Brian  
Merchant, Gary

Cloutier, John  
Palmer, William

Damon, Hope  
Spillsbury, Walter

### NAYS - 103

#### BELKNAP

Bean, Harry  
Ploszaj, Tom

Bordes, Mike  
Trottier, Douglas

Comtois, Barbara

Dumais, Russell

#### CARROLL

Avellani, Lino  
Smith, Jonathan

Belcher, Mike  
McConkey, Mark

Cordelli, Glenn  
Peternel, Katy

Costable, Michael  
Brown, Richard

### CHESHIRE

Santonastaso, Matthew

### COOS

Davis, Arnold

### GRAFTON

Berezhny, Lex  
Rochefort, David

Brown, Carroll  
Sellers, John

Coulon, Matthew  
Simon, Matthew

Greeson, Jeffrey

### HILLSBOROUGH

Lekas, Alicia  
Corcoran, Travis  
Healey, Robert  
McGough, Tim  
Panek, Sandra  
Sirois, Shane  
Ulery, Jordan

Ammon, Keith  
Cushman, Leah  
Hynes, Dan  
Mooney, Maureen  
Pauer, Diane  
Lekas, Tony

Berry, Ross  
Kelley, Diane  
Kofalt, Jim  
Noble, Kristin  
Prout, Andrew  
Mannion, Tom

Cole, Brian  
Erf, Keith  
Mazur, Lisa  
Notter, Jeanine  
Sheehan, Vanessa  
Tenczar, Jeffrey

### MERRIMACK

Aures, Cyril  
McGuire, Dan  
Leavitt, John  
Schuett, Dianne

Aylward, Deborah  
Gerhard, Jason  
Moffett, Michael  
See, Alvin

McGuire, Carol  
Hill, Gregory  
Polozov, Yury  
Walsh, Thomas

Cambrils, Jose  
Hoell, J.R.  
Boyd, Stephen  
Testerman, Dave

### ROCKINGHAM

Bernardy, JD  
Foote, Charles  
Kuttab, Katelyn  
McDonnell, Valerie  
Quaratiello, Arlene  
Summers, James  
Yokela, Josh

Mannion, Dennis  
Hobson, Deb  
Walsh, Lilli  
Osborne, Jason  
Pearson, Stephen  
Sweeney, Joe

Drago, Mike  
Janvrin, Jason  
Love, David  
Phillips, Emily  
Soti, Julius  
Cahill, Tim

Dunn, Ron  
Perez, Kristine  
Pearson, Mark  
Popovici-Muller, Daniel  
Spillane, James  
Vandecasteele, Susan

### STRAFFORD

Ankarberg, Aidan  
Granger, Michael  
Turcotte, Len

Bailey, Glenn  
Harrington, Michael  
Newton, Clifford

Burnham, Claudine  
Horgan, James  
Phinney, Brandon

Connor, James  
Kaczynski, Thomas  
Potenza, Kelley

### SULLIVAN

Stapleton, Walter

Stone, Jonathan

and the motion was adopted.

**REGULAR CALENDAR CONT'D****HB 371**, establishing a commission to evaluate and recommend standards for public schools. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill establishes a commission to evaluate and recommend standards for public school approval. Every ten years, the Department of Education evaluates and approves changes to the minimum standards for public school approval. These standards include requirements for the school board, administration, food service and nutrition, teacher certification and instructional areas, school counselors, professional development, class size, instructional time, areas of study, distance learning, extended learning opportunities, and graduation requirements, just to name a few. However, there is no dedicated legislative oversight committee for the transparent and collaborative development of these standards. Other standards for academic work and accountability are subject to a legislative oversight committee, but not the minimum standards for school approval. The minimum standards for school approval have a direct impact on the health, safety, and education of more than 160,000 New Hampshire children who attend public schools. Any changes to these standards must be made in a way that is transparent, collaborative, and accountable. Our future depends on it.

Rep. David Luneau

Statement in support of Inexpedient to Legislate: This bill would establish a commission to evaluate and recommend standards for public schools. This bill is not needed as it is the statutory responsibility of the already established Legislative Oversight Committee for the Statewide Education Improvement and Assessment Program, to review and make recommendations regarding academic standards. The State Board of Education is statutorily responsible for establishing the minimum standards for public school approval and academic standards for inclusion and delivery of educational services at the local level, not another costly commission comprising 25 commission members. The Legislative Oversight Committee has the specific duty to review and make recommendations relating to academic standards under consideration by the State Board of Education pursuant to RSA 193-E:2-a, IV(c). Upon receiving the draft copy of the proposed minimum standards for public school approval from the department, the Legislative Oversight Committee will commence a comprehensive review and offer findings and recommendations in timely manner. This bill duplicates responsibility of the Education Oversight Committee; it would also delay any comprehensive review with findings regarding the proposed standards taking place until late summer.

Rep. Rick Ladd

**MOTION TO LAY ON THE TABLE**

Rep. Luneau moved that **HB 371**, establishing a commission to evaluate and recommend standards for public schools, be laid on the table.

Motion was adopted.

**REGULAR CALENDAR CONT'D****HB 427**, relative to public comment and inquiry during school board meetings. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill, as amended, relates to school board public comment periods and provides for greater parental input. It specifies that public comment periods be provided prior to board action on agenda items. People need to be able to provide input to the board before they take action. It also specifies that the public may comment on non-agenda items. This currently is not always the case. This bill also states that members of the public be given at least three minutes for their comments. By giving the public more ability to express opinions, it will make for more cooperation between the public and school boards.

Rep. Glenn Cordelli

Statement in support of Inexpedient to Legislate: Current law requires school boards to have a dedicated period for public comment on board meeting agendas. This bill expands these requirements to include questions and complaints from the public and answers from the board. The bill goes further to allow comments, complaints, and questions not limited to agenda items or any other specific subject of interest to the board or community. School board meetings, community forums on specific areas of concern, and meetings dedicated to subcommittee work could easily be hijacked by a small group of people. Current law allows for comments, complaints, and questions to be submitted to any school board member at any time. And nothing in this bill changes any requirements for public schools to comply with right-to-know requests. As such, this bill is not necessary and would cripple the board's ability to perform its duties of governance as prescribed by state law.

Rep. David Luneau

**MOTION TO LAY ON THE TABLE**

Rep. Cordelli moved that **HB 427**, relative to public comment and inquiry during school board meetings, be laid on the table.

Rep. Hynes requested a roll call; not sufficiently seconded.

On a division vote, with 309 members having voted in the affirmative, and 72 in the negative, the motion was adopted.

**REGULAR CALENDAR CONT'D****HB 432-FN**, relative to participation in the education freedom accounts program. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill requires annual recertification of income eligibility for awarding of Education Freedom Account (EFA) funds. The EFA program currently requires applicants to certify family income is below 300% of the federal poverty guideline. For a family of four, this is \$90,000 per year and the guideline is updated annually for inflation using the Consumer Price Index for All Urban Consumers (CPI-U). The intent of the EFA program is to provide public school students from low-income families with access to a taxpayer-funded private education alternative. However, in the haste to incorporate the EFA program into the state budget, annual income recertification was omitted. And this omission allows families who were once income-qualified to continue receiving taxpayer money to pay private school costs long after their income has increased due to a change of employment or other circumstances. The bill only requires annual income recertification, regardless of statutory changes to the income eligibility threshold. And nothing in this bill requires the student to change their school or education option. The bill protects the intent of the program and the responsible use of taxpayer money.

Rep. David Luneau

Statement in support of Inexpedient to Legislate: This bill is another attack on the successful Education Freedom Accounts program. It requires that the family income must be checked annually against the family income cap. Currently, the income is checked in the initial application process and if they are under the cap, then the children are in the program. The problem with checking the income annually is that income in many jobs, such as real estate, may change from year to year. It would be unfair to the children to treat them like yo-yos and continually allow them in the program and then bounce them out because of the family income change. Children need stability in the education setting that meets their individual needs.

Rep. Glenn Cordelli

**MOTION TO LAY ON THE TABLE**

Rep. Myler moved that **HB 432-FN**, relative to participation in the education freedom accounts program, be laid on the table.

Motion was adopted.

**REGULAR CALENDAR CONT'D****HB 451**, relative to the state board of education prohibition on discrimination. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This is a simple bill. It ensures that there will be no discrimination under New Hampshire's non-discrimination laws in admissions by any public, private, online, or vendor school that receives taxpayer resourced money. At the present time, non-public institutions and programs are only required to abide by the federal non-discrimination laws. No child or parents should experience rejection for admission to taxpayer resource funded and state supported educational programs or activities on the basis of our New Hampshire non-discrimination law that includes protections for gender identity, sexual orientation, race, religious creed, marital status, national origin, color, economic status, physical or mental disability, or sex. This bill does not apply to any parent whose child is receiving education through an approved homeschool program, nor does it restrict sex discrimination in educational institutions or activities that are designed for single sex groups.

Rep. Linda Tanner

Statement in support of Inexpedient to Legislate: This bill expands the State Board of Education statutory requirement to ensure that there is no unlawful discrimination in any public school. It expands the requirement to include entities that receive state or federal funding; including private schools, online programs, and "education vendors" although provides no definition as to who these vendors are. It also greatly expands the list of classes of people to be protected. It is unclear why the State Board would investigate private schools receiving just federal funding. The entities that are the targets receiving state funds are intended to be recipients of funds from the Education Freedom Accounts program. The funds they receive are actually private funds from account parents as stated by multiple courts. One of the often-cited areas of discrimination are private schools that might not accept certain students with disabilities for whom they are not able to provide services. These schools are private and do not have the ability to raise taxes, but do the best they can to provide needed services. This basic legislation has been defeated on prior occasions since the start of the Education Freedom Account Program.

Rep. Glenn Cordelli

**MOTION TO LAY ON THE TABLE**

Rep. Luneau moved that **HB 451**, relative to the state board of education prohibition on discrimination, be laid on the table.

Motion was adopted.

**REGULAR CALENDAR CONT'D****HB 515**, relative to education freedom accounts. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill updates the Education Freedom Account (EFA) chapter to keep language consistent throughout. Slight modifications are made of which committee members in support of this bill believe increases transparency and clarity. Several changes include the department shall make no state adequacy grant payment to the school for curricular activities and programs for EFA students and multiple scholarship organizations may be contracted and approved under this chapter.

Rep. Valerie McDonnell

Statement in support of Inexpedient to Legislate: The Education Freedom Account (EFA) school voucher program lacks transparency, accountability, and oversight. And this bill does not offer any improvement to these serious defects. One of these serious defects is the unreasonably high burden placed on the private contractor that administers the program to determine whether a suspected case of fraudulent use of funds was intentional. Determining whether an illegal act was committed with intent is normally done by the Department of Justice, not by a contractor. The Department of Education acknowledges that there are cases of fraudulent use of funds in other states with similar programs, which is why the EFA statute should have strong measures to detect and prevent fraud. But rather than correcting this flaw, the bill makes it even more difficult for the state to know when there has been fraudulent use of taxpayer dollars. Further, the bill codifies weak reporting requirements that provide no transparency for the use of public funds or accountability for student outcomes.

Rep. David Luneau

**MOTION TO LAY ON THE TABLE**

Rep. Cordelli moved that **HB 515**, relative to education freedom accounts, be laid on the table. Motion was adopted.

**REGULAR CALENDAR CONT'D****HB 516-FN**, relative to freedom of speech and association at public institutions of higher education. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: Proponents of this bill, as amended, believe that this bill is critical to ensuring that first amendment rights of students are not limited to specified zones of exercise. In addition, proponents believe this bill is needed to prevent discrimination based upon ideological differences. Differing viewpoints on particular issues need to be presented respectfully and received in the same manner. The bill encourages open-minded discussion and study. By creating a clear standard as proposed by this legislation, this bill protects this important goal, avoids needless litigation, and makes it certain that university administrators cannot decide who is entitled to recognition as a student organization based upon which beliefs those administrators favor or disfavor.

Rep. Valerie McDonnell

Statement in support of Inexpedient to Legislate: The bill establishes a policy for free speech and expression at our state colleges and universities. While the bill has many good aspects, they are already being done throughout the state's university and community college systems and are included in free speech policies at the institutions of UNH, Plymouth, Keene, and the community colleges. Apart from the area of free speech and expression, the bill includes a "right to discriminate" for student organizations. This "right to discriminate" allows any student organization that receives the benefits of a recognized organization, including financial support from the institution, to exclude others from membership based on race, gender identity, sexual orientation, or any other discriminatory beliefs established by the student group. We believe this provision fuels a divisive environment on campus and could lead to violence; it violates our state's own non-discrimination laws and federal law such as title IX; and bills like this promote discrimination and hate speech and should be resoundingly rejected.

Rep. David Luneau

**MOTION TO LAY ON THE TABLE**

Rep. Popovici-Muller moved that **HB 516-FN**, relative to freedom of speech and association at public institutions of higher education, be laid on the table.

Rep. Hynes requested a roll call; sufficiently seconded.

**YEAS 306 - NAYS 73**

**YEAS - 306  
BELKNAP**

Bean, Harry  
Nagel, David  
St. Clair, Charlie

Bogert, Steven  
O'Hara, Travis  
Varney, Peter

Dumais, Russell  
Beaudoin, Richard

Harvey-Bolia, Juliet  
Smart, Lisa

**CARROLL**

Buco, Thomas  
MacDonald, John  
Pernel, Katy

Burroughs, Anita  
Smith, Jonathan  
Woodcock, Stephen

Cordelli, Glenn  
McAlear, Chris

Paige, David  
McConkey, Mark

**CHESHIRE**

Abbott, Michael  
Eaton, Daniel  
Hunt, John  
Parshall, Lucius  
Tatro, Bruce

Ames, Richard  
Faulkner, Barry  
Jones, Philip  
Qualey, James  
Thackston, Dick

Harvey, Cathryn  
Filiault, Shaun  
Monteil, Renee  
Rhodes, Jennifer  
Toll, Amanda

Fox, Dru  
Germana, Nicholas  
Newell, Jodi  
Schapiro, Joe  
Weber, Lucy

**COOS**

Davis, Arnold  
Noël, Henry

Cascadden, Corinne  
Ouellet, Mike

Kelley, Eamon  
King, Seth

Merner, Troy  
Tierney, James

**GRAFTON**

Adjutant, Joshua  
Cormen, Thomas  
Murphy, James  
Massimilla, Linda  
Sellers, John

Almy, Susan  
Fellows, Sallie  
Sullivan, Jared  
Morse, Corinne  
Simon, Matthew

Baldwin, Heather  
Hakken-Phillips, Mary  
Ladd, Rick  
Muirhead, Russell  
Stringham, Jerry

Bolton, Bill  
Hoyt, Tommy  
Lovett, Peter  
Nordgren, Sharon  
Sykes, George

**HILLSBOROUGH**

Murray, Alissandra  
King, Bill  
Bouchard, Donald  
Chretien, Jacqueline  
Cornell, Patricia  
Devine, Shelley  
Davis, Fred  
Gagne, Larry  
Hamer, Heidi  
Herbert, Christopher  
Smith, Juliet  
Foxx, Loren  
Leapley, Nicole  
Long, Patrick  
MacKenzie, Mark  
Ming, Ben  
Murphy, Nancy  
Panek, Sandra  
Post, Lisa  
Raymond, Heather  
Ryan, Linda  
Sofikitis, Catherine  
Tellez, Trinidad  
Wheeler, Jonah

Nutting-Wong, Allison  
Beaulieu, Jane  
Bouldin, Amanda  
Colcombe, Riché  
Creighton, Jim  
DiSilvestro, Linda  
Fedolfi, Jim  
Goley, Jeffrey  
Harriott-Gathright, Linda  
Infantine, William  
Juris, Louis  
Sanborn, Laurie  
LeClerc, Daniel  
Howard, Molly  
Mangipudi, Latha  
Mooney, Maureen  
Noble, Kristin  
Pedersen, Michael  
Preece, David  
Renzullo, Andrew  
Newman, Sue  
Spier, Carry  
Vail, Suzanne  
Wherry, Robert

Abare, Kimberly  
Boehm, Ralph  
Bradley, Amy  
Cole, Brian  
Ford, Damond  
Dutzy, Sherry  
Freitas, Mary  
Gregg, Alicia  
Healey, Robert  
Jack, Martin  
Kennedy, Stephen  
Lanza, Judi  
Leishman, Peter  
Murray, Megan  
McGhee, Kat  
Morton, Jennifer  
Nutter-Upham, Frances  
Petrigno, Peter  
Proulx, Mark  
Rombeau, Catherine  
Seibert, Christine  
Staub, Kathy  
Veilleux, Daniel  
Wilhelm, Matthew

Boyd, Bill  
Booras, Efstathia  
Calabro, Karen  
Corcoran, Travis  
Darby, Will  
Elberger, Susan  
Griffin, Gerald  
Grill, Jessica  
Heath, Mary  
Judy, Jean  
Kenny, Catherine  
Lascalles, Richard  
Lloyd, Christal  
Perez, Maria  
McLean, Mark  
Moulton, Candace  
O'Brien, Michael  
Plett, Fred  
Newman, Ray  
Rung, Rosemarie  
Seidel, Sheila  
Telerski, Laura  
Thomas, Wendy

**MERRIMACK**

Turcotte, Alan  
Brennan, Angela  
Carey, Lorrie  
Gallager, Eric  
Hill, Gregory  
Mason, James  
Richards, Beth  
Schultz, Kristina  
Walsh, Thomas  
Wood, Clayton

Andrus, Louise  
McGuire, Carol  
McGuire, Dan  
Gibbs, Merryl  
Lane, Connie  
McWilliams, Rebecca  
Roesener, James  
Seaworth, Brian  
Testerman, Dave

Aures, Cyril  
Cambriels, Jose  
Ebel, Karen  
Hall, Muriel  
Luneau, David  
Myler, Mel  
Gould, Sherry  
Shurtleff, Steve  
Wallner, Mary Jane

Aylward, Deborah  
Caplan, Tony  
Ellison, Arthur  
Hicks, Matthew  
MacKay, James  
Payeur, Stephanie  
Schuett, Dianne  
Soucy, Timothy  
Wolf, Dan

**ROCKINGHAM**

Balboni, Peggy  
Thomas, Douglas  
Edgar, Michael  
Gilman, Julie  
Harb, Robert  
Janvrin, Jason  
Knab, Allison  
Lynn, Bob  
Maggiore, Jim

Ball, Lorie  
DeSimone, Debra  
Edwards, Jess  
Grossman, Gaby  
Harley, Tina  
Murray, Kate  
Kuttab, Katelyn  
Cahill, Michael  
Malloy, Dennis

Brouillard, Jacob  
DiLorenzo, Charlotte  
Emerick, Tracy  
Grote, Jaci  
Haskins, Linda  
Katsakiores, Phyllis  
Love, David  
Paige, Mark  
Manos, Zoe

Mannion, Dennis  
Donnelly, Tanya  
Foote, Charles  
Hamblet, Joan  
Janigan, John  
Khan, Aboul  
Lundgren, David  
Pearson, Mark  
McBeath, Rebecca



McMahon, Charles  
Muns, Chris  
Packard, Sherman  
Potucek, John  
Raynolds, Ned  
Spillane, James  
Tripp, Richard  
Vallone, Mark  
MacDonald, Wayne

Melvin, Charles  
O'Neil, Candice  
Piemonte, Tony  
Pratt, Kevin  
Roy, Terry  
Sweeney, Joe  
True, Chris  
Vandecasteele, Susan  
Ward, Gerald

Meuse, David  
Ford, Oliver  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Pearson, Stephen  
Sytek, John  
Tudor, Paul  
Vogt, Robin  
Weyler, Kenneth

Miz, David  
Osborne, Jason  
Porcelli, Susan  
Quaratiello, Arlene  
Simpson, Alexis  
Dolan, Tom  
Turer, Eric  
Vose, Michael

**STRAFFORD**

Bay, Luz  
Cannon, Gerri  
Grassie, Chuck  
Rich, Jeffrey  
Smith, Marjorie  
Selig, Loren  
Wall, Janet

Bickford, David  
Conlin, Bill  
Howard, Heath  
Kenney, Cam  
Schmidt, Peter  
Southworth, Thomas

Bixby, Peter  
Fitzpatrick, Daniel  
Horrigan, Timothy  
LaMontagne, Jessica  
Pare, Gail  
Treleaven, Susan

Rich, Cecilia  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Pitre, Joseph  
Vincent, Kenneth

**SULLIVAN**

Aron, Judy  
Merchant, Gary  
Stone, Jonathan

Sullivan, Brian  
Palmer, William  
Tanner, Linda

Cloutier, John  
Spilsbury, Walter

Damon, Hope  
Stapleton, Walter

**NAYS - 73****BELKNAP**

Coker, Matthew

Comtois, Barbara

Ploszaj, Tom

Terry, Paul

**CARROLL**

Avellani, Lino

Belcher, Mike

Costable, Michael

Brown, Richard

**CHESHIRE**

Santonastaso, Matthew

Nutting, Zachary

**GRAFTON**

Berezhny, Lex  
Rochefort, David

Brown, Carroll

Coulon, Matthew

Greeson, Jeffrey

**HILLSBOROUGH**

Lekas, Alicia  
Cushman, Leah  
Kofalt, Jim  
McGough, Tim  
Reid, Karen  
Mannion, Tom

Alexander, Joe  
Kelley, Diane  
Gould, Linda  
Notter, Jeanine  
Sheehan, Vanessa  
Tenczar, Jeffrey

Ammon, Keith  
Erf, Keith  
Lewicke, John  
Pauer, Diane  
Sirois, Shane  
Ulery, Jordan

Berry, Ross  
Hynes, Dan  
Mazur, Lisa  
Prout, Andrew  
Lekas, Tony

**MERRIMACK**

Gerhard, Jason  
Polozov, Yury

Hoell, J.R.  
Boyd, Stephen

Leavitt, John  
See, Alvin

Moffett, Michael

**ROCKINGHAM**

Bernardy, JD  
Perez, Kristine  
Phillips, Emily  
Cahill, Tim

Drago, Mike  
Walsh, Lilli  
Read, Ellen  
Wallace, Scott

Dunn, Ron  
Layon, Erica  
Soti, Julius  
Yokela, Josh

Hobson, Deb  
McDonnell, Valerie  
Summers, James

**STRAFFORD**

Bailey, Glenn  
Harrington, Michael  
Newton, Clifford

Burnham, Claudine  
Horgan, James  
Phinney, Brandon

Connor, James  
Kaczynski, Thomas  
Potenza, Kelley

Granger, Michael  
Turcotte, Len

**SULLIVAN**

Drye, Margaret

Rollins, Skip

and the motion was adopted.

**(Speaker Packard in the Chair)**

**REGULAR CALENDAR CONT'D**

**HB 538-FN**, establishing a local education freedom account program. **WITHOUT RECOMMENDATION**  
Statement in support of Ought to Pass: This bill allows school districts to adopt a program for Local Education Freedom Accounts (LEFA) for a parent of an eligible student to receive a grant from a scholarship organization

for qualifying expenses at a public school, chartered public school, non-public school or program approved by the Department of Education. This bill enables local school districts the choice to enact a local savings account program. The process to establish a LEFA program is well documented and requires a 3/5 majority of those voting on the question to establish the LEFA at the school district meeting. The local community can also discontinue the LEFA with a similar process. The scholarship awarded a student is the amount equal to twice the amount that child would receive from the base adequacy and differentiated aid. All students who are at least 5 years of age and not more than 20 years of age and have not graduated from high school are eligible to apply for a LEFA account. The scholarship organization approved under RSA 77:G shall administer and implement local education freedom accounts. Funds provided through the scholarship program shall be used for qualifying expenses as identified in the bill. No eligible student shall receive a grant under this chapter and an education tax credit scholarship pursuant to RSA 77-G in the same school year. There are no income caps for this program. As with other choice programs, this locally approved program will assist students who are looking for another learning fit that best meets the student's needs.

Rep. Rick Ladd

Statement in support of Inexpedient to Legislate: This bill allows the extension of the Education Freedom Account (EFA), school voucher, program to include local school taxpayer resourced funds as well as state education funds. Monies raised through local property taxes could be used to increase the EFA voucher by twice the amount of state adequacy money resulting in over \$10,000 to parents to educate their child as they see fit. Half of this money would come from the state funds and the local district would be responsible for providing the other half of the voucher. The voucher can be spent for supplies, educational programs, homeschool, tuition for learning centers, and fees for private schools or religious schools. The local community school would be forced to raise more local taxes to accommodate this program. There is no cap on this program, no income restriction, no requirement for fiscal or academic accountability to the local district, the local community, or the local property taxpayer.

Rep. Linda Tanner

### MOTION TO LAY ON THE TABLE

Rep. Cordelli moved that **HB 538-FN**, establishing a local education freedom account program, be laid on the table.

Rep. Tom Mannion requested a roll call; sufficiently seconded.

### YEAS 296 - NAYS 83

#### YEAS - 296

#### BELKNAP

Bean, Harry  
Harvey-Bolia, Juliet  
Varney, Peter

Bogert, Steven  
O'Hara, Travis

Coker, Matthew  
Smart, Lisa

Dumais, Russell  
St. Clair, Charlie

#### CARROLL

Buco, Thomas  
MacDonald, John

Burroughs, Anita  
McAleer, Chris

Cordelli, Glenn  
McConkey, Mark

Paige, David  
Woodcock, Stephen

#### CHESHIRE

Abbott, Michael  
Eaton, Daniel  
Hunt, John  
Parshall, Lucius  
Tatro, Bruce  
Nutting, Zachary

Ames, Richard  
Faulkner, Barry  
Jones, Philip  
Qualey, James  
Thackston, Dick

Harvey, Cathryn  
Filiault, Shaun  
Monteil, Renee  
Rhodes, Jennifer  
Toll, Amanda

Fox, Dru  
Germana, Nicholas  
Newell, Jodi  
Schapiro, Joe  
Weber, Lucy

#### COOS

Davis, Arnold  
Noël, Henry

Cascadden, Corinne  
Ouellet, Mike

Kelley, Eamon  
King, Seth

Merner, Troy  
Tierney, James

#### GRAFTON

Adjutant, Joshua  
Cormen, Thomas  
Murphy, James  
Massimilla, Linda  
Stringham, Jerry

Almy, Susan  
Fellows, Sallie  
Sullivan, Jared  
Morse, Corinne  
Sykes, George

Baldwin, Heather  
Hakken-Phillips, Mary  
Ladd, Rick  
Muirhead, Russell

Bolton, Bill  
Hoyt, Tommy  
Lovett, Peter  
Nordgren, Sharon

#### HILLSBOROUGH

Nutting-Wong, Allison  
Beaulieu, Jane  
Bouldin, Amanda

Abare, Kimberly  
Boehm, Ralph  
Bradley, Amy

Boyd, Bill  
Booras, Efstathia  
Calabro, Karen

King, Bill  
Bouchard, Donald  
Chretien, Jacqueline

Colcombe, Riché  
 Ford, Damond  
 Dutzy, Sherry  
 Freitas, Mary  
 Gregg, Alicia  
 Healey, Robert  
 Jack, Martin  
 Kennedy, Stephen  
 Sanborn, Laurie  
 LeClerc, Daniel  
 Howard, Molly  
 Mangipudi, Latha  
 Ming, Ben  
 Murphy, Nancy  
 Pedersen, Michael  
 Preece, David  
 Reid, Karen  
 Ryan, Linda  
 Sofikitis, Catherine  
 Tellez, Trinidad  
 Wheeler, Jonah

Cole, Brian  
 Darby, Will  
 Elberger, Susan  
 Griffin, Gerald  
 Grill, Jessica  
 Heath, Mary  
 Judy, Jean  
 Kenny, Catherine  
 Lanza, Judi  
 Leishman, Peter  
 Murray, Megan  
 Mazur, Lisa  
 Mooney, Maureen  
 Nutter-Upham, Frances  
 Petrigno, Peter  
 Proulx, Mark  
 Renzullo, Andrew  
 Newman, Sue  
 Spier, Carry  
 Vail, Suzanne  
 Wherry, Robert

Cornell, Patricia  
 Devine, Shelley  
 Davis, Fred  
 Gagne, Larry  
 Hamer, Heidi  
 Herbert, Christopher  
 Smith, Juliet  
 Foxx, Loren  
 Lascelles, Richard  
 Lloyd, Christal  
 Perez, Maria  
 McGhee, Kat  
 Morton, Jennifer  
 O'Brien, Michael  
 Plett, Fred  
 Newman, Ray  
 Rombeau, Catherine  
 Seibert, Christine  
 Staub, Kathy  
 Veilleux, Daniel  
 Wilhelm, Matthew

Creighton, Jim  
 DiSilvestro, Linda  
 Fedolfi, Jim  
 Goley, Jeffrey  
 Harriott-Gathright, Linda  
 Infantine, William  
 Juris, Louis  
 Gould, Linda  
 Leapley, Nicole  
 Long, Patrick  
 MacKenzie, Mark  
 McLean, Mark  
 Moulton, Candace  
 Panek, Sandra  
 Post, Lisa  
 Raymond, Heather  
 Rung, Rosemarie  
 Seidel, Sheila  
 Teterski, Laura  
 Thomas, Wendy

Turcotte, Alan  
 Caplan, Tony  
 Gallager, Eric  
 Hill, Gregory  
 MacKay, James  
 Payeur, Stephanie  
 Gould, Sherry  
 Shurtleff, Steve  
 Wallner, Mary Jane

Andrus, Louise  
 Carey, Lorrie  
 Gibbs, Meryll  
 Lane, Connie  
 Mason, James  
 Richards, Beth  
 Schuett, Dianne  
 Soucy, Timothy  
 Wolf, Dan

Aylward, Deborah  
 Ebel, Karen  
 Hall, Muriel  
 Leavitt, John  
 McWilliams, Rebecca  
 Roesener, James  
 Schultz, Kristina  
 Walsh, Thomas  
 Wood, Clayton

Brennan, Angela  
 Ellison, Arthur  
 Hicks, Matthew  
 Luneau, David  
 Myler, Mel  
 Boyd, Stephen  
 Seaworth, Brian  
 Testerman, Dave

### MERRIMACK

Balboni, Peggy  
 Thomas, Douglas  
 Edgar, Michael  
 Gilman, Julie  
 Harb, Robert  
 Janigian, John  
 Khan, Aboul  
 Lynn, Bob  
 Maggiore, Jim  
 McMahon, Charles  
 Muns, Chris  
 Porcelli, Susan  
 Reynolds, Ned  
 Simpson, Alexis  
 Tripp, Richard  
 Vallone, Mark  
 Ward, Gerald

Ball, Lorie  
 DiLorenzo, Charlotte  
 Edwards, Jess  
 Grossman, Gaby  
 Harley, Tina  
 Janvrin, Jason  
 Knab, Allison  
 Cahill, Michael  
 Malloy, Dennis  
 Melvin, Charles  
 O'Neil, Candice  
 Potucek, John  
 Read, Ellen  
 Summers, James  
 True, Chris  
 Vogt, Robin  
 Weyler, Kenneth

Brouillard, Jacob  
 Donnelly, Tanya  
 Emerick, Tracy  
 Grote, Jaci  
 Haskins, Linda  
 Murray, Kate  
 Layon, Erica  
 Paige, Mark  
 Manos, Zoe  
 Meuse, David  
 Ford, Oliver  
 Pratt, Kevin  
 Roy, Terry  
 Sytek, John  
 Tudor, Paul  
 Vose, Michael

Mannion, Dennis  
 Doucette, Fred  
 Foote, Charles  
 Hamblet, Joan  
 Hobson, Deb  
 Katsakiores, Phyllis  
 Lundgren, David  
 Pearson, Mark  
 McBeath, Rebecca  
 Milz, David  
 Piemonte, Tony  
 Prudhomme-O'Brien, Katherine  
 Pearson, Stephen  
 Dolan, Tom  
 Turer, Eric  
 MacDonald, Wayne

### ROCKINGHAM

Bay, Luz  
 Cannon, Gerri  
 Grassie, Chuck  
 Rich, Jeffrey  
 Smith, Marjorie  
 Selig, Loren  
 Wall, Janet

Bickford, David  
 Conlin, Bill  
 Howard, Heath  
 Kenney, Cam  
 Schmidt, Peter  
 Southworth, Thomas

Bixby, Peter  
 Fitzpatrick, Daniel  
 Horrigan, Timothy  
 LaMontagne, Jessica  
 Pare, Gail  
 Treleaven, Susan

Rich, Cecilia  
 Smith, Geoffrey  
 Howland, Allan  
 Levesque, Cassandra  
 Pitre, Joseph  
 Vincent, Kenneth

### STRAFFORD

Sullivan, Brian  
 Merchant, Gary  
 Stapleton, Walter

Cloutier, John  
 Palmer, William  
 Stone, Jonathan

Damon, Hope  
 Smith, Steven  
 Tanner, Linda

Drye, Margaret  
 Spilsbury, Walter

### SULLIVAN

### NAYS - 83

### BELKNAP

Comtois, Barbara  
 Terry, Paul

Nagel, David

Ploszaj, Tom

Beaudoin, Richard

**CARROLL**

Avellani, Lino  
Peternel, Katy

Belcher, Mike  
Brown, Richard

Costable, Michael

Smith, Jonathan

**CHESHIRE**

Santonastaso, Matthew

**GRAFTON**

Berezchny, Lex  
Rocheport, David

Brown, Carroll  
Sellers, John

Coulon, Matthew  
Simon, Matthew

Greeson, Jeffrey

**HILLSBOROUGH**

Lekas, Alicia  
Corcoran, Travis  
Hynes, Dan  
Noble, Kristin  
Sheehan, Vanessa  
Tenczar, Jeffrey

Alexander, Joe  
Cushman, Leah  
Kofalt, Jim  
Notter, Jeanine  
Sirois, Shane  
Ulery, Jordan

Ammon, Keith  
Kelley, Diane  
Lewicke, John  
Pauer, Diane  
Lekas, Tony

Berry, Ross  
Erf, Keith  
McGough, Tim  
Prout, Andrew  
Mannion, Tom

**MERRIMACK**

Aures, Cyril  
Gerhard, Jason  
See, Alvin

McGuire, Carol  
Hoell, J.R.

Cambrils, Jose  
Moffett, Michael

McGuire, Dan  
Polozov, Yuri

**ROCKINGHAM**

Bernardy, JD  
Perez, Kristine  
McDonnell, Valerie  
Quaratiello, Arlene  
Cahill, Tim

DeSimone, Debra  
Kuttab, Katelyn  
Osborne, Jason  
Soti, Julius  
Vandecasteele, Susan

Drago, Mike  
Walsh, Lilli  
Phillips, Emily  
Spillane, James  
Wallace, Scott

Dunn, Ron  
Love, David  
Popovici-Muller, Daniel  
Sweeney, Joe  
Yokela, Josh

**STRAFFORD**

Bailey, Glenn  
Harrington, Michael  
Newton, Clifford

Burnham, Claudine  
Horgan, James  
Phinney, Brandon

Connor, James  
Kaczynski, Thomas  
Potenza, Kelley

Granger, Michael  
Turcotte, Len

**SULLIVAN**

Aron, Judy

Rollins, Skip

and the motion was adopted.

**REGULAR CALENDAR CONT'D****HB 539-FN**, relative to vaccination clinics at schools. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: The committee heard of multiple documented cases of New Hampshire students being vaccinated without parental consent, and even against the explicit wishes of their parents, at vaccine clinics held at New Hampshire schools. The intent of this bill is to prohibit the holding of such clinics during normal school hours when students may possibly be errantly rounded up into the process to receive vaccinations. Nothing would prohibit the holding of such clinics outside of these prohibited hours. Also, in testimony from the Department of Health and Human Services, we heard that these clinics are held in such a manner as to fulfill federal requirements for various mass-casualty and biowarfare certifications, such that separate training events need not be held. While the committee recognizes the advantage of time and money savings, we feel it wholly inappropriate in this case. To even potentially distract any persons involved in such critical events as vaccination of children with the additional duties of federal box checking, seeking certifications, or additional onerous requirements that so often accompany federal mandates. The members of the committee in support of this bill supports the bill with or without amendment.

Rep. Mike Belcher

Statement in support of Inexpedient to Legislate: This bill prohibits public elementary, secondary, and public chartered schools from conducting vaccination clinics during school hours or within two hours at the beginning or end of the school day. It takes away a local decision to best meet the needs of the community. The residents of New Hampshire cherish local control. This legislation would remove the local community's ability to provide a public health service to its children, especially those who are less likely to be insured or have other barriers to being vaccinated. School-based clinics are a tool to keep our communities safe. In 2022, 4,500 students received the flu vaccine at a school clinic. Reducing the number of clinics at schools would also result in an indeterminable cost to the Department of Health and Human Services.

Rep. Patricia Cornell

**MOTION TO LAY ON THE TABLE**

Rep. Ladd moved that **HB 539-FN**, relative to vaccination clinics at schools, be laid on the table.  
Rep. Phillips requested a roll call; sufficiently seconded.

**YEAS 257 - NAYS 123****YEAS - 257****BELKNAP**

|                |                |             |                    |
|----------------|----------------|-------------|--------------------|
| Bogert, Steven | Coker, Matthew | Smart, Lisa | St. Clair, Charlie |
| Varney, Peter  |                |             |                    |

**CARROLL**

|                 |                  |                   |              |
|-----------------|------------------|-------------------|--------------|
| Buco, Thomas    | Burroughs, Anita | Cordelli, Glenn   | Paige, David |
| MacDonald, John | McAleer, Chris   | Woodcock, Stephen |              |

**CHESHIRE**

|                  |                 |                  |                   |
|------------------|-----------------|------------------|-------------------|
| Abbott, Michael  | Ames, Richard   | Harvey, Cathryn  | Fox, Dru          |
| Eaton, Daniel    | Faulkner, Barry | Filialt, Shaun   | Germana, Nicholas |
| Hunt, John       | Jones, Philip   | Monteil, Renee   | Newell, Jodi      |
| Parshall, Lucius | Qualey, James   | Rhodes, Jennifer | Schapiro, Joe     |
| Tatro, Bruce     | Thackston, Dick | Toll, Amanda     | Weber, Lucy       |

**COOS**

|                    |               |                |             |
|--------------------|---------------|----------------|-------------|
| Cascadden, Corinne | Kelley, Eamon | Merner, Troy   | Noël, Henry |
| Ouellet, Mike      | King, Seth    | Tierney, James |             |

**GRAFTON**

|                   |                 |                       |                  |
|-------------------|-----------------|-----------------------|------------------|
| Adjutant, Joshua  | Almy, Susan     | Baldwin, Heather      | Bolton, Bill     |
| Cormen, Thomas    | Fellows, Sallie | Hakken-Phillips, Mary | Hoyt, Tommy      |
| Murphy, James     | Sullivan, Jared | Ladd, Rick            | Lovett, Peter    |
| Massimilla, Linda | Morse, Corinne  | Muirhead, Russell     | Nordgren, Sharon |
| Stringham, Jerry  | Sykes, George   |                       |                  |

**HILLSBOROUGH**

|                       |                           |                   |                      |
|-----------------------|---------------------------|-------------------|----------------------|
| Murray, Alistandra    | Nutting-Wong, Allison     | Abare, Kimberly   | Boyd, Bill           |
| King, Bill            | Beaulieu, Jane            | Boehm, Ralph      | Booras, Efstathia    |
| Bouchard, Donald      | Bouldin, Amanda           | Bradley, Amy      | Calabro, Karen       |
| Chretien, Jacqueline  | Cole, Brian               | Cornell, Patricia | Creighton, Jim       |
| Ford, Damond          | Darby, Will               | Devine, Shelley   | DiSilvestro, Linda   |
| Dutzy, Sherry         | Elberger, Susan           | Davis, Fred       | Fedolfi, Jim         |
| Freitas, Mary         | Goley, Jeffrey            | Gregg, Alicia     | Grill, Jessica       |
| Hamer, Heidi          | Harriott-Gathright, Linda | Heath, Mary       | Herbert, Christopher |
| Jack, Martin          | Judy, Jean                | Smith, Juliet     | Juris, Louis         |
| Foxx, Loren           | Sanborn, Laurie           | Lanza, Judi       | Lascalles, Richard   |
| Leapley, Nicole       | LeClerc, Daniel           | Leishman, Peter   | Lloyd, Christal      |
| Long, Patrick         | Howard, Molly             | Murray, Megan     | Perez, Maria         |
| MacKenzie, Mark       | Mangipudi, Latha          | McGhee, Kat       | Ming, Ben            |
| Morton, Jennifer      | Moulton, Candace          | Murphy, Nancy     | Notter, Jeanine      |
| Nutter-Upham, Frances | O'Brien, Michael          | Panek, Sandra     | Pedersen, Michael    |
| Petrigno, Peter       | Plett, Fred               | Preece, David     | Proulx, Mark         |
| Newman, Ray           | Raymond, Heather          | Renzullo, Andrew  | Rombeau, Catherine   |
| Rung, Rosemarie       | Ryan, Linda               | Newman, Sue       | Seibert, Christine   |
| Seidel, Sheila        | Sofikitis, Catherine      | Spier, Carry      | Staub, Kathy         |
| Telerski, Laura       | Tellez, Trinidad          | Vail, Suzanne     | Veilleux, Daniel     |
| Thomas, Wendy         | Wheeler, Jonah            | Wilhelm, Matthew  |                      |

**MERRIMACK**

|                     |                 |                   |                    |
|---------------------|-----------------|-------------------|--------------------|
| Turcotte, Alan      | Brennan, Angela | Caplan, Tony      | Carey, Lorrie      |
| Ebel, Karen         | Ellison, Arthur | Gallager, Eric    | Gibbs, Merryll     |
| Hall, Muriel        | Hicks, Matthew  | Hill, Gregory     | Lane, Connie       |
| Leavitt, John       | Luneau, David   | MacKay, James     | Mason, James       |
| McWilliams, Rebecca | Myler, Mel      | Payeur, Stephanie | Richards, Beth     |
| Roesener, James     | Gould, Sherry   | Schuett, Dianne   | Schultz, Kristina  |
| Shurtleff, Steve    | Soucy, Timothy  | Walsh, Thomas     | Wallner, Mary Jane |
| Wolf, Dan           | Wood, Clayton   |                   |                    |

**ROCKINGHAM**

|                 |                |                 |                      |
|-----------------|----------------|-----------------|----------------------|
| Balboni, Peggy  | Ball, Lorie    | Thomas, Douglas | DiLorenzo, Charlotte |
| Donnelly, Tanya | Doucette, Fred | Edgar, Michael  | Edwards, Jess        |
| Emerick, Tracy  | Foot, Charles  | Gilman, Julie   | Grossman, Gaby       |

Grote, Jaci  
 Haskins, Linda  
 Khan, Aboul  
 Paige, Mark  
 McBeath, Rebecca  
 Muns, Chris  
 Piemonte, Tony  
 Reynolds, Ned  
 Sytek, John  
 Turer, Eric  
 Ward, Gerald

Hamblet, Joan  
 Janigian, John  
 Knab, Allison  
 Maggiore, Jim  
 Melvin, Charles  
 O'Neil, Candice  
 Porcelli, Susan  
 Read, Ellen  
 Dolan, Tom  
 Vallone, Mark  
 Weyler, Kenneth

Harb, Robert  
 Janvrin, Jason  
 Lynn, Bob  
 Malloy, Dennis  
 Meuse, David  
 Ford, Oliver  
 Potucek, John  
 Roy, Terry  
 Tripp, Richard  
 Vogt, Robin

Harley, Tina  
 Murray, Kate  
 Cahill, Michael  
 Manos, Zoe  
 Milz, David  
 Osborne, Jason  
 Prudhomme-O'Brien, Katherine  
 Simpson, Alexis  
 Tudor, Paul  
 MacDonald, Wayne

### STRAFFORD

Bay, Luz  
 Cannon, Gerri  
 Grassie, Chuck  
 Rich, Jeffrey  
 Smith, Marjorie  
 Southworth, Thomas

Bickford, David  
 Conlin, Bill  
 Howard, Heath  
 Kenney, Cam  
 Schmidt, Peter  
 Treleaven, Susan

Bixby, Peter  
 Fitzpatrick, Daniel  
 Horrigan, Timothy  
 LaMontagne, Jessica  
 Pare, Gail  
 Vincent, Kenneth

Rich, Cecilia  
 Smith, Geoffrey  
 Howland, Allan  
 Levesque, Cassandra  
 Selig, Loren  
 Wall, Janet

### SULLIVAN

Sullivan, Brian  
 Palmer, William  
 Tanner, Linda

Cloutier, John  
 Smith, Steven

Damon, Hope  
 Spilsbury, Walter

Merchant, Gary  
 Stapleton, Walter

### NAYS - 123

#### BELKNAP

Bean, Harry  
 Nagel, David  
 Terry, Paul

Comtois, Barbara  
 O'Hara, Travis

Dumais, Russell  
 Ploszaj, Tom

Harvey-Bolia, Juliet  
 Beaudoin, Richard

#### CARROLL

Avellani, Lino  
 McConkey, Mark

Belcher, Mike  
 Peternel, Katy

Costable, Michael  
 Brown, Richard

Smith, Jonathan

### CHESHIRE

Santonastaso, Matthew

Nutting, Zachary

### COOS

Davis, Arnold

### GRAFTON

Berezhny, Lex  
 Rochefort, David

Brown, Carroll  
 Sellers, John

Coulon, Matthew  
 Simon, Matthew

Greeson, Jeffrey

### HILLSBOROUGH

Lekas, Alicia  
 Colcombe, Riché  
 Erf, Keith  
 Hynes, Dan  
 Kofalt, Jim  
 McGough, Tim  
 Pauer, Diane  
 Sheehan, Vanessa  
 Tenczar, Jeffrey

Alexander, Joe  
 Corcoran, Travis  
 Griffin, Gerald  
 Infantine, William  
 Gould, Linda  
 McLean, Mark  
 Post, Lisa  
 Sirois, Shane  
 Ulery, Jordan

Ammon, Keith  
 Cushman, Leah  
 Gagne, Larry  
 Kennedy, Stephen  
 Lewicke, John  
 Mooney, Maureen  
 Prout, Andrew  
 Lekas, Tony  
 Wherry, Robert

Berry, Ross  
 Kelley, Diane  
 Healey, Robert  
 Kenny, Catherine  
 Mazur, Lisa  
 Noble, Kristin  
 Reid, Karen  
 Mannion, Tom

### MERRIMACK

Andrus, Louise  
 Cambrils, Jose  
 Moffett, Michael  
 See, Alvin

Aures, Cyril  
 McGuire, Dan  
 Polozov, Yury  
 Testerman, Dave

Aylward, Deborah  
 Gerhard, Jason  
 Boyd, Stephen

McGuire, Carol  
 Hoell, J.R.  
 Seaworth, Brian

### ROCKINGHAM

Bernardy, JD  
 Drago, Mike  
 Katsakiores, Phyllis  
 Love, David  
 McMahan, Charles  
 Quaratiello, Arlene  
 Summers, James  
 Vandecasteele, Susan

Brouillard, Jacob  
 Dunn, Ron  
 Kuttab, Katelyn  
 Lundgren, David  
 Phillips, Emily  
 Pearson, Stephen  
 Sweeney, Joe  
 Vose, Michael

Mannion, Dennis  
 Hobson, Deb  
 Walsh, Lilli  
 Pearson, Mark  
 Popovici-Muller, Daniel  
 Soti, Julius  
 Cahill, Tim  
 Wallace, Scott

DeSimone, Debra  
 Perez, Kristine  
 Layon, Erica  
 McDonnell, Valerie  
 Pratt, Kevin  
 Spillane, James  
 True, Chris  
 Yokela, Josh

**STRAFFORD**

Bailey, Glenn  
Harrington, Michael  
Newton, Clifford

Burnham, Claudine  
Horgan, James  
Phinney, Brandon

Connor, James  
Kaczynski, Thomas  
Pitre, Joseph

Granger, Michael  
Turcotte, Len  
Potenza, Kelley

**SULLIVAN**

Aron, Judy

Drye, Margaret

Rollins, Skip

Stone, Jonathan

and the motion was adopted.

Rep. Notter voted Yea and intended to vote Nay.

**REGULAR CALENDAR CONT'D**

**HB 552-FN-A-L**, relative to making incentive grants for school districts that improve in certain assessment scores. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill would transfer \$1,000,000 to the Department of Education to award to school districts that improve on mathematics test scores in statewide assessments. The amendment, which is preferred, grants the reward to the individual school which makes the improvement, rather than to the whole district. Consequently, it reduces the amount to \$500,000 with awards not to exceed \$25,000 per school. This bill is not meant to imply that teachers and schools are not working hard already. But there is more to the school community than just the teachers. People are known to go above and beyond when there is an award at stake. This includes students. Just look at sports teams. Mathematics scores throughout the state are well below sufficiency. This award is meant to recognize growth and incentivize the entire school community to try new ways to improve math proficiency.

Rep. Alicia Lekas

Statement in support of Inexpedient to Legislate: This bill would provide grants for up to \$50,000 for school districts that show improvements in students' mathematical test scores. This bill does not specify which schools within a district would receive funding from this legislation. Given the criteria for awarding grants, there are no requirements in the bill that would focus the awards to those school districts most in need of additional resources from the state. During the debate, the question was raised as to whether or not a \$50,000 grant would have significant impact on any mathematics program. Comments were also made during the debate that school districts would try harder to improve their mathematics. However, committee members with a history in public schools stated that school districts are already working hard to maximize the impact of their instructional programs, including mathematics. Finally, any state funding for local schools should be targeted to districts most in need. This bill does even attempt to target those underserved and underfunded districts.

Rep. Arthur Ellison

**MOTION TO LAY ON THE TABLE**

Rep. Ladd moved that **HB 552-FN-A-L**, relative to making incentive grants for school districts that improve in certain assessment scores, be laid on the table.

Motion was adopted.

**REGULAR CALENDAR CONT'D**

**HB 572-FN**, relative to eligibility for free school meals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Muriel Hall for the Majority of Education. The majority of the committee agrees that this bill ought to pass with amendment. The intent of this bill is to support a greater number of families who are financially vulnerable by providing greater access to free school meals. This bill raises the eligibility cap for free school meals from 130% to 300% of the federal poverty level (FPL). Current federal law provides for free school meals to families who earn up to 130% of the FPL and reduced school meals to families whose annual income is 130-185% of the FPL. This bill authorizes the Department of Education to reimburse school districts with monies from the Education Trust Fund. With the current rise in cost-of-living expenses, we are committed to assisting Granite State families in reducing food insecurity and expanding the opportunity to feed hungry kids. Vote 12-8. Rep. Mike Belcher for the Minority of Education. The minority finds that raising the thresholds for this federal program will result in a shortfall of reimbursement and shift a substantial burden to New Hampshire taxpayers. As the federal government will not reimburse for amounts over 185%, moving to 300% represents a massive increase in the eligible population that New Hampshire will be required to cover the difference, and it will make many families earning over \$100,000 yearly eligible for the free lunch program. Further, though it does not directly expand the federal program, it also does nothing to withdraw from the federal program, and as such, all federal requirements – which are many and onerous – will apply. The minority believes this represents the worst of both worlds: a brand-new state-funded and federal-controlled entitlement program.

**Majority Amendment (0904h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Schools; Food and Nutrition Programs; School Lunch Eligibility. Amend RSA 189:11-a, I to read as follows:

I. **(a) Each** school board shall make at least one meal available during school hours to every pupil under its jurisdiction. Such meals shall be served without cost ~~[or at a reduced cost to any child who meets federal income eligibility guidelines]~~ **to any child whose annual household income is less than or equal to 300 percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under 42 U.S.C. section 9902(2).** The state board of education shall ensure compliance with this section and shall establish minimum nutritional standards for such meals as well as income guidelines set for the family size used in determining eligibility for free and reduced price meals. Nothing in this section shall prohibit the operation of both a breakfast and lunch program in the same school.

**(b) All costs for the school meals program under subparagraph (a) in addition to sums allocated under RSA 186:13, XI, shall be funded by disbursements from the department of education to the school districts, made from funds appropriated for such purpose from the education trust fund. The amount necessary to fund this paragraph is hereby appropriated to the department from the education trust fund created under RSA 198:39. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this paragraph.**

2 Education Trust Fund; School Meals. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts and to approved charter schools pursuant to RSA 198:42, to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61, to distribute school building aid to school districts and approved chartered public schools pursuant to RSA 198:15-b, to distribute tuition and transportation funds to school districts for students attending career and technical education programs pursuant to RSA 188-E:9, to distribute special education aid to school districts pursuant to RSA 186-C:18, to fund department of education operating costs for a state student data collection and reporting system, **to fund disbursements for school meals under RSA 189:11-a**, and to fund kindergarten programs as may be determined by the general court

3 Effective Date. This act shall take effect September 1, 2023.

#### AMENDED ANALYSIS

This bill increases the eligibility for free school meals to household incomes up to 300 percent of federal poverty guidelines, and provides funding for the education trust fund for the additional costs. The majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Belcher spoke against.

Reps. Hall and Damon spoke in favor.

On a division vote, with 201 members having voted in the affirmative, and 177 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

#### MOTION TO PRINT DEBATE

Rep. Weber moved that the debate on **HB 572-FN**, relative to eligibility for free school meals, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

Objection was made.

The question now being adoption of the motion to print the debate on **HB 572-FN**.

On a division vote, with 233 members having voted in the affirmative, and 143 in the negative, the motion was adopted.

#### DEBATE ON HB 572

**Representative Belcher:** Thank you, Mister Speaker. I rise today to speak against HB 572 for a few simple reasons. We've heard recently that some of these bills came to us with a fiscal note with no fiscal note. This was one of those bills, however, I ran some numbers myself and I ran them multiple times just to get a baseline idea of where we are going to be at. Let me tell you it goes very high. So, what this bill actually does is it increases the ability of students to get a free lunch in schools from the current federally mandated 185% poverty level to 300% of poverty level. The thing is the federal government will not reimburse for anything over 185%. That puts the rest of that money on the New Hampshire taxpayers. Now when you increase that to 300%, you're increasing it well above the median household income in this state. It's reasonable to think at that point you're going to be encompassing the vast majority of students in our public schools. If a large number of those students, perhaps 70,000 out of the potential 90,000, were to sign up for this program, we could easily be looking at a 9-figure bill, 9 figures, \$100 million annually to New Hampshire taxpayers. That is a reasonable assumption given all of the data that we know from



this. On top of that, it's worse. Not only does the New Hampshire taxpayer foot the bill, but this remains a federally regulated program because we remain in the USDA free and reduced lunch program, which means all of this money, most of which at this point will be coming from New Hampshire taxpayers, is still going to be regulated by the federal government. They will determine the nutritional standards. They will determine any curriculum standards that need to come along with federal dollars. This is the worst of both worlds. Thank you.

**Speaker Packard:** The Chair recognizes Rep. Hall.

**Representative Hall:** Thank you, Mister Speaker. Today I rise in support of HB 572, as amended. This bill, which came out of committee with bipartisan support, is a product of extensive interim study work that involved many community stakeholders. The intent of this bill is two-fold. To help support a wider range of low to middle income families by raising the eligibility cap for free school meals to 300% of the poverty level. And two, to fund the cost of providing these free school meals through the existing federal reimbursement program combined with a newly considered supplemental state reimbursement program. Kids' access to school meals has been curtailed at a time when many families continue to struggle with the rising costs of putting food on the table. HB 572, as amended, ensures that our most vulnerable children and adolescents receive at least one, and when possible, two nutritious meals per day. When someone says to you, "Ah, I'm starving." Have you ever thought to yourself, no you're not. You are just hungry. Hunger. That's what this bill is about, childhood hunger. No child should go hungry because of circumstances beyond their control. Imagine yourself in a situation where you are being asked to learn a new skill. Maybe one that will affect your ability to do your job, but all you can think about is the fact that you are hungry. Now imagine that some child's reality is their next meal might be a day away. We are asking kids to be their best selves under the worst of circumstances. We can do better than this. We must do better than this now. The importance of food in a child's education is obvious. School meals play a critical role in a student's attendance, well-being and academic success. A healthy diet can give a child the energy to think, work and play. We heard an administrator testify that the toughest part of his job as a school superintendent was having to make the decision to cancel school knowing that some kids would not get a meal that day. HB 572 does not attempt to feed every child, only those whose families who meet the income illegibility guidelines. At a time when considerable attention has been given to the state's surplus revenue, shouldn't we consider what we need in addition to what we want? What we need is to end childhood hunger in New Hampshire and this bill is a reasonable start. Taxpayers provide students with computers, textbooks and Internet access. Let's do our part to ensure that our kids have something in their bellies when using these tools at least during the school day. The majority of House Education is committed to assisting Granite State families in reducing food insecurity and expanding the opportunity to feed those who need it most. Please join me in voting Ought to Pass on this amendment on HB 572. Thank you, Mister Speaker.

**Speaker Packard:** The Chair recognizes Rep. Damon.

**Representative Damon:** Thank you, Mister Speaker. Colleagues, I rise today to support HB 572. My career and expertise as a dietician make it so clear that feeding children is essential to their ability to learn and succeed. Food insecurity distracts from any other focus a person might have. After breathing, being adequately fed is the most essential component of wellbeing. We might like to believe that hunger is not a New Hampshire issue, but we would be profoundly wrong. Hungry children are cognitively impaired. They cannot learn efficiently. Hungry children have less mood regulation and less control of their behaviors. HB 572 presents a thoroughly researched, carefully developed approach to reducing childhood hunger that is very cost effective. Regardless of the reasons a family is not providing adequate nutrition for their child, that child should never be left hungry. Federal school meal programs are not perfect, but they are much more adequate than they are usually perceived as, and they have improved greatly in the last 10 years. They provide far better nutrition than what hungry children experience without school meals. Please join me in supporting HB 572 to feed our children. No child should ever be left hungry.

**Speaker Packard:** The motion before us is the majority committee report of Ought to Pass as Amended on HB 572. A division has been requested. Members take your seats. This will be a division vote. The motion before us is the majority committee report of Ought to Pass as Amended on HB 572. This is a division vote. The Chair recognizes Rep. Ladd for a parliamentary inquiry.

**Representative Ladd:** Thank you, Mister Speaker. If I know this bill requires each school board to make at least one real meal available without cost to a child that qualifies based upon household income less than or equal to 300% of the federal poverty guidelines. And if I know that the department states this bill would increase costs at the local level for providing an increased number of meals at no cost and at the state level for staffing and the administration of the new program. And if I also know the bill creates a need for a new form of determining eligibility as the current process is under USDA, would I then press the red button so an alternative motion can be brought forward? Thank you.

**Speaker Packard:** The Chair recognizes Rep. Ellison for a parliamentary inquiry.

**Representative Ellison:** Thank you, Mister Speaker. If I know that many children in our schools are going through the school day without either breakfast or lunch because their parents cannot afford these meals.

And, Mister Speaker, if I believe that as a State Representative, I have the responsibility to help feed our children, would I now push the green button to pass HB 572, as amended, and take a giant step forward on behalf of hungry kids? Thank you, Mister Speaker.

**Speaker Packard:** The motion before is the majority committee report of Ought to Pass as Amended. This is a division vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had the opportunity to vote? The House will attend to the state of the vote. 201 voting Yea; 177 voting Nay, the committee report is adopted.

#### REGULAR CALENDAR CONT'D

**HB 573-FN-A-L**, limiting education freedom account funding to budgeted amounts. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: Under current law, the Education Freedom Account (EFA) program draws funds "carte blanche" from the Education Trust Fund. It's literally a blank check from the same trust fund the state uses to pay for public school costs. Public testimony called the EFA program "a platinum card with no credit limit." This bill limits the amounts of funds appropriated to Education Freedom Accounts to budgeted sums. The amendment passed by the committee corrects a drafting error and specifies the appropriation is to be made in the biennial state operating budget with funds to come from the general fund. During the budget process, the Department of Education would be responsible to provide reasonably credible estimates of program utilization and costs. Currently, the program is over budget by nearly ten times because projected utilization failed to consider that just about all the participating students would already be enrolled in private schools. The bill would bring fiscal responsibility and transparency to a program that lacks both. The bill asks no more than what we ask from all other departments in forecasting their needs and presenting a budget.

Rep. David Luneau

Statement in support of Inexpedient to Legislate: The opinion of members in opposition to this bill reflects the belief that, as a fundamental part of the education adequacy system in New Hampshire (as required by New Hampshire Supreme Court precedent), to restrict Education Freedom Account (EFA) funding to a limited budgeted amount would represent a failure to meet adequacy requirements. As such, it may be unconstitutional, and it would open the state up to legal action. Further, the committee finds that our commitment to fund the education of New Hampshire students must apply to all students, and further that parents have the right to direct the education of their own children. Taken together, these facts mean that a public (local government) school likely will not meet the needs of every student within a district, and therefore, that the state is ethically bound to fund, within reasonable limits, the education of children as directed by their parents outside the local government system.

Rep. Mike Belcher

#### MOTION TO LAY ON THE TABLE

Rep. Myler moved that **HB 573-FN-A-L**, limiting education freedom account funding to budgeted amounts, be laid on the table.

Motion was adopted.

#### REGULAR CALENDAR CONT'D

**HB 603-FN**, relative to education service providers under the education freedom accounts program. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill attempts to put accountability to the use of taxpayer resourced money for the payment from Education Freedom Account vouchers to private educational providers. The requirements are as follows: service providers must be in operation for a minimum of one year prior to participate in this program, and if providing instruction, must be an approved nonpublic school as outlined in Ed Rules 400. The provider must comply with state and federal non-discrimination laws, meet basic health and safety standards and codes, and require criminal background checks for employees with direct contact to students. These are reasonable and doable requirements that will help ensure student safety, responsible educational instruction, and add accountability for public funding.

Rep. Linda Tanner

Statement in support of Inexpedient to Legislate: This bill adds compliance for education service providers requesting payment from Education Freedom Account (EFA) funds, including criminal history records checks of employees with direct contact with students. Those who support the Inexpedient to Legislate motion feel that there are many problems with this bill. The requirement for a provider to be in existence for at least one year may limit new organizations from stepping up to fulfill an opportunity. The biggest problem is with requiring those who provide instruction to students to be an approved nonpublic school education program. This would eliminate tutors, private music instructors, individual specialists in dyslexia, and many others which are used now by EFA students. It would be a shame to hurt students' opportunities in this way. There are other problems, but these are the biggest ones.

Rep. Alicia Lekas

**MOTION TO LAY ON THE TABLE**

Rep. Luneau moved that **HB 603-FN**, relative to education service providers under the education freedom accounts program, be laid on the table.

Motion was adopted.

**REGULAR CALENDAR CONT'D**

**HB 621-FN**, relative to funds of the education freedom accounts program after termination of a student's participation and responsibilities of the scholarship organization. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill strengthens the anti-fraud provisions in the Education Freedom Account (EFA) law. The current EFA law allows a student to leave the EFA program and enroll full-time in their resident public school district while at the same time allowing parents to continue to spend funds from that account. The bill stops this practice by closing the EFA as soon as the student leaves the program and returns remaining funds to the education trust fund. Current EFA law is also weak on detecting and reporting the fraudulent misuse of EFA funds. The law requires the private contractor that administers the program to obtain evidence of fraud and determine whether the crime was committed with intent. This is typically done by law enforcement and not a contractor. The bill strengthens the state's ability to investigate and prosecute suspected cases of fraud by requiring the contractor to refer such cases to the Department of Justice, and let them investigate, obtain evidence, and determine whether crimes were committed with intent. Other states have reported cases of fraud in similar school voucher programs, and we should have strong fraud protections as well.

Rep. David Luneau

Statement in support of Inexpedient to Legislate: This bill requires the immediate termination of Education Freedom Accounts (EFA) if an EFA student enrolls as a full-time student in the resident school district. The problem is that in some cases, there may be outstanding payments that could not be completed if the account is immediately terminated. There needs to be time to allow pending payments to be completed to ensure that vendors receive their funds.

Rep. Glenn Cordelli

**MOTION TO LAY ON THE TABLE**

Rep. Myler moved that **HB 621-FN**, relative to funds of the education freedom accounts program after termination of a student's participation and responsibilities of the scholarship organization, be laid on the table.

Motion was adopted.

**REGULAR CALENDAR CONT'D**

**HB 629-FN**, establishing a student bill of rights. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill is intended to bring the discourse and focus of this House to students and their rights. It attempts to centralize in one place the rights of students already guaranteed by our federal and state constitutions and statutes. It is not intended to create any new rights. Public education, along with the effort and guidance of parents, the community, and the state, help to protect, nurture, motivate, educate, and provide a safety net for the growth and development of students from childhood to adulthood. Teaching students that they are respected members of our schools, that their voice is worth listening to, and that they have rights, helps them to become active members of their schools, communities, and informed citizens as adults. The amendment reinstates the declaration of intent that was submitted but not included in the drafting of the bill.

Rep. Linda Tanner

Statement in support of Inexpedient to Legislate: This bill creates a new statute by establishing a student bill of rights chapter of law. The opposition believes language within the bill is vague, and that the process of gathering student input was insufficient at best. It should be remembered that most students are under age 18 who must conform with approved school and school district policies designed to ensure a safe, secure, and orderly learning environment. In addition, concerns were raised about why certain privileges were listed while others not. Finally, the opposition believes this bill does not align with the framer's intention of listing negative rights, by instead listing affirmative privileges.

Rep. Valerie McDonnell

**MOTION TO LAY ON THE TABLE**

Rep. Luneau moved that **HB 629-FN**, establishing a student bill of rights, be laid on the table.

Motion was adopted.

**REGULAR CALENDAR CONT'D**

**HB 40**, relative to domicile residency, voter registration, and investigation of voter verification letters, and relative to the terms "resident," "inhabitant," "residence," and "residency." **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: Supporters of Ought to Pass believe that the existing law creates unnecessary barriers for citizens seeking to exercise their constitutional right to vote, including the elderly, young adults, and the homeless. As confirmed by the Governor and the office of the Secretary of State, New Hampshire has never had evidence of significant voter fraud issues and, in fact, is known for its integrity.

Rep. Connie Lane

Statement in support of Inexpedient to Legislate: The proposed bill seeks to rollback much needed safeguards in New Hampshire election law, as well as erode the definitions of domicile and resident. This could lead to legal drive-by voting, where individuals need not stay in the state after the election. While the New Hampshire Supreme Court (NHSC) ruled SB 3 unconstitutional in a 3-2 decision, the United States Supreme Court released a ruling the day prior, directly contradicting the NHSC decision. It is likely that a future court challenge would reverse the ruling in New Hampshire. Therefore, it is recommended to leave the language in place and make minimal changes to address the NHSC's concerns while also recognizing the state's compelling interest in preventing voter fraud as outlined in the United States Supreme Court's recent decision.

Rep. Ross Berry

Rep. Lane moved Ought to Pass.

#### MOTION TO LAY ON THE TABLE

Rep. Berry moved that **HB 40**, relative to domicile residency, voter registration, and investigation of voter verification letters, and relative to the terms "resident," "inhabitant," "residence," and "residency," be laid on the table.

Rep. Bailey requested a roll call; not sufficiently seconded.

Motion was adopted.

#### REGULAR CALENDAR CONT'D

**HB 209**, relative to the form required to request an absentee ballot. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Kennedy for Election Law. The goal of this bill was to simplify the application form to obtain an absentee ballot by amending RSA 657:4. During the discussion of the bill, it was pointed out that the suggested new form was inconsistent with the valid reasons for eligibility as described in RSA 657:1. For example, there was no mention of winter storms in the new form and 'disability' had replaced 'physical disability.' Vote 20-0.

The question being adoption of the committee report of Inexpedient to Legislate.

Committee report was adopted.

**HB 255**, relative to campaign contributions by limited liability companies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Connie Lane for the Majority of Election Law. This bill requires that a political contribution by a limited liability company (commonly referred to as an "LLC") be allocated to its members for the purposes of determining whether a member has exceeded contribution limits in the New Hampshire statutes. The amendment made clear that the attribution to members was tied to their percentage interest in the LLC and clarified that corporations are included since they can be members. The bill clarifies that members of LLCs are subject to the same political campaign contribution limits as are individuals and corporations under state law - \$10,000 for individuals and corporations during the election phase of a campaign. There is no mention of LLCs in New Hampshire campaign finance laws. Presently, each LLC is treated as its own individual donor for the purpose of direct campaign contributions, regardless of who controls it. So, a donor can give the maximum contribution to a candidate and then set up unlimited numbers of LLCs and give as much as that donor wishes to a candidate - well in excess of the \$10,000 statutory cap. This is known as the "LLC loophole" and is used by candidates of both parties to raise funds well over the statutory limits set for individuals and corporations. Under this bill, if an LLC donates to a candidate, then it must disclose the names and percentage ownership of each member to the candidate, which will then be attributed to the member's contribution limits under New Hampshire law. This bill provides transparency to prevent wealthy individuals and corporations from having undue influence in elections due to a loophole in New Hampshire's campaign finance laws. The bill does not violate *Citizens United* or its progeny - that case permits limits on spending by corporations and partnership-like entities. This bill does not prevent free speech; it requires individuals and corporations to abide by the contribution limits in New Hampshire law. Vote 10-9.

Rep. Ross Berry for the Minority of Election Law. Prohibiting limited liability companies (LLCs) from contributing to political campaigns in New Hampshire could have unintended consequences for small business owners and their ability to fight back against the influx of out-of-state money and money from DC Political Action Committees (PACs). LLCs are a popular form of business organization for small businesses because they provide limited liability protection and flexibility in management and taxation. If New Hampshire were to prohibit LLCs from contributing to political campaigns, small business owners who operate as LLCs would no longer be able to pool their resources to support candidates or causes they believe in. This could be particularly problematic in a state like New Hampshire, which has a small population and limited resources

for political campaigns. Restricting small business owners but not large PACs and other dark money groups would result in a situation where the voices of small business owners are drowned out by larger, more well-funded groups, leading to a loss of representation for this important sector of the economy. No attempts have been made to curtail the influence of the out-of-state donors and the minority of the committee did not find it prudent to restrict New Hampshire's small businesses while continuing to allow Californians and New Yorkers to peddle their influence in the Granite State. It is important to find a balance between preserving the integrity of the democratic process and ensuring that all voices are heard in the political arena, including those of small business owners who contribute to the economic vitality of the state.

#### **Majority Amendment (0985h)**

Amend the bill by replacing section 2 with the following:

2 New Section; Contribution by Limited Liability Company. Amend RSA 664 by inserting after section 4-b the following new section:

664:4-c Contribution by Limited Liability Company.

I. For the purpose of reporting contributions and determining whether a member of a limited liability company, as defined in RSA 304-C:14, has exceeded the contribution limits set forth in RSA 664:4, V, a contribution made by a domestic or foreign limited liability company shall be attributed to its member or members as if the contribution were made by those members on the basis of their percentage membership interests, and shall be attributed to those members for the purpose of reporting contributions and determining whether those members have exceeded the contribution limits set forth in RSA 664:4, V. For a single member limited liability company, the entire contribution shall be attributed to the member.

(a) If a member of a limited liability company is itself a limited liability company, then the portion of the contribution allocated to that member shall be allocated among its members on the basis of their percentage membership interests, and shall be attributed to those members for the purpose of reporting contributions and determining whether those members have exceeded the contribution limits set forth in RSA 664:4, V.

(b) If a member of a limited liability company is a corporation, then the portion of the contribution allocated to the corporation shall be attributed to the corporation for the purpose of reporting contributions and determining whether that corporation has exceeded its contribution limits under RSA 664:4, V.

II. When a limited liability company contributes, it shall provide the recipient of the contribution with the names and addresses of all members, and the names and addresses of all members of any member, and the amount of the contribution attributed to each member, or the member's members, as applicable.

#### **MOTION TO LAY ON THE TABLE**

Rep. Lane moved that **HB 255**, relative to campaign contributions by limited liability companies, be laid on the table.

Motion was adopted.

#### **REGULAR CALENDAR CONT'D**

**HB 316**, relative to meetings of supervisors of the checklist. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Katherine Prudhomme-O'Brien for the Majority of Election Law. This bill, as supported by the New Hampshire City and Town Clerks Association, requires supervisors of the checklist to meet every 90 days for the purpose of periodic checklist maintenance and to post these meetings so that the public may attend. The majority of this committee agreed that this action will bring consistency and predictability to the timeframe of when the supervisors meet and that this will increase public trust in the maintenance of voter checklists and in the election process. The committee amendment changes the original bill's 45-day requirement to 90 days. Vote 12-7.

Rep. Angela Brennan for the Minority of Election Law. This bill creates a one-size-fits-all mandate for municipalities that would require supervisors of the checklist to meet on a schedule set by the legislature without recognizing the diverse needs of towns and cities. Recent legislation requires the Secretary of State (SOS) to use US Postal Service records to help ensure the accuracy of checklists statewide and implementation is expected in the coming months, which should address the possible concerns supporters of this bill are trying to resolve. Additionally, without this bill, the SOS can provide more training opportunities for any supervisors who may need updated instructions on best practices for checklist maintenance and management. Some opponents have concerns about legislating opportunities for bad actors to challenge voter rolls unnecessarily, wrongly disenfranchising voters, and overburdening supervisors of the checklist.

#### **Majority Amendment (0725h)**

Amend RSA 654:27-a as inserted by section 1 of the bill by replacing it with the following:

654:27-a Checklist Maintenance. In cities and towns, the supervisors of the checklist shall meet at least every 90 days for the purpose of periodic checklist maintenance. Notice of the day, hour, and place of each session of the board of supervisors shall be first posted in 2 appropriate places, one of which shall be the

city or town's Internet website, if such exists, or shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

#### AMENDED ANALYSIS

This bill requires the supervisors of the checklist to meet every 90 days.

#### MOTION TO LAY ON THE TABLE

Rep. Berry moved that **HB 316**, relative to meetings of supervisors of the checklist, be laid on the table. Motion was adopted.

#### REGULAR CALENDAR CONT'D

**HB 363**, relative to deadlines for candidates filing by nomination papers for state general elections. **WITH-OUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill is focused entirely on candidates running either as an independent or as a member of a minor political party. These candidates have four deadlines to meet to get on the state General Election ballot. These deadlines are currently tied to the primary elections of the two major parties. The bill couples these deadlines instead to the date of the General Election. The first part of the bill moves the filing of a Declaration of Intent for these candidates from the major party primary filing date in early June to the third Monday in July. The other three deadlines for nomination papers (signatures, etc.) are currently defined as a set number of weeks before the major party primary election dates. The same number of weeks are set in the bill, except these are now tied to the date of the General Election. A major purpose of the bill is to prevent these candidates from being forced to file a Declaration of Intent too early if the major party primary dates are changed. This has caused legal issues in other states. The supporters of Inexpedient to Legislate mentioned that the bill creates two classes of candidates, but as the sponsor points out, there are already two classes.

Rep. Stephen Kennedy

Statement in support of Inexpedient to Legislate: This bill modifies the filing dates for independent candidates, allowing them to file well after those candidates who must register to participate in their party's primary. The minority sees no reason to allow independent candidates extra time to decide if they are going to run or take advantage of situations where there are uncontested races. Supporters of Inexpedient to Legislate feel that all candidates must comply with the same registration deadlines.

Rep. Connie Lane

#### MOTION TO LAY ON THE TABLE

Rep. Berry moved that **HB 363**, relative to deadlines for candidates filing by nomination papers for state general elections, be laid on the table. Motion was adopted.

#### REGULAR CALENDAR CONT'D

**HB 460-FN**, relative to eliminating voter identification exceptions. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill removes exceptions for proving voter identification. It further removes voter affidavits as proof of identification and repeals the procedure for affidavit ballots. The prime sponsor stated that he wanted to both preserve same day registration and do away with excuses for not having documents to prove identification when voting. A naturalized United States citizen testified about his experience voting in a different state. His identification was not only not required there, but it was also rebuffed when he offered it. This gave him little confidence that only qualified voters voted in that state. We believe that voter confidence will be enhanced and preserved when citizens trust that only those with a legal right to vote are allowed to do so. We heard concerns regarding homeless citizens and their right to vote. We consider current law allowing the use of the address of a shelter or similar facility for the purpose of obtaining an ID and voting sufficiently protects the voting rights of those citizens.

Rep. Katherine Prudhomme-O'Brien

Statement in support of Inexpedient to Legislate: By eliminating the opportunity to execute an affidavit in lieu of photo identification, this bill fundamentally changes the voter registration process in New Hampshire at the cost of preventing thousands of people from voting. Under this bill, everybody who registers to vote will need to present a birth certificate, passport (which costs over a hundred dollars and takes 10-12 weeks to get), or naturalization papers. Based on data provided to the committee, if this law had been in effect in 2022, up to 3,000 New Hampshire voters may not have been able to register and vote. And in 2024, a presidential election year, that number will probably be much higher. Balanced against that, as of April 2022, the Attorney General's office had not brought a single enforcement action for wrongful voting in the 2020 September and November Elections where more than one million votes were cast. This bill also expands the ability for voter challenges to disqualify people from voting without adequate safeguards or adequate due process. Any

registered voter can challenge the eligibility of someone who is attempting to register on election day. The challenge is decided under the lowest burden of proof in the law—preponderance of the evidence—virtually guaranteeing that there will be people prevented from voting who are in fact eligible. Opponents of the bill feel that the legislation will encourage challenges and the remedy is inadequate in light of the denial of the right to vote by the person challenged. A similar Kansas law that required registrants to provide this proof of citizenship was struck down by the Tenth Circuit Court of Appeals in 2020, and we can expect this law will meet the same fate. Opponents of the bill do not want to encourage more litigation - the last time a law was passed like this—SB 3—the state ended up paying over \$4,000,000 in legal fees.

Rep. Heath Howard

#### MOTION TO LAY ON THE TABLE

Rep. Berry moved that **HB 460-FN**, relative to eliminating voter identification exceptions, be laid on the table. Motion was adopted.

#### REGULAR CALENDAR CONT'D

**HB 586**, relative to absentee voting due to absence. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Russell Muirhead for the Majority of Election Law. This bill would add two justifications for requesting an absentee ballot: first, that travel to, or attendance at a polling place may endanger one's health or safety; and second, the "lack of convenient and affordable transportation to and from the polls." The majority believes these are reasonable justifications and that permitting them will allow those with health and transportation concerns to request and receive absentee ballots. The bill preserves in-person voting for the vast majority of citizens, while increasing access to the ballot for those with reasonable concerns that will prevent them from getting to the polls. Vote 10-9.

Rep. Ross Berry for the Minority of Election Law. This bill seeks to allow people who have a fear of becoming ill or are unsure they will have "convenient" transportation to get to the polls on election day access to an absentee ballot. At no point does the bill define "convenient" transportation or what a rational fear of becoming ill would be. This bill would violate Part 1, Article 11 of the New Hampshire Constitution, Bill of Rights by creating an intentionally vague exception that would have the effect of creating any-excuse absentee voting. Not only is this a form of voting ripe for abuse, but it also diminishes the political process in New Hampshire by front-loading the election. This means that voters are casting votes for candidates that have not yet had the opportunity to make their case to the voters. While the vast majority of absentee voting is legitimate and in line with the New Hampshire Constitution, this would erode that process and fundamentally change New Hampshire's elections. We pride ourselves in New Hampshire by keeping Election Day on Election Day and not turning it into election season. This bill takes what were concerns of COVID-19 and turns them into perpetual laws promulgating a system of voting that seeks to undermine the New Hampshire way of doing things by using fear as an excuse to weaken our election process.

#### MOTION TO LAY ON THE TABLE

Rep. Lane moved that **HB 586**, relative to absentee voting due to absence, be laid on the table. Motion was adopted.

#### REGULAR CALENDAR CONT'D

**HB 56**, relative to permits for the siting of new landfills. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: Under current Department of Environmental Services (DES) rules, the setback from a landfill to a surface water body is a minimum of 200 ft. This distance does not reflect the time it would take to detect and take action on a leak or spill that could threaten our valuable lakes, rivers, and coastal waters. The underlying bill establishes a distance based on the time that groundwater takes to reach those water bodies. The minimum distance would be how far a potential leak would travel in five years. The amendment offers thorough grandfather protections for pre-existing landfills that are already accepting waste. The amendment also allows DES to make rules for site-specific allowances that could reduce time of travel when certain technical improvements are added to the project. In no case would the time of travel be less than three years. We feel this protects water, people, and the environment in the event of a serious landfill leak or leachate spill.

Rep. Megan Murray

Statement in support of Inexpedient to Legislate: The language in this bill sets parameters for landfill siting based on groundwater seepage velocity determined by independent hydrogeological testing. While this bill and its amendment are both well intentioned with regard to protecting groundwater, the "one size fits all" restrictions that it poses on the New Hampshire Department of Environmental Services (DES) siting criteria could result in an overall erroneous evaluation of a landfill site thereby totally halting development. The proposed language would statutorily require the applicant to use a single, localized measurement to determine the time of travel setback distance. Use and consideration of a single, highest measurement is not representa-

tive of real field geologic/hydrogeologic conditions. This could tie the hands of DES and prevent development of a landfill in an otherwise acceptable geologic setting, based on a single, anomalous data point collected in the field. Geologic mapping may help identify a preferable site for development – but a single anomalous measurement could prevent that development under this proposed language. According to testimony, current operating landfills in Mt. Carberry (Berlin), Turnkey (Rochester), and NCES (Bethlehem) would likely have passed the test in the proposed language in this bill, which leads us to believe that the current rules that DES is operating under for siting landfills has been very successful. Hydrogeologic conditions of a landfill site can be complex and this bill places too much restriction on DES in that regard and does not allow for much site-specific flexibility. Overall, we believe that landfill siting criteria using hydrogeologic conditions should be studied more as to how they can be correctly incorporated into statute or rulemaking, and without picking an arbitrary five-year leachate seepage setback criteria. Lastly, there is little detail in the bill and its amendment relative to the nature of the “project improvement allowances” that it envisions in order to allow for a less than five-year leachate seepage allowance. It is unclear to DES, and to our committee, what specific actions or improvements are intended to qualify for these allowances.

Rep. Judy Aron

Rep. Bixby moved Ought to Pass and offered amendment (0772h).

**Amendment (0772h)**

Amend the introductory paragraph of RSA 149-M:9, XVI(a) as inserted by section 2 of the bill by replacing it with the following:

XVI.(a) The department shall establish a site-specific setback distance for any proposed new landfill from any perennial river, lake, or coastal water of New Hampshire, as defined in RSA 483-B:4, XVI. The setback distance shall be sufficient to prevent any contaminated groundwater at any part of the actual solid waste disposal area from reaching any perennial river, lake, or coastal water of New Hampshire within 5 years. The department shall not issue a license to any facility with a footprint that overlies a significant sand and gravel aquifer. The setback distance shall be calculated as follows:

Amend RSA 149-M:9, XVI(c)-(d) as inserted by section 2 of the bill by replacing it with the following:

(c) Nothing in this paragraph shall be construed to prohibit the expansion or modification of any landfill facilities on any site on which, as of December 1, 2022, a RCRA Subtitle D landfill exists that has been fully permitted and that is actively accepting waste. For the purposes of this paragraph, the term “site” shall mean a single parcel or adjacent parcels, owned in its entirety by a landfill operator or its affiliates as of December 1, 2022, including a site where one or more public utility easements traverse the site; perennial water bodies traversing a footprint shall still be monitored in accordance with or exceeding United States Environmental Protection Agency regulations and guidelines.

(d) The department may adopt rules under RSA 541-A to allow for the use of project improvement allowances that may enable a project to meet the minimum 5-year setback, even if it is located less than the 5-year distance-of-travel estimate from a surface water body. One or more allowances, of one additional year each, may be added to the calculated travel time, based on specific additional control technology, monitoring programs, or funding guarantees that the department believes may increase the effective safety of the project. In no case, however, shall any one project receive more than 3 additional years added to its calculated travel time. No allowances shall be given for a site where any measurement made of in-situ soils within the property has an undisturbed hydraulic conductivity greater than or equal to  $1 \times 10^{-5}$  centimeters per second.

The question is on the adoption of amendment (0772h).

On a division vote, with 223 members having voted in the affirmative, and 155 in the negative, amendment (0772h) was adopted.

The question now being adoption of the motion of Ought to Pass with Amendment.

Reps. Sofikitis and Bixby spoke in favor.

Rep. Creighton spoke against.

On a division vote, with 224 members having voted in the affirmative, and 155 in the negative, the motion of Ought to Pass with Amendment was adopted, and the bill was ordered to third reading.

**HB 127**, relative to the declaration of a state of emergency. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for the Majority of Executive Departments and Administration. This bill modifies the duration of a state of emergency that the governor can declare without the approval of the legislature and the nature of the action the legislature must take to extend or end it. Currently, the governor may declare a state of emergency for up to 21 days and may renew it indefinitely. However, after 90 days the governor must call a joint session of the legislature. At that session, the legislature shall vote on ending the state of emergency. It would take a majority of both the House and the Senate to end the state of emergency. If a quorum of the joint session does not attend the governor may continue the state of emergency. This process of calling the



joint session must be repeated every 90 days until the state of emergency ends. This bill would permit the governor to declare a state of emergency for up to 21 days and renew it up to 3 times for a maximum of 84 days. If the legislature believes that the state of emergency should continue it would need to meet and vote to declare a state of emergency for up to 90 days. This would require a majority vote. The legislature could repeat this process every 90 days for as long as it deems necessary. The majority of the committee believes that for the state of emergency to extend beyond 84 days that the people represented by the legislature must approve that extension and that approval must be by both the House and the Senate. Vote 11-7.

Rep. Jaci Grote for the Minority of Executive Departments and Administration. Current law regarding executive orders allows the legislature to terminate a state of emergency by concurrent resolution adopted by a majority vote of each chamber. The governor's power to renew a declaration of a state of emergency terminates under the adoption of the concurrent resolution. We do not see this bill as an improvement to this statute. As representatives of the people of New Hampshire, it is our moral and ethical duty, as public servants, to participate in all pertinent powers of the legislature, and therefore, we do not need an additional statute to confirm these responsibilities and obligations.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Grote spoke against.

Rep. Tony Lekas spoke in favor and requested a roll call; sufficiently seconded.

### YEAS 193 - NAYS 185

#### YEAS - 193

##### BELKNAP

|                   |                      |              |                   |
|-------------------|----------------------|--------------|-------------------|
| Bean, Harry       | Bogert, Steven       | Bordes, Mike | Comtois, Barbara  |
| Dumais, Russell   | Harvey-Bolia, Juliet | Nagel, David | Ploszaj, Tom      |
| Beaudoin, Richard | Smart, Lisa          | Terry, Paul  | Trottier, Douglas |
| Varney, Peter     |                      |              |                   |

##### CARROLL

|                   |                 |                  |                 |
|-------------------|-----------------|------------------|-----------------|
| Avellani, Lino    | Belcher, Mike   | Burroughs, Anita | Cordelli, Glenn |
| Costable, Michael | MacDonald, John | Smith, Jonathan  | McConkey, Mark  |
| Peternel, Katy    | Brown, Richard  |                  |                 |

##### CHESHIRE

|                 |                  |                  |                       |
|-----------------|------------------|------------------|-----------------------|
| Hunt, John      | Qualey, James    | Rhodes, Jennifer | Santonastaso, Matthew |
| Thackston, Dick | Nutting, Zachary |                  |                       |

##### COOS

|                |              |               |            |
|----------------|--------------|---------------|------------|
| Davis, Arnold  | Merner, Troy | Ouellet, Mike | King, Seth |
| Tierney, James |              |               |            |

##### GRAFTON

|               |                  |                 |                  |
|---------------|------------------|-----------------|------------------|
| Berezhny, Lex | Brown, Carroll   | Coulon, Matthew | Greeson, Jeffrey |
| Ladd, Rick    | Rochefort, David | Sellers, John   | Simon, Matthew   |

##### HILLSBOROUGH

|                  |                    |                  |                    |
|------------------|--------------------|------------------|--------------------|
| Lekas, Alicia    | Abare, Kimberly    | Alexander, Joe   | Ammon, Keith       |
| Boyd, Bill       | King, Bill         | Berry, Ross      | Boehm, Ralph       |
| Colcombe, Riché  | Cole, Brian        | Corcoran, Travis | Creighton, Jim     |
| Cushman, Leah    | Kelley, Diane      | Dutzy, Sherry    | Elberger, Susan    |
| Erf, Keith       | Fedolfi, Jim       | Griffin, Gerald  | Gagne, Larry       |
| Gorski, Ted      | Healey, Robert     | Hynes, Dan       | Infantine, William |
| Kennedy, Stephen | Kenny, Catherine   | Kofalt, Jim      | Gould, Linda       |
| Sanborn, Laurie  | Lascelles, Richard | Lewicke, John    | Mazur, Lisa        |
| McGough, Tim     | McLean, Mark       | Mooney, Maureen  | Moulton, Candace   |
| Noble, Kristin   | Notter, Jeanine    | Panek, Sandra    | Pauer, Diane       |
| Plett, Fred      | Post, Lisa         | Proulx, Mark     | Prout, Andrew      |
| Reid, Karen      | Renzullo, Andrew   | Seidel, Sheila   | Sheehan, Vanessa   |
| Sirois, Shane    | Lekas, Tony        | Mannion, Tom     | Tenczar, Jeffrey   |
| Ulery, Jordan    | Wheeler, Jonah     | Wherry, Robert   |                    |

##### MERRIMACK

|                 |                 |                  |                |
|-----------------|-----------------|------------------|----------------|
| Andrus, Louise  | Aures, Cyril    | Aylward, Deborah | McGuire, Carol |
| Cambrils, Jose  | McGuire, Dan    | Gerhard, Jason   | Hill, Gregory  |
| Hoell, J.R.     | Leavitt, John   | Moffett, Michael | Polozov, Yury  |
| Boyd, Stephen   | Seaworth, Brian | See, Alvin       | Walsh, Thomas  |
| Testerman, Dave | Wood, Clayton   |                  |                |

**ROCKINGHAM**

Ball, Lorie  
 Thomas, Douglas  
 Drago, Mike  
 Harb, Robert  
 Janvrin, Jason  
 Kuttab, Katelyn  
 Lundgren, David  
 McMahon, Charles  
 Phillips, Emily  
 Potucek, John  
 Read, Ellen  
 Spillane, James  
 Dolan, Tom  
 Vandecasteele, Susan  
 Weyler, Kenneth

Bernardy, JD  
 DeSimone, Debra  
 Dunn, Ron  
 Harley, Tina  
 Perez, Kristine  
 Walsh, Lilli  
 Lynn, Bob  
 Melvin, Charles  
 Piemonte, Tony  
 Pratt, Kevin  
 Roy, Terry  
 Summers, James  
 Tripp, Richard  
 Vose, Michael  
 Yokela, Josh

Brouillard, Jacob  
 Donnelly, Tanya  
 Edwards, Jess  
 Hobson, Deb  
 Katsakiores, Phyllis  
 Layon, Erica  
 Pearson, Mark  
 Ford, Oliver  
 Popovici-Muller, Daniel  
 Prudhomme-O'Brien, Katherine  
 Pearson, Stephen  
 Sweeney, Joe  
 True, Chris  
 MacDonald, Wayne

Mannion, Dennis  
 Doucette, Fred  
 Emerick, Tracy  
 Janigian, John  
 Khan, Aboul  
 Love, David  
 McDonnell, Valerie  
 Osborne, Jason  
 Porcelli, Susan  
 Quaratiello, Arlene  
 Soti, Julius  
 Cahill, Tim  
 Tudor, Paul  
 Wallace, Scott

**STRAFFORD**

Bailey, Glenn  
 Granger, Michael  
 Turcotte, Len  
 Potenza, Kelley

Bickford, David  
 Harrington, Michael  
 Newton, Clifford

Burnham, Claudine  
 Horgan, James  
 Phinney, Brandon

Connor, James  
 Kaczynski, Thomas  
 Pitre, Joseph

**SULLIVAN**

Aron, Judy  
 Spilsbury, Walter

Drye, Margaret  
 Stapleton, Walter

Merchant, Gary  
 Stone, Jonathan

Rollins, Skip

**NAYS - 185****BELKNAP**

Coker, Matthew

St. Clair, Charlie

**CARROLL**

Buco, Thomas

Paige, David

McAleer, Chris

Woodcock, Stephen

**CHESHIRE**

Abbott, Michael  
 Eaton, Daniel  
 Jones, Philip  
 Schapiro, Joe

Ames, Richard  
 Faulkner, Barry  
 Monteil, Renee  
 Tatro, Bruce

Harvey, Cathryn  
 Filiault, Shaun  
 Newell, Jodi  
 Toll, Amanda

Fox, Dru  
 Germana, Nicholas  
 Parshall, Lucius  
 Weber, Lucy

**COOS**

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

**GRAFTON**

Adjutant, Joshua  
 Cormen, Thomas  
 Murphy, James  
 Morse, Corinne  
 Sykes, George

Almy, Susan  
 Fellows, Sallie  
 Sullivan, Jared  
 Muirhead, Russell

Baldwin, Heather  
 Hakken-Phillips, Mary  
 Lovett, Peter  
 Nordgren, Sharon

Bolton, Bill  
 Hoyt, Tommy  
 Massimilla, Linda  
 Stringham, Jerry

**HILLSBOROUGH**

Murray, Alissandra  
 Bouchard, Donald  
 Cornell, Patricia  
 DiSilvestro, Linda  
 Gregg, Alicia  
 Heath, Mary  
 Smith, Juliet  
 Leapley, Nicole  
 Long, Patrick  
 MacKenzie, Mark  
 Morton, Jennifer  
 Pedersen, Michael  
 Raymond, Heather  
 Newman, Sue  
 Staub, Kathy  
 Veilleux, Daniel

Nutting-Wong, Allison  
 Bradley, Amy  
 Ford, Damond  
 Davis, Fred  
 Grill, Jessica  
 Herbert, Christopher  
 Juris, Louis  
 LeClerc, Daniel  
 Howard, Molly  
 Mangipudi, Latha  
 Murphy, Nancy  
 Petrigno, Peter  
 Rombeau, Catherine  
 Seibert, Christine  
 Telerski, Laura  
 Thomas, Wendy

Beaulieu, Jane  
 Calabro, Karen  
 Darby, Will  
 Freitas, Mary  
 Hamer, Heidi  
 Jack, Martin  
 Foxx, Loren  
 Leishman, Peter  
 Murray, Megan  
 McGhee, Kat  
 Nutter-Upham, Frances  
 Preece, David  
 Rung, Rosemarie  
 Sofikitis, Catherine  
 Tellez, Trinidad  
 Wilhelm, Matthew

Booras, Efstathia  
 Chretien, Jacqueline  
 Devine, Shelley  
 Goley, Jeffrey  
 Harriott-Gathright, Linda  
 Judy, Jean  
 Lanza, Judi  
 Lloyd, Christal  
 Perez, Maria  
 Ming, Ben  
 O'Brien, Michael  
 Newman, Ray  
 Ryan, Linda  
 Spier, Carry  
 Vail, Suzanne

**MERRIMACK**

Turcotte, Alan  
 Ebel, Karen

Brennan, Angela  
 Ellison, Arthur

Caplan, Tony  
 Gallager, Eric

Carey, Lorrie  
 Gibbs, Merryll

Hall, Muriel  
MacKay, James  
Payeur, Stephanie  
Schuett, Dianne  
Wolf, Dan

Hicks, Matthew  
Mason, James  
Richards, Beth  
Shurtleff, Steve

Lane, Connie  
McWilliams, Rebecca  
Roesener, James  
Soucy, Timothy

Luneau, David  
Myler, Mel  
Gould, Sherry  
Wallner, Mary Jane

### ROCKINGHAM

Balboni, Peggy  
Grossman, Gaby  
Murray, Kate  
Maggiore, Jim  
Meuse, David  
Raynolds, Ned  
Vallone, Mark

DiLorenzo, Charlotte  
Grote, Jaci  
Knab, Allison  
Malloy, Dennis  
Milz, David  
Simpson, Alexis  
Vogt, Robin

Edgar, Michael  
Hamblet, Joan  
Cahill, Michael  
Manos, Zoe  
Muns, Chris  
Sytek, John  
Ward, Gerald

Gilman, Julie  
Haskins, Linda  
Paige, Mark  
McBeath, Rebecca  
O'Neil, Candice  
Turer, Eric

### STRAFFORD

Bay, Luz  
Conlin, Bill  
Howard, Heath  
Kenney, Cam  
Schmidt, Peter  
Treleaven, Susan

Bixby, Peter  
Fitzpatrick, Daniel  
Horrigan, Timothy  
LaMontagne, Jessica  
Pare, Gail  
Vincent, Kenneth

Rich, Cecilia  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Selig, Loren  
Wall, Janet

Cannon, Gerri  
Grassie, Chuck  
Rich, Jeffrey  
Smith, Marjorie  
Southworth, Thomas

### SULLIVAN

Sullivan, Brian  
Tanner, Linda

Cloutier, John

Damon, Hope

Palmer, William

and the majority committee report was adopted, and the bill was ordered to third reading.

#### **HB 228**, relative to repealing the commission on demographic trends. **OUGHT TO PASS.**

Rep. Jaci Grote for Executive Departments and Administration. This bill repeals the commission on demographic trends. This commission was meant to serve an important function at its inception but since its founding, commission participation has dwindled, and they did not meet in the past year. Therefore, the committee supported repealing the commission with the hope that those who support this work restructure the commission and submit new legislation. Vote 14-2.

The question being adoption of the committee report of Ought to Pass.

Rep. Schmidt spoke against.

On a division vote, with 347 members having voted in the affirmative, and 30 in the negative, the committee report was adopted, and the bill was ordered to third reading.

#### **HB 339-FN**, prohibiting the investment of state funds in any company participating in a boycott of Israel. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jaci Grote for the Majority of Executive Departments and Administration. This bill prohibits the investment in state funds to any company participating in a boycott of Israel. The testimony presented to the committee was lively and many opposed the bill because it was not effective as a form of protest. The New Hampshire Retirement System has a rigorous investment protocol that works in the interest of the retirees and their beneficiaries. The committee felt this investment strategy was best handled by that board and did not feel that this bill was necessary. Vote 15-5.

Rep. Kimberly Abare for the Minority of Executive Departments and Administration. This bill prohibits the investment of state funds in any company participating in a boycott of Israel. Israel is a major trade partner; supporting a boycott against them may have detrimental effects on our economy and subsequently our ability to achieve higher returns on our investments. Lastly, Israel is an ally to the United States of America.

### MOTION TO LAY ON THE TABLE

Rep. Spillane moved that **HB 339-FN**, prohibiting the investment of state funds in any company participating in a boycott of Israel, be laid on the table.

Motion was adopted.

### REGULAR CALENDAR CONT'D

#### **HB 390**, revising the membership and structure of the New Hampshire commission on Native American affairs. **INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for Executive Departments and Administration. This bill revises the structure and membership of the New Hampshire Commission on Native American affairs. During the hearing, there was testimony from the indigenous community that was opposed to the bill. It is the position of the committee that the New Hampshire General Court is not the place to address significant differences between those testifying. An amendment was offered to convert the bill to a study committee, but the committee did not feel that this was a viable method to resolve the differences exposed during the hearing. Vote 16-3.

**MOTION TO LAY ON THE TABLE**

Rep. Grote moved that **HB 390**, revising the membership and structure of the New Hampshire commission on Native American affairs, be laid on the table.

Motion was adopted.

**REGULAR CALENDAR CONT'D**

**HB 461-FN**, relative to elimination by political subdivision employers of a group II retirement position. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew Simon for Executive Departments and Administration. As amended, this bill seeks to safeguard against cost shifting the New Hampshire Retirement System's unfunded accrued liability from one municipality to another. The bill requires that any political subdivision employer who reduces a high-level, retirement system eligible position, such as superintendents, principals, police chiefs, fire chiefs, directors, administrators, and the like, from full-time to part-time will still be responsible to pay the unfunded accrued liability portion of the greatest salary, for that position in the last five years, plus a 20% penalty. The penalty stays in place for 15 years or until the position is restored to full-time status. It came to the attention of the committee that some municipalities have allowed full-time employees to retire and then return as part-time employees while retaining their previous salary. This effectively allows the employer to actualize retirement cost savings at the expense of other employers who will have to absorb the ensuing shortfall. The committee believes that this practice is not only unfair, but it also puts the retirement system in a less solvent position. Vote 20-0.

**Amendment (0782h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to elimination by political subdivision employers of a retirement system position.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Participation by Certain Employees of Political Subdivisions; Contributions. Amend RSA 100-A:24 by inserting after paragraph IV the following new paragraph:

V.(a) For positions listed in subparagraph (b), no political subdivision employer shall eliminate a retirement system eligible employment position or transfer a retirement system eligible employment position into a part-time position without an analysis from the retirement system as to the unfunded liability for that position. The salary used for this analysis will be the greatest salary going back 5 years. The employer unfunded accrued liability portion of the contributions determined under RSA 100-A:16 shall continue to be charged to the political subdivision employer, plus a 20 percent penalty. The duration of the penalty shall be 15 years unless the position is restored to a retirement system contributing position, then the penalty shall be terminated and the normal calculation for retirement system contributions shall be restored.

(b) Subparagraph (a) shall apply to superintendent, principal, police chief, fire chief, director, administrator, and the like.

**AMENDED ANALYSIS**

This bill requires political subdivision employers to obtain an analysis from the retirement system and continue to pay unfunded accrued liability contributions when eliminating or transferring an employment position from full time to part time.

Committee amendment was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

The committee report was adopted, and the bill was ordered to third reading.

**HB 507-FN**, relative to unauthorized practice in occupational and professional licensing and certification. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill is a crucial step towards recognizing the principle of voluntary interaction between consenting individuals. By allowing unlicensed individuals to provide services in regulated professions as long as they disclose their lack of licensure to their clients, this bill empowers individuals to make informed decisions about the services they receive. Additionally, the bill creates an incentive for existing unlicensed individuals to come forward and disclose their status, which will increase transparency in the market and help prevent fraudulent activity. It's important to note that this bill does not eliminate the need for state licensing in regulated professions. Employers, customers, insurance providers, and other market forces will continue to demand state licensing as a means of ensuring quality and accountability. However, this bill does recognize that individuals should have the freedom to choose whether or not to engage with licensed professionals and provides a legal framework for unlicensed individuals to provide their services in a transparent manner. This bill allows the state to continue to provide public safety through licensing while not creating protectionism. Passing this bill will promote competition, increase transparency,

and empower individuals to make informed decisions about the services they receive. It's time for the New Hampshire legislature to recognize the importance of voluntary interaction between consenting individuals and pass this bill into law.

Rep. Matthew Santonastaso

Statement in support of Inexpedient to Legislate: This bill repeals the requirement that individuals need licensure to provide a service as long as they prominently disclose the fact that they are not licensed. Licensure currently is required for professional occupations such as doctors, nurses, therapists, cosmetologists, electricians, plumbers, pharmacists, and optometrists to protect the public from harm. Licensure allows the public, who would have little redress otherwise, to address their complaints, and can result in disciplinary actions preventing further harm to the public. Licensure is required for bonding, an important factor in contract performance. Licensure is required for liability insurance protecting the public from injury, performance of service, and fraud. Licensure requires continuing education that assures up to date performance standards by an industry. Most municipalities require licensure for services conducted in the building trades. For these reasons and others, we recommend inexpedient to legislate.

Rep. Jaci Grote

### MOTION TO LAY ON THE TABLE

Rep. Simon moved that **HB 507-FN**, relative to unauthorized practice in occupational and professional licensing and certification, be laid on the table.

Rep. Santonastaso requested a roll call; sufficiently seconded.

**YEAS 308 - NAYS 71**

#### YEAS - 308

##### BELKNAP

Bogert, Steven  
O'Hara, Travis  
Trottier, Douglas

Bordes, Mike  
Ploszaj, Tom  
Varney, Peter

Dumais, Russell  
Smart, Lisa

Harvey-Bolia, Juliet  
St. Clair, Charlie

##### CARROLL

Belcher, Mike  
MacDonald, John  
Peternel, Katy

Burroughs, Anita  
Smith, Jonathan  
Brown, Richard

Cordelli, Glenn  
McAleer, Chris  
Woodcock, Stephen

Paige, David  
McConkey, Mark

##### CHESHIRE

Abbott, Michael  
Eaton, Daniel  
Hunt, John  
Parshall, Lucius  
Thackston, Dick

Ames, Richard  
Faulkner, Barry  
Jones, Philip  
Rhodes, Jennifer  
Toll, Amanda

Harvey, Cathryn  
Filiault, Shaun  
Monteil, Renee  
Schapiro, Joe  
Weber, Lucy

Fox, Dru  
Germana, Nicholas  
Newell, Jodi  
Tatro, Bruce  
Nutting, Zachary

##### COOS

Davis, Arnold  
Noël, Henry

Cascadden, Corinne  
Ouellet, Mike

Kelley, Eamon  
King, Seth

Mermer, Troy  
Tierney, James

##### GRAFTON

Adjutant, Joshua  
Cormen, Thomas  
Hoyt, Tommy  
Massimilla, Linda  
Rochefort, David  
Sykes, George

Almy, Susan  
Fellows, Sallie  
Murphy, James  
Morse, Corinne  
Sellers, John

Baldwin, Heather  
Greeson, Jeffrey  
Ladd, Rick  
Muirhead, Russell  
Simon, Matthew

Bolton, Bill  
Hakken-Phillips, Mary  
Lovett, Peter  
Nordgren, Sharon  
Stringham, Jerry

##### HILLSBOROUGH

Murray, Alistandra  
Ammon, Keith  
Berry, Ross  
Bradley, Amy  
Cole, Brian  
Ford, Damond  
DiSilvestro, Linda  
Fedolfi, Jim  
Goley, Jeffrey  
Hamer, Heidi  
Herbert, Christopher  
Smith, Juliet  
Gould, Linda

Nutting-Wong, Allison  
Boyd, Bill  
Boehm, Ralph  
Calabro, Karen  
Cornell, Patricia  
Kelley, Diane  
Dutzy, Sherry  
Freitas, Mary  
Gorski, Ted  
Harriott-Gathright, Linda  
Infantine, William  
Juris, Louis  
Sanborn, Laurie

Abare, Kimberly  
King, Bill  
Booras, Efstathia  
Chretien, Jacqueline  
Creighton, Jim  
Darby, Will  
Elberger, Susan  
Griffin, Gerald  
Gregg, Alicia  
Healey, Robert  
Jack, Martin  
Kennedy, Stephen  
Lanza, Judi

Alexander, Joe  
Beaulieu, Jane  
Bouchard, Donald  
Colcombe, Riché  
Cushman, Leah  
Devine, Shelley  
Davis, Fred  
Gagne, Larry  
Grill, Jessica  
Heath, Mary  
Judy, Jean  
Foxy, Loren  
Lascalles, Richard

Leapley, Nicole  
 Long, Patrick  
 MacKenzie, Mark  
 Ming, Ben  
 Murphy, Nancy  
 Panek, Sandra  
 Plett, Fred  
 Newman, Ray  
 Newman, Sue  
 Sofikitis, Catherine  
 Tellez, Trinidad  
 Thomas, Wendy

LeClerc, Daniel  
 Howard, Molly  
 Mangipudi, Latha  
 Mooney, Maureen  
 Notter, Jeanine  
 Pauer, Diane  
 Post, Lisa  
 Rombeau, Catherine  
 Seibert, Christine  
 Spier, Carry  
 Ulery, Jordan  
 Wheeler, Jonah

Leishman, Peter  
 Murray, Megan  
 Mazur, Lisa  
 Morton, Jennifer  
 Nutter-Upham, Frances  
 Pedersen, Michael  
 Preece, David  
 Rung, Rosemarie  
 Sheehan, Vanessa  
 Staub, Kathy  
 Vail, Suzanne  
 Wilhelm, Matthew

Lloyd, Christal  
 Perez, Maria  
 McGhee, Kat  
 Moulton, Candace  
 O'Brien, Michael  
 Petrigno, Peter  
 Proulx, Mark  
 Ryan, Linda  
 Siros, Shane  
 Telerski, Laura  
 Veilleux, Daniel

### MERRIMACK

Turcotte, Alan  
 Cambriels, Jose  
 Ellison, Arthur  
 Hill, Gregory  
 MacKay, James  
 Myler, Mel  
 Boyd, Stephen  
 Soucy, Timothy  
 Wolf, Dan

Andrus, Louise  
 Caplan, Tony  
 Gallager, Eric  
 Lane, Connie  
 Mason, James  
 Payeur, Stephanie  
 Gould, Sherry  
 Walsh, Thomas  
 Wood, Clayton

Brennan, Angela  
 Carey, Lorrie  
 Gibbs, Merryl  
 Leavitt, John  
 McWilliams, Rebecca  
 Richards, Beth  
 Schuett, Dianne  
 Testerman, Dave

McGuire, Carol  
 Ebel, Karen  
 Hall, Muriel  
 Luneau, David  
 Moffett, Michael  
 Roesener, James  
 Shurtleff, Steve  
 Wallner, Mary Jane

### ROCKINGHAM

Balboni, Peggy  
 Thomas, Douglas  
 Doucette, Fred  
 Foote, Charles  
 Harb, Robert  
 Janigian, John  
 Katsakiores, Phyllis  
 Layon, Erica  
 Paige, Mark  
 McDonnell, Valerie  
 Milz, David  
 Potucek, John  
 Read, Ellen  
 Spillane, James  
 Dolan, Tom  
 Vallone, Mark  
 MacDonald, Wayne

Ball, Lorie  
 DeSimone, Debra  
 Edgar, Michael  
 Grossman, Gaby  
 Harley, Tina  
 Janvrin, Jason  
 Khan, Aboul  
 Lundgren, David  
 Pearson, Mark  
 McMahon, Charles  
 Muns, Chris  
 Pratt, Kevin  
 Roy, Terry  
 Summers, James  
 Tripp, Richard  
 Vandecasteele, Susan  
 Ward, Gerald

Brouillard, Jacob  
 DiLorenzo, Charlotte  
 Edwards, Jess  
 Grote, Jaci  
 Haskins, Linda  
 Murray, Kate  
 Knab, Allison  
 Lynn, Bob  
 Malloy, Dennis  
 Melvin, Charles  
 Piemonte, Tony  
 Prudhomme-O'Brien, Katherine  
 Pearson, Stephen  
 Sytek, John  
 Tudor, Paul  
 Vogt, Robin  
 Weyler, Kenneth

Mannion, Dennis  
 Donnelly, Tanya  
 Emerick, Tracy  
 Hamblet, Joan  
 Hobson, Deb  
 Perez, Kristine  
 Walsh, Lilli  
 Cahill, Michael  
 Manos, Zoe  
 Meuse, David  
 Porcelli, Susan  
 Reynolds, Ned  
 Simpson, Alexis  
 Cahill, Tim  
 Turer, Eric  
 Vose, Michael

### STRAFFORD

Bay, Luz  
 Cannon, Gerri  
 Grassie, Chuck  
 Howland, Allan  
 LaMontagne, Jessica  
 Pare, Gail  
 Treleaven, Susan

Bickford, David  
 Conlin, Bill  
 Howard, Heath  
 Rich, Jeffrey  
 Levesque, Cassandra  
 Pitre, Joseph  
 Vincent, Kenneth

Bixby, Peter  
 Fitzpatrick, Daniel  
 Horgan, James  
 Kenney, Cam  
 Smith, Marjorie  
 Selig, Loren  
 Wall, Janet

Rich, Cecilia  
 Smith, Geoffrey  
 Horrigan, Timothy  
 Turcotte, Len  
 Schmidt, Peter  
 Southworth, Thomas

### SULLIVAN

Aron, Judy  
 Drye, Margaret  
 Spilsbury, Walter

Sullivan, Brian  
 Merchant, Gary  
 Stone, Jonathan

Cloutier, John  
 Palmer, William  
 Tanner, Linda

Damon, Hope  
 Smith, Steven

### NAYS - 71

### BELKNAP

Comtois, Barbara

Nagel, David

### CARROLL

Costable, Michael

### CHESHIRE

### GRAFTON

Coulon, Matthew

Bean, Harry  
 Beaudoin, Richard

Coker, Matthew  
 Terry, Paul

Avellani, Lino

Buco, Thomas

Qualey, James

Santonastaso, Matthew

Berezhny, Lex

Brown, Carroll

**HILLSBOROUGH**

|                  |                  |                |                  |
|------------------|------------------|----------------|------------------|
| Lekas, Alicia    | Corcoran, Travis | Erf, Keith     | Hynes, Dan       |
| Kenny, Catherine | Kofalt, Jim      | Lewicke, John  | McGough, Tim     |
| McLean, Mark     | Noble, Kristin   | Prout, Andrew  | Raymond, Heather |
| Reid, Karen      | Renzullo, Andrew | Seidel, Sheila | Lekas, Tony      |
| Mannion, Tom     | Tenczar, Jeffrey | Wherry, Robert |                  |

**MERRIMACK**

|              |               |                 |                |
|--------------|---------------|-----------------|----------------|
| Aures, Cyril | McGuire, Dan  | Gerhard, Jason  | Hicks, Matthew |
| Hoell, J.R.  | Polozov, Yury | Seaworth, Brian | See, Alvin     |

**ROCKINGHAM**

|                         |                     |                |                  |
|-------------------------|---------------------|----------------|------------------|
| Bernardy, JD            | Drago, Mike         | Dunn, Ron      | Gilman, Julie    |
| Kuttab, Katelyn         | Love, David         | Maggiore, Jim  | McBeath, Rebecca |
| O'Neil, Candice         | Ford, Oliver        | Osborne, Jason | Phillips, Emily  |
| Popovici-Muller, Daniel | Quaratiello, Arlene | Soti, Julius   | Sweeney, Joe     |
| True, Chris             | Wallace, Scott      | Yokela, Josh   |                  |

**STRAFFORD**

|                     |                   |                  |                  |
|---------------------|-------------------|------------------|------------------|
| Bailey, Glenn       | Burnham, Claudine | Connor, James    | Granger, Michael |
| Harrington, Michael | Kaczynski, Thomas | Newton, Clifford | Phinney, Brandon |
| Potenza, Kelley     |                   |                  |                  |

**SULLIVAN**

|               |                   |
|---------------|-------------------|
| Rollins, Skip | Stapleton, Walter |
|---------------|-------------------|

and the motion was adopted.

**MOTION TO SPECIAL ORDER**

Rep. Edwards moved that **HB 49-FN-A**, relative to postponing the closure of the Sununu Youth Services Center, be made a Special Order as the first order of business on March 23, 2023.

Rep. Edwards spoke in favor and requested a roll call; sufficiently seconded.

**YEAS 291 - NAYS 87****YEAS - 291****BELKNAP**

|                 |                      |               |                    |
|-----------------|----------------------|---------------|--------------------|
| Bean, Harry     | Bogert, Steven       | Bordes, Mike  | Comtois, Barbara   |
| Dumais, Russell | Harvey-Bolia, Juliet | Nagel, David  | O'Hara, Travis     |
| Ploszaj, Tom    | Beaudoin, Richard    | Smart, Lisa   | St. Clair, Charlie |
| Terry, Paul     | Trottier, Douglas    | Varney, Peter |                    |

**CARROLL**

|                 |                 |                 |                   |
|-----------------|-----------------|-----------------|-------------------|
| Avellani, Lino  | Belcher, Mike   | Cordelli, Glenn | Costable, Michael |
| MacDonald, John | Smith, Jonathan | McAleer, Chris  | McConkey, Mark    |
| Peternel, Katy  | Brown, Richard  |                 |                   |

**CHESHIRE**

|                 |                  |                       |                |
|-----------------|------------------|-----------------------|----------------|
| Abbott, Michael | Faulkner, Barry  | Hunt, John            | Monteil, Renee |
| Newell, Jodi    | Rhodes, Jennifer | Santonastaso, Matthew | Schapiro, Joe  |
| Thackston, Dick | Nutting, Zachary |                       |                |

**COOS**

|               |               |                |             |
|---------------|---------------|----------------|-------------|
| Davis, Arnold | Kelley, Eamon | Merner, Troy   | Noël, Henry |
| Ouellet, Mike | King, Seth    | Tierney, James |             |

**GRAFTON**

|                   |                  |                   |                  |
|-------------------|------------------|-------------------|------------------|
| Adjutant, Joshua  | Baldwin, Heather | Berezhny, Lex     | Bolton, Bill     |
| Brown, Carroll    | Cormen, Thomas   | Coulon, Matthew   | Greeson, Jeffrey |
| Hoyt, Tommy       | Murphy, James    | Sullivan, Jared   | Ladd, Rick       |
| Massimilla, Linda | Morse, Corinne   | Muirhead, Russell | Rocheport, David |
| Sellers, John     | Simon, Matthew   | Stringham, Jerry  | Sykes, George    |

**HILLSBOROUGH**

|                 |                    |                       |                 |
|-----------------|--------------------|-----------------------|-----------------|
| Lekas, Alicia   | Murray, Aissandra  | Nutting-Wong, Allison | Abare, Kimberly |
| Alexander, Joe  | Ammon, Keith       | Boyd, Bill            | King, Bill      |
| Berry, Ross     | Boehm, Ralph       | Bradley, Amy          | Calabro, Karen  |
| Colcombe, Riché | Cole, Brian        | Corcoran, Travis      | Creighton, Jim  |
| Cushman, Leah   | Ford, Damond       | Kelley, Diane         | Darby, Will     |
| Devine, Shelley | DiSilvestro, Linda | Dutzy, Sherry         | Davis, Fred     |
| Fedolfi, Jim    | Freitas, Mary      | Griffin, Gerald       | Gagne, Larry    |
| Goley, Jeffrey  | Gorski, Ted        | Gregg, Alicia         | Healey, Robert  |

Hynes, Dan  
Smith, Juliet  
Kofalt, Jim  
Lanza, Judi  
Lewicke, John  
McGhee, Kat  
Mooney, Maureen  
Nutter-Upham, Frances  
Petrigno, Peter  
Raymond, Heather  
Ryan, Linda  
Sirois, Shane  
Tenczar, Jeffrey  
Wheeler, Jonah

Infantine, William  
Juris, Louis  
Foxy, Loren  
Lascalles, Richard  
Long, Patrick  
McGough, Tim  
Morton, Jennifer  
O'Brien, Michael  
Plett, Fred  
Reid, Karen  
Seibert, Christine  
Staub, Kathy  
Ulery, Jordan  
Wherry, Robert

Jack, Martin  
Kennedy, Stephen  
Gould, Linda  
LeClerc, Daniel  
Howard, Molly  
McLean, Mark  
Noble, Kristin  
Pank, Sandra  
Post, Lisa  
Renzullo, Andrew  
Seidel, Sheila  
Lekas, Tony  
Veilleux, Daniel  
Wilhelm, Matthew

Judy, Jean  
Kenny, Catherine  
Sanborn, Laurie  
Leishman, Peter  
Mazur, Lisa  
Ming, Ben  
Notter, Jeanine  
Pauer, Diane  
Proulx, Mark  
Rombeau, Catherine  
Sheehan, Vanessa  
Mannion, Tom  
Thomas, Wendy

Turcotte, Alan  
Brennan, Angela  
Carey, Lorrie  
Gibbs, Merrill  
Leavitt, John  
Payeur, Stephanie  
Boyd, Stephen  
Shurtleff, Steve  
Wolf, Dan

Andrus, Louise  
McGuire, Carol  
McGuire, Dan  
Hicks, Matthew  
MacKay, James  
Polozov, Yury  
Gould, Sherry  
Soucy, Timothy  
Wood, Clayton

### MERRIMACK

Aures, Cyril  
Cambriels, Jose  
Gallager, Eric  
Hill, Gregory  
Mason, James  
Richards, Beth  
Seaworth, Brian  
Walsh, Thomas

Aylward, Deborah  
Caplan, Tony  
Gerhard, Jason  
Lane, Connie  
Moffett, Michael  
Roesener, James  
See, Alvin  
Testerman, Dave

Ball, Lorie  
Thomas, Douglas  
Drago, Mike  
Emerick, Tracy  
Harb, Robert  
Janigian, John  
Khan, Aboul  
Love, David  
McBeath, Rebecca  
Milz, David  
Osborne, Jason  
Porcelli, Susan  
Quaratiello, Arlene  
Pearson, Stephen  
Summers, James  
Dolan, Tom  
Vandecasteele, Susan  
Wallace, Scott

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Foote, Charles  
Harley, Tina  
Janvrin, Jason  
Kuttab, Katelyn  
Lynn, Bob  
McDonnell, Valerie  
Muns, Chris  
Phillips, Emily  
Potucek, John  
Raynolds, Ned  
Simpson, Alexis  
Sweeney, Joe  
Tripp, Richard  
Vogt, Robin  
Ward, Gerald

### ROCKINGHAM

Brouillard, Jacob  
Donnelly, Tanya  
Edgar, Michael  
Gilman, Julie  
Haskins, Linda  
Perez, Kristine  
Walsh, Lilli  
Cahill, Michael  
McMahon, Charles  
O'Neil, Candice  
Piemonte, Tony  
Pratt, Kevin  
Read, Ellen  
Soti, Julius  
Sytek, John  
Tudor, Paul  
Vose, Michael  
Weyler, Kenneth

Mannion, Dennis  
Doucette, Fred  
Edwards, Jess  
Grossman, Gaby  
Hobson, Deb  
Katsakiores, Phyllis  
Layon, Erica  
Pearson, Mark  
Melvin, Charles  
Ford, Oliver  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Roy, Terry  
Spillane, James  
Cahill, Tim  
Vallone, Mark  
MacDonald, Wayne

### STRAFFORD

Bailey, Glenn  
Burnham, Claudine  
Fitzpatrick, Daniel  
Horgan, James  
Levesque, Cassandra  
Phinney, Brandon  
Southworth, Thomas

Bay, Luz  
Rich, Cecilia  
Smith, Geoffrey  
Rich, Jeffrey  
Newton, Clifford  
Pitre, Joseph  
Treleaven, Susan

Bickford, David  
Conlin, Bill  
Grassie, Chuck  
Kaczynski, Thomas  
Schmidt, Peter  
Potenza, Kelley  
Vincent, Kenneth

Bixby, Peter  
Connor, James  
Harrington, Michael  
LaMontagne, Jessica  
Pare, Gail  
Selig, Loren

### SULLIVAN

Aron, Judy  
Palmer, William  
Stapleton, Walter

Sullivan, Brian  
Rollins, Skip  
Stone, Jonathan

Cloutier, John  
Smith, Steven

Drye, Margaret  
Spilsbury, Walter

### NAYS - 87

### BELKNAP

Coker, Matthew

### CARROLL

Buco, Thomas

Burroughs, Anita

Paige, David

Woodcock, Stephen

### CHESHIRE

Ames, Richard  
Filiault, Shaun  
Qualey, James

Harvey, Cathryn  
Germana, Nicholas  
Toll, Amanda

Fox, Dru  
Jones, Philip  
Weber, Lucy

Eaton, Daniel  
Parshall, Lucius



**COOS**

Cascadden, Corinne

**GRAFTON**Almy, Susan  
Nordgren, Sharon

Fellows, Sallie

Hakken-Phillips, Mary

Lovett, Peter

**HILLSBOROUGH**Beaulieu, Jane  
Elberger, Susan  
Harriott-Gathright, Linda  
Lloyd, Christal  
Mangipudi, Latha  
Preece, David  
Newman, Sue  
Tellez, TrinidadBooras, Efstathia  
Erf, Keith  
Heath, Mary  
Murray, Megan  
Moulton, Candace  
Prout, Andrew  
Sofikitis, Catherine  
Vail, SuzanneBouchard, Donald  
Grill, Jessica  
Herbert, Christopher  
Perez, Maria  
Murphy, Nancy  
Newman, Ray  
Spier, CarryCornell, Patricia  
Hamer, Heidi  
Leapley, Nicole  
MacKenzie, Mark  
Pedersen, Michael  
Rung, Rosemarie  
Telerski, Laura**MERRIMACK**Ebel, Karen  
Luneau, David  
Wallner, Mary JaneEllison, Arthur  
McWilliams, RebeccaHall, Muriel  
Myler, MelHoell, J.R.  
Schuett, Dianne**ROCKINGHAM**Balboni, Peggy  
Murray, Kate  
Malloy, Dennis  
Turer, EricDiLorenzo, Charlotte  
Knab, Allison  
Manos, Zoe  
Yokela, JoshGrote, Jaci  
Paige, Mark  
Meuse, DavidHamblet, Joan  
Maggiore, Jim  
True, Chris**STRAFFORD**Cannon, Gerri  
Howland, Allan  
Wall, JanetGranger, Michael  
Kenney, CamHoward, Heath  
Turcotte, LenHorrigan, Timothy  
Smith, Marjorie**SULLIVAN**

Damon, Hope

Merchant, Gary

Tanner, Linda

and the motion was adopted by the necessary three-fifths vote.

**REGULAR CALENDAR CONT'D**

**HB 532-FN**, relative to the licensure and regulation of music therapists. **WITHOUT RECOMMENDATION** Statement in support of Ought to Pass with Amendment: This bill establishes licensure for music therapists under the allied health professionals. Previous efforts to establish licensure resulted in an unresolved conflict between music therapists and speech pathologists. As amended, the bill is a strong collaboration between both music therapists and speech pathologists that includes the collaboration in diagnosis and treatment plans and the sharing of music therapy plans with speech therapists and audiologists. In testimony, clients who received music therapy, including a veteran, confirmed the benefit of this therapy. This therapy is an out-of-pocket expense. Licensure would allow the possibility of insurance coverage and allow these professionals the ability to apply for insurance coverage. This bill does not guarantee that this profession be covered but gives it the ability to apply.

Rep. Jaci Grote

Statement in support of Inexpedient to Legislate: The committee heard testimony claiming that music therapists need licensing in order to obtain insurance. This would utilize licensing for the reason of accepting insurance, not the reason to protect the patients of music therapy. Moreover, this sets a precedent for more industries to seek licensing for the sole reason of obtaining insurance. Half the committee sees no reason to license music therapists for the sole purpose of obtaining insurance, since music therapists can and do practice in New Hampshire on private pay clients.

Rep. Kimberly Abare

Rep. Grote moved Ought to Pass and offered amendment (0480h).

**Amendment (0480h)**

Amend RSA 326-M:1, V as inserted by section 1 of the bill by replacing it with the following:

V. "Music therapist" or "licensed professional music therapist" means a person licensed to practice music therapy pursuant to this chapter.

Amend RSA 326-M:1, VI(b) as inserted by section 1 of the bill by replacing it with the following:

(b) "Practice of music therapy" includes:

(1) Accepting referrals for music therapy services from:

- (A) Medical, developmental, mental health, or education professionals;
  - (B) Family members;
  - (C) Clients;
  - (D) Caregivers; or
  - (E) Others involved with the provision of and authorized to provide client services;
- (2) Collaborating with a client's treatment team to review the client's diagnosis, treatment needs, and treatment plan before providing music therapy services to a client for an identified clinical or developmental need;
- (3) Collaborating with the individualized family service plan team or individualized education program team to review the student's diagnosis, treatment needs, and treatment plan before providing music therapy services to a student for an identified educational need in a special education setting.
- (4) Collaborating with a client's treatment team, including the client's physician, psychologist, licensed clinical social worker, or other mental health professional, during the provision of music therapy services to the client;
- (5) Collaborating with and discussing the music therapy treatment plan with the audiologist or speech-language pathologist of a client with a communication disorder during the provision of music therapy services so that a music therapist may work with the client and address communication skills;
- (6) Conducting a music therapy assessment of a client to collect systematic, comprehensive, and accurate information necessary to determine the appropriate type of music therapy services to provide for the client;
- (7) Developing an individualized music therapy treatment plan for a client that is based on the music therapy assessment;
- (8) Implementing an individualized music therapy treatment plan that:
- (A) Is consistent with any other developmental, rehabilitative, habilitative, medical, mental health, preventive, or wellness care or educational services being provided to a client; and
  - (B) Does not replace the services provided by an audiologist or a speech-language pathologist;
- (9) Evaluating a client's response to music therapy and the individualized music therapy treatment plan, documenting change and progress, and suggesting modifications, as appropriate;
- (10) Developing a plan for determining when the provision of music therapy services is no longer needed in collaboration with a client, the client's physician or another provider of health care or education for the client, an appropriate member of the client's family, and any other appropriate individual on whom the client relies for support;
- (11) Minimizing any barriers to ensure that a client receives music therapy services in the least restrictive environment;
- (12) Collaborating with and educating a client, the family or caregiver of the client, or any other appropriate individual about the needs of the client that are being addressed in music therapy and the manner in which the music therapy addresses those needs; and
- (13) Using appropriate knowledge and skills, including research, reasoning, and problem-solving skills, to inform practice and determine appropriate actions in the context of each specific clinical setting.

Amend RSA 326-M:2, III as inserted by section 1 of the bill by replacing it with the following:

III. An individual licensed under this chapter may not represent to the public that the individual is authorized to treat a communication disorder. Unless authorized to practice speech-language pathology, music therapists may not evaluate, examine, instruct, or counsel on speech language, communication, and swallowing disorders and conditions. Nothing in the section may be construed to prohibit an individual licensed under this chapter as a music therapist from representing to the public that the individual may work with a client who has a communication disorder and address communication skills.

Amendment was adopted.

The question now being adoption of the motion of Ought to Pass with Amendment.

Rep. Abare spoke against.

Rep. Grote spoke in favor.

On a division vote, with 210 members having voted in the affirmative, and 166 in the negative, the motion of Ought to Pass with Amendment was adopted, and the bill was ordered to third reading.

**HCR 2**, relative to condemning recent vandalism and intolerance, as recently levied against places of worship and public spaces, elected officials and against the general citizens of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberly Abare for Executive Departments and Administration. This resolution is only a declaration that vandalism and intolerance is wrong. It does not provide any action beyond this. The committee heard testimony from its sponsor that the bill was brought about with recent aggression and vandalism against places of worship, elected officials, and general citizens of New Hampshire. The committee sees no reason to enact this bill into law where it does not do anything other than to declare that vandalism and intolerance is wrong, and there are already stronger laws in place to punish vandalism and intolerance. Vote 13-7.

**MOTION TO LAY ON THE TABLE**

Rep. Carol McGuire moved that **HCR 2**, relative to condemning recent vandalism and intolerance, as recently levied against places of worship and public spaces, elected officials and against the general citizens of New Hampshire, be laid on the table.

On a division vote, with 299 members having voted in the affirmative, and 55 in the negative, the motion was adopted.

**REGULAR CALENDAR CONT'D**

**HR 11**, relative to welcoming communities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Matthew Simon for the Majority of Executive Departments and Administration. At its heart, this resolution expresses an ideal that the majority of the committee hopes the good people of New Hampshire already aspire to; that we would have welcoming communities. The concern of the majority is that the resolution designates the entire month of September as welcoming month and “urges state and local government officials, small business owners, and community members to celebrate the month with appropriate events and activities.” First, qualifying what would be an “appropriate” event or activity is subjective and difficult to interpret. What makes one individual feel welcomed can alienate another. Furthermore, using the influence of government to pressure people into distinguishing between and celebrating specific groups can create or deepen divides and resentment, rather than heal them. Regardless of our race, color, or creed it is what we have in common, namely that we are all Americans, and not how we are different, that will bring us together. Vote 10-9.

Rep. Jaci Grote for the Minority of Executive Departments and Administration. This bill highlights the existing welcoming practices to immigrants adopted in many cities and communities in New Hampshire. This encourages communities across the state to recognize the economic and investment opportunities from this population, as well as the arts and cultural diversity that enriches communities. Embracing diversity and inclusion enhances vibrancy and economic growth in many ways.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Mangipudi spoke against.

Rep. Simon spoke in favor.

Rep. Howard requested a roll call; not sufficiently seconded.

On a division vote, with 185 members having voted in the affirmative, and 177 in the negative, the majority committee report was adopted.

**HB 50-FN-L**, relative to payment by the state of a portion of retirement system contributions of political subdivision employers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dan McGuire for Finance. This bill would have spent roughly \$25 million annually by having the state pay 7.5% of the annual employer retirement costs for teachers, police, and fire for municipalities. The committee agreed with the purpose of lowering retirement costs for employers but wanted to provide a long-term impact. The amendment changes the bill to spend \$50 million from the general fund to more aggressively pay down the retirement system’s unfunded liability. This will lower rates for employers over time, and due to compound interest will result in \$105 million savings to retirement system costs over the next two decades. Vote 25-0.

**Amendment (0977h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to an appropriation for the unfunded accrued liability of the New Hampshire retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; New Hampshire Retirement System; Unfunded Accrued Liability. The sum of \$50,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the New Hampshire retirement system. Said appropriation shall be used by the New Hampshire retirement system to pay down the unfunded accrued liability and shall not be used for any other purposes. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect June 30, 2023.

**AMENDED ANALYSIS**

This bill makes an appropriation to the New Hampshire retirement system to pay down the unfunded accrued liability.

The question being adoption of committee amendment (0977h).

Rep. O’Brien spoke against.

Rep. Dan McGuire spoke in favor.

On a division vote, with 276 members having voted in the affirmative, and 99 in the negative, the committee amendment was adopted.

The question being adoption of the committee report of Ought to Pass with Amendment. The committee report was adopted, and the bill was ordered to third reading.

### MOTION TO LAY ON THE TABLE

Rep. Dan McGuire moved that **HB 50-FN-L**, relative to an appropriation for the unfunded accrued liability of the New Hampshire retirement system, be laid on the table.

On a division vote, with 206 members having voted in the affirmative, and 170 in the negative, the motion was adopted.

### REGULAR CALENDAR CONT'D

**HB 384-FN-A**, relative to building a new legislative parking garage and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen Ebel for Finance. This bill, as amended, would appropriate \$25 million to the Department of Administrative Services (DAS) to design, plan and construct a new legislative parking garage and to raze the Department of Justice Building at 33 Capitol Street and the Storrs Street Parking Garage. The Storrs Street garage was built in the 1970s with an anticipated 20-year life span. Now fifty years old, the legislature has put millions of dollars into maintaining the decrepit structure keeping it safe, but it continues to deteriorate. It is fiscally unsound to continue to throw good money after bad. Also, the distance legislators must walk over stony uneven surfaces, particularly in the winter months, is unsafe for many of our members. It is time to tear it down and construct a new parking garage. Similarly, the Department of Justice building, while functional, has never been well-suited for the department. Last year, the legislature appropriated \$9.35 million to DAS for preliminary design, engineering and site work for a legislative parking garage and razing the two structures, as well as costs related to fitting up and moving the DOJ to Granite Place, and its lease. The appropriation would fund continuation of these projects and would be comprised of \$22.5 million in general funds and \$2.5 million as a charge to the special legislative account. As amended, the bill would also create a 7-person joint legislative parking garage oversight commission, including the DAS commissioner or his designee and Senate and House members. Notably, the Speaker of the House and the Senate President may each designate one public member to be commission members. Lastly, as amended, the Capital Budget Overview Committee would become the Capital Project Overview Committee to expand its authority to include oversight of all capital projects, not just those funded through the capital budget. This change is supported by the DAS commissioner and the House Public Works and Highways committee chair. This common-sense amendment reflects the necessity for all the state's capital projects to have the same oversight regardless of the source of funds, be they bonded, generally funded, or federally funded, which is not currently required by statute. Vote 22-3.

#### Amendment (0421h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to building a new legislative parking garage and making an appropriation therefor, renaming the capital project overview committee, and establishing the joint legislative parking garage oversight commission.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; New Legislative Parking Garage; Razing of Department of Justice Building Located at 33 Capitol Street and Storrs Street Legislative Parking Garage. The sum of \$25,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of administrative services for the purpose of designing, planning, and constructing a new legislative parking garage and razing the existing Storrs Street legislative parking garage and the department of justice building located at 33 Capitol Street. This appropriation shall be nonlapsing. \$2,500,000 of the amount appropriated shall be a charge against the special legislative account in RSA 6:12, I(b)(344). The governor is authorized to draw a warrant for \$22,500,000 out of any money in the treasury not otherwise appropriated.

2 Capital Project Overview Committee. Amend the chapter title of RSA 17-J to read as follows:

#### CHAPTER 17-J

#### CAPITAL [BUDGET] **PROJECT** OVERVIEW COMMITTEE

3 Capital Budget Project Overview Committee. Amend RSA 17-J to read as follows:

17-J:1 Committee Established. A joint legislative capital [budget] **project** overview committee is hereby established.

17-J:2 Membership and Organization.

I. The members of the committee shall be:

- (a) Chairperson of the house public works and highways committee;
- (b) Two other members of the house public works and highways committee, appointed by the speaker of the house;
- (c) Three members of the house finance committee, appointed by the speaker of the house;

- (d) Chairperson of the senate capital budget committee; and
- (e) Three other senators appointed by the president of the senate.

I-a. Of the 6 house members on the committee, not more than 5 shall be members of the same party, and of the 4 senate members on the committee, not more than 3 shall be members of the same party.

II. In voting, the members from each house shall vote as a block, casting a single vote. The committee shall elect its own officers.

17-J:4 Duties. The capital [budget] **project** overview committee shall review the status of capital budget projects both during and between legislative sessions. Each state agency with capital budget projects shall report to the department of administrative services, in the format the department of administrative services prescribes, for the quarters ending September 30, December 31, March 31, and June 30. The department of administrative services shall combine these reports and present the summarized report to the capital budget overview committee for review quarterly on the first of November, February, May, and August. The department of administrative services, division of public works design and construction shall, within 90 days of the approval of funding for any capital budget project, submit a timeline or schedule for such project to the capital [budget] **project** overview committee for review.

**17-J:5 Joint Legislative Parking Garage Oversight Commission.**

**I. There is hereby established a joint legislative parking garage oversight commission. Members of the commission shall be as follows:**

- (a) The president of the senate, or designee.**
- (b) One member appointed by the president of the senate, who may be a public member.**
- (c) The speaker of the house of representatives, or designee.**
- (d) One member appointed by the speaker of the house of representatives, who may be a public member.**
- (e) The commissioner of the department of administrative services, or designee.**
- (f) The chairperson of the house public works and highways committee, or designee.**
- (g) The chairperson of the house finance committee, or designee.**

**II. Legislative members appointed to the joint legislative parking garage oversight commission shall be appointed for a term ending when their elected legislative term ends. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission. Public members of the commission shall remain until replaced by the appointing authority or upon completion of the legislative parking garage project.**

**III. The legislative parking garage oversight commission shall review the status of the legislative parking garage project at least once every 6 months after the effective date of this section. No changes shall be made in the plan, location, or design of the legislative parking garage unless approved by the legislative parking garage oversight commission.**

**IV. The department of administrative services shall include quarterly reports on the status of the legislative parking garage project in the department's summarized report to the capital project overview committee for review quarterly on the first of November, February, May, and August in accordance with RSA 17-J:4.**

4 Capital Project Overview Committee; Name Change. Amend the following RSA provisions by replacing the term "capital budget overview committee" with "capital project overview committee": 6-B:2, V; 9:26-a; 10:10; 12-A:29-b, V; 12-G:46, III; 14:31-b, I(a); 21-I:80; 21-J:1-b, II; 110-B:28, IV(a); 195-D:5, XVIII; 228:4, I(d); 228:12-a; 228:21, III; 228:109, I(f)-(g); and 282-A:112, V.

5 Repeal. RSA 17-J:5, relative to joint legislative parking garage oversight commission, is repealed.

6 Prospective Repeal. The joint legislative parking garage oversight commission shall be repealed upon the completion of the legislative parking garage on the date as certified by the commissioner of the department of administrative services to the joint legislative parking garage oversight committee, the director of the office of legislative services, and the secretary of state.

7 Effective Date.

I. Section 5 of this act shall take effect as provided in section 6 of this act.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes an appropriation for the design, planning, construction, and site work for a new legislative parking garage and for the costs for razing the department of justice building.

This bill also renames the capital budget overview committee to be the capital project overview committee and creates the joint legislative parking garage oversight commission. Committee amendment was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. The committee report was adopted, and the bill was ordered to third reading.

**HB 506-FN-A**, relative to the construction of a rail trail box tunnel on Exit 4-A in Derry and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Dan McGuire for Finance. I-93 exit 4-A is a major construction project (over \$100 million) that will make a large area of Londonderry accessible for development, and greatly ease congested streets in Derry. A small part of the project involves the intersection of Derry's rail trail with the new connector road. In the Department of Transportation (DOT) original plan the trail was to go through a tunnel under the road, but this changed during the detailed design phase to a surface crosswalk with signal and an alternative circuitous path under a nearby bridge. This bill would allocate \$750 thousand in general funds to return to the tunnel design. The rail trail both north and south of this location has simple crosswalks without signals, including across the busy Route 28. Therefore, the committee is unwilling to second guess DOT and potentially delay the project. Vote 22-3.

The question being adoption of the committee report of Inexpedient to Legislate.

Reps. Stephen Pearson and Linda Gould spoke against.

Rep. Dan McGuire spoke in favor.

On a division vote, with 300 members having voted in the affirmative, and 72 in the negative, the committee report was adopted.

**(Rep. Steven Smith in the Chair)**

**REGULAR CALENDAR CONT'D**

**HB 442-FN**, preventing state resources from being used to enforce lobstering regulations in federal waters and establishing a scuba diver recreational lobster license. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan Smith for the Majority of Fish and Game and Marine Resources. This bill is about protecting the environment from the degradation of plastic and the indiscriminate killing via derelict ghost lobster traps as well as fulfilling the mission of Fish and Game to preserve, protect and increase the sustainability of the natural resource and their habitats, as well as provide greater access to all of its citizens. The committee heard testimony from the owner of a Maine not-for-profit company that specializes in locating, identifying, removing, and recycling derelict or "ghost" lobster traps from the bottom of the coastal waters in Maine. While this company has successfully removed thousands of these traps already, the estimates are that an additional three million traps remain in Maine waters. New Hampshire with only 18 miles of coastline, the problem of ghost traps is equally troubling. Data supports that two-thirds of all ghost traps in New Hampshire waters contain live animals that will die. This carcass now becomes bait for the next creature to be trapped. This is a never-ending cycle. Current law prevents a scuba diver from touching an abandoned ghost trap to release a trapped animal guaranteeing a certain death. This bill would allow scuba divers to release the trapped animals, saving thousands upon thousands of these animals. These ghost traps are abandoned at the bottom of the ocean. Commercial lobstermen lose about 10% of their traps annually. New Hampshire authorizes as many as 110,000 traps per year to fish our waters. This equates to around 1100 additional indiscriminate killing machines known as ghost traps being added every year to the bottom of the ocean. This bill, as amended, begins a process of cooperation between lobstermen, Fish and Game, and volunteer scuba divers to locate and identify as many of these ghost traps and requiring the reporting of the location in a timely fashion to begin building a database to work from. New Hampshire residents who scuba dive are currently permitted to dive for crabs and scallop, however they cannot participate in the sport of lobster harvesting by hand. Every state from Massachusetts to Florida allows lobstering by scuba diver by hand. Evidence submitted clearly shows these programs in other states are working. The amended legislation would allow only 100 licenses with 3 lobsters per license per day to be issued to divers for a minimum 4-week season in designated zones, similar to Wildlife Management Units, as developed by the executive director. Massachusetts currently allows 15 lobsters per day per license. Testimony showed that the catch by hand would equate to .003% of the total lobster catch per year. A number so small it's insignificant. This bill, if it becomes law, will not only clean up the ocean floor but save thousands of underwater sea creatures and fulfill the mission of Fish and Game to preserve, protect and increase the sustainability of the natural resource and their habitats, as well as provide greater access to all of its citizens. Vote 13-7.

Rep. Cathryn Harvey for the Minority of Fish and Game and Marine Resources. This bill would establish a scuba diver recreational lobster license. The minority believes that this bill with its many flaws is not ready for prime time. Several RSAs included in it are misquoted or do not apply. Much of the wording is vague and undefinable. For example, the bill states that the Fish and Game director may establish zones for lobster harvesting, something that is impossible to do underwater. These zones must have accessible parking and should already be frequented by divers. The Fish and Game Director has no authority over town parking and has no way of tracking where divers like to dive. The bill has requirements that are simply not in existence. It states that to obtain a non-commercial license to take lobster, the applicant must have read and understood the New Hampshire Guide to E-Regulations. No such E-Regulations exist. Finally, this bill would be

extremely costly to New Hampshire Fish and Game, containing many unfunded mandates such as creating an educational course for lobster taking and an electronic or paper registration system for scuba divers to register their catch. Fish and Game testified that it cannot afford this bill. The minority further believes that the second part of the bill to clean up derelict or ghost traps should be a separate bill. It is concerning that an unidentified person could be authorized to retrieve attached traps. It is also not feasible, as stated in the bill, that any person who identifies an attached trap shall collect and report the location to Fish and Game. The minority believes that it is inappropriate for a committee to pass legislation with numerous issues such as the ones listed above.

#### **Majority Amendment (0709h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a scuba diver recreational lobster license and relative to lobster trap location tracking.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Lobsters and Crabs; Scuba Diver Recreational Lobster License. Amend RSA 211:18 by inserting after paragraph II-a the following new paragraphs:

II-b.(a) A person who is a resident of this state and wishes to engage in scuba diving or freediving, also known as skin diving, as a recreational activity, and who is in compliance with RSA 270:31 through 270:32-a, and has attained 18 years of age, shall be permitted to take lobsters under a scuba diver recreational lobster license issued by the executive director. The executive director shall limit the number of scuba diver recreational lobster licenses to 100 beginning with the calendar year this paragraph becomes effective. Licenses shall be issued on a first-come, first served basis from the date the executive director establishes as the time when licenses can be issued.

(b) The executive director shall establish the fee for the scuba diver recreational lobster license which shall be credited to the derelict fishing gear and coastal cleanup fund established in RSA 211:77.

(c) The executive director shall establish the scuba diver recreational lobster season from April 1 through September 15, and a scuba diver recreational lobster license shall be valid for not less than 4 weeks during such season.

(d) The license shall consist of letters and or numbers which the person engaged in scuba diving shall affix to his or her diving tanks and regulation dive flag in a contrasting color making it readily visible to a conservation officer.

(e)(1) The executive director shall establish a limit on the number of lobsters taken per day by a scuba diver holding a license under this paragraph, provided such limit shall not be less than 3 lobsters per day per licensee, unless a lower industry-wide limit is established. Lobsters shall be taken only for the consumption by the licensee and the licensee's family and guests.

(2) The executive director shall establish zones where the scuba diver recreational lobster license holders may harvest lobsters during the established season. All areas outside the zones shall be restricted to harvesting of lobsters by those with a scuba diver recreational lobster license. All zones where lobsters may be harvested by scuba divers shall be adjacent to the shoreline and in an area accessible for both parking and water access and which may already be frequented by divers actively harvesting crab or other legal shellfish. The executive director may determine if the area shall be exclusive to scuba diving recreational lobster license holders or open to all those with lobster licenses, including commercial and/or non-commercial 5 pot license holders.

(f) No person holding the scuba diving recreational lobster license shall at any time take any lobsters by any method except by hand. Use of a tickle stick, which is a straight or slightly bent stick used to agitate a lobster into coming out of its hole, shall be permitted.

(g) All lobsters taken under a scuba diver recreational lobster license shall be of legal size, as provided by RSA 211:62 and in accordance with RSA 211:27, measured immediately upon capture on the seafloor before surfacing.

(h) The scuba diver recreational lobster license shall not be transferred to any other person.

(i) The executive director shall adopt rules, pursuant to RSA 541-A, to implement the requirements of this paragraph, provided such rules conform with requirements applicable to non-commercial 5 pot licenses and commercial lobster license holders.

(j) The executive director shall submit a report to the chairpersons of the house and senate committees with the jurisdiction over scuba diving recreational lobster licensing. The report shall include the total number of lobsters reported taken by year by non-commercial scuba diving license holders, the total number of non-commercial scuba diving lobster licenses issued, the number of violations issued, the number of investigations detailed by source, such as public complaint, commercial lobsterman complaint, diver complaint, conservation officer complaint. The executive director shall submit the report within 5 years of the effective date of this paragraph, and every 5 years thereafter.

II-c. Any person who applies for an initial non-commercial license to take lobster shall acknowledge and agree:

(a) That he or she has read and understood the New Hampshire Guide to E-Regulation for lobster.

(b) That he or she knows where lobsters may be legally taken with a scuba diving non-commercial license.

(c) That he or she knows identification techniques for what constitutes a male and female lobster as well as a legal lobster for taking.

(d) That he or she knows how to register details of lobster taking, including information on how to access and register a catch using the online lobster registration system created under paragraph II- and II-e of this section.

(e) That he or she knows the procedure for reporting and identifying abandoned fishing gear which is encountered to the fish and game department.

(f) The procedure for notching the tail of the egg bearing female lobster and releasing such lobster.

(g) The prohibition on interference with lobstering equipment not owned by a diver except under RSA 211:32-a.

II-d. The executive director may use federal funds to create and administer an educational course regarding permissible scuba diving lobster activities. The course may be offered by the executive director or by dive shops or dive instructors approved by the executive director. The course shall include:

(a) Information on preserving the health of the lobster in the process of taking the lobster.

(b) A review of the New Hampshire guide to e-regulation for lobster which includes identification of what constitutes a legal lobster for taking in New Hampshire.

(c) Where and how to confirm the locations where lobster may be legally taken in New Hampshire.

(d) How to register details of lobster taking, including information on how to access and register a catch using the online lobster registration system created under paragraph II-e of this section.

(e) The procedure for reporting and identifying abandoned fishing gear which is encountered in the process of taking lobster to the fish and game department.

(f) The procedure for notching the tail of the egg bearing female lobster and releasing such lobster.

(g) The prohibition on interference with lobstering equipment not owned by a diver except under RSA 211:32-a.

(h) Other topics the executive director deems important to convey to divers, dive shop owners, dive instructors, and those involved in the lobstering industry.

(i) Statistics regarding the ecological impact of derelict fishing gear.

II-e. The executive director shall create an electronic or paper registration system for scuba divers and free divers who possess a license under this section to register their catch total, and the sex and weight of each lobster taken, within 12 hours of the taking. The system shall be accessible for use on the fish and game website and shall be capable of allowing registration information to be submitted online.

2 New Section; Lobster Trap; Location Tracking. Amend RSA 211 by inserting after section 32 the following new section:

211:32-a Lobster Trap; Location Tracking. Any person who holds a license to take lobster under RSA 211:49-a, RSA 211:49-aa, RSA 211:49-b, or RSA 211:49-c shall keep a written log of the coordinates and location where a lobster trap is released and the date such trap is released. Should a lobster trap become unattached from a surface buoy or become irretrievable by normal fishing methods, the person holding the license shall make a good faith effort to retrieve the trap, within 60 days of discovering such detachment, by using any methods that are minimally disruptive to the ocean floor. The log which shall be produced on the demand of any conservation officer, shall contain the method used to attempt retrieval of such trap and whether that method was successful or unsuccessful. The fish and game department shall adopt rules under RSA 541-A establishing fines for violations of this section.

3 Limitations; Exceptions. Amend RSA 211:31, I to read as follows:

I. ***For traps that are attached and retrievable***, no person, except the owner, ***someone authorized by the owner***, [or] a conservation officer, ***or a person authorized by the department***, shall take up, lift, molest, have in his possession, or transfer any pot, trap, car or other contrivance that is set for the taking or holding of lobsters or crabs, nor take, remove or carry away from the beach or shore, any such pot, trap, car or other contrivance or warp or buoy without the written permission of the owner. In addition to the penalty for violation of this section, said person, if he holds a license, shall lose said license for one year.

***I-a. Any person who identifies a pot, trap, car or other contrivance that is set for the taking or holding of lobsters or crabs if such item is unattached to a buoy and/or irretrievable by normal fishing methods shall report the location of a pot, trap, car, or other contrivance to the fish and game department as soon as possible. Such person may release the animals in a pot, trap, car, or other contrivance that is unattached to a buoy and/or otherwise irretrievable by normal fishing methods. Under no circumstances may the animals released be kept. If such trap is on the shore, such person may collect the trap and shall return the trap either to the owner of the trap or the department. The department may charge the owner of the unattached trap a fee to be set in rules. All fees collected under this paragraph shall be deposited into the derelict fishing gear and coastal***



*cleanup fund established in RSA 211:77. If a person identifies an unattached pot, trap, car, or other contrivance in the water, such person shall not remove the pot, trap, car, or other contrivance unless authorized to do so by the owner or a conservation officer from the department of fish and game.*

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes a scuba diver recreational lobster license.

This bill also requires persons lobstering with a commercial license to record the location of where a lobster trap is placed and make a good faith effort to retrieve such trap if it becomes detached from its buoy.

#### MOTION TO LAY ON THE TABLE

Rep. Harvey moved that **HB 442-FN**, establishing a scuba diver recreational lobster license and relative to lobster trap location tracking, be laid on the table.

Rep. Read requested a roll call; sufficiently seconded.

#### YEAS 131 - NAYS 245

##### YEAS - 131

##### BELKNAP

|              |                |                    |                   |
|--------------|----------------|--------------------|-------------------|
| Bordes, Mike | Coker, Matthew | St. Clair, Charlie | Trottier, Douglas |
|--------------|----------------|--------------------|-------------------|

##### CARROLL

|              |                   |
|--------------|-------------------|
| Paige, David | Woodcock, Stephen |
|--------------|-------------------|

##### CHESHIRE

|                 |                   |                  |               |
|-----------------|-------------------|------------------|---------------|
| Abbott, Michael | Harvey, Cathryn   | Fox, Dru         | Eaton, Daniel |
| Faulkner, Barry | Germana, Nicholas | Parshall, Lucius | Schapiro, Joe |
| Tatro, Bruce    |                   |                  |               |

##### COOS

|                    |
|--------------------|
| Cascadden, Corinne |
|--------------------|

##### GRAFTON

|             |                   |                 |                       |
|-------------|-------------------|-----------------|-----------------------|
| Almy, Susan | Baldwin, Heather  | Fellows, Sallie | Hakken-Phillips, Mary |
| Hoyt, Tommy | Massimilla, Linda | Morse, Corinne  | Nordgren, Sharon      |

##### HILLSBOROUGH

|                       |                   |                           |                    |
|-----------------------|-------------------|---------------------------|--------------------|
| Nutting-Wong, Allison | Beaulieu, Jane    | Booras, Efstathia         | Bouchard, Donald   |
| Bradley, Amy          | Cornell, Patricia | Darby, Will               | DiSilvestro, Linda |
| Davis, Fred           | Fedolfi, Jim      | Freitas, Mary             | Goley, Jeffrey     |
| Grill, Jessica        | Hamer, Heidi      | Harriott-Gathright, Linda | Heath, Mary        |
| Herbert, Christopher  | Jack, Martin      | Judy, Jean                | Smith, Juliet      |
| Juris, Louis          | Lanza, Judi       | Leapley, Nicole           | LeClerc, Daniel    |
| Leishman, Peter       | Lloyd, Christal   | Howard, Molly             | Murray, Megan      |
| Perez, Maria          | MacKenzie, Mark   | Mangipudi, Latha          | Morton, Jennifer   |
| Moulton, Candace      | Murphy, Nancy     | Nutter-Upham, Frances     | O'Brien, Michael   |
| Preece, David         | Proulx, Mark      | Newman, Ray               | Rombeau, Catherine |
| Rung, Rosemarie       | Newman, Sue       | Sofikitis, Catherine      | Spier, Carry       |
| Staub, Kathy          | Telerski, Laura   | Veilleux, Daniel          | Thomas, Wendy      |

##### MERRIMACK

|                 |                    |                 |                  |
|-----------------|--------------------|-----------------|------------------|
| Brennan, Angela | Ebel, Karen        | Ellison, Arthur | Hall, Muriel     |
| Lane, Connie    | Luneau, David      | MacKay, James   | Mason, James     |
| Myler, Mel      | Richards, Beth     | Schuett, Dianne | Shurtleff, Steve |
| Soucy, Timothy  | Wallner, Mary Jane |                 |                  |

##### ROCKINGHAM

|                |                 |                      |                  |
|----------------|-----------------|----------------------|------------------|
| Balboni, Peggy | Thomas, Douglas | DiLorenzo, Charlotte | Edgar, Michael   |
| Edwards, Jess  | Emerick, Tracy  | Gilman, Julie        | Grote, Jaci      |
| Harley, Tina   | Haskins, Linda  | Janvrin, Jason       | Murray, Kate     |
| Khan, Aboul    | Knab, Allison   | Cahill, Michael      | Paige, Mark      |
| Maggiore, Jim  | Malloy, Dennis  | Manos, Zoe           | McBeath, Rebecca |
| Meuse, David   | Porcelli, Susan | Pratt, Kevin         | Simpson, Alexis  |
| Tripp, Richard | Ward, Gerald    |                      |                  |

##### STRAFFORD

|                     |                  |                |                     |
|---------------------|------------------|----------------|---------------------|
| Bay, Luz            | Bixby, Peter     | Cannon, Gerri  | Conlin, Bill        |
| Fitzpatrick, Daniel | Smith, Geoffrey  | Howland, Allan | LaMontagne, Jessica |
| Levesque, Cassandra | Smith, Marjorie  | Schmidt, Peter | Pare, Gail          |
| Selig, Loren        | Vincent, Kenneth | Wall, Janet    |                     |

**SULLIVAN**

Sullivan, Brian

Damon, Hope

Merchant, Gary

Tanner, Linda

**NAYS - 245****BELKNAP**Bean, Harry  
Harvey-Bolia, Juliet  
Beaudoin, RichardBogert, Steven  
Nagel, David  
Smart, LisaComtois, Barbara  
O'Hara, Travis  
Terry, PaulDumais, Russell  
Ploszaj, Tom  
Varney, Peter**CARROLL**Avellani, Lino  
Costable, Michael  
McConkey, MarkBelcher, Mike  
MacDonald, John  
Peternel, KatyBurroughs, Anita  
Smith, Jonathan  
Brown, RichardCordelli, Glenn  
McAlear, Chris**CHESHIRE**Ames, Richard  
Monteil, Renee  
Santonastaso, Matthew  
Nutting, ZacharyFiliault, Shaun  
Newell, Jodi  
Thackston, DickHunt, John  
Qualey, James  
Toll, AmandaJones, Philip  
Rhodes, Jennifer  
Weber, Lucy**COOS**Davis, Arnold  
Ouellet, MikeKelley, Eamon  
King, SethMerner, Troy  
Tierney, James

Noël, Henry

**GRAFTON**Adjutant, Joshua  
Cormen, Thomas  
Ladd, Rick  
Sellers, JohnBerezhny, Lex  
Coulon, Matthew  
Lovett, Peter  
Simon, MatthewBolton, Bill  
Greeson, Jeffrey  
Muirhead, Russell  
Stringham, JerryBrown, Carroll  
Sullivan, Jared  
Rochefort, David  
Sykes, George**HILLSBOROUGH**Lekas, Alicia  
Ammon, Keith  
Boehm, Ralph  
Cole, Brian  
Ford, Damond  
Elberger, Susan  
Gorski, Ted  
Infantine, William  
Foxx, Loren  
Lewicke, John  
McGough, Tim  
Noble, Kristin  
Pedersen, Michael  
Prout, Andrew  
Ryan, Linda  
Sirois, Shane  
Tenczar, Jeffrey  
Wherry, RobertMurray, Alissandra  
Boyd, Bill  
Calabro, Karen  
Corcoran, Travis  
Kelley, Diane  
Erf, Keith  
Gregg, Alicia  
Kennedy, Stephen  
Gould, Linda  
Long, Patrick  
McLean, Mark  
Notter, Jeanine  
Petrigno, Peter  
Raymond, Heather  
Seibert, Christine  
Lekas, Tony  
Ulery, Jordan  
Wilhelm, MatthewAbare, Kimberly  
King, Bill  
Chretien, Jacqueline  
Creighton, Jim  
Devine, Shelley  
Griffin, Gerald  
Healey, Robert  
Kenny, Catherine  
Sanborn, Laurie  
Mazur, Lisa  
Ming, Ben  
Panek, Sandra  
Plett, Fred  
Reid, Karen  
Seidel, Sheila  
Mannion, Tom  
Vail, SuzanneAlexander, Joe  
Berry, Ross  
Colcombe, Riché  
Cushman, Leah  
Dutzy, Sherry  
Gagne, Larry  
Hynes, Dan  
Kofalt, Jim  
Lascalles, Richard  
McGhee, Kat  
Mooney, Maureen  
Pauer, Diane  
Post, Lisa  
Renzullo, Andrew  
Sheehan, Vanessa  
Tellez, Trinidad  
Wheeler, Jonah**MERRIMACK**Turcotte, Alan  
McGuire, Carol  
McGuire, Dan  
Hicks, Matthew  
McWilliams, Rebecca  
Roesener, James  
See, Alvin  
Wood, ClaytonAndrus, Louise  
Cambrils, Jose  
Gallager, Eric  
Hill, Gregory  
Moffett, Michael  
Boyd, Stephen  
Walsh, ThomasAures, Cyril  
Caplan, Tony  
Gerhard, Jason  
Hoell, J.R.  
Payeur, Stephanie  
Gould, Sherry  
Testerman, DaveAylward, Deborah  
Carey, Lorrie  
Gibbs, Merryl  
Leavitt, John  
Polozov, Yury  
Seaworth, Brian  
Wolf, Dan**ROCKINGHAM**Ball, Lorie  
DeSimone, Debra  
Dunn, Ron  
Harb, Robert  
Katsakiores, Phyllis  
Love, David  
McMahon, Charles  
Ford, Oliver  
Popovici-Muller, DanielBernardy, JD  
Donnelly, Tanya  
Foote, Charles  
Hobson, Deb  
Kuttab, Katelyn  
Lynn, Bob  
Melvin, Charles  
Osborne, Jason  
Potucek, JohnBrouillard, Jacob  
Doucette, Fred  
Grossman, Gaby  
Janigian, John  
Walsh, Lilli  
Pearson, Mark  
Milz, David  
Phillips, Emily  
Prudhomme-O'Brien, KatherineMannion, Dennis  
Drago, Mike  
Hamblet, Joan  
Perez, Kristine  
Layon, Erica  
McDonnell, Valerie  
Muns, Chris  
Piemonte, Tony  
Quaratiello, Arlene

Raynolds, Ned  
Soti, Julius  
Sytek, John  
Tudor, Paul  
Vogt, Robin  
Weyler, Kenneth

Read, Ellen  
Spillane, James  
Cahill, Tim  
Turer, Eric  
Vose, Michael  
Yokela, Josh

Roy, Terry  
Summers, James  
Dolan, Tom  
Vallone, Mark  
MacDonald, Wayne

Pearson, Stephen  
Sweeney, Joe  
True, Chris  
Vandecasteele, Susan  
Wallace, Scott

### STRAFFORD

Bailey, Glenn  
Connor, James  
Harrington, Michael  
Kaczynski, Thomas  
Phinney, Brandon  
Treleaven, Susan

Bickford, David  
Granger, Michael  
Horgan, James  
Kenney, Cam  
Pitre, Joseph

Burnham, Claudine  
Grassie, Chuck  
Horrigan, Timothy  
Turcotte, Len  
Potenza, Kelley

Rich, Cecilia  
Howard, Heath  
Rich, Jeffrey  
Newton, Clifford  
Southworth, Thomas

### SULLIVAN

Aron, Judy  
Rollins, Skip

Cloutier, John  
Spilsbury, Walter

Drye, Margaret  
Stapleton, Walter

Palmer, William  
Stone, Jonathan

and the motion failed.

The question now being adoption of majority committee amendment (0709h).

Reps. Goley and Janvrin spoke against.

Rep. Spillane spoke in favor and yielded to questions.

Rep. Wheeler spoke in favor.

Rep. Read requested a roll call; sufficiently seconded.

### YEAS 271 - NAYS 105

#### YEAS - 271

#### BELKNAP

Bean, Harry  
Comtois, Barbara  
Ploszaj, Tom  
Varney, Peter

Bogert, Steven  
Harvey-Bolia, Juliet  
Beaudoin, Richard

Bordes, Mike  
Nagel, David  
Smart, Lisa

Coker, Matthew  
O'Hara, Travis  
Terry, Paul

#### CARROLL

Avellani, Lino  
Costable, Michael  
McConkey, Mark

Belcher, Mike  
MacDonald, John  
Peternel, Katy

Burroughs, Anita  
Smith, Jonathan

Cordelli, Glenn  
McAleer, Chris

#### CHESHIRE

Faulkner, Barry  
Jones, Philip  
Rhodes, Jennifer  
Nutting, Zachary

Filiault, Shaun  
Monteil, Renee  
Santonastaso, Matthew

Germana, Nicholas  
Newell, Jodi  
Thackston, Dick

Hunt, John  
Qualey, James  
Toll, Amanda

#### COOS

Davis, Arnold  
Ouellet, Mike

Kelley, Eamon  
King, Seth

Merner, Troy  
Tierney, James

Noël, Henry

#### GRAFTON

Adjutant, Joshua  
Bolton, Bill  
Murphy, James  
Massimilla, Linda  
Sellers, John

Almy, Susan  
Brown, Carroll  
Sullivan, Jared  
Morse, Corinne  
Simon, Matthew

Baldwin, Heather  
Coulon, Matthew  
Ladd, Rick  
Muirhead, Russell  
Stringham, Jerry

Berezny, Lex  
Greeson, Jeffrey  
Lovett, Peter  
Rochefort, David  
Sykes, George

#### HILLSBOROUGH

Lekas, Alicia  
Alexander, Joe  
Berry, Ross  
Colcombe, Riché  
Cushman, Leah  
Dutzy, Sherry  
Fedolfi, Jim  
Gregg, Alicia  
Infantine, William  
Kennedy, Stephen  
Gould, Linda  
Leapley, Nicole

Murray, Aissandra  
Ammon, Keith  
Boehm, Ralph  
Cole, Brian  
Ford, Damond  
Elberger, Susan  
Griffin, Gerald  
Healey, Robert  
Judy, Jean  
Kenny, Catherine  
Sanborn, Laurie  
Lewicke, John

Nutting-Wong, Allison  
Boyd, Bill  
Calabro, Karen  
Corcoran, Travis  
Kelley, Diane  
Erf, Keith  
Gagne, Larry  
Herbert, Christopher  
Smith, Juliet  
Kofalt, Jim  
Lanza, Judi  
Mazur, Lisa

Abare, Kimberly  
King, Bill  
Chretien, Jacqueline  
Creighton, Jim  
Devine, Shelley  
Davis, Fred  
Gorski, Ted  
Hynes, Dan  
Juris, Louis  
Foxy, Loren  
Lascelles, Richard  
McGhee, Kat

McGough, Tim  
Noble, Kristin  
Plett, Fred  
Newman, Ray  
Rombeau, Catherine  
Seidel, Sheila  
Mannion, Tom  
Wheeler, Jonah

McLean, Mark  
Notter, Jeanine  
Post, Lisa  
Raymond, Heather  
Rung, Rosemarie  
Sheehan, Vanessa  
Tellez, Trinidad  
Wherry, Robert

Mooney, Maureen  
Pauer, Diane  
Preece, David  
Reid, Karen  
Ryan, Linda  
Sirois, Shane  
Ulery, Jordan

Murphy, Nancy  
Pedersen, Michael  
Prout, Andrew  
Renzullo, Andrew  
Seibert, Christine  
Lekas, Tony  
Vail, Suzanne

### MERRIMACK

Turcotte, Alan  
Brennan, Angela  
Carey, Lorrie  
Gerhard, Jason  
Hoell, J.R.  
McWilliams, Rebecca  
Richards, Beth  
Seaworth, Brian  
Wolf, Dan

Andrus, Louise  
McGuire, Carol  
McGuire, Dan  
Gibbs, Merryl  
Lane, Connie  
Moffett, Michael  
Roesener, James  
See, Alvin  
Wood, Clayton

Aures, Cyril  
Cambriels, Jose  
Ebel, Karen  
Hicks, Matthew  
Leavitt, John  
Payeur, Stephanie  
Boyd, Stephen  
Walsh, Thomas

Aylward, Deborah  
Caplan, Tony  
Gallager, Eric  
Hill, Gregory  
MacKay, James  
Polozov, Yury  
Gould, Sherry  
Testerman, Dave

### ROCKINGHAM

Ball, Lorie  
DeSimone, Debra  
Dunn, Ron  
Hamblet, Joan  
Janigian, John  
Kuttab, Katelyn  
Lynn, Bob  
McMahon, Charles  
O'Neil, Candice  
Piemonte, Tony  
Prudhomme-O'Brien, Katherine  
Roy, Terry  
Spillane, James  
Dolan, Tom  
Turer, Eric  
Vose, Michael  
Yokela, Josh

Bernardy, JD  
Donnelly, Tanya  
Edwards, Jess  
Harb, Robert  
Perez, Kristine  
Walsh, Lilli  
Pearson, Mark  
Melvin, Charles  
Ford, Oliver  
Popovici-Muller, Daniel  
Quaratiello, Arlene  
Pearson, Stephen  
Summers, James  
Tripp, Richard  
Vallone, Mark  
MacDonald, Wayne

Mannion, Dennis  
Doucette, Fred  
Foote, Charles  
Haskins, Linda  
Katsakiores, Phyllis  
Layon, Erica  
Manos, Zoe  
Milz, David  
Osborne, Jason  
Potucek, John  
Raynolds, Ned  
Simpson, Alexis  
Sweeney, Joe  
True, Chris  
Vandecasteele, Susan  
Wallace, Scott

Thomas, Douglas  
Drago, Mike  
Grossman, Gaby  
Hobson, Deb  
Knab, Allison  
Love, David  
McDonnell, Valerie  
Muns, Chris  
Phillips, Emily  
Pratt, Kevin  
Read, Ellen  
Soti, Julius  
Cahill, Tim  
Tudor, Paul  
Vogt, Robin  
Weyler, Kenneth

### STRAFFORD

Bailey, Glenn  
Conlin, Bill  
Howard, Heath  
Rich, Jeffrey  
LaMontagne, Jessica  
Potenza, Kelley

Bickford, David  
Connor, James  
Harrington, Michael  
Kaczynski, Thomas  
Levesque, Cassandra  
Selig, Loren

Burnham, Claudine  
Granger, Michael  
Horgan, James  
Kenney, Cam  
Newton, Clifford  
Southworth, Thomas

Cannon, Gerri  
Grassie, Chuck  
Horrigan, Timothy  
Turcotte, Len  
Pitre, Joseph  
Treleaven, Susan

### SULLIVAN

Aron, Judy  
Spilsbury, Walter

Drye, Margaret  
Stapleton, Walter

Palmer, William  
Stone, Jonathan

Rollins, Skip

### NAYS - 105

#### BELKNAP

Dumais, Russell

St. Clair, Charlie

Trottier, Douglas

#### CARROLL

Buco, Thomas

Paige, David

Brown, Richard

Woodcock, Stephen

#### CHESHIRE

Abbott, Michael  
Eaton, Daniel

Ames, Richard  
Parshall, Lucius

Harvey, Cathryn  
Schapiro, Joe

Fox, Dru  
Weber, Lucy

#### COOS

Cascadden, Corinne

#### GRAFTON

Cormen, Thomas  
Nordgren, Sharon

Fellows, Sallie

Hakken-Phillips, Mary

Hoyt, Tommy

#### HILLSBOROUGH

Beaulieu, Jane  
Cornell, Patricia

Booras, Efsthathia  
Darby, Will

Bouchard, Donald  
DiSilvestro, Linda

Bradley, Amy  
Freitas, Mary

Goley, Jeffrey  
Heath, Mary  
Lloyd, Christal  
Perez, Maria  
Morton, Jennifer  
Petrigno, Peter  
Spier, Carry  
Veilleux, Daniel

Grill, Jessica  
Jack, Martin  
Long, Patrick  
MacKenzie, Mark  
Nutter-Upham, Frances  
Proulx, Mark  
Staub, Kathy  
Thomas, Wendy

Hamer, Heidi  
LeClerc, Daniel  
Howard, Molly  
Mangipudi, Latha  
O'Brien, Michael  
Newman, Sue  
Telerski, Laura

Harriott-Gathright, Linda  
Leishman, Peter  
Murray, Megan  
Ming, Ben  
Panek, Sandra  
Sofikitis, Catherine  
Tenczar, Jeffrey

### MERRIMACK

Ellison, Arthur  
Myler, Mel  
Wallner, Mary Jane

Hall, Muriel  
Schuett, Dianne

Luneau, David  
Shurtleff, Steve

Mason, James  
Soucy, Timothy

### ROCKINGHAM

Balboni, Peggy  
Emerick, Tracy  
Janvrin, Jason  
Paige, Mark  
Meuse, David

Brouillard, Jacob  
Gilman, Julie  
Murray, Kate  
Maggiore, Jim  
Porcelli, Susan

DiLorenzo, Charlotte  
Grote, Jaci  
Khan, Aboul  
Malloy, Dennis  
Sytek, John

Edgar, Michael  
Harley, Tina  
Cahill, Michael  
McBeath, Rebecca  
Ward, Gerald

### STRAFFORD

Bay, Luz  
Smith, Geoffrey  
Pare, Gail

Bixby, Peter  
Howland, Allan  
Phinney, Brandon

Rich, Cecilia  
Smith, Marjorie  
Vincent, Kenneth

Fitzpatrick, Daniel  
Schmidt, Peter  
Wall, Janet

### SULLIVAN

Sullivan, Brian  
Tanner, Linda

Cloutier, John

Damon, Hope

Merchant, Gary

and the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.  
Rep. Read requested a roll call; sufficiently seconded.

## YEAS 276 - NAYS 100

### YEAS - 276

#### BELKNAP

Bean, Harry  
Comtois, Barbara  
Ploszaj, Tom  
Varney, Peter

Bogert, Steven  
Harvey-Bolia, Juliet  
Beaudoin, Richard

Bordes, Mike  
Nagel, David  
Smart, Lisa

Coker, Matthew  
O'Hara, Travis  
Terry, Paul

#### CARROLL

Avellani, Lino  
Costable, Michael  
McConkey, Mark

Belcher, Mike  
MacDonald, John  
Peternel, Katy

Burroughs, Anita  
Smith, Jonathan

Cordelli, Glenn  
McAleer, Chris

#### CHESHIRE

Ames, Richard  
Hunt, John  
Qualey, James  
Thackston, Dick

Faulkner, Barry  
Jones, Philip  
Rhodes, Jennifer  
Toll, Amanda

Filault, Shaun  
Monteil, Renee  
Santonastaso, Matthew  
Nutting, Zachary

Germana, Nicholas  
Newell, Jodi  
Schapiro, Joe

#### COOS

Davis, Arnold  
Ouellet, Mike

Kelley, Eamon  
King, Seth

Merner, Troy  
Tierney, James

Noël, Henry

#### GRAFTON

Adjutant, Joshua  
Bolton, Bill  
Greeson, Jeffrey  
Lovett, Peter  
Sellers, John

Almy, Susan  
Brown, Carroll  
Murphy, James  
Morse, Corinne  
Simon, Matthew

Baldwin, Heather  
Coulon, Matthew  
Sullivan, Jared  
Muirhead, Russell  
Stringham, Jerry

Berezny, Lex  
Fellows, Sallie  
Ladd, Rick  
Rocheport, David  
Sykes, George

#### HILLSBOROUGH

Lekas, Alicia  
Alexander, Joe  
Berry, Ross  
Colcombe, Riché  
Cushman, Leah

Murray, Aissandra  
Ammon, Keith  
Boehm, Ralph  
Cole, Brian  
Ford, Damond

Nutting-Wong, Allison  
Boyd, Bill  
Calabro, Karen  
Corcoran, Travis  
Kelley, Diane

Abare, Kimberly  
King, Bill  
Chretien, Jacqueline  
Creighton, Jim  
Devine, Shelley

Dutzy, Sherry  
Fedolfi, Jim  
Gregg, Alicia  
Hynes, Dan  
Juris, Louis  
Foxy, Loren  
Lascelles, Richard  
Mazur, Lisa  
Murphy, Nancy  
Pedersen, Michael  
Prout, Andrew  
Renzullo, Andrew  
Newman, Sue  
Sirois, Shane  
Ulery, Jordan

Turcotte, Alan  
Brennan, Angela  
Carey, Lorrie  
Gibbs, Merryl  
Lane, Connie  
Moffett, Michael  
Roesener, James  
See, Alvin  
Wood, Clayton

Ball, Lorie  
Doucette, Fred  
Foote, Charles  
Haskins, Linda  
Katsakiores, Phyllis  
Layon, Erica  
Pearson, Mark  
McDonnell, Valerie  
Muns, Chris  
Phillips, Emily  
Pratt, Kevin  
Read, Ellen  
Soti, Julius  
Cahill, Tim  
Tudor, Paul  
Vogt, Robin  
Weyler, Kenneth

Bailey, Glenn  
Conlin, Bill  
Howard, Heath  
Rich, Jeffrey  
LaMontagne, Jessica  
Pitre, Joseph  
Treleaven, Susan

Aron, Judy  
Stapleton, Walter

Dumais, Russell

Buco, Thomas

Abbott, Michael  
Parshall, Lucius

Cascadden, Corinne

Elberger, Susan  
Griffin, Gerald  
Grill, Jessica  
Infantine, William  
Kennedy, Stephen  
Gould, Linda  
Leapley, Nicole  
McGough, Tim  
Noble, Kristin  
Plett, Fred  
Newman, Ray  
Rombeau, Catherine  
Seibert, Christine  
Lekas, Tony  
Vail, Suzanne

Andrus, Louise  
McGuire, Carol  
McGuire, Dan  
Hicks, Matthew  
Leavitt, John  
Payeur, Stephanie  
Boyd, Stephen  
Walsh, Thomas

Bernardy, JD  
Drago, Mike  
Grossman, Gaby  
Hobson, Deb  
Knab, Allison  
Love, David  
Maggiore, Jim  
McMahon, Charles  
O'Neil, Candice  
Piemonte, Tony  
Prudhomme-O'Brien, Katherine  
Roy, Terry  
Spillane, James  
Dolan, Tom  
Turer, Eric  
Vose, Michael  
Yokela, Josh

Bickford, David  
Connor, James  
Harrington, Michael  
Kaczynski, Thomas  
Levesque, Cassandra  
Potenza, Kelley  
Vincent, Kenneth

Drye, Margaret  
Stone, Jonathan

St. Clair, Charlie

Paige, David

Harvey, Cathryn  
Weber, Lucy

Erf, Keith  
Gagne, Larry  
Healey, Robert  
Jack, Martin  
Kenny, Catherine  
Sanborn, Laurie  
Lewicke, John  
McLean, Mark  
Notter, Jeanine  
Post, Lisa  
Raymond, Heather  
Rung, Rosemarie  
Seidel, Sheila  
Mannion, Tom  
Wheeler, Jonah

### MERRIMACK

Aures, Cyril  
Cambriis, Jose  
Gallager, Eric  
Hill, Gregory  
MacKay, James  
Polozov, Yury  
Gould, Sherry  
Testerman, Dave

### ROCKINGHAM

DeSimone, Debra  
Dunn, Ron  
Hamblet, Joan  
Janigian, John  
Kuttab, Katelyn  
Lynn, Bob  
Malloy, Dennis  
Melvin, Charles  
Ford, Oliver  
Popovici-Muller, Daniel  
Quaratiello, Arlene  
Pearson, Stephen  
Summers, James  
Tripp, Richard  
Vallone, Mark  
MacDonald, Wayne

### STRAFFORD

Burnham, Claudine  
Granger, Michael  
Horgan, James  
Kenney, Cam  
Newton, Clifford  
Selig, Loren

### SULLIVAN

Rollins, Skip

### NAYS - 100

#### BELKNAP

Trottier, Douglas

#### CARROLL

Brown, Richard

### CHESHIRE

Fox, Dru

### COOS

Davis, Fred  
Gorski, Ted  
Herbert, Christopher  
Judy, Jean  
Kofalt, Jim  
Lanza, Judi  
Perez, Maria  
Mooney, Maureen  
Pauer, Diane  
Preece, David  
Reid, Karen  
Ryan, Linda  
Sheehan, Vanessa  
Tellez, Trinidad  
Wherry, Robert

Aylward, Deborah  
Caplan, Tony  
Gerhard, Jason  
Hoell, J.R.  
McWilliams, Rebecca  
Richards, Beth  
Seaworth, Brian  
Wolf, Dan

Donnelly, Tanya  
Edwards, Jess  
Harb, Robert  
Perez, Kristine  
Walsh, Lilli  
Paige, Mark  
Manos, Zoe  
Milz, David  
Osborne, Jason  
Potucek, John  
Raynolds, Ned  
Simpson, Alexis  
Sweeney, Joe  
True, Chris  
Vandecasteele, Susan  
Wallace, Scott

Cannon, Gerri  
Grassie, Chuck  
Horrigan, Timothy  
Turcotte, Len  
Schmidt, Peter  
Southworth, Thomas

Spilsbury, Walter

Woodcock, Stephen

Eaton, Daniel

**GRAFTON**Cormen, Thomas  
Nordgren, Sharon

Hakken-Phillips, Mary

Hoyt, Tommy

Massimilla, Linda

**HILLSBOROUGH**Beaulieu, Jane  
Cornell, Patricia  
Goley, Jeffrey  
Smith, Juliet  
Long, Patrick  
Mangipudi, Latha  
Moulton, Candace  
Petrigno, Peter  
Staub, Kathy  
Thomas, WendyBooras, Efstathia  
Darby, Will  
Hamer, Heidi  
LeClerc, Daniel  
Howard, Molly  
McGhee, Kat  
Nutter-Upham, Frances  
Proulx, Mark  
Telerski, LauraBouchard, Donald  
DiSilvestro, Linda  
Harriott-Gathright, Linda  
Leishman, Peter  
Murray, Megan  
Ming, Ben  
O'Brien, Michael  
Sofikitis, Catherine  
Tenczar, JeffreyBradley, Amy  
Freitas, Mary  
Heath, Mary  
Lloyd, Christal  
MacKenzie, Mark  
Morton, Jennifer  
PANEK, Sandra  
Spier, Carry  
Veilleux, Daniel**MERRIMACK**Ebel, Karen  
Mason, James  
Soucy, TimothyEllison, Arthur  
Myler, Mel  
Wallner, Mary JaneHall, Muriel  
Schuett, DianneLuneau, David  
Shurtleff, Steve**ROCKINGHAM**Balboni, Peggy  
DiLorenzo, Charlotte  
Grote, Jaci  
Cahill, Michael  
Sytek, JohnBrouillard, Jacob  
Edgar, Michael  
Janvrin, Jason  
McBeath, Rebecca  
Ward, GeraldMannion, Dennis  
Emerick, Tracy  
Murray, Kate  
Meuse, DavidThomas, Douglas  
Gilman, Julie  
Khan, Aboul  
Porcelli, Susan**STRAFFORD**Bay, Luz  
Smith, Geoffrey  
Phinney, BrandonBixby, Peter  
Howland, Allan  
Wall, JanetRich, Cecilia  
Smith, MarjorieFitzpatrick, Daniel  
Pare, Gail**SULLIVAN**Sullivan, Brian  
Palmer, WilliamCloutier, John  
Tanner, Linda

Damon, Hope

Merchant, Gary

and the majority committee report was adopted, and the bill was ordered to third reading.

**HB 69**, relative to direct payment and membership-based health care facilities. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill extends the direct pay model currently available for primary care to the operation of health care facilities. The bill would open the door to the possible creation of a sector within the healthcare marketplace that is completely price transparent and potentially attractive to uninsured or self-insured patients. The bill would help bring competition to the health sector and might expand access by attracting providers desiring to operate in an environment free of the heavy administrative burden created by the all-payer model. Because the uptake rate of direct primary care has been modest, and the 15-mile exclusion zone defined in RSA 151:4-a is preserved, it is believed that the bill will have no significant impact on the state's critical access hospitals, but that it will provide an opportunity for new modes of healthcare delivery to be explored.

Rep. Mark McLean

Statement in support of Inexpedient to Legislate: This bill exempts facilities operating with membership-based or direct payment business models from special health care licensing requirement. It requires that the facility adopt a policy to assure that it provides services to all persons regardless of the source of payment. It is not 'free market competition' if facilities are not required to adhere to the same rules and licensing requirements for the same services. The unintended consequences would be catastrophic for local communities and patients if hospitals with already very tight budget margins were to close which would negatively impact local employment and impeding patient access to timely care. Without a charity care policy in place for all facilities, it would create a two-tiered health care system and place an undue burden on facilities licensed under RSA 151:2 as they maintain the needed and much broader service lines for their communities, while accepting all patients regardless of their insurance coverage or ability to pay. One could imagine going to one of these facilities with a sick child or grandchild at 3 am and seeing a sign outside saying "members only" in addition to being closed. That child would then need to go to the local emergency room of the already financially stressed local community or county hospital which is open 24/7 and which, by license, is still required to care for all patients. Hospitals across the state would be harmed by this policy as those more highly compensated service lines are eroded. It thus leaves the hospitals to offer all those needed services with much lower payment schedules while still trying to maintain comprehensive services, 24/7, to ALL patients regardless of ability to

pay. It will further hurt local hospitals as their workforce is siphoned away to these specialized facilities with potentially more attractive work schedules and higher compensation and which only provide highly reimbursed services. Additionally, any payments made by patients to these facilities will not count towards their insurance deductibles which will only make any future more specialized hospital or multi-disciplinary services more costly to patients on an annual basis. This bill fails to recognize the interconnectedness of the health care system and by cherry-picking only those highly reimbursed services further burden the taxpayers and the insured to subsidize those licensed facilities that do contract with Medicare, Medicaid, or private insurance.

Rep. James Murphy

Rep. McLean moved Ought to Pass and spoke in favor.

Rep. James Murphy spoke against.

Rep. Santonastaso requested a roll call; sufficiently seconded.

## YEAS 190 - NAYS 189

### YEAS - 190

#### BELKNAP

Bean, Harry  
Harvey-Bolia, Juliet  
Beaudoin, Richard  
Varney, Peter

Bordes, Mike  
Nagel, David  
Smart, Lisa

Comtois, Barbara  
O'Hara, Travis  
Terry, Paul

Dumais, Russell  
Ploszaj, Tom  
Trottier, Douglas

#### CARROLL

Avellani, Lino  
MacDonald, John  
Brown, Richard

Belcher, Mike  
Smith, Jonathan

Cordelli, Glenn  
McConkey, Mark

Costable, Michael  
Peternel, Katy

#### CHESHIRE

Hunt, John  
Thackston, Dick

Qualey, James  
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

#### COOS

Davis, Arnold  
Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

#### GRAFTON

Berezhny, Lex  
Sullivan, Jared  
Simon, Matthew

Brown, Carroll  
Ladd, Rick

Coulon, Matthew  
Rocheport, David

Greeson, Jeffrey  
Sellers, John

#### HILLSBOROUGH

Lekas, Alicia  
Boyd, Bill  
Colcombe, Riché  
Cushman, Leah  
Griffin, Gerald  
Hynes, Dan  
Kofalt, Jim  
Lewicke, John  
Mooney, Maureen  
Pauer, Diane  
Prout, Andrew  
Sheehan, Vanessa  
Tenczar, Jeffrey

Abare, Kimberly  
King, Bill  
Cole, Brian  
Kelley, Diane  
Gagne, Larry  
Infantine, William  
Gould, Linda  
Mazur, Lisa  
Noble, Kristin  
Plett, Fred  
Reid, Karen  
Sirois, Shane  
Ulery, Jordan

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Erf, Keith  
Gorski, Ted  
Kennedy, Stephen  
Sanborn, Laurie  
McGough, Tim  
Notter, Jeanine  
Post, Lisa  
Renzullo, Andrew  
Lekas, Tony  
Wherry, Robert

Ammon, Keith  
Boehm, Ralph  
Creighton, Jim  
Fedolffi, Jim  
Healey, Robert  
Kenny, Catherine  
Lascalles, Richard  
McLean, Mark  
Panek, Sandra  
Proulx, Mark  
Seidel, Sheila  
Mannion, Tom

#### MERRIMACK

Andrus, Louise  
Cambrils, Jose  
Hoell, J.R.  
Polozov, Yury  
See, Alvin

Aures, Cyril  
McGuire, Dan  
Leavitt, John  
Boyd, Stephen  
Walsh, Thomas

Aylward, Deborah  
Gerhard, Jason  
Mason, James  
Gould, Sherry  
Testerman, Dave

McGuire, Carol  
Hill, Gregory  
Moffett, Michael  
Seaworth, Brian  
Wood, Clayton

#### ROCKINGHAM

Ball, Lorie  
Thomas, Douglas  
Drago, Mike  
Foote, Charles  
Perez, Kristine  
Walsh, Lilli  
Pearson, Mark  
Milz, David

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Hobson, Deb  
Katsakiores, Phyllis  
Layon, Erica  
McDonnell, Valerie  
Ford, Oliver

Brouillard, Jacob  
Donnelly, Tanya  
Edwards, Jess  
Janigian, John  
Khan, Aboul  
Love, David  
McMahon, Charles  
Osborne, Jason

Mannion, Dennis  
Doucette, Fred  
Emerick, Tracy  
Janvrin, Jason  
Kuttab, Katelyn  
Lynn, Bob  
Melvin, Charles  
Packard, Sherman



Phillips, Emily  
Potucek, John  
Roy, Terry  
Summers, James  
Dolan, Tom  
Vandecasteele, Susan  
Weyler, Kenneth

Piemonte, Tony  
Pratt, Kevin  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
Vose, Michael  
Yokela, Josh

Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Sytek, John  
True, Chris  
MacDonald, Wayne

Porcelli, Susan  
Quaratiello, Arlene  
Spillane, James  
Cahill, Tim  
Tudor, Paul  
Wallace, Scott

### STRAFFORD

Bailey, Glenn  
Granger, Michael  
Turcotte, Len  
Potenza, Kelley

Bickford, David  
Harrington, Michael  
Newton, Clifford

Burnham, Claudine  
Horgan, James  
Phinney, Brandon

Connor, James  
Kaczynski, Thomas  
Pitre, Joseph

### SULLIVAN

Aron, Judy  
Stapleton, Walter

Drye, Margaret  
Stone, Jonathan

Rollins, Skip

Spilsbury, Walter

### NAYS - 189

#### BELKNAP

Bogert, Steven

Coker, Matthew

Huot, David

St. Clair, Charlie

#### CARROLL

Buco, Thomas  
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

### CHESHIRE

Abbott, Michael  
Eaton, Daniel  
Jones, Philip  
Schapiro, Joe

Ames, Richard  
Faulkner, Barry  
Monteil, Renee  
Toll, Amanda

Harvey, Cathryn  
Filiault, Shaun  
Newell, Jodi  
Weber, Lucy

Fox, Dru  
Germana, Nicholas  
Parshall, Lucius

### COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

### GRAFTON

Adjutant, Joshua  
Cormen, Thomas  
Murphy, James  
Muirhead, Russell

Almy, Susan  
Fellows, Sallie  
Lovett, Peter  
Nordgren, Sharon

Baldwin, Heather  
Hakken-Phillips, Mary  
Massimilla, Linda  
Stringham, Jerry

Bolton, Bill  
Hoyt, Tommy  
Morse, Corinne  
Sykes, George

### HILLSBOROUGH

Murray, Alistandra  
Bouchard, Donald  
Chretien, Jacqueline  
Devine, Shelley  
Davis, Fred  
Grill, Jessica  
Herbert, Christopher  
Juris, Louis  
LeClerc, Daniel  
Howard, Molly  
Mangipudi, Latha  
Moulton, Candace  
Pedersen, Michael  
Raymond, Heather  
Newman, Sue  
Staub, Kathy  
Veilleux, Daniel

Nutting-Wong, Allison  
Bouldin, Amanda  
Cornell, Patricia  
DiSilvestro, Linda  
Freitas, Mary  
Hamer, Heidi  
Jack, Martin  
Foxy, Loren  
Leishman, Peter  
Murray, Megan  
McGhee, Kat  
Murphy, Nancy  
Petrigno, Peter  
Rombeau, Catherine  
Seibert, Christine  
Tellerski, Laura  
Thomas, Wendy

Beaulieu, Jane  
Bradley, Amy  
Ford, Damond  
Dutzy, Sherry  
Goley, Jeffrey  
Harriott-Gathright, Linda  
Judy, Jean  
Lanza, Judi  
Lloyd, Christal  
Perez, Maria  
Ming, Ben  
Nutter-Upham, Frances  
Preece, David  
Rung, Rosemarie  
Sofikitis, Catherine  
Tellez, Trinidad  
Wheeler, Jonah

Booras, Efstathia  
Calabro, Karen  
Darby, Will  
Elberger, Susan  
Gregg, Alicia  
Heath, Mary  
Smith, Juliet  
Leapley, Nicole  
Long, Patrick  
MacKenzie, Mark  
Morton, Jennifer  
O'Brien, Michael  
Newman, Ray  
Ryan, Linda  
Spier, Carry  
Vail, Suzanne  
Wilhelm, Matthew

### MERRIMACK

Turcotte, Alan  
Ebel, Karen  
Hall, Muriel  
MacKay, James  
Richards, Beth  
Soucy, Timothy

Brennan, Angela  
Ellison, Arthur  
Hicks, Matthew  
McWilliams, Rebecca  
Roesener, James  
Wallner, Mary Jane

Caplan, Tony  
Gallager, Eric  
Lane, Connie  
Myler, Mel  
Schuett, Dianne  
Wolf, Dan

Carey, Lorrie  
Gibbs, Merryll  
Luneau, David  
Payeur, Stephanie  
Shurtleff, Steve

### ROCKINGHAM

Balboni, Peggy  
Grossman, Gaby

DiLorenzo, Charlotte  
Grote, Jaci

Edgar, Michael  
Hamblet, Joan

Gilman, Julie  
Haskins, Linda

Murray, Kate  
Maggiore, Jim  
Meuse, David  
Read, Ellen  
Vogt, Robin

Knab, Allison  
Malloy, Dennis  
Muns, Chris  
Simpson, Alexis  
Ward, Gerald

Cahill, Michael  
Manos, Zoe  
O'Neil, Candice  
Turer, Eric

Paige, Mark  
McBeath, Rebecca  
Raynolds, Ned  
Vallone, Mark

### STRAFFORD

Bay, Luz  
Conlin, Bill  
Howard, Heath  
Kenney, Cam  
Schmidt, Peter  
Treleven, Susan

Bixby, Peter  
Fitzpatrick, Daniel  
Horrigan, Timothy  
LaMontagne, Jessica  
Pare, Gail  
Vincent, Kenneth

Rich, Cecilia  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Selig, Loren  
Wall, Janet

Cannon, Gerri  
Grassie, Chuck  
Rich, Jeffrey  
Smith, Marjorie  
Southworth, Thomas

### SULLIVAN

Sullivan, Brian  
Palmer, William

Cloutier, John  
Tanner, Linda

Damon, Hope

Merchant, Gary

and the motion of Ought to Pass was adopted and the bill was ordered to third reading.

### MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hoell moved that the House reconsider its action whereby, on a Roll Call vote of 190-189, the House adopted the motion of Ought to Pass on **HB 69**, relative to direct payment and membership-based health care facilities.

On a division vote, with 194 members having voted in the affirmative, and 185 in the negative, the motion was adopted.

The question being adoption of the motion of Ought to Pass.

### MOTION TO LAY ON THE TABLE

Rep. Weber moved that **HB 69**, relative to direct payment and membership-based health care facilities, be laid on the table.

Rep. Yokela requested a roll call; sufficiently seconded.

### YEAS 192 - NAYS 187

#### YEAS - 192 BELKNAP

Bogert, Steven  
St. Clair, Charlie

Coker, Matthew

Huot, David

Nagel, David

#### CARROLL

Buco, Thomas  
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

#### CHESHIRE

Abbott, Michael  
Eaton, Daniel  
Jones, Philip  
Schapiro, Joe

Ames, Richard  
Faulkner, Barry  
Monteil, Renee  
Toll, Amanda

Harvey, Cathryn  
Filiault, Shaun  
Newell, Jodi  
Weber, Lucy

Fox, Dru  
Germana, Nicholas  
Parshall, Lucius

#### COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

#### GRAFTON

Adjutant, Joshua  
Cormen, Thomas  
Murphy, James  
Morse, Corinne  
Sykes, George

Almy, Susan  
Fellows, Sallie  
Sullivan, Jared  
Muirhead, Russell

Baldwin, Heather  
Hakken-Phillips, Mary  
Lovett, Peter  
Nordgren, Sharon

Bolton, Bill  
Hoyt, Tommy  
Massimilla, Linda  
Stringham, Jerry

#### HILLSBOROUGH

Murray, Alistandra  
Bouchard, Donald  
Chretien, Jacqueline  
Devine, Shelley  
Davis, Fred  
Grill, Jessica  
Herbert, Christopher  
Juris, Louis

Nutting-Wong, Allison  
Bouldin, Amanda  
Cornell, Patricia  
DiSilvestro, Linda  
Freitas, Mary  
Hamer, Heidi  
Jack, Martin  
Foxx, Loren

Beaulieu, Jane  
Bradley, Amy  
Ford, Damond  
Dutzy, Sherry  
Goley, Jeffrey  
Harriott-Gathright, Linda  
Judy, Jean  
Lanza, Judi

Booras, Efsthathia  
Calabro, Karen  
Darby, Will  
Elberger, Susan  
Gregg, Alicia  
Heath, Mary  
Smith, Juliet  
Leapley, Nicole

LeClerc, Daniel  
Howard, Molly  
Mangipudi, Latha  
Moulton, Candace  
Pedersen, Michael  
Raymond, Heather  
Newman, Sue  
Staub, Kathy  
Veilleux, Daniel

Leishman, Peter  
Murray, Megan  
McGhee, Kat  
Murphy, Nancy  
Petrigno, Peter  
Rombeau, Catherine  
Seibert, Christine  
Telerski, Laura  
Thomas, Wendy

Lloyd, Christal  
Perez, Maria  
Ming, Ben  
Nutter-Upham, Frances  
Preece, David  
Rung, Rosemarie  
Sofikitis, Catherine  
Tellez, Trinidad  
Wheeler, Jonah

Long, Patrick  
MacKenzie, Mark  
Morton, Jennifer  
O'Brien, Michael  
Newman, Ray  
Ryan, Linda  
Spier, Carry  
Vail, Suzanne  
Wilhelm, Matthew

**MERRIMACK**

Turcotte, Alan  
Ebel, Karen  
Hall, Muriel  
MacKay, James  
Richards, Beth  
Shurtleff, Steve

Brennan, Angela  
Ellison, Arthur  
Hicks, Matthew  
McWilliams, Rebecca  
Roesener, James  
Soucy, Timothy

Caplan, Tony  
Gallager, Eric  
Lane, Connie  
Myler, Mel  
Gould, Sherry  
Wallner, Mary Jane

Carey, Lorrie  
Gibbs, Merryll  
Luneau, David  
Payeur, Stephanie  
Schuett, Dianne  
Wolf, Dan

**ROCKINGHAM**

Balboni, Peggy  
Grossman, Gaby  
Murray, Kate  
Maggiore, Jim  
Meuse, David  
Read, Ellen  
Vogt, Robin

DiLorenzo, Charlotte  
Grote, Jaci  
Knab, Allison  
Malloy, Dennis  
Muns, Chris  
Simpson, Alexis  
Ward, Gerald

Edgar, Michael  
Hamblet, Joan  
Cahill, Michael  
Manos, Zoe  
O'Neil, Candice  
Turer, Eric

Gilman, Julie  
Haskins, Linda  
Paige, Mark  
McBeath, Rebecca  
Raynolds, Ned  
Vallone, Mark

**STRAFFORD**

Bay, Luz  
Conlin, Bill  
Howard, Heath  
Kenney, Cam  
Schmidt, Peter  
Treleaven, Susan

Bixby, Peter  
Fitzpatrick, Daniel  
Horrigan, Timothy  
LaMontagne, Jessica  
Pare, Gail  
Vincent, Kenneth

Rich, Cecilia  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Selig, Loren  
Wall, Janet

Cannon, Gerri  
Grassie, Chuck  
Rich, Jeffrey  
Smith, Marjorie  
Southworth, Thomas

**SULLIVAN**

Sullivan, Brian  
Palmer, William

Cloutier, John  
Tanner, Linda

Damon, Hope

Merchant, Gary

**NAYS - 187****BELKNAP**

Bean, Harry  
Harvey-Bolia, Juliet  
Smart, Lisa

Bordes, Mike  
O'Hara, Travis  
Terry, Paul

Comtois, Barbara  
Ploszaj, Tom  
Trottier, Douglas

Dumais, Russell  
Beaudoin, Richard  
Varney, Peter

**CARROLL**

Avellani, Lino  
MacDonald, John  
Brown, Richard

Belcher, Mike  
Smith, Jonathan

Cordelli, Glenn  
McConkey, Mark

Costable, Michael  
Peternel, Katy

**CHESHIRE**

Hunt, John  
Thackston, Dick

Qualey, James  
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

**COOS**

Davis, Arnold  
Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

**GRAFTON**

Berezhny, Lex  
Ladd, Rick

Brown, Carroll  
Rocheft, David

Coulon, Matthew  
Sellers, John

Greeson, Jeffrey  
Simon, Matthew

**HILLSBOROUGH**

Lekas, Alicia  
Boyd, Bill  
Colcombe, Riché  
Cushman, Leah  
Griffin, Gerald  
Hynes, Dan  
Kofalt, Jim  
Lewicke, John

Abare, Kimberly  
King, Bill  
Cole, Brian  
Kelley, Diane  
Gagne, Larry  
Infantine, William  
Gould, Linda  
Mazur, Lisa

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Erf, Keith  
Gorski, Ted  
Kennedy, Stephen  
Sanborn, Laurie  
McGough, Tim

Ammon, Keith  
Boehm, Ralph  
Creighton, Jim  
Fedolfi, Jim  
Healey, Robert  
Kenny, Catherine  
Lascalles, Richard  
McLean, Mark

Mooney, Maureen  
Pauer, Diane  
Prout, Andrew  
Sheehan, Vanessa  
Tenczar, Jeffrey

Noble, Kristin  
Plett, Fred  
Reid, Karen  
Sirois, Shane  
Ulery, Jordan

Notter, Jeanine  
Post, Lisa  
Renzullo, Andrew  
Lekas, Tony  
Wherry, Robert

Panek, Sandra  
Proulx, Mark  
Seidel, Sheila  
Mannion, Tom

#### MERRIMACK

Andrus, Louise  
Cambriels, Jose  
Hoell, J.R.  
Polozov, Yury  
Walsh, Thomas

Aures, Cyril  
McGuire, Dan  
Leavitt, John  
Boyd, Stephen  
Testerman, Dave

Aylward, Deborah  
Gerhard, Jason  
Mason, James  
Seaworth, Brian  
Wood, Clayton

McGuire, Carol  
Hill, Gregory  
Moffett, Michael  
See, Alvin

#### ROCKINGHAM

Ball, Lorie  
Thomas, Douglas  
Drago, Mike  
Foote, Charles  
Perez, Kristine  
Walsh, Lilli  
Pearson, Mark  
Milz, David  
Phillips, Emily  
Potucek, John  
Roy, Terry  
Summers, James  
Dolan, Tom  
Vandecasteele, Susan  
Weyler, Kenneth

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Hobson, Deb  
Katsakiores, Phyllis  
Layon, Erica  
McDonnell, Valerie  
Ford, Oliver  
Piemonte, Tony  
Pratt, Kevin  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
Vose, Michael  
Yokela, Josh

Brouillard, Jacob  
Donnelly, Tanya  
Edwards, Jess  
Janigian, John  
Khan, Aboul  
Love, David  
McMahon, Charles  
Osborne, Jason  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Sytek, John  
True, Chris  
MacDonald, Wayne

Mannion, Dennis  
Doucette, Fred  
Emerick, Tracy  
Janvrin, Jason  
Kuttab, Katelyn  
Lynn, Bob  
Melvin, Charles  
Packard, Sherman  
Porcelli, Susan  
Quaratiello, Arlene  
Spillane, James  
Cahill, Tim  
Tudor, Paul  
Wallace, Scott

#### STRAFFORD

Bailey, Glenn  
Granger, Michael  
Turcotte, Len  
Potenza, Kelley

Bickford, David  
Harrington, Michael  
Newton, Clifford

Burnham, Claudine  
Horgan, James  
Phinney, Brandon

Connor, James  
Kaczynski, Thomas  
Pitre, Joseph

#### SULLIVAN

Aron, Judy  
Stapleton, Walter

Drye, Margaret  
Stone, Jonathan

Rollins, Skip

Spilsbury, Walter

and the motion was adopted.

#### (Speaker Packard in the Chair)

#### REGULAR CALENDAR CONT'D

**HB 114**, relative to the age at which a minor may receive mental health treatment without parental consent. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Schapiro for the Majority of Health, Human Services and Elderly Affairs. Recognizing that many older adolescents either do not have supportive, capable parents and/or are unready to share their emotional struggles with their otherwise supportive parents, this bill allows mature minors, 16 years and older, to independently enter into mental health treatment. This bill excludes the prescribing of medication. It does not address the question of payment, nor does it require clinicians to provide such service. In fact, this bill clarifies what is currently an ambiguous and confusing area in New Hampshire statutes. Vote 11-9.

Rep. Erica Layon for the Minority of Health, Human Services and Elderly Affairs. The minority believes that the best therapy comes with the involvement and support of the family. The minority believes that parents, with some exceptions, are the best advocates for their child and should be a part of this process unless there are extenuating circumstances. The minority appreciates the prohibition of prescribing power without parental consent in the bill.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Cushman spoke against.

Rep. Schapiro spoke in favor.

On a division vote, with 191 members having voted in the affirmative, and 186 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

#### MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Adjutant moved that the House reconsider its action whereby, on a Division vote of 191-186, the House adopted the majority committee report of Ought to Pass on **HB 114**, relative to the age at which a minor may receive mental health treatment without parental consent.

Rep. Sweeney requested a roll call; sufficiently seconded.

**YEAS 188 - NAYS 191****YEAS - 188  
BELKNAP**

Bean, Harry  
Dumais, Russell  
Ploszaj, Tom  
Trottier, Douglas

Bogert, Steven  
Harvey-Bolia, Juliet  
Beaudoin, Richard  
Varney, Peter

Bordes, Mike  
Nagel, David  
Smart, Lisa

Comtois, Barbara  
O'Hara, Travis  
Terry, Paul

**CARROLL**

Avellani, Lino  
MacDonald, John  
Brown, Richard

Belcher, Mike  
Smith, Jonathan

Cordelli, Glenn  
McConkey, Mark

Costable, Michael  
Peternel, Katy

**CHESHIRE**

Hunt, John  
Thackston, Dick

Qualey, James  
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

**COOS**

Davis, Arnold  
Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

**GRAFTON**

Berezhny, Lex  
Ladd, Rick

Brown, Carroll  
Rocheffort, David

Coulon, Matthew  
Sellers, John

Greeson, Jeffrey  
Simon, Matthew

**HILLSBOROUGH**

Lekas, Alicia  
Boyd, Bill  
Colcombe, Riché  
Cushman, Leah  
Griffin, Gerald  
Infantine, William  
Gould, Linda  
Perez, Maria  
Mooney, Maureen  
Pauer, Diane  
Prout, Andrew  
Sheehan, Vanessa  
Tenczar, Jeffrey

Abare, Kimberly  
King, Bill  
Cole, Brian  
Kelley, Diane  
Gagne, Larry  
Kennedy, Stephen  
Sanborn, Laurie  
Mazur, Lisa  
Noble, Kristin  
Plett, Fred  
Reid, Karen  
Sirois, Shane  
Ulery, Jordan

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Erf, Keith  
Gorski, Ted  
Kenny, Catherine  
Lascelles, Richard  
McGough, Tim  
Notter, Jeanine  
Post, Lisa  
Renzullo, Andrew  
Lekas, Tony  
Wherry, Robert

Ammon, Keith  
Boehm, Ralph  
Creighton, Jim  
Fedolfi, Jim  
Healey, Robert  
Kofalt, Jim  
Lewicke, John  
McLean, Mark  
Panek, Sandra  
Proulx, Mark  
Seidel, Sheila  
Mannion, Tom

**MERRIMACK**

Andrus, Louise  
Cambriels, Jose  
Hoell, J.R.  
Boyd, Stephen  
Testerman, Dave

Aures, Cyril  
McGuire, Dan  
Leavitt, John  
Seaworth, Brian  
Wood, Clayton

Aylward, Deborah  
Gerhard, Jason  
Moffett, Michael  
See, Alvin

McGuire, Carol  
Hill, Gregory  
Polozov, Yury  
Walsh, Thomas

**ROCKINGHAM**

Ball, Lorie  
Thomas, Douglas  
Drago, Mike  
Foote, Charles  
Perez, Kristine  
Walsh, Lilli  
Pearson, Mark  
Milz, David  
Piemonte, Tony  
Pratt, Kevin  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
Vose, Michael  
Yokela, Josh

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Hobson, Deb  
Katsakiores, Phyllis  
Layon, Erica  
McDonnell, Valerie  
Ford, Oliver  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Sytek, John  
True, Chris  
MacDonald, Wayne

Brouillard, Jacob  
Donnelly, Tanya  
Edwards, Jess  
Janigian, John  
Khan, Aboul  
Love, David  
McMahon, Charles  
Osborne, Jason  
Porcelli, Susan  
Quaratiello, Arlene  
Spillane, James  
Cahill, Tim  
Tudor, Paul  
Wallace, Scott

Mannion, Dennis  
Doucette, Fred  
Emerick, Tracy  
Janvrin, Jason  
Kuttab, Katelyn  
Lynn, Bob  
Melvin, Charles  
Phillips, Emily  
Potucek, John  
Roy, Terry  
Summers, James  
Dolan, Tom  
Vandecasteele, Susan  
Weyler, Kenneth

**STRAFFORD**

Bailey, Glenn  
Granger, Michael  
Turcotte, Len  
Potenza, Kelley

Bickford, David  
Harrington, Michael  
Newton, Clifford

Burnham, Claudine  
Horgan, James  
Phinney, Brandon

Connor, James  
Kaczynski, Thomas  
Pitre, Joseph

**SULLIVAN**

Aron, Judy  
Spilsbury, Walter

Drye, Margaret  
Stapleton, Walter

Rollins, Skip  
Stone, Jonathan

Smith, Steven

**NAYS - 191****BELKNAP**

Coker, Matthew

Huot, David

St. Clair, Charlie

**CARROLL**

Buco, Thomas  
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

**CHESHIRE**

Abbott, Michael  
Eaton, Daniel  
Jones, Philip  
Schapiro, Joe

Ames, Richard  
Faulkner, Barry  
Monteil, Renee  
Toll, Amanda

Harvey, Cathryn  
Filiault, Shaun  
Newell, Jodi  
Weber, Lucy

Fox, Dru  
Germana, Nicholas  
Parshall, Lucius

**COOS**

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

**GRAFTON**

Adjutant, Joshua  
Cormen, Thomas  
Murphy, James  
Morse, Corinne  
Sykes, George

Almy, Susan  
Fellows, Sallie  
Sullivan, Jared  
Muirhead, Russell

Baldwin, Heather  
Hakken-Phillips, Mary  
Lovett, Peter  
Nordgren, Sharon

Bolton, Bill  
Hoyt, Tommy  
Massimilla, Linda  
Stringham, Jerry

**HILLSBOROUGH**

Murray, Alistandra  
Bouchard, Donald  
Chretien, Jacqueline  
Devine, Shelley  
Davis, Fred  
Grill, Jessica  
Herbert, Christopher  
Smith, Juliet  
Leapley, Nicole  
Long, Patrick  
Mangipudi, Latha  
Moulton, Candace  
Pedersen, Michael  
Raymond, Heather  
Newman, Sue  
Staub, Kathy  
Veilleux, Daniel

Nutting-Wong, Allison  
Bouldin, Amanda  
Cornell, Patricia  
DiSilvestro, Linda  
Freitas, Mary  
Hamer, Heidi  
Hynes, Dan  
Juris, Louis  
LeClerc, Daniel  
Howard, Molly  
McGhee, Kat  
Murphy, Nancy  
Petrigno, Peter  
Rombeau, Catherine  
Seibert, Christine  
Telerski, Laura  
Thomas, Wendy

Beaulieu, Jane  
Bradley, Amy  
Ford, Damond  
Dutzy, Sherry  
Goley, Jeffrey  
Harriott-Gathright, Linda  
Jack, Martin  
Foxy, Loren  
Leishman, Peter  
Murray, Megan  
Ming, Ben  
Nutter-Upham, Frances  
Preece, David  
Rung, Rosemarie  
Sofikitis, Catherine  
Tellez, Trinidad  
Wheeler, Jonah

Booras, Efstathia  
Calabro, Karen  
Darby, Will  
Elberger, Susan  
Gregg, Alicia  
Heath, Mary  
Judy, Jean  
Lanza, Judi  
Lloyd, Christal  
MacKenzie, Mark  
Morton, Jennifer  
O'Brien, Michael  
Newman, Ray  
Ryan, Linda  
Spier, Carry  
Vail, Suzanne  
Wilhelm, Matthew

**MERRIMACK**

Turcotte, Alan  
Ebel, Karen  
Hall, Muriel  
MacKay, James  
Payeur, Stephanie  
Schuett, Dianne  
Wolf, Dan

Brennan, Angela  
Ellison, Arthur  
Hicks, Matthew  
Mason, James  
Richards, Beth  
Shurtleff, Steve

Caplan, Tony  
Gallager, Eric  
Lane, Connie  
McWilliams, Rebecca  
Roesener, James  
Soucy, Timothy

Carey, Lorrie  
Gibbs, Merryl  
Luneau, David  
Myler, Mel  
Gould, Sherry  
Wallner, Mary Jane

**ROCKINGHAM**

Balboni, Peggy  
Grossman, Gaby  
Murray, Kate  
Maggiore, Jim  
Meuse, David  
Read, Ellen  
Vogt, Robin

DiLorenzo, Charlotte  
Grote, Jaci  
Knab, Allison  
Malloy, Dennis  
Muns, Chris  
Simpson, Alexis  
Ward, Gerald

Edgar, Michael  
Hamblet, Joan  
Cahill, Michael  
Manos, Zoe  
O'Neil, Candice  
Turer, Eric

Gilman, Julie  
Haskins, Linda  
Paige, Mark  
McBeath, Rebecca  
Raynolds, Ned  
Vallone, Mark

**STRAFFORD**

Bay, Luz  
Conlin, Bill  
Howard, Heath  
Kenney, Cam  
Schmidt, Peter  
Treleaven, Susan

Bixby, Peter  
Fitzpatrick, Daniel  
Horriggan, Timothy  
LaMontagne, Jessica  
Pare, Gail  
Vincent, Kenneth

Rich, Cecilia  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Selig, Loren  
Wall, Janet

Cannon, Gerri  
Grassie, Chuck  
Rich, Jeffrey  
Smith, Marjorie  
Southworth, Thomas

## SULLIVAN

Sullivan, Brian  
Palmer, William

Cloutier, John  
Tanner, Linda

Damon, Hope

Merchant, Gary

and the motion failed.

## REGULAR CALENDAR CONT'D

**HB 238**, relative to the role of quality control and the developmental disability service system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Schapiro for the Majority of Health, Human Services and Elderly Affairs. Recent discussions related to the redesign of the Bureau of Developmental Services (BDS) has resulted in considerable concern and, in some cases, friction between BDS, families, and service providers. This bill will ensure that consumers, families, and service providers through their participation in the Developmental Services Quality Council, are full participants in any future decisions about changes in service provision. Vote 18-2.

Rep. Leah Cushman for the Minority of Health, Human Services and Elderly Affairs. The minority of the committee supports the underlying bill and the majority amendment except section VII which creates an exception to the physical quorum requirement of RSA 91-A. The minority amendment removes this problematic section. RSA 91-A already provides that members of legislative bodies may attend meetings remotely with permission of the chair, but that a quorum must be physically present. Remotely voting is not permitted in current statute. Section VII of the bill, as amended by the majority, is a slippery slope that we should not venture into knowing that there exists AI technology that can recreate the image and voice of a person that appears completely real. Hackers, foreign adversaries, and others could use this technology to change legislative outcomes. Although the minority of the committee is sympathetic to the reasons why proponents want this change, we believe any movement toward remote voting in government directly threatens the democratic process.

## Majority Amendment (0841h)

Amend the bill by replacing all after the enacting clause with the following:

1 Developmental Services Quality Council. Amend RSA 171-A:33 to read as follows:

171-A:33 Developmental Services Quality Council Established; Membership; Duties.

I. There is established the developmental services quality council to provide leadership for consistent, systemic review and improvement of the quality of the developmental disability and acquired brain disorder services provided within New Hampshire's developmental services system. At least 51 percent of the members of the council shall be individuals with disabilities served by the system or parents of individuals served by the system. The members of the council shall be as follows:

(a) The commissioner of the department of health and human services, or designee.

(b) A representative of People First of New Hampshire, appointed by such organization.

(c) A representative of Advocates Building Lasting Equality in New Hampshire (ABLE NH), appointed by such organization.

(d) A representative of the New Hampshire council on autism spectrum disorders who shall be either the individual who has an autism spectrum disorder or the family member of a person who has an autism spectrum disorder, appointed by the council.

(e) A representative of the Brain Injury Association of New Hampshire, appointed by the association.

(f) Two representatives of the New Hampshire Developmental Disabilities Council, at least one of whom shall be a person with a developmental disability, appointed by the council.

(g) Three representatives of local Family Support Councils, appointed by the state Family Support Council.

(h) One direct support professional and one enhanced family care provider, appointed by the New Hampshire Developmental Disabilities Council.

(i) Three representatives of area agency boards of directors including at least 2 persons with a developmental disability or family members of such persons, appointed by the Community Support Network Incorporated.

(j) A representative of the Community Support Network Incorporated, appointed by such organization.

(k) A representative of the Private Provider Network, appointed by such organization.

(l) The director of the Institute on Disability, University of New Hampshire, or designee.

(m) A representative of the ~~[Disabilities]~~ **Disability** Rights Center - **NH**, appointed by the center.

(n) Up to 5 additional members, nominated by the council and appointed by the governor.

II. The groups represented under paragraph I are encouraged to provide, according to their ability, the in-kind and other resources necessary for the council to succeed. The council may request information and analysis on quality from the department of health and human services, area agencies, and providers. The council shall have access to all non-confidential information on quality for services funded all or in part by public funds.

III. The council shall regularly review information on the quality of developmental services in New Hampshire and make recommendations for improving service quality and the quality assurance and continuous improvement systems, including but not limited to:

(a) Standards of quality and performance expected of area agencies and provider agencies.  
 (b) Types of data to be collected, analyzed, and disseminated to determine whether standards are being met.

(c) Quality assurance and oversight mechanisms to be used to gather data and information.

(d) Content, frequency, and recipients of quality evaluation and improvement reports.

(e) Expectations and procedures for following up on identified areas where improvements are needed.

(f) Structures, policies, rules, and practices, including staffing or organizational changes, to ensure that the developmental services system works as intended in RSA 171-A:1, including:

(1) Ways of supporting values-based and person-centered service planning and provision, as well as problem solving, innovation, and learning;

(2) Recognizing and disseminating what is working well (best/model practices); ~~and~~

(3) ***Significant changes proposed by the department relating to, or which may impact any of, the practices, policies, standards, rates, budgets, funding formulae, or rights pertaining to eligibility or provision of supports and services under RSA 171-A; and***

~~(3)~~ (4) Reviewing, interpreting, and disseminating data and information on a regular basis to bring about transparency for all stakeholders and the public.

IV. ***For proposed consulting or service contracts involving the provision of developmental services, the department shall:***

(a) ***Confer and receive input from the council on provisions to be included in any request for proposals and contracts.***

(b) ***Require the selected contractor to solicit input from the council prior to issuing any findings or recommendations to the department or any other government entity.***

V. ***The department shall respond to the council's recommendations for improving service quality and the quality assurance and continuous improvement systems in writing within 30 days of receipt of the council's recommendations. The department's response shall include the following:***

(a) ***A statement indicating whether it agrees or disagrees with each of the council's recommendations;***

(b) ***For each recommendation it agrees with, a detailed plan for how the department will address the areas identified as needing improvement including the specific steps the department plans to take, along with a timeline for each step; and***

(c) ***For any recommendation it does not agree with, an explanation of the basis for its disagreement and rationale for its decision not to take action on any specific recommendation.***

~~[IV]~~ VI. The council shall make an annual report beginning on November 1, 2010 that includes its recommendations and an assessment of the actions taken in response to previous recommendations to the governor, the speaker of the house of representatives, the president of the senate, the members of the house committee on health, human services and elderly affairs and the members of the senate committee on health and human services.

~~[V]~~ VII. The meetings shall be convened by the ***chair or vice chair of the council or*** commissioner of the department of health and human services, ~~[or designee,]~~ and shall meet regularly as determined by the council. The meetings shall be open to the public and subject to the provisions of RSA 91-A, the right-to-know law. The council may establish bylaws for governing its meetings, decisions, and other operations. ~~[A quorum of the council shall be a majority plus one member of the appointed members of the council.]~~ ***For the purpose of convening council meetings in compliance with RSA 91-A, a quorum of the council shall be a majority plus one member of the appointed members of the council. Members who are not able to be physically present at council meetings due to their disabilities or the disability of a family member shall be counted as attending "in person" for the purpose of the establishment of a quorum provided that each member participating electronically or otherwise is able to simultaneously hear and speak to each other council member during the meeting, and shall be audible or otherwise discernable to public in attendance at the meeting's location. Any member participating in such fashion shall identify the persons present in the location from which the member is participating.***

VIII. ***When the department of health and human services is evaluating or determining the need or desirability for any changes relating to, or which may impact, any of the practices, policies, standards, rates, budgets, funding formulae, or rights pertaining to eligibility or provision of supports and services under RSA 171-A, including, but not limited to, the components listed in RSA 171-A:33, III, the department shall solicit input and recommendations from the council at the initial stages of such consideration and at all stages thereafter and give due deference to the council's input and recommendations on whether, or how, to make any such changes. The department shall receive input from the council on provisions to be included in any request for proposal and contract and give due deference to the council's input when finalizing a request for proposal or contract. The department shall also request the council to select a council member to be part***



*of the selection process for the bidder and shall include a provision in the contract requiring the contractor selected to solicit input from the council on any findings or recommendations the contractor is considering or intending to make to the department or any other government entity.*

2 Effective Date. This act shall take effect 60 days after its passage.

The majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

On a division vote, with 362 members having voted in the affirmative, and 13 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

**HB 299-FN, prohibiting discrimination in medical care. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lucy Weber for the Majority of Health, Human Services and Elderly Affairs. Existing language in the Patients' Bill of Rights provides that, "The patient shall not be denied appropriate care on the basis of age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, national origin, source of income, source of payment, or profession." This bill would keep this language but would add duplicative and potentially confusing language restating the existing prohibitions, and then adding a prohibition against "prioritiz[ing] any care or resource on the basis of alleged historical racial, sexuality or sexual preference, sex, or any intersectional group discrimination." In addition, the bill creates an entirely new private cause of action against an extensive list of individuals and institutions for violation of the restated prohibitions. The majority is concerned that, as written, the bill would interfere with science-based treatment protocols which simply recognize that certain distinct populations have a far higher risk of certain diseases or conditions than do other segments of the population. The majority believes that the language of this new private cause of action is unclear, and that the Patients' Bill of Rights is not the appropriate place to create a new cause of action. Finally, in this time of severe healthcare workforce challenges, it would be counter-productive to pass legislation which makes an already challenging workplace even more hostile, and which might cause health care providers to choose not to come to New Hampshire, or to leave New Hampshire for other states. Vote 12-8.

Rep. Erica Layon for the Minority of Health, Human Services and Elderly Affairs. The minority believes that this bill removes non-medical reasons for rationing of care. There can be medical reasons for a certain group of people to receive different care, and this is rational and permitted. In one example, a cardiac drug is only available to people of African heritage and because this is based upon clinical data, the minority believes that this is permitted by this bill.

#### **MOTION TO LAY ON THE TABLE**

Rep. Layon moved that **HB 299-FN**, prohibiting discrimination in medical care, be laid on the table. Motion was adopted.

#### **REGULAR CALENDAR CONT'D**

**HB 342-FN, relative to lead testing in children. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frances Nutter-Upham for the Majority of Health, Human Services and Elderly Affairs. This bill establishes that a blood level test result be included on the physical exam that is required to enter school, child day care, residential care, or child placement. This test should be done at least once before a child is six years old. Parents may opt out of this requirement, but school and daycare will document that materials citing the dangers of lead poisoning were distributed. This act shall take place effective January 1, 2024. Vote 11-9.

Rep. Bill King for the Minority of Health, Human Services and Elderly Affairs. This bill, as introduced and as amended, establishes a blood level testing requirement for children entering day care and public schools. The minority believes that this bill is another example of how good intentions can also bring unintended consequences. If this bill passes, more children may be tested for lead levels in their blood which on the surface is good because it will identify children with elevated lead levels in their blood and treatment may be started to reduce the ill effects lead has on the body. However, positive tests will also send notices to the landlords and to the schools these children attend resulting in inspections to identify the places of lead contamination. This could result in the child and their family being removed from their home while the lead is being remediated. This could even shut down an entire preschool or childcare facility while remediation takes place. The law already requires these tests and provides parental opt-out. The minority believes that this bill risks disruption of children's lives while housing and childcare facilities are at a premium.

#### **Majority Amendment (0842h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Health and Sanitation; Physical Examination of Pupils; Lead Testing Requirement. Amend RSA 200:32 to read as follows:

200:32 Physical Examination of Pupils. There shall be a complete physical examination by a licensed physician, physician assistant, or advanced practice registered nurse of each child prior to or upon first entry into the public school system and thereafter as often as deemed necessary by the local school authority. The result of the child's physical examination shall be presented to the local school officials on a form provided by the local school authorities. ***The form shall include at least one result of blood lead level testing required under RSA 130-A:5-a and RSA 130-A:5-c, for children ages 6 years and under unless the child is exempted under RSA 130-A:5-c. If a child, ages 6 years and under, has not had a blood lead level test at the time of first entry to school, the school shall provide and document both notification to the parent or legal guardian that unless exempted by RSA 130-A:5-c, lead testing is required under RSA 130-A:5-a and RSA 130-A:5-c, and the distribution of written or electronic educational materials provided by the New Hampshire department of health and human services on the dangers of lead poisoning and the importance of blood lead level testing for children.*** No physical examination shall be required of a child whose parent or guardian objects thereto in writing on the grounds that such physical examination is contrary to the child's religious tenets and teachings.

2 Child Day Care, Residential Care, and Child-Placing Agencies; Records; Lead Testing Required. Amend RSA 170-E:19 to read as follows:

170-E:19 Records. Every child day care agency shall keep and maintain such records as the department shall prescribe by rule pertaining to the admission, progress, health and discharge of children under the care of the child day care agency and shall report relative to such matters to the department whenever called for, upon forms prescribed by rule. ***Health forms shall include at least one result of blood lead level testing required under RSA 130-A:5-a and RSA 130-A:5-c, unless the child is exempted under RSA 130-A:5-c. If the child, aged 1 to 6 years, has not had a blood lead level test at the time of admission, the child day care agency shall provide and document both notification to the parent or legal guardian that unless exempted by RSA 130-A:5-c, lead testing is required under RSA 130-A:5-a and RSA 130-A:5-c; and the distribution of written or electronic educational materials provided by the New Hampshire department of health and human services on the dangers of lead poisoning and the importance of blood lead level testing for children.*** All records regarding children and all facts learned about children and their relatives shall be kept confidential both by the child day care agency and by the department.

3 Effective Date. This act shall take effect January 1, 2024.

The majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Bill King spoke against.

Rep. Nutter-Upham spoke in favor and yielded to questions.

On a division vote, with 193 members having voted in the affirmative, and 180 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

### RESOLUTION

Rep. Osborne offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet, Thursday, March 23, 2023 at 9:00 a.m. Motion was adopted.

### LATE SESSION

#### Third Reading and Final Passage

**HB 583-FN**, relative to the termination of child support.

**HB 42-FN**, relative to the operation of certain homeowners' associations.

**HB 210**, relative to fire insurance contracts.

**HB 248**, relative to revenue from commemorative bottles of liquor.

**HB 249**, establishing regulatory standards for the pet insurance industry and allowing restaurant owners to keep their dog on the premises.

**HB 407**, relative to regulations on alcohol.

**HB 426**, relative to the regulation of pharmacists-in-charge and pharmacies.

**HB 479**, relative to administrative hearings, automation of electronic notices to insurance licensees, and insurance producer activities.

**HB 520**, relative to escrow accounts maintained by licensed nondepository mortgage bankers, brokers, and servicers.

**HB 522-FN**, relative to money transmitters.

**HB 595-FN**, relative to the oversight of the public deposit investment pool.

**HB 613-FN**, relative to regulation of the individual health insurance market under RSA 404-G.  
**HB 107-FN**, relative to employment restrictions for registered sex offenders.  
**HB 287**, removing testing equipment from the definition of drug paraphernalia in the controlled drug act.  
**HB 315**, prohibiting provocation based on the defendant's religion, race, creed, sexual orientation, national origin, political beliefs or affiliation, sex, or gender identity.  
**HB 400-FN**, relative to certain assault offenses, bail eligibility for commission of certain assault offenses, and making a false report to a law enforcement officer.  
**HB 349**, relative to a special purpose school district for Bridgewater, Hebron, and Groton.  
**HB 446**, relative to participation in the education freedom accounts program by students with disabilities.  
**HB 452**, relative to the department of education procedures for school building aid applications.  
**HB 530-L**, relative to withdrawal from a cooperative school district.  
**HB 550-FN**, relative to chartered public school dissolution.  
**HB 640**, relative to cost recovery for vocational rehabilitation programs.  
**HB 195**, relative to the definition of political advocacy organization.  
**HB 244**, relative to the printing of the election day checklist.  
**HB 457-FN**, relative to state treasury pension and insurance fund management.  
**HB 129-FN-L**, relative to menstrual hygiene products in schools.  
**HB 207-FN**, relative to school district unanticipated funds.  
**HB 555-FN-A**, appropriating state general fund surplus toward the retirement system unfunded accrued liability.  
**HB 136**, relative to the department of health and human services collaborating and holding a roll call vote on final proposal of rules with the advisory council prior to departmental rulemaking.  
**HB 215**, relative to the adoption of rules by the department of health and human services regarding medication administration by licensed nursing assistants.  
**HB 217**, establishing a committee to study the effects of fluoride on fetuses and children.  
**HB 323**, relative to establishing a committee on emerging medical technologies.  
**HB 408**, relative to foster children and vaccinations.  
**HB 431**, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.  
**HB 454**, relative to the membership and reporting responsibilities of the examining board of medicine.  
**HB 642-FN**, relative to wait list registry and budget flexibility for services for the developmentally disabled.  
**HB 174**, relative to the filing of notice of intent to cut timber.  
**HB 257**, relative to telephone carrier of last resort obligations.  
**HB 189**, renaming a portion of route 140 in Gilmanton in honor of Private First Class Nicholas Cournoyer.  
**HB 96**, recognizing May 3rd as Old Man of the Mountain Day.  
**HB 584**, relative to the Uniform Commercial Code's article on controllable electronic records.  
**HB 135-FN**, prohibiting no-knock warrants.  
**HB 397**, relative to the prohibition of the possession of hypodermic needles by minors.  
**HB 275-L**, relative to schools approved for a school tuition program by a school board.  
**HB 572-FN**, relative to eligibility for free school meals.  
**HB 56**, relative to permits for the siting of new landfills.  
**HB 127**, relative to the declaration of a state of emergency.  
**HB 228**, relative to repealing the commission on demographic trends.  
**HB 461-FN**, relative to elimination by political subdivision employers of a retirement system position.  
**HB 532-FN**, relative to the licensure and regulation of music therapists.  
**HB 384-FN-A**, relative to building a new legislative parking garage and making an appropriation therefor, renaming the capital project overview committee, and establishing the joint legislative parking garage oversight commission.  
**HB 442-FN**, establishing a scuba diver recreational lobster license and relative to lobster trap location tracking.  
**HB 114**, relative to the age at which a minor may receive mental health treatment without parental consent.  
**HB 238**, relative to the role of quality control and the developmental disability service system.  
**HB 342-FN**, relative to lead testing in children.

#### RECESS MOTION

Rep. Osborne moved that the House stand in recess for the purposes of the introduction of bills, enrolled bill amendments, enrolled bill reports, vacate motions and receiving messages.  
Motion was adopted.

The House recessed at 5:40 p.m.

#### RECESS