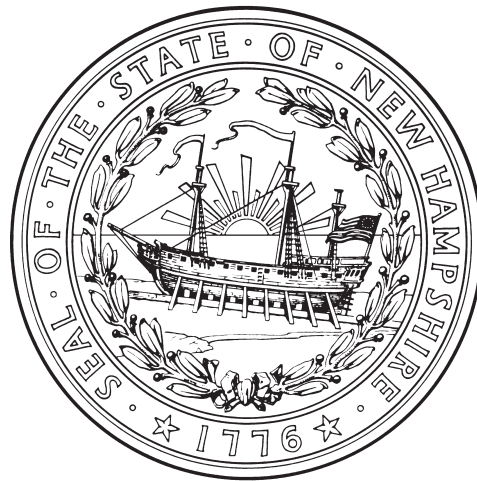


March 30, 2023
Nos. 11-12

STATE OF NEW HAMPSHIRE

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



**First Year of the 168th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MARCH 23, 2023 SESSION
COMMENCEMENT – MARCH 30, 2023 SESSION**

SENATE JOURNAL 11 *(continued)*

March 23, 2023

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 42-FN, relative to the operation of certain homeowners' associations.

HB 56, relative to permits for the siting of new landfills.

HB 96, recognizing May 3rd as Old Man of the Mountain Day.

HB 107-FN, relative to employment restrictions for registered sex offenders.

HB 114, relative to the age at which a minor may receive mental health treatment without parental consent.

HB 127, relative to the declaration of a state of emergency.

HB 129-FN-LOCAL, relative to menstrual hygiene products in schools.

HB 135-FN, prohibiting no-knock warrants.

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 174, relative to the filing of notice of intent to cut timber.

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

HB 195, relative to the definition of political advocacy organization.

HB 207-FN, relative to school district unanticipated funds.

HB 210, relative to fire insurance contracts.

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 228, relative to repealing the commission on demographic trends.

HB 238, relative to the role of quality control and the developmental disability service system.

HB 244, relative to the printing of the election day checklist.

HB 248, relative to revenue from commemorative bottles of liquor.

HB 249, (New Title) establishing regulatory standards for the pet insurance industry and allowing restaurant owners to keep their dog on the premises.

HB 257, relative to telephone carrier of last resort obligations.

HB 275-LOCAL, relative to schools approved for a school tuition program by a school board.

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

HB 315, (New Title) prohibiting provocation based on the defendant's religion, race, creed, sexual orientation, national origin, political beliefs or affiliation, sex, or gender identity.

HB 323, relative to establishing a committee on emerging medical technologies.

HB 342-FN, relative to lead testing in children.

HB 349, relative to a special purpose school district for Bridgewater, Hebron, and Groton.

HB 384-FN-A, (New Title) 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 397, relative to the prohibition of the possession of hypodermic needles by minors.

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 407, relative to regulations on alcohol.

HB 408, relative to foster children and vaccinations.

HB 426, relative to the regulation of pharmacists-in-charge and pharmacies.

HB 431, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.

HB 442-FN, (New Title) establishing a scuba diver recreational lobster license and relative to lobster trap location tracking.

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 454, relative to the membership and reporting responsibilities of the examining board of medicine.

HB 457-FN, relative to state treasury pension and insurance fund management.

HB 461-FN, (New Title) relative to elimination by political subdivision employers of a retirement system position.
 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 530-LOCAL, relative to withdrawal from a cooperative school district.

HB 532-FN, relative to the licensure and regulation of music therapists.

HB 550-FN, relative to chartered public school dissolution.

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

HB 572-FN, relative to eligibility for free school meals.

HB 583-FN, relative to the termination of child support.

HB 584, relative to the Uniform Commercial Code's article on controllable electronic records.

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 640, relative to cost recovery for vocational rehabilitation programs.

HB 642-FN, (New Title) relative to wait list registry and budget flexibility for services for the developmentally disabled.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 49-FN-A, relative to postponing the closure of the Sununu Youth Services Center.

HB 68-FN, adopting the uniform real property transfer on death act.

HB 88, relative to reproductive rights.

HB 139, relative to the definition of "municipal host" for purposes of limited electrical energy producers.

HB 142, relative to the operation of the Burgess Biopower plant.

HB 150, relative to the certification of a collective bargaining unit.

HB 224-FN, repealing the criminal and civil penalties from the fetal life protection act.

HB 261, authorizing residential tenants to terminate their lease in instances of domestic violence or following a disabling illness or accident.

HB 607-FN, relative to the regulation of games of chance.

INTRODUCTION OF LEGISLATION

Senator Carson offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted in recess.

First and Second Reading and Referral

HB 42-FN, relative to the operation of certain homeowners' associations. (Commerce)

HB 49-FN-A, relative to postponing the closure of the Sununu Youth Services Center. (Judiciary)

HB 56, relative to permits for the siting of new landfills. (Energy and Natural Resources)

HB 68-FN, adopting the uniform real property transfer on death act. (Judiciary)

HB 88, relative to reproductive rights. (Judiciary)

HB 96, recognizing May 3rd as Old Man of the Mountain Day. (Energy and Natural Resources)

HB 107-FN, relative to employment restrictions for registered sex offenders. (Judiciary)

HB 114, relative to the age at which a minor may receive mental health treatment without parental consent. (Judiciary)

HB 127, relative to the declaration of a state of emergency. (Executive Departments and Administration)

HB 129-FN-LOCAL, relative to menstrual hygiene products in schools. (Education)

HB 135-FN, prohibiting no-knock warrants. (Judiciary)

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. (Executive Departments and Administration)

HB 139, relative to the definition of "municipal host" for purposes of limited electrical energy producers. (Energy and Natural Resources)

HB 142, relative to the operation of the Burgess Biopower plant. (Energy and Natural Resources)

- HB 150, relative to the certification of a collective bargaining unit. (Commerce)
- HB 174, relative to the filing of notice of intent to cut timber. (Energy and Natural Resources)
- HB 189, renaming a portion of route 140 in Gilmanton in honor of Private First Class Nicholas Cournoyer. (Transportation)
- HB 195, relative to the definition of political advocacy organization. (Election Law and Municipal Affairs)
- HB 207-FN, relative to school district unanticipated funds. (Education)
- HB 210, relative to fire insurance contracts. (Commerce)
- HB 215, relative to the adoption of rules by the department of health and human services regarding medication administration by licensed nursing assistants. (Executive Departments and Administration)
- HB 217, establishing a committee to study the effects of fluoride on fetuses and children. (Health and Human Services)
- HB 224-FN, repealing the criminal and civil penalties from the fetal life protection act. (Judiciary)
- HB 228, relative to repealing the commission on demographic trends. (Executive Departments and Administration)
- HB 238, relative to the role of quality control and the developmental disability service system. (Executive Departments and Administration)
- HB 244, relative to the printing of the election day checklist. (Election Law and Municipal Affairs)
- HB 248, relative to revenue from commemorative bottles of liquor. (Commerce)
- HB 249, establishing regulatory standards for the pet insurance industry and allowing restaurant owners to keep their dog on the premises. (Commerce)
- HB 257, relative to telephone carrier of last resort obligations. (Energy and Natural Resources)
- HB 261, authorizing residential tenants to terminate their lease in instances of domestic violence or following a disabling illness or accident. (Commerce)
- HB 275-LOCAL, relative to schools approved for a school tuition program by a school board. (Education)
- HB 287, removing testing equipment from the definition of drug paraphernalia in the controlled drug act. (Judiciary)
- HB 315, prohibiting provocation based on the defendant's religion, race, creed, sexual orientation, national origin, political beliefs or affiliation, sex, or gender identity. (Judiciary)
- HB 323, relative to establishing a committee on emerging medical technologies. (Health and Human Services)
- HB 342-FN, relative to lead testing in children. (Health and Human Services)
- HB 349, relative to a special purpose school district for Bridgewater, Hebron, and Groton. (Education)
- HB 397, relative to the prohibition of the possession of hypodermic needles by minors. (Judiciary)
- 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. (Judiciary)
- HB 407, relative to regulations on alcohol. (Commerce)
- HB 408, relative to foster children and vaccinations. (Health and Human Services)
- HB 426, relative to the regulation of pharmacists-in-charge and pharmacies. (Health and Human Services)
- HB 431, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use. (Judiciary)
- HB 442-FN, establishing a scuba diver recreational lobster license and relative to lobster trap location tracking. (Energy and Natural Resources)
- HB 452, relative to the department of education procedures for school building aid applications. (Education)
- HB 454, relative to the membership and reporting responsibilities of the examining board of medicine. (Executive Departments and Administration)
- HB 457-FN, relative to state treasury pension and insurance fund management. (Executive Departments and Administration)
- HB 461-FN, relative to elimination by political subdivision employers of a retirement system position. (Executive Departments and Administration)
- HB 479, relative to administrative hearings, automation of electronic notices to insurance licensees, and insurance producer activities. (Commerce)
- HB 520, relative to escrow accounts maintained by licensed nondepository mortgage bankers, brokers, and servicers. (Commerce)
- HB 522-FN, relative to money transmitters. (Commerce)
- HB 530-LOCAL, relative to withdrawal from a cooperative school district. (Education)
- HB 532-FN, relative to the licensure and regulation of music therapists. (Executive Departments and Administration)
- HB 550-FN, relative to chartered public school dissolution. (Education)

HB 555-FN-A, appropriating state general fund surplus toward the retirement system unfunded accrued liability. (Finance)

HB 572-FN, relative to eligibility for free school meals. (Education)

HB 583-FN, relative to the termination of child support. (Judiciary)

HB 584, relative to the Uniform Commercial Code's article on controllable electronic records. (Commerce)

HB 595-FN, relative to the oversight of the public deposit investment pool. (Commerce)

HB 607-FN, relative to the regulation of games of chance. (Ways and Means)

HB 613-FN, relative to regulation of the individual health insurance market under RSA 404-G. (Health and Human Services)

HB 640, relative to cost recovery for vocational rehabilitation programs. (Education)

HB 642-FN, relative to wait list registry and budget flexibility for services for the developmentally disabled. (Health and Human Services)

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Carson moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 12

March 30, 2023

The Senate reconvened at 10:00 a.m., a quorum being present.

Senator Birdsell offered the following prayer:

Lord, lift up in prayer the lawmakers gathered here today. May we take that responsibility seriously and do our best. May we realize the need for you and for your direction. May we hear your voice as we make our decisions and follow your guidance. May we have a passion for people, for truth and for righteousness. Almighty Father, we ask you to bless the members of our armed forces. Give them courage, hope, and strength. May they ever experience your firm support, gentle love, and compassionate healing. Be their power and protector, leading them from darkness to light. Almighty Father, we come to honor you this day. Please lift up in your prayers the victims of the Covenant School in Nashville and our military who went down in a training mission in Kentucky. God, please hold their families in your hands and give them strength to carry on. In your name we pray. Amen.

Senator Avard led the Pledge of Allegiance.

Senator Gannon is excused.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Whitley for an introduction.)

SENATOR WHITLEY: Thank you, Mister President. I am so honored to welcome today the fourth graders from Saint John Regional School in Concord. Welcome!

PRESIDENT BRADLEY: So in the back of the audience, humble as always, is Adam Sexton. Everybody knows him, but Adam is back there because his son is one of the fourth graders.

SPECIAL ORDER

Without objection, the following bill is Special Ordered to the end of the Regular Calendar. Adopted.

COMMERCE

SB 201, relative to resale of event tickets.

CONSENT CALENDAR REPORTS REMOVED

ENERGY AND NATURAL RESOURCES

SB 165, by Senator Avard

CONSENT CALENDAR

Senator Carson moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought to Pass be ordered to Third Reading.

EDUCATION

HB 365, relative to a statewide facility condition assessment for school buildings.
Ought to Pass, Vote 5-0. Senator Gendreau for the committee.

As introduced HB 365 encourages school districts to provide the Department of Education with long range capital improvement program outlines. This bill's intent is to enhance school facility projects and school capital expenditure through recommending that each district has a long range capital improvement plan, which would be reviewed and updated by the district every 2 years, that can be provided to the department of education in order to assess priority and to plan anticipated capital construction and renovation expenditures, relative to the state building aid program.

HB 466, relative to water bottle filling stations in schools.
Ought to Pass, Vote 5-0. Senator Fenton for the committee.

As introduced HB 466 repeals the State Board of Education's rulemaking authority to adopt rules relative to the requirements for the installation of water bottle filling stations. This bill, proposed by the Department of Education is a technical correction that changes nothing from last year's previous bill that was adopted into law. Instead, this bill says that what was put into law is exactly what will be put into rule-making.

HB 501, relative to ages for special education services.
Ought to Pass, Vote 5-0 . Senator Gendreau for the committee.

As introduced, HB 501 provides for special education services to be available for children with disabilities until the age of 21 inclusive. The intent of HB 501 is to make technical corrections to sections of RSA 186-C:3, that were overlooked when HB 1513 was adopted to meet federal law and regulations. There are eight places in the RSA that were mistakenly overlooked; this bill would amend these mistakes to maintain consistency.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 224, relative to housing opportunity zones and inclusionary zoning.
Re-refer to Committee, Vote 5-0. Senator Perkins Kwoka for the committee.

This bill would have done two things: allowed municipalities the option of drafting their own zoning ordinances to require affordable units as part of new construction and update the criteria for the adoption of housing opportunity zones by a municipality to ensure that the economic viability of a development is maintained and housing units for low and moderate income families are available. The Committee determined that some further development of the language would be helpful to ensure these tools are effective for our towns and cities.

HB 72, relative to the tenure of public librarians.
Ought to Pass with Amendment, Vote 5-0. Senator Gray for the committee.

This bill as amended by the House removes the words "and until a successor is appointed and qualified" from RSA 202-A:15. Allowing an appointed person to serve until a successor is appointed is common practice in New Hampshire. The committee amendment retained the words and added "may serve". This change allows for more flexibility for the Library Trustees and the Librarian.

Election Law and Municipal Affairs
March 21, 2023
2023-1137s
02/07

Amendment to HB 72

Amend the bill by replacing section 1 with the following:

1 Public Librarian; Qualification and Tenure. Amend RSA 202-A:15 to read as follows:

202-A:15 Public Librarian; Qualification and Tenure. The librarian shall have education of sufficient breadth and depth to give leadership in the use of books and related materials. The librarian shall be appointed by the board of library trustees for a term of office agreed to at the time of employment and *may serve* until a successor is appointed and qualified.

2023-1137s

AMENDED ANALYSIS

This bill authorizes a municipality's board of library trustees to appoint librarians for a set term, or allow them to serve until a successor is appointed.

HB 83, relative to county commissioners' authority on county buildings.
Ought to Pass with Amendment, Vote 5-0. Senator Gray for the committee.

This bill as amended increases the expense thresholds to \$25,000 dollars for county commissioners' authority to purchase real estate and repair, enlarge, or erect county buildings and raises the monetary cap to \$25,000 dollars on the value of enlargements or repairs to county buildings. These thresholds have not been adjusted since the 1990's. Additionally, this legislation will increase the minimum value threshold from \$300 to \$3,000 dollars of county personal property subject to competitive bidding.

Election Law and Municipal Affairs

March 21, 2023

2023-1136s

02/07

Amendment to HB 83

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

1 County Conventions; Powers. Amend RSA 24:13, I to read as follows:

I. The [power] *following powers shall be vested in the county convention:*

(a) To raise county taxes[;];

(b) To make appropriations for the use of the county; [and]

(c) To authorize the purchase of real estate for its use, the sale and conveyance of its real estate[;];

(d) *To authorize* the erection, enlargement or repair of its buildings exceeding an expense of [~~\$5,000~~] **\$25,000**[;]; and [the issuing of]

(e) *To issue* bonds for its debts[~~, shall be vested in the county convention~~].

2 Counties; County Buildings. Amend RSA 28:5 to read as follows:

28:5 County Buildings. The county commissioners may repair, enlarge, or erect county buildings at an expense not exceeding [~~\$5,000~~] **\$25,000**.

3 Counties; Real Estate. Amend RSA 28:7 to read as follows:

28:7 Real Estate. When so authorized by the county convention they may purchase such real estate as may be required for county correctional facilities, including county farms, or other county uses, and may repair, enlarge or erect county buildings at a cost exceeding [~~\$5,000~~] **\$25,000**; and, with like authority, they may sell any of the county's real estate.

4 County Commissioners; Competitive Bidding on Sales of Personal Property. Amend RSA 28:8-a to read as follows:

28:8-a Competitive Bidding on Sales of Personal Property. Any sale of personal property made by a county where the estimated value thereof is in excess of [~~\$300~~] **\$3,000** shall be by competitive bidding, provided that the county commissioners by unanimous vote may waive the provisions for such bidding. In case the commissioners so vote a copy of such action shall be recorded in their offices with a statement of the reasons therefor and such record shall be open to public inspection.

5 Repeal. RSA 30-B:2, relative to county corrections real estate and buildings, is repealed.

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

2023-1136s

AMENDED ANALYSIS

This bill does the following:

1. It increases the expense thresholds for county commissioners' authority to purchase real estate and repair, enlarge, or erect county buildings.

2. It raises the monetary cap on the value of enlargements or repairs to county buildings vested in the county convention.

3. It increases the minimum value threshold of county personal property subject to competitive bidding.

ENERGY AND NATURAL RESOURCES

SB 54-FN, relative to purchased power agreements for electric distribution utilities.
Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

SB 54 encourages the development of reliable, low-cost electricity by allowing investor-owned electric distribution utilities to enter into long-term power purchasing agreements with producers. This bill requires that utilities consult with the Office of the Consumer Advocate and the Department of Energy before entering into an agreement. Agreements would also require approval from the Public Utilities Commission.

Energy and Natural Resources

March 21, 2023

2023-1142s

10/05

Amendment to SB 54-FN

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

1 Legislative Findings and Purpose. The general court finds that:

I. The cost of electricity supply in New Hampshire has significantly increased over the past year, which has created an economic burden on the state's citizens and businesses.

II. The cost of electricity in New England is driven by a number of factors, including the retirements of baseload generation resources, lack of adequate natural gas capacity in the winter, and increases in the cost of natural gas due to international factors.

III. The development of reliable sources of low-cost electricity supply is critical to stabilizing and reducing the cost of electricity in New Hampshire.

IV. Market volatility is harming New Hampshire's residents and businesses.

V. To ensure that New Hampshire ratepayers can benefit from cost effective energy sources in a time of unprecedented price volatility, the general court finds that it is appropriate to allow the electric distribution utilities to issue requests for proposals to provide more diverse and long-term options for providing energy service to customers.

2 New Section; Purchase Power Agreements. Amend RSA 374-F by inserting after section 10 the following new section:

374-F:11 Purchased Power Agreements.

I. Low-Cost Reliable Energy Requests for Proposals.

(a) Investor-owned electric distribution utilities may elect to develop and, no later than June 30, 2025, issue a request for proposals for multi-year agreements for energy, in conjunction with or independent of any attendant environmental attributes from electric energy sources.

(1) The electric distribution utilities may issue requests for proposals alone or in conjunction with another New Hampshire utility or utilities, or with out of state utilities subject to consultation with the department of energy and the office of the consumer advocate with resulting contracts approved by the public utilities commission.

(2) Any costs associated with transmission system upgrades required for interconnecting new or incremental electric energy sources shall be included in responses to the request for proposals and power purchase agreements.

(3) Electric distribution utilities shall consult with the department of energy and the office of the consumer advocate on all issues related to such requests for proposals, prior to issuance, including the criteria and scoring to be used in the review of responses to the request for proposals. The department and the office of the consumer advocate will provide any such consultation within 60 days from the date each draft request for proposals is provided for its review. Within this period the utilities may solicit public comment.

(4) The department of energy may hire consultants to aid in the development of requests for proposals and assess the costs of such consultants to the relevant distribution electric utility or utilities as appropriate and equitable on a case by case basis. The department shall not enter into any contract under this section in an amount greater than \$10,000, including any contract extension, without the approval of the governor and council.

(b) Each investor-owned electric distribution utility may propose more than one agreement, with varying lengths and terms, alone or in conjunction with another utility or utilities, resulting from these requests for proposals, provided that:

(1) Agreements shall not exceed 20 years in length.

(2) Collectively among all investor-owned electric distribution utilities, agreements will only be eligible for approval for up to a total not to exceed 2 million megawatt hours, annually, apportioned to each investor-owned electric distribution utility based upon kWh sales to ultimate customers as reported on the utilities' FERC Form 1. No electric distribution utility may contract in excess of its apportionment.

(3) All megawatt hours procured through agreements made pursuant to this provision shall come from new or incremental electric energy sources.

(4) For the purposes of this section, "new electric energy sources" are those that are able to provide additional energy into the ISO-NE regional market that first began commercial operation on or after January 1, 2023, at a site where no facility previously existed, and "incremental electric energy sources" are those that existed prior to January 1, 2023, and which, as a result of new construction, are capable of providing additional energy into the ISO-NE regional market on or after January 1, 2023.

(c) Electric distribution utilities shall recover any prudently incurred costs related to complying with this section through distribution rates.

II. Any investor-owned electric distribution utility electing to enter into an agreement pursuant to this section shall petition the public utilities commission for authorization to enter the agreement no later than June 30, 2026.

(a) Upon the petition of one or more electric distribution utilities, and after notice and hearing, the public utilities commission may authorize such utility or utilities to enter into multi-year agreements with new or incremental electric energy sources up to a total of 2 million megawatt hours statewide, on an annual basis, if it finds such agreements to be just and reasonable and in the public interest.

(b) The public utilities commission shall review and render a decision on any proposed agreement no later than nine months after submission of the agreement with the commission.

III. In reviewing agreements under this section, the public utilities commission shall consider whether each agreement is, on balance, substantially consistent with the following factors:

(a) Cost-effective to electric ratepayers in New Hampshire over the term of the agreement.

(b) Supports electric energy sources that are expected to be available during long duration winter cold event.

(c) Fosters price stability and helps reduces exposure to market volatility.

(d) Supports the diversification of New Hampshire's electric energy sources.

(e) Any other factors necessary to determine whether the agreement is just and reasonable and in the public interest.

IV. Upon receiving public utilities commission approval of an agreement to purchase electric energy, in conjunction with or independent of any attendant environmental attributes, an investor-owned electric distribution utility may sell such purchased energy and any environmental attributes into the wholesale market in the manner to minimize costs and maximize benefits to ratepayers. If the electric distribution utility elects to sell into the wholesale market, it shall:

(a) Calculate the net cost of payments made under the agreements against the proceeds obtained from the sale of the energy and any environmental attributes.

(b) Credit or charge all distribution ratepayers the difference between the agreement payments and proceeds through a uniform, fully-reconciling annual factor in rates.

V. Any rural electric cooperative for which a certificate of deregulation is on file with the department of energy may participate in competitive solicitations for energy or environmental attributes on its own or in conjunction with an investor-owned utility or utilities, but shall not be required to develop or issue requests for proposals or seek authorization for multi-year purchased power agreements under this section. Investor-owned electric distribution utilities, shall, however, be required to consult with the department of energy on any jointly-issued request for proposals and to obtain approval of any contract entered into jointly with a rural electric cooperative.

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

2023-1142s

AMENDED ANALYSIS

This bill allows electric distribution utilities to issue requests for proposals for multi-year agreements for energy, in conjunction with or independent of any attendant environmental attributes from electric energy sources.

SB 62, relative to landowner liability under RSA 147-B, the hazardous waste cleanup fund.
Ought to Pass, Vote 5-0. Senator Avard for the committee.

SB 62 clarifies when a landowner is liable under RSA 147-B for hazardous waste and substances on their land. This bill updates the language of RSA 147-B. SB 62 was filed at the request of the Department of Environmental Services.

HB 152, relative to soil and plant additives.
Ought to Pass with Amendment, Vote 5-0. Senator Pearl for the committee.

HB 152 was introduced at the request from the department of agriculture, markets, and food. HB 152 is a result from a study committee that examined the state statues governing soil and plant additives. HB 152 amends the title of RSA 431 so that it is consistent with the definitions and rules used by the Association of American Plant Food Control Officials. Additionally, HB 152 clarifies penalties related to fertilizer manufacturers and producers, and how penalties are calculated.

Energy and Natural Resources
March 21, 2023
2023-1141s
07/05

Amendment to HB 152

Amend the bill by replacing section 4 with the following:

4 Soil and Plant Additives; Deficiencies. Amend RSA 431:8, IV to read as follows:

IV. Penalty payments received from the registrant shall be refunded to the consumer of the fertilizer which has been analyzed and found deficient, provided that the purchase is of ~~[one]~~ **one-half** ton or more. Penalty payments on lots of fertilizer which have been analyzed and found deficient and whose purchaser cannot be found shall be deposited in the general fund as unrestricted revenue.

HEALTH AND HUMAN SERVICES

SB 82, relative to prompt payments for managed care.
Ought to Pass, Vote 5-0. Senator Whitley for the committee.

SB 82 furthers the notice requirements for denial or pending claims made by health carriers subject to the managed care law. Currently, some carriers are not processing some claims within the statutory deadlines. SB 82 will provide a further nudge on carriers to process and respond to claims in a timely manner, enabling patients to be made aware of their costs and allowing providers to be compensated for the care they've provided.

SB 95, relative to medical loss reporting by dental benefits providers.
Re-refer to Committee, Vote 5-0. Senator Birdsell for the committee.

SB 95 expands New Hampshire's laws regarding requirements for the submission and filing of individual health insurance rates to include dental benefits. SB 95 is a complex bill, moving dental benefits from an ancillary benefit into the same category as major medical insurance products and subjecting dental benefits to the same regulations. Rereferring SB 95 will allow for more discussions to take place on potential amendments that may be needed to ensure the bill is workable and achieves its desired outcome of increased transparency and lower premiums.

SB 116, relative to discharge from the secure psychiatric unit of the state prison.
Re-refer to Committee, Vote 5-0. Senator Birdsell for the committee.

SB 116 modifies criteria for committal order durations and clarifies that it is the Commissioner for the Department of Health and Human Services that authorizes persons transferred to state hospitals. The Committee heard conflicting testimony from state agencies about the need for this bill, as well as concerns regarding the formatting of the bill as it only applies to one section of statute and not others. Rereferring SB 116 will allow more time for the agencies to meet and discuss the underlying issue, which may prove a legislative solution is not required.

HB 66, establishing a committee to study non-pharmacological treatment options for patients with chronic pain.
Ought to Pass, Vote 5-0. Senator Prentiss for the committee.

HB 66 establishes a committee to study non-pharmacological treatment options to treat patients with chronic pain and the creation of a pilot program that supports and encourages nonpharmacological treatment options. The Committee heard testimony about the importance and success of integrated, patient-centered care models used at the Department of Veterans Affairs and in the State of Vermont. Establishing a study committee will allow us to look at opportunities to craft these models into a New Hampshire-specific model that meets the needs of Granite Staters.

HB 188, relative to the duration of physical therapy.
Ought to Pass, Vote 5-0. Senator Avard for the committee.

HB 188 removes the requirement that a physical therapist refer a patient to a health care provider if there is no documented improvement after 25 days of treatment. There are some injuries that simply do not respond in documentable ways after only 25 days of treatment. Requiring a referral back to a health care provider after that time adds a barrier to timely, medically appropriate care for patients. HB 188 will remove that barrier and allow physical therapists to practice their specialty as they see fit for the needs of the patient.

HB 223, relative to prescription refills.
Ought to Pass, Vote 5-0. Senator Avard for the committee.

HB 223 creates an exception to the 34-day limit on prescription refills of schedule III topical androgens if the prescription specifies it is being used for the treatment of chronic low testosterone replacement therapy. This is a very specific carve out for a very specific prescription for a very specific condition, affecting between 1,000 and 2,000 men in New Hampshire. Making this change will save those patients from having to go to the pharmacy and pay a co-pay every couple of weeks, saving them time and money.

The question is on the adoption of the Consent Calendar. Adopted.

REGULAR CALENDAR

ELECTION LAW AND MUNICIPAL AFFAIRS

CACR 9, relating to the New Hampshire presidential primary. Providing that the New Hampshire presidential primary will be the first presidential primary of a presidential election cycle.
Ought to Pass, Vote 5-0. Senator Abbas for the committee.

The question is on the adoption of the motion of Ought to Pass.

A roll call is required.

The following Senators voted Yes: Gendreau, Lang, Watters, Prentiss, Gray, Innis, Ward, Ricciardi, Fenton, Chandley, Avard, Rosenwald, Carson, Whitley, Murphy, Pearl, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Abbas, Altschiller, Bradley.

The following Senators voted No: (None)

The following Senators were excused: Gannon.

Roll Call, Yeas: 23 - Nays: 0. Adopted by necessary 3/5 vote. Resolution ordered to Third Reading.

SB 133-FN, relative to changing the date of the state primary election and creates runoff election for federal primary election.

Ought to Pass with Amendment, Vote 4-1. Senator Gray for the committee.

Election Law and Municipal Affairs
 March 7, 2023
 2023-0801s
 06/05

Amendment to SB 133-FN

Amend the bill by deleting section 8 and renumbering the original section 9 to read as 8.

The question is on the adoption of the Committee Amendment. Failed.

Recess. Out of recess.

The question is on the adoption of the motion of Ought to Pass. Failed.

Senator Gray moved to Re-refer to Committee.

The question is on the adoption of the motion of Re-refer to Committee. Adopted.

SB 221, enabling municipalities to adopt a property tax exemption for child day care agencies. Inexpedient to Legislate, Vote 3-2. Senator Abbas for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate. Failed.

Senator Gray moved Ought to Pass.

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6
 Sen. Prentiss, Dist 5
 Sen. Murphy, Dist 16
 March 30, 2023
 2023-1256s
 05/10

Floor Amendment to SB 221

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

AN ACT establishing a study committee to examine day care access and affordability.

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

1 Committee Established. There is established a study committee to examine day care access and affordability.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

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

3 Duties. The committee shall examine legislative options to expand the affordability and accessibility of child day care in New Hampshire, including:

I. State regulatory restrictions that limit access to local day care options.

II. State licensing restrictions that limit the child day care workforce.

III. The feasibility and cost of an optional municipal property tax exemption for child day care agencies.

IV. Other incentives that could increase access or reduce the cost of child day care.

4 Chairperson; Quorum. 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. Three members of the committee shall constitute a quorum.

5 Report. 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 house clerk, the senate clerk, the governor, and the state library on or before November 1, 2023.

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

2023-1256s

AMENDED ANALYSIS

This bill establishes a study committee to examine day care access and affordability.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

President Pro Tempore Gray presiding.

SB 222, relative to the definition of broadband infrastructure as a revenue-producing facility eligible for municipal revenue bonds.

Re-refer to Committee, Vote 4-1. Senator Gray for the committee.

The question is on the adoption of the motion of Re-refer to Committee. Failed.

Senator Bradley moved Ought to Pass.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

March 28, 2023

2023-1241s

07/10

Floor Amendment to SB 222

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

1 Municipal Revenue Bonds; Definitions. Amend RSA 33-B:1, VI to read as follows:

VI. "Revenue-producing facilities" means water works, broadband infrastructure as defined in RSA 38:38, I(e), purchased or constructed to serve any location within a municipality unserved by broadband as defined in RSA 38:38, I(c) **or any location within a communications district formed under RSA 53-G**, sewerage systems, sewage treatment or disposal facilities, solid waste disposal or resource recovery facilities, parking facilities, facilities for the production, generation, transmission, or distribution of electricity or gas, any other real or personal property or interests in a municipality or regional water district owned or controlled by the municipality or regional water district, from the operation of which revenues are or are expected to be derived by the municipality, or regional water district, and qualifying energy conservation and clean energy improvements for which a municipality provides financing pursuant to RSA 53-F.

2 Municipal Electric, Gas, or Water Systems; Broadband Access; Broadband. Amend RSA 38:38, I(c) to read as follows:

(c) "Broadband" means the transmission of information, between or among points specified by the user, with or without change in the form or content of the information as sent and received, at rates of transmission **greater than or equal to 100 megabits per second download and 20 megabits per second upload or at rates of transmission** defined by the Federal Communications Commission as a wireline advanced telecommunications capability as defined by section 706 of the Telecommunications Act of 1996, **whichever rates of transmission are greater**, irrespective of the network technology used.

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

2023-1241s

AMENDED ANALYSIS

This bill alters broadband municipal revenue bonding restrictions to be limited to formed communications districts and specifies the rates of transmission in the definition of broadband.

INTRODUCTION OF GUESTS

Senator Murphy introduced students from Hooksett Memorial School visiting in the gallery.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

President Bradley presiding.

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bill is Special Ordered to the end of the Regular Calendar. Adopted.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 271, relative to the seating of delegates to national party conventions.

ENERGY AND NATURAL RESOURCES

HB 79, establishing a committee to study the New Hampshire law relative to standards for farm products and marketing and grading commodities.

Ought to Pass, Vote 4-0. Senator Pearl for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

FINANCE

SB 36-FN, relative to systems of care for healthy aging.

Ought to Pass, Vote 7-0. Senator D'Allesandro for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted.

Senator Gray moved to Lay on the Table. Adopted.

SB 86-FN, relative to health care workforce development and making appropriations therefor.

Ought to Pass, Vote 7-0. Senator Rosenwald for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted.

Senator Gray moved to Lay on the Table. Adopted.

SB 104-FN-A, to regulate online gambling and direct net proceeds to a community college education scholarship fund.

Ought to Pass with Amendment, Vote 5-2. Senator Pearl for the committee.

Senate Finance

March 21, 2023

2023-1145s

07/10

Amendment to SB 104-FN-A

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

1 New Subparagraph; Online Gambling. Amend RSA 647:2, V by inserting after subparagraph (f) the following new subparagraph:

(g) Gambling done over an Internet connection on a website on the Internet.

2 New Subdivision; Community College Scholarship Program and Fund. Amend RSA 188-F by inserting after section 69 the following new subdivision:

Community College Scholarship Program and Fund

188-F:70 Definitions. In this subdivision:

I. "Eligible institution" means a postsecondary educational institution within the community college system of New Hampshire as defined in RSA 188-F.

II. "Eligible student" means student who enrolls in a course or program of study determined by the community college system of New Hampshire to be eligible for funding under this section and who meets the following requirements:

(a) A person eligible for scholarship funds under this section must be a New Hampshire resident as defined by the board of trustees.

(b) A person shall meet the qualifications for academic performance or work experience as established by the board of trustees.

(c) A person shall have an annual household income at the time the student applies for the program of less than or equal to \$100,000.

III. "Eligible costs" may include tuition, registration fees, books, lab and other mandatory fees that are determined by the community college system of New Hampshire to be part of the cost to successfully complete a course or program, and may include the costs of credit and non-credit offerings.

IV. "Program" means the community college scholarship program and fund established in this subdivision

V. "Board" means the board of trustees of the community college system of New Hampshire, established in RSA 188-F:2.

188-F:71 Scholarship Program and Fund Established.

I. It is the intent of the general court to provide financial support for New Hampshire residents to further their education through the community college system of New Hampshire.

II. It is further the intent of the general court to provide financial support for New Hampshire residents who choose to transfer community college credit, including credit earned through the dual and concurrent enrollment program, to the university system of New Hampshire.

III. There is hereby established the community college scholarship program and the community college scholarship fund. Proceeds allocated to the fund according to RSA 287-J:6 shall be non-lapsing and continually appropriated to the board for the purposes of this subdivision. The state treasurer shall credit to the fund any appropriation relating to the community college scholarship fund made in each fiscal year to the board. The state treasurer shall invest the fund in accordance with RSA 6:8. Any earnings shall be added to the fund. The fund shall be kept distinct and separate from all other funds and shall be used for the purposes of this subdivision.

IV. The funds shall be distributed to the community college system of New Hampshire for scholarship awards to eligible students who incur eligible expenses that are not already offset by funds drawn from other federal, state, institutional, or philanthropic sources.

V. The trustees of the community college system shall establish policies relative to awarding and disbursing scholarship funds to eligible students, and shall administer the program and fund.

VI. The eligible institution shall not reduce any merit or need-based grant aid that would have otherwise been provided to the eligible student.

VII. The trustees of the community college system shall work collaboratively with the trustees of the university system of New Hampshire to annually allocate a portion of the fund to support community college students who have earned an associate degree and who choose to transfer community college system credit to the university system of New Hampshire, and for students who have earned dual and concurrent enrollment credit through the community college system of New Hampshire.

VIII. Funds awarded under this section shall be made on a first come first served basis and the community college system of New Hampshire shall not be obligated to pay or waive costs in excess of the funds available.

IX. Beginning in 2024, the board of trustees shall submit a report by November 1 of each year detailing expenditures from the fund, including the number and amount of scholarships awarded, the program areas for which such awards were made, and the use of funds to support transfer of credit to the university system to the chairs of the house and senate education committees, the governor, and the commissioner of the New Hampshire department of education. Such report shall not include personally identifiable information of any student.

3 New Chapter; Online Gaming. Amend RSA by inserting after chapter 287-I the following new chapter:

CHAPTER 287-J

ONLINE GAMING

287-J:1 Definitions. In this chapter:

I. "Agent" means a party who is authorized by contract or agreement with the commission to conduct online gaming.

II. "Authorized online gaming bettor" means an individual 18 years of age or older who is physically present in the state of New Hampshire, or otherwise permitted to place a wager by law, when placing an online gaming wager with the commission or an authorized agent of the commission and is not a prohibited online gaming bettor.

III. "Commission" means the lottery commission.

IV. "Director" means the executive director of the lottery commission or designee.

V. "Online gaming wagering platform" means the combination of hardware, software, and data networks used to manage, administer, record, and/or control online gaming wagers.

VI. "Online gaming wager" means cash or cash equivalent paid by an individual to participate in online gaming wagering.

VII. "Online gaming" means games of chance as defined by RSA 287-D:1, III as may be approved by the director, including but not limited to poker, blackjack, cards, roulette, craps, baccarat or other style games in which an individual wagers money or something of monetary value for the opportunity to win money or something of monetary value, and which is offered on an online gaming platform including by electronic communication through Internet websites accessed via a mobile device or computer and mobile device applications. The term does not include sports wagering conducted under RSA 287-I or paid fantasy sports games conducted under RSA 287-H, games of chance conducted under RSA 287-D, Internet lottery conducted under RSA 284:21-h, or historic horse racing as defined under RSA 284:22-b.

VIII. "Permissible jurisdiction" means another jurisdiction from which wagers may be accepted under an interstate gaming reciprocal agreement.

IX. "Prohibited online gaming bettor" means:

(a) Any member or employee of the commission and any spouse, child, sibling, or parent residing in the same household as a member or employee of the commission.

(b) Any principal or employee of any agent.

(c) Any contractor of the commission or its agents when such contract relates to the conduct of online gaming wagering.

(d) Any contractor or employee of an entity that conducts online gaming wagering in another jurisdiction when the bettor possesses confidential nonpublic information as a result of his or her contract or employment relating to the wager being placed.

(e) Any individual placing a wager as an agent of or proxy for a prohibited online gaming bettor.

(f) Any person under the age of 18

287-J:2 Online Gaming Authorized; Commission. The commission is authorized to operate online gaming for the purposes of accepting and paying wagers by authorized online gaming bettors within the state or other authorized jurisdiction as authorized under RSA 287-J:8 in conformance with the requirements of this chapter.

287-J:3 Commission Agents. The commission shall conduct online gaming through agents selected through a competitive bid process and approved by the governor and executive council. Any such contract shall be based on the state receiving a percentage of revenue from online gaming activities within the state. The commission shall ensure that an agent demonstrates financial stability, responsibility, good character, honesty, and integrity. In selecting an agent, the commission shall consider, at a minimum, the experience and background of the agent, the agent's mobile and Internet capabilities, the agent's contribution to economic development within the state, the agent's commitment to prevention of problem gambling, to responsible gaming, and to integrity in Internet gaming. The commission shall select one or more bidders who best meet the criteria set forth in this paragraph and select from that group the agents whose bids provide the state with the highest percentage of revenue from the Internet gaming activities covered by the bids, provided that the commission determines that the bidder's commitment to return said revenue percentage to the state is consistent with the bidder's commitment to meet all other criteria specified in the bid request and in applicable law. All agents shall be subject to criminal and financial background checks as prescribed by the commission.

287-J:4 Online Gaming Wagering Authorized. The commission and its agents are authorized to operate online gaming through an online gaming wagering platform by mobile devices or over the Internet. With respect to online gaming wagers, the commission, either independently, or through its agent, shall provide:

I. Age verification measures to be undertaken to block access to and prevent online gaming wagers by persons under the age of 18 years.

II. Identity verification through secure online databases or by examination of photo identification.

III. Geographic restrictions to ensure that online gaming wagers must be initiated and received within the geographic borders of the state of New Hampshire or a permissible jurisdiction, and are not intentionally routed outside of the state. The incidental intermediate routing of a mobile online gaming wager shall not determine the location or locations in which such a wager is initiated, received, or otherwise made.

IV. Wager limits for daily, weekly, and monthly amounts consistent with the best practices in addressing problem gambling.

V. A voluntary self-exclusion program for players to self-exclude themselves from online gaming wagering for set periods of time.

VI. Security mechanisms to ensure the confidentiality of wagering and personal and financial information except as otherwise authorized by this chapter.

287-J:5 Online Gaming Wagering Supervision. The commission shall create a division of online gaming wagering which shall be responsible for ensuring compliance with the requirements of this chapter and any rules adopted by the commission in accordance with the authorities granted under this chapter. In addition, the division, under the direction of the director and commission, shall ensure that the commission's agents and vendors comply with the following obligations:

I. Each agent engaged in online gaming wagering shall submit a security and internal control report for the division's review and approval prior to conducting any online gaming wagering within the state and every year thereafter. This report shall address all aspects of security and controls including physical security, personnel security, and computer systems security including:

- (a) Employment background checks and policies.
- (b) Automated and manual risk management procedures.
- (c) Procedures for identifying and reporting fraud and suspicious conduct.
- (d) Any and all monitoring systems utilized by the agents to report and receive information on suspicious betting conduct.
- (e) Systems and procedures to prevent prohibited online gaming bettors from placing wagers.
- (f) Description of anti-money laundering compliance standards.
- (g) Descriptions of all integrated third-party systems or components and the security procedures relating to those systems.

II. For each wagering computer system used to conduct online gaming wagering, including all mobile online gaming wagering platforms within the state, the agent providing such system shall provide a detailed computer system security report to be approved by the commission prior to the acceptance of wagers and each year thereafter. The report shall address the issues set forth in the security and internal control report along with the following:

- (a) Documented system security testing performed by a licensed third-party contractor approved by the commission.
- (b) A description of all software applications that comprise the system.
- (c) A procedure for third-party auditing of financial transactions received by the system.
- (d) A description of all types of wagers supported by the system.
- (e) Unique identification and verification systems for wagers.
- (f) A list of data recorded relating to each wager.
- (g) System redundancy to ensure recording of wagers during a system outage.
- (h) A mechanism to provide read only access to the commission to the back office system for the purposes of reviewing and auditing wagering activities.

- (i) Integration with an independent control system to ensure integrity of system wagering information.
- (j) Capabilities for freezing or suspending wagering across the platform.
- (k) Any other issue identified by the division upon review of the proposed gaming system.

III. Each agent engaged in online gaming wagering shall submit rules for each online game for the division's review and approval prior to conducting any online gaming within the state and every year thereafter. These rules for each online game shall include at a minimum:

- (a) The method for calculation and payment of winning wagers.
- (b) Treatment of errors.
- (c) Method of contacting the agents for questions or complaints.
- (d) The policies and procedures in place for limiting or banning a player from the online gaming wagering platform.
- (e) The method and location for posting and publishing the rules for each online game.

IV. Each agent engaged in online gaming wagering shall submit accounting controls for the division's review and approval prior to conducting any online gaming wagering within the state and every year thereafter. These accounting controls shall include at a minimum:

- (a) A process for documenting and verifying beginning of day cash balance.
- (b) The establishment of a segregated account related to New Hampshire online gaming wagering activities.

V. The commission's agents shall submit a responsible gaming plan for the division's review and approval prior to conducting any online gaming wagering within the state and every year thereafter. This plan should include identification of posting and materials related to problem gaming, resources to be made available to bettors expressing concerns about problem gaming, house imposed player limits, and self-exclusion programs.

VI. The commission's agents shall maintain a cash reserve available to pay wagers as determined by the commission.

VII. The commission's agents shall not accept any wager on an online game unless it has received approval from the commission to conduct that type of online game.

VIII. Wagers made under this section shall be made with:

- (a) Cash.
- (b) Cash equivalent.
- (c) PayPal.
- (d) Debit card.
- (e) ACH.
- (f) Promotional funds.
- (g) Any other means approved by the executive director.

287-J:6 Proceeds to Community College Scholarship Fund. The proceeds received by the commission from online gaming wagering, less the administrative costs of the commission, prizes paid, and payments for problem gambling services, shall be deposited in the scholarship fund established in RSA 188-F:71.

287-J:7 Limitations on Online Gaming Wagers. The commission and its agents are prohibited from the following activities:

- I. Accepting or making payment relating to online gaming wagers made by prohibited online gaming bettors.
- II. Accepting online gaming wagers from persons who are physically outside of the state of New Hampshire at the time of the online gaming wager.
- III. Accepting online gaming wagers from persons outside of the state of New Hampshire not in compliance with RSA 287-J:8.

287-J:8 Acceptance of Out-of-State Wagers. Notwithstanding any other provision of law to the contrary, wagers may be accepted pursuant to this chapter from persons who are not physically present in the state of New Hampshire if the commission has determined that:

(a) Accepting the wagers is not inconsistent with federal law or the laws of New Hampshire; or

(b) The wagering is conducted pursuant to a reciprocal agreement to which the state of New Hampshire is a party that is not inconsistent with federal law.

287-J:9 Financial Reports. The commission may seek financial and compliance reports from its agents periodically and may conduct audits of these reports to ensure that the state receives the agreed upon revenue sharing proceeds.

287-J:10 Compliance Reviews. The commission shall retain oversight of its agents to ensure that all online gaming wagering activities are conducted in accordance with this chapter and any rules adopted by the commission.

287-J:11 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to the operation, conduct, location, and oversight of online gaming wagering. The commission may enact emergency rules, which will take effect upon approval.

287-J:12 Prohibition on Authorization of Online Gaming Agents Operating in Terror States and Illegal Markets.

I. Prior to the authorization of an agent under this section, the commission shall conduct a comprehensive investigation of the prospective agent to determine whether the agent or any of its affiliates, including entities under common control, is knowingly:

(a) Accepting revenue, directly or indirectly, derived from any jurisdiction sanctioned by the Office of Foreign Assets Control (OFAC) of the United States Treasury; or

(b) Accepting or assisting, directly or indirectly, in the acceptance of online wagers or consideration related to online wagering from any country in which such online gaming is prohibited or illegal.

II. The commission shall not authorize an agent under this section if the commission determines that the agent or any of its affiliates, including entities under common control, is knowingly:

(a) Accepting revenue, directly or indirectly, derived from any jurisdiction sanctioned by the Office of Foreign Assets Control (OFAC) of the United States Treasury Department; or

(b) Accepting or assisting, directly or indirectly, in the acceptance of online wagers or other consideration related to online wagering from any country in which such online gaming is prohibited or illegal.

III. If at any time during authorization the commission determines that the agent or any of its affiliates, including entities under common control, is knowingly:

(a) Accepting revenue, directly or indirectly, derived from any jurisdiction sanctioned by the Office of Foreign Assets Control (OFAC) of the United States Treasury Department; or

(b) Accepting or assisting, directly or indirectly, in the acceptance of online wagers or other consideration related to online wagering from any country in which such online gaming is prohibited or illegal, the commission shall impose discipline up to and including revocation of the license held by the agent.

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

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Avard, seconded by Senator Ward.

The following Senators voted Yes: Lang, Watters, Gray, Innis, Ward, Fenton, Carson, Murphy, Pearl, D'Allesandro, Bradley.

The following Senators voted No: Gendreau, Prentiss, Ricciardi, Chandley, Avard, Rosenwald, Whitley, Soucy, Birdsell, Perkins Kwoka, Abbas, Altschiller.

The following Senators were excused: Gannon.

Roll Call, Yeas: 11 - Nays: 12. Failed.

Recess. Out of recess.

MOTION OF RECONSIDERATION

Senator Avard, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 104-FN-A, to regulate online gambling and direct net proceeds to a community college education scholarship fund. The vote on Ought to Pass with Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Avard, seconded by Senator Innis.

The following Senators voted Yes: Lang, Watters, Gray, Innis, Ward, Fenton, Avard, Carson, Murphy, Pearl, D'Allesandro, Bradley.

The following Senators voted No: Gendreau, Prentiss, Ricciardi, Chandley, Rosenwald, Whitley, Soucy, Birdsell, Perkins Kwoka, Abbas, Altschiller.

The following Senators were excused: Gannon.

Roll Call, Yeas: 12 - Nays: 11. Adopted, bill ordered to Third Reading.

SB 120-FN, relative to charitable gaming license applications, wages, stakes, and bonds.
Ought to Pass, Vote 6-1. Senator Rosenwald for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 132-FN, prohibiting cities and towns from adopting sanctuary policies.
Ought to Pass, Vote 5-2. Senator Innis for the committee.

Recess. Out of recess.

INTRODUCTION OF GUESTS

Senator Murphy introduced students from Hooksett Memorial School visiting in the gallery.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Soucy, seconded by Senator Avard.

The following Senators voted Yes: Gendreau, Lang, Gray, Innis, Ward, Ricciardi, Avard, Carson, Murphy, Pearl, Birdsell, Abbas, Bradley.

The following Senators voted No: Watters, Prentiss, Fenton, Chandley, Rosenwald, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

The following Senators were excused: Gannon.

Roll Call, Yeas: 13 - Nays: 10. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

SB 140-FN, relative to establishing a program for the recruitment of educators.
Ought to Pass, Vote 7-0. Senator Gray for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted.

Senator Gray moved to Lay on the Table. Adopted.

SB 145-FN, relative to New Hampshire housing champion designation for municipalities and making appropriations therefor.
Ought to Pass, Vote 7-0. Senator Rosenwald for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted.

Senator Gray moved to Lay on the Table. Adopted.

SB 153-FN-A, establishing a law enforcement officers, professional firefighters, and emergency medical technicians career development, recruitment, and retention program and making an appropriation therefor.
Ought to Pass, Vote 7-0. Senator Birdsell for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted.

Senator Gray moved to Lay on the Table. Adopted.

SB 218-FN-A, establishing an early educator professional development grant.
Ought to Pass, Vote 7-0. Senator D'Allesandro for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 237-FN, relative to the child care scholarship program and making an appropriation therefor.
Ought to Pass, Vote 7-0. Senator Birdsell for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted.

Senator Gray moved to Lay on the Table. Adopted.

SB 239-FN, relative to the use of harm reduction services to treat alcohol and other substance misuse.
Ought to Pass, Vote 7-0. Senator Birdsell for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 241-FN, relative to graduated public assistance programs.
Ought to Pass with Amendment, Vote 7-0. Senator Pearl for the committee.

Senate Finance
March 21, 2023
2023-1148s
05/07

Amendment to SB 241-FN

Amend section 2 of the bill by inserting after paragraph III the following new paragraph:

IV. The sum of \$200,000 is hereby appropriated to the department for the purpose of conducting a continued review and economic analysis of the cliff effect as set forth in this section. The funds shall be nonlapsing until June 30, 2025. The department may accept and expend matching federal funds without prior approval of the fiscal committee. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2023-1148s

AMENDED ANALYSIS

This bill directs the department of health and human services, the housing finance authority, New Hampshire employment security, and the department of energy to study the creation, funding, and implementation of graduated public assistance programs to complement existing programs within the state. The bill appropriates funds to the department of health and human services for the purpose of studying mitigation of the cliff effect in administration public assistance programs.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted.

Senator Gray moved to Lay on the Table. Adopted.

SB 242-FN, relative to Medicaid direct certification.
Ought to Pass with Amendment, Vote 7-0. Senator Birdsell for the committee.

Senate Finance
March 21, 2023
2023-1144s
08/10

Amendment to SB 242-FN

Amend the bill by replacing section 2 with the following:

2 New Paragraphs; School Boards, Superintendents, Teachers; and Truant Officers; Food and Nutrition Programs. Amend RSA 189:11-a by inserting after paragraph VIII the following new paragraphs:

IX. The department of education shall seek participation in the Demonstration Projects for states to evaluate the impact of using Medicaid eligibility data to directly certify students for free and reduced price school

meals administered by the United States Department of Agriculture (USDA). The department of health and human services shall assist the department of education as needed in pursuing and implementing Medicaid direct certification.

X. The department of education and department of health and human services shall submit an application for participation in the Demonstration Projects for states to evaluate the impact of using Medicaid eligibility data to directly certify students for free and reduced price school meals administered by the United States Department of Agriculture (USDA) no later than September 1, 2023.

XI. Within 30 days of acceptance into the Demonstration Projects for states to evaluate the impact of using Medicaid eligibility data to directly certify students for free and reduced price school meals administered by the United States Department of Agriculture (USDA), the department of education and department of health and human services shall implement the program.

XII. School districts shall provide notice to parents of children who are identified as eligible for free or reduced meals through Medicaid Direct Certification that they can choose to opt out of the free and reduced school lunch program.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted.

Senator Gray moved to Lay on the Table. Adopted.

Recess. Out of recess.

HEALTH AND HUMAN SERVICES

SB 238-FN, relative to the use of telemedicine to treat mental health conditions.
Ought to Pass with Amendment, Vote 5-0. Senator Prentiss for the committee.

Health and Human Services

February 16, 2023

2023-0588s

05/07

Amendment to SB 238-FN

Amend the bill by replacing section 3 with the following:

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

The question is on the adoption of the Committee Amendment. Adopted.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

Sen. Bradley, Dist 3

March 29, 2023

2023-1254s

06/10

Floor Amendment to SB 238-FN

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

1 Statement of Purpose. The general court finds and recognizes that parents are responsible for providing and coordinating medical care for their minor children and are presumed to act in the best interest of their children. In order to make informed decisions about a minor child's healthcare needs, parents must be granted access to their child's medical records.

2 Physicians and Surgeons; Telemedicine. Amend RSA 329:1-d, III to read as follows:

III. It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV, except substance use disorder (SUD) treatment *and/or mental health conditions*. Methadone hydrochloride, as defined in RSA 318-B:10, VII(d)(2), shall not be included in the exemption.

III-a. It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV without first obtaining oral or written consent from the patient or a minor patient's parent or guardian, unless state or federal law allows a minor to

consent to treatment without the consent of a parent or guardian. For services delivered through telemedicine on an ongoing basis, the practitioner need only obtain consent from the patient or parent or guardian once.

3 Physicians and Surgeons; Telemedicine. Amend RSA 329:1-d, V to read as follows:

V. A physician providing services by means of telemedicine directly to a patient shall:

(a) Use the same standard of care as used in an in-person encounter;

(b) Maintain a medical record ***that shall be available to the patient, or if the patient is a minor to the patient's parent or legal guardian, unless: (i) the records are records of treatment that a minor may consent to pursuant to a specific statute under state or federal law without parental consent or the consent of a legal guardian; (ii) a court of competent jurisdiction has determined that the release of the records to a parent or legal guardian is not in the child's best interest; or (iii) a health care provider has determined by clear and convincing evidence based upon articulable facts that disclosure of the records to a parent or legal guardian of a minor child is likely to result in abuse or neglect. A health care provider who makes this determination shall document in the medical record of the minor child all facts upon which he or she relied in making the determination;*** and

(c) Subject to the patient's consent, forward the medical record to the patient's primary care or treating provider, if appropriate. ***In the case of a minor, the consent required by this subparagraph shall be obtained from a parent or legal guardian, unless the records are unavailable to a parent or legal guardian pursuant to subparagraph (b).***

4 Nurse Practice Act; Definition of Telemedicine. Amend RSA 326-B:2, XII(c) to read as follows:

(c)(1) It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV except for use in substance use disorder treatment ***and/or mental health conditions.***

(2) ***It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV without first obtaining oral or written consent from the patient or a minor patient's parent or guardian, unless state or federal law allows a minor to consent to treatment without the consent of a parent or guardian. For services delivered through telemedicine on an ongoing basis, the practitioner need only obtain consent from the patient or parent or guardian once.***

5 Nurse Practice Act; Definition of Telemedicine. Amend RSA 326-B:2, XII(e) to read as follows:

(e) An APRN providing services by means of telemedicine directly to a patient shall:

(1) Use the same standard of care as used in an in-person encounter;

(2) Maintain a medical record ***that shall be available to the patient, or if the patient is a minor to the patient's parent or legal guardian, unless: (i) the records are records of treatment that a minor may consent to pursuant to a specific statute under state or federal law without parental consent or the consent of a legal guardian; (ii) a court of competent jurisdiction has determined that the release of the records to a parent or legal guardian is not in the child's best interest; or (iii) a health care provider has determined by clear and convincing evidence based upon articulable facts that disclosure of the records to a parent or legal guardian of a minor child is likely to result in abuse or neglect. A health care provider who makes this determination shall document in the medical record of the minor child all facts upon which he or she relied in making the determination.***

(3) Subject to the patient's consent, forward the medical record to the patient's primary care or treating provider, if appropriate. ***In the case of a minor, the consent required by this subparagraph shall be obtained from a parent or legal guardian, unless the records are unavailable to a parent or legal guardian pursuant to subparagraph (2).***

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

Senator Soucy moved to divide the question on Floor Amendment #2023-1254s: The first vote on Sections 2, 4, and 6 and the second vote on the remainder of the amendment.

The Chair ruled the question divisible.

The question is on the adoption of the Floor Amendment: Sections 2, 4, and 6.

A roll call was requested by Senator Avard, seconded by Senator Pearl.

The following Senators voted Yes: Gendreau, Lang, Watters, Prentiss, Gray, Innis, Ward, Ricciardi, Fenton, Chandley, Avard, Rosenwald, Carson, Whitley, Murphy, Pearl, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Abbas, Altschiller, Bradley.

The following Senators voted No: (None)

The following Senators were excused: Gannon.

Roll Call, Yeas: 23 - Nays: 0. Adopted.

The question is on the adoption of the Floor Amendment: the remainder of the Floor Amendment.

A roll call was requested by Senator Avard, seconded by Senator Birdsell.

The following Senators voted Yes: Gendreau, Lang, Gray, Innis, Ward, Ricciardi, Avard, Carson, Murphy, Pearl, Birdsell, Abbas, Bradley.

The following Senators voted No: Watters, Prentiss, Fenton, Chandley, Rosenwald, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

The following Senators were excused: Gannon.

Roll Call, Yeas: 13 - Nays: 10. Adopted.

Senator Prentiss offered a Floor Amendment.

Sen. Prentiss, Dist 5

Sen. Bradley, Dist 3

Sen. Carson, Dist 14

March 30, 2023

2023-1257s

06/10

Floor Amendment to SB 238-FN

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 New Subparagraph; Office of Professional Licensure and Certification; Telemedicine. Amend RSA 310-A:1-g, V by inserting after subparagraph (d) the following new subparagraph:

(e) Obtain oral or written consent from the patient or, if the patient is a minor, from the patient's parent or guardian unless state or federal law allows a minor to consent to treatment without the consent of a parent or guardian, for the provision of services through telemedicine. For services delivered through telemedicine on an ongoing basis, the practitioner need obtain consent from the patient or parent or guardian only once.

2023-1257s

AMENDED ANALYSIS

This bill permits doctors and APRNs to use telemedicine to prescribe medication to treat mental health conditions. The bill also clarifies the consent required to provide telemedicine services to a minor.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Soucy moved to divide the question on the motion of Ought to Pass with Amendment: the first vote on Sections 2, 4, 6, and 7 and then the remainder of the bill.

The Chair ruled the question divisible.

The question is on the adoption of the motion of Ought to Pass with Amendment: Sections 2, 4, 6, and 7.

A roll call was requested by Senator Avard, seconded by Senator Birdsell.

The following Senators voted Yes: Gendreau, Lang, Watters, Prentiss, Gray, Innis, Ward, Ricciardi, Fenton, Chandley, Avard, Rosenwald, Carson, Whitley, Murphy, Pearl, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Abbas, Altschiller, Bradley.

The following Senators voted No: (None)

The following Senators were excused: Gannon.

Roll Call, Yeas: 23 - Nays: 0. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment: the remainder of the bill.

A roll call was requested by Senator Avard, seconded by Senator Innis.

The following Senators voted Yes: Gendreau, Lang, Gray, Innis, Ward, Ricciardi, Avard, Carson, Murphy, Pearl, Birdsell, Abbas, Bradley.

The following Senators voted No: Watters, Prentiss, Fenton, Chandley, Rosenwald, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

The following Senators were excused: Gannon.

Roll Call, Yeas: 13 - Nays: 10. Adopted, bill ordered to Third Reading.

JUDICIARY

CACR 6, relating to the retirement age for judges. Providing that the mandatory judicial retirement age shall be increased from 70 to 75.

Ought to Pass, Vote 4-0. Senator Chandley for the committee.

The question is on the adoption of the motion of Ought to Pass.

A roll call is required.

The following Senators voted Yes: Gendreau, Lang, Watters, Prentiss, Gray, Innis, Ward, Ricciardi, Fenton, Chandley, Rosenwald, Carson, Whitley, Murphy, Pearl, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Abbas, Altschiller, Bradley.

The following Senators voted No: Avard.

The following Senators were excused: Gannon.

Roll Call, Yeas: 22 - Nays: 1. Adopted by necessary 3/5 vote. Resolution ordered to Third Reading.

SB 58, relative to arrests without a warrant while in the care of a medical professional on the premises of a residential care or health care facility.

Inexpedient to Legislate, Vote 3-2. Senator Abbas for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate. Failed.

Senator Rosenwald moved Ought to Pass.

Senator Rosenwald offered a Floor Amendment.

Sen. Rosenwald, Dist 13

March 29, 2023

2023-1251s

07/10

Floor Amendment to SB 58

Amend RSA 594:10, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) [He] *The peace officer* has probable cause to believe that the person to be arrested has committed a misdemeanor or violation, and, if not immediately arrested, such person will not be apprehended, will destroy or conceal evidence of the offense, [or] will cause further personal injury or damage to property, **or, while in the care of a medical professional on the premises of a residential care or health care facility as defined in RSA 151:2, through actual or threatened violence, interfere in the provision of health care services that a licensed medical professional has determined to be medically necessary.**

The question is on the adoption of the Floor Amendment. Failed.

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6
 March 27, 2023
 2023-1226s
 07/10

Floor Amendment to SB 58

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

1 Criminal Code; Justification; Use of Force by Merchants, Motion Picture Theater Owners, and Health Care Providers. Amend RSA 627:8-a to read as follows:

627:8-a Use of Force by Merchants, ***Motion Picture Theater Owners, and Health Care Providers.***

I. A merchant, or his or her agent, is justified in detaining any person who he or she has reasonable grounds to believe has committed the offense of willful concealment, as defined by RSA 637:3-a, on his or her premises as long as necessary to surrender the person to a peace officer, provided such detention is conducted in a reasonable manner.

II. A motion picture theater owner, or his or her agent, is justified in detaining any person who he or she has reasonable grounds to believe has committed the offense of unauthorized recording in a motion picture theater on his or her premises, as defined by RSA 644:19, as long as necessary to surrender the person to a peace officer, provided such detention is conducted in a reasonable manner.

III. ***A health care provider, or his agent, is justified in detaining any person who he or she has reasonable grounds to believe has committed an assault offense, as defined in RSA 631:1, 631:2, 631:2-a, domestic violence as defined in RSA 631:2-b, or criminal threatening as defined in RSA 631:4 against a health care provider or a patient actively receiving treatment by a health care provider, in a health care facility licensed under RSA 151:2, as long as necessary to surrender the person to a peace officer, provided such detention is conducted in a reasonable manner.***

IV. Notwithstanding RSA 594:10, a peace officer may arrest a person who has been detained pursuant to this section, without a warrant, if the peace officer has probable cause to believe that the person has committed the offense ~~[of willful concealment]~~ ***identified in paragraphs I, II, or III of this section*** and if the merchant, ***motion picture theater owner, or health care provider***, or his or her agent witnessed the offense or, ***in the case of paragraph I of this section***, if the unlawfully obtained goods or merchandise of the store were recovered from the person.

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

2023-1226s

AMENDED ANALYSIS

This bill allows for health care providers to reasonably detain any person believed to have committed certain offenses against health care providers, or patients actively receiving treatment by a health care provider, at a licensed health care facility as long as necessary to surrender the person to a peace officer.

Recess. Out of recess.

Senator Gray withdrew Floor Amendment 2023-1226s.

MOTION OF RECONSIDERATION

Senator Abbas, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 58, relative to arrests without a warrant while in the care of a medical professional on the premises of a residential care or health care facility. The vote on Floor Amendment #2023-1251s. Adopted.

Sen. Rosenwald, Dist 13
 March 29, 2023
 2023-1251s
 07/10

Floor Amendment to SB 58

Amend RSA 594:10, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) [He] ***The peace officer*** has probable cause to believe that the person to be arrested has committed a misdemeanor or violation, and, if not immediately arrested, such person will not be apprehended, will destroy

or conceal evidence of the offense, [or] will cause further personal injury or damage to property, ***or, while in the care of a medical professional on the premises of a residential care or health care facility as defined in RSA 151:2, through actual or threatened violence, interfere in the provision of health care services that a licensed medical professional has determined to be medically necessary.***

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Rosenwald, seconded by Senator Soucy.

The following Senators voted Yes: Watters, Prentiss, Fenton, Chandley, Rosenwald, Carson, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

The following Senators voted No: Gendreau, Lang, Gray, Innis, Ward, Ricciardi, Avard, Murphy, Pearl, Birdsell, Abbas, Bradley.

The following Senators were excused: Gannon.

Roll Call, Yeas: 11 - Nays: 12. Failed.

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6
March 27, 2023
2023-1226s
07/10

Floor Amendment to SB 58

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

1 Criminal Code; Justification; Use of Force by Merchants, Motion Picture Theater Owners, and Health Care Providers. Amend RSA 627:8-a to read as follows:

627:8-a Use of Force by Merchants, ***Motion Picture Theater Owners, and Health Care Providers.***

I. A merchant, or his or her agent, is justified in detaining any person who he or she has reasonable grounds to believe has committed the offense of willful concealment, as defined by RSA 637:3-a, on his or her premises as long as necessary to surrender the person to a peace officer, provided such detention is conducted in a reasonable manner.

II. A motion picture theater owner, or his or her agent, is justified in detaining any person who he or she has reasonable grounds to believe has committed the offense of unauthorized recording in a motion picture theater on his or her premises, as defined by RSA 644:19, as long as necessary to surrender the person to a peace officer, provided such detention is conducted in a reasonable manner.

III. ***A health care provider, or his agent, is justified in detaining any person who he or she has reasonable grounds to believe has committed an assault offense, as defined in RSA 631:1, 631:2, 631:2-a, domestic violence as defined in RSA 631:2-b, or criminal threatening as defined in RSA 631:4 against a health care provider or a patient actively receiving treatment by a health care provider, in a health care facility licensed under RSA 151:2, as long as necessary to surrender the person to a peace officer, provided such detention is conducted in a reasonable manner.***

IV. Notwithstanding RSA 594:10, a peace officer may arrest a person who has been detained pursuant to this section, without a warrant, if the peace officer has probable cause to believe that the person has committed the offense [of willful concealment] ***identified in paragraphs I, II, or III of this section*** and if the merchant, ***motion picture theater owner, or health care provider***, or his or her agent witnessed the offense or, ***in the case of paragraph I of this section***, if the unlawfully obtained goods or merchandise of the store were recovered from the person.

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

2023-1226s

AMENDED ANALYSIS

This bill allows for health care providers to reasonably detain any person believed to have committed certain offenses against health care providers, or patients actively receiving treatment by a health care provider, at a licensed health care facility as long as necessary to surrender the person to a peace officer.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Rosenwald, seconded by Senator Avard.

The following Senators voted Yes: Gendreau, Lang, Gray, Innis, Ward, Ricciardi, Avard, Carson, Murphy, Pearl, Birdsell, Abbas, Bradley.

The following Senators voted No: Watters, Prentiss, Fenton, Chandley, Rosenwald, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

The following Senators were excused: Gannon.

Roll Call, Yeas: 13 - Nays: 10. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Murphy, seconded by Senator Avard.

The following Senators voted Yes: Gendreau, Lang, Prentiss, Gray, Innis, Ward, Ricciardi, Avard, Carson, Murphy, Pearl, Birdsell, Abbas, Bradley.

The following Senators voted No: Watters, Fenton, Chandley, Rosenwald, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

The following Senators were excused: Gannon.

Roll Call, Yeas: 14 - Nays: 9. Adopted, bill ordered to Third Reading.

SB 246, relative to disclosure of post-arrest photographs under the right to know law.
Re-refer to Committee, Vote 4-0. Senator Abbas for the committee.

The question is on the adoption of the motion of Re-refer to Committee. Adopted.

SB 264-FN, relative to parentage.

Re-refer to Committee, Vote 3-2. Senator Gannon for the committee.

The question is on the adoption of the motion of Re-refer to Committee. Failed.

Senator Perkins Kwoka moved Ought to Pass.

Senator Perkins Kwoka offered a Floor Amendment.

Sen. Perkins Kwoka, Dist 21

Sen. Carson, Dist 14

March 30, 2023

2023-1262s

06/08

Floor Amendment to SB 264-FN

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

1 Surrogacy. Amend the chapter title preceding RSA 168-B:1 to read as follows:

CHAPTER 168-B

[SURROGACY] **PARENTAGE**

2 Parentage; Definitions. Amend RSA 168-B:1 to read as follows:

168-B:1 Definitions. In this chapter:

I. "Artificial insemination" means the introduction of semen into a [~~women's~~] **woman's** vagina, cervical canal, or uterus through extracorporeal or noncoital means.

II. "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes, but is not limited to:

(a) Artificial insemination.

(b) Donation of [~~eggs~~] **gametes**.

(c) Donation of embryos.

(d) In-vitro fertilization and transfer of embryos.

(e) Intracytoplasmic sperm injection.

III. “Compensation” means payment of any reasonable, valuable consideration to ~~[the]~~ **a gamete donor, an embryo donor, or a gestational carrier or on their behalf.**

IV. “Court,” unless otherwise indicated in this chapter, means the probate division of the circuit court in the county where the gestational carrier resides, where the intended parent or parents reside, or where the resulting child is born or is expected to be born.

V. “Donor” means an individual who contributes a gamete or gametes or an embryo or embryos for the purpose of assisted reproduction with no claim or claims to present or future parental rights and obligations to any resulting child.

VI. “Embryo” means the fertilized egg.

VII. “Embryo transfer” means all medical and laboratory procedures that are necessary to effectuate the transfer of an embryo into the uterine cavity.

VIII. “Gamete” means either the ovum (egg) or the spermatozoa (sperm).

IX. “Gestational carrier” means a woman who is neither an intended parent nor a donor, who agrees to become pregnant with a child, to whom ~~[she is not genetically related]~~ **such gestational carrier made no genetic contribution**, by assisted reproduction and pursuant to a gestational carrier arrangement.

X. “Gestational carrier agreement” means a written contract between the gestational carrier, her spouse or partner, if any, and the intended parent or parents, that sets forth the obligations, rights, and duties of the parties to a gestational carrier arrangement.

XI. “Gestational carrier arrangement” means the process by which a gestational carrier attempts to become pregnant with a child through assisted reproduction using the gamete or gametes **or embryo** provided by the intended parent or parents and/or donor or donors, which may or may not be genetically related to the intended parent or parents, and to which the gestational carrier has made no genetic contribution, and carry and give birth to such a child with the intention that the child will be solely the legal child of the intended parent or parents.

XII. “Health care provider” means a person who is duly licensed, certified, authorized, or registered under the laws of the state to provide health care, and includes all medical, psychological, counseling, and social work professionals.

XIII. “Intended parent” means a person, **married or unmarried**, who intends to become a parent of any child that results from an ~~[gestational carrier agreement]~~ **assisted reproduction**. This term shall include intended mothers, intended fathers, or a combination of both. In the case of a married couple, any reference to an intended parent shall include both spouses for all purposes of this chapter.

XIV. “In vitro fertilization” means all medical and laboratory procedures that are necessary to effectuate the extracorporeal combining of egg and sperm and the resulting fertilization of the egg.

XV. “Mental health consultation” means an in-person **or telehealth** meeting with a licensed mental health professional for the purposes of educating the participants about the effects and potential consequences of their participation in a gestational carrier arrangement, and of evaluating any potential psychological issues and risks posed by a party to a gestational carrier arrangement, including, but not limited to, the intended parent or parents or the gestational carrier’s mental health, external and environmental factors, ability to manage relationships, potential attachment issues, and ability to carry out ~~[his or her]~~ **their** obligations, rights, and duties under a gestational carrier arrangement.

XVI. “Mental health professional” means an individual who:

(a) Holds a masters or doctoral degree in the field of psychiatry, psychology, counseling, social work, psychiatric nursing, or marriage and family therapy; and

(b) Is duly licensed, certified, authorized, or registered under the laws of a state to practice in the mental health field.

3 Parentage; Parent-Child Relationship. Amend RSA 168-B:2, I - III to read as follows:

I. A person is the parent of a child to whom she has given birth, except as otherwise provided in this chapter and if the pregnancy was established pursuant to a gestational carrier arrangement.

II. A person is the parent of a child conceived via assisted reproduction if the person, except when acting in the capacity of a donor, consents to the performance of assisted reproduction ***with intent to parent the resulting child*** or provides a gamete or gametes or an embryo or embryos for use in the assisted reproduction ***with the intent to parent the resulting child***.

III. A donor is not a parent of a child conceived through assisted reproduction. ***A donor may bring a petition for non-parentage to affirm that they are not a parent of a child conceived or to be conceived via assisted reproduction. Such a petition may be brought in the court in the county where the donor resides, where the intended parent or parents reside, where the donation took place, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to any pregnancy.***

4 Parentage; Parent-Child Relationship. Amend RSA 168-B:2, VII(a) to read as follows:

VII.(a) Any person who is a parent pursuant to RSA 168-B:2, II, without the assistance of a gestational carrier (as gestational carrier arrangements are governed by RSA 168-B:12), may petition the court for a parentage order declaring that the intended parent or parents are the sole parents of a child resulting from assisted reproduction. Such a petition may be brought in the court in the county where the intended parent or parents reside, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to the pregnancy. The court shall, within 30 days, grant the petition upon a finding that the child was conceived through assisted reproduction as defined in RSA 168-B:1, II, with the use of donor gametes or donor embryos, if applicable, and with ***consent to the assisted reproduction and the intent to parent***. Sworn affidavits demonstrating the same shall be sufficient to permit such a finding and a hearing shall not be required unless the court requires additional information which cannot reasonably be ascertained without a hearing. Parentage orders issued under this paragraph shall conclusively establish or affirm, where applicable, the parent-child relationship.

5 Parentage; Legitimacy. Amend RSA 168-B:3 to read as follows:

168-B:3 Legitimacy. If, under the provisions of this chapter, a parent-child relationship is created between 2 persons, the child shall be considered, for all purposes of law, the legitimate child of the parent. ***In the absence of specific language to the contrary in a statute or instrument, a legitimated child shall be considered the same as a birth child, issue, or heir of the body for all purposes of the law.***

6 Parentage; Compliance. Amend RSA 168-B:4 to read as follows:

168-B:4 [~~Effect of Noncompliance~~] ***Substantial Compliance***. [~~Noncompliance~~] ***Substantial compliance*** with the requirements of this chapter [~~shall not affect the determination of parenthood~~] ***is sufficient to allow for a determination of parentage*** under this chapter.

7 Parentage; Eligibility of a Gestational Carrier. Amend RSA 168-B:9 to read as follows:

168-B:9 Eligibility of a Gestational Carrier. Prior to any medical procedures to impregnate the gestational carrier, a woman, intending to be a gestational carrier, shall meet all of the following requirements:

I. She is at least 21 years of age.

II. She has given birth to at least one child.

III. She has completed a physical medical evaluation, [~~in substantial conformance with the guidelines set forth by the American Society for Reproductive Medicine,~~] relating to the anticipated pregnancy.

IV. She has completed a mental health consultation.

V. She, and her spouse or partner, if any, have undergone legal consultation with independent legal counsel regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement.

8 Parentage; Enforceability of Gestational Carrier Agreement. Amend RSA 168-B:10 to read as follows:

168-B:10 Enforceability of Gestational Carrier Agreement. To best protect all parties entering into a gestational carrier arrangement, a gestational carrier agreement shall meet the minimum requirements under RSA 168-B:11. A gestational carrier agreement that ***substantially*** conforms to these requirements is a legal

contract that is presumed to be valid and enforceable and is legally enforceable by the court. The parties to a gestational carrier agreement may petition the court for an order affirming the status of a gestational carrier agreement. The court shall issue such an order upon a finding that the agreement **substantially** meets the minimum requirements under RSA 168-B:11.

9 Parentage; Requirements for a Gestational Carrier Agreement. Amend RSA 168-B:11, IV(e) to read as follows:

(e) ~~[The express written agreement of all parties as to how]~~ **Acknowledgment by the gestational carrier, and her spouse or partner, if any, that**, if the gestational carrier breaches a provision of this chapter or of the gestational carrier agreement, and **a court of competent jurisdiction determines that** such a breach causes harm to the resulting child, the gestational carrier ~~[will cover her potential liability]~~ **may be held financially responsible** for such harm, pursuant to RSA 168-B:18.

10 Parentage Orders. Amend RSA 168-B:12, I to read as follows:

I. Any of the parties to a gestational carrier agreement may petition the court for a parentage order declaring that the intended parent or parents are the sole parents of a child resulting from assisted reproduction and a gestational carrier arrangement, and that the gestational carrier and her spouse or partner, if any, are not the parent or parents of such a child. Such a petition may be brought in the court in the county where the gestational carrier resides, where the intended parent or parents reside, **where the transfer of embryos takes place, where at least one of the required legal or mental health consultations took place**, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to the pregnancy. The court shall, within 30 days, grant the petition upon a finding that the parties have substantially complied with the requirements of this chapter pertaining to the execution of a gestational carrier agreement. Sworn affidavits demonstrating substantial compliance shall be sufficient to permit such a finding and a hearing shall not be required unless the court requires additional information which cannot reasonably be ascertained without a hearing. In the absence of such substantial compliance, the court may in its discretion issue such parentage order upon a finding that the parties intended to enter into a gestational carrier arrangement and the best interests of the child would be met by permitting parentage to be established in this manner. Such parentage orders issued under this section shall conclusively establish or affirm, where applicable, the parent-child relationship.

11 Parentage; Marriage or Partnership of a Gestational Carrier During the Gestational Carrier Arrangement. Amend RSA 168-B:13 to read as follows:

168-B:13 Marriage or Partnership of a Gestational Carrier During the Gestational Carrier Arrangement. The marriage, ~~[or] partnership,~~ **separation, or divorce** of ~~[a gestational carrier after she executes a]~~ **any party to a** gestational carrier agreement does not affect the validity or the terms of the gestational carrier agreement~~], and her spouse or partner shall not be a parent of the resulting child].~~

12 Parentage; Remedies. Amend RSA 168-B:18, V and VI to read as follows:

V. A breach of a provision of this chapter and/or of the gestational carrier agreement by the gestational carrier, after the gestational carrier is impregnated, shall not relieve the gestational carrier of her obligations imposed by this chapter.

VI. A breach of a provision of this chapter and/or of the gestational carrier agreement by the gestational carrier, after the gestational carrier is impregnated, shall not relieve such intended parent or parents of the intended parent's or parents' parental rights or responsibilities to the child, unless it is determined by genetic testing, that the child is the genetic child of the gestational carrier.

~~[VI]~~ VII. If the gestational carrier breaches a provision of this chapter and/or of the gestational carrier agreement, and such a breach causes harm to the resulting child, the gestational carrier may be liable for payment of the resulting child's medical expenses not otherwise covered by the intended parent's or parents' insurance.

VIII. Nothing in this chapter is intended to abrogate any rights of the resulting child to pursue any legally authorized action.

13 Rulemaking. Amend RSA 168-B:20 to read as follows:

168-B:20 Rulemaking. The department of health and human services ~~[shall]~~ **may** adopt rules, pursuant to RSA 541-A, to carry out its duties under this chapter. ~~[Until such time as the department of health and human services adopts rules pursuant to this section, medical evaluations, mental health consultations, and~~

~~other procedures required under this chapter shall be conducted in accordance with the relevant sections of guidelines published by the American Society for Reproductive Medicine (ASRM), the Society for Assisted Reproductive Technologies (SART), and the American College of Obstetricians and Gynecologists (ACOG).]~~

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

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 85, relative to antenuptial agreements.

Ought to Pass, Vote 4-0. Senator Abbas for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 124, relative to temporary alimony.

Inexpedient to Legislate, Vote 3-1. Senator Whitley for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

HB 151, establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage.

Ought to Pass, Vote 3-1. Senator Carson for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 162, relative to supported decision making.

Ought to Pass, Vote 4-0. Senator Carson for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 240, relative to equal access to marriage.

Ought to Pass, Vote 4-0. Senator Whitley for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

COMMERCE

SB 201, relative to resale of event tickets.

Ought to Pass with Amendment, Vote 4-0. Senator Chandley for the committee.

Commerce

March 21, 2023

2023-1135s

07/08

Amendment to SB 201

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

1 Statement of Findings.

I. The general court recognizes that independent live-performance venues are important entertainment centers and essential to the growth and success of New Hampshire's local economies. They serve as critical tax bases, as employers, as tourism destinations and as revenue generators for neighboring businesses such as restaurants, hotels, and retailers.

II. The general court further finds that the "secondary ticket marketplace" purports to be a resale marketplace between ticket purchasers and ticket resellers who have purchased tickets for admission to events that were originally sold or issued by the sponsors or promoters of the events. Problems arise when these sites resell tickets at a significantly higher cost than the venue when tickets are, in fact, available at face-value from the venue; when they "resell" tickets that they do not own; when they give fake confirmation numbers to the patron with no intention of providing the tickets; and when they engage in a host of deceptive or unethical behaviors.

III. The general court further finds that what was once a small offline industry of ticket resellers has grown into a multi billion dollar online industry, and is an enormous and expensive problem for venues, patrons and artists. These websites are not connected to venues and are often designed to make purchasers believe they are buying tickets directly from the venue.

IV. The general court further finds, that these practices result in understaffed venues exhausting valuable employee hours chasing box office issues, comforting and compensating upset patrons, filing paperwork against credit card back charges, and generally doing whatever they can to salvage their goodwill with the patron who often blames the venue for their situation.

V. In conclusion, the general court finds that to address these problems and mitigate the affects of deceptive practices, the following change to law is necessary.

2 New Paragraphs; Regulation of Business Practices for Consumer Protection; Definitions. Amend RSA 358-A:1 by inserting after paragraph V the following new paragraph:

VI. "Venue" shall mean any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment at which tickets are sold.

3 New Paragraph; Regulation of Business Practices for Consumer Protection; Acts Unlawful; Unauthorized Resellers. Amend RSA 358-A:2 by inserting after paragraph XVIII the following new paragraph:

XIX. Reselling tickets to an event without prominent display, in bold in no smaller than 14 point font size, of identity being different than the venue at which the event is taking place or an authorized agent of such venue, if the seller does not actually own the ticket, or if the ticket being resold is in a block, zone, or other specific grouping of tickets, unless the seller gets express acknowledgment via signature attestation from the purchaser of notice of these conditions at the time of purchase.

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

2023-1135s

AMENDED ANALYSIS

This bill makes the resale of event tickets by a person who is not the venue or an authorized agent of the venue without prominent display and acknowledgment of that condition an unlawful act under the consumer protection regulations.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Lang offered a Floor Amendment.

Sen. Lang, Dist 2

March 30, 2023

2023-1264s

07/08

Floor Amendment to SB 201

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Regulation of Business Practices for Consumer Protection; Acts Unlawful; Unauthorized Resellers. Amend RSA 358-A:2 by inserting after paragraph XVIII the following new paragraph:

XIX. Reselling tickets to an event or performance unless the seller accomplishes the following:

(a) Prominently displays on the sale listing and again during purchase, in bold, 14 point font or greater, a disclosure indicating that the tickets are being sold pursuant to one of the following conditions:

- (1) The seller does not actually own the ticket;
- (2) The seller is a different entity than the venue where the event or performance is to be held; or
- (3) The ticket being resold is in a block, zone, or other specific grouping of tickets; and

(b) Acquires the purchaser's acknowledgment of such condition through an affirmative act of clicking on a radio button, checkbox, or other similar indication of acknowledgment.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 271, relative to the seating of delegates to national party conventions.

Ought to Pass, Vote 3-2. Senator Gray for the committee.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Avard, seconded by Senator Innis.

The following Senators voted Yes: Gendreau, Lang, Gray, Innis, Ward, Ricciardi, Avard, Carson, Murphy, Pearl, Birdsell, Abbas, Bradley.

The following Senators voted No: Watters, Prentiss, Fenton, Chandley, Rosenwald, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

The following Senators were excused: Gannon.

Roll Call, Yeas: 13 - Nays: 10. Adopted, bill ordered to Third Reading.

The Chair Rescinded Third Reading.

Senator Whitley moved to Lay on the Table.

A roll call was requested by Senator Soucy, seconded by Senator Avard.

The following Senators voted Yes: Watters, Prentiss, Fenton, Chandley, Rosenwald, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

The following Senators voted No: Gendreau, Lang, Gray, Innis, Ward, Ricciardi, Avard, Carson, Murphy, Pearl, Birdsell, Abbas, Bradley.

The following Senators were excused: Gannon.

Roll Call, Yeas: 10 - Nays: 13. Failed.

President Bradley Ordered SB 271 to Third Reading.

CONSENT CALENDAR REPORTS REMOVED

PRESIDENT BRADLEY: We are at the conclusion of the Regular Calendar and will take up the bill that was removed from the Consent Calendar.

ENERGY AND NATURAL RESOURCES

SB 165, relative to the online energy data platform.

Ought to Pass with Amendment, Vote 5-0. Senator Pearl for the committee.

Energy and Natural Resources

March 21, 2023

2023-1138s

10/05

Amendment to SB 165

Amend the bill by replacing sections 1 and 2 with the following:

1 Public Utilities; Online Energy Data Platform. RSA 378:51, IV is repealed and reenacted to read as follows:

IV. Prior to undertaking the construction of the platform, the utilities subject to this section shall jointly file with the department, the office of the consumer advocate, and the commission a detailed plan for the platform including a capital and operating budget. Within 60 days of its receipt of this filing, the department or the consumer advocate may request that the commission defer the implementation of the statewide, multi use, online energy data platform for reasons of cost. Upon such a request, the commission shall conduct an adjudicative proceeding and shall thereafter either approve such plan for implementation of the platform by the utilities, or defer the implementation of the platform if it determines that the cost of the platform to be recovered from customers is unreasonable and not in the public interest. In the absence of such a request by the department or the consumer advocate, the utilities shall be authorized to implement the platform and recover any expenses or capital expenditures incurred, as proposed in the filing.

2 New Paragraph; Online Energy Data Platform; Application. Amend RSA 378:51 by inserting after paragraph IV the following new paragraph:

V. Nothing in this section shall be construed as authorizing the commission to manage, direct, or supervise the development of the statewide, multi-use, online energy data platform. By virtue of Order No. 26,589, issued by the commission on March 2, 2022, the commission shall be deemed to have discharged its responsibilities to conduct an adjudicative proceeding as set forth in paragraph II. The commission may review any

costs incurred by utilities under this section in the same manner it reviews other costs that utilities intend to recover from customers. The utilities shall recover all costs incurred consistent with the plan submitted and on file with the department, office of the consumer advocate, and the commission.

SENATE CLERK'S NOTE

Amendment 2023-1138s was inadvertently referenced as a Floor Amendment in the original Daily Journal and has been corrected below to reference that it is a Committee Amendment.

The question is on the adoption of the Committee Amendment. Failed.

The question is on the adoption of the motion of Ought to Pass. Failed.

Senator Avard moved to Re-refer to Committee.

The question is on the adoption of the motion of Re-refer to Committee. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Carson moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION ANNOUNCEMENTS

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you. Mister President. Just a personal privilege for a moment. Several years ago, at her 8:00 a.m. class, my daughter wasn't feeling well. This was at UNH. I was in my office. She got up to go to the ladies room, collapsed in the hallway. An Administrative Assistant saw this happen, brought her into the office, laid her on a sofa and called me. And an ambulance was called. And my daughter was taken to Dover. And she had suffered a stroke at a very young age. We don't know what caused it. Hasn't happened again. But my son, Nick and my daughter, Emily are this year running for Tedy Bruschi's team in the Boston Marathon. They will be doing that on Patriots Day. And I can't tell you how proud I am of them for helping Tedy and his foundation to support research into heart attacks and strokes in all of us. So I just wanted to point that out. And I'm so proud of them and proud of Tedy for all that he does. Thank you, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. I ask for Personal Privilege. You know, I've been in this body since 2015, and I have been proud to be a member, a member of such a collegial body. And the work we do here is very important. And we always don't agree, but we disagree agreeably, I'd like to think. However, I've noticed in the past few months, there's been a lot of incendiary language going on, and I hope this doesn't continue. We've always been able to do well for our constituents, and I want to be able to continue working with everyone. And frankly, it's very disappointing. With this bill, the Sanctuary City bill, we have voted on this Sanctuary City bill five times since 2016, and we've never had incendiary language attached to it. We do now. I hope that this doesn't continue. I hope that we can continue working together. Maybe we disagree, but we disagree agreeably, and I hope that will continue. Thank you, Mister President.

PRESIDENT BRADLEY: Okay, let me just review a couple of things. As everybody should know, we are not going to be in session on April 20th, 27th, or May 4th. Nor are we going to be in session on the first Thursday in April, which I believe would be the 6th. So given that we're taking three weeks after the 13th to not be in session, I would ask, and I think Senator Gray would ask, that committees try to get out FN note bills over the next two weeks. It's my intention at this point that we will have an addendum calendar so committees hopefully will be able to use the 11th and possibly even the 12th to get out bills, especially with FN notes, so that they can go to Finance. And that during that three week hiatus when we're not in session, we'll be able to continue the committee process. So that is my hope. And committee chairs and all of us, please do your best on that score.

(The Chair recognized Senator Gray.)

SENATOR GRAY: I would also ask the committee chairs to look at bills they're getting from the House. We've got at least one example of a bill, as amended, that spends a significant amount of money that doesn't have an FN on it. So if you've noticed that, please give us a heads up so that we can take action on that. Thank you.

Without objection, all Personal Privileges and Unanimous Consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

CACR 6, relating to the retirement age for judges. Providing that the mandatory judicial retirement age shall be increased from 70 to 75.

CACR 9, relating to the New Hampshire presidential primary. Providing that the New Hampshire presidential primary will be the first presidential primary of a presidential election cycle.

HB 66, establishing a committee to study non-pharmacological treatment options for patients with chronic pain.

HB 72, relative to the tenure of public librarians.

HB 79, establishing a committee to study the New Hampshire law relative to standards for farm products and marketing and grading commodities.

HB 83, relative to county commissioners' authority on county buildings.

HB 85, relative to antenuptial agreements.

HB 151, establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage.

HB 152, relative to soil and plant additives.

HB 162, relative to supported decision making.

HB 188, relative to the duration of physical therapy.

HB 223, relative to prescription refills.

HB 240, relative to equal access to marriage.

HB 365, relative to a statewide facility condition assessment for school buildings.

HB 466, relative to water bottle filling stations in schools.

HB 501, relative to ages for special education services.

SB 54-FN, relative to purchased power agreements for electric distribution utilities.

SB 58, relative to arrests without a warrant while in the care of a medical professional on the premises of a residential care or health care facility.

SB 62, relative to landowner liability under RSA 147-B, the hazardous waste cleanup fund.

SB 82, relative to prompt payments for managed care.

SB 104-FN-A, to regulate online gambling and direct net proceeds to a community college education scholarship fund.

SB 120-FN, relative to charitable gaming license applications, wages, stakes, and bonds.

SB 132-FN, prohibiting cities and towns from adopting sanctuary policies.

SB 201, relative to resale of event tickets.

SB 218-FN-A, establishing an early educator professional development grant.

SB 221, establishing a study committee to examine day care access and affordability.

SB 222, relative to the definition of broadband infrastructure as a revenue-producing facility eligible for municipal revenue bonds.

SB 238-FN, relative to the use of telemedicine to treat mental health conditions.

SB 239-FN, relative to the use of harm reduction services to treat alcohol and other substance misuse.

SB 264-FN, relative to parentage.

SB 271, relative to the seating of delegates to national party conventions.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Carson moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, vacating bills, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.