LEGISLATIVE COMMITTEE MINUTES

HB162

Bill as Introduced

HB 162 - AS AMENDED BY THE HOUSE

14Feb2023... 0116h

2023 SESSION

23-0739
04/10

HOUSE BILL ***162***

AN ACT relative to supported decision making.

SPONSORS: Rep. Mooney, Hills. 12; Rep. Cordelli, Carr. 7; Rep. B. Boyd, Hills. 12; Rep. Notter, Hills. 12; Sen. Avard, Dist 12

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill makes technical corrections to the supported decision-making law in RSA 464-D:7.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to supported decision making.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Supported Decision Making; Form and Content of Valid Agreement. Amend RSA 464-D:7, III and the introductory paragraph of RSA 464-D:7, IV to read as follows:

III. A supported decision-making agreement is only valid if all of the following occur:

(a) The agreement is in a writing that contains the elements of the form contained in RSA 464-D:16.

(b) [~~[Omitted.]~~

~~(c)~~] The agreement is dated.

[~~(d)~~] ***(c)*** The agreement is signed in the presence of 2 adult witnesses, or before a notary public, justice of the peace, or commissioner of deeds.

[~~(e)~~] ***(d)*** Each party to the agreement has signed the agreement voluntarily and with an understanding of the nature and effect of the agreement.

IV. The 2 adult witnesses required by subparagraph [~~III(d)~~] ***III(c)*** may not be any of the following:

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

HB 162 - VERSION ADOPTED BY BOTH BODIES

14Feb2023... 0116h

2023 SESSION

23-0739
04/10

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AN ACT relative to supported decision making.

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[~~(e)~~] ***(d)*** Each party to the agreement has signed the agreement voluntarily and with an understanding of the nature and effect of the agreement.

IV. The 2 adult witnesses required by subparagraph [~~III(d)~~] ***III(c)*** may not be any of the following:

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

CHAPTER 15
HB 162 - FINAL VERSION

14Feb2023... 0116h

2023 SESSION

23-0739
04/10

HOUSE BILL ***162***

AN ACT relative to supported decision making.

SPONSORS: Rep. Mooney, Hills. 12; Rep. Cordelli, Carr. 7; Rep. B. Boyd, Hills. 12; Rep. Notter, Hills. 12; Sen. Avard, Dist 12

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill makes technical corrections to the supported decision-making law in RSA 464-D:7.

Explanation: Matter added to current law appears in ***bold italics.***
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CHAPTER 15
HB 162 - FINAL VERSION

14Feb2023... 0116h

23-0739
04/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to supported decision making.

Be it Enacted by the Senate and House of Representatives in General Court convened:

15:1 Supported Decision Making; Form and Content of Valid Agreement. Amend RSA 464-D:7, III and the introductory paragraph of RSA 464-D:7, IV to read as follows:

III. A supported decision-making agreement is only valid if all of the following occur:

(a) The agreement is in a writing that contains the elements of the form contained in RSA 464-D:16.

(b) [~~[Omitted.]~~

~~(c)~~] The agreement is dated.

[~~(d)~~] ***(c)*** The agreement is signed in the presence of 2 adult witnesses, or before a notary public, justice of the peace, or commissioner of deeds.

[~~(e)~~] ***(d)*** Each party to the agreement has signed the agreement voluntarily and with an understanding of the nature and effect of the agreement.

IV. The 2 adult witnesses required by subparagraph [~~III(d)~~] ***III(c)*** may not be any of the following:

15:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 04, 2023
Effective Date: July 03, 2023

Committee Minutes

SENATE CALENDAR NOTICE
Judiciary

Sen Sharon Carson, Chair
Sen Bill Gannon, Vice Chair
Sen Daryl Abbas, Member
Sen Rebecca Whitley, Member
Sen Shannon Chandley, Member

Date: March 15, 2023

HEARINGS

Tuesday	03/21/2023
(Day)	(Date)

Judiciary	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)

1:00 p.m.	**CACR 6**	relating to the retirement age for judges. Providing that the mandatory judicial retirement age shall be increased from 70 to 75.
1:15 p.m.	**HB 85**	relative to antenuptial agreements.
1:30 p.m.	**HB 124**	relative to temporary alimony.
1:45 p.m.	**HB 151**	establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage.
2:00 p.m.	**HB 162**	relative to supported decision making.
2:15 p.m.	**HB 240**	relative to equal access to marriage.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

CACR 6

Rep. Lynn	Rep. Hynes	Sen. Soucy	

HB 85

Rep. DeSimone	Rep. Layon	Rep. Potucek	Rep. Roy
Rep. Berry	Rep. B. Boyd		

HB 124

Rep. DeSimone	Rep. A. Lekas	Rep. Potucek	Rep. Stapleton
Rep. Spillane	Rep. Harley		

HB 151

Rep. Maggiore	Rep. K. Murray	Rep. Balboni	Sen. Rosenwald
Sen. Watters			

HB 162

Rep. Mooney	Rep. Cordelli	Rep. B. Boyd	Rep. Notter
Sen. Avard			

HB 240

Rep. Ming	Rep. Wilhelm	Rep. A. Nutting-Wong	Rep. Ammon
Rep. Bay			

Matthew Schelzi 271-3266

Sharon M. Carson
Chairman

Senate Judiciary Committee

Matthew Schelzi 271-3266

HB 162, relative to supported decision making.

Hearing Date: March 21, 2023

Time Opened: 2:07 p.m. **Time Closed**: 2:10 p.m.

Members of the Committee Present: Senators Carson, Abbas, Whitley and Chandley

Members of the Committee Absent : Senator Gannon

Bill Analysis: This bill makes technical corrections to the supported decision-making law in RSA 464-D:7.

Sponsors:

Rep. Mooney	Rep. Cordelli	Rep. B. Boyd
Rep. Notter	Sen. Avard	

Who supports the bill: Rep. Debra DeSimone (Rock. 18), and Rep. Maureen Mooney (Hills. 12).

Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Mooney introduced House Bill 162, she noted this bill is amended by the House. She said this bill came to her as a constituent request. It unanimously passed through the House Judiciary Committee. She said this bill came out of SB 134 (2021) which she stated was an omnibus bill. She noted her bill simply strikes the word "Omitted" from the supported decision-making statute and re-alphabetizes the rest of the statute.

Senator Carson said the Committee wanted to retain SB 134 and work on it further, but the former chair of Judiciary made them pass it through the Committee.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

mjs
Date Hearing Report completed: March 23, 2023

Speakers

Senate Judiciary Committee
SIGN-IN SHEET

Date: Tuesday March 21st, 2023 **Time:** 2:00 p.m.

HB 162 AN ACT relative to supported decision making.

Name/Representing *(please print neatly)*

	Support	Neutral	Oppose	Speaking?	Yes	No
Rep Debra Desimone	☑	☐	☐		☐	☑
## Rep. Maureen Mooney - prime sponsor	☑	☐	☐		☑	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
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	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐

Testimony

ABLENH
DISABILITY JUSTICE ADVOCATES

March 21, 2023

Chairwoman Carson
Senate Judiciary
Re: HB162

Dear Honorable Chairwoman and Members of the Committee,

HB162 seeks to make technical corrections to the supported decision-making law in RSA 464-D:7. Supported decision-making is a legal framework that enables people with disabilities to make their own decisions and maintain control over their lives. It allows them to receive support from trusted individuals or professionals while retaining the ultimate decision-making power.

The changes proposed in HB162 aim to strengthen the supported decision-making law by clarifying certain provisions and addressing inconsistencies. The bill provides clear guidance on the role of supporters and the types of decisions that can be made with support. These changes would make it easier for people with disabilities to access supported decision-making and exercise their autonomy.

Research has shown that supported decision-making is an effective alternative to guardianship, which has been criticized for limiting the rights and freedoms of people with disabilities. According to a report by the National Council on Disability, "Supported decision-making offers a positive and empowering alternative to guardianship that respects individual autonomy, upholds human dignity, and encourages self-determination."

Moreover, studies have found that people with disabilities who have access to supported decision-making are more likely to report higher levels of decision-making satisfaction and quality of life. A study conducted by the Autistic Self Advocacy Network found that "people who have access to supported decision-making have higher levels of self-determination and are more likely to be employed and live independently."

2 ½ Beacon Street, Concord, NH 03301
www.ablenh.org (765)4ABLENH info@ablenh.org
a 501(c)(3) Organization EIN 30-0508754

Therefore, as New Hampshire's only disability justice organization, we feel that HB162 is an important piece of legislation that can strengthen the supported decision-making law in New Hampshire and promote the autonomy and well-being of people with disabilities. By providing clearer guidance and addressing inconsistencies in the law, this bill can help ensure that individuals with disabilities have access to the support they need to make their own decisions and live self-determined lives.

Sincerely,

Krysten Evans
Director of Policy and Advocacy

2 ½ Beacon Street, Concord, NH 03301
www.ablenh.org (765)4ABLENH info@ablenh.org
a 501(c)(3) Organization EIN 30-0508754

TITLE XLIV
GUARDIANS AND CONSERVATORS

CHAPTER 464-D
SUPPORTED DECISION-MAKING

Section 464-D:7

464-D:7 Form and Content of Valid Agreement. –

I. In order to be valid under this chapter, a supported decision-making agreement shall include all of the following:

(a) Designation of at least one supporter.

(b) A description of the types of decisions for which the supporter is authorized to assist.

(c) A description of the types of decisions, if any, for which the supporter may not assist.

II. A supported decision-making agreement may include any of the following:

(a) Designation of more than one supporter.

(b) Provision for an alternate supporter to act in place of a supporter in circumstances specified in the agreement.

(c) Authorization for a supporter to share information with any other person, including another supporter.

III. A supported decision-making agreement is only valid if all of the following occur:

(a) The agreement is in a writing that contains the elements of the form contained in RSA 464-D:16.

(b) [Omitted.]

(c) The agreement is dated.

(d) The agreement is signed in the presence of 2 adult witnesses, or before a notary public, justice of the peace, or commissioner of deeds.

(e) Each party to the agreement has signed the agreement voluntarily and with an understanding of the nature and effect of the agreement.

IV. The 2 adult witnesses required by subparagraph III(d) may not be any of the following:

(a) A supporter named in the agreement.

(b) An employee or agent of a supporter named in the agreement.

(c) A paid provider of services to the principal, unless the person is an immediate family member.

(d) Any person who does not understand the type of communication the principal uses, unless an individual who understands the principal's means of communication is present to assist during the execution of the supported decision-making agreement.

V. A supported decision-making agreement shall contain a separate declaration signed by each supporter named in the agreement indicating all of the following:

(a) The supporter's relationship to the principal.

(b) The supporter's willingness to act as a supporter.

(c) The supporter's acknowledgment of the role of a supporter under this chapter.

Source. 2021, 206:2, Pt. VI, Sec. 15, eff. Oct. 9, 2021.

HB 162

Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2023-2024 Session

Bill # HB 162

Hearing date: 3/21/23

Executive Session date: 3/21/23

Motion of: OTP **Vote:** 4-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair			✓	
Sen. Gannon, V-Chair				
Sen. Abbas			✓	
Sen. Whitley	✓		✓	
Sen. Chandley		✓	✓	

Motion of: _____ **Vote:** _____

Committee Member	Made by	Second	Yes	No
Sen. Carson , Chair				
Sen. Gannon, V-Chair				
Sen. Abbas				
Sen. Whitley				
Sen. Chandley				

Motion of: _____ **Vote:** _____

Committee Member	Made by	Second	Yes	No
Sen. Carson , Chair				
Sen. Gannon, V-Chair				
Sen. Abbas				
Sen. Whitley				
Sen. Chandley				

Reported out by: Sen. Carson

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Tuesday, March 21, 2023

THE COMMITTEE ON Judiciary

to which was referred **HB 162**

AN ACT relative to supported decision making.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 4-0

Senator Sharon Carson
For the Committee

Matthew Schelzi 271-3266

JUDICIARY

HB 162, relative to supported decision making.
Ought to Pass, Vote 4-0.
Senator Sharon Carson for the committee.

General Court of New Hampshire - Bill Status System

Docket of HB162

Docket Abbreviations

Bill Title: relative to supported decision making.

Official Docket of **HB162.**:

Date	Body	Description
1/3/2023	H	**Introduced** 01/04/2023 and referred to Judiciary
1/11/2023	H	Public Hearing: 01/18/2023 10:30 am LOB 206-208
1/24/2023	H	Executive Session: 01/30/2023 01:00 pm LOB 206-208
2/12/2023	H	Committee Report: Ought to Pass with Amendment **#2023-0116h** 01/30/2023 **(Vote 20-0; CC) HC 11** P. 8
2/14/2023	H	Amendment **#2023-0116h**: AA VV 02/14/2023 **HJ 5**
2/14/2023	H	**Ought to Pass with Amendment** 2023-0116h: MA VV 02/14/2023 **HJ 5**
3/7/2023	S	Introduced 02/22/2023 and Referred to Judiciary; **SJ 9**
3/15/2023	S	**Hearing:** 03/21/2023, Room 100, SH, 02:00 pm; **SC 14**
3/21/2023	S	Committee Report: Ought to Pass, 03/30/2023; **SC 15**
3/30/2023	S	**Ought to Pass**: MA, VV; OT3rdg; 03/30/2023; **SJ 12**
4/26/2023	S	Enrolled Adopted, VV, (In recess 04/13/2023); **SJ 14**
4/26/2023	H	Enrolled (in recess of) 04/06/2023
5/8/2023	H	Signed by Governor Sununu 05/04/2023; Chapter 15; eff: 07/03/2023

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 162 **Senate Committee:** JUD

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee

X All Calendar Notices

X Hearing Sign-up sheet(s)

X Prepared testimony, presentations, & other submissions handed in at the public hearing

X Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

X Executive Session Sheet

X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Matthew Pekelj 8-31-23

Committee Aide **Date**

Senate Clerk's Office AL