CONSENT CALENDAR

November 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Commerce and Consumer Affairs to which was referred HB 86,

AN ACT relative to prohibiting the state from contracting with Chinese government owned or affiliated technology manufacturers. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Carry Spier

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Commerce and Consumer Affairs**
Bill Number:	**HB 86**
Title:	**relative to prohibiting the state from contracting with Chinese government owned or affiliated technology manufacturers.**
Date:	**November 8, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

The intent of this bill is to keep NH state departments from using or purchasing communication, computer, network, video, software, or other components originating in China for the purposes of security. However, since the bill was submitted, it was found that the intent was covered by Governor Sununu's Executive Order 2022-09 which contains a dynamic list of technologies and manufacturers which are prohibited from state networks and from installation on state issued devices including computers, tablets, and mobile phones. The federal government keeps a current detailed list of such devices and components and advises the state regularly. Additionally, the sponsor of the bill has had discussions with the Executive Branch Information Technology security team (IT). IT indicated they will work with the legislature in the coming year to craft language for a bill that will be more detailed reflecting the need to protect other branches of government without interfering in the current processes and procedures they have already developed pursuant to the Governor's executive order. The legislation to be proposed will also make permanent the governor's order and expand it to include all branches of state government.

Vote 19-0.

Rep. Carry Spier
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

HB 86, relative to prohibiting the state from contracting with Chinese government owned or affiliated technology manufacturers. **INEXPEDIENT TO LEGISLATE.**

Rep. Carry Spier for Commerce and Consumer Affairs. The intent of this bill is to keep NH state departments from using or purchasing communication, computer, network, video, software, or other components originating in China for the purposes of security. However, since the bill was submitted, it was found that the intent was covered by Governor Sununu's Executive Order 2022-09 which contains a dynamic list of technologies and manufacturers which are prohibited from state networks and from installation on state issued devices including computers, tablets, and mobile phones. The federal government keeps a current detailed list of such devices and components and advises the state regularly. Additionally, the sponsor of the bill has had discussions with the Executive Branch Information Technology security team (IT). IT indicated they will work with the legislature in the coming year to craft language for a bill that will be more detailed reflecting the need to protect other branches of government without interfering in the current processes and procedures they have already developed pursuant to the Governor's executive order. The legislation to be proposed will also make permanent the governor's order and expand it to include all branches of state government. **Vote 19-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 86

BILL TITLE: relative to prohibiting the state from contracting with Chinese government owned or affiliated technology manufacturers.

DATE: November 8, 2023

LOB ROOM: 302-304

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Spier Seconded by Rep. Thackston Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jane Beaulieu, Clerk

OFFICE OF THE HOUSE CLERK

4/25/2023 8:24:20 AM
Roll Call Committee Registers Report

2023 SESSION

Commerce and Consumer Affairs

Bill #: HB 86 Motion: ITL AM #: _____ Exec Session Date: 11/8/23

Members	YEAS	Nays	NV
Hunt, John B. Chairman	✓		
Ammon, Keith Michael Vice Chairman	✓		
~~Osborne, Jason M.~~ McGough	✓		
Potucek, John M.	✓		
Terry, Paul A	✓		
Post, Lisa C.M.	✓		
Cole, Brian D	✓		
Porcelli, Susan M	✓		
Thackston, Dick H	✓		
Walsh, Lilli M	✓		
Burroughs, Anita D.	✓		
Herbert, Christopher J.	✓		
Beaulieu, Jane E. Clerk	✓		
McAleer, Chris R. Howard	✓		
Vincent, Kenneth S.	✓		
Calabro, Karen E	✓		
Filiault, Shaun M			
Gibbs, Merryl	✓		
Spier, Carry	✓		
Sullivan, Jared	✓		
TOTAL VOTE:	19	0	

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 86

BILL TITLE: relative to prohibiting the state from contracting with Chinese government owned or affiliated technology manufacturers.

DATE: September 20, 2023

Subcommittee Members: Reps. Ammon, Cole, Thackston, Hunt, Herbert, Filiault, Spier and McAleer

Comments and Recommendations: Phil Sherman- Soning review board building codes will address and implement unisex bathrooms

MOTIONS: **REFER FOR INTERIM STUDY**

Moved by Rep. Rep. Hunt Seconded by Rep. Rep. Ammon Vote:

Respectfully submitted,

Rep. Jane Beaulieu
Subcommittee Clerk

HOUSE COMMITTEE ON Commerce and Consumer Affairs

BILL NUMBER: **HB 86**

BILL TITLE: **relative to prohibiting the state from contracting with Chinese government owned or affiliated technology manufacturers.**

DATE: **March 8, 2023**

THE COMMITEE HAS VOTED TO RETAIN THIS BILL.

_____

Rep. Hunt, Chair

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 86

BILL TITLE: relative to prohibiting the state from contracting with Chinese government owned or affiliated technology manufacturers.

DATE: March 8, 2023

LOB ROOM: 302-304

MOTIONS: RETAINED

Moved by Rep. Spier Seconded by Rep. Terry Vote: 18-1

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jane Beaulieu, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:24:24 PM
Roll Call Committee Registers Report

2023 SESSION

Commerce and Consumer Affairs

Bill #: 86 Motion: Retain AM #: _____ Exec Session Date: 3/8/23

Members	YEAS	Nays	NV
Hunt, John B. Chairman	✓		
Ammon, Keith Michael Vice Chairman	✓		
Osborne, Jason M.	✓		
Potucek, John M.	✓		
Terry, Paul A	✓		
Post, Lisa C.M.	✓		
Cole, Brian D	✓		
Porcelli, Susan M	✓		
Thackston, Dick H	✓		
Walsh, Lilli M	✓		
Burroughs, Anita D.	✓		
Herbert, Christopher J.	✓		
Beaulieu, Jane E. Clerk		✓	
McAleer, Chris R.	✓		
Vincent, Kenneth S.			
Calabro, Karen E	✓		
Filiault, Shaun M	✓		
Gibbs, Merryl	✓		
Spier, Carry	✓		
Sullivan, Jared	✓		
TOTAL VOTE:	18	1	

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 86

BILL TITLE: **relative to prohibiting the state from contracting with Chinese government owned or affiliated technology manufacturers.**

DATE: **February 1, 2023**

LOB ROOM: **302-304** **Time Public Hearing Called to Order:**

Time Adjourned:

Committee Members: Reps. Hunt, Ammon, Beaulieu, Potucek, Terry, Post, Cole, Porcelli, Thackston, L. Walsh, Burroughs, Herbert, McAleer, Vincent, Calabro, Gibbs, Spier and J. Sullivan

Bill Sponsors:
Rep. Roy

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep Roy introduced the bill.

Denis Goult - Opposes
- There is an issue and they are working on it.
- There is a dynamic list trending to best practices in the Nation
- There is an Executive Order regarding contracting with Chinese
- 2022-09 Governors Executive Order regarding contracting with Chinese DOIT reviews all contracts regarding privacy.
- 5G supply chain is a serious issue.

Lily Tang - Supports
- Chinese Government is clever and shrewd
- She has been an American since 1995
- The Chinese Communist Government rules with an iron fist
- They are ruthless
- We cannot be ignorant
- She has a law degree and owns a residential real estate company.

Respectfully Submitted,

Rep Jane Beaulieu, Clerk

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB86 Date: 2/1/23

Committee: Commerce

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
REP Tim Cahill				X	
Denis Goulet	27 Hazen	603 545 5990			X
Rick Fabrizio	122 N Main	603-224-5388	BIA	Neutral	

House Remote Testify

Commerce and Consumer Affairs Committee Testify List for Bill HB86 on 2023-02-01

Support: 8 Oppose: 0 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Dearborn, Savannah	Exeter, NH jennifergardes@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 1:03 AM
Mooney, John	Northfield, NH shmushkapop@aol.com	A Member of the Public	Myself	Support	No	No	1/31/2023 3:44 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/31/2023 3:59 PM
Saba, Robin	Candia, NH rbrooks230@hotmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 8:37 PM
Blow, Alicia	Manchester, NH aliciavictoriamireles@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 8:50 PM
Johnston, Janet	Franklin, NH oocsweety22@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 8:55 PM
Johnston, Timothy	Franklin, NH wreckop@Gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 8:56 PM
Daves, Stephen	Deerfield, NH stephen@stephendaves.com	A Member of the Public	Myself	Support	No	No	2/1/2023 11:57 PM

Daniel Richardson

Absolutely we should protect ourselves!

I'm with Lily. She has experience from living in China and understands their motive and gain. Please listen to her.

Stephen Daves

Do not give money to the Chinese communist party, they enslave their people in prison work camps, and murder dissenters. Stop supporting their regime.

HB 86 - AS INTRODUCED

2023 SESSION

23-0029
09/04

HOUSE BILL ***86***

AN ACT relative to prohibiting the state from contracting with Chinese government owned or affiliated technology manufacturers.

SPONSORS: Rep. Roy, Rock. 31

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill prohibits the state from entering contracts with Chinese government owned or affiliated technology manufacturers.

- -

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.

HB 86 - AS INTRODUCED

23-0029
09/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to prohibiting the state from contracting with Chinese government owned or affiliated technology manufacturers.

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

1 New Subdivision; Prohibition of State Contracts With Chinese Technology Manufacturers. Amend RSA 21-I by inserting after section 111 the following new subdivision:

Prohibition of State Contracts With Chinese Technology Manufacturers

21-I:112 Definitions. In this subdivision:

I. "Company" means any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exists for the purpose of making profit.

II. "Scrutinized company" means any company owned or operated by the People's Republic of China led by the Chinese Communist Party.

21-I:113 Prohibitions; Penalties

I. A scrutinized company shall not bid on or submit a proposal, directly or indirectly, through a third party, for a contract with any public or private entity that directly or indirectly receives state funding.

II. A state agency shall require a company that submits a bid or proposal for a contract of goods or services to certify that the company is not a scrutinized company.

III. If the department of administrative services determines that a company has submitted a false certification:

(a) The company shall be liable for a civil penalty in an amount equal to either twice the amount of the contract for which a bid or proposal was submitted, or $250,000, whichever is greater.

(b) The state agency or the department of administrative services shall terminate the contract with the company; and

(c) The company shall be ineligible to bid on future state contracts.

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